**COUNCIL MEETING**

**AGENDA OCTOBER 20, 2015**

**APPROVAL OF MINUTES**

**September 15, 2015 Regular**

**Meeting Minutes**

**PRESENTATIONS**

**Breast Cancer Awareness Month**

**Sharon Marie Sweeny**

**World Pancreatic Cancer Day**

**November 13th**

**Hispanic Heritage Month**

**Pastor Benjamin Valentin**

**Euardo B. Jose**

**Employee of the Year**

**Jennifer Honan**

**\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

**ORDINANCE – HEARING**

**#59-42 An Ordinance amending Chapter 3-33 of the City Code entitled “Graffiti and providing**

**for remediation of same” by the City Council of the City of Linden. (Amending the time frame for removal of graffiti from ninety (90) days to thirty (30) days.**

**#59-43 An Ordinance amending Chapter 19-1.3 of the City Code entitled “permits” by the City**

**council of the City of Linden. (Section 1 striking the language allowing for permits for use of recreation facilities can be signed by a staff official of the Recreation Department).**

**CONSENT AGENDA**

**(\*\*\*) TAX COLLECTOR:**

1. The amount of money collected during the month of September 2015 and turned over to the treasurer’s office is as follows:

2016 Taxes $6,927.60

2015 Taxes $720,347.52

2014 Taxes $487.08

Garbage Fee Payments $45,623.42

Garbage Fee Penalty $610.00

Municipal Lien Redemption $212,189.78

Tax Search $0.00

Lien Redemption Request Fee $100.00

Year End Penalty $8,149.24

Returned Check Fee Paid $20.00

Returned Check Fee Garbage Paid $0.00

Returned Check 2015 ($0.00)

Returned Check Interest ($0.00)

Returned Online Payment 2015 Taxes ($0.00)

Returned Online Interest ($0.00)

Returned Check Garbage Fee ($0.00)

Returned Check Garbage Fee Penalty ($0.00)

Counterfeit Funds ($0.00)

Arrears $0.00

Sewer Clean out charge $600.00

DPW 2014 Reso payments $0.00

Tax Sale Cost/Before Tax Sale Cost $0.00

Premium $0.00

Interest $132,583.76

Total $1,127,638.40

**Tax Sale** Requesting the refund of the premium paid at the 2014 & 2015 tax sale on the following

block & lot.

Block Lot Redemption Date CTF# Amount

8 21 9/18/15 14-00008 $1,500.00

182 6 9/25/15 14-00150 $5,100.00

285 13 9/25/15 14-00215 $2,000.00

292 8 9/29/15 14-00217 $1,500.00

376 24 9/4/15 14-00253 $1,800.00

388 8 9/3/15 14-00260 $1,400.00

514 10 9/17/15 14-00317 $7,200.00

558 9 9/29/15 14-00354 $2,000.00

570 31 10/2/15 14-00363 $1,300.00

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $23,800.00 payable to: TTLBL, LLC, Attention: John Lemkey, 4747 Executive Drive, Suite 1, San Diego, CA 92121 charging same to account #-5-01-55-276-999-956.

**Tax Sale** Requesting the refund of the premium paid at the 2014 tax sale on the following block & lot.

Block Lot Redemption Date CTF# Amount

10 22 9/29/15 13-00013 $1,400.00

147 19.03 9/21/15 13-00188 $1,300.00

178 18 10/5/15 13-00225 $1,400.00

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $4,100.00 payable to: MTAG Cust Fig Cap Invest NJ, 13, P.O. Box 54472, New Orleans, LA 70154, charging same to account #5-01-55-276-999-956.

**Tax Sale** Requesting the refund of the premium paid at the 2012 tax sale on the following block &

lot.

Block Lot Redemption Date CTF# Amount

32 5 9/8/15 11-00018 $11,100.00

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $11,100.00 payable to: Virgo Municipal Finance Fund, LP, 1441 Broadway, Suite # 5010, New York, NY 10018, charging same to account #-5-01-55-276-999-956.

**Tax Sale** Requesting the refund of the premium paid at the 2015 tax sale on the following block & lot.

Block Lot Redemption Date CTF# Amount

141 7 9/8/15 14-00107 $1,200.00

188 7 9/4/15 14-00154 $900.00

222 9 9/8/15 14-00182 $1,000.00

514 6 9/10/15 14-00316 $900.00

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $4,000.00 payable to: US Bank Cust for PC5 Sterling National, 50 South 16th Street, Suite #2050, Philadelphia, PA 19102, charging same to account #-5-01-55-276-999-956.

Tax Sale Requesting the refund of the premium paid at the 2015 tax sale on the following block & lot.

Block Lot Redemption Date CTF# Amount

204 2 10/2/15 14-00168 $1,000.00

215 29 9/28/15 14-00179 $1,400.00

306 11 9/28/15 14-00219 $1,000.00

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $3,400.00 payable to: PFS Financial 1, LLC US Bank Custodian, 50 South 16th Street-Suite 2050, Philadelphia, PA 19102 charging same to account #5-01-55-276-999-956.

**Tax Sale** Requesting the refund of the premium paid at the 2014 & 2015 tax sale on the following block & lot.

Block Lot Redemption Date CTF# Amount

332 29 9/18/15 14-00230 $4,600.00

400 21 9/28/15 13-00363 $12,100.00

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $16,700.00 payable to: US Bank Cust BV001 Trst & Crdtrs, 50 South 16th Street, Suite #19, Philadelphia, PA 19102, charging same to account #-5-01-55-276-999-956.

**Tax Sale** Requesting the refund of the premium paid at the 2013 tax sale on the following block & lot.

Block Lot Redemption Date CTF# Amount

507 12 9/10/15 12-00257 $700.00

571 12 9/18/15 12-00287 $900.00

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $1,600.00 payable to: US Bank Cust-Pro Cap III, LLC, 50 South 16th Street-Suite 2050, Philadelphia, PA 19102 charging same to account #5-01-55-276-999-956.

**Tax Sale** Requesting the refund of the premium paid at the 2015 tax sale on the following block & lot.

Block Lot Redemption Date CTF# Amount

549 9 9/18/15 14-00338 $600.00

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $600.00 payable to: FWDSL & Associates, LP, Attention: Jared Cucci, 5 Cold Hill Road, S. #11, Mendham, NJ 07945 charging same to account ##5-01-55-276-999-956.

**Credit Balance** Block 99 Lot 12, Jesse Witherspoon

312 Carnegie Street

There now exists a credit balance on the above referenced block & lot due to an overpayment by the Mortgage Company Wells Fargo for the 2015-1st quarter, as this property owner is considered a 100% Disabled Veteran, the 2015 taxes will be cancelled. The overpayment amount is $1,740.33.

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $1,740.33 payable to: Wells Fargo Real Estate Tax Service, LLC, Attention: Financial Support Unit, 1 Home Campus, MAC X 2302-04D, Des Moines IA, 50328, charging same to account #5-01-55-288-999-904.

**Cancel Taxes** Block 65 Lot 6, Bessie R & Edward C. St. John

**Veteran** 1230 Dill Avenue

Requesting your approval to cancel the 2015 1st and part of 2015 2nd. This cancellation is due to the Tax Assessor, Michael Frangella, and granting full exemption for a disabled veteran per state statute 54:04-03.30 as of May 1, 2015. All taxes from this time forward will be exempt status. The owner has paid the taxes as well as being awarded a Homestead Benefit Credit from the Division of Taxation. The owners are entitled to a refund. The breakdown is as follows:

Amount due from Tax Payer Amount paid by Tax payer

2015 $2,183.85 2015 1st $1,989.61

2015 2nd  $1,989.60

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $1,795.36 payable to: Bessie R. & Edward C. St. John, 1230 Dill Avenue, Linden, NJ 07036, charging same to account #5-01-55-288-999-904.

**Credit Balance** Block-25 Lot-11

Joseph Adarkwa-Aduasah

1821 E. Elizabeth Avenue

There now exists a credit balance on the above referenced block & lot due to an overpayment paid by the owner’s title agency and mortgage company for the 2015-3rd quarter. The overpayment amount is $2,496.11.

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of **$2,496.11** payable to: Joseph Adarkwa-Aduasah, 1821 W. Elizabeth Avenue, Linden, NJ 07036, refunds charging same to account # 5-01-55-288-999-904.

**Credit Balance** Block 178 Lot 18

Carol A. Spinelli

1110 Walnut Street

There now exists a credit balance on the above referenced block & lot due to an overpayment by Mortgage Company on the 2014-2nd quarter. The overpayment amount is $878.46.

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $878.46 payable to Core Logic, Attention: Refunds Department, 1 Core Logic Drive, Westlake, TX 76262, charging same to account 5-01-55-288-999-904.

**Refund** Block 311 Lot 8

John Willie & Megan Puchel

602 W. Curtis Street

The above referenced property owners are entitled to a refund due to a Tax Court of New Jersey judgment reducing the assessment by 7,900 for 2014.

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $486.25, payable to: Spector, Foerst, & Associates, 159 Milburn Avenue, Milburn, NJ 07041, charging same to account #5-01-55-275-999-000.

**Refund** Block 527 Lot 18 1119 Clinton Street

After reviewing a lien account, due to a posting error, a payment made by the lien holder should have not been processed as the owner’s payment was posted incorrectly. The lien holder is entitled to a refund of the incorrect payment, TTLBL, LLC

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $130.00 payable to: TTLBL, LLC, 4747 Executive Drive, Suite 510, San Diego, CA 92121 charging same to account 15-001-999-904.

**(\*\*\*) CITY CLERK’S OFFICE:**

1. Requesting permission to close East Curtis Street between Maple Avenue and Walnut Street on Saturday, October 31, 2015 between the hours of 6pm and 11pm to hold a Halloween Haunted House. (Approval will not be granted until liability insurance has been provided & approved by the City Attorney and the Police Chief has approved the application)

**(\*\*\*) LINDEN ECONOMIC DEVELOPMENT CORPORATION:**

1. Please be advised that the Mayor is appointing the following individual to the LEDC to fill the unexpired term of Mr. Tom Noble who has resigned effective immediately and expiring December 31, 2016. Felipe Cabezas, Vision Realty

716 W. St. Georges Avenue, Linden

**(\*\*\*) BOARD OF HEALTH:**

1. Advising that sixty-seven Certificates of Occupancy were issued by the Board of Health during the month of September 2015.

**(\*\*\*) MUNICIPAL TREASURER:**

1. Advising that the following City of Linden employees have filed for retirement:

**Department** **Employee** **Title** **Date**

Police Dept. Kathy Zack Police Officer Oct. 1, 2015

DPW Craig Beecher Supervisor of Trees Nov. 1, 2015

**(\*\*\*) MUNICIPAL TREASURER:**

1. Requesting approval of a refund in the amount of $70.00 for a Certificate of Smoke Detector and Carbon Monoxide Alarm Compliance that was previously paid for by the previous bank owner.

**RESOLUTIONS**

**Public comments will be permitted for those specific resolutions to be removed from the consent approval. Please read the synopsis of the resolutions, which have been prepared by the City Clerk’s office. Each is informative and self- explanatory. However, if you wish to address a specific resolution, the Council, will entertain questions on it.**

**2015-346 Resolution approving certain payments made by the Municipal Treasurer during the**

**month of September 2015 which did not appear on the claims list.**

* 1. **Resolution authorizing the adoption of a Sponsorship/Donation Policy. (To provide**

**funds to certain not for profit organizations that provide service to Linden Residents)**

* 1. **Resolution approving the award of a Contract with Binder Machinery Company, LLC**

**for the purchase of a Komatsu D37PX-23 Dozer for the Public Works Department in an amount of $134,700.00. (Binder Machinery was the only responsible bidder)**

* 1. **Resolution approving the award of a Contract with Binder Machinery Company, LLC**

**for the purchase of a Komatsu D61PX-24 Dozer for the Public Works Department in an amount of $272,500.00. (Binder Machinery was the only responsible bidder)**

* 1. **Resolution authorizing the preparation and publication of a Request for Proposals for**

**a solar farm on the City of Linden’s former Municipal Landfill. (This resolution is required by the Local Public Contracts Law in order to initiate the competitive contracting process)**

* 1. **Resolution authorizing emergency appropriations pursuant to N.J.S.A. 40A:4-46 and**

**N.J.S.A. 40A:4-48 due to Tax Appeals in an amount of $1,000,000.00.**

* 1. **Resolution approving the award of a contract to Sanitation Truck Corp., for the**

**purchase of containers for the collection of solid waste material for the City of Linden Public Works Department in an amount of $98,200.00.**

* 1. **Resolution approving the award of a contract to Cambria Automotive Co., for the**

**purchase of one new 33 Cubic Yard Automated Sanitation Truck with snow plow for the Public Works Department at their total bid of $324,500.00.**

* 1. **Resolution approving the award of a contract to Mark Paving Co., Inc., for the**

**resurfacing of West Blancke Street, Cantor Avenue and East Linden Avenue at their bid of $484,253.00.**

* 1. **Resolution amending a contract with Boswell Engineering for the landscape design for**

**the Wood Avenue Streetscape Project. Due to the ongoing nature of various work for redesign services it is necessary for additional funds not to exceed $75,000.00. Inclusive of the additional funds the total expenditures paid to date under the original contract is $145,350.00.**

* 1. **Resolution approving the award of a contract to Carfax for an online motor**

**vehicle/incident report services for the Linden Police Department. The services will be provided at no charge to the City and a user fee of up to $5.00 will be charged to the public per report.**

* 1. **Resolution authorizing the placement of a lien of various premises for work completed**

**by the Department of Public Property and the Division of Public Works for the removal of heavy growth of weeds, grass and debris creating an unsafe and hazardous conditions.**

* 1. **Resolution approving the submission of a grant application and the execution of a**

**grant agreement with the NJ Department of Transportation for the Wood Avenue Pedestrian Safety Improvement Project.**

* 1. **Resolution amending a prior grant and authorizing the reallocation of funds for the**

**upgrade of Memorial Park Lighting Upgrade. (The prior resolution sought $200,000.00 for the purpose of synthetic soccer fields at Al Kala Park or for a water spray park at Memorial Park. The City wishes to allocate those funds, as approved by the County for upgrades to Memorial Park lighting)**

* 1. **Resolution authorizing the submission of a grant application and the execution of**

**agreements with the NJ Department of Transportation for the Pennsylvania Railroad Avenue Project.**

* 1. **Resolution of the City Council authorizing the Planning Board to investigate whether**

**the property known as Block 288, Lots 1,2,13,14 and 15 and Block 254, Lots 12 and 13 and the vacated portion of Lumber Street should be designated as an area in need of redevelopment.**

* 1. **Resolution authorizing the sale of notes for emergency appropriations pursuant to**

**N.J.S.A. 40A:4-51 due to the Tax Appeal Refunds in the amount of $1,000,000.00.**

* 1. **Resolution appointing Robert Sadowski a member of the Linden-Roselle Sewerage**

**Authority to serve the unexpired term of John Ziemian which commenced February 1, 2011 and expires February 1, 2016.**

* 1. **Resolution authorizing an agreement between the City of Linden and Friends of Linden**

**Animal Shelter, Inc., (“FOLAS”) for the period of January 1, 2015 through December 31, 2015 for the annual consideration of One Dollar ($1.00). (To operate and maintain a facility to house and maintain the stray pets and/or animals removed from the streets, public areas in the City)**

* 1. **Resolution honoring SHARON MARIE SWEENEY as a Breast Cancer Survivor during the**

**Month of October 2015 which has been declared Breast Cancer Awareness Month.**

* 1. **Resolution declaring November 13th “World Pancreatic Cancer Day” in the City of**

**Linden.**

* 1. **Resolution recognizing Jennifer Honan for her dedicated service to the City of Linden**

**and designate her as Employee of the Year.**

* 1. **Resolution recognizing the completion of St. Elizabeth of Hungary Roman Catholic**

**Church’s five year capital campaign.**

* 1. **Resolution for Hispanic Heritage Month recognizing PASTOR BENJAMIN VALENTIN as**

**the Founder of the Family Community Development Corporation.**

* 1. **Resolution for Hispanic Heritage Month recognizing EUARDO B. JOSE, as Vice-President**

**and Executive Director of the Family Community Development Corporation.**

* 1. **Resolution amending Resolution 2015-327 approving a grant agreement with the NJ**

**Department of Transportation for improvement to W. Henry Street, W. Baltimore Avenue and Academy Terrace to include SAGE Application 00424.**

* 1. **Resolution authorizing the execution of a Memorandum of Agreement with Teamsters**

**Local 469 blue collar effective January 1, 2014 through December 31, 2017.**

* 1. **Resolution requesting concurrence from the County of Union for an elevated**

**crosswalk on South Wood Avenue at the train station as part of the Wood Avenue**

**Streetscape Project.**

* 1. **Resolution approving a Professional Services Agreement with RicciPlanning for on-call**

**planning services relative to redevelopment studies, amendments to City ordinances, studies to create Special Improvement Districts as well as consultation on upcoming projects and associated meeting at a fee not to exceed $17,500.00.**

* 1. **Resolution supporting the submission of a detail plan to the Federal Railroad**

**Administration for the establishment of a 24-hour Quiet Zone at Tremley Point.**

**ORDINANCE – FIRST READING**

**#59-44 BOND ORDINANCE PROVIDING AN APPROPRIATION OF $605,000.00 FOR THE**

**ACQUISITION OF INFORMATION TECHNOLOGY EQUIPMENT AND RELATED SOFTWARE FOR THE DISASTER RECOVERY PROJECT AND AUTHORIZING THE ISSUANCE OF $574,750.00 IN BONDS OR NOTES FOR FINANCING PART OF THE COST.**

**#59-45 BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 59-10 FINALLY ADOPTED**

**ON MARCH 17, 2015. PROVIDING AN APPROPRIATION OF $2,328,000.00 AND AUTHORIZING THE ISSUANCE OF $551,600.00 IN BONDS OR NOTES TO FINANCE PART OF THE COST. (RELATIVE TO THE WETLANDS REMEDIATION FOR THE LANDFILL AND AIRPORT)**

**#59-46 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER VII, TRAFFIC SHALL BE AMENDED AS FOLLOWS: 7-33 HANDICAPPED PARKING REGULATIONS, 7-33.1 Handicapped Parking On-Street Delete: 817 West Elm Street 1 space**

**335 Spruce Street 1 space**

**#59-47 AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED, “AN**

**ORDINANCE ESTABLISHING A SCHEDULE OF TITLES, SALARY RANGES AND REGULATIONS FOR MAINTAINING THE CLASSIFICATION AND SALARY STANDARDIZATION PLAN FOR ALL EMPLOYEES OF THE CITY OF LINDEN, “PASSED AUGUST 15, 1995 AND APPROVED AUGUST 16**