**Minutes of the Regular**

**Meeting of the 2015 Council of the**

**City of Linden, held Tuesday**

**December 30, 2015**

The regular meeting of the 2015 Council of the City of Linden, was held in the Council Chambers in the City Hall on Tuesday, December 30, 2015 at 7:00 pm., prevailing time.

The meeting was called to order by President of Council Jorge Alvarez and he announced that the notice of this meeting stating the date, place and time, has been disseminated as required under the Open Public Meeting Act, Chapter 231, P.L. 1975.

The Clerk rendered the opening prayer, after which the members of the Governing Body and the persons in attendance saluted the flag.

Council President Jorge Alvarez informed those present of the proper procedures for exiting the room in the event of an emergency.

Council President Jorge Alvarez asked all members of the public, wishing to speak during the public comment session to please sign in on the sign-in white sheets provided in the front of the room.

Council President Alvarez asked all to place their cell phones on vibrate, and if they must take a call to please leave the room to do so.

A roll call showed the following members were present:

Councilman

“ Donald Beyer

“ Peter Brown

“ Monty Brooks

Councilwoman Rhashonna Cosby- Hurling

Councilman Robert Sadowski

“ Ralph Strano

Councilwoman Michele Yamakaitis

Councilman Armando Medina

Council President Jorge Alvarez

Mayor Derek Armstead

Mr. Kolibas was excused from the meeting.

**ORDINANCE TABLED AT THE MEETING OF OCTOBER 20, 2015**

President of Council Jorge Alvarez announced that Ordinance #59-43 was tabled at the October 20, 2015 meeting of Council, after the public hearing was closed. He asked if there was any desire to remove the ordinance from the table. The Clerk noted that if the ordinance was not removed from the table it would die at midnight December 31, 2015. There was no motion to remove it from the table.

**#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).**

**ORDINANCE TABLED AT THE MEETING OF DECEMBER 15, 2015**

President of Council Jorge Alvarez announced that the public hearing on Ordinances #59-50 and #59-51 was held on December 15, 2015. The ordinances were tabled after the public hearing was held. He asked if there was any desire to remove the ordinances from the table. There was no motion remove these ordinances from the table.

**#59-50 ORDINANCE CREATING A NEW CHAPTER IN THE CODE OF THE CITY OF LINDEN ENTITLED ROUTE 1 SPECIAL IMPROVEMENT DISTRICT.**

President of Council Jorge Alvarez announced that this is the date designated for the hearing and

further consideration respecting an ordinance entitled:

**#59-51 ORDINANCE CREATIGN A NEW CHAPTER IN THE CODE OF THE CITY OF LINDEN ENTITLED ST. GEORGES AVENUE SPECIAL IMPROVEMENT DISTRICT.**

**Mr. Antonelli clarified an issue as to the number of the ordinances that were being left on the table.**

**CONSENT AGENDA**

**There are no items for the consent agenda.**

**RESOLUTIONS**

**President Alvarez announced that 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.**

**Mrs. Cosby-Hurling moved for approval of Resolutions # 2015-429 through #2015-433. The motion was seconded by Mr. Sadowski and was ordered approved on a roll call vote with everyone voting in favor with the exception of Mr. Brown who abstained on Resolutions #2015-432 and #2015-433, Mr. Brooks, Mr. Strano and Mr. Alvarez who abstained on Resolution #2015-432.**

**RESOLUTION:2015-429**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDEN ALLOWING JOHNSTON COMMUNICATIONS TO CONDUCT AN AUDIT OF THE CITY’S CAMERA SYSTEM**

**WHEREAS**, the City has a desire to expand the current camera system in place in Municipal buildings; and

**WHEREAS**, in order to effectuate same, an audit of the camera system is necessary in order to move forward with the expansion; and

**WHEREAS**, Johnston Communications is qualified to conduct such an audit; and

**WHEREAS**, said audit will be at no cost to the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINDEN** that Johnston Communications, having its business at 322 Belleville Turnpike, North Arlington, New Jersey 07031, is hereby authorized to conduct an audit of the City’s camera system at no cost to the City of Linden.

**RESOLUTION: 2015-430**

**RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING**

**BETWEEN THE COUNTY OF UNION AND THE CITY OF LINDEN TO PARTICIPATE IN THE ART OUTSIDE THE BOX FREEHOLDER INITIATIVE**

**WHEREAS,** the County of Union is promoting local artists through their Art Outside the Box Freeholder Initiative; and

**WHEREAS,** said initiative would allow for artwork to be placed on the following Traffic Control Boxes (“TCB’s”):

1. North Stiles Street and Valley Road
2. Park Avenue and Elizabeth Avenue
3. North Wood Avenue and Knopf Street ; and

**WHEREAS,** the City of Linden is desirous of entering into a Memorandum of Understanding (MOU), with the County of Union to participate in said initiative;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINDEN** as follows:

1. The City of Linden agrees to enter into a Memorandum of

Understanding with the County of Union to participate in the Art Outside the Box Freeholder Initiative.

2. The Mayor and City Clerk are hereby authorized and directed to execute

said Memorandum of Understanding, upon review and approval of the Law Department.

3. This Resolution shall take effect pursuant to law.

**RESOLUTION: 2015-431**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDEN ALLOWING ALL COVERED IT SERVICES FROM KONICA MINOLTA TO CONDUCT AN AUDIT OF THE CITY’S SERVERS AND STORAGE CAPACITY**

**WHEREAS**, the City has a desire to expand the current server and storage capacity in place in Municipal buildings; and

**WHEREAS**, in order to effectuate same, an audit of the server and storage capacity is necessary in order to move forward with the expansion; and

**WHEREAS**, All Covered IT Services From Konica Minolta is qualified to conduct such an audit; and

**WHEREAS**, said audit will be at no cost to the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINDEN** that All Covered IT Services From Konica Minolta, having its business at 7000 Commerce Parkway, Suite A. Mt. Laurel, New Jersey 08054, is hereby authorized to conduct an audit of the City’s camera system at no cost to the City of Linden.

**RESOLUTION: 2015-432**

**RESOLUTION AUTHORIZING MAYOR TO SIGN SETTLEMENT AGREEMENT WITH THE BOARD OF EDUCATION OF THE CITY OF LINDEN FOR CLAIMS ASSERTED WITHIN LITIGATION ENTITLED CITY OF LINDEN v. BOARD OF EDUCATION OF THE**

**CITY OF LINDEN**, **DOCKET NO. UNN-L-1441-13**

**WHEREAS,** the City of Linden initiated litigation against the Board of Education of the City of Linden in the Superior Court of New Jersey, Law Division, Union County entitled City of Linden v. Board of Education of the City of Linden, Docket No. UNN-L-1441-13 (the “Litigation”) seeking to compel the Board of Education to make certain payments for waste disposal; and

**WHEREAS**, in an effort to minimize costs, the City Council wishes to adopt this resolution in order to approve the settlement of the Litigation and to authorize the Mayor to sign a settlement agreement, in a form acceptable to the City Attorney, memorializing the settlement terms set forth herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINDEN** as follows:

1. The City Council hereby approves and authorizes the settlement of the Litigation for a lump sum of $90,000 payable by the Board of Education to the City of Linden and the City of Linden shall dismiss the Litigation with prejudice by executing a settlement agreement and release, in a form acceptable to the City Attorney, releasing the claims that the City of Linden has asserted against the Board of Education in the Litigation.

2. The Mayor is hereby authorized to sign a settlement agreement, in a form acceptable to the City Attorney, memorializing the settlement terms.

3. This resolution shall take effect immediately.

**RESOLUTION: 2015-433**

**RESOLUTION RESCINDING RESOLUTION 2015-424**

**WHEREAS**, the City of Linden previously adopted Resolution 2015-424 appointing a Risk Manager for the City of Linden; and

**WHEREAS**, said Resolution was adopted in error;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINDEN, NEW JERSEY** as follows:

1. That Resolution 2015-424 is rescinded.

2. A notice of this action shall be published in accordance with applicable law.

**PUBLIC COMMENT**

President Alvarez read the rules under which public comment would be allowed.

**Hugh Shrubsall, 211 Melrose Terrace. Mr. Shrubsall stated that three weeks ago trees were planted on his property that he did not want by the Shade Tree Commission. He noted his past history with Mr. Tandul, Chairman of the Shade Tree Commission. He noted his complaints about the planting of the trees. He spoke about how Mr. Tandul acted towards him. Mr. Shrubsall stated that he had spent $6,000.00 on landscaping, and now it was ruined by Mr. Tandul. He noted other homeowners, on the same block, that were having the same issue. He explained to Council the number of trees he had already planted on his property.**

**Edward Shrubsall, 2127 Caroline Avenue. Mr. Shrubsall spoke about his concerns regarding the Park Avenue Bridge, and the marking of turn lanes on Park Avenue and Elizabeth Avenue. He asked for additional signage to properly mark the turn lanes. Mr. Shrubsall spoke about how Mr. Tandul treated his son, Hugh Shrubsall that it was not right and was no way for a public official to act. He concluded by wishing all a happy new year.**

**Len Posnock, 446 Harmony Way, Monroe Twp. Mr. Posnock stated that he came tonight in anticipation of another meeting on Ordinances #59-50 and #59-51. He noted that distance he had traveled to be here, tonight, and that he would be away for an extended period of time. He provided Mr. Brown with his contact information.**

**Frieda Posnock, 446 Harmony Way, Monroe Twp. Mrs. Posnock spoke from her seat, asking if there was any way their property could be removed from the SID list.**

**Mr. Brooks moved to close the Public Comment portion of the meeting. The motion was seconded by Mr. Medina and was unanimously ordered approved on a roll call vote.**

**COMMENTS BY MEMBERS OF COUNCIL**

Mrs. Cosby-Hurling responded to Mr. Edward Shrubsall and her efforts to address the concerns that he had regarding the Park Avenue Bridge. She concluded by wishing all a Happy New Year. She also congratulated the Lukenda Family for winning the Christmas lighting contest.

Mr. Medina told Mr. Hugh Shrubsall that he would be in touch regarding the tree issue and that the Council did receive the letter, from a neighbor, who had the same concerns. He promised to find a solution for the problem.

Mr. Brown defended the work that Mr. Tandul does in the City. He noted his experience regarding a tree planting in the Third Ward. Mr. Brown stated that he was sorry there were some issues, but was sure that it could be worked out.

Mr. Sadowski wished all a Happy New Year.

Mrs. Hickey reminded all about the Linden Housing Authority’s Casino Night on January 30th. She informed all that she had tickets and how to contact her. She noted her long association with Mr. Hugh Shrubsall and that she was confident the issue could be resolved. She wished all a Happy New Year.

Mr. Brooks wished all a Happy New Year. He spoke about his work in the Fourth Ward and thanked the residents for allowing him to represent them.

Mr. Beyer wished all a Happy New Year and to drink responsibly and be safe.

Mrs. Yamakaitis wished all a Happy New Year and added that she looked forward to working with everyone in 2016.

Mr. Alvarez spoke about his first year in office, and how, in 2016, things would be done differently.

President Alvarez made the following announcement:

**The following Council Meetings will be as follows:**

**The Organization meeting of the 2016 Council will be as Follows:**

**\*Council Conference meeting prior to the Council meeting:**

**Tuesday, January 5, 2016 at 6:00 pm in the Council Conference Room, City Hall, 301 N. Wood Ave.**

**\*Council Meeting: Tuesday, January 5, 2016 at 7:00 p.m. in the Council Chambers, City Hall, 301 N. Wood Ave.**

**ADJOURN**

There being no further business to come before the Governing Body, Mrs. Cosby-Hurling moved to adjourn the meeting. The motion was seconded by Mr. Brooks and was unanimously ordered approved. The meeting was adjourned at 7:25 pm.

Respectfully submitted,

Joseph C. Bodek

City Clerk