**Minutes of the Regular**

**Meeting of the 2017 Council of the**

**City of Linden, held Tuesday**

**May 16, 2017**

The regular meeting of the 2017 Council of the City of Linden, was held in the Council Chambers in the City Hall on Tuesday, May 16, 2017 at 7:00 pm. The meeting was called to order by Council President Jorge Alvarez and she 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 Jorge 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:

**ROLL CALL**

Councilwoman Lisa Ormon

Councilman Barry Javick

Peter Brown

“ Monty Brooks

Councilwoman Cosby-Hurling

Councilman Robert Sadowski

Councilman Ralph Strano

Councilwoman Michele Yamakaitis

Councilman Armando Medina

Councilwoman Gretchen Hickey

Council President Jorge Alvarez

Mayor Derek Armstead

**APPROVAL OF MINUTES**

Mr. Sadowski moved for approval of the minutes of the April 18, 2017 Council meeting and the April 25, 2017 Scout Government Day Meeting. The motion was seconded by Mrs. Cosby-Hurling and was ordered approved by a roll call vote with all voting in favor with the exception of Mr. Alvarez who abstained on the Minutes of April 25, 2017 Scout Government Meeting.

**PRESENTATIONS**

**LINDEN HIGH SCHOOL NJROTC**

**DANIEL TARNAWSKI**

President Alvarez called upon Mayor Armstead and Mrs. Hickey to make a presentation to Daniel Tarnawski, who would be graduating Linden High School, this year, and has received an appointment to the United States Naval Academy. President Alvarez spoke about service to our Country and how it was one of the highest honors an individual could achieve. Mayor Armstead spoke about how proud Mr. Tarnawski’s parents are, and how well he represents the City of Linden. The Mayor then read a Mayoral proclamation honoring Mr. Tarnawski.

**COMCAST PUBLIC HEARING**

President Alvarez opened the public hearing on the renewal of the franchise agreement between Comcast and the City of Linden. He recognized Charles Smith, Senior Director of Regulatory Affairs for Comcast, who read the following prepared statement:

Good evening Mayor Armstead, Chairman Alvarez and members of the Governing Body. My name is Charles Smith and I am the Senior Director of Government and Regulary Affairs for Comcast’s Freedom Region systems in northern New Jersey.

I do have a prepared statement that I would like to enter into the record.

We are in the final stages of the cable television franchise renewal process which is governed by both federal and state statues and regulations.

Comcast began the renewal process on or about December 4, 2014 by sending a letter to the City indicating our intention to seek renewal of our non-exclusive franchise (Under Section 626 (a) of the Cable Communications Policy Acts of 1984 and 1996).

This was followed by an optional ascertainment period during which the city had an opportunity to review our performance, assess community needs and issue a report. The city did not produce a report (Report was due by November 3, 2016, One year prior to Expiration, on November 3, 2017).

Following the State’s timeline, Comcast filed an application for Renewal of Municpal Consent on or about February 2, 2017. That application has been available for public inspection in the Clerk’s office.

Tonight’s hearing is on that Application. No action of the Council is required this evening, however, Tonight’s hearing is an opportunity to hear from both the governing body and the Public.

If your attorney has not told you yet, he will tell you that the governing body must base its franchise renewal decision on the answers to four questions.

1. **Has the cable operator substantially complied with the material terms of the existing franchise and applicable laws?**
2. **Has the quality of the operator’s service, including signal quality, response to consumer complaints and billing practices, been reasonable in light of community needs?**

1. **Does the operator have the financial, legal, and technical ability to provide the facilities and equipment it is proposing to provide?**
2. **Is the cable operator’s franchise renewal proposal reasonable to meet the future cable-related needs and interest of the community, taking into account the costs of meeting such needs and interests?**

Two areas the governing body may not consider in deciding whether or not to renew the franchise are:

**Rates**. Rates are governed by State and Federal statutes and are outside of the municipality’s authority.

**Programming**, the channel lineup is protected under the First Amendment, just as is the content of a newspaper.

However, nothing precludes the public or the governing body from commenting on rates and programming; but such commentary cannot be factored into the municipality’s decision.

I would be happy now to respond to your questions.

Mrs. Cosby-Hurling asked if there would be an increase in the fee that the City received from Comcast. Mr. Smith responded that the fee is a negotiable item in the agreement. In a discussion Mr. Smith made it clear that the rates could not be negotiated, but the money that Comcast offers the municipality, in support of the access channels, could be. At the conclusion Mr. Smith left an information packet with the City Clerk, and Council.

There being no other persons wishing to speak, Mrs. Cosby-Hurling moved to close the public hearing. The motion was seconded by Mrs. Yamakaitis and was unanimously ordered approved by a roll call vote.

**ORDINANCE ON HEARING**

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

further consideration respecting an ordinance entitled:

**#61-31** An ordinance to amend an ordinance entitled, “An ordinance establishing a schedule of titles, salary ranges and regulations for maintaining the classification and salary standardization plan of all employees of the City of Linden,” passed August 15, 1995 and approved August 16, 1995. **Amend and Modify Schedule 4-LL-4.**

President of Council Jorge Alvarez announced that the hearing was now open, that all persons interested would be given an opportunity to be heard concerning the Ordinance and the Clerk will read the Ordinance. Thereupon President of Council Jorge Alvarez inquired if there were any written objections.

None were presented and the Clerk stated that therefore none had been received. President of Council Jorge Alvarez inquired if there was anyone who desired to be heard concerning the Ordinance read by the Clerk.

There being no persons to be heard, Mrs. Yamakaitis moved that the hearing be closed and the ordinance be adopted. The motion was seconded by Mr. Strano and on a roll call vote the foregoing ordinance was unanimously ordered approved.

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

further consideration respecting an ordinance entitled:

**#61-32** An Ordinance to amend and supplement Chapter III, Police Regulations of an ordinance entitled, “an ordinance adopting and enacting the revised General Ordinances of the City of Linden, 1999,” passed to November 23, 1999 and approved November 24, 1999, and as amended and supplemented.

**DELETE 3-31 REMOVAL OF SNOW AND ICE IN ITS ENTIRETY**

**ADD NEW 3-31 REMOVAL OF SNOW AND ICE.**

President of Council Jorge Alvarez announced that the hearing was now open, that all persons interested would be given an opportunity to be heard concerning the Ordinance and the Clerk will read the Ordinance. Thereupon President of Council Jorge Alvarez inquired if there were any written objections.

None were presented and the Clerk stated that therefore none had been received. President of Council Jorge Alvarez inquired if there was anyone who desired to be heard concerning the Ordinance read by the Clerk.

There being no persons to be heard, Mrs. Cosby-Hurling moved that the hearing be closed and the ordinance be adopted. The motion was seconded by Mr. Strano and on a roll call vote the foregoing ordinance was unanimously ordered approved.

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

further consideration respecting an ordinance entitled:

**#61-33** Bond ordinance authorizing the acquisition of SCBA cylinders, air packs and associated equipment for the Fire Department in and for the City of Linden, appropriating $902,000.00 therefore and authorizing the issuance of $856,900 bonds or notes to finance part of the cost thereof.

President of Council Jorge Alvarez announced that the hearing was now open, that all persons interested would be given an opportunity to be heard concerning the Ordinance and the Clerk will read the Ordinance. Thereupon President of Council Jorge Alvarez inquired if there were any written objections.

None were presented and the Clerk stated that therefore none had been received. President of Council Jorge Alvarez inquired if there was anyone who desired to be heard concerning the Ordinance read by the Clerk.

There being no person to be heard, Mr. Sadowski moved that the hearing be closed and the ordinance be adopted. The motion was seconded by Mr. Strano and on a roll call vote the foregoing ordinance was unanimously ordered approved.

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

further consideration respecting an ordinance entitled:

**#61-34** An ordinance to amend and supplement Chapter VII, Traffic. That Chapter VII, Traffic, shall be and the same is hereby amended as follows:

7-33 Handicapped Parking Regulations

7-33.1A Handicapped Parking on-street

Name of Street Spaces

**Delete:**

513 Alexander Avenue 1

**ADD:**

513 Alexander Avenue 1

818 Chandler Avenue 1

418 Hussa Street 1

(Maple Avenue Side)

President of Council Jorge Alvarez announced that the hearing was now open, that all persons interested would be given an opportunity to be heard concerning the Ordinance and the Clerk will read the Ordinance. Thereupon President of Council Jorge Alvarez inquired if there were any written objections.

None were presented and the Clerk stated that therefore none had been received. President of Council Jorge Alvarez inquired if there was anyone who desired to be heard concerning the Ordinance read by the Clerk.

There being no persons to be heard, Mr. Medina moved that the hearing be closed and the ordinance be adopted. The motion was seconded by Mrs. Ormon and on a roll call vote the foregoing ordinance was unanimously ordered approved.

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

further consideration respecting an ordinance entitled:

**#61-35** An ordinance to amend and supplement Chapter VII, Traffic.

Section 1. That Chapter VII, Traffic, Section 7-13, Parking Prohibited for Street Cleaning and Maintenance, shall be and the same is hereby amended as follows:

**DELETE:**

*Street Side Hours Days Location*

S. Wood Avenue 7:00 am to 8:00 am Highway to

1. Street

Windsor Road South 7:00 am to 11:00 am Thurs Linden Avenue to

21st Street

Wood Avenue West 7:00 am to 11:00 am Tue Linden Avenue

To 21st Street

Wood Avenue East 7:00 am to 11:00 am Fri Linden Avenue to

21st Street

**ADD:**

*Street Side Hours Days Location*

Windsor Road South 7:00 am to 11:00 am Thurs Stiles Street

to Stiles Street

Bedle Place East 11:00 am to 3:00 pm Mon From Grier Avenue to Allen Street

Bedle Place West 11:00 am to 3:00 pm Thurs From Grier Avenue to Allen Street

Wood Avenue West 6:00 am to 7:00 am Tue Linden Avenue to Edgar Road

Wood Avenue East 6:00 am to 7:00 am Tue Linden Avenue to Edgar Road

President of Council Jorge Alvarez announced that the hearing was now open, that all persons interested would be given an opportunity to be heard concerning the Ordinance and the Clerk will read the Ordinance. Thereupon President of Council Jorge Alvarez inquired if there were any written objections.

None were presented and the Clerk stated that therefore none had been received. President of Council Jorge Alvarez inquired if there was anyone who desired to be heard concerning the Ordinance read by the Clerk.

There being no persons to be heard, Mr. Medina moved that the Ordinance be amended and continued to the June meeting. The motion was seconded by Mrs. Ormon and on a roll call vote it was unanimously ordered approved.

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

further consideration respecting an ordinance entitled:

**#61-36** An ordinance to amend and supplement Chapter XVIII sewer and water, of an ordinance entitled, an ordinance adopting and enacting the revised general ordinances of the City of Linden, 1999, passed November 23, 1999 and approved November 24, 1999, and as amended and supplemented.

DELETE Section 17-9 Sewer Connection fees for new users or increased flow in its entirety.

ADD New section 17-9 sewer connection fees for new users or increased flows for residential, commercial and industrial.

President of Council recognized Mrs. Cosby-Hurling, who moved to continue ordinance #61-36 and #61-37 to a special meeting on June 8, 2017 for the public hearing.

**#61-37** Ordinance of the City of Linden approving the application for a long term tax exemption and authorizing the execution of a financial agreement with SRV 1 Urban Renewal LLC and SRV 2 Linden Urban Renewal LLC.

**CONSENT AGENDA**

**(\*\*\*) Tax Collector:**

1. The amount of money collected during the month of April 2017 and turned over to the treasurer’s office is as follows:

2017 Taxes $14,156,089.80

2016 Taxes $412,430.58

2015 Taxes $0.00

Garbage Fee Payments $102,029.99

Garbage Fee Penalty $6,820.00

Municipal Lien Redemption $0.00

Duplicate Tax Sale Certificate $0.00

Tax Search $0.00

Lien Redemption Request Fee $0.00

Year End Penalty $7,844.06

Returned Check Fee Paid $40.00

Returned Check Fee Garbage Paid $0.00

Returned Check 2017 ($0.00)

Returned Check 2016 ($0.00)

Returned Check Interest ($0.00)

Returned Online Payment 2017 Taxes ($0.00)

Returned Online Interest ($0.00)

Returned Check Garbage Fee ($120.00)

Returned Check Garbage Fee Penalty ($0.00)

Adv. Before Tax Sale $3,620.83

Premium $0.00

Sewer Clean out charge $2,100.00

DPW Reso payments $250.00

Interest $54,498.18

Total $14,745,603.44

**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**

9 20 4/17/17 14-00010 $2,200.00

68 10 4/17/17 14-00054 $1,700.00

200 44 4/17/17 14-00167 $1,800.00

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $5,700.00, payable to: TTLBL, LLC, Attention: John Lemkey, 4747 Executive Drive, Suite 1, San Diego, CA 92121 charging same to account #-7-01-55-276-999-956.

**Tax Sale** Requesting the refund of the premium paid at the 2014, 2015 & 2016 tax sale on the following blocks & lots.

**Block Lot Redemption Date Cert# Premium**

36 13 4/18/17 14-00031 $1,300.00

77 6 4/18/17 13-00098 $1,300.00

99 9 4/17/17 13-00122 $16,500.00

107 14 4/17/17 15-00067 $1,300.00

215 38 4/18/17 15-00150 $1,800.00

452 2 4/25/17 15-00255 $3,600.00

452 3 4/25/17 15-00256 $3,000.00

477 5 4/11/17 15-00276 $1,500.00

479 8 4/17/17 15-00280 $1,700.00

556 4 4/18/17 15-00330 $1,700.00

571 4 5/4/17 15-00337 $1,000.00

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $34,700.00 payable to: MTAG Cust Fig Cap Invest NJ, 13, P.O. Box 54472, New Orleans, LA 70154, charging same to account #7-01-55-276-999-956.

**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**

133 12 4/18/17 14-00101 $1,000.00

142 12 4/18/17 14-00108 $900.00

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $1,900.00 payable to: US Bank Cust for PC5 Sterling National, 50 South 16th Street, Suite #2050, Philadelphia, PA 19102, charging same to account #-7-01-55-276-999-956.

**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**

200 16 C2036 4/28/17 11-00106 $8,000.00

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $8,000.00 payable to: Amaco, 125 Rockey Blvd # 623, Bear, DE 19701, charging same to account #-7-01-55-276-999-956.

**Tax Sale** Requesting the refund of the premium paid at the 2016 tax sale on the following block &

lot.

**Block Lot Redemption Date CTF# Amount**

238 38 5/2/17 15-00165 $26,400.00

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $26,400.00 payable to US Bank Cust BV002 Trst & Crdtrs, 50 South 16th Street, Suite #2050, Philadelphia, PA 19102, charging same to account #-7-01-55-276-999-956.

**Tax Sale** Requesting the refund of the premium paid at the 2016 tax sale on the following block & lot.

**Block Lot Redemption Date CTF# Amount**

265 16 4/11/17 15-00173 $1,400.00

334 2 4/19/17 15-00201 $1,300.00

571 7 4/18/17 15-00338 $1,000.00

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $3,700.00 payable to: FWDSL & Associates, LP, Attention: Jared Cucci, 17 W. Cliff Street, Somerville, NJ 08876 charging same to account #-7-01-55-276-999-956.

**Tax Sale** Requesting the refund of the premium paid at the 2016 tax sale on the following blocks

& lots.

**Block Lot Redemption Date CTF# Amount**

354 19 4/28/17 15-00208 $1,300.00

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $1,300.00 payable to: Actlien Holding, US Bank Cust, Actlien Holding, Tower DBW VI 50 South 16th Street, Suite 2050, Philadelphia, PA 19102, charging same to account #-7-01-55-276-999-956.

**Tax Sale** Requesting the refund of the premium paid at the 2016 tax sale on the following blocks

& lots.

**Block Lot Redemption Date CTF# Amount**

354 19 4/28/17 15-00208 $1,300.00

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $1,300.00 payable to: Actlien Holding, US Bank Cust, Actlien Holding, Tower DBW VI 50 South 16th Street, Suite 2050, Philadelphia, PA 19102, charging same to account #-7-01-55-276-999-956.

**Credit** Block 40 Lot 38

Former Owner: Chantale Faustin

Current Owner: Anel D. Michel & Myrielle Michel

808 Cranford Avenue

The above referenced old owners Mortgage Company and the new owner’s Title Agency have paid the 2014 2nd quarter property taxes creating this overpayment and the old owner’s mortgage company entitled a refund in the amount of $2,612.06.

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $2,612.06, payable to Core Logic Tax Services, Attention: Kathy Bishop, 92-16 220th Street, Queens Village, NY 11428 charging same to account #-7-01-55-288-999-904.

**Credit** Block 123 Lot 14

Junior Ellis & Shawn Powell

714 Mc Candless Street

There now exists a credit balance on the above referenced block & lots due to the owner’s mortgage company and the title agency paying the 2017 1st quarter property taxed creating the overpayment in the amount of $2,483.15.

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $2,483.15 payable to: Junior Ellis & Shawn Powell, 714 Mc Candless Street, Linden NJ 07036, charging same to account #-7-01-55-288-999-904.

**Credit** Block 127 Lot 16

David Burns

820 Hussa Street

The above referenced owners Mortgage Company and the Title Agency have paid the 2017 2nd quarter property taxes creating this overpayment and the mortgage company entitled a refund in the amount of $1.825.65.

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $1.825.65, payable to Core Logic Tax Services, Attention: Kathy Bishop, 92-16 220th Street, Queens Village, NY 11428 charging same to account #7-01-55-288-999-904.

**Credit** Block 229 Lot 21

Old Owner: Charles & Kimberly Connery

New Owner: Deanna M. Josey

41 Rosewood Terrace

The above referenced old owner’s Mortgage Company and Title Agency have paid the 2016 4th quarter property taxes creating this overpayment and the new owner’s mortgage company is entitled a refund in the amount of $2,789.22.

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $2,789.22 payable to: Lereta, LLC, Returns & Refunds, 1123 Park View Drive, Covina, CA 91724 charging same to # 7-01-55-288-999-904.

**Credit** Block 305 Lot 2

John J. & Kathleen Phillips

1309 Summit Terrace

There now exists a credit balance on the above referenced block & lots due to the owner’s mortgage company and the title agency paying the 2016 2nd quarter property taxed creating the overpayment in the amount of $3,000.40.

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $3,000.40 payable to: John J. & Kathleen Phillips, 1309 Summit Terrace, Linden NJ 07036, charging same to account #-7-01-55-288-999-904.

**Credit** Block 332 Lot 34

Anthony J. Labonte

353 Edgewood Road

There now exists a credit balance on the above referenced block & lots due to the owner’s mortgage company and the title agency paying the 2014 2nd quarter property taxed creating the overpayment in the amount of $2,259.75.

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $2,259.75 payable to: Anthony J. Labonte, 353 Edgewood Road, Linden NJ 07036, charging same to account #-7-01-55-288-999-904.

**Credit** Block 417 Lot 8

Edward Z. & Diana Meck

4 Sherwood Circle

There now exists a credit balance on the above referenced block & lot due to a posting error paid towards the Property Taxes instead of the Sewer billing. The overpayment amount is $650.00.

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the

amount of $650.00, payable to L.R.S.A., 5005 South Wood Avenue, P.O. Box 4118, Linden, NJ 07036 charging same to account # 7-01-08-607-011.

**Credit** Block 419 Lot 25 CB019

Paulette Hobbs

1150-1190 W. St. George Avenue, B19

The above referenced old owner’s Mortgage Company and the owner have paid the 2017 2nd quarter property taxes creating this overpayment and the new owner’s mortgage company is entitled a refund in the amount of $1,030.56.

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $1,030.56 payable to: Lereta, LLC, Returns & Refunds, 1123 Park View Drive, Covina, CA 91724 charging same to # 7-01-55-288-999-904.

**Credit** Block 546 Lot 27

Bouri, Abdelhalim Etals

1507 Winans Avenue

There now exists a credit balance on the above referenced block & lots due to the owner’s mortgage company and the lender services paying the 2017 1st quarter property taxed creating the overpayment in the amount of $776.60.

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $776.60 payable to: Bouri, Abdelhalim Etals, 1507 Winans Avenue, Linden NJ 07036, charging same to account #-7-01-55-288-999-904.

**Credit** Block 547 Lot 15

Stocker Acres, LLC

20 W 17th Street

There now exists a credit balance on the above referenced block & lots due to the owner’s mortgage company and the title agency paying the 2014 2nd quarter property taxed creating the overpayment in the amount of $1,697.41.

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $1,697.41 payable to: Stocker Acres, LLC, 1622 S. Wood Avenue, Linden NJ 07036, charging same to account #-7-01-55-288-999-904.

**(\*\*\*) Municipal Treasurer:**

1. Requesting approval for the following reimbursements:
2. CSDCMAC Refund – Susan McCann is entitled to a refund of $35.00 for a Certificate of Smoke Detector and Carbon Monoxide Alarm Compliance that was already completed and paid for by the previous bank owner. Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $35.00 payable to: 650 Jernee Mill Road, Sayreville, NJ 08872 charging same to 7-01-09-699-069.
3. Garage Sale Refund – Linda Coppolecchia is entitled to a refund of $10.00 for a garage sale permit that was obtained for a sale in which the 9th and 10th Ward citywide sale took place. Therefore, it was be in order for the council to authorize the treasurer to issue a check in the amount of $10.00 payable to: Linda Coppolecchia, 201 Fernwood Terrace, Linden, NJ 07036 charging same to 7-01-08-602-014.
4. Service date 12/9/2016 – Cigna is entitled to a refund in the amount of $583.17 for service that was provided on 12/9/2016. Therefore, it was be in order for the council to authorize the treasurer to issue a check in the amount of $583.17 payable to: Cigna, PO Box 188061, Chattanooga, TN 37422-8061 charging same to 7-01-08-629-011.
5. Service date 6/27/2016 – Simon Thomas is entitled to a refund in the amount of $100.00 for service that was provided on 6/27/2016. Therefore, it was be in order for the council to authorize the treasurer to issue a check in the amount of $100.00 payable to: Simon Thomas, Bergen Avenue, Linden, NJ 07036 charging same to 7-01-08-629-011.
6. Service date 11/24/2015 – Anthony Bestreski is entitled to a refund in the amount of $66.00 for service that was provided on 11/24/2015. Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $66.00 payable to: Anthony Bestreski, 1190 W. St. George Ave., Apt. V37, Linden, NJ 07036 charging same to 7-01-08-629-011.
7. Service date 8/1/2014 – Maria Vera is entitled to a refund in the amount of $760.00 for the service that was provided on 8/1/2014.

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $760.00 payable to: Maria Vera, 712 Westminster Avenue, Elizabeth, NJ 07208 charging same to 7-01-08-629-011.

1. Service date 2/27/2017 – Horizon BCBSNJ is entitled to a refund in the amount of $86.12 for service that was provided on 2/27/2017.

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $86.12 payable to: Horizon BCBSNJ, PO Box 420, Newark, NJ 07101-0420 charging same to 7-01-08-629-011.

1. Service date 7/8/2016 – D&H Alternative Risk Solutions is entitled to a refund in the amount of $790.00 for service provided on 7/8/20167.

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $790.00 payable to: D&H Alternative Risk Solutions, PO Box 68, Newton, NJ 07860 charging same to 7-01-08-629-011.

1. Service date 8/28/2016 – Empire Blue Cross Blue Shield is entitled to a refund in the amount of $132.90 for service that was provided on 8/28/2016.

Therefore, it would be in order for the council to authorize the treasurer to issue a check in the amount of $790.00 payable to: Empire Blue Cross Blue Shield, PO Box 3509, Church Street Station, New York, NY charging same to 7-01-08-629-011.

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

1. Advising that fifty-one (51) Certificates of Occupancy were issued during the

month of February 2017 and seventy-seven (77) Certificates of Occupancy were issued during the month of March 2017.

**(\*\*\*) SPECIAL IMPROVEMENT DISTRICT:**

1. Requesting approval to hang a banner across Wood Avenue to advertise

“Merchants Appreciation Day” which will be held on June 10, 2017.

**(\*\*\*) CITY CLERK”S OFFICE:**

1. Requesting approval of the following bingo/raffle applications which have been

submitted to the City Clerk’s Office.

**Application #** **Organization** **Fees**

RA-1609 Friends of Linden Library $20.00

Mrs. Cosby-Hurling moved for approval of Consent items #1 through #5. The motion was seconded by Mr. Sadowski and was unanimously ordered approved by a roll call vote.

**COMMITTEE REPORTS AND COMMENTS FROM THE MEMBERS**

**OF THE GOVERNING BODY**

First Ward

Mrs. Ormon spoke about the City tree planting process, and noted that the City owns a certain amount of property that the City owns, from the curb in. She stated that the current process was ruffling feathers and it needs to be improved on. Mrs. Ormon next talked about the City’s leash laws, that all size dogs need to be kept on leashes, the responsibility of dog owners and the need for all dogs to be licensed.

Mrs. Ormon then announced a community barbeque, for residents of the First, Second and Third Wards. She provided details, on the event, and that would be held on June 3rd. Lastly she spoke about a planned community meeting, on June 28th, noting the specific topics of discussion, centered on Community safety. She wished all a safe and happy Memorial Day.

Second Ward

Mr. Javick spoke on the road repaving project being done on West Henry St., and noted other improvements that were being done in conjunction with the repaving. He then spoke on the new water line that the Water Company was installing on DeWitt Street, and provided updates on other Second Ward projects. Mr. Javick then spoke about the traffic barrel on the intersection of Spruce St. and Elm St., the reasons for it, noting that the issue has existed for several months and that he has been promised that the repairs would begin on June 1.

Mr. Javick also talked about an ongoing graffiti problem and asked residents to keep their eyes open, and call the police. He then provided updates on the redevelopment projects, being done in the Second Ward, and also on the landfill.

Third Ward

Mr. Brown reported on Third Ward Street paving projects, informed residents about the upcoming community meeting, scheduled for June 28, 2017 and the Community picnic to be held on June 3rd. He provided his contact information.

Mr. Brown next informed all about a meeting, with the Board of Education to try and improve Linden TV, and other ways that the City and the Board can work together. He noted that there have been many occasions where those who have participated in athletics have been recognized, that he would like to recognize scholars, and spoke about his ideas. Next Mr. Brown reported on the train station, the condition, that it was not a new issue, and explained the stations ownership. He then called upon Mr. MacDonald to explain the work being done and NJ Transits role. Mr. MacDonald explained what are the City’s responsibilities under the lease. Mr. Brown then had Mr. Micucci explain why, work at the train station, had to be done on weekends. When Mr. Micucci spoke he also talked about the work that NJ Transit needs to do at the Train Station. Mr. Brown then talked about how the work at the train station is paid for, coming out of the 60% of the revenue that the City keeps from its share of the funds collected for parking. He concluded by speaking of the need to purchase bike lockers for the train station.

Fourth Ward

Mr. Brooks gave the report of the Division of Transportation and Parking. A total of $54,996.64 was collected from all sources for the month of April. Next he gave the report of the City Clerk’s Licensing Division, which collected $7,414.00 from all sources for the month of April. The City Clerk’s office collected a total of $4369.68, also for the month of April.

Mr. Brooks then spoke about the renovation work at Dr. Martin Luther King Park, and stated that no one is in favor of the park not opening for summer programs. He discussed the efforts that have to take place to make the park operational. He talked about the work, that is being done, in the park, and moving it forward. Mr. Brooks announced that on June 3rd he would be hosting the First Annual Fourth Ward Classic Car Show, at Dr. King Park. Mr. Brooks, provided information relative to the repairs to certain streets, in the Fourth Ward and spoke about the issue of flooding that was occurring in the area of School 5, at Curtis and McCandless Street, and the efforts to address it.

Mr. Brooks announced that a Linden High School, Tenth grade student, won the Watchung Conference Discus Throwing Championship. He also stated his agreement with Mr. Brown about the need to recognize Linden students for their academic achievements.

Fifth Ward

Mrs. Cosby-Hurling gave the report of the Construction Code Department. The department collected a total of $82,724.00 for the month of April. As the Council liaison to the Linden Roselle Sewerage Authority she gave a report on the activity at the Authority. Mrs. Cosby-Hurling announced that a resolution was on pertaining to a Fifth Ward Community Yard Sale, and that the fees and required permits, for those dates, are waived. She also announced a fundraiser for the Fifth Ward Club that was being held at the bowling alley and provided details for those interested.

Mrs. Cosby-Hurling stated that she wanted to speak about something that was very, very troubling to her, as a taxpayer and elected official. She spoke about an incident involving the Mayor, a candidate for municipal office and the use of the Mayor’s City issued car. She provided details on what she had observed and noted that there are rules against the use of City vehicles for campaign purposes. She added that there was a video of the event, that was sent to the City Attorney and she had not received any advice from the attorney on this. Mrs. Cosby-Hurling then requested that members of Council do something to stop this kind of activity. She was not sure what could be done, but suggested reprocessing the vehicle, or having State Election Commission handle it. She called the matter disrespectful to those that pay taxes. She stated that she would give a copy to the Clerk, for those that wanted to see it. She stated that this should stop immediately.

Mrs. Cosby-Hurling then spoke about it being the election season, and noted that one of her neighbors had spoken to her, and that she was going to repeat what he said, that people need to campaign responsibility. She urged individuals not to go around and make false accusations about other candidates. Mr. Strano asked for a point of order, asking if this was City business, and asked the City Attorney for a ruling. Mr. Antonelli stated that the Councilwoman could finish her remarks. Mrs. Cosby-Hurling concluded by finishing her comments about responsible campaigning.

Sixth Ward

Mr. Sadowski gave the report of the Fire Prevention Bureau. A total of $4,053.89 was collected for the month of April. In addition the ambulance reimbursement system collected a total of $66,563.98 for the month of April, bringing the year to date total to $279,453.83. Next he reported on the Fire Department and American Red Cross smoke detector program. The program installed smoke detectors in the Sixth and Seventh Wards He noted that, curiosity of Phillips 66, carbon monoxide detectors, for the first time, where also installed. Mr. Sadowski also reported that members of the Fire Department participated in a weeklong training program for fighting fires on shipboard. The training was paid for by a FEMA grant. He also reported on training courses, that the Linden Fire Department is participating in, that are being hosted by Norfolk Southern Railroad. He also spoke about other programs that the Fire Department was participating in.

Mr. Sadowski next noted his role as a member of the Linden Roselle Sewerage Authority, and that Linden has a vacant position, on the board, that needs to be filled. (Mrs. Cosby-Hurling left the meeting (8:13 pm).

Mr. Sadowski announced that the Sixth Ward, by the beginning of the summer, would be participating in the automated garbage collection system and that he would keep residents informed as to when the collection cans would be distributed to them. Next he spoke about a very serious crash, on Woodlawn Ave, where the vehicle ran into a house. He provided the details of the accidents and the residents are not allowed back in. He has requested the installation of speed bumps, in the area, to help prevent future accidents of this nature, and also discussed other possible remedies.

Mrs. Sadowski thanked the DPW for the cleanup of the Blue Acres properties on Emma Place.

Seventh Ward

Mr. Strano announced that the tree planting in the Seventh Ward had concluded and noted some of the locations that trees had been planted. Next he spoke about the maintenance and cleanup of Blue Acres properties in the Seventh Ward. He noted that still are several vacant homes, purchased under that program that still need to be demolished.

Mr. Strano spoke about the streets, in the Seventh Ward that would be repaved, and that sidewalk replacement program would be done in the early fall. He asked Seventh Ward Residents, who had sidewalks of concern to contact him, so that he could look at them and have them added to the list.

Mr. Strano provided an update on the Quite Zone and other information pertaining to receiving this designation. He noted the steps remaining. He then reported on the installation of rain gardens, by Rutgers, in conjunction with the flood plain restoration of Marsh’s Creek. He explained the purpose of this program, and noted the status of other aspects of the program. Mr. Strano announced that a community wide yard sale would be occurring this weekend in Tremely Point.

Eighth Ward

Mrs. Yamakaitis gave the following report of the Personnel Committee:

1. In the Police Department – the promotion of John Mekovetz to the position of Police Lieutenant, effective May 1, 2017 at no pay increase until August 1, 2017 (filling a vacancy based upon retirement of J. Clark).
2. In the Police Department – the promotion of Anthony Lordi to the position of Police Sergeant, effective May 1, 2017 at no pay increase until August 1, 2017 (filling a vacancy based upon promotion of J. Mekovetz).
3. In the Departments of Public Property/Recreation – the approval of the seasonal list for Recreation, appointments are subject to successful completion of the City’s background check. (List on file in the Clerk’s Office)
4. In the Department of Public Works – the approval of the seasonal laborer list, appointments are subject to successful completion of the City’s background check. (List on file in the Clerk’s Office)
5. In the Personnel Division -
   1. FMLA/NJFLA
      1. Employee #107034, Intermittent Leave FMLA/NJFLA 4/24/17 through 11/30/17
      2. Employee #107427, FMLA 5/14/17 through 6/19/17
      3. Employee #000086, FMLA 4/26/17 through 7/30/17
      4. Employee #000125, FMLA 4/17/17 through 5/16/17
6. In the Division of Municipal Garage – the permanent appointment of Daniel Bertani, as a body and fender mechanic, effective May 17, 2017. There is no change in salary.
7. In the Office of the Clerk – the appointment of Talia Pena-Marin, as a Bilingual Clerk 1, effective May 22, 2017 at the salary of $34,548 (pro-rated), subject to successful completion of the City’s background check.
8. Permission is granted to post the following positions on Civil Service website:

In the Construction Code Department a per-diem Building Inspector, a per-diem Plumbing Inspector and a seasonal Construction Code Enforcement Officer.

Mrs. Yamakaitis moved for approval of the Personnel Report. The motion was seconded by Mr. Strano, and was ordered approved by a roll call vote, with all voting in favor except Mrs. Cosby-Hurling who had left the meeting.

Mrs. Yamakaitis acknowledged the employees, present, who were being promoted or hired.

Mrs. Yamakaitis informed all that there was an ordinance on introduction making Ashton Ave a one way from Urbanowitz to U.S. 1. She also noted her request, for a traffic study, to address other issues in the area. She then reported on the Eighth Ward Community meeting, which included a presentation on updating the Neighborhood Watch program. She thanked the residents, and members of the Police Department for their participation. Mrs. Yamakaitis also warned residents, particularly seniors, about scams that are going around.

Mrs. Yamakaitis spoke about the discussion, at the conference meeting, regarding the planting of trees, and noted that she had requested that the liaison inform the Shade Tree Commission of the Eighth Wards request for smaller trees, and the reason why.

Mrs. Yamakaitis reported on the activities of the Mayor’s Youth Commission and fundraising activity for the Commission. She acknowledged the Commission’s fundraising chairperson, Sandy Vasquez, and thanked Sandy for all of her efforts. Ms. Vasquez was also recognized, by the Municipal Alliance, as volunteer fundraiser of the year.

Seventh Ward

President Alvarez recognized Mr. Strano, who gave the following report of the Budget Review and Finance Committee:

1. The payment of bills totaling $1,205,598.81, bills have been signed by the Mayor, Council President and Finance Chairman and a detailed check register and vouchers are on file in the Clerk’s Office.
2. We are in receipt of the investments made by the City Treasurer for the month of May at the rate of .50%

Mr. Strano moved for approval of the Finance Report. The motion was seconded by Mrs. Ormon and was ordered approved by a roll call vote, with all voting yes except Mrs. Hickey who abstained.

Ninth Ward

Mr. Medina gave a report on activities of the Library Board and the Friends of the Linden Library. Next he gave his Ninth Ward report. He spoke about the restoration work, being done by the gas company, that most of the work, in the Ninth Ward, was being completed, and they would be moving on to the Tenth Ward. He noted the cooperation of the contractor in addressing any of the concerns that the City has. Next he thanked the Police Department, and the Chief, on addressing traffic concerns. Mr. Medina reminded people, if they see something suspicious, to call it in. If there are people going door to door, and they don’t have a City peddler permit, don’t let them in. He stated that residents need to keep an eye out for each other. He provided his contact information for Tenth Ward Residents wanting to get in touch with him.

Tenth Ward

Mrs. Hickey stated that there have been maintenance issues, in and around McManus Middle School. She detailed the meetings she has had, and other steps that she has taken, to address them. She detailed the work to be done in addressing the issues. Next she spoke about the Lincrest Apartment and issues with traffic and street signs, in the area, that were being addressed. Mrs. Hickey announced that Academy Terrace was going to be paved, and described the work to be done. She also announced that the gas company would start Phase II of the gas line replacement project in August. She listed the streets that would be affected. Mrs. Hickey discussed a flooding issue on Crestant Parkway, and what was being done about it. She requested residents, to notify her, or Public Works, if they have potholes on their street.

Mrs. Hickey talked about being invited to the Union County Valor Award program. She provided details on the program at the event. She then announced a fundraising barbeque for a Relay for Life team to be held on June 10th, and provided details on several other charitable fundraisers. Next she spoke about OEM, Kathy Colgan, and the number and amount of grants that have been gotten for the City. She informed all about financial affairs seminars that are being offered to residents. Mrs. Hickey provided details on a series of vehicle thefts that took place, in the Tenth Ward, the types of vehicles being targeted and related the heart wrenching details of how one theft affected a handicapped individual.

Mrs. Hickey stated that she was married to an amazing man, and gave him a special thank you for all that he had to put up with for her to be a Councilwoman

Ninth Ward

President Alvarez recognized Mr. Medina who gave an update on the traffic light replacement at DeWitt and Raritan Rd.

Third Ward

President Alvarez recognized Mr. Brown, who talked about safety in the Parks and the placement of cameras in the parks. He explained the various phases of the placement of the cameras.

**MAYOR’S REPORT**

Mayor Armstead provided information on the Kids to Parks program and provided details on the event and the activities that would be provided. Next he announced the re-opening of the COP building. Mayor Armstead advised residents that the event was open to the public and encouraged everyone to attend. He congratulated Lt. Mekovetz and Sgt. Lordi on their promotions.

Mayor Armstead noted that his colleague from the Fifth Ward had left. He then referred the matter of the use of his City car to the City attorney.

Mr. Antonelli spoke about the Mayor’s use of the car, as head of the Police Department. He reviewed the details of the last year’s written opinion, on this subject, and the Mayors payment of taxes for the personal use of the vehicle. He noted that Council does not have authority over the Mayor’s use of the car, spoke about other fees assessed to the Mayor for the use of the vehicle. He concluded by stating that the use of the vehicle is perfectly legal.

Mayor Armstead spoke about his use of the vehicle. He spoke in the years here he never tried to inject politics into what goes on here. He asked residents to listen to him and what the issues are that he is talking about. He noted that this is a strong council, weak mayor form of government, explaining that he has proposed ideas to raise money so that the garbage tax can be eliminated. He detailed, at length a number of his ideas and proposals. They are good ideas that can move the City forward. He spoke about other towns that have a hazardous waste storage tax, and in the case of Newark how quickly it was enacted. The Mayor spoke about having a story to tell about how people have chosen to sit on their hands.

**COUNCIL PRESIDENT REPORT**

President Alvarez spoke the Food for Haiti Program. The program is looking for individuals to assist with various efforts. He stated that he has flyers for those who want to volunteer. Next he spoke about a call, from a recreation supervisor regarding a new yoga program that the city would like to try out. He gave the details about the program and how he volunteered to try it out.

**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.**

**Virginia Malik asked to remove Resolution #2017-217 for discussion**

Mr. Strano moved for approval of resolutions #2017-202 through #2017-223, with the exception of Resolution #2017-217. The motion was seconded by Mrs. Yamakaitis and was ordered approved by a roll call vote, with all voting in favor except Mrs. Cosby-Hurling who had left the meeting.

**RESOLUTION: 2017-202**

**CITY OF LINDEN RESOLUTION**

**WHEREAS,** there were certain payments made by the Municipal Treasurer during the month of April, 2017 which do not appear on the Claims list,

**WHEREAS,** said payment must be ratified by the Governing Body of the City of Linden,

**NOW, THEREFORE, BE IT RESOLVED** that the following payments be and hereby are approved:

**CURRENT**

**CK# DATE PAYABLE TO: PURPOSE AMOUNT**

165545 4/4/17 Annual Service Fee remediation fee 1,760.00

165546 4/5/17 ADP payment 1,483.26

4/5/17 City Dental March premium 38,704.26

4/5/17 Sewerage Dental “ 3,264.52

4/5/17 Housing Dental “ 1,504.35

4/5/17 Library Dental “ 900.31

4/5/17 Cobra Dental “ 172.42

4/5/17 City Dental April premium 38,753.28

4/5/17 Sewerage Dental “ 3,264.52

4/5/17 Housing Dental “ 1,504.35

4/5/17 Library Dental “ 900.31

4/5/17 Cobra Dental “ 172.42

4/6/17 Worker’s Comp. claims 10,011.04

4/7/17 Payroll payroll 1,836,041.14

4/11/17 Worker’s Comp. claims 9,568.21

4/12/17 SHBP Retirees April premium 623,947.71

4/12/17 SHBP Actives Feb premium 670,049.04

4/19/17 Worker’s Comp. claims 97,245.35

4/19/17 Medco claims 119,402.71

165772 4/20/17 Verizon phone bills 10,519.35

4/21/17 Payroll payroll 1,767,895.99

4/26/17 Worker’s Comp. claims 41,386.18

4/26/17 Medco claims 54,052.61

**TRUST**

4/7/17 Payroll payroll 76,758.25

4/21/17 Payroll payroll 64,675.54

**GRANT**

4/7/17 Payroll payroll 1,955.44

4/21/17 Payroll payroll 3,350.39

**SANITARY LANDFILL**

4/7/17 Payroll payroll 2,560.00

4/21/17 Payroll payroll 2,628.18

**CAPITAL**

4/21/17 Payroll payroll 418.18

**UNEMPLOYMENT**

4/7/17 Payroll payroll 1,294.68

4/21/17 Payroll payroll 1,020.36

**RESOLUTION: 2017-203**

**RESOLUTION WAIVING FEES FOR A COMMUNITY WIDE GARAGE SALE**

**TO BE HELD IN THE FIFTH WARD**

WHEREAS, the city council has determined to allow a community wide garage sale in the Fifth Wards on June 3, 2017 with a rain date of June 17, 2017; and

WHEREAS, the City of Linden shall waive all fees for permits for a garage sale including the completion of an application form pursuant to City Code 4-3.1 entitled “Garage Sales”; and

WHEREAS, the city wide garage sale shall not impact a resident’s right to conduct up to two garage sales in a year; and

WHEREAS, chapter 4-3.6 shall still apply, limiting one singled faced sign containing not more than four square feet in total area to be placed upon the premises where the sale is being conducted, and further prohibiting any other signs and either public or private property.

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

1. The City of Linden hereby waives fees for permits for a community wide garage sale in the Fifth Ward to be held on June 3, 2017 with a rain date on June 17, 2017.
2. The city wide garage sale shall not impact a resident’s right to conduct up to two garage sales in a year.
3. Chapter 4-3.6 shall still apply, limiting one singled faced sign containing not more than four square feet in total area to be placed upon the premises where the sale is being conducted, and further prohibiting any other signs and either public or private property.
4. This Resolution shall take effect pursuant to law.

**RESOLUTION: 2017-204**

**A RESOLUTION APPOINTING TONY D. OLDS**

**A CONSTABLE IN THE CITY OF LINDEN**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LINDEN**:

Section 1. That **TONY R. OLDS,** residing at 209 Garfield Street, Linden, Union County, New Jersey, be and he hereby is appointed a constable, and that his qualifications, bond, duties and powers shall be as provided and required by law and usage of this state and as hereafter may be provided by law.

Section 2. Said constable shall hold office for the three‑year term commencing April 20, 2017 and terminating April 19, 2020.

Section 3. Said constable shall furnish a bond to the City of Linden in the sum of $1,000.00 with good freehold or other security, to be approved by the Council, which bond shall remain in full force during the term of office for which the said constable is appointed, and shall take, subscribe and file with the City Clerk of the City of Linden the required oath and shall meet the qualifications required by law, prior to commencing his duties and exercising his powers, and shall in all respects comply with the law in such case made and provided.

Section 4. This Resolution shall take effect immediately.

**RESOLUTION: 2017-205**

**RESOLUTION APPOINTING GARY MANNUZZA**

**A MEMBER OF THE HOUSING AUTHORITY OF**

**THE CITY OF LINDEN**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LINDEN**:

Section 1. That **Gary Mannuzza** with offices at 629 North Wood Avenue, in the City of Linden, shall be and he hereby is appointed a member of the Housing Authority of the City of Linden to serve a five year term beginning June 15, 2017 and terminating June 14, 2022, and until his successor is appointed and qualifies.

Section 2. This appointment is made pursuant to the Ordinance of the City of Linden entitled, "An Ordinance Creating the Housing Authority of the City of Linden," approved May 7, 1965, and the said member shall have and exercise all powers and duties prescribed by said ordinance and the "Local Housing Authority's Law" (N.J.S.A. 55:14A‑1 et seq.)

**RESOLUTION: 2017-206**

**CITY OF LINDEN RESOLUTION TO**

**ESTABLISH THE CURRENT FUND**

**OPERATING BUDGET FOR THE PERIOD OF**

**JANUARY 1, 2017 THROUGH JUNE 30, 2017**

**WHEREAS,** N.J.S. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2017 Current Operating Budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided; and

**WHEREAS,** the total appropriations in the 2016 Current Operating Budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund, pension, and public assistance, is the sum of $85,323,092.34 and

**WHEREAS,** six months of the total appropriations in the 2016 Current Operating Budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund, pension, and public assistance in said Current Operating Budget is the sum of $42,661,546.17; and

**NOW, THEREFORE, BE IT RESOLVED** that the following appropriations be made for current fund and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records

**RESOLUTION: 2017-207**

**CITY OF LINDEN RESOLUTION TO**

**ESTABLISH THE SANITARY LANDFILL**

**UTILITY OPERATING BUDGET**

**FOR THE PERIOD OF**

**JANUARY 1, 2017 THROUGH JUNE 30, 2017**

**WHEREAS**, N.J.S. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2017 Sanitary Landfill Utility Operating Budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided; and

**WHEREAS**, the total appropriations in the 2016 Sanitary Landfill Utility Operating Budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance, is the sum of 272,700.00; and **WHEREAS,** six months of the total temporary appropriations for the Sanitary Landfill Utility Operating Budget cannot exceed the sum of $136,350.00; and

**NOW, THEREFORE, BE IT RESOLVED** that the following temporary appropriations be made in the amount of $136,350.00 and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records

**RESOLUTION: 2017-208**

**RESOLUTION WAIVING PERMIT FEES FOR THE ST. ELIZABETH OF HUNGRY CHURCH FLEA MARKET**

**WHEREAS**, the St. Elizabeth of Hungry Church is hosting a flea market in the City of Linden on July 8th-9th, 15th-16th, 22nd-23rd, 29th-30th, August 5th-6th, 12th-13th, 19th-20th and 26th-27th; and

**WHEREAS,** the City of Linden shall waive all fees for permits for a flea market sale pursuant to City Code 4-3.1 entitled “Garage Sales” and shall waive the restriction of City Code 4-3.3(a) entitled “Regulations, limiting such sales to two per a year; and

**WHEREAS**, all other necessary fees will be paid as required.

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

1. The City of Linden hereby waives all fees for permits for a flea market for the St. Elizabeth of Hungry Church on July 8th-9th, 15th-16th, 22nd-23rd, 29th-30th, August 5th-6th, 12th-13th, 19th-20th and 26th-27th.
2. The City of Linden hereby waives the restriction of City Code 4-3.3(a) limiting such sales to two per year, and authorize St. Elizabeth of Hungry Church to hold flea markets on July 8th-9th, 15th-16th, 22nd-23rd, 29th-30th, August 5th-6th, 12th-13th, 19th-20th and 26th-27th.
3. This Resolution shall take effect pursuant to law.

**RESOLUTION: 2017-209**

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR SAFETY IMPROVEMENTS ON RT. 1&9 AND AVENUE ‘C’ UNDER CONTRACT NO. 17-16096 IN THE CITY OF LINDEN**

**WHEREAS**, the New Jersey Department of Transportation (“NJDOT”) is about to undertake the design and construction of safety improvements on Rt. 1&9 and Avenue ‘C’ in the City of Linden (City); and

**WHEREAS,** said project may require the construction of new and/or the protection, relocation and/or adjustment of facilities of the existing sewer system which is owned and operated by the City of Linden; and

**WHEREAS**, the City of Linden’s legal right to occupy public right-of-way, subject to the conditions imposed by the NJDOT, is in no way mitigated by said agreement; and

**WHEREAS**, the NJDOT will, at its sole cost and expense, contract for and cause to be constructed, all items indicated in the State’s contract plans and specifications for said project, related to existing and proposed facilities owned and operated by the City of Linden; and

**WHEREAS**, the NJDOT has submitted an agreement for said project, attached hereto as Exhibit A and made part of; and

**WHEREAS**,it is in the best interest of the City of Linden to enter into said agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LINDEN** that the City authorizes said agreement with NJDOT, attached hereto as Exhibit A, for the aforementioned project and the Mayor hereby be authorized to sign said agreement between the City of Linden and the New Jersey Department of Transportation, as approved by the City Law Department, and the City Clerk is hereby authorized to attest to same and affix the City Seal thereon.

**RESOLUTION: 2017-210**

**RESOLUTION FOR STATE CONTRACT PURCHASE OF FOUR 2017 FORD POLICE INTERCEPTOR UTILITY (SUV’s) FROM WINNER FORD FOR MARKED PATROL VEHICLES**

**WHEREAS**, the City of Linden wishes to obtain four 2017 Ford police interceptor utilities (SUV’s) with options for Police Patrol Division from an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and,

**WHEREAS**, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and,

**WHEREAS**, Winner Ford, Cherry Hill, NJ has been awarded New Jersey State Contract No. 88728 for the provision of police vehicles; and,

**WHEREAS**, the Purchasing Agent recommends the utilization of this contract on the grounds that it represents the best means available to obtain services for; and,

**WHEREAS**, the amount of the service is not to exceed $120,000.00; and,

**WHEREAS**, the Chief Finance Officer has certified the availability of funds for C-04-55-902-667-919; and,

**NOW THEREFORE BE IT RESOLVED** by the City of Linden that Winner Ford be awarded a contract for a term of one year or until new awards are made; and,

**BE IT FURTHER RESOLVED,** that the Mayor, Council President, City Clerk and/or such other city officials as is necessary and proper be authorized to execute such documents as necessary to implement this resolution.

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | **RESOLUTION: 2017-211** | |
| **CITY OF LINDEN** | | | |
| **RESOLUTION TO CLOSE BUILDERS/DEVELOPERS** | | | |
| **& ZONING BOARD ESCROW ACCOUNTS** | | | |
|  |  |  |  |
| **WHEREAS**, the City of Linden hereby authorizes the cancellation of various builders/developers | | | |
| and zoning board escrow accounts, |  |  |  |
| **WHEREAS**, there remains builders/developers and zoning board escrow balances which can | | | |
| now be cancelled, |  |  |  |
| **NOW, THEREFORE, BE IT RESOLVED** that the following balances are hereby cancelled | | | |
| as set forth herein: |  |  |  |
|  |  |  |  |
|  |  |  |  |
| **Escrow Account** | **Appropriation** | **Balance** |  |
|  |  |  |  |
| Zoning Board GA | T-17-56-850-000-311 | 0.06 |  |
| PSEG Fossil | T-17-55-800-999-112 | 667.50 |  |
| Melsy Builders - ZBA | T-17-56-850-000-301 | 202.00 |  |
| Nexell Communication ZBA# 07-01 | T-17-56-850-000-302 | 1,062.50 |  |
| Park Ave Pavillion- ZBA #19-01 | T-17-56-850-000-303 | 200.00 |  |
| Nextell of New York - ZBA #13-05 | T-17-56-850-000-305 | 217.25 |  |
| White Castle - ZBA | T-17-56-850-000-332 | 52.48 |  |
| General Dynamic - ZBA #04-05 | T-17-56-850-000-333 | 1,000.29 |  |
| Juzefyk Brothers | T-17-56-800-999-599 | 250.00 |  |
| K And J Niemczyk #639 | T-17-56-800-999-639 | 206.00 |  |
| St George Catholic Church #897 | T-17-56-800-999-897 | 931.00 |  |
|  |  |  |  |
| Lindenfield Trans SQ ZBA #12-06 | T-17-56-850-000-306 | 275.00 |  |
| Rocmen ENT - ZBA 16-06 | T-17-56-850-000-307 | 1,000.00 |  |
| 26 Development Group zba-16-06 | T-17-56-850-000-308 | 1,000.00 |  |
| Progressive Design ZBA 1007 | T-17-56-850-000-309 | 1,000.00 |  |
| 111 Roselle St LLC ZBA -19-07 | T-17-56-850-000-310 | 750.00 |  |
| SS Linden #937 | T-17-55-800-999-937 | 900.00 |  |
| SS Linden LLC #944 | T-17-55-800-999-944 | 300.00 |  |
| Liberty Machine Tool-ZBA #04-08 | T-17-56-850-000-313 | 463.50 |  |
| SCM Global ZBA #07-08 | T-17-56-850-000-315 | 0.50 |  |
| Linden Yellow Cab ZBA-#01-09 | T-17-56-850-000-316 | 554.00 |  |
| Brothers Investments 2009 | T-17-55-800-999-937 | 450.00 |  |
| Ohana Jeep Limo #1029-13 | T-17-55-800-100-029 | 175.00 |  |
| St. Elizabeth Apartments ZBA #09-11 | T-17-56-850-009-011 | 1,781.62 |  |
| Lexington Realty ZBA #09-16 | T-17-56-850-000-318 | 475.47 |  |
| Linden Yellow Cab ZBA #07-10 | T-17-56-850-000-320 | 142.56 |  |
|  |  |  |  |
| Joseph Principato #688-10 | T-17-55-800-999-688 | 211.75 |  |
| K&J Niemczyk ZBA #04-10 | T-17-56-850-000-321 | 750.00 |  |
| Linden Yellow ZBA #07-10 | T-17-56-850-000-322 | 14.56 |  |
| Infinium USA #997-10 | T-17-55-800-999-997 | 106.45 |  |
| Logocka & Edyta-ZBA #01-11 | T-17-56-850-000-323 | 1,200.00 |  |
| M&M Enterprises ZBA #03-11 | T-17-56-850-000-324 | 5,668.75 |  |
| Antonio R. Costa ZBA #05-11 | T-17-56-850-000-326 | 2,383.75 |  |
| K&J Niemczyk ZBA #06-11 | T-17-56-850-000-327 | 2,193.75 |  |
| Bas Transport ZBA #08-11 | T-17-56-850-000-328 | 2,927.00 |  |
| K J Niemczyk ZBA #10-11 | T-17-56-850-000-330 | 343.75 |  |
| Arrow Motors | T-17-56-850-999-939 | 391.50 |  |
| Linden Pro Tower ZBA #01-12 | T-17-56-850-000-331 | 3,777.50 |  |
| PD Homes Inc. ZBA #04-11 | T-17-56-850-000-325 | 0.75 |  |
| HRB LLC ZBA #01-2010 | T-17-56-850-000-319 | 2,519.53 |  |
| Vishnu Enterprises ZBA #05-12 | T-17-56-850-012-340 | 3,662.50 |  |
| K&J Niemczyk - ZBA #04-12 | T-17-56-850-012-341 | 3,887.50 |  |
| Joe Ramotowski | T-17-56-850-100-021 | 350.00 |  |
| Krowicki Funeral Home-ZBA #3-13 | T-17-56-850-013-344 | 3,000.00 |  |
| St. Mary&Eliz Academy #1023-13 | T-17-55-800-100-023 | 175.00 |  |
| Meridian Lifestyles #1025-13 | T-17-55-800-100-025 | 225.00 |  |
| Rt #1 PW LLC | T-17-55-800-999-699 | 1,417.50 |  |
| Linden Sushi #1031-13 | T-17-55-800-100-031 | 212.50 |  |
| General Magnaplate #1032-13 | T-17-55-800-100-032 | 0.50 |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  | **TOTAL** | **$ 49,476.27** |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
| **NOW, THEREFORE, BE IT RESOLVED** that the City of Linden builders/developers and zoning | | | |
| board escrow appropriations are to be cancelled. | |  |  |

**RESOLUTION: 2017-212**

**RESOLUTION REQUESTING BUS SHELTER**

**WHEREAS,** NJ Transit has funds for the purchase of bus shelters throughout the State of New Jersey; and

**WHEREAS,** the City Council of the City of Linden may apply to the New Jersey Transit Corporation for the purchase and installation of bus shelters at legally designated bus stops; and

**WHEREAS,** the City of Linden, in the interest of promoting public transportation, conservation of energy, traffic safety, and for the convenience of the public, endorses the concept of providing bus shelters within its jurisdiction.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINDEN** that the application is hereby made by the City of Linden to the New Jersey Transit Corporation for the purchase and installation of one (1) bus shelter as set forth in Exhibit A, which is attached hereto and made partof.

**BE IT FURTHER RESOLVED,** that the Mayor and City Clerk be authorized to execute an agreement(s) with NJ Transit to arrange for the purchase and installation of the shelter.

**RESOLUTION: 2017-213**

**RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF LINDEN BOARD OF HEALTH AND THE NEW JERSEY MEDICAL SCHOOL GLOBAL TUBERCULOSIS INSTITUTE AT RUTGERS BIOMEDICAL AND HEALTH SCIENCES (RBHS) FOR 2017 FOR TB SERVICES**

**WHEREAS,** the City of Linden is desirous of entering into a Memorandum of Agreement with the New Jersey Medical School Global Tuberculosis Institute at Rutgers Biomedical and Health Sciences (RBHS) for TB services; and

**WHEREAS,** pursuant to N.J.S.A. 40A:11-5(2), said contract is exempt from the bidding requirements of the Local Public Contracts Law; and

**WHEREAS,** funds are available for this purpose, to be charged to account/line item No. 7-01-27-330-183-255;

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

1. The City of Linden and the Linden Health Department hereby approve the Memorandum of Agreement between the City of Linden and the New Jersey Medical School Global Tuberculosis Institute at Rutgers Biomedical and Health Sciences (RBHS) providing for TB Services, attached hereto and made a part hereof, at a fee not to exceed $9,431.94.

2. The Mayor and City Clerk be and hereby are directed, empowered and authorized to execute said Agreement on behalf of the City of Linden.

3. This Resolution shall take effect pursuant to law.

**RESOLUTION: 2017-214**

**RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING**

**BETWEEN THE UNITED STATES COAST GUARD SECTOR NEW YORK AND THE CITY OF LINDEN FIRE DEPARTMENT FOR SEARCH AND RESCUE COMMUNICATIONS, COORDINATION AND RESPONSE**

**WHEREAS,** the City of Linden Fire Department and the United States Coast Guard Sector New York have a goal to ensure the timely and thorough notification of all confirmed maritime distress incidents to all potential response agencies; and

**WHEREAS,** Due to the increase of wireless communications to notify agencies of maritime distress incidents, it is important to formalize a mechanism to be used and process to be implemented in such an event between the City of Linden Fire Department and the United States Coast Guard Sector New York; and

**WHEREAS,** the City of Linden Fire Department is desirous of entering into a Memorandum of Understanding (MOU), with the United States Coast Guard Sector New York for said reasons;

**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 United States Coast Guard Sector New York formalize a mechanism and implement a process to be utilized in the event of notification of a confirmed maritime distress incident.

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: 2017-215**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **CITY OF LINDEN** | | | | |
| **RESOLUTION AUTHORIZING THE CANCELLATION** | | | | |
| **OF OUTSTANDING CLAIMS CHECKS** | | | | |
|  |  |  |  |  |
| **WHEREAS**, the City of Linden hereby desires to cancel the following un-cashed checks | | | | |
| from the City of Linden Claims Account, which are over one year old, | | | |  |
| **WHEREAS**, these checks are outdated and hereby void, | | |  |  |
|  |  |  |  |  |
| **Vendor Name** | **Check Date** | **Check Number** | **Check Amount** |  |
|  |  |  |  |  |
| Catholic War Veterans | 6/17/2015 | 159185 | 1,803.00 |  |
| Lionel Prophete | 6/18/2015 | 159195 | 25.00 |  |
| UMR UT | 7/24/2015 | 159490 | 441.20 |  |
| Joseph Sokolowski | 7/24/2015 | 159496 | 29.00 |  |
| Vincenzo Wegrzynek | 8/19/2015 | 159700 | 69.84 |  |
| Kologi Simitz | 9/16/2015 | 159841 | 450.00 |  |
| NJ American Water | 9/16/2015 | 159977 | 6,132.94 |  |
| Core Logic | 10/21/2015 | 160239 | 878.46 |  |
| Catholic War Veterans | 12/16/2015 | 160989 | 1,746.00 |  |
| Kalola, Vivek | 1/20/2016 | 161255 | 100.00 |  |
| Core Logic Tax Services | 5/18/2016 | 162248 | 3,690.39 |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  | **TOTAL** |  | **$ 15,365.83** |  |
|  |  |  |  |  |
|  |  |  |  |  |
| **NOW, THEREFORE, BE IT RESOLVED** that the Council of the City of Linden is hereby | | | | |
| cancelling these checks from the City records. | |  |  |  |
|  |  |  |  |  |

**RESOLUTION: 2017-216**

**RESOLUTION APPOINTING MCMANIMON, SCOTLAND & BAUMANN AS SPECIAL COUNSEL TO REPRESENT THE CITY IN VARIOUS FORECLOSURE MATTERS FOR 2017**

**WHEREAS,** the City is in need of special counsel regarding various foreclosure matters within the City of Linden; and

**WHEREAS,** in accordance with the provisions of N.J.S.A. 19:44A-20.4, qualifications have been received through a fair and open process; and

**WHEREAS**, McManimon, Scotland & Baumann, LLC submitted a qualification to the City and has qualified for the aforesaid services for 2017; and

**WHEREAS,** the Chief Financial Officer has certified to the availability of funds for this purpose, to be charged to Account No.7-01-20-155-123-255;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LINDEN** that an agreement for Professional Services is awarded to McManimon, Scotland & Baumann, LLC, 75 Livingston Avenue, Roseland, New Jersey 07068 for a total contract of $21,000.00 for the aforementioned services; and

**BE IT FURTHER RESOLVED** that the Mayor and City Clerk be and hereby are empowered and directed to execute said agreement with McManimon, Scotland & Baumann, LLC;

**BE IT FURTHER RESOLVED** that a copy of this Resolution be published in accordance with applicable law.

**RESOLUTION: 2017-217**

**RESOLUTION FOR PURCHASE OF MAINTENANCE AND STORAGE FOR THE POLICE DEPARTMENT FROM TASER INTERNATIONAL (AXON ENTERPRISE, INC.)**

**WHEREAS,** a resolution was approved on September 16, 2015 (resolution: 2015-328) for an agreement between the County of Union and the City of Linden for the Union County Prosecutors Office to subsidize all first year cost of implementing a body-worn camera system in the Linden Police Department; and,

**WHEREAS**, the City of Linden wishes to obtain required maintenance and storage for the Police Department from Taser International (Axon Enterprise, Inc.) 1700 N. 85th Street, Scottsdale Arizona 85255 under the provision of N.J.L.P.C.L. 40:11-5 (dd) The provision of performance of goods or services for the support or maintenance of proprietary computer hardware and software and:

**WHEREAS**, the Purchasing Agent recommends the utilization of this contract on the grounds that it represents the best means available to obtain services for; and,

**WHEREAS**, the amount of the service is not to exceed $79,860.00 and,

**WHEREAS**, the Chief Finance Officer has certified the availability of funds for this contract, which will be charged to account numbers:

6-01-25-250-314-278 $19,965.00

7-01-25-250-314-278 $59,895.00

**NOW THEREFORE BE IT RESOLVED** by the City of Linden that Taser International (Axon Enterprise, Inc.) be awarded a contract for a term of one year or until new awards are made; and,

**BE IT FURTHER RESOLVED,** that the Mayor, Council President, City Clerk and/or such other city officials as is necessary and proper be authorized to execute such documents as necessary to implement this resolution.

Virginia Malik, 1633 Lenape Rd. In response to Ms. Malik, Chief Parham explained that the storage for the body worn camera system, pertained to the storage of electronic data.

Mr. Strano moved for approval of resolution #2017-217. The motion was seconded by Mrs. Yamakaitis and was ordered approved by a roll call vote, with all voting in favor.

**RESOLUTION: 2017-218**

**RESOLUTION APPROVING THE AWARD OF A CONTRACT TO P&A CONSTRUCTION, INC. FOR RESURFACING OF ACADEMY TERRACE, AINSWORTH STREET AND LAURITA STREET IN THE CITY OF LINDEN**

**WHEREAS**, sealed bids were received by the Purchasing Agent on May 5, 2017 for resurfacing of Academy Terrace, Ainsworth Street and Laurita Street in the City of Linden: and

**WHEREAS,** a notice to bidders for said purpose was properly and legally advertised in the official publication(s); and

**WHEREAS**, the Chief Financial Officer or her designee has certified as to the availability of funds for this purpose, as attached hereto, which will be charged to Account Nos. C-04-55-901-613-919 ($40,000.00), C-04-55-901-638-919 ($200,000.00) and C-04-55-901-664-919 ($131,828.65); and

**WHEREAS,** P&A Construction, Inc. was the lowest responsible bidder at their bid of $371,828.65; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that Council pass a Resolution authorizing the award of contracts;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINDEN** that a contract for resurfacing of Academy Terrace, Ainsworth Street and Laurita Street, be and hereby, is awarded to P&A Construction, Inc., 650 Leesville Avenue, Rahway, New Jersey 07065, at a fee not to exceed $371,828.65 in accordance with their bid dated May 5, 2017; and

**BE IT FURTHER RESOLVED** that this Resolution is expressly contingent upon the negotiation and execution of the necessary contract agreements between P&A Construction, Inc. and the City of Linden; and

**BE IT FURTHER RESOLVED** that the Mayor and City Clerk be and hereby are empowered and directed to execute a contract with P&A Construction, Inc. to effectuate the foregoing; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution be published according to law.

**RESOLUTION: 2017-219**

**RESOLUTION AUTHORIZING THE CITY OF LINDEN TAX COLLECTOR**

**TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH**

**P.L. 1994, C.72**

**WHEREAS,** the City Council of the City of Linden does not have an adopted City of Linden Budget for 2017 and the City of Linden has not received a certified tax rate from Union County as of this date, the City of Linden Tax Collector will be unable to mail the City of Linden’s 2017 tax bills on a timely basis; and

**WHEREAS,** the City of Linden Tax Collector, in consultation with the City of Linden Chief Financial Officer, has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINDEN,** in the County of Union and State of New Jersey on this 16th day of May, 2017 as follows:

1. The City of Linden Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the City of Linden for the third installment of the 2017 taxes on or before June 30, 2017.

2. The entire estimated tax levy for 2017 is hereby set at

$184,393,786.40, with an estimated rate of $6.813.

3. In accordance with law the third installment of 2017 taxes shall not be subject to interest until the twenty-fifth calendar day after the date the estimate tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

**RESOLUTION: 2017-220**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDEN, COUNTY OF UNION, NEW JERSEY AUTHORIZING THE PLANNING BOARD TO INVESTIGATE WHETHER THE PROPERTY COMMONLY KNOWN ON THE CITY’S TAX MAPS AS BLOCK 581, LOT 11.05 SHOULD BE DESIGNATED AS AN AREA IN NEED OF REDEVELOPMENT, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A*. 40A:12A-1, *et seq.***

**WHEREAS,** the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1 *et seq*. (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

**WHEREAS**, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law the city council (“**City Council**”) of the City of Linden (the “**City**”) must authorize the planning board of the City (the “**Planning Board**”) to conduct a preliminary investigation of the area and make recommendations to the City Council; and

**WHEREAS,** the City Council believes it is in the best interest of the City that an investigation occur with respect to certain parcels within the City and therefore authorizes and directs the Planning Board to conduct an investigation of the property commonly known on the City tax maps as Block 581, Lot 11.05 (hereinafter the “**Study Area**”), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically  *N.J.S.A.* 40A:12A-5, and should be designated as an area in need of redevelopment; and

**WHEREAS,** the redevelopment area determination requested hereunder authorizes the City and City Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, other than the power of eminent domain (hereinafter referred to as a “**Non-Condemnation Redevelopment Area**”).

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

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Planning Board is hereby authorized and directed to conduct an investigation pursuant to *N.J.S.A.* 40A:12A-6 to determine whether the Study Area satisfies the criteria set forth in *N.J.S.A.* 40A:12A-5 to be designated as an area in need of redevelopment.

Section 3. As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the Study Area and the location of the parcels contained therein, and appended thereto shall be a statement setting forth the basis of the investigation.

Section 4. The Planning Board shall conduct a public hearing in accordance with the Redevelopment Law, specifically *N.J.S.A.* 40A:12A-6, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment. The notice of the hearing shall specifically state that the redevelopment area determination shall authorize the City or City Council to exercise the power of eminent domain to acquire any property in the delineated area, for the Study Area is being investigated as a possible Non-Condemnation Redevelopment Area.

Section 5. At the public hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area.  All objections to a determination that the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

Section 6. After conducting its investigation, preparing a map of the Study Area, and conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the City Council as to whether the City Council should designate all or some of the Study Area as an area in need of redevelopment.

Section 7. This Resolution shall take effect immediately.

**RESOLUTION: 2017-221**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDEN, COUNTY OF UNION, NEW JERSEY DESIGNATING THE PROPERTY COMMONLY KNOWN AS BLOCK 469, LOTS 31.01, 33.01, 34, 35.01 AND 36.01 ON THE CITY TAX MAP AS AN ‘AREA IN NEED OF REDEVELOPMENT’ (WITH CONDEMNATION) PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A*. 40A:12A-1 *et seq.***

**WHEREAS,** the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1 *et seq*. (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

**WHEREAS**, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law, the city council (the “**City Council**”) of the City of Linden (the “**City**”) must authorize the planning board of the City (the “**Planning Board**”) to conduct a preliminary investigation of the area and make recommendations to the City Council; and

**WHEREAS,** on March 22, 2017, the City Council adopted a resolution authorizing and directing the Planning Board to conduct an investigation of the property commonly known as Block 469, Lots 31.01, 33.01, 34, 35.01 and 36.01 on the tax map of the City (hereinafter the “**Study Area**”), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically *N.J.S.A.* 40A:12A-5, and should be designated as an area in need of redevelopment providing that a redevelopment area determination would authorize the City and City Council to use all those powers permitted by the Redevelopment Law, including the power of eminent domain; and

**WHEREAS**, on May 9, 2017, the Planning Board, after providing due notice, conducted a public hearing in accordance with the Redevelopment Law and determined that the Study Area qualified as an area in need of redevelopment and recommended that the City Council designate the Study Area as an area in need of redevelopment pursuant to the criteria and requirements of the Redevelopment Law; and

**WHEREAS,** the City Council has determined that, based upon the recommendations of the Planning Board, the Study Area should be designated an area in need of redevelopment under the Redevelopment Law, such designation authorizing the City and City Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, including the power of eminent domain.

**NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF LINDEN, NEW JERSEY AS FOLLOWS:**

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The recommendations and conclusions of the Planning Board are hereby accepted by the City Council.

Section 3. Based upon the findings and recommendations of the Planning Board, the Study Area is hereby designated an area in need of redevelopment including the power of eminent domain pursuant to the provisions of Sections 5 and 6 of the Redevelopment Law (the “**Condemnation Redevelopment Area**”).

Section 4. The City Clerk is hereby directed to transmit a copy of this Resolution to the Commissioner of the New Jersey Department of Community Affairs for review pursuant to Section 6(b)(5) of the Redevelopment Law.

Section 5. The City Clerk is hereby directed to serve, within ten (10) days hereof, a copy of this Resolution upon (i) all record owners of property located within the Condemnation Redevelopment Area, as reflected on the tax assessor’s records, and (ii) each person who filed a written objection prior to the hearing held by the Planning Board, service to be in the manner provided by Section 6 of the Redevelopment Law.

Section 6. This Resolution shall take effect immediately.

**RESOLUTION: 2017-222**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDEN, COUNTY OF UNION, NEW JERSEY DESIGNATING THE PROPERTY COMMONLY KNOWN AS BLOCK 580, LOTS 13 AND 14 ON THE CITY TAX MAP AS AN ‘AREA IN NEED OF REDEVELOPMENT’ (WITHOUT CONDEMNATION) PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A*. 40A:12A-1 *et seq.***

**WHEREAS,** the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1 *et seq*. (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

**WHEREAS**, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law, the city council (the “**City Council**”) of the City of Linden (the “**City**”) must authorize the planning board of the City (the “**Planning Board**”) to conduct a preliminary investigation of the area and make recommendations to the City Council; and

**WHEREAS,** on March 22, 2017, the City Council adopted a resolution authorizing and directing the Planning Board to conduct an investigation of the property commonly known as Block 580, Lots 13 and 14 on the tax map of the City (hereinafter the “**Study Area**”), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically *N.J.S.A.* 40A:12A-5, and should be designated as an area in need of redevelopment providing that a redevelopment area determination would authorize the City and City Council to use all those powers permitted by the Redevelopment Law, the power of eminent domain; and

**WHEREAS**, on May 9, 2017, the Planning Board, after providing due notice, conducted a public hearing in accordance with the Redevelopment Law and determined that the Study Area qualified as an area in need of redevelopment and recommended that the City Council designate the Study Area as an area in need of redevelopment pursuant to the criteria and requirements of the Redevelopment Law; and

**WHEREAS,** the City Council has determined that, based upon the recommendations of the Planning Board, the Study Area should be designated an area in need of redevelopment under the Redevelopment Law, such designation authorizing the City and City Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, other than the power of eminent domain.

**NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF LINDEN, NEW JERSEY AS FOLLOWS:**

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The recommendations and conclusions of the Planning Board are hereby accepted by the City Council.

Section 3. Based upon the findings and recommendations of the Planning Board, the Study Area is hereby designated an area in need of redevelopment other than the power of eminent domain pursuant to the provisions of Sections 5 and 6 of the Redevelopment Law (the “**Non-Condemnation Redevelopment Area**”).

Section 4. The City Clerk is hereby directed to transmit a copy of this Resolution to the Commissioner of the New Jersey Department of Community Affairs for review pursuant to Section 6(b)(5) of the Redevelopment Law.

Section 5. The City Clerk is hereby directed to serve, within ten (10) days hereof, a copy of this Resolution upon (i) all record owners of property located within the Non-Condemnation Redevelopment Area, as reflected on the tax assessor’s records, and (ii) each person who filed a written objection prior to the hearing held by the Planning Board, service to be in the manner provided by Section 6 of the Redevelopment Law.

Section 6. This Resolution shall take effect immediately.

**RESOLUTION: 2017-223**

**RESOLUTION ACCEPTING THE RESIGNATION OF CHARLES FLORIO AS A MEMBER OF THE BOARD OF HEALTH**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LINDEN:**

That **CHARLES FLORIO, a** resident of the City of Linden, New Jersey, has tendered his resignation, on May 10, 2017, as a member of the Board of Health of the City of Linden, and said resignation is hereby accepted effective as of the date of this resolution.

**ORDINANCES ON INTRODUCTION**

**An ordinance entitled:**

**#61-38** An ordinance to amend and supplement Chapter VII, Traffic, Section 7-20, One Way Streets, shall be and the same is hereby amended as follows:

ADD

The following Street:

Name of Street Direction Limits

Ashton Avenue South From Urbanowitz Avenue to U.S. 1

President Alvarez asked if there were any comments from the public. There were none.

Ordinance #61-38 was introduced by Mrs. Yamakaitis and was read on first reading by the Deputy Clerk.

On motion of Mrs. Yamakaitis, seconded by Mr. Strano the foregoing Ordinance was on roll call vote

Unanimously Ordered approved.

**An Ordinance entitled:**

**#61-39** An ordinance to amend and supplement Chapter VII, Alcoholic Beverage Control.

DELETE 6-11.1 Fingerprinting and photography by Police Department Required in its entirety.

ADD NEW SECTION 6-11.1 Fingerprinting and Photography Requirements

(amends the process for fingerprinting and issuing of photo ID’s to employees of A.B.C. establishments).

President Alvarez asked if there were any comments from the public. There were none.

Ordinance #61-39 was introduced by Mr. Brooks and was read on first reading by the Deputy Clerk.

On motion of Mr. Brooks, seconded by Mr. Javick the foregoing Ordinance was on roll call vote

unanimously ordered approved.

**An Ordinance entitled:**

**#61-40** An ordinance to amend and supplement Chapter VII, Traffic.

That Chapter VII, Traffic, shall be and the same is hereby amended as follows:

7-33 Handicapped Parking Regulations

7-33.1A Handicapped Parking On-Street

ADD:

Name of Street Spaces No. of Location

910 Clark Street 1 On the Northeasterly sideline of Clark Street 113 feet

More or less northwesterly from the projection of the

Northwesterly curbline of Cleveland Avenue in front of

910 Clark Street for a length of 22 feet. The aforesaid

Space is specifically reserved and designated for a

Vehicle for America Pelaez to be identified by license

Plate number and placard number P1765422 to be

Issued by the City, and no other vehicle bearing or

displaying handicapped license plates and/or placards,

or not shall be permitted to park in such space.

President Alvarez asked if there were any comments from the public. There were none.

Ordinance #61-40 was introduced by Mr. Brown and was read on first reading by the Deputy Clerk.

On motion of Mr. Brown, seconded by Mrs. Ormon the foregoing Ordinance was on roll call vote

Unanimously Ordered approved.

**An Ordinance entitled:**

**#61-41** An ordinance to approve the amendment to the Financial Agreement between Linden Urban Renewal Limited Partnership, located at 1400 Park Avenue, Linden and the City of Linden. (extending it for an additional fifteen years)

President Alvarez asked if there were any comments from the public. There were none.

Ordinance #61-41 was introduced by Mr. Strano and was read on first reading by the Deputy Clerk.

On motion of Mr. Strano, seconded by Mr. Brown the foregoing Ordinance was on roll call vote

Unanimously Ordered approved.

**An Ordinance entitled:**

**#61-42** An ordinance authorizing the execution of a tax agreement with Duke Linden, LLC for the payments in lieu of taxes for a newly constructed industrial building with respect to Block 469, Lot 39.03 on the tax map of the City of Linden.

President Alvarez asked if there were any comments from the public. There were none.

Ordinance #61-42 was introduced by Mr. Strano and was read on first reading by the Deputy Clerk.

On motion of Mr. Strano, seconded by Mrs. Sadowski the foregoing Ordinance was on roll call vote

Unanimously Ordered approved.

**COMMENTS FROM MEMBERS OF THE PUBLIC**

President Alvarez noted the conditions under which public comment was allowed.

Henry Mack. Mr. Mack stated that he was here to speak on behalf of the people, and that the people told him told him to talk to the Mayor. The people said that they loved the Mayor because they grew up with him. Mr. Mack then addressed Council President Alvarez regarding the Council President sitting down with the Mayor and having a conversation. The people asked that the Mayor and Council President should stop the nonsense. Mr. Mack concluded by speaking on behalf of Mr. Eli Johnson.

Zvi Moyal, 300 Morningside Ave. Mr. Moyal spoke about an issue concerning the planting of trees, by the Linden Shade Tree Commission. He noted that he had come home and found trees planted in front of his home and that he had not been asked about their planting, nor even consulted on the planting. In Mr. Moyal opinion Council needs to put forth guidelines for the Commission to operate under. He had the same problem, a few years ago, and when he spoke with then Mayor Gerbounka, the trees were removed. Mr. Moyal requested that these trees also be removed, as he believed that the planting, this time, was done as act of malice by the Chairman of the Shade Tree Commission. He recommended that the Chairman be sent to charm school to learn how to talk to people. Mr. Moyal then spoke about individuals walking their dogs in the area of School Nine and how they do not cleanup after the dogs.

Alexis Frees, 1113 Summit Terrace. Ms. Frees spoke about how she started a nonprofit community garden, called Sunny Garden, about a year ago. She spoke about the garden, how it operates, and stated that she was looking for volunteers to help take care of the garden. Ms. Frees noted that the garden also still had plots for sale, at a cost of $50.00 each, detailing what individuals could plant on their plot, which are located in Iozzio Park. She provided details on how to contact her and how to purchase plots. Ms. Frees discussed other items that the group does. Mr. Mack returned to the mike to comment on the gardens. A discussion followed on the group’s activities.

Mr. Strano moved to close the public comment session. The motion was seconded by Mrs. Yamakaitis and was unanimously ordered approved by a roll vote.

**ANNOUNCEMENTS**

President Alvarez announced the following Council Meetings:

\*Council Conference meeting, Monday, June 19, 2017 in the Council Conference Room, City Hall, 301 N. Wood Ave.

\*Council Conference meeting prior to the Council meeting:

Tuesday, June 20, 2017 at 6:00 pm in the Council Conference Room, City Hall, 301 N. Wood Ave.

\*Council Meeting: Tuesday, June 20, 2017 at 7:00 p.m. in the Council Chambers, City Hall, 301 N. Wood Ave.

Mr. Sadowski asked what happened to the minute that each member of Council had, at the conclusion of the meeting to speak. President Alvarez noted that Mr. Sadowski had requested, last month to have it eliminated. President Alvarez consented to the one minute.

Mr. Sadowski congratulated the police officers promoted to Lieutenant and Sergeant this evening. He also congratulated a Sixth Ward resident who was named Linden Senior Citizen of the Year. He recognized all of the senior citizens for their contributions to this country and reminded all to exercise their right to vote on June 6th in the primary.

Mrs. Ormon spoke about the statement “I did it because I can,” does not make it right. She was critical of the Fifth Ward Councilwoman for her actions.

There being no further business to come before Council, Mrs. Ormon moved to adjourn the meeting. The motion was seconded by Mrs. Hickey and was by a roll call vote unanimously ordered approved. The meeting was adjourned at 9:35 pm.

Respectfully submitted,

Joseph C. Bodek

City Clerk