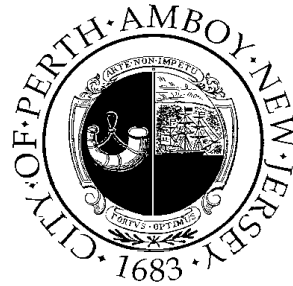


**DRAFT RESOLUTIONS ARE AVAILABLE FOR REVIEW IN
THE CITY CLERK'S OFFICE BUT ARE SUBJECT TO FINAL
AMENDMENTS PRIOR TO THE MEETING.**



**DRAFT
CITY COUNCIL AGENDA
SEPTEMBER 9, 2009
COUNCIL CHAMBERS
NOTICE OF MEETING**

Presiding Officer of the Council, Peter J. Jimenez, wishes to advise the audience that notice of these meetings have been filed with the Home News Tribune, The Star Ledger, The Amboy Beacon and posted on the bulletin board in the City Clerk's office and on the City's website, indicating that today's meetings are being held in the Council Chambers, City Hall, 260 High Street at 5:30 p.m. and 7:00 p.m.

At this time, as a courtesy to the Governing Body, I would ask all individuals present, including members of the audience, to please turn off all cell phones, pagers and electronic devices. Should you need to make a telephone call, please go out into the hallway and speak in a low voice so as not to disturb the ongoing meeting.

PROCLAMATIONS/PRESENTATIONS

None.

TOPICS FOR DISCUSSION

1. Parking in the City. (Gonzalez)
2. Updates on Verizon (local access) and IT Services. (Gonzalez)
3. Schedule date for presentation by Hansell "Hank" Anderson, President, Central Jersey Area Local, AFL-CIO - U.S. Post Office's cost cutting plans. (Kupsch)

**HEARING OF CITIZENS
(10 MINUTE MAXIMUM)**

None.

**PUBLIC PORTION
(5 MINUTES MAXIMUM PER SPEAKER)**

AGENDA

PUBLIC COMMENT – Citizens may address the Council on any matter on the agenda which does not have its own scheduled public hearing. **Citizens shall be permitted to speak once for a maximum of ten (10) minutes.**

APPROVAL OF MINUTES

March 31, 2009	Special
April 8 & 22, 2009	Regular
May 12, 2009	Special
May 13 & 27, 2009	Regular
June 10 & 24, 2009	Regular
July 6, 2009	Special
July 8, 2009	Regular
August 12, 2009	Regular

BIDS

None.

SUPPLEMENTAL DEBT STATEMENT

None.

LIQUOR LICENSE – NOTIFICATION

None.

SOCIAL AFFAIR PERMIT

None.

REPORTS

1. Report of checks prepared and paid during the month of August 2009, totaling \$1,279,726.04.
2. Annual Financial Statement for the SFY Year 2009.
3. Annual Debt Statement for SFY 2009.
4. Board of Adjustment annual report dated July 2008 through June 2009.
5. Tax Assessor - Listing of all tax exempt properties in the City.
6. Middlesex County Improvement Authority 2008 annual report.

ORDINANCES – FIRST READING (No PUBLIC DISCUSSION)

1. AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE DESIGNATING RESTRICTED PARKING SPACES FOR USE BY HANDICAPPED PERSONS" (ORDINANCE NO. 380-85 AND AMENDMENTS) ADOPTED JULY 2, 1985 ALSO KNOWN AS CHAPTER 255A ET SEQ OF THE CODE OF THE CITY OF PERTH AMBOY.

Re: Additions

2. AN ORDINANCE LIMITING CONTRIBUTIONS BY PUBLIC CONTRACTORS.
3. AN ORDINANCE BANNING REDEVELOPER CONTRIBUTIONS.
4. AN ORDINANCE REQUIRING CONTRIBUTION DISCLOSURES IN ZONING APPLICATIONS.
5. AN ORDINANCE REQUIRING FAIR AND OPEN COMPETITION FOR PROFESSIONAL SERVICE CONTRACTS.
6. AN ORDINANCE ESTABLISHING A BAN ON GIFTS AND GRATUITIES.

**ORDINANCES – PUBLIC HEARING
(5 MINUTE MAXIMUM PER SPEAKER/PER ORDINANCE)**

1. AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE DESIGNATING RESTRICTED PARKING SPACES FOR USE BY HANDICAPPED PERSONS" (ORDINANCE NO. 380-85 AND AMENDMENTS) ADOPTED JULY 2, 1985 ALSO KNOWN AS CHAPTER 255A ET SEQ OF THE CODE OF THE CITY OF PERTH AMBOY.

Re: Additions/Deletions

2. AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "VEHICLES AND TRAFFIC (ORDINANCE NO. 194-78 AS AMENDED)" ADOPTED SEPTEMBER 19, 1978, ALSO KNOWN AS CHAPTER 414 ET SEQ OF THE CODE OF THE CITY OF PERTH AMBOY.

Re: Addition of Loading Zones on State Street and King Street

3. BOND ORDINANCE TO ACQUIRE AND REFINANCE A PORTION OF A LEASEHOLD INTEREST FROM THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY IN CONNECTION WITH THE WATER/WASTEWATER SYSTEM OF, IN AND BY THE CITY OF PERTH AMBOY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$20,600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$20,600,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.

RESOLUTIONS

R-426-9/09 Authorizing a Closed Session at the September 9, 2009 meeting to discuss the following:

1. Negotiations – Collective Bargaining
2. Pending litigation – public safety complex, Guadalupe Munoz, All Car Towers and Scott's Towing
3. GWP threatened litigation

R-427-9/09 Determining the form and other details of \$20,445,000 general improvement refunding bonds (federally taxable) (qualified pursuant to the provisions of the Municipal Qualified Bond Act, constituting P.L. 1976 C. 38, as amended), of the City of Perth Amboy, in the County of Middlesex, New Jersey and providing for their sale.

R-428-9/09 Authorizing emergency temporary appropriations to extend SFY 2010 Temporary Budget in the amount of \$918,000.00.

CONSENT AGENDA – R-429-9/09 – R-444-9/09

R-429-9/09 Rescinding R-376-8/09 authorizing a refund in the amount of \$544.34 on Block 113, Lot 15.

R-430-9/09 Providing for the refund of overpayment in the amount of \$716.41 on Block 251, Lot 3 to Cecilio A. Holgiun.

R-431-9/09 Providing for the refund of duplicate payment in the amount of \$638.97 on Block 374, Lot 21 to Slavomir Ondrus.

R-432-9/09 Providing for the refund of overpayment in the amount of \$815.24 on Block 279, Lot 4 to Alfonso C. Ramirez and Blanca Ramirez.

R-433-9/09 Providing for the refund of duplicate payment in the amount of \$1,810.73 on Block 264, Lot 28 to Toshio Fujishima and Jannie Fujishima.

R-434-9/09 Providing for the refund of overpayment in the amount of \$758.02 on Block 204, Lot 20 to Cesar A. and Edita M. Castro.

R-435-9/09 Providing for the refund of duplicate payment in the amount of \$713.78 on Block 279, Lot 15 to Danilvis Hernandez.

R-436-9/09 Providing for the refund of duplicate payment in the amount of \$1,409.50 on Block 378.02, Lot 8 to Edwin Gonzalez.

R-437-9/09 Providing for the refund of overpayments created by tax appeals in the total amount of \$72,248.54 to Brach Eichler LLC and Menpe Corporation.

R-438-9/09 Providing for the refund of overpayment in the amount of \$2,171.73 on Block 318, Lot 11 to Paul Fitzsimmons.

R-439-9/09 Providing for the refund of overpayment in the amount of \$281.58 on Block 179 Lot 5 to Fernando Perez and Ana Ramirez.

R-440-9/09 Providing for the refund of overpayment in the amount of \$372.47 on Block 295, Lot 11 to Michael & Ella Shaykevich.

R-441-9/09 Providing for the cancellation of premiums in the total amount of \$1,200.00 on Block 242, Lot 19 and Block 353.04, Lot 1.

R-442-9/09 Providing for the refund of overpayments in the amount of \$7,449.75 created by tax appeals on Block 155, Lot 23 to Mackevich, Burke & Stanicki.

R-443-9/09 Providing for the refund of duplicate tax payment in the amount of \$1,686.71 on Block 379.10, Lot 9 to Jesus Santiago.

R-444-9/09 Providing for the refund of overpayment/duplicate tax payments for 2005 in the total amount of \$10,244.40.

R-445-9/09 Authorizing the City of Perth Amboy to submit an application to the County of Middlesex for a grant from the New Jersey Governor's Council on Alcoholism and Drug Abuse.

R-446-9/09 Authorizing an agreement with the New Jersey Department of Community Affairs for a grant in the amount of \$1,700,000.00 for a Neighborhood Stabilization Program in the greater Budapest area.

R-447-9/09 Authorizing an agreement with the Jewish Renaissance Foundation to Administer a Neighborhood Stabilization Program in the greater Budapest area using HUD/DCA funds in the amount of \$1,672,000.00.

R-448-9/09 Authorizing settlement of the workers compensation litigation entitled Francisco Cruz v. City of Perth Amboy C.P. No. 2008-30383 for the amount of \$29,523.00.

R-449-9/09 Authorizing a refund in the amount of \$20.00 to Jane Butieb for the cost of a City sponsored trip to a Staten Island Yankee Game.

R-450-9/09 Authorizing an agreement with the Middlesex County Improvement Authority for the provision of yard waste recycling and marketing services.

R-451-9/09 Authoring the proper City Officials to execute a contract with the Puerto Rican Association for Human Development to assist the Hispanic senior citizen services program, the multi-service program and building renovations in the amount of \$33,792.00.

R-452-9/09 Authorizing a contract for professional engineering services with the firm of Hatch, Mott, MacDonald in connection with the Second Street park project in an amount not to exceed \$20,000.00.

R-453-9/09 Extending the contract with Imperial Construction Group Inc., for professional construction management services in connection with the construction of the new public safety-court-community complex for the period from September 2009 through November 2009 in an amount not to exceed \$82,000.00.

R-454-9/09 Approving memoranda of agreement changes to collective bargaining agreements (blue collar, white collar and white/blue supervisors).

R-455-9/09 Authorizing the City of Perth Amboy to enter into a stipulation of settlement resolving the complaint filed by H.W. of Amboy LLC.

R-456-9/09 Authorizing change order no. two to the contract with Independence Constructors, Inc., for removal of six underground storage tanks and three above ground storage tanks at 1027 State Street in the amount of \$17,432.75.

R-457-9/09 Rescinding Resolution R_____ authorizing a contract with the Ferguson Group to be paid with grant funds and authorizing payment of its contract from_____.

R-458-9/09 Rescinding Resolution R_____ authorizing payment to Nu-Way Concessionaires for summer lunch program in the amount of \$_____.

R-459-9/09 Authorizing temporary access to Cablevision through City right-of-way to install fiber optics.

R-460-9/09 Authorizing payment to Paul Dennis for services rendered at the public safety complex through_____.

R-461-9/09 Granting approval of a special permit for public entertainment to the Mexican Association of Perth Amboy Festival.

R-462-9/09 Authorizing change order no. two to the contract with HC Constructors (tender contractor) for the public safety-court-community complex bid package #7-foundations (rebid #2) increasing the contract in the amount of \$19,803.00.

R-463-9/09 Authorizing change orders nos. forty to forty-three to the contract with SM Electric for the public safety-court-community complex bid package #9 - rebid electrical & fire alarm, and/or security in the amount of \$67,360.00.

R-464-9/09 Authorizing change order thirty-eight to the contract with Safeco (completing surety) for the public safety-court-community complex bid package #11-general construction (rebid #2) increasing the contract in the amount of \$60,080.00.

R-465-9/09 Authorizing change order forty-six to the contract with Safeco (completing surety) for the public safety-court-community complex bid package #11-general construction (rebid #2) increasing the contract in the amount of \$50,821.00.

R-466-9/09 Authorizing change order forty-seven to the contract with Safeco (completing surety) for the public safety-court-community complex bid package #11-general construction (rebid #2) increasing the contract in the amount of \$94,308.00.

R-467-9/09 Authorizing change order fifty to the contract with Safeco (completing surety) for the public safety-court-community complex bid package #11-general construction (rebid #2) increasing the contract in the amount of \$10,000.00.

R-468-9/09 Authorizing change order fifty-one to the contract with Safeco (completing surety) for the public safety-court-community complex bid package #11-general construction (rebid #2) increasing the contract in the amount of \$8,505.00.

R-469-9/09 Authorizing change order fifty-two to the contract with Safeco (completing surety) for the public safety-court-community complex bid package #11-general construction (rebid #2) increasing the contract in the amount of \$20,366.52.

R-470-9/09 Authorizing change order fifty-three to the contract with Safeco (completing surety) for the public safety-court-community complex bid package #11-general construction (rebid #2) increasing the contract in the amount of \$16,240.00.

R-471-9/09 Authorizing change order fifty-four to the contract with Safeco (completing surety) for the public safety-court-community complex bid package #11-general construction (rebid #2) increasing the contract in the amount of \$42,748.00.

R-472-9/09 Authorizing change order fifty-five to the contract with Safeco (completing surety) for the public safety-court-community complex bid package #11-general construction (rebid #2) increasing the contract in the amount of \$17,000.00.

R-473-9/09 Authorizing change order fifty-six to the contract with Safeco (completing surety) for the public safety-court-community complex bid package #11-general construction (rebid #2) increasing the contract in the amount of \$13,554.00.

R-474-9/09 Authorizing change order fifty-seven to the contract with Safeco (completing surety) for the public safety-court-community complex bid package #11-general construction (rebid #2) increasing the contract in the amount of \$15,227.00.

COMMUNICATIONS

1. NJ Dept. of Community Affairs advising that contracts with third party agencies are now subject to the bidding requirements of the Local Public Contracts Law and that contract extensions are not permitted. The office will no longer approve acting appointments of private on-site inspection agencies without evidence of an emergency contract. (8/7/09)
2. NJDEP issued Unrestricted Use – No Further Action Letter and Covenant Not to Sue for the remediation of the one 1,500-gallon #2 heating oil underground storage tank system at 168 High Street, Block 25, Lot 28. (8/7/09)
3. Woodbridge Township Deputy Clerk submitted a copy of an Ordinance amending the Land Use and Development Ordinance introduced on August 4, 2009. The public hearing was scheduled for September 1, 2009. (8/7/09)

4. James T. Skeley, P.G., REA, submitted the Biennial Certification Report for the Deed Notice and the Exception Area for Nextrom, Inc., formerly Syncro Machine Company, at 611 Sayre Avenue. (8/7/09)
5. Comcast advising that the delivery of 9 channels on the Expanded Basic lineup will take place in three phases; August 25, 2009 – municipalities located in the central part of the system, September 1, 2009 – municipalities located in the northern part of the system and September 9, 2009 – municipalities located in the southern part of the system. (8/11/09)
6. Jack M. Dudas, City Historian expressing his concerns over the response of the Dept. of Public Works handling of the damages to the property of the church which houses the Town Clock. (8/13/09)
7. NJDEP issued Unrestricted Use – No Further Action Letter and Covenant Not to Sue for the remediation of the 500-gallon #2 heating oil underground storage tank system at 735 Lee Street, Block 374.02, Lot 7. (8/13/09)
8. Jose Santos, Vice Principal of the Shull School, thanking Recreation Director Kenneth Ortiz, for providing lunch for the 2009 Samuel E. Shull School Summer Program. (8/13/09)
9. Getty Petroleum Marketing Inc., advising that they are investigating and remediating environmental contamination at the service station located at 550 Smith Street. (8/19/09)
10. NJDEP acknowledging receipt of the Remedial Investigation Report submitted for the Middlesex County Area 1 Garage located at 277 Bertrand Avenue. (8/20/09)
11. Highland Park Borough Clerk submitted a certified copy of a Resolution adopted on August 11, 2009, opposing "Fast-Track" Legislation. (8/20/09)

- 12.** Jack M. Dudas, City Historian advising that he considers the responsibility of his position is to ensure the integrity of historic sites. A historic site should be treated with respect and be highly prioritized. (8/21/009)
- 13.** Public Hearing Notice advising that Middlesex County, Department of Parks and Recreation will hold a public hearing on September 23, 2009 at 10:00 a.m. in the Freeholders Meeting Room, New Brunswick on the proposed granting of an easement concerning approximately 0.2 acres of property used as parkland in Ambros & Doty's Brooks Park in Piscataway. The easement would allow construction of a stormwater outfall structure. (8/26/09)
- 14.** Mayor Wilda Diaz reappointing David Szilagyi for a 4 year term on the Planning Board, effective immediately, expiring June 30, 2013. (8/24/09)
- 15.** Motiva Enterprises LLC advising that it is investigating environmental conditions at 479 Krochmally Avenue and Albert Street, in order to determine the presence or absence of petroleum-related constituents potentially resulting from gasoline operation. (8/25/09)
- 16.** City Clerk Elaine M. Jasko advising Governor Corzine that the Council has asked that consideration be given to providing stimulus monies to local governments in the form of low interest loans. (8/26/09)
- 17.** City Clerk Elaine M. Jasko advising Richard Pucci, Executive Director of the Middlesex County Improvement Authority that the Council has requested that the MCIA forgive some of the fees associated with the re-financing of the bonds as a result of the financial condition of the City. (8/26/09)
- 18.** Councilman Kenneth Balut requesting the Director of DPW, Paul Wnek, to provide him with anticipated overtime costs for SFY 2010 and an up to date overtime report, by department, for SFY 2009. The report is to include the name of all individuals, the number of hours worked and the amount paid. (8/26/09)

- 19.** Middlesex County Freehold Clerk submitted a certified copy of a Resolution adopted on August 20, 2009, amending the operating procedures for the County Open Space Recreation and Farmland and Historic Preservation Trust Fund to include Open Space Fund allocation Policy for Municipal Requests. (8/26/09)
- 20.** NJDEP advising that after reviewing the last submitted report, additional investigation and cleanup is necessary regarding Mels Clothing Apparel at 199-227 Sheridan Street. However, the large number of cases currently undergoing remediation prevent a detailed review of the submittal. (8/26/09)
- 21.** The Federal Transit Administration and NJ Transit Corporation announcing the availability of the Environmental Assessment for the Pennsauken Junction Transit Center and Park and Ride Project for public review. (8/26/09)
- 22.** Middlesex Water Company advising that an application is being submitted to the NJDEP for a Waterfront Development Individual Permit for the proposed replacement of an existing 24-inch water main with a new 24-inch water main installed by trenchless methods below the Raritan River. (8/26/09)
- 23.** Verizon New Jersey Inc. advising that a petition has been filed with the NJBPU certifying that Verizon is capable of providing FiOS TV service to 60% or more of the households in the City. If approved by the Board, Comcast will be required to pay the City a franchise fee of 3.5% of gross revenues from cable television services each year, and the State Treasurer up to ½% of gross revenues each year for a "CATV Universal Access Fund" to offset the cost of basic cable service for subscribers living in the City who are eligible for the "PAAD" program. (8/27/09)

24. Marine Mammal Stranding Center commending the Office of Emergency Management Coordinator Lt. Larry Cattano, Firefighter Robert Buntan, the crew aboard Fire/Rescue Boat Marine 5 and the Police and Fire Departments for their outstanding services during the sad occurrence of the demise of the Pilot Whale that was stranded on the City's beach. (8/28/09)
25. Mayor Wilda Diaz granting permission for the procession for the Senior de los Milagros Anniversary to be held on September 27, 2009 from 2:00 p.m. to 7:00 p.m. (8/28/09)
26. Mayor Wilda Diaz thanking Dot Aleski for taking the time to write to let her know how courteously she was treated in the Tax Office. (8/28/09)
27. Woodbridge Township Planning Board advising that the Board held a meeting on August 26, 2009 for the purpose of obtaining public comment relative to the Green Building and Environmental Sustainability Plan Element Amendment. (8/31/09)
28. Chevron submitted Public Outreach Fact Sheet for Chevron Perth Amboy Refinery and photographic documentation of posted public notification signs regarding the remediation of the site. (9/2/09)
29. Senior Environmental Consulting, LLC advising that on behalf of PA-PDC Perth Amboy LLC, the City designated redeveloper for the subject property, a sign has been posted at the facility notifying the public of remedial investigation and/or remediation activities being conducted at the site. (9/2/09)

ADJOURNMENT

Victoria Ann Kupsch
Assistant City Clerk