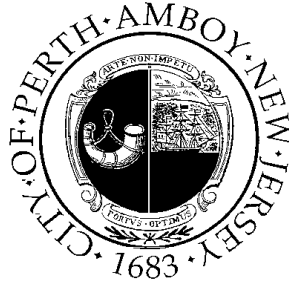


**DRAFT RESOLUTIONS ARE AVAILABLE FOR REVIEW IN THE CITY CLERK'S OFFICE BUT ARE SUBJECT TO FINAL AMENDMENTS PRIOR TO THE MEETING.**



**DRAFT  
CITY COUNCIL AGENDA  
JANUARY 13, 2010  
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 meeting is being held at the Council Chambers, City Hall, at 5:30 p.m. (Caucus) and 7:00 p.m. (Public Voting Session)

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**

**TOPICS FOR DISCUSSION**

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

**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**

November 23, 2009 - Regular  
November 30, 2009 - Special  
December 9, 2009 - Regular

**BIDS**

None.

**SUPPLEMENTAL DEBT STATEMENT**

**LIQUOR LICENSE – NOTIFICATION**

Person-to-Person Transfer of 1216-33-030-002 held in the name of Stanislawa Giera, t/a Broadway Inn, 171-173 Broad Street to Passion Night Club & Lounge Inc. at the same address.

**SOCIAL AFFAIR PERMIT**

Holy Spirit Church  
580 Hazel Avenue  
Perth Amboy  
Date: February 13, 2010, 6:00 pm to 11:00 pm  
Location: Church Hall, 580 Hazel Avenue

## **REPORTS**

- 1.** Utility Service Affiliates – Water and Wastewater Systems Annual Report for Contract Year ended June 30, 2009.
- 2.** Jill A. Goldy, CFO/Comptroller – SFY 2010 Temporary Budget analysis as of December 14, 2009 for the Current Fund departmental accounts.
- 3.** Jill A. Goldy, CFO/Comptroller – Investment Report for the month of November 2009.
- 4.** Middlesex County Board of Taxation – 2009 Abstract of Added/Omitted Assessments.
- 5.** Middlesex County Board of Taxation – 2009 Abstract of Ratables.
- 6.** Report of checks prepared and paid during the month of December 2009, totaling \$1,538,301.24.

## **ORDINANCES – FIRST READING (No PUBLIC DISCUSSION)**

- 1.** AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "TAXICABS" (ORDINANCE NO. 38-74 AS AMENDED) ALSO KNOWN AS CHAPTER 404 ET SEQ OF THE CODE OF THE CITY OF PERTH AMBOY.

Re: Duration of License, Fees

- 2.** AN ORDINANCE GOVERNING THE RECEIPT AND DISCLOSURE OF GIFTS AND GRATUITIES BY PUBLIC OFFICIALS AND EMPLOYEES.
- 3.** 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

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

- 1.** AN ORDINANCE RESCINDING ORDINANCE NO. 1417-2008 THAT AUTHORIZED THE GUARANTY OF THE PERTH AMBOY REDEVELOPMENT AGENCY'S PROJECT SPONSOR CONDUIT LOAN BONDS (IPORT 440 REDEVELOPMENT PROJECT) AND SPECIAL PURPOSE LIMITED OBLIGATION REDEVELOPMENT AREA BONDS (IPORT 440 REDEVELOPMENT PROJECT) IN AN AGGREGATE PRINCIPAL AMOUNT OR ACCRETED VALUE AT MATURITY, NOT TO EXCEED \$46,000,000 AND ORDINANCE NO. 1415-2008 THAT AUTHORIZED THE EXECUTION OF A FINANCIAL AGREEMENT WITH PA-PDC PERTH AMBOY URBAN RENEWAL, LLC WITH RESPECT TO THE IPORT 440 INTERNATIONAL BUSINESS CENTER REDEVELOPER PROJECT.

**RESOLUTIONS**

**R-1-1/10** Public Hearing and possible adoption of SFY 2010 Budget.

**R-2-1/10** Authorizing emergency temporary appropriations to extend SFY 2010 Temporary Budget in the amount of \$7,077,240.00.

**R-3-1/10** Authorizing a refund to Ramon E. Hernandez in the amount of \$50.00 for denial of a 2009 Taxicab Operator's License.

**R-4-1/10** Authorizing the refund of tax overpayment on Block 399.02, Lot 37, 973 Convery Blvd., as a result of an appeal, to Michael A. Vespasiano in the amount of \$1,415.05.

**R-5-1/10** Authorizing refund of tax overpayment on Block 22, Lot 42 to Delis Diez Adames in the amount of \$1,315.93.

**R-6-1/10** Authorizing a contract with Appruzzese, McDermott, Mastro and Murphy to defend the City of Perth Amboy and current and former DPW employees in the matter of Donald Vargas v. City of Perth Amboy, et al in an amount not to exceed \$30,000.00.

**R-7-1/10** Extending the contract of Patrick Diegnan, Esq. in an amount not to exceed \$12,575.25 for defense of the matter of Munoz vs. Perth Amboy, et al.

**R-8-1/10** Authorizing the submission of a grant application in the amount of \$100,000 to the Middlesex County Sustainable Economic Growth Improvement Fund to support the renovation of the Perth Amboy Public Library.

**R-9-1/10** Accepting a grant from the Hazardous Discharge Site Remediation Fund Public Entity Program through the NJ Economic Development Authority and the Dept. of Environmental Protection for remedial investigation on property at 1027 State St., in the amount of \$7,624.00.

**R-10-1/10** Authorizing the continuation of agreement with Middlesex County Utilities Authority for an additional three years for disposal of solid waste at rates fixed at an amount not to exceed \$58.00 per ton (2010), \$60.00 per ton (2011) and \$62.50 per ton (2012).

**R-11-1/10** Authorizing a contract with Edmunds & Associates, Inc. for 2010 software maintenance under state contract no. A81201 in an amount not to exceed \$31,290.00.

**R-12-1/10** Authorizing a contract with Brothers Paving & Excavating Co. Inc. for the demolition of the firehouse located on Convery Boulevard in an amount not to exceed \$28,350.00.

**CONSENT AGENDA (R-13-1/10 to R-16-1/10)**

**R-13-1/10** Authorizing refund of a street opening bond for property located at 348 Paterson Street (Block 82, Lot 5.01) in the amount of \$1,000.00 to Michael Treanor.

**R-14-1/10** Authorizing refund of a street opening bond for property located at 225 High Street (Block 47, Lot 10) in the amount of \$1,000.00 to Gursky Plumbing.

**R-15-1/10** Authorizing refund of a street opening bond for property located at 881 Amboy Avenue (Block 399, Lot 2.01) in the amount of \$1,000.00 to Robert J. D'Angelo.

**R-16-1/10** Authorizing refund of a street opening bond for property located at 619 Charles Street (Block 258, Lot 18) in the amount of \$1,000.00 to Aurelio Marques.

**R-17-1/10** Authorizing change order seventy-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 \$33,594.00.

**R-18-1/10** Authorizing change order seventy-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 \$27,287.00.

**R-19-1/10** Authorizing change order seventy-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 \$35,309.00.

**R-20-1/10** Retaining Reliance Graphics, Inc. to print sample ballots and all other incidentals with regard to the Municipal Election of May 11, 2010, at a fee not to exceed \$12,250.00.

**R-21-1/10** Extending the contract of Daniel J. McCarthy, of the law firm of Rogut McCarthy LLC, in an amount not to exceed \$30,000.00 for the defense of the matter of Munoz (II) vs City of Perth Amboy Perth Amboy.

**R-22-1/10** Extending the contract of Fogarty & Hara for legal services previously rendered in an amount not to exceed \$30,000.00.

**R-23-1/10** Authorizing a Closed Session at the January 13, 2010 meeting to discuss:

- 1.** Public Safety Complex litigation.
- 2.** Vargas v. City of Perth Amboy.
- 3.** Morejon v. City of Perth Amboy.
- 4.** Munoz v. City of Perth Amboy.
- 5.** City of Perth Amboy v. Conrail.
- 6.** Anticipated litigation.

### COMMUNICATIONS

- 1.** NJDEP, Div. of Water Quality advising that the FY 2010 Annual Fee Report and Assessment of Fees for the NJ Pollutant Discharge Elimination System permit is available at the Department's web site. (11/16/09)
- 2.** Middlesex County Freeholder Clerk submitted a certified copy of a Resolution adopted on October 15, 2009, authorizing execution of a grant agreement in the amount of \$325,000.00, under the Open Space, Recreation and Farmland and Historic Preservation Trust fund for the Preparation of a preservation plan and specification for restoration of the historic Carnegie Library. (11/16/09)
- 3.** Mayor Wilda Diaz appointing Rosemarie Sinatra to a five year term on the Library Board of Trustees, ending June 30, 2014. (12/2/09)
- 4.** Mayor Wilda Diaz thanking the following for their donation of books which were distributed to children at the City's Tree Lighting Ceremony held on December 4<sup>th</sup>: (12/4/09)

Cliff Herbert  
Dan O'Connor

Arthur Zaryzycki  
Joshua Zucker

- 5.** Michael W. Keller, Dir. Office of Economic & Community Development advising Jack M. Dudas, the City Historian that after a recent inspection of the Kearny Cottage that no emergency conditions exist and advising that there is \$65,605.51 available for improvements to the Kearny Cottage in the CDBG budget. (12/4/09)

- 6.** The Elm Group submitted copies of documentation required to facilitate the issuance of the No Further Action Letter for FM Sylvan, Inc., 1001 State Street, provided to the NJDEP. (12/4/09)
- 7.** Michael W. Keller, Dir. OECD, submitted the Five Year Consolidated Plan/Annual Action Plan Submission Timetable for CDBG and HOME Program. The City anticipates \$701,591 in CDBG funds and \$509,834 in HOME funds for the June 1, 2010 to May 31, 2011 period. (12/8/09)
- 8.** Jack M. Dudas, City Historian advising Michael W. Keller, Dir. OECD that it is premature to state there are no emergency conditions at Kearny Cottage unless the City has checked and repaired the wiring. (12/9/09)
- 9.** Paul W. Wnek, Dir. Public Works, advising that effective immediately any employee who has restrictions from work or are on light duty shall not be eligible for overtime. (12/9/09)
- 10.** Council Member Robert R. Sottilaro submitted a list of suggestions for Council Meeting Procedures. (12/9/09)
- 11.** Armand Cannamela resigning from the Perth Amboy Redevelopment Agency. (12/10/09)
- 12.** NJ COAH submitted a copy of a Resolution approved by the Council on December 9, 2009, granting Plainsboro Township's request for an additional six month extension for submittal of an agreement with Princeton University regarding the Township's market to affordable program until June 10, 2010. (12/14/09)
- 13.** Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas advising that public hearings have been scheduled on the Petition filed with the NJBPU to revise its Weather Normalization Clause, its Societal Benefit Charge and On-System Margin Sharing Credit. (12/10/09)

- 14.** NJDEP advising that the Department has issued a No Further Action Letter and Covenant Not to Sue for the 1 gallon #2 heating oil underground storage tank system located at 515 Brace Ave., Block 281, Lot 23. (12/15/09)
- 15.** Rahway City Clerk submitted a copy of a Resolution adopted on December 14, 2009 urging the Legislature to amend the Open Public Records Act to address various technical and practical issues. (12/16/09)
- 16.** Elaine M. Jasko, City Clerk requesting Jane Feigenbaum, BA to provide the Council with a list of all vehicles in the City's fleet prior to the Council Meeting of January 13, 2010. (12/16/09)
- 17.** Copy of e-mail sent to the Office Business Administration from Danielle Berlingieri advising that the Association has fired its attorney and is in the process of hiring a new one and posed several questions regarding water meters. (12/16/09)
- 18.** Woodbridge Township Deputy Clerk submitted a copy of an Ordinance amending the Zoning Map in accordance with the Master Plan recommendations introduced on December 15, 2009. The public hearing was scheduled for December 29, 2009. (12/17/09)
- 19.** E.J. McDonald, Acting Police Chief, submitted a list of recommendations made by Ernie Feist, Engineer, for installation of traffic controls at 15 intersections throughout the City. (12/18/09)
- 20.** Mark J. Blunda, Esq., City Attorney, acknowledging receipt of Danielle Berlingieri's e-mail of December 16, 2009, and providing an update on Harbortown water meter conversions. (12/21/09)

- 21.** Elaine M. Jasko, City Clerk submitted a copy of an article to Jane Feigenbaum, BA, that was provided by Councilman Gonzalez which appeared on NJ.com, regarding an audit of Camden's contract with a water company. As a result of the article, Councilman Gonzalez has asked that the BA coordinate efforts to have the City's professional consultants meet to review the current status of the City's arrangements with Middlesex Water Co. and other related parties. Councilman Gonzalez would like to be provided with a report at the January 27, 2010 Council meeting. (12/22/09)
- 22.** Marlboro Township Clerk submitted a copy of a Resolution adopted on December 17, 2009, urging the Governor and New Jersey Legislature to expeditiously eliminate state imposed unfunded mandates. (12/22/09)
- 23.** NJDEP approving Middlesex Water Company's Application for Waterfront Development Upland & In-Water Individual Permits for the 24 inch water main replacement in the Borough of Sayreville. (12/21/09)
- 24.** NJDCA advising that the City has been awarded \$3,500,000 in SFY 2010 Municipal Property Tax Relief Act Extraordinary Aid. (12/31/09)
- 25.** NJDEP advising that a No Further Action Letter has been issued for the remediation of the industrial establishment located at 450 Florida Grove Road, Block 93.02, Lot 1.01. (12/23/09)
- 26.** Meryl Frank, Mayor of Highland Park offered her recommendations to NJ Motor Vehicle Commission regarding the Petition of Suburban Transit Corp. for Ex Parte Emergency and Permanent Approval of the discontinuance of Service File #19,981-467. (12/23/09)
- 27.** Mayor Wilda Diaz advising Congressman Albio Sires that David Volk, Fire Director is planning on submitting the SAFER Grant Application on line. (12/24/09)

- 28.** Spring Cove Estates, LLC submitted a formal request to the Zoning Board of Adjustment for the conversion of the Spring Cove Estates Development located at 675 New Brunswick Avenue from an age restricted development for 55 years and older to an age restricted development for 40 years and older. (12/28/09)
- 29.** Charles J. Ferraioli, Jr. of Ferraioli, Wielkocz, Cerullo & Cuva, P.A. advising that he has contacted Neil Grossman regarding the refunding of the City's 2003 Lease Revenue Bonds issued through the MCIA. At this time there is no way to refund the 2003 Bonds to realized debt service savings. (12/24/09)
- 30.** NJDEP submitted a Notice of Deficiency for the Chemtura Corporation (Former Witco) Facility at 1000 Convery Blvd. The deficiencies shall be addressed within 180 days of receipt of the Notice or the Department will consider them to be violations and may assess penalties. (12/28/09)
- 31.** Mayor Wilda Diaz reappointing Lawrence Cattano as the Emergency Management Coordinator for a three year term to expire on December 31, 2013. (12/31/09)
- 32.** Carteret Board of Health advising that the existing Agreement with the City for animal control services expires on December 31, 2009 and the Borough will no longer require the services from the City. (12/30/09)
- 33.** Elaine M. Jasko, City Clerk advising David Volk, Fire Chief that Councilman Gonzalez has requested the number of working fires for the Fire Department for the years 2007, 2008 and 2009. (1/4/10)
- 34.** Jane Feigenbaum, BA advising Elaine Jasko, City Clerk that she did not receive the request for a listing of the city's fleet but will provide the response prior the January 27, 2010 meeting. (1/7/10)

Elaine M. Jasko  
City Clerk