



**MINUTES
PROCEEDINGS OF THE COUNCIL OF THE
CITY OF PERTH AMBOY
JANUARY 28, 2009
COUNCIL CHAMBERS**

NOTICE OF MEETING

Regular Meeting of the Council of the City of Perth Amboy was held on Wednesday, January 28, 2009, in the Council Chambers, City Hall, Perth Amboy, New Jersey at 7:00 p.m.

Presiding Officer of the Council Peter J. Jimenez, advised the audience that notice of this meeting has been filed with the Home News Tribune, The Star Ledger and posted on the bulletin board in the City Clerk's office.

Council President Peter J. Jimenez: 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.

Council President Jimenez led the audience in the Pledge of Allegiance to the Flag.

Invocation was given by Council Member Bolanowski.

Meeting was called to order by Council President Peter J. Jimenez with the following Council Members present: Kenneth Balut, Geraldine M. Bolanowski, Fernando Gonzalez and Robert R. Sottilaro.

Also present at this meeting were: Jane Feigenbaum, Business Administrator; Jill Goldy, CFO/Comptroller; Mark J. Blunda, Esq., Director of Law and Elaine M. Jasko, City Clerk.

PROCLAMATIONS/PRESENTATIONS

None.

TOPICS FOR DISCUSSION

1. Caucus Meetings. (Gonzalez)

Council Member Gonzalez: I would suggest that we have a Caucus Meeting starting at 5:30 pm on the same night of the council meeting.

Council Member Jimenez: We should limit the number of topics to 3 and the agenda should be completed by Thursday afternoon.

Jane Feigenbaum: We will go forward with that.

Council Member Bolanowski: We should not add additional items on the agenda after the cutoff.

2. Port Authority Appointment. (Jasko)

Elaine Jasko: This is a Council appointment. The term of Socrates Patras expires on January 31, 2009. I have not heard from Mr. Patras or the Port Authority.

Jill Goldy: He is looking to get reappointed. A letter was going to be sent to the Clerk.

Council Member Jimenez: We should hold off until we hear from him.

3. Insurance Commission. (Sottilaro)

Council Member Sottilaro: At the last meeting of the Insurance Commission, I suggested that we add a Council Member as an additional commissioner. Greg Fehrenbach recommended that the commission be dissolved and that the Council as a whole make decisions.

Council Member Bolanowski: This will lengthen Council meetings.

Council Member Jimenez: We'll consider the pros and cons.

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.**

R-32

Richard Piatkowski, 142 Gordon St.: Why is this being rescinded?

Jill Goldy, CFO: We weren't able to reserve the full amount due to accounting technicalities.

R-36

Richard Piatkowski: I have a question about this.

Council Member Jimenez: That's going to be removed this evening.

R-41, 42, 44, 45, 46

Council Member Jimenez: They are being removed this evening.

R-48

Richard Piatkowski: Is this for lights in the tunnel?

Mark Blunda: No.

R-49

Richard Piatkowski: Will this ever be finished?

Council Member Jimenez: I would like a report as to when this will be over.

Jane Feigenbaum: This is very complicated and you are near completion. There is litigation. It will be done by the end of the fiscal year.

Council Member Balut: We should have a Council Person attend the weekly construction meeting.

Mark Blunda: The swimming pool, concrete and punch list items are the outstanding items. I will find out if a Council Member can sit in on these meetings. I think it's a good idea.

Council Member Gonzalez: I don't have any faith in the group handling this project.

Communication #1

Richard Piatkowski: How is this going to be run?

Council Member Jimenez: We should get a report from this committee.

Communication #2

Richard Piatkowski: There are many water main breaks and leaks in the City. Middlesex Water should be doing something about it.

R-35

Alan Silber, 244 Rector St.: The Law Dept. should be full time. It won't be as expensive and we could save money in the long run if we have a full-time attorney.

R-53

Alan Silber: We should do the right thing in this matter.

Communication #3

Alan Silber: Do both Assemblymen share equal responsibilities?

Council Member Sottilaro: Yes.

Alan Silber: We should communicate and deal directly with Assemblyman Wisniewski.

Council Member Gonzalez: The Mayor submitted all documents to all legislators of the 19th district.

Mark Blunda: In response to Mr. Blunda, I have donated over \$110,000 worth of services since July. There are 75 pieces of pending litigation. It is impossible to do it this way. That is why we need outside counsel.

Council Member Gonzalez to Mark Blunda: I thank you for going above and beyond.

Mike Keller: The primary function of the Mayor's Advisory Committee for CDBG is to review the applications submitted and come up with recommendations.

APPROVAL OF MINUTES

None.

BIDS

None.

SUPPLEMENTAL DEBT STATEMENT

None.

LIQUOR LICENSE - NOTIFICATION

None.

SOCIAL AFFAIR PERMIT

**Our Lady of the Rosary of Fatima Church
188 Wayne Street**

**Date: April 18, 2009, 11:00 a.m. – 1:00 a.m.
April 19, 2009, 11:00 a.m. – 11:00 p.m.**

Location: Church parking lot, Wayne Street

P.A. Moose Lodge #1360

989-991 Convery Boulevard

Date: February 14, 2009, 7:00 p.m. – 12:00 midnight

Location: Moose Lodge, Convery Boulevard

Motion was made by Council Member Jimenez, seconded by Council Member Bolanowski to grant the social affair permits and was carried by the following vote: Yea--Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay--none. Absent--none.

REPORTS

None.

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/Deletions

Motion was made by Council Member Jimenez, seconded by Council Member Balut to adopt the above Ordinance on first reading and public hearing for second and final passage be set down for the meeting of February 11, 2009 at 7:00 p.m. in the Council Chambers, City Hall and was carried by the following vote: Yea--Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay--none. Absent--none.

**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

Motion was made by Council Member Jimenez, seconded by Council Member Balut to open public hearing on the above Ordinance and was carried by the following vote: Yea--Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay--none. Absent--none.

Council President asked for comments.

Richard Piatkowski, 142 Gordon St.: Please get the number of handicapped spots in the City.

The Council requested the City Clerk to get the numbers from the Police Dept.

Motion was made by Council Member Jimenez, seconded by Council Member Bolanowski to close public hearing on the above Ordinance and was carried by the following vote: Yea--Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay--none. Absent--none.

Motion was made by Council Member Jimenez seconded by Council Member Balut to adopt the above Ordinance on second and final passage and was carried by the following vote: Yea--Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay--none. Absent--none.

RESOLUTIONS

R-30-1/09 Public Hearing and possible adoption of SFY 2009 Budget. MOTION TO CONTINUE PUBLIC HEARING TO THE MEETING OF FEBRUARY 11, 2009.

Jane Feigenbaun: We spoke with the State. They are anticipating a \$6 billion deficit. This will affect state aid. The numbers will not be released until the pension deferral numbers are finalized. With state aid the City will be mandated to defer 50% of our pension contribution. It's a 3 year deferral.

Council Member Sottilaro: When did this become mandatory?

Jane Feigenbaum: If we don't participate in the program, we won't be able to get a waiver. It may cost us more in the long run.

Jill Goldy: We won't be able to adopt our budget until late April.

Council Members Jimenez and Balut asked that a letter be sent in opposition to this program.

Council Member Bolanowski: We should ask our legislators to make this optional.

Elaine M. Jasko: I will send the letter.

Motion made by Council Member Balut, seconded by Council Member Jimenez to continue the public hearing on February 11, 2009 and was carried by the following vote: Yea--Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay--none. Absent--none.

R-31-1/09 Authorizing a refund to St. Demetrios Greek Orthodox Church of Perth Amboy in the amount of \$210.00 for overpayment of raffle application fee.

Motion was made by Council Member Jimenez, seconded by Council Member Balut to adopt the above Resolution.

Council President asked for comments. There were none.

The above resolution was adopted and carried by the following vote: Yea--Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay--none. Absent--none.

R-32-1/09 Rescinding R-2-1/09 and authorizing funding of reserve for tax appeals from available fund balance in the amount of \$431,000.00.

Motion was made by Council Member Jimenez, seconded by Council Member Bolanowski to adopt the above Resolution.

Council President asked for comments. There were none.

The above resolution was adopted and carried by the following vote:
Yea--Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay--none. Absent--none.

R-33-1/09 Authorizing execution of an agreement with Faith Perrin, DVM, for rabies vaccination clinics to be held on May 9, 2009 and September 12, 2009.

Motion was made by Council Member Jimenez, seconded by Council Member Balut to adopt the above Resolution.

Council President asked for comments. There were none.

The above resolution was adopted and carried by the following vote:
Yea--Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay--none. Absent--none.

R-34-1/09 Authorizing Alfred J. Petit-Clair, Jr. to represent the Board of Adjustment in the matter of Pavlovsky v. Gurin and Kallins and Board of Adjustment Docket No. 2831 at a fee not to exceed \$3,000.00.

Motion was made by Council Member Sottilaro, seconded by Council Member Balut to adopt the above Resolution.

Council President asked for comments. There were none.

The above resolution was adopted and carried by the following vote:
Yea—Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay--none. Absent—none.

R-35-1/09 Authorizing a contract with Mark Blunda, Esq. and the law firm of Appuzzese, McDermott, Mastro & Murphy to perform legal services beyond the regular duties of the Director of Law in an amount not to exceed \$25,000.00.

Motion was made by Council Member Balut, seconded by Council Member Gonzalez to adopt the above Resolution.

Council President asked for comments. There were none.

The above resolution was adopted and carried by the following vote:
Yea—Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay--none. Absent--none.

R-36-1/09 Consenting to the appointment of Mark J. Blunda as Director of the Department of Law and waiving the residency requirement.

Deleted from agenda.

R-37-1/09 Consenting to the designation of Gary A. Muska as Public Agency Compliance Officer (P.A.C.O.) for the City.

Motion was made by Council Member Jimenez, seconded by Council Member Bolanowski to adopt the above Resolution.

Council President asked for comments. There were none.

The above resolution was adopted and carried by the following vote: Yea—Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay--none. Absent--none.

R-38-1/09 Authorizing the submission of a Recycling Tonnage Grant Application to the NJDEP and designating the Director of Public Works to ensure filing.

Motion was made by Council Member Balut, seconded by Council Member Bolanowski to adopt the above Resolution.

Council President asked for comments. There were none.

The above resolution was adopted and carried by the following vote: Yea—Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay--none. Absent--none.

R-39-1/09 Authorizing refund of certificate of code compliance overpayment in the amount of \$50.00 to Angelo Valdivia.

Motion was made by Council Member Balut, seconded by Council Member Bolanowski to adopt the above Resolution.

Council President asked for comments. There were none.

The above resolution was adopted and carried by the following vote: Yea—Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay--none. Absent--none.

R-40-1/09 Authorizing the partial return of the performance bond to Washington Realty Association for 161-165 Washington Street, Block 227, Lots 14-18 Docket No. 2767, in the amount of \$4,382.00.

Motion was made by Council Member Balut, seconded by Council Member Bolanowski to adopt the above Resolution.

Council President asked for comments.

Council Member Gonzalez: Is this common practice that after only 65% of the work is completed the bond is returned?

Mark Blunda, Esq.: This is based on the recommendation of the engineer.

Council Member Gonzalez: We should hold this until we get an explanation.

Motion by Council Member Gonzalez, seconded by Council Member Balut to hold this resolution until the next meeting and was carried by the following vote: Yea--Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay--none. Absent--none.

R-41-1/09 Authorizing stipulation of settlement resolving the complaint filed by 174 Jefferson LLC on Block 123, Lots 17.02, 22, 23, 25, 25.01 & 25.02.

Deleted from agenda.

R-42-1/09 Authorizing stipulation of settlement resolving the complaint filed by Menpe Corp. on Block 103.01, Lots 1, 3, 7, 13, 14 & 16, Block 103.02, Lots 1 & 28, Block 105.01, Lots 4 & 5, Block 108.03, Lots 1.02, 1.05, 1.17 & 1.18.

Deleted from agenda.

R-43-1/09 Granting 8 days of injured duty leave to Officer Joseph Novak.

Motion was made by Council Member Jimenez, seconded by Council Member Bolanowski to adopt the above Resolution.

Council President asked for comments. There were none.

The above resolution was adopted and carried by the following vote:
Yea—Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay--none. Absent--none.

R-44-1/09 Authorizing execution of contracts for towing services in 2009.

Deleted from agenda.

Mark Blunda, Esq.: Since we are holding this up, we need to extend the current contract for another 30 days.

R-44-1/09 Authorizing an extension of the 2008 towing service contract for thirty days.

Motion was made by Council Member Balut, seconded by Council Member Bolanowski to adopt the above Resolution.

Council President asked for comments. There were none.

The above resolution was adopted and carried by the following vote:
Yea—Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay--none. Absent—none.

R-45-1/09 Consenting to the assignment of Home Program Loan Agreement and Mortgage from Rose Tower LLC to contract purchaser J.M.R.K. Realty Co., LLC. for 211-213 Hall Avenue.

Deleted from agenda.

R-46-1/09 Consenting to the assignment of Home Program Loan Agreement and Mortgage from Hall Arms LLC to contract purchaser Manford Realty Co., LLC for 205-209 Hall Avenue.

Deleted from agenda.

R-47-1/09 Authorizing Application/Grant for the New Jersey Department of Community Affairs Neighborhood Stabilization Program for a grant up to \$2,500,000.00.

Motion was made by Council Member Balut, seconded by Council Member Gonzalez to adopt the above Resolution.

Council President asked for comments. There were none.

The above resolution was adopted and carried by the following vote: Yea—Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay--none. Absent--none.

R-48-1/09 Authorizing change order no. 35 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 \$5,662.00.

Motion was made by Council Member Jimenez, seconded by Council Member Balut to adopt the above Resolution.

Council President asked for comments.

Joseph Nigro, Imperial Construction: This is for additional exit signs and emergency switches.

The above resolution was adopted and carried by the following vote: Yea—Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay--none. Absent--none.

R-49-1/09 Authorizing change orders 33, 34, 35 & 36 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 \$161,832.00.

Motion was made by Council Member Balut, seconded by Council Member Bolanowski to adopt the above Resolution.

Council President asked for comments.

Joseph Nigro, Imperial Construction: This was to remove exterior brick off the building that needed to be re-done. Site grading also needed to be done. ADA requirements needed to be addressed. Additional sheet rock needed to be installed. A smoke hatch needed to be installed.

Council Member Balut: Do we have a total value and number of change orders for this project?

Joseph Nigro, Imperial Construction: I don't have that information tonight. We may come back with additional cost items before this is all over.

The above resolution was adopted and carried by the following vote:
Yea—Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay--none. Absent--none.

R-50-1/09 Authorizing change orders 8 & 9 resulting in a net decrease of \$34,349.00 to the contract with Amboy Floors, Inc. for the public safety-court-community complex bid package #14 – carpeting.

Motion was made by Council Member Bolanowski, seconded by Council Member Balut to adopt the above Resolution.

Council President asked for comments. There were none.

The above resolution was adopted and carried by the following vote:
Yea—Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay--none. Absent--none.

R-51-1/09 Authorizing change orders no. 14 to 23 to the contract with Interstate Industrial Corp for the public safety-court-community complex bid package #7 -reducing the contract in the amount of \$215,646.00.

Motion was made by Council Member Bolanowski, seconded by Council Member Balut to adopt the above Resolution.

Council President asked for comments. There were none.

The above resolution was adopted and carried by the following vote:
Yea—Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay--none. Absent--none.

R-52-1/09 Authorizing Emergency Temporary Appropriations to extend SFY 2009 Temporary Budget in the amount of \$37,500.00.

Motion was made by Council Member Sottilaro, seconded by Council Member Bolanowski to adopt the above Resolution.

Council President asked for comments. There were none.

The above resolution was adopted and carried by the following vote:
Yea—Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay--none. Absent--none.

R-53-1/09 Authorizing a Closed Session at the January 28, 2009 meeting to discuss two pending litigation matters – Jose Diaz v. City of Perth Amboy and the Public Safety Complex and potential litigation.

Motion was made by Council Member Balut, seconded by Council Member Bolanowski to adopt the above Resolution.

Council President asked for comments. There were none.

The above resolution was adopted and carried by the following vote: Yea—Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay--none. Absent--none.

COMMUNICATIONS

- 1. Mayor Wilda Diaz appointing the following as a members of the Mayor's Advisory Committee for the 2009 funding cycle of the Community Development Block Grant Program: (1/14/09)**

**Ann Daily
Reyes Ortega
Anair Correra**

**Israel Varella
Lisa Nanton**

- 2. Ernest Feist, City Engineer, advising that he will investigate the issue of standing water on Jennetty Court and recommend a solution to address any hazardous conditions. (1/16/09)**
- 3. Assemblyman Joseph Vas requesting a detailed list of projects in the City that can be submitted for consideration by the Governor as part of the Economic Stimulus Bill. (1/16/09)**
- 4. Elaine M. Jasko, City Clerk advising Assemblyman John Wisniewski that the Council has expressed concerns over the placement and size of the crisis intervention signs on the Victory Bridge. (1/20/09)**
- 5. Middlesex County Planning Board submitted a copy of a Resolution adopted on January 13, 2009 setting the 2009 schedule of meetings. (1/22/09)**

6. Middlesex County Planning Board submitted a copy of a Resolution adopted on January 13, 2009 setting the Agenda to be following at all official meetings. (1/22/09)
7. Comcast submitted a check in the amount of \$80,294.26 for the use of municipal rights-of-way by Comcast Cable of New Jersey II, LLC during the calendar year of 2008. (1/22/09)
8. Michael Kohut, Director/Chief of Police, thanking the following for their donation to the Perth Amboy Animal Shelter: (1/23/09)

Joan Fernandez
Ernest & Gail Feist

9. Michael Kohut, Director/Chief of Police, advising that in response to a request by residents of 781 Barry Ave. to install speed bumps, the traffic bureau researched the area and found that the installation was not warranted. The traffic bureau has installed new speed limit, children at play and curve signs. The area has also been designated for painting of "Curve Ahead" on the roadway during the spring season. (1/23/09)
10. Mayor Wilda Diaz expressing her commitment and support to the Jewish Renaissance Medical Center for their application to the Health Resources Services Administration to expand their capacity to provide oral health services for the City and surrounding region. (1/23/09)
11. Mayor Wilda Diaz advising the Middlesex County Fire Marshal that the City supports the County's application and pursuit of the 700 MHz frequencies allotted to Middlesex County. (1/23/09)
12. Assemblyman Joseph Vas advising that his office is in the process of planning a Community Outreach Day in February, which will provide constituents from the 19th legislative districts with useful information from various state and local agencies. (1/26/09)

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

(5 MINUTES MAXIMUM PER SPEAKER)

Council Member Gonzalez: I would like to get a report from PARA regarding all properties sold from the beginning to the present. The report should include the location, price and the name of the buyer and the present status of the property. I would also like to see the agreements. I would like to have PARA at the next meeting to provide input on the report.

Elaine M. Jasko: I will send a letter to PARA.

Richard Piatkowski: Having Caucus Meetings on the same day of the Council Meeting is not going to solve the problems of getting additional information prior to a vote being taken.

Council Member Gonzalez: I would suggest a different day but I don't have support of the other Council Members.

Richard Piatkowski: Where are all the signs at the public safety complex? The YMCA rates are 30% higher in Perth Amboy than in Woodbridge. That should be investigated.

Alan Silber: Who is supervising the pending litigation against the City?

Mark Blunda: The law director supervises the litigation. I have been reviewing the invoices from July, 2008.

Alan Silber: People applying for positions with the City should not be interviewed in Closed Session.

Mark Blunda: There are potential candidates who do not resign their jobs and it is unfair to make it public that they are looking for another position.

Alan Silber: Vacations by Council Members should be taken when there are no meetings. The Council should give up health benefits and salaries.

ADJOURNMENT

Motion was made by Council Member Jimenez, seconded by Council Member Bolanowski to adjourn the meeting at 8:30 pm and to go into Closed Session, and was unanimously carried.

Elaine M. Jasko
City Clerk