



**MINUTES
PROCEEDINGS OF THE COUNCIL OF THE
CITY OF PERTH AMBOY
NOVEMBER 23, 2009
COUNCIL CHAMBERS**

NOTICE OF MEETING

Regular Meeting of the Council of the City of Perth Amboy was held on Monday, November 23, 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, 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, at 5:30 p.m. and **7:00 p.m. (public voting session)**.

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 Jill Goldy, CFO.

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. Absent—none.

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

PROCLAMATIONS/PRESENTATIONS

None.

TOPICS FOR DISCUSSION

1. Nepotism Ordinance. (Bolanowski)

Council Member Bolanowski: I would like to have this ordinance drafted for the next meeting.

2. Pay-to-Play Ordinance. (Bolanowski)

Council Member Bolanowski: I would like to have this ordinance drafted for the next meeting.

3. Status Report UEZ/BID. (Bolanowski)

Council Member Bolanowski: I would like them to attend the December 9 meeting if they can to provide the Council with a comprehensive status report of expenditures, revenues and activities. If not, schedule them for the first meeting in January.

4. Precious Metal/Gem Businesses. (Gonzalez)

Council Member Gonzalez: I did some research of surrounding towns and their requirements. I would like Perth Amboy to consider changing the 60 day waiting period. Some of the surrounding towns have no waiting periods and some are much shorter.

Council Member Sottilaro: This ordinance came into effect as a result of the Police Dept. report that was given to the Council whereby they indicated that they needed the extra time to do investigations.

Jane Feigenbaum, BA: I have discussed this with the Police Dept. and we are looking to implement some changes to cut the time down.

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

Richard Piatkowski, 142 Gordon Street – Items of interest concerning certain actions taken by and statements made by the Council President with respect to meeting procedures.

Richard Piatkowski, 142 Gordon St.: I strongly urge the Council President to reconsider the direction taken at the last meeting and to continue Mayor Diaz's desire for "Open Dialogue" with the citizens of Perth Amboy. Refusing to have a dialogue and allowing for follow up questions reduces the ability to reason out why something was done. It's not transparency or open government. To have the public "ask their questions and then sit down to wait for an answer" reeks of anything but transparency. The agenda portion of a public meeting is where the Council votes on spending taxpayer's money, on hiring personnel, on approving contracts, on making appointments, and so on. The public has a perfect right to understand what the resolutions say and mean prior to making a comment or pointing out an inconsistency to the Council before your vote. Council Members have stated in the past that they knew everything they were voting on. According to one previous council candidate, Councilwoman Bolanowski stated that "we discuss everything behind closed doors." The NJ Open Public Meetings Act is the foremost law promoting transparent practices with regard to meetings in the State of NJ. My understanding of Transparent Practices includes an understanding by the public of the resolutions being voted on. I believe that before being voted on, each resolution is to be read. The Council President reads a brief description that often does not include all pertinent information including the who, what, when and how much and why. It is the business part of the meetings where you, Mr. President, have for over 23 years read and voted on each of those spending measures, the hirings, the approvals of contracts, the creation of departments and the promotions of individuals and the payment of questionable deals. The result not only includes the debt we are in but the enormity of the improper and perhaps illegal activities that went on as witnessed by the indictments that have been handed down over the past 6 months. Many of these situations may have been averted by someone asking a few questions, getting an honest response and perhaps offering a different perspective. It's not what you say but what you do that ultimately defines you.

Council Member Bolanowski: We only discuss what we are allowed to discuss in Closed Session. At no time have I violated the Sunshine Law.

Council Member Jimenez: I voted “no” on many resolutions in the past. I was always against the 5 minute rule at council meetings. I always gave extra time to the person speaking when they asked a question. We are very democratic when we govern. I have asked council members to provide the City Clerk with amendments to the budget. We will consider them at the next meeting which is a special meeting set for November 30.

Council Member Gonzalez: This budget has a shortage due to a reduction in revenues.

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

Orlando Perez, 467 Rathburn Pl.: What happened to open government? There’s a cloud over this government. The public is concerned with this administration.

Richard Piatkowski, 142 Gordon St.: This budget has a revenue driven shortfall. Full parking enforcement is to take place on this Friday which is Black Friday. Merchants should be alerted of the enforcement.

Elizabeth Perez, 8 Pike View Lane, Woodbridge: My daughter-in-law and my son have a problem with their water bills. Their bills are over \$500 per quarter.

Marissa Gonzalez, 299 Paderewski Ave.: I’ve contacted the water dept. about my water bill. They changed our meter and we still get bills from \$400 to \$600.

Mayor Wilda Diaz: We have an open process here. I have let the Council do the business of the Council. I have been very open with the public. I have never hidden our financial issues. I have cut the budget. From day one, we have been in a great deficit. There have been layoffs. I have had to deal with federal and state officials. I am responsible for the EMS merger and the water/wastewater changes to personnel. We will be updating our train station. I take this job very seriously. We still have to deal with a large amount of litigation. I am here to protect our City.

William Dillon, PBA Delegate: On behalf of Marisol Raji, we think this is very important and we want to thank you for considering naming the police dept. building after Tommy Raji.

Alan Silber, 244 Rector St.: You should be more flexible with speakers that come to the council meetings. People that come are looking for answers. There is not enough give and take.

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-568

Richard Piatkowski, 142 Gordon St.: What is this money for? There are businesses in town that need assistance. Please have complete understanding for this money.

Jane Feigenbaum: An application was submitted for a \$500,000 grant.

Council Member Gonzalez: Councilman Balut and I received information and went to the YMCA building to look over the items.

Council Member Balut: I would like to see all the items on this grant. I would like to question some of the items. We should hold this and bring it back up for the November 30th meeting.

Council Member Gonzalez: We should have a subcommittee to meet with the UEZ to further discuss this.

R-561

Richard Piatkowski: Will there be any action on the budget tonight?

Council Member Jimenez: No.

R-566

Richard Piatkowski: How many people is this for?

Jane Feigenbaum: 33

Council Member Sottilaro: There is a system of reimbursement for hours volunteered.

R-568

Alan Silber: Is this money anticipated or do we have the funding?

Jill Goldy: The monies are there and would be coming from Perth Amboy funds.

Alan Silber: The library needs money and they are having fundraisers. The YMCA should have fundraisers also. The money in UEZ should be used for improvements to the downtown area.

R-568

Barry Rosengarten, 140 Water St.: The YMCA is a great community facility. It services our residents. We have funds in the UEZ. UEZ meetings are open to the public. The YMCA employs in excess of 100 people. The funds are to make the facility safe and more efficient. We are looking to install a fence and a door for the pool area. This expenditure is for city property. It is not for soft costs. The request is valid. This will not preclude us from giving monies to other agencies that request it.

Council Member Balut: There was a fence that was to have been installed by the contractor. We are \$40m over budget. I have concerns about the \$500,000. I want the work done properly.

Steve Jobin, 218 Kearny Ave.: This was approved by the UEZ twice. The items were originally installed improperly. This is to correct some wrongs and make them right. This is re-investment dollars into the community. I will walk through the building with any councilmember.

Jack Cerulo, YMCA Board Member: I was the main negotiator with the previous administration for the YMCA. The original agreement w/ the YMCA was to have the YMCA manage it. The YMCA was never contacted about the plans for the YMCA. We were told which furniture, computers and equipment we would get. We have spent \$270,000 to correct some of the problems. We are all owners of this complex. The deadline for this resolution is December 3, 2009.

APPROVAL OF MINUTES

November 9, 2009 - Regular

Motion was made by Council Member Bolanowski, seconded by Council Member Jimenez to approve the minutes and was carried by the following vote: Yea—Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay—none. Absent—none.

BIDS

None.

SUPPLEMENTAL DEBT STATEMENT

LIQUOR LICENSE – NOTIFICATION

None.

SOCIAL AFFAIR PERMIT

St. Stephen's Roman Catholic Church

490 State Street

Perth Amboy

Date: December 31, 2009, 8:00 pm to 2:00 am

Location: School Auditorium, 500 State Street

Our Lady of Fatima

380 Smith Street

Perth Amboy

Date: December 12, 2009, 8:00 pm to 1:00 am

Location: Church Gymnasium, 380 Smith Street

Motion was made by Council Member Jimenez, seconded by Council Member Gonzalez 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

- 1. Jill A. Goldy, CFO/Comptroller – SFY 2010 Temporary Budget Analysis as of November 12, 2009 for the current fund departmental accounts.**
- 2. Middlesex County Utilities Authority – 2010 Solid Waste Division Preliminary Budget.**
- 3. Paul D. Wnek, Dir. Public Works - Parking Utility Reports for October 17, 2009 to October 24, 2009 and October 26, 2009 to October 31, 2009.**
- 4. Jill A. Goldy, CFO/Comptroller - SFY 2009 Budget Transfer Information.**
- 5. Jill A. Goldy, CFO/Comptroller - Investment Report for the month of October 2009.**
- 6. Jill A. Goldy, CFO/Comptroller – SFY 2010 Overtime Analysis.**

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

- 1. AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "POOLROOMS AND BILLIARD PARLORS" (ORDINANCE NO. C-700, AS AMENDED) ALSO KNOWN AS CHAPTER 329 ET SEQ OF THE CODE OF THE CITY OF PERTH AMBOY.**

Re: Closing Time

Motion was made by Council Member Gonzalez and seconded by Council Member Jimenez to adopt the above Ordinance on first reading and public hearing for second and final passage be set down for the meeting of December 9, 2009 at 7:00 p.m. at 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.

- 2. 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

Motion was made by Council Member Jimenez and seconded by Council Member Gonzalez to adopt the above Ordinance on first reading and public hearing for second and final passage be set down for the meeting of December 9, 2009 at 7:00 p.m. at 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.

- 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

Motion was made by Council Member Jimenez and seconded by Council Member Bolanowski to adopt the above Ordinance on first reading and public hearing for second and final passage be set down for the meeting of December 9, 2009 at 7:00 p.m. at 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)**

None.

RESOLUTIONS

R-561-11/09 Public Hearing and possible adoption of SFY 2010 Budget.

Motion was made by Council Member Balut, seconded by Council Member Bolanowski to **CARRY** the above Resolution and was carried by the following vote: Yea--Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay—none. Absent—none.

R-562-11/09 Authorizing emergency temporary appropriations to extend SFY 2010 temporary budget in the amount of \$4,789,696.07.

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-563-11/09 Authorizing the City to make application to the NJDEP Hazardous Discharge Site Remediation Fund for a grant to perform site investigations & remedial investigation on block 138, Lot 1, Landings Building 138 (Front & Commerce Sts.).

Motion was made by Council Member Jimenez, seconded by Council Member Sottilaro 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-564-11/09 Authorizing settlement of All Car Towing & Recovery, et al v. City of Perth Amboy, Superior Court Docket No. MID-L-4817-09.

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-565-11/09 Authorizing an athletic/social club license to Perth Amboy Racing Pigeon Club.

Motion was made by Council Member Gonzalez, seconded by Council Member Jimenez 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-566-11/09 Authorizing payment of a yearly stipend to volunteer firefighters compensation for losses while performing volunteer duties in direct proportion to their activity level in an amount not to exceed \$88,908.00.

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

Council President asked for comments.

Council Member Jimenez: I was surprised at the quick response from the Keasbey & South Amboy Fire Depts. at the recent fire on Kelly Ave.

David Volk, Fire Chief: We are constantly recruiting. We are looking to add members to the dept. We currently have 33 volunteer members.

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-567-11/09 Authorizing release of a performance guaranty to Christopher and Anna Mach for West Side Avenue and Jacques Street, Block 249, Lot 5 in the amount of \$19,254.00.

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-568-11/09 Authorizing City Officials to file an application for funding in the amount of \$500,000.00 from the Urban Enterprise Zone Assistance Fund to provide funding for the YMCA Community Center Project Grant.

Motion was made by Council Member Sottilaro, seconded by Council Member Bolanowski to 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 Bolanowski, and Sottilaro. Nay—Council Members Balut, Gonzalez, and Jimenez. Absent—none.

Council President Jimenez appointed Council Members Gonzalez and Balut along with citizens Richard Piatkowski and Alan Silber to meet with members of the UEZ and the YMCA to review this funding request.

Council Member Sottilaro: There are time constraints that we should consider.

R-569-11/09 Authorizing Apruzzese, McDermott, Mastro & Murphy, P.C. to represent the City of Perth Amboy and Perth Amboy Police Officers in civil rights lawsuits pending insurance coverage determinations at the rate of \$135.00 per hour not to exceed \$25,000.00.

Motion was made by Council Member Jimenez, seconded by Council Member Sottilaro 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-570-11-09 Authorizing settlement of Larry Hardeman, et al v. City of Perth Amboy, et al civil action no. MID-L-7741-07 in an amount not to exceed \$15,000.00.

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-571-11/09 Authorizing the law firm of Kologi Simitz to represent the interest of the City of Perth Amboy in bail bonds and forfeiture matters in the Perth Amboy municipal court.

REMOVED FROM AGENDA UNTIL THE NEXT MEETING.

R-572-11/09 Relaxing the requirements of Ordinance 1444-2008 to allow for the honorary naming of the Police Department Building for Officer Thomas Raji, killed in the line of duty.

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, and Jimenez.
Nay—Council Member Sottilaro. Absent—none.

R-573-11/09 VOID

R-574-11/09 Authorizing a Closed Session at the November 23, 2009 meeting to discuss the following: (Harbortown and Reso. 569)

Motion was made by Council Member Balut, seconded by Council Member Jimenez 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. NJDEP issued a Notice of Deficiency regarding the Remedial Investigation Report dated October 4, 2005 for Alpine Service Center at 674 Amboy Ave. (11/6/09)**
- 2. Senator Vitale's office requesting that the Fire Subcode Official review the fire sprinkler and domestic plumbing layout for Harbortown Sails and explain the plumbing layout, in writing, in an effort to help resolve the water issued raised by the owners of Harbortown Sails. (11/9/09)**
- 3. Drinker Biddle & Reath, LLP advising that in connection with the remediation of the former Syncro Machine Co. at 611 Sayre Avenue, a Deed Notice and Classification Exception Area have been established with regard to soil and ground water. (11/10/09)**
- 4. NJ Transit submitted information about the newly launched Driver Education Safety Program for high schools throughout the state. (11/12/09)**
- 5. JoAnn DeJohn, a resident of Oak Street, requesting a waiver of interest on her taxes due to an increase in property assessment. (11/12/09)**

- 6. Peak Environmental Inc. provided documentation of Notification and Public Outreach Compliance in accordance with the NJDEP Technical Requirements for the former Stolthaven Perth Amboy Inc. Terminal at 920 State Street. (11/13/09)**
- 7. Jack M. Dudas. Esq. City Historian asking Michael Keller, Dir. Community Development to keep him apprised of the procedure to be used in the repair of the Kearny cottage roof. (11/16/09)**
- 8. Jill A. Goldy, CFO/Comptroller, providing Councilwoman Bolanowski with answers to questions regarding the Investment Report for October. (11/16/09)**
- 9. Acting Police Chief E.J. McDonald advising that he cannot recommend any changes to the Ordinance regulating the operating hours of billiard parlors. In his opinion extending the hours of operation of Action Billiards would create the potential for an increase in quality of life violation. The poolroom is located in an area that is surrounded by apartments on New Brunswick Ave. and private homes located on East Ave. (11/18/09)**
- 10. Elaine M. Jasko, City Clerk advising the Council that the Council President has asked that they provide a list of recommended amendments to the SFY 2010 Budget by November 24th. (11/19/09)**
- 11. Barbara Sottilaro, President of the Library Board of Trustees, submitted recommendations for the ideal library. (11/17/09)**
- 12. Metuchen Borough Clerk submitted a certified copy of a Resolution adopted on November 16, 2009, urging legislation to amend the open public records act. (11/19/09)**

COUNCIL COMMENTS

Council Member Gonzalez: I thank Barbara Sottilaro and Pat Gandy for submitting the report for an ideal library.

Mayor Wilda Diaz: I met with Congressman Sires regarding updating our train station. He understood our needs. We will have work done to get a design.

Michael Keller: NJ Transit will have a pre-construction meeting in December to discuss the plans and we hope to get construction monies also.

Council President Jimenez: I attended an event at a local pool hall with the recreation department director present. We need to support Ken Ortiz. The Board of Education should take some effort in dealing with the children of the City that dropped out of school. I commend Ken Ortiz for the work he is doing.

Motion was made by Council Member Jimenez seconded by Council Member Bolanowski to recess the meeting and to go into Closed Session at 8:55 PM and was adopted 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 Bolanowski to resume the meeting at 9:15 PM and was adopted by the following vote: Yea—Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay—none. Absent—none.

ADJOURNMENT

There being no further business to come before the Council, motion was made by Council Member Gonzalez, seconded by Council Member Bolanowski to adjourn the meeting at 9:15 pm, and was carried by the following vote: Yea—Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay—none. Absent—none.

Elaine M. Jasko
City Clerk