



**MINUTES
PROCEEDINGS OF THE COUNCIL OF THE
CITY OF PERTH AMBOY
NOVEMBER 9, 2009
COUNCIL CHAMBERS**

NOTICE OF MEETING

Regular Meeting of the Council of the City of Perth Amboy was held on Monday, November 9, 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)**
- 2. Pay-to-Play Ordinance. (Bolanowski)**

Council Member Bolanowski: The Council should forward their requests to Mr. Blunda so we can have these ordinance for consideration for the next meeting.

HEARING OF CITIZENS (10 MINUTE MAXIMUM)

None.

PUBLIC PORTION (5 MINUTES MAXIMUM PER SPEAKER)

Greg Fehrenbach of Government Management Advisors: Provided an overview of the negotiations with the unions. There are 5 remaining units of the 8 units that need to be negotiated. Of those, 4 are public safety units. The 3 are firefighters and police supervisors. One is with a regular union. We are trying to achieve equal playing fields with all of them.

Council Member Sottilaro: Do you see closure coming soon?

Greg Fehrenbach: There are 8 units. It will probably take months.

David Caba, 151 Lewis St.: There are many people struggling in the City. There are 2 individuals working for the City that have made over \$28,000 in overtime as of October 30, 2009 and their salary is over \$75,000. There are many people milking the system. The water costs have tripled. Whoever approved the overtime in public works should be fired. Anyone working for the City making over \$100,000 should live in the City.

Richard Piatkowski, 142 Gordon St.: Wednesday is Veteran's Day. There are several ceremonies scheduled for that day. Has there been a resolve of the water issue in Harbortown? We need enforcement of the parking in the downtown area. We have underutilized lots and an underutilized parking deck.

Jane Feigenbaum, BA: I spoke with Danielle Berlingieri last week regarding the Harbortown document submitted to the Council by Mark Blunda. We are trying to set up a meeting this week.

Paul Wnek, Director DPW: We will be hiring part time help and starting at the end of the month, we will have enforcement once we have the people on board.

Council Member Balut: There's a problem with the parking machines.

Paul Wnek: We'll be replacing some of the machines.

Howard Fink, Fink's Dept. Store, 139 Smith St.: The Parking Utility should be turned back into an Authority.

Danielle Berlingieri, 410 Great Beds Ct.: Submitted a list of questions regarding the agreement between the city and the water company. She questioned the agreement with the water company. We need to find out who is responsible for this. I will contact the Dept. of Community Affairs. I wrote a letter to Mayor Wilda Diaz 6 months ago. We are paying triple in water costs. The builder indicated he will pay for all the costs with the changing of the water line and meter.

Jane Feigenbaum, BA: We will meet with the builder and iron out all the details. Jane provided responses to the questions posed by Danielle, that she was able to respond to.

Ed Scala, Dir. Code Enforcement: With regard to the 1 inch meters, it could have been done one of two ways at the time of construction. I don't know why it was chosen to be done the way it was done.

Council Member Gonzalez: This Council and Administration are looking to resolve this matter. No final decision will be made until we all agree to the final resolution of this matter. Let's get a meeting as soon as possible.

Roger Williams, 410 Great Beds Ct.: I received a notice from the PA Police Dept. that I owe a registration fee for my car alarm system. We asked for 6 months for a resolve of our water issue. That is unacceptable.

Keisha Parker, 412 Great Beds Ct.: Is my water issue going to get resolved?

Council Member Gonzalez: Yes, next week.

Keisha Parker: People are parking on the yellow lines in the area of Great Beds Ct. It's a dangerous condition.

EJ McDonald, Deputy Police Chief: Once they turn that area over to the City we will be able to enforce it.

Robert Fink, 139 Smith St.: We've been waiting 2 years for the enforcement of parking in the downtown area. Parking is supposed to be about enforcement and movement of traffic.

Paul Wnek: There are engineering studies for the garage and the parking meters. The papers have been forwarded to the attorney for review.

Alan Silber, 244 Rector St.: What part of the budget is salaries and wages? How many school employees live in town? Police officials live out of town, why can't they live in town?

Jill Goldy, CFO: The compensation portion of the budget is \$25 million - \$30 million dollars.

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.

Richard Piatkowski, 142 Gordon St.: I object to the procedure that the Council is using in its' meeting this evening. I don't like that all questions have to be asked at one time and that the responses will come after the speaker gets done speaking. That's not fair and transparent government.

Richard started yelling and was advised by Council President Jimenez that he was out of order.

Richard refused to keep quiet.

Council President Jimenez ruled Richard Piatkowski out of order and had him escorted out of the Council Chambers by the police officer.

APPROVAL OF MINUTES

October 28, 2009 - Regular

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

None.

LIQUOR LICENSE – NOTIFICATION

None.

SOCIAL AFFAIR PERMIT

St. Demetrios Greek Orthodox Church of Perth

Amboy

41-47 Wisteria Street

Date: December 31, 2009, 9:00 pm to 1:30 am

Location: Church Community Center, 41-47 Wisteria Street

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

REPORTS

- 1. Report of checks prepared and paid during the month of October 2009, totaling \$3,186,346.35.**
- 2. NJ Dept. of Treasury, Div. of Taxation – Certification of the 2009 Average Ratios and Common Level Ranges for use in the tax year 2010.**
- 3. NJ Dept. of Treasury, Div. of Taxation – Certification of the Table of Equalized Valuations.**

ORDINANCES – FIRST READING

(NO PUBLIC DISCUSSION)

None.

ORDINANCES – PUBLIC HEARING

(5 MINUTE MAXIMUM PER SPEAKER/PER ORDINANCE)

- 1. AN ORDINANCE GRANTING PERMISSION TO 4 CABLEVISION LIGHTPATH-NJ, INC. AND 4 CONNECTIONS TELEPHONE CARRIER TO INSTALL FIBER-OPTIC CABLE LINES IN CITY RIGHTS OF WAY.**

Motion was made by Council Member Sottilaro, seconded by Council Member Bolanowski 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. There were none.

Motion was made by Council Member Sottilaro, 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 Sottilaro, seconded by Council Member Bolanowski to adopt the Ordinance 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 "COURT" (ORDINANCE NO. 635-92 AND AMENDMENTS) ADOPTED SEPTEMBER 19, 1992 ALSO KNOWN AS CHAPTER 27 OF THE CODE OF THE CITY OF PERTH AMBOY.

Re: Public Defender Fee

Motion was made by Council Member Bolanowski, 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. There were none.

Motion was made by Council Member Bolanowski, seconded by Council Member Gonzalez 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 Bolanowski, seconded by Council Member Balut to adopt the Ordinance 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/Deletions

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. There were none.

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

RESOLUTIONS

R-540-11/09 Authorizing emergency temporary appropriations to extend SFY 2010 temporary budget in the amount of \$186,078.00.

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-541-11/09 Authorizing a refund to Jose Y. Leonardo in the amount of \$50.00 for denial of an application for a 2009 taxicab operator's license.

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-542-11/09 Authorizing the 2009-2010 renewal of inactive plenary retail consumption license no. 1216-33-088-005, held in the name of Amboyrita LLC effective November 10, 2009.

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-543-11/09 Providing for the refund of tax overpayment to Hall Arms LLC, created by tax appeals on Block 258, Lot 19 (207 Hall Avenue) in the amount of \$7,970.32.

Motion was made by Council Member Sottilaro, 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-544-11/09 Exercising a contract option and awarding a one-year contract extension for third-party on site inspection services to E.I.C. Inspection Agency Corp. for 95% of DCA fees for building subcode, 95% of DCA fees for electrical subcode and 95% of DCA fees for plumbing subcode, commencing November 9, 2009 and ending November 8, 2010.

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

Council President asked for comments.

Council Member Gonzalez: A study should be done for future years to ascertain whether this is better to be done in-house instead of by a third party contract.

Council Member Balut: We should look into shared services agreement for this type of work.

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-545-11/09 Authorizing return of a performance bond to Gilberto Olivares for 354 Wagner Avenue, Block 439, Lots 9 through 12 in the amount of \$2,566.00.

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-546-11/09 Authorizing a refund in the amount of \$50.00 to Daniel Rivera for the cost of participation in the City's Fitness Boot Camp Program.

Motion was made by Councilmember 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-547-11/09 VOID

R-548-11/09 Authorizing contingency fee agreement with Javerbaum, Wurgaft, Hicks, Kahn, Wilkstrom & Sinins for the prosecution of a counter claim against Garubbo, Capece and Millman.

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-549-11/09 Authorizing an additional extension of the current contract with Breaker Group, Inc. for IT services for up to one hundred and twenty days pending pursuit of additional proposals for information technology services pursuant to local public contracts law in an amount not to exceed \$46,077.60.

COUNCIL CHANGED THE EXTENSION OF THE CONTRACT FROM 120 DAYS TO 60 DAYS WITH AN AMOUNT COMMENSURATE TO THE TERM OF THE EXTENSION.

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

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-550-11/09 Authorizing an amendment to a resolution awarding a contract for additional management services by Government Management Advisors, LLC in an additional amount not to exceed \$15,000.00.

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

Council President asked for comments.

Council Member Balut this is the last time I vote for this.

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

Consent Agenda – R-551-11/09 to R-559-11/09

R-551-11/09 Authorizing change order no. forty-seven 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 \$9,384.00.

R-552-11/09 Authorizing change order sixty-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 \$17,143.00.

R-553-11/09 Authorizing change order sixty-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 \$10,549.00.

R-554-11/09 Authorizing change order sixty-nine 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 \$13,613.00.

R-555-11/09 Authorizing change order seventy 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 \$36,510.00.

R-556-11/09 Authorizing change order seventy-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 \$10,232.00.

R-557-11/09 Authorizing change order no. thirteen to the contract with Binsky Snyder for the public safety-court-community complex bid package #10 - HVAC/building maintenance service increasing the contract in the amount of \$7,100.00.

R-558-11/09 Authorizing change order no. fourteen to the contract with Binsky Snyder for the public safety-court-community complex bid package #10 - HVAC/building maintenance service increasing the contract in the amount of \$20,128.00.

R-559-11/09 Authorizing change order no. fifteen to the contract with Binsky Snyder for the public safety-court-community complex bid package #10 - HVAC/building maintenance service increasing the contract in the amount of \$29,962.00.

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

Council President asked for comments. There were none.

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

R-560-11/09 Authorizing a Closed Session at the November 9, 2009 meeting to discuss the following:

NO CLOSED SESSION – LACK OF TOPICS.

COMMUNICATIONS

- 1. Woodbridge Township submitted technology recommendations regarding the possibility of providing inter-local/shared technology services. (10/30/09)**
- 2. NJDEP approving the Classification Exception Area Biennial Certification Approval for CPS Madison Industries, Water Works Road, Old Bridge. (10/23/09)**
- 3. Barbara Sousa, a niece of a resident of Keene Street, requesting that the Council do whatever is necessary to stop the unsatisfactory situation regarding the Bungalo Lounge at 391 Keene Street. (10/23/09)**

- 4. NJDOT submitted a 7 Day Notice, advising that emergency bridge deck paving on Route 440 NB over Ramp to NJ Turnpike Toll Plaza will begin on October 30, 2009 at 9:00 p.m. The contractor will mill and pave to address the problem until the scheduled reconstruction in the spring of 2010. (10/26/09)**
- 5. NJDOT submitted a 14 Day Notice, regarding the ongoing stage 2 – concrete pour for the northern (outside) portion of the Ramp WK deck over Woodbridge Avenue. (10/26/09)**
- 6. NJ Transit advising that schedules will no longer be automatically sent to individuals, employers, hotels and entertainment venues and businesses. Printed schedules will continue to be available at major rail stations, bus terminals and light rail stations as well as on board busses. (10/27/09)**
- 7. Ms. Middleton, manager of Bungalo Bar, submitted a petition signed by 30 neighbors of the Bungalo Bar at 391 Keene Street, who have no problems with the quality of life in their neighborhood. (10/29/09)**
- 8. E-mail correspondence between Jane Feigenbaum, B.A. and Danielle Berlingieri, a resident of Harbortown regarding water issues. (10/30/09)**
- 9. E-mail correspondence between Jane Feigenbaum, B.A. and Luis Perez Jimenez of Middlesex Water regarding the number of units that contain one inch meters and sprinkler lines. (11/2/09)**
- 10. E-mail correspondence between Jane Feigenbaum, B.A., Edward Scala, Dir. Code Enforcement and Councilwomen Bolanowski regarding dirt on the High Street extension. (11/02/09)**
- 11. Gerdau Ameristeel, pursuant to the Worker Adjustment and Retraining Notification Act, providing notice of the final planned phase of the plant closing at 225 Elm Street. (11/3/09)**

- 12. Kaplan Companies submitted a copy of the Affidavit of Service and Publication verifying the required Public Notification letter and Notice and Fact Sheet was served on the necessary parties regarding the investigation and cleanup at the former 382 Fayette Street property. (11/4/09)**
- 13. Jack Dudas, Esq., City Historian requesting Carol Natarelli of Raritan Millstone Heritage Commission to include the Simpson United Methodist Church in the "Guide to Historic Sites in Central New Jersey". (11/4/09)**
- 14. Elaine M. Jasko, City Clerk to Deputy Chief E.J. McDonald, asking that he provide the City Council with a written report regarding the position of the Police Department on extending the closing time for billiard rooms throughout the City. (11/5/09)**

COUNCIL COMMENTS

None.

ADJOURNMENT

Motion was made by Council Member Jimenez seconded by Council Member Bolanowski to adjourn the meeting at 8:15 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