



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

NOTICE OF MEETING

Regular Meeting of the Council of the City of Perth Amboy was held on Wednesday, December 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 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. Absent—none.

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

Motion was made by Council Member Sottilaro, seconded by Council Member Gonzalez to consider resolution #576-12/09 as the first order of business, and was carried by the following vote: Yea—Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay—none. Absent—none.

VOTE TAKEN ON RESOLUTION 576-12/09 (See vote under Resolutions).

Motion was made by Council Member Jimenez, seconded by Council Member Bolanowski to recess the meeting and go into Closed Session at 7:05 PM, 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 Bolanowski to resume the meeting at 7:50 PM, and was carried by the following vote: Yea—Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay—none. Absent—none.

PROCLAMATIONS/PRESENTATIONS

1. Robert McCoy, Dir. UEZ/BID – Comprehensive status report of activities, expenditures and revenues realized by the UEZ/BID.

Robert McCoy, Dir. UEZ/BID - The City's UEZ submitted a \$216,613 Administration Budget for fiscal year 2009-10 to the State UEZ Authority for its' approval, but was advised that only \$150,000 would be approved until the rest of the monies can be collected by way of sales taxes. The S&W budget for the City's UEZ has not increased for the past 2 years. We were recently approved for another 16 years as a UEZ City. As of November, the UEZ will get another 15 year cycle. As of October 31, we have \$384,789 for programs. \$250,000 will be used for the YMCA and will come out of this amount. We have funded 38 projects from the sales tax dollars collected. The UEZ has an advisory board and we are considering several new projects. We are looking to expand our BID. We are looking to upgrade our train station. The BID promotes our downtown. We receive \$216,000 per year. We fund the Gallery for the Arts.

Council Member Gonzalez: There's a deficit of \$134,000 in S&W. Who pays for that?

Bob McCoy: The State.

Council Member Gonzalez: Can we give money to our library?

Bob McCoy: They can come before the advisory board and we can submit the application to the State. No one has approached us until now.

Council Member Gonzalez: I don't know why Code Enforcement hasn't shut the library down.

Council Member Sottilaro: The City gets 3% from the State. Is that correct?

Bob McCoy: Yes.

Council Member Balut: Please provide us with a list of all the projects that the UEZ funded.

Bob McCoy read a list of all projects.

Council Member Balut: The BID budget has remained the same for many years.

Bob McCoy: It's a set amount that hasn't changed for many years.

TOPICS FOR DISCUSSION

- 1. Discuss Council Members budget recommendations.
(Jimenez)**

HEARING OF CITIZENS (10 MINUTE MAXIMUM)

None.

PUBLIC PORTION (5 MINUTES MAXIMUM PER SPEAKER)

David Caba, 151 Lewis St.: A few weeks ago, I provided a request for an investigation for o/t for several employees in DPW.

Mark Blunda: I am researching it and will have a report for the January meeting.

Danielle Berlingieri, 410 great Beds Ct.: What is the status of the water at Harbortown?

Jane Feigenbaum: I am waiting for a list of the absentee landlords to see if they want the meter conversions so I can send a letter out to all of them. The meters are in and soon as we can start the process. Starting in January, the billing will be for the 5/8" meter.

Ernest Medina, 764 Harbortown Blvd.: How many meters did you get? We also need a meter change. We've been fighting the fight for 10 years. We also have 79 units.

Jane Feigenbaum: The meters are for Harbortown Sail. Harbortown Port units are rentals.

Mark Blunda: We are still waiting to hear back from the attorney about the meter conversions.

Richard Piatkowski, 142 Gordon St.: There is a deficit in budget revenues. A source of income is bringing back the Parking Authority. I have provided the Council with a copy of an ordinance rescinding the Parking Utility for the council's consideration.

Robert Fink, 139 Smith St. – Fink's Dept. Store: I have provided photos to the Council regarding the parking situation in front of Fink's. We are not writing tickets to address the matter. We need repairs to the parking deck. A homeless individual is living near the entrance to the parking deck. Only a part of the graffiti on the wall in the deck has been addressed. The whole wall should have been addressed. We would like the authority back.

Paul Wnek, Dir. DPW: We are enforcing 2 hour parking limits. We are waiting for all new equipment from the state. We cannot use paper parking tickets anymore. They all have to be issued electronically. We have issued over 1400 tickets in the past 10 days.

Council Member Gonzalez: A ticket was being issued to a handicapped person on Smith St. The deck should be cleaned. I would like to go and visit the deck with Mr. Wnek some morning.

Paul Wnek: That deck is cleaned every day.

Alan Silber, 244 Rector St.: I went to visit the library and took pictures. It is in deplorable condition. I have the agenda for the State UEZ meeting. Many towns applied for different issues. Nothing has been done for our library. Someone should make an application. Mr. Blunda should see if we are violating any laws by keeping the library active.

Reinaldo Aviles, 496 McKeon St.: The parking boxes on Jefferson St. will not accept certain coins. Mr. Wnek should be given some time to do work with regard to the parking deck. Maybe the parking deck should be closed until it's repaired. Maybe the Council should make the appointments to the Zoning Board. The Mayor should have the Planning board appointments.

Howard Fink: There are many individuals who regularly park on Smith St. and don't get ticketed. There should be limits on meters. We have a parking deck that is mostly empty.

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-576

Richard Piatkowski, 142 Gordon St.: Have these matters been budgeted for?

Council President Jimenez: No.

R-591

Richard Piatkowski: Do we have salt leftover?

Mark Blunda: Mr. Muska made a mistake at the Caucus Meeting. The price did not increase by \$2.00. It's 80 cents lower.

R-593

Richard Piatkowski: Are there Council recommendations? We should look closely at all monies being spent.

Mark Blunda: No action will be taken.

APPROVAL OF MINUTES

None.

BIDS

None.

SUPPLEMENTAL DEBT STATEMENT

LIQUOR LICENSE – NOTIFICATION

None.

SOCIAL AFFAIR PERMIT

None.

REPORTS

- 1. Middlesex County Utilities Authority – 2010 Budget, Rate Schedule and Service Fees – Solid Waste Division.**
- 2. Report of Checks prepared and paid during the month of November 2009, totaling \$932,927.39.**

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

- 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.**

Motion was made by Council Member Sottilaro 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 the Council to be held on January 13, 2010 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 ESTABLISHING A BAN ON GIFTS AND GRATUITIES.

HOLD UNTIL JANUARY MEETING.

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

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 Balut, seconded by Council Member Gonzalez 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.

Kevin Morse, Esq: I represent Mr. Santos of Action Billiards. He has invested a substantial amount of money in his business. This is a first class operation. We are asking for a change in the closing from 1 a.m. to the closing time of 2 a.m. There are folks who are looking for an alternative activity at that time.

Alan Silber, 244 Rector St.: A lot of money has been invested by this gentleman. Please consider his request.

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 Gonzalez, seconded by Council Member Balut to adopt the Ordinance on second and final passage and was carried by the following vote: Yea—Council Members Balut, Gonzalez, and Jimenez. Nay—Council Members Bolanowski and Sottilaro. 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

TO BE RE-INTRODUCED AT THE JANUARY MEETING.

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, 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 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 Bolanowski to adopt the 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-576-12/09 Authorizing a Closed Session at the December 9, 2009 meeting to discuss the following:

- 1. Collective bargaining and interest arbitration in progress with City unions.**
- 2. Pending litigation:**
 - i. Conrail v. Perth Amboy**
 - ii. Public Safety Complex**
 - iii. JFK Medical Center v. Perth Amboy**
 - iv. Munoz v. Perth Amboy**
- 4. Anticipated litigation.**
- 5. Contract negotiations unrelated to collective bargaining.**

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-577-12/09 Public Hearing and possible adoption of SFY 2010 Budget.

Motion was made by Council Member Jimenez, 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-578-12/09 Authorizing emergency temporary appropriations to extend SFY 2010 Temporary Budget in the amount of \$149,596.77.

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-579-12/09 Resolution pursuant to N.J.S.A. 40A:4-39 authorizing a "Dedication By Rider" for a reserve for snow removal.

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-580-12/09 Approving an estimated State Fiscal Year Municipal Tax Levy for Fiscal year 2010 for the purpose of issuing estimated 1st quarter tax bills.

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

R-581-12/09 Authorizing the payment of \$300.00 from the General Account to Tax Lien Redemption Account.

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.

R-582-12/09 Providing for the refund of overpayment /duplicate tax payments in the total amount of \$25,210.18 for various years on various blocks and lots.

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-583-12/09 Providing for the refund of overpayments created by tax appeals on various properties to Brach Eichler, LLC and Moorehouse Palma Partnership in the total amount of \$15,291.93.

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-584-12/09 Providing for the refund of overpayments created by tax appeals on Block 399.02, Lot 9, 1 Lindbergh Ave., in the amount of \$53,341.96 to Zipp and Tannenbaum, LLC.

Motion was made by Council Member Bolanowski, seconded by Council Member Balut 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-585-12/09 Authorizing cancellation of refund in the amount of \$722.70 on Block 353.06, Lot 4 QC0526.

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-586-12/09 Authorizing the refund of tax overpayment in the amount of \$1,632.75 to McKirdy & Riskin, P.A. on Block 229, Lot 7, 421 State Street.

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-587-12/09 Authorizing the reduction of the performance bond of Morris Perth Amboy Associates, LLC for 950 Convery Boulevard and 1051 Amboy Avenue to \$908,272.80.

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-588-12/09 Authorizing a contract with Morales Martial Arts Academy, LLC in the amount of \$5,500.00 for continuation of a martial arts program for youth from the ages of 5-18 years of age.

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-589-12/09 Authorizing an agreement with the Perth Amboy Youth Football League for the organization and operation of a youth football program in the City of Perth Amboy for the 2010 football season in the amount of \$12,000.00.

Motion was made by Council Member Balut, 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-590-12/09 Authorizing an agreement with the Perth Amboy Little League, Inc. for the organization and operation of a youth baseball program in the City of Perth Amboy for the 2010 baseball season in the amount of \$10,000.00.

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-591-12/09 Awarding the SFY 2010 annual contract for rock salt to International Salt Company in accordance with the Middlesex County cooperative pricing agreement, in an amount not to exceed the sum of \$90,000.00.

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-592-12/09 Authorizing settlement of the workers compensation litigation entitled Hugo Fleites v. City of Perth Amboy C.P. No. 2009-6417, for the total amount of \$7,969.50.

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-593-12/09 Endorsing the budget recommendations made by City Council Members.

VOID - NO ACTION TO BE TAKEN ON R-593.

COMMUNICATIONS

- 1. NJDOT advising that a Public Information Center will be held on Tuesday, December 1, 2009 at P.A. High School, about proposed improvements to Amboy Avenue and U-Turn over Route 440. (11/23/09)**

Council Member Bolanowski: Have there been any changes?

Michael Keller, Dir. OECD: I will look into it and report to you.

- 2. Woodbridge Township Planning Board advising that at the regular meeting scheduled for December 2, 2009, will be held for the purpose of obtaining public comments relative to a proposed amendment to the Master Plan. (11/23/09)**
- 3. Jack M. Dudas, Esq., City Historian, providing Mayor Diaz with a list of people who might be interested in being appointed to the Landmarks Preservation Commission. (11/23/09)**

- 4. Jack M. Dudas, Esq., City Historian, providing Mayor Diaz with additional names to be considered for appointment to the Landmarks Preservation Commission and advising that the first duty of the Commission will be to create a Historic District. (11/24/09)**
- 5. Middlesex County Department of Planning, Division of Solid Waste Management advising that a public hearing on a Plan Amendment to the County's Solid Waste Management Plan will be held December 15, 2009 at 6:00 pm, in the Freeholder Meeting Room, at the Administration Building in New Brunswick. (11/30/09)**
- 6. PSE&G advising that meetings will be held at various dates and locations on the Company's filing approval of changes in its electric and gas regional greenhouse gas recovery charges. (11/30/09)**
- 7. Mayor Wilda Diaz appointing Rosemarie Sinatra to a five year term on the Library Board of Trustees, expiring June 30, 2014. (12/2/09)**

Council Member Gonzalez: Was this vacancy advertised on the website?

Elaine M. Jasko, City Clerk: I believe so.

Council Member Sottilaro: This position has been vacant since July.

COUNCIL COMMENTS

Council President Jimenez: I went to a function at Action Billiard, on New Brunswick Ave., which was sponsored by the Recreation Dept. I would like Mr. Ortiz to describe the event.

Ken Ortiz, Dir. of Recreation: Provided a description of the program which he advised targets 14 to 24 year olds. We are trying to do more with our young adults. I commend Action Billiards for the cooperation they provided to us. I commend my staff for the work they do without any o/t cost.

Council President Jimenez: I commend Mr. Ortiz for the interest in these young people.

Council Member Bolanowski: PARA will be issuing RFP's on Monday for the Celotex property.

Council Member Sottilaro: I have prepared guidelines for meeting conduct for the Council's review.

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 9:35 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