



**MINUTES
PROCEEDINGS OF THE COUNCIL OF THE
CITY OF PERTH AMBOY
MARCH 11, 2009
COUNCIL CHAMBERS**

NOTICE OF MEETING

Regular Meeting of the Council of the City of Perth Amboy was held on Wednesday, March 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 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 Gonzalez.

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. Report by PARA. (Gonzalez)

Councilmember Gonzalez: I thank the executive director for the work that was done on this report. I would like to call for a special meeting to go over the content of the report.

Council Member Jimenez: I concur and we should have a special meeting.

Elaine Jasko: I will be on vacation next week.

Council asked the City Clerk to see if the Assistant Clerk was available for March 18, 2009 at 6:00 p.m.

HEARING OF CITIZENS (10 MINUTE MAXIMUM)

None.

PUBLIC PORTION (5 MINUTES MAXIMUM PER SPEAKER)

Gregory Primeau, Landair Inc, Fairfield, NJ: We are looking to lease space on the city's water tank for an antenna for telecommunications site. We would like to lease the property and make payments to the City. We are asking that this be put out to bid.

Mark Blunda: We are exploring the issue.

Jane Feigenbaum: I will work with Mr. Blunda to resolve the matter.

Richard Piatkowski, 142 Gordon St.: There's a problem with the city's automated telephone system.

Jill Goldy: Some of the software and wires need to be replaced. We are trying to resolve the issue.

Elaine Jasko: There's a switchboard operator. The only time the phone goes into automated mode is if there's no replacement for lunch relief for the operator.

Richard Piatkowski: There are a number of people here tonight. Did something important happen today?

Council Member Jimenez: Former Mayor Vas was arrested. We should ask Mr. Vas to step down as Assemblyman and Chairman of the city's Democratic Party.

Donna Siregar, 94 Jefferson St.: We would ask for a parking decal system on Jefferson St. I am providing the City Clerk with a petition signed by residents of the area.

Council Member Jimenez: We will look into this.

Maria Garcia, 124 Kearny Ave.: Over the years, I brought up many of the items that are part of the indictment against Joe Vas. The Council should listen to the public.

David Caba, 151 Lewis St.: It's disturbing that politicians use city funds for their personal use. We knew what was going on.

Israel Varela, 212 Lewis St.: I am glad about what happened today. Everyone here knew about what was going on with Joe Vas. My City failed me and my son over the years.

Orlando Perez, 467 Rathburn Pl: The Council knew about these allegations and did nothing. Some of the Council Members should resign.

Peter Book, 687 Johnstone St.: Indictment is only an accusation. The charges are small stuff. The investigation should continue and we should wait for the final results.

Reinaldo Aviles, 496 McKeon St.: I never liked Joe Vas. Maria and Israel deserve the credit for bringing Joe Vas down. The speed limit at High St. past Harbortown should be changed from 25 mph to 35 mph. We don't need a speed trap there.

The City Clerk was asked to send a letter to the Chief of Police asking that he review this recommendation.

Alan Silber, 244 Rector St.: The Mayor was enabled by the Council and city personnel in doing what he did. Joe Vas was a victim of the success he had in the City.

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-120-3/09

Richard Piatkowski, 142 Gordon Street: I am curious as to how many more change orders there will be.

R-101-3/09

Richard Piatkowski: What was the work done?

Jane Feigenbaum outlined the scope of the work.

Helga van Eckert, Executive Director of PARA assisted the Business Administrator in describing the work done.

R-105-3/09

Richard Piatkowski: Will this continue through May?

Jane Feigenbaum: Most of the salt was used for the last two storms. This is to replenish stock.

R-99-3/09

Reinaldo Aviles: Why do we keep amending this?

Jill Goldy: Our budget will not be approved until late April. The State is still dealing with the deferred pension matter. All fiscal year towns are in a holding pattern. The state provided extensions for these temporary budgets.

R-103-3/09

Israel Varela: What is this for?

Jane Feigenbaum: This program intervenes with children who have gone down a wrong path. This is for counseling for kids and their families.

R-103-3/09

Ana Daily, Bruck Ave.: How is this going to be expanded and how do we measure the success?

Chief Mike Kohut: This is an extension of the previous year's program. There were 61 children processed thru this program. Only 2 fell back. This is the second year of this program. This is a grant from the State. The City was identified as an aggressive participant of the program.

APPROVAL OF MINUTES

None.

BIDS

None.

SUPPLEMENTAL DEBT STATEMENT

None.

LIQUOR LICENSE - NOTIFICATION

None.

SOCIAL AFFAIR PERMIT

None.

REPORTS

1. Report of checks prepared and paid during the month of February 2009, totaling \$1,647,741.36.
2. Jane Feigenbaum, B.A. – Construction plan & estimate of construction costs for Willow Pond Park improvements.
3. Middlesex County Preliminary Equalization Table for the year 2009.
4. Report of Bond Anticipation Note Sale held on March 5, 2009 in the amount of \$5,657,142.00 at an interest rate of 4.50%, payable at maturity on March 10, 2010 and \$4,510,000.00 at an interest rate of 2.90% payable at maturity on March 10, 2010.

ORDINANCES – FIRST READING (No PUBLIC DISCUSSION)

1. AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "VEHICLES AND TRAFFIC" (ORDINANCE NO. 194-78 AS AMENDED) ADOPTED SEPTEMBER 19, 1978, ALSO KNOWN AS CHAPTER 414 ET SEQ OF THE CODE OF THE CITY OF PERTH AMBOY.

Re: No Parking During Certain Hours – Add location on Walnut Street

Motion was made by Council Member Jimenez, and 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 March 25, 2009 at 7:00 p.m. in the Council Chambers, City Hall and was carried by the following vote: Yea--Council Members Balut, Bolanowski, 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 "VEHICLES AND TRAFFIC" (ORDINANCE NO. 194-78 AS AMENDED) ADOPTED SEPTEMBER 19, 1978, ALSO KNOWN AS CHAPTER 414 ET SEQ OF THE CODE OF THE CITY OF PERTH AMBOY.

Re: Stop Sign on Penn Street Added (intersection of Penn and Washington Streets)

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 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 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.

2. 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 Balut, 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 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-97-3/09 Public Hearing and possible adoption of SFY 2009 Budget. MOTION TO CONTINUE PUBLIC HEARING TO THE MEETING OF MARCH 25, 2009.

Motion made by Council Member Bolanowski seconded by Council Member Jimenez to continue the public hearing on March 25, 2009 and was carried by the following vote: Yea—Council Members Balut, Bolanowski, Gonzalez, Sottilaro and Jimenez. Nay--none. Absent--none.

R-98-3/09 Approving the SFY 2008 Annual Audit Corrective Action Plan and authorizing the filing of said plan with the Division of Local Government Services.

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-99-3/09 Authorizing Emergency Temporary Appropriations to extend SFY 2009 Temporary Budget in the amount of \$4,664,022.00.

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-100-3/09 Authorizing the partial return of the performance bond to Washington Realty Associates 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 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-101-3/09 Authorizing the partial return of the performance bond to Kaplan @ Perth Amboy, LLC for Fayette Street, Stockton Street and Stanford Street & Lehigh Avenue, Block 107.01 All; Block 108, Lot 1.08, Block 108.04, Lot 1.04, Block 109 All; Block 110, Lots 1, 9-17, Block 111 All; Block 111.01, Lot 22.01, Block 160, Lots 24-33 Phase II-Final Docket No. 2707, in the amount of \$738,451.00.

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-102-3/09 Authorizing the execution of utility agreements with the NJDOT for the Amboy Avenue & U-Turn Over Route 440 Project.

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.

Jane Feigenbaum, BA: There will be improvements done to this.

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-103-3/09 Approving participation with the State of New Jersey in a Juvenile Justice Commission Program in the amount of \$64,000.00 for expansion of the Station House Adjustment Program.

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-104-3/09 Authorizing an amendment to a Resolution awarding a contract for additional interim management services by Government Management Advisors, LLC in an amount not to exceed \$6,250.00.

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-105-3/09 Authorizing extension of the contract for rock salt to Atlantic Salt Co., in an amount not to exceed the sum of \$75,000.00.

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.

Consent Agenda – R-106-3/09 to R-119-3/09

R-106-3/09 Authorizing refund of a street opening permit for property located at 352-354 Fayette Street, Block 160, Lots 4 & 5, in the amount of \$1,000.00 to Leonardo Construction, LLC.

R-107-3/09 Authorizing refund of a street opening permit for property located at 44 High Street, Block 1, Lot 1, in the amount of \$1,000.00 to DSM, LLC.

R-108-3/09 Providing for the refund of duplicate tax payment on Block 334, Lot 13, in the amount of \$1,481.37 to Litton Loan Servicing c/o First American Real Estate Tax Services.

R-109-3/09 Providing for the refund of duplicate tax payment on Block 74, Lot 38.01, in the amount of \$1,045.00 to Indy Mac c/o First American Real Estate Tax Services.

R-110-3/09 Providing for the refund of duplicate tax payment on Block 436, Lot 27.02, in the amount of \$779.40 to Indy Mac c/o First American Real Estate Tax Services.

R-111-3/09 Providing for the refund of duplicate tax payment on Block 189.04, Lot 1, in the amount of \$262.00 to Westlake Settlement c/o First American Real Estate Tax Services.

R-112-3/09 Authorizing the refund of tax overpayment on Block 379.14, Lot 1, in the amount of \$255.35 to Hermenegildo and Ariana Hernandez.

R-113-3/09 Providing for the refund of overpayment on Block 387, Lot 11, in the amount of \$101.42 to Jose and Rebecca Lugo.

R-114-3/09 Providing for the refund of overpayment on Block 444, Lot 9, in the amount of \$1,085.55 to Reina Martinez.

R-115-3/09 Providing for the refund of overpayment on Block 21, Lot 43, in the amount of \$1,072.16 to Mackenzie M. Fernandes c/o Alcides T. Andril, Esq.

R-116-3/09 Providing for the refund of overpayment on Block 35, Lot 26, in the amount of \$650.45 to Pedro Pena Sandoval and Carlos E. Gonzalez.

R-117-3/09 Authorizing the refund of tax overpayment on Block 366, Lot 3, in the amount of \$1,173.00 to Countrywide Home Loans.

R-118-3/09 Authorizing the cancellation of real estate tax overpayments in the total amount of \$9,690.72.

R-119-3/09 Providing for the refund of duplicate tax payment on Block 17, Lot 5, in the amount of \$4,926.55 to First American Real Estate Tax Services.

Motion was made by Council Member Sottilaro, seconded by Council Member Balut to adopt R-106-3/09 to R-119-3/09.

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, Sottilaro and Jimenez. Nay--none. Absent--none

R-120-3/09 Authorizing change orders no. 55 and 56 to the contract with North Star Enterprises, Inc. for the public safety-court-community complex bid package no. 6 – site work (rebids) increasing its contract in the amount of \$69,939.00.

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

Council President asked for comments.

Council Member Balut: What is this for?

Joe Nigro, Imperial Construction: This is an increase to the contract. This is for the colored brick pavers in front of the building. This was not an oversight. It was an upgrade.

Council Member Balut: Who decided on the pavers?

Joe Nigro: The former City Business Administrator, Don Perlee.

Michael Kohut, Police Chief/Director: The decision was made by the BA at one of our meetings. They were installed in the summer of last year.

Council Member Gonzalez: When will the building be completed?

Joe Nigro: We're trying to get the pool into use by August. I will be back monthly for change orders. We're trying to get finished.

Michael Kohut: There may be back charges to some of the contracts.

Council Member Jimenez: Has Imperial ever done work of this magnitude?

Rich Briggs, Imperial: Yes.

Council Member Jimenez: We should go after the contractors if they did defective work.

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

R-121-3/09 Retaining Appraisal Systems, Inc. to perform a property assessment and analysis of the terms of the Pilot Agreement on property owned by Gerdau Amersteel in an amount not to exceed \$1,350.00.

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-122-3/09 Extending the 2008 Contracts for towing services for an additional period of 30 days.

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, and Jimenez. Nay--Sottilaro. Absent--none.

R-123-3/09 Authorizing a Closed Session at the March 11, 2009 meeting to discuss investigations of possible violations of the law.

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.

COMMUNICATIONS

- 1. Local Finance Board submitted copies of Resolutions reflecting the action the Board took at a meeting held on February 13, 2008 and April 9, 2008 regarding the City's self insurance bond ordinance. (2/24/09)**
- 2. Mayor Wilda Diaz advising that she is nominating Kenny Ortiz to the Early Childhood Advisory Board of the Perth Amboy Board of Education and that the City Attorney will prepare a Resolution declaring the week of April 20th as the Week of the Young Child in Perth Amboy. (2/27/09)**
- 3. Michael Kohut, Police Director/Chief, advising of the results of the survey conducted by the traffic unit of all the reserved residential handicapped spaces. (3/4/09)**
- 4. Mayor Wilda Diaz advising Diane Dahl, Reading Specialist at James J. Flynn School that she will participate in this year's Guest Reader Day on Tuesday, March 10th. (3/3/09)**
- 5. Mayor Wilda Diaz advising Linda Tollis of North Brunswick that the City appreciates a donation of a tree at the Caledonia/Roessler Park as a living memorial for all the people to enjoy. (3/3/09)**

6. **Mayor Wilda Diaz advising Michelle Liska, President of the Royal Garden Club that the Chief of Police and Director of Public Works will make the necessary arrangements to have the tennis court building available for use by the Club in celebrating Earth Day on Saturday, April 18, 2009 from 11:00 am to 4:00 pm. (3/3/09)**

7. **Sayreville Borough Clerk submitted a certified copy of an Ordinance amending the Crossway Creek Redevelopment Plan adopted on February 23, 2009. (3/6/09)**

COUNCIL COMMENTS

Council Member Sottilaro: I would like to have a resolution honoring the city's basketball team for the next meeting.

ADJOURNMENT

There being no further business to come before the Council, motion was made by Council Member Balut, seconded by Council Member Bolanowski to adjourn the meeting at 8:50 p.m., and to go into Closed Session 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