



**MINUTES
PROCEEDINGS OF THE COUNCIL OF THE
CITY OF PERTH AMBOY
APRIL 8, 2009
COUNCIL CHAMBERS**

NOTICE OF MEETING

Regular Meeting of the Council of the City of Perth Amboy was held on Wednesday, April 8, 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.

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 Geraldine Bolanowski.

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

Also present at this meeting were: Jane Feigenbaum, Business Administrator; Jill Goldy, CFO/Comptroller; John Harrington, Esq., (filling in for Mark J. Blunda, Esq., City Attorney), and Elaine M. Jasko, City Clerk.

PROCLAMATIONS/PRESENTATIONS

**Week of the Young Child – April 19–25, 2009.
(Mayor Wilda Diaz)**

TOPICS FOR DISCUSSION

None.

HEARING OF CITIZENS (10 MINUTE MAXIMUM)

None.

PUBLIC PORTION (5 MINUTES MAXIMUM PER SPEAKER)

Richard Piatkowski, 142 Gordon St.: Citizens should watch Channel 34 for the board meetings. A good example is last month's Planning Board meeting at which time the Harbortown matter took place. People should also watch the last PARA meeting. Councilman Gonzalez recommended that a 200 foot notice be sent for all future PARA development. City employees should be encouraged to park at the Kings Plaza.

Council Member Balut: At the Planning Bd. meeting there was mention of a \$150,000 check that was given to the City.

David Szilagyi, former Councilman: The check was given to T & M for the design of the road.

Jill Goldy: I will look into it.

Orlando Perez, 467 Rathburn Pl.: If you sign up with Verizon, you will not be able to get our local channel 34.

Jane Feigenbaum: The City will have 2 strands of file and we will be meeting with them to finalize the matter.

Pauline Hmieski, 553 McKeon St.: There are large pot holes in the parking lot on Hobart St. The Amboy Mall floor is filthy and there are pounds of pigeon poop. This is a health issue.

Mike Rudolph, 97 First St.: There are water leaks in the City and Middlesex Water is taking forever to fix them. How is the City being billed for repairs?

Roger Williams, 410 Great Beds Court: We have a problem getting police officers out to Harbortown. The builders have written letters to the City about this situation but nothing is being done.

Jane Feigenbaum: I'll meet with the gentleman to discuss this further.

Danielle Berlingieri, 410 Great Beds Court: There are political signs at Harbortown. This is private property. The signs should be removed. Section 8 families have been allowed to move into Harbortown and it's creating a problem for us. We pay premium (commercial) water rates at Harbortown. We pay double for garbage pickup. Our taxes are extreme.

Jane Feigenbaum: I'll take a look into it.

David Caba, 151 Lewis St.: Developers don't give back to the community. I feel sorry for the people of Harbortown. Nobody asked questions during the last administration.

Council President Jimenez to Mr. Caba: You sold mortgages below the sub prime rate. You should not be criticizing.

Wilfredo Soto, Harbortown: We need to move the City forward. We should work together.

Roger Williams: We are looking to turn down two tot lots because they will turn into drug havens.

Council Member Gonzalez: You and your organization should watch the last Planning Board meeting and you should attend the next meeting when Harbortown is discussed.

Peter Book, 687 Johnstone St.: The taxes are out of control. The Board of Education is not run properly. We are assessed at 92.5%. The taxes will increase next year. We should have another appraisal of all the properties in town.

Reinaldo Aviles, 496 McKeon St.: The Council meetings are not being aired at a decent time. Channel 34 belongs to us. We should have a say in the schedule. There were many promises when Harbortown was first introduced 20 years ago. The market is different today.

Dorothy Carty Daniel, 277 Water St.: When Harbortown was built, we were told there would be no children. We were told they would be young professionals.

Steven Nascimento, Great Beds Court: The sewer dept. came to fix/unclog the sewer system three times before it was fixed properly. There are many other issues that need to be addressed in Harbortown.

Israel Varela, 210 Lewis St.: All of Harbortown's problems are a result of the City's past corruption. I hope we don't follow past history. You should not take monies from developers or contractors.

Council Member Balut: No one can use my name for political purposes without permission. When I found out it was done for the school election, I asked for an apology.

Alan Silber, 244 Rector St.: There were several resolutions for Barry Brendel, and it seems contracts were given to him by the UEZ before some of Vas' elections. City employees were paid as political consultants for Vas' campaigns. I would like that looked into. It's a conflict, and there were several other conflicts that should be looked into.

David Szilagyi, 42 Market St.: The City took Mr. Varela's property not PARA. Property taxes are a problem across the state. There's a reduction in the items of revenue in the city's budget. That drives the budget up. Development is the only means for raising revenues. We need to encourage business.

Council Member Gonzalez: I agree. Revenue increases will be an asset to the City. We have wasted a lot of money in the past. Look at the public safety complex on New Brunswick Ave.

David Szilagyi: The building is an asset to the community.

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.**

Supplemental Debt Statement/Ordin. #1 FR and R-159

Richard Piatkowski, 142 Gordon St.: Will this amount finish the project?

Jill Goldy: In 2000, a capital ordinance was adopted to start the project. It was not a bond ordinance. We did not vacate the old buildings until 2008. Monies were used from different sources. We don't know at this point if this transaction can take place. The City delayed in taking the property. We are not going to issue debt. This is a housekeeping measure. This money has already been spent. There was a portion of this money that has not been spent.

R-177

Richard Piatkowski: What is this?

Jill Goldy: It's part of the accreditation process. This has already been purchased. This is for software. This is being purchased out of forfeiture funds.

Council Member Balut: Can't we use our own system for this?

Comm. #10

Richard Piatkowski: We should post on-line all boards and members. There are mechanisms in place and information can be accessed.

Comm. #10

Reinaldo Aviles, 496 McKeon St.: This ordinance is a model and is already in place. This will make the process more open. We should have an application process. Please don't dismiss it.

Council President Jimenez: I agree with this.

Council Member Gonzalez: We should vote on this at the next meeting.

R-157

Orlando Perez, 467 Rathburn Pl.: The town will go broke with this building.

APPROVAL OF MINUTES

August 13, 2008	-	Regular
September 4, 2008	-	Special
September 10, 2008	-	Regular
September 24, 2008	-	Regular
October 8, 2008	-	Regular

Motion was made by Council Member Gonzalez, seconded by Council Member Sottilaro to approve all of the above 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

Public Safety Complex - \$4,690,000.00, dated April 8, 2009

LIQUOR LICENSE – NOTIFICATION

None.

SOCIAL AFFAIR PERMIT

**St. Demetrios Greek Orthodox Church
41-47 Wisteria Street**

Perth Amboy

Dates: May 29, 2009 - 12 pm to 11 pm

May 30, 2009 - 12 pm to 12 am

May 31, 2009 - 12 pm to 6 pm

Location: 41-47 Wisteria Street

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

REPORTS

1. Report of checks prepared and paid during the month of March 2009, totaling \$2,071,875.77.

ORDINANCES – FIRST READING (No PUBLIC DISCUSSION)

1. **BOND ORDINANCE PROVIDING FOR A SUPPLEMENTAL APPROPRIATION OF \$4,690,000 FOR THE COMPLETION OF CONSTRUCTION OF THE NEW PUBLIC SAFETY/COURT/YOUTH CENTER COMPLEX IN AND BY THE CITY OF PERTH AMBOY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$4,690,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.**

Motion was made by Council Member Bolanowski, and seconded by Council Member Sottilaro to adopt the above Ordinance on first reading and public hearing for second and final passage be set down for the meeting of April 22, 2009 at 7:00 p.m. in the Council Chambers, City Hall and was carried by the following vote: Yea--Council Members Bolanowski, Sottilaro and Jimenez. Nay--Council Members Balut and Gonzalez. Absent--none.

Council President Jimenez: I hope the Council realizes that this did not pass.

Jane Feigenbaum: The work was already done.

Council Member Balut: The work was done improperly.

Council President Jimenez: I asked for an investigation a long time ago. We need to finish this project.

Jill Goldy: This was reported in this year's audit. As part of the corrective action plan, the council voted in favor of correcting the matter. The City will not issue the debt unless necessary.

Council President Jimenez: We should put it back on the agenda for the next meeting.

2. AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "ADMINISTRATION" (ORDINANCE NO. 1-72 AS AMENDED) ADOPTED JULY 28, 1972, ALSO KNOWN AS CHAPTER 4 ET SEQ OF THE CODE OF THE CITY OF PERTH AMBOY.

Re: Workshop or agenda meetings

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 April 22, 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.

Council Member Sottilaro: I was never asked my opinion on this. I was against stopping caucus meetings in the past.

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

1. AN ORDINANCE RESCINDING ORDINANCE NO. 1454-2009 AND ESTABLISHING A CITYWIDE POLICY REGARDING WAIVER OF EMPLOYEE HEALTH INSURANCE COVERAGE UNDER GOUP HEALTH CARE BENEFITS PROGRAM.

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 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. AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A TWO-YEAR INTERLOCAL SERVICE AGREEMENT WITH THE TOWNSHIP OF WOODBRIDGE FOR DIESEL EMISSIONS TESTING SERVICES.

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 Member Bolanowski: How many vehicles is this for?

Jane Feigenbaum: 28.

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

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

RESOLUTIONS

R-158-4/09 Public Hearing and possible adoption of SFY 2009 Budget.

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

Council Member Balut: What is signage on sheet 25?

Michael Keller, Director of Economic and Community Development: This is for signs (125) throughout the city. We're hoping the price will be reduced. The resolutions will come before the Council. This is subject to bidding requirements.

Jane Feigenbaum: Jill and I were before the local finance board today. This budget has no one-shot revenues. We will focus in the future on reducing expenditures.

Council President Jimenez: They cut our state aid request by \$700,000. Will this budget reflect a tax increase?

Jane Feigenbaum: The last quarter billing will be slightly less than in the past.

Jill Goldy: The overall levy is slightly less. The local portion will have no increase.

Council President Jimenez: This budget does not include the County or the Board of Education figures.

Council Member Sottilaro: The Board of Education had to spend a certain amount of money.

Council Member Gonzalez: The Board of Education spends \$183m to educate our children. We are spending a lot of money to educate our children and the education system is inadequate.

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

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

R-159-4/09 Resolution of the City of Perth Amboy, in the County of Middlesex, New Jersey approving an application to the Local Finance Board pursuant to N.J.S.A. 40A:2-7(d), N.J.S.A. 40A:2-11(c) and N.J.S.A. 40A:3-1 et seq, for approval of a \$4,690,000 bond ordinance providing for the completion of construction of the public safety complex.

Jill Goldy: This Resolution should be held until the next meeting since the ordinance was not adopted this evening.

Consent Agenda – R-160-4/09 to R-173-4/09

R-160-4/09 Providing for the refund of duplicate tax payment in the amount of \$726.87 on Block 74, Lot 23 to Gerardo A. Rodriguez.

R-161-4/09 Providing for the refund of tax overpayment in the amount of \$266.69 on Block 417, Lot 6 to Jose R. Reyes.

R-162-4/09 Providing for the refund of duplicate payment in the amount of \$853.20 on Block 32, Lot 12 to Manuel Taveras.

R-163-4/09 Providing for the refund of tax payment made in error in the amount of \$1,610.03 on Block 269, Lot 5.

R-164-4/09 Providing for the refund of duplicate tax payment in the amount of 1,439.77 on Block 196, Lot 23 to Countrywide Tax Services Corporation.

R-165-4/009 Providing for the refund of duplicate tax payment in the amount of \$990.97 on Block 71, Lot 8 to Policarte Marte, Felix Collado and Francisco Peralta.

R-166-4/09 Providing for the refund of duplicate tax payment in the amount of \$1,642.40 on Block 80, Lot 4 to Cecilia Alvarez.

R-167-4/09 Providing for the refund of overpayment in the amount of \$200.35 on Block 440, Lot 8.02 to Zalenah Khan-McHugh.

R-168-4/09 Providing for the refund of duplicate tax payment in the amount of \$1,935.29 on Block 76, Lot 10.01 to Countrywide Tax Services Corporation.

R-169-4/09 Providing for the refund of overpayment in the amount of \$195.59 on Block 265, Lot 8 to George & Angelina Baksh.

R-170-4/09 Providing for the refund of overpayment in the amount of \$1,489.52 on Block 83, Lot 22.02 to Edilberto & Lucy Feliciano.

R-171-4/09 Providing for the refund of overpayments created by tax appeals on various properties in the total amount of \$5,044.93.

R-172-4/09 Providing for the refund of overpayment in the amount of \$126.58 on Block 69, Lot 35 to Ramon & Casimiro Rodriguez.

R-173-4/09 Authorizing cancellation of various credit balances under the \$10.00 threshold.

Motion was made by Council Member Jimenez, seconded by Council Member Bolanowski to adopt Resolutions 160-4/09 to 173-4/09.

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-174-4/09 Authorizing settlement of the workers compensation litigation entitled Damon Clark v. City of Perth Amboy C.P. No. 2007-35028, for the total amount of \$10,473.75.

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-175-4/09 Authorizing settlement of the workers compensation litigation entitled Derek Kraese v. City of Perth Amboy C.P. No. 2007-32136, for the total amount of \$17,100.00.

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-176-4/09 Authorizing a refund in the amount of \$35.00 to Teresa Titus for the cost of a city sponsored trip to Cornerstone Playhouse and Mohegan Sun.

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-177-4/09 Authorizing a contract with Innovative Data Solutions for power DMS System in an amount not to exceed \$19,250.00.

The Council asked that this Resolution be held until the next meeting so questions could be answered.

R-178-4/09 Authorizing city officials to file an application for funding in the amount of \$355,569.00 from the Urban Enterprise Zone Assistance Fund for the City Clean Team Request VII contingent upon \$2,840.00 of cash matching funds in accordance with UEZ Policy 98-01.

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-179-4/09 Authorizing a Closed Session at the April 8, 2009 meeting to discuss:

Resolution #179 void.

COMMUNICATIONS

1. AquaTek Environmental Consulting, Inc. advising that Junior Auto Repair will be performing underground storage tank closures and remediation activities on 1027 State Street and Tile Place. (3/20/09)

- 2. Craig A. Rogerson, Chairman, President and CEO of Chemtura advising that Chemtura and 26 of their U.S. affiliates have filed for protection under Chapter 11 of the US. Bankruptcy Code in the U.S. (3/25/09)**
- 3. Comcast submitted a notice regarding HD Additions and Package Changes effective on or about April 1, 2009. (3/25/09)**
- 4. NJDEP submitted a No Further Action Letter and Covenant Not to Sue for the remediation of the area of concern at property at 376 Stanford Street/312 Lehigh Avenue. (3/27/09)**
- 5. Middlesex County Mosquito Extermination Commission submitted NJDEP approved information, "Mosquitoes – What Everyone Should Know" and a pesticide fact sheet on Fyfanon and Scourge, two adulticides that may be used by the Commission. (3/27/09)**
- 6. Middlesex County Department of Engineering advising that the cantilevered concrete sidewalk is a structural component of the New Brunswick Avenue bridge over NJ Transit and as a structural component of the bridge it is the obligation of NJ Transit to maintain. (3/27/09)**
- 7. Sayreville Borough Clerk submitted a copy of an Ordinance amending the Land Development Ordinance adopted on first reading on March 23, 2009. The public hearing is scheduled for April 13, 2009. (3/30/09)**
- 8. Firefighter Ramiz Klobocista advising that his injury leave will end on April 24, 2009 and is requesting additional injury leave time if he needs it pending his next doctor visit. (4/1/09)**
- 9. Assemblyman Joseph Vas congratulating the City of Perth Amboy for being awarded \$1,700,000 in Extraordinary Aid from the Dept. of Community Affairs. (4/2/09)**

10. Perth Amboy Alliance for Community asking that the Council act on adopting an ordinance that would create a public directory of all appointed boards, their members and existing vacancies as well as an application process for those interested in applying. (4/2/09)

11. NJ Department of Community Affairs advising that the City has been awarded \$1,700,000 in SFY 2009 Municipal Property Tax Relief Act Extraordinary Aid.

Council Portion

Council Member Sottilaro: No Insurance Commission meeting was held this evening, because our attorney Mr. Rubenstein was unavailable due to his holiday.

Council Member Bolanowski: PARA will be going out for RFP's for the area of the prospective high school location.

Council Member Gonzalez: We should have a meeting with the Housing Authority to discuss this further.

Council President Jimenez: We should have a meeting with them to hear what is going on with that property.

ADJOURNMENT

There being no further business to come before the Council, motion by Council Member Jimenez, seconded by Council Member Bolanowski to adjourn the meeting at 9:25 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