



**PROPOSED AGENDA OF MARCH 21, 2011  
FOR MEETING OF MARCH 23, 2011  
COUNCIL CHAMBERS**

**NOTICE OF MEETING**

Presiding Officer of the Council, Kenneth Balut, wishes to advise 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 meeting is being held at the Council Chambers, City Hall, at 4:30 p.m.

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 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.

**PROCLAMATIONS/PRESENTATIONS**

1. BID: Rachel Youssef, La Fiesta Buffet Restaurant, 271 King St. (H. van Eckert & R. Troche)

**TOPICS FOR DISCUSSION**

1. International Ethic Heritage Park. (Mayor Diaz)
2. New Brunswick Avenue Interlocal Agreement. (Fehrenbach)

**ITEMS FOR CONSIDERATION FOR MEETING OF MARCH 23, 2011**

1. Authorization for award of contract to perform emergency repairs water/wastewater system.
2. Authorizing demolition of Goldberg properties "Second Street".

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

None.

**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.

**APPROVAL OF MINUTES**

February 23, 2011 - Regular  
March 9, 2011 - Regular

**BIDS**

None.

**SUPPLEMENTAL DEBT STATEMENT**

None.

**LIQUOR LICENSE – NOTIFICATION**

None.

**SOCIAL AFFAIR PERMIT**

None.

## **REPORTS**

1. Nancy A. Martin, Tax Collector – Report of 2010 Transition Year Tax Sale.

Jill A. Goldy, CFO/Comptroller submitted the following reports:

2. Payroll Disbursements/Deductions – February 2011.
3. Water/Wastewater Utility Reports – February 2011.
4. Investment Report – February 2011.

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

1. AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "ORDINANCE FIXING AND ESTABLISHING A SCHEDULE OF SALARIES AND SALARY RANGES AND INCREMENTS FOR OFFICERS AND EMPLOYEES OF THE CITY OF PERTH AMBOY" (ORDINANCE NO. 218-79 AS AMENDED) ADOPTED JULY 3, 1979.

Re: Non- Union, Management & White Collar Employees

2. AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "STREET AND SIDEWALK OBSTRUCTIONS" ARTICLE II OF CHAPTER 386 OF THE CITY CODE TO ALLOW FOR SIDEWALK CAFES.

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

1. AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "STREET AND SIDEWALK OBSTRUCTIONS" ARTICLE II OF CHAPTER 386 OF THE CITY CODE TO ALLOW FOR SIDEWALK CAFES.
2. AN ORDINANCE TO AUTHORIZE EXCEEDING MUNICIPAL BUDGET APPROPRIATION LIMITATION AND PERMIT "CAP BANKING".

## RESOLUTIONS

**R-109-3/11** Authorizing the person-to-person transfer of Plenary Retail Consumption License No. 1216-33-038-008 held in the name of 266-270 Madison Avenue LLC, t/a J&J Café Restaurant at 266-270 Madison Avenue to Z&G Associates LLC, t/a Las Palmeras Restaurant Bar & Lounge.

**R-110-3/11** Authorizing emergency temporary appropriations to extend CY 2011 temporary budget in the amount of \$ .

**R-111-3/11** Confirming the length of Police Officer Frank Barber creditable service.

### **CONSENT AGENDA – R-112-3/11 – R-118-3/11**

**R-112-3/11** Authorizing a refund of a 2011 peddlers application in the amount of \$100.00 to Guillermo Curbello.

**R-113-3/11** Authorizing a refund of a 2011 peddlers application in the amount of \$100.00 to Gil Rodriguez.

**R-114-3/11** Authorizing refund of tax overpayment created by tax appeals on Block 88, Lot 2 (500 Market Street) in the amount of \$29,866.86 to Five Hundred Market Associates.

**R-115-3/11** Authorizing refund of tax overpayment created by tax appeals on Block 442, Lot 23 (397 Summit Avenue) in the amount of \$801.96 to Stanley Wonski.

**R-116-3/11** Rescinding R-42-1/11 and authorizing the refund of tax overpayments created by tax appeals on Block 112, Lot 6 (388 Smith Street), Block 116, Lot 45 (314-320 Watson Avenue) and Block 249, Lot 2 (485 State Street) in the total amount of \$22,025.42 to Howard B. Goldberg, Esq., attorney for JAB Investment Properties, Inc.

**R-117-3/11** Authorizing the refund of tax overpayment on Block 201, Lot 6 (452 Barclay Street) in the amount of \$1,496.30 to Core Logic.

**R-118-3/11** Authorizing the refund of stop payment fees on various properties in the City of Perth Amboy in the total amount of \$283.00.

**R-119-3/11** Authorizing settlement of the matter of Carr Engineering v. City of Perth Amboy in the amount of \$15,000.00.

**R-120-3/11** Authorizing settlement of the workers compensation litigation entitled Dale Swindell v. City of Perth Amboy C.P. No. 2008-381 for the amount of \$14,250.00.

**R-121-3/11** Authorizing settlement of the workers compensation litigation entitled Dale Swindell v. City of Perth Amboy C.P. No. 2008-25654 for the amount of \$19,008.00.

**R-122-3/11** Authorizing settlement of the workers compensation litigation entitled Kenneth Mroczkowski v. City of Perth Amboy C.P. Nos. 2008-15598 and 2009-13118 for the total amount of \$33,858.00.

**R-123-3/11** Authorizing change order no. 1 to the contract with Hatch, Mott, MacDonald for professional engineering services in connection with the Florida Grove Road Evaluation in an amount not to exceed \$6,100.00

**R-124-3/11** Authorizing return of professional escrow review fee to Nextel NY for 415 Fayette Street, Block 106.02, Lot 82 Docket No. 2581 in the amount of \$1,385.00.

**R-125-3/11** Authorizing return of professional escrow review fee to Aspres Carpentry Corp. for 535 Sayre Avenue, Block 106.02, Lot 82 Docket No. 2025 in the amount of \$7.50.

**R-126-3/11** Supporting S2716 Legislation that suspends pension of any retired public employee who resumes public employment with compensation of more than \$15,000.00.

**R-127-3/11** Authorizing amendment to the collective negotiations agreement between the City of Perth Amboy and White Collar Union AFSCME, Local 2270 of the Council 73 to add the job title of account clerk.

**R-128-3/11** Accepting the proposal of and awarding a contract to Brown & Brown Consulting, for professional GASB 45 Actuarial Services for the retiree welfare plan in an amount not to exceed \$5,900.00.

**R-129-3/11** Calling on the State Legislature and the Governor to exempt the reserve for uncollected taxes from the 2% CAP.

**R-130-3/11** Authorizing a contract with First Recycling Corporation, (FRC) to conduct a demolition and removal of 5 buildings at the 2<sup>nd</sup> Street Project in the amount of \$23,600.00.

**R-131-3/11** Authorizing a contract with Excel Environmental Resources, Inc. for professional services for the environmental site investigation and remediation activities under the NJEDA/DEP Hazardous Discharge Site Remediation Fund Grant on property located on Front and Commerce Street also known as Block 138, Lot 1 in the amount of \$92,520.00.

**R-132-3/11** Authorizing a contract with H2M Associates, Inc. for professional services for the environmental site investigation under the NJEDA/DEP Hazardous Discharge Site Remediation Fund Grant on property located on High Street also known as Block 238, Lots 1 & 3 in the amount of \$34,973.00.

**R-133-3/11** Authorizing change order no. 2 with Simplex Grinnel for fire sprinkler construction at the public safety complex in an amount not to exceed \$1,456.00

**R-134-3/11** Authorizing change order no. 10 and no. 11 with Woodward Construction Company for code compliance construction at the public safety complex increasing the contract in the amount of \$36,112.00.

## COMMUNICATIONS

1. NJDEP submitted a copy of Notice of Action/Notice to Quit authorized by the Tidelands Resource Council for the City's Marina License Renewal Application. (2/16/11)
2. Environ submitted a copy of the NJDEP Initial Receptor Evaluation Report for the Former Russell-Stanley Corp. Facility located in Woodbridge. (3/2/11)
3. Brockerhoff Environmental Services LLC submitted a copy of the NJDEP Receptor Evaluation form and Receptor Evaluation Report for Federal Hill, 382 Fayette Street. (3/2/11)
4. First Environment submitted a copy of the NJDEP Receptor Evaluation Form for the former ASARCO Facility at 1160 State Street. (3/2/11)
5. Mayor Wilda Diaz congratulating Lawrence Cattano on achieving the highest honor of professional achievement available from the International Association of Emergency Managers as a CEM (Certified Emergency Manager). (3/2/11)

- 6.** Groundwater & Environmental Services, Inc. submitted a copy of the Initial Receptor Evaluation/Case Inventory Document for Kinder Morgan Liquids Terminals LLC at 920 High Street. (3/2/11)
- 7.** NJDCA submitted a copy of the State Division of Pensions and Benefits PERS and PFRS billing amounts for FY 2012 budgets. (3/4/11)
- 8.** Acting Chief Benjamin Ruiz advising that the JAB Unit Detectives along with the Station House Adjustment Program counselors, Lourdes Soto and Adriana Jaramillo received accolades at the meeting of the Middlesex County Council for Children's services. (3/7/11)
- 9.** NJDEP submitted a copy of the No Further Action Letter and Covenant Not to Sue for the remediation of the one 275 gallon #2 heating oil underground storage tank system located at 621-B New Brunswick Avenue, Block 186, Lot 23.02. (3/8/11)
- 10.** Langan Engineering & Environmental Services submitted a copy of the Receptor Evaluation Form and Light Non-Aqueous Phase Liquid Reporting Form for 143-145 Smith Street. (3/8/11)
- 11.** Mayor Wilda Diaz appointing Lisa Nanton to fill the unexpired term on the Board of Adjustment which will end on June 30, 2013. (3/8/11)
- 12.** Mayor Wilda Diaz appointing Linda Cruz as Alternate No. 1 on the Board of Adjustment for a term to expire on June 30, 2012. (3/8/11)
- 13.** Elaine M. Jasko, City Clerk, thanking Glass Gardens, Inc. on behalf of the City Council, for their investment in the Perth Amboy Shoprite Store. (3/9/11)

14. Middlesex County Board of Taxation submitted a copy of the Resolution, adopted on March 10, 2011, establishing 100% as the ratio of assessed to true value of real property as the ration to be used within the County for the purpose of assessing the taxable values to be used in levying taxes for the calendar year 2012. (3/11/11)
15. Mayor Wilda Diaz commending Det. Sgt. Denise Sosulski, Counselors Lourdes Soto and Adriana Jaramilo for initiating the Station House Adjustment Program in the JAB. (3/11/11)
16. Mayor Wilda Diaz thanking Margaret Miller of Lewis Street for her letter regarding the new procedure on recycling. (3/11/11)
17. NJ Transit Corporation submitted a copy of its notice of intent to apply for Federal Fiscal Year 2011 Financial Assistance. (3/14/11)
18. Council President Kenneth Balut advising Governor Chistie that the Council vehemently opposes the elimination of UEZs and the adoption of Assembly Bill 3859. (3/16/11)
19. NJ Council on Affordable Housing advising that it has approved various regional contribution agreements for the receiving municipality Perth Amboy. (3/17/11)

#### **CLOSED SESSION RESOLUTION**

**R-108-3/11** Authorizing a Closed Session at the March 21 2011 Caucus Meeting to discuss the following:

1. Kushner Negotiations
2. YMCA
3. Board of Education – Dirt pile
4. Breaker Litigation
5. Public Safety Complex Litigation
6. Tax Appeals
7. Carr Engineering v. City of Perth Amboy
8. Appointment

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

**COUNCIL COMMENTS**

**ADJOURNMENT**

Elaine M. Jasko  
City Clerk