



**MINUTES
PROCEEDINGS OF THE COUNCIL OF
THE CITY OF PERTH AMBOY
NOVEMBER 10, 2010
COUNCIL CHAMBERS**

NOTICE OF MEETING

Regular Meeting of the Council of the City of Perth Amboy was held on Wednesday, November 10, 2010 in the Council Chambers, City Hall, Perth Amboy, New Jersey at 7:00 p.m.

Presiding Officer of the Council, Kenneth Balut, 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 meeting is being held at the Council Chambers, City Hall, at 7:00 p.m.

Council President Balut: 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.

Council President Balut led the audience in the Pledge of Allegiance to the Flag.

Council Member William Petrick gave the invocation.

Council President Kenneth Balut called the meeting to order with the following Council Members present: Fernando Gonzalez, Kenneth Gonzalez, Joel Pabon and William Petrick. Absent—none.

Also present at this meeting were: Greg Fehrenbach, Interim Business Administrator, Mark Blunda, Esq., Director of Law and Elaine M. Jasko, City Clerk.

PROCLAMATIONS/PRESENTATIONS

None

**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.

Communication #7

Alan Silber, 244 Rector St.: We should hire someone to protect the City's interest. The public should be kept informed.

Council President Balut: There will be 3 or 4 public hearings before this goes through.

Communication #7

Orlando Perez, 467 Rathburn Pl.: The oil industry is very powerful. Look into this very carefully.

Communication #7

Stan Sierakowski, 679 Charles St.: This is a done deal. This is a multi-billion dollar project. You should ask for \$3m - \$5m per year. Get politicians involved.

R-521

Wilma Matey, 125 Water St.: I hope you make a decision this evening. This has been dragging on for a long time.

R-521

Virginia Morales, 745 Barry Ave.: I would love to see something happen to help the animals in the city. I am a volunteer at the clinic. I hope something happens soon.

Communication #7

Daniel Santo Pietro, 358 Rector St.: You cannot build a pipeline through the center of Perth Amboy and not expect it to affect development in the city.

Communication #7

Karina Wilkinson, Regional Organizer of Food and Water Watch, New Brunswick: I commend you for passing a resolution objecting to this matter. By filing a motion to intervene, the City would receive notifications involving the project. The move also reserves the City’s right to file a future lawsuit. The pipeline will be buried 3 feet underground. I urge you to encourage other governmental bodies to reject the project. Gov. Chris Christie has veto power to stop the project under the Deepwater Port Act.

Council Member Kenneth Gonzalez: We were advised that the proposal is to send the gas in a gaseous state instead of liquefied gas. We need to monitor this development.

Wilfredo Soto, 202 Hidden Village: Do we know where the pipeline will travel? We should keep our congressman involved. We need to look for the safety of our community.

Sean Dixon, Clean Ocean Action, Non-Profit Group: The state has to approve 19 permits before this can take effect. We thank you for your support.

APPROVAL OF MINUTES

October 27, 2010 - Regular

Motion was made by Council Member Petrick, seconded by Council Member Balut to accept the minutes and was carried by the following vote: Yea--Council Members Fernando Gonzalez, Kenneth Gonzalez, Pabon, Petrick and Balut. Nay—none. Absent—none.

BIDS

Bids were received on October 15, 2010 for the following:

1. VFD for Pump #1 at Runyon Water Treatment Plant.

	<u>VFD Pump</u>	<u>Circuit Breaker</u>	<u>Total</u>
a. Optimum Controls Corp.	\$73840.00	\$6,444.00	\$80,284.00*
b. EDC Electric	No Bid		
c. Pumping Services, Inc.	No Bid		

Bids were received on October 29, 2010 for the following:

1. General Construction Prime Contract for the Public Safety Complex for Final Certificate of Occupancy Requirements.

a. Woodward Construction	\$360,400.00*
b. Frankoski Construction	\$489,000.00
c. McCann Acoustics	\$505,200.00
d. Oradell Construction	\$531,110.00
3. Circle A Construction	\$561,000.00
4. Kappa Construction	\$634,000.00

* Recommendation of Bid Awards.

SUPPLEMENTAL DEBT STATEMENT

None

LIQUOR LICENSE – NOTIFICATION

Place-to-place transfer of Plenary Retail Consumption License No. 1216-33-016-002 a pocket license, held in the name Amada Pina, t/a Latin Love Lounge to a sited premise located at 460 State Street.

SOCIAL AFFAIR PERMIT

None

REPORTS

1. Jill A. Goldy, CFO/Comptroller – Investment Report for the month of September 2010.
2. Jill A. Goldy, CFO/Comptroller – Payroll Disbursements/Deductions – September 2010.
3. Jill A. Goldy, CFO/Comptroller – Water/Wastewater Utility reports for the month of September 2010.
4. Jill A. Goldy, CFO/Comptroller – Report of checks prepared and paid during the month of October 010, totaling \$1,957,402.89.

Motion was made by Council Member Petrick, seconded by Council Member Kenneth Gonzalez to accept reports #1 through #4 and was carried by the following vote: Yea-- Council Members Fernando Gonzalez, Kenneth Gonzalez, Pabon, Petrick and Balut. Nay—none. Absent—none.

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

- 1. AN ORDINANCE RESCINDING ORDINANCE #1461-2009 AND ESTABLISHING A CITYWIDE POLICY REGARDING WAIVER OF EMPLOYEE HEALTH INSURANCE COVERAGE UNDER GROUP HEALTH CARE BENEFITS PROGRAM.**

Motion was made by Council Member Kenneth Gonzalez, seconded by Council Member Petrick 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 November 22, 2010 at 7:00 p.m. at the Council Chambers, City Hall, and was carried by the following vote: Yea—Council Members Fernando Gonzalez, Kenneth Gonzalez, Pabon, Petrick and Balut. Nay—none. Absent—none.

- 2. AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "WRECKERS" CHAPTER 425 OF THE MUNICIPAL CODE.**

Council President Balut: Why the change in the response time from 15 minutes to 20 minutes?

Mark Blunda: This is a change that comes from many ordinances throughout the state with regard to criteria and response time.

Council President Balut: This should be changed to 15 minutes. This is a small town and we will be tying up police officers.

Council Member Petrick: Should we require them to have a storage yard within city limits?

Mark Blunda: The Ordinance is for a 2 mile radius from police headquarters.

COUNCIL ASKED THAT THIS ORDINANCE BE REMOVED FROM THE AGENDA UNTIL THE NEXT MEETING.

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

- 1. 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 Petrick, seconded by Council Member Kenneth Gonzalez to open public hearing on the above Ordinance and was carried by the following vote: Yea—Council Members Fernando Gonzalez, Kenneth Gonzalez, Pabon, Petrick and Balut. Nay—none. Absent—none.

Council President asked for comments. There were none.

Motion was made by Council Member Petrick, seconded by Council Member Kenneth Gonzalez to close public hearing on the above Ordinance and was carried by the following vote: Yea—Council Members Fernando Gonzalez, Kenneth Gonzalez, Pabon, Petrick and Balut. Nay—none. Absent—none.

Motion was made by Council Member Petrick, seconded by Council Member Kenneth Gonzalez to adopt the above Ordinance on second and final passage and was carried by the following vote: Yea—Council Members Fernando Gonzalez, Kenneth Gonzalez, Pabon, Petrick and Balut. Nay—none. Absent—none.

RESOLUTIONS

R-499-11/10 Authorizing the 2010-2011 Renewal of Plenary Retail Consumption License No. 1216-33-104-003, held in the name of Santo Domingo Invita, at 223 Market Street, effective November 11, 2010.

Motion was made by Council Member Petrick, seconded by Council Member Kenneth 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 Fernando Gonzalez, Kenneth Gonzalez, Pabon, Petrick and Balut. Nay--none. Absent—none.

R-500-11/10 Making application to the Local Finance Board pursuant to N.J.S.A. 40A:2-51 and N.J.S.A. 40A:3-1 et seq, for refunding bond ordinance in an amount not to exceed \$5,975,000 dated November 1, 2001.

Motion was made by Council Member Petrick, seconded by Council Member Kenneth Gonzalez to adopt the above Resolution.

Council President asked for comments.

Council Member Fernando Gonzalez: Is this an even keel payment of the bond?

Greg Fehrenbach: This bond was done in 2001. It is now being refunded. We're looking to see a lower interest rate. The payment schedule does not change. We have received quotations to get the best rates. We will be before the Finance Board on December 8 for approval to refinance. The city needs capital improvements. This will require balancing and strategies.

The above Resolution was adopted and carried by the following vote: Yea—Council Members Fernando Gonzalez, Kenneth Gonzalez, Pabon, Petrick and Balut. Nay--none. Absent—none.

R-501-11/10 Determining the form and other details of not to exceed \$5,975,000 general improvement refunding bonds of the City of Perth Amboy, in the County of Middlesex, New Jersey or such other amount as determined by the Chief Financial Officer to accomplish the refunding on the term approved by the Local Finance Board consistent with the refunding provisions of the internal revenue code and providing for the sale and the delivery of such bonds to an underwriter to be determined by the Chief Financial Officer.

Motion was made by Council Member Petrick, seconded by Council Member Kenneth 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 Fernando Gonzalez, Kenneth Gonzalez, Pabon, Petrick and Balut. Nay--none. Absent—none.

R-502-11/10 Authorizing the insertion of revenue in the TY 2010 Budget pursuant to N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) for a Bias Prevention and Education Grant in the amount of \$5,000.00.

Motion was made by Council Member Petrick, seconded by Council Member Fernando 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 Fernando Gonzalez, Kenneth Gonzalez, Pabon, Petrick and Balut. Nay--none. Absent—none.

R-503-11/10 Approving transfer of TY 2010 Budget appropriations in the amount of \$1,935.00.

Motion was made by Council Member Petrick, seconded by Council Member Kenneth 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 Fernando Gonzalez, Kenneth Gonzalez, Pabon, Petrick and Balut. Nay--none. Absent—none.

R-504-11/10 Authorizing the execution of a resolution, application and agreement with the New Jersey Department of Transportation for construction costs of the Route 440/High Street connector project in the amount of \$500,000.00.

Motion was made by Council Member Petrick, seconded by Council Member Kenneth Gonzalez to adopt the above Resolution.

Council President asked for comments.

Council Member Fernando Gonzalez: Is this a pay down?

Greg Fehrenbach: This is the fourth of five installments.

The above Resolution was adopted and carried by the following vote: Yea—Council Members Fernando Gonzalez, Kenneth Gonzalez, Pabon, Petrick and Balut. Nay--none. Absent—none.

R-505-11/10 Authorizing payment to Feist Engineering for inspection services in connection with the road improvements to Stockton Street and Bertrand Avenue crosswalk in the amount of \$2,280.00.

Motion was made by Council Member Petrick, seconded by Council Member Kenneth 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 Fernando Gonzalez, Kenneth Gonzalez, Pabon, Petrick and Balut. Nay--none. Absent—none.

R-506-11/10 Authorizing an agreement with the Perth Amboy Youth Football League for the organization and operation of youth football and cheerleading programs in the City of Perth Amboy from July 1, 2010 to December 31, 2010.

Motion was made by Council Member Petrick, seconded by Council Member Kenneth 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 Fernando Gonzalez, Kenneth Gonzalez, Pabon, Petrick and Balut. Nay--none. Absent—none.

R-507-11/10 Awarding a contract to Optimum Controls Corporation for design and installation of new variable frequency drive for pump #1 and circuit breaker in the total amount of \$80,284.00.

Motion was made by Council Member Petrick, seconded by Council Member Kenneth 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 Fernando Gonzalez, Kenneth Gonzalez, Pabon, Petrick and Balut. Nay--none. Absent—none.

R-508-11/10 Proclaiming November as Puerto Rican Heritage Month.

Motion was made by Council Member Fernando Gonzalez, seconded by Council Member Kenneth 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 Fernando Gonzalez, Kenneth Gonzalez, Pabon, Petrick and Balut. Nay--none. Absent—none.

R-509-11/10 Authorizing a 2011 Athletic/Social Club License to Doble Seis Social Club for premises located at 414 Smith Street.

Motion was made by Council Member Kenneth Gonzalez, seconded by Council Member Petrick 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 Fernando Gonzalez, Kenneth Gonzalez, Pabon,
Petrick and Balut. Nay--none. Absent—none.

R-510-11/10 Authorizing return of a demolition bond to Leonardo's Construction Service LLC in an amount not to exceed \$300.00 for demolition of a two family house located at 565 Johnstone Street.

Motion was made by Council Member Petrick, seconded by Council Member Fernando 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 Fernando Gonzalez, Kenneth Gonzalez, Pabon,
Petrick and Balut. Nay--none. Absent—none.

R-511-11/10 Authorizing settlement of Ishikawa v. City of Perth Amboy, et al in the amount of \$7,500.00.

Motion was made by Council Member Petrick, seconded by Council Member Fernando 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 Fernando Gonzalez, Kenneth Gonzalez, Pabon,
Petrick and Balut. Nay--none. Absent—none.

Consent Agenda – R-512-11/10 to R-514-11/10

R-512-11/10 Commending Firefighters John DeNardo and Eric Wilhelm for outstanding service for heroic actions on October 7, 2010.

R-513-11/10 Commending Lieutenant Edward Mullen, Firefighter Eric Kayser and Emergency Medical Technicians Matt Redding and Gary Batista for their extraordinary and heroic actions on October 22, 2010.

R-514-11/10 Commending Volunteer Lieutenant/Training Officer Anton J. Massopust for outstanding service on October 23, 2010.

Motion was made by Council Member Fernando Gonzalez, seconded by Council Member Kenneth Gonzalez 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 Fernando Gonzalez, Kenneth Gonzalez, Pabon, Petrick, and Balut. Nay--none. Absent—none.

Consent Agenda- R-515-11/10 to R-519-11/10

R-515-11/10 Authorizing the refund of tax overpayment on Block 446, Lot 17, 432 Summit Avenue to Danny Gonzalez in the amount of \$250.00 due to Veterans Deduction Allowance.

R-516-11/10 Authorizing the refund of tax overpayment on Block 110, Lot 1.01 C0394, 304 Fayette Street to Myles C. McLaughlin in the amount of \$250.00 due to Veterans Deduction Allowance.

R-517-11/10 Authorizing the refund of tax overpayment on Block 362, Lot 19, 741 Charles Street to Neftalize Pereida in the amount of \$250.00 due to Veterans Deduction Allowance.

R-518-11/10 Authorizing the refund of tax overpayment on Block 136.01, Lot 1 CB209, 368 Rector Street to Zhike Zhang and Xiaoman Ren in the amount of \$2,946.21 and Block 149, Lot 15, 185 Broad Street to Maritza Rosario in the amount of \$1,827.54 created by tax appeals.

R-519-11/10 Authorizing the refund of tax overpayment on Block 285, Lot 5, 552 Compton Avenue to Maria Gonzalez in the amount of \$250.00 due to Senior Citizen Deduction Allowance.

Motion was made by Council Member Petrick, seconded by Council Member Fernando Gonzalez 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 Fernando Gonzalez, Kenneth Gonzalez, Pabon, Petrick, and Balut. Nay--none. Absent—none.

R-520-11/10 Accepting the bid and authorizing a contract with Woodward Construction for general construction prime contractor for public safety community complex for final certificate of occupancy requirements in the amount of \$360,400.00.

Motion was made by Council Member Petrick, seconded by Council Member Kenneth 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 Fernando Gonzalez, Kenneth Gonzalez, Pabon, Petrick and Balut. Nay--none. Absent—none.

R-521-11/10 Authorizing a Closed Session at the November 10, 2010 meeting to discuss the following:

- 1. Contract negotiations – Animal shelter**
- 2. Public Safety Complex Litigation**
- 3. Breaker v. City of Perth Amboy**
- 4. Personnel Matter**
- 5. Threatened litigation against City by employee**

Motion was made by Council Member Petrick, seconded by Council Member Pabon 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 Fernando Gonzalez, Kenneth Gonzalez, Pabon, Petrick and Balut. Nay--none. Absent—none.

COMMUNICATIONS

- 1. NJ Urban Enterprise Zone Authority advising that the City will receive an Urban Enterprise Zone Grant in the amount of \$135,000.00. (10/21/10)**
- 2. Kenneth Ortiz, Superintendent of Recreation, thanking the Portuguese Sporting Club for their donation to the Recreation Department. The contribution was used to offset the cost of the annual Halloween Day festivities. (10/25/10)**

3. David Volk, Fire Chief, commending the extraordinary and heroic actions of emergency responders and civilians for their assistance at a serious motor vehicle accident on State Highway 440 on October 22, 2010. (10/26/10)
4. Mayor Wilda Diaz commending Firefighters John DeNardo and Eric Wilhelm for their assistance at a motor vehicle accident on October 7, 2010 at Smith and Oak Streets. (10/27/10)
5. Mayor Wilda Diaz commending the following for their actions during the accident on Route 440 on October 22, 2010: (10/27/10)

Gary Batista, EMT	Firefighter Eric Kayser
Matt Redding, EMT	Michael Sterling
Lt. Edward Mullen (F.D.)	Elaina Milano

6. Mayor Wilda Diaz commending Anton Massopust for his swift action in performing CPR and saving a life on October 23, 2010 at the Ukrainian Assumption Church Dinner. (11/1/10)
7. Liberty Natural Gas LLC submitted a copy of documentation to construct/own and operate a new, 9.2 mile natural gas pipeline in Middlesex and Union Counties. Liberty is proposing to begin pre-construction activities for the proposed pipeline in January 2012 and to commence service prior to December 2013. (11/1/10)

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

Stan Sierakowski, 679 Charles St.: Who introduced the towing ordinance? How many towers are on the list?

Mark Blunda: Ordinances are introduced and advertised. This ordinance is a product of litigation. This amendment addresses some of the issues that were brought up in litigation. This is still pending litigation.

Stan Sierakowski: We should wait until the litigation is over.

Mark Blunda: This amendment was mandated by the superior court.

Alan Silber, 244 Rector St.: The City should consider a public advocate. We still have a problem with street lights. It's a responsibility of the City to report the lights. I would like the City to put our bill list on the city's website. Extra eyes might see things that the Council may not see. You should keep a log of items in closed session that have been resolved. Isn't it unbelievable that Frank Gartland is asking for a public defender.

Orlando Perez, 467 Rathburn Pl.: Frank Gartland stole money from the City. We should get the money back.

Irelandia Hernandez, 340 Madison Ave.: I am looking to get a parking permit for my area. The Ordinance should be amended to include my area. I keep getting tickets. I went to see Mr. Alberto Jimenez of the Parking Authority. He would not help me and gave me an attitude.

Council President Balut: We need to look into this.

Council Member Fernando Gonzalez: The Ordinance needs to be changed to help the area.

COUNCIL COMMENTS

Council Member Petrick: Someone needs to track the PSE&G complaints.

ADJOURNMENT

Motion was made by Council Member Fernando Gonzalez, seconded by Council Member Petrick to recess the meeting and to go into closed session at 8:10 pm and was carried by the following vote: Yea—Council Members Fernando Gonzalez, Kenneth Gonzalez, Pabon, Petrick and Balut. Nay--none. Absent—none.

Motion was made by Council Member F. Gonzalez, seconded by Council Member Petrick to resume the meeting at 8:45 pm and was carried by the following vote: Yea—Council Members Fernando Gonzalez, Kenneth Gonzalez, Pabon, Petrick and Balut. Nay--none. Absent—none.

Based on the conversations held in closed session, the City Council considered the following Resolution:

LATE STARTER

R-522-11/10 Authorizing a side bar agreement with the Blue Collar Local 1.

Motion was made by Council Member Fernando Gonzalez, seconded by Council Member Petrick to place the Resolution on the Agenda as a Late Starter and was carried by the following vote: Yea—Council Members Fernando Gonzalez, Kenneth Gonzalez, Pabon, Petrick and Balut. Nay--none. Absent—none.

Motion was made by Council Member Fernando Gonzalez, seconded by Council Member Petrick 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 Fernando Gonzalez, Kenneth Gonzalez, Pabon, Petrick and Balut. Nay--none. Absent—none.

There being no further business to come before the Council, motion was made by Council Member Fernando Gonzalez, seconded by Council Member Kenneth Gonzalez to adjourn the meeting at 8:55 pm, and was carried by the following vote: Yea—Council Members Fernando Gonzalez, Kenneth Gonzalez, Pabon, Petrick and Balut. Nay—none. Absent—none.

Elaine M. Jasko
City Clerk