



**CITY COUNCIL AGENDA  
AUGUST 10, 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, 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.

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**

None.

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

1. ESTABLISHING WATER REGULATIONS AND RATES.
2. 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: Schedule VA Parking B at Parking Meters

3. 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: FOP (2009-2014) and IAFF #286 (2009-2014)

4. 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, TO REVISE HOURS OF OPERATIONS.

### 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

June 22, 2011	-	Regular
July 13, 2011	-	Regular

### BIDS

Bids were received on August 4, 2011 for the following:

1. Library roof replacement rebid
  - a. Arista Bldrs. & Designers \$259,300.00
  - b. Big Star General Construction \$130,000.00
  - c. Coffey Brothers Inc. \$175,000.00
  - d. Nolt, D.A., Inc. \$272,986.00
  - e. Northeast Roof Maint. \$230,000.00

Bids under review by Fraytak Veisz Hopkins Duthie, P.C.

## SUPPLEMENTAL DEBT STATEMENT

None.

## LIQUOR LICENSE – NOTIFICATION

Person-to-Person Transfer

1216-33-052-005

FROM: 200 Hall Avenue Corp.

t/a Tony's Bar

200 Hall Avenue

TO: Colmet, LLC

t/a Tony's Bar

200 Hall Avenue

## SOCIAL AFFAIR PERMIT

1. Our Lady of the Rosary of Fatima Church  
188 Wayne Street  
Occasion: Barbecue/Dance  
Date: August 27, 2011, 5:00 pm to 1:00 am  
Location: Church parking lot, Wayne Street
2. Mexican Association of Perth Amboy  
P.O. Box 1865  
Perth Amboy  
Occasion: Festival  
Date: September 17, 2011  
Location: Municipal parking lot next to Wilentz Field
3. United Dominicans of Perth Amboy  
950 Florida Grove Road  
Occasion: Festival  
Dates: August 13, 2011 1:00 pm to 10:00 pm  
August 14, 2011, 1:00 pm to 8:00 pm  
Location: Municipal parking lot next to Wilentz Field

## REPORTS

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

1. Payroll Disbursements/Deductions – June 2011.
2. Water/Wastewater Utility Reports – June 2011.
3. Investment Report – June 2011.
4. Check Register Report for the month of July 2011, totaling \$3,138,206.66.

**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: Fire Officers – January 1, 2009 – December 31, 2014

2. AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "ZONING AND LAND DEVELOPMENT" (ORDINANCE NO. 683-93 AS AMENDED) ADOPTED SEPTEMBER 21, 1993 ALSO KNOWN AS CHAPTER 430 ET SEQ OF THE CODE OF THE CITY OF PERTH AMBOY.

Re: Fees

3. AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "CONSTRUCTION CODES, UNIFORM" (ORDINANCE NO. 861-06 AS AMENDED) ADOPTED SEPTEMBER 25, 1996 ALSO KNOWN AS CHAPTER 184 ET SEQ OF THE CODE OF THE CITY OF PERTH AMBOY.

Re: Fees

4. AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "FIRE PREVENTION" (ORDINANCE NO. 391-85) ADOPTED NOVEMBER 6, 1985 ALSO KNOWN AS CHAPTER 227 ET SEQ OF THE CODE OF THE CITY OF PERTH AMBOY.

Re: Fees

- 5 AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "STREETS AND SIDEWALKS" (ORDINANCE NO. 770 AS AMENDED) ADOPTED OCTOBER 22, 1872 ASLO KNOWN AS CHAPTER 386 ET SEQ OF THE CODE OF THE CITY FO PERTH AMBOY.

Re: Fees

6. AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "CERTIFICATE OF CODE COMPLIANCE " (ORDINANCE NO. 569-91 AS AMENDED) ADOPTED SEPTEMBER 17, 1991, ALSO KNOWN AS CHAPTER 181 ET SEQ OF THE CODE OF THE CITY OF PERTH AMBOY.

Re: Fees

7. AUTHORIZING THE LEASE OF CERTAIN MUNICIPAL LANDS KNOWN AS BLOCK 191, LOTS 2.02, 2.03, 2.04 AND 2.05 TO THE COUNTY OF MIDDLESEX.

8. AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "POLICE DEPARTMENT" (ORDINANCE NO. C-74 AND AMENDMENTS) ADOPTED OCTOBER 17, 1928 ALSO KNOWN AS CHAPTER 95 ET SEQ OF THE CODE OF THE CITY OF PERTH AMBOY.

Re: Off-duty Police Employment

## RESOLUTIONS

**R-291-8/11** Authorizing the 2011-2012 renewal of Plenary Retail Consumption License No. 1216-33-075-004, held in the name of RJR Restaurant & Tavern Corp., t/a Perth Amboy Halftime at 434 Hall Avenue and No. 1216-33-101-002, held in the name of Harbor Town Tavern, Inc. at 792 State Street, effective August 11, 2011.

**R-292-8/11** Authorizing the extension of Plenary Retail Consumption License No. 1216-33-053-004, held in the name of Dennis & Albert Bar, Inc., t/a Fayette Club House at 368 Fayette Street to Ricardo Marte and Roman Marte Executors of the Estate of Felix De Los Angeles.

**R-293-8/11** Authorizing a Shared Services Agreement between the City of Perth Amboy and the Township of Woodbridge for Truck Wash Services for a three year term starting October 1, 2011 and ending September 30, 2014.

**R-294-8/11** Requesting copies of document relating to the City of Perth Amboy from the Department of State, Division of Archives & Records Management.

**R-295-8/11** Renewing property, casualty, liability and workmen compensation insurance coverages and authorizing a flat fee insurance payment for insurance services for the City of Perth Amboy.

**R-296-8/11** Authorizing the City of Perth Amboy to submit an application to the County of Middlesex for a grant from the Governor's Council on Alcoholism and Drug Abuse

**R-297-8/11** Extending the Contract with Joseph Nigro to provide professional and litigation support services in the public safety complex litigation in an amount not to exceed \$8,500.00.

**R-298-8/11** Exercising the option to extend the contract with Meridian Property Services for facilities management services at the public safety complex for an additional period of one year in an amount not to exceed \$99,840.00.

**R-299-8/11** Accepting the proposal of and awarding a contract to Birdsall Services Group for professional engineering services for the remediation of the eroded areas and reconstruction of wetlands mitigation areas at the Deep Run Recharge Reservoir in an amount not to exceed \$59,070.00.

**R-300-8-11** Awarding a contract for the purchase of a 2011 Ford Startrans Senator 2 w/c + 16 ambulatory bus through Arcola Bus Sales in an amount not to exceed \$54,977.00.

**R-301-8/11** Rescinding R-280-7/11 to correct the name of the City's agent and re-authorize participation in the Sustainable Jersey Municipal Certification Program.

**R-302-8/11** Authorizing a professional service agreement with JFK Medical Center, Occupational Health Service for pre-employment physicals, screening and assessment.

**R-303-8/11** Authorizing up to one hundred twenty days of paid injury leave to Police Officer Joseph Novak.

**R-304-8/11** Authorizing settlement of the worker's compensation litigation entitled Thomas P. Gallucci v. City of Perth Amboy C.P. No. 2010-8332 in the amount of \$8,112.25.

**R-305-8/11** Authorizing the City to submit applications and enter into agreements with the U.S. Department of Housing and Urban Development for 2011-2012 CDBG Funds and HOME Funds in the amount of \$1,094,428.96.

**R-306-8/11** Supporting the Administration's desire to request the County to purchase Block 238, Lots 1 & 3 (40-50 Washington Street) for a waterfront open space project

**R-307-8/11** Authorizing the closure of city streets for the Celebrate Perth Amboy Susan Komen Race for the Cure on September 24, 2011.

**R-308-8/11** Authorizing Stipulation of Settlement resolving the complaint filed by Cortlandt Apts. concerning Block 347, Lot 17.

**R-309-8/11** Authorizing Port Authority to install solar panels on municipal marina building.

**R-310-8/11** Authorizing the insertion of revenue in the CY 2011 budget pursuant to N.J.S.A. 40A: 4-87 (Chapter 159, P.L. 1948) for the Jewish Renaissance Foundation Summer Employment Program Grant in the amount of \$3,500.00.

**R-311-8/11** Authorizing the insertion of revenue in the CY 2011 budget pursuant to N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) for the Office on Aging A Matter of Balance Grant in the amount of \$3,000.00.

**R-312-8/11** Opposing S-2950 and A-4128 which would allow for modification to land use approvals because of changed economics.

#### **Consent Agenda R-313-8/11 – R-315-8/11**

**R-313-8/11** Authorizing the refund of registration fee for the 2011 MAPS Camp to Jenny Flores in the amount of \$300.00.

**R-314-8/11** Authorizing refund of fee for use of Duffy Park to Oscar Morante in the amount of \$50.00.

**R-315-8/11** Authorizing the refund of fee for use of Duffy Park to Maria Garcia in the amount of \$50.00.

**R-316-8/11** Authorizing payment for rendered services and extending contracts with Apruzzese, McDermott, Mastro & Murphy for Labor and employment matters, special investigations, defense of police civil rights actions, extra litigation and real estate matters in an amount not to exceed \$200,000.00.

**R-317-8/11** Authorizing execution of settlement agreement with Michael Zemsky, A.I.A. and the estate of Michael Zemsky, deceased, in the public safety complex litigation.

**R-318-8/11** Authorizing execution of Side Bar Agreement with IAFF 4070.

**R-319-8/11** Authorizing a contract with Winner Ford of Cherry Hill for a 2012 Ford F450 under State Contract No. A78843 in an amount not to exceed \$37,766.00.

**R-320-8/11** Amending R-247-6/11 which approves the introduction of the 2011 Perth Amboy Business Improvement Budget by establishing a new public hearing date to be held on September 14, 2011 at 7:00 p.m.

**R-321-8/11** Authorizing the refund of tax assessment payments on Block 124, Lot 11.01 (157 New Brunswick Avenue) as a result of a court order in the amount of \$181,664.18.

**R-322-8/11** Appointing Gregory Pabon to the Perth Amboy Housing Authority to fill the unexpired term expiring May 31, 2015.

### **LATE STARTER RESOLUTION**

**R-323-8/11** Authorizing a negotiated contract for roof replacement at Perth Amboy Free Public Library after bids have been rejected on two occasions.

## **COMMUNICATIONS**

1. NJ Division of Local Government Services submitted a memorandum concerning the certification of CY 2011 property tax levies and the statement of state aid. (7/13/11)

2. Greg Fehrenbach, B.A. advising that the City received restitution paid by former Mayor Vas in the amount of \$154,693.68 from Monmouth County Superior Court. Of this amount \$90,000.00 has been applied to the COAH account. (7/15/11)
3. NJDEP advising that the Progress Report for Enviro Feed Inc., 1035-1037 State Street is in compliance with the Technical Requirements for Site Remediation and is approved effective July 15, 2011. (7/20/11)
4. Acting Chief Benjamin Ruiz submitted a copy of Officer Joseph Novak's letter requesting a 120 day extension of his injured on duty leave due to complications. (7/21/11)
5. Pedro A. Roman, Jr. advising that he would like to continue serving on the Board of Adjustment and will make every effort to attend any and all future meetings as scheduled. (7/22/11)
6. PSE&G advising that public hearings will be held at various locations on the Company's 2011/2012 annual compliance filing for a change in statewide electric and gas permanent universal service fund program factors within the electric and gas societal benefits charges. (7/25/11)
7. NJDEP submitted a notice of public hearing for the proposed FFY 2012 Priority System, intended use plan and project priority list document for the 2013 Clean Water Financing Program. The hearing will be held on August 16, 2011 at 10:00 am at the offices of the NJ Environmental Infrastructure Trust, Lawrenceville. (7/25/11)
8. NJ Transit advising that Senior Citizen and Disabled Resident Transportation Assistance Program Hearings will be held in each geographic region beginning August 23, 2011 in the NJ Transit Corp. board room in Newark (northern region); August 25, 2011 in the Monmouth Agricultural Bldg., conference room in Freehold (central region) and on August 31, 2011 in the Burlington County Human Services Facility in Westampton (southern region). (7/25/11)
9. NJDOT advising that applications are being accepted for the New Jersey Department of Transportation's Municipal Aid, Bikeway and Safe Streets to Transit Programs. (7/27/11)

- 10.** Pivotal Utility Holdings, Inc., d/b/a Elizabethtown Gas advising that public hearings will be held on its Petition filed with the NJ BPU for review of its Periodic Basic Gas Supply Service rate on August 22, 2011 in the Hunterdon County Complex, Flemington and on August 23, 2011 in the Rahway Municipal Council Chambers, Rahway. (7/25/11)
- 11.** Pivotal Utility Holdings, Inc., d/b/a Elizabethtown Gas advising that public hearings will be held on its Petition filed with the NJ BPU to increase base distribution revenues to enable the Company to roll in and recover through base rates the costs of the Company's Utility Infrastructure Enhancement Program. The hearings will be held on August 22, 2011 at the Hunterdon County Complex in Flemington and on August 23, 2011 in the Rahway Municipal Council Chambers, Rahway. (7/25/11)
- 12.** Pivotal Utility Holdings, Inc., d/b/a Elizabethtown Gas advising that public hearings will be held on its Petition filed with the NJ BPU to change the name of its Regional Greenhouse Gas Initiative Rider rate to the Energy Efficiency Program Rider rate. The hearings will be held on August 22, 2011 at the Hunterdon County Complex in Flemington and on August 23, 2011 in the Rahway Municipal Council Chambers, Rahway. (7/25/11)
- 13.** Mayor Wilda Diaz advising that Lt. Edward Mullen and Firefighter Eric Kayser along with Raritan Bay Medical Center EMT's Gary Batista and Matt Redding have been selected to receive an award from the St. Barnabas Burn Foundation for their heroic actions at a motor vehicle accident and fire on October 22, 2010. (7/29/11)
- 14.** Greg Fehrenbach, B.A. and Jill A. Goldy, CFO/Comptroller advising Lori Cattano, CFO of MCIA that the City wishes to cancel to debt service all balances the City presently possesses with the Improvement Authority. (8/4/11)

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

**COUNCIL COMMENTS**

**ADJOURNMENT**

Elaine M. Jasko  
City Clerk