



**MINUTES
PROCEEDINGS OF THE COUNCIL OF
THE CITY OF PERTH AMBOY
FEBRUARY 9, 2011
COUNCIL CHAMBERS**

NOTICE OF MEETING

Regular Meeting of the Council of the City of Perth Amboy was held on Wednesday, February 9, 2011 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.

Invocation was given by Council Member William Petrick.

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, Business Administrator, Mark J. 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.

THERE WERE NO COMMENTS.

APPROVAL OF MINUTES

January 12, 2011 - Regular

Motion made by Council Member Balut, seconded by Council Member Petrick 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 opened and received on January 26, 2011 for the following:

1. **Three Rider Style Trash Collecting Units (Mini Sweepers)**
 - a. **Tennant Sales @ \$37,699.86 \$113,099.57***

(*) Recommendation of Bid Award

SUPPLEMENTAL DEBT STATEMENT

None.

LIQUOR LICENSE – NOTIFICATION

None.

SOCIAL AFFAIR PERMIT

None.

REPORTS

1. **Jill A. Goldy, CFO/Comptroller submitted the following:**
 - a. **Check Register - January 2011 – totaling \$3,219,999.85.**
 - b. **Annual Debt Statement – TY 2010.**

Motion made by Council Member Balut, seconded by Council Member Petrick to accept reports #1 and #2 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. **APPROPRIATING \$521,733.46 FOR THE CONSTRUCTION OF THE BRIGHTON AVENUE COMMUNITY CENTER IN AND BY THE CITY OF PERTH AMBOY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY.**

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 February 23, 2011 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.

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

None.

RESOLUTIONS

- R-62-2/11 Authorizing Emergency Temporary Appropriations to extend CY 2011 Temporary Budget in the amount of \$130,680.00.**

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-63-2/11 Authorizing payment to Rutgers, the State University of NJ, in the amount of \$196.00 on behalf of former Councilman David Szilagyi's seminar tuition.

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-64-2/11 Accepting a grant from the County of Middlesex in the amount of \$42,081.00 for the Municipal Drug Alliance program and authorizing an implementing grant agreement with the County with a City financial match of \$10,520.25.

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-65-2/11 Authorizing an agreement with Faith Perrin, DVM, for rabies vaccination clinics to be held on May 14 and September 10, 2011, in the amount of \$600.00.

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-66-2/11 Adopting the Middlesex County Multi-Jurisdictional All Hazards Mitigation Plan.

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-67-2/11 Authorizing a contract with Plant CML for maintenance of Synapse "911" System, Proprietary Software under State Contract No. A69907-T1044 in an amount not to exceed \$25,160.00.

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-68-2/11 Approving settlement and dismissal of licensing charges against J&J Café Restaurant.

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-69-2/11 VOID

R-70-2/11 VOID

R-71-2/11 Authorizing a contract with Ecolsciences, Inc. for professional services for the environmental site investigation under the NJEDA/DEP Hazardous Discharge Site Remediation Fund Grant on property located at 351 Rector Street to 380 High Street, the former municipal complex, also known as Block 140,

Lots 1.01, 1.03, 2.01-2.06, 3 & 3.01 in an amount not to exceed \$20,901.00.

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-72-2/11 VOID

R-73-2/11 Accepting the bid and authorizing a contract with Tennant Sales, Minneapolis, MN for three (3) rider style trash collecting units (mini sweepers) at a cost of \$37,699.86 per sweeper for a total of \$113,099.57.

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-74-2/11 Rejecting bids for emergency sewerage collection system repairs and authorizing advertising for requests for bids.

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-75-2/11 Authorizing a memorandum of agreement with the Ferry Slip Museum Association for temporary use of the ferry slip museum.

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-76-2/11 Authorizing a Closed Session at the February 9, 2011 meeting to discuss the following:

- a. Contract negotiations – Parking Utility**
- b. Litigation – Tax Appeals**
- c. Litigation – Conrail**
- d. Litigation – Public Safety Complex**
- e. Potential employee litigation**

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.

COMMUNICATIONS

- 1. Charles Smith III, Director of Government and Regulatory Affairs, Comcast, advising that they have received final regulatory clearance for the Comcast and General Electric ("GE") joint venture for NBC Universal transaction. (1/18/11)**
- 2. Comcast submitted a check in the amount of \$217,493.31 for the use of municipal rights-of-way by Comcast of New Jersey II, LLC during the calendar year of 2010. (1/26/11)**
- 3. Verizon submitted a check in the amount of \$73,904.66 for Verizon's Annual Remittance Statement Franchise Fee for 2010 Statement. (1/26/11)**
- 4. Mayor Wilda Diaz thanking and commending Ms. Meghan Pane, 15 years old, of Danbury, Connecticut for her donation to the Harbortown fire victims. (1/28/11)**

5. Benjamin Ruiz, Deputy Chief, advising Mayor Wilda Diaz that an individual jumped from the Victory Bridge and was rescued by several police officers on January 12, 2011. (1/28/11)
6. Mayor Wilda Diaz commending the following men of the Perth Amboy Police Dept. and the MC Sheriff's Office for helping to rescue the man who jumped from the Victory Bridge on January 12, 2011, making it possible for him to survive and get the proper treatment: (1/28/11)

Lt. Lawrence Cattano	P.O. Jorge Arocho
Sgt. William Tiedgen	P.O. Nicholas Millroy
Sgt. Carmelo Jimenez	P.O. Brandon Bucior
Officer Joseph Morriale (Middlesex County Sheriff's Office)	

7. Councilmember William Petrick provided information regarding the opportunity for public input to the federal agencies that can and/or will grant permits for the Liberty Liquid Natural Gas Pipeline through Middlesex County. (1/28/11)

Council Member Kenneth Gonzalez: The Governor vetoed the pipeline. There will be no more hearings.

8. PSE&G advising they have submitted a petition with the Board of Public Utilities requesting an increase in the charges for electric and gas service. (1/28/11)
9. Council Member Fernando Gonzalez asking Greg Fehrenbach, BA to provide him with a breakdown of the anticipated exposure to the City with regard to future payouts in 2011 and 2012 for unused sick and vacation time for employees that are eligible for retirement in those years. He also asks for a report on the monies paid out to employees for sick and vacation time for the years 2008, 2009 and 2010. (1/31/11)
10. ATC Associates Inc., advising it is soliciting local government comment concerning its proposal regarding potential effects on historic properties and any sites of cultural religious significance to the Native American peoples. The project consists of constructing a new tower at 607-609 Sayre Ave. (1/31/11)

11. NJDEP submitted a copy of the No Further Action Determination for the removal of one 550 gallon #2 heating oil underground storage tank system for premises located at 100 Kearny Ave. (1/31/11)
12. NJDEP submitted a copy of the amendments to the FFY2011 Clean Water Priority System/Intended Use Plan documents. (1/31/11)
13. Gregory Fehrenbach, BA, submitted a copy of the US Conference of Mayors Civility Accord, which pledges commitment to principals for civility. (2/1/11)
14. NJDEP submitted a copy of the Waterfront Development Permit granted to Harbortown Terrace LLC for the construction of a 4' wide pedestrian sidewalk, a 20' wide emergency access road, a retaining wall, a gravel turnaround on the existing Harbortown Blvd., soil stockpiles, storm water management features and minor site grading for Phase IIIA of the Harbortown Terrace Development. (2/1/11)

(5 MINUTES MAXIMUM PER SPEAKER)

Jamie Morales, 285 High St.: I am a local dentist. We have a problem with the free clinic in town. This clinic is federally funded. They are taking all the patients from the dentists. The clinic does not carry any malpractice insurance. This clinic makes its own rules. They will be opening a new clinic in South Amboy in the near future. This group is also cutting into the practice of doctors. There is no leadership in this City. Patients that are covered 100% by private insurance should not be treated by this clinic. I do not accept Medicaid patients.

Council Member Petrick: What would you like the Mayor and Council to do?

Jamie Morales: They should not allow them to bring additional dentists in. I've written to everyone and no one answers.

Council Member Kenneth Gonzalez: Most of the people they are servicing are Medicaid patients. You need to take this up with Congressman Menendez. The Council has no control over federal funding.

Council President Balut: Maybe a meeting should be brokered between you, the federal government and the Jewish Renaissance.

Stanley Sierakowski, 679 Charles St.: Poverty is driving out the middle class. The seven dentists that are left in town will be driven out of town. Homes are being sold in Perth Amboy at an amount less than their assessed value. People should appeal their taxes. It will put more money in the pocket of the homeowner.

Alan Silber, 244 Rector St.: The Mayor and Council should try to help constituents. The census figures came out and there are over 50,000 people in town. We have more than that. Tickets were given out on New Brunswick Avenue during the snowstorm and yet everyone is parked illegally on Market St. That is not right. The school across from me put 25 bags of garbage in the street. They do not pay taxes. That is not right.

Chris Nievadomski, Middlesex Dental Lab, 441 New Brunswick Ave.: I own a dental lab in the City. My income has dropped 50 – 60% after the Jewish Renaissance Foundation started providing dental services. JRF has never contacted me about doing the dental prosthetics.

George Likakis, 525 New Brunswick Ave.: I am also a dentist. We are hurting financially. We cannot compete with JRF. We dentists are considering moving out of town.

Council Member Pabon: Does JRF send patients to any dentists in town? The dentists should advertise to try to get information out to potential patients, especially the post office and city employees.

Lisa Nanton, 32 Gordon St.: Snow should be removed from the city streets and moved to Rudyk Park and to South Second Street. A mountain can be built and they can go snow boarding.

David Caba, 151 Lewis St.: The past couple snowstorms have been very disturbing. I asked the new DPW director about what plans there are for snow removal. He said he didn't know. We need to have a plan. I think the plan was to save money.

Greg Fehrenbach: Mr. Dann, the DPW director, does not get paid overtime. He is here on weekends and all hours of the days and night. He has been working very hard with the snowfalls. We have not saved much money with all the snowstorms. We have spent over \$65,000 for salt. We have run out of salt and the suppliers were unable to provide us with an additional supply. We received salt from the County. We have spent a lot of money in overtime costs. There was no plan on December 26, 2010. It was not shared with other members of the department. A new plan has been worked and refined. We now have a draft written plan. Six years ago this city had 19 plows. We are now down to 12 plows. The number of employees has dropped. The newest piece of equipment is 5 years old. A capital improvement

program is being put together and I hope to present it to you on February 23.

Gloria Pou, 374 State St.: I am also a dentist in town. I am Dominican and most of my practice is Dominican patients. We provide education to our patients. JRF refers most of their patients to UMDNJ. There has been a decrease in the number of patients. I have had to cut the number of hours of my staff. I hope we can meet with JRF and try to resolve this matter.

Council Members Petrick and Balut: We should send a letter to Mr. Goldsmith at JRF asking him to meet with these people.

Council Member Petrick: A letter should be sent to Senator Menendez and Congressman Sires, asking for a level playing field for all dentists.

COUNCIL COMMENTS

Council Member Petrick: I have asked the City Clerk to send a letter to the Governor thanking him for vetoing the pipeline. I have been advised that DPW is cutting the lids that are tied to the garbage cans. The employees are removing them off the cans for safety reasons. We may have to revisit the matter.

ADJOURNMENT

There being no further business to come before the Council, motion by Council Member Petrick, seconded by Council Member Kenneth Gonzalez to adjourn the meeting 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.

Elaine M. Jasko
City Clerk