

**MINUTES
PROCEEDINGS OF THE COUNCIL OF THE
CITY OF PERTH AMBOY
APRIL 22, 2015
COUNCIL CHAMBERS**

NOTICE OF MEETING

Regular Meeting of the Council of the City of Perth Amboy was held on Wednesday, April 22, 2015 in the Council Chambers, City Hall, Perth Amboy, New Jersey at 7:00 p.m.

Presiding Officer of the Council, Lisa Nanton advised the audience that notice of this meeting has been filed with the Home News Tribune, The Star Ledger, The Amboy Guardian 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 Nanton: 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.

Invocation was given by Council Member Irizarry who also led the audience in the Pledge of Allegiance.

Council President Lisa Nanton called the meeting to order with the following Council Members present: Fernando Irizarry, and William Petrick. Absent--Council Member Joel Pabon (illness).

Also present at this meeting were: Jillian C. Barrick, Business Administrator, Mark J. Blunda, Esq., Director of Law, and Elaine M. Jasko, City Clerk.

PROCLAMATIONS/PRESENTATIONS

Presentation of the Volunteer Community Partner Award to Mayor Wilda Diaz and the City by the American Red Cross - Axel Miranda.

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 five (5) minutes.

Comm. #8

Joseph B. Vas, 312 High St.: Our complex (Perth Town Commons) has 49 parking spots in the back. This is one spot per unit. Each unit has 2.7 vehicles. The Rector St. side does not have meters. I would ask the Council to provide decals for residents of the area.

Council President Nanton: The Police Dept. and the Parking Utility are researching this matter.

Ken Balut, 359 Bruck Ave.: We should have personalized spots for sale for \$100.00. I would buy one.

Comm. #5

Ken Balut: I commend Mr. Gibbons for resigning from the Planning Board.

R-170

Ken Balut: I commend the City Clerk and her staff for the good work they do.

R-172

Ken Balut: Why are we are giving this person a tax break? At a PARA meeting it was stated that the property was improved.

R-181

Sharon Hubberman, 529 Cornell St.: The legal expenses have increased tremendously over the years and continue to rise. There might be other law firms that do this type of work. They might do this service at a more efficient cost.

Mark Blunda: The City uses the fair and open for legal services. We use the RFP process. This fee is the lowest response that has been received. There's been an increase in the number of tax appeals.

Comm. #7

Franklin Díaz, 105 Gordon St.: We, the Taxicab Owner's Association, feel that the taxi industry in Perth Amboy does not need additional taxicabs. We have been here for a long time. Look at the 400 signatures that were submitted. Some of them have no last names, no addresses, and no telephone numbers.

Comm. #7

David Caba, 139 Lewis St.: There was a petition submitted for additional taxicabs in the City. Why were the two men told by Mr. Blunda to get a petition together, when there is an ordinance on the books that covers the number of taxicabs allowed in the City? These men (taxicab owners) are here tonight to protect their business interests. They are hardworking people.

Mark Blunda: I indicated there was an ordinance that limited the number of taxis. The process to increase the number of taxicabs is that the Council would investigate this matter. The Council would evaluate this based on the need. I only instructed the gentlemen to provide a petition to show that there is a need.

Council Member Petrick: There needs to be substance before the council makes a change.

Council Member Irizarry: We are not making any changes to the number of taxicabs tonight.

Elaine M. Jasko: The Deputy Chief and I spoke to the group of taxicab owners this evening before the meeting started. We will be scheduling a meeting for them to sit and speak with the Deputy Chief. We will provide results of the meeting to the City Council.

Comm. #8

Andrew Patel, Rector St.: We have a parking problem at Perth Amboy Commons. I don't understand why we need to have meters in front of our homes. Metered parking is not the answer. People have specified parking spots in front of their homes in some areas. I am willing to pay for a reserved spot in front of my home. Please consider this and give us some relief.

Council President Nanton: This is being investigated by the Police Dept. and the Parking Utility.

R-170

Alan Silber, 244 Rector St.: I would like to thank and commend the City Clerk's Office for all their work. Our Clerk does a very good job.

R-170

María García, 124 Kearny Ave.: I thank the City Clerk for all the work that she and her staff did for me in the past and will do for me in the future.

Comm. #5

María García: I make no excuses for anyone's wrongdoing.

MINUTES

April 6, 2015 – Closed Session

April 8, 2015 – Regular

Motion was made by Council Member Petrick, seconded by Council Member Irizarry to accept the minutes and was carried by the following vote: Yea--Council Members Irizarry, Petrick and Nanton. Nay--None. Abstain--None. Absent--Council Member Pabon.

BIDS

Bids were received on April 14, 2015 for the following:

1. Road Rehabilitation and Improvements – Various City Streets – (Fayette Street, Grove Street and Neville Street)

a. DeSantis Construction, Inc.	\$461,110.78*
b. JA Alexander, Inc.	\$476,202.90
c. Z Brothers Concrete	\$488,480.10
d. S Brothers, Inc.	\$485,033.50
e. Black Rock Enterprises, LLC	\$489,091.92
f. Mark Paving Co., Inc.	\$499,658.40
g. Top Line Construction Corp.	\$519,218.83

(*) Recommendation of Bid Award

ORDINANCES – FIRST READING (NO PUBLIC DISCUSSION)

- 1. 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 TO PROVIDE A REVISED SCHEDULE FOR THE HARBORSIDE MARINA UTILITY RENTALS.**

Motion was made by Council Member Petrick, and seconded by Council Member Irizarry 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 May 11, 2015 at 7:00 p.m. at the Council Chambers, City Hall, and was carried by the following vote: Yea--Council Members Irizarry, Petrick and Nanton. Nay--none. Absent--Council Member Pabon.

RESOLUTIONS

Public Hearing on the approved CY 2015 Municipal Budget (R-141-3/15)

1. Open Public Hearing

Motion was made by Council Member Petrick, seconded by Council Member Irizarry to open public hearing on the above Resolution and carried by the following vote: Yea-- Council Members Irizarry, Petrick and Nanton. Nay--none. Absent--Council Member Pabon.

Council President asked for comments.

Stan Sierakowski, 679 Charles St.: How much money do we have in banks and what interest rate do we get? Do we negotiate the interest rate and who do we have money invested with?

Jillian Barrick: There's a list of banks that we use. We can provide that to you. I don't have the total amount we have invested. The interest gets negotiated.

Stan Sierakowski: Why the jump in the amount for Reserve for Debt Service?

Council Member Petrick: If Ms. Goldy were here she could provide that information to you. You can get that info from her.

Stan Sierakowski: Will the taxes remain the same?

Jillian Barrick: The levy has remained the same and the tax rate is decreasing.

Sharon Hubberman, 529 Cornell St.: You are going above the 2% cap. Are past monies being applied to debt service? Have we received concession fees from the water company? We are working hard to bring down our debt. How are we facilitating that? Where are the Sandy funds in the budget? I am not in agreement with the insurance expenditure for city employees.

Jillian Barrick: There are two caps. One is for 3½% and one is for 2%. We can bank the difference if we don't use it. It's not actual money. Water concession fees ceased several years ago. The operating budget should support itself. We should not have one shot revenues. Water revenues stay with the water utility. \$17m in Sandy bonds were borrowed. \$8m has been reimbursed. The city is self-insured and the insurance rates are claim driven. There has been an increase in prescription costs for employees. Major medical has tapered off.

Ken Balut, 359 Bruck Ave.: Why aren't the YMCA costs included in this budget? We have a great recreation guy, Ken Ortiz, who can run the YMCA for us. The BA's salary went up. Is that to include Mr. Fehrenbach's pay? The Mayor's budget also went up. Land Use Administration – what is this for? Are we replacing ten officers or are we getting 10 additional officers? The dispatcher's salaries line has gone down. That is serious. The Code Enforcement budget is going up. That's a good thing. How much more is Buckeye paying this year in taxes?

Jillian Barrick: The BA's salary line is my salary. Mr. Fehrenbach is getting \$15,000. The Mayor's budget reflects her salary and that of her staff. Ten police officers are being replaced. Dispatch is being staffed at the same level. The increase in Code Enforcement is to bring more people on.

Karen Kubulak, 654 Penn St.: There is \$7800 for historic preservation. What does that entail? How many positions are in economic development?

Jillian Barrick: That is for conferences and meetings. There are 2 people in economic development.

Virginia Lugo, 316 State St.: Is the budget online?

Jillian Barrick: It has been on the website for at least one month.

2. Close Public Hearing

Motion was made by Council Member Petrick, seconded by Council Member Irizarry to close public hearing on the above Resolution and carried by the following vote: Yea-- Council Members Irizarry, Petrick and Nanton. Nay--none. Absent--Council Member Pabon.

R-166-4/15 Amending the CY 2015 Budget.

Motion was made by Council Member Petrick, seconded by Council Member Irizarry 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 Irizarry, Petrick and Nanton. Nay--none. Absent--Council Member Pabon.

R-167-4/15 VOID

R-168-15 Authorizing emergency temporary appropriations to extend CY 2015 Temporary Budget in the amount of \$1,068,300.00.

Motion was made by Council Member Petrick, seconded by Council Member Irizarry 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 Irizarry, Petrick and Nanton. Nay--none. Absent--Council Member Pabon.

R-169-4/15 Authorizing cancellation of unexpended Parking Utility Capital Fund Improvement Authorizations in the amount of \$40,818.34.

Motion was made by Council Member Petrick, seconded by Council Member Irizarry 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 Irizarry, Petrick and Nanton. Nay--none. Absent--Council Member Pabon.

R-170-4/15 Recognizing May 3rd thru May 9th as Municipal Clerks Week.

Motion was made by Council Member Petrick, seconded by Council Member Irizarry 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 Irizarry, Petrick and Nanton. Nay--none. Absent--Council Member Pabon.

R-171-4/15 Authorizing the refund of tax overpayment created by tax appeal on Block 59, Lot 4 (154 Market Street) in the amount of \$5,405.40 to Brach, Eichler, LLC and Hobart Plaza Realty, LLC.

Motion was made by Council Member Petrick, seconded by Council Member Irizarry 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 Irizarry, Petrick and Nanton. Nay--none. Absent--Council Member Pabon.

R-172-4/15 Authorizing the refund of tax overpayment created by tax appeal on Block 59, Lot 4 (154 Market Street) in the amount of \$5,013.21 to Brach Eichler, LLC and Antel Investments, LLC.

Motion was made by Council Member Irizarry, 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 Irizarry, Petrick and Nanton. Nay--none. Absent--Council Member Pabon.

R-173-4/15 Authorizing the refund of tax overpayment on Block 55, Lot 10 (279 Rector Street) in the amount of \$2,188.50 to Wells Fargo Home Mortgage, LLC.

Motion was made by Council Member Petrick, seconded by Council Member Irizarry 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 Irizarry, Petrick and Nanton. Nay--none. Absent--Council Member Pabon.

R-174-4/15 Authorizing the cancellation of an erroneously sold tax sale certificate on Block 211, Lot 4.01, 532 Jacques Street.

Motion was made by Council Member Petrick, seconded by Council Member Irizarry 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 Irizarry, Petrick and Nanton. Nay--none. Absent--Council Member Pabon.

R-175-4/15 Authorizing submission of an application to the NJDEP for the Recreational Trails Program Grant for improvements to the Raritan Riverwalk in the amount of \$24,000.00.

Motion was made by Council Member Petrick, seconded by Council Member Irizarry 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 Irizarry, Petrick and Nanton. Nay--none. Absent--Council Member Pabon.

R-176-4/15 Authorizing submission of a recycling tonnage grant application.

Motion was made by Council Member Petrick, seconded by Council Member Irizarry 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 Irizarry, Petrick and Nanton. Nay--none. Absent--Council Member Pabon.

R-177-4/15 Accepting participation in a state sponsored Conducted Energy Devices (CED's) and Equipment Assistance Program, accepting CED assistance program funds in the amount of \$14,000.87 and authorizing payment of \$15,902.53 for purchases of devices and equipment.

Motion was made by Council Member Petrick, seconded by Council Member Irizarry 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 Irizarry, Petrick and Nanton. Nay--none. Absent--Council Member Pabon.

R-178-4/15 Authorizing a reduction to the professional services agreement with Center State Engineering for design engineering, preparation of specifications and bid documents, construction inspection and contract administration for drainage improvements to New Brunswick Avenue in an amount not to exceed \$4,777.40.

Motion was made by Council Member Petrick, seconded by Council Member Irizarry 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 Irizarry, Petrick and Nanton. Nay--none. Absent--Council Member Pabon.

R-179-4/15 Accepting the bid and authorizing a contract to DeSantis Construction, Inc. for road rehabilitation and improvements – various city streets (Fayette St., Grove St. & Neville St.) in an amount not to exceed \$461,110.78.

Motion was made by Council Member Petrick, seconded by Council Member Irizarry 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 Irizarry, Petrick and Nanton. Nay--none. Absent--Council Member Pabon.

R-180-4/15 VOID

R-181-4/15 Authorizing a contract with the firm of Hoagland, Longo, Moran, Dunst & Doukas, LLP to cover costs associated with work to be performed within the first half of 2015 in connection with tax appeals before the tax court of the State of New Jersey in the amount not to exceed \$60,000.00.

Motion was made by Council Member Petrick, seconded by Council Member Irizarry 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 Irizarry, Petrick and Nanton. Nay--none. Absent--Council Member Pabon.

R-182-4/15 Authorizing Stipulation of Settlement resolving the complaint filed by Wilshire Oil Company and Amboy Towers LLC for property located at 313 State Street, Block 126, Lot 14.

Motion was made by Council Member Petrick, seconded by Council Member Irizarry 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 Irizarry, Petrick and Nanton. Nay--none. Absent--Council Member Pabon.

R-183-4/15 Approving a Special Permit for Public Entertainment to United Dominicans of Perth Amboy for the Dominican Festival to be held on August 14, 15 & 16, 2015.

Motion was made by Council Member Petrick, seconded by Council Member Irizarry 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 Irizarry, Petrick and Nanton. Nay--none. Absent--Council Member Pabon.

R-184-4/15 Authorizing the Tax Collector to credit and refund to Jose Beato and Maria Duran for property located at 393 Thomas Street (Block 451, Lot 3) added assessment adjustment for 2014 in the amount of \$536.90.

Motion was made by Council Member Petrick, seconded by Council Member Irizarry 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 Irizarry, Petrick and Nanton. Nay--none. Absent--Council Member Pabon.

COMMUNICATIONS

- 1. NJDEP issued a news release regarding the update of the state geologic map. (4/2/15)**

2. NJDEP issued a news release regarding the start of a new, lifeguarded swimming area near the popular A-7 section of Island Beach State Park. (4/9/15)
3. NJDEP advising that no further action is necessary for the remediation of the one 550 gallon #2 heating oil underground storage tank system at 276 Watson Avenue, Block 71, Lot 37.01. (4/13/15)
4. Resource Management Associates submitted a copy of the request of Fortune Metal Recycling for inclusion into the Middlesex County Solid Waste Management Plan for a proposed Class D recycling center at 900 Leesville Avenue, Woodbridge. (4/13/15)
5. F. Clifford Gibbons advising that he is resigning as the Attorney for the Planning Board. (4/13/15)
6. Paul W. Wang advising that he is resigning from the Perth Amboy Historic Preservation Commission effective April 7, 2015 for personal reasons. (4/13/15)
7. Edwin Plasencia and Jonathan Jerez submitted a petition containing the signatures of 400 Perth Amboy residents agreeing that another taxi company is needed in Perth Amboy. (4/13/15)
8. Joseph B. Vas, on behalf of himself and tenants and owners of the Perth Towne Commons located on Rector and High Streets between Smith and Fayette Street, requesting that the meters be removed in the area of High and Fayette Streets or that resident decals authorizing parking be issued. (4/14/15)

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

Ken Balut, 359 Bruck Ave.: Is James Nolan, Esq. in violation of pay to play since he has a contract with the City of Perth Amboy and he gave a political donation to Mayor Diaz? Council candidate Sergio Diaz is talking about corruption in his political ads, yet he was here in the Joe Vas days. Ed Trujillo laundered money in the Joe Vas case, yet Councilman Irizarry had his birthday party at his restaurant recently.

Council Member Irizarry: I never took one cent from Ed Trujillo.

Sharon Hubberman, 529 Cornell St.: The Police Dept. has a "Facebook Page". They should not delete any postings after a crime has been solved. There is a law of "freedom of information" that covers that. I don't believe 5 minutes is enough time to discuss a budget. The budget is important. With regard to legal issues, the line item has been steadily climbing. \$965,000 is the amount in this year's budget. Why is there such a large increase?

Mark Blunda: Previously the budget for legal services was divided throughout the budget in different departments. It is now consolidated into one line. There were additional reserves for judgment/settlement for the public safety complex litigation.

Alan Silber, 244 Rector St.: The Mayor of Trenton returned a political contribution to the law firm of McManimon & Scotland. Our Mayor did not return any monies. James Nolan, Esq. gave a donation to Sen. Joe Vitale and he gave it to the mayor/council candidates in the last election. The County Clerk is in charge of elections. In 2014 she sent absentee ballot applications to all registered voters. Now, she is complaining that Leslie Dominguez-Rodriguez came to pick up 1000 ballot applications. This is trying to control an election.

Virginia Lugo, 316 State St.: There has been no notice sent to citizens that an election will be held on May 12. What will be done to notify the citizens? All nursing homes should be checked. Don't just check one nursing home.

Elaine M. Jasko: The sample ballots are being printed and a sample ballot will be sent to each registered voter in the city, in the near future.

David Caba, 139 Lewis St.: Where is the tape on the shooting that occurred in Perth Amboy 17 months ago, on Hall Ave.? We need closure. We've had several shootings in the city since then. What are you doing about it?

Mark Blunda: The Hall Ave. shooting was taken over by the Prosecutor's Office and the AG's office. Both agencies found that there was no wrongdoing. There is a civil case and I'm sure that will come out in discovery on this case.

Maria Garcia, 124 Kearny Ave.: The Fernando Gonzalez group posted on "Facebook" that the Diaz team is trying to suppress the Dominicans from voting. He also asks for all people to ask for absentee ballots. They also commented that by sticking together they can take control of the Council just like they did with the Bd. of Education. The Bd. of Ed. hired a new superintendent and set a salary without placing it on their agenda. The Bd. of Ed. is looking to build a bus hub in the City. They are doing this because they are promising jobs to people who work on getting absentee ballots.

Stan Sierakowski, 679 Charles St.: The bus terminal is outsourced by the Bd. of Ed. right now. They are looking to save millions if they implement a bus terminal in the city. The new superintendent was hired but his salary is still being negotiated. Candidates use volunteers to get absentee votes. Maria Garcia decided not to run for re-election to the Bd. of Ed. She stopped attending meetings. I urge Maria to go back to attending meetings, for the children.

William Ortiz, 586 Brace Ave: A fraud was committed on our seniors by Leslie Dominguez-Rodriguez. This is trying to be whitewashed. Is the city going to go after her to recoup that cost of this election? I'm going to ask the AG and the FBI to review this matter.

COUNCIL COMMENTS

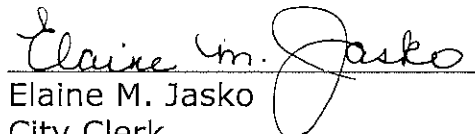
Council Member Petrick: Ms. Hubberman was given additional time during the public hearing of the budget to ask her questions. There is a city website but it does not belong to the Council. The Superior Court called for a "Special Election". This is not a continuation of a previous election. This was ordered by the court after a person committed fraud. The prosecutor and/or AG will determine whether to pursue this matter.

Council Member Irizarry: A number of people are complaining about the Superior Court Judge. However, if this judge had ruled in favor of the other group, would they be saying the same thing about her? The Judge ruled that there was voter fraud. The same people that were involved in this fraud were working the election when I ran and I wonder if there was fraud in my election. People outside of Perth Amboy are entertained by our council meetings. The comments that are made here keep outsiders from coming into town. We need people to take responsibility in this town. I wonder how many people that complain at these meetings will come to the next scheduled town clean up.

Council President Nanton: This Council and this Administration had nothing to do with the Election Lawsuit in Superior Court. The Superior Court Judge found fraud was committed by Leslie Dominguez-Rodriguez. When I ran for Committeewoman in 2013, Leslie Dominguez-Rodriguez notarized my petition but she never submitted my ballot for the committeewoman position. Luckily, I had another petition that I circulated, and I ran on my own. It's been a pattern of deception. This was reported to the Prosecutor.

ADJOURNMENT

There being no further business to come before the Council, motion was made by Council Member Petrick, seconded by Council Member Irizarry to adjourn the meeting at 9:30pm, and was carried by the following vote: Yea--Council Members Irizarry, Petrick and Nanton. Nay--none. Absent--Council Member Pabon.


Elaine M. Jasko
City Clerk


Lisa Nanton
Council President

