

**MINUTES
PROCEEDINGS OF THE COUNCIL OF THE
CITY OF PERTH AMBOY
FEBRUARY 11, 2015
COUNCIL CHAMBERS**

NOTICE OF MEETING

Regular Meeting of the Council of the City of Perth Amboy was held on Wednesday, February 11, 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 Petrick 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 Gonzalez, Fernando Irizarry, Joel Pabon and William Petrick. Absent--None.

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

**ORDINANCE – 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 and Deletions

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

Council President asked for comments. There were none.

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

Motion was made by Council Member Petrick, seconded by Council Member Pabon to adopt the Ordinance on second and final passage and was carried by the following vote: Yea--Council Members Gonzalez, Pabon, Petrick and Nanton. Nay--none.

- 2. ORDINANCE AUTHORIZING AN AGREEMENT WITH THE COUNTY OF MIDDLESEX FOR THE TRANSFER OF REAL PROPERTY FOR THE DEVELOPMENT OF A COUNTY PARK.**

Re: Block 238, Lots 5, 5.18, 6, 6.18

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

Council President asked for comments.

Stan Sierakowski, 659 Charles St.: Why is this in the form of an ordinance instead of a resolution? The owners of the property didn't pay taxes for many years. They owed the city almost \$1m in back taxes. Did the Mayor and Tax Collector know these taxes were not paid? These six acres are the jewel of the waterfront. What's the backroom deal that was made?

There's fraud involved in this real estate transaction. Why wasn't the tax lien ever filed?

Mark Blunda: State statute requires that this be done by ordinance. This is an in-rem foreclosure. We don't know who the owners were that didn't pay taxes. The County will remediate this property and build a park on this land.

Councilmember Gonzalez: When was this property taken over by the City?

Mark Blunda: The judgment and foreclosure took place towards the end of last year.

Ken Balut, 359 Bruck Ave.: Is there a timetable for the construction of the park by the County? Will it sit for another ten years without any thing having been done to the property?

Jillian Barrick: The design and construction are to commence this year.

Reinaldo Aviles, 16 Harbor Terr.: I thought that area was going to be developed for housing. I know it's contaminated. Do we know why we didn't find a developer to develop that property?

Council Member Petrick: To my knowledge that was intended to be a park all along.

Jillian Barrick: The property is severely contaminated. The needs of the City need to be balanced. There is no green space in that area.

Council Member Gonzalez: Mr. Rosengarten was in court for about 10 years fighting for this property.

Reinaldo Aviles: When and by whom was the decision made to make this a park?

Council Member Gonzalez: Is there a commitment from the County that will remediate the land and place a fence around the property?

Jillian Barrick: I'm working with the County to get a fence installed around the Rosengarten property. The other portion of the property is already fenced.

Virginia Lugo, 316 State St.: Is the County responsible for the cleanup of this property? Is there an environmental report? We also need a timeline for the construction of the park.

Jillian Barrick: The design will start this year and should be completed within 6-12 months. The contamination level will require the property to be capped with concrete. I don't know if there is a report.

Mark Blunda: There were preliminary assessments and the County has spoken to the NJDEP.

Jillian Barrick: The County would be responsible for the cleanup.

David Caba, 139 Lewis St.: Was there an appraisal of the property done?

Jillian Barrick: No appraisal was done because the property will be given to the County for a park. I can provide the assessed value to you.

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

Motion was made by Council Member Petrick, seconded by Council Member Pabon to adopt the Ordinance on second and final passage and was carried by the following vote: Yea--Council Members Gonzalez, Pabon, Petrick and Nanton. Nay--none.

3. AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "ZONING AND LAND DEVELOPMENT" (ORDINANCE NO. 683-93) ALSO KNOWN AS CHAPTER 430, ET SEQ. OF THE CODE OF THE CITY OF PERTH AMBOY ESTABLISHING THE OFFICIAL LAND USE MAP OF THE CITY OF PERTH AMBOY.

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

Council President asked for comments. There were none.

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

Motion was made by Council Member Petrick, seconded by Council Member Pabon to adopt the Ordinance on second and final passage and was carried by the following vote: Yea--Council Members Gonzalez, Pabon, Petrick and Nanton. Nay--none.

**PUBLIC HEARING
RESOLUTION ON THE 2015 PERTH AMBOY BID BUDGET
(5 MINUTE MAXIMUM PER SPEAKER)**

**R-47-2/15 Public hearing and adoption of the 2015
Perth Amboy Business Improvement District Budget.**

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

Council President asked for comments.

Virginia Lugo, 316 State St.: This is basically the same budget as presented in previous years. The majority of monies are being used to pay the salary of a city employee.

Council Member Pabon: This is the opportunity for business owners to come before the Council and express their concerns.

Ken Balut, 359 Bruck Ave.: There should be a forensic audit done of how the "sign money" is given out to businesses. There's \$20,000 in the budget for the signs/façade program. Where are the gum busters?

Reinaldo Aviles, 16 Harbor Terr.: The Council has control over this budget. There are many questions here regarding this budget. You shouldn't just pass it carte blanche. Does the Council know the names of the new commissioners that were elected at the recent BID election? Do you have a copy of their new bylaws?

Council Member Gonzalez: I reviewed the audit. That was basically only a statement. 36% of the budget is being used for administration. 6% is being used for downtown beautification. 7% is being used for the façade program. The Council should have an opinion for the downtown. I don't see any improvement taking place in the downtown. We should invite the BID here to speak with them and discuss projects.

Barry Rosengarten, 170 Water St.: I am the chair of the BID and I was just re-elected as the chair. There are 15 BID board members. We had 18 requests for participation in the program. We have vetted the budget and reviewed it. We have had the same budget for the past 10-12 years. \$19m has been spent in the BID and UEZ areas combined over the years. We have only had one person, Roxana Troche, as the administrative person of the BID. We support our businesses with façade grants. We have maintained a clean environment in the downtown area. The new bylaws have not been completed yet.

Council Member Petrick: The bylaws should be placed on the BID website.

Council Member Irizarry: How was the election process conducted?

Barry Rosengarten: It was done by a closed secret ballot. The attorney counted the ballots. It was transparent.

Council Member Gonzalez: What is the board breakdown with regard to the businesses in town?

Barry Rosengarten: I will provide it.

Council President Nanton: I have offered many suggestions at the BID office. The Council Members should stop by and offer their suggestions also, if they have any.

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

Motion was made by Council Member Petrick, seconded by Council Member Pabon to adopt the Resolution on second and final passage and was carried by the following vote: Yea--Council Members Gonzalez, Pabon, Petrick and Nanton. Nay--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 five (5) minutes.

R-86

Pedro Perez, 733 Franklin Dr.: I am not against the Housing Authority. I am against "PARTNER". I was never on the board of "PARTNER". I have concerns about the funds of "PARTNER" during the years 2003-2010. I would like this resolution to be tabled. Dorothy Daniel should provide the Council with "PARTNER" records for the period of 2003-2010. 86% of the funds were spent on administrative costs.

R-86

Stan Sierakowski, 679 Charles St.: Who is the current owner of the property of the premises Dorothy Daniel lives at? How much rent does she pay, if she receives Section 8? The Executive Director works as a director in many other towns. When is he doing the extra work? He should not be doing the other work on city time.

R-86

Reinaldo Aviles, 16 Harbor Terr.: Dorothy Daniel is a great public servant.

R-55

Reinaldo Aviles, 16 Harbor Terr.: Municipal employees should not be subjected to political pressures and influence. This is a serious matter. You are putting this gentleman on the spot with this appointment. I am glad the interviews and appointments are open.

LIQUOR LICENSE NOTIFICATION

Ken Balut, 359 Bruck Ave: Who are the owners?

Elaine M. Jasko, City Clerk: I can give you that information now or you can stop by my office and I can provide it to you.

Ken Balut: I'll stop by your office.

R-48

Ken Balut: I want to know who the owners are in this liquor license transfer, but I'll stop by the Clerk's office to get that information.

R-79

Ken Balut: We are giving \$310,000.00 to Imperial Construction. We should have done a lot more to this company.

R-72

Ken Balut: This is the same company that threw the parties in Atlantic City during the League of Municipalities in the past. It doesn't look right to party with them. Now you are voting on a contract for them.

R-74

Mark Blunda: They will be paying the City for the services.

R-79

Mark Blunda: Their demand was for \$750,000. The fair settlement is \$310,000.00.

R-86

David Caba, 139 Lewis St.: There may be facts that the Council should analyze before you make a decision.

R-57

David Caba, 139 Lewis St.: Scott Farber was interviewed at a Caucus Meeting. He only said 3 things. This individual was paid \$7000 to run the campaign of Pabon, Petrick, and Diaz. Why did he need to be interviewed? He knew he was going to get it.

R-86

Gregory Pabon, 437 Ashley St.: Dorothy Daniel is doing a good job on the Housing Authority. There was an audit done and it showed that everything was done properly.

APPROVAL OF MINUTES

November 24, 2014 – Closed Session
December 8, 2014 – Closed Session
January 2, 2015 – Reorganization
January 12, 2015 – Closed Session
January 14, 2015 – Regular Council

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

LIQUOR LICENSE – NOTIFICATION

Person-to-Person Transfer

License No. 1216-33-055-003

From: Ed & Mary Tavern Inc. – 555 Penn St.

To: 3 Brothers Restaurant, LLC – 555 Penn St.

REPORTS

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

1. Report of checks prepared and paid during the month of January 2015 totaling \$5,667,107.22.
2. Annual Debt Statement – Budget Year Ending December 31, 2014.

Motion was made by Council Member Irizarry, seconded by Council Member Gonzalez to accept reports #1 and #2 and was carried by the following vote: Yea--Council Members Gonzalez, Irizarry, Pabon, Petrick and Nanton. Nay--none.

ORDINANCES – FIRST READING (NO PUBLIC DISCUSSION)

1. 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: Loading Zone – Portion of Park Avenue deleted

Motion was made by Council Member Petrick, and seconded by Council Member Pabon 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 25, 2015 at 7:00 p.m. at the Council Chambers, City Hall, and was carried by the following vote: Yea--Council Members Gonzalez, Irizarry, Pabon, Petrick and Nanton. Nay--none.

2. AN ORDINANCE TO AMEND ORDINANCE 1647-2012 OF THE CODE OF PERTH AMBOY AMENDING AN AGREEMENT FOR A FIVE-YEAR TAX EXEMPTION/ABATEMENT FOR MENPE CORPORATION D/B/A TROPICAL CHEESE INDUSTRIES, INC.

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 February 25, 2015 at 7:00 p.m. at the Council Chambers, City Hall, and was carried by the following vote: Yea--Council Members Gonzalez, Irizarry, Pabon, Petrick and Nanton. Nay--none.

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: Public Safety Telecommunicators - Amending Step IV 2012-2017

Motion was made by Council Member Petrick, and seconded by Council Member Pabon 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 25, 2015 at 7:00 p.m. at the Council Chambers, City Hall, and was carried by the following vote: Yea--Council Members Gonzalez, Irizarry, Pabon, Petrick and Nanton. Nay--none.

4. 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: PBA - Amending Step 10 - 2015

Motion was made by Council Member Irizarry, and seconded by Council Member Pabon 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 25, 2015 at 7:00 p.m. at the Council Chambers, City Hall, and was carried by the following vote: Yea--Council Members Gonzalez, Irizarry, Pabon, Petrick and Nanton. Nay--none.

RESOLUTIONS

R-48-2/15 Authorizing the person-to-person transfer of pocket license no. 1216-32-100-005, held in the name of Cali Entertainment, Inc. to Bay City Liquors, Inc., to remain in pocket status, effective February 12, 2015.

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

R-49-2/15 Amending R-15-1/12 authorizing Bi-Directional Water Supply Agreement with Middlesex Water Company.

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 Gonzalez, Irizarry, Pabon, Petrick and Nanton. Nay--none.

R-50-2/15 Approving transfer of CY 2014 budget appropriation reserves in the amount of \$10,158.00.

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 Gonzalez, Irizarry, Pabon, Petrick and Nanton. Nay--none.

R-51-2/15 Authorizing emergency temporary appropriations to extend CY 2015 temporary budget in the amount of \$90,000.00.

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

R-52-2/15 Authorizing cancellation of minimum balances under \$10.00.

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 Gonzalez, Irizarry, Pabon, Petrick and Nanton. Nay--none.

R-53-2/15 Appointing Thomas Ward as a regular member to the Zoning Board of Adjustment for a term to expire on December 31, 2018.

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.

Council Member Gonzalez: The Ordinance claims that all applicants should be voted on if there is no consensus.

Mark Blunda: Since July 2008 the procedure has been the same.

Council Member Petrick: The conclusion of the attorney who sat in for me on Monday is that this was being done properly.

Council Member Gonzalez: All people who apply for a position should be voted on. The appointments have no reflection on the composition of the City of Perth Amboy. There is no Hispanic being named to the board. I believe the proper procedure was not properly followed. A new member is being made a regular member while Alternate #1 is remaining as Alternate #1. That doesn't seem right.

Council Member Petrick: It's illegal to ask about race in the interview process.

The above Resolution was adopted and carried by the following vote:
Yea--Council Members Gonzalez, Irizarry, Pabon, Petrick and Nanton.
Nay--none.

R-54-2/15 Appointing Linda Cruz as a regular member to the Zoning Board of Adjustment for a term to expire on December 31, 2018.

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 Gonzalez, Irizarry, Pabon, Petrick and Nanton.
Nay--none.

R-55-2/15 Appointing Andrew Toth as a regular member to the Zoning Board of Adjustment for a term to expire on December 31, 2018.

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 Irizarry, Pabon, Petrick and Nanton. Nay--Council Member Gonzalez.

R-56-2/15 Appointing Michael P. Savoia to the Zoning Board of Adjustment as Alternate #1 for a term to expire on December 31, 2016.

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 Gonzalez, Irizarry, Pabon, Petrick and Nanton.
Nay--none.

R-57-2/15 Appointing Scott Farber, II to the Zoning Board of Adjustment as Alternate #2 for a term to expire on December 31, 2016.

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 Irizarry, Pabon, Petrick and Nanton. Nay--Council Member Gonzalez.

R-58-2/15 Authorizing settlement of the workers compensation litigation entitled Hugo Fleites v. City of Perth Amboy C.P. No. 2012-29354 for the amount of \$7,500.00.

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 Gonzalez, Irizarry, Pabon, Petrick and Nanton. Nay--none.

Consent Agenda – R-59-2/15 – R-66-2/15

R-59-2/15 Authorizing the refund of tax overpayment on Blk. 55, Lot 17.01 (294 High Street) to Charlotte Adams in the amount of \$2,108.60.

R-60-2/15 Authorizing the refund of tax overpayment created by tax appeal on Blk. 379.10, Lot 9 (807 Pershing Place) to Horn Law Group, Attorney for Jesus & Yesenia Santiago, in the amount of \$2,325.02.

R-61-2/15 Authorizing the refund of tax overpayment created by tax appeal on Blk. 14, Lot 1 (foot of Grant Street) to Archer & Greiner P.C., trustee for R.R. Steel/Gerdau Ameristeel in the amount of \$26,800.00.

R-62-2/15 Authorizing the refund of tax overpayment created by tax appeal on Blk. 76, Lot 12 (275 Grace Street) to Horn Law Group, attorney for United Poles in America Enterprises, in the amount of \$17,124.89.

R-63-2/15 Authorizing the refund of tax overpayment created by tax appeal on Blk. 144, Lot 6 (100 Commerce Street) to Michael A. Vespasiano Trust Account on behalf of 100 Commerce Avenue Realty LLC, in the amount of \$3,897.50.

R-64-2/15 Authorizing the refund of tax overpayment created by tax appeal on Blk. 445, Lot 1.01 (902 Amboy Avenue) to Peter Zipp, Esq., attorney for Donald & Deborah Joy Gural, in the amount of \$938.00.

R-65-2/15 Authorizing the refund of tax overpayment created by tax appeal on Blk. 441, Lot 4 (406 Summit Avenue) to Walter Geslak, in the amount of \$5,160.99.

R-66-2/15 Authorizing the refund of tax overpayment created by tax appeal on Blk. 352, Lot 24 (681 State Street) to Michael A. Vespasiano Trust Account on behalf of 681 State Street Realty, LLC, in the amount of \$2,557.50.

Motion was made by Council Member Irizarry, seconded by Council Member Petrick to adopt Resolutions #59-2/15 - #66-2/15.

Council President asked for comments. There were none.

The above Resolutions were adopted and carried by the following vote:
Yea--Council Members Gonzalez, Irizarry, Pabon, Petrick and Nanton.
Nay--none.

R-67-2/15 Accepting an Arts Grant from the Middlesex County Cultural & Heritage Commission for the Summer Theater Performing Arts Camp promoting dance and music for the term January 15, 2015 through December 31, 2015 in the amount of \$3,000.00.

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 Gonzalez, Irizarry, Pabon, Petrick and Nanton.
Nay--none.

R-68-2/15 Authorizing an agreement with Faith Perrin, DVM in the amount of \$7,800.00 for veterinary services which includes two rabies clinics scheduled for May 9, 2015 and September 12, 2015.

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 Gonzalez, Irizarry, Pabon, Petrick and Nanton.
Nay--none.

R-69-2/15 Authorizing a contract with Perkins Eastman in the amount of \$50,000.00 for professional planning services as a sub-recipient of the Post-Sandy Planning Grant and rescinding R-28-1/15.

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 Gonzalez, Irizarry, Pabon, Petrick and Nanton.
Nay--none.

R-70-2/15 Authorizing a contract with Maser Consulting in the amount of \$72,900.00 for professional planning services as a sub-recipient of the Post-Sandy Planning Grant and rescinding R-29-1/15.

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 Gonzalez, Irizarry, Pabon, Petrick and Nanton.
Nay--none.

R-71-2/15 Authorizing a contract with Consolidated Steel and Aluminum Fence Company for the removal and installation of fencing at various locations in the City in the total amount not to exceed \$44,290.50.

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 Gonzalez, Irizarry, Pabon, Petrick and Nanton.
Nay--none.

R-72-2/15 Consenting to the appointment of and approving a contract with Jeffrey Rauch, PE, CME, CFM, Center State Engineering as contract City Engineer and contract Director of Division of Engineering in an amount not to exceed \$30,000.00.

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

R-73-2/15 Authorizing Matarazzo Engineering and the Musial Group to provide professional engineering services as needed and adding them to the list of approved engineers for calendar year 2015.

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 Gonzalez, Irizarry, Pabon, Petrick and Nanton.
Nay--none.

R-74-2/15 Authorizing an agreement with the Kushner Companies for removal of snow and ice at the Landings at Harborside on streets not yet dedicated to the City, at the rate of \$125.00 per hour for the winter of 2014-2015.

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 Gonzalez, Irizarry, Pabon, Petrick and Nanton.
Nay--none.

R-75-2/15 Authorizing a refund resulting from a successful tax appeal on Block 426, Lot 3.06 (985 High St.) to 975 High St., LLC, in the amount of \$18,575.08.

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 Gonzalez, Irizarry, Pabon, Petrick and Nanton.
Nay--none.

R-76-2/15 Accepting a donation of twenty-five (25) 2-way hand held Motorola radios and accessories from the Perth Amboy Board of Education to be used by the Perth Amboy Office of Emergency Management.

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

Council President asked for comments.

Council Member Irizarry: We should send a letter to the Board of Education to thank them for this donation.

Jillian Barrick: I will send it.

The above Resolution was adopted and carried by the following vote:
Yea--Council Members Gonzalez, Irizarry, Pabon, Petrick and Nanton.
Nay--none.

R-77-2/15 Authorizing execution of a professional services agreement with Center State Engineering for design engineering, specifications, bid documents and construction inspection for the NJDOT Municipal & Urban Aid Grant Improvement to Jeffries Street, Broad Street and Elm Street Fiscal Year 2014 in an amount not to exceed \$35,000.00.

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 Gonzalez, Irizarry, Pabon, Petrick and Nanton.
Nay--none.

R-78-2/15 Amending the contract between the County of Middlesex and the City of Perth Amboy to collaborate with the Department of Children and Families and NCADD to provide the strengthening families program through the "Sandy Contract" to support recovery work following the impact of Hurricane Sandy in the amount of \$13,500.00.

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 Gonzalez, Irizarry, Pabon, Petrick and Nanton.
Nay--none.

R-79-2/15 Authorizing settlement of the contract arbitration with Imperial Construction Group for an amount not to exceed \$310,000.00.

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 Gonzalez, Irizarry, Pabon, Petrick and Nanton.
Nay--none.

R-80-2/15 Authorizing a contract with Edmunds & Associates, Inc. for 2015 software maintenance in an amount not to exceed \$31,290.00.

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 Gonzalez, Irizarry, Pabon, Petrick and Nanton.
Nay--none.

R-81-2/15 Authorizing refunds in the total amount of \$800.00 to tenants for returned key deposits with the Perth Amboy Harborside Marina.

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 Gonzalez, Irizarry, Pabon, Petrick and Nanton.
Nay--none.

R-82-2/15 Authorizing a refund of \$100.00 to Ana Pieretti, 342 Jeffries St. for the denial of a handicapped parking space 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 Gonzalez, Irizarry, Pabon, Petrick and Nanton.
Nay--none.

R-83-2/15 Authorizing change order no. 3 to the contract with Helios Construction Inc. for the beach promenade reconstruction project in a net decrease of \$11,360.00.

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 Gonzalez, Irizarry, Pabon, Petrick and Nanton.
Nay--none.

R-84-2/15 Authoring a refund for the cancellation of a handicap application due to the passing of the applicant, Juan Leon in the amount of \$100.00.

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 Gonzalez, Irizarry, Pabon, Petrick and Nanton.
Nay--none.

R-85-2/15 Authorizing the submission of a Strategic Plan for the Governor's Council on Alcoholism and Drug Abuse fiscal grant cycle (July 2015- June 2016).

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 Gonzalez, Irizarry, Pabon, Petrick and Nanton.
Nay--none.

LATE STARTER

R-86-2/15 Appointing Edna Dorothy Carty-Daniel as a Commissioner of the Perth Amboy Housing Authority for a term ending on December 31, 2019.

Motion was made by Council Member Gonzalez, seconded by Council Member Nanton to place the above Resolution on the agenda as a late starter for consideration and was carried by the following vote: Yea--Council Members Gonzalez, Irizarry, Pabon, Petrick and Nanton. Nay--none.

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

Council President asked for comments.

Council Member Gonzalez: We should invite this group to come before us to put this to rest by investigating it.

Council Member Petrick: We should get a copy of the financial statements for 2003-2010 for "PARTNER" and the makeup of the board for "PARTNER".

The above Resolution was adopted and carried by the following vote:
Yea--Council Members Gonzalez, Irizarry, Pabon, Petrick and Nanton.
Nay--none. Abstain--none.

COMMUNICATIONS

- 1. NJDEP advising that changes have been made to the NJDEP's Model Noise Ordinance as a result of a statutory requirement that limits penalties in municipal ordinances to a maximum of \$2,000.00. (12/19/14)**

Council Member Gonzalez: I would like to know how many tickets were given by the Police Dept. over the past 3 years for noise complaints. We need to establish a procedure for noise complaints.

Deputy Police Chief Lawrence Cattano: I spoke to the court administrator. We will get the info to you as soon as possible. We have plans in place for what we will do in the summer for noise.

- 2. NJDEP advising that no further action is necessary for the remediation of one 550 gallon #2 heating oil underground storage tank system at Blk. 318, Lot 29, 754 Donald Avenue. (1/20/15)**
- 3. RTP Environmental Associates, Inc., submitted a copy of the NJDEP Classification Exception Area/Well Restriction Area (CEA/WRA) Fact Sheet Form for the Harry Goldberg and Son Scrap Metal site, Blk. 10, Lots 1-12; Blk. 11, Lot 1.01; Blk. 16, Lot 1-15 and Blk. 16, Lot 15.01. (1/20/15)**
- 4. Environmental Alliance, Inc., a licensed site remediation professional, issued a Response Action Outcome for the remediation of the All Star's Academy at 165 Washington Street, Blk. 227, Lot 14 through 18. (1/20/15)**
- 5. Comcast submitted a check in the amount of \$192,694.86 for use of municipal-right-of way by Comcast of New Jersey II, LLC during the year of 2014. (1/23/15)**
- 6. Verizon advising that a check in the amount of \$191,942.66 will be sent for Verizon's Annual Remittance Statement Franchise Fee for 2014. (1/23/15)**
- 7. Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas submitted a notice of public hearings to revise RAC (Remediation Adjustment Clause) rate. (1/23/15)**

8. Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas submitted a notice of public hearings to increase the Energy Efficiency Program Rider (EEP) rate. (1/23/15)
9. NJ Dept. of Community Affairs submitted the 2015 per capita income and maximum eligibility income figures to be used in considering protected tenancy applications for senior and disabled citizens as required by the Senior Citizen and Disabled Protected Tenancy Act. (1/23/15)
10. NJ Division of ABC submitted a copy of the Notice of Charges with a 10-day suspension against License #1216-32-039-009, held in the name of Charmi and D Inc., t/a Colonial Liquor Store and Bar, 352-354 State St. for violation of ABC regulations. (1/28/15)
11. NJ Transit advising that it is conducting a Disparity Study and instructing individuals or business owners interested in contributing information or participating to register by visiting [njtransit.com/Civil Rights/Office of Business Development](http://njtransit.com/CivilRights/OfficeofBusinessDevelopment). (1/28/15)
12. Borough of Tinton Falls, NJ submitted a copy of R-15-022 entitled "Resolution supporting, recognizing and honoring the service of Law Enforcement Officers", which was adopted by the Council on January 20, 2015. (1/28/15)
13. NJDEP advising that it has made a determination that no further action is necessary for the remediation of the area of concern for One – 550 gallon #2 Heating Oil Underground Storage Tank System at 98 Rector St. (Block 26, Lot 1.06). (1/29/15)
14. Mayor Wilda Diaz advising that she has made the following appointments to the Historic Preservation Commission effective immediately: (2/3/15)

Jens Efsen	Class A	4 Years	12/31/18
Jonathan R. Cepeda	Class B	4 Years	12/31/18
Alfred S. Jackson, III	Class C	4 Years	12/31/18
Reinaldo E. Aviles	Class C	4 Years	12/31/18
Jelmin Caba	Class C	4 Years	12/31/18
Barbara Stack	Class C	4 Years	12/31/18
Renee Skelton	Class C	4 Years	12/31/18
Filomena Gianfrancesco	Class C	4 Years	12/31/18
Paul Wang	Class C	4 Years	12/31/18
Anna W. Daily	Alt. #1	2 Years	12/31/16

Katherine Massopust Alt. #2 2 Years 12/31/16

Council Member Petrick: I congratulate everyone for their voluntary service to the City.

- 15. NJDEP submitted a copy of an application received from Perth Amboy 1160, LLC, for the implementation of remediation measures and the proposed redevelopment plan for the former American Smelting and Refining Company (ASARCO) facility located at 1160 State St., Perth Amboy. (2/3/15)**
- 16. Groundwater & Environmental Services, Inc. submitted a copy of the Remedial Action Report and Unrestricted Use Remedial Action Outcome Form and supporting documentation indicating that no further action is required for Kinder Morgan Liquids Terminals, LLC, Tank No. 12 Methanol Release, 920 High St., Perth Amboy. (2/3/15)**

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

Alan E. Silber, City Resident – Conduct of the Council at the January 14, 2015 Meeting.

Alan Silber, 244 Rector St.: At the January 14, 2015 meeting the first speaker was told that he could not mention the name of a city employee who wasn't here to defend themselves. Yet, another speaker mentioned the name of a different employee five times and nothing was done. If someone had challenged the Council President, we could have been subject to a lawsuit.

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

Ken Balut, 359 Bruck Ave.: Is the Chief of Police still being paid? The Mayor has stated that he is suspended without pay. I thank Councilmen Pabon and Petrick for abstaining on the engineer resolution. What happened to the tickets that were issued to the tavern on Fayette Street for noise? I am a gadfly and I come here to question what is going on in the City.

Mark Blunda: The payment for the Chief of Police is a personnel matter.

Ken Balut: We have a right to know if he is being paid. The Police Director has made two statements that he is not being paid.

Mark Blunda: Only the salary is public.

Stan Sierakowski, 679 Charles St.: No appraisal was done of the property in question on tonight's ordinance. These meetings are governed by the Open Public Meetings Act. If I want to use a person's name at a meeting, I can do that. The Council President can't prevent me from doing that.

Pedro Perez, 733 Franklin Dr.: Mr. Gonzalez how dare you! You allowed "PARTNER" to spend 86% on four Housing Authority people and 14% on the low income families in Perth Amboy. How dare you, Mr. Gonzalez!

Virginia Lugo, 316 State St.: I know Lisa Nanton believes in freedom of speech. People who come to speak here, do their due diligence before they speak. Council Meetings should be subtitled in Spanish and there should be earphones for translation into Spanish. Certain people are allowed to speak longer than others. All people should be treated equally.

Alan Silber, 244 Rector St.: There was a lawsuit brought upon all three people (Pabon, Petrick and Diaz) regarding throwing out 530 votes before the last election even took place. Mr. Northgrave represented all three people. Sergio Diaz gave monies to the campaign. Councilmen Pabon and Petrick should have abstained in the vote for the McManimon law firm, since Mr. Northgrave is associated with the firm.

David Caba, 139 Lewis St.: Nothing has been done about the employee (Chief of Staff) who made a racial remark at a previous council meeting. I'm sure nothing will be done to her. I've been fighting for the community since 1992.

Pastor Bernie Falcon-Lopez, 363 Thomas St.: I apologize for the truck delivery that recently blocked Rector St. while delivering food. It will not happen again. The people we serve just want to eat. If there is an issue, please come see me and I will deal with it.

Council Member Gonzalez: Is what you are doing compliant with zoning laws?

Pastor Bernie Falcon-Lopez: Yes.

Reinaldo Aviles, 16 Harbor Terr.: Pastor Bernie feeds a lot of poor people. They spend all their money on food. I'm sure she won't do it again. There's a contradiction between procedure and tradition. No Council Member made a comment during the vote to put a city employee on the Zoning Board.

Jane Herron, Groom St.: There's a lot of truck traffic on my street. The ordinances are not being enforced. I am not giving up on this issue. Why can't we have a police officer in the area? Why doesn't the Council come to my area? The water in Perth Amboy stinks and tastes terrible. The change started about 3-4 months ago.

Edna Dorothy Carty-Daniel, 277 Water St.: I want to thank the Council for reappointing me to the Housing Authority.

COUNCIL COMMENTS

Council Member Pabon: I would like a report from the BID as to their planned summer events and the equipment they plan to use. I go up and down Groom St. I would like to know if any tickets were issued on Groom St. We should take care of a pothole on Neville St. We've received 3-4 letters from your neighbors, Ms. Herron, and they are saying exactly opposite of what you are saying. There will be no police officer assigned permanently on Groom St. We have 3 Latinos on the Council and we will help citizens that come before us. We don't have a need for translation.

Council Member Petrick: Do we charge for handicapped parking spaces that are reassigned to other members in a family?

Elaine M. Jasko: The spaces are not transferrable.

Mark Blunda: I'll look at it and see how the ordinance should be amended.

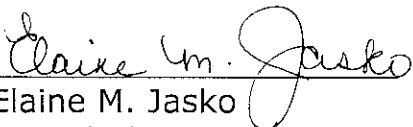
Council Member Petrick: Sunshine Alley should be plowed in future snow storms.


Council Member Gonzalez: We should have a portion on the council's agenda where the BA gives us a report on issues that were brought up at the previous meeting.

Council President Nanton: Since 1972, the rules and procedures that govern council meetings have been on the books. We will continue to work on the best way to run a meeting.

ADJOURNMENT

There being no further business to come before the Council, Motion was made by Council Member Petrick, seconded by Council Member Gonzalez to adjourn the meeting at 10:15 pm, and was carried by the following vote: Yea--Council Members Gonzalez, Irizarry, Pabon, Petrick and Nanton. Nay--none.


Elaine M. Jasko
City Clerk


Lisa Nanton
Council President

