

**MINUTES
PROCEEDINGS OF THE COUNCIL OF THE
CITY OF PERTH AMBOY
JUNE 24, 2015
COUNCIL CHAMBERS**

NOTICE OF MEETING

Regular Meeting of the Council of the City of Perth Amboy was held on Wednesday, June 10, 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 Victoria Ann Kupsch, Assistant City Clerk.

PROCLAMATIONS/PRESENTATIONS

**Certificate of Appreciation to Sophie Burns – School
Crossing Guard – 40 years of service.**

Council President Nanton read and presented a Certificate of Appreciation on behalf of Mayor Wilda Diaz to Ms. Burns.

Deputy Chief Cattano presented a Certificate of Appreciation to Ms. Burns.

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.

Communication No. 10

Stan Sierakowski, Charles Street: Dorothy fails to mention there was an appraisal made for the Board of Education and the Housing Authority. There are negotiations. This is electioneering for November. She left out the facts.

R-288-6/15

Ken Balut, 359 Bruck Avenue: There is less and less on the agendas. It doesn't have the names of the bond counsel. You could be voting on someone who donated to your campaign. It's supposed to be open and transparent. Wasn't McManimon the democratic committee lawyer? Wasn't he the lawyer for the lawsuit? Can I have the names of the bond counsel?

Mark J. Blunda: With regard to R-288, I don't believe when we had multiple professional appointments in response to RFP's we listed the names on the agenda, rather they've been listed in the Resolution itself. There are 3 approved bond counsel, McManimon and Scotland; Parker McCay and Kraft & Capizzi. As to the issue of a conflict, I researched it with regard to Mr. Petrick, Mr. Pabon and Fernando Gonzalez. In my estimation, none of the three had a direct financial interest with the appointment of McManimon, of which Mr. Northgrave is a partner and would not benefit financially from them being bond counsel. The question is whether there is an indirect personal interest as you pointed out Mr. Northgrave challenged certain vote by mail ballots. He did this on behalf of a slate that included Mr. Petrick and Mr. Pabon that would raise the appearance of impartiality. On the other side, Mr. Gonzalez was directly adverse to Mr. Northgrave in the Superior Court lawsuit. All these would give the appearance of being tainted. However, we'd be left with not having a quorum. Under the Doctrine of Necessity it would be my opinion all three could vote on it. With regard to your other issue, I agree, with certain resolutions, if there were more detail listed on the agenda, it would make it easier for people. I'll look into it. As for the Housing Authority matter, we are reaching out to the Board of Education and the Housing Authority to see if they could come to a meeting to talk about a 3rd party.

R-288-6/15

Alan Silber, 244 Rector Street: They've been bond counsel a very long time. But now they have gotten involved. Was Mr. Northgrave at the Democratic Committee Reorganization meeting acting as legal counsel?

Council President Nanton: Yes.

Alan Silber: You are not being open and transparent because of Northgrave. You have an obligation to know who contribution.

Council President Nanton: The Council did not appoint Mr. Northgrave, the candidates chose him.

MINUTES

June 8, 2015 - Closed Session
June 10, 2015 - Regular

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

BIDS

Bids were received on June 16, 2015 for the following:

- 1. NJDOT Road Rehab. & Improvements (Various City Streets) Broad, Elm & Jeffries Streets**

a. Black Rock Enterprises, LLC	\$322,956.80*
b. Top Line Construction Corp.	\$419,759.88
c. Lucas Construction	No Bid

- 2. (1600) 95-Gallon Residential Containers**

a. Cascade Engineering	@\$45.85	\$ 73,360.00*
Option 1	@\$4.00	\$ 6,400.00
b. IPL	@\$47.18	\$ 75,488.00
Option 1	@\$4.00	\$ 6,400.00
c. Sanitation Equip. Corp.	@\$51.94	\$ 83,104.00
Option 1	@\$6.79	\$ 10,684.00
c. OTTO Environmental Systems		No Bid
d. Toter		No Bid

Option 1 – Setup and distribution of containers

***Recommendation of Bid Award**

REPORTS

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

1. Budget Status Report – YTD May 2015.
2. Water/Wastewater Utility Reports – May 2015.
3. Investment Report – May 2015.

Motion was made by Council Member Petrick, seconded by Council Member Pabon to accept the reports 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 "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 adopt the adopt the above Ordinance on first reading and public hearing for second and final passage was set down for the meeting of the Council to be held on July 8, 2015 at 7:00 p.m. in 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 AN ORDINANCE ENTITLED "ORDINANCE FIXING AD 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: Uniformed Fire Fighters – Local 286

Motion was made by Council Member Petrick, seconded by Council Member Irizarry to adopt the adopt the above Ordinance on first reading and public hearing for second and final passage was set down for the meeting of the Council to be held on July 8, 2015 at 7:00 p.m. in 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 "POLICE DEPARTMENT" (ORDINANCE NO. C-74) ADOPTED ON OCTOBER 17, 1928) ALSO KNOWN AS CHAPTER 95 ET SEQ OF THE CODE OF THE CITY OF PERTH AMBOY.

Re: Rules and Regulations

Motion was made by Council Member Petrick, seconded by Council Member Irizarry to adopt the adopt the above Ordinance on first reading and public hearing for second and final passage was set down for the meeting of the Council to be held on July 8, 2015 at 7:00 p.m. in 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-268-6/15 Authorizing the insertion of revenue in the CY 2015 Budget pursuant to N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) for an Emergency Management Grant in the amount of \$5,000.00.

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-269-6/15 Authorizing the insertion of revenue in the CY 2015 Budget pursuant to N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) for an Alcohol Education & Rehabilitation Grant in the amount of \$707.20.

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-270-6/15 Authorizing the City of Perth Amboy to accept a subgrant award of the Federal Fiscal Year 2014 Department of Homeland Security Emergency Management Performance Grant.

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-271-6/15 Authorizing a contract with Chestnut Tree Expert/Tree Service for consulting services and tree planting and removal in an amount not to exceed \$19,325.00.

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.

Consent Agenda R-272-6/15 – R-274-6/15

R-272-6/15 Authorizing the refund of tax overpayment created by tax appeal on Blk. 201, Lot 27 (467 Cornell Street) in the amount the \$3,296.04 to Horn Law Group, Attorney for Grace Szenkiel.

R-273-6/15 Authorizing the refund of tax overpayment created by tax appeal on Blk. 126, Lot 14 (313 State Street) in the amount of \$8,424.00 to Michael I. Schneck, Trustee for Wilshire Oil Co. of Texas.

R-274-6/15 Authorizing the refund of tax overpayment created by tax appeal on Blk. 126, Lot 14 (313 State Street) in the amount of \$8,901.00 to Michael I. Schneck, Trustee for Amboy Towers, LLC.

Motion was made by Council Member Irizarry, seconded by Council Member Petrick to adopt R-272-6/15 – R-274-6/15 and was carried by the following vote: Yea—Council Members Gonzalez, Irizarry, Pabon, Petrick and Nanton. Nay—none.

Consent Agenda – 275-6/15 – R-279-6/15

R-275-6/15 Authorizing settlement of the workers compensation litigation entitled Jose A. Gonzalez v. City of Perth Amboy C.P. No. 2012-19575 for the amount of \$32,226.00.

R-276-6/15 Authorizing settlement of the workers compensation litigation entitled Stephen Hedberg v. City of Perth Amboy C.P. No. 2013-30056 for the amount of \$8,085.00.

R-277-6/15 Authorizing settlement of the workers compensation litigation entitled Rene Harris v. City of Perth Amboy C.P. No. 2009-32869 for the amount of \$9,435.00.

R-278-6/15 Authorizing settlement of the workers compensation litigation entitled Patrick Sadowski v. City of Perth Amboy C.P. No. 2011-10585 for the amount of \$6,360.90.

R-279-6/15 Authorizing reimbursement to Luis Olivet in the amount of \$10,368.00 for recovery of third party damages in the workers compensation litigation entitled Louis Olivet v. City of Perth Amboy C.P. No. 2011-30797.

Motion was made by Council Member Irizarry, seconded by Council Member Petrick to adopt R-275-6/15 – R-279-6/15 and was carried by the following vote: Yea—Council Members Gonzalez, Irizarry, Pabon, Petrick and Nanton. Nay—none.

R-280-6/15 Authorizing the City of Perth Amboy to enter into a Cooperative Pricing Agreement with Passaic County and authorizing the proper city officials to execute the cooperative pricing system agreement.

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-281-6/15 Ratifying the Memorandum of Agreement between the City of Perth Amboy and the Perth Amboy Uniformed Fire Fighters Association, Local No. 286, affiliated with the I.A.F.F., A.F.L.-C.I.O. and approving a contract for the period January 1, 2015 to 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.

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

R-282-6/15 Directing the City Tax Collector to place a lien on 684 Raritan Avenue, Blk. 303, Lot 37, in the amount of \$1,000.00 for charges incurred by the Department of Public Works.

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-283-6/15 Directing the City Tax Collector to place a lien on 657 West Side Avenue, Blk. 339, Lot 5, in the amount of \$147.08 for charges incurred by the Department of Public Works.

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-284-6/15 Accepting the bid and authorizing a contract with Black Rock Enterprises, LLC for the NJDOT Municipal Aid Road Improvements for Jeffries Street, Broad Street and Elm Street project in an amount not to exceed \$323,061.20.

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-285-6/15 Accepting the bid and authorizing a contract to Cascade Engineering, Inc. for one thousand six hundred (1,600) 95-gallon residential containers in the amount of \$73,360.00 plus option one setup and distribution of containers in the amount of \$6,400.00 for a total amount not to exceed \$79,760.00.

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

Council President asked for comments.

Council Member Irizarry: Can you tell me what neighborhood this is for?

Jillian Barrick: We'll provide you with maps that will describe the neighborhood.

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

R-286-6/15 Authorizing a contract with Queues Enforth Development, Inc. for the maintenance of software for the police computer system for the period July 1, 2015 to June 30, 2016 in the amount of \$39,876.00.

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-287-6/15 Extending the contract with GTBM for the continuing use of the E-Ticketing System by the Police Department in an amount not to exceed the sum of \$36,000.00.

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-288-6/15 Authorizing professional service agreements with qualified bond counsel who have submitted responses to requests for proposals for the period July 1, 2015 to June 30, 2016.

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

Council President asked for comments.

Council Member Gonzalez: I'm going to abstain on this matter. The Doctrine of Necessity perpetuates a matter which I believe maybe legal but morally wrong. If McManimom and Scotland were of good faith they would have removed themselves.

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

R-289-6/15 Authorizing the closure of a portion of Hobart Street on August 31, 2015 for the Jewish Renaissance Medical Center's Health Center Week.

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-290-6/15 Authorizing the purchase of natural gas supply services for public use on an online auction website.

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-291-6/15 Authorizing the purchase of electricity supply services for public use on an online auction website.

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-292-6/15 Authorizing cancellation of accounts receivable as uncollected due to bankruptcy of Crompton Corporation for water and wastewater services in the amount of \$102,915.75.

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-293-6/15 Authorizing cancellation of account receivable as uncollectable due to bankruptcy of Madison Industries for water and wastewater services in the amount of \$40,910.69.

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-294-6/15 Extending the technical support services contract with Aton Computing for information technology services for the City for a period of one month commencing July 1, 2015 and terminating July 31, 2015 in an amount not to exceed \$10,000.00.

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-295-6/15 Authorizing a technical support services contract with Aton Computing for information technology services for the City in accordance with the Passaic County Cooperative Pricing Agreement for a period of one year commencing August 1, 2015 in an amount not to exceed \$21,850.00.

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-296-6/15 Authorizing change order no. 1 to the contract with First Community Development for cleaning the main floor of the Perth Amboy public library in an amount not to exceed \$3,600.00.

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.

COMMUNICATIONS

- 1. Edna Dorothy Carty-Daniel, Chairperson of the Housing Authority advising Board of Education President Samuel Lebrault of the history of the negotiations and attempted acquisition of the Delaney Homes property by the Board of Education for the new high school. (6/3/15)**
- 2. Betts Environmental & Alternative Fuels advising that in accordance with the rules established by NJDEP, a public notification has been posted at 410 State Street, Blk. 233, Lot 1, advising of the environmental investigation/clean up. (6/5/15)**
- 3. NJDEP issued a press release concerning Christie Administration seeking federal court ruling to stop seismic research project. (6/5/15)**
- 4. An anonymous letter was received from a neighbor concerning the continuing noise problems at 491 and 494 Neville Street and asking for a new ordinance to be enacted to issue a summons when the police is first called for the violations instead of issuing warnings that are not heeded. (6/9/15)**
- 5. NJDEP issued a press release regarding the new wildlife tunnel in Bedminster. (6/8/15)**
- 6. NJDEP submitted a list of some free services and materials that will make it easier reduce exposure to ozone and help improve air quality by making simple changes. (6/11/15)**
- 7. NJDEP advising that it has recently posted a new webpage entitled "Providing Access to your Property", designed to help property owners and tenants understand the process when a party conducting remediation requests access to their property as part of an environmental investigation. (6/12/15)**

8. NJDEP advising that no further action is necessary for the remediation of the 550 gallon #2 heating oil underground storage tank system at 281 Washington Street, Blk. 166, Lot 9. (6/15/15)
9. Middlesex County Mosquito Extermination Commission advising that the week of June 21 – 27, 2015 has been declared "National Mosquito Control Awareness Week" by the American Mosquito Control Association and submitted brochures on mosquito prevention and protection. (6/15/15)
10. Edna Dorothy Carty Daniel, Chairperson of the Housing Authority advising Board of Education President Samuel Lebrault that the Housing Authority believes that there has not been any active negotiations in response to the Authority's position on the fair market value of the former Delaney Homes property. In the event that the Board and the Authority fail to reach an agreement on or before August 15, 2015, the Authority will withdraw from active negotiations and pursue its redevelopment plans for the property. (6/16/15)

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

Elizabeth Gonzalez, 315 Market Street: I got a ticket for parking on Walnut Street. There is no yellow curb. There are 2 signs. It says no parking between signs. I was wrong. Riverdale has 18 wheelers going down Walnut Street that come close to my houses. Why can't they move their fence? Why isn't the whole curb yellow?

Council President Nanton: You would like us to look into having the trucking company move their fence closer to their building?

Elizabeth Gonzalez: Yes.

Resident of 479 Miller Street (Not able to get her name): The drivers in the City are rude to pedestrians. My husband and I walk, we don't have a car. It's very bad at the corner of Fayette and State Streets. Do we have a camera on the lights? Also, we have had our garbage cans stolen. We can't keep replacing them.

Ken Balut, 359 Bruck Avenue: I'm still waiting for the residential parking report on Bruck Avenue. There is illegal housing, that's why there is no parking. I'm still waiting for how much the Y cost us a year. I've seen kids running around the Rosengarten property. They closed on that property in July of 2014 and there is still no fence. I don't see graffiti getting cleaned up. Where is the leeching coming from? I'd like to know about the study and the fence.

Jillian Barrick: Our traffic division did do a study of Bruck Avenue and the residential parking. The report said there are several properties that have driveways and there is ample overnight parking on the street and no changes to the ordinance are necessary. As to the leeching, there was an environmental study done that we have, you are welcome to read it. As far as the fence, I walked this property with the Chiefs of the Fire and Police Departments and members of the County Parks Division and discussed the plan for the property. The fence is on the next County Agenda for procurement.

Ken Balut: I'd like a copy of the parking study.

Stan Sierakowski, Charles Street: If there's an appearance of a conflict, couldn't the Middlesex County Ethics Board look into it? There are 2 other bond counsels. This is a miss application of the Doctrine of Necessity.

Mark Blunda: I determined there is an appearance of conflict, that's why it wasn't necessary to have someone else make that determination. I relied on two prior cases, Alan vs. Toms River Board of Education and Gunter vs. Planning Board of Bayhead that the Doctrine of Necessity could apply due to the City Council is denied a quorum.

Susan Batista, 1074 Truxton Drive: According to the Sunshine Law, you are to disclose a potential litigation. I have a lawsuit with the City and I have yet to see it disclosed to the public or that you hired an outside law firm.

Mark Blunda: I'm aware of the lawsuit. I'm not aware of any law that says it must be announced.

Resident of 812 Holly Drive (could not understand her name): Thank you to the Director of Public Works. I had another rock thrown through my window. Has a letter been sent to Conrail, if so I would like a copy.

Jillian Barrick: I was able to reach the appropriate person at Conrail's Real Estate Division in Philadelphia. They will increase the postings of no trespassing signs, they will be addressing the debris. They won't raise the fence due to safety issues. They are forwarding the vandalism to the rail police.

David Caba, Westside Avenue: Mr. Blunda you have a lot of integrity. I might criticize you and ask the tough questions, that's my job.

Alan Silber, 244 Rector Street: Somebody should bring up that we should not accept contributions from any city employee.

Mark Blunda: With regard to the 2 resolutions dealing with the water issue, I don't know how they were allowed to reach those amounts. Both companies were in bankrupt proceedings for some time. It wasn't until recently that the bankruptcy was approved and the debts discharged. In 2008 the Mayor wanted to stop the financial bleeding, stop intimidation of business owners and establish pay to pay control. I think there is progress.

George Ramos, 275 Maple Street: I was here complaining about noise and quality of life. Pay Rite Liquors at 223 Smith Street has a D.J., it's on Sundays and starts around 4:00 pm.

Jillian Barrick: I know there has been recent enforcement activities by the police department and code enforcement.

Larry Cattano: This was brought up by at our Director's Meeting. I understand the mattresses are gone.

George Ramos: No they are still there. I complain nothing is done.

Larry Cattano: Last year's issues were different, it was code enforcement issues. An officer has been hired by that establishment.

Jesus Nunez, employee of Pay Rite Liquors (translated by Council Member Irizarry): What is happening is personal. This is racist. We don't have a problem. Only 1 person complains. We have a police officer there to avoid these problems.

Lisa Ramos, 275 Maple Street: I don't believe it's just us. Religion is not the issue. My house vibrates. It's not personal. They are not the owners.

Angel Rivera, 440 Thomas Street: Due to the smell I can't use my backyard. We have a letter signed by the residents that we gave to the Mayor and Irving Lozado. Nothing was done. We've been trying a year.

Council President Nanton to Council Member Gonzalez: You were here?

Council Member Gonzalez: I was there and I had to leave the smell was so bad. These people want to be able to live in their home. It needs to be cleaned. The City and the County need to make sure this is properly cleaned.

Council Member Pabon: I was involved back in July and August. Code Enforcement was involved. I don't think we are going back often enough. Once is not enough. Code Enforcement needs to go more.

Jillian Barrick: We will have the Health Department involved.

Maria Sanchez (translated by Council Member Irizarry): I want to complain about as police officer. He gave me a ticket because I didn't come to a full stop. I didn't commit any infraction. How long do you have to stop? He followed me for 6 blocks then stopped me and gave me a ticket. He was arrogant and abusive. I'd like this investigated.

Larry Cattano: The statute says complete stop. She must go through the court process. Following for 6 blocks is standard procedure. As far as the demeanor of the officer, we will set up a meeting to address this.

COUNCIL COMMENTS

Council Member Irizarry: If I look at people and don't speak, I'm criticized. If I do speak, my words are twisted. I did go the bar and take pictures. It had nothing to do with religion or race. It's not personal.

Council Member Pabon: I was there and I took pictures too. Maybe we need code enforcement there to explain. Maybe there needs to be a clarification of the noise level and the times. Also, I've had complaints about loitering around the train ticket machine

Council Member Gonzalez: You have ruled that all three of us were in conflict. Can I make a complaint to the Middlesex County Ethics Board?

Mark Blunda: Are you asking if the law firm had a responsibility to remove themselves?

Council Member Gonzalez: They have a responsibility.

Mark Blunda: If the Council wishes to, I will send a letter. The research showed an appearance of a conflict. Due to case law, the Doctrine of Necessity you are relieved.

Council Member Gonzalez: I would like you to. They have an ethical responsibility to remove themselves.

Council Member Pabon: If you feel that way, maybe you should just do that.

Council Member Gonzalez: I'd like to give them the benefit of doubt. We have an opinion b an attorney.


Council Member Pabon: Just send it.

Mark Blunda: I will send it.

Council President Nanton made an announcement regarding the museums and July 2nd Fireworks Festivities.

ADJOURNMENT

There being no further business to come before the Council, motion was made by Council Member Petrick, seconded by Council Member Pabon to adjourn the meeting 9:32 p.m. and was carried by the following vote: Yea Council Members Gonzalez, Irizarry, Pabon, Petrick and Nanton. Nay—none.


Victoria Ann Kupsch
Assistant City Clerk


Lisa Nanton
Council President