

**MINUTES
PROCEEDINGS OF THE COUNCIL OF THE
CITY OF PERTH AMBOY
MARCH 25, 2015
COUNCIL CHAMBERS**

NOTICE OF MEETING

Regular Meeting of the Council of the City of Perth Amboy was held on Wednesday, March 25, 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 Irizarry, Joel Pabon and William Petrick.

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.

Note: Roll call of Council Members will include four Council seats, due to the ruling by Superior Court Judge Heidi Currier on March 25, 2015, that the Council seat held by Fernando Gonzalez be vacated immediately.

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

- 1. AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "DRUGS AND DRUG PARAPHERNALIA" (ORDINANCE NO. 482-89 AS AMENDED) ADOPTED MAY 2, 1989, ALSO KNOWN AS CHAPTER 202 ET SEQ OF THE CODE OF THE CITY OF PERTH AMBOY – REVISED MAP OF DRUG FREE SCHOOL ZONES.**

Re: Adoption of Map

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 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 Irizarry, Pabon, Petrick and Nanton. Nay—none.

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

- 2. AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "VEHICLES AND TRAFFIC" (ORDINANCE NO. 194-78 AS AMENDED) ADOPTED SEPTEMBER 19, 1978 ALSO KNOWN AS CHAPTER 414 ET SEQ OF THE CODE OF THE CITY OF PERTH AMBOY.**

Re: Stop Sign – Intersection being relocated to First Street instead of Gordon Street.

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 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 Irizarry, Pabon, Petrick and Nanton. Nay—none.

Motion was made by Council Member Petrick, seconded by Council Member Pabon to adopt the above Ordinance on second and final passage and was carried by the following vote: Yea—Council Members Irizarry, 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.

Communication No.5

Sharon Hubberman, 529 Cornell Street: What's the current rate and what is the increase?

Council Member Petrick: We don't have fire districts.

R-144-3/15

Ken Balut, 359 Bruck Avenue: Who is GB Associates?

Jillian Barrick: They were formally known as Goldman Beal. They are the financial advisor regarding the refunding bonds.

Ken Balut: They are the same ones as in 2006 & 2007. Are the rates any better? You the Council vote on the rates.

R-144-3/15

Jillian Barrick: This is the transfer of the budget from the Administration to the Council. The tax levy is held flat. This includes new police officers, 4 new fire fighters. Increase in Code Enforcement staff for inspectors and the next phase in of IT. We have implemented on line tax payments.

Council Member Pabon: I'm glad we are investing in code enforcement and technology.

Council Member Irizarry: Can we do something to eventually become debt free and also establish more long term capital plans.

Jillian Barrick: Eventually is the key word. We have a strategy to reduce the debt.

MINUTES

February 25, 2015 - Regular
March 9, 2015 - Closed Session
March 11, 2015 - Regular

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

SOCIAL AFFAIR PERMIT

**St. Demetrios Greek Orthodox Church
41-47 Wisteria Street**

Occasion: Festival

Dates: May 29, 2015 – 11:00 am to 11:59 pm

May 30, 2015 – 11:00 am to 11:59 pm

May 31, 2015 – 12:00 pm to 8:00 pm

**Location: Church Community Center, Wisteria St. &
Sadowski Pky.**

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

REPORTS

1. **Jill A. Goldy, CFO/Comptroller – Report of Refunding Bond Sale held on March 13, 2015.**

ORDINANCES – FIRST READING (No PUBLIC DISCUSSION)

1. **AN ORDINANCE ESTABLISHING THE PERTH AMBOY ABANDONED PROPERTY LIST, DESIGNATING A PUBLIC OFFICER, AND AUTHORIZING THE PUBLIC OFFICER TO DESIGNATE QUALIFIED REHABILITATION ENTITIES.**

Motion was made by Council Member Petrick, seconded by Council Pabon to adopt the above Ordinance on first reading and public hearing for second and final adoption be set down for the meeting of the Council to be held on April 6, 2015 at 7:00 pm in the Council Chambers, City Hall and was carried by the following vote: Yea—Council Members Irizarry, Pabon, Petrick and Nanton. Nay—none.

2. **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 Pabon to adopt the above Ordinance on first reading and public hearing for second and final adoption be set down for the meeting of the Council to be held on April 6, 2015 at 7:00 pm in the Council Chambers, City Hall and was carried by the following vote: Yea—Council Members Irizarry, Pabon, Petrick and Nanton. Nay—none.

3. CITY OF PERTH AMBOY 2015 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14).

Motion was made by Council Member Petrick, seconded by Council Pabon to adopt the above Ordinance on first reading and public hearing for second and final adoption be set down for the meeting of the Council to be held on April 6, 2015 at 7:00 pm in the Council Chambers, City Hall and was carried by the following vote: Yea—Council Members Irizarry, Pabon, Petrick and Nanton. Nay—none.

RESOLUTIONS

R-141-3/15 Introducing the CY 2015 Budget.

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—none.

R-142-3/15 Authorizing refund to Leslie A. Ortiz in the amount of \$100.00 for the denial of a handicapped parking space.

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—none.

R-143-3/15 Authorizing emergency temporary appropriations to extend CY 2015 Temporary Budget in the amount of \$6,674,429.61.

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—none.

R-144-3/15 Authorizing the payment of additional fees in the amount of \$12,500.00 to GB Associates, LLC as financial advisor in connection with the \$24,500,000 general improvement refunding bonds of the City of Perth Amboy, in the County of Middlesex, New Jersey.

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—none.

R-145-3/15 Authorizing the refund of tax overpayment to Cordelia McKnight-Johnson on Block 130, Lot 17, 336 High Street, in the amount of \$250.00 due to disabled person deduction.

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—none.

R-146-3/15 Authorizing the refund of tax overpayment created by tax appeal on Block 117, Lot 29, 342 Prospect Street, in the amount of \$12,621.35 to Michael A. Vespasiano Trust Account on behalf of Mario & Lourdes Rosario.

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—none.

R-147-3/15 Authorizing the refund of tax overpayments on three properties in the total amount of \$5,025.40 due to duplicate payments.

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—none.

R-148-3/15 Authorizing the City to submit an application to the Division of Food and Nutrition from the New Jersey Department of Agriculture for the 2015 Summer Lunch Program.

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, Pabon, Petrick and Nanton. Nay—none.

R-149-3/15 Authorizing a reduction to the City's contract with Hertrich Fleet Services, Inc. for the purchase of one 2015 Dodge Journey 4 Dr. SE FWD under State Contract No. A86922 in the amount of \$225.00.

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, Pabon, Petrick and Nanton. Nay—none.

R-150-3/15 Authorizing change orders 10 and 11 to the contract with Bird Construction for the City Marina reconstruction project due to unforeseen storm damage to the bulkhead that must be repaired in a total amount not to exceed \$50,082.73.

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, Pabon, Petrick and Nanton. Nay—none.

R-151-3/15 Authorizing change order no. 1 to the contract with Communications Specialists, Inc. for wireless replacement in an amount not to exceed \$5,999.00.

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 Irizarry, Pabon, Petrick and Nanton. Nay—none.

R-152-3/15 Amending R-110-2/15, "A Resolution Authorizing an Emergency Contract With J. Fletcher Creamer & Sons, Inc. For Emergency Repairs to the Trunk Main Between the Woodbridge/Carteret Interconnection and the MCUA Meter Station in an Amount Not to Exceed \$91,724.00" for the sum of \$400,000.00.

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 Irizarry, Pabon, Petrick and Nanton. Nay—none.

R-153-3/15 Authorizing continued participation in the United State Department of Defense 1033 Program for excess federal property suitable for municipal law enforcement and emergency management functions.

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, Pabon, Petrick and Nanton. Nay—none.

R-154-3/15 Authorizing the Perth Amboy Police Department to acquire for law enforcement and emergency management functions excess federal property, pursuant to the 1033 Program, subject to prior approval of the Mayor, Business Administrator and highest ranking police official.

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—none.

R-155-3/15 Accepting a grant from the Hazardous Discharge Site Remediation Fund Municipal Program through the New Jersey economic Development Authority and the Department of Environmental Protection for remedial action at the former municipal complex located at 351 Rector Street and 362-380 High Street, Blk. 140, Lots 1.01, 1.03, 2.01-2.06, 3 & 3.01 in the amount of \$31,056.00.

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 Irizarry, Pabon, Petrick and Nanton. Nay—none.

COMMUNICATIONS

1. **NJDEP advising that a Classification Exception Area/Well Restriction Area has been established for the Hess Station #30262 site located at 413-429 Smith Street based on environmental data provided in the Remedial Investigation Report dated March 31, 2014. (3/4/15)**
2. **Councilman Fernando Gonzalez requesting Mark A. Blunda, Dir. of Law to provide the Council with his findings regarding his investigation of the possible violation of the City's pay-to-play Ordinance by the law firm of McManimon & Scotland. (3/6/15)**

3. NJDEP advising that a review of the Ground Water Monitoring/Remedial Action Progress Report for Chemtura Corp. (formerly Witco), 1000 Convery Boulevard has been completed and approved. (3/6/15)
4. Peak Environmental LLC, a Licensed Site Remediation Professional, issued a Response Action Outcome for the remediation of the Enviro-Feed site located at 1035-1037 State Street. (3/5/15)
5. Middlesex County Freeholder Clerk submitted a copy of a Resolution adopted by the Board on February 19, 2015 supporting adoption of Senate Bill No. 1480, which would increase maximum municipal contributions to fire districts and volunteer fire companies. (3/12/15)
6. NJDEP advising that A Final Surface Water Renewal Permit Action has been issued for the City as prepared by the Combined Sewer Overflow Program, Bureau of Surface Water Permitting. (3/12/15)
7. Frizell & Samuels, Esq., submitted a copy of Raritan Yacht Club's NJDEP Permit Application for the rebuilding of mens and ladies rooms and storage building destroyed by Hurricane Sandy at 160 Water Street. (3/13/15)
8. Perth Amboy Board of Education requesting that with planned construction of a new elementary school, Seaman Avenue be made a one-way street with traffic flowing from Augustine Place to Ogden Place and that the front of the soon to be built school on Seaman Avenue be made a no parking area along the entire length of the street. (3/20/15)

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

Edna Dorothy Carty Daniel, Water Street: The elevator is broken, it was broken a month ago. Firemen Arrocho and Zylka carried me up the stairs since I can't climb them due to illness. Public buildings must be accessible for handicapped people. On High Street, from Commerce Street to Harbor Town, parking is at an angle. It's dangerous. Please have it looked into.

Deputy Chief Cattano: At Simpson Methodist it was changed due to complaints. We are looking into it to determine how many spaces we may lose.

Council Member Pabon: Making turns onto High Street is almost impossible.

Deputy Chief Cattano: There was some modifications. The traffic bureau is doing some calculations.

Council President Nanton: Why are they allowed to park that way?

Deputy Chief Cattano: Parking has been this way historically, most likely due to the street being so wide.

Jillian Barrick: The elevator has been repaired several times, but it keeps breaking down.

Frank Dann, DPW Director: I knew someone was stuck, I didn't know it was broken. I'll get the answers.

Bill Ortiz, 586 Brace Avenue: I live catty corner to the basketball courts. There is some speeding. A traffic light might be a good idea. This is at Brace and Lee. I have a car service. Code Enforcement said I can't have my business at my residence. I've had to go to New York to license it. Maybe some provisions could be made; I have one vehicle.

Mark Blunda: I though we amended this. I'll check into this.

Ken Balut: Thank you Mr. Pabon for your speech at the end of the Caucus. Tickets are issued and then they are dismissed. We've been telling you this. There was an emergency no parking sign put up and then got taken down. Who paid for this? You charge \$100 to handicapped people for a reserved parking space. There is reserved parking on Mary Street, did these people for it? How does this happen? Yellow lines are painted and signs are put up. How does this happen? We just want things looked into.

The Council unanimously agreed to give an additional minute to Mr. Balut.

Ken Balut: Regarding Seaman Avenue, we paid 1.4 million for a piece of property. It was turned down by the Zoning Board to have housing and the price inflated. Bad decisions are made that cost the taxpayers money.

Pedro Perez, 733 Franklin Drive: At the February 11th meeting, Councilman Petrick requested that a letter be sent to Housing Authority to have the Partner Financial records for 2003-2010 provided. Have you received it?

Council President Nanton: The letter was sent but we already had it. Those records were reviewed by the former Business Administrator.

Pedro Perez: Was a report prepared after you reviewed it? Could it be made public?

Council President Nanton: I don't think there was a written review of what we read.

David Caba, 139 Lewis Street: I want a clarification regarding freedom of speech. There is a policy in the City for employees that they must abide by. There was a comment on social media made by a city employee, the roaches are out. This should not be tolerated and I hope the Administration takes a stand.

Mark Blunda: The issues you raised are being looked into. I will tell you that if the comment was in fact made that it is unacceptable and reprehensible. If it's sustained there will be appropriate disciplinary action.

Alan Silber, 244 Rector Street: The people want to hear that it's not acceptable. I have a copy of the list of legal depositories. One of the banks is First Constitution. The Mayor's 2016 campaign manager is a director there. That bank hired her daughter and Sergio Diaz works there. It should be looked into if it's proper for that bank to be a legal depository for the City. I want to know if the contract awarded to Nolan was proper since he contributed \$1,200 to the Mayor.

Mark Blunda: I received the documents, I've written 2 letters for additional documents. I anticipate having an answer by the next meeting.

Sharon Hubberman, 529 Cornell Street: On February 14 police cars blocked the road. When I asked a police officer why, he said there was an accident. I learned later on that there was a shooting. I was told there was a holdup at Ludwigs. Businesses are closing earlier. De we have a police blotter to learn about these things?

Council President Nanton asked the Deputy Chief to comment on these issued.

Deputy Chief Cattano: There was a shooting on Amboy Ave. We have apprehended the suspect. We had no information at that earlier time. There was a robbery at Ludwigs. We are waiting to get an ok from the Prosecutors Office to release a press release. Our officers went out with crime tips to the businesses that were off the beaten path. Information is given via press releases and Nixell. We have a Facebook page and we are on Twitter now and Instagram.

COUNCIL COMMENTS

Council Member Petrick: Regarding the last communication, our emergency management needs to look very closely at this. I'd like police and fire to take a very detailed look at this.

Council Member Pabon: I thought we addressed Mr. Balut's tickets. I'd like to know what we are doing about this. There are easy ways to bring revenue into the City.

Mark Blunda: I didn't have this document. I'd like to have the Chief and myself get together with you to address this.

Council Member Pabon: I've had complaints about people walking their dogs and not cleaning up. Something must be done. We have Ordinances in place, we need to enforce them.

Council President Nanton: Who's responsible for reporting when the elevators are not working and who do they report it to?

Jillian Barrick: Whoever finds that the elevator is not working should report it to the DPW, buildings and grounds take care of it.

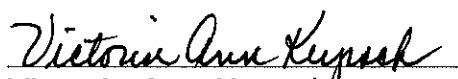
Council President Nanton: Along the waterfront, from Lewis to High, there is a bad odor, the cans on the fishing pier smell. They should be washed out on occasion.

Council Member Pabon: We had a nice presentation by Municipal Alliance. There is an event by B.A.A.D. on March 27th, we should support them. There are various upcoming events, including Women's Art and the Easter Egg Hunt.

Council President Nanton: There is an open house on Sunday at the Kearney Cottage and the Proprietary House. We need to crack down on cleaning up dog waste, it's a health hazard.

ADJOURNMENT

There being no further business to come before the Council, motion was made by Council Member Pabon, seconded by Council Member Petrick to adjourn the meeting at 8:45 pm and was carried by the following vote: Yea—Council Members Irizarry, Pabon, Petrick and Nanton. Nay—none.


Victoria Ann Kupsch
Assistant City Clerk


Lisa Nanton
Council President

