

**MINUTES  
PROCEEDINGS OF THE COUNCIL OF THE  
CITY OF PERTH AMBOY  
NOVEMBER 9, 2015  
COUNCIL CHAMBERS**

**NOTICE OF MEETING**

Regular Meeting of the Council of the City of Perth Amboy was held on Monday, November 9, 2015 in the Council Chambers, City Hall, Perth Amboy, New Jersey at 7:00 pm.

Presiding Officer of the Council, Lisa Nanton wishes to advise 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 Lisa Nanton: At this time, as a courtesy to the Governing Body, I would ask all individuals present, including members of the audience, to please turn off all cell phones and electronic devices. Should you need to make a telephone call, please go out into the hallway and speak in a low voice so as not to disturb the ongoing meeting.

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

Council President Lisa Nanton called the meeting to order with the following Council Members present: Fernando Gonzalez, Fernando Irizarry, Joel Pabon and William Petrick. Absent--None.

Also present at this meeting were: Peter Pelissier, Interim Business Administrator, Arlene Quinones Perez, Esq., Acting Director of Law, and Elaine M. Jasko, City Clerk.

**TOPICS FOR DISCUSSION**

- 1. Appeal Applications – Handicapped Parking. (Jasko)**

TOPIC WAS DISCUSSED DURING THE CAUCUS MEETING HELD ON NOVEMBER 9, 2015 AT 4:30 P.M.

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

**1. ORDINANCE ESTABLISHING A TRAP NEUTER RELEASE PROGRAM.**

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.

Reinaldo Aviles, 16 Harbor Terr.: There is an extensive list of responsibilities. Will there be education to the public and who will handle it? How long will it take to educate the public?

Council President Nanton: The animal shelter personnel.

Peter Pelissier: The animal shelter personnel are certified by the State. They anticipate 100 cats will be picked up and neutered. There is a fund with approximately a \$10,000.00 balance.

Ken Balut, 359 Bruck Ave.: The life expectancy of a feral cat is 5 years. By spaying the cats, you will be lowering the number of feral cats in the City. In a couple of years you won't have that many feral cats. They will also be getting rabies shots. This is a win-win situation.

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

**2. AN ORDINANCE TO AMEND AN ORINANCE ENTITLED "PROPERTY MAINTENANCE" (ORDINANCE NO. 646-92 AS AMENDED) ADOPTED NOVEMBER 16, 1992 ALSO KNOWN AS CHAPER 335 ET SEQ OF THE CODE OF THE CITY OF PERTH AMBOY.**

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

**3. 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 on Ridgeley St. @ Jacques & Ridgeley Sts.**

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 Gonzalez, seconded by Council Member Irizarry 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, Irizarry, Pabon, Petrick and Nanton. Nay--none.

**4. 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: Parking by Permit Only in Designated Areas –  
Portion of Public Safety Complex Parking Lot**

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.

Ken Balut, 359 Bruck Ave.: Is this being done for the construction of a housing project across from the Flatiron Tavern? We are already congested. We need more businesses not more housing. People will not walk two blocks from their homes if you allow additional parking for this housing project.

Alan Silber, 244 Rector St.: There will be a developer, that donated to all council member's election campaigns, that will be looking to build in that area. Think before you vote.

Reinaldo Aviles, 16 Harbor Terr.: If people are paying for parking for their business, that's a good thing to do.

Council President Nanton: I am hesitant about removing 12 parking spaces from the public safety complex parking lot.

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

**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-501**

Stan Sierakowski, 679 Charles St.: Who made the decision and introduced this resolution? How many firms made bids for the services? What is the hourly rate that the DeCotiis firm is charging?

**R-501**

Ken Balut, 359 Bruck Ave.: This is a rebid contract. Why are we doing this? There is a serious problem with this law firm.

**R-492**

Ken Balut, 359 Bruck Ave.: The Rodgers Group giving online training is not a good learning method. You learn by having Intel and talking to other officers. If there is a change in the hourly rate, that should be addressed. If you need to vote for an attorney, then vote on Arlene Perez, but don't hire her law firm.

**R-501**

David Caba, 559 Westside Ave.: At the August 2015 meeting, Mr. Gonzalez stated he was not hiring Ms. Perez's firm. The firm is politically connected.

**R-500**

Alan Silber, 244 Rector St.: The resolution for the appointment and the residency waiver of the attorney should be two separate resolutions. This way Councilman Gonzalez can vote on the items individually. In the past, he has stated that he would not vote for someone that didn't live in Perth Amboy. I have nothing bad to say about this attorney, other than she chose to work at the DeCotiis firm.

**R-500**

Daniel Santo Pietro, 358 Rector St.: Arlene is committed to community. The undocumented ID program was initiated by Arlene. I believe she will be effective against Mr. Kushner and the lawsuit against the City.

**R-500**

Reinaldo Aviles, 16 Harbor Terr.: I have a problem with the residency requirement and waivers. I met Arlene and her family. Many people have indicated she is a real go getter and doer. She has government experience according to her resume. She has had prestigious appointments in her position. She should be given a shot at the position.

**R-500**

Gregory Pabon, 437 Ashley St.: I want a city attorney that will be loyal to the Mayor, Council, and residents.

## MINUTES

**October 28, 2015 - Closed Session**  
**October 28, 2015 - 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, and Nanton. Nay--None. Abstain--Council Member Petrick.

## REPORTS

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

- 1. Check Register for the month of October 2015 totaling \$4,294,636.39.**  
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- 2. EMEX, LLC – Reverse Auctions for 2 years total savings:**
  - a) Electric - \$46,039.01**
  - b) Gas - \$36,300.61**

Motion was made by Council Member Petrick, seconded by Council Member Irizarry to accept report #1 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 "PAWNBROKERS" (ORDINANCE NO. 415 AS AMENDED) ADOPTED OCTOBER 16, 1899, ALSO KNOWN AS CHAPTER 313 ET SEQ OF THE CODE OF THE CITY OF PERTH AMBOY.**

ORDINANCE REMOVED FROM THE AGENDA AT THE CAUCUS MEETING HELD ON NOVEMBER 9, 2015 AT 4:30PM.

## RESOLUTIONS

**CONSENT AGENDA - R-482-11/15 - R-501-11/15  
WITH THE FOLLOWING EXCEPTIONS R-495, R-500  
AND R-501**

Motion was made by Council Member Petrick, seconded by Council Member Pabon to adopt Resolutions #482-11/15 thru #501-11/15 with the exception of Resolutions #495, #500 and #501.

Council President asked for comments. There were none.

Resolutions #482-11/15 - #501-11/15, with the exception of #495-11/15, #500-11/15, #501-11/15, were adopted and carried by the following vote: Yea--Council Members Gonzalez, Irizarry, Pabon, Petrick and Nanton. Nay--none. Absent--None.

**R-482-11/15 Authorizing the 2015-2016 renewal of Plenary Retail Consumption License #1216-33-092-002, held in the name of Orca Holdings, LLC (Pocket Status).**

**R-483-11/15 Authorizing the purchase and retirement of Plenary Retail Consumption License #1216-33-092-002, held in the name of Orca Holdings, LLC (Pocket Status) in the amount of \$45,000.00.**

**R-484-11/15 Approving transfer of CY 2015 Budget Appropriations in the amount of \$524,738.00.**

**R-485-11/15 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 a Body Armor Replacement Grant in the amount of \$10,771.69.**

**R-486-11/15 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 the Recreational Opportunities for Individuals with Disabilities Grant in the amount of \$20,000.00.**

**R-487-11/15 Rescinding R-140-3/14 accepting a grant from the Local Government Energy Audit Program and awarding a contract to Dome-Tech to perform an energy audit on city owned buildings.**

**R-488-11/15 Authorizing the continuation of agreement with Middlesex County Utilities Authority for an additional three years for disposal of solid waste at rates fixed at an amount not to exceed \$63.75 per ton (2016), \$64.75 per ton (2017) and \$65.75 per ton (2018).**

**R-489-11/15 Authorizing a contract with Bucks Co. International, for the purchase of a new 39,000 pound GVWR, International Dump Truck, under State Contract No. 79123, T# 2787 in an amount not to exceed \$118,717.00.**

**R-490-11/15 Authorizing change order no. two to the contract with Consolidated Steel & Aluminum Fence Co., Inc., for the purchase of an automated security gate at the Department of Public Works under State Contract No. 74881-316, in an amount not to exceed \$3,645.00.**

**R-491-11/15 Authorizing a four year contract with Unifirst Manufacturing Corporation for uniform rental and cleaning service for the Department of Public Works in an amount not to exceed the sum of \$40,000.00 per year.**

**R-492-11/15 Authorizing a contract with the Rodgers Group, LLC for the purchase of the 2016 subscription of the on-line in-service training module program in an amount not to exceed \$16,366.12.**

**R-493-11/15 Authorizing a contract with Beyer Ford Fleet for the purchase of one (1) 2016 Ford F450 Supercab 4wd DRW diesel w/11' utility body and plow vehicle under state contract no. A88214 in an amount not to exceed \$66,216.00.**

**R-494-11/15 Authorizing a contract with Atlantic Tactical, for the purchase of a twenty-six (26) Second Chance Summit SM02 Bullet Resistant Vests under State Contract No. A82102 in an amount not to exceed \$23,010.00.**

**R-495-11/15 Authorizing various professional agreements for legal services to attorneys who have submitted requests for proposals for balance of 2015 and calendar year 2016 not to exceed a twelve (12) month contract.**

Motion was made by Council Member Pabon, seconded by Council Member Gonzalez to adopt the above resolution.

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-496-11/15 Authorizing various professional agreements for engineering, environmental services, architects & construction management services for special projects to vendors who have submitted requests for proposals for balance of 2015 and calendar year 2016 not to exceed a twelve (12) month contract.**

**R-497-11/15 Authorizing a professional service agreement with GB Associates, for financial advisory services for renewal of bond anticipation notes maturing January 15, 2016 in an amount not to exceed \$6,000.00.**

**R-498-11/15 Retaining McManimon, Scotland and Baumann, LLC, as bond counsel for the renewal of bond anticipation notes maturing January 15, 2016.**

**R-499-11/15 Authorizing submission of an application to the Robert Wood Johnson Foundation for the Robert Wood Johnson Foundation Culture of Health prize.**

**R-500-11/15 Consenting to the appointment of Arlene Quinones Perez as Director of the Department of Law effective September 1, 2015 and waiving the residency requirement.**

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

Council President asked for comments.

Council President Nanton: This has come before the Council on several occasions. The Mayor certainly has the right to select a law director. The Council had asked that we be allowed to evaluate her performance for 90 days, since by her own admission, she had no experience in municipal law. Yet there was persistence in trying to force a vote to appoint her as permanent law director. The City continues to be in a very delicate condition. There have been changes in personnel at the Police Dept., Code Enforcement, Law Dept. and in Business Administration. This should be unsettling for all of us. The position is extremely important to the legal well-being of our City. To use this City as a counsel training period is asking the Council to ignore our due diligence and protection of City finances. I've devoted hours to this particular resolution and I will tell you, I do not respond to pressure. My vote is based on the last three months of performance, and I've found that it is not in the best interest of the City.

Council Member Pabon: I never felt pressured or forced to vote a certain way for anyone.

Council Member Gonzalez: Greg Fehrenbach was a double dipper. That weighed more on my mind than him not being a resident.

The above Resolution was adopted and carried by the following vote: Yea--Council Members Gonzalez, Pabon, and Petrick. Nay--Council Members Irizarry and Nanton.

**R-501-11/15 Authorizing a professional services contract with Decotiis, Fitzpatrick & Cole to provide legal services for labor & employment, real estate, ABC matters, additional litigation, and extraordinary services for balance of 2015 and calendar year 2016 not to exceed a twelve (12) month contract.**

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: Didn't we already vote on this with R-495?

Peter Pelissier: In R-495, you are memorializing the RFP's. This created a pool. This is a selection from that list to complete the Fair and Open Process.

Arlene Quinones Perez, Esq.: The City Code speaks about non salaried responsibilities and that is why it is being separated out.

Council Member Gonzalez: DeCotiis is being hired only because of Arlene.

Council President Nanton: If Ms. Perez needed help with duties outside of the scope of her responsibilities, would we need to issue an RFP to the DeCotiis firm?

Peter Pelissier: No, that would not be required. The work would be billed by the firm.

The above Resolution was **defeated** by the following vote: Yea--Council Members Gonzalez, and Pabon. Nay--Council Members Irizarry, Petrick and Nanton.

**COMMUNICATIONS**

1. Motiva Enterprises, LLC advising that it has conducted public notification and outreach for property located at 567 New Brunswick Ave. & Rt. 35 (Block 184, Lot 20, 26 & 27). (10/27/15)
2. White Marine, Inc. provided a copy of an ISRA General Information Notice for the property located at 500 Division Street, Perth Amboy (Block 251, Lots 4 - 5). (10/29/15)
3. NJDEP submitted a No Further Action Letter and Covenant Not to Sue letter for property located at 613 Harding Ave. (Block 379.02, Lot 23) (10/30/15)
4. Borough of Wanaque submitted a copy of a resolution urging the Governor and State Legislature to implement a Study Commission to look at the reduction or abolishment of County Government in the State of NJ. (10/30/15)
5. EcolSciences, Inc. submitted a copy of the Remedial Action Protectiveness/Biennial Certification Form – Soil for the former Middlesex County Vocational & Technical High School, 618 New Brunswick Ave. (Block 192, Lot 1). (11/4/15)
6. Enrique Hernandez advising that he is resigning from the Business Improvement District due to family and business obligations, effective February 14, 2014. (11/4/15)
7. City of Union City submitted a copy of a resolution adopted on October 20, 2015, by the Bd. of Commissioners entitled "Resolution urging NJ Mayors to provide leadership in ending human trafficking at the local level". (11/5/15)

**CLOSED SESSION RESOLUTION**

R-481-11/15 Authorizing a Closed Session at the November 9, 2015 Caucus Meeting to discuss the following:

- a. Closed Session Minutes Review
- b. Pending Litigation
- c. Contract Issues/Anticipated Litigation

RESOLUTION 481-11/15 WAS ADOPTED DURING THE CAUCUS MEETING HELD ON NOVEMBER 9, 2015 AT 4:30 PM.

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

Ken Balut, 359 Bruck Ave.: I have no problem with the appointment of Arlene Quinones Perez. It's the firm she works for that we had concerns about. Why am I not getting info that I request through OPRA? Mr. Blunda was forced to resign. He did a good job for the City.

Stan Sierakowski, 679 Charles St.: I congratulate the winning ticket of Gonzalez, Massopust and Puccio for the Board of Education. Mark Blunda was an attorney with integrity, and yet he was let go. The DeCotiis firm is a political firm.

David Caba, 559 Westside Ave.: I congratulate Council Members Irizarry and Nanton for standing by their principle. I congratulate Ms. Perez on her appointment. I congratulate all Council Members that voted against the firm. A message was sent with this vote.

Neil Hunter, 358 Rector St.: How does the vote tonight regarding the legal representation affect the lawsuit against Kushner?

Council President Nanton: We need an update on the matter.

Arlene Quinones Perez: Trial has been set for the middle of February.

Bill Mason, 1074 Truxton Dr.: Closed Session topics must be specific and listed in the resolution and on the agenda.

Reinaldo Aviles, 16 Harbor Terr.: You must be specific in your Closed Session topics. The public has a right to know what you go into Closed Session for. I am happy with the way the votes went tonight. I am glad the council president made a statement and explained her vote. We need stability in the law department. We need to quickly find a permanent business administrator. The last director of Code Enforcement had many issues. He's no longer here. We need someone that can bring that department up to the 21<sup>st</sup> century.

Susan Batista, 1074 Truxton Dr.: In the case of Batista v. City of Perth Amboy, we have gone through 3 law firms already.

### **BUSINESS ADMINISTRATOR/MAYOR COMMENTS**

Mayor Wilda Diaz: Many City Directors left the City's employment, but many also got promoted in-house. Many of them have years of experience and many live in town. Many people are hesitant about change. Outside county politicians tried to take over the City. I was not going to sell out the City.

Peter Pelissier, BA: From 2014 to 2015, crime statistics have gone down in the Police Dept. The groundbreaking for the e-port project was held last Tuesday. The amount of the project is \$180m and should be operational in August 2016. We met with the NJ Transit people to discuss the train station. Small business Saturday is being used as a model for American Express.

Arlene Quinones Perez provided an overview of her background and credentials and her association with the firm that she is a partner in (DeCotiis, Fitzpatrick and Cole).

Arlene Quinones Perez: I look forward to serving the City, the Mayor and the Council Members. Both my and Mr. Pelissier's employment have been discussed in the past without our receiving a Rice Notice. This practice needs to stop.

### **COUNCIL COMMENTS**

Council Member Gonzalez: I welcome Arlene Quinones Perez to the City. I thank Irving Lozada, the Mayor's aide, for putting together a program and welcoming members of the City of La Vega from the Dominican Republic to Perth Amboy. It was a great program.

Council Member Irizarry: I need to live with myself and I need to follow my conscience when I vote. The Mayor has the right to nominate her attorney. My role as Council is advice and consent. My decision was not based on anything said by county personnel. Congratulations to Arlene.

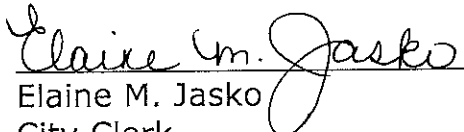
Council Member Pabon: Deputy Police Chief Cattano and his men are doing a good job. The Recreation Dept. makes many programs available to our children. There are many good things that happen in the City. I have never been pressured to vote any way on any matter. I make my own decisions. There are many things to volunteer for in the City. I congratulate Arlene on her appointment and Peter for the work he does.

Council Member Petrick: Congrats to Arlene.

Council President Nanton: We cannot discuss city employees publicly. I congratulate Arlene and I hope we can work together.

**ADJOURNMENT**

There being no further business to come before the Council, motion was made by Council Member Petrick, seconded by Council Member Irizarry to adjourn the meeting at 9:35 pm, and was carried by the following vote: Yea--Council Members Gonzalez, Irizarry, Pabon, Petrick and Nanton. Nay--None. Absent--None.

  
Elaine M. Jasko  
City Clerk

  
Lisa Nanton  
Council President