

**MINUTES
PROCEEDINGS OF THE COUNCIL OF THE
CITY OF PERTH AMBOY
FEBRUARY 26, 2014
COUNCIL CHAMBERS**

NOTICE OF MEETING

Regular Meeting of the Council of the City of Perth Amboy was held on Wednesday, February 26, 2014 in the Council Chambers, City Hall, Perth Amboy, New Jersey at 7:00 p.m.

Presiding Officer of the Council, Joel Pabon, Sr. 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 Pabon: 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 led the audience in the Pledge of Allegiance.

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

Also present at this meeting were: Mark J. Blunda, Esq., Director of Law, (arrived at 7:25pm) and Elaine M. Jasko, City Clerk. Absent--Gregory Fehrenbach, Business Administrator.

PROCLAMATIONS/PRESENTATIONS

Mayor acknowledging City Employees for completion of the Marketplace Application Counselor Certification for the Affordable Health Care Act.

Dennis Gonzalez, a representative for Secretary Sebelius of the US Dept. of Health and Human Services, commended Mayor Diaz and the city employees that took the training and got certified to enroll residents for healthcare and for promoting the program.

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

1. AN ORDINANCE TO RELEASE, VACATE AND EXTINGUISH PUBLIC RIGHTS IN AND TO PORTIONS OF BENTLEY AVENUE, DRAHOS AVENUE AND SOFIELD AVENUE IN THE FORMER DELANEY HOMES SITE.

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

Council President asked for comments. There were none.

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

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

2. AN ORDINANCE TO AMEND ORDINANCES 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 AND PARKING METER ZONES (ORDINANCE NO. C-531 AS AMENDED)" ALSO KNOWN AS CHAPTER 312 ET SEQ OF THE CODE OF THE CITY OF PERTH AMBOY.

Re: Lawrie Street

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

Council President asked for comments. There were none.

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

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

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

Council President asked for comments. There were none.

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

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

4. BOND ORDINANCE AMENDING SECTION 6 (d) OF BOND ORDINANCE NUMBERED 1691-13 OF THE CITY OF PERTH AMBOY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY FINALLY ADOPTED JULY 22, 2013, IN ORDER TO AMEND THE SECTION 2-20 COSTS.

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

Council President asked for comments. There were none.

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

Motion was made by Council Member Petrick, seconded by Council Member Nanton to adopt the Ordinance on second and final passage and was carried by the following vote: Yea--Council Members Gonzalez, Irizarry, Nanton, Petrick and Pabon. Nay--none. Absent--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-105, 106, 107

Stan Sierakowski, 679 Charles St.: These three resolutions are refunds of tax appeals. The residents have until April 1 to file a tax appeal.

R-116

Ken Balut, 359 Bruck Ave.: You are voting to limit collective bargaining.

R-112

Reinaldo Aviles, 16 Harbor Terr.: I checked and was told that this bill died in committee. We're going for a grant for the enforcement of this law. This is a broad and subjective law. Distraction can include many things.

Chief Ben Ruiz: The legislation is not tied to the grant. We were contacted to apply for the grant. There are several components to this grant which include educational and enforcement.

Mark Blunda: This is not enforcement of a law that hasn't been passed yet. This is based on current law. This has to be submitted by March 15 or we lose the money.

Reinaldo Aviles: We are going for the money instead of the principle.

Council Member Irizarry: Are we violating anything by voting on this?

Mark Blunda: No.

R-112

Alan Silber, 244 Rector St.: You will have a ticketing blitz. Only one person has received a ticket for talking on the phone in this town, John Siberry.

APPROVAL OF MINUTES

January 22, 2014 - Regular

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

BIDS

Bids were received on February 14, 2014 for the following:

- 1. Fire Aerial Apparatus Repair & Preventative Maintenance (Re Bid)**
 - a. Absolute Fire Protection Co., Inc. \$ 40,000.00.***

***Recommendation of Bid Award**

REPORTS

- 1. NJ Division of Taxation – Table of Equalized Valuations as Amended by the New Jersey Tax Court.**

**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: Adding City Hall Circle (High Street, Market Street) to Snow Emergency Streets

Ben Ruiz, Police Chief: We reviewed all the streets today. We will address all the other streets at a future time.

Motion was made by Council Member Petrick, and seconded by Council Member Gonzalez 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 March 12, 2014 at 7:00 p.m. at the Council Chambers, City Hall, and was carried by the following vote: Yea--Council Members Gonzalez, Irizarry, Nanton, Petrick and Pabon. Nay--none. Absent--none.

RESOLUTIONS

Consent Agenda – R-102-2/14 – R-110-2/14

R-102-2/14 Authorizing a refund in the amount of \$100.00 for denial of a handicapped parking space to Gary H. Gerns, 597 Cornell Street.

R-103-2/14 Authorizing a refund in the amount of \$35.00 to J C Equipment, Corp. due to a duplicate payment of a 2014 skill license application.

R-104-2/14 Authorizing a refund in the amount of \$25.00 to J C Equipment, Corp. due to a duplicate payment of a 2014 music license application.

R-105-2/14 Authoring the refund of tax overpayments to CoreLogic on various block and lots in the total amount of \$17,645.38.

R-106-2/14 Authorizing the refund of tax overpayments created by tax appeals on Blk. 1, Lot 1, 40 High Street and Blk. 1, Lot 3, 41 Water Street to Brach, Eichler, LLC, attorney for Ormon LLC & M.V. Associates in the amount of \$10,130.40.

R-107-2/14 Authorizing the refund of tax overpayment created by tax appeals on Blk. 59, Lot 1, 162 Market Street to Peter Zipp, Esq., attorney for 252 Madison Realty, LLC in the amount of \$42,665.70.

R-108-2/14 Authorizing refund in the total amount of \$1,825.00 to tenants for returned key deposits with the Perth Amboy Harborside Marina.

R-109-2/14 Authorizing refund to Excel Environmental Resources, Inc. for a withdrawn road opening permit for the former R&M Service Station at 175 New Brunswick Avenue, Blk. 152, Lots 21 & 24 in the amount of \$400.00.

R-110-2/14 Authorizing return of performance guaranty in the amount of \$7,212.00 and release of escrow balance in the amount of \$105.00 to Johnny Santana for 199 Front Street, Blk. 27, Lots 19 & 20.

Motion was made by Council Member Petrick, seconded by Council Member Gonzalez to adopt Resolutions #102-2/14 - #110-2/14.

Council President asked for comments. There were none.

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

R-111-2/14 Authorizing settlement of Geraldo Nunez v. City of Perth Amboy, Law Division, Docket No. MID-L-3149-12 in the amount of \$35,000.00.

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

R-112-2/14 Authorizing the Perth Amboy Police Department to submit an application to the New Jersey Division of Highway Traffic Safety for the Distracted Driving Crackdown Grant Program.

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

R-113-2/14 Accepting the re-advertised bid and awarding a contract to Absolute Fire Protection for repairs and preventive maintenance of fire aerial apparatus in an amount not to exceed the sum of \$40,000.00.

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

R-114-2/14 Authorizing execution of a second amendment to the cellular antennae lease at the Runyon Watershed with New Cingular Wireless PCS, LLC.

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

Council President asked for comments. There were none.

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

R-115-2/14 VOID

R-116-2/14 Calling on the Legislature to make permanent the 2% CAP on interest arbitration awards.

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

R-117-2/14 Extending the contract with Joseph Nigro to provide professional and litigation support services in the public safety complex litigation in an amount not to exceed \$62,000.00.

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

R-118-2/14 Extending the contract with FTI Consulting, Inc., successor to Alliance Construction Consultants, Inc., as litigation experts in the Cruz Enterprise Superior Court Litigation in an amount not to exceed \$80,149.73.

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

R-119-2/14 Authorizing change order no. 2 to the contract with Performance Mechanical Corp., NJ for heating, ventilating & air conditioning work at the Perth Amboy Public Library in an amount not to exceed \$32,020.55.

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

**LATE STARTER
RESOLUTION**

R-120-2/14 Making application to the Local Finance Board pursuant to N.J.S.A. 40A:2-26(e), N.J.S.A. 58:11B-9(a) and N.J.S.A. 40A:3-1 et seq for approval of proposed financing through the 2014 New Jersey Environmental Infrastructure Trust Financing Program for various improvements to the water and wastewater utility.

Motion was made by Council Member Gonzalez, seconded by Council Member Petrick to place the above Resolution on the agenda as a late starter for consideration.

The above Resolution was placed on the agenda as a late starter by the following vote: Yea--Council Members Gonzalez, Irizarry, Nanton, Petrick and Pabon. Nay--none. Absent--none.

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

R-121-2/14 Authorizing a Closed Session at the February 12, 2014 Council Meeting to discuss a personnel matter.

Motion was made by Council Member Petrick, seconded by Council Member Nanton to place the above Resolution on the agenda as a late starter for consideration.

The above Resolution was placed on the agenda as a late starter by the following vote: Yea--Council Members Gonzalez, Irizarry, Nanton, Petrick and Pabon. Nay--none. Absent--none.

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

COMMUNICATIONS

- 1. Middlesex County Freeholder Clerk submitted a certified copy of a Resolution adopted on January 16, 2014 authorizing payment to participating law enforcement agencies in the Middlesex County Multi-Jurisdictional Gang/Gun/Narcotics Task Force. (2/10/14)**
- 2. NJ Transit advising that the deadline for submission of applications for the federal fiscal year 2013 Section 5310 Grant Program is March 14, 2014. (2/10/14)**

3. NJDEP advising that eligible New Jersey landowners impacted by Hurricane Sandy can apply now through April 18, 2014 for the USDA's Natural Resources Conservation Service second round of the Emergency Watershed Protection Program - Floodplain Easements. (2/11/14)
4. Mayor Wilda Diaz advising that until further notice, George M. Boyd will continue to serve as a hold-over municipal court judge handling non-police matters for the City. (2/18/14)
5. Thomas P. Ward, a resident of Madison Avenue, commending Frank Dann and the Department of Public Works for their efforts in addressing his concerns regarding trees that were leaning over the utility wires that service 104 and 106 Madison Avenue. (2/18/14)
6. Tetra Tech EC, Inc. submitted lab documents in response to NJDEP comments regarding the 2013 annual ground water monitoring report for Chemtura Corp. (2/18/14)
7. NJDEP advising that no further action is necessary for the remediation of the 550 gallon #2 heating oil underground storage tank system at 239 State Street, Blk. 45, Lot 16. (2/20/14)

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

Stephanie Rodriguez, King St.: We recently lost a homeless person in a house fire. Many homes in Perth Amboy don't have a second exit. The law states there should be at least 2 exits. OSHA also states that for businesses. You should look into that.

Barry Rosengarten, 170 Water St., advised that he was here on behalf of the BID to respond to Ms. Lugo's allegations regarding the BID and read a letter into the record in response to her allegations.

- **Council was polled and unanimously granted an additional 5 minutes speaking time to Mr. Rosengarten.**

Stan Sierakowski, 679 Charles St.: There are several issues regarding the BID. Was there a violation of the law? You should get an independent counsel to review this matter. You should try to implement conflict resolution.

Reinaldo Aviles, 16 Harbor Terr.: Has the person been "riced" in the personnel matter scheduled for tonight's Closed Session?

Council Member Gonzalez: We'll be discussing a position and not an individual.

Fernando Gonzalez, 129 High St.: Many entities were given loans by the BID/UEZ. The City never received the money back. You need to review what occurred. Do some investigative work and come back with a conclusion. Don't let this fester on.

Ken Balut, 359 Bruck Ave.: We are the poster child of why the BID/UEZ did not work in the past. Most of the boards have the same cast of characters. There were many loans given by the BID/UEZ that were never collected. The sidewalks in the downtown, that were financed by the UEZ, are a disaster. There are many allegations that need to be answered. Why are the board meetings not being shown on local access television?

Virginia Lugo, 316 State St., advised that Mr. Fehrenbach played a role in the finances of the BID and read a letter into the record. She advised that the BID should hire its own attorney. She advised that there is mismanagement on the BID.

Alan Silber, 244 Rector St.: The Council should attend a BID meeting. We have the same exact people on these boards that we had in the past. We need oversight of finances of this board. 5 of 6 loans that were granted by the BID have defaulted. The Council ran on donations from Mr. Rosengarten. A legal opinion was given by Mr. Blunda regarding the BID. He indicated that this is not an advisory board.

- **Council was polled and unanimously granted an additional 1.30 minutes speaking time to Mr. Silber.**

David Caba, 139 Lewis St.: Anyone can come up here and express their opinion. Ms. Nanton should not be making certain comments. She was the lowest vote getter. All Police Officers should be like Police Officer Henry Rogers. He treats people with respect. It is a pleasure to be around someone like him.

Jillian Barrick, Asst. BA read a statement from Greg Fehrenbach, BA regarding the BID into the record.

Mark Blunda provided a history of the finances of many departments. The BID is a not-for-profit corporation that has its own by-laws and must operate as such. The Council has no control over this. The tragedy here is that we have no one coming here to make presentations to better the City.

COUNCIL COMMENTS

Council Member Gonzalez: Mr. Caba is rude in his comments about Ms. Nanton. I've spoken to members of the BID about what has been going on. I believe the BID wants to do what is best for the City. There are personality clashes amongst two members on the board. Members of the board are volunteers and they feel they are wasting their time on the board. The BID is a great organization. I will be going to a BID meeting in the near future. I am willing to sit down with Mr. Rosengarten and Ms. Lugo to try to resolve the issues.

Council Member Nanton: I would like to thank Yvonne Lopez and PRAHD and the employees at Olive St. for the recognition of black history month.

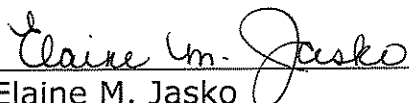
Council President Joel Pabon to Mark Blunda: Can the Council give permission to air the city meetings? I am in favor of showing the meetings.


Mark Blunda: I will look into it.

Council President Pabon: I hope we can review the allegations regarding the BID and come up with a solution.

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 8:55pm, and was carried by the following vote: Yea--Council Members Gonzalez, Irizarry, Nanton, Petrick and Pabon. Nay--none. Absent--none.


 Elaine M. Jasko
 City Clerk


 Joel Pabon, Sr.
 Council President

