



**MINUTES
PROCEEDINGS OF THE COUNCIL OF THE
CITY OF PERTH AMBOY
APRIL 9, 2014
COUNCIL CHAMBERS**

NOTICE OF MEETING

Regular Meeting of the Council of the City of Perth Amboy was held on Wednesday, April 9, 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 Petrick 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. Absent--none.

Also present at this meeting were: Gregory Fehrenbach, Business Administrator; Jillian Barrick, Assistant Business Administrator, Neha Patel, Esq. filling in for Mark J. Blunda, Esq., Director of Law, and Victoria Ann Kupsch, Assistant City Clerk.

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

- 1. AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE DESIGNATING RESTRICTED PARKING SPACES FOR USE BY HANDICAPPED PERSONS" (ORDINANCE NO. 380-85 AND AMENDMENTS) ADOPTED JULY 2, 1985 ALSO KNOWN AS CHAPTER 255A ET SEQ OF THE CODE OF THE CITY OF PERTH AMBOY.**

Re: Additions/Deletions

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.

Council President asked for comments. At 448 Keene Street there is a handicapped space and a driveway. If you can't get parking space when you have a driveway, how did this person get one?

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

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

177a-4/14

Tom Ward, 104 Madison Avenue: I came before you in July 2013. Behind our properties there is a mutual driveway, its City property. I received some reports. Some action was proposed and some money was put in the budget to remediate this problem. Did the money survive?

Greg Fehrenbach: That and Sunshine Alley were being considered at some time in the Capital Improvement Program. I will give Mr. Ward a call tomorrow and let him know where this stands.

R-186-4/14

Stan Sierakowski, Charles Street: Is this money going directly to the City or is the City getting it and giving it to someone? Will the remediation investigation occur in the future or did it happen already and someone is getting reimbursed?

Greg Fehrenbach: This was submitted to do an investigation of contaminants. We will have a change order for Ecol Sciences at the next meeting to pay them for the work that has been completed that is covered by this grant.

Stan Sierakowski: Did they do studies on this project before?

Greg Fehrenbach: I don't think they have. The City hired the company through a fair and open bid process.

R-177a-4/14

Ken Balut, 359 Bruck Avenue: Is there something in the Mayor's budget for police protection and or driver?

Greg Fehrenbach: No.

Ken Balut: Is the YMCA listed in the budget as a liability of \$800,000 to \$900,000?

Greg Fehrenbach: No. There is a contra expected from the YMCA to offset the utility costs.

Ken Balut: Have they turned the property over yet?

Greg Fehrenbach: No.

R-186-4/14

Ken Balut: We should be using this for City property. The appraisal of Seaman Street was done by the same company.

Greg Fehrenbach: the appraisal of the property is a County issue. About 2 ½ – to 3 years ago a contract was authorized with Ecolsciences under a HDSR Grant to examine the contaminants on this property. This and 3 other properties were included because they are in a Brownfields Development area. This area is called the Marina North Area, it includes the General Cable property, the Gillen Property, which is owned by Kushner, the former PSC which is owned by the City. It includes the Duane Marine property.

R-181-4/14

Alan Silber, 244 Rector Street: At the Caucus, we were told the \$685 will come from UEZ.

Greg Fehrenbach: The UEZ money that were from the Wayfinding project. This is under the jurisdiction of the Council.

R-186-4/14

Alan Silber: I don't know if this comes under remediation. The property across from the Vo Tech School has furniture, trash a TV. It's an eyesore. Who is responsible?

Greg Fehrenbach: We told the property owner and advised code enforcement that if it wasn't cleaned up in a couple days to take enforcement action.

R-179-4/14 & R-180-4/14

Jeremy Baratta, 685 New Brunswick Avenue: Can you explain these two resolutions?

Greg Fehrenbach: The first one is a worker's compensation claim. The individual was injured at work. There was a determination through a Court process that the employee was due a permanent partial disability.

Jeremy Barratta: What department?

Greg Fehrenbach: Business Administration. R-180 is a settlement of a suit filed by a former employee for failure to pay sufficient compensation. This was settled out of court.

APPROVAL OF MINUTES

December 9, 2013 - Closed Session
December 11, 2013 - Closed Session
February 26, 2014 - Closed Session
March 26, 2014 - Regular

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

REPORTS

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

- 1. Check Register Report for the month of March, 2014 in the total amount of \$2,565,074.59.**

2. Middlesex County Board of Taxation – Final Equalization Table for the Year 2014.

Motion was made by Council Member Petrick, seconded by Council Member Nanton to accept report no. 1 and was carried by the following vote: Yea—Council Members Gonzalez, Irizarry, Nanton, Petrick and Pabon. Nay—none.

**ORDINANCES – FIRST READING
 (NO PUBLIC DISCUSSION)**

1. AN ORDINANCE AMENDING ORDINANCE NO. 1667-2013 FOR RENOVATIONS TO THE LIBRARY IN AND BY THE CITY OF PERTH AMBOY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY FOR THE TOTAL APPROPRIATION OF \$2,247,081.43.

Motion was made by Council Member Petrick, seconded by Council Member Nanton to adopt the above Ordinance and first reading and public hearing for second and final passage be set down for the meeting of the Council to be held on April 23, 2014 at 7:00 pm in the Council Chambers, City Hall and was carried by the following vote: Yea—Council Members Gonzalez, Irizarry, Nanton, Petrick and Pabon. Nay—none.

RESOLUTIONS

Public Hearing on the approved CY 2014 Municipal Budget (R-146-3/14)

- 1. Open Public Hearing**
- 2. Close Public Hearing**

Motion was made by Council Member Gonzalez, seconded by Council Member Petrick to open public hearing on the CY 2014 Budget and was carried by the following vote: Yea—Council Members Gonzalez, Irizarry, Nanton, Petrick and Pabon. Nay—none.
 Council President asked for comments. There were none.

Motion was made by Council Member Gonzalez, seconded by Council member Petrick to closed public hearing on the CY 2014 Budget and was carried by the following vote: Yea—Council Members Gonzalez, Irizarry, Nanton, Petrick and Pabon. Nay—none.

R-177-4/14 Adopting CY 2014 Municipal Budget Amendment.

- 1. Introduce Budget Amendment**

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

2. Explanation of amendment

Greg Fehrenbach: The amendment was prepared by the auditor. The largest is an adjustment to PFRS, raising it to the actual billing the City received, to offset that there is a reduction in employee insurance and a reduction in PERS. Two major improvements, a fire alarm to this building and funds for a chiller at the library and a series of smaller items. Overtime for traffic maintenance and out of title pay which was missed, money for a contract with the County for health services and money for the offices of public information and Mayor for vehicle maintenance. Three grants with a zero balance.

3. Vote on Introduced Amendment

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

4. Open Public Hearing on Amendment

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

Council President asked for comments. There were none.

5. Close Public Hearing on Amendment

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

6. Vote on Amendment

Motion was made by Council Member Petrick, seconded by Council member Nanton to adopt the amendment was carried by the following vote: Yea—Council Members Gonzalez, Irizarry, Nanton

R-177a-4/14 Adopting CY 2014 Municipal Budget as amended.

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

R-178-4/14 Authorizing the refund of tax overpayment in the amount of \$250.00 to Lully Gonzales due to veteran deduction allowance on Block 308, Lot 5, 638 Carson Avenue.

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

Council President asked for comments.

Council Member Nanton: How long has this been \$250?

Greg Fehrenbach: Well over 20 years.

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

R-179-4/14 Authorizing settlement of the workers compensation litigation entitled Raquel Rodriguez v. City of Perth Amboy C.P. No. 2013-6780 for the net amount of \$32,226.00.

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.

R-180-4/14 Authorizing settlement of the matter of van Eckert v. City of Perth Amboy in an amount not to exceed \$15,000.00.

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.

R-181-4/14 Authorizing change order no. 2 to the contract with Maser Consulting, P.A. for professional engineering services in connection with the Wayfinding Signage Project in an amount not to exceed \$685.00.

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, Nanton, Petrick and Pabon.
Nay—none.

R-182-4/14 Authorizing an additional payment to the firm of Hoagland, Longo, Moran, Dunst & Doukas, LLP for services rendered in the final month of 2013 and the first half of 2014 in connection with tax appeals before the Tax Court of the State of New Jersey in an amount not to exceed \$80,000.00.

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.

R-183-4/14 Rescinding R-119-2/14 and authorizing change order no. 4 to the contract with Performance Mechanical Corp. for heating, ventilating and air conditioning work at the 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.

R-184-4/14 Authorizing the City Engineer to endorse the NJDEP Treatment Works Application – Sanitary Sewer for ePort Project.

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

Council President asked for comments.

Council Member Petrick: Does this have to do with the creek that runs through the property off of High Street?

Greg Fehrenbach: No that remains a creek. This has to do with the sanitary sewer.

Council Member Petrick: I got a call today that it's backing up and there is effluent in it.

Greg Fehrenbach: It will be looked into.

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

R-185-4/14 Authorizing a contract with AMCOM Software/OSI to replace 911 System in the police department under State Contract No. T-010983912 in an amount not to exceed \$382,914.84.

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.

R-186-4/14 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 investigation on the General Cable Company property located at 40 and 50 Washington Street, Blk. 238, Lots 1 & 3 in the amount of \$79,752.00.

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.

R-187-4/14 Extending the 2013 grant agreement between the County of Middlesex and the City of Perth Amboy for Residential maintenance Services for calendar year 2014 in the amount of \$5,000.00.

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.

R-188-4/14 Extending the 2013 grant agreement between the County of Middlesex and the City of Perth Amboy for Assisted Transportation Services for calendar year 2014 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, Nanton, Petrick and Pabon.
Nay—none.

R-189-4/14 Authorizing Stipulation of Settlement resolving the complaint filed by Moorehouse Palma Partnership on Block 126, Lot 21.01 located at 164 New Brunswick Avenue.

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.

R-190-4/14 Authorizing Stipulation of Settlement resolving the complaint filed by Palma Investments Inc. on Block 126, Lot 6 located at 333 State Street.

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.

LATE STARTER – RESOLUTION

Motion was made by Council Member Petrick, seconded by Council Member Gonzalez to place on the Agenda a Late Starter R-191-4/14 and was carried by the following vote: Yea—Council Members Gonzalez, Irizarry, Nanton, Petrick and Pabon. Nay—none.

R-191-4/14 Authorizing award of alterations and additions to the Perth Amboy Public Library to Performance Mechanical regarding FVHD Contract #4071C for proposed award of alternate bids #2 & #3 regarding acquisition and installation of chiller and fan coil unit in an amount not to exceed \$137,000.00 and authorizing change order no. 1 to the contract in the amount of \$20,400.00.

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.

COMMUNICATIONS

1. **Greg Fehrenbach, BA, submitted a copy of the most recent audit for 2013 of the Municipal Court, conducted by the AOC. (3/20/14)**
2. **The IT Committee of the Municipal Clerks Association of New Jersey submitted a copy of a League of Municipalities letter regarding recently released Police and Fire Interest Arbitration Task Force Report. (3/21/14)**
3. **Parsons submitted a copy of NJDEP, Remedial Action Protectiveness/Biennial Certification Form – Soil for the Chevron U.S.A. Inc. site at 120 State Street. (3/24/14)**
4. **Middlesex County Board of Taxation submitted a copy of a Resolution adopted on March 20, 2014, establishing the percentage of 100% as the ratio of assessed to true value of real property. (3/24/14)**
5. **NJDEP advising that no further action is necessary for the remediation of the 2500 gallon #2 heating oil underground storage tank system at 190 Madison Avenue, Blk. 33, Lot 31. (3/24/14)**
6. **NJDEP advising that the Department has established a Classification Exception Area/Well Restriction Area for contamination in the ground water at the Shell Service Station located at 567 New Brunswick Avenue. The ground water at this site exists above the Ground Water Quality Standards, which may limit ground water use there. (3/24/14)**
7. **Peak Environmental Inc. submitted a copy of the NJDEP Initial Receptor Evaluation Form for Mario's Service Station at 351 Elm Street. (Peak Environmental Inc. submitted a copy of the NJDEP Initial Receptor Evaluation Form for Mario's Service Station at 351 Elm Street. (/25/14)**

8. Groundwater & Environmental Services, Inc. submitted a copy of NJDEP Response Action Outcome Form for the Kinder Morgan Liquids Terminals, LLC, Tank No. 57, Fuel Oil Release at 920 High Street. (3/26/14)
9. Groundwater & Environmental Services, Inc. submitted a copy of the NJDEP Response Action Outcome Form for the Kinder Morgan Liquids Terminals, LLC, Tank No. 58, Gasoline Release. (3/26/14)
10. Sayreville Borough Clerk submitted certified copy of a Resolution adopted on March 24, 2014, welcoming the 2014 Special Olympics to New Jersey. (3/28/14)

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

COUNCIL COMMENTS

ADJOURNMENT



Victoria Ann Kupsch
Assistant City Clerk



Joel Pabon, Sr.
Council President

