

**MINUTES
PROCEEDINGS OF THE COUNCIL OF THE
CITY OF PERTH AMBOY
JANUARY 9, 2013
COUNCIL CHAMBERS**

NOTICE OF MEETING

Regular Meeting of the Council of the City of Perth Amboy was held on Wednesday, January 9, 2013 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 Beacon 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.

Meeting was call to order by Council President Kenneth Pabon with the following Council Members present: Kenneth Gonzalez, Fernando Irizarry, Lisa Nanton and William Petrick.

Also present at this meeting were: Greg Fehrenbach, Business Administrator, Mark J. Blunda, sq., Director of Law, and Elaine M. Jasko, City Clerk.

MOMENT OF SILENCE

**Raoul Rabiner – Port Authority Member
Bobby Carter - Former Police Officer**

PROCLAMATIONS/PRESENTATIONS

**Gifts to former Council Members Kenneth Balut &
Fernando Gonzalez**

Mayor Wilda Diaz and Council President Pabor presented Resolutions and gift clocks to former Council Members Balut and Gonzalez.

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

None.

**HEARING OF CITIZENS
(10 MINUTE MAXIMUM)**

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 ten (10) minutes.

COUNCIL PRESIDENT PABON READ THE MEETING DECORUM RULES INTO THE RECORD.

Resolutions 11, 12, 13 & 14

Reinaldo Aviles, 16 Harbor Terr.: Why are they being rescinded?

Greg Fehrenbach: In Resolutions #11 and #12, the departments indicated they didn't need petty cash anymore. Resolutions #13 and #14 just change the name of the previous Chief to the current Chief.

APPROVAL OF MINUTES

None.

BIDS

None.

SUPPLEMENTAL DEBT STATEMENT

None.

LIQUOR LICENSE – NOTIFICATION

Change in the corporate structure of plenary retail consumption license no. 1216-33-068-008 held in the name of Royal N Inc. t/a The Court House Inn, 417 Fayette Street as follows:

FROM: Patricia A. Navarro, Pres. 100%
TO: Yesica Mendez, Pres. 100%

SOCIAL AFFAIR PERMIT

Our Lady of Fatima Parish
380 Smith Street
Occasion: Dance
Date: February 9, 2013, 8:00 pm – 12:00
Location: Our Lady of Fatima Gym, 380 Smith Street

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

REPORTS

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

- 1. Report of checks prepared and paid during the month of December 2012 totaling \$5,059,689.90.**

Motion was made by Council Member Petrick, seconded by Council Member Gonzalez to accept report #1 and was carried by the following vote: Yea--Council Members Gonzalez, Irizarry, Nanton, Petrick and Pabon. Nay--none. Absent--none.

NOTE: Council Member Gonzalez abstained on the real estate transaction pertaining to him listed on the bill list.

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

- 1. AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "POLICE DEPARTMENT" (ORDINANCE NO. C-74 AND AMENDMENT) ADOPTED OCTOBER 17, 1928 ALSO KNOWN AS CHAPTER 93 ET SEQ OF THE CODE OF THE CITY OF PERTH AMBOY.**

Re: Special Two Police Officers

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 January 23, 2013 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

R-7-1/13 Expressing appreciation, compliments and gratitude to Kenneth Balut for dedicated public service.

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-8-1/13 Expressing appreciation, compliments and gratitude to Fernando Gonzalez for dedicated public service.

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-9-1/13 Supporting Assembly Bill A-2753 requiring direct payment of energy taxes to municipal government.

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-10-1/13 Rescinding R-558-12/12 and authorizing the temporary budget for municipal debt service for calendar year 2013 in the amount of \$18,525,924.56.

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-11-1/13 Rescinding petty cash fund for the library.

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-12-1/13 Rescinding petty cash fund for the office of the city clerk.

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-13-1/13 Authorizing change in custodian of petty cash fund for undercover narcotics purchases.

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-14-1/13 Authorizing change in custodian of petty cash fund for police department – public safety.

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-15-1/13 Rescinding R-580-12/12 and reauthorizing change order no. 4 to the contract with Catel, Inc. for general construction work for the Brighton Avenue Community Center in an amount not to exceed \$7,279.00.

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. Absent--none.

R-16-1/13 Authorizing settlement of the workers compensation litigation entitled Steven Morillo v. City of Perth Amboy C.P. No. 2011-31731 for the amount of \$15,825.00.

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. Absent--none.

R-17-1/13 Authorizing settlement of the workers compensation litigation entitled Steven Morillo-Collado v. City of Perth Amboy C.P. No. 2011-30035 for the amount of \$5,169.50.

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-18-1/13 Authorizing the Tax Collector to place a lien on 127-129 Brighton Avenue (Blk. 19, Lot 27) in the amount of \$2,790.00 for charges incurred by the Department of Public Works.

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

Council President asked for comments. There were none.

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

R-19 -1/13 Authorizing the refund of tax overpayment on Block 397.17, Lot 18 (1067 Rudyard Drive) to Nathaniel Hutchins in the amount of \$8,898.37 and authorizing the Tax Collector to cancel taxes on the 2013 taxes due to totally disabled veteran allowance.

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-20-1/13 Authorizing the City of Perth Amboy to sign "Together North Jersey's" Memorandum of Understanding and join the Consortium Steering Committee.

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-21-1/13 Authorizing the submission of an application to the "Together North Jersey" Consortium for a Local Demonstration Project Program Grant.

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

Council President asked for comments. There were none.

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

R-22-1/13 Authorizing the submission of an application to the National Endowment for the Arts Our Town grant in the amount of \$75,000.00.

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.

COMMUNICATIONS

1. NJDEP advising that the Office of Dredging and Sediment Technology has modified the Acceptable Use Determination Permit issued to Clean Earth Dredging LLC to process material at the Kinder Morgan Perth Amboy Facility and the Kinder Morgan Carteret Facility. (12/17/12)
2. NJDEP advising that the Office of Dredging and Sediment Technology has modified the Waterfront Development Permit issued to Birdsall Services Group for the Vopak Perth Amboy Terminal. (12/19/12)
3. Middlesex County Office of Human Resources advising that Donna Lorentz, an employee of the County has donated her Employee Recognition Award in the amount of \$50.00 to the Perth Amboy Animal Shelter. (12/19/12)
4. Middlesex County Freeholder Clerk submitted a certified copy of a Resolution adopted on November 15, 2012, authorizing execution of the Automated License Plate Recognition System Memorandum of Understanding. (12/20/12)
5. Mark J. Blunda, Esq., Director of Law, requesting that Michelle Roman, the Public Defender, John Cassese and David Spevack, the Prosecutor serve as holdover appointments. (1/2/13)
6. Mayor Wilda Diaz appointing the following to the Perth Amboy Police Department effective January 7, 2013: (1/4/13)

**Marino Diaz, Jr.
Tirso J. Morillo
Omar Rivera**

**Daniel S. Mendes
Juan J. DeJesus**

Council Member Petrick: I congratulate all the new police candidates.

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

Dorothy Carty Daniel, 277 Water St.: Blinking lights are a problem for people with seizure disorder. We have an ordinance on the books that prohibits the use of blinking lights. Blinking lights are a danger for anyone with epilepsy. I've spoken to Code Enforcement and have asked them to enforce the ordinance. Business owners may complain about this. This is a health matter and we should really pay attention to this issue and enforce the ordinance.

Council President Pabon: We should notify the businesses of this condition and advise them that we will be enforcing the ordinance.

Council Member Nanton: The city's blinking Christmas lights violate the ordinance. However, they are only up temporarily during the season.

Debra Foley, 213 State St.: My niece lives at Harbortown. She was a victim of the 2010 Harbortown fire. She was relocated and signed a new lease. She got a discounted rent and now her rent was raised by \$214. There is a 5% rent control ordinance in the City. Is it legal for them to do this?

Greg Fehrenbach: We have spent some time on this. I will get additional info from Ms. Foley and contact Harbortown and provide a report.

Fernando Gonzalez, 129 High St.: Harbortown was cooperative in relocating the fire victims quickly. People were moved into units that were larger. I'm sure Harbortown will cooperate if Mr. Fehrenbach describes the hardship. It's a private enterprise and they can do what they want.

Stanley Sierakowski, 679 Charles St.: The City should adopt a new policy that lists, on the agenda, the names of any persons that are hired. The information should include who they are, their salary, the town in which they live in and who they are related to or who they are having a relationship with. Did Mr. Blunda prepare the report on the Police Chief and did the Council get it? Can the public get a copy of the report?

Mark Blunda: The report was prepared and distributed to the Council. It was sent to the prosecutor's office and until they release it, I don't know that we can release it under OPRA.

Stanley Sierakowski: Can I get copies of the records of the employees that received housing grants from the City?

Mark Blunda.: Those records are in the possession of the State. We don't have them.

Council President Pabon: Do we need to post when employees are hired?

Mark Blunda: It's public information, but there is no requirement to post it. They can request the info through OPRA.

Leslie Dominguez Rodriguez 758 Convery Blvd.: The Council should adopt a policy that lists the names of new hires. There should be nothing to hide. I congratulate Mr. Pabon and congratulate the new Council Members. Ken Gonzalez stated in the newspaper that I had personal gain for certain comments that were made at a previous meeting that is not true.

Council Member Gonzalez: My comments were made at the Council Meeting and there was a follow up story in the newspaper.

Reinaldo Aviles, 16 Harbor Terr.: The Council does not hire people. You are not the Board of Education. You get to pass resolutions on certain appointments. We should consider bringing back run-off elections. We should not put a price on democracy. Winning by 35% is not a mandate. We should consider the bringing back the runoff.

Ana Mascenik, 710 Franklin Dr.: We should consider partisan elections.

Maria Garcia, 124 Kearny Ave.: The people asking about new hires never asked for that information during the previous administration. Names of employees can be seen during budget time. Each name is listed in the budget with their salary. We need to focus on the qualification of an individual and not on their personal life.

Gregory Pabon, 437 Ashley St.: Congratulations to all the newly elected Council Members and Board of Education Members.

Greg Fehrenbach: Residency at the time of appointment is required. If the person is not a resident, a waiver must be provided by the Council. There is an element in the city's personnel policy. There is an anti-nepotism policy in place.

COUNCIL COMMENTS

Council Member Gonzalez to Greg Fehrenbach: Can we get an update on the parking deck?

Greg Fehrenbach: The vast majority of work is completed. There is a punch list that needs to be addressed. A change order was approved for the window curtain walls. An electrical line was severed in the concrete by the contractor.

Council Member Gonzalez: I'm glad we have re-advertised for an Economic Development person. I hope we can fill the position soon. We should focus on historic tourism in the City.

Council Member Nanton: "Citizens for a Cleaner Perth Amboy" will be working on cleaning up Smith St. this Sunday. Everyone is invited to join us. The debate on elections needs to continue.

Council Member Petrick: I thank the Police Dept. for installing signs in the 6th Ward. The street lights at Hall and High are lacking. We should look into some solar stop signs for (Buckingham Ave.). We should look into participating in the bike trail by extending Perth Amboy to the county trail. We should look into putting an electronic sign at Smith St./Rt.35 and in front of City Hall for info distribution to the public. It would be a great resource.

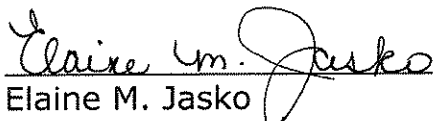
Council President Pabon: The vehicles that are working on the beach restoration are using the "stop" sign as a "yield" sign near the Wilentz School. We should not incur all the cost for graffiti removal on buildings in the City. Officer Ken Puccio has a group that works on graffiti removal. This is community service work for those that were responsible for graffiti in the first place. Our Code Enforcement personnel should do something about graffiti.

Council Member Nanton: Some alternate side of street parking signs are very faded and should be replaced. The one on Gordon St. is very faded.

Greg Fehrenbach: The sign division is very far behind in installations.

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 8:25 pm, 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