

MINUTES
PROCEEDINGS OF THE COUNCIL OF THE
CITY OF PERTH AMBOY
MARCH 13, 2013
COUNCIL CHAMBERS

NOTICE OF MEETING

Regular Meeting of the Council of the City of Perth Amboy was held on Wednesday, March 13, 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 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 Rev. Peter Hofstra of the First Presbyterian Church who led the audience in the Pledge of Allegiance.

Meeting was called to order by Council President Joel Pabon with the following Council Members present: Kenneth Gonzalez, Fernando Irizarry and Lisa Nanton. Absent--Council Member William Petrick (ill).

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

None.

PROCLAMATIONS/PRESENTATIONS

None.

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

- 1. AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "POLICE DEPARTMENT" (ORDINANCE NO. C-74 AND AMENDMENTS) ADOPTED OCTOBER 17, 1928 ALSO KNOWN AS CHAPTER 95 OF THE CODE OF THE CITY OF PERTH AMBOY.

Re: Police Chaplain Corps

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.

**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.

R-113

Stan Sierakowski, 679 Charles St.: Many states expanded their voting time frame. Voting is a democratic process. Why would you oppose this idea? It expands the base of voters. There are many minorities here in this city. Who drafted this resolution?

Elaine M. Jasko: This resolution was drafted by the League of Municipalities. It was sent to all municipalities and the League asked that this resolution of opposition be adopted by all municipalities.

BID

Reinaldo Aviles, 16 Harbor Terr.: How can one bid come in so much lower than the other bids? This is a huge difference.

R-113

Reinaldo Aviles: You should table this resolution and ask other groups to offer their input. This will allow more people to participate in the election process. It might be cumbersome, but more people will come out to vote. I hope this issue doesn't cloud the issue of "Instant Runoff." Who placed this item on the agenda?

Elaine M. Jasko: Three Council Members asked me to place this item on the agenda.

Reinaldo Aviles: Passing this resolution would send the wrong message.

Pedro Perez, 733 Franklin Dr.: I ask that this be tabled until the Council has reviewed this and is ready to vote on it.

R-121

Sharon Hubberman, 529 Cornell St.: Who is on the Steering Committee and are they environmental people?

Greg Fehrenbach: The City has been part of the committee for the past 3 years. The designated area in Perth Amboy is the Marina North Area. The people on the committee are led by an LSRP. We have licensed people who are involved in the environmental field.

R-113

Sharon Hubberman: What are the reasons for opposing this? There is opposition from the citizens in this City and that should be taken into account.

R-113

Leslie Dominguez Rodriguez, 758 Convery Blvd.: You should table this until you research this further. Having early voting would be a plus for a town like Perth Amboy.

APPROVAL OF MINUTES

February 13, 2013 - Regular
February 27, 2013 - 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 27, 2013 for the following:

- 1. HVAC Maintenance & Repair Services of City Buildings**
 - a. Automated Building Controls** **\$11,790.00*#**
 - b. Air System Maintenance** **\$22,230.00**
 - c. Binsky & Snyder** **\$25,521.00**
 - d. Professional Climate Control** **\$27,790.00**

*** Recommendation of Bid Award**

Price listed above is for bi-monthly maintenance only, plus \$48,210.00 for repair services for a total award of \$60,000.00.

Greg Fehrenbach: We've dealt with this company for the past 3 years. They are familiar with the system and they have been doing a good job.

SUPPLEMENTAL DEBT STATEMENT

None.

LIQUOR LICENSE – NOTIFICATION

None.

SOCIAL AFFAIR PERMIT

Blessed John Paul II Parish
490 State Street
Occasion: Cinco de Mayo Dance
Date: May 4, 2013, 7:00 pm to 1:00 am
Location: St. Stephens School Auditorium, 500 State 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 reports:

- 1. Check Register for the month of February 2013 in the total amount of \$10,918,318.62.**
- 2. Payroll/Disbursements/Deduction for the month of January 2013.**
- 3. Investment Report for the month of January 2013.**
- 4. Water/Wastewater Utility Reports – January 2013.**
- 5. Bond Anticipation Note Sale held on March 1, 2013 - \$10,113,816 at 1.15% payable at maturity (2/28/14).**

Motion was made by Council Member Petrick, seconded by Council Member Nanton to accept reports #1 - #5 and was carried by the following vote: Yea--Council Members Gonzalez, Nanton, Petrick and Pabon. Nay--none. Absent--none. Abstain--Council Member Gonzalez for Report #1.

ORDINANCES – FIRST READING (NO PUBLIC DISCUSSION)

- 1. AN ORDINANCE AMENDING ORDINANCE #1630-2012 FOR RENOVATIONS TO THE LIBRARY IN AND BY THE CITY OF PERTH AMBOY IN THE COUNTY OF MIDDLESEX, NEW JERSEY FOR A TOTAL APPROPRIATION OF \$2,020,341.29.**

Motion was made by Council Member Petrick, and seconded by Council Member Nanton 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 27, 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.

- 2. AN ORDINANCE AMENDING CHAPTER 4 OF THE CODE OF THE CITY OF PERTH AMBOY TO CREATE AN OFFICE OF HARBORSIDE MARINA UTILITY WITHIN THE DEPARTMENT OF ADMINISTRATION AND TO DELETE CHAPTER 97 CREATING THE CITY OF PERTH AMBOY MUNICIPAL PORT AUTHORITY.**

Motion was made by Council Member Petrick, and seconded by Council Member Nanton 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 27, 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.

3. AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "ZONING AND LAND DEVELOPMENT" ALSO KNOWN AS CHAPTER 430 OF THE CODE OF THE CITY OF PERTH AMBOY.

Re: Home Occupation

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 27, 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.

4. AN ORDINANCE AMENDING VOLUME 3, EAST REDEVELOPMENT AREA 2, OF THE FOCUS 2000 REDEVELOPMENT PLAN OF THE CITY OF PERTH AMBOY TO DELETE BLOCK 126, LOT 14 [313 STATE STREET] FROM PROPERTIES DESIGNATED AS AREAS IN NEED OF REDEVELOPMENT.

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 27, 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-111-3/13 VOID

R-112-3/13 Authorizing emergency temporary appropriations to extend CY 2013 Temporary Budget in the amount of \$5,249,288.52.

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-113-3/13 Opposing both S2364 and A3553 which would create a system of early voting in New Jersey.

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

Council President asked for comments.

Council President Pabon: There were many debates before we put this on the agenda.

Council Member Petrick: This opposes the Senate and Assembly Bills. We are supporting the position of the League of Municipalities.

Council Member Gonzalez: This is an idea that is being proposed. The League of Municipalities listed several issues for opposing this legislation. The issues include cost; we already have a vote by mail system; people will be able to vote regionally, thereby creating more opportunity for fraud. This is a timely issue. It is being considered by the legislature in the near future.

Council President Pabon: I am in favor of allowing people to vote any way they can.

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

R-114-3/13 Proclaiming April 2013 as Alcohol Awareness Month.

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-115-3/13 Authorizing a shared services agreement between the City of Perth Amboy and the Township of Woodbridge for automated collection of type 10 solid waste.

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

R-116-3/13 Authorizing a contract with Automated Building Controls for HVAC maintenance & repair services of city buildings in an amount not to exceed \$60,000.00.

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. Absent--none.

R-117-3/13 Authorizing change Order No. 1 to the contract with Hunter Jersey Peterbilt for the purchase of one automated refuse collection system cab and chassis 2012 Peterbilt Model 336 resulting in a net decrease of \$4,000.00.

Motion was made by Council Member Irizarry, 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-118-3/13 Authorizing submission of an application to the New Jersey Department of Community Affairs for the 2013 Recreation Opportunities For Individuals With Disabilities Grant and rescinding R-295-6/12.

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-119-3/13 Authorizing change order no. 1 to the contract with Insituform Technologies, LLC for the sewer rehabilitation project regarding the following locations: Commerce Street, Broad Street, Brace Avenue and First Street in an amount not to exceed \$51,574.74.

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-120-3/13 Amending the By-Laws of the Perth Amboy Municipal Alliance to Prevent Alcoholism and Drug Abuse.

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-121-3/13 Authorizing the Mayor to execute Memorandum of Understanding among parties to New Jersey Department of Environmental Protection's Brownfield Development Areas Program.

Motion was made by Council Member Petrick, seconded by Council Member Gonzalez to place the above Resolution on the agenda as a late starter 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 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. Brockerhoff Environmental Services LLC submitted a copy of NJDEP Initial Receptor Evaluation Form & Report for Perth Amboy Dry Cleaner at 445-449 Amboy Avenue, Blk. 207, Lots 27 & 28.01. (2/22/13)
2. Highland Park Borough Clerk submitted a certified copy of a Resolution adopted on February 19, 2013 opposing closure of development centers. (2/26/13)
3. Sayreville Borough Clerk submitted a certified copy of a Resolution adopted on February 25, 2013 opposing Senate Bill 2511 amendments to the Open Public Meetings Act. (2/28/13)
4. NJDEP advising that it has issued a modification to the Acceptable Use Determination previously issued for the Kinder Morgan – Project. (2/28/13)
5. New Jersey Clean Water Council advising that a public hearing will be held on April 9, 2013 from 9:00 am to 1:00 pm in the NJDEP Public Hearing Room in Trenton for the purpose of obtaining testimony on improving the resilience of our water infrastructure. (3/5/13)

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

Reinaldo Aviles, 16 Harbor Terr.: Alcohol causes problems but it's not the be all and end all evil. All members of the Council should have given us their reasons for voting in favor of R-113. Only one member gave us an explanation for his vote and one for voting against it. Has anyone contacted the NJ Advocacy about "Instant Runoff"?

Council Member Gonzalez: I did not.

Leslie Dominguez-Rodriguez, 758 Convery Blvd.: People that "vote by mail" sometimes do not get their ballots. This is another way of getting people to vote. This will pass in the legislature and the City will go along with it.

Stan Sierakowski, 679 Charles St.: Tax appeals can be filed up to April 1. Senator Gil and Sheila Oliver were the sponsors of the bills listed in R-113. This is to suppress the minority vote. White guys want to maintain power. Previous mayoral candidates are asking for the resignation of the democratic chair. They all have their reasons for doing this.

Greg Fehrenbach: The League of Municipalities has a group that reviews pieces of legislation. The committee that reviewed "early voting" was made up of Municipal Clerks in the State of NJ who are the election officials in a municipality.

Sharon Hubberman, 529 Cornell St.: A steering committee needs to be in place when you pass a resolution such as R-121. I question whether there is a committee in Perth Amboy and who the individuals are. The town needs to be cleaned up. On recycling day there were many bottles in the road.

Greg Fehrenbach: The MOU is written by DEP. The signatories are the members of the committee, but not all signatories attend. The BDA coordinator advised us yesterday that they needed the resolution adopted before March 20.

COUNCIL COMMENTS

Council Member Nanton: Many of the homes in the area where I live are on a hill. The new garbage cans are creating a problem in the area. The area needs to be patient until the glitches are worked out. There needs to be coordination with street sweeping days. The resolution (R-113) will cost the City monies. We need to ask for reimbursement. If it is denied, there is no appeal process.

Council Member Petrick: There are smaller garbage cans available for a switch out.

Council Member Gonzalez: Homes that are elevated have issues with the new garbage cans. The individuals should contact DPW if they have concerns.

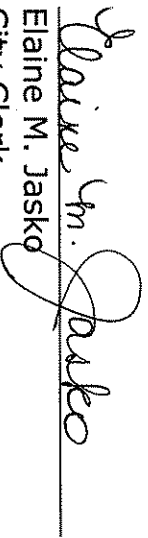
Council President Pabon: Anyone that calls DPW will get a personal visit from Mr. Polidura and he will be providing guidance. We need to take a look at the signs at the waterfront that need to be adjusted.

Mark Blunda: I will look into it.

Council President Pabon: I commend Mr. Ortiz for the recent meeting he hosted with the State to discuss the parks in the City.

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 8:35 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