



**MINUTES
PROCEEDINGS OF THE COUNCIL OF THE
CITY OF PERTH AMBOY
APRIL 24, 2013
COUNCIL CHAMBERS**

NOTICE OF MEETING

Regular Meeting of the Council of the City of Perth Amboy was held on Wednesday, April 24, 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 Council Member William Petrick who led the audience in the Pledge of Allegiance.

Meeting was call to order by Council President Joel 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, Esq., Director of Law, and Elaine M. Jasko, City Clerk.

MOMENT OF SILENCE

None.

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, 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 Irizarry 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.

Comm. #8

Linda Cruz, 282 Water St.: Mr. Dann and Mr. Polidura came to my house and advised me that we would go back to the old style of garbage collection. They stated that the City would have to have two types of collection in the City. This petition is a result of a change in Mr. Dann's original opinion of changing our type of collection. Please listen to our concerns and vote to change the system for us. We need smaller cans.

Cora Biellecki, 157 Water St.: I also have problems because we have steps at our property. The smaller containers worked much better for us.

Liz Shurina, 287 Water St.: The cans are making the City look ugly. I feel for the handicapped persons that have to deal with these cans. Please reconsider this. Take these large cans away.

Sharon Hubberman, 529 Cornell St.: Would we be breaking a contract by removing these cans?

Motion was made by Council Member Irizarry, seconded by Council Member Petrick 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 March 26, 2013 for the following:

- 1. Truck mounted regenerative air sweeper**
 - a. Trius \$198,887.00***
 - b. U.S. Municipal Supply Inc. \$207,864.00**
 - c. H.A. DeHart & Son Incomplete Bid**

*** Recommendation of Bid Award**

SUPPLEMENTAL DEBT STATEMENT

None.

LIQUOR LICENSE – NOTIFICATION

None.

SOCIAL AFFAIR PERMIT

None.

REPORTS

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

- 1. Check Register Report for the month of March 2013 in the total amount of \$4,636,505.25.**
- 2. Water/Wastewater Utility Reports for the month of March 2013.**
- 3. Investment Report for the month of March 2013.**
- 4. Payroll Disbursements/Deductions for the month of March 2013.**

Motion was made by Council Member Petrick, seconded by Council Member Gonzalez to accept reports #1 - #4 and was carried by the following vote: Yea--Council Members Gonzalez, Nanton, Petrick and Pabon. Nay--none. Absent--none.

with this Ordinance. Final approvals are required by the Planning Board and PARA. This Ordinance is required for consideration of the tax credits we are applying for. A unique opportunity has come up for funding as a result of storm Sandy. This is gap funding that we can't pass up. HUD has no money and we have no money to fuel this. The deadline for submission is May 31. This is a \$19m application. Of the 70 units, only 20-25 would be low income.

Council Member Nanton: Where are the funds coming from?

Doug Dzema: They are federal funds going to the State. The Governor has set this money aside.

Council Member Gonzalez: How many students will be generated with this new construction?

Doug Dzema: About 54.

Greg Fehrenbach: The Housing Authority will be required to dedicated easements for Convery Blvd.

Council Member Irizarry: I am concerned with the number of apartments. We need to make housing available for ownership. There is limited recreational space in the plan.

Doug Dzema: There are ball fields and Willow Pond in proximity of the area. We don't need to consider a lot of recreation since it already exists. The density is a requirement of the application.

Council President Pabon: What exactly are we voting on with this Ordinance?

Greg Fehrenbach: The Ordinance introduces a set of standards for development in this redevelopment area. There are 3 review bodies that need to review this plan. The Planning Bd. will review the site plan for this project. The Redevelopment Agency must review this plan. This is being moved on a fast track to meet a filing deadline of May 31. This program is oriented towards shovel ready.

Council Member Petrick: By approving this, we are saying that this type of project can be permitted in the area.

Greg Fehrenbach: This is permitting housing and commercial components in an area. Under the land use law, you cannot control whether property is rentals or owner occupied. This is only a first-reading ordinance. The Planning Board will have to conduct a site plan review. This plan needs to meet 2 sets of standards (zoning and redevelopment).

Stan Sierakowski, 679 Charles St.: On Page 15 of the budget message, there is an issue regarding the Tax Assessor that is inaccurate. There are major long term concerns regarding her actions. The City was bamboozled on the Chevron property. You should recoup some of the money or raise the assessment on their property.

Sharon Hubberman, 529 Cornell St.: There are several items listed in the budget message that prohibits us from following the lead of last year's budget. This budget is \$567,000 higher than the prior year. If there has been a devaluation of the properties, then the amount given to the County should be less. The anticipated revenue from the Marina Utility is \$195,000. In the previous budget, there was a Port Authority loan repayment of \$125,000 to the City. There's a difference there. That should be looked into. In the capital program there's a \$204,000 improvement for an agreement with a developer to rent the facility for \$1. A proper agreement should have been negotiated. There are areas that we didn't have to have an increase in the overall levy. There is \$8m of grant aid for Storm Sandy. The message doesn't match the numbers.

Reinaldo Aviles, 16 Harbor Terr: How much are the taxes going up?

Greg Fehrenbach: $1\frac{1}{3}$ penny per \$100 of valuation. We don't know the exact amount because of the changes in valuation. The levy is going up by 1%.

3. Close Public Hearing

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

Greg Fehrenbach: The County Tax Board has jurisdiction over every Tax Assessor in the County. The Chevron settlement was valued under a separate set of standards. Several professionals advised the City on this matter. The negotiations resulted in a much lower number than we thought it would be. The City lost 100 boat slips as a result of Hurricane Sandy. We lost a capital investment in the marina. The capital budget includes an estimate of monies coming in due to Hurricane Sandy. That is a gross estimate. The City entered into an agreement with Amboy Towers whereby if the zoning board approved a housing plan at 313 State St. parking spaces were offered at the parking deck at the rate specified in the ordinance.

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-169-4/13 Authorizing the refund of tax overpayment on Blk. 394.03, Lot 24, 861 Barry Avenue, in the amount of \$1,804.98 to Corelogic Real Estate Tax Services.

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-170-4/13 Authorizing refund of a building permit in the amount of \$27.00 to Mario Grano & Sons, LLC.

Motion was made by Council Member Petrick, seconded by Council Member Gonzalez to adopt Resolutions #168 - #170.

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-171-4/13 Declaring May to be Older Americans Month.

Motion was made by Council Member Nanton, 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.

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-176-4/13 Authorizing a contract with DFFLM, LLC, t/a Ditschman/Flemington Ford, for a 2013 Ford F350 4wd Chassis Cab & Options under State Contract No. A83557, in an amount not to exceed \$60,095.00.

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-177-4/13 Authorizing a contract with Service Tire Truck Center for the purchase of tires and tubes under State contract Nos. 82527 and 82528 in an amount not to exceed \$51,750.00.

Greg Fehrenbach: The amount has been lowered to \$27,500.00. We will have other vendors under state contract in the future.

Motion was made by Council Member Petrick, seconded by Council Member Gonzalez **to amend** the amount of the resolution to \$27,500.00 and to adopt the above Resolution **as amended**.

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-178-4/13 Authorizing a contract with Atlantic Tactical, for the purchase of ammunition under State Contract No. A81297, in an amount not to exceed \$19,918.92.

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.

R-182-4/13 Authorizing special permit for public entertainment to United Dominicans of Perth Amboy for the Dominican Festival 2013 to be held August 16, 17 & 18, 2013.

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-183-4/13 Authorizing special permit for public entertainment to Concerts by the Bay, Inc. to be held on Sunday afternoons from July 7, 2013 through September 8, 2013.

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-184-4/13 Authorizing special permit for public entertainment to Comite Patriotico Cultural Puertorriqueno of Perth Amboy for a festival to be held on June 7, 8 & 9, 2013.

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.

COMMUNICATIONS

- 1. Dr. Janine Walker Caffrey, Superintendent of Schools, advising Mayor Wilda Diaz that she will be taking her seat on the Library Board of Trustees. (4/5/13)**

Edna Dorothy Carty Daniel, 277 Water St.: You should consider an Ordinance regarding how people dress. Young men wear pants halfway down their butts. I don't like it and I'm tired of it. I don't want to look at the crack of someone else's butt. Please research what other towns have done and if we can, we should prohibit it.

Council Member Gonzalez: This might be a freedom of speech issue.

Mark Blunda: It is tasteless. I'll look into it.

Cora Bieliecki, 157 Water St.: What should I do about the garden waste from my garden if it's illegal to put in our trash can?

Greg Fehrenbach: If you dispose of it, do it at little portions at a time. In the next 2-3 weeks no one in this area will receive a summons. We are looking to find a balance by taking all the issues into consideration. People will have to use containers. Plastic bags cannot be used.

Reinaldo Aviles, 16 Harbor Terr.: The Housing Authority is in the business of housing people. They are including retail space and that takes away from housing. The City should put garbage cans in neighborhoods instead of just the downtown area. There would be less litter.

Council Member Irizarry: I understand the role of housing. This town needs more ratables. We need people that will come and pay taxes.

Alan Silber, 244 Rector St.: Does the YMCA still owe us over \$600,000 and is that amount in the budget?

Council President Pabon: The YMCA owes us money.

Greg Fehrenbach: It is not in the budget. There is some debate about the monies owed. We are meeting with them to try to resolve this.

Alan Silber: On the last "Elect Report" charter schools donated money to candidates in the last municipal election. Now we are giving them windows. Don't vote on a budget if you don't know how it will affect you.

Stan Sierakowski, 679 Charles St.: You should build a new high school instead of housing at the Delaney Homes site at Convery Blvd. Section 8 destroys properties. We don't need Section 8. We should be thinking about ratables, jobs and a new high school.

Sharon Hubberman, 529 Cornell St.: This town is in dire need of jobs. I object to the Delaney Homes plan. Lower income housing is not 100% of the whole plan. If you are operating the marina with less slips

Steven Nascimento: There are defects that are code violations at the existing completed buildings.

Council Member Gonzalez: I don't think it's permissible to hold up building permits until defects are corrected. Mr. Scala should be contacted to walk through the building and see if he can find the code violations for the exterior of the building.


Council Member Petrick: The master plan for the project should be reviewed.

Greg Fehrenbach: With regard to Ms. Hubberman's previous comments about the Marina Utility, she is under a misunderstanding. In 2012 the budget for the Port Authority was approximately \$385,000. Of that, it was made up of slip rentals, other rentals, and a little bit of surplus. That was for 160 slips. The \$125,000 was repayment for the debt incurred when the municipality made improvements in 2001 and 2005 to the marina. The budget today of \$195,000 is equivalent to the \$385,000 of the past. Because of the loss of slips, there are no monies to contribute to the current fund. That is a result of Superstorm Sandy.

Council Member Nanton: In the future, we should look at the use of paper bags for the disposal of yard waste.

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 10:15 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