

MINUTES PROCEEDINGS OF THE COUNCIL OF THE CITY OF PERTH AMBOY OCTOBER 28, 2015 COUNCIL CHAMBERS

NOTICE OF MEETING

Regular Meeting of the Council of the City of Perth Amboy was held on Wednesday, October 28, 2015 in the Council Chambers, City Hal, Perth Amboy, New Jersey at 7:00 pm.

Presiding Officer of the Council, Lisa Nanton wishes to advise 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 Lisa Nanton: 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 also led the audience in the Pledge of Allegiance.

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

Also present at this meeting were: Peter Pelissier, Interim Business Administrator, Arlene Quinones Perez, Esq., Acting Director of Law, and Elaine M. Jasko, City Clerk.

PROCLAMATIONS/PRESENTATION

Mayor Wilda Diaz proclaiming November as Lung Cancer Awareness Month.

Mayor Diaz made a presentation of a proclamation to United Messengers of Peace (Stephanie Rodriguez).

Stephanie Rodriguez thanked Mayor Diaz and spoke of the importance of lung cancer awareness.

Motion was made by Council Member Petrick, seconded by Council Member Pabon to change order of business and to consider HEARING OF CITIZENS at this point of the meeting and was carried by the following vote: Yea--Council Members Gonzalez, Irizarry, Pabon, Petrick and Nanton. Nay--none.

HEARING OF CITIZENS (10 MINUTES MAXIMUM PER SPEAKER)

Perth Amboy Civic Trust – Citizen Campaign Model Ordinance (Professional Hiring Practices)

Reinaldo Aviles, 16 Harbor Terr.: We are here to address the RFP process.

Lisette Lebron, 228 Water St.: The City's professional services ordinance was adopted in 2009. There are 3 key points to the ordinance: RFP, qualifications, detailed info on the costs. This presentation is educational only.

Paul Josephson, Esq., Princeton, NJ: I'm a volunteer that works in an advisory capacity with the Citizens Campaign and the Civic Trust. I give the city credit for the ordinance that the City has in place. It is a strong ordinance.

Council Member Irizarry: What is the Civic Trust about?

Reinaldo Aviles: It is a group that discusses, on a monthly basis, the betterment of local government. There are about 20 members in the group. It is a non-partisan group.

Council President Nanton: Please explain the process of hiring an attorney outside the scope of Law Director.

Paul Josephson: An RFP needs to be prepared and advertised. Law firms must submit proposals. The proposals would have to be evaluated by the City. The proposals are open for public inspection. The recommendation is submitted to the Council for its approval.

Council President Nanton: If contracts are already awarded for a specific contract, and another RFP is issued for the same type of work, would the Council be guilty of a breach of contract with the existing firm?

Paul Josephson: The City reserves its rights in an RFP process to take advantage of the exigency exception that you have built into the ordinance. I cannot render an opinion since I don't have all the facts.

Council President Nanton: What criteria can be used for the ranking of responses?

Paul Josephson: There is a listing of evaluation factors in the City's ordinance. This provides discretion to the City.

Council Member Gonzalez: Is it the Law Director that recommends the hiring of legal counsel to the Council or should a committee make a recommendation?

Paul Josephson: It is normally done by the Law Director.

ORDINANCE - PUBLIC HEARING (5 MINUTE MAXIMUM PER SPEAKER/PER ORDINANCE)

1. ESTABLISHING THE PERTH AMBOY AUXILLIARY POLICE FORCE.

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

Council President asked for comments. There were none.

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

Motion was made by Council Member Petrick, seconded by Council Member Pabon to adopt the Ordinance on second and final passage and was carried by the following vote: Yea--Council Members Gonzalez, Irizarry, Pabon, Petrick and Nanton. 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 <u>five (5)</u> minutes.

R-471 & R-472

Ken Balut, 359 Bruck Ave.: Why are these two gentlemen not being interviewed by the Council?

Comm.#3

Ken Balut: What is the remediation of this facility?

R-470

David Caba, 559 Westside Ave.: We are appointing Mr. Pelissier, but we don't know how long he will be here. He was unprofessional in his comments to a resident at the Caucus.

Council Member Irizarry: There is no connection between this resolution and an incident that occurred on Monday.

R-471 and 472

Alan Silber, 244 Rector St.: Was this advertised on the city's website?

Elaine M. Jasko, City Clerk: Yes, it was on the city's website for 30 days. There were 3 responses. The applications were provided to the Mayor for her consideration. She made the appointments. They are now before the Council for consent. In the past, the Council has interviewed applicants that fall under the Council's appointment responsibilities. This process is different since they are only consenting to the Mayor's appointments.

Lionel Giron, 428 Summit Ave.: I live in Perth Amboy and I am a dedicated member of the community. I am honored to serve the community.

Reinaldo Aviles, 16 Harbor Terr.: I know both candidates. They are both members of the Citizens Service and are competent individuals.

Billy DelGado, 216 Kearny Ave.: I know Joel Rosa and I commend the Mayor for having faith in Joel Rosa.

Mayor Wilda Diaz: All members of the Redevelopment Agency must attend training. These two people are local residents. I am comfortable with the appointments. They are volunteering their time.

Wilfredo Soto, Hidden Village: How long is the training?

Council Member Pabon: There are two 8 hour classes that you have to attend.

Council Member Gonzalez: We should have Mayor's appointments come before the Council for interviews.

Council President Nanton: We should discuss this further.

MINUTES

October 14, 2015 - Closed Session October 14, 2015 - Council

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

REPORTS

- Jill A. Goldy, CFO/Comptroller submitted the following reports:
 - 1. Investment Report for the month of September 2015.
 - 2. Budget Status Reports YTD September 2015.
 - 3. Water/Wastewater Utility Report September 2015.
 - 4. Middlesex County Board of Taxation Middlesex County 2015 Abstract of Ratables.

Motion was made by Council Member Petrick, seconded by Council Member Pabon to accept reports #1 - #3 and was carried by the following vote: Yea--Council Members Gonzalez, Irizarry, Pabon, Petrick and Nanton. Nay--None.

ORDINANCES (FIRST READING) No Public Discussion

1. ORDINANCE ESTABLISHING A TRAP NEUTER RELEASE PROGRAM.

Peter H. Pelissier, Interim BA: The funding will come out of the trust account. This ordinance will help us obtain grants in the future.

Motion was made by Council Member Petrick, and seconded by Council Member Irizarry 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 November 9, 2015 at 7:00 p.m. at the Council Chambers, City Hall, and was carried by the following vote: Yea--Council Members Gonzalez, Irizarry, Pabon, Petrick and Nanton. Nay--None.

2. AN ORDINANCE TO AMEND AN ORINANCE ENTITLED "PROPERTY MAINTENANCE" (ORDINANCE NO. 646-92 AS AMENDED) ADOPTED NOVEMBER 16, 1992 ALSO KNOWN AS CHAPER 335 ET SEQ OF THE CODE OF THE CITY OF PERTH AMBOY.

Motion was made by Council Member Petrick, and seconded by Council Member Irizarry 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 November 9, 2015 at 7:00 p.m. at the Council Chambers, City Hall, and was carried by the following vote: Yea--Council Members Gonzalez, Irizarry, Pabon, Petrick and Nanton. Nay--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: Stop Sign on Ridgeley St. @ Jacques & Ridgeley Sts.

Motion was made by Council Member Petrick, and seconded by Council Member Pabon 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 November 9, 2015 at 7:00 p.m. at the Council Chambers, City Hall, and was carried by the following vote: Yea--Council Members Gonzalez, Irizarry, Pabon, Petrick and Nanton. Nay--None.

4. 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: Parking by Permit Only in Designated Areas – Portion of Public Safety Complex Parking Lot

Motion was made by Council Member Petrick, and seconded by Council Member Pabon 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 November 9, 2015 at 7:00 p.m. at the Council Chambers, City Hall, and was carried by the following vote: Yea--Council Members Gonzalez, Irizarry, Pabon, Petrick and Nanton. Nay--None.

RESOLUTIONS

R-466-10/15 Authorizing a 2016 Athletic/Social Club License to Perth Amboy Racing Pigeon Club at 806 Central Place.

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

R-467-10/15 Authorizing a refund for denial of a handicapped parking application to Francisco Maldonado in the amount of \$100.00.

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

R-468-10/15 Authorizing the refund of tax overpayment created by tax appeal to Daniel G. Keough Trustee for Madison Arms, Inc., on Blk. 344, Lot 4 (673 Cortland Street) in the amount of \$2,108.75.

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

R-469-10/15 Authorizing release of remaining professional review escrow fee to Marcia Smith for 447 Neville Street, Blk. 202 Lots 39 & 40, Docket No. 3017-ZB in the amount of \$350.00.

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

R-470-10/15 Appointing Peter H. Pelissier, B.A. as Fund Commissioner and Maria J. Rivera, Executive Assistant to B.A. as Alternate Fund Commissioners for the Public Entity Joint Insurance Fund.

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

R-471-10/15 Consenting to the appointment of Lionel Giron to the Perth Amboy Redevelopment Agency for an unexpired term expiring on December 31, 2015.

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

R-472-10/15 Consenting to the appointment of Joel Rosa to the Perth Amboy Redevelopment Agency for an unexpired term expiring on December 31, 2018.

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

R-473-10/15 Authorizing change order no. 1 to the contract with Agate Construction Company, Inc. decreasing the contract for bulkhead reconstruction project by \$7,734.06.

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

R-474-10/15 Authorizing insertion of revenue in the CY 2015 Budget pursuant to N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) for a Strengthening Families Grant in the amount of \$13,500.00.

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

R-475-10/15 Authorizing settlement of the workers compensation litigation entitled Tracy Guarneri v. City of Perth Amboy C.P. No. 2012-31650 for the amount of \$10,584.00.

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

R-476-10/15 Authorizing settlement of the workers compensation litigation entitled Frank Szeg v. City of Perth Amboy C.P. No. 2014-4665 for the amount of \$144,147.00.

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

R-477-10/15 Authorizing a contract with Edmunds & Associates, Inc. for 2016 Software Maintenance in an amount not to exceed \$33,590.00.

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

R-478-10/15 Appointing Michael Savoia to the Zoning Board of Adjustment as a regular member.

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

R-479-10/15 Appointing Scott Farber, II to the Zoning Board of Adjustment as a regular member.

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 Irizarry, Pabon, Petrick and Nanton. Nay--Council Member Gonzalez.

R-480-10/15 Rescinding R-417-9/15 and reauthorizing change order no. 4 to the contract with Paragon Restoration Corp. for the renovation of the Surveyor General's Office in an amount not to exceed \$1,300.00.

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

COMMUNICATIONS

- 1. Robert O'Buck, Committeeman for Ward 6 District 6, thanking Mayor Diaz and Councilman Petrick for having PSE&G install a new light and replace two other lights in the area of 294 Lawrie Street. (10/9/15)
- 2. NJDEP submitted a news release regarding the awarding of \$66 million FEMA grant to build flood walls and other infrastructure to protect MCUA Waste Water Pump Stations. (10/13/15)
- 3. ANS, Consultants, Inc. a licensed Site Remediation Professional, issued a Response Action Outcome for the remediation of the child care facility at 158-160 Jefferson Street, Blk. 124, Lot 11.01. (10/13/15)
- 4. The Port Authority of NY & NJ submitted the Tier 1 Final Environmental Impact Statement for the Cross Harbor Freight Program. (10/13/15)
- 5. NJDEP advising that the application period for the second round of grant funding for the Flood Hazard Risk Reduction and Resiliency Grant Program will be open from October 20, 2015 to April 20, 2016. The program is funded by the US Department of Housing and Urban Development's Community Development Block Grant for Disaster Recovery funds. (10/20/15)
- 6. Mayor Wilda Diaz appointing Joel Rosa to the Redevelopment Agency pending Council approval, for an unexpired term expiring December 31, 2018. (10/21/15)
- Mayor Wilda Diaz appointing Lional Giron to the Redevelopment Agency pending Council approval, for an unexpired term expiring December 31, 2015. (10/21/15)

8. AJV Engineering, submitted a copy of Greenway Products & Services, LLC Notification of Exempt Recycling Activities for 1160 State Street, Bldg. 8B. Date of activity October 21, 2015 to December 31, 2016. (10/21/15)

PUBLIC PORTION (5 MINUTES MAXIMUM PER SPEAKER)

Ken Balut, 359 Bruck Ave.: At the Caucus, the interim B.A. made a comment about a citizen living at home with his mother. Why are we getting questionable people to sit as the B.A.? What he said was unprofessional. The DeCotiis law firm is disgusting. Was an answer submitted to the Court on the PBA lawsuit regarding promotions?

Arlene Quinones Perez: An answer hasn't been filed yet.

Nelvi Caba, 84 Washington St.: In the past I came here to report broken windshields on my van vehicles. I'm waiting to see who will pay for the damage. I was advised that I still have to pay for the parking spaces at the parking deck. I was issued tickets for parking additional vehicles at the deck. No one is doing anything about this. What is the police doing about this situation? I keep losing money with this damage to my vehicles.

Council Member Gonzalez: Have you filed an official complaint with the Police Department?

Nelvi Caba: I spoke to them.

David Caba, 559 Westside Ave.: At the last meeting, the B.A. made a comment about a citizen living with his mother. That attack was unprofessional.

Reinaldo Aviles, 16 Harbor Terr.: When will Ken Gonzalez be appointed head judge at the municipal court?

Council President Nanton: We don't know.

Reinaldo Aviles: With the Consent Agenda, will the resolutions be read out loud?

Council President Nanton: Yes, at the Caucus meeting.

Reinaldo Aviles: Will we actually take a vote on Ms. Quinones on Nov. 9th?

Council President Nanton: Yes.

Reinaldo Aviles: Are we doing a search for a new B.A.?

Council President Nanton: The intention is to have him help with the search.

Wilfredo Diaz, 202 Hidden Village: I welcome the new B.A. and the City Attorney. Being an elected official is difficult. Citizens should express their opinions at meetings.

Johanna Guaman, 390 Jeffries St.: I support the City Attorney. When will you make a final decision on the City Attorney?

Council President Nanton: On November 9th at the Council Meeting.

Susan Batista, 1074 Truxton Dr.: I will serve Mr. Pelissier with a subpoena this evening.

Council Member Irizarry: Why are you subpoenaing Mr. Pelissier?

Susan Batista: I don't have to tell you.

Alan Silber, 244 Rector St.: It is a terrible idea to change the format of the council meetings. Council meetings should have a set time for airing so the citizens can view the meetings. Everyone should read the article regarding the case in Bergen County regarding Joseph Ferriero and his connection to the Scarinci, Hollenbeck law firm and the DeCotiis law firm. Ms. Perez is a lobbyist. She is not a city attorney.

Virginia Lugo, 316 State St.: The BID monies are being used by the Mayor for campaign info. How many new jobs has the Mayor created over the past 7 years through the office of redevelopment?

Billy Del Gado, 216 Kearny Ave.: I am glad that the Council will take a vote on November 9th with regard to the City Attorney. We need to move forward with this issue. Taking no action on the attorney is bringing the city's reputation into the gutter. Everyone complains about lawyers until you need one. We need to build consensus. Consider moving the caucus meetings to 7pm.

BUSINESS ADMINISTRATOR/MAYOR COMMENTS

Mayor Wilda Diaz: There are many great things happening in the City. E-Port will have a ground breaking on November 3. Pretty soon you will be hearing about Celotex. New businesses are coming into town. We are working very hard with other partners to make Perth Amboy a better place. We are working on keeping taxes stabilized.

Peter Pelissier: At the last meeting, I did not mean to disrespect anyone's mother. I apologize for that. However, I did not appreciate being called a "military coward". I have been successful in my 70 years. I don't like being attacked at every meeting. I like this City. If I didn't respect this Mayor, I would have left after the first meeting. I like this Council and respect the Council Members. This is a great team. I would like to see the Mayor and Council get together. There is a problem at the parking deck. The Police Dept. has responded 290 times this year to the deck. There should be a safe for keys to be stored for the vehicles at the deck. We should also put in cameras and a gate. \$5m has been obtained in grants by the Office of Economic and Community Development.

Mr. Pelissier outlined several accomplishments of the offices of Economic and Community Development, as well as the Finance Office.

COUNCIL COMMENTS

Council Member Gonzalez: I want to thank Mr. Pelissier, Maria Rivera and Ed Perez of DPW for the work that was done on Amboy Ave. The odor at the chicken place has been lowered by 70%. We should keep on top of that. What is the status of the connector road on Amboy Ave.?

Peter Pelissier: We will be meeting with the School Superintendent on November 12 to discuss this.

Council Member Gonzalez: There are some concerns about the design for the connector road. We should address the handicapped parking in the city.

Elaine M. Jasko: The Law Dept. is reviewing the handicapped ordinance to address several issues that have been addressed by the Council.

Council Member Irizarry: Citizens should be able to speak, but we should not insult each other at meetings.

Council Member Pabon: We should stay on top of the connector road project. This should be a priority. We need to stay on top of the odor at the chicken place. I thank the Police Chief, the Police Dept. and DPW for the action they took on Sunshine Alley. We need to follow up on the Code Enforcement technical equipment. I commend the Chief on taking on the traffic lines issue. High St. needs some double lines. Hall Ave. needs to be re-lined because of all the schools in the area.

Larry Cattano, Deputy Police Chief: The thermal lining machine was out of service but got repaired and we only got it back yesterday. We will begin working on this again starting tomorrow.

Council Member Petrick: I extend thanks on behalf of my family to the Mayor and the Police Dept. at our time of need.

Council President Nanton: We just started as part of the student curriculum, local history and tours of the Proprietary House. This Council has never been at war with each other. There has been no disrespect amongst us. We disagree, but we measure our words.

ADJOURNMENT

There being no further business to come before the Council, motion was made by Council Member Petrick, seconded by Council Member Irizarry to adjourn the meeting at 9:35 pm, and was carried by the following vote: Yea--Council Members Gonzalez, Irizarry, Pabon, Petrick and Nanton. Nay--None. Absent--None.

Elaine M. Jasko

City Clerk

Lisa Nanton

Council President