

MINUTES OF MARCH 7, 2012 COUNCIL MEETING

The Meeting held at South Amboy City Hall, 140 North Broadway, South Amboy, New Jersey, was called to order by Council President Connors at 7:00 P.M. The City Clerk read the Opening Prayer and all recited the Pledge of Allegiance.

PRESENT: Councilman Applegate, Councilman Noble, Councilman Schwarick and Council President Connors.

ALSO PRESENT: Mayor Fred A. Henry, Camille Tooker, Business Administrator and John R. Lanza, Director of Law

Council President Connors stated that "The Notice requirements provided in the Open Public Meetings Act have been satisfied. Notice of this Meeting was published in the Home News Tribune on January 8, 2012, provided to the Star Ledger, filed with the City Clerk and posted in the City Municipal Building on January 5, 2012".

CONSENT AGENDA:

A Motion by Councilman Schwarick to pull the Minutes of February 15, 2012 Council Meeting, seconded by Councilman Applegate.

ROLL CALL: Applegate-Yes, Noble-Yes, Schwarick-Yes, Connors-Yes.

A Motion by Councilman Applegate to adopt the remainder of the Consent Agenda which included Resolutions 56 through 62-2012, seconded by Councilman Schwarick.

ROLL CALL: Applegate-Yes, Noble-Yes, Schwarick-Yes, Connors-Yes.

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION NO. 56-2012

WHEREAS, the following Tax Title Lien Certificates have been redeemed;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of South Amboy, Middlesex County, New Jersey that the Chief Financial Officer be and the same is hereby authorized to issue checks to:

<u>LIEN COMPANY</u>	<u>BLOCK</u>	<u>LOT</u>	<u>QUAL</u>	<u>CERTIF. NUMBER</u>	<u>AMOUNT</u>
Trade Money LLC	9	19		11-00012	296.78
Trade Money LLC	42	13		11-00058	392.26
Trade Money LLC	45	15		11-00068	256.86
Trade Money LLC	117	6		11-00154	242.31
Trade Money LLC	45	46		11-00070	326.95
Trade Money LLC	129	1		11-00158	273.87
Trade Money LLC	50	12		11-00088	298.35
L. Friedeman	72	5		11-00109	700.17
L. Friedeman	168	10		11-00198	200.06
FNA Jersey Lien Services, LLC	50	2		11-00086	217.88

FNA Jersey Lien Services, LLC	75	2		11-00114	442.46
FNA Jersey Lien Services, LLC	30	18		11-00034	526.40
A&D Appel	34	4		11-00035	272.62
A&D Appel	84	3		11-00131	514.14
Virgo	79	5		11-00107	278.39
Virgo	71	9		11-00107	715.97
Shrier	4	6		11-00004	196.20
Shrier	43	25		11-00061	219.80
Shrier	30	13		11-00033	175.89
SBMuni Cust %LBNJ	112	10		11-00151	5417.59
SBMuni Cust %LBNJ	112	10		PREMIUM	100.00
Pheonix Funding	161.02	20.18	C02	11-00187	11333.64
Pheonix Funding	161.02	20.18	C02	PREMIUM	6500.00
Pro Capital 1 LLC	53	3		10-00056	362.17
Jian Yang	71	9		10-00066	620.84

JOSEPH E. CONNORS
Council President

Certified to be a true copy of a Resolution adopted by the Governing Body on March 7, 2012.

KATHLEEN VIGILANTE
Municipal Clerk

	<i>Moved</i>	<i>Seconded</i>	<i>Ayes</i>	<i>Nays</i>	<i>Absent</i>	<i>Abstain</i>
APPLEGATE	X		X			
GROSS					X	
NOBLE			X			
SCHWARICK		X	X			
CONNORS			X			

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION NO. 57-2012

WHEREAS, Amboy Bank, 100 N. Broadway, Block 46, Lot 22, owners of property on the tax map of the City of South Amboy, did file appeal with the Tax Court of New Jersey for the year 2011; and

WHEREAS, the Tax Court of New Jersey has entered Judgments in the appeals wherein the assessment on said property was reduced as follows:

Original Assessment	Judgment	Adjustment	Refund
\$910,900	\$800,000	\$110,900	\$2,491.92

WHEREAS, the Tax Collector certifies the property taxes are paid in full for the tax year 2011;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of South Amboy, Middlesex County, New Jersey, that the Chief Financial Officer be and the same is hereby authorized to issue a check in the amount of \$2,491.92 to Zipp & Tannenbaum, LLC.

JOSEPH E. CONNORS
Council President

Certified to be a true copy of a Resolution adopted by the Governing Body on March 7, 2012.

KATHLEEN VIGILANTE
Municipal Clerk

	<i>Moved</i>	<i>Seconded</i>	<i>Ayes</i>	<i>Nays</i>	<i>Absent</i>	<i>Abstain</i>
APPLEGATE	X		X			
GROSS					X	
NOBLE			X			
SCHWARICK		X	X			
CONNORS			X			

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION #58-2012

WHEREAS, Joseph Pipala, 125 John Street, Block 34, Lot 28 has applied for a senior citizen property tax deduction in the amount of \$250.00 for the year 2012; and

WHEREAS, the applicant has completed the application and provided the appropriate documentation for the allowance of the deduction; and

WHEREAS, the Tax Collector has certified that the application has been reviewed and approved; and

WHEREAS, the Tax Collector recommends that this deduction be approved;

NOW, THEREFORE, BE IT RESOLVED by the Council of City of South Amboy, Middlesex County, New Jersey that the Tax Collector is hereby authorized to adjust the 4th quarter of 2012 and the Tax Assessor is authorized to adjust the tax duplicate for 2013.

FURTHER, BE IT RESOLVED that the City Clerk serve certified copies of this resolution upon the Tax Collector and Tax Assessor.

JOSEPH E. CONNORS
Council President

Certified to be a true copy of a Resolution adopted by the Governing Body on March 7, 2012.

KATHLEEN VIGILANTE
Municipal Clerk

	<i>Moved</i>	<i>Seconded</i>	<i>Ayes</i>	<i>Nays</i>	<i>Absent</i>	<i>Abstain</i>
APPLEGATE	X		X			
GROSS					X	
NOBLE			X			
SCHWARICK		X	X			
CONNORS			X			

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION NO. 59-2012

**RESOLUTION AUTHORIZING THE RELEASE OF THE
PERFORMANCE BOND ISSUED FOR
BAKER RESIDENTIAL LIMITED PARTNERSHIP
FOR BLOCK 60, LOTS 1 & 7 AND
BLOCK 61, LOTS 2, 3, 6, 7, 8, 8.01, 11 & 12
BEACON POINTE**

WHEREAS, Baker Residential ("**Builder**") issued a Performance Bond No. 104601485 in the amount of \$636,609.24 and Cash Bond pursuant to the Builders Agreement dated August 31, 2005; and,

WHEREAS, the Performance Bond and Cash Bond applied to the property generally known and described as Block 60, Lots 1 & 7 and Block 61, Lots 2, 3, 6, 7, 8, 8.01, 11 & 12, Beacon Pointe; and,

WHEREAS, the City Project Engineer, Angelo J. Valetutto, P.E., ("**Valetutto**") has reported that the required site improvements for said property have been successfully completed; and,

WHEREAS, Valetutto has recommended that the Performance Bond be released subject to the Builder supplying the City with a 2 year Maintenance Bond issued by Travelers Casualty & Surety Company of America, in the amount of \$106,101.54 in compliance with the Builder's Agreement; and,

WHEREAS, the Builder has submitted the required Maintenance Bond; and,

WHEREAS, on March 1, 2012, upon Valetutto's recommendation and report, the South Amboy Redevelopment Agency refunded the Builder's Cash Bond in the amount of \$74,367.11;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Council of the City of South Amboy, County of Middlesex, State of New Jersey, as follows:

1. The aforesaid Performance bond and Cash Bond for Baker Residential shall be and are hereby released, with the Builder providing the required Maintenance Bond; and,

2. The Travelers Casualty & Surety Company of America Maintenance Bond in the amount of \$106,101.54 for the required 2 year period is hereby accepted; and,

3. A certified copy of this Resolution shall be forwarded by the City Clerk to the City Zoning Officer, the City Engineer, the Construction Official, the South Amboy Planning Board, the South Amboy Redevelopment Agency, Baker Residential, Travelers Casualty and Surety Company of America, Terance J. O'Neill, Chief Financial Officer and to Camille Tooker, Business Administrator.

 JOSEPH E. CONNORS
 Council President

Certified to be a true copy of a Resolution adopted by the Governing Body on March 7, 2012.

 KATHLEEN VIGILANTE
 Municipal Clerk

	<i>Moved</i>	<i>Seconded</i>	<i>Ayes</i>	<i>Nays</i>	<i>Absent</i>	<i>Abstain</i>
APPLEGATE	X		X			
GROSS					X	
NOBLE			X			
SCHWARICK		X	X			
CONNORS			X			

**CITY OF SOUTH AMBOY
 COUNTY OF MIDDLESEX**

RESOLUTION #60-2012

**RESOLUTION AUTHORIZING THE PERSON-TO-PERSON TRANSFER
 OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1220-33-015-006**

WHEREAS, an application has been filed by South Stevens Pub, LLC, t/a South Stevens Pub, for the person-to-person transfer of Plenary Retail Consumption License No. 1220-33-015-006, heretofore issued to Powerhouse Promotions Inc., 200 South Stevens Avenue, South Amboy, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid and Sales Tax Clearance Certificate has been issued; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Council of the City of South Amboy, Middlesex County, New Jersey, that the Governing Body of the City of South Amboy does hereby approve, the transfer of the aforesaid Plenary Retail Consumption License to South Stevens Pub, LLC, t/a South Stevens Pub and does hereby direct that the Municipal Clerk/A.B.C. Secretary endorse the license certificate to the new ownership as follows: "This License, subject to all its terms and conditions, is hereby transferred to South Stevens Pub, LLC, t/a South Stevens Pub for premises located at 200 South Stevens Avenue, South Amboy, New Jersey."

JOSEPH E. CONNORS
Council President

I certify the foregoing to be a true copy of a resolution adopted by the South Amboy City Council at a meeting held on March 7, 2012.

KATHLEEN VIGILANTE
Municipal Clerk

	<i>Moved</i>	<i>Seconded</i>	<i>Ayes</i>	<i>Nays</i>	<i>Absent</i>	<i>Abstain</i>
APPLEGATE	X		X			
GROSS						
NOBLE			X			
SCHWARICK		X	X			
CONNORS			X			

**CITY OF SOUTH AMBOY
MIDDLESEX COUNTY**

RESOLUTION NO. 61-2012

**RESOLUTION APPROVING A PROFESSIONAL SERVICES CONTRACT WITH
POTOMAC-HUDSON ENVIRONMENTAL, INC., FOR ENVIRONMENTAL SERVICES**

WHEREAS, the City of South Amboy has the need to acquire professional environmental services for the remediation of the Radford Ferry Road Extension at the Conrail/Spectraserv sites in the City of South Amboy, New Jersey; and

WHEREAS, after the required submission of requests for proposals for these professional services, and with the approval of the Mayor, the City of South Amboy deemed Potomac-Hudson Environmental, Inc., of P.O. Box 7, 207 S. Stevens Avenue, South Amboy, New Jersey, 08879, qualified to provide professional environmental services to the City of South Amboy for this project; and

WHEREAS, Potomac-Hudson Environmental, Inc., has provided a description of the necessary environmental services to be provided for the project with a cost estimate of \$34,250.00; and

WHEREAS, the Mayor has recommended that the City enter into a Professional Services Contract with Potomac-Hudson Environmental, Inc.;

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED by the Council of the City of South Amboy, Middlesex County, New Jersey, as follows:

1. The Mayor and City Clerk are hereby authorized and directed to enter into Professional Services Contract with Potomac-Hudson Environmental, Inc., as described herein, and in the form approved by the Law Director;
2. The Mayor and the City Clerk are further authorized to execute any further documents and take any further action necessary to fulfill the purpose and intent of this Resolution and the Professional Service Contract with Potomac-Hudson Environmental, Inc.;
3. The City Clerk shall maintain a copy of the fully executed professional service contract on file at her office for public inspection during normal business hours;
4. The City Clerk shall provide a certified true copy of this Resolution to Potomac-Hudson Environmental, Inc., and the Law Director.

 JOSEPH E. CONNORS
 Council President

I certify the foregoing to be a true copy of a resolution adopted by the South Amboy City Council at a meeting held on March 7, 2012.

 KATHLEEN VIGILANTE
 Municipal Clerk

	<i>Moved</i>	<i>Seconded</i>	<i>Ayes</i>	<i>Nays</i>	<i>Absent</i>	<i>Abstain</i>
APPLEGATE	X		X			
GROSS					X	
NOBLE			X			
SCHWARICK		X	X			
CONNORS			X			

**CITY OF SOUTH AMBOY
 COUNTY OF MIDDLESEX**

RESOLUTION NO. 62-2012

RESOLUTION APPROVING SETTLEMENT BETWEEN THE CITY OF SOUTH AMBOY AND SOUTH AMBOY LAND DEVELOPMENT, LLC FOR UNPAID AND OVERDUE REAL ESTATE TAXES FOR BLOCK 160, LOT 1

WHEREAS, the City of South Amboy ("**City**") has instituted litigation against South Amboy Land Development, LLC ("**SALD**") for the collection of unpaid and overdue real estate taxes on the real property known generally as Block 160, Lot 1, on the tax map of the City; and

WHEREAS, the City and SALD have reached an amicable agreement to settle the City's claims for the sum of \$52,000.00; and

WHEREAS, the Mayor, with the recommendation of the Law Director, has approved the settlement and recommended it to the City Council;

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED by the Council of the City of South Amboy, Middlesex County, New Jersey as follows:

1. The settlement described herein is hereby approved and the Mayor and City Clerk are hereby authorized and directed to issue a General Release to SALD in a form approved by the Law Director and for a consideration of \$52,000.00;
2. The Release shall be conditioned upon full payment to the City of South Amboy – Tax Collector within thirty (30) days;
3. The Mayor and the City Clerk are further authorized and directed to take any further action necessary to fulfill the objectives of this Resolution;
4. The City Clerk shall serve a certified true copy of this Resolution upon the Law Director to assist in the issuance of the Release and the overall settlement.

 JOSEPH E. CONNORS
 Council President

I certify the foregoing to be a true copy of a resolution adopted by the South Amboy City Council at a meeting held on March 7, 2012.

 KATHLEEN VIGILANTE
 Municipal Clerk

	<i>Moved</i>	<i>Seconded</i>	<i>Ayes</i>	<i>Nays</i>	<i>Absent</i>	<i>Abstain</i>
APPLEGATE	X		X			
GROSS					X	
NOBLE			X			
SCHWARICK		X	X			
CONNORS			X			

LIST OF BILLS FOR PAYMENT:

A Motion by Councilman Noble that the List of Bills dated March 2, 2012 be received and filed, seconded by Councilman Schwarick.

ROLL CALL: Applegate-Yes, Noble-Yes, Schwarick-Yes, Connors-Yes.

ORDINANCES:

A Motion by Councilman Noble that Ordinance 2-2012 be taken up on First Reading by title only, seconded by Councilman Schwarick.

ROLL CALL: Applegate-Yes, Noble-Yes, Schwarick-Yes, Connors-Yes.

**AN ORDINANCE AMENDING ORDINANCE 1036, ENTITLED
"PARKING AND TRAFFIC REGULATIONS" FOR THE CITY OF
SOUTH AMBOY, IN THE COUNTY OF MIDDLESEX AND
STATE OF NEW JERSEY.**

A Motion by Councilman Noble that Ordinance 2-2012 be adopted on First Reading, seconded by Councilman Schwarick.

ROLL CALL: Applegate-Yes, Noble-Yes, Schwarick-Yes, Connors-Yes.

A Motion by Councilman Noble, seconded by Councilman Schwarick that Ordinance 2-2012 be taken up on Second Reading and advertised as prescribed by law.

ROLL CALL: Applegate-Yes, Noble-Yes, Schwarick-Yes, Connors-Yes.

COMMENTS:

Mayor Henry had no comments.

Councilman Applegate welcomed the public.

Councilman Noble welcomed everyone.

Councilman Schwarick welcomed everyone and thanked them for participating.

Council President Connors thanked everyone for coming out this evening.

PUBLIC COMMENTS:

Nancy McLaughlin, 347 George Street asked which liquor license was transferred and she was told Todd's. Mrs. McLaughlin asked why the Minutes were pulled and Mr. Connors explained that he was absent from the meeting and pulled the Minutes from the Consent Agenda and abstained on them. She said she understood and asked Council President Connors again why the Minutes were pulled from the Consent Agenda. Mrs. McLaughlin said she read articles in the Suburban and Guardian that \$100,000 worth of upgrades were put into City Hall and she wanted to know what it was for. She was told it was for drainage and the roof. She asked if that is why the dumpster is in the parking lot. She said she read the City will be upgrading fields and she wanted to know which ones. She was told all fields. Mrs. McLaughlin asked how much the City would have to kick in if the grants are received and Mr. Rasimowicz explained that the Green Acres Grant is for 25%, the County Grant is for 50% and the City would be required to pay 25%. Mrs. McLaughlin said she read an article in the paper regarding the State Health Benefits Program and asked if the City is in the State Program because the Governor said that private insurance is more expensive. She was informed that the City put out Requests for Qualifications/Proposals including one to the SHBP and our insurance is lower than last year. She was told the City uses United for Medical and Prescription and the Broker of Record is Reliant. Mrs. McLaughlin asked if they are located in the New Jersey and she was told yes. Mrs. McLaughlin asked if Cablevisions bills are for the Fire Houses and she was told yes and for the First Aid. Mrs. McLaughlin asked if the old senior center is still not healthy for the seniors to use.

Vince Mackiel, 105 Augusta Street noted that there are three pages of energy bills on the Bill List and he said he knows the City is working with Jersey Central on better lighting and asked if the City has had any conversations with Assemblymen Coughlin and Wisniewski

concerning projects which might benefit South Amboy. Mrs. Tooker explained that the City has made lighting improvements to this building and the Fire Houses. She stated the City is working with JCP&L to improve Broadway lighting. JCP&L will be installing cobra lighting on existing poles here, at the plaza, near the Fire House and in the general area by the YMCA. Mr. Mackiel asked when South Amboy would be moving forward environmentally like other towns. He was told that the City's electric supplier does not use the panels. He was reminded by the Council President that the new roof can now hold solar panels. Mr. Mackiel asked if Resolution 61-12 is for the ferry. Mrs. Tooker explained it is for two hot spots in the roadway. Mr. Mackiel said he applauded the cleanup but cautioned we should be concerned with the whole environment.

Tom Kross, 5 Grace Drive said a few meetings back he was told the Police Department did a report regarding the number of street lights that were out and asked when JCP&L would have them fixed. He was informed by Mrs. Tooker that they met last week and they said the list is a priority and they are working on it. Mr. Kross said there are still many lights out and we are paying for it through our taxes and he demanded to see the lights fixed. Mr. Kross stated he had questions on the transportable ordinance at the last meeting and the Council President informed him that the Council is working on an amendment. Mr. Kross stated that the field behind the high school is not usable and the four other fields are in deplorable condition. Mr. Kross said Cardinal McCarrick High School should not be using a City field without the responsibility for maintaining it. He said the South Amboy High School Baseball Coach told him he can have access to the field after 4:00 because Cardinal McCarrick has it before that time. He continued that he as a taxpayer objected to a parochial school having access to a City field. Mr. Kross said the City can sink 2 million dollars into the fields but if you do not have someone who knows how to maintain them, you are wasting time and money. Mr. Kross reminded the Council that opening day is less than one month away and he recommended they go see the fields the children will be playing on.

Mary Bouchard, 349 Fourth Street asked if Fios can have access to the community channel and Mrs. Tooker told her we cannot give them access because Cablevision owns the broadcast rights. Mrs. Bouchard questioned the parking lot across from the high school and she was told it is public parking for overflow from the YMCA. Mrs. Bouchard advised the Mayor and Council that the light at Main and Feltus is twenty seconds to cross Main from Feltus and 1.5 minutes to cross Feltus on Main. She said that twenty seconds is not enough time for a senior to walk across safely and asked for someone to look into it. Mrs. Bouchard asked if the City had a job opening at the Housing Authority. She was told South Amboy has nothing to do with that position; it is a federal appointment.

Larry Parsons, Pupek Road asked what it is going on behind his property and he was told it was designated green acres by the Council President. Mr. Parsons said the property is a mess and asked if the Code Enforcement Officer could be sent to check.

Nancy McLaughlin asked Council President Connors if he is still on the Planning Board and when the Board's next meeting. He informed her the Board meets the fourth Wednesday of the month. Mrs. McLaughlin asked if the application for the property on First at Stockton will be on the agenda.

Tom Kross reminded the Mayor and Council that the last time they installed plants on Main Street they all died. Mr. Rasimowicz told Mr. Kross that there is a settlement with the Contractor and he will be planting salt tolerant plants, which have a much better shot of survival. Mr. Kross asked if Cardinal McCarrick was tax exempt and he was told yes. Mr. Kross said that Head Start of the State of New Jersey is on Second Street and said he

thought Head Start was held only in Abbott Districts. He said that a tax exempt entity uses City fields and they don't pay for garbage pickup, they litter and disobey parking regulations and he requested the Police enforce the parking. Mr. Kross said St. Mary's needs to be held accountable and suggested the City ask Metuchen what they do for St. Joe's.

ADOURNMENT OF MEETING:

A Motion by Councilman Noble to adjourn the Council Meeting, seconded by Councilman Schwarick.

ROLL CALL: Applegate-Yes, Noble-Yes, Schwarick-Yes, Connors-Yes.

Kathleen Vigilante
Municipal Clerk