

## **MINUTES OF APRIL 18, 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 Gross, Councilman Schwarick and Council President Connors.

ALSO PRESENT: Mayor Fred A. Henry, Camille Tooker, Business Administrator and Thomas J. Lanza, Esq.

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".

Mayor Henry said that tonight he will be administering the Oath of Office to two members of the Noble family. He said it is his pleasure to have taught both of them at Hoffman High School and nice to see how they have matured over the years. Mayor Henry said that Brian has done an exceptional job and it is an honor to swear him in as Sergeant of the South Amboy Police Department. Mayor Henry administered the Oath of Office to Sgt. Brian Noble who was joined by his wife, Amy and children Robert and Erin.

Sgt. Noble thanked his wife and his children for standing by him through this time and he thanked his Mother, brothers and sisters for their support. Sgt. Noble also thanked his friends and relatives and the men and women he works with every day in the Police Department. Sgt. Noble said the men and women he works with make his job seem easier than it is. He also thanked Mayor Henry, the City Council and Chief LaVigne for their help.

Chief LaVigne congratulated Sgt. Noble on the fine job he has done in reaching this milestone. Chief LaVigne said that Sgt. Noble comes from a family of police officers. The Chief said Sgt. Noble is married to Sayreville Police Detective Amy, he has the privilege of serving with his brother Paul in South Amboy, another brother is Captain Robert Noble of NJ Transit Police. The Chief stated there are other family members including Sgt. Noble's Cousin, former Councilman Mark Noble who is a friend to the South Amboy Police Department and a member of the Middlesex County Sheriff's Department, Brian's Uncle Joe who was with the Sheriff's Department, Uncle Tom Noble served here in South Amboy and Cousin Tom Noble served in Old Bridge with the Chief's younger brother, Corey. Chief LaVigne stated Brian is from a family etched in police tradition and young Erin and Robert don't stand a chance. The Chief said he had the honor of knowing Robert Noble, Sr. and was happy to see Claire with a smile on her face this evening. Chief LaVigne stated that Brian served in the United States Navy and worked for the Middlesex County Sheriff's Department where he honed his skills before transferring to the South Amboy Police Department in August, 1998. He said that Brian is extremely loyal; if he is your friend, he is your friend, if he is your enemy, look out. The Chief said he respects and admires that Brian is a fine husband and a tremendous father. He said that Brian is not green to being a supervisor as he has filled in and his actions did not go unnoticed. Chief LaVigne thanked the Mayor and Council and said that Mayor Henry wants quality supervision and the Chief thanked him again for making this promotion this evening. Chief LaVigne also thanked Ann Marie Trapp for her efforts in creating the Promotional Ceremony booklet. At this time, Chief LaVigne presented Sgt. Noble with a Certificate of Promotion.

The City Clerk read Resolution No. 78-2012 in full.

**CITY OF SOUTH AMBOY  
COUNTY OF MIDDLESEX**

**RESOLUTION NO. 78-2012**

**RESOLUTION TO FILL VACANCY ON CITY COUNCIL**

**WHEREAS**, Mark Noble, duly elected to the City Council for the term between January 1, 2009 and December 31, 2012, filed his written resignation from that elected position with the City Clerk, on March 21, 2012; and,

**WHEREAS**, by virtue of Council Member Noble's resignation, the Second Ward Council Member position became vacant on March 22, 2012; and,

**WHEREAS**, pursuant to N.J.S.A. 40A:16-11, when a vacancy occurs on the City Council and the incumbent was a nominee of a political party, the Municipal Committee of that political party shall, no later than 15 days after the vacancy, present to the Governing Body the names of three nominees for the selection of a successor to fill the vacancy; and,

**WHEREAS**, if the Municipal Committee which nominated the incumbent fails to submit the names of the nominees within the time prescribed above, the Governing Body may, within the next 15 days, fill the vacancy by the appointment of a successor from the same political party which had nominated the incumbent whose office has become vacant; and,

**WHEREAS**, the incumbent was the nominee of the Democratic Party; and,

**WHEREAS**, the Democratic Party failed to submit the names of its nominees within the time prescribed under N.J.S.A. 40A:16-11; and,

**WHEREAS**, Christine Noble, a member of the Democratic Party, was duly nominated and her nomination was affirmatively voted on by the remaining members of the South Amboy City Council;

**NOW, THEREFORE, BE, AND IT IS, HEREBY, RESOLVED**, by the Council of the City of South Amboy, Middlesex County, New Jersey, that Christine Noble is hereby appointed as the Second Ward Council person to fill the aforesaid vacancy, according to law, to December 31, 2012.

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JOSEPH E. CONNORS  
Council President

Certified to be a true copy of a Resolution adopted by the Governing Body on April 18, 2012.

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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			
SCHWARICK	X		X			
CONNORS			X			

Mayor Henry administered the Oath of Allegiance to Second Ward Councilperson Christine Noble who was surrounded by her entire family.

Christine thanked her family, friends the Mayor and Council and said that she will do her best for the Second Ward and the City of South Amboy.

A Motion by Councilman Gross, seconded by Councilman Applegate to recess for approximately 10 minutes.

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

A Motion to reconvene the Meeting by Councilman Schwarick, seconded by Councilman Applegate.

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

**RESOLUTIONS:**

A Motion by Councilman Schwarick to consider Resolution 79-2012 by title only, seconded by Councilman Applegate.

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

**CITY OF SOUTH AMBOY  
COUNTY OF MIDDLESEX  
STATE OF NEW JERSEY**

**RESOLUTINO NO. 79-2012**

**RESOLUTION AUTHORIZING THE ISSUANCE OF**

**NOT TO EXCEED \$3,000,000**

**2012 TAX ANTICIPATION NOTES OF THE CITY OF SOUTH AMBOY**

**IN THE COUNTY OF MIDDLESEX**

**STATE OF NEW JERSEY**

BE IT RESOLVED, by the City Council of the City of South Amboy (the "City"), in the County of Middlesex, State of New Jersey as follows:

Section 1: It is hereby determined and declared that the Chief Financial Officer made and filed in the office of the City Clerk a certificate pursuant to the provisions of Section 40A:4-66 of the Local Budget Law (N.J.S.A. 40A:4-1 et seq.), certifying as follows:

(1) The gross borrowing power of the City in respect to tax anticipation notes of the fiscal year beginning January 1, 2012, being thirty percent (30%) of the tax levy of the next preceding fiscal year, which ended December 31, 2011, for all purposes, plus thirty percent (30%) of the amount of miscellaneous revenues realized in cash during such next preceding fiscal year, is \$8,281,628.

(2) There are no notes of the City outstanding in anticipation of the collection of taxes of such fiscal year beginning January 1, 2012.

(3) The net borrowing power of the City is \$8,281,628.

Section 2: Pursuant to the Local Budget Law, the City shall borrow not to exceed \$3,000,000 in anticipation of the collection of taxes levied in and for the fiscal year beginning January 1, 2012, and in anticipation of other revenues for such fiscal year.

Section 3: The notes issued pursuant to this Resolution shall be negotiable notes issued in registered form or payable to bearer, shall be in such denominations of not less than \$100,000 each, and shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law, and shall be payable at maturity, all as shall be determined by the Chief Financial Officer of the City in accordance with the provisions of Section Five (5) below.

Section 4: The Chief Financial Officer is hereby designated as the financial officer to sign said notes, and the Mayor and the Chief Financial Officer are hereby authorized and directed to execute said notes, and the City Clerk is hereby authorized and directed to affix the seal of said City to each of such notes and to attest such seal and said notes, and said officers, notwithstanding any resolution theretofore adopted by the City Council, are hereby authorized to issue said notes in such form as they may adopt in conformity with law and to recite therein that all requirements and conditions of law have been complied with in the

issuance of said notes and that said notes are within every debt and other limit prescribed by the Constitution or statutes of New Jersey.

Section 5: The power to determine any matter with respect to said notes as are not determined by this Resolution and also the power to sell said notes from time to time as funds are granted is hereby granted to the Chief Financial Officer of the City, who is authorized to sell said notes at not less than par and accrued interest and to deliver said notes upon receiving the purchase price to be paid therefor. After the sale of the notes, the Chief Financial Officer shall make a report of such sale to the City Council pursuant to N.J.S.A. 40A:4-72.

Section 6: All sums borrowed by the issuance of said notes shall be applied only to purposes provided for in the budget adopted for the fiscal year beginning January 1, 2012, or to the purposes for which taxes are levied or are to be levied for such fiscal year.

Section 7: Said notes may be renewed from time to time but such notes and any renewals thereof shall mature not later than April 30, 2013.

Section 8: The City covenants to comply with the provisions of the Internal Revenue Code of 1986, as amended, necessary to maintain the exclusion from interest of the notes for Federal income tax purposes.

ADOPTED: Motion made by Schwarick seconded by Applegate

on roll call the vote was:

AYE: Applegate, Gross, Schwarick, Connors

NAY:

ABSENT:

ABSTAIN: Noble

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JOSEPH E. CONNORS  
Council President

Certified to be a true copy of a Resolution adopted by the Governing Body on April 18, 2012.

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KATHLEEN VIGILANTE  
Municipal Clerk

**CERTIFICATION**

I, KATHLEEN VIGILANTE, Clerk of the City of South Amboy, do hereby certify that the foregoing resolution is a true and correct copy of a resolution duly passed and approved by the Mayor and City Council at a regular meeting of said City Council held on April 18, 2012.

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KATHLEEN VIGILANTE,  
City Clerk

**CONSENT AGENDA:**

A Motion by Councilman Gross to approve the Consent Agenda which included the Minutes of April 4, 2012 Council Meeting and Resolutions 80 and 81-2012, seconded by Councilman Schwarick.

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

**CITY OF SOUTH AMBOY  
COUNTY OF MIDDLESEX**

**RESOLUTION NO. 80-2012**

**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 COMPANYY</u>	<u>BLOCK</u>	<u>LOT</u>	<u>QUAL</u>	<u>CERTIF. NUMBER</u>	<u>AMOUNT</u>
Virgo Municipal Fin Fund LP	47	20	C18	11-00079	866.69
Virgo Municipal Fin Fund LP	85	9		11-00133	802.92
Virgo Municipal Fin Fund LP	53	8		11-00092	311.05
US Bank Cust-Phoenix Funding	44	13		11-00066	1,314.20
FNA Jersey Lien Services, LLC	29	18		11-00026	605.89
FNA Jersey Lien Services, LLC	129	17		11-00160	780.50
FNA Jersey Lien Services, LLC	39	22		11-00053	180.28
FNA Jersey Lien Services, LLC	127	2		11-00157	157.04
FNA Jersey Lien Services, LLC	58	12		11-00095	5,873.06
FNA Jersey Lien Services, LLC	58	12		Premium	800.00

Trade Money LLC	38	13.04	11-00044	369.21
Trade Money LLC	39	25	11-00054	968.05
Trade Money LLC	46	30	11-00076	337.89
Trade Money LLC	93	12	11-00142	241.71
Trade Money LLC	144	11	11-00168	383.68
SBMuniCust%LBNJ	77	8	11-00117	1,160.60
SBMuniCust%LBNJ	44	4.02	11-00064	741.27
US Bank Cust- Crestar Cap, LLC	4	3	11-00003	7,975.56
US Bank Cust- Crestar Cap, LLC	4	3	Premium	500.00

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JOSEPH E. CONNORS  
Council President

Certified to be a true copy of a Resolution adopted by the Governing Body on April 18, 2012.

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KATHLEEN VIGILANTE  
Municipal Clerk

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

**CITY OF SOUTH AMBOY  
COUNTY OF MIDDLESEX**

**RESOLUTION #81-2012**

**WHEREAS**, Florence M. Skowronski, 350 Fourth Street, Block 121, Lot 6 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.

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JOSEPH E. CONNORS  
Council President

Certified to be a true copy of a Resolution adopted by the Governing Body on April 18, 2012.

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KATHLEEN VIGILANTE  
Municipal Clerk

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

**LIST OF BILLS FOR PAYMENT:**

A Motion by Councilman Schwarick to receive and file the List of Bills for Payment dated April 13, 2012, seconded by Councilman Gross.

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

**ORDINANCES:**

A Motion by Councilman Schwarick that Ordinance 5-2012 be continued on Second Reading by title only, seconded by Councilman Applegate.

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

**AN ORDINANCE REQUIRING PUBLIC CONTRACTING REFORM AND AMENDING AND SUPPLEMENTING THE CODE OF THE CITY OF SOUTH AMBOY, NEW JERSEY, ARTICLE XVI, "BUDGET AND PURCHASING PROCEDURES" TO CREATE A NEW SECTION TO BE KNOWN AS §5-112, ENTITLED "AWARDING OF PUBLIC PROFESSIONAL SERVICE CONTRACTS".**

Council President Connors opened the Public Hearing on the Ordinance.

Nancy McLaughlin, 347 George Street asked if this ordinance is for Pay to Play and she was told the City had a resolution but the Law Director recommended the Council pass it in Ordinance form.

There were no other questions or comments from the public and the Council President closed the Public Hearing.

A Motion by Councilman Schwarick that Ordinance No. 5-2012 be adopted, presented to the Mayor for his approval or disapproval, and if approved, be advertised as prescribed by law, seconded by Councilman Gross.

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

A Motion by Councilman Gross that Ordinance 6-2012 be taken up on First Reading by title only, seconded by Councilman Applegate.

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

**AN ORDINANCE AMENDING ORDINANCE NO. 27-10 ENTITLED  
"AN ORDINANCE REGULATING TRANSPORTABLES, INCLUDING  
TRAILERS AND OTHER PORTABLE OR SEMI-PORTABLE  
STRUCTURES WITHIN THE CITY**

A Motion by Councilman Gross that Ordinance 6-2012 be adopted on First Reading, seconded by Councilman Applegate.

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

A Motion by Councilman Gross, seconded by Councilman Applegate that Ordinance 6-2012 be taken up on Second Reading and advertised as prescribed by law.

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

**COMMENTS:**

Mayor Henry congratulated Brian and Chrissy Noble on their appointments and said they will do a great job and have a lot to contribute to our fair City. Mayor Henry said he had a meeting with representatives of JCP&L and they will be taking the building down on lower Main Street. He said asbestos cleanup will be first and the process will take approximately 14 months. Mayor Henry stated that at this time they do not have any plans to put anything up on the property.

Councilperson Gross welcomed Councilperson Noble.

Councilperson Applegate welcomed the public.

Councilperson Noble thanked everyone again.

Councilperson Schwarick welcomed the public for coming and congratulated Sergeant Noble and Councilperson Noble.

Council President Connors welcomed everyone and congratulated Brian and Christine.

**PUBLIC COMMENTS:**

Eileen Ryan, 12 Bertram Avenue asked the amount of taxes JCP&L pays and she was told the building generated \$56,000 per year which was split between the City, School and County. Mrs. Ryan asked if the City has discussed with JCP&L what they want to do. Mayor Henry repeated that at this point, Jersey Central has no plans. He said the building has nothing in it and they said it was time for them to take it down. Mrs. Ryan asked what if they decide to do something non-industrial and she was reminded that the property is in a redevelopment area. Mrs. Ryan said then it could be more condos and asked the Council to give some thought to warehouses like in South Brunswick. Mrs. Ryan asked if Jersey Central wants to sell the property is the City in a position to purchase it. She was told when the plant comes down there will still be an area that will be utilized by JCP&L. She was told

the plant has environmental issues and before one brick is removed the building must be abated.

Nancy McLaughlin, 347 George Street wished Christine and Brian Noble good luck. Mrs. McLaughlin stated her concern regarding Resolution 79-12 is if the net borrowing of eight million dollars is before or after the three million dollars. She was told we do this resolution every year so the City can pay the Board of Education and when the taxes come in in May, it is paid back. This is short term. Mrs. McLaughlin asked the interest rate and she was told this closes next week but the City has been told we are getting a good interest rate. Mrs. McLaughlin asked for an explanation of Resolution 80-2012. She was informed that when the City conducts its tax sale these are the companies or individuals who pay the taxes and once the owners pay the City, the City reimburses the companies or individuals who paid. Mrs. McLaughlin said she guesses the cleanup at JCP&L will be monitored and expressed her concern for flying particles. She was told it will be monitored and it will be encapsulated to protect the air. Mrs. McLaughlin asked if the soil was tested where the nursing home is being constructed and if the company building it paid for the testing and she was told yes.

Vince Mackiel, 105 Augusta Street congratulated Christine on her new position. Mr. Mackiel said his question is a comment. He said he questioned the cleanup of JCP&L at the last meeting. Mr. Mackiel said the cleanup will contribute to the economy of the town and he was told by the foreman there will be 150 jobs. He said the workers will need food and possibly housing. Mr. Mackiel said that 2 ½ years ago the former Mayor said that the City lost \$500,000 in gross receipts taxes and now as we stand to lose \$50,000 in property taxes it is an international debate with energy. He said JCP&L should contribute in a substantial way because at one time one million dollars came from that company. Mr. Mackiel said his neighbor is deceased and he spoke to the County and State Health Departments and that the company is a personal influence on his life. He said he wants the County and Trenton to clean up that site.

Nancy McLaughlin asked how many mechanics are employed by the City and she was told there are three part time mechanics. She asked if someone checks on them. She was told they have a work log and they must produce from that log.

**ADJOURNMENT OF MEETING:**

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

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

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Kathleen Vigilante  
Municipal Clerk