

MINUTES OF May 15, 2013 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, Councilwoman Dato, Councilman Gross,
Councilwoman Noble and Council President Connors.

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

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 6, 2013, provided to the Star Ledger, filed with the City Clerk and posted in the Municipal Building on January 3, 2013.

CONSENT AGENDA:

A Motion by Councilman Gross to adopt the Consent Agenda which included Minutes of the April 17, 2013 Council Meeting and Resolutions 92 through 102-2013, seconded by Councilman Applegate.

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

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION #92-2013

WHEREAS, Resolution No. 60-2013, adopted on March 20, 2013, authorized an adjustment and refund due to a Tax Court of New Jersey Judgment;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of South Amboy, County of Middlesex, State of New Jersey, that Resolution No. 60-2013 be, and the same is, hereby rescinded.

JOSEPH E. CONNORS
Council President

Certified to be a true copy of a Resolution adopted by the Governing Body on May 15, 2013.

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			
DATO			X			
GROSS	X		X			
NOBLE			X			
CONNORS			X			

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION #93-2013

WHEREAS, James, Dennis & Barbara , 17 Lighthouse Drive, Block 166, Lot 1 owner of property on the tax map of the City of South Amboy, did file an appeal with the Tax Court of New Jersey for the years 2011 and 2012; and

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

	Original Assessment	Tax Court Judgment	Reduction of Assessed Value	Tax Adjustment	Judgment Entered	Refund Due 60 days
2011	1,230,000	1,230,000	0	0	1/31/13	
2012	1,230,000	1,067,800	162,200	3788.99	Refund 1/31/13	3/29/2013

Total refund:
\$3,788.99 James, Dennis & Barbara

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of South Amboy, County of Middlesex, that the Chief Financial Officer of the City of South Amboy, County of Middlesex be instructed to draw a check in the amount of \$3,788.99 to Dennis and Barbara James.

JOSEPH E. CONNORS
Council President

Certified to be a true copy of a Resolution adopted by the Governing Body on May 15, 2013.

KATHLEEN VIGILANTE
Municipal Clerk

	Moved	Seconded	Ayes	Nays	Absent	Abstain
APPLEGATE		X	X			
DATO			X			
GROSS	X		X			
NOBLE			X			
CONNORS			X			

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION NO. 94-2013

RESOLUTION OF THE CITY OF SOUTH AMBOY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE PURSUANT TO CHAPTER 99 OF PUBLIC LAWS OF 1997.

WHEREAS, the Tax Collector of this municipality has previously issued a tax sale certificate to John F. Marullo, which certificate is dated December 30, 2010 covering premises commonly known and referred to as Block 150 Lot 11.01 as set out on the municipal tax map then in use which bears the number 31; and

WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of South Amboy, County of Middlesex, State of New Jersey, that the Tax Collector of the municipality be and is hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit and the payment of a fee of \$100.00 per certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

BE IT FURTHER RESOLVED that a copy of this resolution and the Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate shall be stamped or otherwise have imprinted upon it the word "DUPLICATE" as required by law.

JOSEPH E. CONNORS
COUNCIL PRESIDENT

Certified to be a true copy of a Resolution adopted by the Governing Body on May 15, 2013.

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			
DATO			X			
GROSS	X		X			
NOBLE			X			
CONNORS			X			

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION #95-2013

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 CO.</u>	<u>BLOCK</u>	<u>LOT</u>	<u>QUAL.</u>	<u>CERTIF. NO.</u>	<u>AMT.</u>
US BANK CUST PRO CAPITAL II, LLC	172	10	C15	12-00157	\$227.00
US BANK CUST PRO CAPITAL II, LLC	8	11		12-00012	762.72
US BANK CUST PRO CAPITAL II, LLC	39	21		12-00048	381.34
US BANK CUST PRO CAPITAL II, LLC	49	3		12-00074	886.96
US BANK CUST PRO CAPITAL II, LLC	78	6		12-00098	831.57
US BANK CUST PRO CAPITAL II, LLC	131	23		12-00125	405.85
US BANK CUST PRO CAPITAL II, LLC	144	28		12-00132	963.33
George B. Shrier	42	25		12-00054	161.87
George B. Shrier	154	28		12-00143	166.86
Thomas Weinman	34	14		12-00039	314.75

JOSEPH E. CONNORS
Council President

Certified to be a true copy of a Resolution adopted by the Governing Body on May 15, 2013.

KATHLEEN VIGILANTE
Municipal Clerk

	Moved	Seconded	Ayes	Nays	Absent	Abstain
APPLEGATE		X	X			
DATO			X			
GROSS	X		X			
NOBLE			X			
CONNORS			X			

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION #96-2013

WHEREAS, Elaine M. Creed, 317 Ward Avenue, South Amboy, Block 12, Lot 32 has applied for a senior citizen property tax deduction in the amount of \$250.00 for the year 2013; 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 2013 and the Tax Assessor is authorized to adjust the tax duplicate for 2014.

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 May 15, 2013.

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			
DATO			X			
GROSS	X		X			
NOBLE			X			
CONNORS			X			

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION 97-2013

**A RESOLUTION OPPOSING NEW JERSEY LEGISLATURE BILLS #S-2114/A-3317
WHICH SHALL PREEMPT MUNICIPAL ORDINANCES REQUIRING
REGISTRATION FOR MULTI-FAMILY DWELLINGS**

WHEREAS, Bill #S-2001, sponsored by Senators Van Drew and Oroho, and its companion legislation, #A-3317, seeks to pre-empt any municipal ordinance requiring registration for multi-family dwellings, as redundant; and

WHEREAS, #A-3317 was previously approved by an Assembly committee in December of 2012, but has not been scheduled for a vote before the General Assembly; and

WHEREAS, a 1967 law, the "Hotel and Multiple Dwelling Law," authorized the State to require registration (in addition to local registration), of residential rental properties with three (3) or more units and currently, a municipality has the option to require registration for these units; and

WHEREAS, such registration is neither redundant nor at cross-purposes with registration conducted by the State of New Jersey, as municipalities conduct these registrations for many reasons, including inspections, all of which center on the health, safety and welfare of their residents; and

WHEREAS, local registration allows for municipalities to: (1) inspect and keep a timely inventory of multi-family dwellings in the community; (2) minimize overcrowding and (3) effectively regulate the quality of housing within each community, all of which benefits the health, welfare and safety of residents throughout the State of New Jersey; and

WHEREAS, the City of South Amboy respectfully requests that the New Jersey State Legislature reject the proposed legislation as being adverse to the health, safety and welfare of residents throughout the State of New Jersey by removing a local government's ability to regulate housing conditions and prevent overcrowding within their own communities.

NOW, THEREFORE, BE IT RESOLVED, by the City of South Amboy, County of Middlesex and State of New Jersey, that the Mayor and City Council hereby respectfully

opposes the establishment and promulgation of New Jersey Senate Bill #S-2114 and its companion legislation, #A-3317 for the reasons set forth hereinabove, in the interest of the public health, welfare and safety and to prevent overcrowding in the New Jersey's communities; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be certified and forwarded to Senator Joseph Vitale, Assemblyman Craig Coughlin and Assemblyman John Wisniewski.

 JOSEPH E. CONNORS
 Council President

Certified to be a true copy of a Resolution adopted by the Governing Body on May, 2013.

 KATHLEEN VIGILANTE
 Municipal Clerk

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

**CITY OF SOUTH AMBOY
 COUNTY OF MIDDLESEX**

RESOLUTIN NO. 98-2013

**RESOLUTION AUTHORIZING THE AWARD
 OF A NON-FAIR AND OPEN CONTRACT FOR
 PROFESSIONAL LEGAL SERVICES.**

WHEREAS, there exists a need for the service of an Attorney at Law of the State of New Jersey for the defense of the claim of punitive damages asserted against John T. O'Leary, Jr., in the pending litigation entitled: "Rocky Top, LLC, et al, vs. the City of South Amboy, et al, Superior Court of New Jersey, Law Division, Middlesex County, Middlesex County, Docket No. MID-L-5068-06"; and,

WHEREAS, the Plaintiffs' Complaint and Amended Complaints allege claims against former Mayor John T. O'Leary, Jr., arising only out of actions taken in his official capacity as the Mayor of the City of South Amboy; and,

WHEREAS, the Local Public Contract Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for "Professional Services, without competitive bids and the contract, itself, must be available for public inspection"; and,

WHEREAS, the City of South Amboy has a need to acquire special legal services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the anticipated term of this contract is 1 year and may be extended as approved by this Governing Body; and,

WHEREAS, John R. Parker, Esquire has completed and submitted or will complete and submit a Business Entity Disclosure Certification which certifies that John R. Parker, Esquire has not made any reportable contributions to a political or candidate committee in the City of South Amboy in the previous one year, and that the contract will prohibit John R. Parker, Esquire from making any reportable contributions through the term of the contract; and,

WHEREAS, the Chief Financial Officer or his designee has confirmed that funds are available for this contract;

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 Mayor and City Clerk are hereby authorized and directed to execute an attorney's professional service contract with John R. Parker, Esquire and John R. Parker, LLC, 206 Route 202/31, Suite 1100, Flemington, New Jersey 08822. This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person authorized by law to practice a recognized profession that is regulated by law. The professional services shall be provided at the hourly rate of \$175.00 with the maximum fee as set forth in the certification of funds.

2. A notice of this action shall be printed once in The Home News Tribune.

3. The City Clerk shall maintain the contract on file for public inspection during normal business hours.

4. This resolution shall take effect immediately.

JOSEPH E. CONNORS
Council President

Certified to be a true copy of a Resolution adopted by the Governing Body on May, 2013.

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			
DATO			X			
GROSS	X		X			
NOBLE			X			
CONNORS			X			

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION #99-2013

RESOLUTION AMENDING RESOLUTION 86-2013

WHEREAS, Resolution 86-2013 authorized the purchase of a 2013 Ford F-450 Reg Cab for the South Amboy Public Works Department in the amount of \$49,342.00 through Celebrity Ford LLC, d/b/a Beyer Ford, 170 Ridgedale Avenue, Morristown, New Jersey, 07962 through NJ State Contract Number A83560; and

WHEREAS, the 2013 Ford F-450 Reg Cab authorized under Resolution 86-2013 had a rack body and a solid body was desired by the South Amboy Public Works Department; and

WHEREAS, Celebrity Ford LLC, d/b/a Beyer Ford, will provide the South Amboy Public Works Department with a 2013 F-450 4WD Reg Cab (Solid Body) 141" WB 60" CA XL, the vehicle and equipment described in the attached Quote for an addition amount of \$2,000.00 for a total amount of \$51, 342, through NJ State Contract Number A83560; and

WHEREAS, the Finance Director has determined that sufficient funds are available for this contract, as evidenced by the finance Director's Certification; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of South Amboy, County of Middlesex, State of New Jersey, that State Contract Number A83560 for a 2013 Ford F-450 4WD Reg Cab (Solid Body) 141" WB 60" CA XL, with Celebrity Ford LLL, d/b/a/ Beyer Ford, 170 Ridgedale Avenue, Morristown, New Jersey 07962, be and the same is hereby approved.

JOSEPH E. CONNORS
Council President

Certified to be a true copy of a Resolution adopted by the Governing Body on May 15, 2013.

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			
DATO			X			
GROSS	X		X			
NOBLE			X			
CONNORS			X			

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION 100-2013

**RESOLUTION SUPPORTING S-1896/A-1503 SHARING THE BURDEN OF PROPERTY
ASSESSMENT APPEAL REFUNDS**

WHEREAS, when County Tax Board appeals are successful, the municipality must reimburse the property taxpayer 100% of the appealed tax levy, which includes the municipal, school, county and any special districts tax; and

WHEREAS, the municipal tax collector must then adjust the taxpayer's fourth quarter tax bill, resulting in the municipality's fund balance for the preceding year being diminished, if not completely depleted; and

WHEREAS, in recent years, municipalities have experienced a large spike in tax appeals caused by the economic down-turn, which lowered property values and placed increased stress on the income of homeowners all around our Garden State; and

WHEREAS, successful tax appeals have a four-fold negative impact on municipal budgets; first by requiring the municipality, as the collector of taxes for the School district, county and special districts, to fund the full cost of the legal defense of the assessment; and

WHEREAS, the second negative impact on municipal budgets results from State law, which guarantees to the county and the school district 100% of their levies, hence forcing the municipality to bear the full cost of any reimbursements resulting from the appeal, as well as the full burden for any uncollected taxes; and

WHEREAS, the third negative impact on municipal budgets ensues because the refunds and credits negatively impact the municipality's tax collection rate, resulting in a State required increase in the appropriation for the Reserve for Uncollected Taxes (a non-exempt from cap budget expenditure); and

WHEREAS, fourth, the end result is a further decline in the property tax base used to support municipalities, county governments, school systems and any fire or other special purpose districts, which will necessitate tax rate increases to raise the same amount of revenue; and

WHEREAS, in light of the revenue limitations that have been placed on all levels of local government by the Legislature (2% cap), such declining values will compound and add

additional stress to local public officials, as they grapple with the issues confronting the taxpaying public.

WHEREAS, Senator Anthony R. Bucco, Assemblyman Michael Patrick Carroll and Assemblyman Anthony M. Bucco have recently introduced Senate Bill S-1896/Assembly Bill A-1503, which requires fire districts, school districts, and county governments to share in burden of property assessment appeal refunds;

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of South Amboy hereby urge the swift passage and signing of S-1896/A-1503; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, Joseph Vitale, our two Representatives in the General Assembly Craig Coughlin and John Wisniewski, and to the New Jersey League of Municipalities.

JOSEPH E. CONNORS
Council President

Certified to be a true copy of a Resolution adopted by the Governing Body on May 15, 2013.

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			
DATO			X			
GROSS	X		X			
NOBLE			X			
CONNORS			X			

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION NO. 101-2013

**RESOLUTION APPROVING REDUCTION IN PERFORMANCE
BOND UNDER BUILDER'S AGREEMENT NUMBER 2012-22/3.03
WITH WOODMONT PROPERTIES**

WHEREAS, Woodmont Properties entered into a Builder's Agreement Number 2012-22/3.03, and provided a Performance Bond posted in the Valley National Bank Irrevocable Standby Letter of Credit Number OD12001742 in the amount of \$2,123,824.80; and,

WHEREAS, by report dated April 29, 2013, Angelo J. Valetutto, P.E. of AJV Engineering, Inc., Woodbridge, New Jersey 07095, stated that the Builder has successfully installed a portion of the required site improvements and recommended that the existing Performance Bond be reduced to \$1,297,020.00, resulting in a reduction of \$826,804.80, with the remaining balance representing 120% of the approved Engineer's estimate to complete the site improvements; and,

WHEREAS, the April 29, 2013 Report of Angelo J. Valetutto, P.E. of AJV Engineering, Inc. and its referenced attachments are on file with the City Clerk;

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 performance bond posted in the Valley National Bank Irrevocable Standby Letter of Credit Number OD12001742 is hereby reduced from \$2,123,824.80 to \$1,297,020.00 resulting in a reduction of \$826,804.80;

2. The City Clerk shall serve certified copies of this Resolution, by regular mail, to Peter Festa of Woodmont Properties, Angelo J. Valetutto, P.E. of AJV Engineering, Inc. and the City's Chief Financial Officer, Terance J. O'Neill.

JOSEPH E. CONNORS
Council President

Certified to be a true copy of a Resolution adopted by the Governing Body on May 15, 2013.

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			
DATO			X			
GROSS	X		X			
NOBLE			X			
CONNORS			X			

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION NO. 102-2013

**RESOLUTION APPROVING STIPULATION OF SETTLEMENT
FOR TAX APPEAL CONCERNING BLOCK 139, LOT 90,
BLOCK 141, LOTS 90 & 91, BLOCK 144, LOT 5, BLOCK 162, LOT 90,
BLOCK 133, LOT 1 AND BLOCK 134, LOT 1**

WHEREAS, Peter Mocco et al, (“Mocco”), owners of Block 139, Lot 90, Block 141, Lots 90 & 91, Block 144, Lot 5, Block 162, Lot 90, Block 133, Lot 1 and Block 134, Lot 1, on the Tax Map of the City of South Amboy, filed a tax appeal for the year 2011; and,

WHEREAS, a settlement offer was proposed by Mocco, which was reviewed by the City’s Tax Assessor and Appraiser; and,

WHEREAS, the City has accepted the settlement, as more specifically set forth in the Stipulation of Settlement, on file with the City Clerk;

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 Stipulation of Settlement is hereby approved.
2. The Law Director of the City of South Amboy is hereby directed to execute the Stipulation of Settlement and arrange for filing with the Tax Court of New Jersey.
3. The City Clerk shall maintain a fully signed copy of the Stipulation of Settlement on file in her office for public inspection during business hours.
4. The Law Director shall also serve copies of the fully signed and filed Stipulation of Settlement upon Peter J. Zipp, Esquire, attorney for Peter Mocco, et al, the owners and upon the South Amboy Tax Assessor and Tax Collector.

 JOSEPH E. CONNORS
 Council President

Certified to be a true copy of a Resolution adopted by the Governing Body on May 15, 2013.

 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			
DATO			X			
GROSS	X		X			
NOBLE			X			
CONNORS			X			

LIST OF BILLS FOR PAYMENT:

A Motion by Councilman Applegate that the List of Bills for Payment dated May 10, 2013 be received and filed, seconded by Councilwoman Dato.

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

FIRE DEPARTMENT:

A Motion by Councilman Applegate that the Application for Membership to Independence by Kylie R. O'Rourke be approved, subject to approval by the NJ State Firemen's Association and South Amboy Police Department, seconded by Councilwoman Dato.

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

ORDINANCES:

A Motion by Councilman Gross that Ordinance 6-2013 be taken up on Second reading by Title only, seconded by Councilman Applegate.

ROLL CALL: Applegate-Yes, Dato-Yes, Gross-Yes Noble-Yes, Connors-Yes

**AN ORDINANCE AMENDING ORDINANCE NO. 1036, ENTITLED
"PARKING AND TRAFFIC REGULATIONS" FOR THE CITY OF
SOUTH AMBOY, IN THE COUNTY OF MIDDLESEX AND STATE
OF NEW JERSEY**

Council President Connors opened the Public Hearing on the Ordinance. There being no public comments or questions, he closed the Public Hearing.

A Motion by Councilman Gross that Ordinance 6-2013 be adopted, presented to the Mayor for his approval or disapproval, and if approved be advertised as prescribed by law, seconded by Councilwoman Dato.

ROLL CALL: Applegate-Yes, Dato-Yes, Gross-Yes, Noble-Yes, Connors-Yes

A Motion by Councilwoman Dato that Ordinance 7-2013 be taken up on Second reading by Title only, seconded by Councilwoman Noble.

ROLL CALL: Applegate-Yes, Dato-Yes, Gross-Yes Noble-Yes, Connors-Yes

**AN ORDINANCE GRANTING AN EASEMENT FOR THE
CONSTRUCTION OF IMPROVEMENT TO LOT 1, BLOCK 47,
117 NORTH BROADWAY, CITY OF SOUTH AMBOY**

Council President Connors opened the Public Hearing on the Ordinance. There being no public comments or questions, he closed the Public Hearing.

A Motion by Councilwoman Dato that Ordinance 7-2013 be adopted, presented to the Mayor for his approval or disapproval, and if approved be advertised as prescribed by law, seconded by Councilwoman Noble.

ROLL CALL: Applegate-Yes, Dato-Yes, Gross-Yes, Noble-Yes, Connors-Yes

RESOLUTIONS:

A Motion by Councilman Gross to consider Resolution 103-2013 by title only, seconded by Councilman Applegate.

ROLL CALL: Applegate-Yes, Dato-Yes, Gross-Yes, Noble-Yes, Connors-Yes

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION #103-2013

Resolution Re: Waiver of Reading in Full of the Budget for the Fiscal Year Ended December 31, 2013

WHEREAS, N.J.S. 40A:4-8 permits that the Budget may be read by its title providing that at least one week prior to the date of the hearing a complete copy of the approved budget shall

- a) be posted in the City’s free public library; and
- b) is made available to each person requesting the same during said week and during the public hearing; and

WHEREAS, the City of South Amboy has complied with the aforesaid requirements.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of South Amboy, County of Middlesex and State of New Jersey, that the City is hereby permitted to waive the reading in full of the Municipal Budget for the fiscal year ending December 31, 2013.

JOSEPH E. CONNORS
Council President

Certified to be a true copy of a Resolution adopted by the Governing Body on May 15, 2013.

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			
DATO			X			
GROSS			X			
NOBLE	X		X			
CONNORS			X			

Council President Connors opened the Public Hearing on the Budget.

Garry Higgins the City Auditor stated that there was a copy of the Budget provided to all there for the year 2013. He said the Division of Local Government Services reviewed the budget as always for the City and their notes were received during the latter part of that morning. Some things need to be revised but it was too late based on when it was furnished to prepare that amendment for the meeting. One amendment was to increase the F.E.M.A aid from Hurricane Sandy in the budget since the City has received additional monies since the introduction of the budget so the revenue has to amend up and the emergency that was done also to have to be funded for the same amount. He stated that the second issue is a technical issue on the appropriation for employee health benefits. The number that was calculated is different than the number that was in the introduced budget. Mr. Higgins said that those two items have to be corrected in a future amendment and he stated that the procedure would be to have the public hearing and then take no action on the budget at the meeting but carry it to the next meeting to hopefully do the amendment and then adopt immediately.

Lori Papernik, 32 South Shore Drive, questioned the amount for employee health coverage. Mr. Higgins stated that it was the correct number. Ms. Papernik asked who our insurance carrier was. Ms. Tooker answered that we are with Benecard for prescription and United Healthcare for Medical and Delta for Dental. Ms. Papernik asked if we have a broker. Ms. Tooker stated that we have a broker that RFQ's every year for us and we take the lowest rate. Ms. Papernik asked Ms. Tooker if we have looked into state health benefits. Ms. Tooker responded that we were with the State and it was not cheaper and she further stated that it would not comport to our contracts. Ms. Tooker further explained that there are not many companies that want to quote for us because the ratio of retirees to active employees. Ms. Papernik asked that when the contract is up will the same companies quote for us again. Ms. Tooker said yes.

Barbara Pasternack, Barkalow Street, asked how many people are on the insurance plan and how many people can seek out of insurance. Mr. Higgins stated that it is not the City's option to waive insurance. It is the individuals option. Ms. Pasternack said that it is a waste of money for the City to pay for secondary insurance on people that have more than one policy and asked if there was anything that can be done about that. Mr. Higgins said that other than paying a waiver based upon the State waiver amount. Ms. Pasternack asked if the employees help to fund their insurance. She was told yes. Ms. Pasternack asked if we have a general agent of record. Ms. Tooker stated that we have a broker of record but do not have a general agent.

Lori Papernik, asked who the broker is. Ms. Tooker stated it is Reliant Insurance out of Fords or Woodbridge.

Council President Connors closed the Public Hearing on the Budget

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION #105-2013

WHEREAS, Section 8 of the Open Public Meetings Act (N.J.S.A. 10:4-12(b) (1-9) permits the exclusion of the public from a meeting in certain circumstances;

WHEREAS, the Council is of the opinion that such circumstances exist.

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

1. The public shall be excluded from discussion of, action on, and reading of the minutes of Closed Session of May 15, 2013.
2. The general nature of the subject matters to be discussed is as follows:

LITIGATION: Rocky Top v. South Amboy

3. It is anticipated at this time that the above stated subject matters will be made public when the matters are concluded or as soon thereafter as it is deemed to be in the public interest to do so.
4. This Resolution shall take effect immediately.

JOSEPH E. CONNORS
Council President

Certified to be a true copy of a Resolution adopted by the Governing Body on May 15, 2013.

KATHLEEN VIGILANTE
Municipal Clerk

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

A Motion to reconvene the Council Meeting by Councilman Applegate, seconded by Councilwoman Dato.

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

A Motion to close the Closed Session by Councilman Applegate, seconded by Councilwoman Dato.

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

CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX

RESOLUTION NO. 104-2013

**RESOLUTION REFERRING A REVISION TO THE MEMORIAL
MEDICAL CENTER REDEVELOPMENT PLAN TO THE PLANNING
BOARD IN ACCORDANCE WITH N.J.S.A. 40A:12A-7.e.**

WHEREAS, N.J.S.A. 40A:12A-7.e. states, in pertinent part:

Prior to the adoption of a Redevelopment Plan, or revision or amendment thereto, the Planning Board shall transmit to the Governing Body, within 45 days after referral, a Report containing its recommendation concerning the Redevelopment Plan. ...;

WHEREAS, the real property known as Block 89, Lots 3, 4 and 5 is an area in need of redevelopment as set forth in Resolution #108-201; and,

WHEREAS, the City has, pursuant to the Local Redevelopment and Housing Law ("NRHL"), N.J.S.A. 40A:12A-1 et seq., established the Memorial Medical Center Redevelopment Plan (the "Plan") and placed Block 89 and Lots 3, 4 and 5 into the Plan by Ordinance; and,

WHEREAS, Block 89, Lots 3, 4 and 5 had been used primarily as a hospital; and,

WHEREAS, it is necessary to amend and revise the Memorial Medical Center Redevelopment Plan to provide permitted uses more conducive to the redevelopment goals and to address the City's legal obligations as per **SCHEDULE "A"**, attached; and,

WHEREAS, the proposed revisions are part of a tentative settlement of a civil action entitled "Rocky Top, LLC vs. City of South Amboy et al, filed in the Superior Court of New Jersey, Law Division, Middlesex County at Docket Number L-5086-06" in which the Plaintiff, among other claims, challenged the current Plan and the City's application of it; and,

WHEREAS, Plan revisions will be subject to the public notice requirements and a public hearing pursuant to the NRHL at N.J.S.A. 40A:12A-7, for the enactment of, or the revision or the amendment to a redevelopment plan;

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. Pursuant to N.J.S.A. 40A:12A-7, the above revisions and any other necessary amendments and revisions to the Memorial Medical Center Redevelopment Plan for the redevelopment of Block 89, Lots 3, 4 and 5 are hereby referred to the South Amboy Planning Board for its review and its report, containing its recommendations.

2. The South Amboy Planning Board shall submit its report to the Governing Body, within forty-five (45) days after referral, pursuant to N.J.S.A. 40A:12A-7.e. and the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

3. The City Clerk shall serve a certified true copy of this Resolution upon the South Amboy Planning Board within five days.

JOSEPH E. CONNORS
Council President

Certified to be a true copy of a Resolution adopted by the Governing Body on May 15, 2013.

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			
DATO			X			
GROSS			X			
NOBLE		X	X			
CONNORS			X			

SCHEDULE "A"

Revised May 14, 2013

Proposed Amendment to Article VIII.A.1

Permitted Uses

Definitions:

OUTPATIENT – an **outpatient** (or **out-patient**) is a patient who is not hospitalized for 24 hours or more but who visits a hospital, clinic, doctor's office, testing facility or associated facility for diagnosis or treatment. Treatment provided in this fashion is called ambulatory care.

INPATIENT – an **inpatient** (or **in-patient**) is admitted to a hospital, facility, clinic, or other facility and stays overnight or for an indeterminate time. Treatment, care or supervision provided in this fashion is called inpatient care.

MENTAL HEALTH CLINIC – any facility or center which provides comprehensive specialized diagnosis, care, treatment and rehabilitation where applicable on an in-patient basis for patients with primary psychiatric diagnoses.

Limitations:

Mental Health Clinics as defined shall be prohibited in the Redevelopment Zone.

INPATIENT

Permitted Uses:

- Alcohol/substance abuse treatment facility, with related services
- Dementia/Alzheimer unit
- Nursing home
- Assisted living
- Long term acute care
- Hospice

- Sleep center
- Residential health care facility
- Respite center
- Sub-Acute post-operative facility
- Developmentally disabled facility – not limited to autism/MS/cerebral palsy
- Transitional care
- Specialty hospital

The foregoing uses have the meanings ascribed to them under applicable New Jersey Statutes and New Jersey Administrative Code.

OUTPATIENT

Permitted Uses:

- Services or goods related to health, medicine, wellness, Including, but not limited to, licensed or registered businesses or offices
- Dispensary for the issuance of supervised/monitored pharmaceutical or medication
- Services or goods provided on an outpatient basis as it relates to health medicine, and wellness
- Urgent and ambulatory services
- Therapy – not limited to physical/occupational/speech/drug/alcohol
- Clinical services – multi specialty
- Counseling
- Diagnostics
- Ambulatory surgery
- Pain management
- Behavioral health
- Alzheimer/dementia
- Dialysis
- Dental clinic
- Cardiac care/rehabilitation
- Medical spa/massage therapy
- Pediatric care

GENERAL SOCIAL SERVICES/HEALTH/WELLNESS/MEDICAL – uses include among other things the gathering together of persons for the purpose of receiving services:

- Fitness center/health club
- Day care – child/adult
- Educational facility

- Diagnostic Laboratories
- Morgue – excluded except as to deaths occurring in any medical facility operated in the building
- Religious – limited to a facility for meditation for those obtaining services, or whose family members are obtaining medical services, in the building.

MISCELLANEOUS

- Ambulance/transportation station and offices
- Cell tower servicing multiple providers (roof)
- Office - Business, professional, charitable and medical
- Community outreach – food banks, meals on wheels – not to be served at the building, but to provide catering for such programs
- Retail pharmacy, including a gift shop, to be limited to 2,000 square feet in rentable floor area, and such gift shop not to include food other than snacks. No exterior freestanding and/or façade sign shall be permitted as to this use.
- Manufacturing and Service – prostheses, hearing aids, eye glasses, and orthotics
- Cafeteria Food Services – for uses in the building

No single use can exceed 42,000 square feet of rentable floor area, except for the use of alcohol/substance abuse treatment facility with related services, which use shall not exceed 31,000 square feet of rentable floor area.

Proposed amendment VIII.A.4.

Parking

1.625 parking spaces/1000 sf of gross floor area.

COMMENTS:

Mayor Henry welcomed everyone and he stated that over the last couple of weeks our council chambers have become a place where accusations against himself, Business Administrator, Code Department, City Engineer, Council. Mayor Henry stated that everyone is welcome to their comments and opinions but when comments are generated into name calling that is when the line is crossed. He stated that at the last meeting the name calling was totally uncalled for and comments directed against Ms. Tooker were out of line. He reminded people she was not here when the storm occurred and was on medical leave after suffering a stroke. He stated that she still worked from her home the best she could in order to continue to serve the citizens of South Amboy even at a personal health risk. Mayor Henry stated that to refer to Ms. Tooker with name calling does her a grave disservice. Mayor Henry publically apologized to Ms. Tooker for not making an effort to stop it at the time. He stated that everyone was caught but surprise. It speaks volumes about the people who perpetrated the name calling. Mr. Henry stated that people questioned where he was during Hurricane Sandy. Mayor Henry stated that it is not in his nature to go looking for accolades for things he did. He said that before the storm he called a meeting to make sure all the departments knew what their job was during the storm. He stated a lot of the night of the storm he spent in the storm with Police Chief LaVigne. Mayor Henry said

that no one could have predicted or been totally prepared for what had happened. Mayor Henry reminded everyone that the Police, Fire Department and Public Workers are ultimately under my authority as the Mayor. He stated that if they were doing their jobs then he must have been doing his. Mayor Henry said that after the storm he was observing the devastation and speaking with many residents. He said he was with the Engineer, Mark Rasimowicz. He said at no time did he ask for a photo opportunity to publicize the horrible loss. He said that the night of the storm the First Aid Building was used as an evacuation Station and many people were bused out of South Amboy safely. The Mayor said he knows this because he was there. After the First Aide building was becoming too packed with supplies and people the operations were moved to the AOH hall. Mayor Henry stated that he does not diminish the work performed by Dawn Matthews but stated that she did not start the shelter nor did she open it. Mayor Henry stated that he requested and received help from Tony Gonzalez and the Boy Scouts offered their help and he gladly accepted it. He thanked the groups and people from the bottom of his heart and said it showed that the youth of our City does really care especially in a time of need. He also stated that he was in touch with the Governor's Office and they responded with a van full of blankets that were delivered to the Firehouse on Broadway. Mayor Henry said he was there to greet the van and help unload the boxes. The relief station was open for as long as possible and was closed but people were informed that if they needed anything to contact the City. He stated that no one was abandoned. Cleaning materials were donated from Home Depot which was organized and distributed. Mayor Henry said that he personally as well as many other council members delivered mops, buckets, garbage bags, gloves and other supplies to the families in the affected areas. He said that he was directly involved along with many other council people in the telethon, which collected thousands of dollars and that money was distributed to the families that had substantially damaged homes. Mayor Henry said that the report that the money was being filtered through St. Mary's was totally wrong. He stated that information of this nature is a slap in the face. Mayor Henry said that type of reporting does a disservice to all its readers and does not belong on the front page of any paper. The Mayor said it is insulting to the people involved. He stated that some sort of retraction or apology should be made but he stated that the article was written by the same person that attacked him in the last election. He questioned if the article was politically motivated. With regard to updating our communication we have signed on with the Nixel program through our Police Department. As for F.E.M.A., he stated that they set up at the YMCA for information. He said that many people filled out their forms but after a few days the number of people decreased and the station was moved to Sayreville where South Amboy residents were still accepted. He stated that himself and everyone on the council participated in some way. He stated that as he said earlier it is not in his nature to seek out recognition but he knew it was time to put the record straight. We can disagree on policy and we can agree to disagree but please do it respectfully. Mayor Henry announced that there will be a memorial plaque unveiling regarding the 1950 explosion at 11:30 a.m. on the walkway and Sunday there will be a Memorial Day parade.

Councilman Gross commented on Mayor Henry's speech and stated he believed it was well said. He further commented that Ms. Tooker is a lady and a dedicated City Employee.

Councilman Applegate welcomed the public.

Councilwoman Noble welcomed the public.

Councilwoman Dato stated that she was unable to attend the Council Meeting because her father was taken to the hospital. She stated that she hopes that her fellow council members will help prevent a recurrence of that type of disrespectful behavior in the future.

She stated that while the public is permitted to voice their opinion, the meetings should be conducted in a civil and respectful manner.

Council President Connors welcomed the public.

PUBLIC COMMENTS:

Tom Cross, addressed the Fire Department budget which has a \$5000.00 deduction from 2012 to 2013. He asked when the last budget meeting was held with any one of the Fire Chiefs. No one could provide him with an answer.

Liz McCarthy, 421 Louisa Street, she questioned what the Stevens Avenue, Senior Center was going to be if it is not a Senior Center. Council President Connors stated it will be a Recreation Annex. Mayor Henry stated all the things concerning the Senior Center have been addressed before and the answers are not changing. Ms. Tooker advised that the weekly paper did not have the correct information and that is the reason why she sent Mrs. Matarangolo a letter directly. She explained that the CBDG Funding was utilized to build the new senior center and the cost of the Senior Center itself \$686,903.00 and the \$159,000.00 that came from CBDG was used toward that construction cost. Ms. Tooker further explained that when improvements were made afterward, the bathroom, the doors etc., that was from the City Budget. Ms. McCarthy said that she still does not understand why they are not on the bottom floor.

Lori Papernik, 82 South Shore Drive, addressed Mr. Rasimowicz and spoke about the gully in back of her house. She stated that after all the rain the gully was filled. Mr. Rasimowicz said that he was unaware of the problem and this is the first complaint. Ms. Papernik stated that the water is not flowing back into the bay. Mr. Rasimowicz stated that he will have to take a look at it.

Tom Cross, said that in February he asked the council about the new water lines. He stated that there is no record of the mark outs being called in as he called 811 to check.

Mark Rasimowicz, City Engineer stated that with regard to the mark outs, they are open by contractors every day. He said for the City to know what each and every mark out was done for is impossible. Middlesex Water had a change in their plan and the City did not know about it because it was in fact a last minute change on their part.

Vicki Bernat, 5 Spinnaker Drive, spoke about the traffic problem and speeding on her road and in her development and wanted to know if anything could be done. Council President Connors stated that it would be referred to the Police Department.

ADJOURNMENT OF MEETING:

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

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

Kathleen Vigilante, Municipal Clerk