

MINUTES OF JUNE 6, 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, Councilwoman Noble, Councilman Schwarick and Council President Connors.

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

CONSENT AGENDA:

A Motion by Councilman Schwarick to adopt the Consent Agenda which included the Minutes of May 16, 2012 and Resolutions 100 through 106-2012, seconded by Councilman Applegate.

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

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION #100-2012

WHEREAS, Karpowicz, Edyta & Zenon, 134 S. Broadway, Block 43, Lot 13, owners of property on the tax map of the City of South Amboy, did file appeals with the Middlesex County Board of Taxation for the years 2010, 2011 and 2012 Added Assessment; and

WHEREAS, the Middlesex County Board of Taxation has entered Judgment (Appeal No. 20-1100002A) in the appeals wherein assessments on said property were reduced as follows:

	Added Assessment	Judgment	Total		
2010	164,900	0	164,900	3,573.38	Refund
2011	164,900	0	164,900	3,705.30	Refund
2012	164,900	0	164,900	440.42	Refund

Whereas, the Tax Collector recommends that the refund for the appeal be made as follows:

2010	\$3,573.38	Refund
2011	\$3,277.90	Refund
2012	\$ 440.42	Refund

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of South Amboy, County of Middlesex, New Jersey that the Finance Officer of the City of South Amboy, be instructed to refund the amount of \$7,719.10, to Karpowicz, Edyta & Zenon, 152 Fern Road, East Brunswick, NJ 08816 and the Tax Collector be instructed to adjust the 1st & 2nd Quarter 2012.

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 June 6, 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 #101-2012

WHEREAS, Denmar Construction/James Joe One, LLC, 139 South Rosewell Street, Block 161.02, Lot 22 in the City of South Amboy did file a tax 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 appeal wherein assessment on said property is as follows:

	Original Assessment	Tax Court Judgment
Land	450,000	450,000
Improvements	829,000	650,000
Total	1,279,000	1,100,000

WHEREAS, the Tax Collector certifies that the property taxes for 2011 have been paid; and

WHEREAS, the Tax Collector recommends that a refund of \$4,022.13 be made;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of South Amboy, County of Middlesex, that the Tax Collector of the City of South Amboy, County of Middlesex be instructed to adjust the 3rd quarter 2012 and the Chief Financial Officer of the City of South Amboy, County of Middlesex be instructed to draw a check in the amount of \$4,022.13 to Sitar Law Offices, LLC, 1481 Oak Tree Road, Iselin, NJ 08830.

 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 June 6, 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. 102-2012

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:

LIEN COMPANY	BLOCK	LOT	QUAL	CERTIF. NUMBER	AMOUNT
U S Bank- Cust for Phoenix Funding	35	7		11-00042	1,715.95
U S Bank- Cust for Phoenix Funding	35	7		PREMIUM	700.00
FNA Jersey Lien SVC, LLC	98	9		11-00148	204.06
FNA Jersey Lien SVC, LLC	48	9.01		11-00083	4,234.65
FNA Jersey Lien SVC, LLC	48	9.01		PREMIUM	5,500.00
Tower Lien LLC American Tax Funding LLC	2	4.01		10-00001	8,872.62
	154	10		02-00050	77,728.98

 JOSEPH E. CONNORS
 Council President

Certified to be a true copy of a Resolution adopted by the Governing Body on June 6, 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 #103-2012

**RESOLUTION AUTHORIZING THE PERSON-TO-PERSON
TRANSFER OF PLENARY RETAIL CONSUMPTION
LICENSE NO. 1220-33-004-005.**

WHEREAS, an application has been filed by 147 S. Pine LLC, trading as Murphy's Shamrock Inn, for the person-to-person transfer of Plenary Retail Consumption License No. 1220-33-004-005, heretofore issued to KTOM, Inc., 147 South Pine Avenue, South Amboy, NJ, 08879; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid and Sales Tax Clearance 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 the licensed business and all additional financing obtained in connection with the licensed business; and

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 147 S. Pine, LLC, 147 South Pine Avenue, South Amboy, New Jersey, 08879, and does hereby direct that the Municipal Clerk/A.B.C. Secretary endorse the license certificate to the new ownership.

JOSEPH E. CONNORS
Council President

Certified to be a true copy of a Resolution adopted by the Governing Body on June 6, 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. 104-2012

**RESOLUTION REJECTING BIDS, FOR THE SECOND TIME, ON THE 2012 LAWN
MAINTENANCE PROGRAM**

WHEREAS, the City of South Amboy, for the second time, advertised for bids for its 2012 Lawn Maintenance Program; and,

WHEREAS, on May 9, 2012, Mary Sue Felice, Q.P.A., Purchasing Assistant, opened the public bids at 10:30 a.m. at South Amboy City Hall in the presence of Laura Kalantsis, of the City Clerk's Office, and Gerald Magee, Acting Superintendent of Public Works; and,

WHEREAS, pursuant to Resolution #71-2012 and this resolution, bids have been advertised pursuant to Section 4 of P.L. 1971, c.198 (C.40A:11-4) on two occasions and the governing body has rejected such bids on two occasions because it has determined that the responsible bids were not reasonable as to price due to the extreme range of bids between the lowest bidder and the highest bidder; and,

WHEREAS, it would not be in the public interest to accept the lowest responsible bid, after the two lowest bids were disqualified, for failing to comply with the bid security and bonding requirements; and,

WHEREAS, the Law Director recommended that all bids be rejected;

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

1. All bids received are hereby rejected;
2. The Business Administrator and the City's Qualified Purchasing Agent, with the assistance of the Law Director, are hereby authorized to negotiate, on behalf of the Mayor, and with the Mayor's approval, a contract for the 2012 Lawn Maintenance Program;

3. The contract shall be negotiated in accordance with N.J.S.A. 40A:11-5 and with the contract being adopted by a Resolution by a two-thirds affirmative vote of the authorized membership of the governing body authorizing such contract;

4. The Mayor, through the Business Administrator and or the Qualified Purchasing Agent shall notify each bidder submitting bids on the second occasion of the City's intention to negotiate and afford each bidder a reasonable opportunity to negotiate, but the Council shall not award such contract unless the negotiated price is lower than the lowest rejected bid price submitted on the second occasion by a responsible bidder and is at a reasonable price for such labor, material and services.

5. The Clerk shall provide a true copy of this resolution to the Mayor, Business Administrator, Purchasing Assistant and all bidders.

 JOSEPH E. CONNORS
 Council President

Certified to be a true copy of a Resolution adopted by the Governing Body on June 6, 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 #105-2012

WHEREAS, the Independence Volunteer Fire Company is planning an antique and classic car show and flea market on Broadway in the City of South Amboy, Middlesex County, New Jersey, on August 5, 2012 (rain date: August 12, 2012); and

WHEREAS, in order to accommodate the event and for the general safety and welfare of the public, Broadway, between John Street and First Street, would need to be closed to vehicular traffic; and

WHEREAS, pursuant to N.J.S.A. 39:4-8.1.c., a municipality may close streets for periods up to 48 continuous hours; and

WHEREAS, it is deemed in the public interest that the aforesaid event take place;

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

1. On August 5, 2012, (rain date: August 12, 2012), between the hours of 8:00 a.m. and 5:00 p.m., Broadway, between John Street and First Street, in the City of South Amboy, shall be closed to vehicular traffic.
2. The City Clerk shall forward certified copies of this Resolution to the South Amboy Police Department and to the Independence Fire Company.

JOSEPH E. CONNORS
Council President

Certified to be a true copy of a Resolution adopted by the Governing Body on June 6, 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. 106-2012

**RESOLUTION AUTHORIZING AN APPLICATION FOR THE
2012 TRANSPORTATION ENHANCEMENT PROGRAM**

WHEREAS, the New Jersey Department of Transportation (NJDOT) is now accepting applications for the 2012 Transportation Enhancement Program; and,

WHEREAS, the Transportation Enhancement Program provides communities with funding for non-traditional transportation projects that enhance the cultural, aesthetic, historic and environmental aspect of the State's transportation system; and,

WHEREAS, the City of South Amboy has well developed, construction-ready projects that may qualify as a transportation enhancement project; and,

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 City of South Amboy shall apply for the 2012 Transportation Enhancement Program through New Jersey Department of Transportation;
2. The Mayor and City Clerk are hereby authorized and directed to make the aforesaid application on behalf of the City of South Amboy;
3. The Mayor and City Clerk are further authorized to execute any and all documents necessary to apply for the 2012 Transportation Enhancement Program;
4. The Mayor and City Clerk are further authorized to execute any other documents and take any other action necessary to comply with the requirements for the aforesaid application;
5. The City Clerk shall provide a certified true copy of this Resolution with the application and shall take all further action necessary to submit the City's application for the Transportation Enhancement Program on or before July 17, 2012 and the application must be submitted on-line through NJDOT SAGE at:
<https://enterprisegrantapps.state.nj.ujs/NJSAGE/>;
6. The Mayor and City Clerk are encouraged to consult with the Local Aid District Office for assistance in preparing the application for the program at New Jersey Department of Transportation, Local Aid and Economic Development, District 3, 1035 Parkway Avenue, Trenton, New Jersey 08625.

JOSEPH E. CONNORS
Council President

Certified to be a true copy of a Resolution adopted by the Governing Body on June 6, 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			

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

LIST OF BILLS FOR PAYMENT:

A Motion by Councilman Gross that the List of Bills for Payment dated May 25, 2012, with the two additions dated June 4, 2012 be received and filed, seconded by Councilman Schwarick.

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

ORDINANCES:

A Motion by Councilman Schwarick that Ordinance 7-2012 be taken up on First Reading by title only, seconded by Councilwoman Noble.

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

BOND ORDINANCE PROVIDING FOR VARIOUS 2012 CAPITAL IMPROVEMENTS, BY AND IN THE CITY OF SOUTH AMBOY, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING \$900,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$856,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COSTS THEREOF.

A Motion by Councilman Schwarick that Ordinance 7-2012 be adopted on First Reading, seconded by Councilwoman Noble.

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

A Motion by Councilman Schwarick that Ordinance 7-2012 be taken up on Second Reading and advertised as prescribed by law, seconded by Councilwoman Noble.

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

COMMENTS:

Mayor Henry thanked those involved in the Memorial Day Parade and Ceremonies and said we need more people to come out and honor our Veterans. Mayor Henry congratulated Jesse Richter, 15, a student at South Amboy High School on achieving his Eagle Scout Award. The Mayor said Jesse is one of the youngest in the State to achieve this honor.

Councilman Gross welcomed everyone.

Councilman Applegate welcomed the public.

Councilwoman Noble welcomed everyone.

Councilman Schwarick welcomed everyone and thanked all for participating.

Council President Connors offered his condolences to the Brinamen Family.

PUBLIC COMMENTS:

Vincent Mackiel, 105 Augusta Street said he is aware the budget was introduced and stated he read in the paper taxes will go up. Mr. Mackiel was informed that the Public Hearing on the Budget is scheduled for June 20, 2012 at 7:00 P.M. He asked why the Council turned down the lawn maintenance contract again and the Law Director explained it to him. Mr. Mackiel asked how many years has the Council been awarding a contract for lawn maintenance and he was told approximately four years. Mr. Mackiel asked if there are any prospects of development in the northern area or any news the public should be aware of. He asked if there were any developers for the JCP&L site that we can feel positive about. He was reminded that the demolition of the JCP&L building was just announced and at this time there is nothing planned for that site. Mr. Mackiel said he hopes the administration has renewable energy plans for this town to restore the environment before these companies destroy this land. Mr. Mackiel announced he will attend the Raritan River Conference next week. He said he knows the Council did a resolution approving the City work with the Raritan River initiative. Mr. Mackiel said he called the environmentalist to call

Camille and set up meetings. He said we should not turn our valuable properties over to profit makers.

Eileen Ryan, 12 Bertram Avenue said people told her they received letters from a company to check the water meters and this company states they can come to the home to see if the water meters are being read and charged correctly. Mrs. Ryan said she believes this is an independent company. Councilman Schwarick said that this company has been contracted by Middlesex Water to change the meters. Mr. Schwarick said they are working off a list provided by Middlesex Water and he had his meter changed recently. Councilman Schwarick said the meters are changed approximately every ten years. Mrs. Ryan asked what the attorney's job is at a tax appeal hearing and she was told he represents the City and the Tax Assessor. Mrs. Ryan said that last month we spoke about engineering appropriations being over spent by one million dollars and you did an emergency. She was told that the Council adopted a temporary emergency which added money to the temporary budget.

Nancy McLaughlin, 347 George Street requested the answer to her question which was asked at the last two meetings. Mayor Henry informed her that the City's cap is \$33 million and at this point our net debt is under \$4 million. Mrs. McLaughlin said she noticed in Resolution No. 101-2012 a developer has money coming back to them. She was told it is due pursuant to a Tax Court Judgment which lowered their assessment. She asked where the property is located and she was told 139 Rosewell Street which the Mayor believed is the apartment building. Mrs. McLaughlin questioned the house near McCarthy Towers and Noble Manor. She said she goes to McCarthy Towers a lot and the porch is a mess. She was informed that the owner was cited and the matter is in Court. Mrs. McLaughlin requested the City go to twice a week garbage pickup for the summer because the City has multiple unit dwellings and it stinks. She was told the matter will be placed on the next Business Meeting Agenda for discussion..

Phil English, 359 Main Street asked where we stand with that abandoned property next to me covered in weeds and is there a plan? Mr. English asked if the City can force them to fence the property in because it is being used as a bathroom for dogs. He was advised that the City cannot force them to put up a fence but we can make them clean the property up. Mr. English said it is an eyesore on Main Street. Councilman Gross said he knows that a Notice has been sent to the owner. Mr. English said the Council previously adopted a resolution for engine break signs and the Business Administration was to follow up. He said at first it was the County who had to approve but then the County said it is up to the City. Council President Connors stated that we can't put signs on a County Road.

ADJOURNMENT OF MEETING:

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

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

Kathleen Vigilante
Municipal Clerk