

AGENDA
COUNCIL MEETING
NOVEMBER 25, 2019

140 NORTH BROADWAY
SOUTH AMBOY, NJ 08879

7:00 P.M.

1. MEETING CALLED TO ORDER BY COUNCIL PRESIDENT
2. OPENING PRAYER AND SALUTE TO THE FLAG
3. ROLL CALL: DATO____, McLAUGHLIN____, NOBLE _____, REILLY _____, GROSS_____
4. CERTIFICATION OF MEETING BY COUNCIL PRESIDENT

RESOLUTION: (Peter Lupo)

Resolution 192-2019 "Veteran Friendly Municipality"

MOVED by: _____ of the Council of the City of South Amboy, that Resolution #192-2019 is hereby approved. **SECONDED by:** _____. **ROLL CALL VOTE:**

CONSENT AGENDA:

The following items are considered to be routine by the City Council and will be acted upon in one motion. There will be no separate discussion of these items unless a Council member so requests. In this event, the item will be removed from the Consent Agenda and considered in the normal sequence of the Agenda.

MOVED by: _____ of the Council of the City of South Amboy, that Resolution #173-2019 through #191-2019 are hereby approved. **SECONDED by:** _____. **ROLL CALL VOTE:**

- a.) Resolution 173-2019 – Municipal Alliance Grant 2020-2025
- b.) Resolution 174-2019 – Approving Employee Handbook
- c.) Resolution 175-2019 – Renewal ABC License 1220-44-003-008 (2018-2019)
- d.) Resolution 176-2019 – Renewal ABC License 1220-44-003-008 (2019-2020)
- e.) Resolution 177-2019 – Resolution Expressing Support for Transportation Electrification in the State of New Jersey
- f.) Resolution 178-2019 – CFC/HCFC Subsidy Agreement (Solid Waste)
- g.) Resolution 179-2019 - Ch 159 Solid Waste Clean Communities Grant
- h.) Resolution 180-2019 – CH 159 NJDOT Municipal Aid Grant
- i.) Resolution 181-2019 – CH 159 Emergency Mgmt. Performance Grant Award
- j.) Resolution 182-2019 – Interlocal Agreement for Health Services 2020-2021
- k.) Resolution 183-2019 - Transfer of Funds
- l.) Resolution 184-2019 – Fireman – Justin Tresch – Progressive
- m.) Resolution 185-2019 - Cancel Tax Delinquencies
- n.) Resolution 186-2019 – Release Cash Bond for 211 Augusta St.
- o.) Resolution 187-2019 – Tax Refund 4 Raritan Reach Rd.
- p.) Resolution 188-2019 - Resolution authorizing emergency appropriation for demolition
- q.) Resolution 189-2019 – Award Of Contract 131 South Broadway – Tri Con
- r.) Resolution 190-2019 - CH 159 Municipal Alliance
- s.) Resolution 191-2019 – CH 159 Sustainable Jersey Grant

FINAL

LIST OF BILLS FOR PAYMENT: (Bill list dated November 19, 2019)

**R- 193-2019
APPROVING PAYMENT OF BILLS**

BE IT RESOLVED, that the City Council of the City of South Amboy does hereby approve the payment of the bills as presented by the Chief Financial Officer.

BE IT FURTHER RESOLVED, that the bills list be appended to the official minutes.

MOVED by: _____ of the Council of the City of South Amboy, that Resolution #193-2019 is hereby approved. **SECONDED by:** _____. **ROLL CALL VOTE:**

MINUTES APPROVAL:

**R-194-2019
APPROVAL AND RELEASE OF MINUTES**

BE IT RESOLVED, that the City Council of the City of South Amboy does hereby approve and release the Council Minutes of the November 6, 2019 City Council Meeting.

BE IT FURTHER RESOLVED that the City Council hereby approves November 6, 2019 Executive Session Meeting Minutes as redacted by the City

MOVED by: _____ of the Council of the City of South Amboy, that Resolution #194-2019 is hereby approved. **SECONDED by:** _____. **ROLL CALL VOTE:**

ORDINANCES:

ADOPTION/SECOND READING:

- a.) #24-2019 AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 1036 ENTITLED "PARKING AND TRAFFICE REGULATIONS FOR THE CITY OF SOUTH AMBOY" IN THE COUNTY OF MIDDLESEX AND STATE OF NEW JERSEY

**OPEN PUBLIC
CLOSE PUBLIC**

MOVED by: _____, of the Council of the City of South Amboy, that Ordinance #24-2019 is hereby adopted.
SECONDED by: _____, **ROLL CALL VOTE:**

- b.) #25-2019 AN ORDINANCE AMENDING SECTION 88-110 OF THE SOUTH AMBOY CODE [MERCANTILE LICENSES; APPLICATION FOR LICENSE]

**OPEN PUBLIC
CLOSE PUBLIC**

MOVED by: _____, of the Council of the City of South Amboy, that Ordinance #25-2019 is hereby adopted.
SECONDED by: _____, **ROLL CALL VOTE:**

FIRST READING/INTRODUCTION:

a.) #26-2019 AN ORDINANCE CONCERNING FEES TO THE CITY OF SOUTH AMBOY
[NON-RESIDENT SENIOR CITIZEN FEES]

MOVED by: _____, that Ordinance #26-2019 be introduced on first reading and advertised for second reading which is scheduled for the December 11, 2019 meeting.

SECONDED by: _____, **ROLL CALL VOTE:**

b.) #27-2019 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 81 "HANDBILLS AND SIGNS" OF THE SOUTH AMBOY CITY CODE AND INCLUDING A NO KNOCK REGISTRY

MOVED by: _____, that Ordinance #27-2019 be introduced on first reading and advertised for second reading which is scheduled for the December 11, 2019 meeting.

SECONDED by: _____, **ROLL CALL VOTE:**

c.) #28-2019 AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 1036 ENTITLED "PARKING AND TRAFFICE REGULATIONS FOR THE CITY OF SOUTH AMBOY" IN THE COUNTY OF MIDDLESEX AND STATE OF NEW JERSEY - Hoffmann

MOVED by: _____, that Ordinance #28-2019 be introduced on first reading and advertised for second reading which is scheduled for the December 11, 2019 meeting.

SECONDED by: _____, **ROLL CALL VOTE:**

d.) #29-2019 ORDINANCE APPROPRIATING \$200,000 FROM THE CAPITAL IMPROVEMENT FUND, FOR DEMOLITION OF AN UNSAFE STRUCTURE IN AND BY THE CITY OF SOUTH AMBOY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

MOVED by: _____, that Ordinance #29-2019 be introduced on first reading and advertised for second reading which is scheduled for the December 11, 2019 meeting.

SECONDED by: _____, **ROLL CALL VOTE:**

e.) #30-2019 AN ORDINANCE AUTHORIZING ACCEPTANCE OF AN ACCESS AND PARKING EASEMENT THROUGH A PORTION OF BLOCK 10, LOT 1 & 10.01 AS SHOWN ON THE TAX MAP OF THE CITY OF SOUTH AMBOY

MOVED by: _____, that Ordinance #30-2019 be introduced on first reading and advertised for second reading which is scheduled for the December 11, 2019 meeting.

SECONDED by: _____, **ROLL CALL VOTE**

f.) #31-2019 AN ORDINANCE VACATING A PORTION OF FLORENCE AVENUE LOCATED IN THE CITY OF SOUTH AMBOY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AND CONVEYING SUCH VACATED LANDS TO THE ADJACENT PROPERTY OWNERS

MOVED by: _____, that Ordinance #31-2019 be introduced on first reading and advertised for second reading which is scheduled for the December 11, 2019 meeting.

SECONDED by: _____, **ROLL CALL VOTE**

g.) #32-2019 141 N. Broadway easement Ord

FINAL

COMMENTS:

PUBLIC COMMENTS:

ADJOURNMENT OF MEETING:

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION # 192-2019

A RESOLUTION ESTABLISHING GOALS FOR CONTRACTING WITH VETERAN OWNED BUSINESS ENTERPRISES, HIRING VETERANS IN THE MUNICIPAL WORKFORCE AND RECOGNIZING THE MILITARY SERVICE OF RESIDENTS IN THE CIVIC AFFAIRS OF THE CITY OF SOUTH AMBOY

WHEREAS, the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. (the "LCPL") permits counties and municipalities to establish by resolution qualified veteran-owned business enterprise (VOB) contracting programs; and

WHEREAS, the LPCL further authorizes municipalities to establish goals for the municipality in setting aside a certain percentage of the dollar value of total procurements to be awarded as contract to VOBs; and

WHEREAS, the LPCL provides that municipalities that have set goals for contracts awarded to VOBs shall make a good faith effort to attain any goal by tracking the award of contracts to VOBs; and

WHEREAS, Mayor Fred Henry and the City Council of the City of South Amboy have determined that, subject to compliance with the LPCL and other state regulations concerning procurement and New Jersey Civil Service rules concerning hiring that it is in the best interest of the City to encourage the participation of veterans in the business of local government, the workforce and in the civic affairs of the community.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of South Amboy, that the City will make a good faith effort to achieve the following goals:

1. Proactively notify veteran-owned businesses registered with the State of New Jersey (https://www20.state.nj.us/TYTR_SAVI/vendorSearch.jsp) of each public bid opportunity
2. In the procurement of goods and services, in accordance with N.J.S.A. 40A:11-42(d), the City shall make a good faith effort to award 6% of the total contract dollars to Veteran Owned Business Enterprises. In achieving this goal, the City shall consider the portion of any public contract awarded that may be performed by a VOB subcontractor;
3. In the hiring of employees, the City, subject to all applicable New Jersey Civil Service regulations shall make a good faith effort hiring achieve the goal of a minimum 5% veteran workforce;
4. A discount for veterans on local license and permit fees;

5. Preferred parking for veterans in municipally-owned lots;
6. Promote State fee exemption for local metered parking;
7. A municipal commuter lot permit fee waiver/reimbursement for purple heart recipients;
8. Hold at least one "Patriot Day" public celebration honoring the service of veterans on Memorial Day,

BE IT FURTHER RESOLVED that in order to achieve the goals established by this resolution the City shall make best efforts, in accordance with N.J.S.A. 40:11A-43, to advertise to the VOB community the City goals, to track the award of public contracts to VOB's or VOB subcontractors and assist those enterprises in the participation of the procurement process.

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION NO. 173-2019

**Governor's Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle July 2020-June 2025**

**RESOLUTION
FORM 1B**

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The City Council of the City of South Amboy, County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and,

WHEREAS, the City Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the City Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Middlesex;

NOW, THEREFORE, BE IT RESOLVED by the City of South Amboy, County of Middlesex, State of New Jersey hereby recognizes the following:

1. The City Council does hereby authorize submission of a strategic plan for the South Amboy Municipal Alliance grant for fiscal year 2021 in the amount of:

DEDR	\$15,169.00
Cash Match	\$ 3,792.25
In-Kind	\$11,376.75
2. The City Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____
Fred Henry, *Mayor*

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION NO. 174-2019

**RESOLUTION APPROVING EMPLOYEE HANDBOOK AND PERSONNEL
POLICIES AND PROCEDURES**

WHEREAS, it is the policy of the City of South Amboy to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations; and

WHEREAS, the personnel policies and procedures of the City of South Amboy shall apply to all employees, volunteers, elected or appointed officials and independent contractors; and

WHEREAS, the City of South Amboy Employee Handbook sets forth the City's personnel policies and procedures;

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

1. The City of South Amboy Employee Handbook and Personnel Policies and Procedures are hereby approved and adopted;

2. In the event there is a conflict between these policies and procedures and any collective bargaining agreement, personnel services contract, Federal or State law including the Attorney General's Guidelines with respect to police department personnel matters and the New Jersey Civil Service Act, the terms and conditions of that contract or law shall prevail. In all other cases, the policies and procedures shall prevail;

3. The provisions of the Personnel Policies and Procedures may be amended and supplemented from time to time at the sole discretion of the Mayor.

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION #175-2019

WHEREAS, an application has been filed to renew Plenary Retail Distribution License No. 1220-44-003-008, heretofore issued to South Amboy Liquor & Food, LLC, with a mailing address of 5 Sarah Court, Edison, New Jersey 08827; and

WHEREAS, the licensee filed a petition requesting authorization for the local issuing authority to consider a renewal application for said Plenary Retail Consumption License for the 2018-2019 license terms pursuant to the provisions of N.J.S.A. 33:1-12.18; and

WHEREAS, the licensee has obtained authority from the State of New Jersey, Department of Law and Public Safety, Division of Alcoholic Beverage Control, to make an application for renewal of its license for the 2018-2019 license terms; and

WHEREAS, the licensee has filed an application for the renewal of its license for the 2018-2019 license term; and

WHEREAS, the submitted application is complete in all respects;

NOW, THEREFORE, BE, AND IT IS, HEREBY RESOLVED that the Council of the City of South Amboy, Middlesex County, New Jersey does, hereby, approve the renewal of the aforesaid Plenary Retail Distribution License for the 2018-2019 term, subject to all of its terms and conditions, and does hereby direct the City Clerk/ABC Secretary to endorse the license certificate as follows: "This license is subject to all of the terms and conditions hereby established by the issuing authority."

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION #176-2019

WHEREAS, an application has been filed to renew Plenary Retail Distribution License No. 1220-44-003-008, heretofore issued to South Amboy Liquor & Food, LLC, with a mailing address of 5 Sarah Court, Edison, New Jersey 08827; and

WHEREAS, the licensee filed a petition requesting authorization for the local issuing authority to consider a renewal application for said Plenary Retail Consumption License for the 2019-2020 license terms pursuant to the provisions of N.J.S.A. 33:1-12.18; and

WHEREAS, the licensee has obtained authority from the State of New Jersey, Department of Law and Public Safety, Division of Alcoholic Beverage Control, to make an application for renewal of its license for the 2019-2020 license terms; and

WHEREAS, the licensee has filed an application for the renewal of its license for the 2019-2020 license term; and

WHEREAS, the submitted application is complete in all respects;

NOW, THEREFORE, BE, AND IT IS, HEREBY RESOLVED that the Council of the City of South Amboy, Middlesex County, New Jersey does, hereby, approve the renewal of the aforesaid Plenary Retail Distribution License for the 2019-2020 term, subject to all of its terms and conditions, and does hereby direct the City Clerk/ABC Secretary to endorse the license certificate as follows: "This license is subject to all of the terms and conditions hereby established by the issuing authority."

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION #177-2019

**A Resolution Expressing Support for Transportation Electrification
in the State of New Jersey**

WHEREAS, emissions from gasoline and diesel-powered vehicles contribute significantly to air pollution, including global warming emissions, ground-level ozone, fine particulate matter;

WHEREAS, numerous scientific studies have found links between exposure to fine particulates and health effects including premature death, and increased incidents of asthma, allergies, and other breathing disorders, including groundbreaking research from the Rutgers Environmental and Occupational Health Science Institute (EOHSI);

WHEREAS, New Jersey is especially at threat from the impact of climate change, with more than 300,000 people in coastal areas in danger from rising sea levels, flooding, and dangerous storms;

WHEREAS, New Jersey is warming at twice the rate of the rest of the United States because of fossil fuel use, leading to dangerous environmental and public health impacts;

WHEREAS, petroleum-based gasoline and diesel fuel are non-renewable fuels, and for every gallon of gasoline used, the average car produces about 20 pounds of carbon dioxide (CO₂), the largest contributor to climate change nationally and in-state;

WHEREAS, more than 40 percent of energy-related greenhouse gas emissions in New Jersey are from the transportation sector, with about half of that (20 percent) from fossil fuel-powered cars;

WHEREAS, increased adoption of electric vehicles and the charging infrastructure to support them is an effective way to reduce climate-heating greenhouse gas emissions and improve air quality;

WHEREAS, electric vehicles may bring economic benefits, such as reduced electricity costs to residents;

WHEREAS, the City of South Amboy wants to be prepared to take advantage of the rapidly expanding market in electric vehicles and the growing range of funding sources for transit electrification;

WHEREAS, the City of South Amboy is committed to fostering sustainability and ensuring a healthy environment for present and future citizens; and

WHEREAS, with the Trump Administration's proposed rollback of the Clean Cars program and attack on the ability of states like New Jersey to set their own emissions standards, it is more critical than ever for counties like Middlesex to support the goals of the New Jersey Clean Cars program to put more than 330,000 electric vehicles on the road by 2025 to reduce air pollution and carbon emissions; and

WHEREAS, it is essential to pass S2252/A4819 to install at least 600 public DC fast chargers and Level 2 public community chargers at 1,000 locations or more across the state by December 31, 2021 as soon as possible.

NOW THEREFORE BE IT RESOLVED that the City of South, State of New Jersey, supports the electrification of transportation and welcomes investment in electric vehicles and electric vehicle supply equipment by agencies public and private.

BE IT FURTHER RESOLVED that in order to achieve this, the Council of the City of South Amboy supports S2252/A4819 and urges New Jersey's legislature to pass the bill as quickly as possible to expand charging infrastructure and rebates for electric vehicle owners.

BE IT FURTHER RESOLVED that the Council of the City of South Amboy supports and encourages the efforts of non-profits and agencies in the county to raise money and interest in transportation electrification with the goal of beginning to electrify the municipal fleet of towns as soon as possible.

**City of South Amboy
County of Middlesex**

RESOLUTION NO. 178-2019

**RESOLUTION APPROVING AN AGREEMENT BETWEEN THE
COUNTY OF MIDDLESEX AND THE CITY OF SOUTH AMBOY
REGARDING CHLOROFLUOROCARBONS (2020 – 2025)**

WHEREAS, Middlesex County, New Jersey, is pro-active in addressing environmental issues such as the depletion of the ozone layer; and

WHEREAS, chlorofluorocarbons (“CFCs”) are one of the manmade chemicals that are known to cause ozone depletion; and

WHEREAS, effective November 17, 2007 recycling of white goods including those containing CFCs is mandatory in Middlesex County; and

WHEREAS, the County seeks to provide a financial incentive that will assist municipalities including the City of South Amboy, improperly capturing CFCs from residentially discarded appliances that they collect curbside or at their drop off centers; and

WHEREAS, the County and the City of South Amboy are authorized to enter into an Agreement pursuant to N.J.S.A. 40A:11-5(2); and

WHEREAS, it is beneficial to the City of South Amboy and its residents to enter into this Agreement with the County of Middlesex;

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED as follows:

1. The Agreement between the County of Middlesex and City of South Amboy regarding the disposal of CFCs is hereby approved and the Mayor and the City

Clerk are directed and authorized to execute the Agreement on behalf of the City of South Amboy;

2. The Mayor, or his designee, and the City Clerk are further authorized to execute any further documents or take any further action for the City's obligations under the Agreement and to fulfill its objective;

3. The City Clerk shall retain, in quadruplicate, the Agreement, executed by the Mayor to the County of Middlesex, Division of Solid Waste Management, 13-15 Kennedy Blvd., New Brunswick, New Jersey 08901 and executed by the County of Middlesex with a fully executed copy returned to the City of South Amboy;

4. The City Clerk shall maintain, for public inspection, during normal business hours a copy of the fully executed Agreement;

5. The City Clerk shall return to the County of Middlesex, with the City's executed copies of the Agreement, a certified true copy of this Resolution.

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION #179-2019

**RESOLUTION PROVIDING FOR THE INSERTION
OF A SPECIAL ITEM OF REVENUE IN THE BUDGET
PURSUANT TO N.J.S.A. 40A:4-87 (CH. 159, P.L. 148) –
PUBLIC AND PRIVATE REVENUES OFFSET BY
APPROPRIATIONS**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue to the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of adoption of the budget; and

WHEREAS, the Director may also approve the insertion of any item of appropriation for equal amount; and

WHEREAS, the City has received a Clean Communities Grant award from the Environmental Protection Agency Department of Solid Waste in the amount of \$16,685.63.

NOW, THEREFORE, BE IT RESOLVED, that the City of South Amboy in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$16,685.63, which is now available from a Clean Communities Grant in the amount of \$16,685.63.

BE IT FURTHER RESOLVED that a like sum of \$16,685.63 be and the same is hereby appropriated under the caption of:

General Appropriations:

(A) Operations – Excluded from CAPS

County, State and Federal Programs Off-set by Revenues:
Clean Communities Grant

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION #180-2019

**RESOLUTION PROVIDING FOR THE INSERTION
OF A SPECIAL ITEM OF REVENUE IN THE BUDGET
PURSUANT TO N.J.S.A. 40A:4-87 (CH. 159, P.L. 148) –
PUBLIC AND PRIVATE REVENUES OFFSET BY
APPROPRIATIONS**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue to the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount; and

WHEREAS, the City of South Amboy has received a NJDOT FY 2019 Municipal Aid Grant for South Broadway, Roadway and Pedestrian Improvements in the amount of \$607,164.00; and

WHEREAS, the City wishes to direct this amount toward the purposes as allowed under the program; and

WHEREAS, the City wishes to include this amount in the 2019 budget as a revenue and appropriation;

NOW, THEREFORE, BE, AND IT IS, HEREBY, RESOLVED by the Council of the City of South Amboy, County of Middlesex, State of New Jersey, that permission be requested of the Director of the Division of Local Government Services to approve the insertion of \$607,164.00 as a special item of revenue which is available as a revenue from the State of New Jersey.

BE IT FURTHER RESOLVED that a like sum of \$607,164.00 be and the same is hereby appropriated under the caption of:

NJDOT Municipal Aid

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION #181-2019

**RESOLUTION PROVIDING FOR THE INSERTION
OF A SPECIAL ITEM OF REVENUE IN THE BUDGET
PURSUANT TO N.J.S.A. 40A:4-87 (CH. 159, P.L. 148) –
PUBLIC AND PRIVATE REVENUES OFFSET BY
APPROPRIATIONS**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue to the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of adoption of the budget; and

WHEREAS, the Director may also approve the insertion of any item of appropriation for equal amount; and

WHEREAS, the City has received a Emergency Management Performance Grant award through the Department of Law & Public Safety in the amount of \$10,000.00; and

WHEREAS, the Emergency Management Performance Grant requires a local cash match in the amount of \$10,034.83.

NOW, THEREFORE, BE IT RESOLVED, that the City of South Amboy in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of the following items in the 2019 Budget of the City of South Amboy:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written
Consent of the Director of the Division of Local Government Services:
County, State and Federal Revenues Off-set with Appropriations:
Emergency Management Performance Grant.....\$10,000.00

General Appropriations:

(A) Operations – Excluded from CAPS
County, State and Federal Programs Off-set by Revenues:
Emergency Management Performance Grant.....\$10,000.00

Local Match – Source:

Matching Funds for Grants.....\$10,034.83

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION #182-2019

**RESOLUTION APPROVING AN INTERLOCAL AGREEMENT
BETWEEN THE CITY OF SOUTH AMBOY AND THE COUNTY
OF MIDDLESEX FOR PUBLIC HEALTH SERVICES AND
ENVIRONMENTAL SERVICES**

WHEREAS, the County of Middlesex ("County") has created the Middlesex County Department of Public Health, pursuant to N.J.S.A. 26:3A2-1 et seq., to provide an array of public health services; and,

WHEREAS, the City of South Amboy ("City") is desirous of contracting with the County for furnishing by the County to the City health services of a technical and professional nature as more fully set forth in an interlocal contract between the County and the City, a copy of the proposed contract is on file with the City Clerk; and,

WHEREAS, the term of the proposed interlocal contract is for two years, commencing January 1, 2020 and terminating on December 31, 2021, at a base cost of \$64,989.60 for the year 2020 and \$66,289.39 for the year 2021;

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 Interlocal Contract between the County of Middlesex and the City of South Amboy, to provide health services of a technical and professional nature is hereby approved and the Mayor and City Clerk are hereby authorized and directed to execute the same on behalf of the City of South Amboy.
2. The Mayor and the City Clerk are further authorized to take any necessary action and execute any additional documents to carry out the purpose and terms of the Contract.
3. The City Clerk shall return the original and two copies of the interlocal contract, with a certified copy of this Resolution, to the County of Middlesex, Public Health Department, 75 Bayard Street, Fifth Floor, New Brunswick, NJ 08901, with a request that the County of Middlesex return a fully executed copy of the contract to the City of South Amboy.
4. Upon receipt of the fully executed contract, the City Clerk shall maintain a copy of the contract on file, for public inspection, during normal business hours.

CITY OF SOUTH AMBOY

COUNTY OF MIDDLESEX

RESOLUTION # 183-2019

**RESOLUTION AUTHORIZING BUDGET TRANSFERS
IN ACCORDANCE WITH N.J.S.A. 40A:4-58**

WHEREAS, N.J.S.A. 40A:4-58 provides for appropriation transfers during the last two (2) months of the fiscal year, when it has been determined it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation, the governing body may, by resolution setting forth the facts, adopted by not less than two-thirds vote of the full membership thereof, transfer the amount of such excess to those appropriations deemed to be insufficient;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of South Amboy, in the County of Middlesex and State of New Jersey, that the Chief Financial Officer be and the same is hereby authorized to make transfers among the 2019 budget appropriations in accordance with the attached schedule of transfers.

Budget		FROM	TO
9-01-20-100-010	Administration: Salaries and Wages	\$ 35,000.00	
9-01-20-120-010	Clerk: Salaries and Wages		\$ 27,000.00
9-01-20-145-010	Revenue Admin.: Salaries and Wages		5,000.00
9-01-21-180-020	Planning Board: Other Expenses		6,000.00
9-01-22-195-010	Code Enforcement: Salaries and Wages		20,000.00
9-01-23-220-020	Employee Group Ins: Other Expenses	120,000.00	
9-01-25-240-020	Police: Other Expenses		5,000.00
9-01-25-252-010	OEM: Salaries and Wages	2,000.00	
9-01-25-252-020	OEM: Other Expenses		2,000.00
9-01-26-290-020	Streets/Roads: Other Expenses		10,000.00
9-01-26-305-020	Solid Waste: Salaries and Wages		20,000.00
9-01-26-305-020	Solid Waste: Other Expenses		20,000.00
9-01-26-307-020	Sewer: Other Expenses		16,000.00
9-01-26-310-010	Building & Grounds: Salaries and Wages	70,000.00	
9-01-26-310-020	Building & Grounds: Other		4,000.00
9-01-26-308-020	MCUA Sewer Fees: Other Expenses		90,000.00
9-01-27-331-010	Vital Statistics: Salaries and Wages		500.00
9-01-43-490-020	Court: Other Expenses		1,500.00
		\$ 227,000.00	\$ 227,000.00

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

**RESOLUTION # 184-2019
RESOLUTION CERTIFYING ACTIVE MEMBERSHIP WITH SOUTH AMBOY
FIRE DEPARTMENT FOR NEW JERSEY STATE FIREMEN'S ASSOCIATION
ELIGIBILITY**

BE IT RESOLVED, that the Council of the City of South Amboy does hereby certify that **JUSTIN TRESCH** is an active member of the South Amboy Fire Department and is eligible to be members of the New Jersey State Firemen's Association upon completion of all requirements of the Fire Chief.

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION #185-2019

WHEREAS, N.J.S.A. 40A:5-17-1 provides that a municipality may authorize the processing of tax refunds of less than Ten (\$10.00) Dollars and the cancellation of tax delinquencies of less than Ten (\$10.00) Dollars;

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED by the Council of the City of South Amboy, Middlesex County, New Jersey, that the Tax Collector is hereby authorized to process, without any further action on the part of the Governing Body, any property tax refund of less than Ten (\$10.00) Dollars; and

BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to process, without further action on the part of the Governing Body, the cancellation of any property tax delinquency of less than Ten (\$10.00) Dollars; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be provided by the Municipal Clerk to the Tax Collector and Chief Financial Officer.

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION NO. 186-2019

**RESOLUTION AUTHORIZING THE RELEASE OF THE
PERFORMANCE BOND FOR 211 AUGUSTA ST.**

WHEREAS, Ed Condiracci, David Street Properties, issued a Performance Bond for a Street Opening Permit SAROP-17-557 for 211 Augusta Street; and

WHEREAS, the City Engineer, Mark Rasimowicz, has recommended that the Cash Bond be released, in the full amount of \$2,500; and

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

1. The aforesaid Cash Bond shall be released in the amount of \$2,500.00; and,
2. A certified copy of this Resolution shall be forwarded by the City Clerk to Mark Rasimowicz, City Engineer; Tom Kelly, Construction Official; Dan Balka, Chief Financial Officer and Glenn Skarzynski, Business Administrator.

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

**RESOLUTION NO. 187-2019
Tax Refund – 4 Raritan Reach Rd.**

WHEREAS, Joseph Castellano is the owner of premises situate at and known as 4 Raritan Reach Rd, known and designated as Block 161.02, Lot 20.18 Qual C02 on the official Tax Map of the City of South Amboy; and

WHEREAS, under the provisions of NJSA 54:4-3.30 (as amended) the dwelling house and lot of a veteran declared to be 100% permanently disabled is exempted from taxation; and

WHEREAS, Joseph Castellano has filed with the Tax Assessor of the City of South Amboy a claim for Property Tax Exemption by Disabled Veteran and said application has been approved by the Tax Assessor of the City of South Amboy effective October 1, 2019; and

WHEREAS, the taxes assessed against said premises for the 4th quarter 2019 in the amount of \$2704.16 has been paid in full; and

WHEREAS, the tax collector has certified the above payment has been made.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of South Amboy that the Chief Financial Officer of the City of South Amboy be and is hereby authorized and directed to refund the taxes for the 4th quarter 2019 in the amount of \$2704.16 and the Tax Collector is hereby directed to cancel property taxes for the 1st Quarter 2019 in the amount of \$2681.91 and the 2nd quarter 2019 in the amount of \$2681.91; and

BE IT FURTHER RESOLVED, under and by virtue of NJSA 54:4-3.30, that the property known as Block 161.02, Lot 20.18 Qual C02 on the tax map of the City of South be and the same is hereby declared to be exempt from taxation from and after October 1, 2019.

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION 188-2019

RESOLUTION OF THE CITY OF SOUTH AMBOY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY AUTHORIZING AN EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-48 TO PROVIDE FOR THE DEMOLITION OF AN UNSAFE STRUCTURE REQUIRED TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE CITY OF SOUTH AMBOY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, AND CITY RESIDENTS

WHEREAS, an emergency has arisen requiring the appropriation of funds of the City of South Amboy, in the County of Middlesex, New Jersey (the "City"), in the amount of \$200,000 to provide for the demolition of a structurally unsafe building located at 131 South Broadway in the City, Block 36, Lot 1 on the official Tax Maps of the City, and including all work and materials necessary therefor and incidental thereto (the "Emergency Project"); and

WHEREAS, the City has determined that the building located on the property, which suffered significant damage to the roof, is structurally unsound which causes such building to increase the hazard of accidents or other calamities, rendering such building dangerous to the health, safety and welfare of the City and the residents of the City; and

WHEREAS, accordingly, the City's construction official has deemed the building unsafe; and

WHEREAS, pursuant to N.J.S.A. 40:48-2.3, the Legislature of the State of New Jersey has determined that a public necessity exists for the repair, closing or demolition of such dangerous and unsafe buildings; and

WHEREAS, pursuant to N.J.S.A. 40:48-2.3 and the City's general ordinances, the City has the power to demolish buildings that are dangerous to the health, safety and welfare of the City; and

WHEREAS, the total amount of emergency appropriations created, including the appropriation to be created by this resolution, is \$200,000, and 3% of the total current and utility operating appropriations in the budget for CY 2019 is \$487,700; and

WHEREAS, the foregoing emergency appropriation, together with prior emergency appropriations, does not exceed 3% of the total operating appropriations (including utility operation appropriations) in the budget for CY 2019.

NOW THEREFORE BE IT RESOLVED (by not less than two-thirds of the full membership of the governing body affirmatively concurring) as follows:

1. Pursuant to N.J.S.A. 40A:4-48, an emergency appropriation is hereby made in the amount of \$200,000 for the Emergency Project. The \$200,000 appropriated herein is sufficient to fund the emergency described herein.
2. The emergency appropriation set forth in Section 1 hereof shall be provided for in full through a capital ordinance entitled, "Ordinance Appropriating \$200,000 from the Capital Improvement Fund for the Demolition of an Unsafe Structure in and by the City of South Amboy, in the County of Middlesex, New Jersey", which capital ordinance is scheduled to be introduced on first reading on the date hereof and finally adopted by the City prior to the final adoption of the budget for the CY2020.
3. Two certified copies of this resolution shall be filed with the Director of the Division of Local Government Services.
4. This resolution shall take effect immediately.

CERTIFICATION OF CHIEF FINANCIAL OFFICER

Purpose of emergency appropriation: Demolition of a structurally unsound building located at 131 South Broadway in the City, Block 36, Lot 1 on the official Tax Maps of the City, and including all work and materials necessary therefor and incidental thereto

Date(s) of occurrence:

Have any **contracts** been awarded or purchase orders placed in connection with this emergency appropriation? *No*

IN WITNESS WHEREOF, I have hereunto set my hand as of this 25th day of November, 2019.



Chief Financial Officer
City of South Amboy

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION NO. 189-2019

**RESOLUTION AWARDING CONTRACT FOR THE
DEMOLITION OF 131 S. BROADWAY**

WHEREAS, sealed bids were received by the City of South Amboy on November 15, 2019 for the demolition of 131 South Broadway; and

WHEREAS, City Engineer, Mark Rasimowicz, reviewed all bids and provided their analysis and recommendations as set forth on the attached chart; and

WHEREAS, the Finance Director has determined sufficient funds in the amount of \$140,900.00 are available as evidenced by the Finance Director's certification, attached;

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

1. The contract for the 131 South Broadway demolition is hereby awarded to Tri Con Enterprises, Inc.
2. The Mayor and City Clerk are hereby authorized and directed to execute the contract for same.
3. The certified checks or bid bonds of the successful bidder Tri Con Enterprises, Inc. and the next two lowest bidders IBN Construction Corp., 49 Hermon St., Newark NJ 07105 and Two Brothers Contracting, Inc., 11 Vreeland Avenue, Totowa, NJ 07512 are to be returned upon the receipt of a fully executed contract and other required documents.
4. The Mayor and City Clerk are hereby further authorized and directed to take all further action and execute any further documents to give full effect to the contract and its objectives.
5. The City Clerk shall provide certified copies of this Resolution to all bidders, the City Engineer and City Law Director.

Certification of Funds:

I, Daniel Balka, Chief Financial Officer of the City of South Amboy, do hereby certify that the amount of \$140,900.00 will be available in account: 9-01-44-900-500, Demolition.



Daniel Balka, Chief Financial Officer
Dated:

CENTER STATE ENGINEERING

481 Spotswood Englishtown Road, Monroe Township, New Jersey 08831
 ☎ 732.605.9440 ☎ 732.605.9444

Bid Summary
Building Demolition - 131 South Broadway
City of South Amboy, New Jersey
CSE No. SA19-001-04
 Bids Received: November 15, 2019

EM NO.	ITEM DESCRIPTION	UNIT	TOTAL QUANTITY	ENGINEER'S ESTIMATE		TTC Con Enterprises, Inc		IMB Construction Corp.		Two Brothers Contracting, Inc		Vernalt Foundation	
				UNIT PRICE	TOTAL COST	BID PRICE	TOTAL COST	BID PRICE	TOTAL COST	BID PRICE	TOTAL COST	BID PRICE	TOTAL COST
1	Soil Erosion & Sediment Control	LS	1	\$500.00	\$500.00	\$3,600.00	\$3,600.00	\$1,800.00	\$1,800.00	\$4,308.00	\$4,308.00	\$3,300.00	\$3,300.00
2	Maintenance & Protection of Vehicular & Pedestrian Traffic	LS	1	\$10,000.00	\$10,000.00	\$13,000.00	\$13,000.00	\$1,000.00	\$1,000.00	\$7,180.00	\$7,180.00	\$4,200.00	\$4,200.00
3	Traffic Directors, City Police Allowance	Allow	1	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
4	Temporary Chain Link Fence, 6' High	LF	350	\$20.00	\$7,000.00	\$6.20	\$2,170.00	\$6.00	\$9,100.00	\$16.40	\$5,740.00	\$3.10	\$1,785.00
5	Temporary Barriers	LF	170	\$25.00	\$4,250.00	\$75.00	\$12,750.00	\$30.00	\$5,100.00	\$16.50	\$2,873.00	\$35.70	\$6,069.00
6	Cleaning Site, Building Demolition	LS	1	\$50,000.00	\$50,000.00	\$33,400.00	\$33,400.00	\$50,200.00	\$50,200.00	\$51,696.00	\$51,696.00	\$83,000.00	\$83,000.00
7	I-14, Soil Aggregate	Ton	205	\$90.00	\$18,450.00	\$36.00	\$7,380.00	\$35.00	\$7,175.00	\$29.00	\$5,945.00	\$32.65	\$6,693.25
8	I-14, Soil Aggregate, 6" Thick	SY	225	\$9.00	\$2,025.00	\$16.00	\$3,600.00	\$16.00	\$3,600.00	\$32.00	\$7,200.00	\$12.24	\$2,754.00
9	Allowance for NJ Transit Charges	Allow	1	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00
10	Allowance for Work Not Specified	Allow	1	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
BASE BID TOTAL					\$144,925.00		\$140,900.00		\$142,975.00		\$149,942.00		\$172,801.25

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION #190-2019

**RESOLUTION PROVIDING FOR THE INSERTION
OF A SPECIAL ITEM OF REVENUE IN THE BUDGET
PURSUANT TO N.J.S.A. 40A:4-87 (CH. 159, P.L. 148) –
PUBLIC AND PRIVATE REVENUES OFFSET BY
APPROPRIATIONS**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue to the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of adoption of the budget; and

WHEREAS, the Director may also approve the insertion of any item of appropriation for equal amount; and

WHEREAS, the City has received a Municipal Alliance Grant award through the Governor’s Council on Alcoholism and Drug Abuse in the amount of \$9,448.00; and

WHEREAS, the Municipal Alliance Grant requires a local cash match in the amount of \$2,362.00

NOW, THEREFORE, BE IT RESOLVED, that the City of South Amboy in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of the following items in the 2019 Budget of the City of South Amboy:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written
Consent of the Director of the Division of Local Government Services:
County, State and Federal Revenues Off-set with Appropriations:
Municipal Alliance Grant.....\$9,448.00

General Appropriations:

(A) Operations – Excluded from CAPS
County, State and Federal Programs Off-set by Revenues:
Municipal Alliance Grant.....\$9,448.00

Local Match – Source:

Matching Funds for Grants.....\$2,362.00

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

RESOLUTION #191-2019

**RESOLUTION PROVIDING FOR THE INSERTION
OF A SPECIAL ITEM OF REVENUE IN THE BUDGET
PURSUANT TO N.J.S.A. 40A:4-87 (CH. 159, P.L. 148) –
PUBLIC AND PRIVATE REVENUES OFFSET BY
APPROPRIATIONS**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue to the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of adoption of the budget; and

WHEREAS, the Director may also approve the insertion of any item of appropriation for equal amount; and

WHEREAS, the City has received a Sustainable Jersey Grant award through the PSEG Foundation in the amount of \$2,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the City of South Amboy in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$2,000.00, which is now available from a Sustainable Jersey Grant in the amount of \$2,000.00.

BE IT FURTHER RESOLVED that a like sum of \$2,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

(A) Operations – Excluded from CAPS

County, State and Federal Programs Off-set by Revenues:
Sustainable Jersey Grant

MINUTES FOR BUSINESS MEETING NOVEMBER 6, 2019

The Meeting held at South Amboy City Hall, 140 North Broadway, South Amboy, New Jersey, was called to order by Council President Gross at 6:00 P.M. The City Clerk read the Opening Prayer and all recited the Pledge of Allegiance.

PRESENT: Councilman Reilly, Councilman McLaughlin, Councilwoman Dato, Councilwoman Noble, and Council President Gross.

ALSO PRESENT: Fred A. Henry, Mayor, Glenn Skarzynski, Business Administrator, and Francis Womack, Director of Law

Council President Gross 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 December 13, 2018, provided to the Star Ledger, filed with the City Clerk and posted in the City Municipal Building on January 10".

PRESENTATION: Tom Sikorski from the County Board of Health gave a brief annual update on the services being provided to the City of South Amboy.

LIST OF BILLS FOR PAYMENT: (Bill list dated October 31st, 2019)

R- 171-2019

APPROVING PAYMENT OF BILLS

BE IT RESOLVED, that the City Council of the City of South Amboy does hereby approve the payment of the bills as presented by the Chief Financial Officer.

BE IT FURTHER RESOLVED, that the bills list be appended to the official minutes.

MOVED by: Councilwoman Dato of the Council of the City of South Amboy, that Resolution #171-2019 is hereby approved. **SECONDED by:** Councilwoman Noble. **ROLL CALL VOTE:** All in favor.

MINUTES APPROVAL:

R-172-2019

APPROVAL AND RELEASE OF MINUTES

BE IT RESOLVED, that the City Council of the City of South Amboy does hereby approve and release the Council Minutes of the October 16, 2019 City Council Meeting.

MOVED by: Councilwoman Noble of the Council of the City of South Amboy, that Resolution #172-2019 is hereby approved. **SECONDED by:** Councilman McLaughlin. **ROLL CALL VOTE:** Ayes: Reilly, McLaughlin, Gross Abstain: Dato, McLaughlin

BUSINESS ITEMS:

- a.) Discuss Resolution 173-2019 – Municipal Alliance Grant 2020-2025
- b.) Discuss Resolution 174-2019 – Approving Employee Handbook
- c.) Discuss Resolution 175-2019 – Renewal ABC License 1220-44-003-008 (2018-2019)
- d.) Discuss Resolution 176-2019 – Renewal ABC License 1220-44-003-008 (2019-2020)

- e.) Discuss Resolution 177-2019 – Resolution Expressing Support for Transportation Electrification in the State of New Jersey
- f.) Discuss Resolution 178-2019 – CFC/HCFC Subsidy Agreement (Solid Waste)
- g.) Discuss Resolution 179-2019 - Ch 159 Solid Waste Clean Communities Grant
- h.) Discuss Resolution 180-2019 – CH 159 NJDOT Municipal Aid Grant
- i.) Discuss Resolution 181-2019 – CH 159 Emergency Mgmt. Performance Grant Award
- j.) Discuss Resolution 182-2019 – Interlocal Agreement for Health Services 2020-2021
- k.) Discuss Resolution 183-2019 - Transfer of Funds
- l.) Discuss Resolution 184-2019 – Fireman – Justin Tresch – Progressive
- m.) Discuss Resolution 185-2019 - Cancel Tax Delinquencies
- n.) Discuss Resolution 186-2019 – Release Cash Bond for 211 Augusta St.
- o.) Discuss Resolution 187-2019 – Tax Refund 4 Raritan Reach Rd.
- p.) Discuss fees for non-resident seniors using City of South Amboy Services – the Council directed Attorney Womack to amend the Fee Ordinance to add a \$60 annual fee (\$50.00/year if paid in advance) for senior citizen programs for non-residents.
- q.) Discuss First Net Phones – This is in progress and will be presented for the 2020 budget.
- r.) Discuss Illegal Housing – The Council directed BA Skarzynski to ensue the housing inspector was noting any possible illegal rentals and directed Attorney Womack to look into creating an Ordinance which required Boarding House inspections.
- s.) Discuss Shared Services for Sewer – The Council directed BA Skarzynski to bring more detailed cost information for the option of buying the equipment and the option of using shared services with Sayreville to the next meeting.
- t.) Discuss First Aid/Fire Equipment purchases – The Council is moving forward with the purchase of two new fire trucks and will look into the possibility of a new vehicle for the first aid squad.
- u.) Discuss Aunt Bertha/Connecting People and Programs – The link will be added to the website and Facebook page.
- v.) Discuss Vaping Stores – Attorney Womack will submit an Ordinance restricting the sale of vaping products and discussed the possibility of the Planning Board changing the zoning to add Vaping Stores as a banned use.
- w.) Discuss Award of Contract for 131 South Broadway – this will be awarded November 15th.
- x.) Discuss No-Knock Registration Ordinance – Attorney Womack will have an Ordinance for introduction at the November Council Meeting.
- y.) Discuss Easement at 141 North Broadway -Attorney Womack will prepare the Resolution for the Council Meeting
- z.) Discuss Certification for the City as a “Veteran Friendly Municipality” – The Resolution will be on the November Council Meeting agenda

COMMENTS:

Ms. Dato:

- Congratulated Mr. Womack on his re-election as Mayor and thanked the election day workers for all their hard work.

Mr. McLaughlin:

- Noted that JCP&L did a good job clearing the properties.
- Requested the alley between 4th and 5th street be cleaned out.
- Requested BA Skarzynski send a letter to the owners at the skating rink regarding the overhanging trees.
- Confirmed the status of B&E Contractors for Manhattan Beach – they are still awaiting final approve from the Planning Board.
- Requested BA Skarzynski follow up on the status of Raritan Ridgeway project.
- Reported the progress on the removal of the pedestrian transit bridge was progressing quickly.
- Suggested pursuing federal grant money for the Marina and waterfront repairs.

Ms. Noble:

- Confirmed the striping on Pine Street is almost complete.
- Confirmed PD tracks street light outages.

Mr. Reilly:

- Congratulated Mr. Womack on his re-election.
- Thanked Mark Herdman and Kim Seber for attending the meeting.
- Confirmed the speeding issue in the alley was being addressed.
- Inquired as to whether or not the City's Playground is in compliance. BA Skarzynski Will ensure we are in compliance.
- Asked and received an affirmative that both PB and SARA members are required to take a class.
- Wanted to know the status of the sale of the old Brick Chevrolet lot and was informed the sale to the 7-11 had fallen through and they are looking for a new purchaser.
- Announced the Friends of South Amboy was posting a \$500 reward for the return of an urn and ashes that was stolen from a resident's home.

Mr. Womack: No report

Mr. Skarzynski: - No report

Mayor Henry:

- Congratulated Mr. Womack on his re-election.
- Send his condolences to the Booker family.
- Reminded everyone of the Dedication of South Amboy resident military that were killed in action with honorary street signs at 11am at the Historical Society offices.

PUBLIC COMMENTS:

- Mark Herdman, Stockton Street, requested the Council consider extending Stockton's one way direction one additional block to First Street. BA Skarzynski will follow up with the PD for traffic safety.

CLOSED SESSION: On motion of Ms. Dato, seconded by Mr. McLaughlin and approved unanimously the Council adopted Resolution 187-2019 to go into executive session. The public meeting would be adjourned at the completion of the executive session.

On motion by Mr. McLaughlin, seconded by Ms. Noble and carried unanimously, the executive session of the meeting was reconvened and adjourned at 9:00 pm.

Respectfully submitted,

Deborah Brooks, RMC
Municipal Clerk

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

ORDINANCE #24-2019

**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.**

BE AND IT IS HEREBY ORDAINED that Ordinance No. 1036, entitled "Parking and Traffic Regulations" is hereby amended as follows:

ARTICLE V Handicapped Parking

Section 5-1 Special Parking for Handicapped
Section X Handicapped Parking

Add the Following:

<u>NAME OF STREET</u>	<u>LOCATION</u>
232 Henry Street	Beginning 430 feet from the curb line of Henry Street/South Broadway in front of Residence at 232 Henry St
231 David Street	Beginning 387 feet 2 inches from the curb line at George Street/South Broadway in front of the Residence at 231 David Street
233 North Feltus Street	Beginning 23 feet from the curb line on North Feltus Street/Fourth Street in front of the Residence at 233 North Feltus Street

Delete the Following:

<u>NAME OF STREET</u>	<u>LOCATION</u>
322 Henry Street	Beginning 302 feet West from the curb line at the intersection of Stevens Avenue and Henry Street and continuing 22 feet Easterly therefrom to the orange line marking the end of the parking spot.

The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision thereof.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistency only.

This ordinance shall take effect after final passage and publication as provided by law.

The Municipal Clerk shall serve a certified true copy of this Ordinance upon the South Amboy Police Department.

The foregoing ordinance having been introduced and passed on first reading by the Council of the City of South Amboy, in the County of Middlesex on Wednesday, October 16, 2019, will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:00 p.m. on Monday, November 25, 2019 at City Hall, 140 North Broadway, South Amboy, New Jersey when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

First Reading and Introduction: October 16, 2019

1st Publication: October 21, 2019

Second Reading and Adoption: November 25, 2019

2nd Publication: _____

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

**ORDINANCE NO. 25-2019
AN ORDINANCE AMENDING
SECTION 88-10 OF
THE SOUTH AMBOY CODE
(Mercantile Licenses; Application for License)**

BE, AND IT IS HEREBY ORDAINED by the Council of the City of South Amboy, Middlesex County, New Jersey, that Ordinance No. 88-1 (Application for license) is amended and supplemented as follows:

Application forms for all licenses shall be obtained from, filed with and kept on file by the City Clerk. The term of the license shall be for a period of one (1) year with all licenses commencing on January 1 and expiring on December 31. If the applicant certifies, at the time of the renewal of the license, that the information contained on the original application is unchanged, he or she need not fill out a new application. If any of the information contained on the original application is changed, the applicant must advise the City Clerk in writing of the change in information. Licenses are not transferable to another location or another person not contained in the original application.

The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistency only.

This Ordinance shall take effect after final passage and publication as provided by law.

The foregoing ordinance having been introduced and passed on first reading by the City Council of the City of South Amboy, in the County of Middlesex on Wednesday, October 16, 2019 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:00 p.m. on Wednesday, November 25, 2019, at the Municipal Building, 140 N. Broadway, South Amboy, New Jersey, when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

Deborah Brooks, RMC, CMR
Township Clerk

First reading:	October 16, 2019
First Publication:	October 21, 2019
Second reading:	November 25, 2019
Second Publication:	

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

ORDINANCE NO. 26-2019

**AN ORDINANCE CONCERNING FEES TO THE CITY OF
SOUTH AMBOY**

WHEREAS, the City of South Amboy Senior Citizen Department (the Department) strives to provide programs at the South Amboy Senior Citizen Center without charge or at reasonable fees for South Amboy residents; and

WHEREAS, senior citizen residents of nearby communities who meet age requirements also enjoy participation in the programs and activities at the Senior Citizen Center; and

WHEREAS, the City of South Amboy wishes to make programs and activities offered at the South Amboy Senior Citizen Center available to residents of nearby communities without incurring additional costs to the residents of South Amboy;

NOW THEREFORE BE IT ORDAINED, by the Council of the City of South Amboy, Middlesex County, that the Code of the City of South Amboy be amended and supplemented as follows:

Chapter 10

Licenses and licensed business

Add: Section 10-6

“Senior Citizen Center Fees”

There shall be an annual fee for participation of senior citizens who are not residents of the City of South Amboy in activities and programs at the South Amboy Senior Citizen Center. Said fee shall be \$50.00 if paid on or before January 31st, of the calendar year and shall be \$60.00 if paid on or after January 31st of the calendar year.

Deborah Brooks
Municipal Clerk

Introduced on First Reading: November 25, 2019

First Publication:

Approved on Final Reading:

Final Publication:

ORDINANCE NO. 27-2019

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 81 “HANDBILLS AND SIGNS” OF THE SOUTH AMBOY CITY CODE AND INCLUDING A NO-KNOCK REGISTRY

BE, AND IT IS HEREBY ORDAINED by the Council of the City of South Amboy, Middlesex County, New Jersey, that Chapter 81 of the City Code of the City of South Amboy is amended and supplemented as follows:

§ 81-1 Title.

This chapter shall be known and may be cited as the “South Amboy City Anti-Litter and No Knock Ordinance.”

§ 81-2 Purpose.

The purpose of this chapter is to preserve and promote the aesthetic value of the city’s visual environment and to ensure traffic safety by reducing visual distractions and litter, to regulate the standards and manner in which handbills and commercial circulars are distributed within the City of South Amboy to ensure the protection of the public health, safety and welfare.

§ 81-3 Definitions

As used in this article, the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended:

COMMERCIAL CIRCULAR

An advertisement, notice, or statement printed or written for general distribution in connection with a business or commercial activity.

HANDBILL

An advertisement, notice, or statement printed or written for general distribution in connection with a noncommercial activity or event.

PERSON

A natural person, association, corporation, firm, partnership, trust or other legal entity.

§81-4 License required

- A. It shall be unlawful for any person to circulate handbills or commercial circulars within the City unless licensed to do so pursuant to this article.
- B. The license required shall be known as a handbill license and shall be issued by the City Clerk after payment of the required fee and compliance with these regulations.
- C. The fee for each license shall be as set forth in Chapter 10-7 “Fees, Handbill License” However, nonprofit organizations shall be exempt from the payment of the fee.
- D. This article shall not apply to legal notices.

§ 81-5 Application

The application for the license shall be made in writing and filed with the City Clerk. Each application shall contain the following information:

- A. The name and address of the business or organization conducting the advertisement or event.
- B. The name and address of the person in charge of the distribution of handbills or commercial circulars.
- C. A copy of the handbill or commercial circular shall be filed with the application.

§ 81-6 Depositing handbills in public places.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place.

§ 81-7 Depositing handbills on vacant private premises.

No person shall throw or deposit any handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

§ 81-8 Distribution on posted premises.

In addition to any prohibition set forth in Section 81-10 of this chapter, no person shall throw, deposit or distribute any handbill upon any private premises if requested by anyone thereon not to do so or if there is placed on said premises in a conspicuous position near the entrance thereof a sign bearing the words “No Trespassing,” “No Peddlers or Agents,” “No Advertisement” or any similar notice indicating in any manner that the owner or occupant of said premises does not desire to have his or her right of privacy disturbed or have any such handbills left upon the premises.

§ 81-9 Distribution on inhabited private premises; exceptions.

- A. With regard to any premises not subject to Section 81-10 of this chapter, no person shall throw, deposit or distribute any handbill on the premises which are inhabited except by handing or transmitting such handbill directly to the owner, occupant or other person willing to accept it then present in or upon such private premises. In the case of inhabited private premises which are not subject to Section 81-10 of this chapter and are not otherwise posted, as provided in this chapter, such person, unless requested by someone on such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about the premises or sidewalks, streets or other public places; and except that mailboxes may not be used for holding any handbill when so prohibited by federal postal law or regulations.
- B. The provisions of this section shall not apply to the distribution of mail by the United States Postal Service or to newspapers.

§ 81-10 Do Not Knock Registry

- A. All residents of the City of South Amboy may register their address with the Police Department to be placed on the Do Not Knock Registry, indicating that they do not want peddling, itinerant vending and door-to-door sales enterprises to approach their homes on their premises. Registration shall be by completion of a form made available by the Police Department's office.
- B. Residents shall remain on the Do Not Knock Registry until such time as they advise the Police Department in writing that they wish to be removed from the list.
- C. Any resident registered on the Do Not Knock Registry, pursuant to Subsection A herein, shall be able to procure from the Police Department a sticker for display at the residence indicating enlistment on the City of South Amboy 'Do Not Knock' Registry. The first sticker shall be provided free of charge and may be picked up in person during regular business hours. If a replacement sticker is required, the individual may pick up a replacement at the Police Department at no charge. A fee for processing and mailing will be applied for any individual who desires to have the sticker mailed to him or her, which shall be payable to the Police Department. The sticker must be displayed in a clearly visible location.
- D. The Police Department shall maintain the Do Not Knock Registry and allow inspection of the addresses on the registry to all persons or entities required to obtain a permit under City Code Section 81-4.
- E. It shall be unlawful for any person or entity required to obtain a permit pursuant to 81-4 to enter the approach and/or seek contact from a residence registered on the Do Not Knock Registry.

§ 81-11. Posting handbills or signs on public property.

- A. No person may paint, mark, write on, post or otherwise affix any handbill or sign to or upon any public property or structure without the authority of the of the City Police Department or of the City Clerk. Authorization shall be given only for the purpose of regulating, warning, identifying and guiding traffic.
- B. Upon approval from the City Police Department or of the City Clerk, construction contractors and utility companies may erect temporary signs at work sites to protect the public, equipment and workers.
- C. The City of South Amboy may post signs without notice to protect the public and/or employees from harm.
- D. Property protected by this chapter includes, but is not limited to, traffic signal poles, traffic signal facilities, traffic signs, parking meters, utility poles, telephone poles, trees, United States mail receptacles, litter receptacles, benches, bus shelters, vacant buildings, fences bordering vacant lots, public buildings or any object affixed to or placed thereon for public purposes or for the use of the public.
- E. No person shall deposit, place, scatter or throw any handbill or commercial circular in or upon any public property within the City including public grounds, parks, sidewalks or streets. This subsection does not prohibit the distributing, handing or transmitting of any handbill or commercial circular to any person willing to accept it.

§ 81-12 Handbills or signs on uninhabited private property.

Without the consent of the owner or authorized agent for such property, no person may paint, write, post or otherwise affix any handbill or sign to or upon any private property. This shall include, but is not limited to, utility poles, telephone poles, private fences and private trees.

§ 81-13 Motor vehicle

No person shall deposit, place, scatter or throw any handbill or commercial circular in or upon any automobile or other motor vehicle. Except as otherwise provided in this chapter, this subsection does not prohibit the distributing, handing, or transmitting of any handbill or commercial circular to the occupant of any motor vehicle who is willing to accept it.

§ 81-14 Public Safety

No person shall distribute, hand or transmit any handbill or commercial circular in such a manner as to impede the free flow of motor vehicle traffic on any street or pedestrian traffic on any sidewalk, unless otherwise approved by City Council.

§ 81-15 Removal of signs; responsibility.

Any handbill or sign found posted or otherwise affixed upon any public or utility property contrary to the provisions of this chapter may be removed by the company, utility, organization or individual owning or responsible for maintaining that property, or the City Department of Public Works. When the property in question is not owned by the City of South Amboy, written permission shall be obtained before removal of any sign or handbill.

§ 81-16 No posting allowed.

No person shall affix or attach any handbill or commercial circular on benches, bridges, culverts, curbs, fences, hydrants, lamps, public buildings, rocks, sidewalks, street signs, stumps, trees and utility poles. Handbills and commercial circulars may be affixed to private buildings with the prior consent of the owner. They must be removed immediately after the relevant activity or event is completed.

§ 81-17 Removal of signs; liability.

A. For the purposes of this section, there shall be a presumption that:

- (1) The real estate agent, broker, brokerage firm or other person whose name or telephone number appears on the handbill or sign is the person responsible for posting the handbill or sign advertising property for sale, lease or rent;
- (2) The candidate seeking office is the person responsible for posting the handbill or sign promoting the candidate for public office;
- (3) The owner, or lessee if the property is leased, of property used for a yard or garage sale is the person responsible for posting a handbill or sign advertising a yard or garage sale;
- (4) The owner, or lessee if the property is leased, of property used for a commercial activity or event is the person responsible for posting the handbill or sign advertising the subject commercial activity or event;
- (5) The person whose name, telephone or address appears as the sponsor for a sporting event, concert, theatrical performance or similar activity or event is the person responsible for posting the handbill or sign advertising the subject activity or event; and
- (6) The person whose name, telephone number or address appears as the person to contact on any handbill or sign posted is the person responsible having posted the same.

B. For the purpose of this section, the person presumed to be responsible for posting a handbill or sign on public or utility property may rebut such presumption by declaring under penalty of perjury or swearing under oath that the person did not cause, authorize, allow or permit the posting of the handbill or sign on public or utility property.

§ 81-18 Removal of signs; costs.

- A. The Superintendent of Public Works or an authorized agent may notify the individual or organization of the location of all unauthorized sign(s) and handbill(s) and require their removal within 48 hours. If the individual or organization, after notification, fails to remove the unauthorized sign and handbill within 48 hours, the Superintendent of Public Works may authorize the removal and charge the cost of removal to the individual or organization.
- B. The individual or organization responsible for the unauthorized sign(s) and handbill(s) shall not be responsible for the cost of removal if notice is not given within the specified time.
- C. The Superintendent of Public Works shall determine the reasonable costs to the City of South Amboy incurred in removing handbills and signs pursuant to this section. Such costs shall include, but are not limited to, direct labor, material and equipment costs as well as departmental and general city overhead costs attributable to the removal of the handbills or signs.
- D. Notice under this section may be by registered or ordinary mail if an address is indicated or by any means reasonably intended to give notice of the unauthorized sign.

§81-19 Exceptions

The provisions of this Chapter do not apply to the following activities when performed in the customary manner: messenger service, the delivery of newspapers, the delivery of the United States mail, and the delivery of telegrams.

§ 81-20 Violations and penalties.

Any person violating any provision of this chapter shall, upon conviction thereof, be punishable by a fine of not more than \$2,000.00 or by imprisonment for not more than 90 days, or both.

The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistency only.

This Ordinance shall take effect after final passage and publication as provided by law.

Deborah Brooks
Municipal Clerk

Introduced on First Reading: November 25, 2019
First Publication:
Approved on Final Reading:

Final Publication:

CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX

ORDINANCE NO. 28-2019

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

BE AND IT IS HEREBY ORDAINED by the Council for the City of South Amboy, Middlesex County, New Jersey, on the Ordinance No. 1036, entitled "Parking and Traffic Regulations for the City of South Amboy" is hereby amended and supplemented as follows:

Add the Following:

ARTICLE V Handicapped Parking

Section 5-1 Special Parking for Handicapped

Section X Handicapped Parking

Add the Following:

NAME OF STREET

LOCATION

First Street

Sign to be placed 49 feet 2 inches from the curb line of Stockton Street/Church Street on the side of the residence at 239 First Street.

The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision thereof.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistency only.

This ordinance shall take effect after final passage and publication as provided by law.

The Municipal Clerk shall serve a certified true copy of this Ordinance upon the South Amboy Police Department.

Deborah Brooks
Municipal Clerk

Introduced on First Reading: November 25, 2019
First Publication:
Approved on Final Reading:
Final Publication:

ORDINANCE 29-2019

ORDINANCE APPROPRIATING \$200,000 FROM THE CAPITAL IMPROVEMENT FUND FOR THE DEMOLITION OF AN UNSAFE STRUCTURE IN AND BY THE CITY OF SOUTH AMBOY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH AMBOY, IN THE COUNTY OF MIDDLESEX, NEW JERSEY AS FOLLOWS:

Section 1. \$200,000 is hereby appropriated from the Capital Improvement Fund of the City of South Amboy, in the County of Middlesex, New Jersey (the "City") for the demolition of a structurally unsafe building located at 131 South Broadway in the City, Block 36, Lot 1 on the official Tax Maps of the City, and including all work and materials necessary therefor and incidental thereto, as more particularly described in a resolution of the City duly adopted on November 25, 2019 authorizing an emergency appropriation for such purpose. Provision for financing such purpose shall be made by this ordinance and shall not be provided for as a deferred charge in the 2020 budget.

Section 2. The City hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the City is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 3. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX, NEW JERSEY

ORDINANCE #30-2019

AN ORDINANCE AUTHORIZING ACCEPTANCE OF AN ACCESS AND PARKING EASEMENT THROUGH A PORTION OF BLOCK 10, LOT 1 & 10.01 AS SHOWN ON THE TAX MAP OF THE CITY OF SOUTH AMBOY

WHEREAS, 611 Bordentown, LLC (611 Bordentown), is the owner of property known as Lot 1 & 10.01 (the Property), and

WHEREAS, 611 Bordentown received Preliminary Major Site Plan Approval from the City of South Amboy Planning Board ("Planning Board") for the development of three-story, twenty-six unit apartment building on Block 10, Lot 1 & 10.01 as shown on the Tax Map of the City of South Amboy, and same was memorialized by resolution of the Planning Board on January 23, 2019, and

WHEREAS, in connection with the Approval, 611 Bordentown is required to grant to the City of South Amboy an easement providing permanent non-exclusive, uninterrupted open and non-obstructed access for vehicles and pedestrians over and across the public parking lot area of a portion of the Property, and

WHEREAS, the City Attorney and City Engineer for the City of South Amboy have reviewed the Access Easement, a copy of which is attached hereto, and have found it to be acceptable.

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

1. The Access Easement from 611 Bordentown, LLC. to the City of South Amboy is hereby accepted.
2. The Mayor and City Clerk are hereby authorized to execute the Access and Parking Easement.

**CITY OF SOUTH AMBOY
COUNTY OF MIDDLESEX**

ORDINANCE 31-2019

AN ORDINANCE VACATING A PORTION OF FLORENCE AVENUE LOCATED IN THE CITY OF SOUTH AMBOY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AND CONVEYING SUCH VACATED LANDS TO THE ADJACENT PROPERTY OWNERS

WHEREAS, a portion of Florence Avenue is an unimproved, paper avenue located in the City of South Amboy, Middlesex County, New Jersey; and

WHEREAS, 611 Bordentown Avenue, LLC ("611 Bordentown") is the owner of property known as Lot 1 & 10.01, and

WHEREAS, 611 Bordentown received Preliminary Major Site Plan Approval from the City of South Amboy Planning Board ("Planning Board") for the development of three-story, twenty-six unit apartment building; Same was memorialized by resolution of the Planning Board on January 23, 2019, and

WHEREAS, the Planning Board resolution granting such approval indicated, "The Applicant will request from the Mayor and Council of the City the vacation of Florence Avenue, and if that occurs the Applicant will accept that portion of Florence Avenue vacated and utilized for landscape areas.", and

WHEREAS, 611 Bordentown Avenue, LLC has requested that the City Council for the vacate of Florence Avenue at the request of the Planning Board for: (1) the purposes of relieving the City of its maintenance obligations with regard to Florence Avenue; and (2) creating a landscape area to be maintained by 611 Bordentown, LLC adjacent to the apartment building, and

WHEREAS, N.J.S.A. 40:67-1(b) authorizes the governing body of every municipality to adopt an ordinance to vacate any public street or any part thereof; and

WHEREAS, pursuant to N.J.S.A. 40:67-19, a municipality may vacate a public Avenue where there has been a dedication of lands as a public street and same has not been accepted by the municipality and it shall appear to the governing body of the municipality that the public interest will be better served by releasing those lands or a part thereof from such dedication and the lands or part thereof released from the dedication shall be effectively discharged therefrom as though the dedication had not taken place; and

WHEREAS, pursuant to N.J.S.A. 40:49-6, a municipality must publish ordinances

authorizing vacations or dedications of land in the manner required by N.J.S.A. 40:49-2, except that every such ordinance, after being introduced and having passed a first reading, shall be published at least once not less than ten (10) days instead of one week prior to the time fixed for further consideration for final passage, and, at least one week prior to the time fixed for final passage, a copy of such ordinance, together with a notice of the introduction thereof and the time and place when and where the ordinance shall be considered for final passage shall be mailed to every person whose lands may be affected by the ordinance; and

WHEREAS, pursuant to N.J.S.A. 40A:12-5, a municipality has the power to acquire or sell any real property for a public purpose through negotiated agreement; and

WHEREAS, the City Council of South Amboy, New Jersey has determined that it would fulfill a public purpose to vacate Florence Avenue (as more fully described in Exhibit "A" attached hereto and made a part hereof) as same is not needed nor used as a public street, and to convey the vacated lands to 611 Bordentown, LLC in accordance with law.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of South Amboy, County of Middlesex and State of New Jersey, Florence Avenue, as more fully described in the attached Exhibit "A" be and is hereby vacated, and

BE IT FUTHER ORDAINED, that the Mayor and the City Clerk are hereby Authorized and directed to execute, and

BE IT FUTHER ORDAINED, that the City of South Amboy, pursuant to the provisions of N.J.S.A. 40:67-1(b), hereby expressly reserves and excepts from vacation all rights and privileges currently possessed by public utilities (as defined in N.J.S.A. 48:2-13) and by any cable television company (as defined in the Cable Television Act, N.J.S.A. 48:5-1 et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, or any part thereof, to be vacated; and

BE IT FURTHER ORDAINED, that pursuant to N.J.S.A. 40:49-6, the City Clerk shall publish this Ordinance in the manner required by N.J.S.A. 40:49-2, except that after same has been introduced and passed a first reading, this Ordinance shall be published at least once not less than ten (10) days prior to the time fixed for further consideration for final passage, and the Clerk shall, at least one week prior to the time fixed for final passage, mail a copy of this Ordinance, together with a notice of the introduction thereof and the time and place when and this Ordinance shall be considered for final passage to every person whose lands may be affected by this Ordinance; and

BE IT FURTHER ORDAINED, that within sixty (60) days after this Ordinance becomes effective, the City Clerk shall file a copy thereof, certified by her, under the Seal of the City of South Amboy to be a true copy of such Ordinance, together with a proof of publication thereof, in the office of the Middlesex County Clerk to be recorded in a book with proper index to be provided for this purpose entitled "vacations", in accordance with the provisions of N.J.S.A. 40:67-21, and

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances, or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.