

MINUTES FOR BUSINESS MEETING MARCH 4, 2020

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, Councilwoman Noble, and Council President Gross.

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

Council President Gross read the notice requirements statement.

PRESENTATION: Chief of Police LaVigne spoke to Council regarding the question of possibly amending the beach/walkway waterfront hours. He reported that he had done a 3 year audit of calls and found there was not an overabundance of calls. He stated when the City had made the decision to close the fisherman's parking lot it was not to inhibit the fishing but to discourage loitering in the evenings. He stated the Police Department has had a long positive relationship with everyone in that area and has never minimized its responsibility to the citizens. It was his recommendation that the hours not be amended. He suggested somehow closing off access to the area by the boat ramp as that seems to be where people are now congregating and causing nuisance calls to be made by the residents.

RESOLUTIONS

RESOLUTION #20-072

RESOLUTION AUTHORIZING THE PLACE-TO-PLACE TRANSFER OF PLENARY RETAIL DISTRIBUTION LICENSE NO. 1220-44-003-008

WHEREAS, an application has been filed by South Amboy Liquor & Food, LLC., for the place-to-place transfer of Plenary Retail Distribution License No. 1220-44-003-008, for an inactive license with a mailing address of South Amboy Liquor & Food, LLC., 5 Sarah Court, Edison, NJ, 08817; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid and the license has been properly renewed for the current license term;

NOW, THEREFORE, BE IT 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, effective March 4, 2020, the place-to-place transfer of the aforesaid Plenary Retail Distribution License No. 1220-44-003-008 to South Amboy Liquor & Food, LLC., and does hereby direct that the Municipal Clerk endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to premises located at 346 Bordentown Avenue, South Amboy, NJ, effective March 4, 2020".

MOVED by: Mr. Reilly of the Council of the City of South Amboy, that Resolution No. 20-072 is hereby approved. **SECONDED by:** Ms. Noble. **ROLL CALL VOTE:** Ayes: Reilly, Noble, Gross
Absent: McLaughlin, Dato

RESOLUTION NO. 20-088 **APPROVING PAYMENT OF BILLS**

BE IT RESOLVED, that the City Council of the City of South Amboy does hereby receive and file the bills list dated February 27, 2020, as presented by the Chief Financial Officer.

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

MOVED by: Ms. Noble of the Council of the City of South Amboy, that Resolution

No. 20-088 is hereby approved. **SECONDED by:** Mr. Reilly. **ROLL CALL VOTE:** Ayes: Reilly, Noble, Gross
Absent: McLaughlin, Dato

RESOLUTION NO. 20-089
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 February 5, 2020 Executive Session and the February 19, 2020 City Council Meeting.

MOVED by: Ms. Noble of the Council of the City of South Amboy, that Resolution No. 20-089 is hereby approved. **SECONDED by:** Mr. Reilly. **ROLL CALL VOTE:** Ayes: Reilly, Noble, Gross
Absent: McLaughlin, Dato

RESOLUTION #20-090
RESOLUTION APPROVING A TEMPORARY CONSTRUCTION EASEMENT AGREEMENT TO SUPPORT THE CONSTRUCTION OF MAJOR IMPROVEMENTS, INCLUDING A FERRY TERMINAL AND SUPPORTING STRUCTURES, IN THE GENERAL AREA OF RADFORD FERRY ROAD IN THE CITY OF SOUTH AMBOY, MIDDLESEX COUNTY, NEW JERSEY

WHEREAS, the City of South Amboy ("City") is constructing major improvements, including a ferry terminal and supporting structures in the general area of Radford Ferry Road in the City of South Amboy, Middlesex County, New Jersey, including the real property referred to as Block 161.02, Lots 25.07 and 90.01 in the City of South Amboy, Middlesex County, New Jersey; and

WHEREAS, the New South Amboy Land Development Co., LLC, ("Devcor") is the owner of certain real property referred to as Block 161.02, Lot 25.08 in the City of South Amboy; Middlesex County, New Jersey; and

WHEREAS, the City property and the Devcor property are in the Broadway - Main Street Redevelopment area; and

WHEREAS, it is necessary for the City to obtain a temporary construction easement on, over and across the Devcor property, for the parking, storage, maintenance and use of construction trailers, equipment and vehicles and the stockpiling and storage.

of fill and all other material, excavated from the City's property or stockpiled on the Devcor property to support the City's construction project; and

WHEREAS, the City and Devcor have agreed to a Temporary Construction Easement, a copy of which is on file with the City Clerk;

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

1. The Temporary Construction Easement between the City and Devcor is approved and the Mayor is authorized and directed to execute the Temporary Construction Easement on behalf of the City of South Amboy;

2. The Mayor, or his designee, is further authorized and directed to take all necessary actions and execute any further documents to give full force and effect to the Temporary Construction Easement;

3. The City Clerk shall maintain a copy of the fully executed Temporary Construction Easement on file for public inspection during normal business hours.

4. The City Clerk shall provide in quadruplicate certified true copies of this Resolution, and the signed Temporary Construction Easement to Glenn Clouser, Esquire, at Joseph Jingoli and Sons, Inc., 100 Lenox Drive, Suite 100, Lawrenceville, N.J. 08648.

MOVED by: Ms. Noble of the Council of the City of South Amboy, that Resolution No. 20-090 is hereby approved. **SECONDED by:** Mr. Reilly. **ROLL CALL VOTE:** Ayes: Reilly, Noble, Gross
Absent: McLaughlin, Dato

RESOLUTION #20-091
POLICE CHIEF EMPLOYMENT AGREEMENT

WHEREAS, Darren LaVigne ("Chief") serves the City of South Amboy, as the Chief of its Police Department; and

WHEREAS, the Mayor and the Chief have negotiated an employment contract effective retroactively from January 1, 2017 through December 31, 2020; and

WHEREAS, the Council of the City of South Amboy deems it in the best interest of the City of South Amboy, its citizens and the Police Department to enter into the employment agreement with Chief LaVigne; and

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 Employment Agreement between the City of South Amboy and Darren LaVigne, Chief of Police, effective January 1, 2017 through December 31, 2020 is hereby approved and the Mayor and City Clerk are hereby directed and authorized to execute the contract on behalf of the City of South Amboy upon the execution of the Employment Agreement by the Chief;

2. The Mayor or his designee is hereby authorized to take whatever action is necessary and execute any further documents in order to give the force and effect to the Employment Agreement with the Chief;

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

MOVED by: Mr. Reilly of the Council of the City of South Amboy, that Resolution No. 20-091 is hereby approved. **SECONDED by:** Ms. Noble. **ROLL CALL VOTE:** Ayes: Reilly, Noble, Gross
Absent: McLaughlin, Dato

RESOLUTION #20-092

APPROVAL TO JOIN THE NORTH JERSEY WASTEWATER COOPERATIVE PRICING SYSTEM (NJWCPS)

WHEREAS, the City of South Amboy desires to become a member of the NJWCPS effective March 4, 2020 and, that such membership shall be for the period ending November 24, 2024, and each renewal thereafter, of the system unless the City of South Amboy elects to formally withdraw from the system;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of South Amboy, Middlesex County, New Jersey, that the Mayor and Clerk are hereby authorized to execute the attached agreement for such membership.

MOVED by: Ms. Noble of the Council of the City of South Amboy, that Resolution No. 20-092 is hereby approved. **SECONDED by:** Mr. Reilly. **ROLL CALL VOTE:** Ayes: Reilly, Noble, Gross
Absent: McLaughlin, Dato

RESOLUTION #20-093

RESOLUTION AUTHORIZING THE RENEWAL AND EXTENSION OF AWARD OF A CONTRACT FOR PROFESSIONAL PLANNING SERVICES

WHEREAS, the City of South Amboy has, pursuant to a fair and open process, publicly advertised for the solicitations of proposals or qualifications for Professional Planning pursuant to the provisions of N.J.S.A. 19:44A-20.7; and,

WHEREAS, Heyer, Gruel & Associates ("Heyer, Gruel") of 236 Broad Street, Red Bank, New Jersey 07701, submitted a proposal indicating that their firm will provide Professional Planning Services at the following rates: \$175.00 per hour for Principals of the Firm, \$150.00 per hour for Senior Planners, \$135.00 per hour for Associate Planner and \$110.00 per hour Assistant Planners

in connection with all professional services concerning the City of South Amboy's Land Development Ordinance and Redevelopment Plans; and

WHEREAS, the maximum amount of the contract is \$61,000.00 and funds are available as evidenced by the attached Certification; and

WHEREAS, by resolution dated May 16, 2018 the Council of the City of South Amboy authorized and directed the Mayor and City Clerk to enter into said contract with Heyer, Gruel, and

WHEREAS, by resolution dated June 19, 2019 the City Council authorized the Mayor and City Clerk to enter into a contract extending the time period for performance under the contract through December 31, 2019, and

WHEREAS, Heyer Gruel has continued through the present time to perform services under the terms of the original contract, and

WHEREAS, there remain Professional Planning Services still to be provided under the original contract and more than one year have passed since passage of the original resolution,

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

1. The Mayor and City Clerk are hereby authorized and directed to enter into a contract with Heyer, Gruel and Associates to extend the time period for performance under the contract as described herein;
2. The Mayor or his designee are authorized to sign any further documents and to take any further action to give full force to the agreement and to fulfill the City's obligations;
3. The City Clerk shall maintain the contract on file for public inspection during normal business hours and publish the award in the local newspaper;
4. The City Clerk shall forward the fully signed agreement to Heyer, Gruel and Associates to the Law Director;
5. This resolution shall take effect immediately.

MOVED by: Ms. Noble of the Council of the City of South Amboy, that Resolution No. 20-093 is hereby approved. **SECONDED by:** Mr. Reilly. **ROLL CALL VOTE:** Ayes: Reilly, Noble, Gross
Absent: McLaughlin, Dato

RESOLUTION #20-094
A RESOLUTION AUTHORIZING THE CITY OF SOUTH AMBOY TO AWARD A CONTRACT COMPETITIVELY BID TO EXXON OF SAYREVILLE FOR THE SUPPLY OF GASOLINE FOR MUNICIPAL VEHICLES

WHEREAS, the municipal fleet for the City of South Amboy is currently fueled from a non-municipal fueling station; and

WHEREAS, in December of 2019, with the current contract expiring, the Qualified Purchasing Agent for the City of South Amboy solicited an Invitation to Bid for the supply of gasoline from a

pumping station that is in compliance with the New Jersey Department of Environmental Protection regulations; and

WHEREAS, on December 30, 2019, the advertisement for receipt of bids was published in the Home News Tribune; and

WHEREAS, on January, 16, 2020, the Qualified Purchasing Agent received bids; and

WHEREAS, the lowest qualifying bid was submitted by Kiradhar, Inc. d/b/a Exxon of Sayreville (located at 6040 Route 35 North, South Amboy, New Jersey 08879), based on the rate schedule submitted; and

WHEREAS, based on the estimated quantities needed for the types of fuel, the Qualified Purchasing Agent recommends authorizing a not-to-exceed amount of \$100,000.00 for the calendar year 2020 and \$110,000.00 for the calendar year 2021; and

WHEREAS, this two-year contract commencing January 1, 2020 and ending on December 31, 2021;

WHEREAS, funds in the amount of \$100,000.00 are available for this purpose within the CY2020 Utility Operating fund for services ending December 31, 2020, and the balance of \$110,000.00 for the period January 1, 2021 through December 31, 2021 shall be certified upon the appropriation of funds in future budget years; and

WHEREAS, Township Attorney Francis Womack, III has reviewed the bid submitted by Kiradhar, Inc. d/b/a Exxon of Sayreville and determined them responsive under the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey; and

WHEREAS, the Purchasing Agent has also reviewed the bid submission and hereby recommends authorizing a contract with Exxon of Sayreville.

MOVED by: Mr. Reilly of the Council of the City of South Amboy, that Resolution No. 20-094 is hereby approved. **SECONDED by:** Ms. Noble. **ROLL CALL VOTE:** Ayes: Reilly, Noble, Gross
Absent: McLaughlin, Dato

RESOLUTION NO. 20-095

RESOLUTION OF THE CITY OF SOUTH AMBOY, COUNTY OF MIDDLESEX STATE OF NEW JERSEY, AUTHORIZING THE PLACEMENT OF A LIEN FOR COSTS INCURRED IN CONNECTION WITH DEMOLITION OF THE PROPERTY LOCATED AT BLOCK 36, LOT 1, AND KNOWN AS 131 SOUTH BROADWAY IN THE CITY OF SOUTH AMBOY

WHEREAS, in accordance with the provisions of Chapter 115, specifically Sections 115-37 and 115-49(c) of the Code of the City of South Amboy, and N.J.A.C. 5: 23 – 2.32, the City of South Amboy has taken action, and continues to take action to demolish the structure at the location known as 131 South Broadway in the City of South Amboy, Block 36, Lot 1 on the official Tax Maps of the City (the “building”), after duly-giving notice to the property owner of said property owner pursuant to Chapter 115; 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, by Resolution 188-2019, adopted on November 25, 2019, the City Council created an emergency appropriation in the amount of \$200,000.00 from the public funds to provide necessary funds for the City to proceed with demolition of the building; and

WHEREAS, the total actual amount to be expended by the City for demolition of the building has not yet been determined or certified; and

WHEREAS, where the owner of the property has failed to take necessary action, Chapter 115, in accordance with state statutes, authorizes the governing body to have a lien placed against the subject property for the costs incurred by the City in the demolition of the building together with interest thereon at the rate of delinquent taxes but no less than eight percent (8%) per annum;

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

1. That upon certification by the Business Administrator of the amounts actually expended by the City for demolition of the building, the Governing Body does hereby direct the Tax Collector to place an assessment against the subject property in accordance with this resolution in an amount not exceed \$200,000.00.

2. That a copy of the certified costs incurred by the City in performing demolition of the building, together with a copy of this resolution, shall be forwarded to the owner of the property by registered mail in accordance with the provisions of N.J.S.A. 40:482-5.

3. That a certified copy of this resolution be forwarded to the Tax Collector, the Director of Public Works, the Chief Financial Officer and Code Enforcement Officer.

MOVED by: Mr. Reilly of the Council of the City of South Amboy, that Resolution No. 20-095 is hereby approved. **SECONDED by:** Ms. Noble. **ROLL CALL VOTE:** Ayes: Reilly, Noble, Gross
Absent: McLaughlin, Dato

DISCUSSION:

- a.) Discuss a Resolution accepting and adopting the Central Jersey Municipal JIF's 2020 Safety Incentive Program – approved for next meeting agenda
- b.) Discuss a Resolution rescinding resolution 20-058, tax over payment – approved for next meeting agenda
- c.) Discuss a Resolution awarding lawn maintenance contract – Bid opening was this morning, Custom Care Services won the bid at \$43,470. The awarding resolution will be on the next meeting agenda
- d.) Discuss Ordinance amending Chapter 79 City Code – Time of trash can placement to curb – The Business Administrator will follow up to see if the time to put the trash cans out the previous evening can be amended during the winter hours so people can put their cans out during daylight.
- e.) Discuss Vaping Ordinance – Attorney Womack reported Attorney Stahl is preparing an overlay map of the areas that the City does not want vaping stores and once the overlay is prepared and

reviewed by the City Council, the Planning Board will review and the Ordinance will come back to the City Council for Introduction and Adoption.

- f.) Discuss Ordinance requiring inspections/permit to use sand or fill dirt -Attorney Womack will prepare the Ordinance and forward to the Council members and City Engineer for review.
- g.) Discuss elderly parking behind city hall – The Council agreed to put up a sign “ for seniors only” in the back parking lot and are aware it is not enforceable but on an honor system.
- h.) Discuss parking permits for residents –The BA will forward the Chief of Police the streets the Council would like to see have residential parking permits. He will have to do traffic studies and meet certain criteria set by the state in order to implement the parking permit program. This will take a bit of time.
- i.) Discuss sandwich signs for businesses – sandwich signs are allowed on the side walk as long as they do not impede pedestrian traffic
- j.) Discuss Rosewell St. apartments -the apartment buildings have been sold and the new owner is anxious to begin construction of 18 unit residence. He is also looking to possible acquire the old market and then be able to increase the total number of units by one or two.
- k.) Discuss Prospect St. house fire – The owner of the house continues to be a no-show in court, Code Enforcement continues to issue summons.
- l.) Discuss a Resolution authorizing an agreement between the City of South Amboy and Carl E. Applegate, Executor of the Estate of Lillian Applegate – This gift from the Applegate’s is still in progress.
- m.) Discuss a Resolution authorizing cancellation of a tax lien – approved for the next meeting agenda.
- n.) Discuss Luke Lovely Fundraiser – The Dinner/Dance fundraiser is on April 18th. President Gross hopes the Council members will all attend.

COMMENTS:

Mayor Henry: No report.

Ms. Noble:

- Requested moving forward with the No Knock Registry to prohibit peddlers from soliciting at resident’s homes. Mr. Womack will provide the Ordinance for the next agenda meeting.
- Thanked the Council for wearing the South Amboy Hurricane T-shirts during the parade to support their fundraiser to go to Cooperstown in 2021.

Mr. Reilly:

- Received confirmation that the Venetian was served and the case is moving forward.
- Received confirmation that the South Amboy Property LLC location was in compliance for its lawn maintenance
- Asked about the status of the pallet production site on Washington Avenue and was informed there is a warrant out for the owner of the property but the Police have yet to be able to find the owner.
- Requested how much income the Ferry terminal might take in. BA Skarzynski will follow up.

Mr. Womack:

- Confirmed the parade route had been altered from Main St. to Second St. due to construction.

Mr. Skarzynski:

- Reported to the Councilmen who had sent information regarding upcoming fundraisers that the information will be on the current events section of the web page and on Facebook and the electronic sign outside City Hall.

Mr. Gross:

- Invited everyone to attend this years St. Pat’s Parade!

PUBLIC COMMENTS:

1. Hemesh Rama, Blue Heron Drive, asked if lawn signs on public properties could be better enforced. Wanted to know if there was any way to have a flat rate for the sewer bill so he didn't end up paying such a large bill during the summer and spring while watering his lawn. Finally, he was a proponent of closing the fisherman's lot and walkway during the evening hours, and noted many other beach towns had similar limitations of their hours.

ADJOURNMENT

On motion by Ms. Noble, seconded by Mr. Reilly and carried unanimously, the meeting was adjourned at 7:13 pm.

Respectfully submitted,

Deborah Brooks, RMC
City Clerk
Approved March 18, 2020