

MINUTES FOR BUSINESS MEETING MAY 5, 2021

The Meeting held electronically at South Amboy City Hall, 140 North Broadway, South Amboy, New Jersey, was called to order by Council President Gross at 6:05 P.M. The City Clerk read the Opening Prayer and all recited the Pledge of Allegiance.

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

ALSO PRESENT: Fred A. Henry, Mayor, Glenn Skarzynski, Business Administrator, Francis Womack, Director of Law, CFO Dan Balka, Mark Rasimowicz, City Engineer and Municipal Clerk Brooks

The City Clerk read the notice of publication statement.

BUDGET ADOPTION/PUBLIC HEARING:

Presentation by Gary Higgins, Auditor – Mr. Higgins gave a brief review of the budget and answered questions from the Council regarding bond rating and capital purchases in the budget this year. On motion by Mr. Gross, seconded by Mr. McLaughlin and carried unanimously, the public hearing was opened. There were no comments from the public and the public hearing was closed.

RESOLUTION NO. 21- 105

RESOLUTION TO ADOPT THE 2021 BUDGET

BE IT RESOLVED by the City Council of the City of South Amboy, County of Middlesex that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$19,479,618.69 for municipal purposes.

BE IT RESOLVED that the summary of revenues and appropriations are approved as attached.

MOVED by: Ms. Noble of the Council of the City of South Amboy, that Resolution No. 21-105 is hereby approved. **SECONDED by:** Mr. Gross. **ROLL CALL VOTE:** Ayes: McLaughlin, Noble Gross Nays: Dato, Reilly

DISCUSSION:

1. RESOLUTION AUTHORIZING VETERAN TAX REFUND – KOKOSZKA – approved for next agenda
2. RESOLUTION AUTHORIZING TAX REFUND FOR OVERPAYMENT – DOBRIN – approved for next agenda
3. RESOLUTION AUTHORIZING VETERAN TAX REFUND – O’CONNOR – approved for next agenda
4. RESOLUTION AUTHORIZING VETERAN TAX REFUND – BURGOS-FIGUEROA – approved for next agenda
5. RESOLUTION AUTHORIZING VETERAN TAX REFUND – LOPEZ – approved for next agenda
6. ORDINANCE 2021-08 PROHIBITING SALE OF CANNIBIS/FINANCIAL DUE DILIGENCE – The Council discussed the ordinance and will move to introduce with some slight language amendment by Mr. Womack.
7. ORDINANCE – INVASIVE SPECIES – This will be introduced at the next agenda

8. SARA – REAPPOINTMENT – TONY GONSALVES – The Council unanimously reappointed Mr. Gonsalves to SARA, with his appointment to expire June 1, 2026

RESOLUTIONS:

RESOLUTION NO. 21-106

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 April 21, 2021 Business Meeting.

MOVED by: Ms. Dato of the Council of the City of South Amboy, that Resolution No. 21-106 is hereby approved. **SECONDED by:** Mr. McLaughlin. **ROLL CALL VOTE:** All in favor.

RESOLUTION NO. 21-107

APPROVING PAYMENT OF BILLS

BE IT RESOLVED, that the City Council of the City of South Amboy does hereby receive and approve the payment of the bill list dated April 29, 2021, as presented by the Chief Financial Officer.

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

MOVED by: Mr. McLaughlin of the Council of the City of South Amboy, that Resolution No. 21-107 is hereby approved. **SECONDED by:** Ms. Noble. **ROLL CALL VOTE:** All in favor.

RESOLUTION NO. 21-108

A RESOLUTION AUTHORIZING THE PARTICIPATION IN THE MIDDLESEX COUNTY 2021 COUNTY ROADWAY LITTER CLEAN UP PROGRAM

Whereas, the City of South Amboy advocates for a clean community; and

Whereas, the City of South Amboy participates in and has benefitted from programs as established by Middlesex County that provides support for clean communities; and

Whereas, the Middlesex County Board of Commissioners has established a providing funding to local municipalities to support litter cleanup along county roads; and

Whereas, the City of South Amboy Department of Public has the personnel and equipment to perform litter cleanup along county roadways as part of their normal operations; and

Whereas, the City would commit to perform litter cleanup along county roadways between May 1 and November 30, 2021; and

Whereas, the proposed project will be beneficial to the residents of the City of South Amboy and enhance efforts to maintain the streetscapes of the City;

Now, therefore be it resolved, by the Council of the City of South Amboy, that it hereby authorizes the Mayor or his designee to execute the necessary agreement to participate in this program and to direct the Department of Public Works to perform the required clean up and submit the necessary documents to obtain reimbursement from the Middlesex County Division of Solid Waste Management.

MOVED by: Mr. McLaughlin of the Council of the City of South Amboy, that Resolution No. 21-108 is hereby approved. **SECONDED by:** Ms. Dato. **ROLL CALL VOTE:** Ayes: Dato, McLaughlin, Noble, Reilly Abstain: Gross

RESOLUTION NO. 21-109

A RESOLUTION AWARDDING CONTRACT FOR 2021 ROAD IMPROVEMENTS FOR SOUTH BROADWAY – LIMA CHARLIE CONSTRUCTION, INC.

WHEREAS, sealed bids were received by the City of South Amboy on April 28, 2021 for road improvements on 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 \$765,063.00 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 South Broadway road improvements is hereby awarded to Lima Charlie Construction, Inc., 1 Broad Street, Suite 4, Freehold, NJ 07728 in the amount of \$765,063.00.

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 Lima Charlie Construction, Inc. and the next two lowest bidders; S&G Paving, 224 Forsgate Dr., Jamesburg, NJ and P&A Construction, PO Box 28, Colonia, NJ 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.

MOVED by: Ms. Dato of the Council of the City of South Amboy, that Resolution No. 21-109 is hereby approved. **SECONDED by:** Mr. McLaughlin. **ROLL CALL VOTE:** All in favor.

RESOLUTION NO. 21-110

A RESOLUTION AUTHORIZING AN APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION URBAN PARKS INITIATIVE GRANT 2021

Whereas, the City of South Amboy strives to provide high quality recreational facilities; and

Whereas, the City of South Amboy participates in and has benefitted from programs as established by the State of New Jersey that provides local funding for recreational initiatives; and

Whereas, the New Jersey Department of Environmental Protection has funding available for local projects that would improve recreational spaces; and

Whereas, the City of South Amboy has been designated by the NJ DEP as an eligible municipality for this program; and

Whereas, the City desires to obtain funding to convert the former Disabled American Veterans Post in to a viable addition to our local parks; and

Whereas, the proposed project will be beneficial to the residents of the City of South Amboy, particularly our youth of the City;

Now, therefore be it resolved, by the Council of the City of South Amboy, that it hereby authorizes the Mayor or his designee to compile and submit a comprehensive grant application to the NJ DEP Urban Parks Initiative Grant Program for funds provide a new playground on the former DAV property.

MOVED by: Ms. Dato of the Council of the City of South Amboy, that Resolution No. 21-110 is hereby approved. **SECONDED by:** Mr. McLaughlin. **ROLL CALL VOTE:** All in favor.

RESOLUTION NO. 21-111

A RESOLUTION AUTHORIZING AN APPLICATION TO THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS LOCAL RECREATION IMPROVEMENT GRANT 2021

Whereas, the City of South Amboy strives to provide high quality recreational facilities; and

Whereas, the City of South Amboy participates in and has benefitted from programs as established by the State of New Jersey that provides local funding for recreational initiatives; and

Whereas, the New Jersey Department of Community Affairs has funding available for local projects that would improve recreational spaces; and

Whereas, the City of South Amboy desires to provide additional improvements to the Allie Clark Athletic Complex; and

Whereas, the City has adequate funds to provide a 20% match upon award and execution of a successful grant application; and

Whereas, the proposed project will be beneficial to the residents of the City of South Amboy, particularly our youth of the City;

Now, therefore be it resolved, by the Council of the City of South Amboy, that it hereby authorizes the Mayor or his designee to compile and submit a comprehensive grant application to the NJ DCA Local Recreation Improvement Grant Program for funds to continue the improvements to the Allie Clark Athletic Complex.

MOVED by: Mr. McLaughlin of the Council of the City of South Amboy, that Resolution No. 21-111 is hereby approved. **SECONDED by:** Ms. Noble. **ROLL CALL VOTE:** All in favor.

RESOLUTION NO. 21-112

RESOLUTION REQUESTING APPROVAL OF THE DIRECTOR OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR PROJECT DARE

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, municipalities may receive amounts for Project DARE, and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,

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

1. The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to pay expenditures for Project DARE as per N.J.S.A. 40A:4-39.
2. The Municipal Clerk of the City of South Amboy is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

MOVED by: Ms. Noble of the Council of the City of South Amboy, that Resolution No. 21-112 is hereby approved. **SECONDED by:** Mr. McLaughlin. **ROLL CALL VOTE:** All in favor.

ORDINANCES:

SECOND READING/ADOPTION

ORDINANCE NO. 2021-05

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 53, Article XXIII "DEVELOPMENT REGULATIONS – STORMWATER CONTROL" OF THE CODE OF THE CITY OF SOUTH AMBOY BY ADDING SECTION 53-139B(7)(iv) REQUIRING PARTIES RESPONSIBLE FOR MAINTENANCE TO POST A TWO YEAR GUARANTEE IN ACCORD WITH N.J.S.A. 40:55d-53" AND BY AMENDING REFERENCES WITHIN THE ARTICLE TO CONFORM.

OPEN PUBLIC – no comment

CLOSE PUBLIC

MOVED by: Ms. Dato, of the Council of the City of South Amboy, that Ordinance #2021-05 is hereby adopted.

SECONDED by: Mr. McLaughlin, **ROLL CALL VOTE:** All in favor.

FIRST READING/INTRODUCTION

ORDINANCE NO. 2021-06

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 – 220 SECOND ST. – ENGLISH - HONIMAR

MOVED by: Ms. Dato, that Ordinance #2021-06 be introduced on first reading and advertised for second reading which is scheduled for the June 2, 2021 meeting.

SECONDED by: Mr. Reilly, **ROLL CALL VOTE:** All in favor.

ORDINANCE NO. 2021-07

ORDINANCE AUTHORIZING THE FORMAL ACQUISITION AND TRANSFER OF REAL PROPERTY AND A DEED OF ROADWAY DEDICATION FOR NOMINAL CONSIDERATION FROM THE CITY OF SOUTH AMBOY FOR PURPOSES OF CREATING A RIGHT-OF-WAY ON AND ALONG RADFORD FERRY ROAD IN THE CITY OF SOUTH AMBOY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

MOVED by: Ms. Dato, that Ordinance #2021-07 be introduced on first reading and advertised for second reading which is scheduled for the June 2, 2021 meeting.

SECONDED by: Mr. McLaughlin, **ROLL CALL VOTE:** All in favor.

ORDINANCE NO. 2021-08

AN ORDINANCE OF THE CITY OF SOUTH AMBOY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AMENDING CHAPTER 53-98a, ENTITLED "RESTRICTIONS ON GROWTH AND SALE OF MARIJUANA" TO CHANGE THE TITLE TO "CANNABIS BUSINESSES PROHIBITED," AND ADD A NEW SECTION, PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN THE CITY OF SOUTH AMBOY

MOVED by: Mr. Gross, that Ordinance #2021-08 be introduced on first reading and advertised for second reading which is scheduled for the June 2, 2021 meeting.

SECONDED by: Ms. Dato, **ROLL CALL VOTE:** All in favor.

COMMENTS:

Mr. Reilly:

- Thanked the First Responders and food pantry volunteers who continue to do good work in helping families in need.
- Confirmed with Mr. Womack that the Ordinance regarding waiving late sewer fees is in progress.
- Inquired if there was an estimated date to go back to live meetings at City Hall. After some discussion the Council directed Ms. Brooks to reach out to Les Jones at the County to receive safety guidelines for re-opening. The goal is to try and go back to live meetings in July.
- Wanted to know if a site visit had been performed on the Fasano property on lower Main Street. Mr. Skarzynski will check and follow up and get back to Mr. Reilly.
- Received updates on the Venetian law suit and the illegal pallet building.
- Confirmed that the Fire Chiefs were getting copies of the site plans, not just the architectural plans for upcoming Planning Board hearings.
- Reiterated how PILOT programs effect the City and noted that the Ryan homes project which does not have a PILOT brought in approximately \$10,000 per unit for 50 units per year, whereas the Manhattan Beach project brings in a total of \$220,000 per year.

Mr. McLaughlin:

- Thanked the Fire Department, Police Department, First Responders, OEM and health care workers for their continued efforts.

- Received confirmation from Mr. Skarzynski that the First Aid Department still needed to give some financial information to him for the upcoming merger.
- Received confirmation that the sandblasting of the mailbox to make a retired flag drop box was still in progress.
- Noted he had read the article Ms. Dato had cited at the previous meeting on the Woodbridge PILOT programs. He was concerned with the amount the City would have to pay out to cover the increased costs of all the new residents and would prefer that the City invest in more industrial projects. Mr. Skarzynski noted there were a few industrial projects in the works and he would report back to the Council when they had firmed up. Mr. McLaughlin noted the only winner in PILOTs are the developers.
- Noted that the \$5000 donation made by the Manhattan Beach Developer was not very sizeable. Ms. Dato thought it was an appropriate donation and would help the YMCA sustain its programs which are so important to the residents.

Ms. Noble:

- Confirmed with Mr. Skarzynski that the City would be patching potholes soon.

Ms. Dato:

- Reminded everyone that Sunday was Mother's Day and to reach out and let them know you love them!

Mr. Gross:

- The Irish Festival will be held September 25th and will have fireworks, music and food.
- Noted that he was not against the invasive species Ordinance or Mr. DeMasi but having been in the health department for so long dealing with the baboo issue, was concerned with enforcement.
- Urged Mr. Skarzynski to stay on top of getting the new Fire Chief vehicles, ambulance and equipment ordered.

Mayor Henry:

- Thanked everyone for participating in the Budget process and noted it was a good budget with minimal increase of about \$49 per household and a large surplus. Thanked Mr. Higgins for his presentation and was happy to see the capital for the two new Fire Chief vehicles and ambulance in the budget.
- Announced that the County Commission had awarded South Amboy a \$1.5 Million grant to refurbish the Allie Clark sports complex. Thanked the Commissioners for the award.
- Thanked the first responders, St. Mary's and First Presbyterian for their continued good work.
- Noted it was teacher appreciation week- don't forget to thank your teachers! Covid has shown how hard they work.

Mr. Skarzynski:

- Wanted to publicly acknowledge the excellent work CFO Balka did in preparing the budget and is proud of the budget that was produced.

Mr. Gross:

- Thanked Ms. Brooks for her efforts in running the meetings on the call in platforms and preparing the agendas.

PUBLIC COMMENTS:

Bill DeMasi, 146 John St., thanked Mr. Reilly and Mr. Womack for preparing the Ordinance regarding the bamboo issue and hopes the Council will adopt it in the upcoming meetings.

Anonymous Resident – Spoke at length about her support of the City’s volunteer fire department and supporting the great work they do to keep everyone safe. Noted that the installation of the new siren has been extremely intrusive especially since she has been working at home and also has a young child at home. She is requesting the number of times the siren goes off for non event issues is decreased as well as the volume. She is choosing to remain anonymous because she feels unsafe in going public and noted the attacking comments in the chat portion of the meeting platform. She would like to ask the Council to calmly and rationally explore solutions to this problem that is severely impacting her and her neighbors.

Anonymous Resident – Supports the comments of the previous speaker and is looking forward to meeting with the BA and Fire Chiefs to come to some kind of solution.

Ms. Dato noted that no resident should be concerned with speaking out about issues they have and noted the comments in the chat area of the meeting platform. She is happy that BA Skarsynski and the Fire Chiefs will be sitting down with the residents to discuss a solution.

Mr. McLaughlin stated there is no reason for anyone to be afraid of the firemen and the whole idea is being blown out of proportion.

ADJOURN TO EXECUTIVE SESSION

RESOLUTION NO. 21-113
AUTHORIZATION TO MOVE INTO AN EXECUTIVE SESSION

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

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

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

1. The general nature of the subject matters to be discussed is as follows:

Property Acquisition

2. It is anticipated at this time that the above stated subject matters will be made public when the matters are concluded or as soon thereafter as it is deemed to be in the public interest to do so.

3. This Resolution shall take effect immediately.

MOVED by: Ms. Dato of the Council of the City of South Amboy, that Resolution No. 21-113 is hereby approved. **SECONDED by:** Mr. McLaughlin. **ROLL CALL VOTE:** All in favor.

The public session of the meeting was concluded at 8:07 p.m.

Respectfully submitted,

Deborah Brooks, RMC
City Clerk
Approved May 19, 2021