

CITY OF BAYONNE
CITY COUNCIL
REGULAR MEETING
APRIL 20, 2016

REQUESTS TO ADDRESS THE COUNCIL

- RA-1 From LEONARD R. KANTOR, requesting permission to address the council on the subject of city budget for 2016.

BUDGET HEARING

- B-1 CY 2016 LOCAL MUNICIPAL BUDGET.

ORDINANCES SCHEDULED FOR HEARING

- O-1 ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR A PORTION OF THE BROADWAY CORRIDOR REDEVELOPMENT AREA IDENTIFIED AS BLOCK 221, LOTS 8-13 ON THE TAX MAP OF THE CITY OF BAYONNE. **(Villa Nova Redevelopment) Planning**
- O-2 ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING REDEVELOPMENT PLAN FOR BLOCK 295, LOTS 16 AND 17 ALSO REFERRED TO AS NORTH STREET REAR AND NORTH STREET BETWEEN 105A AND 107 – ALSO REFERRED TO AS 105.5 NORTH STREET ON THE TAX MAPS OF THE CITY OF BAYONNE. **(105.5 North Street Rehabilitation Plan) Planning**
- O-3 AN ORDINANCE VACATING A PORTION OF WEST 6TH STREET. **(Paper street) Business Administration**
- O-4 CALENDAR YEAR 2016 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14. **Finance**
- O-5 AUTHORIZING THE DISABLED AMERICAN VETERANS CHAPTER #5 TO CONVEY BY WAY OF DEED OWNERSHIP OF BLOCK 318, LOT 25 (ALSO KNOWN AS 14-16 WEST 7TH STREET), BAYONNE, NEW JERSEY TO THE DISABLED AMERICAN VETERANS, CHAPTER #5 AND THE VIETNAM VETERANS OF AMERICA, INC., CHAPTER 151, PURSUANT TO N.J.S.A. 40A: 12-21.
- O-6 CAPITAL IMPROVEMENT ORDINANCE TO PROVIDE FUNDING FOR THE IMPROVEMENT OF 16TH STREET PARK IN THE AMOUNT OF \$600,000.00.
- O-7 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC. **(No Stopping or Standing on a portion of Pulaski Street) Public Safety**
- O-8 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC. **(Restrictive Parking Zones) Public Safety**

REMOVE

013. Eugene Miller, 132 West 16th Street
034. Maryann McCrea, 437 Kennedy Boulevard
127. Marilyn Kline, 130 Prospect Avenue
232. Donna Christenson, 24 Cottage Street

ADD

013. Henry M. Ashe, 19 George Street
369. Lori Vida, 32 West 45th Street
370. Jane Wojslawowicz, 44 East 19th Street

RELOCATE

207. Paul Kuzminski for his daughter Stephanie from 10 West 37th Street to 136 West 16th Street
357. Judith Martin from 76 West 34th Street to 82 West 7th Street

364. Karim Abdelmalak for his daughter Hanna Noor from 81 Andrew Street to 45 East 18th Street

ORDINANCES PROPOSED FOR INTRODUCTION

- O-9 AN ORDINANCE DISSOLVING THE BAYONNE MUNICIPAL UTILITIES AUTHORITY, AUTHORIZING AN APPLICATION TO THE LOCAL FINANCE BOARD REGARDING SAME AND AUTHORIZING THE CITY OF BAYONNE TO ACCEPT ALL THE OBLIGATIONS AND ASSETS OF THE BMUA; and a resolution fixing, Wednesday, May 18, 2016, at 7:00 P.M., and the Dorothy E. Harrington Council Chambers, Municipal Building, as the time and place for a public hearing and final passage. **Business Administration**
- O-10 ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR BAYONNE ENERGY CENTER URBAN RENEWAL, LLC, FOR PROPERTY THAT IS GENERALLY LOCATED ON CONSTABLE HOOK (A/K/A NEW HOOK ROAD), AND MORE SPECIFICALLY KNOWN AS INCLUDING BLOCK 482, LOTS 10 AND 11 AS SHOWN ON THE TAX MAP OF THE CITY OF BAYONNE AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT; and a resolution fixing, Wednesday, May 18, 2016, at 7:00 P.M., and the Dorothy E. Harrington Council Chambers, Municipal Building, as the time and place for a public hearing and final passage. **Business Administration**
- O-11 ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT/REHABILITATION PLAN FOR BLOCK 458, LOTS 12 AND 13 LOCATED AT 206-220 AVENUE E AND 222 AVENUE E; and a resolution fixing, Wednesday, May 18, 2016, at 7:00 P.M., and the Dorothy E. Harrington Council Chambers, Municipal Building, as the time and place for a public hearing and final passage. **(CJ Murphy Redevelopment) Business Administration**
- O-12 ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR THE FORMER BEST FOODS LOCATED AT BLOCK 301.01, LOT 7; BLOCK 310, LOTS 1-13 (LOT 1- "BAY"); BLOCK 311.01, LOT 1 ("39-55 BAYVIEW CT"); BLOCK 333.01, LOTS 3-6 (LOT 4- "22-46 BAYVIEW CT," LOT 5- "97-103 AVENUE A," LOT 6- "AVENUE A") AND BLOCK 333.02, LOT 1 ("97-103 AVENUE A") ON THE TAX MAP OF THE CITY OF BAYONNE; and a resolution fixing, Wednesday, May 18, 2016, at 7:00 P.M., and the Dorothy E. Harrington Council Chambers, Municipal Building, as the time and place for a public hearing and final passage. **(Best Foods Property) Business Administration**
- O-13 AN ORDINANCE TO VACATE HOOK ROAD; and a resolution fixing, Wednesday, May 18, 2016, at 7:00 P.M., and the Dorothy E. Harrington Council Chambers, Municipal Building, as the time and place for a public hearing and final passage.
- O-14 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC; and a resolution fixing, Wednesday, May 18, 2016, at 7:00 P.M., and the Dorothy E. Harrington Council Chambers, Municipal Building, as the time and place for a public hearing and final passage. **(No parking – 16th Street & Court Place) Public Safety**
- O-15 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC; and a resolution fixing, Wednesday, May 18, 2016, at 7:00 P.M., and the Dorothy E. Harrington Council Chambers, Municipal Building, as the time and place for a public hearing and final passage. **(Restrictive Parking Zones) Public Safety**

REMOVE

066. Gertrude Falcicchio, 7 Elna Court
355. Stanley Marko, 77 East 25th Street

ADD

066. Melia Mamone, 22 East 51st Street
127. Ann Zientek, 37 Newman Avenue
355. Joan Rogers, 34 East 15th Street

COMMUNICATIONS

CONSENT AGENDA - Resolution ordering the following Communications to be received and filed:

- C-1 From Renee C. Rivas, Esq., filing notice of tort claim on behalf of JOSHUA OZUNA, alleging injuries sustained January 11, 2016 in a pedestrian/auto accident at or near 209 Broadway.
- C-2 From Robert M. Anderson, Esq., filing notice of tort claim on behalf of ANTOINETTE LOPEZ, alleging injuries sustained December 31, 2015 in a fall on the sidewalk at 17 Broadway.
- C-3 From Seth Malkin, Esq., filing notice of tort claim on behalf of NANCY CORNELIO, alleging injuries sustained February 9, 2016 when struck by a snow plow at Avenue C and West 40th Street.
- C-4 From NORA KAHLE, filing notice of tort claim alleging property damage to her automobile on January 23, 2016 resulting from being struck by a snow plow at 33 East 42nd Street.
- C-5 From MARISOL PINEIRO, filing notice of tort claim alleging property damage to her automobile on January 23, 2016 resulting from being struck by a snow plow at 31 Benmore Terrace.
- C-6 From SAHAR ELSADAMI, filing notice of tort claim alleging property damage to his automobile on January 24, 2016 resulting from being struck by a snow plow at 177 West 48th Street.
- C-7 From ATHENA SANTOS, filing notice of tort claim alleging property damage to her automobile on January 23, 2016 resulting from being struck by a snow plow at East 49th Street between Broadway and Avenue E.
- C-8 From FRANK CARABALLO, filing notice of tort claim alleging property damage to his window on an unspecified date resulting from being struck by a baseball at 189 West 25th Street .
- C-9 From MALE ALMODOVAR, filing notice of tort claim alleging property damage to his automobile on January 23, 2016 resulting from being struck by a payloador pulling a garbage truck that was stuck at 12 East 49th Street.
- C-10 From the Superior Court of New Jersey, Chancery Division, Summons and Complaint in matter entitled, "BANK OF AMERICA vs. HERRERA, et al., incl. THE CITY OF BAYONNE." (Mortgage foreclosure – Bayonne Housing Authority has a judgment)
- C-11 From the Tax Court of New Jersey, complaint in matter entitled, "PSIP AVENUE A, LLC vs. CITY OF BAYONNE." (Best Foods property, Block 6 parcels – industrial & vacant)
- C-12 From the Tax Court of New Jersey, complaint in matter entitled, "528, LLC vs. CITY OF BAYONNE." (New Hook Road & 22nd Street, Block 452.02, lot 5 - commercial)
- C-13 From the Tax Court of New Jersey, complaint in matter entitled, "RMDG SORBARA, LLC vs. CITY OF BAYONNE." (512-514 Broadway, Block 197, lot 4 - commercial)
- C-14 From the Tax Court of New Jersey, complaint in matter entitled, "PDQ PLASTIC, INC. vs. CITY OF BAYONNE." (7 Lower Hook Road, Block 479, lot 1 - industrial)

- C-15 From the Tax Court of New Jersey, complaint in matter entitled, "THE FOUR B'S vs. CITY OF BAYONNE." (688-692 Broadway, Block 154, lot 47 - commercial)
- C-16 From the Tax Court of New Jersey, complaint in matter entitled, "INSERRA SUPERMARKETS vs. CITY OF BAYONNE." (567-589 Avenue C, Block 182, lot 11.01 - commercial)
- C-17 From the Tax Court of New Jersey, complaint in matter entitled, "SUBHA REALTY, INC. vs. CITY OF BAYONNE." (2nd Street & Lexington Avenue, Block 359, lot 4.04 - industrial)
- C-18 From the Tax Court of New Jersey, complaint in matter entitled, "ENGEL HOLDING COMPANY vs. CITY OF BAYONNE." (48-52 New Hook Road, Block 427, lot 1 - industrial)
- C-19 From the Tax Court of New Jersey, complaint in matter entitled, "ONE COMMERCE ST, LLC vs. CITY OF BAYONNE." (Hook Road, Block 482, lot 1 - industrial)

OFFICERS' REPORTS

CONSENT AGENDA - Resolution ordering the following Officers' Reports to be received and filed and any resolution incorporated within them to be adopted:

- OR-1 From Hon. James M. Davis, Mayor, reappointing ELIZABETH JESSEN as Alternate #1 on the Municipal Utilities Authority for a term expiring December 31, 2017. **Mayor**
- OR-2 From Hon. James M. Davis, Mayor, appointing ALEJANDRO RODRIGUEZ as Alternate #2 on the Municipal Utilities Authority for a term expiring December 31, 2016. **Mayor**
- OR-3 From Hon. James M. Davis, Mayor, re-assigning FRANK PELLITERRI as Alternate #1 and MATT DORANS as Alternate #2 on the Zoning Board of Adjustment; and a resolution consenting to the reassignments. **Mayor**
- OR-4 From Hon. James M. Davis, Mayor, appointing JOE PINEIRO as Alternate #3 on the Zoning Board of Adjustment; and a resolution consenting to the appointment. **Mayor**
- OR-5 From Terrence Malloy, Chief Financial Officer, reporting on vendor payments and recommending payment of same, and a resolution adopting the recommendation and ordering payment of claims. **Finance**
- OR-6 From Janet Convery, Treasurer, reporting on the transfer of the following amounts to the Board of Education on March 4, 2016: **Finance**
\$5,097,854.00 Claims and payroll for March, 2016
- OR-7 From Janet Convery, Treasurer, reporting on the transfer of the following amounts to the Board of Education on April 5, 2016: **Finance**
\$5,097,854.00 Claims and payroll for April, 2016
- OR-8 From the Purchasing Department reporting on bids received March 29, 2016 for a breathing air fill station for the Fire Department. (3 bidders) **Purchasing**

RESOLUTIONS

CONSENT AGENDA - Resolution ordering the following resolutions to be adopted:

- CR-1 Approving the minutes of the regular meeting held Wednesday, March 16, 2016. **City Clerk**

- CR-2 Approving the minutes of the council caucus held Wednesday, March 9, 2016. **City Clerk**
- CR-3 Ordering warrants drawn to taxpayers representing refunds for overpayment of taxes. (18 properties) **Tax Collector**
- CR-4 Ordering a warrant in the amount of \$77.40 payable to the order of the BUREAU OF RABIES CONTROL, STATE OF NEW JERSEY, covering the issuance of 27 dog licenses issued in March, 2016. **City Clerk**
- CR-5 Authorizing a warrant in the amount of \$23,926.00 payable to the STATE OF NEW JERSEY representing State Surcharge Fees on New Construction and Alterations for the quarter ending March 31, 2016. Chargeable to Account State Training Fees with the Tax Collector. **Building**
- CR-6 Ratifying and confirming the actions of the Business Administrator in ordering a warrant in the amount of \$2,086.86 payable to the TREASURER, STATE OF NEW JERSEY for a site remediation fee for property located at the Peninsula at Bayonne Harbor. **Finance**
- CR-7 Authorizing a maintenance agreement with VERIPIC, INC., Santa Clara, CA, for software license maintenance for VeriPic photo management software for a one-year period commencing July 1, 2016 for the amount of \$2,140.00. Chargeable to Account PS-9. **Public Safety**
- CR-8 Authorizing the purchasing agent to sell certain vehicles no longer needed for public use at auction. **Public Works and Parks**
- CR-9 Cancelling taxes on 100% of Block 371, lot 30 as being occupied by a qualifying 100% disabled veteran effective February 3, 2016, and ordering a refund of overpaid taxes resulting from the exemption. **Assessor**
- CR-10 Cancelling taxes on 100% of Block 283, lot 35 as being occupied by a qualifying 100% disabled veteran effective November 15, 2015, and ordering a refund of overpaid taxes resulting from the exemption. **Assessor**
- CR-11 Cancelling taxes on Block 71, lot 16 for which the city took ownership for public purposes, by deed dated February 17, 2016, and authorizing the tax collector to refund any overpaid taxes resulting from the transfer of ownership. **Assessor**
- CR-11A Cancelling taxes on 100% of Block 283, lot 35 as being occupied by a qualifying 100% disabled veteran effective November 15, 2015, and ordering a refund of overpaid taxes resulting from the exemption. **Assessor**
- CR-12 Authorizing the cancellation of Tax Lien Certificate #13-0545, refunding the sum of \$50,094.36 to the property owner, and cancelling all taxes in connection with said lien, and restoring the property designated as Block 219, lot 41 (92 West 20th Street) to the list of exempt properties. **Tax Collector**
- CR-13 Authorizing the Mayor and City Council to partner with the RED CROSS in the adoption of the HOME FIRES CAMPAIGN PROGRAM offering free home safety and smoke alarms to participating residents. **Fire Department**
- CR-14 Amending Resolution No. 16-03-16-044 awarding a contract for the rehabilitation of the fixed dock at DiDomenico Park to reflect that the contract amount of \$591,117.00 is chargeable to "Capital improvement ordinance to provide funding for the improvement of 16th Street Park in the amount of \$600,000.00." **Finance**
- CR-15 Authorizing the Fire Department to sell four unusable vehicles as scrap or at auction. **Fire Department**
- CR-16 Authorizing the City Clerk to advertise for bids for heavy equipment rental.

- CR-17 Authorizing the City Clerk to advertise for bids for street paving.
- CR-18 Granting ** Bingo licenses to qualified organizations. **City Clerk**
- CR-19 Granting ** Raffle licenses to qualified organizations. **City Clerk**

END OF CONSENT AGENDA

- R-1 Awarding a contract for a breathing air fill station for the Fire Department to **, the low bidder, for a term of **, commencing **, in an amount of / not to exceed \$**. Chargeable to Account – **.
- R-2 Authorizing the Mayor and City Clerk to execute amendments to Agreement No. CY 16-018 with FLORIO, KENNY & RAVAL, LLP, and Agreement No. CY 16-019 with ROTH D'AQUANNI, LLC for professional legal services to reflect a contract term commencing January 1, 2016 and ending December 31, 2016. **Law**
- R-3 Authorizing the Mayor and City Clerk to enter into an agreement with ** for professional legal services to represent the city in State Tax Court appeals for the nine month period commencing April 1, 2016 payable at the rate of \$165.00 per hour for an amount not to exceed \$55,000.00. Chargeable to Account #01-201-20-156-2-020. **Law Department**
- R-4 Authorizing the Mayor and City Clerk to enter into an agreement with SHOKRY ABDELSAYED, Esq. for professional legal services as alternate public defender for the eight month period commencing May 1, 2016 for an amount not to exceed \$7,500.00. Chargeable to Account No. 01-201-43-495-2-028. **Law Department**
- R-5 Authorizing the Mayor and City Clerk to enter into an agreement with the BAYONNE COMMUNITY MENTAL HEALTH CENTER for professional mental health services to low and moderate income clients from Bayonne for the nine month period commencing April 1, 2016 for an amount not to exceed \$22,200.00. Chargeable to Account HW-4. (Professional Services contract obtained through the Fair and Open solicitation process - notice of award to be published.) **Business Administration**
- R-6 Authorizing the Mayor and City Clerk to enter into an agreement with the BAYONNE COMMUNITY MENTAL HEALTH CENTER for professional mental health services in connection with the city's employee assistance program for the nine month period commencing April 1, 2016 for an amount not to exceed \$20,250.00. Chargeable to Account HW-4. (Professional Services contract obtained through the Fair and Open solicitation process - notice of award to be published.) **Business Administration**
- R-7 Authorizing the Mayor and City Clerk to enter into an agreement with the BAYONNE COMMUNITY MENTAL CENTER to provide for the cost of reconstruction of their building, including a security, HVAC system, roofing, electrical work, sanitary pipe work, and façade demolition from AA-ABCO CONSTRUCTION in the amount of \$162,000.00. Chargeable to Account No. CDBG-917. **Community Development**
- R-8 Authorizing the Mayor and City Clerk to enter into an agreement with the BAYONNE MASONIC LODGE to provide for the cost of the removal of one 2,000 gallon underground heating oil tank from KEN'S MARINE SERVICE, INC. for the amount of \$7,222.50. Chargeable to Account No. CDBG-917. **Community Development**
- R-9 Authorizing the Mayor and City Clerk to enter into an agreement with the BAYONNE MASONIC LODGE to provide for the cost of removal and replacement of three oil burning boilers with three gas fired boilers from J.P PLUMBING & HEATING CORP., in the amount of \$48,175.00. Chargeable to Account No. CDBG-917. **Community Development**

- R-10 Authorizing the Mayor and City Clerk to enter into a license agreement with BCB COMMUNITY BANK to permit the installation of a sidewall mounted bracket design clock greater than 12 inches on their building located at 104-110 Avenue C for a yearly license fee to be mutually agreed upon by the parties and payable to the city and in a form acceptable to the Law Department. **Business Administration**
- R-11 Authorizing the Mayor and City Clerk to enter into an amended license agreement with NEW BAY, LLC, to permit the installation of a sidewall mounted bracket design clock greater than 12 inches on the building located at 860 Broadway currently used by BCB COMMUNITY BANK pursuant to the new specifications submitted by New Bay, LLC on file with the Building Department. **Business Administration**
- R-12 Authorizing the Mayor and City Clerk to execute a second amendment to Agreement No. CY 15-024 with ALL COVERED IT SERVICES FROM KONICA MINOLTA, Mount Laurel, NJ, extending it for a six month period commencing March 1, 2016 and increasing the amount of the contract by \$25,000.00. Chargeable to Various Accounts. **Business Administration**
- R-13 Authorizing the submission of the FY 2016 ANNUAL ACTION PLAN to the U.S. Department of Housing and Urban Development for the following anticipated amounts:
- | | |
|--------------------------------------|-------------|
| 2016 CDBG Program | \$1,482,796 |
| 2016 CDBG Anticipated Program Income | \$60,000 |
- Community Development**
- R-14 Approving Temporary Emergency Appropriation #3 in the CY 2016 budget. **Finance**
- R-15 Authorizing the sale of TAX ANTICIPATION NOTES for 2016 in an amount not to exceed \$12,000,000.00. **Finance**
- R-16 Designating 195 EAST 22nd STREET URBAN RENEWAL, LLC redeveloper of property located at Block 452.01, lots 1, 2, and 9 in the City of Bayonne relating to the Route 440 Corridor East Redevelopment Area and authorizing the execution of a redevelopment agreement with 195 East 22nd Street Urban Renewal, LLC. **Planning**
- R-17 Designating 662 AVENUE C URBAN RENEWAL, LLC as redeveloper of property located at Block 163, lot 45, in the City Of Bayonne (commonly referred to as 662-666 AVENUE C) and authorizing the execution of a redevelopment agreement with 662 Avenue C Urban Renewal, LLC. **Planning**
- R-18 Rescinding any and all resolutions and/or ordinances designating KATE HOWARD, LTD, ASSIGNEE SKYLINE HARBOR, LLC, and any of their affiliates as redeveloper for Harbor Station South at the Peninsula at Bayonne Harbor referred to as Block 700, Lot 1; Block 720, Lot 1; Block 730, Lot 1; Block 731, Lot 1; Block 751, Lot 1; Block 770, Lot 1; Block 780, Lot 1; Block 790, Lot 1; And Block 730, Lot 2 in the City of Bayonne. **Business Administration**
- R-19 Authorizing a Request for Qualifications for a redeveloper for HARBOR STATION SOUTH. **Business Administration**
- R-20 Authorizing a Request for Qualifications for professional planning services for redevelopment plans and studies to assist the city planner regarding the TEXACO REDEVELOPMENT. **Planning**
- R-21 Authorizing an application to the LOCAL FINANCE BOARD for approval of the dissolution of the MUNICIPAL UTILITIES AUTHORITY.

- R-22 Authorizing the Mayor and City Clerk to enter into an agreement with KEITH WEAVER setting the terms of his employment as Chief of Department of the Bayonne Fire Department, effective March 4, 2016.
- R-23 Authorizing the Mayor and City Clerk to enter into an agreement with STEPHEN PETERSON setting the terms of his employment as Deputy Chief of the Bayonne Fire Department, effective March 4, 2016.
- R-24 Authorizing the Mayor and City Clerk to enter into an agreement with WILLIAM BARTOS setting the terms of his employment as Chief of Department of the Fire Department, effective March 4, 2016.