

CITY OF BAYONNE
CITY COUNCIL
REGULAR MEETING
APRIL 17, 2018

ORDINANCES SCHEDULED FOR HEARING

- O-1 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 2, ADMINISTRATION. **(Raising the application fee for representation in the Municipal Court by the Public Defender from \$50.00 to \$200.00) Law**
- O-2 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 10, TAXATION AND SPECIAL IMPROVEMENT DISTRICTS. **(Creating the Harbour Place Special Improvement District)**
- O-3 ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON APPROVING A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND 425-429 AVENUE C BAYONNE URBAN RENEWAL, LLC FOR THE PROPERTY LOCATED AT 425-429 AVENUE C, WHICH PROPERTY IS IDENTIFIED AS BLOCK 230, LOT 22 AND 23.01 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE. **Planning**
- O-4 ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING THE AMENDED REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT FOR PROPERTY LOCATED AT 276 PROSPECT AVE, WHICH PROPERTY IS IDENTIFIED AS BLOCK 407, LOTS 1, 2, AND 3 AND BLOCK 408, LOTS 1 AND 2 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE CONSTITUTES A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ. (34TH STREET LIGHT RAIL PARKING LOT). **(NJ Transit 34th Street Station Redevelopment Plan - Panepinto Properties) Planning**
- O-5 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 3, POLICE REGULATIONS. **(Prohibiting discarding of construction materials for city collection and prohibiting pickup of illegal materials by the city's collection contractor, litter inspectors) Public Works**
- O-6 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 17, PROPERTY MAINTENANCE. **(Prohibiting discarding of construction materials for city collection and prohibiting pickup of illegal materials by the city's collection contractor) Public Works**
- O-7 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 3, POLICE REGULATIONS. **(Sale of tobacco products to persons under 21) Law**
- O-8 CALENDAR YEAR 2018 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14). **Finance**
- O-9 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC. **(Defining "misuse" of a restrictive parking zone) Law**
- O-10 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC. **(Redevelopment properties not entitled to receive on-street restrictive parking zone permits)**

- O-11 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC. **(Loading Zone on East 2nd Street between Lexington and Hobart Avenues)**
- O-12 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC. **(Restrictive Parking Zones) Public Safety**
- DELETE
079. Salvatore Cardella, 82 West 7th Street
116. Cornelius Carroll, 135 West 2nd Street
280. Daniel Zimmerman, 41 West 16th Street
- ADD
019. Dominick Rizzo, 11 Veterans Court
020. Mark Weaver, 63 East 4th Street
120. Jeanette and Robert Jensen, 7 East 1st Street
121. Nancy Lagomarsino, 224 Avenue B
128. Balys Bieliauskas, 27 West 39th Street
140. Kirolos S. Raphael for his daughter, Pelagia K. Raphael, 875 Broadway
143. Helene Moorecraft, 102 West 50th Street
- RELOCATE
339. Ceceile Reed, 32 West 19th Street to 586-588 Avenue C

PUBLIC COMMENTS

Speakers are to sign the signup sheet prior to the meeting.

ORDINANCES PROPOSED FOR INTRODUCTION

- O-13 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 21, HEALTH REGULATIONS; and a resolution fixing Wednesday, May 15, 2019 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. **(Increasing distance where smoking is prohibited at entrances to municipal buildings or facilities from 10 feet to 20 feet) Business Administration**
- O-14 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 3, POLICE REGULATIONS; and a resolution fixing Wednesday, May 15, 2019 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. **(Prohibiting obstruction of/restricting access to fire hydrants) Public Safety**
- O-15 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 17, PROPERTY MAINTENANCE; and a resolution fixing Wednesday, May 15, 2019 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. **(Prohibiting obstruction of/restricting access to fire hydrants) Public Safety**
- O-16 ORDINANCE AUTHORIZING THE EXECUTION OF AN ENCROACHMENT AGREEMENT WITH MHP 33 PROSPECT AVENUE URBAN RENEWAL, LLC TO ALLOW CERTAIN ENCROACHMENTS INTO THE PUBLIC RIGHT OF WAY ADJACENT TO BLOCK 455, LOT 1.01; and a resolution fixing Wednesday, May 15, 2019 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. **(Madison Hill, II) Business Administration**
- O-17 ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING THE REDEVELOPMENT PLAN ENTITLED REDEVELOPMENT PLAN 69-71 NEW HOOK ROAD BLOCK 416 LOTS 1 AND 2 FOR THE PROPERTY LOCATED AT 69-71 NEW HOOK ROAD, WHICH PROPERTIES ARE IDENTIFIED AS BLOCK 416, LOTS 1 & 2 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ. (DELTA STORAGE); and a

resolution fixing Wednesday, May 15, 2019 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. **(Delta Storage) Business Administration**

- O-18 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC; and a resolution fixing Wednesday, May 15, 2019 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**

DELETE

055. Souzan Morgan, 23 Andrew Street
140. Birdalee McKay-Frey, 230 West 21st Street
371. Regina Donovan, 76 West 43rd Street
383. Shenouda Hanna, 35-37 West 29th Street

ADD

005. Stephen Wisniewski, 100 East 23rd Street

COMMUNICATIONS

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

- C-1 From Mario Batelli, Esq., filing notice of tort claim on behalf of KEISHA SWEENEY alleging personal injuries resulting from a fall in the parking lot at 24th Street and Church Lane on January 29, 2019.
- C-2 From ANTHONY MASCIALE, filing notice of tort claim alleging property damage to his automobile on January 29, 2019, resulting from a tree limb falling on it at 65 West 50th Street.
- C-3 From Superior Court of New Jersey, Law Division Summons and Complaint in matter entitled, "FORTUNE vs. THE CITY OF BAYONNE, et al." (Fall in North Street Park on February 28, 2017)
- C-4 From Superior Court of New Jersey, Law Division Summons and Complaint in matter entitled, "RYAN vs. AUG/LEVY BAYONNE, LLC et al., incl. THE CITY OF BAYONNE." (sidewalk fall on July 19, 2017 at 489 Broadway)
- C-5 From the Tax Court of New Jersey, complaint in matter entitled, "RITE AID #149 vs. CITY OF BAYONNE." (1097 Broadway, Block 31, lot 17.01 - commercial)
- C-6 From the Tax Court of New Jersey, complaint in matter entitled, "LEG-BP BAYONNE OWNER, LLC, c/o LINCOLN EQUITIES vs. CITY OF BAYONNE." (PBH:Maritime District, Block 1180, lot 1 - industrial)
- C-7 From the Tax Court of New Jersey, complaint in matter entitled, "MILLIONS, INC. vs. CITY OF BAYONNE." (55 Hook Road, Block 417, lot 3 - industrial)
- C-8 From the Tax Court of New Jersey, complaint in matter entitled, "SL 39 AVENUE C, LLC vs. CITY OF BAYONNE." (27-39 Avenue C, Block 378, lot 1 - industrial)
- C-9 From the Tax Court of New Jersey, complaint in matter entitled, "SPG HOOK ROAD, LLC by ABALINE PAPER PRODUCTS, INC. vs. CITY OF BAYONNE." (59 Hook Road, Block 417, lot 1 - industrial)
- C-10 From the Tax Court of New Jersey, complaint in matter entitled, "McDONALD'S CORP. vs. CITY OF BAYONNE." (537-543 Broadway, Block 189, lot 24 - commercial)
- C-11 From the Tax Court of New Jersey, complaint in matter entitled, "PSE&G CORP. vs. CITY OF BAYONNE." (160 West 63rd Street, Block 3, lot 3.01 - industrial)

- C-12 From the Tax Court of New Jersey, complaint in matter entitled, "BAYONNE GRAND I, LLC vs. CITY OF BAYONNE." (191-197 West 24th Street, Block 186, lot 35.01 - commercial)
- C-13 From the Tax Court of New Jersey, complaint in matter entitled, "FBV, INC c/o RITE AID CORPORATION vs. CITY OF BAYONNE." (471 Broadway, Block 210, lot 25.01 - commercial)

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 VINCENT LE FANTE and VINCENT CUSEGLIO as constables for terms expiring December 31, 2020; and a resolution confirming the appointments. **Mayor**
- OR-2 From Donna L. Mauer, 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-3 From Janet Convery, Treasurer, reporting on the transfer of the following amounts to the Board of Education on April 4, 2019: **Finance**
\$5,692,692.00 Claims & Payroll for April 4, 2019.
- OR-4 From Joanne Sisk, CTC, Tax Collector's Annual Report. **Tax Collector**

RESOLUTIONS

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

- CR-1 Approving the minutes of the regular meeting held Wednesday, March 20, 2019. **City Clerk**
- CR-2 Approving the minutes of the council caucus held Wednesday, March 13, 2019. **City Clerk**
- CR-3 Appointing MADELENE MEDINA, RMC, as city clerk for a three year term commencing June 1, 2019. **Council**
- CR-4 Appointing MICHELE HENNESSY as tax assessor for a four year term commencing July 1, 2019. **Mayor**
- CR-5 Appointing AMALILIS BOTTINO clean communities coordinator and authorizing her to submit all documents and applications pertaining to Clean Communities Grants. **Public Works**
- CR-6 Ordering warrants drawn to taxpayers representing refunds for overpayment of taxes. (11 properties) **Tax Collector**
- CR-7 Authorizing a warrant in the amount of \$55,720.00 payable to the STATE OF NEW JERSEY representing State Surcharge Fees on New Construction and Alterations for the quarter ending March 31, 2019. Chargeable to Account State Training Fees with the Tax Collector. **Building**
- CR-8 Ordering a warrant in the amount of \$1,925.00 drawn to the order of the TREASURER, STATE OF NEW JERSEY representing the state's share of 77 marriage licenses issued during the months of January, February and March, 2019. **City Clerk**

- CR-9 Ordering a warrant in the amount of \$128.40 payable to the order of the BUREAU OF RABIES CONTROL, STATE OF NEW JERSEY, covering the issuance of 50 dog licenses issued in March, 2019. **City Clerk**
- CR-10 Certifying the submission of expenditures for recycling taxes paid in 2018 for solid waste disposal pursuant to the RECYCLING ENHANCEMENT ACT in the amount of \$109,084.38. **Public Works**
- CR-11 Authorizing renewal of the annual maintenance contract with MOBILE TECHTRONICS, INC., Clark, NJ, for maintenance of eight Zetron Series 3200 9-1-1 telephone consoles located in the communication center for a period of one year commencing January 1, 2019, under state contract #83924 in the amount of \$9,360.00, and ordering a warrant in payment. Chargeable to Account #PS-9. **Police**
- CR-12 Authorizing the Mayor and City Clerk to execute an agreement with SPATIAL DATA LOGIC, Somerset, NJ for continued technical support and maintenance of its departmental data management software and continued enterprise licensing for the municipal management software currently in use for a one year period commencing July 1, 2019 for a total contract amount of \$52,500.00. Awarded through the "Non-fair and Open Process." Chargeable to Account T-12-56-813-0000-199. **Business Administration**
- CR-13 Authorizing the Mayor and City Clerk to execute an amendment to Agreement No. CY18-085 with the BAYONNE YOUTH CENTER increasing same in the amount of \$1,500.00 representing the cost of 3 new LED light fixtures needed to be installed by the contractor, AA-ABCO Construction, in the basement at 524 Kennedy Boulevard making the total contract amount \$43,000.00. Account CDBG-917. **Community Development**
- CR-14 Authorizing the Mayor and City Clerk to execute an amendment to the contract awarded to THREE SONS RESTORATION, LLC, for floor replacement, driveway, and sidewalk repairs at the 57th Street Firehouse, increasing the contract by \$39,000.00, making the total contract amount \$359,000.00. Chargeable to Capital Ordinance O-18-51. **Fire Department**
- CR-15 WITHDRAWN.
- CR-16 Authorizing the Mayor and City Clerk to execute an amendment to the city's contract with ALL COVERED IT, increasing the amount of the contract by \$9,600.00 for services rendered during November and December, 2018. **Finance**
- CR-17 Authorizing the Mayor to request, accept, and expend a \$20,022.90 federal award of \$10,000.00 cash with \$10,022.90 in local matching funds, awarded to the BAYONNE OFFICE OF EMERGENCY MANAGEMENT from the New Jersey State Police Office of Emergency Management for the purpose of enhancing the city's ability to prevent, protect against, respond to, and recover from acts of terrorism, natural disasters, and other catastrophic events and emergencies. **Public Safety**
- CR-18 Authorizing an application for a grant from the New Jersey Department of Community Affairs – NEIGHBORHOOD PRESERVATION PROGRAM. **Business Administration**
- CR-19 Authorizing an application for a grant from the New Jersey Historic Trust, Preserve New Jersey Historic Preservation Fund – 2019 HISTORIC SITE MANAGEMENT GRANT. **(Fire Museum) Business Administration**
- CR-20 Ratifying and affirming the action of the Mayor and City Clerk in executing an amendment to Agreement No. CY18-072 with the BAYONNE ECONOMIC OPPORTUNITY FOUNDATION for the purpose of providing the salaries and fringe benefits of bus drivers in connection with the Senior Citizen Transportation Program, decreasing the contract in the amount of \$8,000.00 making the total

contract amount \$30,000.00. Chargeable to Account CDBG – 939. **Community Development**

- CR-21 Ratifying and affirming the actions of the Mayor and City Clerk in executing a Right of Entry/Access Agreement with DAVID PRY CPG, LLC and KENRICH PETROCHEMICALS, INC. for the installation of eight (8) offsite temporary wells in connection with remedial investigation activities at 140 East 22nd Street as a result of oil refining and storage operations conducted by Tidewater Oil Company Bayonne Refinery (now IMTT-Bayonne Industries. **Law**
- CR-22 Ratifying and affirming the actions of the Mayor in executing a second NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION waterfront development permit – land use regulation program application in connection with site investigation and remediation activities being performed at Dennis P. Collins Park (HCC Site 174). **Law**
- CR-23 Authorizing the Mayor and City Clerk to execute a license agreement with the BAYONNE HOMETOWN FAIR ASSOCIATION in order to effectuate the Bayonne Hometown Fair to be held June 8 and June 9, 2019. **UEZ**
- CR-24 Authorizing settlement of State Tax Court appeals for Block 536, lot 4.04 for 2014-2018 with 2014-2016 appeals being withdrawn. **Tax Assessor**
- CR-25 Granting 5 Raffle licenses to qualified organizations. **City Clerk**

END OF CONSENT AGENDA

- R-1 Designating certain property located at 549-555 Broadway and 563-567 Broadway which properties are identified as Block 183, lots 15 and 17 as shown on the official Tax Map of the City of Bayonne as a non-condemnation area in need of redevelopment and authorizing and directing the planning board to prepare a redevelopment plan for the property pursuant to the Local Redevelopment and Housing Law, NJSA 40A:12A-1 et seq. **(Southwest corner of 26th Street and Broadway) Business Administration**
- R-2 Authorizing the city's participation in the pooled note financing program of the HUDSON COUNTY IMPROVEMENT AUTHORITY. **Finance**
- R-3 Approving Temporary Emergency Appropriation #3 in the CY 2019 budget. **Finance**
- R-4 Affirming that the council members have read, at a minimum, the comments and Recommendations section of the CY 2017 audit, and an affidavit certifying that they have done so. **City Clerk**
- R-5 Adopting a CORRECTIVE ACTION PLAN in response to the CY 2017 Audit. **Finance**
- R-6 Reauthorizing and directing the planning board to conduct a preliminary investigation to determine whether to include additional property identified as unimproved West 2nd Street in the TEXACO REDEVELOPMENT AREA that consists of Block 332 lots 3, Block 360 lot 2, Block 373 lots 1, 2, 13, 14 and 15; Block 390 lots 1 and RG67, Block 391, lots 1 and 2, Block 511, lots 5 and 6 as shown on the Official Tax Map of the City of Bayonne (Unimproved portion of W 2nd St) **(Matthew Outdoor Advertising – West 2nd Street) Business Administration**
- R-7 Authorizing and directing the planning board to conduct a preliminary investigation to determine whether certain property identified as Block 393 lot 19 and a portion of lot 20 (Parcel 265X), as shown on the Official Tax Map of the City of Bayonne constitutes a non-condemnation area in need of redevelopment. **(Matthew Outdoor Advertising – Avenue E and the NJ Turnpike) Business Administration**

TO BE ADDED AT THE MEETING

- ADD-1 Authorizing changes in petty cash custodians for the Office of Business Administration and the Free Public Library. **Finance**
- ADD-2 Designating certain property located at 63-97 West 23rd Street which properties are identified as block 194, lots 1 and 2 as shown on the official Tax Map of the City of Bayonne as a non-condemnation area in need of redevelopment and authorizing and directing the planning board to prepare a redevelopment plan for the property pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (**Assumption Church and school**)