

CITY OF BAYONNE CITY COUNCIL REGULAR MEETING MARCH 16, 2022

ORDINANCES, COMMUNICATIONS AND ADMINISTRATION REQUESTS FOR COUNCIL MEETING AGENDA

ORDINANCES SCHEDULED FOR PASSAGE

- O-1 Postponing final passage of an ordinances entitled, “AN ORDINANCE ENTITLED, “AN ORDINANCE OF THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, NEW JERSEY APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE PURCHASE AGREEMENT WITH THE HUDSON COUNTY IMPROVEMENT AUTHORITY RELATING TO THE ISSUANCE OF UP TO \$95,000,000 AGGREGATE PRINCIPAL AMOUNT OF THE AUTHORITY’S GUARANTEED LEASE REVENUE BONDS (BAYONNE MEDICAL CENTER PROJECT) AND ANY NOTES ISSUED IN ANTICIPATION THEREOF BY THE HUDSON COUNTY IMPROVEMENT AUTHORITY,” to the meeting of April 20, 2022
- O-2 Postponing final passage of an ordinances entitled, “AN ORDINANCE ENTITLED, “AN ORDINANCE OF THE CITY OF BAYONNE, STATE OF NEW JERSEY AUTHORIZING THE GUARANTY OF THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON NOT EXCEEDING \$95,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY GUARANTEED LEASE REVENUE BONDS (BAYONNE MEDICAL CENTER PROJECT), TO BE ISSUED BY THE HUDSON COUNTY IMPROVEMENT AUTHORITY, FOR THE PURPOSE OF PROVIDING ADDITIONAL SECURITY THEREFOR AND DETERMINING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH,” to the meeting of March 16, 2022.

ORDINANCES SCHEDULED FOR HEARING

- O-3 AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN TITLED GAMAL GROUP EAST REDEVELOPMENT PLAN (FORMERLY CASCHEM) FOR THE PROPERTY IDENTIFIED AS BLOCK 361, LOT 12 AND BLOCK 362, LOT 3, 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.
- O-4 AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY APPROVING AND AUTHORIZING THE EXECUTION OF A REIMBURSEMENT AGREEEMENT BY AND BETWEEN THE CITY OF BAYONNE AND 6 COMMERCE STREET URBAN RENEWAL, LLC. **Law**
- O-5 AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY APPROVING AND AUTHORIZING THE EXECUTION OF A REIMBURSEMENT AGREEEMENT BY AND BETWEEN THE CITY OF BAYONNE AND 7 HOOK ROAD URBAN RENEWAL, LLC. **Law**
- O-6 AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY APPROVING A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND 22ND STREET PARTNERS URBAN RENEWAL, LLC FOR THE PROPERTY LOCATED AT 25 E 22ND STREET, WHICH PROPERTY IS IDENTIFIED AS BLOCK 206, LOT 1.01 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE. (Mt Carmel) **Law**
- O-7 AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY APPROVING A FINANCIAL AGREEMENT BY AND BETWEEN THE

CITY OF BAYONNE AND AVE E DEV AMS URBAN RENEWAL, LLC FOR THE PROPERTY LOCATED AT 132 AND 140 AVENUE E, WHICH PROPERTY IS IDENTIFIED AS BLOCK 458, LOT 1.02 (FORMERLY KNOWN AS BLOCK 458, LOT 1.01 AND BLOCK 467, LOTS 24-26) AND BLOCK 467, LOT 23 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE (SILK LOFTS EAST) **Law**

- O-8 AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY APPROVING A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND 218-220 BROADWAY URBAN RENEWAL, LLC FOR THE PROPERTY LOCATED AT 218-220 BROADWAY, WHICH PROPERTY IS IDENTIFIED AS BLOCK 319, LOT 26 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE. (DELTA GAS STATION) **Law**
- O-9 AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY APPROVING A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND AVE E DEV MILE HIGH AMS URBAN RENEWAL, LLC FOR THE PROPERTY LOCATED AT 157-163 AVENUE E, WHICH PROPERTY IS IDENTIFIED AS BLOCK 234, LOT 8.01 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE. (SILK LOFTS WEST) **Law**
- O-10 BOND ORDINANCE PROVIDING FOR VARIOUS 2022 CAPTIAL IMPROVEMENTS, BY AND IN THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY (THE "CITY"); APPROPRIATING \$18,075,000 THEREFOR (INCLUDING GRANTS IN THE AGGREGATE AMOUNT OF \$7,231,963) AND AUTHORIZING THE ISSUANCE OF \$10,389,461 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COSTS THEREOF.
- O-11 AN ORDINANCE OF THE CITY OF BAYONNE, NEW JERSEY AMENDING THE GENERAL ORDINANCES OF THE CITY, CHAPTER 2, ADMINISTRATION, ARTICLE 2 MUNICIPAL COUNCIL, SECTION 2-1.2 POWERS OF COUNCIL
- O-12 AN ORDINANCE AUTHORIZING EARLY VOTING FOR THE CITY OF BAYONNE'S REGULAR MUNICIPAL ELECTION OF 2022 PURSUANT TO N.J.S.A.19:1-15A-1, et seq.,
- O-13 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC. **(Restrictive Parking Zones- Add -1)**
- O-14 AN ORDINANCE EXECUTION A LEASE AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND ATLAS YACHT CLUB OF BAYONNE, INC., BAYONNE. (10 Year Lease Agreement)

PUBLIC COMMENTS

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

ORDINANCES PROPOSED FOR INTRODUCTION

- O-15 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 35, ZONING REGULATIONS, and resolution fixing Wednesday, April 20, 2022 at 7:00 P.M. and the Dorothy E. Harrington Council Chambers as the time and place for a public hearing and final passage. **(Amending sections 35-5.13 'H-C Highway Commercial/Selected Light Industrial District' and Section 35-5.17 'I-H Heavy Industrial District - adding "Cannabis cultivator, manufacturer and/or retailers licensed by the State of New Jersey and the City of Bayonne" to each section.**
- O-16 AN ORDINANCE ESTABLISHING CHAPTER 39 "RECREATIONAL CANNABIS" TO THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE and resolution fixing Wednesday, April 20, 2022 at 7:00 P.M. and the Dorothy E. Harrington Council Chambers as the time and place for a public hearing and final passage

- O-17 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC and resolution fixing Wednesday, April 20, 2022 at 7:00 P.M. and the Dorothy E. Harrington Council Chambers as the time and place for a public hearing and final passage. **(Restrictive Parking Zones- Add 6/Delete 10)**

COMMUNICATIONS

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

- C-1 From Morris Starkman, Esq., filing notice of claim on behalf of ROSA VALERIO alleging injuries sustained from an automobile accident with a police vehicle on December 16, 2021.
- C-2 From Nicholas A. Mattera, Esq., filing notice of claim on behalf of STEPHEN MCCLANAHAN alleging injuries sustained from a slip and fall in the parking lot located at 148 West 3rd Street on January 7, 2022.
- C-3 From YESENIA OBANDO filing a notice of claim alleging damage to her automobile while parked by a city owned vehicle on November 16, 2021.
- C-4 From PATRICK JAMES MCMANUS filing a notice of claim alleging damage to his automobile tire when him struck a pothole at Chosin Few Way on February 2, 2022
- C-5 From Monique D. Moreira, Esq., filing a notice of claim on behalf of ELIN I. HANNA, alleging personal injuries sustained from a fall on the sidewalk at 426-428 Avenue E on August 16, 2021. **(Third party plaintiff)**
- C-6 From Norman M. Hobbie, Esq., filing a notice claim on behalf of RONALD BURNS, alleging personal injuries sustained resulting from a trip and fall on the sidewalk in front of 486 Broadway on January 18, 2022.
- C-7 From DEIRDRE BRYANT filing notice of claim alleging damage to her automobile tire when she struck a pot hole at Bayonne Crossing Way on February 22, 2022.
- C-8 From SUZETTE MORA filing notice of claim alleging damage to her automobile tire when she struck a pot hole at Bayonne Crossing Way on January 8, 2022
- C-9 From the Superior Court of New Jersey in the matter of CYNTHIA GAINOUS vs. CITY OF BAYONNE, THE BAYONNE MUSEUM and et als.
- C-10 From the Superior Court of New Jersey in the matter of DALE MONROE vs. Wells Fargo Bank, First Fidelity, the City of Bayonne and et als.
- C-11 From the Tax Court of New Jersey in the matter of J & J BUILDERS, LLC vs City of Bayonne.
- C-12 From the Tax Court of New Jersey in the matter of SL 39 AVENUE C LLC vs City of Bayonne.
- C-13 From the Tax Court of New Jersey in the matter of 1030 BROADWAY LLC vs City of Bayonne.
- C-14 From the Tax Court of New Jersey in the matter of H & H BROTHER LLC c/o Royal Wine Corp. vs City of Bayonne.
- C-15 From the Tax Court of New Jersey in the matter of ONE COMMERCE ST., LLC vs City of Bayonne.
- C-16 From the Tax Court of New Jersey in the matter of ENGLE HOLDING CO., LLC vs City of Bayonne.
- C-17 From the Tax Court of New Jersey in the matter of 471 BROADWAY LLC vs City of Bayonne.

- C-18 From the Tax Court of New Jersey in the matter of HOWARD WAREHOUSE, INC. vs City of Bayonne.
- C-19 From the Tax Court of New Jersey in the matter of HOWARD WAREHOUSE, INC. vs City of Bayonne.
- C-20 From the Tax Court of New Jersey in the matter of HOWARD REALTY, INC. vs. City of Bayonne.
- C-21 From the Tax Court of New Jersey in the matter of CLIFTON BOULEVARD PROPERTY INC. vs City of Bayonne.
- C-22 From the Tax Court of New Jersey in the matter of JORDAN WAREHOUSE, INC. vs City of Bayonne.
- C-23 From the Tax Court of New Jersey in the matter of AEGIS REALTY HOLDINGS, INC. vs City of Bayonne.
- C-24 From the Tax Court of New Jersey in the matter of 275 CHOSIN FEW WAY URBAN RENEWAL, LLC vs City of Bayonne.
- C-25 From the Tax Court of New Jersey in the matter of SPG HOOK ROAD, LLC vs City of Bayonne.
- C-26 From the Tax Court of New Jersey in the matter of EILAT REALTY COMPANY vs City of Bayonne.
- C-27 From the Tax Court of New Jersey in the matter of EILAT REALTY COMPANY vs City of Bayonne.
- C-28 From the Tax Court of New Jersey in the matter of BAYONNE PLAZA, LLC vs City of Bayonne.
- C-29 From the Tax Court of New Jersey in the matter of MICHAEL & DIANNE GALELLA vs City of Bayonne.
- C-30 From the Tax Court of New Jersey in the matter of HG REALTY, LLC vs City of Bayonne.
- C-31 From the Tax Court of New Jersey in the matter of 812-818 AVENUE C ASSOCIATES vs City of Bayonne.
- C-32 From the Tax Court of New Jersey in the matter of 119-129 43RD STREET LLC vs City of Bayonne.
- C-33 From the Tax Court of New Jersey in the matter of TUCKER LIMITED PARTNERSHIP vs City of Bayonne.
- C-34 From the Tax Court of New Jersey in the matter of YOSEF BLAU & TOVIA WERZBERGER vs City of Bayonne.
- C-35 From the Tax Court of New Jersey in the matter of DWECK INC. vs City of Bayonne.
- C-36 From the Tax Court of New Jersey in the matter of 557-561 BROADWAY BAYONNE, LLC vs City of Bayonne.
- C-37 From the Tax Court of New Jersey in the matter of PSE&G CORP. PROPPERTIES vs City of Bayonne.
- C-38 From Donohue, Gironda, Doria & Tompkins, LLC, REPORT OF AUDIT for the year ended December 31, 2020.

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 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-2 From the Hon. James M. Davis, Mayor, reappointing EDWARD GILLIGAN to the Rent Control Board for term to expire December 31, 2024.

RESOLUTIONS

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

- CR-1 Approving the minutes of the regular meeting held Wednesday February 16, 2022. **City Clerk**
- CR-2 Approving the minutes of the council caucus held Wednesday, February 9, 2022. **City Clerk**
- CR-3 Ordering warrants drawn to taxpayers representing refunds for overpayment of taxes. (8 properties) **Tax Collector**
- CR-4 Ordering a warrant in the amount of \$110.00 payable to the order of the BUREAU OF RABIES CONTROL, STATE OF NEW JERSEY, covering the issuance of 50 dog licenses issued in February. **City Clerk**
- CR-5 Granting a charitable clothing bin license to AMERICAN RECYCLING RESOURCES to place 1 bin at the NEW LIFE CHURCH located at 49 West 33rd Street. **City Clerk**
- CR-6 Authorizing the Police Department to sell at auction five (5) city owned vehicles.
- CR-7 Authorizing the Mayor and City Clerk to enter into a contract with PROPHOENIX CORP., MOORESTOWN, NJ in the amount of \$57,458.66 for the annual software maintenance for PropPhoenix Police Public Safety software for a period of one year commencing January 1, 2022 through December 31, 2022 and authorizing the issuance of a warrant for payment of same. **Public Safety**
- CR-8 Authorizing the Mayor and City Clerk to exercise the renewal opting in the contract with NJ HUMANE SOCIETY, LLC to provide an Animal Control Officer and Shelter Services for a one year period for a total contract amount not to exceed \$81,185.76. **Mun. Services**
- CR-9 Authorizing the City's continued membership in the REGIONAL HEALTH COMMISSION OF HUDSON COUNTY for the calendar year 2022 for a total annual assessment of \$25,944.00, payable quarterly in the amounts of \$6,486.00. **Mun. Services**
- CR-10 Authorizing the renewal of the service agreement with VISUAL COMPUTER SOLUTIONS d/b/a JOBS4BLUE, Freehold, NJ for police extra duty administration services for a period of one year commencing January 1, 2022 through December 31, 2022 at cost to the City. **Public Safety**
- CR-11 Authorizing the Mayor and City Clerk to enter into a contract with PACKETALK, Lyndhurst, NJ in the amount of \$55,600.00 for six (6) fixed mounted Automatic License Plate Reader (ALPR) Camera Systems with installation and a one (1) year support and authorizing the issuance of a warrant for payment of same. **Public Safety**
- CR-12 WITHDRAWN
- CR-13 Amending Resolution 21-10-20-049 authorizing the purchasing agent to procure Rock Salt for City Streets through the Hudson County Cooperative System ("HCCPS") to correct the Contractor's name to MORTON SALT, INC. (erroneously "Mortana Salt, Inc.") and to reflect an amount not to exceed \$100,000.00.

- CR-14 Authorizing the Mayor and City Clerk to enter into a contract with GOOD YEAR TIRE AND RUBBER CO., for the purchase of tires, tubes & services for various city vehicles for a total contract amount not to exceed \$40,000.00. State Contract #M8000. Chargeable to Account #2-01-26-315-0000-030. **DPW**
- CR-15 Extending Agreement #CY19-051 with IN-LINE AIR CONDITIONING CO., INC., Bayonne, NJ for the period commencing March 18, 2022 through March 17, 2023.
- CR-16 Authorizing revisions to the Municipal Services Agreement with BOATWORKS CONDOMINIUM ASSOCIATION. **Law**
- CR-17 Amending Resolution No. 21-11-10-051 authorizing the agreement with BILLY CONTRACTING & RESTORATION, INC. for the proposed alteration to the Bayonne Economic Opportunity building to reduce the amount of funding from the Federal Head State funding allocation in the amount of \$569,560.00 and increase CDBG Block Grant funds in the amount of \$569,560.00 and to correct a typographical error in the amount of the bid received from ALNA CONSTRUCTION CORP. (erroneously stated as \$,2,00,000.00 to \$2,200,000.00) **Law**
- CR-18 Authorizing the acceptance of a grant from the STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION in the amount \$115,257.87 for the FY19 RECYCLING TONNAGE GRANT. **Finance**
- CR-19 Authorizing the acceptance of a grant from the NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY OFFICE OF THE ATTORNEY GENERAL in the amount of \$14,200.00 for the FY 22 Edward Byrne Memorial Justice Assistance Grant Bolstering Police Youth Program. **Finance**
- CR-20 Supporting educational, interventions and outreach programs to combat the issue of domestic violence and authorizing the funding under the American Rescue Plan Act.
- CR-21 Authorizing the Mayor and City Clerk to execute a Lease Agreement allowing the NAACP to hold the 2022 JUNETEENTH CELEBRATION at 16th Street Park on June 18, 2022.
- CR-22 Amending Resolution #22-01-19-059 authorizing an agreement with RELIABLE PAPER RECYCLING, INC. for receipt of the City's "Recycling Commodity" to reflect that said recycling commodity consists of Mixed Paper Only. **Law**
- CR-23 Opposing the plans of Passaic Valley Sewer Power Plant in the building of a generating facility near Newark and the impact to surrounding areas
- CR-24 Granting 2 Raffle licenses to qualified organizations. **City Clerk**

END OF CONSENT AGENDA

- R-1 Approving Temporary Emergency #3 in the CY 2022 budget. **Finance**
- R-2 Approving Budgetary Transfer #2 for CY2021. **Finance**
- R-3 Affirming that the council members have read, at a minimum, the comments and Recommendations section of the CY 2020 audit, and an affidavit certifying that they have done so. **City Clerk**
- R-4 Adopting a CORRECTIVE ACTION PLAN in response to the CY 2020 Audit. **Finance**
- R-5 Reserve space to award a contract for professional architectural services for a one year period pursuant to the Fair and Open Process.
- R-6 Authorizing advertising of bids for Peninsula at Bayonne Harbor Port Access Road Project, through the New Jersey Department of Transportation Local Freight Impact Fund Award LFIF-18; and extending the award of bid date to June 30, 2022

- R-7 Authorizing the Mayor and City Clerk to execute a second Amendment to Agreement No. CY21-037 with CHASAN LAMPARELLO MALLON & CAPUZZO, P.C. (the “Contractor”) for professional legal services to represent the City in State Tax Court Tax Appeals attorney increasing same in the amount of \$45,000.00, thereby making the total cost not to exceed \$175,000.00 to cover the cost of outstanding invoices for CY2021 and authorizing the Treasurer to issue payment in the amount of \$48,265.66 to the Contractor to cover the cost of said outstanding invoices and close-out said agreement. **Law**
- R-8 Authorizing the Mayor and/or his designee to execute a Settlement Agreement and Withdrawal of Hearing Request In the Matter of City of Bayonne – Port Terminal Boulevard - NJPDES 5G3 Permit No. NJG0312631, in connection with alleged violations of the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 *et. seq.* and authorizing the Municipal Treasurer to issue payment to the Treasurer of the United States of America in the amount of \$10,000 pursuant to same (reduced by 50%). **Law**
- R-9 Authorizing a Shared Services Agreement between the City of Bayonne and the City of Jersey City for the City of Bayonne to provide Local Public Health Services to the City of Jersey City for a four (4) month period commencing March 17, 2022 and ending June 30, 2022 based on the rate of \$10,000 per month payable to the City of Bayonne by the City of Jersey City for a total amount of \$34,666.67. **Law**
- R-10 Authorizing the cancellation of the unexpended balance left in the Emergency Appropriation for Tropical Storm Ide in the amount of \$53,178.41. **Finance**
- R-11 Amending Agreement No. CY22-008 with NW FINANCIAL to include an additional scope of services and increasing said agreement by an additional \$150,000.00, making the total amount not to exceed \$225,000.00. **Finance**

TO BE ADDED AT COUNCIL MEETING

- ADD-1 Authorizing the Mayor to take any and all actions and to execute any and all documents necessary to effectuate a FOOD TRUCK FESTIVAL sponsored by the City of Bayonne to be held Saturday, May 7, 2022 from 12:00 P.M. to 7:00 P.M. on Avenue E between 22nd and 24th Streets, and to waive all application fees. **Mayor**