

CITY OF BAYONNE CITY COUNCIL REGULAR MEETING AUGUST 17, 2022

ORDINANCES, COMMUNICATIONS AND ADMINISTRATION REQUESTS FOR COUNCIL MEETING AGENDA

BUDGET HEARING

- BA-1 Hearing of CY2022 Municipal Budget and the introduction of Budget Amendments.

ORDINANCES SCHEDULED FOR HEARING

- O-1 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
- O-2 AN ORDINANCE REFERRING THE REDEVELOPMENT PLAN TO THE PLANNING BOARD FOR CONSISTENCY REVIEW FOR THE REDEVELOPMENT PLAN FOR PROPERTY LOCATED AT 69-73 LEFANTE WAY AND ADOPTING SAID REDEVELOPMENT PLAN, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.
- O-3 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 4, FILMING **(Amending Section 4-19.7- adding subsection (d) waiving permit fees for students) Law**
- O-4 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 5, ANIMAL CONTROL **(Amending section 5-3.8-authorizing enforcement of this provision and amending maximum fine of \$50 to \$1250; Section 5-17-Removal of Pet Waste-Violations and Penalties amending minimum fine of \$25.00 to \$100 and maximum fine of \$500.00 to \$1250.00) Mun. Services**
- O-5 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 11 POLICE DEPARTMENT. **(Adding Section 11-11 Extra Duty Assignments and Details) Public Safety**
- O-6 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 21, HEALTH REGULATIONS. **(Section 21-30-to prohibit the keeping, harboring, breeding and raising and/or caring for pigeons, chickens, rooster and all other farm animals within the jurisdictional limits of the City of Bayonne) Mun. Services**
- O-7 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC. **(Amending Section 7-18.2.2 -Trucks, Truck Tractors, Trailer and Commercial Vehicle, Special Regulation. Amendment to remove section D”) Public Works**
- O-8 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7 TRAFFIC. **(Restrictive Parking Zones- Deleting 5) Public Safety**

DELETE

034. Francis Olson, 75 Newman Avenue
072. Juan P. Albizl, 108 West 3rd Street
076. Annmarie Collins, 32 East 28th Street
080. Diane Wierzbicki, 42 East 19th Street
303. Diane Hopkins, 680 Kennedy Blvd.

PUBLIC COMMENTS

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

ORDINANCES PROPOSED FOR INTRODUCTION

- O-9 AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY APPROVING AN ENCROACHMENT AGREEMENT BETWEEN 957 BROADWAY URBAN RENEWAL, LLC FOR AN ENCROACHMENT OF PROPOSED VESTIBULES ASSOCIATED WITH A RESTAURANT TO BE LOCATED ON BLOCK 77, LOT 16.01, and a resolution fixing Wednesday, September 21, 2022 at 7:00 P.M. in the Dorothy E. Harrington Council Chambers as the time and place for a public hearing and final passage.
- O-10 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 5, ANIMAL CONTROL, and a resolution fixing Wednesday, September 21, 2022 at 7:00 P.M. in the Dorothy E. Harrington Council Chambers as the time and place for a public hearing and final passage. **(Section 5-1 – adding additional definitions and adding Article VIII, Section 5-27 TRAP NEUTER RETURN PROGRAM)**
- O-11 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 35, ZONING REGULATIONS and a resolution fixing Wednesday, September 21, 2022 at 7:00 P.M. in the Dorothy E. Harrington Council Chambers as the time and place for a public hearing and final passage. **(Amending “Parking Deficiency Schedule” under “Special Requirements under sections:**
- Section 35-5.10 (f) CBD – Central Business District (Broadway Corridor)**
Section 35-5.15 (f) TDO –Transit Development Overlay District
Section 35-11 (f) – Uptown Business District (Broadway Corridor)
Section 35-5.13 (f) – H-C –Highway Commercial/Selected Light Industrial
- O-12 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, NEW JERSEY, CHAPTER 35, ZONING REGULATIONS, and a resolution fixing Wednesday, September 21, 2022 at 7:00 P.M. in the Dorothy E. Harrington Council Chambers as the time and place for a public hearing and final passage. **(Section 35-5.13 H-C “Highway Commercial/Selected Light Industrial District and D35-5.17 “I-H Heavy Industrial District” to exclude certain area for Cannabis establishments)**
- O-13 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, NEW JERSEY, CHAPTER 39, RECREATIONAL CANNABIS, and a resolution fixing Wednesday, September 21, 2022 at 7:00 P.M. in the Dorothy E. Harrington Council Chambers as the time and place for a public hearing and final passage. **(Section 39-2 Preliminary application, review process, administration fee and support resolution; Section 39-3 Planning Board; Section 39-6 Term of License and license renewals; Section 39-7 Disciplinary Actions, Sanctions and Penalties)**
- 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, September 21, 2022 at 7:00 P.M. in the Dorothy E. Harrington Council Chambers as the time and place for a public hearing and final passage **(Creation Section 3-21, Carrying Firearms in Public Buildings)**
- O-15 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 2, ADMINISTRATION, and a resolution fixing Wednesday, September 21, 2022 at 7:00 P.M. in the Dorothy E. Harrington Council Chambers as the time and place for a public hearing and final passage. **(Amending Article 2)**
- O-16 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 33, PLANNING DEVELOPMENT REGULATIONS and a resolution fixing Wednesday, September 21, 2022 at 7:00 P.M. in the Dorothy E. Harrington Council Chambers as the time and place for a public hearing and final passage. **(Amending section 33-10.27 Private Swimming Pools to amend the yard setback requirements from 3 feet to 2 feet from the property line)**

- O-17 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC, and a resolution fixing Wednesday, September 21, 2022 at 7:00 P.M. in the Dorothy E. Harrington Council Chambers as the time and place for a public hearing and final passage. **(Restrictive Parking Zones-Add - 2) Public Safety**

ADD

029. Father Khalil – 174 West 19th Street
033. Joanne Striffolino – 25 East 44th Street

COMMUNICATIONS

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

- C-1 From SUSAN GARZA filing notice of claim alleging injuries sustained from a fall at the intersection at 18th Street and Avenue C on April 15, 2022.
- C-2 From MARK DERUZE filing notice of claim alleging damage to his automobile resulted from trash cans being tossed by Recycling workers.
- C-3 From OLIVER BROOKS filing notice of claim alleging damage to his automobile when it was struck by a City-owned vehicle on June 20, 2022.
- C-4 From the Superior Court of New Jersey in the matter entitled, “JAMES GUNSHEFSKI, JR. vs. Shadi Saweris, City of Bayonne, Bayonne Police Dept., et als.”
- C-5 From Superior Court of New Jersey in the matter entitled, “DENISE WALKER vs. RG’s Bicycle Shop, Inc. City of Bayonne, et als”
- C-6 From Superior Court of New Jersey in the matter entitled, “MELISSA BARRETT vs. Christine Rodriguez, City of Bayonne, et als.”
- C-7 From the Tax Court of New Jersey in the matter entitled, “S & K ADIMOOOLAM vs. the City of Bayonne.” **Commercial**
- C-8 From the Tax Court of New Jersey in the matter entitled, “S & K ADIMOOOLAM vs. the City of Bayonne.” **Commercial**
- C-9 From the Tax Court of New Jersey in the matter entitled, “S & K ADIMOOOLAM vs. the City of Bayonne.” **Commercial**
- C-10 From the Tax Court of New Jersey in the matter entitled, “JOHN & MARYANN, LLC vs. the City of Bayonne.” **Vacant**
- C-11 From the Tax Court of New Jersey in the matter entitled, “DELAWARE DELTA LLC vs. the City of Bayonne.” **Commercial**
- C-12 From the Tax Court of New Jersey in the matter entitled, “DR. NARD, LLC vs. the City of Bayonne.” **Commercial**
- C-13 From the Tax Court of New Jersey in the matter entitled, “DELAWARE DELTA LLC vs. the City of Bayonne.” **1-4 Family Residence**
- C-14 From the Tax Court of New Jersey in the matter entitled, “BAYONNE COVE II LLC vs. the City of Bayonne.” **Vacant**
- C-15 From the Tax Court of New Jersey in the matter entitled, “BAYONNE COVE LLC vs. the City of Bayonne.” **Vacant**
- C-16 From the Tax Court of New Jersey in the matter entitled, “BAYONNE COVE II LLC vs. the City of Bayonne.” **Vacant**

- C-17 From the Tax Court of New Jersey in the matter entitled, “BAYONNE COVE II LLC vs. the City of Bayonne.” **Vacant**
- C-18 From the Tax Court of New Jersey in the matter entitled, “AV ESTATES, LLC vs. the City of Bayonne.” **Commercial**
- C-19 From the Tax Court of New Jersey in the matter entitled, “ORTHO SURG TEK LLC vs. the City of Bayonne.” **Vacant**

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 Amy Dellabella reporting on bids received for the Peninsula at Bayonne Harbor Port Access Road Project. (2 bidders)

RESOLUTIONS

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

- CR-1 Approving the minutes of the regular meeting held Wednesday July 20, 2022. **City Clerk**
- CR-2 Approving the minutes of the council caucus held Wednesday, July 13, 2022. **City Clerk**
- CR-3 Approving the minutes of the Reorganization meeting held Friday, July 1, 2022. **City Clerk**
- CR-4 Ordering warrants drawn to taxpayers representing refunds for overpayment of taxes. (5 properties) **Tax Collector**
- CR-5 Authorizing the Mayor and City Clerk to enter into an agreement with BAYONNE ECONOMIC OPPORTUNITY FOUNDATION for fair housing counseling services in an amount not to exceed \$65,000.00 for a period of one (1) year commencing September 1, 2022 and ending August 31, 2023. **CDBG**
- CR-6 Authorizing the Mayor and City Clerk to enter into an agreement with TRINITAS REGIONAL MEDICAL CENTER for the addiction services in an amount not to exceed \$12,000.00 for a period of one (1) year commencing September 1, 2022 and ending August 31, 2023. **CDBG**
- CR-7 Authorizing the Mayor and City Clerk to enter into an agreement with TRINITAS REGIONAL MEDICAL CENTER for the psychiatric services for emotionally disturbed children in an amount not to exceed \$12,000.00 for a period of one (1) year commencing September 1, 2022 and ending August 31, 2023. **CDBG**
- CR-8 Authorizing the Mayor and City Clerk to enter into an agreement with BAYONNE ECONOMIC OPPORTUNITY FOUNDATION for senior transportation salary in an amount not to exceed \$17,500.00 for a period of one (1) year commencing September 1, 2022 and ending August 31, 2023. **CDBG**
- CR-9 Authorizing the Mayor and City Clerk to enter into an agreement with the BAYONNE YOUTH CENTER for after school enrichment program and support for community outreach programs in an amount not to exceed \$13,000.00 for a period of one (1) year commencing September 1, 2022 and ending August 31, 2023. **CDBG**
- CR-10 Authorizing the Mayor and City Clerk to enter into an agreement with the BAYONNE PAL DAY CARE CENTER for after school program and summer camp child care program in an amount not to exceed \$16,650.00 for a period of one (1) year commencing September 1, 2022 and ending August 31, 2023. **CDBG**

- CR-11 Authorizing the Mayor and City Clerk to enter into an agreement with BAYONNE ECONOMIC OPPORTUNITY FOUNDATION for the senior transportation insurance in an amount not to exceed \$5,000.00 for a period of one (1) year commencing September 1, 2022 and ending August 31, 2023. **CDBG**
- CR-12 Authorizing the Mayor to enter into an agreement with the WATERFRONT PROJECT, INC. for the housing counseling and legal advocacy program in an amount not to exceed \$16,500.00 for a period of one (1) year commencing September 1, 2022 and ending August 31, 2023. **CDBG**
- CR-13 Authorizing the Mayor to enter into an agreement with BAYONNE ECONOMIC OPPORTUNITY FOUNDATION for BEOF Headstart security in an amount not to exceed \$13,500.00 for a period of one (1) year commencing September 1, 2022 and ending August 31, 2023. **CDBG**
- CR-14 Authorize the Purchasing Agent to go out to bid for Rock Salt. **Purchasing**
- CR-15 Authorize the Purchasing Agent to go out to bid for Snow Removal Services during Snow Emergency. **Purchasing**
- CR-16 Authorizing an amendment to Resolution 22-05-18-038 authorizing the Mayor and City Clerk to enter into a Right-of-Way Agreement (ROW) with RYAN EHRLICH for purposes of installing and maintaining a new off-street parking space which will be approximately 18 feet in length and will protrude approximately 5 feet 6 inches in depth and into the City's ROW located at 40 East 33rd Street, Block 146, Lot 27, on the official tax map of the City of Bayonne, for an annual fee of \$500.00 payable to the City to reduce the liability insurance requirements to \$1,000,00 and ratify and affirm the actions of the Mayor and City Clerk in executing said License requiring said reduced amount. **Law**
- CR-17 Authorizing an amendment to Agreement No. CY22-037 with INTEGRATED MIRCO SYSTEMS, INC. for information technology, computer systems and network administration support services to include additional IT Support Services for the Police Department and increase same in an amount not to exceed \$6,380.00 payable at the rate of \$145.00 per hour not to exceed two (2) hours per week.
- CR-18 Authorizing the Mayor and City Clerk to execute a second amendment to Agreement No. CY22-010 with RUDERMAN & ROTH, LLC, 150 Morris Avenue, Suite 303, Springfield, NJ 07081 for professional legal services as Labor Attorney increasing same in the amount of \$60,000, to cover the cost for anticipated legal services through the end of the contract term, thereby making the total contract amount not to exceed \$145,000.00. **Law**
- CR-19 Amending Resolution No. 22-07-20-039 authorizing the use of a three (3) year average for the reserve for uncollected taxes calculation. **Finance**
- CR-20 Canceling Items of Reserve and authorizing their use as Anticipated Revenue in the CY 2022 Budget. **Finance**
- CR-21 Amending Resolution No. 22-07-20-045 with respect to the Bayonne Aqueduct Hackensack River Crossing Project to provide that the cost of the Project in the amount of \$337,600.00 shall be paid in accordance with the terms and conditions of the Concession Agreement and Modification Agreement and that funds shall be charged to Account #C-04-55-945-1956-994. **Law**
- CR-22 Amending Resolution No. 22-07-20-046 with respect to Pump Station Emergency Generator Project to provide that the cost of the Project in the amount of \$986,000.00 shall be paid in accordance with the terms and conditions of the Concession Agreement and the Modification Agreement and that funds shall be charged to Account #C-04-55-945-1956-994. **Law**
- CR-23 Authorizing the Mayor and City Clerk to apply for the AMERICAN RESCUE PLAN FIREFIGHTER GRANT (ARP-FFG) for 19 sets of Firefighter Turnout Gear for a total amount of \$83,030.00, with \$74,290.00 is state funding and \$8,740.00 is local matching funds. **Fire**

CR-24 Granting 4 Raffle licenses to qualified organizations. **City Clerk**

END OF CONSENT AGENDA

- R-1 Authorizing the Bulk Tax Levy Sale. **Finance**
- R-2 Designating ADAM ENTERPRISES LLC as the developer of the property located at 1207 Kennedy Boulevard, which property is identified as Block 24, Lot 2 and 3 as shown on the official tax map of the City and authorizing the preparation of a Redeveloper Agreement for the redevelopment of said property. **Law**
- R-3 Authorizing and directing the Planning Board to conduct a preliminary investigation to determine whether certain property located at 235 West 1st Street, which property is identified as Block 373, Lot 2 as shown on the official tax map of the City 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. **(White Glove) Law**
- R-4 Designating the GAMAL GROUP LLC as the developer of the property identified as Block 361, Lot 12 and Block 362, Lot 3 as shown on the official tax map of the City and authorizing the preparation of a Redeveloper Agreement for the redevelopment of said property. **Law**
- R-5 Authorizing an execution of an amendment to the Payment Agreement between the Port Authority of New York/New Jersey and the City of Bayonne dated July 30, 2022 and related agreements regarding payments to be made under the Payment Agreement. **Law**
- R-6 Awarding the contract for the PENINSULA AT BAYONNE HARBOR PORT ACCESS ROAD PROJECT to UNION PAVING AND CONSTRUCTION CO. INC., 1140 GLOBE AVENUE, MOUNTAINSIDE, NJ 07092 for the contract amount of \$3,700,549.81. Chargeable to Account No. 2-01-41-589-0000-199 – New Jersey Department of Transportation Local Freight Impact Fund Award LFIF-22.
- R-7 Amending Resolution No. to extend the award of the Peninsula at Bayonne Harbor Port Access Road Project, City of Bayonne, County of Hudson, New Jersey – New Jersey Department of Transportation Local Freight Impact Fund Award LFIF-22 from June 30, 2022 to December 30, 2022.
- R-8 Reserved space for the contract for professional engineering services as traffic engineer, contract awarded pursuant to the Fair and Open Process.
- R-9 Authorizing a License agreement with 90 AVENUE URBAN RENEWAL, LLC for the placement of utilities in the public right of way appurtenant to 90-102 Avenue E. **Law**
- R-10 Authorizing a closed session to discuss negotiations and current status of the City of Bayonne’s Payment In Lieu of Taxes Agreements (PILOT’s) pursuant to N.J.S.A. 10:4-12. **Law**
- R-11 Authorizing amending the existing Access Agreement with HONEYWELL, INC. for the remediation of the Bayonne Sewage Pipeline Site. Site 144.

TO BE ADDED AT MEETING

- ADD-1 Ratifying and affirming the Agreement between the City of Bayonne and BELOVED COMMUNITY CHARTER SCHOOL for the rental of buses for the summer camps for the amount of 40,500.00. Chargeable to Account NO, t-12-56-930-7004-199.
- ADD-2 Authorizing the execution of a first amendment to the License Agreement between the PORT AUTHORITY OF NEW YORK AND NEW JERSEY, LEG-BP BAYONNE OWNER URBAN RENEWAL LLC AND THE CITY OF BAYONNE dated August 26, 2020 to extend the term of the License Agreement for two (2) years to expire on August 26, 2024.