

CITY OF BAYONNE CITY COUNCIL COUNCIL CAUCUS April 12, 2022

ORDINANCES, COMMUNICATIONS AND ADMINISTRATION REQUESTS FOR COUNCIL MEETING AGENDA

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 OF THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY APPROVING A FINANCIAL AGREEMENT PURSUANT TO THE FIVE YEAR TAX ABATEMENT FOR THE PROPERTY LOCATED AT 717-719 KENNEDY BLVD, WHICH IS IDENTIFIED AS BLOCK 169, LOT 25.01 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY
- O-3 AN ORDINANCE ADOPTING THE AMENDED AND RESTATED SUB-AREA PLAN FOR 8TH STREET REHABILITATION AREA FOR PROPERTY IDENTIFIED AS 17-29 EVERGREEN STREET, 219-223 ORIENT STREET WHICH IS KNOWN AS BLOCK 306, LOTS 1,2,3,4 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE
- O-4 AN ORDINANCE OF THE CITY OF BAYONNE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES, CHAPTER 16, RENT CONTROL
- O-5 AN ORDINANCE OF THE CITY OF BAYONNE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES, CHAPTER 7, TRAFFIC. **Restrictive Parking Zone-Add 3/Delete-20**

PUBLIC COMMENTS

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

ORDINANCES PROPOSED FOR INTRODUCTION

- O-6 AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING AN AMENDED AND RESTATED MARIST REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED 1241 KENNEDY BLVD.-REAR AND WEST 57TH STREET, WHICH IS IDENTIFIED AS BLOCK 13, LOTS 1.01, 16, 17, 18 AND 18.B01 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ. and a resolution fixing Wednesday, May 17, 2023 and the Dorothy E. Harrington Council Chambers as the time and place for a public hearing and final passage.
- O-7 AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 33. PLANNING AND DEVELOPMENT REGULATIONS and a resolution fixing Wednesday, May 17, 2023 and the Dorothy E. Harrington Council Chambers as the time and place for a public hearing and final passage. **Establishing escrow fees for Redevelopment**
- O-8 AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AMENDING AND SUPPLEMENTING THE REVISED GENERAL

ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC and a resolution fixing Wednesday, May 17, 2023 and the Dorothy E. Harrington Council Chambers as the time and place for a public hearing and final passage. **Amending Subsection 7-11-to add (g) No fee for the use of parking meter bags shall be charged to Not-for-Profit entities in connection with events that are charitable in nature.**

- O-9 AN ORDINANCE OF THE CITY OF BAYONNE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES, CHAPTER 13, RECREATIONAL AND OTHER PUBLIC FACILITIES and a resolution fixing Wednesday, May 17, 2023 and the Dorothy E. Harrington Council Chambers as the time and place for a public hearing and final passage. **(Increasing fees to Municipal Pool)**
- O-10 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 20, PERSONNEL POLICIES; and a resolution fixing Wednesday, May 17, 2023 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. **(Director salary range-Dir. of Planning, Zoning and Development)**
- O-11 AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC and a resolution fixing Wednesday, May 17, 2023 and the Dorothy E. Harrington Council Chambers as the time and place for a public hearing and final passage. **Restrictive Parking Zone-Add 3/Delete-19**

COMMUNICATIONS

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

- C-1 From Lance J. Bitterman, Esq., filing notice of claim on behalf of SHALESE C. WILLIAMS alleging injuries sustained due to a fall at 795 Avenue E due to a leak in her kitchen. **(Property owned by Bayonne Housing Authority)**
- C-2 From Monique D. Moreira, Esq. filing notice of claim on behalf of 5502 Broadway LLC, owner of 550-552 Broadway alleging improper maintenance and inspection of tree by the City of Bayonne. **(Third Party complaint)**
- C-3 From OSCAR D. SILVA filing notice of claim alleging damage to his property by Bayonne Police Department while in pursuit of suspects.
- C-4 From LORIA A. MACANKA filing notice of claim alleging injuries sustained due to a crack in the asphalt in front of 164 Avenue B.
- C-5 From BARBARA ST. JEAN filing notice of claim alleging damage to her automobile when it was struck by a Fire Truck on the corner of Juliette Street and Trask Avenue.
- C-6 From Lance J. Bitterman, Esq., filing notice of claim on behalf of NATASHA JEAN alleging injuries sustained from a fall on the uneven sidewalk between 157 and 159 Avenue F.
- C-7 From ANIL MOHITE filing notice of claim alleging damage to his property when entered by Bayonne Police Department responding to a water leak.
- C-8 From the Superior Court of New Jersey in the matter of “ANDREA HERRERA vs. PSE&G, JP Contractors, et als.
- C-9 From the Superior Court of New Jersey in the matter of “STEVEN MCCLANAHAN vs. Bayonne Housing Authority, City of Bayonne, et als
- C-10 From the Superior Court of New Jersey in the matter of the “ESTATE OF JACK JIANG vs. Corey Kettleman, et als

- C-11 From the Superior Court of New Jersey in the matter of the “ESTATE OF CHUMING ZHENG vs. Corey Kettlemen, et als
- C-12 From the Tax Court of New Jersey in the matter of “GASA REALTY LLC c/o VALLEY NATIONAL BANK vs. City of Bayonne”
- C-13 From the Tax Court of New Jersey in the matter of “COMMERCE BANK/TD BANK vs. City of Bayonne”
- C-14 From the Tax Court of New Jersey in the matter of “1030 BROADWAY LLC vs. City of Bayonne”
- C-15 From the Tax Court of New Jersey in the matter of “J & J BUILDERS, LLC vs. City of Bayonne”
- C-16 From the Tax Court of New Jersey in the matter of “RITE AID OF NEW JERSEY vs. City of Bayonne”
- C-17 From the Tax Court of New Jersey in the matter of “LPM SERVICES INC. vs. City of Bayonne”
- C18 From the Tax Court of New Jersey in the matter of “BAYONNE GRAND I LLC vs. City of Bayonne”
- C-19 From the Tax Court of New Jersey in the matter of “KESHARI REALTY LLC vs. City of Bayonne”
- C-20 From the Tax Court of New Jersey in the matter of “IJKG OPCO LLC, Tenant, in a parcel owned by 29 E 29th Street Holdings, LLC vs. City of Bayonne”
- C-21 From the Tax Court of New Jersey in the matter of “NJIND HOOK ROAD LLC vs. City of Bayonne”
- C-22 From the Tax Court of New Jersey in the matter of “ELECTRICAL MOTOR MAINTENANCE, INC. c/o WALGREENS COMPANY vs. City of Bayonne”
- C-23 From the Tax Court of New Jersey in the matter of “431 KENNEDY LLC vs. City of Bayonne”
- C-24 From the Tax Court of New Jersey in the matter of “11 AVENUE F PARTNERS, LLC vs. City of Bayonne”
- C-25 From the Tax Court of New Jersey in the matter of “22nd STREET PARTNERS URBAN RENEWAL LLC vs. City of Bayonne”
- C-26 From the Tax Court of New Jersey in the matter of “304 BROADWAY PARTNERS URBAN RENEWAL LLC vs. City of Bayonne”
- C-27 From the Tax Court of New Jersey in the matter of “YAKOV BURAKOVSKY vs. City of Bayonne”
- C-28 From the Tax Court of New Jersey in the matter of “577-583 BROADWAY LLC vs. City of Bayonne”
- C-29 From the Tax Court of New Jersey in the matter of “275 BROADWAY REALTY LLC vs. City of Bayonne”
- C-30 From the Tax Court of New Jersey in the matter of “YAKOV & IRENA BURAKOVSKY vs. City of Bayonne”
- C-31 From the Tax Court of New Jersey in the matter of “22nd STREET BAYONNE OWNER LLC vs. City of Bayonne”
- C-32 From the Tax Court of New Jersey in the matter of “B9 LEFANTE OWNER, LLC vs. City of Bayonne”

- C-33 From the Tax Court of New Jersey in the matter of “SPG HOOK ROAD, LLC vs. City of Bayonne”
- C-34 From the Tax Court of New Jersey in the matter of “YAKOV & IRENA BURAKOVSKY vs. City of Bayonne”
- C-35 From the Tax Court of New Jersey in the matter of “YAKOV & IRENA BURAKOVSKY vs. City of Bayonne”
- C-36 From the Tax Court of New Jersey in the matter of “SOUTH COVE DEVELOPMENT, LLC by STOP & SHOP SUPERMARKET (tenant) vs. City of Bayonne”
- C-37 From the Tax Court of New Jersey in the matter of “FOUR J HOLDINGS, LLC vs. City of Bayonne”
- C-38 From the Tax Court of New Jersey in the matter of “NEW YORK COMMUNITY BANK vs City of Bayonne”
- C-39 From the Tax Court of New Jersey in the matter of “NEW YORK COMMUNITY BANK vs. City of Bayonne”
- C-40 From the Tax Court of New Jersey in the matter of “EXCHANGE 148 EAST 5TH STREET LLC vs City of Bayonne”
- C-41 From the Tax Court of New Jersey in the matter of “BUCKEYE BAYONNE TERMINAL LLC vs. City of Bayonne”
- C-42 From the Tax Court of New Jersey in the matter of “THE 106 WEST CO LLC vs. City of Bayonne”
- C-43 From the Tax Court of New Jersey in the matter of “THE 106 WEST CO LLC vs. City of Bayonne”
- C-44 From the Tax Court of New Jersey in the matter of “LINNET ST. REALTY LLC vs. City of Bayonne”
- C-45 From the Tax Court of New Jersey in the matter of “BAYWAY REFINING COMPANY vs. City of Bayonne”

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 appointing EDOARDO FERRANTE, JR. as the Municipal 9-1-1 Coordinator effective April 19, 2023 pursuant to N.J.S.A. 52:17C.
- OR-3 From the Hon. James M. Davis, Mayor, Executive Order establishing the salary range for the title of Supervisor Public Safety Communicator. (Min. 83,133/Max. 105,762)
- OR-4 From Rosemarie Martinez submitting the CY2022 ANNUAL TAX COLLECTOR'S REPORT.

RESOLUTIONS

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

- CR-1 Approving the minutes of the regular meeting held Wednesday March 15, 2023.
City Clerk

- CR-2 Approving the minutes of the council caucus held Wednesday, March 8, 2023. **City Clerk**
- CR-3 Approving the minutes of the special meeting held Wednesday, March 1, 2023.
- CR-4 Ordering warrants drawn to taxpayers representing refunds for overpayment of taxes. (** properties) **Tax Collector**
- CR-5 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 6, 2023 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**
- CR-6 Authorizing the Mayor and City Clerk to execute a License Agreement allowing the NAACP to hold the 2023 JUNETEENTH CELEBRATION at 16th Street Park on June 17, 2023.
- CR-7 Authorizing the Mayor and/or his designee to request, accept and expend funded in the amount of \$10,000.00 federal grant awarded to the Bayonne Office of Emergency Management by the EMERGENCY MANAGEMENT PERFORMANCE GRANT-EMPG/EMERGENCY MANAGEMENT AGENCY ASSISTANCE EMAA sub grant award (Award FFY22-EMPA-EMA-0901) for the period of July 1, 2022 to June 30, 2023. **Public Safety**
- CR-8 Authorizing the Mayor and City Council to accept a donation from Bennet Realty LLC in the amount of \$27,323.57 for the purpose of the annual lease payments of a 2018 SPARTAN METRO STAR FIRE ENGINE. **Public Safety**
- CR-9 Authorizing the Mayor and City Clerk to enter into a contract with PRO-PHOENIX CORPORATION for annual maintenance and supplement of the Bayonne Fire Department dispatch and records management software for the amount of \$30,447.83 and authorizing payment of same. Chargeable to Account No. 3-01-25-265-0000-077. **Public Safety**
- CR-10 Authorizing the Mayor and City Clerk to apply for a FY23 Department of Homeland Security-Port Security Grant for the amount of \$219,980.00, with a 75% federally funded amount of \$164,985 and a municipal match of 25% for the amount of \$54,995 to fund equipment and training related to port security. Chargeable to Account No's C-04-55-942-1956-994 and C-04-55-963-2210-994. **Public Safety**
- CR-11 Authorizing the Purchasing Agent to purchase a 2023 Dodge Durango from HERTICH FLEET SERVICES under the Cranford Police Cooperative Pricing Systems (47-CPCPS) for the amount of \$38,106.00 for use in the Fire Department. Chargeable to Account No. T-12-56-907-0000-199 and T-12-156-815-0000-199. **Public Safety**
- CR-12 Authorizing the Bayonne Police Department to return three vehicles no longer serviceable back to the HUDSON COUNTY OFFICE OF EMERGENCY MANAGEMENT, vehicles were received through a memorandum of understanding
- CR-13 Authorizing the City's continued membership in the Regional Health Commission of Hudson County for CY2023 for a total annual assessment of \$25,944.00 paid quarterly in the amounts of \$6,486.00 payable to HUDSON REGIONAL HEALTH COMMISSION. Chargeable to Account No. 3-01-27-330-0000-028 pending adoption of the CY2023 budget. **Mun. Services**
- CR-14 Authorizing the Mayor and City Clerk to execute an amendment to Agreement No. CY20-088 with the WALLACE TEMPLE COMMUNITY ACTIVITY RESOURCE ENRICHMENT SITE increasing same in the amount of \$32,675 for the purpose of providing additional staff and other expenses related to serving the growing number of food pantry clients due to COVID, thereby making the total contract amount \$47,675.00 and extending same for the period commencing September 1, 2021 through August 31, 2023. Chargeable to CDBG-1079. **CDBG**
- CR-15 Authorizing the Mayor and City Clerk to enter into an agreement with the COMMUNITY DAY NURSERY, 591 Broadway, Bayonne, New Jersey 07002 for the provision of providing the cost of the interior renovations pursuant to the proposal from

D Construction Company Inc., 25 East 24th Street, Bayonne, NJ 07002 in the amount of \$31,650.00 for the period commencing September 1, 2022 and ending August 31, 2023. Chargeable to CDBG-1154. **CDBG**

- CR-16 Authorizing payment in the amount of \$48,441.00 to the STATE OF NEW JERSEY for State Surcharge fees on new construction and alterations. Chargeable to Account No. 12-286-56-312-1-199. **Building**
- CR-17 Accepting the CY2023 URBAN AREA SECURITY INITIATIVE (UASI) Grant in the amount of \$21,936.26.
- CR-18 Removing JP PORCARO as petty cash custodian and naming MELODY SCAGNELLI-TOWNLEY for the Free Public Library
- CR-19 Celebrating Juneteenth on June 13, 2023 at 6:00 P.M. at Dr. MORRIS PARK. **(Flag Raising)**
- CR-20 Authorizing the Mayor to sign all documents and certifications relating to the city's FY 2023 CDBG Program to authorize submission of the FY 2023 ANNUAL ACTION PLAN to the U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT for the amount of \$1,369,864.00
- CR-21 Amending Resolution No. 21-11-10-051 awarding a contract to BILLY'S CONTRACTING & RESTORATION INC. for alterations to the BAYONNE ECONOMIC OPPORTUNITY FOUNDATON Building (former Holy Family) to change accounts
- CR-22 Authorizing the Purchasing Agent to purchase a 2023 Chevy Equinox and 2023 Chevy Malibu from MALL CHEVROLET through the Cooperative Pricing Agreement #ESC NJ20/21 in an amount not to exceed \$56,080.70. Chargeable to the Older American's Contribution Trust Reserve #T-12-56-809-0000-199.
- CR-23 Granting 5 Raffle licenses to qualified organizations. **City Clerk**

END OF CONSENT AGENDA

- R-1 Approving Emergency Temporary Budget #3 for CY2023 Municipal Budget.
- R-2 Authorizing the Mayor and City Clerk to enter an agreement with McManimon, Scotland & Baumann, LLC (MSB), 75 Livingston Avenue 2nd Fl., Roseland, NJ 07068 for professional legal services including, but not limited to, legal representation of the City in all matters in connection with the City's Water Sewer Utility and/or appearances on behalf of the City to assist or supplement the efforts of the Law Department in such other diverse municipal law matters as may be requested and/or approved by the City Law Director for the period commencing May 1, 2023 and ending December 31, 2023 for an amount not to exceed \$75,000 contract awarded pursuant to the Fair and Open Process. Account No. 3-01-20-113-0000-029 pending adoption of the CY2023 budget. **Finance**
- R-3 Authorizing the Mayor and City Clerk to enter an agreement with McManimon, Scotland & Baumann, LLC (MSB), 75 Livingston Avenue 2nd Fl., Roseland, NJ 07068 for professional legal services including, but not limited to, representation of the City as Special Bond Counsel in connection with City's Water/Sewer Utility, for a period commencing April 20, 2023 and ending December 31, 2023 for an amount not to exceed \$60,000.00 contract awarded pursuant the Fair and Open Process. Account No. C-04-55-945-1956-995. **Finance**
- R-4 Authorizing and directing the Planning Board to conduct a preliminary investigation to determine whether property located at 1012-1022 Avenue C, which is identified at Block 64, Lots 2 and 3 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. **Planning**
- R-5 Designating DUKE REALTY BAYONNE URBAN RENEWAL LLC as the redeveloper of the property identified as Block 478, Lots 1 and 1.01, Block 466, Lots 1, 2,3 and 4 and Block 465, Lot 9 pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. **Planning**

- R-6 Authorizing the Mayor and City Clerk to enter into an agreement with JOHN L. SCHETTINO, ESQ., 800 Main Street, Hackensack, NJ for professional legal services to represent the Bayonne Rent Control Board for the period commencing April 20, 2023 through December 31, 2023 for an amount not to exceed \$40,000.00 contract awarded pursuant to the Fair and Open Process. Account No. 3-01-20-100-0000-028 pending adoption of the CY2023 budget. **Finance**
- R-7 Authorizing the settlement of a Class Action in the matter of “NEW NATIONAL OPIODS vs. TEVA, ALLEERGAN, CVS, WALGREGES AND WAL-MART”