

REGULAR MEETING

OF THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, NEW JERSEY, HELD IN THE COUNCIL CHAMBER, MUNICIPAL BUILDING, 630 AVENUE C, ON WEDNESDAY, FEBRUARY 15, 2012

The Council met at 7:02 P.M.

The Council President Ruane announced: “I would like to advise all those present that notice of this regular meeting of the Municipal Council of the City of Bayonne of February 15, 2012 been provided to the public in accordance with the provisions of the Open Public Meetings Act of the State of New Jersey. Notice of time and place of the meeting has been included in the annual notice of meetings, which was posted and filed with the City Clerk, and with the Jersey Journal and the Star Ledger. An additional Notice of time and place was posted and filed with the City Clerk and was forwarded to the Jersey Journal and the Star Ledger by on February 10, 2012.”

The Regular Meeting of the Municipal Council of the City of Bayonne is now in session.

The Clerk called the roll.

Present were: Council Members Czerwienski, Gillespie, Greaves and President Ruane.

Absent – Council Member Hurley.

Pledge of Allegiance

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01. The Clerk announced:

AN ORDINANCE ENTITLED, , “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 2, ADMINISTRATION, CHAPTER 3, POLICE REGULATIONS, CHAPTER 4, LICENSING AND BUSINESS REGULATIONS, CHAPTER 5, ANIMAL CONTROL, CHAPTER 6, ALCOHOLIC BEVERAGE CONTROL, CHAPTER 8, TAXICABS AND LIMOUSINES, CHAPTER 15, BUILDING AND HOUSING, CHAPTER 21, HEALTH REGULATIONS, AND CHAPTER 33, PLANNING AND DEVELOPMENT REGULATIONS” ,” which was introduced and passed a first reading at a meeting held January 18, 2012, was published in the Jersey Journal and posted on the bulleting board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of February 15, 2012 is now before the Council for its consideration and a public hearing.

Council Member Czerwienski moved the following resolution, seconded by Council Member Ruane, which was read by the Clerk and adopted.

BE IT RESOLVED, that the foregoing ordinance be given a second reading.

Yeas- Council Members Czerwienski, Gillespie, Greaves and President Ruane.

Absent – Council Member Hurley.

The Clerk read the ordinance by title: ““AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 2, ADMINISTRATION, CHAPTER 3, POLICE REGULATIONS, CHAPTER 4, LICENSING AND BUSINESS REGULATIONS, CHAPTER 5, ANIMAL CONTROL, CHAPTER 6, ALCOHOLIC BEVERAGE CONTROL, CHAPTER 8, TAXICABS AND LIMOUSINES, CHAPTER 15, BUILDING AND HOUSING, CHAPTER 21, HEALTH REGULATIONS, AND CHAPTER 33, PLANNING AND DEVELOPMENT REGULATIONS”

The Council is now ready to give all persons interested in this ordinance an opportunity to be heard concerning it. The council president will recognize anyone who wishes to speak.

The following person spoke: Kathleen Henderson – 88 West 6th Street

The Clerk made the following statement, “No protest against, objections to, or statements in favor of this ordinance or its passage have been filed with me.”

Council Member Ruane motioned to close the hearing, seconded by Council Member Czerwienski, which was read by the Clerk and adopted.

Yeas- Council Members Czerwinski, Gillespie, Greaves and President Ruane.

Absent – Council Member Hurley.

Council Member Gillespie moved the following resolution, seconded by Council Member Ruane, which was read by the Clerk and adopted.

WHEREAS, an ordinance entitled, “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 2, ADMINISTRATION, CHAPTER 3, POLICE REGULATIONS, CHAPTER 4, LICENSING AND BUSINESS REGULATIONS, CHAPTER 5, ANIMAL CONTROL, CHAPTER 6, ALCOHOLIC BEVERAGE CONTROL, CHAPTER 8, TAXICABS AND LIMOUSINES, CHAPTER 15, BUILDING AND HOUSING, CHAPTER 21, HEALTH REGULATIONS, AND CHAPTER 33, PLANNING AND DEVELOPMENT REGULATIONS” was introduced and passed a first reading at a meeting held January 18, 2012, and was published and posted as required by law, with notice that it would be considered for final passage following a public hearing at this meeting of February 15, 2012; and

WHEREAS, said ordinance was given a second reading at this meeting; and

WHEREAS, a hearing was held and such ordinance was considered as required by law; and

WHEREAS, no legal objections to said ordinance or to its passage were made at the said hearing; now therefore, be it

RESOLVED, that the said ordinance be passed and designated as Ordinance No. O-12-02.

Yeas- Council Members Czerwinski, Gillespie, Greaves and President Ruane.

Absent – Council Member Hurley.

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02. The Clerk announced:

AN ORDINANCE ENTITLED, “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC” which was introduced and passed a first reading at a meeting held January 18, 2012, was published in the Jersey Journal and posted on the bulleting board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of February 15, 2012 is now before the Council for its consideration and a public hearing.

Council Member Greaves moved the following resolution, seconded by Council Member Gillespie, which was read by the Clerk and adopted.

BE IT RESOLVED, that the foregoing ordinance be given a second reading.

Yeas- Council Members Czerwinski, Gillespie, Greaves and President Ruane.

Absent – Council Member Hurley.

The Clerk read the ordinance by title: “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC”

The Council is now ready to give all persons interested in this ordinance an opportunity to be heard concerning it. The council president will recognize anyone who wishes to speak.

There was no response – no person appearing to protest against or object to the ordinance or to its passage.

The Clerk made the following statement, “No protest against, objections to, or statements in favor of this ordinance or its passage have been filed with me.”

Council Member Greaves motioned to close the hearing, seconded by Council Member Gillespie, which was read by the Clerk and adopted.

Yeas- Council Members Czerwinski, Gillespie, Greaves and President Ruane.

Absent – Council Member Hurley.

Council Member Greaves moved the following resolution, seconded by Council Member Czerwinski, which was read by the Clerk and adopted.

WHEREAS, an ordinance entitled, “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC” was introduced and passed a first reading at a meeting held January 18, 2012, and was published and posted as required by law, with notice that it would be considered for final passage following a public hearing at this meeting of February 15, 2012; and

WHEREAS, said ordinance was given a second reading at this meeting; and

WHEREAS, a hearing was held and such ordinance was considered as required by law; and

WHEREAS, no legal objections to said ordinance or to its passage were made at the said hearing; now therefore, be it

RESOLVED, that the said ordinance be passed and designated as Ordinance No. O-12-03.

Yeas- Council Members Czerwinski, Gillespie, Greaves and President Ruane.

Absent – Council Member Hurley.

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03. Council Member Czerwinski introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 37, HISTORIC PRESERVATION

BE IT ORDAINED by the Municipal Council of the City of Bayonne, as follows:

SECTION 1. Chapter 37, Historic Preservation, of the Revised General Ordinances of the City of Bayonne, is amended and supplemented by adding the following designation of the property located at 29 West 8th Street and designated as Block 283, lot 14, and identified as the Law Offices of Leonard P. Kiczek and formerly of Roberson and Roberson; site of the former Stringham, St. Charles, and Bayonne Hotels:

1. The Municipal Council of the City of Bayonne finds and determines the following:
 - The brown brick structure is a commercial/apartment property built in 1899 for William Suhl who owned other property on West 8th Street. Suhl hired architect Augustus (August) Schmidt to design the double building that now stands on the site albeit with contemporary alterations. Two early images of the façade reveal the original exterior design. The buildings were renovated some years later with new windows, aluminum siding and the glass blocks that were in vogue in the 1930s. The rigid glass blocks were set into the façade to provide privacy in the office space within. Glass blocks were a feature of Art Moderne architecture. It is in the public interest to preserve the historic and architectural and aesthetic elements of 29 West 8th Street within the parameters of the Historic Preservation Ordinance of the City of Bayonne.
2. The Municipal Council further finds that the features key to the house’s architectural significance include, but are not limited, to the following:
 - Features key to the dwelling’s architectural significance include:
 - a. The Romanesque Revival three-story, symmetrical three-bay row building faces south and is attached to adjacent buildings on both east and west sides. The double building is composed of Numbers 29 and 29A West 8th Street with a common façade that gives the appearance of a single property. Each building has a separate entrance leading to separate stairwells.
 - b. The building still shows an essence of its original Romanesque Revival style in spite of alterations. The first floor is symmetrical and shows four wood doors, which reflect the dual use of the building. Two doors at the center of the building are separated by a pilaster and constitute the main entrances to each half of the building. They have two vertical panels on the lower two-thirds, while

the top one-third has glass panes in a semi-circular design. There is also a blind panel in the transom area above the doors. The doors are recessed from the first floor plane and have wood pilasters at both sides and the center between the doors. These pilasters have a fluted shaft and a simple capital whose only decoration is a rosette. There is also a paneled base.

c. At both ends of the façade's first floor, the pilasters are repeated, but the latter are slightly wider than the center three pilasters. They are next to the other two doors that are simpler in design. The storefront areas are filled with glass blocks on top of brick. This is a more recent alteration, which could have been done in the era when the use of glass block started in the Modernistic style (1920-1940). The glass block curves towards the doors and is characteristic of the mentioned style. It could also be considered historic, since it was most probably installed over more than fifty years ago.

d. Between the first and second stories, there is a short roof that separates these floors along the entire facade. It has a cornice underneath with moldings and dentils and is supported by seven brackets, which was common in the Italianate style. The brackets are wood and the center and end brackets are more elaborate and complex than the others.

e. The windows of the second floor are paired windows, separated and flanked by stone columns. The center column has a square shaft while the flanking columns (pilasters, since they are embedded in the wall plane) have a circular shaft. The shaft is flat with no decoration and sits on a simple pedestal which is separated from the shaft by two moldings. The capitals are elaborate and of the Corinthian style, one of the few elements of classical influence in this building. However, the column itself has no classical proportions and its short shaft is of the type used in other styles such as the Romanesque. The capitals have semi-circled arches that have moldings and brick at the inner semicircle. These projected moldings have the egg and dart design in the exterior, a flat band, a miniature dentil semicircle and flat band again.

f. The arch has an intricate and almost beefy key at the center top, whose proportion is, again, not classical, since it is big compared to the size of the arch. These second story middle bay windows, project from the general background plane and have their own roof that sits on moldings and dentils. The windows have a stone sill base, also known as a corbel, a term used in masonry. It sits on top of brickwork that recedes in steps as it goes down. The top sash has a rhomboidal pattern, which makes these windows singular, since this pattern is rarely used in American architecture. The bottom shaft has only one pane.

g. Near the top of the façade, projecting hoods provide a roof over two-story oriel bay windows that are characteristic of the Queen Anne style. This feature is currently covered with asphalt siding and follows the shape of the bay windows below. It is separated by simple moldings from the rest of the façade. The bay windows are entirely covered with horizontal aluminum siding. There is also siding at the top of the center bay, which slightly protrudes from the plane of the brick and partly covers a stone band below. This overlapping and the double hung aluminum windows of the bay window indicate that these materials are not part of the original design. The stone band at the top of the central brick area features scrolls and a key stone at the center of paired windows on the second floor. There are also three rosettes with carved floral motifs, symmetrically located and painted white at present, as well as a floral inspired high relief ornament, one at the center of this bay and two others symmetrically located near the line that separates the center bay from the side bays.

h. The stretcher bond brickwork in the background between the bay windows, as well as the exposed brick of the rest of the façade at both sides of the bay windows, has been painted. The windows of the center bay are made of wood and are double-hung. The wood of these windows is in relatively good condition. They are most likely part of the original design as opposed to the windows of the bay windows that may be part of a more recent installation. The set of two-paired windows on the center bay is the focal point of the design of this facade. They are peculiar due to their non-standard shape and size. These are small vertical windows, some of which have panes that resemble medieval or Gothic church windows. They have a brick background that originally may have covered the entire façade. The top windows of the center bay are double hung, twelve over four glass panes, small, rectangular and vertical. They have stone sills which are on top of the roof of the second floor windows below.

i. The roof, not visible from the street, is flat and slopes towards the rear of the building. The roof has four brick chimneys, two of them close to the street façade. The roof's profile is exposed on both its east and west sides, since it is taller than the adjacent buildings.

3. The Municipal Council further finds and determines that 29/29A West 8th Street meets the criteria for historic designation for the following reasons:

- The building is part of a streetscape that was associated with two earlier Central Railroad of New Jersey (CNJ) train stations across the street that comprised Depot Square.
- The property is located in the historic Bergen Point section of downtown Bayonne. The property's immediate context includes other significant buildings, such as the Mechanics' Trust Company Bank Building at 19-21 West 8th Street (now a Head Start site), the footprint of the Eighth Street Station of the Central Railroad of New Jersey, which ran along Avenue E from 1864 to 1978, and New Jersey Transit's 8th Street Light Rail Station, completed in January 2011. It is also one of the buildings constructed in the proximity of the Jersey City and Bergen Railroad and the Dummy Railroad, which were filled in.
- The property at 29/29A West 8th Street is historically significant for its association with the development of trade and business in the vicinity of West 8th Street, also known as Depot Square. The appearance of a hotel at the site coincides with the establishment a wood train station for the Central Railroad of New Jersey (CNJ) during the Civil War era on the south side of 8th Street (then Sixteenth Street). A second train station, built of stone and designed in Romanesque Revival style by Frank V. Bodine, opened in 1892 replacing the original wood station.
- Two different structures were built on this site in the 19th century. The first, a three-story wooden structure, housed three hotels consecutively—Stringham's, St. Charles and Bayonne--for a period of approximately thirty years. Constructed by John N. Van Boskerck circa 1869, it was owned by Patrick W. Connolly, an undertaker, and James R. Stringham.
- The replacement brown brick structure is a commercial/apartment property built in 1899 for William Suhl who owned other property on West 8th Street. Suhl hired architect Augustus (August) Schmidt to design the double building that now stands on the site albeit with contemporary alterations. Two early images of the façade reveal the original exterior design. The buildings were renovated some years later with new windows, aluminum siding and the glass blocks that were in vogue in the 1930s. The rigid glass blocks were set into the façade to provide privacy in the office space within. Glass blocks were a feature of Art Moderne architecture.
- The 1873 Hopkins Map shows only two buildings on West 8th Street, and the second structure is far to the east of the hotel and close to Avenue D (now Broadway). The structure that appears to be the original wooden hotel has the same shape and size footprint on later maps and is just west of the "dummy road" where the "dummy railroad" ran. The site is likely the lot for Stringham's Hotel. The James R. Stringham and his wife, Catalina Stringham, owned the property for 15 years. Edward Stringham was the clerk of the hotel.
- Changes on the block occurred, circa 1885-1893, when Bayonne approved the beginning of the laying of tracks on certain streets, such as 16th street (now 8th Street) by the Jersey City and Bergen Point Railroad Company to operate a trolley system. It replaced horse-drawn trolley cars that the company ran through the city. When the railroad property was sold to Mechanics Trust by the railroad, Edward Faitoute Condict Young, a prominent Jersey City financier was president. Stringham's Hotel was renamed the St. Charles Hotel under the proprietorship of Charles T. Munn, circa 1887-1892. At the time, the property was owned by Caroline M. Haskins and her husband Charles M. Haskins, a banker, of 80 Broadway in New York City. Munn had several interests in the Bayonne community. He owned the "Apple Grove" on Avenue C and East First Street, circa 1878. He is served as a timekeeper for the New Jersey Athletic Club in the Kill Van Kull Association's Tenth Annual Regatta held on the Staten Island Sound. He served as Postmaster, County Freeholder, Republican Assembly candidate, and City Council candidate.
- In the early morning of March 2, 1892, a fire found in the basement caused the evacuation of the St. Charles Hotel. The building was covered by insurance, and the renovation of the hotel began quickly. A Bayonne Herald & Greenville Reporter article, on March 19, 1892, reports work underway to repair the fire damage.
- In May 1893, the renovated St. Charles Hotel had both a new name, The Bayonne Hotel, and a new proprietor, W.S. Emery who had 20-years experience managing hotels in Europe. The Bayonne Hotel remained in operation at the site for only a short time. William Suhl of 276 Boulevard purchased the hotel on West 8th Street from Caroline M. Haskins on November 22, 1898. In 1898, Suhl announced plans to erect a new building on the site. Born in Germany, Suhl was a Bayonne resident from 1868. He had a prominent restaurant at 25 West 8th Street.
- Suhl decided to purchase and to raze the hotel, which with its saloon and restaurant had probably been competition for his own business at 25 West 8th Street on property he bought in 1886 from Sarah A. Davis. Suhl's new brick

building at 29/29A West 8th Street with two store fronts and apartments above would insure better revenue from both of his properties on the block.

- Augustus (August) Schmidt, the architect, had offices on West 8th Street circa 1899 when he was hired by William Suhl to construct the three-story brick structure at 29 West 8th Street. Schmidt was the first architect to start a business in Bayonne. He designed several residential, governmental, and organizational buildings in Bayonne.
- Suhl's building at 29 West 8th Street was mentioned in a New York Times article on August 29, 1907. Congressman Eugene W. Leake, Democrat from the Ninth Jersey District, opened an office in Bayonne for the purpose of meeting with his constituents. He placed a sign in the window of the Annett-Mahnken Realty Company, listed at 29 West 8th Street. The realty company was listed in issues of The Bayonne Directory from 1910 to 1915. Other occupants were the United States Express Company and P.F. Botzong, Esq.
- The occupancy of 29/29A West by two attorneys, Horace Roberson, May 5, 1858-January 1955, and his nephew Horace K. Roberson, March 12, 1892-June 1986, further contributes to the structure's prominence; and Whereas: Horace Roberson began his involvement in public service and local politics shortly after arriving in Bayonne in the late 1880's. . He was elected for a term as School Trustee (1891), appointed to a two-year term as City Treasurer (1894), and was elected City Councilman (1898). He served as counsel for the Centerville Building and Loan Association (later First Savings and Loan Association). Roberson was also a charter member of the Bayonne Kiwanis Club, Chair of the Bayonne Red Cross for fifty years, and president of the board of the Peddie School in Hackettstown, NJ. He resided at 97 West 8th Street.
- An outspoken member of the Republican Party, he was a member of the County Committee and Vice-President of the Bayonne City Republican Association. He became the judge of the Bayonne District Court in 1901 and the Bayonne City Commission in 1905. In 1940, he became Director of Revenue and Finance, under Mayor James J. Donovan (1939-1943). He died in January 1955 at age 96.
- Horace King Roberson, the son of Horace Roberson's brother William King Roberson, moved to Bayonne in 1910. Three years later, he graduated from New York University Law School and passed the bar exam while working for his uncle Horace Roberson. Like his uncle, he was a Republican and the only Republican member of the Bayonne City Commission as Director of Public Safety. He was appointed Municipal Court Judge and city recorder in 1933. Roberson achieved a degree of notoriety as a critic of the Hudson County political "Boss" Mayor Frank Hague of Jersey City.
- In 1939, Roberson formed an alliance with Commissioner Bert Daly, a former Hague supporter. Their anti-Hague ticket was elected by the voters of Bayonne in the municipal election with the slogan "Home Rule – Not Hague Rule." In the 1939 election, the anti-Hague ticket headed by former Freeholder Donovan scored the most sweeping victory ever rolled up in the City of Bayonne. .Roberson was re-elected to the City Commission on May 11, 1943.
- Roberson was sworn in as Hudson County prosecutor on April 30, 1946, and served until February 1953. He served as president of the Bayonne Hospital Board of Trustees from 1954 to 1985. The patient care building was named the Horace K. Roberson Pavilion when it opened. He was also a charter member of the First Savings and Loan founded in 1945. Roberson had a long-time association with the Bayonne YMCA, serving on its Board of Directors and was active with the Bayonne Kiwanis from its founding in 1921. He served as counsel to the former Bayonne Trust Company and the First Savings and Loan Association, among other banking firms. He purchased the building at 29/29A West 8th Street from Anthony and Marie Fanurik in 1951. He lived at 97 West 8th Street and died on January 21, 1986 at age 93.
- The present owner Leonard P. Kiczek, former Mayor of Bayonne (1994-1998), purchased the West 8th Street building in 1988. His occupancy of the building adds to its local significance.
- This building is historically important for two reasons. One is its association with the different train stations and the other is that it forms a compact group with other buildings of the same era along the streetscape. The current façade of 29/29A West 8th Street gives evidence of a number of renovations that resulted in materials that may be covering original architectural details instead of replacing them. Parts of the original façade very likely remain underneath, which is significant to historic preservationists. The glass block windows of the commercial storefronts could potentially be replaced with plate glass again. In cases where original material is no longer available, historic preservation allows for replacement with the same type, style, quality of material to complete or maintain the original design. The original style of the building is difficult to determine in that it has a somewhat eclectic design incorporating elements of

several different styles. The pair of oriel bay windows that extend two stories high was characteristic of the Queen Anne style. The unusual molded projecting hoods at the top that provide a roof for the bay windows below are indicative of Italianate style. The festoons, colonettes and cornice of the first floor, and the first floor itself could also be considered Italianate. However, the feature that stands out is the design of the second and third floors of the center windows, whose size and proportions are closer to the Romanesque style.

- The current building, constructed in 1899, meets the latest guideline for preservation of a building over 75-years old. It is an archaeological site on which a wooden hotel significant to the Bergen Point community once stood before the building we see today was built. Designed by August Schmidt, the “First Architect of Bayonne,” the building is of mostly brick construction; some original details may still exist beneath modernizations.
- The local historic designation of the building rests on Criteria A and B of the National Register of Historic Places:
 - a. Criterion A: Under this standard, a property must make a contribution to the pattern of American history. The building was constructed opposite a railroad station at Depot Square that served as the focus of the commercial and industrial development of Bayonne at the turn of the twentieth century.
 - b. Criterion B: Under this standard, a property must be associated with the lives of persons significant in our past. The current building housed long-time occupants Roberson & Roberson who were of historical significance to the city and the county. As attorneys, they made contributions in the fields of politics and public service.

4. The property located at 29 West 8th Street, also known as 29/29A West 8th Street, and designated as Block 283, Lot 14, on the tax map of the City of Bayonne is hereby designated a Historic Landmark in accordance with Municipal Land Use Law, N.J.S. 40:55D-1 *et. seq.*, and Chapter 37, Historic Preservation, of the Revised General Ordinances of the City of Bayonne.

5. This designation shall be noted on the zoning map of the City of Bayonne and filed with the City Tax Assessor.

SECTION 2. This Ordinance shall take effect after publication and passage according to law.

SECTION 3. The Municipal Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the County Planning Board and to all others entitled thereto pursuant to the provisions of N.J.S. 40:55D-15. Upon adoption of this ordinance, after public hearing thereon, the Municipal Clerk is further directed to publish notice of the passage thereof and to file a copy of this ordinance as finally adopted with the County Planning Board as required by N.J.S. 40:55D-16 and with the City Tax Assessor.

Council Member Czerwienski moved the following resolution, seconded by Council Member Gillespie, which was read by the Clerk and adopted.

BE IT RESOLVED, that an ordinance entitled “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 37, HISTORIC PRESERVATION,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, March 14, 2012 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

RESOLVED, that the City Clerk forward said ordinance to the County Planning Board pursuant to the provisions of N.J.S. 40:55D-15, and to the Bayonne Planning Board for its review and a report pursuant to section 37-8.2(d) of the Revised General Ordinances of the City of Bayonne; and be it further

RESOLVED, that the City Clerk be and is hereby authorized and directed to publish said ordinance according to law, with a notice of its introduction and passage on first reading, and the time and place when and where said ordinance will be further considered for final passage.

Yeas- Council Members Czerwienski, Gillespie, Greaves and President Ruane.

Absent – Council Member Hurley.

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04. Council Member Gillespie introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 2, ADMINISTRATION AND CHAPTER 13, MUNICIPAL PARKS, RECREATION AREAS, SWIMMING POOL AND DOCKS.

BE IT ORDAINED, by the Municipal Council of the City of Bayonne as follows:

Section 1. That the Revised General Ordinances of the City of Bayonne, Chapter 2, Administration, Article 2, Mayor, Section 2.6, Powers and Duties of the Mayor, be amended and supplemented as follows: (New material ****between asterisks****, deletions ~~[within brackets]~~)

2-6.1 Department Generally.
NO CHANGES.

2-6.2 Division of Parks.

Within the Department of Public Works and Parks there shall be a Division of Parks which shall:

a. through d. - NO CHANGES.

e. Any person, individual or organization filing an application for the use of any ****municipal**** facility { ~~under the jurisdiction of the Department of Public Works and Parks, other than Don Ahern Veterans Memorial Stadium,~~ } shall provide the City of Bayonne evidence of general liability insurance coverage issued by an insurance company licensed to do business in the State of New Jersey, naming the City of Bayonne as an additional insured, in limits of at least { ~~three hundred thousand (\$300,000.00)~~ } ****one million (\$1,000,000.00)**** { ~~dollars for injury or death of one person, five hundred thousand (\$500,000.00) dollars for injury to more than one person in a single accident,~~ } ****per occurrence, and**** fifty thousand (\$50,000.00) dollars for property damage.

f. The { ~~Director of Public Works and Parks~~ } **** Mayor**** shall be responsible for promulgating rules and regulations applicable to the operation and use of the City's parks, playgrounds and swimming pools. The rules and regulations applicable to the operation and use of each of the parks, playgrounds and swimming pools shall be prominently posted by way of a notice in or about the particular park, playground and/or swimming pool. Said notice shall set forth the applicable rules and regulations and shall advise the public that a violation of same may result in a fine not exceeding one thousand two hundred fifty (\$1,250.00) dollars, and/or imprisonment for a period not exceeding ninety (90) days, and/or to a period of community service not exceeding ninety (90) days at the discretion of the Municipal Court Judge consistent with Chapter 1, Section 1-5 of this Code.

Section 2. That the Revised General Ordinances of the City of Bayonne, Chapter 13, MUNICIPAL PARKS, RECREATION AREAS, SWIMMING POOL AND DOCKS, Section 13-3, DON AHERN VETERANS MEMORIAL STADIUM, SECTION 13-3.1, Fees for Don Ahern Veterans Memorial Stadium, be amended and supplemented as follows: (New material ****between asterisks****, deletions ~~[within brackets]~~)

a. through g. – NO CHANGES.

h. After the approval of the application by the Director, but prior to the issuance of a food concession permit, the applicant shall file with the Director evidence of general liability insurance coverage issued by an insurance company licensed to do business in the State of New Jersey, naming the City of Bayonne as an additional insured in the amount of { ~~two hundred fifty thousand (\$250,000.00)~~ } ****one million (\$1,000,000.00)**** dollars, insuring against any and all liability arising out of the sale of any food or beverages within the Don Ahern Veterans Memorial Stadium pursuant to the filed application.

i. Notwithstanding any of the foregoing, all public schools, private schools and parochial schools participating in sports activities that are located within the City of Bayonne and accredited by the New Jersey State Board of Education are exempt from the fees charged in paragraphs a. and b. Also exempt are the Bayonne Youth Soccer Association, Bayonne Babe Ruth League, Bayonne Youth Football, Inc., Bayonne Little League, and any teams, leagues or groups sponsored by or affiliated with the Division of

Recreation of the City of Bayonne **and any bona fide non-profit organization registered under section 501 (c) of the Internal Revenue Code that complies with the city's rules and regulations regarding the use of municipal facilities**.

Council Member Gillespie moved the following resolution, seconded by Council Member Greaves, which was read by the Clerk and adopted.

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 2, ADMINISTRATION AND CHAPTER 13, MUNICIPAL PARKS, RECREATION AREAS, SWIMMING POOL AND DOCKS," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, March 14, 2012 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

RESOLVED, that the City Clerk be and is hereby authorized and directed to publish said ordinance according to law, with a notice of its introduction and passage on first reading, and the time and place when and where said ordinance will be further considered for final passage.

Yeas- Council Members Czerwienski, Gillespie, Greaves and President Ruane.

Absent – Council Member Hurley.

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05. Council Member Gillespie introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 2, ADMINISTRATION AND CHAPTER 3, POLICE REGULATIONS.

BE IT ORDAINED, by the Municipal Council of the City of Bayonne as follows:

Section 1. That the Revised General Ordinances of the City of Bayonne, Chapter 3, Police Regulations, section 3-18 DRUG-FREE SCHOOL ZONES, be amended and supplemented as follows: (New material **between asterisks**, deletions [~~within brackets~~])

3-18 DRUG-FREE SCHOOL ZONES.

3-18.1 Adoption of Map.

In accordance with and pursuant to the authority N.J.S. 2C:35-7, the drug-free school zone map dated { ~~May 30, 2001~~ } **January 18, 2012**, is hereby approved and adopted as an official finding and record of the location and areas within the municipality of property which is used for school purposes and which is owned by or leased to any elementary or secondary school or school board, and of the areas on or within one thousand (1,000) feet of such school property.

Council Member Gillespie moved the following resolution, seconded by Council Member Greaves, which was read by the Clerk and adopted.

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 3, POLICE REGULATIONS," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, March 14, 2012 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

RESOLVED, that the City Clerk be and is hereby authorized and directed to publish said ordinance according to law, with a notice of its introduction and passage on first reading, and the time and place when and where said ordinance will be further considered for final passage.

Yeas- Council Members Czerwienski, Gillespie, Greaves and President Ruane.

Absent – Council Member Hurley.

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06. Council President Ruane introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC

BE IT ORDAINED, by the Municipal Council of the City of Bayonne, as follows:

Section 1. That the Revised General Ordinances of the City of Bayonne Chapter 7, Traffic, section 7-10, PARKING PROHIBITED DURING STATE OF EMERGENCY, be and is hereby amended and supplemented as follows: (New material **between asterisks**, deletions [~~within brackets~~])

32nd Street	South	From Avenue E to entrance to Route { No. 169 } **440**
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Section 2. That the Revised General Ordinances of the City of Bayonne Chapter 7, Traffic, section 7-11, TEMPORARY PARKING PROHIBITION FOR SNOW PLOWING AND REMOVAL, be and is hereby amended and supplemented as follows: (New material **between asterisks**, deletions [~~within brackets~~])

Prospect Avenue	Both	19th Street to Route { 169 } **440**
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Section 3. That the Revised General Ordinances of the City of Bayonne Chapter 7, Traffic, section 7-15, PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS, be and is hereby amended and supplemented as follows: (New material **between asterisks**, deletions [~~within brackets~~])

East 22nd Street	{ North } **South**	Beginning at Avenue J and continuing for a distance of 2,075 feet in a westerly direction
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Section 4. That the Revised General Ordinances of the City of Bayonne Chapter 7, Traffic, section 7-16, NO PARKING CERTAIN HOURS, be and is hereby amended and supplemented as follows: (New material **between asterisks**, deletions [~~within brackets~~])

{ East 22nd Street	South	7:00 a.m. to 2:00 p.m. Monday to Friday	Beginning at a point 377 feet west of the southwest corner of East 22nd Street and Avenue J and continuing 195 feet in a westerly direction}
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Section 5. That the Revised General Ordinances of the City of Bayonne Chapter 7, Traffic, section 7-18, PARKING OF TRUCKS, VEHICLES AND TRAILERS, be and is hereby amended and supplemented as follows: (New material **between asterisks**, deletions [~~within brackets~~])

Avenue J, East 22nd Street, North Hook Road, Hook Road, Pier Street and Ingham Avenue	Both	In Industrial Land Use Districts East of Route { 169 } **440** in sections where on street parking is not otherwise prohibited by law, ordinance or regulation
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Section 6. That the Revised General Ordinances of the City of Bayonne Chapter 7, Traffic, section 7-21, VEHICLES OVER DESIGNATED WEIGHT EXCLUDED FROM CERTAIN STREETS, be and is hereby amended and supplemented as follows: (New material **between asterisks**, deletions [~~within brackets~~])

East 22nd Street	From Route { 169 } **440** easterly for entire length
East 5th Street	From Ingham Avenue to Route { 169 } **440** Ramp A
Kennedy Boulevard	From Gertrude Street northerly to Route { 169 } **440**

Council Member Ruane moved the following resolution, seconded by Council Member Czerwienski, which was read by the Clerk and adopted.

BE IT RESOLVED, that an ordinance entitled “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, March 14, 2012 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

RESOLVED, that the City Clerk be and is hereby authorized and directed to publish said ordinance according to law, with a notice of its introduction and passage on first reading, and the time and place when and where said ordinance will be further considered for final passage.

Yeas- Council Members Czerwienski, Gillespie, Greaves and President Ruane.

Absent – Council Member Hurley.

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07. Council Member Czerwienski introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC

BE IT ORDAINED, by the Municipal Council of the City of Bayonne, as follows:

Section 1. That the Revised General Ordinances of the City of Bayonne Chapter 7, Traffic, Section 7-37.3, Handicapped Parking on Street for Private Residences, be and is hereby amended and supplemented as follows:

RESTRICTIVE PARKING ZONES

ADD

010. Patricia Acevedo, 51 Avenue E-Apt. 1G
Beginning at a point on the west side of Avenue E, 63 feet north of the northwest corner of Avenue E and East 11th Street, and extending to a point 18 feet north thereof.
048. Alan E. Leavy, 75 East 25th Street
Beginning at a point on the north side of East 25th Street, 148 feet east of the northeast corner of East 25th Street and Prospect Avenue, and extending to a point 12 feet east thereof.
141. Arlene A. Mango, 28 Washington Parkway
Beginning at a point on the north side of Washington Parkway, 340 feet west of the northwest corner of Avenue A and Washington Parkway, and extending to a point 19 feet west thereof.
238. Vincent Coughlin, 16 East 45th Street
Beginning at a point on the south side of East 45th Street, 200 feet east of the southeast corner of Broadway and East 45th Street, and extending to a point 20 feet east thereof.
259. Maryann Luongo, 253 Avenue B
Beginning at a point on the west side of Avenue B, 68 feet north of the northwest corner of Avenue B and West 51st Street, and extending to a point 18 feet north thereof.

Council Member Czerwienski moved the following resolution, seconded by Council Member Gillespie, which was read by the Clerk and adopted.

BE IT RESOLVED, that an ordinance entitled “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, March 14, 2012 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as

the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

RESOLVED, that the City Clerk be and is hereby authorized and directed to publish said ordinance according to law, with a notice of its introduction and passage on first reading, and the time and place when and where said ordinance will be further considered for final passage.

Yeas- Council Members Czerwienski, Gillespie, Greaves and President Ruane.

Absent – Council Member Hurley.

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08. The Council as a whole moved the following resolution, which was ready by the Clerk and adopted.

WHEREAS, Section 2-1.3 of the Revised General Ordinances of the City of Bayonne permits the Municipal Council, by an affirmative vote of the members present at a council meeting, to approve a consent agenda consisting of one or more communications or resolutions: now, therefore, be it

RESOLVED, That the following items which have been included on the agenda for this regular meeting as COMMUNICATIONS and which follow this resolution shall constitute a consent agenda for communications and that they be received and filed and included in the official minutes of this meeting as having been so ordered.

Yeas- Council Members Czerwienski, Gillespie, Greaves and President Ruane.

Absent – Council Member Hurley.

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09. Council as a whole moved the following communication be received and filed, which motion was adopted.

From Philip Feintuch, Esq., filing notice of tort claim on behalf of JEFFREY GRIFFIN, alleging injuries sustained October 19, 2011 in an alleged assault by police officers at 462 Avenue C.

* * * * *

10. Council as a whole moved the following communication be received and filed, which motion was adopted.

From JAMES T. REHILL, filing notice of tort claim alleging property damage to his automobile on December 22, 2011, resulting from a collision with a Board of Education school bus at 34th Street and Kennedy Boulevard.

* * * * *

11. Council as a whole moved the following communication be received and filed, which motion was adopted.

From WILLIAM N. GAVIRIA, filing notice of tort claim alleging property damage to a tire on his automobile on January 25, 2012, resulting from being damaged from a cutout in the street at East 5th Street at the Route 440 exit ramp.

* * * * *

12. Council as a whole moved the following communication be received and filed, which motion was adopted.

From the Tax Court of New Jersey, complaint in matter entitled, “CONSTABLE HOOK RD PARTNERS LLC vs. CITY OF BAYONNE.” (Constable Hook, Block 464.01, lot 6 - industrial)

* * * * *

13. The Council as a whole moved the following resolution, which was ready by the Clerk and adopted.

WHEREAS, Section 2-1.3 of the Revised General Ordinances of the City of Bayonne permits the Municipal Council, by an affirmative vote of the members present at a council meeting, to approve a consent agenda consisting of one or more communications or resolutions: now, therefore, be it

RESOLVED, That the following items which have been included on the agenda for this regular meeting as OFFICERS’ REPORTS and which follow this resolution shall constitute a consent agenda for officers’ reports and that they be received and filed and that any resolution incorporated within them be adopted and included in the official minutes of this meeting as having been so ordered.

Yeas- Council Members Czerwienski, Gillespie, Greaves and President Ruane.

Absent – Council Member Hurley.

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14. Council as a whole moved the following communication be received and filed, which motion was adopted.

City of Bayonne
Municipal Council
630 Avenue C
Bayonne, NJ 07002

February 8, 2012

RE: Reappointment of Municipal Court Judges

Dear Honorable Council Members,

By virtue of the powers vested in me by the law s of the State of New Jersey under the authority of the people, I do hereby re-appoint Frank T. Carpenter and Cheryl Scott Cashman as Judges of the Bayonne Municipal Council for a term of three years expiring April 1, 2015 subject to your advice and consent.

Should you have any questions or comments in this regard, please feel free to contact me at any time.

Sincerely yours,
Mark A. Smith, Mayor
(signed)

WHEREAS, the Municipal Council of the City of Bayonne approved Resolution No. 09-03-18-025 on March 18, 2009 appointing Frank T. Carpenter, III, as presiding Judge and Cheryl Scott Cashman as Judge of the Bayonne Municipal Court each for three year terms; and

WHEREAS, Mayor Mark Smith has submitted a letter of appointment to the Municipal Clerk dated February 14, 2011 reappointing Frank T. Carpenter, III, as presiding Judge and Cheryl Scott Cashman as Judge of the Bayonne Municipal Court effective April 1, 2012 each for three year terms; now therefore be it

RESOLVED, that the Municipal Council of the City of Bayonne hereby confirms the actions of Mayor Mark Smith in appointing Frank T. Carpenter, III, as presiding Judge and Cheryl Scott Cashman as Judge of the Municipal Court each for a three (3) year term commencing April 1, 2012 and ending March 31, 2015.

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15. Council as a whole moved the following communication be received and filed, which motion was adopted.

From Terrance Malloy, Chief Financial Officer, reporting on vendor payments and recommending payment of same.

* * * * *

16. Council as a whole moved the following communication be received and filed, which motion was adopted.

From Terrance Malloy, Chief Financial Officer, Annual Debt Statement for the year ending December 31, 2011.

* * * * *

17. Council as a whole moved the following communication be received and filed, which motion was adopted.

DATE: January 9, 2012

TO: Terrence Malloy, CFO
Robert Sloan, City Clerk

FROM: Janet Convery, Treasurer

Please be advised that I have transferred the following to the Board of Education:

\$4,757,183.00 Claims & Payroll for January 2012

Janet Convery

* * * * *

18. Council as a whole moved the following communication be received and filed, which motion was adopted.

BID REPORT

FOR THE MUNICIPAL COUNCIL

Date: 01/26/12 Ad Resolution #11/11/09/032 Ad Date: 12/23/11

Date bids accepted: 01/26/12 Attending: Amy Dellabella, Anthon DeSalvo, Esq.

Bid titled: LEASE OF BEVERAGE AND SNACK VENDING LOCATIONS

James Wasilewski T/A The Sand Castle
34 Newark Bay Ct.
Bayonne, NJ 07002

Culinary Ventures Vending
1835 Burnet Avenue
Union, NJ 07083

Each is considered a NO BID, for failure to supply Consent of Surety. This is deemed a fatal defect that renders the bid proposals unresponsive and can not be cured by the governing body per 40A:11-23.2.

Respectfully submitted, Legal Approval by:
Amy Dellabella, R.P.P.O., Q.P.A. Anthony DeSalvo Esq.,
Purchasing Agent

* * * * *

19. Council as a whole moved the following communication be received and filed, which motion was adopted.

BID REPORT

Date: 02/10/12 Ad Resolution #11-12-14-030 Ad Date: 01/12/12

Date bids accepted: 02/09/12 Attending: Amy Dellabella, PA; Susan Ferraro, Esq.
Richard Trautwein, DMR Architect

Bid titled: Renovations to the Police Department

Bidder	Base Bid	Alternat	Alternat	Total Bid Amount
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		e1	e2	
M & L Inc. 65 Dsouth Street Passaic, NJ 07055	\$677,00 0.00	\$ 42,000. 00	\$62,000 .00	\$ 781,000.00
W.D. Snyder Co. 706 South Michigan Avenue Kenilworth,NJ 07033	\$791,00 0.00	\$ 55,000. 00	\$75,000 ,00	\$ 846,000.00
Jeral Construction Services 320 Belleville Avenue Bloomfield, NJ 07003	\$616,90 0.00	\$ 49,000. 00	\$ 70,000. 00	\$ 735,900.00
ProComm Systems, Inc. 823 Uniontown Road Phillipsburg, NJ 08865	\$659,00 0.00	\$38,250 ,00	\$53,400 .00	\$ 712,400.00
GPC, Inc. 20 East Willow Street Millburn, NJ 07041	\$789,00 0.00	\$ 46,500. 00	\$100,00 0.00	\$ 935,500.00
Carter Contracting Co. Inc. P.O. Box 655 Union, NJ 07083	\$732,00 0.00	\$ 20,355. 00	\$72,000 .00	\$ 824,355.00
C.R. Construction Co., Inc. 7108 Tonnelle Avenue North Bergen, NJ 07047	\$684,80 0.00	\$ 65,700. 00	\$ 45,300. 00	\$795,800.0 0
Belmont Construction Corp. 240 W. Passaic Street, Suite 11 Maywood, NJ 07607	\$786,00 0.00	\$ 34,000. 00	\$36,000 .00	\$856,000.0 0
Cypreco Industries Inc. 1420 9th Avenue P.O. Box 822 Neptune, NJ 07753	\$823,82 3.00	\$123,12 1.00	\$ 63,212. 00	\$1,010,156. 00
DiCarolis Associates, Inc. 33 DiCarolis Ct. Hackensack, NJ 07601	\$666,12 3.00	\$ 47,815. 00	\$81,000 .00	\$ 794,938.00
D Construction Co., Inc. 25 East 24th Street Bayonne, NJ 07002	\$856,91 4.00	\$53,233 .00	\$ 63,371. 00	\$ 973,518.00

After review by the Department Director, the Purchasing Department will prepare : for contract award and forward it to Clerk for inclusion in future Council Agen

If other than the lowest bidder is recomme explanation will be provided with that rep

If bids are to be rejected, an appropriat will be prepared.

Please retain this report, as the information may not be repeated in the request for aw documents or in the event of a bid rejection

Kappa Construction Corp. 3 Matilda Drive Ocean, NJ 07712	\$1,062, 000.00	\$65,000 .00	\$ 85,000. 00	\$ 1,212,000.0 0
UniMak, LLC. 322 Lanza Avenue Garfield, NJ 07026	\$ 650,000 .00	\$50,000 .00	\$ 94,000. 00	\$ 794,000.00
Fine Wall Corporation 404 Oak Tree RoadSte204 Iselin, NJ 08830	\$ 631,000 .00	\$41,000 .00	\$86,500 .00	\$758,500.0 0

Respectfully submitted,
Amy Dellabella, R.P.P.O., Q.P.A.
Purchasing Agent

Legal Approval:
Anthony DeSalvo, Esq.

* * * * *

20. The Council as a whole moved the following resolution, which was ready by the Clerk and adopted.

WHEREAS, Section 2-1.3 of the Revised General Ordinances of the City of Bayonne permits the Municipal Council, by an affirmative vote of the members present at a council meeting, to approve a consent agenda consisting of one or more communications or resolutions: now, therefore, be it

RESOLVED, That the following items which have been included on the agenda for this regular meeting as RESOLUTIONS and which follow this resolution shall constitute a consent agenda for resolutions and that they be adopted and included in the official minutes of this meeting as having been so ordered.

Yeas- Council Members Czerwinski, Gillespie, Greaves and President Ruane.

Absent – Council Member Hurley.

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21. The Council as a whole moved the following resolution, which was ready by the Clerk and adopted.

RESOLVED, That the official minutes of the regular council meeting held Wednesday, February 15, 2012 be and the same are hereby approved.

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22. The Council as a whole moved the following resolution, which was ready by the Clerk and adopted.

RESOLVED, That the official minutes of the council caucus meeting held Wednesday, February 8, 2012, be and the same are hereby approved.

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23. The Council as a whole moved the following resolution, which was ready by the Clerk and adopted.

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut hearing and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen , and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; now, therefore be it

RESOLVED, that Mark A. Smith, Mayor, and the Municipal Council of the City of Bayonne do hereby proclaim Sunday, April 29, 2012 as ARBOR DAY in the City of Bayonne, and urge all citizens to celebrate arbor Day and to supp efforts to protect our trees and woodlands; and be it further

RESOLVED, that the Mayor and Municipal Council urge all citizens to plant trees to gladden the heart and to promote the well-being of this and future generations.

* * * * *

24. The Council as a whole moved the following resolution, which was ready by the Clerk and adopted.

WHEREAS, the properties set forth below all carry overpayments on their property tax accounts in the amounts indicated; and

WHEREAS, these taxpayers have requested refunds of the overpayments indicated; and

WHEREAS, the Director of Finance has recommended that these amounts be refunded to the taxpayers; now therefore be it

RESOLVED, that warrants be drawn to the order of the taxpayers listed, in the amounts indicated; and be it further

RESOLVED, that the warrants be forwarded to the Tax Collector for delivery to the payees.

BLOCK	LOT	PAYEE	AMOUNT
4	2	Tracey Kobryn	5,860.33
30	21	Kimberly Martinez	1,623.50
44	19	Fouad Bekheut	158.14
53	19	Manuel Quintela	1,887.19
57	45	Yosry Basel	527.22
64	4.11	Thomas Watt	1,265.86
78	24	Emad Ghaly	410.82
80	12	Rosemary Florio/Jorge Devera	219.54
88	30	Edward Postell	132.63
97	38	Gerald & Delores Kelly	38.52
101	39	Danielle Hamarics-Garcia	2,849.02
126	10	Mary Dwyer	50.78
149	26	Irene Oleksa	221.10
151	37.06	Ellen Zimmer	1,823.07
156	26	Brenda Pellicano	218.92

158	3	James Anderson	1,691.21
177	16	Iris Townes	2,237.23
186	5	Nancy DePinto	99.81
201	10	Danuta Machnowski	4,335.05
206	3	Estate of Edward Miskewitz	3,256.78
215	45	Anthony Brattole	691.74
217	9	Emad Ghaly	814.79
218	10	James Anderson	3,642.61
218	29	Geraldine Hailey	251.28
244	16	Yosry Basel	1,120.62
247	5	Carol Ann Calamito	40.56
249	27	Helen Kowalski	709.94
253	32	Christopher Trimblett	2,136.01
255	12	Karen Tavernier	335.82
255	25	Louise Heaney	178.71
263	18	Joseph Galietti	29.88
264	36	Falisha Hefnawy	3.81
269	6	Emad Ghaly	280.73
278	1	Ralph Pasqua	982.78
278	19	Ralph Pasqua	316.30
295	5	Michael & Ada Pietropaolo	3,041.00
297	4	C & A Development	17,268.80
299	12	Teresa Palumbo	456.59
336	24	Richard Klimkiewicz	147.11
339	13	Walter Snarke	1,743.83
351	30	Karen Mitchell	2,147.02
Total:			65,246.65

* * * * *

25. The Council as a whole moved the following resolution, which was ready by the Clerk and adopted.

RESOLVED, That a warrant in the amount of \$ 639.00 be drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of licenses Nos. 1-340 inclusive, 340 dog licenses, representing one dollar per license for the state fee, twenty cents per license for the state clinic and three dollars per license for non-spayed and non-neutered dogs.

* * * * *

26. The Council as a whole moved the following resolution, which was ready by the Clerk and adopted.

RESOLVED, That a warrant in the amount of \$ 1,425.00 be drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of licenses Nos. 341-1100 inclusive, 760 dog licenses, representing one dollar per license for the state fee, twenty cents per license for the state clinic and three dollars per license for non-spayed and non-neutered dogs.

* * * * *

27. The Council as a whole moved the following resolution, which was ready by the Clerk and adopted.

WHEREAS, the City of Bayonne has an unemployment bill for quarter ending 12/31/2011. Now therefore be it,

RESOLVED, that the Municipal Treasurer is hereby authorized to issue a warrant to the New Jersey Department of Labor in the amount of \$ 6,924.59. Said warrant represents unemployment benefits charged to the City of Bayonne.

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28. The Council as a whole moved the following resolution, which was ready by the Clerk and adopted.

RESOLVED, that pursuant to and consistent with a State Training Fee Report dated January 26, 2012 by Michael J. Feuer, Construction Official, the Municipal Treasurer is hereby authorized and directed to issue a warrant drawn to the order of the State of New Jersey, in the amount of \$30,223.00 representing payment of state surcharge fees on new construction and alterations collected during the fourth quarter of 2011; and be it further

RESOLVED, that said warrant be forwarded to the Construction Official for transmittal to the New Jersey Department of Community Affairs; and be it further

RESOLVED, that this expense to be charged to Account - Trust Funds, State Training Fees with the Tax Collector, Account #02-5102.

* * * * *

29. The Council as a whole moved the following resolution, which was ready by the Clerk and adopted.

Whereas, the Tax Assessor for the City of Bayonne has previously approved the exemption application for a 100% Disabled Veteran who had occupies 50% of the residential premises located at Block 358 Lot 39, 70 E 4th Street, in the City of Bayonne, and

Whereas, the building department has issued a certificate of continued occupancy (#NP12-01-011) dated 1/9/2012 confirming conversion of the premises to a single family home, and

Whereas, said conversion entitles the qualifying veteran occupying said premises to a 100% exemption effective 1/9/2012;

Now therefore be it resolved as follows:

1. The property taxes on that portion (100%) of Block 358 Lot 39, 70 E 4th Street, in the City of Bayonne occupied by said qualifying veteran are hereby canceled effective January 1, 2012 with the tax collector to calculate and refund any resulting overpayment of the tax bills from that effective date.
2. The tax collector, tax assessor and city treasurer are authorized to take any and all appropriate action to effectuate this resolution, including but not limited to, cancellation of taxes as set forth above and the refund or credit of any excess taxes which may have been paid by said qualifying veterans during the periods noted herein, as well as crediting or adjusting future bills in conformance with this resolution for the duration of the veteran's qualified status with respect to this property. .

* * * * *

30. The Council as a whole moved the following resolution, which was ready by the Clerk and adopted.

WHEREAS, LIN LIU, d/b/a SHINING BEAUTY SPA, has applied for a license to operate a massage establishment and has submitted an application therefore to the City Clerk; and

WHEREAS, said application was referred to the Director of Public Safety pursuant to Section 4-3.1 of the Revised General Ordinances for investigation, which investigation has resulted in no adverse findings; and

WHEREAS, LIN LIU, d/b/a SHINING BEAUTY SPA, meets the requirements of Section 4-22 of the Revised General Ordinances of the City of Bayonne now, therefore, be it

RESOLVED, That LIN LIU, d/b/a SHINING BEAUTY SPA, 1055 Avenue C, Bayonne, NJ, is hereby granted a license to operate a massage establishment pursuant to Section 4-22 of the Revised General Ordinances for calendar year 2012, expiring December 31, 2012.

* * * * *

31. The Council as a whole moved the following resolution, which was ready by the Clerk and adopted.

WHEREAS, the City administration and the Municipal Council recognize that the buildings and properties of the City of Bayonne are owned by the citizens of the community and, as such, should be made available for their use when feasible and when not in use for city purposes;

WHEREAS, the Administration has created a policy and fee schedule, which are attached hereto and made a part hereof, for the use of such facilities, which will be made available on a case by case basis to the types of organizations set forth in the policy; and

WHEREAS, the Municipal Council agrees with the principals by which the policy and fees were created; now, therefore, be it

RESOLVED, that the Municipal Council hereby ratifies the establishment of the attached policy and fee schedule for the use of municipal facilities.

* * * * *

32. The Council as a whole moved the following resolution, which was ready by the Clerk and adopted.

WHEREAS, the City of Bayonne is contemplating requiring the use of municipally approved vendors to provide catering services at various municipal facilities when such facilities are used by private individuals or organizations, including but not limited to the Bayonne Community Museum and the G. Thomas DiDomenico Municipal Pool; and

WHEREAS, the City of Bayonne is desirous of soliciting the services of qualified vendors to provide such services; now, therefore, be it

RESOLVED, that the City Attorney is hereby authorized to solicit requests for proposals for vendors to provide catering services at various municipal facilities, including but not limited to the Bayonne Community Museum and the G. Thomas DiDomenico Municipal Pool.

* * * * *

33. The Council as a whole moved the following resolution, which was ready by the Clerk and adopted.

WHEREAS, Sovereign Consulting, Inc. is conducting an environmental investigation on behalf of Motiva Enterprises LLC at the property located at 800 Avenue E and East 50th Street (Block 393, lots 19, 20 & 21) under the oversight of the New Jersey Department of Environmental Protection (NJDEP Case # 93-08-31-1513-27 and PI# 011061); and

WHEREAS, Sovereign Consulting, Inc. has proposed to install one monitoring well in the Right-Of-Way in the southbound lane of Avenue E as depicted in Figures 1 and 2 attached to their letter dated August 17, 2011, which is attached hereto, in connection with the aforesaid environmental investigation; and

WHEREAS, the monitoring well will be installed at grade and in accordance with NJDEP requirement; now, therefore be it

RESOLVED, by the Municipal Council that permission is hereby granted to Sovereign Consulting, Inc. on behalf of Motiva Enterprises LLC to install the above mentioned monitoring well; and be it further

RESOLVED, that the Mayor and City Clerk are hereby authorized sign any all documents to effectuate the installation of the aforesaid monitoring well including any NJDEP-BWA Well Monitoring Permit and/or Right of Entry/Site Access Agreement.

* * * * *

34. The Council as a whole moved the following resolution, which was ready by the Clerk and adopted.

WHEREAS, AECOM, 30 Knightsbridge Road, Suite 520, Piscataway, NJ 08854, has provided the city with a preliminary scope of work for sampling and analysis at property located within Mayor Dennis P. Collins Park and identified as Hudson County Chrome Site 174, in connection with an investigation and remediation that will be conducted by PPG Industries, Inc. as part of their assuming responsibility for the site, an orphan site assigned to PPG by the NJDEP; and

WHEREAS, AECOM has requested that the City of Bayonne permit access to Block 383, lots 2, 3, 4, 6, and 8 for the taking of soil samples as described in their preliminary scope of work letter dated May 2, 2011 and attached hereto; and

WHEREAS, the borings and soil sampling are to be part of an ongoing remediation project at the site referenced above; and

WHEREAS, AECOM has represented that the borings will be drilled and sampling concluded within two to three days and any subsequent remedial action should be completed in a week or less; and

WHEREAS, the City of Bayonne desires to facilitate AECOM's and PPG Industries, Inc.'s investigation and remediation of the site; and

WHEREAS, AECOM has provided the City of Bayonne with drawings showing the location of the site; and

WHEREAS, the engineering department of the City of Bayonne has reviewed same and has found same sufficient for their proposed purposes; and

WHEREAS, the City of Bayonne is agreeable to allowing AECOM and/or PPG Industries, Inc. to enter onto Block 383 in Mayor Dennis P. Collins Park to perform the above described investigation and remediation; now, therefore, be it

RESOLVED, that the Mayor and City Clerk are hereby authorized to execute a right-of-entry Agreement with AECOM, Inc. and/or PPG Industries, Inc. to allow for entry onto and for the use of that portion of Mayor Dennis P. Collins Park in Block 383, lots 2, 3, 4, 6 and 8 as set forth within the scope of work submitted to the City of Bayonne for the purpose of allowing AECOM and/or PPG Industries, Inc. to perform temporary soil borings and remediation on Hudson County Chrome Site 174; and be it further

RESOLVED, that this right-of-entry shall be conditioned upon AECOM, Inc. and/or PPG Industries, Inc. restoring the property to its pre-boring, pre-remediation; and be it further

RESOLVED, that this right-of-entry shall require that AECOM, Inc. and/or PPG Industries, Inc. and/or their representatives shall meet with the City of Bayonne's engineer to verify and obtain approval for the exact location of the borings prior to drilling of same; and be it further

RESOLVED, that AECOM, Inc. and/or PPG Industries, Inc. are hereby required to post a bond with the City of Bayonne in an amount to be set by the City Engineer in order to guarantee that the restoration of the property will be effectuated.

* * * * *

35. The Council as a whole moved the following resolution, which was ready by the Clerk and adopted.

RESOLVED, That the application of the below listed organizations for RAFFLE LICENSE be granted:

LICENSEE	TIME & PLACE	LICENCE
St. Mary Holy Name Society	19 West 13 th St 6:00-11:00 P.M. Apr. 10, 11, 12, 13 4:00-11:00 P.M. Apr. 14 2:00 – 6:00 P.M. April 15	RL:8731
Hudson County Animal League	1075 Broadway 10:00 PM March 31, 2012	RL: 8732
Friends of Marist, Inc.	1241 Kennedy Blvd 8:25 A.M. April 4, 2012	RL: 8733
Friends of Special Children	53 Prospect Avenue 7:00 P.M. June 8, 2012	RL: 8734

* * * * *

36. Council Member Gillespie moved the following resolution, seconded by Council Member Greaves, which was read by the Clerk and adopted.

WHEREAS, the city clerk, in accordance with a resolution adopted on November 9, 2011 advertised in the Jersey Journal on December 23, 2011 that sealed bids for lease of beverage and snack vending locations would be received on January 26, 2012; and

WHEREAS, pursuant to such advertisement, two (2) proposals were received from:

Bidders:
James Wasilewski t/a The Sand Castle
34 Newark Bay Ct.
Bayonne, NJ 07002

Culinary Ventures Vending
1835 Burnet Avenue
Union, NJ 07083

and

WHEREAS, Amy Dellabella, R.P.P.O., Q.P.A. and Anthony DeSalvo, Esq. have examined the bids or proposals and have determined that each is considered a NO BID, for failure to supply Consent of Surety, which is deemed a fatal defect that renders the bid proposals unresponsive and can not be cured by the governing body per 40A:11-23.2.; now, therefore, be it

RESOLVED, that the bids for lease of beverage and snack vending locations be rejected and that the city clerk be and is hereby authorized to re-advertise for bids for same.

Yeas- Council Members Czerwienski, Gillespie, Greaves and President Ruane.

Absent – Council Member Hurley.

* * * * *

37. Council Member Gillespie moved the following resolution, seconded by Council Member Ruane, which was read by the Clerk and adopted.

WHEREAS, the city clerk, in accordance with Resolution 11-12-14-030 adopted on December 14, 2011 advertised in the Jersey Journal on January 12, 2012 Bids for Renovations to the Police Department; and

WHEREAS, pursuant to such advertisement, Fourteen (14) proposals were received from:

Bidder	Base Bid	Alternate 1	Alternate 2	Total Bid Amount
M & L Inc. 65 Dsouth Street Passaic, NJ 07055	\$677,000.00	\$ 42,000.00	\$62,000.00	\$ 781,000.00
W.D. Snyder Co. 706 South Michigan Ave. Kenilworth,NJ 07033	\$791,000.00	\$55,000.00	\$75,000.00	\$ 846,000.00
Jeral Construction Services 320 Belleville Avenue Bloomfield, NJ 07003	\$616,900.00	\$ 49,000.00	\$ 70,000.00	\$ 735,900.00
ProComm Systems, Inc. 823 Uniontown Road Phillipsburg, NJ 08865	\$659,000.00	\$38,250.00	\$53,400.00	\$ 750,650.00
GPC, Inc. 20 East Willow Street Millburn, NJ 07041	\$789,000.00	\$ 46,500.00	\$100,000.00	\$ 935,500.00
Carter Contracting Co. Inc. P.O. Box 655 Union, NJ 07083	\$732,000.00	\$ 20,355.00	\$72,000.00	\$ 824,355.00
C.R. Construction Co., Inc. 7108 Tonnelle Avenue North Bergen, NJ 07047	\$684,800.00	\$ 65,700.00	\$ 45,300.00	\$795,800.00
Belmont Construction Corp. 240 W. Passaic Street, Suite 11 Maywood, NJ 07607	\$786,000.00	\$ 34,000.00	\$36,000.00	\$856,000.00
Cypreco Industries Inc. 1420 9th Avenue P.O. Box 822 Neptune, NJ 07753	\$823,823.00	\$123,121.00	\$ 63,212.00	\$1,010,156.00
DiCarolus Associates, Inc. 33 DiCarolus Ct. Hackensack, NJ 07601	\$666,123.00	\$ 47,815.00	\$81,000.00	\$ 794,938.00
D Construction Co., Inc. 25 East 24th Street Bayonne, NJ 07002	\$856,914.00	\$53,233.00	\$ 63,371.00	\$ 973,518.00
Kappa Construction Corp. 3 Matilda Drive Ocean, NJ 07712	\$1,062,000.00	\$65,000.00	\$ 85,000.00	\$ 1,212,000.00
UniMak, LLC. 322 Lanza Avenue Garfield, NJ 07026	\$ 650,000.00	\$50,000.00	\$ 94,000.00	\$ 794,000.00
Fine Wall Corporation 404 Oak Tree Road Ste 204 Iselin, NJ 08830	\$ 631,000.00	\$41,000.00	\$86,500.00	\$758,500.00

and

WHEREAS, the Purchasing Agent and Public Safety Director have examined the bids or proposals and have determined that the bid of Jeral Construction Services. is a regular bid and is the lowest responsible bid for the Renovations to the Police Department; and

WHEREAS, the Municipal Comptroller has filed a certification with the city clerk that funds are available in Account Custom Border Control 02-213-41-2-799A-2-199; now, therefore, be it

RESOLVED, that the contract for the Renovations to the Police Department awarded to:

Jeral Construction Services, 320 Belleville Avenue, Bloomfield, NJ 07003
for the following bid price:

Base Bid	Alternate 1	Alternate 2
\$616,900.00	\$49,000.00	\$70,000.00

for a total contract amount of \$735,900.00; and be it further

RESOLVED, that the contract be executed in the name of the City of Bayonne by the proper city officials and that the said sum be charged to account:
Custom Border Control 02-213-41-2-799A-2-199.

Yeas- Council Members Czerwienski, Gillespie, Greaves and President Ruane.

Absent – Council Member Hurley.

* * * * *

38. Council Member Czerwienski moved the following resolution, seconded by Council Member Ruane, which was read by the Clerk and adopted.

WHEREAS, Resolution No. 10-02-17-047 authorized an agreement with JOHN T. DEDOUSIS, M.D. for professional medical services for uniformed employees for a one year period commencing March 1, 2010 and ending February 28, 2011, for the amount of \$30,000.00, which Agreement has been executed and identified as Agreement No. FY’10-078; and

WHEREAS, JOHN T. DEDOUSIS, M.D. has continued to provide said services since the expiration of his contract; and

WHEREAS, the city desires to continue to use the services of JOHN T. DEDOUSIS, M.D.; and

WHEREAS, JOHN T. DEDOUSIS, M.D. has qualified pursuant to the Fair and Open process; now, therefore, be it

RESOLVED, that Agreement No. FY’10-078 be and is hereby amended to extend the term of the services rendered by JOHN T. DEDOUSIS, M.D. for an eleven month period commencing March 1, 2011 and ending January 31, 2012 for an amount of \$27,500.00; and be it further

RESOLVED, The Mayor and the City Clerk are hereby authorized and directed to execute an agreement with JOHN T. DESOUSIS, MD, 1166 Kennedy Boulevard, Bayonne, New Jersey for professional medical services for uniformed employees for an eleven month period commencing February 1, 2012 and ending December 31, 2012 for a total contract amount of \$33,000.00 payable from Account HW-4 pursuant to the proposal submitted by John T. Dedousis, MD which is on file with the office of the City Clerk; and be it further

RESOLVED, that funds have been certified as available in Account DL-4 pending adoption of CY 2012 Budget; and be it further

RESOLVED, that this contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contract Law because the service is a recognized profession, licensed and regulated by the State of New Jersey and bids are not required per N.J.S. 40A:5-11 and notice of the resolution shall be published once in a newspaper of general circulation within the boundaries of the City of Bayonne; and be it further

RESOLVED, that the actions of any and all municipal officials providing for the continued provision of medical services rendered by JOHN T. DEDOUSIS, M.D. since the original termination date of Agreement No. FY'10-078 be and are hereby ratifying and confirmed.

Yeas- Council Members Czerwienski, Gillespie, Greaves and President Ruane.

Absent – Council Member Hurley.

* * * * *

39. Council Member Greaves moved the following resolution, seconded by Council Member Ruane, which was read by the Clerk and adopted.

RESOLUTION OF THE CITY OF BAYONNE AUTHORIZING
THE EXECUTION AND DELIVERY OF CERTAIN AGREEMENTS
AND CERTAIN OTHER ACTIONS TO BE TAKEN ALL IN CONNECTION WITH THE
HUDSON COUNTY IMPROVEMENT AUTHORITY'S
RENEWABLE ENERGY PROGRAM

WHEREAS, the Hudson County Improvement Authority (including any successors and assigns, the "Authority") has been duly created by ordinance of the Hudson County Board of Chosen Freeholders (the "Freeholders") of the County of Hudson (the "County") as a public body corporate and politic of the State of New Jersey pursuant to and in accordance with the county improvement authorities law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State of New Jersey, and the acts amendatory thereof and supplemental thereto (as codified at N.J.S.A. 40:37A-44 et seq., the "Act") and other applicable law; and

WHEREAS, the Authority has developed a program (the "Renewable Energy Program") for the financing, design, permitting, acquisition, installation, operation and maintenance of renewable energy capital equipment and facilities consisting of solar panels, including any related electrical modifications or other work required or convenient for the installation of such solar panels (collectively, the renewable energy capital equipment and facilities, the "Renewable Energy Projects") for and on behalf of the County and local governmental units within the County, including without limitation municipalities, boards of education for school districts, local authorities and any other local government instrumentalities, public bodies or other local government entities (collectively, including the County, the "Local Units"); and

WHEREAS, on October 3, 2011, the Authority issued "Request for Proposals for a Developer of Photovoltaic Systems with respect to certain Local Government Facilities in the County of Hudson, New Jersey" (the "RFP") to design, permit, acquire, construct, install, operate and maintain the Renewable Energy Projects; and

WHEREAS, the RFP provided respondents with three financing options: (1) "Company Financing Structure" where the Successful Respondent is required to finance the System through its own means, (2) "Partial Authority Financing" where the Authority provides construction and permanent financing for up to 70% of the costs of the Renewable Energy Program through the issuance of County-guaranteed, federally taxable bonds that are payable by the selected solar developer through lease payments made to the Authority, and (3) "Authority Financing" where the Authority provides 100% of the financing through issuance of County-guaranteed, federally taxable bonds that are payable by the selected solar developer through lease payments made to the Authority; and

WHEREAS, on November 29, 2011, the due date for proposals pursuant to the RFP, the Authority received a single proposal in response to the RFP from G&S Solar Installers, Inc. (the "Company"); and

WHEREAS, the proposal from the Company was reviewed and evaluated by the Authority's Evaluation Team and deemed to be compliant with the requirements of the RFP, and the Evaluation Team prepared a "Solar Proposal Evaluation Report," dated December 12, 2011, wherein it recommended the award of a contract to the Company as the Successful Respondent for the provision of the solar services; and

WHEREAS, by resolution duly adopted at a public meeting held on December 14, 2011, the Authority accepted and approved the Evaluation Report; determined, in accordance with the competitive contracting provisions of the Local Public Contracts Law, that the Company was the Successful Respondent in response to the RFP in accordance with the terms of its modified Option 2 Proposal; and awarded a contract to the Company for the development of Renewable Energy Projects at the facilities of the Local Units for the Renewable Energy Program pursuant to and in accordance with the RFP; and

WHEREAS, the Renewable Energy Projects procured under the Renewable Energy Program are to be installed on, in, affixed or adjacent to and/or for any other Local Unit controlled buildings, other structures, lands or other properties of the Local Units (collectively, the "Local Unit Facilities"); and

WHEREAS, one of the goals of the Renewable Energy Program is to expand the use of renewable energy sources available and utilized by the Local Units for their Local Unit Facilities, with the attendant environmental and financial benefits associated thereby, and to reduce the energy related operating costs to the Local Units for their Local Unit Facilities, all intended to be offered at no net cost to the Local Units; and

WHEREAS, in order to implement the Renewable Energy Program, and to finance costs associated with the Renewable Energy Program that the Authority determines to be necessary, convenient or desirable for the successful implementation of the Renewable Energy Program, consistent with the RFP and the Company's proposal, the Authority is undertaking a project financing that may include one or more series of bonds entitled "County of Hudson Guaranteed Renewable Energy Program Lease Revenue Bonds, Series 2012," dated their date of delivery, in the principal amount not to exceed \$8,000,000 (the "Series 2012 Bonds"); and

WHEREAS, the Series 2012 Bonds may also finance other costs associated with the Renewable Energy Program that the Authority determines to be necessary, convenient or desirable for the successful implementation of the Renewable Energy Program, including, without limitation, (i) all or a portion of the Project Development Costs and Administrative Fee (as such terms are defined in the RFP) (ii) costs incurred in connection with the issuance of the Series 2012 Bonds, (iii) costs incurred or to be incurred in connection with the design, permitting, acquisition, construction, installation, operation and maintenance of the Renewable Energy Projects for the Local Units, (iv) capitalized interest and/or reserves, if any, and (v) such other amounts as shall be set forth in the Bond Resolution; and

WHEREAS, the Company, as a potential "materially obligated person" within the meaning and for the purposes set forth in Rule 15c2-12 ("Rule 15c-12") promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934, as amended, may be required to enter into that certain "Company Continuing Disclosure Agreement (Hudson County Renewable Energy Program, Series 2012)" (as the same may be amended and supplemented from time to time in accordance with its terms, the "Company Continuing Disclosure Agreement") with the Authority and the Trustee, as dissemination agent (the "Dissemination Agent") in order to satisfy the secondary market disclosure requirements of Rule 15c2-12; and

WHEREAS, pursuant to the terms hereof, as a "materially obligated person" within the meaning and for the purposes set forth in Rule 15c2-12, the County will be required to enter into that certain "County Continuing Disclosure Agreement (Hudson County Renewable Energy Program, Series 2012)" (as the same may be amended and supplemented from time to time in accordance with its terms, the "County Continuing Disclosure Agreement" and together with the Company Continuing Disclosure Agreement, the "Continuing Disclosure Agreements") with the Dissemination Agent in order to satisfy the secondary market disclosure requirements of Rule 15c2-12;

WHEREAS, pursuant to the terms hereof and/or the Continuing Disclosure Agreements, the Authority shall (i) not be considered a "materially obligated person" within the meaning and for the purposes set forth in Rule 15c2-12, and (ii) be required to provide certain material events notices in accordance with Rule 15c2-12, and accordingly, the Authority shall be required to provide such material events notices under the terms of the Company Continuing Disclosure Agreement and the County Continuing Disclosure Agreement, all in order to satisfy the secondary market disclosure requirements of Rule 15c2-12; and

WHEREAS, in accordance with Section 13 of the Act (N.J.S.A. 40:37A-56), prior to the issuance of the Series 2012 Bonds, the Authority has submitted a detailed report of the Renewable Energy Program to the Freeholders, which included, without

limitation, descriptions of the Series 2012 Bonds, the Bond Resolution, the Company Lease Agreement, the County Guaranty (including the County Guaranty Agreement), the Power Purchase Agreement, the Company Pledge Agreement, the Company Guaranty Agreement, the Continuing Disclosure Agreements, and the Site License Agreements (collectively, the "Program Documents"); and

WHEREAS, the City of Bayonne as a Local Unit (the "City"), desires to participate in the Renewable Energy Program with respect to its Local Unit Facilities and its Renewable Energy Projects (the "City's Projects") as described on Exhibit A attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY, as follows:

Section 1. The City's Projects and the financing of the City's Projects through the Program Documents are hereby approved.

Section 2. The City's Business Administrator and Clerk (collectively, the "Authorized Officer") are hereby each severally authorized and directed to execute and deliver the Site License Agreement and the Power Purchase Agreement for the Renewable Energy Program in substantially the forms attached hereto as Exhibit B and Exhibit C, with such changes thereto as the Authorized Officer deems in their sole discretion (including to incorporate the information concerning the City's Projects set forth on Exhibit A hereto) to be necessary, desirable or convenient for the execution thereof and to consummate the transactions contemplated hereby, which execution thereof shall conclusively evidence the Authorized Officer's approval of any changes to the forms thereof. The Site License Agreement and the Power Purchase Agreement incorporate certain terms and conditions of the City, including without limitation the City's obligation to pay the PPA Price as defined therein, which commences at 9.59 cents/kWh, and increases to 14.51 cents/kWh in year 15 of the Program Documents (the final PPA price being dependent upon the interest rate at the time of sale of the series 2012 bonds of the Authority). The City's anticipated savings are described in the Solar Proposal Evaluation Report (attached hereto as Exhibit D).

Section 3. The City's Clerk is authorized and directed, upon the execution of the documents set forth in Section 2 hereof, to attest to the Authorized Officer's execution of such documents and is hereby further authorized and directed, when required by the Authority, to thereupon affix the seal of the City to such documents.

Section 4. Upon the execution and attestation of and if required, the placing of the seal on the documents set forth in Section 2 hereof as contemplated by Sections 2 and 3 hereof, the Authorized Officer is hereby authorized and directed to (i) deliver such fully executed, attested and sealed Site License Agreement and Power Purchase Agreement of the City to the other parties thereto and (ii) perform such other actions as the Authorized Officer deems necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 5. The governing body of the City hereby authorizes the performance of any act, the execution and delivery of any other document, instrument or closing certificates, which the Authorized Officer deems necessary, desirable or convenient in connection with this contemplated transaction, and the governing body of the City hereby directs the Authorized Officer to execute, attest and affix (or cause the attestation or affixation of) the seal to any such documents, instruments or closing certificates, the authorization of which actions shall be conclusively evidenced by the execution, attestation, affixation and delivery, as the case may be, thereof by such persons.

Section 6. This resolution shall take effect immediately.

Section 7. Upon the adoption hereof, the City shall forward certified copies of this resolution to Michael O'Connor, Project Manager, Office of Planning and Energy, of the Authority, and Kevin A. Conti, Esq., DeCotiis, FitzPatrick & Cole, LLP, Special Energy Counsel to the Authority.

Yeas- Council Members Czerwienski, Gillespie, Greaves and President Ruane.

Absent – Council Member Hurley.

* * * * *

40. Council Member Gillespie moved the following resolution, seconded by Council Member Ruane, which was read by the Clerk and adopted.

WHEREAS, Resolution No. 11-07-20-051 authorized an agreement with Housing and Community Development Services, Inc., 4 Sloan Street, South Orange, New Jersey 07079 for professional consulting services relating to planning, administration and implementation of the City of Bayonne's Community Development Block Grant Program, which agreement was executed by the parties and identified as Agreement FY'11-21; and

WHEREAS, additional services are required from the vendor beyond the scope of their original proposal; and

WHEREAS, this professional services contract was determined under the Fair & Open Contracting Requirements pursuant to N.J.S.A.19:44A:20.4.5; now, therefore, be it

WHEREAS, funds have been certified as available in Account CDBG-200; now, therefore, be it

RESOLVED, by the Municipal Council of the City of Bayonne that the Mayor and the City Clerk are hereby authorized and directed to execute an amendment to Agreement No. FY'11-21 with Housing and Community Development Services, Inc., 4 Sloan Street, South Orange, New Jersey 07079, for provide professional consulting services relating to planning, administration and implementation of the City of Bayonne's Community Development Block Grant Program to increase the amount of the contract by \$25,000.00, for a contract not to exceed \$75,000.00, and funds are certified available in Account #CDBG-200, and to correct the term of the contract to read "one year."

Yeas- Council Members Czerwienski, Gillespie, Greaves and President Ruane.

Absent – Council Member Hurley.

* * * * *

41. Council Member Czerwienski moved the following resolution, seconded by Council Member Greaves, which was read by the Clerk and adopted.

WHEREAS, pursuant to Resolution No. 10-08-25-067 adopted by the Municipal Council on August 25, 2010, the Municipal Council authorized Agreement No. FY11-036 with Suburban Disposal, Inc., Box 84, Livingston New Jersey 07039 for the collection of solid waste for a one year period commencing September 1, 2010 and ending August 31, 2011 for an amount not to exceed \$1,027,000.00, subsequently amended on September 22, 2010 by Resolution 10-09-22-089 to commence October 1, 2010 and end September 30, 2011; and

WHEREAS, pursuant to Resolution 11-03-16-041 adopted April 27, 2011, the City Clerk advertised that bids for the collection of solid waste, for a new term to commence October 1, 2011, would be received on July 26, 2011; and

WHEREAS, on September 19, 2011, the Superior Court issued a temporary Restraining Order prohibiting the awarding of the contract for the collection of solid waste until further notice; and

WHEREAS, by oral decision on October 7, 2011 and written opinion issued October 14, 2011, Judge Christine Farrington, Superior Court of New Jersey, Law Division, Hudson Vicinage, issued a final ruling holding the City was within its rights to award the contract; and

WHEREAS, on October 14, 2011, the Superior Court of New Jersey, Appellate Division stayed the final ruling of the Law Division which permitted the City to award the contract to the lowest bidder thereby prohibiting the awarding of a contract for the collection of solid waste until further notice; and

WHEREAS, because the collection of solid waste throughout the City is a necessary service to ensure the public health and welfare, the Municipal Council adopted Resolution 11-09-21-085 on September 21, 2011, authorizing the extension of Agreement No. FY11-036 for a one month period during the month of October 2011 at an additional sum of \$85,000.00, making the total contract amount \$1,112,000.00; and

WHEREAS, thereafter, the Municipal Council adopted Resolution 11-10-19-075 on October 19, 2011; Resolution 11-11-09-038 on November 9, 2011; and Resolution No. 11-12-14-038 on December 14, 2011 and Resolution No. 12-01-18-037 on January 18, 2012 authorizing the continued monthly extension of Agreement No. FY11-036 during the months of October, November and December 2011, and January and February 2012 for the additional amount of \$85,000.00 per month, making the total contract amount \$1,452,000.00; and

WHEREAS, Suburban Disposal, Inc., is agreeable to extending their existing contract with the City of Bayonne for the collection of solid waste during the month of March 2012, under the terms of their existing bid, for an additional amount of \$85,000.00, making the total contract amount \$1,537,000.00; and

WHEREAS, funds are certified as available in Account No. HW-38; now therefore be it

RESOLVED, by the Municipal Council of the City of Bayonne as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an amendment to Agreement No. FY11-036 with Suburban Disposal, Inc. Box 84, Livingston New Jersey 07039 for the collection of solid waste extending same for a one month period commencing March 1, 2012 and ending March 31, 2012 for an additional amount of \$85,000.00, making the total contract amount \$1,537,000.00.

2. Funds are certified as available in account No. HW-38.

3. All other terms and conditions of Agreement No. FY11-036 shall remain the same.

Yeas- Council Members Czerwienski, Gillespie, Greaves and President Ruane.

Absent – Council Member Hurley.

* * * * *

42. Council Member Greaves moved the following resolution, seconded by Council Member Ruane, which was read by the Clerk and adopted.

WHEREAS, pursuant to Resolution No. 10-08-25-068 adopted by the Municipal Council on August 25, 2010, the Municipal Council authorized Agreement No. FY11-035 with Suburban Disposal, Inc., Box 84, Livingston New Jersey 07039 for the collection of recyclable materials for a one year period commencing September 1, 2010 and ending August 31, 2011 for an amount not to exceed \$567,000.00, subsequently amended on September 22, 2010 by Resolution 10-09-22-090 to commence October 1, 2010 and end September 30, 2011; and

WHEREAS, pursuant to Resolution 11-03-16-041 adopted April 27, 2011, the City Clerk advertised that bids for the collection of recyclable materials, for a new term to commence October 1, 2011, would be received on July 26, 2011; and

WHEREAS, on September 19, 2011, the Superior Court issued a temporary Restraining Order prohibiting the awarding of the contract for the collection of recyclable materials until further notice; and

WHEREAS, by oral decision on October 7, 2011 and written opinion issued October 14, 2011, Judge Christine Farrington, Superior Court of New Jersey, Law Division, Hudson Vicinage, issued a final ruling holding the City was within its rights to award the contract; and

WHEREAS, on October 14, 2011, the Superior Court of New Jersey, Appellate Division stayed the final ruling of the Law Division which permitted the City to award the contract to the lowest bidder thereby prohibiting the awarding of a contract for the collection of recyclable materials until further notice; and

WHEREAS, because the collection of recyclable materials throughout the City is a necessary service to ensure the public health and welfare, the Municipal Council adopted Resolution 11-09-21-086 on September 21, 2011, authorizing the extension of Agreement No. FY11-035 for a one month period during the month of October 2011 at an additional sum of \$45,583.33, making the total contract amount \$612,583.33; and

WHEREAS, thereafter, the Municipal Council adopted Resolution 11-10-19-076 on October 19, 2011; Resolution 11-11-09-039 on November 9, 2011; 11-12-14-039 on

December 14, 2011 and Resolution 12-01-18-038 on January 18, 2012 authorizing the continued monthly extension of Agreement No. FY11-035 during the months of October, November, and December 2011, and January and February 2012 for the additional amount of \$45,583.33 per month, making the total contract amount \$749,333.32; and

WHEREAS, Suburban Disposal, Inc., is agreeable to extending their existing contract with the City of Bayonne for the collection of recyclable materials during the month of March 2012, under the terms of their existing bid, for an additional amount of \$45,583.33, making the total contract amount \$794,916.65; and

WHEREAS, funds are certified as available in Account No. HW-38;

WHEREAS, funds are certified as available in Account No. HW-38; now therefore be it

RESOLVED, by the Municipal Council of the City of Bayonne as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an amendment to Agreement No. FY11-035 with Suburban Disposal, Inc. Box 84, Livingston New Jersey 07039 for the collection of recyclable materials extending same for a one month period commencing March 1, 2012 and ending March 31, 2012 for an additional amount of \$45,583.33, making the total contract amount \$794,916.65..
2. Funds are certified as available in account No. HW-38.
3. All other terms and conditions of Agreement No. FY11-035 shall remain the same.

Yeas- Council Members Czerwienski, Gillespie, Greaves and President Ruane.

Absent – Council Member Hurley.

43. Council Member Ruane moved the following resolution, seconded by Council Member Greaves, which was read by the Clerk and adopted.

RESOLVED, that the budgetary transfers as set forth below pertaining to the TY 2011 appropriations be and the same are hereby authorized, and be it further,

RESOLVED, that the Comptroller be, and is hereby authorized and directed to make the said transfers in accordance herewith:

CURRENT FUND

FROM			TO	
NO.	ACCOUNT	AMOUNT	ACCOUNT	AMOUNT
1.	Planning & Zoning-S&W	1,500.00	Law Enforcement-Uniform O.E.	30,000.
	Snow Removal-S&W	100.00	Vehicle Maintenance-O.E.	30,000.
	Building & Grounds-S&W	150.00	Business Administration-O.E.	50,000.
	Vehicle Maintenance-S&W	950.00	Law Dept – O.E.	2,000.
	Swimming Pool – S&W	850.00		
	Parks & Playgrounds-S&W	5,500.00		
	Law Enforcement-Uniform			
	S& W	51,450.00		
	Older American Program	35,000.00		
	Social Security System	14,500.00		
	Law Dept Contracts	2,000.00		

Yeas- Council Members Czerwienski, Gillespie, Greaves and President Ruane.

Absent – Council Member Hurley.

44. Council Member Ruane moved the following resolution, seconded by Council Member Gillespie, which was read by the Clerk and adopted.

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT
EXCEEDING \$30,000,000 TAX ANTICIPATION NOTES OF

2012 OF THE CITY OF BAYONNE, IN THE COUNTY **OF**
HUDSON, NEW JERSEY.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, NEW JERSEY (not less than the majority of the full membership of the governing body) AS FOLLOWS:

Section 1. In anticipation of the collection of taxes during the current fiscal year, there are hereby authorized to be issued tax anticipation notes of the City of Bayonne (the "City"), each to be known as "Tax Anticipation Note of 2012," in amounts not exceeding \$30,000,000. The proceeds of such notes shall be applied only to purposes provided for in the budget or for which taxes are levied for the current year.

Section 2. The following certificate has been prepared by the City and is filed in the office of the City Clerk:

Section 3. The following matters in connection with the notes are hereby determined:

(a) All notes issued hereunder shall mature at such times as may be determined by the chief financial officer, provided that no note shall mature later than 120 days following the end of the fiscal year.

(b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer.

(c) All notes shall be in the form prescribed by the Local Budget Law and otherwise as determined by the chief financial officer and such officer's signature upon the notes shall be conclusive as to such determination;

(d) Notes issued hereunder may be renewed from time to time, provided, however, that no renewal note shall be issued later than the last day of the fiscal year.

(e) All notes shall be executed by the Mayor and the Chief Financial Officer and attested by the City Clerk.

Section 4. The chief financial officer is authorized and directed to determine all matters in connection with the notes not determined by this or by a subsequent resolution and such officer's signature upon the notes shall be conclusive as to such determination.

Section 5. The chief financial officer is hereby authorized to sell the notes from time to time at public or private sale in such amounts as such officer may determine at not less than par and to deliver them from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefore.

Section 6. Any instrument issued pursuant to this resolution shall be a general obligation of the City, and the full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations.

Section 7. The chief financial officer is authorized and is directed to report in writing to the City Council at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this resolution is made, such report to include the amount, the description, the interest rate and the maturity of the notes sold, the price obtained and the name of the purchaser.

Section 8. The chief financial officer, in connection with other professionals of the City acting under her direction, is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document for the City, as it may be so updated from time to time, to be distributed in connection with the sale of obligations of the City. The chief financial officer is hereby authorized to execute such disclosure document on behalf of the City.

Section 9. (a) Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission (the "Rule"), and provided that an issue of notes authorized by this resolution is not exempt from the Rule, for so long as an issue of notes of the City remains outstanding (other than an issue of notes which has been wholly defeased), the City shall provide, on or prior to 270 days from the end of each fiscal year, beginning with the fiscal year ending December 31, 2012, to the Municipal Securities Rulemaking Board through the Electronic Municipal Market Access Dataport (the "MSRB") and to the appropriate State information depository ("State Repository"), if any, annual financial information with respect to the City consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the City and certain financial information and operating data consisting of (i) City and overlapping indebtedness including a schedule of outstanding debt issued by the City, (ii) the City's most current adopted budget, (iii) property valuation information, and (iv) tax rate, levy and collection data. The audited financial information will be prepared in accordance with modified cash accounting as mandated by State of New Jersey statutory principles in effect from time to time or with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law and shall be filed electronically and accompanied by identifying information with the MSRB;

(b) in a timely manner not in excess of ten business days after the occurrence of the event, to the MSRB and to the State Repository, if any, notice of any of the following events with respect to the Bonds (herein "Material Events"):

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
- (7) Modifications to rights of security holders, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the securities, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the obligated person;
- (13) The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

For the purposes of the event identified in subparagraph (12) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an obligated person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person.

(c) The covenants and undertakings contained in this Section 9 are made for the benefit of the holders or beneficial owners of the notes issued under this resolution.

(d) The chief financial officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of notes prior to their offering. Such officer is hereby authorized to enter into written contracts or undertaking to implement this resolution and is further authorized to

amend such contracts or undertakings as needed to comply with the Rule or upon the advice of Bond Counsel.

(e) In the event that the City fails to comply with this resolution or the written contract or undertaking, the City shall not be liable for monetary damages, remedy of the holders or beneficial owners of the notes being hereby specifically limited to specific performance of the covenants contained in this resolution or the written contract or undertaking.

Section 10. This resolution shall take effect immediately.

Yeas- Council Members Czerwienski, Gillespie, Greaves and President Ruane.

Absent – Council Member Hurley.

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45. Council Member Gillespie moved the following resolution, seconded by Council Member Greaves, which was read by the Clerk and adopted.

#1 TEMPORARY EMERGENCY APPROPRIATION CY 2012

WHEREAS, an emergency condition has arisen with respect to providing appropriations to pay various costs, as per attached schedule, and no adequate provision has been made in the CY 12 Temporary Budget for the aforesaid purposes and N.J.S.:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned, and

WHEREAS, the total emergency resolution adopted in the CY 12 budget pursuant to the provisions of Chapter 96, P.L. 1951 (NJS 40A:4-20) including this resolution total

Current Fund \$ 3,386,514.00

NOW THEREFORE, BE IT RESOLVED (not less than two-thirds of all members therefore affirmatively concurring) that in accordance with NJS 40A:4-20

1- An emergency temporary appropriation be and the same is hereby made as per attached schedule:

Current Fund \$ 3,386,514.00

2- That said emergency temporary appropriation will be provided for the TY 11 budget under the title of, as per attached schedule:

Current Fund \$ 3,386,514.00

3- That one certified copy of this resolution be filed with the Director of Local Government Services.

Yeas- Council Members Czerwienski, Gillespie, Greaves and President Ruane.

Absent – Council Member Hurley.

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46. Council Member Czerwienski moved the following resolution, seconded by Council Member Gillespie, which was read by the Clerk and adopted.

WHEREAS, Global Container Terminals has applied for a TIGER IV grant from the U.S. Department of Transportation for the redevelopment of the South Hudson Intermodal Facility, seeking Tiger IV funds in the amount of \$13.4 million, representing 10% of a total project cost of \$125.0 million; and

WHEREAS, the South Hudson Intermodal Facility will be capable of moving more than one-quarter million containers annually vial modal transfer between ocean going vessels and double-stack freight trains, which will promote future growth of

intermodal cargo through the City of Bayonne while reducing the amount of over-the-road trucks congesting both the Hudson County and regional roadway network; and

WHEREAS, the additional capacity created by redevelopment of the South Hudson Intermodal Facility will promote the Federal National Export Initiative and will expand the Port of New York and New Jersey's ability to serve the anticipated growth generated by 15 states east of the Mississippi River, and additional container ships serving the East Coast as a result of the widening of the Panama Canal; and

WHEREAS, the South Hudson Intermodal Facility will provide an additional regional benefit to larger regional redevelopment including restoration of an historic rail float barge operation connecting freight rail serving the five boroughs of New York City and Long Island with mainline rail throughout the United States, a barge-rail transfer facility for containerized waste generated in New York City being transferred to landfills, as well as improved rail access for express trains that transport citrus from Florida to the processing plant in Jersey City, New Jersey; and

WHEREAS, the South Hudson Intermodal Facility will promote the local industrial zone within the Port Jersey Peninsula, and will remove more than 100,000 containers being trucked annually by the year 2015, reducing diesel emissions and improving air quality, as well as providing economic benefits including the creation of 250 temporary jobs during construction and 50 full time jobs at the facility; and

WHEREAS, in order to obtain a TIGER IV grant, Global Container Terminals needs a local government sponsor to act as a conduit agency, and was required to submit its application to the U.S. Department of Labor by October 3, 2011; and

WHEREAS, Stephen J. Gallo, Business Administrator, advised Global Container Terminals that the City of Bayonne was willing to serve as its sponsor for said grant; now, therefore, be it

RESOLVED, that the actions of Stephen J. Gallo, Business Administrator, in offering the city's support for said TIGER IV grant be and are hereby ratified and confirmed; and be it further

RESOLVED, that the Municipal Council of the City of Bayonne hereby declares its support for the South Hudson Intermodal Facility and Global Container Terminals' application for a TIGER IV grant from the U.S. Department of Labor, and declares the city's willingness to serve as a sponsor and conduit agency for said grant; and be it further

RESOLVED, that the Mayor and City Clerk be and are hereby authorized to execute any and all documents that may be required to assist in and effectuate receipt and administration of a TIGER IV grant from the U.S. Department of Labor to Global Container Terminals.

Yeas- Council Members Czerwienski, Gillespie, Greaves and President Ruane.

Absent – Council Member Hurley.

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At 7:42 P.M., Council Member Ruane motioned to recess, seconded by Council Member Czerwienski, which motion was adopted

Yeas- Council Members Czerwienski, Gillespie, Greaves and President Ruane.

* * * * *

Absent – Council Member Hurley.

At 7:51 P.M., Council Member Czerwienski motioned to reconvene, seconded by Council Member Ruane, which motion was adopted.

Yeas- Council Members Czerwienski, Gillespie, Greaves and President Ruane.

Absent – Council Member Hurley.

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47. Council Member Ruane moved the following resolution, seconded by Council Member Greaves, which was read by the Clerk and adopted.

WHEREAS, the City has a need to retain professional engineering services in connection with the resurfacing of Le Fante Way; and

WHEREAS, the T & M Associates, Inc. has provided the city with a proposal for such services as outlined in their letter dated January 25, 2012 and revised February 13, 2012 to Steve Gallo, Business Administrator, and has qualified under the Fair & Open Contracting Requirements pursuant to N.J.S.A. 19:44A:20.4 and.5; and

WHEREAS, funds are certified as available in the Account CDBG 603; now therefore be it

RESOLVED, by the Municipal Council of the City of Bayonne that the Mayor and the City Clerk are hereby authorized and directed to execute an agreement for professional engineering services with T & M Associates, Eleven Tindall Road, Middleton, NJ 07748 for professional engineering services in connection with the resurfacing of Le Fante Way for a lump sum amount of \$21,400.00 for design and inspection to be billed monthly on actual progress; and be it further

RESOLVED, that funds are certified as available in Account – CDBG 603, pending adoption of the CY 2012 Budget; and be it further

RESOLVED, that said contract is awarded as a Professional Services contract, notice of award will be published.

Yeas- Council Members Czerwienski, Gillespie, Greaves and President Ruane.

Absent – Council Member Hurley.

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At 7:59 P.M. Council Member Ruane moved to adjourn, seconded by Council Member Gillespie, which motion was adopted.

Yeas- Council Members Czerwienski, Gillespie, Greaves and President Ruane.

Absent – Council Member Hurley.

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President – Terrence Ruane

City Clerk – Robert F. Sloan