

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, MARCH 14, 2012

The Council met at 7:03 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 March 14, 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 March 8, 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, Hurley and President Ruane.

Absent – Council Member Greaves.

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 37, HISTORIC PRESERVATION," which was introduced and passed a first reading at a meeting held February 15, 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 March 14, 2012 is now before the Council for its consideration and a public hearing.

Council Member Ruane 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 Czerwienski, Gillespie, Hurley and President Ruane.

Absent – Council Member Greaves.

The Clerk read the ordinance by title: "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 37, HISTORIC PRESERVATION,"

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: Joseph Ryan – 43 East 34th Street-Historic Preservation Commission
Stan Marko – 77 East 25th 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 Czerwienski motioned to close the hearing, seconded by Council Member Gillespie, which was read by the Clerk and adopted.

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

Absent – Council Member Greaves.

Council Member Hurley moved the following resolution, seconded by Council Member Czerwienski, 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 37, HISTORIC PRESERVATION,” was introduced and passed a first reading at a meeting held February 15, 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 March 14, 2012; and

WHEREAS, said ordinance was forwarded to the planning board and the county planning board as required by law; 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-12-04.

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

Absent – Council Member Greaves.

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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 2, ADMINISTRATION AND CHAPTER 13, MUNICIPAL PARKS, RECREATION AREAS, SWIMMING POOL AND DOCKS,” which was introduced and passed a first reading at a meeting held February 15, 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 March 14, 2012 is now before the Council for its consideration and a public hearing.

Council Member Gillespie moved the following resolution, seconded by Council Member Czerwienski, 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, Hurley and President Ruane.

Absent – Council Member Greaves.

The Clerk read the ordinance by title: , “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,”

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

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

Absent – Council Member Greaves.

Council Member Gillespie moved the following resolution, seconded by Council Member Hurley, 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 AND CHAPTER 13, MUNICIPAL PARKS, RECREATION AREAS, SWIMMING POOL AND DOCKS," was introduced and passed a first reading at a meeting held February 15, 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 March 14, 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-12-05.

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

Absent – Council Member Greaves.

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03. The Clerk announced:

AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 3, POLICE 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 Gillespie moved the following resolution, seconded by Council Member Hurley, 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, Hurley and President Ruane.

Absent – Council Member Greaves.

The Clerk read the ordinance by title: "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 3, POLICE 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.

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

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

Absent – Council Member Greaves.

Council Member Hurley 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 3, POLICE REGULATIONS," was introduced and passed a first reading at a meeting held February 15, 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 March 14, 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-12-06.

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

Absent – Council Member Greaves.

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04. 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 Czerwinski 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, Hurley and President Ruane.

Absent – Council Member Greaves.

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

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

Absent – Council Member Greaves.

Council Member Czerwinski moved the following resolution, seconded by Council Member Hurley, 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, 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 March 14, 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-12-07.

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

Absent – Council Member Greaves.

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05. 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 Hurley 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 Czerwienski, Gillespie, Hurley and President Ruane.

Absent – Council Member Greaves.

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

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

Absent – Council Member Greaves.

Council Member Ruane moved the following resolution, seconded by Council Member Hurley, 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, 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 March 14, 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-12-08.

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

Absent – Council Member Greaves.

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06. Council Member Czerwienski introduced:

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

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

That the Revised General Ordinances of the City of Bayonne, Chapter 3, Police Regulations, be and is hereby amended and supplemented by adding the following: (Deleted material { ~~within brackets~~ }, otherwise all new material)

3-7 ~~{RESERVED}~~; DON AHERN VETERANS MEMORIAL STADIUM A SMOKE FREE PUBLIC SPACE.

3-7.1 VETERANS MEMORIAL STADIUM A SMOKE FREE PUBLIC SPACE

a. The Council of the City of Bayonne finds and declares that: tobacco is the leading cause of preventable disease and death in the State and the nation, and tobacco smoke constitutes a substantial health hazard to the nonsmoking majority of the public; smoking is currently allowed within the confines of the Don Ahern Veterans Memorial Stadium, subjecting non-smokers to the dangers of second hand smoke; it is clearly in the public health and best interest to prohibit smoking within the stadium.

b. Smoking shall be prohibited within the enclosed fenced areas of the Don Ahern Veterans Memorial Stadium at all times. This includes all areas of the stadium enclosed by fencing, including but not limited to all parts of the main field, stands, concession areas, and the practice field. It shall not include the parking lot, which is not enclosed.

c. Smoking shall be prohibited within fifty (50) linear feet from any and all entrances and exits to the Don Ahern Veterans Memorial Stadium.

d. The Health Officer, or the Health Officer's designee, and the Police Department are hereby charged with the enforcement of this section. All members of the Division of Health and the Police Department are hereby designated as enforcement officers for the purpose of enforcement of this section.

e. A "No Smoking" sign shall be clearly, sufficiently and conspicuously posted at every entrance to the Don Ahern Veterans Memorial Stadium. The sign(s) shall have the words "No Smoking" in lettering that is not less than two (2) inches in height, or shall contain the international symbol or sign for no smoking (consisting of a pictorial representation of a burning cigarette enclosed in a circle with a bar diagonally through the cigarette) that is not less than two (2) inches in height. The sign shall also indicate that violators are subject to a fine.

f. It shall be unlawful to burn, inhale from, exhale the smoke from, or possess a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked, within the fenced confines of Veterans Stadium.

Any person who shall violate any provision of this section shall be guilty of an infraction punishable by:

1. A fine not exceeding one hundred (\$100.00) dollars for the first violation.
2. A fine not exceeding two hundred (\$200.00) dollars, but not less than one hundred (\$100.00) dollars for a second violation.
3. A fine not exceeding five hundred (\$500.00) dollars, but not less than two hundred (\$200.00) dollars for a third or subsequent violation.

Council Member Czerwienski moved the following resolution, seconded by Council Member Ruane, 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, April 18, 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, Hurley and President Ruane.

Absent – Council Member Greaves.

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07. Council Member Czerwienski introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 20, PERSONNEL POLICIES

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 20, Personnel Policies, Article 4, Ethical Conduct Standards, be amended and supplemented by adding as follows: (New material ****between asterisks****, deletions ~~{within brackets}~~)

Section 20-30 STANDARDS OF ETHICAL CONDUCT AND ETHICAL STANDARDS BOARD ESTABLISHED.

20-30.1 to 20-30.2 – No changes.

20-30.3 Definitions.

As used in this Article:

Agency shall mean any agency, board, governing body, including the chief executive officer, office, commission or other instrumentality within the City of Bayonne, and any independent local authority created by or appointed under the authority of the City of Bayonne, which performs functions other than of a purely advisory nature.

Business organization shall mean any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union or other legal entity.

Employee shall mean any person, whether compensated or not, whether part-time or full-time, employed by or serving on an agency who is not a local government officer.

Interest shall mean the ownership or control of more than ten (10%) percent of the profits, assets or stock of a business organization but shall not include the control of assets in a nonunion profit entity or labor union.

Member of immediate family shall mean the spouse or dependent child of an officer or employee residing in the same household.

Officer shall mean any person whether compensated or not, whether part-time or full-time who is one of the following:

1. Mayor
2. Member of the Municipal Council
3. Business Administrator
4. Assistant Business Administrator
5. Director, Department of Administration and Assistant Director
6. Director, Department of Municipal Services
7. Director, Department of Public Works and Parks and Assistant Director
8. Director, Department of Public Safety
9. Chief of Police
10. Deputy Chief of Police
11. Reserved

12. Tax Assessor
13. City Clerk ~~**and Deputy City Clerk**~~
14. Corporation Counsel
15. ~~**Chief Financial Officer** { Reserved }~~
16. Secretary to Mayor
17. Municipal Tax Collector
18. Assistant City Attorney
19. Legal Assistant
20. Planning Board Member
21. Planning Board Attorney
22. Zoning Board of Adjustment Member
23. Zoning Board of Adjustment Attorney
24. Rent Control Board Member
25. Rent Control Board Attorney
26. Emergency Management Coordinator
27. Municipal Engineer
28. Fire Chief
29. Deputy Fire Chief
30. ~~**Urban Enterprise Zone Commissioner** { Training officer UFD }~~
31. ~~**Urban Enterprise Zone Coordinator** { Senior Combustible Inspector UFD }~~
32. Board of Trustees of the Free Public Library and Cultural Center member
33. Director, City of Bayonne Public Library
34. Construction Board of Appeals member
35. ~~{ Parking Authority member }~~
36. ~~{ Parking Authority Attorney }~~
37. Bayonne Ethical Standards Board Member
38. Bayonne Ethical Standards Board Attorney
39. ~~**Board of Alcoholic Beverage Control Member**~~
- ~~**40. Bayonne Housing Authority Commissioner**~~
- ~~**41. Bayonne Housing Authority Director**~~
- ~~**42. Insurance Fund Commissioner**~~
- ~~**43. Local Redevelopment Authority Commissioner**~~
- ~~**44. Local Redevelopment Authority Director**~~
- ~~**45. Municipal Utilities Authority Commissioner**~~
- ~~**46. Municipal Utilities Authority Director**~~
- ~~**47. Municipal Utilities Authority Attorney**~~
- ~~**48. City Planner**~~

~~**49.** Any other person who is a management, professional or confidential employee, as defined in Section 3 of the "New Jersey Employer-Employee Relations Act," N.J.S.A. 3413A-3, of the City of Bayonne or of an agency created under the authority of or appointed by the City of Bayonne.~~

~~*Officer or employee* shall mean an officer or employee of the City of Bayonne or an agency under the authority of or appointed by the City of Bayonne, but shall not mean a Municipal Judge or Municipal Court employee.~~

20-30.4 to 20-30.14 – No changes.

Section 2. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

Section 3. Effective date.

This ordinance shall take effect upon final passage, approval, and publication as required by law.

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 20, PERSONNEL POLICIES," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, April 18, 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, Hurley and President Ruane.

Absent – Council Member Greaves.

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08. Council President Ruane introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 6, ALCOHOLIC BEVERAGE CONTROL

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 6, ALCOHOLIC BEVERAGE CONTROL, be amended and supplemented as follows: (New material **between asterisks**, deletions {within brackets})

6-3.4 License Fees; Maximum Number.

The annual license fees and maximum number of licenses for the sale or distribution of alcoholic beverages in the City shall be as follows:

<i>Class of License</i>	<i>Annual License Fee</i>	<i>No. of Licenses</i>
Plenary Retail Consumption License	{ \$650.00 } **\$600.00**	
Plenary Retail Distribution License	{ \$1,000.00 } **\$720.00**	
Club License	{ \$250.00 } **\$188.00**	

**Additional Fee for the Retirement of Excess Plenary Retail Consumption License.*
On or before July 1 annually, each holder of a plenary retail consumption license shall pay to the City an annual license fee as established above. An additional fee of three hundred (\$300.00) dollars shall be paid by each holder of a plenary retail consumption license which shall be used to finance the retirement of such licenses to the extent and number that the amount realized from the collection of additional fees shall permit. The number of plenary retail licenses shall not exceed the number of one (1) for each two thousand (2,000) of the City’s population.

Council Member Ruane moved the following resolution, seconded by Council Member Hurley, 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 6, ALCOHOLIC BEVERAGE CONTROL,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, April 18, 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, Hurley and President Ruane.

Absent – Council Member Greaves.

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09. Council Member Czerwienski introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 10, TAXATION AND SPECIAL IMPROVEMENT DISTRICTS.

WHEREAS, the City of Bayonne adopted its Revised General Ordinances in 1972 wherein the City adopted Ordinance 2-21.1 entitled "Special Improvement District," which was subsequently recodified under Chapter 10-2 and amended by Ordinance No. O-08-29; and

WHEREAS, N.J.S.A. 40:56-65 encourages municipalities to create self-financing special improvement districts and designate district management corporations to execute the self-help programs to enhance their local business climates; and

WHEREAS, N.J.S.A. 40:56-65 empowers municipalities with the broadest possible discretion in establishing by local ordinance self-help programs consistent with the local needs, goals and objectives; and

WHEREAS, the Municipal Council of the City of Bayonne has determined that the Bayonne Urban Enterprise Zone Development Corporation is better able to meet the local needs, goals and objectives of those businesses situated within the Special Improvement District than the Town Center Management Corporation; and

WHEREAS, by Resolution No. 12-10-19-007 the Municipal Council adopted the Budget for the Town Center Management Corporation, through June 30, 2012; therefore, it is

RESOLVED that effective July 1, 2012, Chapter 10, Special Improvement District, of the Revised General Ordinances shall be amended and supplemented as follows (new , material **between asterisks**; deletions are within ~~{brackets}~~):

10-2 SPECIAL IMPROVEMENT DISTRICT.

10-2.1 Findings.

The Municipal Council of the City of Bayonne hereby finds:

- a. The central business district is an integral and vital economic and social force in the City of Bayonne.
- b. Pursuant to N.J.S.A. 40:56-65 et seq., it is hereby determined that to designate an area as a specific town center and to establish a corporation to assist in its management is in the best interest of the City of Bayonne and its residents for promoting economic growth and employment within the area.
(1972 Code § 2-21.1)

10-2.2 Town Center.

- a. *Creation.* There is hereby created and designated within the City of Bayonne a special improvement district known as the Town Center and hereinafter designated by street address and tax lot and block number in Appendix A* attached hereto.
- b. *Assessment.* A special assessment shall be imposed and collected by the City of Bayonne with the regular property tax payment or payment in lieu of taxes, or otherwise and as hereafter designated by the Municipal Council, on all retail, commercial and professional occupants, tenants and owners **within the Town Center**. This assessment shall not apply to residential occupants, tenants or owners **within the Town Center**. All or not less than ninety-eight (98%) percent of those payments shall be transferred to the ~~{Town Center Management Corporation}~~ **Bayonne Urban Enterprise Zone Redevelopment Corporation** to effectuate the purpose of this section and to exercise the power given to it as hereinafter set forth. The assessment shall be financed and assessed to properties especially benefited hereby as provided generally by N.J.S.A. 40:56-1 et seq.

All retail, commercial and professional occupants, tenants and owners **within the Town Center** shall be subject to an assessment. The formula of the assessment will be based upon a surcharge of present property assessment, and will be derived at the discretion of the ~~{Town Center Management Corporation's}~~ **Bayonne Urban Enterprise Zone Redevelopment Corporation's** Board of Directors with the approval of the majority of voting corporate members. No property shall incur a dual assessment.

The monies derived from the special annual assessment will be used to provide services peculiar to the Town Center and are distinguished from services normally provided by the City within and outside of the center. They will provide benefits primarily to the property included in the Town Center rather than the City as a whole.

- c. *Expansion.* The special improvement district known as the Town Center, originally encompassing those properties set forth within Appendix A, was expanded to

include those properties designated by street address and tax lot and block number in Appendix B, dated March 22, 2000.*
(1972 Code § 2-21.2; Ord. No. O-00-23 § 1; New)

10-2.3 ~~{Town Center Management Corporation}~~ **Bayonne Urban Enterprise Zone Redevelopment Corporation.**

a. ~~{Creation: Board of Trustees}~~. **Designation of Governing Entity. The Bayonne Urban Enterprise Zone Redevelopment Corporation, a NJ nonprofit corporation created pursuant to the provisions of Title 15 of the Revised Statutes of the State of New Jersey and Chapter 10-3.3 of the Revised General Ordinances of the City of Bayonne, is hereby designated as the entity charged with management of the Special Improvement District in accordance with this Chapter 10-2.**

~~{1. There is hereby created the Town Center Management Corporation. The Town Center Management Corporation shall be governed by a Board of Trustees consisting of eleven (11) voting members and two (2) nonvoting members as follows: one (1) member of the Municipal Council representing the 2nd ward of the City of Bayonne, appointed by a majority vote of the Municipal Council; three (3) persons who are owners of real estate located within the Town Center, or officials of a corporation or entity owning real estate within the Town Center; six (6) persons who are proprietors, professionals or employees of businesses conducted in the Town Center, and a representative selected from the executive committee of the Bayonne Economic Development Corporation (BEDC). There shall be one (1) representative from Bayonne United Merchants Association representing the business area from 27th Street to 55th Street and one (1) representative representing the business area from 5th Street to 19th Street. The representatives from the two (2) business areas (5th Street to 19th Street and 27th Street to 55th Street) shall be nonvoting members.}~~

~~{2. Members of the Board of Trustees shall be appointed for a four (4) year term. Terms shall expire on June 30th. Members can serve for more than one (1) term, but not more than three (3) consecutive terms.}~~

~~{3. Vacancies on the Board of Trustees are filled by a majority approval by the Board of Trustees for the unexpired term. Acknowledgment of such appointments will be given to the Municipal Council.}~~

~~{4. The Chairman of the Board of Trustees shall be elected by the Trustees for a two (2) year term.}~~

~~{5. The initial term of three (3) property owners on the Board of Trustees will be of the duration of two (2) years only, and four (4) years thereafter. The term of office for the representative from BEDC and the two (2) nonvoting members shall be for one (1) year.}~~

~~{6. The Board of Trustees shall be elected by the Town Center Management Corporation except the member of the Municipal Council, who represents the second ward. The remaining ten (10) members of the Board of Trustees shall be elected by the Town Center Management Corporation, which shall consist of all retail, commercial and professional occupants, tenants and owners subject to the assessment as set forth in subsection 10-2.2b. and those who are within geographical borders as specified in subsection 10-2.2a. of this section. The elections of the Board of Trustees shall be held at the annual meeting of the Town Center Management Corporation.}~~

~~{7. The two (2) representatives from Bayonne United Merchants Association, one (1) representing the business area from 27th Street to 55th Street and one (1) representing the business area from 5th Street to 19th Street, shall be appointed by the Board of Trustees after their election at their annual meeting.}~~

b. *Powers.* **The Corporation shall have all of the powers, duties and responsibilities as provided for under the applicable laws of the State of New Jersey including, but not limited, to** ~~{T}~~ **t**he following powers ~~{shall be exercised by the corporation}~~ :

1. Adopt by-laws for the regulations of its affairs and the conduct of its business and to prescribe rules, regulations and policies in connection with the performance of its functions and duties;
2. Employ such persons, as may be required, and fix and pay their compensation from funds available to it;
3. Apply for, accept, administer and comply with the requirements respecting an appropriation of funds or a gift, grant or donation of property or money;
4. Make and execute agreements which may be necessary or convenient to the exercise of its powers and functions including contracts with any person, firm, corporation, governmental agency or other entity;
5. Borrow money from private lenders for periods not to exceed one hundred eighty (180) days and governmental entities for the same or longer periods;
6. Fund the improvement of the exterior appearance of properties in the Town Center through grants or loans;
7. Fund the rehabilitation of properties in the Town Center;

8. Accept, purchase, rehabilitate, sell, lease or manage property in the Town Center;
9. Enforce the conditions of any loan, grant, sale or lease made by it;
10. Provide security, sanitation and other services to the Town Center, supplemental to those provided normally by the City of Bayonne;
11. Undertake improvements designed to increase the safety or attractiveness of the Town Center to businesses which may wish to locate there, or to visitors to the Town Center, including but not limited to litter, clean-up and control, landscaping, parking areas and facilities, recreational and rest areas and facilities, and those improvements generally permitted for pedestrian malls;
12. Publicize and promote the Town Center and the businesses within its boundaries.
13. Recruit new businesses to fill vacancies and to balance the business mix of the Town Center.
14. Organize and coordinate special events in the Town Center pursuant to pertinent regulations of the Municipal Council;
15. Provide special parking arrangements for the Town Center;
16. Provide and maintain decorative lighting and music for the Town Center; and
17. Administer and manage its own funds and accounts and pay its own obligations.

(1972 Code § 2-21.3)

10-2.4 Budget Process.

- a. The ~~{Town Center Management Corporation}~~ **Bayonne Urban Enterprise Zone Redevelopment Corporation** shall submit a detailed annual budget for approval by resolution of the Municipal Council. The budget shall be submitted with a report which explains how the budget contributes to goals and objectives for the special improvement district.
- b. The budget shall be introduced, approved, amended and adopted by resolution, passed by not less than a majority of the full membership of the Municipal Council. The procedure shall be as follows: introduction and approval, public advertising, public hearing, amendments and public hearing, if required, and adoption.
- c. The budget shall be introduced in writing at a meeting of the Municipal Council. Approval therefor shall constitute a first reading, which may be by title. Upon the approval of the budget, the Municipal Council shall fix the time and place for the holding of a public hearing of the budget.
- d. The budget shall be advertised after approval. The advertisement shall contain a copy of the budget and shall set forth the date, time and place of the hearing. It shall be published at least ten (10) days prior to the date fixed therefor in a newspaper published and circulating in the municipality, if there be one, and if not, in a newspaper published in the County and circulating in the City.
- e. No budget shall be adopted until a public hearing has been held thereon and all persons having an interest therein shall have been given an opportunity to present objections. The hearing shall be held not less than twenty-eight (28) days after the approval of the budget. The public hearing shall be held at the time and place specified in the advertisement thereof, but may be adjourned from time to time until the hearing is closed.
- f. The budget, as advertised, shall be read at the public hearing in full, or it may be read by its title if: (1) at least one week prior to the date of the hearing a complete copy of the approved budget as advertised shall be posted in a public place where the public notices are customarily posted in the municipal building, and also is made available to each person requesting same during that week and during the public hearing; and (2) the Municipal Council shall, by resolution passed by not less than a majority of its full membership, determine that the budget shall be read by its title and declared that the conditions set forth above have been met. After closing the hearing, the Municipal Council may adopt the budget by title without amendments, or may approve amendments as provided below before adoption.
- g. The Municipal Council may amend the budget during or after the public hearing. No amendment by it shall be effective until taxpayers and all persons having an interest therein shall have been granted a public hearing thereon, if the amendment shall:
 1. Add a new item in an amount in excess of one (1%) percent of the total amount as stated in the approved budget; or
 2. Increase or decrease any item by more than ten (10%) percent; or
 3. Increase the amount to be raised pursuant to Section 16 of P.L. 1972, c. 134(c), unless the same is made pursuant to an emergency temporary appropriation only.

Notice of hearing on an amendment shall be advertised at least three (3) days before the date set therefor. The amendment shall be published in full in the same manner as an original publication and shall be read in full at the hearing and before adoption.

h. Final adoption shall be by resolution, adopted by a majority of the full membership of the Municipal Council, and may be by title.
(1972 Code § 2-21.4)

10-2.5 Annual Audit.

The ~~{Town Center Management Corporation}~~ ****Bayonne Urban Enterprise Zone Redevelopment Corporation**** shall cause an annual audit of its books, accounts and financial transactions to be made and filed with the Municipal Council of the City of Bayonne, and for that purpose the corporation shall employ a certified public accountant of New Jersey. The annual audit shall be completed and filed with the Municipal Council within four (4) months after the close of the fiscal year of the corporation and a certified duplicate copy of the audit shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs within five (5) days of the filing of the audit with the Municipal Council. (1972 Code § 2-21.5)

10-2.6 Architectural and General Commercial Property Standards Review Board.

a. It is the express intention of this Municipal Council to ensure that the revitalization and rehabilitation of the City of Bayonne's central business district takes place in such a way that consistent architectural and aesthetic principles are followed. The majority of commercial facades on Broadway consist of four (4) architectural elements:

1. The cornice at the top of the facade. This is defined as the ornamental molding, that crowns the facade and establishes a stopping point for the viewer's eye. Many historic buildings have had their cornices removed or covered over. These facades tend to look incomplete or unfinished. The degree of complexity of cornices varies with the style and period of the building, but some type of cornice on every building is necessary to provide a coherent street frontage along Broadway.

2. The upper stories. These give the appearance of either a healthy, vibrant street or of a declining street; depending on whether they are occupied (windows, lights at night, etc.) or abandoned (filled-in windows or existing windows with dirty glass, broken blinds, etc.). The size and positioning of window openings give buildings a visual rhythm and help to establish balance and scale.

3. The ground-floor storefront. This is the most important element on any commercial building located in the Special Improvement District. The types of goods and services offered within are presented by the window displays. The architectural treatment of the storefront itself, including the lighting, creates a frame for the window displays. Poor quality materials or ill-maintained fronts create a negative impression, regardless of the quality of the goods within.

4. Signage. Signs used on buildings are an integral part of the "presentation." Signage should be interesting and informative, without being harsh or aggressive. Storefronts are framed by vertical and horizontal elements. Vertical piers appear to support structure, including upper stories of a multi-story building. If these elements are lacking, the building looks awkward. Horizontal lines define the boundary between upper and lower parts of the façade. Within this frame are the elements of the storefront itself: the display windows, entrance, awnings, signage, etc. Restoration of existing historical cornices is to be encouraged.

b. To that end, the ~~{Town Center Management Corporation}~~ ****Bayonne Urban Enterprise Zone Redevelopment Corporation**** is hereby empowered to establish an Architectural and General Commercial Property Standards Review Board which shall be charged with the responsibility of developing and promulgating storefront design standards and general commercial property guidelines. The Architectural and General Commercial Property Standards Review Board shall be comprised of the Executive Director of the ~~{Town Center Management Corporation}~~ ****Bayonne Urban Enterprise Zone Redevelopment Corporation****, two (2) Board Members of the ~~{Town Center Management Corporation}~~ ****Bayonne Urban Enterprise Zone Redevelopment Corporation**** (exclusive of the Executive Director), the Director of Community Development, the City of Bayonne's Zoning Officer, two (2) owners of properties within the Special Improvement District and an architectural design consultant to be selected by the Mayor and Council. These storefront design standards and general commercial property guidelines shall become effective only upon presentation to and the approval of the Municipal Council. The Municipal Council shall have forty-five (45) days from the receipt of same to adopt a resolution disapproving of the design standards and general commercial property guidelines. If the Municipal Council does not adopt a resolution within forty-five (45) days of presentment, then the design standard and guidelines shall become effective and enforceable. Any amendments to the initial design standards and general commercial property guidelines shall be subject to the same forty-five (45) day rule.

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 10, TAXATION AND SPECIAL IMPROVEMENT DISTRICTS," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, April 18, 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, Hurley and President Ruane.

Absent – Council Member Greaves.

* * * * *

10. Council Member Czerwienski introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 14, PRESERVATION OF TREES

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 14, PRESERVATION OF TREES, section 14-6, Replacement of Trees; Penalty for Failing to Replace, be amended and supplemented as follows: (New material **between asterisks**, deletions ~~{within brackets}~~)

14-6 REPLACEMENT OF TREES; PENALTY FOR FAILING TO REPLACE.

a. Any person who has received a permit to remove a tree pursuant to this chapter, or caused the removal or destruction of a tree preserved by this chapter from a parcel of land in the City **shall pay a fee of two hundred fifty dollars (\$250.00) to the City of Bayonne and** shall replant a tree on that same parcel. Such tree will have a minimum size of 2 inches to 2.5 inches caliper. Replanting shall be carried out in accordance with the New Jersey Department of Environmental Protection, Division of Parks and Forestry, Forestry Services practices regarding Urban Forestry.

b. If any person does not replace a removed or destroyed tree, as mandated by this subsection such person shall pay a fee of **five hundred (\$500.00)** ~~{ one hundred (\$100.00)}~~ dollars to the City of Bayonne. All fees collected shall be deposited into a fund established by the City for the sole purpose of replanting trees within the City of Bayonne.

c. If a tree is replanted in accordance with the mandates of this chapter, and the tree dies within one (1) growing season (typically one (1) year) of planting, no additional permit fee shall be charged.

Council Member Czerwienski moved the following resolution, seconded by Council Member Ruane, 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 14, PRESERVATION OF TREES," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, April 18, 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 Czerwinski, Gillespie, Hurley and President Ruane.

Absent – Council Member Greaves.

* * * * *

11. Council Member Czerwinski 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

DELETE

055. Mrs. Cathryn Christensen, 26 West 27th Street
Beginning at a point on the south side of West 27th Street, 317 feet west of the southwest corner of Broadway and West 27th Street, and extending to a point 22 feet west thereof.
114. Frances Hensrud, 67 West 53rd Street
Beginning at a point on the north side of West 53rd Street, 125 feet west of the northwest corner of West 53rd Street and Avenue C, and extending to a point 22 feet west thereof.
134. Patricia Gannon, 21 East 27th Street
Beginning at a point on the north side of West 27th Street, 264 feet east of the northeast corner of Broadway and 27th Street, and extending to a point 22 feet east thereof.

ADD

055. William E. Bloodgood, 72 Avenue C
Beginning at a point on the east side of Avenue C, 72 feet south of the southeast corner of Avenue C and West 3rd Street, and extending to a point 22 feet south thereof.
057. Ronald Lucente, 80 West 30th Street
Beginning at a point on the south side of West 30th Street, 334 feet west of the southwest corner of Avenue C and West 30th Street, and extending to a point 17 feet west thereof.
114. Oscar Gonzalez, 183 Prospect Ave.
Beginning at a point on the west side of Prospect Avenue, 550 feet south of the southwest corner of East 30th Street and Prospect Avenue, and extending to a point 18 feet south thereof.
131. Georgette Koval, 51 Avenue E , Apt 2I
Beginning at a point on the north side of East 11th Street, 73 feet west of the northwest corner of East 11th Street and Avenue E, and extending to a point 22 feet west thereof.
132. Patricia A. Liccini, 27 West 45th Street
Beginning at a point on the north side of West 45th Street, 344 feet west of the northwest corner of West 45th Street and Broadway, and extending to a point 20 feet west thereof.
146. Linda A. DeVito, 799 Avenue E, Apt. 1D
Beginning at a point on the west side of Avenue A, 38 feet north of the northwest corner of Avenue A and Lincoln Parkway, and extending to a point 20 feet north thereof.
189. Linda M. Calamanco, 744 Broadway

Beginning at a point on the east side of Broadway, 79 feet south of the southeast corner of Broadway and East 35th Street, and extending to a point 19 feet south thereof.

199. Michael J. Egan, 46 Linden Street

Beginning at a point on the south side of Linden Street, 60 feet east of the southeast corner of Hartley Place and Linden Street, and extending to a point 22 feet east 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, April 18, 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, Hurley and President Ruane.

Absent – Council Member Greaves.

* * * * *

12. 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, Hurley and President Ruane.

Absent – Council Member Greaves.

* * * * *

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

From April M. Gilmore, Esq., filing notice of tort claim on behalf of LILLIAN T. MINOGUE, alleging injuries sustained December 11, 2012 in a fall at 14 Port Terminal Boulevard.

* * * * *

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

From Linda J. Hockstein, Esq., filing notice of tort claim on behalf of CONSTANCE GASSER, alleging injuries sustained September 6, 2011 when struck by a traffic light pole hit by a motor vehicle at Kennedy Boulevard and 24th Street.

* * * * *

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

From JOSEPH SPIERS, filing notice of tort claim alleging property damage to his automobile on February 14, 2012, resulting from being keyed while parked in the City Hall garage.

* * * * *

16. 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, "GORDON TERMINAL SERVICE CO. OF NJ, INC. vs. CITY OF BAYONNE." (2 Hook Road, Block 478, lot 2 - industrial)

* * * * *

17. 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, Hurley and President Ruane.

Absent – Council Member Greaves.

* * * * *

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

February 27, 2012

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

Attn: Hon. Municipal Council Members

Re: Bayonne Insurance Commission
Stephen J. Gallo
Ralph Sciani

Dear Honorable Council Members,

By virtue of the power vested in me by the revised general ordinances of the City of Bayonne and under the authority of the people, I do hereby directly appoint Stephen J. Gallo and Ralph Sciani as Commissioners of the Bayonne Insurance Fund Commission for a two year term expiring March 1, 2014.

Very truly yours,
Mark A. Smith
Mayor
(signed)

* * * * *

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

February 27, 2012

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

Attn: Hon. Municipal Council Members

Re: Bayonne Housing Authority
Mayor's Appointment
Timothy J. Moriarty, Esq.

Dear Honorable Council Members,

By virtue of the power vested in me by the laws of the State of New Jersey and under the authority of the people, I do hereby directly appoint Mr. Timothy J. Moriarty as a Commissioner of the Bayonne Housing Authority for a five year term expiring December 21, 2017. Enclosed please find a copy of his resume for your files.

Very truly yours,
Mark A. Smith
Mayor
(signed)

* * * * *

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

EXECUTIVE ORDER
2012-1

EFFECTIVE JANUARY 30, 2012

It is hereby established that the salary for the following position is as below:

Confidential Secretary	\$33,713 - \$51,826
------------------------	---------------------

Mayor Mark Smith
(signed)

* * * * *

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

From Terrance Malloy, Chief Financial Officer, ANNUAL FINANCIAL STATEMENT FOR THE YEAR 2011 (UNAUDITED)

* * * * *

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

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

* * * * *

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

DATE: FEBRAUARY 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 FEBRUARY 2012

Janet Convery
(signed)

* * * * *

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

February 23, 2015

Robert F. Sloan
Municipal Clerk
City of Bayonne
630 Avenue C
Bayonne, New Jersey 07002

re: Tax Collector's Annual Report

Dear Mr. Sloan:

The Tax Collector's Annual Report to the Governing body for transitional Year 2011 as required under the provisions of RS 54:4-91 is attached.

Respectfully submitted,
Joanne Sisk
Tax Collector

* * * * *

25. 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, Hurley and President Ruane.

Absent – Council Member Greaves.

* * * * *

26. 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.

* * * * *

27. 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.

* * * * *

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

WHEREAS, the City of Bayonne has constructed a "Miniature Dog Park" located inside Dennis P. Collins Park, Block 392, Lot 2; and

WHEREAS, Retired Sergeant Vincent J. Olivia, PAPD, a resident of Bayonne, New Jersey, is an honorable individual who has served on the Port Authority Police Department and devoted his career to the canine explosive and narcotics detection squad. It is through his great efforts that the canine unit was successfully implemented. Sergeant Olivia has dedicated and devoted hours of training and monitoring canine units throughout various states and municipalities. Since his retirement in 2003, Sergeant Olivia has devoted countless hours volunteering his expertise in canine explosives and narcotics detection; now therefore, be it

RESOLVED, that the “Miniature Dog Park” located inside Dennis P. Collins Park is hereby named “Sergeant Vincent J. Olivia Park”.

* * * * *

29. 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
15	1	Youhana Boutrs	267.24
32	18.03	Omar Al-Adhami	349.04
34	39	Sabit Abdalla	623.08
37	3	Cheryl & Jose Resua	131.00
37	10	S. Naser & I. Fatima	3,630.77
45	16	Wen Juan Chen	1,327.62
54	22	Patrick Fraconeri	3,385.47
66	51	Aegis Realty Holdings, Inc.	12,557.68
76	16	Luis Gonzales	796.54
79	3.33	Jennifer Greaves	1,081.83
96	19	Robert Meisch	2,809.04
112	8	Lorraine Kondratiuk	243.51
138	17	Therese Foran	192.42
151	32	Ashraf Malik	3,464.58
154	38	Eileen M. Elia	3,282.96
155	22.0146	Srinivas Gongireddy	2,843.19
158	3	James Anderson	3,874.39
167	3	Masoud Mikhail	107.22
167	8	Frank Leone	794.25

167	9	Frank Leone	1,372.16
181	12.32	Linda Skoglund	1,073.63
216	15	Cire Properties, Inc.	2,151.00
245	40	Eva Stephanov	2,740.84
249	27	Helen Kowalski	2,598.00
254	37	Gary Liming	2,730.20
263	22	Michael Wang	2,153.41
272	19.01 C106	Juan & Kyleen Moraton	1,268.41
299	9	Janice Nist	138.38
311.02	1	Sally Colasurdo	126.18
320	31	Thomas Petti	289.43
348	24.02	Maria I. Sanchez	5,059.93
357	6	Joseph A. Kelemen	189.58
358	32	Raymond Torres	555.18
364	2	Donovan & Lynda Gasbarro	1,021.51
376	6	John Wiszynski	2,456.10
430	2	Mercy Rodriguez	1,245.70
Total:			68,931.47

* * * * *

30. 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 \$ 841.20 be drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of licenses Nos. 1101-1517 inclusive, 416 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.

* * * * *

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

RESOLVED, that the actions of the Municipal Treasurer in issuing a warrant from the Current Fund in the amount of \$ 6,630,095.26 payable to the County of Hudson for payment of First Quarter County Taxes of 2012 is hereby ratified and confirmed.

* * * * *

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

RESOLVED that the action of the Treasurer in issuing a warrant in the amount of \$ 72,500.00 to the Town Center Management for special improvement district taxes for the quarter ending December 31, 2011 is hereby ratified and confirmed.

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

Cash Management Plan

WHEREAS, N.J. 40A; 5-14, Local Fiscal Affairs Law, requires that each municipality adopt a Cash Management Plan designed to assure the deposit and investment of local funds; now, therefore be it

RESOLVED, that the Municipal Council of the City of Bayonne does hereby adopt the following Cash Management Plan:

A. DESIGNATION OF DEPOSITORIES

The following institutions are designated as permissible depositories for the deposit of City Funds.

BANK OF AMERICA
BANK OF NEW YORK
BCB COMMUNITY BANK
CAPITAL ONE BANK
CITIBANK
GARDEN STATE COMMUNITY BANK
HUDSON CITY SAVINGS BANK
JP MORGAN CHASE BANK
M&T BANK
PNC BANK
TD BANK
THE PROVIDENT BANK
VALLEY NATIONAL BANK
WELLS FARGO BANK

All depositories must conform to the Governmental Unit Deposit Protection Act ("GUDPA"), and shall provide a Notification of Eligibility from the State of New Jersey, Department of Banking, on a semi-annual basis. In addition, designated depositories shall maintain maximum FDIC or FSLIC coverage of all City funds on deposit.

B. DEPOSIT OF FUNDS

All funds shall be deposited within forty-eight (48) hours of receipt, in accordance with N.J.S. 40A: 5-15, into appropriate fund operating accounts. Non-interest bearing operating and capital accounts shall be regularly monitored for the availability of funds for investment. Debt Service and Trust accounts shall be maintained in accordance with Federal and State statutes regulating such funds which represent funds of individuals and other organizations held by the City, shall be deposited in regular non-interest bearing checking accounts unless applicable State statutes direct otherwise, Grant funds shall be deposited in accordance with the regulations of the granting government agency.

C. INVESTMENT INSTRUMENTS AND PROCEDURES

The City may purchase those investments permitted in N.J.S. 40A; 5-15-1 which include;

United States Treasury Bonds, Notes and Bills
United States Government Agency and Instrumentality Obligations
Bonds and other obligations of the City of Bayonne
Bonds and other obligations of the Bayonne Board of Education
Commercial Bank Deposits and Certificates of Deposit
State of New Jersey Cash Management Fund
Municipal Investors Service Corporation
First Union Money Manager Investment Program
Fidelity Treasury AAA Rated Fund
NJ Asset & Rebate Management Program

The City may purchase other obligations approved by the Division of Investment of the Department of Treasury for investment by local units.

Investments shall be limited to a maturity of not more than one year unless a longer term is permitted by applicable Federal or State regulations Allowable investments with maturates which extend beyond the end of the City's fiscal year shall be permitted only if interest accrued on the investment is credited to the City at the end of the fiscal year for the purpose of realizing budgetary revenue.

The purchase of Certificates of Deposit shall be made based on the availability of funds for investment and the analysis of projected cash flows. Bids for Certificates of Deposit will be solicited of at least three designated depositories only if the amount available for investment is \$100,000 or greater. Telephone bids will be solicited by the Chief Financial Officer and/or the Treasurer, or designated staff member. Bidders shall specify the principal amount, interest rate and maturity of the investment. A check or wire transfer will be made available to the winning bidder on the same business day the bid is awarded.

Where the return on a proposed investment does not exceed the cost of making said investment, the Chief Financial Officer and/or the Treasurer will not make the investment. The Chief Financial Officer and/or the Treasurer shall have the discretion to award an investment to the depository wherein the funds reside, should that institution's quoted interest rate be less than other quoted rates, and the differential in interest rates is not more than twenty-five (25) basis points (0.25%), providing that the term of the investment is thirty (30) days or less. The Chief Financial Officer and/or the Treasurer shall also have the discretion to reject all bids.

The following officials shall be covered by surety bonds; said surety bonds to be examined by the independent auditor to insure their proper execution:

Chief Financial Officer
Treasurer
Tax Collector
City Clerk

Staff members of the Department of Finance not covered by separate surety bonds shall be covered by a Public Employee's Faithful Performance Bond.

D. COMPLIANCE

The Cash Management Plan of the City of Bayonne shall be subject to the approval of the City's Director of Law, and shall be subject to the annual audit conducted pursuant to N.J.S. 40A: 5-4.

As stated in N.J.S.40A: 5-14, the official(s) charged with the custody of City funds shall deposit them as instructed by this Cash Management Plan, and shall thereafter be relieved of any liability or loss due to the insolvency or closing of any depository,

If, at anytime, this Cash Management Plan conflicts with any regulation of the State of New Jersey, or any department thereof, the applicable State regulations shall apply.

* * * * *

34. 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 approved the exemption application for a 100% Disabled Veteran who occupies a two family home located at Block 356 Lot 7, 87 Lord Avenue, in the City of Bayonne, and

Whereas, the tax assessor has, due to the two family status of the property, approved the exemption for 50% of assessment (and taxes) otherwise applying to the property, and

Whereas, the Tax Assessor has also confirmed that, but for the late filing of the application, the qualified veteran would have been entitled to the exemption effective June 7, 2011 which is the date of the qualifying disability according to a written determination of the Department of Veterans Affairs dated September 6, 2012, and

Whereas, said qualified veteran has requested that the municipal council give effect to this application as if timely filed and cancel the taxes following the effective date of this determination, and

Whereas, it has been the practice of this municipal body to honor such requests in appreciation of the sacrifice of such individuals and their family members;

Now therefore be it resolved as follows:

1. The property taxes on (50%) of the two family home at Block 356 Lot 7, 87 Lord Avenue, in the City of Bayonne occupied by said qualifying veteran are hereby canceled effective June 7, 2011 with the tax collector to calculate any resulting overpayment of the tax bills from that date to the date of passage of this resolution (estimated at approximately \$2,353.50 for the 2011 tax year and \$4,129.95 or more in the 2012 tax year dependent on the final tax rate and amounts paid to date) and refund any prior year amounts to the qualified veteran and credit current year amounts 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.
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.

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

RESOLVED, that pursuant to N.J.S.A. 40A:11-36 and LFN-2008-9, the Municipal Council of the City of Bayonne hereby authorizes the purchasing agent to put up for auction online at USGovBid the following property no longer needed for public use under the terms posted on the City of Bayonne's website at USGovBid and in the office of the City Clerk:

unused old computer monitors, keyboards, printers and other unused office equipment, as well as any other unused items as deemed so by department directors; and be it further

RESOLVED, that the property is being sold "As is/Where is"; and be it further

RESOLVED, that this authorization is given on an ongoing basis to be exercised at the Purchasing Agent's discretion as a need to dispose of such items may arise.

* * * * *

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

WHEREAS, the Director of Public Works and Parks has identified city owned vehicles that are no longer useful to the City, a list of which is attached; now, therefore, be it

RESOLVED, that the Director of Public Works and Parks, and/or the Purchasing Agent are hereby authorized to dispose through auction to be held on a date chosen by them, those vehicles that he has identified as being no longer useful to the City of Bayonne; and be it further

RESOLVED, that notice of said sale shall be published in a newspaper at least once and at least five days before the date of such sale; and be it further

RESOLVED, that after the sale of the aforesaid, assignment of the bill of sale be executed by the proper officers of the City; and be it further

RESOLVED, that the City Clerk be and is hereby authorized and directed to deliver upon request, to the purchaser or purchasers, the aforesaid assignment and bill of sale; and be it further

RESOLVED, that the successful bidder be required to completely remove the said vehicles from city property not later than five (5) days after acceptance of bid, and that payment of the balance due to the City be made within 24 hours after acceptance of bid, to the Director of Public Works and Parks and/or the Purchasing Agent.

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37. 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
Lincoln Community School PTO	10:00 P.M. 1081 Broadway April 26, 2012	RL: 8735 RL: 8736
I Believe in H.F.A.	7:00- 10:00 P.M. 239 Avenue A April 27, 2012	RL: 8737
NRA Foundation NJ State Fund Committee	6:00 – 11:00 P.M. 1081 Broadway April 27, 2012	RL: 8738 RL: 8739
American Legion Post 19	683 Broadway Pull Tab Machine	RL: 8740
St. Henry’s Church	8:00 P.M. 625 Avenue C June 24, 2012	RL: 8741
St. Henry’ s Church	Church Grounds 5:00 – 11:00 P.M. June 20, 21, 22 1:00 – 11:00 P.M. June 23, 24, 2012	RL: 8742
Holy Family Academy of Bayonne	239 Avenue A 10:00 A.M. May 18, 2012 June 1, 2012 July 6, 2012	RL: 8743
Holy Family Academy of Bayonne	239 Avenue A 6:00 - 10:00 P.M. October 12, 2012	RL: 8744 RL: 8745 RL: 8746
Friends of Marist, Inc.	1241 Kennedy Blvd. 6:00 – 10:00 P.M. May 19, 2012	RL: 8747 RL: 8748
Nicholas Oresko School PTA	7:00 – 11:00 PM 669 Avenue C March 23, 2012	RL: 8749

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

WHEREAS, the Department of Public Works and Parks has established that there is a need for unleaded fuel and low sulfur diesel fuel for the city’s fuel station and Rachles Michele’s Oil Co., Inc., 116 Kuller Road, Clifton, NJ 07011, is willing to supply unleaded fuel under State Contract No. T-0083, and low sulfur diesel fuel under State Contract No. T-1845; now, therefore, it

RESOLVED, that the Purchasing Agent be and is hereby authorized to effectuate the purchase unleaded fuel under State Contract No. T-0083, and low sulfur diesel fuel for the city’s fuel station under State Contract No. T-1845 from and Rachles Michele’s Oil Co., Inc., 116 Kuller Road, Clifton, NJ 07011; and be it further

RESOLVED, that such expenditures be charged to Account UN-39.

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

Absent – Council Member Greaves.

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

WHEREAS, the City of Bayonne's Department of Public Safety has determined that there is a need for the Purchase of one (1) 2012 Ford F350 Class 3 to be used in the Fire Department; and

WHEREAS, Flemington Chevy Buick GMC Cadillac, LLC, 211 Routes 202 and 31, Flemington, New Jersey 08822 has provided the City of Bayonne with a quotation for the purchase of such a vehicle; and

WHEREAS, said quotation of Flemington Chevy Buick GMC Cadillac, LLC set forth a base price of \$23,540.00 and an optional package of \$16,438.00 for a total amount of \$39,888.00 under New Jersey State Contract #A78847 T2754; and

WHEREAS, funds have been certified as available in Account – Port Security Grant FY2010 #2010-PU-T0-K005; now, therefore be it

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

1. The Mayor and Clerk of the City of Bayonne are hereby authorized to execute any and all documents necessary to effectuate the purchase of one (1) 2012 Ford F350 Class 3 pursuant to the quotation provided by Flemington Chevy Buick GMC Cadillac, LLC, 211 Routes 202 and 31, Flemington, New Jersey 08822 for a total amount of \$39,888.00 under New Jersey State Contract #A78847 T2754; and

2. Funds have been certified as available in Account 02-213-41-725 G-2-199. Council Member Gillespie moved the following resolution, seconded by Council Member Ruane, which was read by the Clerk and adopted.

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

Absent – Council Member Greaves.

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

WHEREAS, the City of Bayonne is in need of an upgrade to the records management and dispatch software used by the Police Department; and

WHEREAS, CISCO, 5305 Gulf Drive, Suite 1, New Port Richey, Florida 34652, has previously been awarded a contract for the current software and has provided the City with a proposal for an upgrade from the existing v12.1 Vision file to a v14 MSSQL based system, for a total contract amount of \$15,150.00; and

WHEREAS, funds for said agreement have been certified as available in the Law Enforcement Trust Fund Account #12-286-56-329-2-199 in the amount of \$14,876.74 and the Customs Border Patrol Account #02-213-41-799A-2-199 in the amount of \$273.26, pending adoption of the CY 2012 budget; and

WHEREAS, N.J.S.A. 40A:11-3(a), allows for the award of a contract without the necessity of public advertising for bids where the municipality has a Qualified Purchasing Agent, and when the cost or price does not exceed \$29,000.00; now, therefore, be it

RESOLVED, that the Purchasing Agent hereby authorized to purchase an upgrade for the records management and dispatch software for use in the Police Department, as described above, from CISCO, 5305 Gulf Drive, Suite 1, New Port Richey, Florida 34652, for the amount of \$15,100.00, pursuant to a proposal from Cisco dated March 1, 2012, and said funds have been certified available in the Law Enforcement Trust Fund Account #12-286-56-329-2-199 in the amount of \$14,876.74 and the Customs Border Patrol Account #02-213-41-799A-2-199 in the amount of \$273.26, pending adoption of the CY 2012 budget; and be it further

RESOLVED, that the Municipal Treasurer be and is hereby authorized and directed to issue a warrant payable to CISCO in the amount of \$15,150.00 in payment for such services.

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

Absent – Council Member Greaves.

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

WHEREAS, United Cerebral Palsy of Hudson County provides services persons with disabilities, including pediatric medical day care at their facility at 721 Broadway and 10 West 33rd Street; and

WHEREAS, pursuant to a request made by United Cerebral Palsy of Hudson County for Community Development Block Grant funding to make repairs and system upgrades to their facility; now, therefore, be it

RESOLVED, the Mayor and City Clerk are hereby authorized to enter into an agreement with United Cerebral Palsy of Hudson County for the replacement of one HVAC system for their pediatric building, plastering of exterior walls, and re-facing the front of 721 Broadway and 10 West 33rd Street; and be it further

RESOLVED, that funds are certified as available in Account No. CDBG-923.

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

Absent – Council Member Greaves.

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

RESOLVED, that pursuant to an application made by the Flournoy Gethers VFW Post #7470, 33-35 West 19th Street, Bayonne, N.J. 07002 for Community Development Block Grant Funds for funding for renovation of the second floor kitchen and bathrooms, including upgrading of the heating system at their facility, the Mayor, on behalf of the City of Bayonne, be and is hereby authorized to enter into an agreement with the Flournoy Gethers VFW Post #7470, 33-35 West 19th Street, Bayonne, N.J. 07002, in the amount of \$75,000.00, for a one year period commencing March 1, 2012 and ending February 28, 2013, for the aforementioned code related repairs; and be it further

RESOLVED, that this expenditure be charged against Account CDBG-929.

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

Absent – Council Member Greaves.

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

WHEREAS, the Director of Municipal Services has advised the Municipal Council that grant funds are available from the County of Hudson, Department of Health and Human Services, Area Agency on Aging, for services related to social services for the elderly for calendar year 2012, pursuant to a Notice of Initial Allocation dated February 9, 2012, a copy of which is attached hereto; and

WHEREAS, the Director of Municipal Services seeks permission to obtain grant funds in the amount of \$581,183.00 for from the County of Hudson Department of Health and Human Services, Area Agency on Aging; now, therefore, be it

RESOLVED, that the Director of Municipal Services and/or a designee thereof is hereby authorized to apply for grant funds in the amount of \$581,183.00 from the County of Hudson, Department of Health and Human Services; and, be it further

RESOLVED, that the Mayor and City Clerk are hereby authorized to execute any and all documents necessary to effectuate the funding and closure of the above noted grants.

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

Absent – Council Member Greaves.

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

WHEREAS, pursuant to Resolution No. 10-08-25-086, the Municipal Council agreed to participate in the Hudson County Cooperative Pricing System (hereinafter referred to as “HCCPS”), and agreed to obtain electric generation services for its own use through one or more contracts to be awarded to electric power suppliers following the receipt of bids for electric generation services pursuant to the aggregation program in which the County of Hudson will act as Lead Agency of the HCCPS Cooperative Pricing System # 83-HCPS in accordance with the “Local Public Contracts Law”, N.J.S.A.40A:11-11, and the Electric Discount and Energy Competition Act, N.J.S.A. 48:3-49. (“EDECA”) and the regulations promulgated thereunder; and

WHEREAS, the City of Bayonne, as a Participating member of the HCCPS Cooperative Pricing System is eligible thereby to obtain electric generation services for its own use through one or more contracts to be awarded to electric power suppliers following said bids for electric generation services pursuant to the aggregation program; and

WHEREAS, the Lead Agency would from time to time during the Effective Period (which was originally from August 25, 2010 through May, 2012, hereinafter referred to as “Effective Period”) issue one or more Requests for Bids for electric generation services on behalf of the HCCPS Cooperative Pricing System pursuant to the Local Public Contracts Law and EDECA; and

WHEREAS, due to significant volatility and the potential for price increases in the wholesale electric market, Participating Members will preauthorize the Lead Agency to award contracts for Electric Generation Service in each bid group to one or more electric power suppliers that submit bids which are reasonably forecasted to provide estimated savings to the Participating Member based upon its previous electric usage and utility provided Basic Generation Service rates; and

WHEREAS, the Lead Agency will only award contracts for said electric generation services to electric power suppliers that submit bids with pricing that is at least 5% lower than the current price for utility-provided basic generation service; and

WHEREAS, the City of Bayonne agrees to purchase all electric power needed for its own use (exclusive of on-site electric generation sources) during the Effective Period through any electric power supplier(s) awarded a contract, it being understood that the term of any one contract shall be subject to the provisions of Local Public Contracts Law;

WHEREAS, the Lead Agency will notify the Department of Community Affairs’ Division of Local Government Services by mail prior to the issuance a Request for Bids for electric generation services, with the understanding that if the Division of Local Government Services does not respond within 10 business days, it will be deemed to have approved the issuance of the Request for Bids or the Request for Rebids; now, therefore, be it

RESOLVED that the City of Bayonne desires to continue to participate as a member of the Hudson County Cooperative Pricing System and bind itself to the HCCPS Cooperative Pricing System 83-HCPS to purchase all electric power needed for its own use (exclusive of on-site electric generation sources) during the Effective Period from the electric power supplier or suppliers awarded a contract for electric generation services by the Lead Agency; and, be it

FURTHER RESOLVED that the Lead Agency of the HCCPS Cooperative Pricing System is hereby authorized to execute a master performance agreement that obligates the LGU to purchase electricity at the terms and conditions stated therein with a third-party supplier or suppliers who have been awarded the contract or contracts by the Lead Agency on behalf of the participating members of the HCCPS Cooperative Pricing

System 83-HCPS (or any CPS number to be assigned in the future), and provided further that all such contracts shall be at prices reasonably forecast and estimated by the Lead Agency to provide savings to the LGU relative to the price charged for basic generation service by the electric public utility that would otherwise provide such service; and, be it

FURTHER RESOLVED that HCCPS is authorized to continue to bid to obtain electric generation services at any time during the Effective Period on behalf of the HCCPS Cooperative Pricing System including, for example, a rebid if energy market conditions do not initially lead to a successful bid, on additional dates to be determined by the Lead Agency; and

FURTHER RESOLVED that this Resolution shall take effect immediately upon passage. The authorization provided to the County of Hudson pursuant to the Local Public Contracts Laws (N.J.S.A. 40A:11-11(5), Administrative Code (N.J.A.C. 5:34-7.1) shall be valid for such time period as is established by the Hudson County Cooperative Pricing System, (the Effective Period) at which time the Cooperative Pricing System will be subject to renewal. Any rescission or expiration of this resolution shall not affect any Agreements entered into prior to such rescission or expiration.

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

Absent – Council Member Greaves.

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

WHEREAS, the Hudson County Open Space Trust Fund is accepting applications for grants; and

WHEREAS, the City of Bayonne is desirous of applying for aid from the Hudson County Open Space Trust Fund for eligible activities; now, therefore, be it

RESOLVED, that the Mayor, on behalf of the City of Bayonne, is hereby authorized to execute any and all documents necessary for the submission of one or more grant applications to the Hudson County Open Space Trust Fund for any and all available projects.

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

Absent – Council Member Greaves.

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

WHEREAS, the United States Coast Guard maintains a base at the Peninsula at Bayonne Harbor, at which are stationed the Aids to Navigation Team New York and the U.S. Coast Guard Cutters Hawser, Katherine Walker, Sturgeon Bay, and Line; and

WHEREAS, the Aids to Navigation Team and the cutters listed above may, from time to time, require various emergency services that can be supplied by the Bayonne Fire Department, such as fire protection, emergency medical services, hazardous waste and materials emergencies, and confined space rescue services, which are described more specifically in a Memorandum of Understanding between the City of Bayonne and the Aids to Navigation Team and each of the U.S. Coast Guard Cutters, including terms of reimbursement to the city for the rendering of such services; and

WHEREAS, the Fire Department is prepared and willing to provide such emergency services; now, therefore, be it

RESOLVED, that the Fire Chief, on behalf of the City of Bayonne and the Bayonne Fire Department be and is hereby authorized and directed to execute each Memorandum of Understanding as described herein and the Fire Department is authorized and directed to render such emergency services as are needed by the United States Coast Guard.

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

Absent – Council Member Greaves.

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

WHEREAS, the City of Bayonne is undergoing interior renovations to the Police Department; and

WHEREAS, the project required the purchase of six (6) Model #ROK3696-CH 36” cherry hardwood raised panels; and

WHEREAS, such materials were available from AIC Millworks, LLC, 4624 Eagle Falls Place, Tampa, Florida 33619 at a cost of \$4,781.92 including shipping, as outlined in an invoice dated January 23, 2012, a copy of which is attached hereto; and

WHEREAS, funds have been certified as available in Department of Justice Forfeiture Account No. 02-213-41-713-2-199; and

WHEREAS, N.J.S.A. 40A:11-3(a), allows for the award of a contract without the necessity of public advertising for bids where the municipality has a Qualified Purchasing Agent, and when the cost or price does not exceed \$29,000.00; now, therefore, be it

RESOLVED, that the actions of the Purchasing Agent and the Police Department in purchasing six (6) Model #ROK3696-CH 36” cherry hardwood raised panels from AIC Millworks, LLC, 4624 Eagle Falls Place, Tampa, Florida 33619 at a cost of \$4,781.92 including shipping be and are hereby ratified and confirmed; and be it further

RESOLVED, that such funds be charged to Department of Justice Forfeiture Account No. 02-213-41-713-2-199; and be it further

RESOLVED, that the Municipal Treasurer be and is hereby authorized and directed to issue a warrant payable to AIC Millworks, LLC in the amount of \$4,781.92 in payment of their invoice.

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

Absent – Council Member Greaves.

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48. Council Member Czerwienski moved the following resolution, seconded by Council Member Gillespie, 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; Resolution No. 12-01-18-037 on January 18, 2012; and Resolution No. 12-02-15-041 on February 2012 authorizing the continued monthly extension of Agreement No. FY11-036 during the months of October, November and December 2011, and January, February and March 2012 for the additional amount of \$85,000.00 per month, making the total contract amount \$1,537,000.00; 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 April 2012, under the terms of their existing bid, for an additional amount of \$85,000.00, making the total contract amount \$1,622,000.00; 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 April 1, 2012 and ending April 30, 2012 for an additional amount of \$85,000.00, making the total contract amount \$1,622,000.00.
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, Hurley and President Ruane.

Absent – Council Member Greaves.

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49. Council Member Hurley 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; Resolution 12-01-18-038 on January 18, 2012; authorizing the continued monthly extensions 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 \$794,916.65; and

WHEREAS, the Municipal Council adopted Resolution 12-02-15-042 on February 15, 2012 authorizing the continued monthly extension of Agreement No. FY11-035 during the month of March 2012 for an additional amount of \$45,583.33; and

WHEREAS, due to a math error, Resolution 12-02-15-042 erroneously stated the total contract amount as \$794,916.65; and

WHEREAS, Resolution 12-02-15-042 should have stated the total contract amount of \$840,499.98; 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 April 2012, under the terms of their existing bid, for an additional amount of \$45,583.33, making the total contract amount \$886,083.31; 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. Resolution 12-02-15-042 is hereby amended to reflect a total contract amount of \$840,499.98.
2. All other terms and conditions of Resolution 12-02-12-042 shall remain the same
3. 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 April 1, 2012 and ending April 30, 2012 for an additional amount of \$45,583.33, making the total contract amount \$886,083.31..
4. Funds are certified as available in account No. HW-38.
5. All other terms and conditions of Agreement No. FY11-035 shall remain the same.

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

Absent – Council Member Greaves.

* * * * *

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

WHEREAS, pursuant to Resolution No. 10-12-20-005 adopted by the Municipal Council on December 20, 2010, the Municipal Council the City entered into Agreement No. FY11-070 with Galaxy Recycling, Inc., 3 New York Avenue, Jersey City, New Jersey for a licensed recycling facility to receive and market certain recyclable materials from the City and from the City's private recycling collection contractor(s), specifically for the following recyclable materials: (a) Mixed Paper; and (b) Commingled Collection

consisting of glass, cans and bottles; and (c) Metal and Mixed Metal; (d) any other material stream (collectively referred to as "Recycling Commodity") for the following amounts payable to the City:

OCC

(Old Corrugated Cardboard) OBM Yellow Sheet NY High +\$1.00
No lower than \$115 per ton

Mixed Paper OBM Yellow Sheet NY High + 40%
No lower than \$105 per ton

Co-mingled recyclables \$25.00 per ton

Incentive Additional \$5.00 per ton for additional tonnage over 4,499
tons to 5,499 tons per contracted calendar year

Additional \$10.00 per ton for additional tonnage over 5,500 + tons per contracted
calendar year

for the period commencing January 1, 2011 and ending December 31, 2011; and

WHEREAS, pursuant to the Fair & Open Contracting Requirements pursuant to N.J.S.A.19:44A:20.4.5 the Corporation Counsel advertised for proposals for a licensed recycling facility to receive and market the aforesaid Recycling Commodity to be submitted by January 23, 2012; and

WHEREAS, pursuant to Resolution No. 12-01-14-034 adopted by the Municipal Council on January 14, 2012, Agreement No. FY11-070 with Galaxy Recycling, Inc. was amended to extend the term of the agreement for the period commencing January 1, 2012 and ending February 29, 2012 under the same terms and conditions of their existing contract; and

WHEREAS, it is necessary for the City to have a licensed recycling facility to receive and market the aforesaid Recycling Commodity to ensure the public health and welfare; and

WHEREAS, Galaxy Recycling, Inc. has continued to receive and market the aforesaid Recycling Commodity since the expiration of its contract as amended; and

WHEREAS, Galaxy Recycling, Inc., is agreeable to extending their existing contract with the City of Bayonne for the period commencing February 1, 2012 and ending April 30, 2012 under the same terms and conditions of their existing contract; now therefore be it

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

1. The actions of any and all municipal officials providing for the continued receipt of the aforesaid Recycling Commodity by Galaxy Recycling, Inc. since the expiration of the termination date of Agreement No. FY11-070 as amended be and are hereby ratifying and confirmed
2. The Mayor and City Clerk are hereby authorized to execute a second amendment to Agreement No. FY11-070 with Galaxy Recycling, Inc. for the aforesaid receipt of the City's Recycling Commodity for the period commencing March 1, 2012 and ending April 30, 2012 under the same terms and conditions of the original contract.
3. All other terms and conditions of Agreement No. FY11-070 shall remain the same.

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

Absent – Council Member Greaves.

* * * * *

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

#2 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 \$ 17,824,014.00

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 \$ 14,437,500.00

2- That said emergency temporary appropriation will be provided for the CY 12 budget under the title of, as per attached schedule:

Current Fund \$ 14,437,500.00

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

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

Absent – Council Member Greaves.

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52. Council Member Gillespie moved the following resolution, seconded by Council Member Hurley, 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.	Solid Waste Collection OE	\$168,000.00	Rent Control-O.E.	1,000.00
			Law Dept.-O.E.	4,000.00
			Bd. of Health- O.E.	45,000.00
			Vehicle Maintenance-O.E.	40,000.00
			Bus. Administration-O.E.	78,000.00

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

Absent – Council Member Greaves.

* * * * *

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

RESOLVED, by the Mayor and Municipal Council of the City of Bayonne, County of Hudson and State of New Jersey, that, pursuant to N.J.S.A. 39:4-8(e) the following described location is deleted as a bus stop:

MUNICIPAL ROADWAY

DELETED BUS STOP:

1. Along Broadway, northbound, on the easterly side thereof at:

- a. 53rd Street – Far side beginning at the northerly curblane of 53rd Street and extending 100 feet northerly therefrom;

and be it further

RESOLVED, that, pursuant to N.J.S.A. 39:4-8(e) the following described location is added as a bus stop:

ADDED BUS STOP:

1. Along Broadway, northbound, on the easterly side thereof at:

- a. Between W. 54th and W. 55th Street – Mid-block (218' North) Beginning 83 feet from the prolongation of northerly curblane of W. 54th Street and extending 135 feet northerly therefrom. (In front of Burger King); and be it further

RESOLVED, that the Mayor and Council of the City of Bayonne will enforce the needed traffic regulations governing the aforementioned bus stop locations and provide the necessary police security to ensure the safety of the traveling public.

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

Absent – Council Member Greaves.

* * * * *

54. Council Member Czerwienski introduced:

CALENDAR YEAR 2012

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the City of Bayonne had adopted a Transition Year Budget in 2011 in order to convert to a calendar year budget; and

WHEREAS, as a result of this conversion the City is allowed to budget up to 4.75% over the previous year's final appropriations; and

WHEREAS, the Municipal Council of the City of Bayonne in the County of Hudson finds it advisable and necessary to increase its CY 2012 budget by up to 4.75% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Municipal Council of the City of Bayonne hereby determines that a 4.75% increase in the budget for said year, amounting to \$4,277,000.04 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law and prior to additional exceptions, is advisable and necessary; and,

WHEREAS the Municipal Council of the City of Bayonne hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Municipal Council of the City of Bayonne, in the County of Hudson, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2012 budget year, the final

appropriations of the City of Bayonne shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 4.75%%, amounting to \$4,277,000.04 (exclusive of additional exceptions), and that the CY 2012 municipal budget for the City of Bayonne be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

BE IT RESOLVED, that an ordinance entitled "CALENDAR YEAR 2012 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.24)," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, April 18, 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, and to forward a copy of said ordinance to the planning board for its review of and a report regarding same.

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

Absent – Council Member Greaves.

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55. Council Member Ruane moved that the CY 2012 Municipal Budget be introduced, seconded by Council Member Hurley, which was read by the Clerk and adopted.

INSERT INTRODUCED CY2012 MUNICIPAL BUDGET

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

Absent – Council Member Greaves.

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At 7:35 P.M., Council Member Czerwienski motioned to adjourn, seconded by Council Member Gillespie, which motion was adopted.

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

Absent – Council Member Greaves.

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President – Terrence Ruane

City Clerk – Robert F. Sloan