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, APRIL 18, 2012

The Council met at 7:02 P.M.

The Council President Ruane announced: "I would like to advise all those present that notice of this regular meeting of the Municipal Council of the City of Bayonne of April 18, 2012 has 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 April 13, 2012."

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

The Clerk called the roll.

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

The Council President led the Pledge of Allegiance.

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Prior to the meeting the council honored Nick Starita for his work with United Cerebral Palsy on his retirement from the organization.

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01. The Clerk announced, "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," which was introduced and passed a first reading at a meeting held March 14, 2012, was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of April 18, 2012 is now before the Council for its consideration and a public hearing.

Council Member Gillespie moved that the following resolution of second reading be adopted, seconded by Council Member Greaves, which motion was adopted.

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

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

The Clerk read the ordinance by title, "CALENDAR YEAR 2012 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.24.)"

The Clerk announced, "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 announced, "No protest against, objections to, or statements in favor of this ordinance or its passage have been filed with me."

Council Member Czerwienski moved to close the hearing, seconded by Council Member Greaves, which motion was adopted.

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

Council Member Gillespie moved that the following resolution be adopted, seconded by Council Member Greaves, which motion was adopted.

WHEREAS, 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.)" was introduced and passed a first reading at a meeting held March 14, 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 April 18, 2012; and

WHEREAS, said ordinance was forwarded to the Division of Local Government Services 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-12-09.

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

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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 10, TAXATION AND SPECIAL IMPROVEMENT DISTRICTS," which was introduced and passed a first reading at a meeting held March 14, 2012, was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of April 18, 2012 is now before the Council for its consideration and a public hearing."

Council President Ruane moved that the following resolution be adopted, seconded by Council Member Gillespie, which motion was adopted.

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

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

The Clerk read the ordinance by title, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 10, TAXATION AND SPECIAL IMPROVEMENT DISTRICTS."

The Clerk announced, "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 persons spoke:

Patricia Murphy
605 Broadway
Chair, Town Center Management Corporation

Mary Divock
8 East 22nd Street
Executive Director, Town Center Management Corporation

Bozina Linowski
411 Broadway
European Day Spa

Bernie Golumb
520 Broadway

Bob Benecke
Benecke Economics
250 Moonachie Road
Moonachie, NJ

Diane Brennan
82 West 29th Street
Ellen Colasurdo

93 West 35th Street

Leonard R. Kantor
102 West 3rd Street

Stephen R. Gallo
City Business Administrator

The Clerk read a petition filed by a number of signators opposing the ordinance, and a letter dated April 13, 2012 from Cynthia Huhn also opposing the ordinance.

Council Member Czerwienski moved to close the hearing, seconded by Council Member Hurley, which motion was adopted.

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

Council Member Gillespie moved that the following resolution be adopted, seconded by Council President Ruane, which motion was adopted.

WHEREAS, an ordinance entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 10, TAXATION AND SPECIAL IMPROVEMENT DISTRICTS " was introduced and passed a first reading at a meeting held March 14, 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 April 18, 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-12-10.

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

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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 20, PERSONNEL POLICIES," which was introduced and passed a first reading at a meeting held March 14, 2012, was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of April 18, 2012 is now before the Council for its consideration and a public hearing."

Council Member Greaves moved that the following resolution be adopted, seconded by Council President Ruane, which motion was adopted.

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

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

The Clerk read the ordinance by title. "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 20, PERSONNEL POLICIES,"

The Clerk announced, "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:

Leonard R. Kantor
102 West 3rd Street

The Clerk announced, "No protest against, objections to, or statements in favor of this ordinance or its passage have been filed with me."

Council Member Gillespie moved to close the hearing, seconded by Council Member Hurley, which motion was adopted.

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

Council President Ruane moved that the following resolution be adopted, seconded by Council Member Greaves, which motion was adopted.

WHEREAS, an ordinance entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 20, PERSONNEL POLICIES," was introduced and passed a first reading at a meeting held March 14, 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 April 18, 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-12-11.

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

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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 3, POLICE REGULATIONS," which was introduced and passed a first reading at a meeting held March 14, 2012, was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of April 18, 2012 is now before the Council for its consideration and a public hearing.

Council President Ruane moved that the following resolution be adopted, seconded by Council Member Czerwienski, which motion was adopted.

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

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

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

The Clerk announced, "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 announced, "No protest against, objections to, or statements in favor of this ordinance or its passage have been filed with me."

Council Member Greaves moved that the hearing be closed, seconded by Council Member Czerwienski, which motion was adopted.

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

Council Member Gillespie moved that the following resolution be adopted, seconded by Council Member Greaves, which motion was 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 March 14, 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 April 18, 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-12-12.

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

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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 6, ALCOHOLIC BEVERAGE CONTROL," which was introduced and passed a first reading at a meeting held March 14, 2012, was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of April 18, 2012 is now before the Council for its consideration and a public hearing."

Council Member Hurley moved that the following resolution be adopted, seconded by Council President Ruane, which motion was adopted.

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

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

The Clerk read the ordinance by title, "AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 6, ALCOHOLIC BEVERAGE CONTROL."

The Clerk announced, "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 announced, "No protest against, objections to, or statements in favor of this ordinance or its passage have been filed with me."

Council Member Hurley moved that the hearing be closed, seconded by Council Member Czerwienski, which motion was adopted.

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

Council Member Greaves moved that the following resolution be adopted, seconded by Council Member Czerwienski, which motion was adopted.

WHEREAS, an ordinance entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 6, ALCOHOLIC BEVERAGE CONTROL," was introduced and passed a first reading at a meeting held March 14, 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 April 18, 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-12-13.

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

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06. The Clerk announced, "AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 14, PRESERVATION OF TREES," which was introduced and passed a first reading at a meeting held March 14, 2012, was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of April 18, 2012 is now before the Council for its consideration and a public hearing."

Council Member Czerwienski moved that the following resolution be adopted, seconded by Council Member Greaves, which motion was adopted.

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

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

The Clerk read the ordinance by title, "AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 14, PRESERVATION OF TREES."

The Clerk announced, "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 persons spoke:

Ted Zientek
102 West 45th Street

Leonard R. Kantor
102 West 3rd Street

The Clerk announced, "No protest against, objections to, or statements in favor of this ordinance or its passage have been filed with me."

Council Member Greaves moved that the hearing be closed, seconded by Council President Ruane, which motion was adopted.

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

Council Member Gillespie moved that the following resolution be adopted, seconded by Council President Ruane, which motion was adopted.

WHEREAS, an ordinance entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 14, PRESERVATION OF TREES," was introduced and passed a first reading at a meeting held March 14, 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 April 18, 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-12-14.

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

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07. 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 March 14, 2012, was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of April 18, 2012 is now before the Council for its consideration and a public hearing."

Council Member Greaves moved that the following resolution be given a second reading, seconded by Council Member Gillespie, which motion was adopted.

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

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

The Clerk read the ordinance by title, "AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC."

The Clerk announced, "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 announced, "No protest against, objections to, or statements in favor of this ordinance or its passage have been filed with me."

Council Member Czerwienski moved that the hearing be closed, seconded by Council Member Greaves, which motion was adopted.

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

Council President Ruane moved that the following resolution be adopted, seconded by Council Member Greaves, which motion was adopted.

WHEREAS, an ordinance entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC," was introduced and passed a first reading at a meeting held March 14, 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 April 18, 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-12-15.

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

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08. Council President Ruane introduced the following ordinance:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR TAX EXEMPTION FOR AN URBAN RENEWAL PROJECT WITH RESPECT TO THE MAIDENFORM REDEVELOPMENT AREA LOCATED ON BLOCK 458, LOT 1 AND BLOCK 467, LOTS 27, 28 AND 29 AND ESTABLISHING THE APPLICABLE AFFORDABLE HOUSING REQUIREMENT

WHEREAS, on May 20, 2009, pursuant to the New Jersey Urban Enterprise Zone Act, *N.J.S.A.* 52:27H-60 *et seq.*, the State included the property commonly known as Block 458, Lot 1 and Block 467, Lots 27, 28 and 29 on the tax map of the City of Bayonne, County of Hudson, New Jersey (the "**City**") (the "**Project Site**") into the City's urban enterprise zone (the "**Urban Enterprise Zone**"); and

WHEREAS, pursuant to Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1, *et seq.* (the "**Redevelopment Law**"), improvements to property located within an Urban Enterprise Zone may qualify for long term tax exemptions under the Long Term Tax Exemption Law, *N.J.S.A.* 40A:20-1 *et seq.* (the "**LTTE Law**"); and

WHEREAS, on November 9, 2011, the municipal council of the City (the "**City Council**") adopted ordinance no. O-11-34 designating the Project Site as an area in need of redevelopment pursuant to Section 5(g) of the Redevelopment Law and adopting the Redevelopment Plan Maidenform Redevelopment Area (the "**Redevelopment Plan**") for the Project Site; and

WHEREAS, Section 2.2.4 of the Redevelopment Plan provides that the City Council shall establish the amount of contributions in lieu of construction of affordable housing units; and

WHEREAS, Bayonne Avenue E Urban Renewal, LLC (the "**Entity**") owns or will own the Project Site and will construct or cause to be constructed thereon certain real estate improvements in connection with the construction of approximately 83 or more residential units (the "**Project**"); and

WHEREAS, the Project shall conform to the Redevelopment Plan; and

WHEREAS, despite the Entity's substantial investment of equity and borrowed funds, such amounts are insufficient to pay for all of the costs associated with the development and construction of the Project; and

WHEREAS, in order to enhance the economic viability of and opportunity for a successful project, the Entity has submitted an application for the approval of the Project (the "**Exemption Application**") and a form of financial agreement (the "**Financial Agreement**") to the City for the approval of an urban renewal project, all in accordance with *N.J.S.A.* 40A:20-8; and

WHEREAS, pursuant to *N.J.S.A.* 40A:20-8, the Mayor has reviewed the Exemption Application and, by a letter dated April 9, 2012, a copy of which is attached hereto as Exhibit A (the "**Mayor's Recommendation**"), the Mayor has submitted the Exemption Application and Financial Agreement to the City Council with his recommendation for approval, subject to the condition that the Entity pay, in lieu of tax payments on the Project, an "**Annual Service Charge"** (as that term is defined in the Financial Agreement), such that the combined tax payment on the land and the Annual Service Charge paid by the Entity each year shall be no less than the amount of the total property taxes that would otherwise be owed on the Project Site, after redevelopment, if the Financial Agreement had not been executed; and

WHEREAS, upon review of the proposed Project, the Exemption Application and the Mayor's Recommendation, the City has made the following findings with respect to the Project pursuant to *N.J.S.A.* 40A:20-11:

1. The Project Site is not currently developed to its maximum potential. The annual real estate taxes currently generated by the undeveloped Project Site are approximately $58,052.13. In contrast, the estimated Annual Service Charge to be generated by the Project, beginning in its first full year of operation, is $146,000. Upon expiration of the exemption, the Project shall be fully assessed and conventionally taxed;

2. Given the uncertainty and instability of current economic and market conditions, the investment risk makes the financing of the Project infeasible in the absence of a tax exemption provided by the City;

3. The City has undertaken a policy to encourage both construction related and permanent jobs; in furtherance of that policy, and subject to the satisfaction of obligations with respect to completion of the Project all as described in the Financial Agreement, the City has determined to establish the payment in lieu of the construction of affordable housing units all in accordance with the terms of the Financial Agreement;

4. The construction of the Project will result in the creation of construction jobs utilizing prevailing wages, as well as permanent jobs;

5. The Project is consistent with the Redevelopment Plan, will further its objectives and will contribute to the economic growth of the City, specifically, the City's Urban Enterprise Zone;

6. The Project will result in the productive redevelopment of a former industrial site into a residential project that generates jobs and tax revenues;

7. The Financial Agreement was a material inducement to the Entity to undertake the Project in the City and facilitate the redevelopment of the Project Site; and

WHEREAS, in accordance with the provisions of the LTTE Law, the City desires to approve the Project, the Exemption Application and the Financial Agreement;

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, NEW JERSEY AS FOLLOWS:

Section 1. The Entity is hereby designated as the redeveloper of the Project Site and the Project and the Exemption Application submitted by the Entity are hereby approved in accordance with Section 8 of the LTTE Law.

Section 2. The Mayor, in consultation with counsel to the City, is hereby authorized to execute the Financial Agreement, with such amendments, additions and modifications as deemed necessary and appropriate, and prepare, amend or execute any other agreements necessary to effectuate this ordinance, subject to modification or revisions, as deemed necessary and appropriate.

Section 3. The Clerk of the City is hereby authorized and directed, upon execution of the Financial Agreement by the Mayor, to attest to the signature of the Mayor and to affix the corporate seal of the City upon such document.

Section 4. Any exemption from taxation or suspension of certain affordable housing requirements as set forth in the Financial Agreement is hereby granted to the Entity, with respect to the Project for the term set forth in the Financial Agreement; provided that in no event shall the term of the Financial Agreement exceed the earlier of (i) thirty-five (35) years from the date of execution of the Financial Agreement or (ii) to the extent permitted by the LTTE Law, thirty (30) years from the Entity's receipt of a Certificate of Occupancy (as defined in the Financial Agreement) for the Project and only so long as the Entity remains subject to and in compliance with the Financial Agreement and the LTTE Law and; provided further, that the Entity does not file a petition of tax appeal for the Project or any part thereof.

Section 5. The executed copy of the Financial Agreement shall be certified by and filed with the Office of the City Clerk. Further, the Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the City and the Director of the Division of Local Government Services with the Department of Community Affairs, in accordance with Section 12 of the LTTE Law.

Section 6. The Project shall conform with all federal, state and City laws, ordinances and regulations relating to its construction and use.

Section 7. The Entity shall, in the operation of the Project, comply with all laws so that no person of race, religious principles, color, national origin or ancestry will be subject to discrimination.

Section 8. The Entity shall, from the time the Annual Service Charge becomes effective under the Financial Agreement, pay to the City the estimated quarterly Annual Service Charge for the Project until the correct amount due from the Entity is determined by the certified financial audit report, required to be submitted under the terms of the Financial Agreement. After the report has been accepted by the City and within ninety (90) days thereafter, the City and the Entity shall adjust any over or underpayment so made or required to be made for the period covered by the certified audit report.

Section 9. This ordinance shall take effect in accordance with all applicable laws.

Council President moved that the following resolution be adopted, seconded by Council Member Gillespie, which motion was adopted.

BE IT RESOLVED, that an ordinance entitled "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR TAX EXEMPTION FOR AN URBAN RENEWAL PROJECT WITH RESPECT TO THE MAIDENFORM REDEVELOPMENT AREA LOCATED ON BLOCK 458, LOT 1 AND BLOCK 467, LOTS 27, 28 AND 29 AND ESTABLISHING THE APPLICABLE AFFORDABLE HOUSING REQUIREMENT," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, May 16, 2012 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

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09. Council Member Gillespie introduced the following ordinance.

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:

Section 1. That the Revised General Ordinances of the City of Bayonne, Chapter 3, Police Regulations, section 3-19 DRUG-FREE PUBLIC PROPERTY ZONES, be amended and supplemented as follows: (New material ****between asterisks****, deletions {~~within brackets~~})

3-19 DRUG-FREE PUBLIC PROPERTY ZONES.

3-19.1 Adoption of 500 Foot Drug-Free Public Property Map****s****.

In accordance with and pursuant to the authority of N.J.S. 2C:35-7.1, the five hundred (500) foot drug free public housing, park or building map****s**** dated March 30, 2012, { ~~is~~} ****are**** hereby approved and adopted as an official finding and record of the location and areas within the City of property which is comprised of a public housing facility, a public park or a public building, and of the areas on or within five hundred (500) feet of such public property.

3-19.2 Official Finding and Record Until Amended.

The drug-free public property zone map****s**** shall continue to constitute an official finding and record as to the location and boundaries of area on or within five hundred (500) feet of property comprised of a housing facility, a public park or a public building until such time, if any, that this section shall be amended to reflect any additions or deletions with respect to the location and boundaries of the public property and drug-free public property zones.

3-19.3 Notification of Changes.

The drug free public property zone map****s**** may be changed from time to time by the Municipal Council and each Director is hereby directed and shall have the continuing obligation to promptly notify the Municipal Engineer and the Corporation Counsel of any changes or contemplated changes in the location and boundaries of any public housing authority property, public park and/or public building.

3-19.4 Filing of Map****s****.

The City Clerk is hereby directed to receive and to keep on file the original of the map****s**** approved and adopted by this section, and to provide at a reasonable cost a true copy thereof to any person, agency or court which may request such a copy, along with a certification that such copy is a true copy of the map****s**** approved and adopted herein and kept on file. It is hereby further directed that a true copy of such map****s**** and of this section shall be provided without cost to the County Clerk and to the office of the Hudson County Prosecutor.

3-19.5 Additional Matters.

The following additional matters are hereby determined, declared, recited and stated:

a. It is understood that the map**s** approved and adopted pursuant to this section {~~was~~} **were** prepared and {~~is~~} **are** intended to be used as evidence in prosecutions arising under the criminal laws of this State, and that pursuant to State law, such map**s** shall constitute prima facie evidence of the following:

1. The location of public housing facilities, public parks and public buildings;

2. The boundaries of public housing facilities, public parks and public buildings;

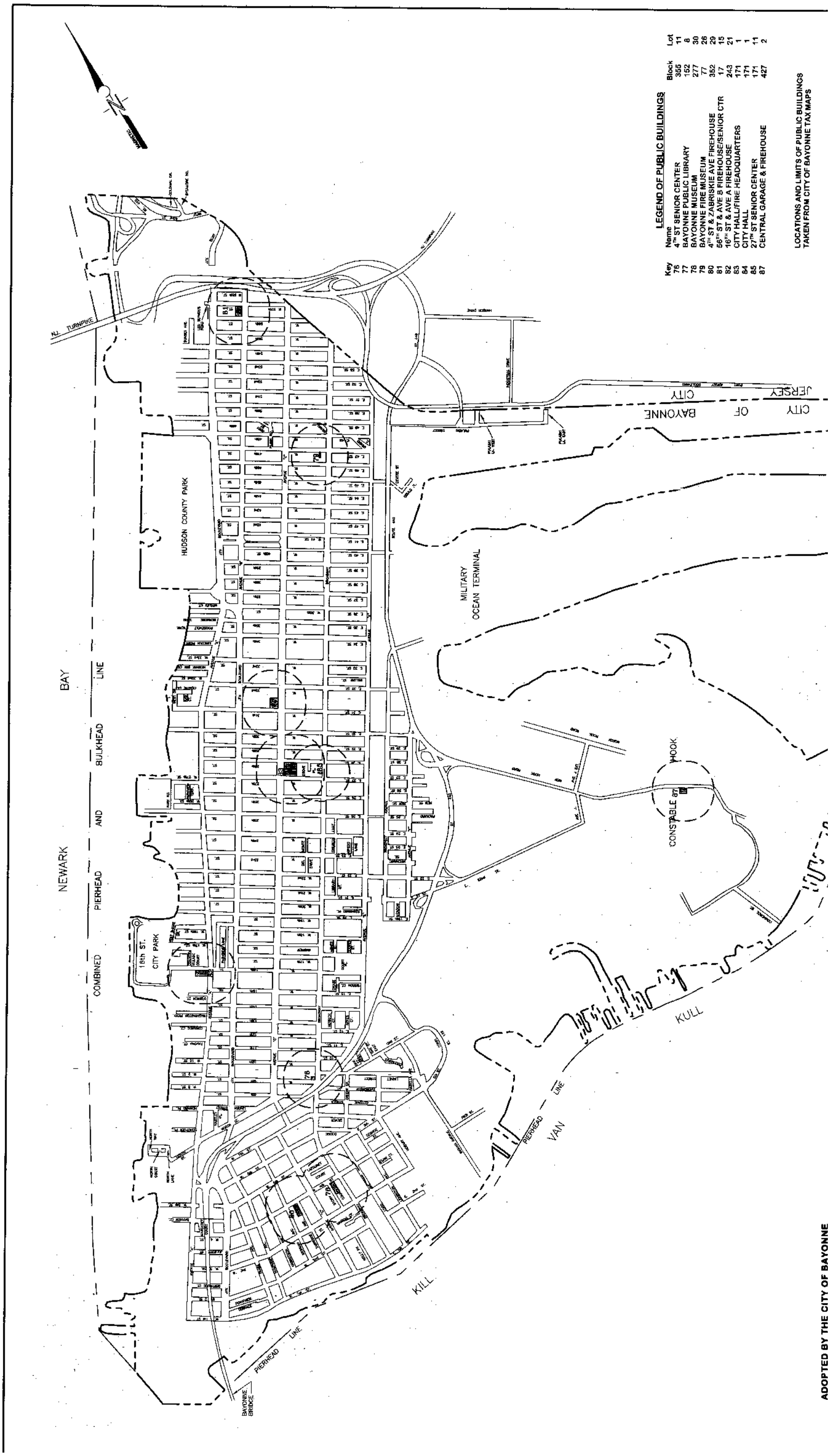
3. That such public housing facilities, public parks and public buildings are and continue to be used for public purposes; and

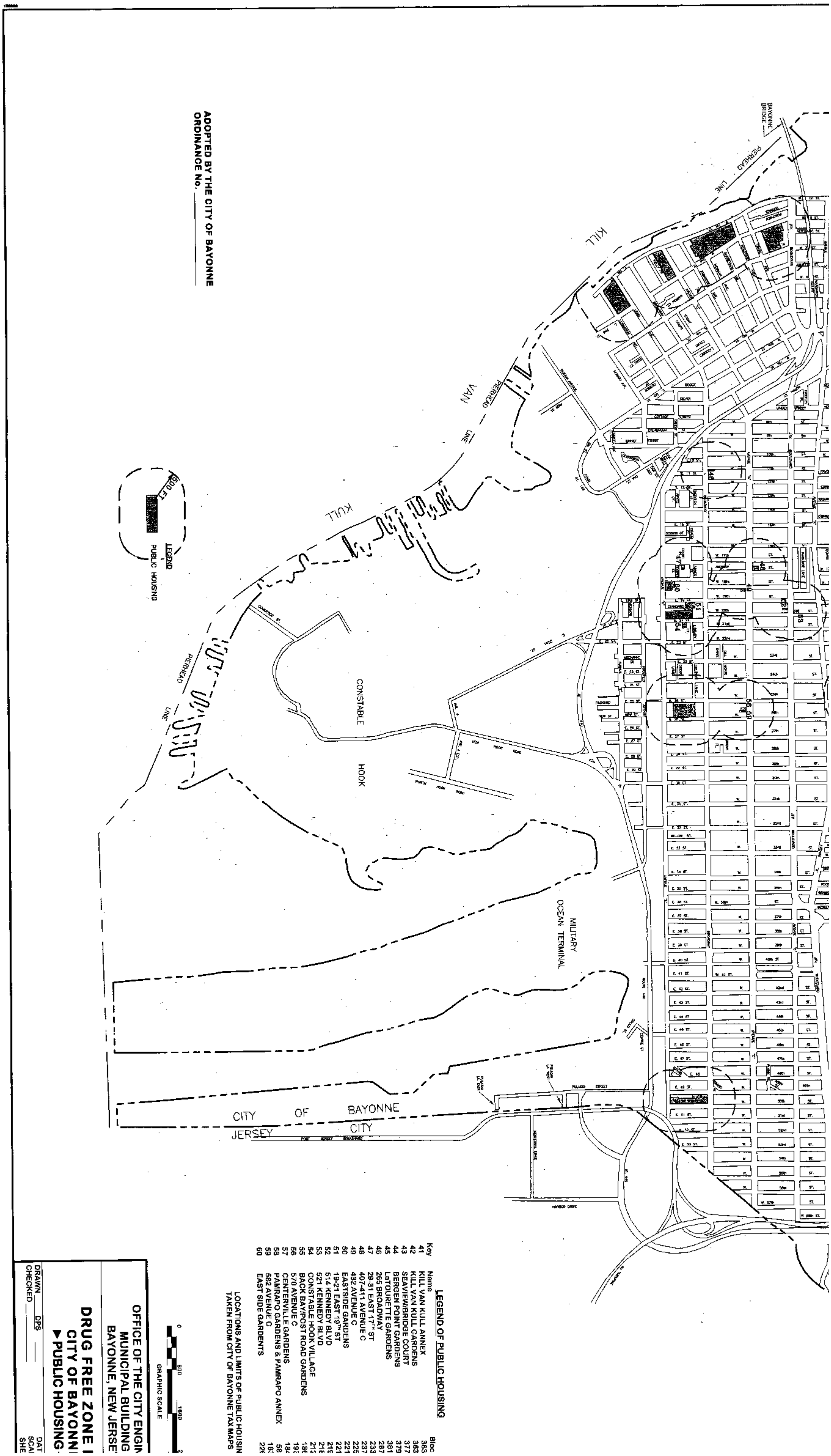
4. The location and boundaries of areas which are on or within five hundred (500) feet of such public property.

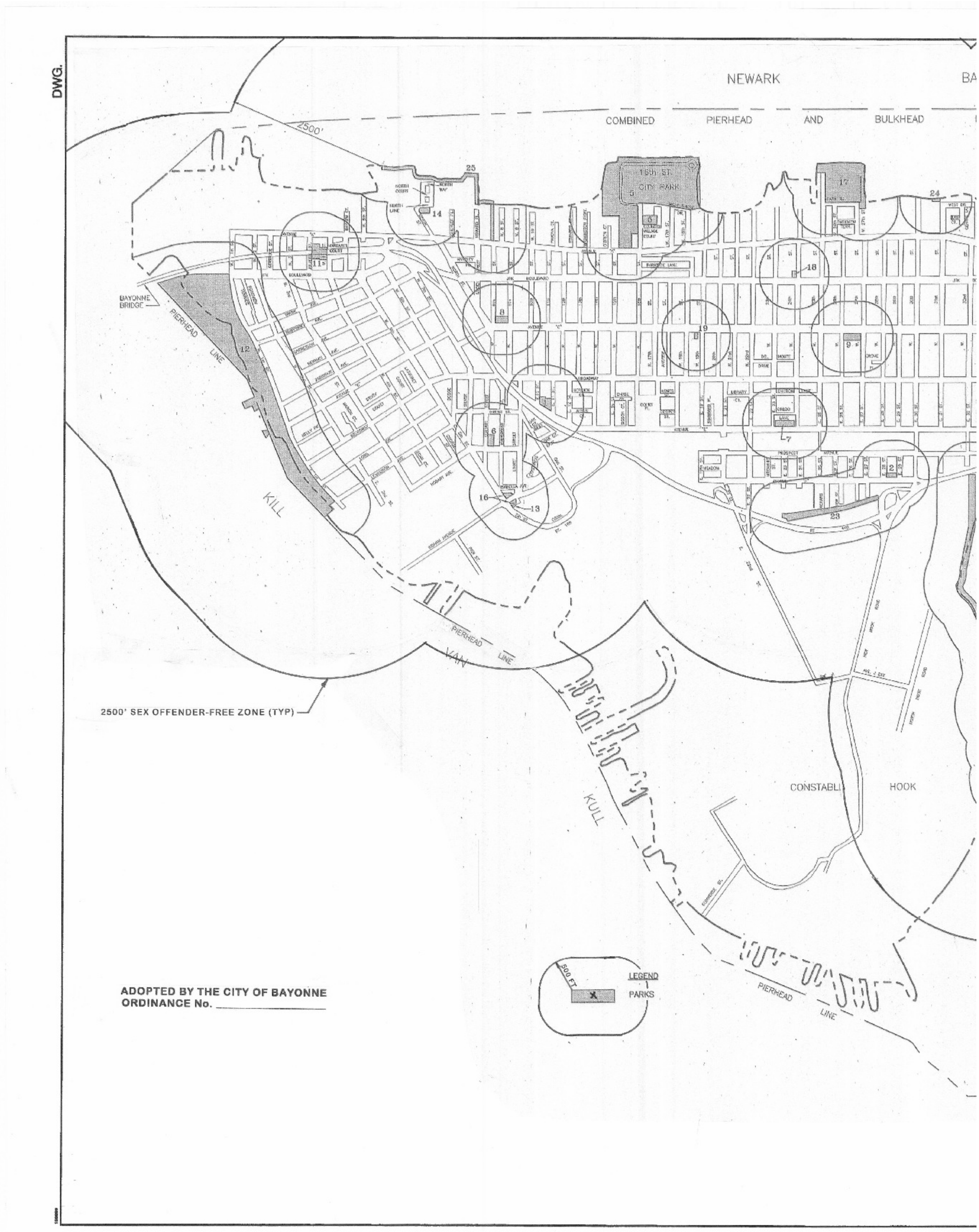
b. Except as otherwise expressly noted on the face of the approved and adopted map**s**, all of the property depicted on the map**s** approved and adopted herein as a public housing facility, public park or public building was being used for public purposes as of January 9, 1988, the effective date of N.J.S. 2C:35-7.1.

c. Pursuant to the provisions of N.J.S. 2C:35-7.1, a Prosecutor is not precluded from introducing or relying upon any other evidence or testimony to establish a violation of the offense defined in that Statute, including use of a map or diagram other than the one**s** approved and adopted herein. The failure of the map**s** approved herein to depict the location and boundaries of any property which is, in fact, used as a public housing facility, public park or public building, whether the absence of such depiction is the result of inadvertent omission or the result of any changes in the location and boundaries of such property which have not yet been incorporated into a revised approved map, shall not be deemed to be an official finding and record that such property is not used as a public housing facility, a public park or public building.

d. All of the requirements set forth in N.J.S. 2C:35-7.1, concerning the preparation, approval and adoption of a drug-free public property zone map**s** have been complied with.


LEGEND OF PUBLIC BUILDINGS
Key Name Block Lot
76 4TH ST SENIOR CENTER 355 11
77 BAYONNE PUBLIC LIBRARY 152 8
78 BAYONNE MUSEUM 277 30
79 BAYONNE FIRE MUSEUM 77 26
80 4TH ST & ZABRISKIE AVE FIREHOUSE 352 29
81 56TH ST & AVE B FIREHOUSE/SENIOR CTR 17 15
82 16TH ST & AVE A FIREHOUSE 243 21
83 CITY HALL/FIRE HEADQUARTERS 171 1
84 CITY HALL 171 1
85 27TH ST SENIOR CENTER 171 11
87 CENTRAL GARAGE & FIREHOUSE 427 2
LOCATIONS AND LIMITS OF PUBLIC BUILDINGS
TAKEN FROM CITY OF BAYONNE TAX MAPS
NEWARK BAY
COMBINED PIERHEAD AND BULKHEAD LINE
HUDSON COUNTY PARK
16th ST. CITY PARK
MILITARY OCEAN TERMINAL
CONSTABLE HOOK
KILL VAN KULL
PIERHEAD LINE
CITY OF BAYONNE
CITY OF JERSEY
N.J. TURNPIKE
BAYONNE BRIDGE
ADOPTED BY THE CITY OF BAYONNE


ADOPTED BY THE CITY OF BAYONNE
ORDINANCE No. ______
LEGEND
PUBLIC HOUSING
500 FT
KILL VAN KULL
PIERHEAD LINE
BAYONNE BRIDGE
CONSTABLE HOOK
MILITARY OCEAN TERMINAL
CITY OF BAYONNE
JERSEY CITY
LEGEND OF PUBLIC HOUSING
Key Name
41 KILL VAN KULL ANNEX
42 KILL VAN KULL GARDENS
43 SEAVIEW/BRIDGE COURT
44 BERGEN POINT GARDENS
45 LaTOURETTE GARDENS
46 265 BROADWAY
47 28-31 EAST 17TH ST
48 407-411 AVENUE C
49 432 AVENUE C
50 EASTSIDE GARDENS
51 19-21 EAST 19TH ST
52 514 KENNEDY BLVD
53 521 KENNEDY BLVD
54 CONSTABLE HOOK VILLAGE
55 BACK BAY/POST ROAD GARDENS
56 570 AVENUE C
57 CENTERVILLE GARDENS
58 PAMRAPO GARDENS & PAMRAPO ANNEX
59 582 AVENUE C
60 EAST SIDE GARDENS
LOCATIONS AND LIMITS OF PUBLIC HOUSING TAKEN FROM CITY OF BAYONNE TAX MAPS
GRAPHIC SCALE
OFFICE OF THE CITY ENGIN
MUNICIPAL BUILDING
BAYONNE, NEW JERSE
DRUG FREE ZONE
CITY OF BAYONN
PUBLIC HOUSING
DRAWN DPS
CHECKED



Council Member Gillespie moved that the following resolution be adopted, seconded by Council Member Hurley, which motion was 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, May 16, 2012 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

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10. Council Member Greaves introduced the following ordinance.

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, 7-18, PARKING OF TRUCKS, VEHICLES AND TRAILERS, be and is hereby amended and supplemented as follows: (All new material)

7-18.4 Parking of Certain Trucks, Vehicles, and Trailers Beneath or Within 100 Feet of Bridges, Underpasses, and Tunnels Prohibited.

No person shall park any truck tractor, trailer, semi-trailer, truck, or van over twelve thousand (12,000) pounds gross registered vehicle weight (RGVW), or any school bus, any other type of bus, motor home, recreational vehicle, or omnibus vehicle beneath any bridge, overpass, or tunnel, or within one hundred (100) feet of any bridge, overpass, or tunnel.

Council Member Greaves moved that the following resolution be adopted, seconded by Council Member Gillespie, which motion was 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, May 16, 2012 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

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11. Council Member Czerwienski introduced the following ordinance.

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

129. Frank M. Moran, 46 East 43rd Street
Beginning at a point on the south side of East 43rd Street, 163 feet west of the southwest corner of Avenue E and East 44th Street, and extending to a point 22 feet west thereof.

185. Geroge Heleno, 24 Linden Street
Beginning at a point on the south side of Linden Street, 110 feet east of the southeast corner of Kennedy Boulevard and Linden Street, and extending to a point 22 feet east thereof.

ADD

129. John Merchante, 20-A West 45th Street
Beginning at a point on the south side of West 45th Street, 232 feet west of the southwest corner of Broadway and West 45th Street, and extending to a point 18 feet west thereof.

134. Steven Konieczny, for his mother, Anna, 41 East 26th Street
Beginning at a point on the north side of East 26th Street, 189 feet west of the northwest corner of Avenue E and East 26th Street, and extending to a point 22 feet west thereof.

182. Sanjiv Kattekola for his wife, Sounderya, 50 East 34th Street
Beginning at a point on the south side of East 34th Street, 129 feet west of the southwest corner of Avenue E and East 34th Street, and extending to a point 16.5 feet west thereof.

185. Cresencia Invina, 422(A) Avenue C
Beginning at a point on the east side of Avenue C, 102 feet south of the southeast corner of Avenue C and West 18th Street, and extending to a point 17 feet south thereof.

306. Raul Martinez, 395 Avenue E, Apt. 1
Beginning at a point on the west side of Avenue E, 62 feet north of the northwest corner of East 28th Street and Avenue E, and extending to a point 20 feet north thereof.

309. Mrs. Johan M. Marin, 67 Andrew Street, Apt. 3F
Beginning at a point on the north side of Andrew Street, 172 feet west of the northwest corner of Avenue C and Andrew Street, and extending to a point 18 feet west thereof.

310. Michael Petruska, 111 West 4th Street
Beginning at a point on the west side of Humphrey Avenue, 44 feet north of the northwest corner of Humphrey Avenue and West 4th Street, and extending to a point 18 feet north thereof.

Council Member Czerwienski moved the following resolution, seconded by Council President Ruane, which motion was 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, May 16, 2012 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

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12. The council as a whole moved the following resolution which motion was adopted.

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

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

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

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

From Evans Agrapidis, Esq., filing notice of tort claim on behalf of ALICIA MYERS, alleging injuries sustained January 14, 2012 in a fall on the sidewalk at 21st Street and Broadway.

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

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

From Andrew Szymanski, Esq., filing notice of tort claim on behalf of ZOFIA MARKIEWICZ, alleging injuries sustained January 31, 2012 in a fall on a curb at Avenue A and 30th Street.

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

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15. The 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, "99 HOOK ROAD, LLC vs. CITY OF BAYONNE." (99 Hook Road, Block 414, lot 1.01 - industrial)

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

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16. The 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, "CENTERPOINT PULASKI, LLC vs. CITY OF BAYONNE." (30 Pulaski Street, Block 397, lot 1 - commercial)

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

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17. The 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, "SOUTH COVE DEVELOPMENT, LLC vs. CITY OF BAYONNE." (171-181 LeFante Way, Block 412, lot 1.01, etc. - commercial)

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

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18. The 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, "528 L.L.C. vs. CITY OF BAYONNE." (New Hook Road & 22nd Street, Block 425.02, lot 5 - commercial)

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

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19. The 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, "THE HADDAD APPAREL GROUP, LTD. vs. CITY OF BAYONNE." (61-81 East 2nd Street, Block 372, lot 1.02 - industrial)

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

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20. The 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, "HADDAD ORGANIZATION, LTD. vs. CITY OF BAYONNE." (2^{nd} Street & Lexington Avenue, Block 359, lot 4.03 - industrial)

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

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21. The 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, "PSE&G CO. vs. CITY OF BAYONNE." (Boulevard & West 63^{rd} St., Block 3, lot 3 - industrial)

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

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22. The 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, "DURAPORT REALTY ONE, LLC vs. CITY OF BAYONNE." (Ingham Avenue, Block 359, lot 1 - vacant)

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

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23. The 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, "DURAPORT REALTY THREE, LLC vs. CITY OF BAYONNE." (Ingham Avenue, Block 359, lot 3 - industrial)

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

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24. The 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, "MARL ASSOC. vs. CITY OF BAYONNE." (26 North Street, Block 297, lot 3 - vacant)

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

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25. The 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, "WALGREENS EASTERN CO., INC. vs. CITY OF BAYONNE." (693-699 Broadway, Block 153, lot 22 - commercial)

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

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26. The 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, “BAYONNE HOLDCO, LLC vs. CITY OF BAYONNE.” (517-519 Broadway, Block 196, lot 6 - commercial)

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

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27. The council as a whole moved the following resolution be adopted, which motion was adopted.

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

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

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

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28. The council as a whole moved the following resolution be adopted, which motion was adopted.

From Terrence Malloy, Chief Financial Officer, reporting on vendor payments and recommending payment of same, and a resolution adopting the recommendation and ordering payment of claims.

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

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29. The council as a whole moved the following resolution be adopted, which motion was adopted.

CERTIFICATE OF DETERMINATION AND AWARD

I, Terrence Malloy, Chief Financial Officer of the City of Bayonne, in the County of Hudson, New Jersey (hereinafter referred to as the “City”), HEREBY CERTIFY as follows:

1. I hereby determine to issue the $15,000,000 Tax Anticipation Note of 2012 (the “Note”) hereinafter described by virtue of the authority conferred upon me by the resolution of the City adopted February 15, 2012 authorizing the issuance of not exceeding $30,000,000 Tax Anticipation Notes of the City.

		NUMBER	DENOMINATION
TOTAL PRINCIPAL AMOUNT:	$15,000,000	2012-1	$15,000,000
DATE:	March 21, 2012		
MATURITY:	February 15, 2013		
INTEREST RATE PER ANNUM:	1.96% payable at maturity		
PAYING AGENT:	City of Bayonne, New Jersey		

2. Pursuant to the authority so conferred upon me, I have awarded and sold the Note to The Provident Bank, Jersey City, New Jersey, at the price of $15,000,000.00. There is no accrued interest on the Note.

3. No notes have heretofore been issued pursuant to the resolution referred to in paragraph 1 above.

IN WITNESS WHEREOF, I have hereunto set my hand as of March 21, 2012.

/s/
Terrence Malloy
Chief Financial Officer

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

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30. The council as a whole moved the following resolution be adopted, which motion was adopted.

CERTIFICATE OF DETERMINATION AND AWARD

I, Terrence Malloy, Chief Financial Officer of the City of Bayonne, in the County of Hudson, New Jersey (hereinafter referred to as the "City"), HEREBY CERTIFY as follows:

1. I hereby determine to issue the Tax Appeal Refunding Note of 2012 (the "Note") hereinafter described by virtue of the authority conferred upon me by the refunding bond ordinance of the City referred to in the attached chart by reference to number, date of adoption and amount of bonds or notes authorized, such notes to be issued in the amounts indicated in the chart.

TOTAL		NUMBER	DENOMINATION
PRINCIPAL AMOUNT:	$1,832,000	2012-2	$1,832,000
DATE:	3/30/12		
MATURITY:	3/29/13		
INTEREST RATE PER ANNUM:	2.75%, payable at maturity		
PLACE OF PAYMENT:	City of Bayonne, New Jersey		

2. Pursuant to the authority so conferred upon me, I have awarded and sold the Note to Bank of America, N.A., Boston, Massachusetts, at the price of $1,832,000.00.

3. No bonds of the City have heretofore been issued pursuant to the refunding bond ordinance referred to in Section 1 hereof, except as set forth in the attached chart.

4. The date of the first note or other obligation issued in anticipation of the issuance of the bonds that the Note is issued in anticipation of, whether or not now outstanding, is as stated in the attached chart.

5. No grants have been received, no paydowns have been made and no cancellations have been enacted that would reduce the debt authorization below the amount of notes outstanding under the refunding bond ordinance described in the attached chart except as set forth therein.

6. No notes or other obligations in anticipation of the issuance of bonds have heretofore been issued pursuant to the refunding bond ordinance referred to in the attached chart and now remain outstanding and unpaid except as set forth in the attached chart.

IN WITNESS WHEREOF, I have hereunto set my hand as of March 30, 2012.

/s/
Terrence Malloy, Chief Financial Officer

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

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31. The council as a whole moved the following resolution be adopted, which motion was adopted.

DATE: MARCH 9, 2012

TO: Terrence Malloy, CFO
Robert Sloan, City Clerk

CC: Leo J. Smith, Jr., School Business Administrator

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 MARCH 2012

____
Janet Convery

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

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32. The council as a whole moved the following resolution be adopted, which motion was adopted.

BID REPORT
FOR THE MUNICIPAL COUNCIL

Date: 04/16/12 Ad Resolution #11-06-15-030 Ad Date: 03/30/12

Date bids accepted: 04/13/12 Attending: Amy Dellabella, Purchasing Agent; Anthony DeSalvo, Esq.

Bid titled**: NEW SOUTH HARBOR FIRE STATION**

Bidder(s):	Total Lump Sum Bid $$ Amount	Bidder(s):	Total Lump Sum Bid $$ Amount
Tekton Development Corp. 97 Bayard St. NJ 08901	$3,947,000.00	Arco Construction Group 22-24 South Seventh St. New Brunswick, Elizabeth, NJ 07202	$3,577,000.00
Belmont Construction Corp. 240 W. Passaic St. Suite 11 Maywood, NJ 07607	$3,824,000.00	Unimak LLC 322 Lanza Avenue Garfield, NJ 07026	$3,625.000.00
Carter Contracting Co. Corp. P.O. Box 655 Salem Road Union, NJ 07083	$4,122,000.00	ICS Builders Inc. 8 West 36th St. N.Y., N.Y. 10018	$3,796,000.00

After review by the Department Director, the Purchasing Department will prepare a request for contract award and forward it to the City Clerk for inclusion in future Council Agenda. If other than the lowest bidder is recommended, an explanation will be provided with that report. If bids are to be rejected, an appropriate report will be prepared. Please retain this report, as the information above may not be repeated in the request for award documents or in the event of a bid rejection.

Respectfully submitted, Legal Approval:

__________________________ __________________________
Amy Dellabella, R.P.P.O., Q.P.A. Anthony DeSalvo, Esq.
Purchasing Agent
Cc: Charles M. D'Amico, Esq., Corporation Counsel

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

* * * * * * * * * *

33. The council as a whole moved the following resolution be adopted, which motion was 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 Czerwienski, Gillespie, Greaves, Hurley, and President Ruane.

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34. The council as a whole moved the following resolution be adopted, which motion was adopted.

RESOLVED, That the official minutes of the regular council meeting held Wednesday, March 14, 2012 be and the same are hereby approved.

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

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35. The council as a whole moved the following resolution be adopted, which motion was adopted.

RESOLVED, That the official minutes of the council caucus meeting held Wednesday, March 7, 2012, be and the same are hereby approved.

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

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36. The council as a whole moved the following resolution be adopted, which motion was adopted.

RESOLVED**,** that the Municipal Council hereby appoints Council Members Debra Czerwienski and Raymond Greaves to the Board of School Estimate for the period commencing January 1, 2012 through December 31, 2012.

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

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37. The council as a whole moved the following resolution be adopted, which motion was 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
32	15	Angel Gonzalez	623.59
33	4	Joseph Soriano	2,642.94
47	8.310	Courtney Vilas	56.11
66	45	Saxon Mortgage	2,079.78
98	3	Saxon Mortgage	2,337.72
101	26	L. Micewicz & H. Purzycki	468.62
104	13	William O'Brien	315.26
112	15	Romulo Avila	86.25
132	8	Carol Breen	1,546.18
134	2	Saxon Mortgage	3,728.20
140	37	John & Suzanne Buzinkai	1,005.13
159	28	Saxon Mortgage	1,949.69

169	31	Saxon Mortgage	2,406.72
175	2	Narinder Rishi	95.09
181	12.24	Bernard & Elaine Hoffmann	1,344.58
220	2	Bobby & Vernette Hughes	2,664.21
222	18	Peter Contale	2,026.46
231	19	Dilcia Valle	3,071.44
240	44	Carmen Cutro	2,407.32
247	31	Saxon Mortgage	1,122.91
247	35	Saxon Mortgage	1,542.29
249	28	Lori & John Youngclaus	1,930.85
256	27	Kevin Kuhl	929.17
264	24	Gregory Lotosky	3,264.87
267	7	Carol Hennings	215.20
270	9	Saxon Mortgage	3,837.75
280	2	John Youngclaus	3,836.08
286	24	George Wolfangle	1,122.17
289	19	Adrian Joseph	311.22
314	24	Elizabeth Hope	1,353.19
321	32	Decker & Sieben	111.14
323	8	Saxon Mortgage	1,193.09
325	28	Marian Ussery	360.34
326	11	Dianne Weicker	2,505.66
348	24.01	Saxon Mortgage	4,296.50
364	23	John Dolan	2,212.81
368	26	Henry Kucharski	250.00
369	8.03	Darren Burke	1,213.11
369	8.05	Aimee Montgomery Wilson	2,250.00
369	8.06	Linda Bomba	1,500.00
369	8.08	Anthony Lojewski	1,500.00
437	5	Melissa Gallo-Ragozzino	230.47
447	6	Michael Isaac	51.50
447	10	Bernice Correa	650.00
Total:			68,645.61

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

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38. The council as a whole moved the following resolution be adopted, which motion was adopted.

RESOLVED, that a warrant be drawn from the Current Fund and made payable to Police & Firemen's Retirement System in the amount of $ 9,281,415.96. Said payment represents the city's annual contribution.

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

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39. The council as a whole moved the following resolution be adopted, which motion was adopted.

RESOLVED, that a warrant be drawn and made payable to Public Employees Retirement System in the amount of $ 1,734,912.96. Said payment represents the city's annual contribution.

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

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40. The council as a whole moved the following resolution be adopted, which motion was adopted.

RESOLVED, that a warrant be drawn and made payable to Public Employees Retirement System in the amount of $ 56,681.00. Said payment represents the Parking Utility's annual contribution.

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

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41. The council as a whole moved the following resolution be adopted, which motion was adopted.

WHEREAS, the City Clerk's Office has issued Sixty (60) Marriage Licenses during the months of January, February and March, and has collected $25.00 per license, which is to be forwarded to the Division of Youth and Family Services, now, therefore be it

RESOLVED, that a warrant in the amount of One thousand five hundred dollars ($1500.00) be drawn to the order of the Treasurer, State of New Jersey and forwarded to the City Clerk's Office for disbursement.

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

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42. The council as a whole moved the following resolution be adopted, which motion was adopted.

RESOLVED, That a warrant in the amount of $ 104.40 be drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of licenses Nos. 1518-1564 inclusive, 47 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.

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

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43. The council as a whole moved the following resolution be adopted, which motion was 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 March 31, 2011 is hereby ratified and confirmed.

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

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44. The council as a whole moved the following resolution be adopted, which motion was adopted.

WHEREAS, Resolution No. 12-03-15-041 authorized and agreement with United Cerebral Palsy of Hudson County to provide funding for various repairs and renovations at their facility at 721 Broadway and 10 West 33rd Street; and

WHEREAS, said resolution failed to include the amount of the funding, which is $50,000.00; now, therefore be it

RESOLVED that Resolution No. 12-03-15-041 be and is hereby amended to read as follows:

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, for a one year period commencing March 1, 2012 and ending February 28, 2013, in the amount of $50,000.00; and be it further

RESOLVED, that funds are certified as available in Account No. CDBG-928.

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

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45. The council as a whole moved the following resolution be adopted, which motion was adopted.

BE IT RESOLVED, That the City Clerk be and is hereby authorized to advertise for bids for Solid Waste and Recycling Services.

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

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46. The council as a whole moved the following resolution be adopted, which motion was adopted.

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

LICENSEE	TIME & PLACE	LICENSE
Rotary Club of Bayonne	8:00 P.M. 1081 Broadway June 26, 2012	RL: 8750
Our Lady of Mt. Carmel Church	6:00 P.M. 39 East 22nd St. September 16, 2012	RL: 8751
Trinity Church in Bergen Point	9:00 P.M. 406 Broadway October 12, 2012	RL: 8752
St. Andrew Church	10:00 A.M. 125 Broadway June 22, June 29, July 6, July 13, July 20, July 27, Aug. 3, Aug. 10, Aug. 17, Aug. 24, Aug. 31, Sept. 7	RL: 8753

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

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47. Council President Ruane moved that the following resolution be adopted, seconded by Council Member Gillespie, which motion was adopted.

WHEREAS, the city clerk, in accordance with a resolution adopted on June 15, 2011 advertised in the Jersey Journal on February 17, 2012 that sealed bids for construction of the New South Harbor Fire Station would be received on March 27,2012; and

WHEREAS, pursuant to such advertisement, six (6) proposals were received from:

Tekton Development Corp. 97 Bayard St. New Brunswick, NJ 08901	$3,947,000.00	Arco Construction Group 22-24 South Seventh St. Elizabeth, NJ 07202	$3,577,000.00
Belmont Construction Corp. 240 W. Passaic St. Suite 11 Maywood, NJ 07607	$3,824,000.00	Unimak LLC 322 Lanza Avenue Garfield, NJ 07026	$3,625,000.00
Carter Contracting Co. Corp. P.O. Box 655 Salem Road Union, NJ 07083	$4,122,000.00	ICS Builders Inc. 8 West 36th St. N.Y., N.Y. 10018	$3,796,000.00;

and

WHEREAS, Amy Dellabella, R.P.P.O., Q.P.A. and Jason O'Donnell, Director of Public Safety have examined the bids or proposals and have determined that the lowest bid substantially exceeds the contracting unit's appropriation for the goods or services; now, therefore, be it

RESOLVED, that the bids for the New South Harbor Fire Station be rejected; and be it further

RESOLVED, that the Purchasing Agent be and is hereby authorized and directed to take appropriate action to obtain responsible bids for the project.

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

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48. Council Member Czerwienski moved that the following resolution be adopted, seconded by Council President Ruane, which motion was adopted.

WHEREAS, the City of Bayonne has determined that there is a need for a communications and graphics design provider for work on various projects such as renovations to the city's recycling pamphlet to increase public awareness of and participation in recycling; and

WHEREAS, the City of Bayonne, through Charles D'Amico, Esq., Law Director of the City of Bayonne, posted a Notice of a Request for Proposals for qualified firms interested in acting as a communications and graphic design provider to the City of Bayonne; and

WHEREAS, Lenox Consulting, 60 Roseland Avenue, Caldwell, NJ 07006 submitted a responsive proposal dated March 12, 2012; and,

WHEREAS, the proposed amount of the contract is below the bid threshold amount of the Public Contracts Law

WHEREAS, funds are available in Account 01-201-20-101-2-020, pending final adoption of the CY 2012 budget; now therefore it is

RESOLVED,

1. That based upon the Professional Service Contract Proposal/Qualification and Costs Submission Form submitted, the Municipal Council of the City of Bayonne finds Lenox Consulting, 60 Roseland Avenue, Caldwell, NJ 07006 qualified to provide the city with communications and graphic design services and authorizes the Mayor to enter into an agreement with Lenox Consulting for a one-year period commencing April 1, 2012; and

2. That this agreement is for an amount not to exceed $5,000.00; and

3. That this is a contract awarded in accordance with a "fair and open" contracting process as defined in the New Jersey Local Unit Pay to Play Law (N.J.S.A. 19:44-20.4 et seq.) and on that basis is awarded without public bidding as the amount of the contract is less than the bid threshold amount of the Public Contracts Law.

4. That this contract be chargeable to Account 01-201-20-101-2-020.

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

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49. Council Member Czerwienski moved that the following resolution be adopted, seconded by Council President Ruane, which motion was adopted.

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

WHEREAS, pursuant to said advertisement, the **Three (3)** bids captioned below were received from:

	Solid Waste AM 1 yr	Solid Waste AM 3 yr	Solid Waste PM 1 yr	Solid Waste PM 3 yr

Waste Management of NJ
1230 McCarter Highway
Newark, NJ 07104

$1,422,840.00	$4,268,520.00	$1,778,580.00	$5,335,740.00

Galaxy Recycling, Inc. / Smentkowski Carting, Inc.

3 New York Avenue
Jersey City, NJ 07307

$999,180.00	$3,106,740.00	$999,180.00	$3,106,740.00

Suburban Disposal
54 Montesano Road
Fairfield, NJ 07004

$1,020,000.00	$3,213,000.00	$1,020,000.00	$3,213,000.00

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 to the lowest bidder; 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 Resolutions **11-09-21-085; 11-10-19-075; 11-11-09-038; 11-12-14-038; 12-01-18-037; 12-02-15-041; and 12-03-14-048**, authorizing continued monthly extensions of **Agreement No. FY11-036** the period commencing October 1, 2011 and ending April 30, 2012 to Suburban Disposal for the bid price of $1,020,000.000 stated above at the monthly rate of **$85,000 per month** making the total contract amount **$1,622,000.00 pending the decision of the Appellate Court; and**

WHEREAS, on March 26, 2012 the Appellate Court ruled that the bid submitted by Galaxy Recycling, Inc. was not a proper and legal and was, therefore, not a responsible bid. Thus, it could not be awarded the contract; and

WHEREAS, the Purchasing Agent and Director of Public Works have examined the bids and have determined that the Suburban Disposal bid of $1,020,000.00 is now the lowest responsible bid for the **Collection of Solid Waste AM Service for One (1) Year**; and

WHEREAS, Suburban Disposal, Inc. has performed the services of the contract from October 1, 2011 through April 30, 2012 at the rate set forth in their bid submitted on July 26, 2011; and

WHEREAS, five months remain in the term set forth in the specifications in which bids were submitted on July 26, 2011; and

WHEREAS, Suburban Disposal, Inc. is agreeable to accepting an agreement for a term commencing **May 1, 2012** and ending **September 30, 2012** representing the remaining months of the one (1) year term of the Bid Specifications under the same terms and conditions of their bid submitted for the **Solid Waste AM Services for One (1) Year** on July 26, 2011 for the remaining contract amount of **$425,000.00** payable at the rate of **$85,000.00 per month**; and

WHEREAS, funds are certified as available in Account No. **HW-38** pending adoption of the CY2012 budget; 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 agreement with Suburban Disposal, Inc. Box 84, Livingston New Jersey 07039 for the **Collection of Solid Waste AM Services** for the remaining period of time stated in the bid

specifications from **May 1, 2012** and ending **September 30, 2012** representing the remaining months of the one (1) year term of the Bid Specifications under the same terms and conditions of their bid submitted for the **Solid Waste AM Services for One (1) Year** on July 26, 2011 for a total contract amount of **$425,000.00** payable at the rate of **$85,000.00 per month**

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

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

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50. Council Member Czerwienski moved that the following resolution be adopted, seconded by Council President Ruane, which motion was adopted.

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

WHEREAS, pursuant to said advertisement, the **Three (3)** bids captioned below were received from:

	Recycling AM 1 yr	Recycling AM 3 yr	Recycling PM 1 yr	Recycling PM 3 yr
Waste Management of NJ 1230 McCarter Highway Newark, NJ 07104	$760,968.00	$2,282,904.00	$951,204.00	$2,853,612.00
Galaxy Recycling, Inc. / Smentkowski Carting, Inc. 3 New York Avenue Jersey City, NJ 07307	$481,860.00	$1,275,300.00	$418,860.00	$1,275,300.00
Suburban Disposal 54 Montesano Road Fairfield, NJ 07004	$547,000.00	$1,686,000.00	$547,000.00	$1,686,000.00

WHEREAS, on September 19, 2011, the Superior Court issued a temporary Restraining Order prohibiting the awarding of the contract for the **collection of recyclable material** 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 to the lowest bidder; 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 material waste until further notice; and

WHEREAS, because the **collection of recyclable material** throughout the City is a necessary service to ensure the public health and welfare, the Municipal Council adopted Resolutions **11-09-21-086; 11-10-19-076; 11-11-09-039; 11-12-14-039; 12-01-18-038; 12-02-15-042; and 12-03-14-049**, authorizing continued monthly extensions of **Agreement No. FY11-035** the period commencing October 1, 2011 and ending April 30, 2012 to Suburban Disposal for the bid price of $547,000.000 stated above at the monthly rate of **$45,583.33 per month** making the total contract amount **$886,083.31 pending the decision of the Appellate Court; and**

WHEREAS, on March 26, 2012 the Appellate Court ruled that the bid submitted by Galaxy Recycling, Inc. was not a proper and legal and was, therefore, not a responsible bid. Thus, it could not be awarded the contract; and

WHEREAS, the Purchasing Agent and Director of Public Works have examined the bids and have determined that the Suburban Disposal bid of $547,000.00 is now the lowest responsible bid for the **Collection of Recyclable Materials AM Service for One (1) Year**; and

WHEREAS, Suburban Disposal, Inc. has performed the services of the contract from October 1, 2011 through April 30, 2012 at the rate set forth in their bid submitted on July 26, 2011; and

WHEREAS, five months remain in the term set forth in the specifications in which bids were submitted on July 26, 2011; and

WHEREAS, Suburban Disposal, Inc. is agreeable to accepting an agreement for a term commencing **May 1, 2012** and ending **September 30, 2012** representing the remaining months of the one (1) year term of the Bid Specifications under the same terms and conditions of their bid submitted for the **Recyclable Material AM Services for One (1) Year** on July 26, 2011 for the remaining contract amount of **$227,916.65** payable at the rate of **$45,583.33 per month**; and

WHEREAS, funds are certified as available in Account No. **HW-38** pending adoption of the CY2012 budget; 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 agreement with Suburban Disposal, Inc. Box 84, Livingston New Jersey 07039 for the **Collection of Recyclable Material AM Services** for the remaining period of time stated in the bid specifications from **May 1, 2012** and ending **September 30, 2012** representing the remaining months of the one (1) year term of the Bid Specifications under the same terms and conditions of their bid submitted for the **Collection of Recyclable Material AM Services for One (1) Year** on July 26, 2011 for a total contract amount of **$227,916.65** payable at the rate of **$45,583.33 per month**

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

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

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51. Council Member Greaves moved that the following resolution be adopted, seconded by Council President Ruane, which motion was adopted.

WHEREAS, the City of Bayonne is in need of 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) Comingled Collection consisting of glass, cans and bottles; and (c) Metal and Mixed Metal; (d) any other material in the recycling material stream (collectively referred to as "Recycling Commodity"); and

WHEREAS, Galaxy Recycling, 3 New York Avenue, Jersey City, New Jersey has submitted to the City of Bayonne a response to the City's Request for Qualifications/Proposals for the aforesaid receipt of recycling materials wherein they agree to pay the City of Bayonne $20.00 per ton over the NY Yellow Sheet Mixed Paper High with a floor of $110.00 per ton for mixed paper; $40.00 per ton for the commingled collection consisting of glass, cans; and

WHEREAS**,** Galaxy Recycling has qualified pursuant to the Fair & Open Contracting Requirements set forth in N.J.S.A. 19:44A:20.5; and

WHEREAS, the City will not be charged processing costs; now therefore be it

RESOLVED**,** that the Mayor and City Clerk are hereby authorized to enter into an agreement with Galaxy Recycling, 3 New York Avenue, Jersey city, New Jersey for the receipt of the following recyclable materials: (a) Mixed Paper; and (b) Comingled Collection consisting of glass, cans and bottles; for a the period commencing May 1, 2012 and ending December 31, 2012 consistent with the following terms:

Galaxy Recycling will pay to the City of Bayonne:

1. $20.00 per ton over the NY Yellow Sheet Mixed Paper High with a floor of $110.00 for mixed paper;
   $40.00 per ton for the commingled collection consisting of glass, cans and bottles; and
2. There shall be no processing costs to the City of Bayonne; and be it further

RESOLVED, that a notice of this action shall be printed once in a newspaper of general circulation within the boundaries of the City of Bayonne and the contract shall be made available for public inspection in the City Clerk's office.

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

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52. Council Member Greaves moved that the following resolution be adopted, seconded by Council President Ruane, which motion was adopted.

WHEREAS, the City of Bayonne participates in the Community Development Block Grant (CDBG) and Emergency Solution Grant (ESG) Programs directly through the U. S. Department of Housing and Urban Development (HUD) and the HOME Program as part of the Hudson County Consortium; and

WHEREAS, The U.S. Department of Housing and Urban Development requires the City of Bayonne to submit certain documents and certifications in connection with a required amendment for the 2011 plan; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized to sign all documents and certifications relating to the City's amended FY 2011 CDBG and ESG Programs; and be it further

RESOLVED, that the City of Bayonne is hereby authorized to submit its amended FY 2011 Annual Action Plan to the U.S. Department of Housing and Urban Development.

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

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53. Council Member Greaves moved that the following resolution be adopted, seconded by Council President Ruane, which motion was adopted.

WHEREAS, Council Resolution No. 11-07-20-042 authorized the purchase of a 75' mid-Mount Ladder Tower Platform Truck from Crimson Fire in the amount of $848,177.00, and

WHEREAS, said purchase is funded through a grant with a 20% match required by the City of Bayonne, and

WHEREAS, said 20% match is to be financed through a lease agreement, now therefore, be it

RESOLVED, that the Chief Financial Officer is hereby authorized to enter into a lease agreement with the Bayonne City Credit Union, located at 630 Avenue C, Bayonne, NJ, to provide for the financing of the City's 20% match for the aforementioned fire vehicle, not to exceed $180,000.00, account to be charged: Fire Department Other Expenses.

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

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54. Council Member Greaves moved that the following resolution be adopted, seconded by Council President Ruane, which motion was adopted.

WHEREAS, the New Jersey Department of Transportation' s Fiscal Year 2011 Municipal Aid Program has accepted applications for NJDOT FY2012 Municipal Aid; and

WHEREAS, the City of Bayonne applied for said aid; and

WHEREAS, the Department of Transportation has advised the city by letter dated March 26, 2012, that the City of Bayonne has been selected to receive funding in the amount of $401,500.00 for Avenue C; now, therefore, be it

RESOLVED, that the Mayor and City Clerk are hereby authorized to execute any and all documents necessary to accept NJDOT FY2012 Municipal Aid for Avenue C in the amount of $401,500.00 under the New Jersey Department of Transportation's Fiscal Year 2012 Municipal Aid Program Program.

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

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55. Council Member Hurley moved that the following resolution be adopted, seconded by Council Member Greaves, which motion was adopted.

WHEREAS, the County of Hudson was a designated recipient of Urban Areas Security Initiative (UASI) Funding in Federal Fiscal years 2007 and 2008; and

WHEREAS, the Federal funding is administered through the New Jersey Office of Homeland Security and Preparedness (OHSP) to the Hudson County Office of Emergency Management; and

WHEREAS, the Hudson County Office of Emergency Management (OEM) as a member of the UASI Executive Board under the direction of the County Executive formulates and approves a spending plan directed to the County of Hudson that is consistent with the rules and parameters of the specific grant and submits the spending plan to the New Jersey Office of Homeland Security and Preparedness (OHSP); and

WHEREAS, the Hudson County OEM recognized that there is no current standardized identification card for first responders within the County of Hudson; and

WHEREAS, the City of Bayonne wishes to participate in this program for a secure, easily recognizable identification card for first responders; and

WHEREAS, the New Jersey First Responder Identification Card will display the City of Bayonne emergency services seal and the emergency services name, and the bearer's distinct qualifications; and

WHEREAS, Participation in this program is at no cost to the City; and

WHEREAS, this body supports a secure, easy-to-read identification card for our emergency services to employ; now therefore be it

RESOLVED, by the Municipal Council of the City of Bayonne, County of Hudson, New Jersey that the City be and is hereby authorized to participate in this program; and be it further

RESOLVED that the Public Safety Director of the City of Bayonne is hereby authorized and directed to undertake the necessary municipal requirements and provide the necessary data and information to the County of Hudson where it will be stored on a secured server to insure participation in this program.

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

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56. Council Member Czerwienski moved that the following resolution be adopted, seconded by Council President Ruane, which motion was adopted.

WHEREAS, Provident Bank will be renovating its branch located at 464-472 Avenue C over the next few months; and

WHEREAS, in order to minimize the impact on their customers and employees, and provide a safe environment for both, the bulk of their renovation work will need to take place after the branch is closed; and

WHEREAS, in order to achieve this result, the branch would like to remain open during the day and undertake the work during the evening and overnight hours, and

WHEREAS, Section 3-1 of the City of Bayonne Revised General Ordinances, restricts construction work on weekdays, after 6:00 P.M.; and

WHEREAS, Provident Bank is seeking a waiver from the time restriction in the ordinance so as to perform construction on weekdays during the evening and overnight hours, and

WHEREAS, the branch is located in a commercial district and all of the work is interior, therefore, the work that will be performed after hours and overnight should not affect any neighbors that may live in the area; and

WHEREAS, the work is critical to the project in order to minimize the impact on Provident Bank's customers and employees and provide a safe environment for both; and

WHEREAS, in order to keep the renovation project on schedule, it was necessary for the Corporation Counsel to grant Provident Bank a waiver from the ordinance to continue construction on weekdays during the evening and overnight hours prior to obtaining formal approval from this body; now therefore be it

RESOLVED, that the actions of the Corporation Counsel in granting Provident Bank a waiver from Section 3-1 of the Revised General Ordinances are hereby ratified and confirmed; and be it further

RESOLVED, the Municipal Council reserves the right to revoke this exception to the Ordinance at any time for any reason.

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

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57. Council Member Gillespie moved that the following resolution be adopted, seconded by Council Member Hurley, which motion was adopted.

WHEREAS, the City of Bayonne has entered into an Agreement with the Windmill Alliance, Inc. under agreement #FY11-033; and,

WHEREAS, the Agreement provides the Windmill Alliance, Inc. with community development block grant funding for facility improvements to renovate the Code Violations; and,

WHEREAS, the Agreement provides for funding in the amount of $75,000.00 for the period commencing August 1, 2010 and ending June 30, 2012.

WHEREAS, the City of Bayonne wishes to amend the Agreement to increase the funding for an amount not to exceed $125,000.00 in order to complete the renovation; and,

WHEREAS, all other provisions enumerated in the Agreement remain unchanged; now, therefore, be it

RESOLVED, that Agreement #FY 11-033 between the City of Bayonne and the Windmill Alliance, Inc. be and is hereby amended to increase the amount of community development block grant funding in an amount not to exceed $50,000.00, making the total grant amount not to exceed $125,000.00 to provide for renovations to correct code violations; and be it further

RESOLVED, that said amount be charged to Account CDBG-928.

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

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58. Council Member Greaves moved that the following resolution be adopted, seconded by Council Member Hurley, which motion was adopted.

WHEREAS, the City of Bayonne has entered into an Agreement with the Bayonne Youth Center under agreement #FY11-093; and,

WHEREAS, the Agreement provides the Bayonne Youth Center, Inc. with community development block grant funding for facility improvements to renovate the Code Violations; and,

WHEREAS, the Agreement provides for funding in the amount of $50,000.00 for the period commencing April 1, 2011; and ending June 30, 2012.

WHEREAS, the City of Bayonne wishes to amend the Agreement to increase the funding for an amount not to exceed $110,000.00 in order to complete the renovation; and,

WHEREAS, all other provisions enumerated in the Agreement remain unchanged; now, therefore, be it

RESOLVED, that Agreement #FY 11-093 between the City of Bayonne and the Bayonne Youth Center be and is hereby amended to increase the amount of community development block grant funding in an amount not to exceed $60,000.00, making the total grant amount not to exceed $110,000.00 to provide for renovations to correct code violations; and be it further

RESOLVED, that said amount be charged to Account CDBG-928.

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

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59. Council Member Gillespie moved that the following resolution be adopted, seconded by Council Member Hurley, which motion was adopted.

WHEREAS, the City of Bayonne has entered into an Agreement with the Bayonne Jewish Community Center under agreement #FY11-079; and,

WHEREAS, the Agreement provides the Bayonne Jewish Community Center, with community development block grant funding for facility improvements to renovate the Code Violations; and,

WHEREAS, the Agreement provides for funding in the amount of $50,000.00 for the period commencing December 1, 2010; and ending June 30, 2012.

WHEREAS, the City of Bayonne wishes to amend the Agreement to increase the funding for an amount not to exceed $130,000.00 in order to complete the renovation; and,

WHEREAS, all other provisions enumerated in the Agreement will remain unchanged; now, therefore, be it

RESOLVED, that Agreement #FY 11-079 between the City of Bayonne and the Bayonne Jewish Community Center be and is hereby amended to increase the amount of community development block grant funding in an amount not to exceed $80,000.00, making the total grant amount not to exceed $130,000.00 to provide for renovations to correct code violations; and be it further

RESOLVED, that said amount be charged to Account CDBG-928.

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

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60. Council Member Czerwienski moved that the following resolution be adopted, seconded by Council President Ruane, which motion was adopted.

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	$	27,526,514.00
Parking Utility	$	86,000.00

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	$	9,702,550.00
Parking Utility	$	86,000.00

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

Current Fund	$	9,702,500.00
Parking Utility	$	86,000.00

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

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CURRENT FUND

RENT CONTROL - S&W	$6,000.00
BUSINESS ADMINISTRATOR'S OFFICE - S&W	$125,000.00
POSTAGE	$10,000.00
PERSONNEL DEPARTMENT - S&W	$20,000.00
OFFICE OF THE MAYOR - S&W	$50,000.00
OFFICE OF THE MAYOR - O.E.	$3,000.00
MUNICIPAL COUNCIL - S&W	$60,000.00
MUNICIPAL COUNCIL - O.E.	$1,500.00
CITY CLERK'S OFFICE - S&W	$100,000.00
DEPT OF FINANCE - S&W	$60,000.00
TAX ASSESSOR - S&W	$50,000.00
LAW DEPT - O.E.	8,000.00
PLANNING BOARD - O.E.	10,000.00
BOARD OF ADJUSTMENT - O.E.	10,000.00
TELEPHONE EXPENSES	40,000.00
PLANNING & ZONING - S&W	80,000.00
PLANNING & ZONING - O.E.	1,000.00
GENERAL LIABILITY/WORKER'S COMPENSATION	400,000.00
EMPLOYEE GROUP HEALTH	1,000,000.00
LAW ENFORCEMENT - UNIFORM - S&W	2,000,000.00
LAW ENFORCEMENT - UNIFORM - O.E.	75,000.00
LAW ENFORCEMENT - NONUNIFORM - S&W	300,000.00
LAW ENFORCEMENT - NONUNIFORM - O.E.	2,000.00
FIRE DEPT -UNIFORM - S&W	2,500,000.00
STREETS & ROADS - S&W	100,000.00
OTHER PUBLIC WORKS - S&W	100,000.00
OTHER PUBLIC WORKS - O.E.	5,000.00
BUILDINGS & GROUNDS - S&W	200,000.00
SWIMMING POOL - O.E.	10,000.00
MAINTENANCE OF PARKS - S&W	300,000.00
MAINTENANCE OF PARKS - O.E.	5,000.00
VEHICLE MAINTENANCE - S&W	100,000.00
VEHICLE MAINTENANCE - O.E.	30,000.00
BOARD OF HEALTH - S&W	100,000.00
BOARD OF HEALTH - O.E.	100,000.00
GASOLINE,OIL,GREASE ETC.	100,000.00
UTILITIES	300,000.00
SOCIAL SECURITY	300,000.00
MUNICIPAL PENSION TO EMPLOYEE & WIDOWS	10,000.00
MUNICIPAL COURT - S&W	200,000.00
MUNICIPAL COURT - O.E.	10,000.00
MAINTENANCE FREE PUBLIC LIBRARY	400,000.00
CONGREGATE MEALS PROGRAM	421,000.00
TOTAL	$9,702,500.00

PARKING UTILITY

OPERATING - OTHER EXPENSES	30,000.00
PUBLIC EMPLOYEES RETIREMENT SYSTEM	56,000.00
TOTAL	$86,000.00

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

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61. Council President Ruane moved that the following resolution be adopted, seconded by Council Member Gillespie, which motion was adopted.

WHEREAS, the City of Bayonne, in the County of Hudson, New Jersey (the "**City**"), a public body corporate and politic of the State of New Jersey (the "**State**"), is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1 *et seq.* (the "**Redevelopment Law**"), to determine whether certain parcels of land within the City constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

WHEREAS, the State of New Jersey (the "**State**") designated several blocks in the City of Bayonne (the "**City**") as an "Urban Renewal Zone" pursuant to the *New Jersey Urban Enterprise Zone Act*, *N.J.S.A.* 52:27H-60 *et seq.* (the "**UEZ Act**" and those parcels located within the designated Urban Enterprise Zone shall hereinafter be the "**UEZ**"); and

WHEREAS, on May 20, 2009, the State approved expansions to the City's UEZ map, to encompass additional properties including the properties commonly known as Block 458, Lot 1 and Block 467, Lots 27, 28 and 29 (the "**Maidenform Redevelopment Area**") on the tax map of the City, which properties shall collectively be referred to as the "**Zone Area**"; and

WHEREAS, by ordinance the municipal council of the City (the "**City Council**") accepted the amendment from the State codifying the Zone Area as part of the UEZ under the UEZ Act; and

WHEREAS, on August 17, 2011, the City Council adopted a resolution directing the Planning Board to investigate the Zone Area to determine if it meets the criteria for an area in need of redevelopment in accordance with Section 5(g) of the Redevelopment Law and prepare a redevelopment plan for same in accordance with Section 7(f) of the Redevelopment Law; and

WHEREAS, on October 11, 2011, the Planning Board reviewed a report prepared by John D. Fussa, P.P., planner for the Planning Board (the "**Planner**") and a redevelopment plan prepared by the Planner, dated October 2011 and entitled, "Redevelopment Plan Maidenform Redevelopment Area" (the "**Redevelopment Plan**"), at which hearing the Planning Board discussed the report and the Redevelopment Plan as presented and then resolved to recommend to the City Council that the Zone Area be designated a redevelopment area and the Redevelopment Plan be adopted; and

WHEREAS, as of the date hereof, in light of the need for the City to address affordable housing in a comprehensive, municipally-based manner, the City Council (the "**City Council**") of the City adopted an ordinance amending the Redevelopment amending the Redevelopment Plan pursuant to the terms of Section 7 of the Redevelopment Law; and

WHEREAS, as of the date hereof, the City Council adopted an ordinance designating the Zone Area as an area in need of redevelopment under Section 5(g) of the Redevelopment Law; and

WHEREAS, as of the date hereof, the City Council adopted an ordinance designating the City as the redevelopment entity for the Maidenform Redevelopment Area pursuant to Section 4 of the Redevelopment Law; and

WHEREAS, the City Council desires to designate Bayonne Avenue E Urban Renewal, LLC, a limited dividend entity duly formed under the Long Term Tax Exemption Law, *N.J.S.A.* 40A: 20-1 *et seq.* (the "**Redeveloper**"), the redeveloper for the Maidenform Redevelopment Area pursuant to Section 8 of the Redevelopment Law to undertake the redevelopment of the Maidenform Redevelopment Area pursuant to the Redevelopment Plan.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Bayonne, in the County of Hudson, New Jersey, as follows:

Section 1. The aforementioned recitals are incorporated herein as if fully set forth herein.

Section 2. Bayonne Avenue E Urban Renewal, LLC is hereby designated as the Redeveloper of the Maidenform Redevelopment Area, subject to the execution of a financial agreement with the City.

Section 3. The Mayor, in consultation with the City's counsel and consultants, is hereby authorized to enter into negotiations of a financial agreement and any other document or documents required to complete such negotiations in furtherance of this resolution.

Section 4. This resolution shall take effect immediately.

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

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62. Council President Ruane moved that the following resolution be adopted, seconded by Council Member Gillespie, which motion was adopted.

WHEREAS, Chapter 99 of the Pamphlet Laws of 1997 of the State of New Jersey (the "Act") permits municipalities to sell their tax levies; and

WHEREAS, the City of Bayonne (the "City") has successfully sold prior tax levies in accordance with the Act; and

WHEREAS, as part of the City's Fiscal Year 2012 budget, the City has determined that it would greatly benefit from another such sale of its tax levy;

WHEREAS, the City of Bayonne is in need of Special Counsel in connection with its upcoming tax levy sale, and

WHEREAS, pursuant to Resolution No. 11-07-28-072, duly adopted at a regular meeting of the Municipal Council of the City on July 28, 2011 under the Fair and Open Contracting Requirements contained in N.J.S.A. 19:44A-20.4, the City engaged the law firm of McManimon & Scotland, L.L.C., 1037 Raymond Boulevard, Suite 400, Newark, New Jersey 07102-5408 ("Counsel") to serve as bond counsel in accordance with the terms and provisions of a fee agreement attached thereto (the "Agreement"); and

WHEREAS, Counsel has performed professional legal services in connection with the City's tax levy sale in the past and is capable of performing such services; and

WHEREAS, Counsel has agreed to a fee of not to exceed $15,000.00 at the blended hourly rates set forth in paragraph 4G of the Agreement ($185 for attorneys and $115 for paralegals) and funds are certified as available from the Bulk Levy Sale pending adoption of the CY 2012 budget; now, therefore, be it

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

The sale of the City of Bayonne's property tax levy is hereby authorized.

1. The Chief Financial Officer is hereby directed to prepare and distribute a Bid Package, including a Notice of Sale, a form of Purchase and Sale Agreement, certain financial information related to the City, a form of Bid Document and any and all other documents and other information as may be required to properly and effectively conduct such sale of tax levy in accordance with the Act.

2. The Chief Financial Officer is hereby directed to cause the publication of the aforesaid Notice of Sale as required by the Act.

3. The Chief Financial Officer is hereby authorized to receive bids and take all actions in connection therewith in accordance with the Act and as to be described in the Notice of Sale.

4. McManimon & Scotland, L.L.C., 1037 Raymond Boulevard, Suite 400, Newark, New Jersey 07102-5408 is hereby authorized to perform the above-mentioned professional legal services for a fee not to exceed $15,000.00 at the hourly rates set forth in paragraph 4G of the Agreement ($185 for attorneys and $115 for paralegals), and funds are certified as available from the Bulk Levy Sale pending adoption of CY 2012 budget.

5. The City shall conclude its sale of the total property tax levy in the final month of CY 2012, provided that all statutory notice requirements are followed.

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

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63. Council President Ruane introduced the following ordinance.

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

WHEREAS, the City of Bayonne introduced Ordinance No. O-12-10 amending the Revised General Ordinances, Chapter 10, Special Improvement District, which proposes to re-designate the Bayonne Urban Enterprise Zone Development Corporation as the District Management Corporation for the Special Improvement District created under Ordinance No. O-2-2.1 (1972) and subsequently re-codified under Chapter 10-2 and amended by Ordinance No. O-08-29; 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, in anticipation of the adoption of Ordinance No. O-12-10, the Municipal Council hereby proposes to amend Chapter 10-3 *et seq.*, of the Revised General Ordinances, Urban Enterprise Zone, to empower the Bayonne Urban Enterprise Zone Development Corporation to receive, manage and expend special assessment funds collected by the City under RGO Chapter 10-2 *et seq.*, Special Improvement District, and N.J.S.A. 40:56-66 *et seq*, and to otherwise function as the District Management Corporation as defined by N.J.S.A. 40:56-66(c); and

WHEREAS, some typographical errors or omissions were discovered in RGO Section 10-3 *et seq.*, Urban Enterprise Zone; therefor, it is

RESOLVED that Chapter 10, Urban Enterprise Zone, of the Revised General Ordinances shall be amended and supplemented as follows (additions ****between asterisks****, deletions {~~within brackets~~} effective July 1, 2012:

10-3 URBAN ENTERPRISE ZONE.

10-3.1 Designation of Urban Enterprise Zones.

The Municipal Council of the City of Bayonne does hereby accept the designation of certain areas contained in its resolution as more particularly described in Exhibit A* attached hereto and made a part hereof. The Municipal Council accepts this designation from the Urban Enterprise Zone Authority, and accepts the designation of the Zone Development Plan as formulated and approved in the aforesaid resolution. (Ord. No. 0-09-10 § 1)

***Editor's Note:** Exhibit A, referred to herein may be found at the end of this section.

10-3.2 Findings.

The City is seeking designation as an Urban Enterprise Zone due to the following existing conditions:

The City's commercial districts have been adversely affected by the existence of Urban Enterprise Zones both contiguous and nearby to the City of Bayonne. The sales tax reduction, as well as the improvements funded by these zones, has placed the commercial trade in Bayonne at a competitive disadvantage.

The development of both vacant and under-utilized sites has been hindered due to the incentives that are present to developers in the cities of the neighboring Urban Enterprise Zones.

Several sites, currently zoned as Highway Development, have the potential to be locations for national/regional retailers. Incentives will be needed in order to attract these retailers.

Bayonne has over one hundred (100) acres of Brownfields sites that are suitable for future development.

Bayonne's commercial districts are aging and in need of rehabilitation and/or redevelopment.

Limited parking availability reduces the attractiveness of the City's traditional commercial districts.

The former Military Ocean Terminal, which closed in September 1999 and had employed three thousand (3,000) people, is now in the control of the Bayonne Local Redevelopment Authority. This property will require extensive infrastructure improvements and capital investments, both public and private.

Various industrial and warehousing sites are currently underutilized. With incentives, these sites can be converted into engines for increasing available employment for current, as well as future residents.

Bayonne's population has stagnated in the past decade with an increase of only 0.6%. Since 1970 Bayonne's population has decreased by fifteen (15%) percent. A contributing factor to this stagnation is the vacant, nonlivable units that exist above the commercial stores, as well as an absence of market-rate rental units.

The absence of market-rate rental units has prevented Bayonne from attracting young professionals to the community. The City having a median age of 38.1 years and 18.9 percent of its population over age sixty-two (62) evidences this.

Bayonne is an urbanized community with a population of 10,992.2 per square mile, and a density of 4,768.2 housing units per square mile. These figures compare to State averages of 1,134.4 and 446.3 respectively.

46.1 percent of Bayonne's existing housing units were built in 1939 or earlier. This figure compares to the State average of 20.1 percent.

Bayonne is still experiencing a significant influx of foreign born residents as witnessed by the fact that 8.4 percent of the City's population entered this country between 1990 and March 2000.

In 1999, Bayonne's Per Capita Income was $21,553.00. Bayonne was ranked 436 in the State of New Jersey.

In 1999, Bayonne's Median Household Income was $41,566.00. This figure is significantly below the State average of $55,146.00.

In 1999, Bayonne's Median Family Income was $52,413.00. This figure is significantly below the State average of $65,370.00.

In 1999, the City had 10.1 percent of its population living below the poverty level. For individuals under eighteen (18), the poverty level was 11.9 percent. These figures compare to the State averages of 8.5 percent and 10.8 percent respectively.

The City of Bayonne proposes to address these conditions within the proposed Zone as follows:

Create an Urban Enterprise Zone Board consisting of thirteen (13) board members including: the Mayor or designee, two members of the Municipal Council, ****the Bayonne Business Administrator,**** {~~the Executive Director of the Bayonne Economic Development Corporation or designee, the Community Development Head of the Community Development Division or designee,~~} the President of the Chamber of Commerce or designee, {~~the Executive Director of the Town Center Management Corporation or designee, the Executive Director of the Bayonne Parking Authority or designee, and the Executive Director of the Bayonne Housing Authority or designee, the Executive Director of the Bayonne Redevelopment Authority or designee,~~} a member of the Bayonne Economic Opportunity Foundation, ****three owners or business operators (tenants) of properties located within the Special Improvement District created by RGO Chapter 10-2, two owners or operators of businesses located outside of the Special Improvement District**** and two members of ****community civic organizations.**** {~~minority faith based organizations.~~} The Board shall have an Executive Director who shall be a Municipal employee appointed by the Mayor, and shall serve at the pleasure of the Mayor and the Board. The Board shall actively work with the business community in addressing the above conditions by creating various committees consisting of Board members, business representatives, and representatives of the community at large.

Utilize the powers conferred on the Municipality by law for the purpose of stimulating investment in and economic development of the proposed zone.

Utilize State assistance through the provisions of the Urban Enterprise Zone relating to exemptions from, and credits against, State taxes.

Securing the involvement in, and commitment to, zone economic development by private entities, including zone neighborhood associations, voluntary community organizations supported by residents and businesses in the zone.

Utilize the powers conferred by law to revise municipal planning and zoning ordinances and other land use regulations as they pertain to the zone, in order to enhance the attraction of the zone to prospective developers.

Increase the availability and efficiency of support services, public and private, generally used by and necessary to the efficient functioning of commercial and industrial facilities in the area, and the extent to which the increase or improvement is to be provided by the municipal government or other entities.

****Function as the designated District Management Corporation under RGO Chapter 10-2 and within the meaning of N.J.S.A. 40:56-66(c). Receive, manage and expend special assessment funds, collected by the City, solely for the benefit of the members of the Special Improvement District in accordance with N.J.S.A. 40:56-66 *et seq.* and RGO Chapter 10-2.****

Upon designation as an Urban Enterprise Zone, the City will commence educating the business community regarding the advantages offered by being a member of the Zone, and shall assist these businesses in the process of applying for membership.
(Ord. No. 0-02-25; Ord. No. 0-09-10 § 1; Ord. No. 0-09-28 § 2)

10-3.3 Bayonne **Urban Enterprise Zone Development Corporation.**

a. *Created.* In accordance with the provisions of N.J.S.A. ****52:27H-60 *et seq.***** {57:27H-67}, the Municipal Council of the City of Bayonne hereby authorizes the creation of a nonprofit corporation, pursuant to the provisions of Title 15 of the Revised Statutes of the State of New Jersey, to act as the Urban Enterprise Zone Development Corporation for the City of Bayonne. Said corporation shall have all of the powers, duties and responsibilities as provided for under the applicable laws of the State of New Jersey.

b. *Title.* The Corporation shall be named the "Bayonne ****Urban**** Enterprise Zone Development Corporation."

c. *Members.* The Bayonne Enterprise Zone Development Corporation shall be governed by a Board of Trustees consisting of thirteen (13) members. The thirteen (13) Board members shall be:

1. The Mayor or designee

2. Two (2) members of the Municipal Council, to be appointed by a majority vote of the Municipal Council

3. {~~The Executive Director of the Bayonne Economic Development Corporation or designee~~} ****The Bayonne Business Administrator****

4. {~~The Community Development Division Head or designee~~} ****Three (3) owners or business operators (tenants) of properties located within the Special Improvement District created by RGO Chapter 10-2, to be appointed by the Mayor****

5. The President of the Chamber of Commerce or designee

6. {~~The Executive Director of the Town Center Management Corporation or designee~~} ****Two owners or operators of businesses located outside of the Special Improvement District, to be appointed by the Mayor****

{~~7. The Executive Director of the Bayonne Parking Authority or designee~~}

{~~8. The Executive Director of the Bayonne Housing Authority or designee~~}

{~~9. The Executive Director of the Bayonne Redevelopment Authority or designee~~}

7 {~~10.~~} A member of the Bayonne Economic Opportunity Foundation, to be appointed by the Mayor

8 {~~11.~~} Two (2) members of **community civic organizations** {~~minority faith based organizations~~}, to be appointed by the Mayor

d. *Term of Office.* {~~With the exception of the two (2) members of the minority faith based organizations and the member of the Bayonne Economic Opportunity Foundation, all members of the Board of Trustees~~} **The Mayor, Municipal Council members, Business Administrator and President of Chamber of Commerce** shall serve for only so long as he or she continues to hold the designated title or municipal office.

e. *Executive Director.* The Board shall have an Executive Director who shall be a municipal employee appointed by the Mayor, and shall serve at the pleasure of the Mayor and the Board. The Board shall actively work with the business community in addressing the above conditions by creating various committees consisting of Board members, business representatives, and representatives of the community at large.
(Ord. No. 0-02-25; Ord. No. 0-09-10 § 1; Ord. No. 0-09-28 § 2)

10-3.4 Revised Urban Enterprise Zone Development Plan.

On April 8, 2009 the City of Bayonne's previously approved Urban Enterprise Zone, as set forth in Exhibit A,***** was amended pursuant to approval by the State of New Jersey to encompass the blocks and lots as set forth in Exhibit B,***** attached hereto and made a part hereof.

Council President Ruane moved that the following resolution be adopted, seconded by Council Member Czerwienski, which motion was adopted.

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES, 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, May 16, 2012 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

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64. Council Member Czerwienski moved that the following resolution be adopted, seconded by Council Member Greaves, which motion was 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 requests the Council to award the Bayonne Economic Opportunity Foundation (BEOF) $421,000 from the City of Bayonne 2012 grant from the Hudson County Office on Aging grant of $581,183, (Resolution 12-03-14-043) for the following programs: Congregate Nutrition: $160,000; Home Delivered Meals: $235,000; HDM-2: $10,000; SWHDM: $16,000; now, therefore, be it

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, Greaves, Hurley, and President Ruane.

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65. Council Member Czerwienski moved that the following resolution be adopted, seconded by Council Member Greaves, which motion was adopted.

WHEREAS, the City of Bayonne is in need of continued services in connection with the operation of the Adult Activity Center, one group home, two supervised apartment programs, a Saturday recreation program, Early Intervention Program, After School Program, advocacy, information and referral services for the developmentally disabled population of Bayonne; and

WHEREAS, Hudson Milestones, 365-381 Clendenny Avenue, Jersey City, New Jersey 07304, has provided such services and has agreed to continue to provide said services for a one year period commencing July 1, 2012 and ending June 30, 2013 for the sum of $7,000.00, and funds are certified as available in Account #HW-4 0 1-201-27-330-2-020 pending adoption of the CY 2012 and CY 2013 budgets; now, therefore, be it

RESOLVED, that no bid need be solicited for these services insofar as the agreement complies with the statutory guidelines of N.J.S.A. 40A: 11-3; and be it further

RESOLVED, that the Mayor and Clerk are hereby authorized to enter into an agreement with Hudson Milestones, 365-381 Clendenny Avenue, Jersey City, New Jersey 07304, to provide said services for a one year period commencing July 1, 2012 and ending June 30, 2013 for the sum of $7,000.00; and be it further

RESOLVED, that funds are certified as available in Account #HW-4 01-201-27-330-2-020 pending adoption of CY2012 and CY2013 budgets, and such agreement is contingent upon appropriate budget allocations.

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

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66. Richard Barba addressed the council on the subject of nail salons.

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67. Leonard R. Kantor addressed the council on the subject of OPRA request denials.

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68. Toni-Ann Cerbo addressed the council regarding nail salons.

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69. At 9:07 P.M., Council President Ruane moved that the following resolution be adopted, seconded by Council Member Hurley, which motion was adopted.

RESOLVED, That the Municipal Council hereby adjourns to Wednesday, May 9, 2012, following the council caucus scheduled for 3:30 P.M. in the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue C, Bayonne, New Jersey.

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

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President – Terrence P. Ruane

City Clerk – Robert F. Sloan