

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, MAY 16, 2012

The Council met at 7:03 P.M.

The Council President Ruane announced: "I would like to advise all those present that notice of this regular meeting of the Municipal Council of the City of Bayonne of May 16, 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 May 11, 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 presented a citation to retiring Police Chief Robert Kubert.

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01. The clerk announced:

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," which was introduced and passed a first reading at a meeting held April 18, 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 May 16, 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 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, "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"

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:

Eric Zebrowski – 165 West 32nd Street
Bob Graham – 69 West 34th Street
Greg Locinski – 405 Avenue A
Patrick Keller – H.C. Building Trade
Stephen J. Gallo – Business Administrator

The Clerk read all objections or protests against and statements in favor of the ordinance which were filed.

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

Attn: Robert Sloan, Esq. RMC
Bayonne Municipal Clerk

Re: Bayonne Avenue E Urban Renewal, LLC
Block 458, Lot 1 and Block 467, Lots 27, 28 and 29
Application for Approval of Long Term Tax Exemption
Pursuant to N.J.S.A. 40A:20-1 et seq.

Dear Mr. Sloan:

I have received and reviewed the Application for a Long Term Tax Exemption, submitted by Bayonne Avenue E Urban Renewal, LLC (the "Entity") by transmittal letter April, 2011, pursuant to N.J.S.A. 40A:20-1 et seq. (the "Application"). The Application, form of proposed Financial Agreement and related documents are submitted by the Entity in connection with the proposal redevelopment of property located at 142-180 Avenue E, Bayonne, New Jersey. The Entity proposes to construct approximately eight-three (83) units comprised of twenty-four (24) two bedrooms units, forty seven (47) one bedroom units, nine (9) studio lofts and three (3) commercial retail stores (the "Project"). The Project will be located on the land designated on the Tax Maps of the City as Block 458, Lot 1 and Block 467, Lots 27, 28 and 29 (the "Project Site").

The total project cost is estimated at Eighteen Million Six Hundred Ninety Seven Thousand Dollars (\$18,697,000). The Entity requests an Annual Service Charge equal to ten percent (10%) of the Annual Gross Revenues. The Annual Gross Revenues estimated to be generated by the Project is One Million Five Hundred Thirty Eight Thousand Dollars (\$1,538,000)

The first year of the Annual Service Charge shall be billed based on the greater of the Entity's estimate Annual Gross Revenue, as set forth in the Financial Agreement, or the Minimum Annual Service Charge, except that the Annual Service Charges shall be prorated in accordance with the Lease Up Period as detailed below. However, in no event shall the Annual Service Charge be less than the amount of the total taxes levied against the Property for the last full year the Property was subject to taxation (the "Minimum Annual Service Charge"), which was Fifty Eight Thousand Fifty Two Dollars and 13/100 (\$58,051.13). Moreover, notwithstanding the provisions of the Long Term Tax Exemption Law or any provision of the Financial Agreement to the contrary, the Annual Service Charge shall never be reduced below the Minimum annual Service Charge through any tax appeal that this Agreement is in force and effect.

As referenced above, the Annual Service Charge is subject to Lease Up Period provisions, which are defined as that period of time, beginning on the date of the issuance of the first Certificate of Occupancy for any residential unit in the Project and ending on the date of the Lease Up Expiration. During the Lease Up Period, the Entity shall pay to the City a sum calculated as follows: (1) the total amount of the estimated Annual Service Charge for all residential units in the Project, as estimated by the Entity in its Tax Abatement Application, shall be divided by the number of all proposed residential units in the Project in order to obtain the estimated Annual Service Charge on a per residential unit bases; (2) the estimated per unit Annual Service Charge will again be divided by twelve (12) in order to calculate the monthly amount of the Annual Service Charge on a per residential unit bases; and (3) the resulting amount shall be multiplied by the number of residential units having been issued a Certificate of Occupancy, irrespective of whether the residential units is actually occupied or generates any rental revenues. The payment shall be calculated as of the 1st day of the month during the Lease Up Period. The Lease Up Period shall expire eighteen (18) months after the issuance of the First Certificate of Occupancy for any residential unit in the Project regardless of whether all of the residential units have received a Certificate of Occupancy.

Accordingly, during the thirty (30) year term of the tax exemption, at a minimum, the City will receive approximately Four Million Nine Hundred and Thirty-Five Thousand Dollars (\$4,935,000), as opposed to Eight Hundred Ninety-Seven Thousand Dollars (\$876,000) based on the current yearly taxes over the same period of time.

In addition to the municipal revenues generated by the Project, the Entity estimates that there will be approximately one hundred (100) jobs created during construction

and approximately eight (8) permanent full-time positions created after completion of construction.

I believe this Project is a desirable improvement in the City. The Entity will pay an Annual Service Charge that is significantly more than the current taxes assessed on the Property.

Therefore, I recommend that the Project and the Application for be favorably considered by the Municipal Council for Bayonne Avenue E Urban Renewal, LLC, provided that all legal prerequisites have been met.

Sincerely yours,
Mark A. Smith
Mayor
(signed)

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 Czerwienski moved the amend resolution to change "Be it Resolved" to "Be it Ordained", 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 Hurley, which motion was adopted.

WHEREAS, 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," was introduced and passed a first reading at a meeting held April 18, 2012, and was published and posted as required by law, with notice that it would be considered for final passage following a public hearing at this meeting of May 16, 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-12-16.

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 3, POLICE REGULATIONS," which was introduced and passed a first reading at a meeting held April 18, 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 May 16, 2012 is now before the Council for its consideration and a public hearing.

Council Member Greaves moved that the following resolution of second reading 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 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 to close the hearing, seconded by Council Member Hurley, which motion was adopted.

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

Council Member Czerwinski 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 April 18, 2012, and was published and posted as required by law, with notice that it would be considered for final passage following a public hearing at this meeting of May 16, 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-12-17.

Yeas - Council Members Czerwinski, 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 7, TRAFFIC," which was introduced and passed a first reading at a meeting held April 18, 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 May 16, 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 Czerwinski, 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 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."

The following spoke: Ted Zientek – 102 West45th 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 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 Czerwienski 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 April 18, 2012, and was published and posted as required by law, with notice that it would be considered for final passage following a public hearing at this meeting of May 16, 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-12-18.

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 7, TRAFFIC," which was introduced and passed a first reading at a meeting held April 18, 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 May 16, 2012 is now before the Council for its consideration and a public hearing.

Council Member Ruane moved that the following resolution of second reading be adopted, seconded by Council Member Hurley, 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 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 Greaves moved to close the hearing, seconded by Council Member Gillespie, 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 Czerwienski, 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 April 18, 2012, and was published and posted as required by law, with notice that it would be considered for final passage following a public hearing at this meeting of May 16, 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-12-19.

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, CHAPTER 10, TAXATION AND SPECIAL IMPROVEMENT DISTRICTS," which was introduced and passed a first reading at a meeting held April 18, 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 May 16, 2012 is now before the Council for its consideration and a public hearing.

Council Member Czerwienski moved that the following resolution of second reading 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, 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."

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 to close the hearing, seconded by Council Member Ruane, which motion was adopted.

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

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

WHEREAS, an ordinance entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES, CHAPTER 10, TAXATION AND SPECIAL IMPROVEMENT DISTRICTS," was introduced and passed a first reading at a meeting held April 18, 2012, and was published and posted as required by law, with notice that it would be considered for final passage following a public hearing at this meeting of May 16, 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-12-20.

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

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06. Council Member Czerwienski introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING THE REDEVELOPMENT PLAN FOR THE AGC CHEMICALS REDEVELOPMENT AREA

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, on March 28, 2012, the Municipal Council of the City (the "Municipal Council") requested the Planning Board of the City (the "Planning Board") to perform an investigation to determine whether the area commonly known as Block 453.01; Lots 2.01, 3, 4, 5.01, 6.01, 7.01 and 9.01 and Block 503, Lot 9.02 on the tax map of the City and as depicted on a Minor Subdivision Map prepared by Langan Engineering and Development Associates dated February 24, 2009, which is annexed hereto as Exhibit A (the "Study Area") constitutes an "area in need of redevelopment" under the Redevelopment Law and, if so, consider a redevelopment plan for such Study Area; and

WHEREAS, on May 8, 2012, the Planning Board determined that the Study Area met the criteria for "an area in need of redevelopment" under the Redevelopment Law and favorably reviewed the "Redevelopment Plan AGC Chemicals Redevelopment Area" prepared by John D. Fussa, P.P. dated April 2012, which is annexed hereto as Exhibit B (the "Redevelopment Plan"); and

WHEREAS, on May 16, 2012, the Municipal Council designated the Study Area (the "Redevelopment Area") as an area in need of redevelopment pursuant to the Redevelopment Law; and

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Redevelopment Plan is hereby approved.

Section 3. The zoning district map in the zoning ordinance of the City is hereby amended to include the "Redevelopment Area" per the boundaries described in the Redevelopment Plan and all of the provisions therein and shall supersede the applicable development regulations of the City's municipal code.

Section 4. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 5. A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the City Clerk during regular business hours.

Section 6. This ordinance shall take effect in accordance with all applicable laws.

Council Member Czerwienski 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 REDEVELOPMENT PLAN FOR THE AGC CHEMICALS REDEVELOPMENT AREA," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, June 20, 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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07. Council Member Czerwienski introduced

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY DESIGNATING THE MAYOR AND MUNICIPAL COUNCIL AS THE REDEVELOPMENT ENTITY WITH RESPECT TO THE AGC CHEMICALS REDEVELOPMENT AREA

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "Redevelopment Law") authorizes municipalities to designate certain parcels of land located therein as areas in need of redevelopment; and

WHEREAS, on March 28, 2012, the Municipal Council of the City (the "Municipal Council") requested the Planning Board of the City (the "Planning Board") to perform an investigation to determine whether the area commonly known as Block 453.01; Lots 2.01, 3, 4, 5.01, 6.01, 7.01 and 9.01 and Block 503, Lot 9.02 on the tax map of the City and as depicted on a Minor Subdivision Map prepared by Langan Engineering and Development Associates dated February 24, 2009, which is annexed hereto as Exhibit A (the "Study Area") constitutes an "area in need of redevelopment" under the Redevelopment Law and, if so, consider a redevelopment plan for such Study Area; and

WHEREAS, on May 8, 2012, the Planning Board determined that the Study Area met the criteria for "an area in need of redevelopment" under the Redevelopment Law and favorably reviewed the "Redevelopment Plan AGC Chemicals Redevelopment Area" prepared by John D. Fussa, P.P. dated April 2012 (the "Redevelopment Plan"); and

WHEREAS, on May 16, 2012, the Municipal Council designated the Study Area (the "Redevelopment Area") as an area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, the Municipal Council desires to designate the Mayor and Municipal Council as the "Redevelopment Entity", as such term is defined in Section 3 of the Redevelopment Law, to implement the redevelopment of the Redevelopment Area and to carry out redevelopment projects within the Redevelopment Area.

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Mayor and Municipal Council shall serve as the Redevelopment Entity to implement and carry out redevelopment projects in the Redevelopment Area and is hereby empowered to perform all actions as are necessary, proper and authorized under the Redevelopment Law in furtherance of same.

Section 3. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 4. A copy of this Ordinance shall be available for public inspection at the office of the City Clerk during regular business hours.

Section 5. This ordinance shall take effect in accordance with all applicable laws.

Council Member Czerwienski 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 DESIGNATING THE MAYOR AND MUNICIPAL COUNCIL AS THE REDEVELOPMENT ENTITY WITH RESPECT TO THE AGC CHEMICALS REDEVELOPMENT AREA," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, June 20, 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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08. Council Member Gillespie introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 15, BUILDING AND HOUSING

BE IT ORDAINED, by the Municipal Council of the City of Bayonne, as follows:
Section 1. That Chapter 15, Building and Housing, is hereby amended and supplemented as follows: (new material **between asterisks**, deleted material {~~within brackets~~ }):

15-12 STRUCTURE EXTERIOR; REQUIREMENTS.

****15-3.1 Condition of exterior, maintenance.****

The foundation walls of every structure used for human habitation shall be maintained in good repair and be structurally sound. The stairs, porches, and railings affixed to the exterior of every structure used for human habitation shall be kept in good repair and structurally sound. Railings shall be provided for stairs and balconies, for porches and accessible roofs, and for light and air shafts.

Every structure used for human habitation shall be so maintained that it will be weather and watertight. Exterior wood and metal surfaces shall be adequately protected against deterioration through the periodic application of paint or other protective coatings.

****15-3.2 Unused satellite dishes.**

Any and all satellite dishes not in use must be removed by the property owner of the building or structure on which they are located, including satellite dishes missing their cluster receiver or with a cluster receiver that is not connected or is damaged.**

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, 15, BUILDING AND HOUSING," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, June 20, 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 President Ruane introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED
GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 15,
BUILDING AND HOUSING

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 15, BUILDING AND HOUSING, be amended and supplemented as follows: (New material ****between asterisks****, deletions ~~{within brackets}~~)

15-3 FEE FOR CONSTRUCTION PERMIT.

15-3.1 Construction Permit Fee; Sum of Subcode Fees.

b. *Electrical Subcode Fees:*

12. Service, subpanel and motor control
 - (a) 60-99 amps – \$45.00
 - (b) 100-199 amps – \$55.00
 - (c) 200-299 amps – \$65.00
 - (d) 300-399 amps – ****\$85.00****
 - (e) 400-999 amps – \$575.00
 - (f) 1000-1299 amps – \$675.00
 - (g) Over 1300 amps - \$775.00

Council Member Czerwienski 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, 15, BUILDING AND HOUSING,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, June 20, 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 Gillespie introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL
ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 17, PROPERTY MAINTENANCE.

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

Section 1. That Chapter 17, Property Maintenance, Article 2, General Maintenance Requirements; of the Revised General Ordinances of the City of Bayonne, is hereby amended and supplemented as follows: (New material ****between asterisks**** deletions ~~{ within brackets }~~)

Article 2 Commercial Property Maintenance Code

17-14 GENERAL MAINTENANCE REQUIREMENTS.

17-14.8 Grass and Other Plant Growth.

All premises ****and exterior property**** shall be maintained free from grass growth, weeds or other plant growth ****in excess of twelve (12) inches in height,**** which are detrimental to the public health and welfare, or excessively overgrown as compared to the character and condition of the surrounding properties and where the same could constitute a blighting influence, and impair the appearance of nearby properties.

17-15 MAINTENANCE OF EXTERIOR OF STRUCTURES.

17-15.10 Insect Screens.

During the period from ****May 1 to October 1**** { ~~April 1 to December 1~~ }, every door****,**** { ~~and~~ } window or other outside opening used for ventilation purposes serving any building used for commercial purposes containing food preparation areas, food service areas or any areas where products used in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tight fitting screens of ****minimum**** { ~~not less than~~ } sixteen mesh per inch ******(16 mesh per 25 mm)******, and every swinging screen door ****used for insect control**** shall have a self-closing device in good working condition.

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, 17, PROPERTY MAINTENANCE," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, June 20, 2012 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

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11. Council Member Greaves introduced:

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

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

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

RESTRICTIVE PARKING ZONES

DELETE

113. Giuseppe Gallo, 131 West 54th Street
Beginning at a point on the north side of West 54th Street, 210 feet east of the northeast corner of Kennedy Boulevard and West 54th Street, and extending to a point 22 feet east thereof.

145. Eleanor Tiefenwerth, 76 West 10th Street
Beginning at a point on the south side of West 10th Street, 272 feet west of the southwest corner of Avenue C and West 10th Street, and extending to a point 22 feet west thereof.

293. Robert Collins, 136 Avenue C

Beginning at a point on the east side of Avenue C, 200 feet north of the northeast corner of Avenue C and West 4th Street, and extending to a point 22 feet north thereof.

299. Roger Vreeland, 12 East 48th Street

Beginning at a point on the south side of West 48th Street, 139 feet east of the southeast corner of East 48th Street and Broadway, and extending to a point 22 feet east thereof.

Council Member Greaves moved that the following resolution be adopted, seconded by Council Member 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, June 20, 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.

* * * * *

12. The Council as a whole moved the following resolution, which was read by the clerk and adopted.

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

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

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

* * * * *

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

From Patricia Weston Rivera, Esq., filing notice of tort claim on behalf of INDIGO BURNETT SMITH, alleging injuries sustained October 22, 2011 in being struck by a vehicle while crossing Route 440 at 32nd Street.

* * * * *

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

From Nancy E. Lucianna, Esq., filing notice of tort claim on behalf of JIHAD ABDELAZIZ, alleging injuries sustained April 13, 2012 in an altercation with police officers at 354 Avenue C.

* * * * *

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

From Jacoby & Meyers, Esqs., filing notice of tort claim on behalf of LINDA T. HARRISON, alleging injuries sustained February 7, 2012 in a fall on the sidewalk at 453 Avenue C.

* * * * *

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, "HADDAD & SONS, INC. vs. CITY OF BAYONNE." (90 East 5th Street, Block 359, lot 8.01 - industrial)

* * * * *

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

From the BAYONNE REDEVELOPMENT AUTHORITY, Report of Audit for the Years ended September 30, 2011 and 2010.

* * * * *

18. The Council as a whole moved the following resolution, which was read by the clerk and adopted.

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

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

Yeas - Council Members Czerwinski, 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.

April 17, 2012

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

RE: Board of Education Trustees

Dear Honorable Council Members,

By virtue of the powers vested in my by the laws of the State of New Jersey under the authority of the people, I do hereby appoint Daniel Bonner to fill the unexpired term of Ms. Iris Delgado, resigned and I reappoint Mr. Patrick O'Donnell, Mr. Michael Mason, Esq. and Mr. Daniel Bonner as Trustees of the Bayonne Board o Education for a term expiring May 15, 2015.

Enclosed please find Mr. Bonner's resume for your review. I am certain you will find him to be an excellent candidate for this position.

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

Sincerely yours,
Mark A. Smith
Mayor
(signed)

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

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

* * * * *

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

DATE: APRIL 4, 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 Education:

\$ 4,757,183.00 CLAIMS & PAYROLL FOR APRIL 2012

JANET CONVERY
(signed)

* * * * *

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

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

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

Yeas – Council Member Czerwienski, Gillespie, Greaves, Hurley and Ruane.

* * * * *

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

RESOLVED, That the official minutes of the regular council meeting held Wednesday, April 18, 2012 be and the same are hereby approved.

* * * * *

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

RESOLVED, That the official minutes of the special council meeting held Wednesday, March 28, 2012, be and the same are hereby approved.

* * * * *

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

RESOLVED, That the official minutes of the council caucus meeting held Wednesday, April 11, 2012, be and the same are hereby approved.

* * * * *

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

Whereas, On Tuesday, January 24, 2012, President Barack Obama, the Commander-in-Chief of our Armed Forces, reminded all Americans that, “Above all, our freedom endures because of the men and women in uniform who defend it,” and that “... this generation of heroes has made the United States safer and more respected around the world.”; and

Whereas, The President, further, promised, “As they come home, we must serve them as well as they’ve served us. That includes giving them the care and the benefits they have earned ... And it means enlisting our veterans in the work of rebuilding our nation.”; and

Whereas, National Guard and Reserve forces today total over 1 million service members and represent 48 percent of our total military force; while every day around the globe, thousands of men and women in uniform, including dedicated members of the National Guard and Reserves, risk their lives and make great sacrifices to defend our national interests, serving extended tours away from their homes, families and jobs; and

Whereas, At the same time, we are now seeing unprecedented levels of unemployment and underemployment among members of the Guard and Reserve, as up to 22 percent of Guard and Reserve members face unemployment; and

Whereas, In this time of economic uncertainty, the Employer Support Guard and Reserve (ESGR) is focusing on connecting employers with the talented pool of service members and their spouses, with the intent of facilitating meaningful employment opportunities; and

Whereas, To further this goal, the New Jersey ESGR has launched an Employment Initiative Program (EIP), which is a collaborative effort with federal agencies including the Department of Labor (Veterans Affairs), the Department of Veterans, the Small Business Administration and the Office of Personnel Management; and

Whereas, The goal is to enhance the employment process and serve as an effective resource for service members and employers. ESGR is also partnering with Employer Partnership of the Armed Forces (EPAF) through EIP with a high-tech and high-touch approach; and

Whereas, For almost a year, now, the United States Chamber of Commerce has also endeavored to find employment for our returning veterans and the spouses of those who continue to serve, at home and abroad, with its Hiring Our Heroes program; and

Whereas, The Hiring Our Heroes program is a nationwide effort to help veterans and military spouses find meaningful employment, in partnership with the Department of Labor Veterans Employment and Training Service (DOL VETS), to improve public-private sector coordination in local communities, where veterans and their families are returning every day; and

Whereas, Despite those efforts, the unemployment rate for veterans of our Armed Forces in our Nation and in our State continues to exceed the over-all rate; and

Whereas, In order to take the lead on advancing the EIP to the next level, the New Jersey ESGR has enlisted strong and positive support from corporate leaders, the New Jersey State Chamber of Commerce, US Dept. of Labor/VETS and the New Jersey League of Municipalities; and

Whereas, It is incumbent on all of us to prove that New Jersey cares for the men and women in uniform who risk their lives and make great sacrifices to defend our national interests; and

Whereas, This employment initiative can be New Jersey’s way of saying thank you to the men and women who made great sacrifices to protect our nation’s freedom; and

Whereas, Local officials throughout the State of New Jersey, working together through the League of Municipalities, and with the New Jersey ESGR, their local and State Chambers of Commerce, and local business leaders can help to advance basic fairness to our vets and their families by pursuing one simple goal, to allow America’s over one million unemployed veterans and military spouses to follow their dreams, instead of spending their lives just trying to catch up; now therefore be it

Resolved, on this 16th day of May, 2012, that the Municipal Council of the City of Bayonne recognizes that we will never be able to repay the debt we owe to all members of our armed forces; and

Be It Further Resolved, that in gratitude, the City of Bayonne pledges its enthusiastic and unqualified support for the Employment Initiative Program of the New Jersey Employer Support Guard and Reserves; and

Be It Further Resolved, that certified copies of this Resolution be forwarded to the New Jersey State League of Municipalities and to our neighboring municipalities.

* * * * *

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

WHEREAS, Mayor Mark A. Smith has recommended that Louis Lombardi be appointed to the Zoning Board of Adjustment; and

WHEREAS, there is a vacancy in Alternate #4 on said board; now, therefore, be it

RESOLVED, by the Municipal Council of the City of Bayonne that Louis Lombardi be and is hereby appointed to the Zoning Board of Adjustment as Alternate #4 for a two year term that will expire December 31, 2013.

* * * * *

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

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

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

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

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

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

BLOCK	LOT	PAYEE	AMOUNT
132	18	Joseph Ryan	114.25
138	46	Joy Cole	474.26
158	11	Boualem Adjerid	2,908.06
177	47	Antonio Fasolino	1,239.00
178	10	Joseph Era	2,842.63
217	11	Raymond Mahan	443.39
250	27	Isabel Ojeda	1,672.00
252	28	Mary Oates	2,930.52
263	7	Fannie Nowicki	259.09
277	5	Robert Miller	133.36
367	18	Cynthia Delesky	2,206.68
368	17	Tracie Martin	1,847.00
369	8.07	Todd Hiles	2,250.00
369	8.09	Jodi Zaleck	2,250.00
369	8.10	Eugene Keohane	2,250.00

370	48	Annette Skursky	1,998.11
377	7.305	Noha Gergis	1,205.81
Total:			27,024.16

* * * * *

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

WHEREAS, the City of Bayonne has an unemployment bill for quarter ending 3/21/2012. Now therefore be it,

RESOLVED, that the Municipal Treasurer is hereby authorized to issue a warrant to the New Jersey Department of Labor in the amount of \$21,261.60. Said warrant represents unemployment benefits charged to the City of Bayonne.

* * * * *

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

RESOLVED, That a warrant in the amount of \$ 65.40 be drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of licenses Nos. 1565-1591 inclusive, 27 dog licenses, representing one dollar per license for the state fee, twenty cents per license for the state clinic and three dollars per license for non-spayed and non-neutered dogs.

* * * * *

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

RESOLVED, that the actions of the Municipal Treasurer in issuing a warrant from the Current Fund in the amount of \$ 6,628,791.48 payable to the County of Hudson for payment of Second Quarter County Taxes of 2012 is hereby ratified and confirmed.

* * * * *

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

BE IT RESOLVED, That the City Clerk be and is hereby authorized to advertise for bids for On-Site Inspection Agency Acting as Elevator Sub-Code Official (Inspection Services for Elevators).

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

BE IT RESOLVED, That the City Clerk be and is hereby authorized to advertise for bids for Laundry Services for the Fire Houses.

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

BE IT RESOLVED, That the City Clerk be and is hereby authorized to advertise for bids for HVAC Services for Various City Buildings.

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

WHEREAS, TTI Environmental is conducting an environmental investigation of a leaking oil tank at the property located at 10 West 11th Street (Block 272, lot 24); and

WHEREAS TTI Environmental has proposed to install two (2) monitoring wells in the Right-Of-Way of West 11th Street between Broadway and Avenue C as depicted in a drawing attached to their letter dated April 18, 2012, which is attached hereto, in connection with the aforesaid environmental investigation; and

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

RESOLVED, by the Municipal Council that permission is hereby granted to TTI Environmental to install the above mentioned monitoring wells; and be it further

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

* * * * *

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

WHEREAS, the Municipal Council of the City of Bayonne adopted the following Resolutions on April 18, 2012 for the purpose of providing block grant funding for facility improvements to renovate Code Violations to the following organizations:

- 1. Resolution 12-04-18-057 authorizing an amendment to Agreement No. FY11-033 with Windmill Alliance, Inc. increasing the contract in an amount not to exceed \$50,000.00, making the total contract amount not to exceed \$125,000.00;
- 2. Resolution 12-04-18-059 authorizing an amendment to Agreement No. FY11-079 with the Bayonne Jewish Community Center increasing the contract in an amount not to exceed \$80,000.00 making the total contract amount not to exceed \$130,000; and
- 3. Resolution 12-04-18-058 authorizing an amendment to Agreement No. FY11-093 with the Bayonne Youth Center increasing the contract in an amount not to exceed \$60,000.00, making the total contract amount not to exceed \$110,000.00; and

WHEREAS, in order to facilitate the block grant funding, the above Agreements must also be extended through June 30, 2012; now therefore be it

RESOLVED, that Resolutions 12-04-18-057; 12-04-18-059; and 12-04-18-058 are hereby amended to reflect that the terms of the above mentioned Agreements are extended through June 30, 2012.

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37. The Council as a whole moved the following resolution, which was read by the clerk and adopted.

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

LICENSEE	TIME & PLACE	LICENSE
Holy Name Society, St. Mary Star of the Sea	7:30 – 10:00 PM 19 West 13 th St. 2012 July 6,13,20,27 Aug. 3,10,17,24,31 Sept. 7,14,21,28 Oct. 5,12,19,26 Nov. 2,9,16,23,30 Dec. 7,14,21,28	BL: 2402

* * * * *

38. The Council as a whole moved the following resolution, which was read by the clerk and adopted.

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

LICENSEE	TIME & PLACE	LICENSE
“Let the Children Come to Me” Bishop Luis Amigo Foundation	12:00 P.M. 93 West 23 rd St. July 14, 2012	RL: 8754
“Let the Children Come to Me” Bishop Luis Amigo Foundation	12:00 P.M. 93 West 23 rd St. December 1, 2012	RL: 8755
American Cancer Society	5:00-10:00 Gorman Field June 8, 2012	RL: 8756
St. Michael’s/St. Joseph Church	1:00 P.M. 15 East 23 rd St. July 29, 2012	RL: 8757
St. Michael’s/St. Joseph Church	1:00 P.M. 15 East 23 rd St. December 9, 2012	RL: 8758
Bayonne Feral Cat Foundation	7:00-11:00 P.M. 669 Avenue C July 13, 2012	RL: 8759
Friends of Special Children	7:00 P.M. 53 Prospect Avenue October 19, 2012	RL:8760
Hudson County All Star Cheerleaders t/a Metro Cheer	6:00 P.M. 625 Avenue C July 11, 19, 25 Aug. 1,8,15,22,29 Sept. 5,12,19,26	RL: 8761

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

WHEREAS, the Police Department of the City of Bayonne has established that there is a need a software license maintenance agreement for the Police Department’s VeriPic digital photo management software; and

WHEREAS, VeriPic, Inc., is willing and able to supply said service for a one year period commencing July 1, 2012 and ending June 30, 2013 at a cost of \$2,140.00; and

WHEREAS, funds are certified as available in Account #PS-9/01-201-25-240-2-020 pending adoption of the CY 2012 Budget; and

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

RESOLVED, that the Mayor and City Clerk are hereby authorized to enter into an agreement with VeriPic, Inc., 2360 Walsh Avenue, Santa Clara, CA 95051-1301 for a software license maintenance agreement for the Police Department’s VeriPic digital photo management software for a one year period commencing July 1, 2011 and ending June 30, 2012 at a cost of \$2,140.00, and funds are certified available in account #PS-9/01-201-25-240-2-020 pending adoption of the CY 2012 Budget; and be it further

RESOLVED, that the Municipal Treasurer be and is hereby authorized and directed to issue a warrant payable to VeriPic, Inc., in the amount of \$2,622.20 in payment for said services

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

* * * * *

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

WHEREAS, the City has a need to retain professional engineering services in connection with the resurfacing of a portion of Avenue C under a grant from the New Jersey Department of Transportation; and

WHEREAS, the T & M Associates, Inc., Eleven Tindall Road, Middletown, NJ 07748-2792, has provided the city with a proposal for such services as outlined in their letter dated April 17, 2012 to Stephen J. Gallo, Business Administrator, and has qualified under the Fair & Open Contracting Requirements pursuant to N.J.S.A. 19:44A:20.4 and .5; and

WHEREAS, funds are certified as available in Account DOT Grant; now therefore be it

RESOLVED, by the Municipal Council of the City of Bayonne that the Mayor and the City Clerk are hereby authorized and directed to execute an agreement for professional engineering services with T & M Associates, Eleven Tindall Road, Middleton, NJ 07748 for professional engineering services in connection with the preliminary design and preparation of specifications for the resurfacing of a portion of Avenue C for an amount not to exceed \$23,000.00; and be it further

RESOLVED, that funds are certified as available in Account DOT Grant; and be it further

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

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

* * * * *

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

WHEREAS, the Chief of Police has determined that there is a need for the purchase of ten (10) 2013 police interceptor sedans with options in accordance with State Contract #A78762 for use in the police department; and

WHEREAS, the Chief of Police has obtained a quote for same from Beyer-Warnock Fleet, 175 Route 10, P.O. Box 524, East Hanover, NJ 07936-0524 for an amount of \$35,097.00 per vehicle, for a total amount of \$350,970.00; now therefore be it

RESOLVED, that the purchasing agent of the City of Bayonne is hereby authorized to execute any and all documents, take all actions and make all payments necessary to effectuate the purchase of ten (10) 2013 police interceptor sedans with options in accordance with State Contract #A78762 for use in the police department from Beyer-Warnock Fleet, 175 Route 10, P. O. Box 524, East Hanover, N.J. 07936, an amount of 35,097.00 per vehicle, for a total amount of \$350,970.00 under State Contract #A78762; and be it further

RESOLVED, that funds have been certified available in Account #02-213-41-713-2-199 from US Department of Justice Equitable Sharing Forfeiture Fund in the amount of \$257,900.79, and Account #02-213-41-2-799A-2-199, from the Customs and Border Patrol Forfeiture Fund in the amount of \$93,069.79, pending adoption of the CY 2012 budget.

Yeas – Council Members Czerwienski, Gillespie, Greaves, Hurley and Ruane.

* * * * *

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

WHEREAS, Resolution No. 10-03-16-030 authorized a lease between the City of Bayonne and James Wasiliewski, t/a Sand Castle, for the operation of the Municipal

Pool food concession stand for a five year period commencing May 1, 2010 and ending April 30, 2015, for an annual amount to be paid to the city of \$7,963.99; and

WHEREAS, Resolution No. 10-04-21-015 modified said agreement to provide for a one-year term for the contract, renewable by the city for a term or terms up to five years, which contract has been executed by the parties and designated as Agreement No. FY'10-82; and

WHEREAS, the city council and administration desire to renew the contract for an additional one year term; now, therefore, be it

RESOLVED, that the Mayor and City Clerk be and are hereby authorized and directed to execute an extension of Agreement No. FY'10-82 between the city and James Wasilewski, t/a Sand Castle for the operation of the food concession of the Municipal Pool for the amount of \$7,963.99 payable to the city.

Yeas – Council Members Czerwienski, Gillespie, Greaves, Hurly and Ruane.

* * * * *

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

WHEREAS, Resolution No. 11-06-15-070 authorized an agreement with Donohue, Gironda & Doria, 310 Broadway, Bayonne, New Jersey 07002, for professional services to audit of books, accounts and financial transactions of the City of Bayonne for the Fiscal Year 2010 as prescribed by N.J.S. 40A:5-4 et seq.; to audit the City's Public Assistance Trust Fund in compliance with State regulations of the Bureau of Welfare; to assist in the preparation of the Fiscal Year 2012 budget preparation process, excluding department detail worksheets; to review the unaudited Fiscal Year ended June 30, 2011, financial statements prior to submission to the State; to attend Municipal Council meetings, as required; to provide technical advice during the Fiscal Year ending June 30, 2011, as needed, and to review the Employee's Deferred Compensation Plan; and

WHEREAS, the city's transition to a Calendar Year budget required a transition period of six months commencing July 1, 2011 through December 31, 2011 which has been designated as TY 2011; and

WHEREAS, Donohue, Gironda & Doria, 310 Broadway, Bayonne, New Jersey 07002, is willing to perform these the services described above for the transition period from July 1, 2011 through December 31, 2011 in accordance with the terms of their letter to Terrence Malloy, CFO, dated May 2, 2012 at their normal hourly rates as indicated in Section 9 of their contract with the city; and

WHEREAS, pursuant to such proposal, the services to be rendered are not anticipated to exceed \$75,000.00, and

WHEREAS, funds are certified as available in Account C-3, Budget and Accounting Fees, and CDBG 200 pending adoption of the CY 2012 budget; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

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

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

1. That the Mayor and the City Clerk are hereby authorized and directed to execute an amendment to Agreement No. FY 11-18 with Donohue, Gironda & Doria, 310 Broadway, Bayonne, New Jersey 07002 for the above mentioned services for the period commencing July 1, 2011 and ending December 31, 2011, for an amount not to exceed \$75,000.00, and funds are certified as available in Account C-3, Account Budget and Accounting Fees and CDBG-200 pending adoption of the SFY 2012 Budget.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because this service will be performed by persons recognized by law to

practice such a profession, and bids are not required as per N.J.S.A. 4A:11-1, et seq.

3. A notice of this action shall be printed once in a newspaper of general circulation within the boundaries of the City of Bayonne.

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

* * * * *

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

WHEREAS, pursuant to Resolution 12-04-18-049 adopted April 18, 2012 the Municipal Council authorized an agreement with Suburban Disposal, Inc. for the Collection of Solid Waste AM Services for a five month period commencing May 1, 2012 and ending September 30, 2012 for a total contract amount of \$425,000.00 payable at the rate of \$85,000.00 per month; and

WHEREAS, said five month term represented the remaining term of the one year term commencing October 1, 2012 and ending September 30, 2013 set forth in the bid specifications for the Collection of Solid Waste AM Services in which bids were submitted on July 26, 2012; and

WHEREAS, Suburban Disposal, Inc. was not agreeable to accepting the agreement for the remaining term set forth in the bid specifications in which bids were submitted on July 26, 2012 and filed an Application for Entry of Emergent Order to Show Cause in Aid of Litigant's Rights Pursuant to Rule 1:10-3 in the Superior Court of New Jersey, Law Division, Hudson Vicinage seeking a one year contract for the collection and disposal of solid waste and recycling materials; and

WHEREAS, on April 27, 2012, Judge Christine Farrington, J.S.C. entered an Order directing the City of Bayonne to adopt an amended resolution awarding Suburban Disposal, Inc. the contracts for a period of one (1) year commencing May 1, 2012; now therefore be it

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

1. Resolution 12-04-18-049 is hereby amended to reflect that the Mayor and City Clerk are hereby authorized to enter into an agreement with Suburban Disposal, Inc. for the Collection of Solid Waste AM Services for a one (1) year period commencing May 1, 2012 and ending April 30, 2013 pursuant to the Order of the Court for an amount of \$1,020,000.00 payable at the rate of \$85,000.00 per month; and
2. All other terms and conditions of Resolution 12-04-18-049 shall remain the same.

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

* * * * *

- 45.** Council Member Czerwienski moved that the following resolution be adopted, seconded by Council Member Hurley, which motion was adopted.

WHEREAS, pursuant to Resolution 12-04-18-050 adopted April 18, 2012 the Municipal Council authorized an agreement with Suburban Disposal, Inc. for the Collection of Recyclable Material AM Services for a five month period commencing May 1, 2012 and ending September 30, 2012 for a total contract amount of \$227,916.65 payable at the rate of \$45,583.33 per month; and

WHEREAS, said five month term represented the remaining term of the one year term commencing October 1, 2012 and ending September 30, 2013 set forth in the bid specifications for the Collection of Recyclable Material AM Services in which bids were submitted on July 26, 2012; and

WHEREAS, Suburban Disposal, Inc. was not agreeable to accepting the agreement for the remaining term set forth in the bid specifications in which bids were submitted on July 26, 2012 and filed an Application for Entry of Emergent Order to Show Cause in Aid of Litigant's Rights Pursuant to Rule 1:10-3 in the Superior Court of New Jersey, Law Division, Hudson Vicinage seeking a one year contract for the collection and disposal of solid waste and recycling materials; and

WHEREAS, on April 27, 2012, Judge Christine Farrington, J.S.C. entered an Order directing the City of Bayonne to adopt an amended resolution awarding Suburban Disposal, Inc. the contracts for a period of one (1) year commencing May 1, 2012; now therefore be it

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

1. Resolution 12-04-18-050 is hereby amended to reflect that the Mayor and City Clerk are hereby authorized to enter into an agreement with Suburban Disposal, Inc. for the Collection of Recyclable Material AM Services for a one (1) year period commencing May 1, 2012 and ending April 30, 2013 pursuant to the Order of the Court for an amount of \$547,000.00 payable at the rate of \$45,583.33 per month; and
2. All other terms and conditions of Resolution 12-04-18-050 shall remain the same.

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

* * * * *

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

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to
Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2011 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the City of Bayonne to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Municipal Council of the City of Bayonne that City of Bayonne hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Director of Public Works, Gary Chmielewski, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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

* * * * *

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

WHEREAS, the Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW THEREFORE BE IT RESOLVED by the City of Bayonne that City of Bayonne hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, chapter 311, in 2011 in the amount of Ninety-one Thousand Six Hundred Ten Dollars and Twenty-two Cents (\$91,610.22). Documentation supporting this submission is available at Bayonne City Hall, 630 Avenue C, Bayonne, New Jersey 07002 and shall be maintained for no less than five years from this date.

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

* * * * *

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY DESIGNATING BLOCK 453.01; LOTS 2.01, 3, 4, 5.01, 6.01, 7.01 AND 9.01 AND BLOCK 503, LOT 9.02 ON THE TAX MAP OF THE CITY AS AN AREA IN NEED OF REDEVELOPMENT

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, on March 28, 2012, the Municipal Council of the City (the "Municipal Council") requested the Planning Board of the City (the "Planning Board") to perform a preliminary investigation and make recommendations as to determine whether the area commonly known as Block 453.01; Lots 2.01, 3, 4, 5.01, 6.01, 7.01 and 9.01 and Block 503, Lot 9.02 on the tax map of the City and as depicted on a Minor Subdivision Map prepared by Langan Engineering and Development Associates dated February 24, 2009, which is annexed hereto as Exhibit A (the "Study Area") constitutes an "area in need of redevelopment" under the Redevelopment Law and, if so, consider a redevelopment plan for such Study Area; and

WHEREAS, on May 8, 2012, the Planning Board determined that the Study Area met the criteria for "an area in need of redevelopment" under the Redevelopment Law; and

WHEREAS, the Municipal Council intends to designate the Study Area as "an area in need of redevelopment" pursuant to the Redevelopment Law;

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Municipal Council hereby designates the Study Area as "an area in need of redevelopment" pursuant to the Redevelopment Law.

Section 3. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

Section 4. A copy of this Resolution shall be available for public inspection at the offices of the City.

Section 5. This Resolution shall take effect upon final passage.

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

* * * * *

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

RESOLUTION AUTHORIZING AN URBAN
ENTERPRISE ZONE ASSISTANCE FUND PROJECT
ENTITLED "BAYONNE AVENUE E URBAN
RENEWAL, LLC LOAN PROJECT" TO MAKE A LOAN
OF \$2,000,000 IN URBAN ENTERPRISE ZONE
FUNDS TO BAYONNE AVENUE E URBAN
RENEWAL, LLC AND THE EXECUTION OF
DOCUMENTS RELATING THERETO

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.*, as amended and supplemented from time to time (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 on the tax map of the City (collectively, 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 November 9, 2011, the City Council adopted ordinance no. O-11-34 designating the Zone Area as an area in need of redevelopment in accordance with Section 5(g) of the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the "Redevelopment Law") and adopting certain amendments to the Redevelopment Plan for such area; and

WHEREAS, 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"), is the owner of the Zone Area and seeks to construct approximately 85 residential units and ancillary facilities (collectively, the "Project"); and

WHEREAS, the Redeveloper has submitted a proposal to the City for financial assistance in order to complete the financing for the Project, as the Project will result in the increased economic activity within the UEZ; and

WHEREAS, in furtherance of the redevelopment of the Zone Area and pursuant to the UEZ Act, the City Council has determined to assist in the financing of the construction of the Project by providing a loan of \$2,000,000 from the City's UEZ funds on the terms provided for herein.

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

1. The recitals are hereby incorporated as if restated in full.
2. Pursuant to the UEZ Act, the City Council finds the Redeveloper's proposal advances the policy and goals of City's UEZ plan by generating new housing opportunities and stimulating economic growth and activity within the UEZ; further, the repayment requirements for the loan to the Redeveloper shall ensure that the proposal shall not result in a deficit of the City's UEZ account.
3. The City hereby approves the loan to the Redeveloper in the amount not to exceed \$2,000,000 from the City's UEZ fund, which loan shall be secured by a second mortgage on the Project at an annual interest rate of two percent (2%) for a term not to exceed five (5) years.
4. The City hereby approves the negotiation and execution of any documents and agreements evidencing the above-referenced loan by the Mayor as determined necessary by the Mayor in consultation with the City's professionals.

- 5. All prior actions taken by the Mayor and the City’s professionals in furtherance of the Agreement and this Resolution are hereby ratified and approved.
- 6. This resolution shall take effect immediately.

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

* * * * *

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

WHEREAS it has been identified that a need exists to renew the Marketing Campaign Program within the Bayonne Urban Enterprise Zone, and

WHEREAS the Marketing Campaign Program’s goal is to provide a broad based marketing effort to attract consumers to all districts within the zone and to increase the number of jobs within the Zone, and

WHEREAS on October 19, 2011 a Municipal Council Resolution was approved creating a UEZ Project entitled ‘Marketing Campaign Program 2011 – 2012” and

WHEREAS it is desired to expand said marketing program, now therefore, be it

RESOLVED that the Zone Coordinator is hereby authorized to increase the project entitled Marketing Campaign Program 2011 - 2012, from \$55,000.00 to \$115,000

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

* * * * *

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

#4 TEMPORARY EMERGENCY APPROPRIATION CY 2012

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

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

Current Fund	\$	35,384,309.50
Parking Utility	\$	146,000.00

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	\$	7,857,795.50
Parking Utility	\$	60,000.00

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

Current Fund	\$	7,857,795.50
Parking Utility	\$	60,000.00

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

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

* * * * *

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

RE: Authorizing up to \$1,000,000 to be paid from the City of Bayonne Affordable Housing Trust Fund to the Windmill Alliance, its successors or assigns, for the project known as the Windmill Alliance Special Needs Housing Development to be located at 180-186 Hobart Street in City Block 322, Lots 1.01 & 2.

WHEREAS, Windmill Alliance is proposing to develop affordable housing for special needs residents containing a total of sixteen (16) one- and two- bedroom apartments, supportive services and on site supervision. The proposed affordable development will have occupancy for a maximum of twenty-five (25) residents who are clients of the Windmill Alliance and its partner organizations. The proposed site development is also expected to incorporate parking, indoor recreation space, an outdoor garden area and entrance lobby; and

WHEREAS, the City of Bayonne wishes to support this affordable housing and special needs development in an amount up to a \$1,000,000.00 from the City of Bayonne Affordable Housing Trust Fund which will be used for the development of the project, subject to approval by the N.J. Department of Community Affairs/COAH.

WHEREAS, the City of Bayonne wishes to maximize its support of the Windmill Alliance Special Needs Housing Development and, therefore, authorizes the Division of Planning and Zoning and the Division of Community Development to participate in the project and administer funding from the City of Bayonne Affordable Housing Trust Fund in accordance with applicable State and Federal regulations.

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Bayonne that the Mayor or his designee shall be authorized to allocate up to \$1,000,000 from the City of Bayonne Affordable Housing Trust Fund to be used for the implementation of the Windmill Alliance Special Needs Housing Development. Said funds shall be distributed according to a schedule of draws after land use approval, approval by the N.J. Department of Community Affairs/ COAH and execution of a financial agreement.

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

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

WHEREAS, the Bayonne Public Library has established that there is a need for a Library Computer Operating System for Library Cataloging and Circulation System; and

WHEREAS, Sirsi Corporation is willing to supply said service for a one year period commencing March 1, 2012 and ending February 28, 2013 for the sum of \$28,080.00; and

WHEREAS, funds are certified as available in Account # 01-201-29-390 pending adopting of the CY 2012 Budget; and

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

RESOLVED, that the Mayor and City Clerk are hereby authorized to enter into an agreement with Sirsi Corporation, SirsiDynix Technology Center, 3300 North Ashton Boulevard, Lehi, Utah 84043 for a Library Computer Operating System for Library Cataloging and Circulation System for a one year period commencing March 1, 2012 and ending February 28, 2013 to provide said services for the sum of \$28,080.00 and funds are certified available in account # 01-201-29-390 pending the adoption of the CY 2012 Budget; and be it further

RESOLVED, that the Municipal Treasurer be and is hereby authorized and directed to issue warrants payable to Sirsi Corporation for said services not to exceed \$28,080.00.

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

* * * * *

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

WHEREAS, the City of Bayonne is in need of New South Harbor Fire Station;
and

WHEREAS, The City of Bayonne has received a Grant from F.E.M.A. for the construction of said Fire Station; and

WHEREAS, PEC/RM LLC of Millville, New Jersey, has submitted to the City of Bayonne a formal written proposal for said services; and

WHEREAS, PEC/RM LLC of Millville, New Jersey is ready to provide said services for the construction of said Fire Station; and

WHEREAS, pursuant to N.J.S.A. 40A:11-4 the City Council did authorize for the advertisement of Bids for the construction of said Fire Station; and

WHEREAS, the City did change specifications for the construction of the Fire Station after the first set of proposed Bids far exceeded said grant; and

WHEREAS, after a second set of specifications were publicly advertised the Purchasing Agent did recommend to the City Council to reject the proposed bids for the construction of the Fire Station on two separate occasions as the bids received were not reasonable as to price on the basis of cost estimates prepared for the project and exceeded the proposed budget; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(3) the City negotiated with several prior bidders for a proposal that would fall within the proposed budget; and

WHEREAS, a proposal was received from PEC/RM LLC of Millville, New Jersey for the amount of \$2,894,088 which was lower than any other bid previously received for the construction of said Fire Station; now, therefore, be it

RESOLVED, The Mayor and the City Clerk are hereby authorized to enter into a contract with PEC/RM LLC of Millville, New Jersey in the total amount of \$2,894,088 for the construction of the Fire Station at New South Harbor; and be it further

RESOLVED, that funds are certified as available in the Firehouse Grant Account; and be it further

RESOLVED, that said contract is awarded pursuant to N.J.S.A. 40A:11-5(3).

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

* * * * *

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

WHEREAS, the City of Bayonne is in need of specialized services for the exhibition of fireworks on July 4, 2012 at 9:15 P.M.; and

WHEREAS, Garden State Fireworks, Inc., P. O. Box 403, Carlton Road, Millington, New Jersey, 07946 is willing to perform said service; and

WHEREAS, Garden State Fireworks, Inc. has submitted a proposed agreement for the maximum amount of \$12,500.00, and

WHEREAS, funds are certified as available in Account Celebration of Public Holidays pending adoption of CY2012 Budget; now, therefore be it

RESOLVED, that said contract shall be entered into only after review and approval by the Chief of Police and the Chief of the Fire Department of the City of Bayonne; and be it further

RESOLVED, that any display of fireworks pursuant to said agreement shall be of such a character, and so located, discharged, or fired, as in the opinion of the Chiefs of

the Police and Fire Departments, after proper inspection, shall not be hazardous to property or endanger any person or persons; and be it further

RESOLVED, that said agreement shall contain an identification number and the specific types or kinds of fireworks to be used and shall name one person who shall be authorized to purchase, or otherwise order, and receive delivery of any fireworks; and be it further

RESOLVED, that any and all necessary permits/licenses as required by the State of New Jersey and/or the United States of America shall be provided to the City of Bayonne prior to and/or concomitant with the execution of said agreement; and be it further

RESOLVED, that a specific condition of said agreement shall be that the contracting party maintain insurance coverage in the amount of \$5,000,000.00 with the City of Bayonne listed as an added insured thereby conforming with the mandates of N.J.S.A. 21:3-5 and be it further

RESOLVED, that in the event that the above conditions are met, the Mayor and City Clerk are hereby authorized to enter into an agreement with Garden State Fireworks, Inc., P. O. Box 403, Carlton Road, Millington, New Jersey, 07946, for the exhibition of fireworks on July 4, 2012 at 9:15 P.M. for a maximum amount of \$12,500.00 and any and all other documents necessary to effectuate said fireworks display; and be it further

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 funds are certified as available by the Municipal Comptroller in Account Celebration of Public Holidays pending adoption of SFY 2012 Budget.

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

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At 8:01 P.M. Council Member Ruane moved to adjourn, seconded by Council Member Hurley, which motion was adopted.

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

* * * * *

President – Terrence Ruane

City Clerk – Robert F. Sloan