

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, JUNE 20, 2012

The Council met at 7:04 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 June 20, 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 June 15, 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 Gillespie, Greaves, Hurley, and President Ruane.

Absent – Council Member Czerwienski.

The Council President led the Pledge of Allegiance.

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01. The clerk announced:

AN ORDINANCE ENTITLED, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING THE REDEVELOPMENT PLAN FOR THE AGC CHEMICALS REDEVELOPMENT AREA" which was introduced and passed a first reading at a meeting held MAY 16, 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 June 20, 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 Ruane, which motion was adopted.

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

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

Absent – Council Member Czerwienski.

The Clerk read the ordinance by title, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING THE REDEVELOPMENT PLAN FOR THE AGC CHEMICALS REDEVELOPMENT AREA"

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 Gillespie, Greaves, Hurley, and President Ruane.

Absent – Council Member Czerwienski.

Council Member Gillespie moved the following resolution to amend, seconded by Council Member Hurley, which was read by the clerk and adopted.

WHEREAS, the foregoing ordinance was introduced and passed a first reading and has passed a second reading and has been the subject of a public hearing at this meeting of June 20, 2012; and

WHEREAS, the city planner has recommended an amendment to Exhibit B, Redevelopment Plan, Section 6, DEFINITION OF TERMS, to include a definition for the term “Green Roof”, and

WHEREAS, Corporation Counsel has advised that the proposed amendment does not substantially alter the substance of the ordinance, so that further publication of the amendment and a public hearing regarding it are not required; now, therefore, be it

RESOLVED, that Exhibit B, Redevelopment Plan, Section 6, be amended to read as follows (new material underlined):

“Section 6

DEFINITION OF TERMS

The use and understanding of terms shall be consistent with the definitions listed at 40A:12A-3 of the Local Redevelopment and Housing Law, 40:55D-3 to 40:55D-7 of the Municipal Land Use Law and Section 33:2.2 of the City Zoning Ordinance except as follows:

1. Green Roof: A form of sustainable building design incorporating a standard flat, sloping or otherwise conventional roof that is covered with vegetation in an open air or enclosed setting. The purpose of green roof design is to promote environmentally friendly development that minimizes stormwater run-off, reduces the hear island effect and supports urban agriculture. A green roof(s) and related improvements shall be exempt from the bulk standards of the development plan to encourage their use within the redevelopment area.
2. Reserved.

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

Absent – Council Member Czerwinski.

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

WHEREAS, an ordinance entitled, “ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING THE REDEVELOPMENT PLAN FOR THE AGC CHEMICALS REDEVELOPMENT AREA” was introduced and passed a first reading at a meeting held May 16, 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 June 20, 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-12-21.

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

Absent – Council Member Czerwinski.

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02. The Clerk announced:

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,” which was introduced and passed a first reading at a meeting held May 16, 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 June 20, 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 Hurley, which motion was adopted.

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

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

Absent – Council Member Czerwinski.

The Clerk read the ordinance by title, “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.”

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 Gillespie, Greaves, Hurley, and President Ruane.

Absent – Council Member Czerwinski.

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

WHEREAS, 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,” was introduced and passed a first reading at a meeting held May 16, 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 June 20, 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-12-22.

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

Absent – Council Member Czerwinski.

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03. The Clerk announced:

AN ORDINANCED ENTITLED, “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER, 15, BUILDING AND HOUSING,” which was introduced and passed a first reading at a meeting held May 16, 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 June 20, 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 Greaves, which motion was adopted.

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

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

Absent – Council Member Czerwienski.

The Clerk read the ordinance by title, “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER, 15, BUILDING AND HOUSING,”

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

The following person spoke: Daniel Acosta – 549 Avenue A

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 Gillespie, Greaves, Hurley, and President Ruane.

Absent – Council Member Czerwienski.

Council Member Greaves motion to table until the meeting of July 18, 2012, seconded by Council Member Hurley which motion was adopted.

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

Absent – Council Member Czerwienski.

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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, 15, BUILDING AND HOUSING,” which was introduced and passed a first reading at a meeting held May 16, 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 June 20, 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 Hurley which motion was adopted.

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

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

Absent – Council Member Czerwienski.

The Clerk read the ordinance by title , “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER, 15, BUILDING AND HOUSING,”

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

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

Absent – Council Member Czerwienski.

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

WHEREAS, an ordinance entitled, “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER, 15, BUILDING AND HOUSING,” was introduced and passed a first reading at a meeting held May 16, 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 June 20, 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-12-23.

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

Absent – Council Member Czerwienski.

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05. The Clerk announced:

AN ORDINANCE ENTITLED, “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER, 17, PROPERTY MAINTENANCE,” which was introduced and passed a first reading at a meeting held May 16, 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 June 20, 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 Greaves, which motion was adopted.

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

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

Absent – Council Member Czerwienski.

The Clerk read the ordinance by title , “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER, 17, PROPERTY MAINTENANCE,”

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 Gillespie, Greaves, Hurley, and President Ruane.

Absent – Council Member Czerwienski.

Council Member Greaves 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 OF THE CITY OF BAYONNE, CHAPTER, 17, PROPERTY MAINTENANCE,” was introduced and passed a first reading at a meeting held May 16, 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 June 20, 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-12-24.

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

Absent – Council Member Czerwienski.

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06. The clerk announced:

AN ORDINANCE ENTITLED, “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER, 7, TRAFFIC,” which was introduced and passed a first reading at a meeting held May 16, 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 June 20, 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 Hurley, which motion was adopted.

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

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

Absent – Council Member Czerwienski.

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 Hurley, which motion was adopted.

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

Absent – Council Member Czerwienski.

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

WHEREAS, an ordinance entitled, “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC,” was introduced and passed a first reading at a meeting held May 16, 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 June 20, 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-12-25.

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

Absent – Council Member Czerwinski.

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07. Council President Ruane introduced

AN [ORDINANCE AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 35, ZONING REGULATIONS](#)

[BE IT ORDAINED, by the Municipal Council of the City of Bayonne, as follows:](#)

[Section 1. That Chapter 35, Zoning Regulations, Section 25, Sign Regulations, is hereby amended and supplemented, as follows \(additions **between asterisks**₁ deletions ~~\(within brackets\)~~ \)](#)

35-25 SIGN REGULATIONS.

35-25.1 Sign Permit.

All signs hereinafter erected, altered, enlarged, relocated, or repaired shall require a sign permit issued by the Zoning Officer.

Applications shall include two (2) copies of each of the following:

a. Drawings indicating plot plan, building elevation, indicating sections showing sign location, size, type, materials, method of attachment and indicating all other existing "wall signs," "projecting signs," or other signs on the building, lighting and support details.

b. Proof of ownership or authorization of the owner to erect a sign.
(Ord. No. O-95-12 § 33-8.1)

35-25.2 In All Districts.

a. *Signs Permitted in All Districts.* The following signs are permitted in all districts:

1. "Address signs" not exceeding eight inches by twelve inches (8" x 12") in size.

2. Governmental and public utility signs.

****b. *Signs Limited to Certain Districts/Uses:***

1. ~~Informational Signs containing fixed and/or variable message components having a ground, monument or wall sign design for public buildings/uses, schools and houses of worship.~~

2. ~~Informational Sign Standards: Such signs shall have a maximum height of 10-feet, area of 100 s.f. and variable message component limited to 60 percent of total sign area or less. The variable message component may not flash, strobe or create excessive glare to limit impacts upon residential properties and ensure safe traffic/vehicular circulation.~~

3. ~~Reserved~~**

~~(b)~~ ****c.**** *Signs Prohibited in All Districts.*

1. Signs which interfere with, disrupt, or are erected upon, or block a pedestrian or vehicular circulation pattern or site line which constitute a safety hazard to persons or vehicles.

2. "Illuminated signs" which have interior or exterior flashing light sources, which have intermittent or variable intensity lighting, or which cause glare on pedestrian or vehicular circulation patterns within or into residential areas.

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- 3. Privately owned or operated signs which stimulate or resemble by color, size, shape, or location any governmental, public utility, official, traffic, directional or warning sign or device.
 - 4. Advertising signs on any building exclusively used for residential purposes.
 - 5. Signs which move either by wind, motion, mechanical or electrical means, except signs with time or temperature messages.
 - 6. Signs which divide or repeat a message or announcement along a public or railroad right-of-way.
 - 7. "Roof signs" or signs which are erected or projected above the cornice or parapet of a building.
 - 8. Signs on any building facade not fronting on a public right-of-way or driveway with direct access to a public right-of-way.
 - 9. Signs on bridges or other structures crossing over any public right-of-way.
 - 10. Signs applied to the facade of a building which cover any portion of a window, cornice or other architectural detail of a building.
- (Ord. No. O-95-12 § 33-8.2)

35-25.3 Signs Permitted in Residential and Residential/Office Districts.

- No signs shall be permitted in any residential district except:
- a. Non-illuminated temporary sign advertising premises on which the sign is located for sale or lease, not exceeding twelve (12) square feet, provided it is removed within seven (7) days after the premises has been sold or leased.
 - b. Non-illuminated temporary signs on new construction sites, not exceeding twelve (12) square feet, provided that a building permit for said construction has been issued and that said sign is removed prior to the issuance of a certificate of occupancy.
 - c. Home professional signs, identifying a permitted use in residential districts, affixed to the structure, and not exceeding one (1) square foot in area.
 - d. Institutional and church bulletin signs not exceeding twenty (20) square feet in area and, if freestanding, not more than five (5) feet in height.
 - e. Temporary announcement signs for political and religious organizations, erected not sooner than two (2) months prior to an event and removed not later than two (2) weeks following an event.
 - f. In R-3 and R-M districts only, identifying signs, either freestanding or building mounted, for multifamily developments, not exceeding ten (10) square feet in area, nor four (4) feet in height when freestanding.
 - g. In R2-O districts, one (1) building mounted sign identifying a permitted nonresidential use, not exceeding one (1) square foot in area.
- (Ord. No. O-95-12, § 33-8.3)

35-25.4 Signs Permitted in Commercial Districts and Highway Commercial/Select Light Industrial District.

- No signs shall be permitted in commercial districts, except:
- a. Those signs permitted in residential districts.
 - ~~b. Temporary signs announcing special events such as charitable events, grand openings, promotions and sales for a period of no greater than 30 days. Temporary signs may include but are not limited to banners, flags, pennants and window placards located on private property and not in the public right-of-way. A maximum of two (2) such signs shall be permitted per location.~~
 - ~~b. c. Business signs, not exceeding twenty (20%) percent of the sign facade area as defined by this chapter, of the following types:~~
 - 1. Wall signs, not exceeding three (3) square feet for each linear foot of sign frontage, as defined by this chapter.
 - 2. Projecting signs, not projecting a distance greater than twelve (12) inches.
 - 3. Awning and canopy signs, regulated as wall signs, provided that the sign does not extend above or below the edges of the awning or canopy.
 - 4. Box signs, affixed to walls and regulated as wall signs.
 - 5. For permitted gasoline filling stations, or freestanding sign not exceeding thirty-five (35) square feet in area, and not less than ten (10) feet nor more than twenty (20) feet in height, displaying customary brand name and prices. Further, customary accessory signs identifying service may be erected over bay doors, not exceeding twelve (12) inches in height nor six (6) feet in area per bay.
 - 6. Window signs, not exceeding thirty (30%) percent of the window area to which the sign is affixed.
 - ~~d. Directional signs for entry and exits to parking areas, not to exceed four (4) feet in area, nor five (5) feet in height.~~
 - ~~e. For permitted planned shopping centers exceeding twenty-five thousand (25,000) square feet in floor area, one free-standing identifying sign, not exceeding eighty (80) square feet in area may be permitted, provided that:~~

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1. The sign shall identify the shopping center only.
 2. No part of the sign shall exceed thirty (30) feet in height, nor be less than ten (10) feet in height.
 3. No sign shall be closer than fifty (50) feet from a street right-of-way.
- ~~(e) **f**.~~ Awnings extending no more than three (3) feet from a structure and which extend over public right-of-way in accordance with the following:
1. All awnings extending over any public right-of-way must be securely fastened and constructed so that there will be no danger of the same being dislodged by ordinary winds or falling from other cause. No awning shall be erected or maintained extending over any public right-of-way in such a location as to obstruct the view of any traffic light or other traffic sign or signal.
 2. The lowest part of any awning or any support thereof which extends over any public way shall be at least seven feet six inches (7' 6") above the level of the walk or public way over which it extends; but no such sign shall be maintained over any public way used by vehicles if any part of its support or of the awning is less than fifteen (15) feet above the level of such public way.
 3. Any canvas or other material, natural or synthetic, used as a component part of any awning permitted under this section shall be classified as flame resistant by Underwriters Laboratories, Inc.
- (Ord. No. O-95-12 § 33-8.4; Ord. No. O-98-17 § 1)

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- 35-25.5 Signs Permitted in Industrial Districts.
- No signs shall be permitted in Industrial Districts except:
- a. Those signs permitted in commercial districts.
 - ~~**b.~~ Temporary signs announcing special events such as charitable events, grand openings, promotions and sales for a period of no greater than 30 days. Temporary signs may include but are not limited to banners, flags, pennants and window placards located on private property and not in the public right-of-way. A maximum of two (2) such signs shall be permitted per location. **
- ~~(b) **c**.~~ Freestanding business signs, where the building front setback is at least seventy-five (75) feet. The sign shall be set back at least twenty (20) feet from a street right-of-way and not exceed three (3) square feet for each linear foot of street frontage or two hundred (200) square feet, whichever the lesser, provided that:
1. No sign shall have a length greater than twenty (20) feet.
 2. No part of the sign shall be higher than ten (10) feet.
- (Ord. No. O-95-12 § 33-8.5)

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- 35-25.6 Maintenance and Appearance.
- All signs shall be maintained in a clean and neat-appearing condition, and such maintenance, where applicable, shall include regular cleaning; regular painting and removal of any peeled, chipped or blistered paint; the renewal or replacement, in whole or in part, of any sign which has been caused to crack, break, peel or otherwise disintegrate or fall apart. (Ord. No. O-95-12 § 33-8.6)
- 35-25.7 General Provisions.
- a. Any sign, now or hereafter erected or maintained, which no longer advertises a bona fide business conducted or product sold, or notice of a current or future event, shall be taken down and removed by the permittee or by the owner of the premises, if there is no permittee, within thirty (30) days after such business ceases, such product ceases to be sold or such event occurs. Upon failure to comply, the Zoning Officer is hereby authorized to cause the removal of such sign and any expense incident thereto shall be paid by the permittee or owner of the premises upon which sign is located. The Zoning Officer shall thereafter refuse to issue a permit for the erection of any sign, awning, canopy or marquee in the City of Bayonne to any permittee or property owner who refuses to pay the costs of such removal.
 - b. If the Zoning Officer shall determine that any sign, now or hereafter erected or maintained, is unsafe or insecure or is a menace to the public, or has been constructed or erected or is being maintained in such a manner as to pose a hazard to persons or property, or has been constructed or erected or is being maintained in violation of the provisions of this chapter or any other law or ordinance, he shall give written notice to the permittee, and, if there is no permittee, to the owner of the premises, of such violation. If the permittee or owner fails to remove or alter the sign within thirty (30) days after such notice, such sign may be removed or altered by the City at the expense of the permittee or owner of the premises upon which it is located. The Zoning Officer may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.
 - c. All signs attached to the ground or to a building or other structure shall be thoroughly and rigidly secured and shall be repaired and maintained as necessary to keep them secure, safe and free from causing any danger or damage to persons or property.

d. No sign shall be erected or maintained so as to obstruct access to any fire escape, window, door, exit or standpipe, or obstruct passage by either vehicular or pedestrian traffic on any public or quasi-public right-of-way.

Signs shall be constructed and erected in such a manner as to allow for the effects of high winds and other natural forces and the Zoning Officer may require copies of the stress sheets and calculations showing that the sign is adequately designed for dead-load and wind pressure in any direction, in any situation where such information may be helpful in determining whether such sign can be safely constructed, erected or maintained.

(Ord. No. O-95-12 § 33-8.7)

35-25.8 Nonconforming Signs.

Signs not in conformance with this section shall be allowed to continue as of right, regulated as follows:

a. Repair of signs is permitted, provided that the cost of repair does not exceed fifty (50%) percent of the replacement costs of the sign.

b. The structural alteration of sign shall only be permitted if said alteration brings the sign into conformance with this section.

c. No permits shall be issued for new signs or owner-occupied or single-tenanted properties where nonconforming signs exist.

(Ord. No. O-95-12 § 33-8.8)

Council Member Ruane 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 35, ZONING REGULATIONS,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, July 18, 2012 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

RESOLVED, that the City Clerk be and is hereby authorized and directed to publish said ordinance according to law, with a notice of its introduction and passage on first reading, and the time and place when and where said ordinance will be further considered for final passage, and to forward a copy of said ordinance to the planning board for its review of and a report regarding same pursuant to NJSA 40:55D-26.

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

Absent – Council Member Czerwinski.

* * * * *

08. Council President Ruane introduced:

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

WHEREAS, it has come to the attention of the Municipal Council of the City of Bayonne that individuals who have obtained Residential Parking Permits are selling and otherwise transferring their permits to others who may not be entitle to hold a Residential Parking Permit; and

WHEREAS, it is in the best interest of the City of Bayonne and its citizens to prevent, deter and punish such conduct; therefore, it is

RESOLVED , that Chapter 7, Traffic, of the Revised General Ordinances shall be amended and supplemented as follows (additions **between asterisks**, deletions {within brackets})

7-17.7 Penalty Provisions.

a. It shall be unlawful and a violation of this chapter unless expressly provided to the contrary herein, for any person to stand or park a motor vehicle for a period exceeding the time limitation or in violation of the zone prohibition established pursuant hereto. Any person who violates or fails to comply with any provision of this chapter shall be liable to a fine of a minimum of fifty (\$50.00) dollars for a first offense and a fine of a minimum of one hundred (\$100.00) dollars or for any offense thereafter.

b. It shall be unlawful and a violation of this chapter for a person to falsely represent himself or herself as eligible for a parking permit or to furnish false information on an application therefore. The Parking Authority of the City of Bayonne may refuse to issue a parking permit to any person or persons where it finds that the applicant has furnished false information on an application therefore. A person who knowingly makes a false statement in connection with a parking permit application shall be subject to a fine of not less than five hundred (\$500.00) dollars ~~(and not more than one thousand (\$1,000.00) dollars)~~ **for each subsequent offense and/or imprisonment for a period of up to ninety (90) days and/or community service for a period of up to ninety (90) days.**

c. It shall be unlawful and a violation of this chapter for a person ~~(holding)~~ ~~**obtaining**~~ a valid parking permit issued pursuant hereto to permit the use ~~(or)~~ ~~**~~ display ~~**~~, sale, assignment or other transfer for profit or otherwise, or to advertise or offer for use, display, sale, assignment or transfer~~** (or)~~ such permit ~~**to anyone for use in**~~ ~~(or)~~ any motor vehicle other than that for which the permit was issued. A person who knowingly violates the provisions of this section shall be subject to a fine of not less than two hundred (\$200.00) dollars for a first offense and a fine of not less than five hundred (\$500.00) dollars ~~(nor more than one thousand (\$1,000.00) dollars)~~ for each subsequent offense ~~**~~ and/or imprisonment for a period of up to ninety (90) days and/or community service for a period of up to ninety (90) days~~**~~.

~~**d.~~ It shall be unlawful and a violation of this chapter for any person to obtain, purchase, receive, use or display a valid parking permit issued pursuant to this ordinance in any motor vehicle other than that for which the permit was issued. A person who knowingly violates the provisions of this section shall be subject to a fine of not less than two hundred (\$200.00) dollars for a first offense and a fine of not less than five hundred (\$500.00) dollars for each subsequent offense and/or imprisonment for a period of up to ninety (90) days and/or community service for a period of up to ninety (90) days.~~**~~

~~(d.)~~ ~~**e.**~~ It shall be unlawful and a violation of this chapter for a person to copy, reproduce or otherwise bring into existence a facsimile or counterfeit parking permit or permits. It shall further be unlawful and a violation of this chapter for a person to knowingly use a duplicate facsimile or counterfeit parking permit in order to evade area prohibitions or time limitations on parking applicable in a residential permit zone. A violation of this subsection shall be punishable by a fine of not less than five hundred (\$500.00) dollars ~~(or more than one thousand (\$1,000.00) dollars)~~ and/or imprisonment for a period of up to ninety (90) days and/or community service for a period of up to ninety (90) days.~~(or for each such offense.)~~

~~(e.)~~ ~~**f.**~~ In addition to the penalties set forth herein, the Parking Authority of the City of Bayonne is authorized to revoke the residential parking permit of any individual found to be in violation of this chapter.

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

BE IT RESOLVED, that an ordinance entitled “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, July 18, 2012 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

Absent – Council Member Czerwinski.

09. Council Member Gillespie 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, Subsection 7-16.1, Parking Prohibited During Certain Hours on Certain Streets., is hereby amended and supplemented as follows: (all new material)

Names of Street	Sides	Hours	Location
West 40th	North	Monday through Friday 9:00 a.m. to 5:00 p.m.	Beginning at a point 89 feet west of the Northwest corner of West 40 th Street and Broadway, extending to a point 24 feet West thereof

Council Member Gillespie 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, July 18, 2012 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

Absent – Council Member Czerwienski.

* * * * *

10. Council President Ruane introduced:

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

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

Section 1. That the Revised General Ordinances of the City of Bayonne, Chapter 14, PRESERVATION OF TREES, section 14-6, Replacement of Trees; Penalty for Failing to Replace, be amended and supplemented as follows: (New material **between asterisks**, deletions {within brackets})

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

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

b. If any person does not replace a removed or destroyed tree, as mandated by this subsection such person shall pay a fee of {~~five hundred dollars (\$500.00)~~ } **two hundred fifty dollars (\$250.00)** to the City of Bayonne. All fees collected shall be deposited into a fund established by the City for the sole purpose of replanting trees within the City of Bayonne.

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

Council Member Ruane moved that the following resolution be adopted, seconded by Council Member Greaves, 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 14, TREE PRESERVATION,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, July 18, 2012 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

Absent – Council Member Czerwienski.

* * * * *

11. Council President Ruane introduced:

AN ORDINANCE AMENDING ORDINANCE 0-99-13 TO ESTABLISH CERTAIN OFFICES, POSITIONS, EMPLOYMENT, CONSISTENT WITH CIVIL SERVICE RECLASSIFICATION AND SUBSEQUENT CHANGES THERETO, FOR ALL EMPLOYEES IN THE MUNICIPAL GOVERNMENT OF THE CITY OF BAYONNE

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

AN ORDINANCE TO ESTABLISH CERTAIN OFFICES, POSITIONS, EMPLOYMENT, CONSISTENT WITH CIVIL SERVICE RECLASSIFICATION AND SUBSEQUENT CHANGES THERETO, FOR ALL EMPLOYEES IN THE MUNICIPAL GOVERNMENT OF THE CITY OF BAYONNE, is hereby amended and supplemented as follows (new material is ****bold and between asterisks****, deletions are within ~~brackets and strikethroughs~~).

SECTION 1. It is the intent of this ordinance to establish certain offices, positions, employment, consistent with Civil Service reclassification and subsequent changes thereto, for all employees in the municipal government of the City of Bayonne. Those offices, positions and employment that are part-time, contractually, statutorily or otherwise mandated by law, ordinance or regulation are specifically exempted from application of this ordinance.

SECTION 2. It is the intent of this ordinance to set forth, as completely as possible, all pertinent job titles in one complete ****revised**** schedule (Appendix A)******, a **complete copy of Appendix A is available at the City Clerk’s Office. The copy of Appendix A available for view on July 18, 2012 includes all civil service positions as of June 14, 2012.**** The following previously promulgated schedules are hereby rescinded and replaced by this ordinance: Schedule 1 (Unclassified), Schedule 2 (Professional), Schedule 3 (Management), Schedule 4 (Confidential), AFSCME, AFSCME-Library and Supervisors. This ordinance is consistent with the City’s objectives of consolidating positions, ensuring that employees are working within their applicable job titles and fostering an ease of administration with respect to said schedule.

SECTION 3. This ordinance and the included ****revised**** schedule (Appendix A), containing the positions by title, and ten copies thereof, shall be placed on file in the Office of the City Clerk and the Office of the Business Administrator upon the introduction of this Ordinance and shall remain on file until final action is taken with respect to this Ordinance, for the use and examination of the public.

SECTION 4. The above referenced ****revised**** schedule (Appendix A) is incorporated herein by reference thereto as if fully set forth herein and is, furthermore, hereby created and adopted.

SECTION 5. Any and all amendments~~**~~, **changes, additions, deletions, to positions, either classified or unclassified, adopted by the New Jersey Department of Personnel from July 1, 2012 forward, are hereby incorporated into the ordinance and become amendments, changes, additions, deletions, to the titles of employees or additional position added in the municipal government of the City of Bayonne.**~~** (to said schedule (Appendix A) shall be performed by way of ordinance and any and all amendments thereto shall similarly be made part of the files of the City Clerk and the Business Administrator of the City of Bayonne.)~~

****Section 6. The City Clerk shall update the schedule (Appendix A) described in section 2 and 3 of this ordinance on or about July 1 of each subsequent calendar year to replace Appendix A with the New Jersey Department of Personnel schedule of positions effective as of June 30 of that calendar year. ****

Council Member Ruane 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 ORDINANCE 0-99-13 TO ESTABLISH CERTAIN OFFICES, POSITIONS, EMPLOYMENT, CONSISTENT WITH CIVIL SERVICE RECLASSIFICATION AND SUBSEQUENT CHANGES THERETO, FOR ALL EMPLOYEES IN THE MUNICIPAL GOVERNMENT OF THE CITY OF BAYONNE,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, July 18, 2012 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

Absent – Council Member Czerwinski.

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12. 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

104. Peter Donovan, 31 East 36th Street
Beginning at a point on the north side of East 36th Street, 318 feet west of the northwest corner of Avenue E and East 36th Street, and extending to a point 22 feet west thereof.

269. Richard F. Rush, 65 Evergreen Street
Beginning at a point on the north side of Evergreen Street, 165 feet west of the northwest corner of Evergreen Street and Hobart Avenue, and extending to a point 22 feet west thereof.

Council Member Greaves 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 7, TRAFFIC,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, July 18, 2012 at 7:00 P.M., or as

soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

Absent – Council Member Czerwienski.

* * * * *

13. 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 Gillespie, Greaves, Hurley, and President Ruane.

Absent – Council Member Czerwienski.

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

From Karen DeSoto, Esq., filing notice of tort claim on behalf of LORENZO ALYON, alleging civil rights violations and other claims sustained in a demotion and salary decrease in his employment with the city.

* * * * *

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

From Karen DeSoto, Esq., filing notice of tort claim on behalf of CHRISTIAN BOOKER, alleging civil rights violations and other claims sustained in a demotion and salary decrease in his employment with the city.

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

From Paul Garfield, Esq., filing notice of tort claim on behalf of MARIANO VARGAS, deceased, alleging injuries sustained March 21, 2012 in a police incident at 190 West 24th Street.

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

From Francisco Guzman, Esq., filing notice of tort claim on behalf of BERTHA MELIA, alleging injuries sustained February 14, 2012 in a fall on the sidewalk at 67 West 48th Street.

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

From PATRICIA COLEMAN on behalf of TY'SHANNA G. BISHOP, her daughter, filing notice of tort claim alleging personal injuries sustained May 13, 2012 in a fall on her scooter at a corner of 56th Street.

* * * * *

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

From DONNA KILLMER, filing notice of tort claim alleging property damage to her automobile on May 10, 2012 resulting from the collapse of a wooden cover over a sewer in the library driveway.

* * * * *

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

From the US DISTRICT COURT, DISTRICT OF NEW JERSEY, Summons and Complaint in the matter entitled, "MARCHETTA vs. CITY OF BAYONNE," et al. (Municipal code enforcement matter)

* * * * *

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

From DONOHUE, GIRONDA & DORIA, CPA's submitting Comprehensive Annual Financial Report (Audit) for the Fiscal Year Ended June 30, 2011.

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

From the BAYONNE PARKING UTILITY, submitting audit report for the years ended December 31, 2011 and 2010.

* * * * *

23. 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 Gillespie, Greaves, Hurley, and President Ruane.

Absent – Council Member Czerwienski.

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

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

May 15, 2012

Re: Abett Hernandez
Appointment as Board of Education Trustee

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 Abett Hernandez as a Trustee of the Bayonne Board of Education to fill the unexpired term of Nina Dobkin, resigned.

Enclosed please find Ms. Hernandez’s resume for your review.

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

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

June 12, 2012

Re: Mahmoud Fares
Appointment as Planning Board Commissioner

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 Mahmoud Fares as a Commissioner of the Bayonne Planning Board for a term expiring December 31, 2015..

Enclosed please find Mr. Fares’ 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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26. 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.

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

DATE: MAY 8, 2012

TO: Terrence Malloy, CFO
Robert Sloan, City Clerk

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

FROM: Janet Convery, Treasurer

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

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

JANET CONVERY
(signed)

* * * * *

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

BID REPORT
FOR THE MUNICIPAL COUNCIL

Date: 05/30/12 Ad Resolution#12-05-16-033 Ad Date:05/17/12

Date bids accepted: 05/30/12 Attending: Amy Dellabella, Purchasing Agent;
Anthony DeSalvo, Esq.

Bid titled: LAUNDRY SERVICE FOR THE FIRE DEPARTMENT

No Bids were received. I will re advertise

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

* * * * *

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

BID REPORT
FOR THE MUNICIPAL COUNCIL

Date: 06/12/12 Ad Resolution#12-05-16-033 Ad Date:05/17/12

Date bids accepted: 06/12/12 Attending: Amy Dellabella, Purchasing Agent;
Anthony DeSalvo, Esq.

Bid titled: LAUNDRY SERVICE FOR THE FIRE DEPARTMENT #II

No bids were received a second time. Project may either be re bid or negotiated.

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

* * * * *

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

BID REPORT
FOR THE MUNICIPAL COUNCIL

Date: 06/07/12 Ad Resolution#12-05-16-032 Ad Date:05/17/12

Date bids accepted: 05/30/12 Attending: Amy Dellabella, Purchasing Agent;
Anthony DeSalvo, Esq.

Bid titled: ELAVATOR INSPECTION SERVICES ON-SIRE AGENCY ACTING AS
ELEVATOR SUB-CODE OFFICIAL

Bidder(s): Bid Amount(s):
Municipal Inspection Corp. 85% of N.J.D.C.A. fee
183 West 4th St.

Bayonne, NJ 07002

NJ Elevator Inspection Agency 54% of N.J.D.C.A. fee
30 Amherst Place
Livingston, NJ 07039

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

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

Legal Approval:
Anthony DeSalvo, Esq.

* * * * *

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

BID REPORT
FOR THE MUNICIPAL COUNCIL

Date: 05/31/12 Ad Resolution #12-05-16-034 Ad Date: 05/17/12
Date bids accepted: 05/31/12 Attending: Amy Dellabella, Anthony DeSalvo, Esq.

Bid titled:
HVAC SERVICES FOR VARIOUS CITY BUILDINGS

Bidder(s) Name	Total Bid Price:
In-Line Air Conditioning Co. Inc. 85 East 21 st Street Bayonne, NJ 07002	\$69,455.00

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

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

Legal Approval:
Anthony DeSalvo, Esq.

* * * * *

32. 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 Members Gillespie, Greaves, Hurley, and President Ruane.

Absent – Council Member Czerwienski.

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33. 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, May 16, 2012 be and the same are hereby approved.

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

RESOLVED, That the official minutes of the adjourned regular council meeting held Wednesday, May 9, 2012, be and the same are hereby approved.

* * * * *

35. 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, May 9, 2012, be and the same are hereby approved.

* * * * *

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

WHEREAS, S-1914, would subject certain "user fees for traditional municipal services" to be included within the 2% cap; and

WHEREAS, the definition of "traditional municipal services" in S-1914 is open-ended, leaving municipalities and State regulators unsure on its application and, therefore, unable to properly plan for future years; and

WHEREAS, user fees for traditional county and school services would not be subject to any of the provisions of S-1914, although they have a greater impact on the local property tax bill; and

WHEREAS, it is at times more appropriate to fund some services by user fees, especially those services for which a recipient and a cost can be clearly and accurately calculated; and

WHEREAS, if municipalities are prohibited from charging user fees, they may be forced to discontinue the service, forcing residents to obtain the service from a private provider, often times at a higher cost than the user fee; and

WHEREAS, as municipalities struggle to meet the 2% levy cap, without the full effects of the management reforms and the continued diversion of energy receipt taxes, officials are forced to re-examine their budget and priorities; and

WHEREAS, in order to deliver the services that their residents expect and want local officials have been making structural changes to their budget, including how programs are funded; and

WHEREAS, municipalities must retain the financial flexibility to address their own unique fiscal issues and meet the demands and expectation of their residents;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the City of Bayonne strongly urges the legislature to oppose S-1914; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the sponsor of S-1914, Senator Sweeney, Assembly Speaker Oliver, Senator Sandra Bolden Cunningham, Assemblyman Jason O'Donnell, Assemblyman Charles Mainor, the New Jersey State League of Municipalities and the Office of the Governor

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37. 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
63	2.333	Gina Adao	266.37
121	6	Barbara Mc Laren	1,381.91
143	21.01	Vincent Fonti	556.08
162	8	Virginia Baranok	174.14
180	3	Frank Carabello	2,054.10
184	20	Vanetta Bird	1,961.40
207	1.04	Anna & John Orlando	210.01
207	1	Anita Detto	178.76
227	7	Wieslawa Piotrowski	219.92
238	3	Andrew Granato	1,294.04
247	53	Sushil Arora	444.68
248	20	Estate of Irene Polack	849.76
289	2	Neil Reynolds	192.55
316	22	James Luke	146.36
345	12	Barbara Kirk	160.00
Total:			10,090.08

* * * * *

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

WHEREAS, in preparing notices to Plenary Retail Consumption Licensees regarding the annual renewal of their licenses, the A.B.C. Board Secretary inadvertently listed the renewal fee for such licenses as \$1,100.00 instead of \$900.00 for the municipal license fee; and

WHEREAS, several licensees submitted their renewal application with a check for \$1,100.00 before the error was discovered; now, therefore, be it

RESOLVED, that warrants be drawn in the amount of \$200.00 each payable to the following:

Our Lady of the Assumption Post 1612, Catholic War Veterans
18 West 23rd Street, Bayonne, NJ 07002
Bayonne Restaurant, LLC t/a Houlihans
429 Market Street, Saddle Brook, NJ 07663
Russo Coviello, LLC, t/a 8th Street Broadway Diner
226 Broadway, Bayonne, NJ 07002
BRR Corp., t/a Chandelier Restaurant and Broadway Diner
1075-1083 Broadway, Bayonne, NJ 07002
Rincon De Espana, Inc.

616 Broadway, Bayonne, NJ 07002
Polish American Home, Inc.
27-31 West 22nd Street, Bayonne, NJ 07002
McGinnis, Inc., t/a Makar's Tavern
1106 Avenue C, Bayonne, NJ 07002; and be it further

RESOLVED, that said warrants be charged to Account No. GL-220, and that said warrants be delivered to the City Clerk's Office for transmittal to the licensees.

* * * * *

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

RESOLVED, that pursuant to and consistent with a State Training Fee Report dated May 11, 2012 by Michael J. Feuer, Construction Official, the Municipal Treasurer is hereby authorized and directed to issue a warrant drawn to the order of the State of New Jersey, in the amount of \$10,240.002 representing payment of state surcharge fees on new construction and alterations collected during the first quarter of 2012; and be it further

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

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

* * * * *

40. 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 \$ 74.40 be drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of licenses Nos. 1592-1623 inclusive, 32 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.

* * * * *

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

RESOLVED, that the actions of the Treasurer in issuing three warrants totaling \$ 10,129.12 made payable to Cablevision Lightpath is hereby ratified and confirmed. Warrants have been charged to various accounts

* * * * *

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

RESOLVED, that the actions of the Public Safety Director in ordering a warrant for \$ 1,025.00 made payable to HEP-SCD (Hudson-Essex-Passaic Soil Conservation District) for filing for a permit for the soil erosion and sediment control for the firehouses is hereby ratified and confirmed. Warrant is charged to Fire Construction Grant.

* * * * *

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

WHEREAS, Resolution No. 12-05-16-043 sought to amend Agreement No. FY '11-18 between the city and Donohue, Gironda & Doria, 310 Broadway, Bayonne, New Jersey 07002, for auditing services rendered during the budget transition period of six months commencing July 1, 2011 through December 31, 2011 which has been designated as TY 2011; and

WHEREAS, the contract number identified in the resolution should have been Agreement No. FY '12-007; now, therefore, be it

RESOLVED, that Resolution No. 12-05-16-043 be and is hereby amended to reflect that the agreement between the City of Bayonne and Donohue, Gironda & Doria, 310 Broadway, Bayonne, New Jersey 07002, for auditing services rendered during the transition period of six months commencing July 1, 2011 through December 31, 2011 which has been designated as TY 2011, to amend Agreement No. FY '12-007 and not Agreement No. FY '11-18

* * * * *

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

WHEREAS, Resolution No. 12-04-18-048 awarded a contract for a communications and graphics design provider for work on various projects such as renovations to the city's recycling pamphlet to increase public awareness of and participation in recycling to Lenox Consulting, 60 Roseland Avenue, Caldwell, NJ 07006; and

WHEREAS, the amount of the contract was inadvertently set forth as an amount not to exceed \$5,000.00; and

WHEREAS, the correct amount of the contract is not to exceed \$50,000.00; now therefore it is

RESOLVED, Resolution No. 12-04-18-048 awarding a contract to Lenox Consulting, 60 Roseland Avenue, Caldwell, NJ 07006 for the above described services be and is hereby amended to reflect a contract price not to exceed \$50,000.00.

* * * * *

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

Whereas, the Tax Assessor for the City of Bayonne has approved the exemption application for a 100% Disabled Veteran who occupies a one family home located at Block 434 Lot 4, 15 New Street, in the City of Bayonne, and

Whereas, the tax assessor has, due to the two family status of the property, approved the exemption for 100% of assessment (and taxes) otherwise applying to the property, and

Whereas, the Tax Assessor has also confirmed that, but for the late filing of the application, the qualified veteran would have been entitled to the exemption effective December 30, 2011 which is the date of the qualifying disability according to a written determination of the Department of Veterans Affairs dated September 6, 2012, and

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

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

Now therefore be it resolved as follows:

1. The property taxes on (100%) of the one family home at Block 434 Lot 4, 15 New Street, in the City of Bayonne occupied by said qualifying veteran are hereby canceled effective December 30, 2011 with the tax collector to calculate any resulting overpayment of the tax bills from that date to the date of passage of this resolution (estimated at approximately \$22.86 for the prior 2011 tax year and \$4,171.04 (plus or minus) in the 2012 tax year dependent on the final tax rate and any amounts paid to date) and to refund any prior year amounts to the qualified veteran and credit current year amounts as well as crediting or adjusting future bills in conformance with this resolution for the duration of the veteran's qualified status with respect to this property.
2. The tax collector, tax assessor and city treasurer are authorized to take any and all appropriate action to effectuate this resolution, including but not limited to, cancellation of taxes as set forth above and the refund or credit of any excess taxes which may have been paid by said qualifying veterans during the periods noted herein.

* * * * *

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

Whereas, the Tax Assessor for the City of Bayonne has approved the exemption application for a 100% Disabled Veteran who occupies a one family home located at Block 277 Lot 23, 17 W 19th Street, in the City of Bayonne, and

Whereas, the tax assessor has, due to the two family status of the property, approved the exemption for 100% of assessment (and taxes) otherwise applying to the property, and

Whereas, the Tax Assessor has also confirmed that, but for the late filing of the application, the qualified veteran would have been entitled to the exemption effective December 17, 2010 which is the date of the qualifying disability according to a written determination of the Department of Veterans Affairs dated September 6, 2012, and

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

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

Now therefore be it resolved as follows:

1. The property taxes on (100%) of the one family home at Block 277 Lot 23, 17 W 19th Street, in the City of Bayonne occupied by said qualifying veteran are hereby canceled effective December 17, 2010 with the tax collector to calculate any resulting overpayment of the tax bills from that date to the date of passage of this resolution (estimated at approximately \$7,107.41 for the prior 2010 and 2011 tax years and \$6,849.00 (Plus or minus) in the 2012 tax year dependent on the final tax rate and any amounts paid to date) and to refund any prior year amounts to the qualified veteran and credit current year amounts as well as crediting or adjusting future bills in conformance with this resolution for the duration of the veteran's qualified status with respect to this property.
2. The tax collector, tax assessor and city treasurer are authorized to take any and all appropriate action to effectuate this resolution, including but not limited to, cancellation of taxes as set forth above and the refund or credit of any excess taxes which may have been paid by said qualifying veterans during the periods noted herein.

* * * * *

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

WHEREAS, the City Council of the City of Bayonne adopted Resolution No. 10-07-28-036 on July 28, 2010 which indicated that the Jersey Journal and the Newark Star-Leger are two (2) newspaper publications that have the ability to publish notices at least 48 hours in advance of meetings and shall for all purposes be identified as the two (2) newspaper publications that will be utilized by the City to comply with all publication requirements to comply with the "Sunshine Law" as set forth more fully in N.J.S.A. 10:4-6 et seq; and

WHEREAS, Resolution No. 10-07-28-036 also indicated that the Jersey Journal be designated as the official newspaper for the publication of all advertisements and notices required by law to be published by the City of Bayonne; and

WHEREAS, the Star Leger is a qualified newspaper as described in N.J.S.A. 40:53-1 and N.J.S.A. 35:1-2.1; now therefore be it

RESOLVED, that Resolution No. 10-07-28-036 is hereby amended to include the Newark Star Leger as the official newspaper for the publication of all advertisements and notices required by law to be published by the City of Bayonne in addition to the Jersey Journal.

* * * * *

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

RESOLVED, That the applications of the below listed organizations for BINGO License be granted:

LICENSEE:	TIME & PLACE:	LICENSE NO:
St. John's Senior Citizen Organization	7:30-10:00 P.M. 14 East 27 th St. July 3,10,17,24,31 Aug. 7,14,21,28 Sept. 4,11,18,25 Oct. 2,9,16,23,30 Nov. 6,13,20,27 Dec. 4,11,18	BL: 2401

49. 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	LICENCE
The Joseph Lillo SMA Foundation For Children	10:00 P.M. 21 Pavonia Court September 29, 2012	RL: 8762
Our Lady of Assumption Church	8:00 P.M. 91 West 23 rd Street September 16, 2012	RL: 8763
Bayonne Chapter of Unico	8:00 P.M. Don Ahern Mem'l Stadium June 30, 2013	RL: 8764
Jewish Community Center of Bayonne	6-11 P.M. 1050 Kenn. Blvd. October 4, 2012	RL: 8765
Our Lady of Mount Carmel Church	2-6:30 P.M. 39 East 22 nd Street September 16, 2012	RL: 8766 RL: 8767 RL: 8768

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

WHEREAS, the city clerk, in accordance with a resolution adopted on May 16, 2012 advertised in the Jersey Journal on Amy 17, 2012 that sealed bids for elevator inspection services on-sire agency acting as elevator sub-code official would be received on May 30, 2012; and

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

Bidders:

Municipal Inspection Corp. 85% of N.J.D.C.A. fee
183 West 4th St.
Bayonne, NJ 07002

NJ Elevator Inspection Agency54% of N.J.D.C.A. fee
30 Amherst Place
Livingston, NJ 07039; and

WHEREAS, Amy Dellabella, R.P.P.O., Q.P.A. and Anthony DeSalvo, Esq. have examined the bids or proposals and have advised that the Director of Municipal Services desires to substantially revise the bid specifications; now, therefore, be it

RESOLVED, that the bids for elevator inspection services on-sire agency acting as elevator sub-code official be rejected.

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

Absent – Council Member Czerwienski.

* * * * *

51. 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 continued supplementation services for the Revised General Ordinances of the City of Bayonne; and

WHEREAS, Coded Systems, LLC, 608 Highway 71, Spring Lake Heights, New Jersey 07762, has previously been awarded a contract for such services on an annual basis, and is willing to continue to supply said services for the period commencing July 1, 2012 and ending June 30, 2013 upon the same terms as their present contract; and

WHEREAS, funds are certified as available in Account C-6 (01-0303-2); and

WHEREAS, bids need not be solicited for these services insofar as the Agreement complies with the statutory guidelines of N.J.S.A. 40A:11-5(1)(a)(x); now, therefore be it

RESOLVED, that the Mayor and City Clerk be and are hereby authorized to enter into a contract with Coded Systems, LLC, 608 Highway 71, Spring Lake Heights, New Jersey 07762, for continuation of supplementation service for the Revised General Ordinances of the City of Bayonne for the period commencing July 1, 2011 and ending June 30, 2012, for a contract amount not to exceed Fifteen Thousand (\$15,000.00) Dollars; and be it further

RESOLVED, that funds are certified as available in Account C-6 (01-0303-2) pending adoption of the CY 2012 budget.

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

Absent – Council Member Czerwienski.

* * * * *

52. Council Member Gillespie 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 for annual support and battery replacement for the uninterrupted power supply powering the communications center electronics; and

WHEREAS, the Eaton Corporation, P.O. Box 93531, Chicago, IL 60673-3531, has previously been awarded a contract for such services under the company name, Powerware, and is willing and able to continue to supply the aforesaid services for a one year period commencing July 1, 2012 and ending June 30, 2013 at a cost of \$2,012.00 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 Clerk of the City of Bayonne are hereby authorized to enter into an agreement with the Eaton Corporation, P.O. Box 93531, Chicago, IL 60673-3531, for annual support and battery replacement for the uninterrupted power supply powering the communications center electronics for a one year period commencing July 1, 2012 and ending June 30, 2013 for the amount of \$2,012; and be it further

RESOLVED, that 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 Eaton Corporation, in the amount of \$2,012.00 in payment for said services.

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

Absent – Council Member Czerwienski.

* * * * *

53. Council Member Greaves 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 application software support for computers housed in the Police Department; and

WHEREAS, Harris Computer Systems (formerly CISCO), 62133 Collections Center Drive, Chicago, IL 60693-0621 has previously been awarded an annual contract for such services and has provided the City with an invoice for said services for the one-year period commencing July 1, 2012 and ending June 30, 2013, for a total contract amount of \$13,311.20; and

WHEREAS, funds for said agreement have been 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 the City Clerk of the City of Bayonne are hereby authorized to enter into a service agreement with Harris Computer Systems (formerly CISCO), 62133 Collections Center Drive, Chicago, IL 60693-0621, for annual software support services for the Police Department’s CISCO brand Records Management Software (RMS), ECAD Dispatch Software, and other custom software interfaces, for the period commencing July 1, 2012 and ending June 30, 2013, for a total contract amount of \$13,311.20, and said funds have been 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 Harris Computer Systems in the amount of \$13,311.20 in payment for such services.

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

Absent – Council Member Czerwienski.

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

WHEREAS, the City of Bayonne is in need of continuing maintenance services for Alchemy brand document-imaging software housed in the Police Department; and

WHEREAS, Harris Computer Systems (formerly CISCO), 62133 Collections Center Drive, Chicago, IL 60693-0621, has previously been awarded a contract for such services, and has provided the City with an invoice for said services for the period commencing July 1, 2012 and ending June 30, 2013, for a total contract amount of \$4,852.00; and

WHEREAS, funds for said agreement have been 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 the City Clerk of the City of Bayonne are hereby authorized to enter into a service agreement with Harris Computer Systems (formerly CISCO), 62133 Collections Center Drive, Chicago, IL 60693-0621, for maintenance services for Alchemy brand document-imaging software housed in the Police Department for a one year period commencing July 1, 2011 and ending June 30, 2012, for a total contract amount of \$4,852.00, and said funds have been 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 CISCO in the amount of \$4,852.00 in payment for such services.

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

Absent – Council Member Czerwienski.

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55. Council Member Gillespie 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 for an annual maintenance and support for the ILS2 LiveScan fingerprinting equipment; and

WHEREAS, the MorphoTrak, Inc., 3 Washington Square, Albany, NY 12205 is willing to continue to supply the aforesaid services for the period commencing June 1, 2012 and ending May 31, 2013 at a cost of \$2,349.00 under State Contract No. A-68461; 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

RESOLVED, that the Mayor and Clerk of the City of Bayonne are hereby authorized to enter into an agreement with the MorphoTrak, Inc., 3 Washington Square, Albany, NY 12205 for maintenance and support for the ILS2 LiveScan fingerprinting equipment in use in the Police Department for the period commencing June 1, 2012 and ending May 31, 2013 at a cost of \$2,349.00 under State Contract No. A-68461; and be it further

RESOLVED, that 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 MorphoTrak, Inc., in the amount of \$2,349.00 in payment for said services.

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

Absent – Council Member Czerwienski.

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56. Council Member Greaves 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 for yearly maintenance of the city’s Audiolog Recording System (9-1-1 and citywide radion multi-server audio recording system); and

WHEREAS, KovaCorp, 102 East Bay Avenue, Suite J, Manahawkin, NJ 08050 is capable of supplying such services under state contract number T-1044 for a six month period commencing July 1, 2012 and ending December 31, 2012 at a cost of \$17,840.71; and

WHEREAS, funds are certified as available in various CY 2012 accounts, pending adoption of the CY 2012 budget; now, therefore, be it

RESOLVED, that the Mayor and City Clerk are hereby authorized to enter into an agreement with KovaCorp, 102 East Bay Avenue, Suite J, Manahawkin, NJ 08050,

for maintenance of the city’s Audiolog Recording System (9-1-1 and citywide radio multi-server audio recording system) for a six month period commencing July 1, 2012 and ending December 31, 2012 under state contract T-1044, at a cost of \$17,840.71; and be it further

RESOLVED, that funds are certified available in various CY 2012 accounts 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 KovaCorp, in the amount of \$17,840.71 in payment for said services.

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

Absent – Council Member Czerwienski.

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57. Council Member Greaves 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 continued maintenance services for five backup generators used in the city’s communications system; and

WHEREAS, SBP Industries, 1301 New Market Avenue, South Plainfield, NJ 07080 has supplied emergency generator maintenance for five (5) different locations in Bayonne and a 75 kw mobile generator; and

WHEREAS, the contract is for the sum of \$5,310.00.00 for a one year period commencing July 1, 2012 and ending June 30, 2013 for the five locations, and \$2,100.00 for the 75 kw mobile generator, and funds are certified available from 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 SBP Industries, 1301 New Market Avenue, South Plainfield, NJ 07080, for emergency generator maintenance for five (5) different locations in Bayonne, for a one year period commencing July 1, 2012 and ending June 30, 2013, for the sum of \$5,310.00 for the maintenance agreement for the five locations and \$2,100.00 for the agreement for the 75 kw backup generator, and funds are certified available from 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 warrants in the amount of \$5,310.00 and \$2,100.00 payable to SBP Industries in payment for said services.

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

Absent – Council Member Czerwienski.

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

WHEREAS, there is a continuing need to provide membership in the Bayonne Family Community Center for members of the Police Department; now, therefore be it

RESOLVED, that the Mayor, on behalf of the City of Bayonne, be and is hereby authorized to take any and all steps necessary to effectuate payment to the Bayonne Family Community Center, 259 Avenue E, Bayonne, NJ, in the amount of \$3,500.00 for the Police Department’s Annual Membership Program for one year commencing July 1, 2012 and ending June 30, 2013; and be it further

RESOLVED, that this expenditure be charged against Account PS-9/01-201-25-240-2-020 pending adoption of SFY 2013 Budget; and be it further

RESOLVED, that the Municipal Treasurer be and is hereby authorized and directed to issue a warrant payable to the Bayonne Family Community Center in the amount of \$3,500.00 representing payment for such membership.

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

Absent – Council Member Czerwinski.

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

WHEREAS, the Police Department of the City of Bayonne has established that there is a need for yearly maintenance of the citywide communications system infrastructure; and

WHEREAS, Motorola Corporation is capable of supplying such services under State Contract #A-53804 for a six month period commencing July 1, 2011 and ending December, 2012 at a cost of \$96,530.94; and

WHEREAS, funds are certified as available in various municipal accounts subject to adoption of the CY 2012 budget; now, therefore, be it

RESOLVED, that the Mayor and City Clerk are hereby authorized to enter into an agreement with Motorola Corporation, for maintenance of the citywide communications system infrastructure, pursuant to State Contract #A-53804, for a six month period commencing July 1, 2011 and ending December, 2012 at a cost of \$96,530.94, pending adoption of the CY 2012 budget; and be it further

RESOLVED, that funds are certified available in various accounts.

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

Absent – Council Member Czerwinski.

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

WHEREAS, the Police Department of the City of Bayonne has established that there is a need for maintenance and support for the AccuGlobe 9-1-1 crime mapping and wireless caller locator software; and

WHEREAS, Digital Data Technologies, 2323 West 5th Avenue, Suite 210, Columbus, OH 43204, 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 \$4,894.00; and

WHEREAS, funds are certified as available in Account #PS-9/01-201-25-240-2-020 pending adoption of the SFY 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 Digital Data Technologies, 2323 West 5th Avenue, Suite 210, Columbus, OH 43204, for maintenance and support for the AccuGlobe 9-1-1 crime mapping and wireless caller locator software, for a one year period commencing July 1, 2012 and ending June 30, 2013 at a cost of \$4,894.00, 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 Digital Data Technologies, in the amount of \$4,894.00 in payment for said service.

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

Absent – Council Member Czerwinski.

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

WHEREAS, the Police Department of the City of Bayonne has established that there is a continuing need for maintenance of seven Zetron brand 3200 9-1-1 Telephone Consoles in the communication center; and

WHEREAS, Mobile Tech, Inc., 1127 Lake Avenue, Clark, N. J. 07066, has previously been awarded a contract for such services, and is willing to provide this service under state contract number A-53824, at a cost of \$3,787.00, for a six month period commencing July 1, 2012 and ending December 31, 2012; and

WHEREAS, funds are certified available in Account #PS-9/01-201-25-240-2-020, subject to adoption of the CY 2012 budget; now, therefore, be it

RESOLVED, that the Mayor and City Clerk are hereby authorized to enter into an agreement with Mobile Tech, Inc., 1127 Lake Avenue, Clark, NJ 07066, for maintenance of seven Zetron brand 3200 9-1-1 Telephone Consoles in the communication center, at a cost of \$3,787.00, for a six month period commencing July 1, 2012 and ending December 31, 2012; and be it further

RESOLVED, that 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 Mobile Tech, Inc., in the amount of \$3,787.00 in payment of said services.

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

Absent – Council Member Czerwienski.

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62. Council Member Gillespie 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 for maintenance and support for the Tipsoft v5 Online software; and

WHEREAS, Crime Reports, 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 \$1,800.00; 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 Crime Reports, 11781 South Lone Peak Parkway, Suite 200 Draper, UT 84020, for maintenance and support for the Police Department’s Tipsoft v5 Online software for a one year period commencing July 1, 2012 and ending June 30, 2013 at a cost of \$1,800.00, 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 Crime Reports, in the amount of \$1,800.00 in payment for said services.

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

Absent – Council Member Czerwienski.

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

WHEREAS, the Police Department of the City of Bayonne has established that there is a need for maintenance of Info-Cop Licensed Mobile Computer Software; and

WHEREAS, GTBM, Inc., 351 Paterson Avenue, East Rutherford, N.J. 07073, has previously been awarded a contract to provide said service, and is willing and able to continue to supply said service for a one year period commencing July 1, 2012 and ending June 30, 2013 at a cost of \$17,587.50; 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 GTBM, Inc., 351 Paterson Avenue, East Rutherford, N.J. 07073, for maintenance of Info-Cop Licensed Software, for a one year period commencing July 1, 2012 and ending June 30, 2013 at a cost of \$17,587.50 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 G.T.B.M., Inc., in the amount of \$17,587.50 in payment for said service.

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

Absent – Council Member Czerwienski.

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64. Council Member Gillespie 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 renewal and support for the Police Department’s IAPro Internal Affairs computer software; and

WHEREAS, CI Technologies (IAPro), P.O. Box 551700, Jacksonville, FL 32255-1700, 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 \$2,000.00; and

WHEREAS, funds are certified as available in Account #PS-9-201-2-240-2-020, 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 CI Technologies (IAPro), P.O. Box 551700, Jacksonville, FL 32255-1700, for a software license renewal and support for the Police Department’s IAPro Internal Affairs computer software for a one year period commencing July 1, 2012 and ending June 30, 2013 at a cost of \$2,000.00, and funds are certified available in account # PS-9-201-2-240-2-020 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 CI Technologies (IAPro), in the amount of \$2,000.00 in payment for said services.

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

Absent – Council Member Czerwienski.

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

WHEREAS, the Chief of Police has an ongoing need for access to an on-line information network; and

WHEREAS, IACP Net, 7250 Hudson Boulevard North, Suite 130, Saint Paul, MN 55128, has previously been awarded a contract to provide such access to an on-line information network, and is willing to renew said contract at a cost of \$1,600.00 for a one year period commencing July 1, 2012 and ending June 30, 2013; 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 IACP Net, 7250 Hudson Boulevard North, Suite 130, Saint Paul, MN, 55128, for renewal of the city's subscription access to the IACP (International Association Chief of Police) on-line information network for use by the Police Department's administrative division, at a cost of \$1,600.00 for a one year period commencing July 1, 2012 and ending June 30, 2013; and be it further

RESOLVED, that funds have been certified as available from Account #PS-9 01-201-25-240-2-020 pending adoption of the CY 2012 Budget; and be it further

RESOLVED, the Municipal Treasurer be and is hereby authorized and directed to issue a warrant payable to IACP Net in the amount of \$1,600.00 in payment for said subscription.

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

Absent – Council Member Czerwienski.

* * * * *

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

WHEREAS, the Police Department of the City of Bayonne has established that there is a need for an annual software support and extended one-year warranties for all equipment deployed as part of the Digital Video Surveillance Network (DVSN) deployed throughout the city; and

WHEREAS, the Avrio RMS, 1359 Barclay Boulevard, Buffalo grove, IL 60089, has previously been awarded a contract to install the DVSN, and is willing and able to continue to supply the aforesaid services for a one year period commencing July 1, 2012 and ending June 30, 2013 at a cost of \$38,008.00 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; NJSA 40A:11-5(dd) provides for the award of a contract without the necessity of public advertising for bids for the provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software as an exception to the bidding statutes; now, therefore, be it

RESOLVED, that the Mayor and Clerk of the City of Bayonne are hereby authorized to enter into an agreement with Avrio RMS, 8 S. West Street, Easton, MD 21601, for annual software support and extended one-year warranties for all equipment deployed as part of the Digital Video Surveillance Network (DVSN) deployed throughout the city for a one year period commencing July 1, 2012 and ending June 30, 2013 at a cost of \$38,008.00; and be it further

RESOLVED, that 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 Avrio Group, in the amount of \$38,008.00 in payment for said services.

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

Absent – Council Member Czerwienski.

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

WHEREAS, the Fire Department of the City of Bayonne has established that there is a need for a Boston Whaler 17’ Guardian Boat with 90 hp engine; and

WHEREAS, BRUNSWICK COMMERCIAL & GOVERNMENT PRODUCTS, Inc., 420 Megan Z Avenue, Edgewater, FL 32132, is willing and able to supply such a vessel under GSA Contract #GS-07S-0011J for the amount of \$45,566.00 ;and

WHEREAS, funds are certified as available in Account Port Security Grant FY #2010 #2010-PU-T0-K005; now, therefore, be it

RESOLVED, that the Purchasing Agent be and is hereby authorized to purchase a Boston Whaler 17’ Guardian Boat with 90 hp engine from BRUNSWICK COMMERCIAL & GOVERNMENT PRODUCTS, Inc., 420 Megan Z Avenue, Edgewater, FL 32132 under GSA Contract #GS-07S-0011J for the amount of \$45,566.00; and be it further

RESOLVED, that funds are certified available in Account - Port Security Grant FY #2010 #2010-PU-T0-K005 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 BRUNSWICK COMMERCIAL & GOVERNMENT PRODUCTS, Inc., in the amount of \$45,566.00 in payment for said vessel upon delivery or as otherwise required.

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

Absent – Council Member Czerwienski.

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

WHEREAS, the Broadcast Music, Inc. (BMI) has been aggressively asserting the rights of its members against small municipalities for copyright infringement when such municipalities play their music at various functions including, but not limited to, festivals, firework shows, concerts in the park, community centers and even while on "hold" during telephone calls, without a license to do so; and

WHEREAS, by way of Municipal Council Resolution 09-11-10-048 the City entered into a License Agreement to the City of Bayonne granting the City license to play the aforesaid music at their various functions as stated above; and

WHEREAS, BMI has forwarded to the City an invoice in the amount of \$637.00 representing the annual payment of the license fee for the one year period commencing June 1, 2012 and ending May 31, 2013; and

WHEREAS, funds are certified as available in Account #BA-2; now therefore be it

RESOLVED, that the Treasurer is hereby authorized to issue a warrant payable to Broadcast Music, Inc. for the amount \$637.00; and be it further

RESOLVED, that funds are certified available in Account #BA-2.

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

Absent – Council Member Czerwienski.

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

WHEREAS, there exists a need for professional legal services to represent the Bayonne Rent Control Board at all meetings, defend any and all actions and to assist in the preparation of amendments on the Rent Control Ordinance; and

WHEREAS, John J. Smith, Jr., 762 Broadway, Bayonne, New Jersey, 07002, is willing to provide such services; and

WHEREAS, John J. Smith, Jr., has agreed to perform said services for the sum of \$7,500.00 for the six month period commencing July 1, 2012 and ending December 31, 2012, and funds are available in Account M-19 pending adoption of the CY 2012 Budget, and have been certified by the Municipal Comptroller; and

WHEREAS, said services are for the period from July 1, 2012 through December 31, 2012 and;

WHEREAS, the Local Public Contract Law (N.J.S. 40A:11-1, et seq.) requires that the resolution authorizing the award of a contract 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 and 5; now, therefore, be it

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute an agreement with John J. Smith, Jr., 762 Broadway, Bayonne, New Jersey, 07002, for the above mentioned legal services for an amount not to exceed \$7,500.00, for the period commencing July 1, 2012 through December 31, 2012. Funds are certified as available in Account #M-19 pending adoption of the CY 2011 Budget.
2. This contract is awarded without competitive bidding as a “Professional Service” in accordance with 40:11-5(1)(a) of the Local Public Contracts Law because the service will be performed by persons in a recognized profession and bids are not required per N.J.S.A. 40A:11-1, et seq.
3. Notice of the action shall be printed once in a newspaper of general circulation within the boundaries of the City of Bayonne.

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

Absent – Council Member Czerwienski.

* * * * *

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

WHEREAS, the City of Bayonne is in need of onsite drug and alcohol testing to CDL drivers to remain in compliance with the Department of Transportation/Safety Sensitive Requirements; and

WHEREAS, Dynamic Testing Services, Inc., 230 Main Street, 2nd Floor, Suite C, Toms River, N. J. 08753, is authorized to do onsite drug and alcohol testing as per Department of Transportation/Safety Sensitive requirements and currently provides the city with such services; and

WHEREAS, Dynamic Testing Services, Inc. has submitted a letter dated May 15, 2012 indicating their willingness to continue to provide such services, which letter is on file with the City of Bayonne; and

WHEREAS, the Director of the Department of Municipal Services has proposed that the City would benefit by entering into an agreement with Dynamic Testing Services, Inc., 230 Main Street, 2nd Floor, Suite C, Toms River, N. J. 08753, for such services commencing July 1, 2012 and ending June 30, 2014 for a monthly fee of \$230.00, for a total contract amount of \$5,520.00, and funds for same are certified as available in Account #HW-33 01-201-27-331-2-020 pending adoption of SFY 2011 Budget; and

WHEREAS, the Local Public Contract Law (N.J.S. 40A:11-1, et seq.) requires that the resolution authorizing the award of a contract for “Professional Services”

without competitive bids and the contract itself must be available for public inspection; now, therefore, be it

RESOLVED, By the Municipal council of the City of Bayonne, as follows:

1. The Mayor and City Clerk are hereby authorized and directed to execute an agreement with Dynamic Testing Services, Inc., 230 Main Street, 2nd Floor, Suite C, Toms River, N. J. 08753, to provide onsite drug and alcohol testing to CDL drivers per Department of Transportation/Safety Sensitive requirements for a monthly fee of \$230.00 for a total amount not to exceed \$5,520.00, commencing July 1, 2012 and ending June 30, 2014.
2. This contract is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contract Law because the service is a recognized profession, licensed and regulated by the State of New Jersey and bids are not required per N.J.S. 40A:5-11.
3. Notice of the resolution shall be published once in a newspaper of general circulation within the boundaries of the City of Bayonne; and be it further

RESOLVED, that Funds are certified as available in Account #HW-33 01-201-27-331-2-020 pending adoption of CY 2012 Budget.

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

Absent – Council Member Czerwienski.

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

WHEREAS, the Director of Municipal Services has advised the Municipal Council that grant funds are available from the County of Hudson, Department of Health and Human Services, Area Agency on Aging, in the amount of \$10,000.00 for services related to home delivered calendar year 2012, pursuant to a letter dated May 10, 2012 from Carol Ann Wilson, Director, a copy of which is attached hereto; now, therefore, be it

RESOLVED, that the Mayor and City Clerk are hereby authorized to execute any and all documents necessary to accept grant funds from the County of Hudson, Department of Health and Human Services, Area Agency on Aging, in the amount of \$10,000.00 for services related to home delivered calendar year 2012

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

Absent – Council Member Czerwienski.

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

WHEREAS, the City of Bayonne desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$2,500.00 to carry out a project to expand the Ability Program to plan, coordinate and escort 70 individuals with developmental and physical disabilities on four educational/ recreational bus trips ; now, therefore be it

RESOLVED, as follows:

- 1) that the City of Bayonne does hereby authorize the application for such a grant,
- 2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the City of Bayonne and the New Jersey Department of Community Affairs,

3) that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

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

Absent – Council Member Czerwienski.

* * * * *

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

WHEREAS, the Attorney General has been designated by the Governor to implement the 2012 Byrne Justice Assistance Grant (JAG) Program for state and local assistance; and

WHEREAS, the County of Hudson will receive grant funds on behalf of the City of Bayonne for the JAG Program under GMS Application Number 2012-H2566-NJ-DJ; and

WHEREAS, the project is a joint effort between the County of Hudson and the City of Bayonne, and other municipalities for the purposes described in the application; and

WHEREAS, the City of Bayonne is eligible for \$19,208.00 in grant funding; and

WHEREAS, the Mayor and Clerk of the City of Bayonne may be required to execute documents in furtherance of this grant; now, therefore, be it

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

1) As a matter of public policy the City of Bayonne wishes to participate to the fullest extend possible with the Department of Justice and the County of Hudson;

2) The County of Hudson will receive funds on behalf of the applicant;

3) The Hudson County Prosecutor shall be responsible for the receipt, review and approval of the applications for said funds;

4) The County of Hudson shall initiate allocations to each applicant as authorized; and

5) The Mayor and Clerk are hereby authorized to enter into an Interlocal Services Agreement with the County of Hudson and to execute any and all documents in connection with the procurement of said grant funds;

6) The City of Bayonne agrees to use \$19,208 for the JAG Program until September 30, 2015.

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

Absent – Council Member Czerwienski.

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

WHEREAS, the Hudson Regional Health Commission (the "Commission") is duly authorized to provide certain Public Health Programs to its member municipalities; and

WHEREAS, the Commission possesses specialized training and expertise in the area of lead abatement investigations; and

WHEREAS, member municipalities may choose to have the Commission perform specialized services such as those related to the investigation of reported cases of elevated lead levels in blood and environmental monitoring for lead in paint; and

WHEREAS, the law requires that the municipality investigate reported cases of elevated lead levels in blood and environmental monitoring for lead in paint when there

is a complaint of a suspected or confirm presence of elevated blood levels of our citizens; and

WHEREAS, it is economically beneficial for the City of Bayonne to utilize the services of the Commission rather than to contract for the work to a private third party entity performing similar services; and

WHEREAS, the City of Bayonne and the Commission wish to enter into an agreement to reflect the understandings of the parties; and

WHEREAS, funds are certified as available in Account 01-201-27-330-2-020; now therefore be it

RESOLVED by the Municipal Council of the City of Bayonne that the Mayor and City Clerk are hereby authorized to enter into an Interlocal Agreement with the Hudson Regional Health Commission for a one year period commencing July 1, 2012 and ending June 30, 2013 for an amount of \$600.00 for each environmental lead investigation, inclusive of clearance inspection and laboratory costs where warranted; and be it further

RESOLVED, that funds are certified as available in Account 01-201-27-330-2-020.

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

Absent – Council Member Czerwinski.

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

WHEREAS, the City of Bayonne is in need of public health nurse case management services for "lead burdened" children whose jurisdiction is covered by the City of Bayonne Health Division located at 630 Avenue C, Bayonne, New Jersey; and

WHEREAS, the City of Bayonne is mandated to provide (directly or indirectly via contract) public nurse case management services to "lead burdened" children living in their jurisdiction; and

WHEREAS, the City of Jersey City Health Department, 201 Cornelison Avenue, Jersey City, New Jersey 07304, a grant-funded agency of the Child and Adolescent Program, has agreed to include their service jurisdictions to nearby municipalities/counties for provision of nurse case management services in accordance with N.J.A.C. 8:51 (Childhood Lead Poisoning), between July 1, 2012 and June 30, 2013; and

WHEREAS, it is necessary for the parties to enter into a Memorandum of Understanding in order to provide a framework for cooperation between the City of Bayonne Health Division and the City of Jersey City Health Department in developing a collaborative relationship for the delivery of public health nurse case management services for "lead burdened" children in the jurisdictions covered by the City of Bayonne Health Division; and

WHEREAS, the City of Bayonne Health Division and the City of Jersey City Health Department have reached an agreement in order to provide a framework for the cooperation between the parties by way of a Memorandum of Understanding attached hereto and made a part hereof; and

WHEREAS, no municipal funding is required to be paid by the City of Bayonne for these services as the described services are part of a grant awarded to the City of Jersey City; now therefore be it

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

1. The Mayor and City Clerk are hereby authorized to enter into the attached Memorandum of Understanding with the City of Jersey City, 201 Cornelison Avenue, Jersey City, New Jersey 07304 for the provision of nurse case management services in accordance with N.J.A.C. 8:51 to provide public health nurse case management services for "lead burdened" children whose jurisdiction is covered by the City of Bayonne Health Division for the period commencing July 1, 2012 and ending June 30, 2013

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

Absent – Council Member Czerwienski.

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

WHEREAS, Council Resolution No.11-11-09-035 authorized the purchase of a 27’ Weapons of Mass Destruction Rescue Vessel in the amount of \$304,999.60 and

WHEREAS, said purchase is funded through a grant with a 25% match required by the City of Bayonne, and

WHEREAS, said 25% match is to be financed through a lease agreement, now therefore, be it

RESOLVED, that the Chief Financial Officer is hereby authorized to enter into a lease agreement with the Bayonne City Credit Union, located at 630 Avenue C, Bayonne, NJ, to provide for the financing of the City’s 25% match for the aforementioned fire vessel and associated equipment, not to exceed 25% of the cost, account to be charged: Fire Department Other Expenses

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

Absent – Council Member Czerwienski.

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

RESOLUTION OF THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, NEW JERSEY, AUTHORIZING THE EXECUTION OF A COMMUNITY BENEFITS AND SETTLEMENT AGREEMENT, WARE YARD LEASE AND GRANT OF EASEMENT WITH TEXAS EASTERN TRANSMISSION, L.P. OR AN AFFILIATE THEREOF AND ANY DOCUMENTS RELATED THERETO OR NECESSITATED THEREBY

WHEREAS, Texas Eastern Transmission, L.P. (“TETLP”) is proposing to expand its pipeline in New Jersey and specifically in the City of Bayonne, County of Hudson, New Jersey (the “City”) to meet the immediate and future demand for natural gas (the “Project”); and

WHEREAS, TETLP and Algonquin Gas Transmission, LLC (“Algonquin”) are wholly owned subsidiaries of Spectra Energy Corp. (“Spectra”) and have jointly filed an application for Certificates of Public Convenience and Necessity (“Certificates”) from the Federal Energy Regulatory Commission (“FERC”) pursuant to the Natural Gas Act, 15 USC 15B, Section 717, *et seq.*; and

WHEREAS, portions of the Project will require the use of real property and rights of way owned by the City; and

WHEREAS, TETLP has received a Certificate authorizing and empowering TETLP to acquire property by eminent domain in order to construct and operate the pipeline facilities approved by FERC; and

WHEREAS, TETLP has commenced an action against the City seeking to acquire certain property rights; and

WHEREAS, the City and TETLP have come to an amicable resolution to such benefiting all parties involved.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BAYONNE AS FOLLOWS:

Section 1. The Recitals and Exhibits are incorporated by reference as if set forth at length herein.

Section 2. The City Council hereby approves the execution of a Community Benefits and Settlement Agreement, Ware Yard Lease and Grant of Easement (all

on file with the Clerk of the City and collectively referred to herein as the “Agreements”), related to the Project.

Section 3. The Mayor, Law Director and/or Chief Financial Officer be and are hereby authorized to execute any and all documents necessary to effectuate the Agreements.

Section 4. This resolution shall be effective immediately.

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

Absent – Council Member Czerwinski.

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

WHEREAS, Resolution No. 09-04-29-083 authorized an agreement with Standard Elevator Corp., 68 Union Avenue, Clifton, NJ 07011 for elevator maintenance for three city buildings for three year term with a possible two year extension, which agreement has been prepared and designated as Agreement No. FY’09-58, effective July 1, 2009 through June 30, 2012; and

WHEREAS, the Director of Municipal Services has determined that it would be advantageous to the city to extend said contract for an additional two years; and

WHEREAS, the Municipal Comptroller has filed a certification with the city clerk that funds are available funds in account 01-201-27-229-2-199, pending final adoption of the CY 2012 budget; now, therefore be it

RESOLVED, that Agreement No. FY’09-58 between the city and Standard Elevator Corp., 68 Union Avenue, Clifton, NJ 07011 for elevator maintenance for three city buildings for a three year term with a possible two year extension, be extended for a two year term commencing July 1, 2012 and ending June 30, 2014 for an amount not to exceed \$2,640.00, and that the any and all documents necessary to effectuate the contract extension be executed in the name of the City of Bayonne by the proper city officials and that the said sum be charged to the Account No. 01-201-27-229-2-199.

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

Absent – Council Member Czerwinski.

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

WHEREAS, Resolution No. 07-09-26-089 authorized an agreement between the City of Bayonne and Municipal Inspection Corp., 183 West 4th Street, Bayonne, N.J. 07002 for services as On-Site Inspection Agency as Elevator Subcode Official for a three year contract and a two year mutually agreed upon extension starting July 1, 2007, which agreement has been prepared and designated as Agreement No. FY’08-32; and

WHEREAS, the purchasing agent has attempted to solicit quotations for said services for the period commencing July 1, 2012 and has asked for additional time to solicit such quotations; now, therefore, be it

RESOLVED, that Agreement No. FY ’08-32with Municipal Inspection Corp. be extended for an additional two months commencing July 1, 2012 and ending August 31, 2012 in order to allow the Purchasing Agent time to solicit quotations for the continued provision of such services.

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

Absent – Council Member Czerwinski.

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

WHEREAS, Resolution No. 09-07-15-053 authorized an agreement between the City of Bayonne and Bayonne Exterminating Company for rodent and pest control services for the period of three years commencing July 1, 2009 and ending June 30, 2012 in accordance with N.J.S.A. 40A:11-6.1, which agreement has been prepared and designated as Agreement No. FY'10-16; and

WHEREAS, the purchasing agent has attempted to solicit and quotations for said services for the period commencing July 1, 2012 and has asked for additional time to solicit such quotations; now, therefore, be it

RESOLVED, that Agreement No. FY'10-16 with Bayonne Exterminating be extended for an additional two months commencing July 1, 2012 and ending August 31, 2012 in order to allow the Purchasing Agent time to solicit quotations for the continued provision of such services; and be it further

RESOLVED, that funds are available in HW-4 01-201-27-330-2-020 pending adoption of the CY 2012 Budget.

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

Absent – Council Member Czerwienski.

* * * * *

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

WHEREAS, Resolution No. 07-03-21-073, authorized an agreement between the City of Bayonne and Supreme-Sanitary Linen Supplies,124 Delancy Street, Newark, NJ 07105 for Laundry Service for the Fire Department for the period of three years commencing July 1, 2007 and ending June 30, 2010 with a possible two year extension through June 30, 2012 pursuant to N.J.S.A. 40A:11-15, which agreement has been prepared and designated as Agreement No. FY'07-72, for the negotiated price not to exceed \$26,040 over the first three years; and

WHEREAS, the purchasing agent has attempted to obtain bids for said services for the period commencing July 1, 2012 on two occasions and will attempt to negotiate a contract for such services; now, therefore, be it

RESOLVED, that Agreement No. FY'07-72 with Supreme-Sanitary Linen Supplies be extended for an additional two months commencing July 1, 2012 and ending August 31, 2012 in order to allow the Purchasing Agent time to negotiate a contract for the continued provision of such services; and be it further

RESOLVED, that funds are available in PS-6 pending adoption of the CY 2012 Budget.

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

Absent – Council Member Czerwienski.

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

RESOLUTION AUTHORIZING THE SUBMISSION OF AN AMENDMENT TO THE 2006, 2008, 2009 AND 2010 ANNUAL ACTION PLANS PURSUANT TO THE REQUIREMENTS OF FEDERAL REGULATION 24 CFR PART 91

WHEREAS, Title I of the Housing and Community Development Act of 1974 as amended provides for a program of Community Development Block Grants (CDBG); and,

WHEREAS, the City of Bayonne is an entitlement City as defined under said Act and is entitled to financial assistance; and,

WHEREAS, federal regulations at 24 CFR Part 91 require that the City is permitted to revise activities in the Annual Action Plan; and,

WHEREAS, a public meeting has considered amendments to the 2006, 2008, 2009 and 2010 Annual Action Plans following publication of the proposal to provide for the following program changes:

-	Year 2006	4 th Street Senior Center (IDIS 641)	-\$15,827.17
-	Year 2008	4 th Street Senior Center (IDIS 697)	-\$25,000.00
-	Year 2008	Curb Cuts (IDIS 699)	-\$20,488.31
-	Year 2009	Neighborhood Preservation Park (IDIS 726)	-\$100,000.00
-	Year 2010	Russell Golding Park (IDIS 773)	-\$100,000.00
-	Year 2009	Street Reconstruction (IDIS 725)	+\$261, 315.48

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Bayonne, in the County of Hudson, New Jersey that the Mayor be and is authorized and directed to submit the City of Bayonne’s amendment to the 2006, 2008, 2009 and 2010 Annual Action Plans to the US Department of Housing and Urban Development and to provide such additional information as may be required

BE IT FURTHER RESOLVED that the City Clerk shall send a certified copy of this resolution to each of the following:

- Housing and Community Development Services, Inc.
- Yeas - Council Members Gillespie, Greaves, Hurley, and President Ruane.
- Absent – Council Member Czerwienski.

* * * * *

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

RESOLUTION AUTHORIZING THE SUBMISSION OF AN AMENDMENT TO THE 2007, 2009, 2010 AND 2011 ANNUAL ACTION PLANS PURSUANT TO THE REQUIREMENTS OF FEDERAL REGULATION 24 CFR PART 91

WHEREAS, Title I of the Housing and Community Development Act of 1974 as amended provides for a program of Community Development Block Grants (CDBG); and,

WHEREAS, the City of Bayonne is an entitlement City as defined under said Act and is entitled to financial assistance; and,

WHEREAS, federal regulations at 24 CFR Part 91 require that the City is permitted to revise activities in the Annual Action Plan; and,

WHEREAS, a public meeting has considered amendments to the 2007, 2009, 2010 and 2011 Annual Action Plans following publication of the proposal to provide for the following program changes:

-	Year 2007	Collins Park (IDIS 673)	-\$11,234.32
-	Year 2009	Russell Golding Park (IDIS 727)	-\$50,000.00
-	Year 2010	Russell Golding Park (IDIS 773)	-\$150,000.00
-	Year 2010	Collins Park (IDIS 772)	-\$112,500.00

-	Year 2011	Housing Rehabilitation (Single Family) (IDIS 800)	+\$323,734.32
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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Bayonne, in the County of Hudson, New Jersey that the Mayor be and is authorized and directed to submit the City of Bayonne’s amendment to the 2007, 2009, 2010 and 2011 Annual Action Plans to the US Department of Housing and Urban Development and to provide such additional information as may be required

BE IT FURTHER RESOLVED that the City Clerk shall send a certified copy of this resolution to each of the following:

Housing and Community Development Services, Inc.

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

Absent – Council Member Czerwienski.

* * * * *

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

WHEREAS, Resolution No. 11-06-15-051 authorized an agreement with Coded Systems, LLC, 608 Highway 71, Spring Lake Heights, New Jersey 07762 for continued supplementation services for the Revised General Ordinances of the City of Bayonne for an amount not to exceed \$10,500.00, which contract has been prepared and designated as Agreement No. FY ’12-10; and

WHEREAS, the several of the ordinances passed in 2011 were significantly larger in size and scope than in other years, requiring additional work by the codifiers to update the Revised General Ordinances in print and on-line; and

WHEREAS, Coded Systems, LLC, has submitted an invoice dated May 9, 2012 in the amount of \$13,500.00 for services rendered in connection with current supplementation services; now, therefore, be it

RESOLVED, that Resolution No. 11-06-15-051 and Agreement No. FY ’12-10 be amended to increase the maximum amount of the contract from \$10,500.00 to \$13,500.00; and be it further

RESOLVED, that funds are certified as available in Account C-6 (01-0303-2) of the SFY 2011 budget

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

Absent – Council Member Czerwienski.

* * * * *

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

RESOLUTION AUTHORIZING THE LOAN OF \$2,500,000 IN URBAN ENTERPRISE ZONE FUNDS TO CAMERON AVENUE A 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 310, Lots 1-13; Block 311.01, Lots 1, 4, 5 & 6; Block 333.02, Lot 1 on the tax map of the City (collectively, the “Zone Area”); and

-1WHEREAS, 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, the City Council is undertaking a study of the Zone Area to determine whether the Zone Area is an area in need of redevelopment in accordance with Section 5 of the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the “Redevelopment Law”); and

WHEREAS, Cameron Avenue A 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 a modern warehouse facility and ancillary structures and improvements (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 \$2,500,000 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 business 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 \$2,500,000 from the City’s UEZ fund, which loan shall be secured by a second mortgage on the Project for a total term not to exceed seven years at interests rates not to exceed five percent and such other terms and conditions deemed necessary by the Mayor in consultation with the City’s professionals.
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. The Bayonne Urban Enterprise Coordinator is authorized to create a project entitled, “CAMERON AVENUE A URBAN RENEWAL, LLC LOAN PROJECT”
7. This resolution shall take effect immediately.

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

Absent – Council Member Czerwienski.

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

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A REDEVELOPMENT AGREEMENT AND OTHER SUCH RELATED INSTRUMENTS AND DOCUMENTS IN CONNECTION WITH THE BOULEVARD GATEWAY REDEVELOPMENT PLAN

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, pursuant to resolution no. 03-12-17-064 adopted on December 17, 2003, the City Council of the City (the "City Council") designated the area commonly known as Block 363, Lots 1, 2, 3, 4, 5, 6 and 29 (now known as Block 363, Lot 1.01) and Block 361, Lots 3 and 4 (now known as Block 361, Lots 3.01, 4.01 and 4.02) on the tax map of the City (the "Redevelopment Area") as an area in need of redevelopment pursuant to Section 5 of the Redevelopment Law; and

WHEREAS, on April 21, 2004, the City Council adopted ordinance O-04-16, adopting the "*Redevelopment Plan Boulevard Gateway*" prepared by John D. Fussa, P.P. dated November 2003 (the "Original Redevelopment Plan") as the redevelopment plan for the Redevelopment Area; and

WHEREAS, on March 15, 2006, the City Council adopted ordinance O-06-15, accepting the Planning Board's recommended revision to the Original Redevelopment Plan to include restaurants as a permitted principal use within the Redevelopment Area (as amended, the "Amended Redevelopment Plan"); and

WHEREAS, on December 14, 2011, the City Council adopted ordinance 0-11-40 accepting the Planning Board's recommended revision to Section 2.2.3(G) of the Amended Redevelopment Plan (as amended, the "Redevelopment Plan") which states as follows:

"In lieu of providing affordable housing consistent with COAH regulations within any project constructed within the Boulevard Gateway redevelopment area, the City Council shall impose a contribution in lieu thereof upon the applicable redeveloper, which payment in lieu shall be in such amount, and payable upon such terms, as the City Council shall determine. All City ordinances including all City affordable housing ordinances are hereby amended to the extent of any inconsistency with the Redevelopment Plan."

WHEREAS, Camelot at Bayonne 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 "Entity") owns the property commonly known as Block 363, Lots 1, 2, 3, 4, 5, 6 and 29 (now known as Block 363, Lot 1.01) on the tax map of the City (the "Project Site") and will construct or cause to be constructed thereon certain real estate improvements in connection with the construction of approximately 96 residential units including parking (the "Project"); and

WHEREAS, the City Council desires to designate the Entity the redeveloper for the Redevelopment Area pursuant to Section 8 of the Redevelopment Law to undertake the redevelopment of the Redevelopment Area pursuant to the Redevelopment Plan; and

WHEREAS, the City Council further desires to authorize the execution of a redevelopment agreement with the Entity for the Redevelopment Area, which will set forth the rights and obligations of the respective parties, as well as the anticipated time frame for the completion of certain tasks, in the form attached hereto as Exhibit A.

NOW THEREFORE, BE IT RESOLVED BY THE CITY 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 of the City of Bayonne is hereby authorized to negotiate, execute, acknowledge and deliver the Redevelopment Agreement substantially in the form attached hereto as Exhibit A (the "Redevelopment Agreement") and any and all other documents necessary to effectuate the Redevelopment Agreement and this Resolution, with such deletions, additions and other modifications as deemed appropriate by the Mayor, upon consultation with City professionals, consultants and staff. The execution of any such instrument by the Mayor shall be conclusive evidence of any approval of such instrument required by this Section. Any and all actions heretofore taken by the Mayor in connection with the Redevelopment Agreement are hereby ratified.

Section 3. Camelot at Bayonne Urban Renewal, LLC is hereby designated as the redeveloper of the Redevelopment Area, subject to the execution of the Redevelopment Agreement with the City.

Section 4. In accord with the amended Section 2.2.3(G) of the Redevelopment Plan, the Entity shall meet its affordable housing obligation as established under the City Administrative Code, as amended by the Redevelopment Plan, by providing for 100% of the total affordable housing requirement off-site through a payment-in-lieu of the construction of such affordable housing. Such payment-in-lieu of construction shall equal one-half of the amount established pursuant to Section 33-17.2(e) of the City Administrative Code and shall be paid into the Affordable Housing Trust Fund established pursuant to Section 33-14.6 of the City Administrative Code.

Section 5. In case any one or more of the provisions of this Resolution or the Redevelopment Agreement shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Resolution or the Redevelopment Agreement, and the Resolution and/or Redevelopment Agreement shall be construed and enforced as if such illegal or invalid provision had not been contained therein.

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

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

Absent – Council Member Czerwienski.

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

WHEREAS, Del-Sano Contracting Corp., the builder of the Regan project on Avenue E at 45th Street has requested permission to shift traffic on Avenue E to accommodate their construction process, which will require parking to be restricted on the west side of Avenue E from 44th to 47th Streets for a period of approximately four months; and

WHEREAS, the Municipal Council recognizes that the Regan project is a necessary and important housing development project and desires to effectuate its construction; now, therefore, be it

RESOLVED, the Municipal Council hereby approves of the proposed shift in the traffic patter along Avenue E in the vicinity of the Regan project, and the parking restrictions proposed for the westerly side of Avenue E between 44th and 47th Street, and directs the Police Department, the Department of Public Works and Parks, and such other municipal departments and agencies whose involvement might become necessary to cooperate with Del-Sano Contracting Corp. in implementing the proposed traffic and parking changes in order to complete the Regan project.

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

Absent – Council Member Czerwienski.

* * * * *

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

WHEREAS, the Bayonne Urban Enterprise Zone Program has sufficient funds in its Zone Assistance Account to fund its FY2013 Administrative Budget, and

WHEREAS, the City had been informed that it may fund an FY 2012 Administrative Budget using Zone Assistance Funds in the same amount as the FY 2011 Administrative Budget,

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the City of Bayonne hereby authorizes and approves the use of Zone Assistance Funds in the amount of \$177,000.00 to be used in support of the Bayonne Urban Enterprise Zone’s FY 2013 Administrative Budget.

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

Absent – Council Member Czerwienski.

* * * * *

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

WHEREAS, the City of Bayonne has determined that it will be advantageous to our Broadway Shopping District for a Farmer’s Market to be held on Broadway, and

WHEREAS, said Farmer’s Market on Broadway will attract a significant number of potential consumers to the shopping district, now therefore be it

RESOLVED, that the Urban Enterprise Zone Coordinator is hereby authorized to create a project entitled, “Broadway Farmer’s Market” in an amount of \$15,000.00.

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

Absent – Council Member Czerwienski.

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

WHEREAS, the City of Bayonne and the Bayonne Urban Enterprise Zone Board will be hosting various events that require payments to be made to performers and vendors at the event and/or prior to the event, and

WHEREAS, the timing of said payments will often not coincide with a scheduled Municipal Council Meeting, now therefore, be it

RESOLVED, that the Chief Financial Officer and Treasurer are hereby authorized to make the appropriate payments to the various entertainers and vendors relating to the aforementioned events.

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

Absent – Council Member Czerwienski.

* * * * *

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

#5 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	\$	41,977,309.50
Parking Utility	\$	241,000.00

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	\$	6,593,000.00
Parking Utility	\$	95,000.00

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

Current Fund	\$	6,593,000.00
Parking Utility	\$	95,000.00

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

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

Absent – Council Member Czerwinski.

* * * * *

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

WHEREAS, ADLERN GROUP LLC, d/b/a MASSAGE ENVY SPA, has applied for a license to operate a massage establishment and has submitted an application therefore to the City Clerk; and

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

WHEREAS, ADLERN GROUP LLC, d/b/a MASSAGE ENVY SPA, meets the requirements of Section 4-22 of the Revised General Ordinances of the City of Bayonne; and

WHEREAS, ADLERN GROUP LLC, d/b/a MASSAGE ENVY SPA has represented that they have begun paying rent for their establishment and have petitioned the city to issue a license so that they may conduct business; and

WHEREAS, the city council president has advised the city clerk to issue a massage establishment license to ADLERN GROUP LLC, d/b/a MASSAGE ENVY SPA, which license was issued on June 13, 2012; now, therefore, be it

RESOLVED, That the issuance of a license to operate a massage establishment pursuant to Section 4-22 of the Revised General Ordinances to the ADLERN GROUP LLC, d/b/a MASSAGE ENVY SPA, 211 LeFante Way, Bayonne, NJ, for calendar year 2012, expiring December 31, 2012 is hereby ratified and confirmed.

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

Absent – Council Member Czerwinski.

* * * * *

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

WHEREAS, pursuant to Resolution 08-01-16-032, the City entered into a Right-of-Entry Agreement with GZA GeoEnvironmental, Inc. ("GZA"), 65 Willowbrook Blvd., Wayne, NJ 07470 in connection with site delineation activities being conducted by Bayer Corporate and Business Services ("Bayer") at its property located at 169 West 52nd Street (the "Right of Entry Agreement"); and

WHEREAS, sometime thereafter, Bayer retained a new consultant named Environmental Liability Management, Inc. ("ELM"), 218 Wall Street, Research Park, Princeton, New Jersey 08540; and

WHEREAS, pursuant to Resolution 10-04-21-011 the City amended the Right of Entry Agreement to authorize ELM to access the property for purposes of site delineation activities and afforded ELM the same rights as GZA; and

WHEREAS, Bayer has requested the City further amend the existing Right of Entry Agreement to allow ELM access to conduct additional investigative activities necessary to further delineate contamination affecting the site. Said activities are set forth in the Scope of Work and Sampling Location Map annexed hereto; and

WHEREAS, because it is in the best interests of the citizens of the City of Bayonne that environmental conditions be monitored and remediated, if necessary, the City is agreeable to further amending the existing Right-of-Entry Agreement to grant ELM access to conduct the additional investigative activities as specifically set forth in the Scope of Work and Sampling Location Map; now therefore be it

RESOLVED, by the Municipal Council that the Mayor and City Clerk are hereby authorized to enter into a Second Amendment to the existing “Right-of-Entry Agreement between the City of Bayonne and GZA GeoEnvironmental, Inc., as amended to include Environmental Liability Management, Inc.” permitting site delineation activities to be conducted by Bayer Corporate and Business Services at its property located at 169 West 52nd Street so as to provide additional access in accordance with the Scope of Work and Sampling Location Map annexed hereto and made a part hereof.

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

Absent – Council Member Czerwienski.

* * * * *

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

A RESOLUTION AUTHORIZING A LICENSE TO USE LANDS OWNED BY THE CITY, DESIGNATED AS LOT 14 IN BLOCK 190, OR PORTION THEREOF, ADJOINING CHURCH STREET FOR THE PURPOSE OF A SECOND MEANS OF INGRESS AND EGRESS TO AND FROM THE STRUCTURE LOCATED AT 528-532 BROADWAY (PIZZA MASTERS) AND ALLOWING FOR ADDITIONAL CONDITIONS AND TERMS UPON WHICH SAID LICENSE IS SUBJECT TO AND CONDITIONED UPON.

WHEREAS, “Secondi, Inc.,” the owner of 528-532 Broadway, designated Lot 11 in Block 190 (hereinafter “Pizza Masters”) has requested the Bayonne Construction Official act on its application for a permit to renovate and expand the size of its structure and increase the size of its business to accommodate an occupancy in excess of 49 people;

WHEREAS, the Subcode Official completed his review and commented that based on the plans and survey submitted by Pizza Masters, the New Jersey Rehabilitation Code requires an additional exit from the building which does not exceed an interior travel distance of 75 feet. A copy of the Subcode Official Review Letter dated May 4, 2012 is attached hereto; and

WHEREAS, the City of Bayonne is in receipt of a request from Pizza Masters dated April 8, 2010, a copy of which is attached hereto, as to the process to acquire rights in City owned parcel designated Lot 14 in Block 190, which adjoins the Pizza Master property to the East, for purposes of providing a second means of egress from the Pizza Master parcel to Church Street; and

WHEREAS, in furtherance of said request, the City of Bayonne has been provided with an Architectural Site Plan dated August 15, 2011, Revised January 31, 2012 and May 10, 2012, prepared by Architrave Group PC, 157 Broad Street, Suite 107, Red Bank, New Jersey 07701, a Survey dated February 8, 2008 prepared by Caulfield Associates, LLP, 132 Madison Street, Hoboken, New Jersey 07030 and a Metes and Bounds Description of the City’s Parcel (Lot 14, Block 190); and

WHEREAS, Pizza Masters is agreeable to paying a yearly license fee equal to that amount of real property tax imposed upon the parcel or portion thereof in accordance with the applicable real property tax rates and to comply with other conditions of the License; and

WHEREAS, the City of Bayonne is committed to promoting the efforts of small businesses; now, therefore, be it

RESOLVED, the City of Bayonne is willing to grant a License to Secondi, Inc., allowing it to utilize City owned Parcel designated Lot 14 in Block 190 or portion thereof, more particularly described by the Metes and Bounds description prepared by Caulfield Associates, LLP and a diagrammatic sketch with a cross-hatched portion indicating the License area attached to this Resolution, for purposes of a second means of ingress and egress to and from its building to Church Street pursuant to the following conditions:

1. Pizza Master shall pay a yearly license fee equal to that amount of real property taxes imposed upon the parcel, or portion thereof, in accordance with the applicable real property tax rates;
2. The License area will at all times be maintained and kept clear and unobstructed, free of debris, snow and ice;

- 3. Pizza Master will defend, indemnify and hold harmless the City of Bayonne from any and all claims for injury and damage to persons or property arising from the use of the Parcel;
- 4. Pizza Masters will at all times maintain liability insurance with limits of at least \$1,000,000 and provide the City of Bayonne with a Certificate of Insurance naming it as an additional insured;
- 5. The License Agreement may not be modified, amended or terminated without the prior written consent of the Municipal Council;
- 6. Failure to comply with the terms of the License Agreement may result in

BE IT FURTHER RESOLVED that the Mayor and Clerk be and are hereby authorized to execute a License Agreement consistent with the dimensions (or portion thereof) set forth in the attached documents and incorporating the terms and conditions of any Planning, Zoning and/or Building approvals necessary for the construction, renovation and expansion of the existing structure and in such form and content as may be deemed necessary by Corporation Counsel for the City of Bayonne to secure these purposes both now and in the future.

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

Absent – Council Member Czerwienski.

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

WHEREAS, the City has a need to acquire professional engineering services in connection with various potential upcoming projects during CY 2012; and

WHEREAS, the following professional engineering firms have qualified under the Fair & Open Contracting Requirements pursuant to N.J.S.A. 19:44a:20.4 and. :

T & M Associates, Inc.
11 Tindall Road
Middleton, NJ 07748;

Birdsall Services Group
750 Vassar Avenue.
Lakewood, NJ 08701;and

Pennoni Associates, Inc.
210 Malapardis Road, Ste. 104
Cedar Knolls, NJ 07927; and

Arcadis/Malcolm Prinie
17-17 Route 208 no.
Fairlawn, NJ 07410; and

Maser Consulting, P.A.
331 Newman Springs Road
Red Bank, NJ 07701; and

Hatch Mott McDonald
27 Bleeker St.
Millburn, NJ 07041; and

Van Cleef Engineering
299 Cherry Hill Road
Parsippany, NJ 07054; and

WHEREAS, the aforementioned engineering firms are willing and able to provide said services for amounts to be negotiated pursuant to the fee schedules attached to their proposals; and

WHEREAS, fund as certified as available in Various Accounts; 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 various agreements for professional engineering services with the aforementioned professional engineering firms in connection with various potential upcoming projects during FY 2010 for amount to be negotiated pursuant to the fee schedules attached to their proposals;

RESOLVED, that funds are certified as available in Various Accounts.

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

Absent – Council Member Czerwienski.

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

WHEREAS, there exists a need for professional services to audit of books, accounts and financial transactions of the City of Bayonne for the Transitional Year 2011as 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 Calendar Year 2012 budget preparation process, excluding department detail worksheets; to review the unaudited Transitional Year ended December 31, 2011, financial statements prior to submission to the State; to attend Municipal Council meetings, as required; to provide technical advice during the Calendar Year ending December 31, 2012, as needed, and to review the Employee’s Deferred Compensation Plan; and

WHEREAS, Donohue, Gironda & Doria, 310 Broadway, Bayonne, New Jersey 07002, has submitted to the City of Bayonne a formal, written proposal for said services; and

WHEREAS, Donohue, Gironda & Doria, 310 Broadway, Bayonne, New Jersey 07002, is ready, willing and able to provide said services; and

WHEREAS, Donohue, Gironda & Doria is willing to perform these services for the period commencing July 1, 2012 and ending December 31, 2012 for an amount not to exceed \$41,750.00, and

WHEREAS, funds are certified as available in Account Budget and Accounting Fees and CDBG pending adoption of the CY 2012 Budget; now, 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 agreement with Donohue, Gironda & Doria, 310 Broadway, Bayonne, New Jersey 07002 for the above mentioned services for the period commencing July 1, 2012 and ending December 31, 2012, for an amount not to exceed \$41,750.00, and funds are certified as available in Account Budget and Accounting Fees and CDBG pending adoption of the CY 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 Gillespie, Greaves, Hurley, and President Ruane.

Absent – Council Member Czerwienski.

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

WHEREAS, the City of Bayonne is in need of professional legal services as Public Defender in connection with the representation of indigent individuals coming before the Municipal Court of the City of Bayonne; and

WHEREAS, the law firm of Hughes & Finnerty, P.C., 25 West 8th Street, P. O. Box 65, Bayonne, N. J. 07002, has submitted to the City of Bayonne a formal written proposal for said professional legal services; and

WHEREAS, the law firm of Hughes & Finnerty, P.C. is ready to provide said services; and

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

WHEREAS, the maximum amount of the contract is \$31,000.00, the term of the contract is from July 1, 2012 through December 31, 2012 and the funds are available in Account #M-17 pending adoption of the CY 2012 Budget, and have been certified by the Municipal Comptroller; and

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

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute an agreement with Hughes & Finnerty, P.C., 25 West 8th Street, P.O. Box 65, Bayonne, NJ 07002 to perform professional legal services as the Public Defender in connection with the representation of indigent individuals coming before the Municipal Court of the City of Bayonne, for a total amount not to exceed \$31,000.00 for a period of six months commencing July 1, 2012 and ending December 31, 2012, pursuant to their proposal which is on file with the office of the City Clerk of the City of Bayonne with the original contract.
2. The contract amount is not to exceed \$31,000.00 without additional approval of the City of Bayonne and shall be paid in six equal installments of \$5,166.66.
3. This contract is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because the service is a recognized profession, licensed and regulated by the State of New Jersey, and bids are not required as per N.J.S.A. 40A:11-1, et seq.
4. A notice of this action shall be printed once in a newspaper of general circulation within the boundaries of the City of Bayonne.
5. This award is subject to the adoption of the CY2012 Budget.

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

Absent – Council Member Czerwienski.

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

WHEREAS, there exists a need for real property appraisals and expert testimony services in tax appeals before the State Tax Court and Hudson County Tax Board and condemnation proceedings for residential, commercial, apartment buildings and warehouses; and

WHEREAS, Stack, Coolahan & Stack, LLC, 90 Hudson Street, Suite 200, Hoboken, New Jersey 07030, has submitted to the City of Bayonne a formal, written proposal for said services; and

WHEREAS, Stack, Coolahan & Stack, LLC, 90 Hudson Street, Suite 200, Hoboken, New Jersey 07030, is ready, willing and able to provide said services; and

WHEREAS, Stack, Coolahan & Stack, LLC is willing to perform these services for the period commencing July 1, 2012 and ending December 21, 2012 for an amount not to exceed \$36,000.00, and

WHEREAS, funds are certified as available in Account #01-201-20-130 pending adoption of the CY 2012 Budget; now, 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 agreement with Stack, Coolahan & Stack, LLC, 90 Hudson Street, Suite 200, Hoboken, New Jersey 07030, for the above mentioned services for the period commencing July 1, 2012 and ending December 31, 2012, for an amount not to exceed \$36,000.00, and funds are certified as available in Account #01-201-20-130 pending adoption of the CY 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 Gillespie, Greaves, Hurley, and President Ruane.

Absent – Council Member Czerwienski.

* * * * *

99. Council Member Hurley 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 bond counsel/special counsel; and

WHEREAS, the law firm of McManimon, Scotland, Baumann, LLC, One Riverfront Plaza, Fourth Floor, Newark, N. J. 07102-5408, has submitted a proposed agreement which is attached hereto and has become a part hereof, for a six month period commencing July 1, 2012 and ending June 30, 2012, payable from Various Capital Bond Ordinances and BA-2 pending adoption of the CY 2012 Budget; and

WHEREAS, the Local Public Contract Law (N.J.S.A. 40A:11-1, et seq.) requires that 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 and .5; now, therefore, be it

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute an agreement with McManimon,

Scotland, Baumann, LLC, One Riverfront Plaza, Fourth Floor, Newark, N. J. 07102-5408, to act as bond counsel/special counsel for a six-month period commencing July 1, 2012 and ending December 31, 2012, in accordance with their response to the City's Request for Qualifications and proposed agreement which is attached hereto and made a part hereof, payable from Various Capital Bond Ordinances and BA-2 pending adoption of the CY 2012 Budget.

2. This contract is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because the service is a recognized profession, licensed and regulated by the State of New Jersey, and bids are not required as per N.J.S.A. 40A: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 Gillespie, Greaves, Hurley, and President Ruane.

Absent – Council Member Czerwienski.

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100. The Council as a whole moved that the following resolution be adopted, which motion was adopted.

June 20, 2012

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

Attn: Robert F. Sloan, Esq.
Municipal Clerk

RE: UEZ Appointments

Dear Honorable Council Members,

By the authority vested in me by the revised general ordinances of the City of Bayonne I do hereby make the following appointments to the Bayonne Urban Enterprises Board:

Maria Upenieks (Herbert's)
468 Broadway
Bayonne, NJ 07002

Anthony Ventrone (San Vito)
406 Broadway
Bayonne, NJ 07002

Ellen Colasurdo (Advanced Photo)
502 Broadway
Bayonne, NJ 07002

These appointments satisfy the requirement that 3 owners or operators from within the Bayonne Special Improvement District serve on the UEZ Board.

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

Sincerely yours,
Mark A. Smith
Mayor
(signed)

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

Absent – Council Member Czerwienski.

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At 8:39 P.M. , Council Member Gillespie moved to adjourn seconded by Council Member Ruane, which motion was adopted.

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

Absent – Council Member Czerwienski.

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President – Terrence Ruane

City Clerk – Robert F. Sloan