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, AUGUST 15, 2012

The Council met at 7:02 P.M.

The Council President Ruane announced: "I would like to advise all those present that notice of this regular meeting of the Municipal Council of the City of Bayonne of August 15, 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 August 10, 2012."

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

The Clerk called the roll.

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

The Council President led the Pledge of Allegiance.

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01. The clerk announced:

AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 35, ZONING REGULATIONS," which was introduced and passed a first reading at a meeting held June 20, 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 July 18, 2012, at which time a public hearing was held and the ordinance was referred to the Planning Board for its review and a report, and was tabled to this meeting of August 15, 2012, is now before the Council for its consideration and a public hearing.

The Clerk read the Planning Board's report and recommendation.

RESOLUTION
PLANNING BOARD
CITY OF BAYONNE

An ordinance amending and supplementing the Revised General Ordinances of the City of Bayonne Chapter 35-25, Zoning Regulations

WHEREAS, the Municipal Council has requested the Planning Board of the City of Bayonne (the Board) to review and make recommendations to an Ordinance amending and supplementing the revised general ordinances Chapter 35-25 Zoning Regulations to permit temporary signs and banners for thirty (30) days and to permit informational monument and wall signs on Public Property, Schools and Houses of Worship; and

WHEREAS, the Municipal Land Use Law authorizes the Planning Board to report and recommend to the Municipal Council prior to the adoption of a Zoning Regulation; and

WHEREAS, Chapter 35 of the Revised General Ordinances of the City of Bayonne referred to as Zoning Regulations, permits amendments to effectuate the Municipal Land Use Law; and

WHEREAS upon notice duly provided pursuant to N.J.S.A. 40:55D-12, the Planning Board of the City of Bayonne held a public hearing on August 14, 2012 to review the amended ordinance to permit temporary signs and banners for thirty (30) days and to permit informational monument and wall signs on Public Property, Schools and House of Worships; and

WHEREAS, the Board, having reviewed the proposed Ordinance and amendments contained therein, concur is said determination to permit the proposed amendments.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the City of Bayonne, County of Hudson and State of New Jersey that the Planning Board hereby recommends the Municipal Council adopt the proposed amendments to Chapter 35-25 Zoning Regulations to permit temporary signs and banners for thirty (30) days renewable and to permit informational monument and wall signs on Public Property, Schools and Houses of Worship in accordance with Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq., along with the following recommended additions:

a) The fee for a temporary sign and banner shall be reduced to $25 at the request of the City Planner inclusive of the originally issued permit and renewal;
b) That the typo for the word stimulate be corrected to reflect simulate in Section 35-25.2c3 of the City Ordinance.

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

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

Council Member Hurley moved to amend the ordinance in accordance with Planning Board's recommendation, seconded by Council Member Greaves which motion was adopted.

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

Corporation counsel advised that the amendment did not require publication and a later hearing.

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

WHEREAS, an ordinance entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 35, ZONING REGULATIONS " was introduced and passed a first reading at a meeting held June 20, 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 the meeting of July 18, 2012, at which time a public hearing was held and the ordinance was referred to the Planning Board for its review and a report, and was tabled to this meeting of August 15, 2012; and

WHEREAS, said ordinance was given a second reading at the meeting of July 18, 2012; and

WHEREAS, said ordinance was referred to the Planning Board as required by the Municipal Land Use Law for a report; and

WHEREAS, the Planning Board has reviewed the said ordinance and has forwarded a resolution approving same; 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-12-31.

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

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02. The Clerk announced:

AN ORDINANCE ENTITLED, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY DESIGNATING THE MUNICIPAL COUNCIL AS THE REDEVELOPMENT ENTITY WITH RESPECT TO THE REDEVELOPMENT AREA LOCATED AT BLOCK 301.01, LOT 7; BLOCK 310, LOTS 1-13; BLOCK 311.01, LOT 1; BLOCK 333.01, LOTS 3-6, AND BLOCK 333.02, LOT 1 ON THE TAX MAP OF THE CITY AND ADOPTING THE REDEVELOPMENT PLAN," which was introduced and passed a first reading at a meeting held July 18, 2012, was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of August 15, 2012, and was referred to the Planning Board for its review and a report, 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 Czerwienski, Gillespie, Greaves, Hurley, and President Ruane.

The Clerk read the ordinance by title, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY DESIGNATING THE MUNICIPAL COUNCIL AS THE REDEVELOPMENT ENTITY WITH RESPECT TO THE REDEVELOPMENT AREA LOCATED AT BLOCK 301.01, LOT 7; BLOCK 310, LOTS 1-13; BLOCK 311.01, LOT 1; BLOCK 333.01, LOTS 3-6, AND BLOCK 333.02, LOT 1 ON THE TAX MAP OF THE CITY AND ADOPTING THE REDEVELOPMENT PLAN,"

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

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

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

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

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

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

WHEREAS, an ordinance entitled, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY DESIGNATING THE MUNICIPAL COUNCIL AS THE REDEVELOPMENT ENTITY WITH RESPECT TO THE REDEVELOPMENT AREA LOCATED AT BLOCK 301.01, LOT 7; BLOCK 310, LOTS 1-13; BLOCK 311.01, LOT 1; BLOCK 333.01, LOTS 3-6, AND BLOCK 333.02, LOT 1 ON THE TAX MAP OF THE CITY AND ADOPTING THE REDEVELOPMENT PLAN," was introduced and passed a first reading at a meeting held July 18, 2012, and was published and posted as required by law, with notice that it would be considered for final passage following a public hearing at this meeting of August 15, 2012; and

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

WHEREAS, said ordinance was referred to the Planning Board as required by the Municipal Land Use Law for a report; and

WHEREAS, the Planning Board has reviewed the said ordinance and has forwarded a resolution approving same; 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-12-32.

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

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03. The clerk announced:

AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC," which was introduced and passed a first reading at a meeting held July 18, 2012, was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of August 15, 2012, and was referred to the Planning Board for its review and a report, 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 Ruane, which motion was adopted.

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

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

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

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

The following person spoke: Lisa Smith – 103 North Street

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

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

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

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

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

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

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

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

RESOLVED, that the said ordinance be passed and designated as Ordinance No. O-12-33.

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

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04. Council **Member** Czerwienski introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR TAX EXEMPTION FOR AN URBAN RENEWAL PROJECT WITH RESPECT TO A PORTION OF THE AGC CHEMICAL REDEVELOPMENT AREA LOCATED ON BLOCK 453.01; LOTS 2.01, 3, 4, 5.01, 6.01, 7.01 AND 9.01 AND BLOCK 503, LOT 9.02.

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 Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1, *et seq.* (the "Redevelopment Law"), improvements to property located within an area in need of rehabilitation or redevelopment may qualify for long term tax exemptions under the Long Term Tax Exemption Law, *N.J.S.A.* 40A:20-1 *et seq.* (the "LTTE Law"); and

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

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

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

WHEREAS, on June 20, 2012, the Municipal Council adopted an ordinance adopting the Redevelopment Plan for the Redevelopment Area; and

WHEREAS, Cameron Royal Development, LLC ("CRD") is the owner of a portion, and the contract vendee from AGC Americas, Inc. of a portion of the Redevelopment Area.

WHEREAS, Prince Holdings of Bayonne Urban Renewal Enterprise, LLC, an urban renewal entity qualified to do business under the provisions of the LTTE Law (the "Entity"), is currently the lessee under a certain ground lease with CRD dated April 26, 2012 (the "Royal Lease"); and

WHEREAS, pursuant to the Royal Lease and in cooperation with and the consent of CRD, the Entity intends to undertake the development and construction of a building with a footprint of approximately 247,297 square feet with approximately 229,132 square feet of warehouse and associated use space, up to 46,896 square feet of office space, and accessory uses, loading docks and approximately 270 parking spaces in accordance with the Redevelopment Plan (collectively, the "Project Improvements" and, together with the acquisition of all or a portion of the Redevelopment Area, the "Project"); and

WHEREAS, the Project shall conform to the Redevelopment Plan and will be in conformance with the master plan of the City; and

WHEREAS, the City has determined that it would be in the best interests of the City to enter into a redevelopment agreement in the form attached hereto as Exhibit A (the "Redevelopment Agreement") to establish the obligations of the Entity to undertake the redevelopment of the Redevelopment Area, construct the Project within an agreed upon construction schedule and provide for the remedies in the event of a default of any terms and obligations of the Entity, all as provided in the Redevelopment Agreement; and

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

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

WHEREAS, pursuant to *N.J.S.A.* 40A:20-8, the Mayor has reviewed the Exemption Application and, by a letter dated August 15, 2012, a copy of which is attached hereto as Exhibit A (the "Mayor's Recommendation"), the Mayor has submitted the Exemption Application and Financial Agreement to the City Council with his recommendation for approval, subject to the condition that the Entity pay, in lieu of tax payments on the Project, an annual service charge, such that the combined tax payment on the land and the annual service charge paid by the Entity each year shall be no less than the amount of the total property taxes that would otherwise be owed on the Project Site, after redevelopment, if the Financial Agreement has not been executed; and

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

1. The Project will (a) accelerate the remediation and development of vacant and currently unusable brownfields (b) retain a well-respected, international

manufacturing company in the City that would otherwise relocate out of the State (c) retain approximately 140 jobs and add approximately 75 new jobs, (d) generate ratables and (e) renew and revitalize the Redevelopment Area.;

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

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

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

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

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

Section 1. The Recitals are incorporated by reference as if set forth in full.

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

Section 3. The Exemption Application submitted by the Entity are hereby approved in accordance with Section 8 of the LTTE Law.

Section 4. The Mayor, in consultation with counsel to the City, is hereby authorized to execute the Financial Agreement and prepare, amend or execute any other agreements necessary to effectuate this ordinance, subject to modification or revisions, as deemed necessary and appropriate.

Section 5. The Clerk of the City is hereby authorized and directed, upon execution of the Financial Agreement by the Mayor, to attest to the signature of the Mayor and to affix the corporate seal of the City upon such document.

Section 6. Any exemption from taxation as set forth in the Financial Agreement is hereby granted to the Entity, with respect to the Project for the term set forth in the Financial Agreement; provided that in no event shall the term of the Financial Agreement exceed the earlier of (i) thirty-five (35) years from the date of execution of the Financial Agreement or (ii) to the extent permitted by the LTTE Law, thirty (30) years from the Entity's receipt of a Certificate of Occupancy (as defined in the Financial Agreement) for the Project and only so long as the Entity remains subject to and in compliance with the Financial Agreement and the LTTE Law and; provided further, that the Entity does not file a petition of tax appeal for the Project or any part thereof.

Section 7. The executed copy of the Financial Agreement shall be certified by and filed with the Office of the City Clerk. Further, the Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the City and the Director of the Division of Local Government Services with the Department of Community Affairs, in accordance with Section 12 of the LTTE Law.

Section 8. The Project shall conform with all federal, state and City laws, ordinances and regulations relating to its construction and use.

Section 9. The Entity shall, in the operation of the Project, comply with all laws so that no person of race, religious principles, color, national origin or ancestry will be subject to discrimination.

Section 10. The Entity shall, from the time the Annual Service Charge becomes effective under the Financial Agreement, pay to the City the estimated quarterly Annual Service Charge for the Project until the correct amount due from the Entity is determined by the certified financial audit report, required to be submitted under the terms of the Financial Agreement. After the report has been accepted by the City and within ninety (90) days thereafter, the City and the Entity shall adjust any over or underpayment so made or required to be made for the period covered by the certified audit report.

Section 11. This ordinance shall take effect in accordance with all applicable laws.

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

BE IT RESOLVED, that an ordinance entitled "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR TAX EXEMPTION FOR AN URBAN RENEWAL PROJECT WITH RESPECT TO A PORTION OF THE AGC CHEMICAL REDEVELOPMENT AREA LOCATED ON BLOCK 453.01; LOTS 2.01, 3, 4, 5.01, 6.01, 7.01 AND 9.01 AND BLOCK 503, LOT 9.02," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, September 19, 2012 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

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05. Council Member moved the following communication be received and filed, seconded by Council Member Greaves, which motion was adopted.

CERTIFICATION OF INITIATIVE ORDINANCE

I, Robert F. Sloan, City Clerk of the City of Bayonne, hereby certify pursuant to NJSA 40:69A-191 as follows:

- On July 25, 2012, a Committee of Petitioners submitted a petition entitled "Petition Proposing Bayonne 'Keep Rent Control' Ordinance, consisting of 70 sets of petition papers pursuant to NJSA 40:69A-184 et seq., requesting that the ordinance be submitted to the electorate for a vote at a general election. The statute provides that an initiative petition signed by at least 10% but less than 15% of the number of the total votes cast at the last election at which members of the General Assembly were elected may be submitted subject to the restrictions set forth in NJSA 40:69A-192. The latter statute provides that an initiated petition signed by not less than 10% nor more than 15% of the legal voters shall be submitted at the next general or regular municipal election occurring not less than 40 days after the final date for withdrawal of the petition as provided for in NJSA 40:69A-191. The next election meeting that timetable is the general election to be held November 6, 2012.
- Each set of petition papers consisted of one double-sided petition paper stating the purpose of the petition, summarizing the substance of the proposed ordinance, and containing spaces for up to 15 signatures with room for the signer's printed name, address and (optional) telephone number. Each petition paper contained an Affidavit of the Circulator which was signed and notarized. Each side of the petition paper listed the names and addresses of the Committee of Petitioners. A copy of the proposed ordinance consisting of seven pages on two sided sheets was attached to each petition paper, all as required by NJSA 40:69A-186.
- Pursuant to NJSA 40:69A-187, I have examined the petition papers and have determined that each paper of the petition has a proper statement of the circulator and that the petition has been signed by a sufficient number of qualified voters. I have compared the names and signatures submitted against the Statewide Voter Registry for Hudson County and I have determined that the petition contains 613 valid signatures of qualified voters, which is 10.89% of the number of the total votes cast at the last election at which members of the General Assembly were elected. (NJSA 40:69A-184.) The members of the General Assembly were last elected in the General Election held November 8, 2011. The vote cast at that election was 5,628 as certified by the Hudson County Clerk. The minimum

number of signatures to meet the statutory requirement for submission at the general election is 562. The maximum number is 844.

- I am submitting the proposed ordinance to the Municipal Council at its next regular meeting pursuant to NJSA 40:69A-187 and -190. The latter statute provides that an initiative ordinance so submitted shall be deemed to have had a first reading and provision shall be made for a public hearing. NJSA 40:69A-191 provides that if, within 20 days of the submission of a certified initiative petition by the municipal clerk, the council shall fail to pass the ordinance requested, the municipal clerk shall submit the ordinance to the voters unless the committee of the petitioners requests that the petition be withdrawn within 10 days after the period required for council action.

IN WITNESS WHEREOF, I have set my hand and affixed the corporate seal of the City of Bayonne, this 10th day of August, 2012.
Robert F. Sloan
City Clerk
(signed)

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

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06. 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, Section 7-37.3, Handicapped Parking on Street for Private Residences, be and is hereby amended and supplemented as follows:

RESTRICTIVE PARKING ZONES

ADD

293. Antonina T. Kennedy, 114 West 6th Street
Beginning at a point on the south side of West 6th Street, 45 feet west of the southwest corner of West 6th Street and Humphrey, and extending to a point 19 feet west thereof.

299. Vito Barbito, 55 East 4th Street
Beginning at a point on the north side of East 4th Street, 119 feet east of the northeast corner of Lexington Avenue and East 4th Street, and extending to a point 21 feet east thereof.

303. Diane Hopkins, 680 Kennedy Boulevard
Beginning at a point on the north side of West 26th Street, 44 feet east of the northeast corner of West 26th Street and Kennedy Boulevard, and extending to a point 20 feet east thereof.

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

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, September 19, 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.

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

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

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

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

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

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

From John M. Burke, Esq., filing notice of tort claim on behalf of JOSEPH CHRZANOWSKI, alleging injuries sustained June 7, 2012 in a slip and fall at 657-659 Broadway.

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

From MICHAEL VASQUEZ, filing notice of tort claim alleging property damage to his automobile on June 21, 2012 resulting from an intersection accident at Trask Avenue and West 3rd Street.

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

From the United States District Court, District of New Jersey, Summons and Complaint in matter entitled, “ESMAT ZAKLAMA, M.D. vs. THE CITY OF BAYONNE, et al.” (Civil rights violations resulting from code enforcement actions)

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

From the United States District Court, District of New Jersey, Summons and Complaint in matter entitled, “JASON RIOS vs. THE CITY OF BAYONNE.” (Assault be police on August 29, 2011 at 100 West 33rd)

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

From the Superior Court of New Jersey, Chancery Division, Summons and Complaint in matter entitled, “MACWCP II, LLC vs. KROL and THE CITY OF BAYONNE.” (Mortgage foreclosure – City has tax lien)

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

From the Tax Court of New Jersey, complaint in matter entitled, “426 BROADWAY, LLC vs. CITY OF BAYONNE.” (426-428 Broadway, Block 221, lot 26 - vacant)

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

From the Tax Court of New Jersey, complaint in matter entitled, “TARA REALTY GROUP, LLC vs. CITY OF BAYONNE.” (460 Broadway, Block 211, lot 15 - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “TARA REALTY GROUP, LLC vs. CITY OF BAYONNE.” (462 Broadway, Block 211, lot 14 - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “FANTACONE vs. CITY OF BAYONNE.” (942 Broadway, Block 82, lot 49 - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “ADIMOOLAM vs. CITY OF BAYONNE.” (416 Avenue C, Block 231, lot 55 - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “SUPREME NJ ASSOC. CO. c/o JENEL MGT. vs. CITY OF BAYONNE.” (557-561 Broadway, Block 183, lot 16 - commercial)

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19. 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 Czerwienski, Gillespie, Greaves, Hurley, and President Ruane.

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

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

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

DATE: JUNE 6, 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:

$ 4,757,181.50 CLAIMS & PAYROLL FOR JUNE 2012

JANET CONVERY
(signed)

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

BID REPORT
FOR THE MUNICIPAL COUNCIL

Date: 08/07/12 Ad Resolution#12-05-16-032 Ad Date:07/25/12

Date bids accepted: 08/07/12 Attending: Amy Dellabella, Purchasing Agent; Anthony DeSalvo, Esq. Mike Feuer, Construction Official

Bid titled: ELEVATOR INSPECTION SERVICES ON-SITE AGENCY ACTING AS ELEVATOR SUB-CODE OFFICIAL #II

Bidder(s):	Bid Amount(s):
Municipal Inspection Corp. 183 West 4th St. Bayonne, NJ 07002	85% of N.J.D.C.A. fee
NJ Elevator Inspection Agency 30 Amherst Place Livingston, NJ 07039	74% of N.J.D.C.A. fee

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

Legal Approval:
Anthony DeSalvo, Esq.

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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 RESOLUTIONS and which follow this resolution shall constitute a consent agenda for resolutions and that they be adopted and included in the official minutes of this meeting as having been so ordered.

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

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

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

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

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

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26. 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
123	5	Christina Novello	4,264.48
236	22	Antonio Destito	314.07
254	5	Joseph & Jessica Becker	2,115.67
263	34	Leroy Taylor	1,859.56
342	31	MaryAnn Connelly	375.99
428	10.01	Cenobia Perez	1,307.70
442	18	LandSafe	998.40
Total:			11,235.87

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27. 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 a warrant in the amount of $ 2,201.25 made payable to Cablevision is hereby ratified and confirmed. Warrant has been charged to Telephone Expenses, Library – Other Expenses and Older American Program – Other Expenses.

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

RESOLVED, that the actions of the Municipal Treasurer in issuing a warrant from the Unemployment Trust Fund in the amount of $ 18,236.20 payable to the State of New Jersey Division of Employer Accounts is hereby ratified and confirmed. Said warrant is for the City of Bayonne unemployment bill for quarter ending 6/30/2012.

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

WHEREAS, ORIX Public Finance purchased Tax Sale Certificate #111192 for property identified as Block #374, Lot #2, in the amount of $2,729.09 that was sold in at the tax sale; and

WHEREAS, it has come to the attention of the Tax Assessor that said Tax Sale Certificate was issued in error due to the fact that the property owner had filed for bankruptcy, staying all lien enforcement actions against the property; now, therefore, be it

RESOLVED, that the Treasurer be and is hereby authorized to issue a warrant representing a refund to ORIX Public Finance in the amount of $2,729.09 which includes the original certificate amount plus subsequent payment including legal rate of interest; and be it further

RESOLVED, that funds for said refund are certified available in Account #GL-205.

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

BE IT RESOLVED, That the City Clerk be and is hereby authorized to advertise for bids for a Home Delivered Meals Vehicle.

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

BE IT RESOLVED, That the Director of Municipal Services be and is hereby authorized to solicit Requests for Quotations for Animal Control Services for the City of Bayonne commencing September 1, 2012.

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

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

LICENSEE	TIME & PLACE	LICENSE
St. Andrew's Church	7:00-10:00 PM 124 Broadway September 29, 2012	RL: 8780
Our Lady of the Assumption Church	6:00-11:00 PM 91 West 23rd St. Sept. 13, 14, 15 2:00-8:00 PM Sept. 16, 2012	RL: 8781
St. Ann Society of Our Lady	6:00-11:00 PM 91 West 23rd St. Sept. 13, 14, 15 2:00-8:00 PM Sept. 16	RL: 8782
St. Vincent de Paul R.C. Church	7:00 P.M. 979 Avenue C December 9, 2012	RL: 8783
Friends of Marist, Inc.	6:00-10:00 PM 1241 Kennedy Blvd. November 17, 2012	RL: 8784
Remember Me John "Jack" Santopietro Inc.	7:00 – 11:00 P.M. 411 Broadway	RL: 8785

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

WHEREAS, the city clerk, in accordance with a resolution adopted on May 16, 2012 advertised in the Jersey Journal on May 17, 2012, that sealed bids for HVAC SERVICES FOR VARIOUS CITY BUILDINGS would be received on May 31, 2012; and

WHEREAS, pursuant to such advertisement, one (1) proposal was received from:

Bidders	Bid Amount
In-Line Air Conditioning, Inc. 85 East 21st Street Bayonne, NJ 07002	$ 69,455.00 per year; and

WHEREAS, Amy Dellabella, R.P.P.O., Q.P.A. and Gary Chmielewski, Director of Public Works and Parks have examined the bids or proposals and have determined that the bid of In-Line Air Conditioning, Inc. is a regular bid and is most advantageous to the City of Bayonne for HVAC SERVICES FOR VARIOUS CITY BUILDINGS; and

WHEREAS, the Municipal Comptroller has filed a certification with the city clerk that funds are available; now, therefore, be it

RESOLVED, that the contract for HVAC services for various city buildings be awarded to:

In-Line Air Conditioning, Inc.
85 East 21st Street
Bayonne, NJ 07002

for the following bid price: not to exceed $69,455.00 per year for a term of three (3) years commencing July 01, 2012 and ending June 30, 2015, with an agreed upon extension of two (2) years until June 30, 2017, and that the contract be executed in the name of the City of Bayonne by the proper city officials and that the said sum be charged to account: Various Accounts.

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

Abstain – Council Member Greaves.

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

WHEREAS, the city clerk, in accordance with a resolution adopted on May 16, 2012 advertised in the Jersey Journal on July 27, 2012 that sealed bids for Elevator Inspection Services On Site Agency Acting as Elevator Sub-Code Official #II would be received on August 7, 2012; and

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

Bidder(s	Bid Amount(s):
Municipal Inspection Corp. 183 West 4th St. Bayonne, NJ 07002	85% of N.J.D.C.A. fee
NJ Elevator Inspection Agency 30 Amherst Place Livingston, NJ 07039; and	74% of N.J.D.C.A. fee

WHEREAS, Amy Dellabella, R.P.P.O., Q.P.A., Anthony DeSalvo, Esq., special counsel, and Joseph Waks, Director of Municipal Services have examined the bids or proposals and have determined that the bid of NJ Elevator Inspection Agency was non-responsive in several material aspects as outlined in a memorandum dated August 14, 2012, from Anthony DeSalvo, Esq., which is attached hereto; and

WHEREAS, the bid or proposal of Municipal Inspection Corp. is a regular bid and is most advantageous to the City of Bayonne for Elevator Inspection Services On Site Agency Acting as Elevator Sub-Code Official #II; now, therefore, be it

RESOLVED, that the contract for Elevator Inspection Services On Site Agency Acting as Elevator Sub-Code Official II be awarded to:

Municipal Inspection Corp.
183 West 4th St.
Bayonne, NJ 07002

for the following bid price: 85% of N.J.D.C.A. fee to be charged for inspections with a 20% commission to the City of Bayonne, for a term of three (3) years commencing September 1, 2012 and ending August 31, 2015, with a possible two (2) year extension until August 31, 2017, and that the contract be executed in the name of the city of Bayonne by the proper city officials and that the said sum be credited to Account #0252-69.

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

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

WHEREAS, the City Clerk, advertised in the Jersey Journal on two separate occasions that sealed bids for Laundry Service for the Fire Department would be received; and

WHEREAS, pursuant to such advertisement, no proposals were received; and

WHEREAS, Amy Dellabella, Purchasing Agent has sought proposals through negotiations and has received a proposal from:

TNT Shirt Laundry and Dry Cleaning, LLC
1089 Avenue C
Bayonne, NJ 07002, and has recommended the contract be awarded to them; and

WHEREAS, the Municipal comptroller has filed a certification with the city clerk that funds are available; now, therefore, be it

RESOLVED, that the contract for Laundry Service for the Fire Department be awarded to:

TNT Shirt Laundry and Dry Cleaning, LLC
1089 Avenue C
Bayonne, NJ 07002, for the following bid price:

Not to exceed $7,420.00 for a three year period commencing September 1, 2012 and ending August 31, 2015 with a possible two year extension through August 31, 2017 pursuant to N.J.S.A. 40A:11-15; and that the contract be executed in the name of the City of Bayonne by the proper city officials and that the said sum be charged to Account Fire-O.E.

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

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36. 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 rodent and pest control services for a three year period September 1, 2012 to August 31, 2015 in accordance with N.J.S.A. 40A:11-6.1; and

WHEREAS, the purchasing agent solicited and quotations for said services and received a written quotation from:

Bayonne Exterminating Company, 1065 Avenue C, Bayonne, N.J. 07002
AMOUNT: $27,750.00; and

WHEREAS, the purchasing agent has determined that the quotation of Bayonne Exterminating Company, 1065 Avenue C, Bayonne, N. J., 07002 is most advantageous to the City; now, therefore, be it

RESOLVED, that this contract is awarded without competitive bid under the provisions of the Local Public Contracts Law insofar as the total amount of the contract is below the minimum required by N.J.S.A. 40A:11-1, et. seq., specifically N.J.S.A. 40A:11-3(a); and be it further

RESOLVED, that the Mayor and City Clerk are hereby authorized and directed to enter into an agreement with Bayonne Exterminating, 1065 Avenue C, Bayonne, N.J. 07002, in the amount of $27,750.00 for the provision of rodent and pest control services in accordance with specifications on file in the Department of Municipal Services for the period of three years commencing September 1, 2012 and ending August 31, 2015; and be it further

RESOLVED, that funds are available in HW-4 01-201-27-330-2-020.

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

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

WHEREAS, the Municipal Council of the City of Bayonne, County of Hudson, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Municipal Council of the City of Bayonne further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Municipal Council of the City of Bayonne has applied; now, therefore, be it

RESOLVED, that the City of Bayonne, County of Hudson, State of New Jersey hereby recognizes the following:

1. The Municipal Council of the City of Bayonne does hereby authorize submission of an application for the Municipal Alliance Grant for the FY 2013 in the amount of $61,284.00.

2. The Municipal Council of the City of Bayonne acknowledges the terms and conditions for administering the Municipal Alliance Grant, including the administrative compliance and audit requirements.

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

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

WHEREAS, the City of Bayonne is eligible for a grant from the U.S. Department of Housing and Urban Development in the amount of $47,428.00 under the HEARTH Act for a project entitled, "HEARTH Act and Program for Emergency Solutions Grant Services" and will utilize such funds to undertake the Program as described in a Subgrantee Agreement with the COUNTY OF HUDSON for the administration of the Program to ensure better coordination of resources and improved delivery of services to the residents of the City of Bayonne; and

WHEREAS, the services of the County of Hudson as subgrantee shall commence on July 1, 2012 and shall terminate no later than June 30, 2013; now, therefore be it

RESOLVED, that the Mayor and City Clerk be and are hereby authorized and directed to execute a Subgrantee Agreement with the County of Hudson for the implementation of the Emergency Solutions Grant Program; and be it further

RESOLVED, that the Municipal Treasurer be and is hereby authorized and directed to issue a warrant or warrants payable to the County of Hudson in an amount not to exceed $47,428.00 for services to be rendered by the County of Hudson as Subgrantee, said warrant or warrants to be charged to Account – CDBG 902E.

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

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

RESOLVED, that pursuant to the request from Rocky Crisonino, Program Director, Community Development, the Mayor, on behalf of the City of Bayonne, be and is hereby authorized to enter into an agreement with the Bayonne Economic Opportunity Foundation, 555 Kennedy Boulevard, Bayonne, N.J. 07002, in the amount of $50,000.00, for the purpose of providing Fair Housing Counseling Services for the period commencing September 1, 2012 and ending August 31, 2013; and be it further

RESOLVED, that this expenditure be charged against Account CDBG-922.

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

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

RESOLVED, that pursuant to the request from Rocky Crisonino, Program Director, Community Development, the Mayor, on behalf of the City of Bayonne, be and is hereby authorized to enter into an agreement with the Bayonne Economic Opportunity Foundation, 555 Kennedy Boulevard, Bayonne, N.J. 07002, in the amount of $8,112.00, for the insurance costs associated with operating the Senior Citizen Transportation Program for the period commencing September 1, 2012 and ending August 31, 2013; and be it further

RESOLVED, that this expenditure be charged against Account CDBG-918.

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

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

RESOLVED, that pursuant to the request from Anselmo Crisonino, Program Director, Community Development, the Mayor, on behalf of the City of Bayonne, be and is hereby authorized to enter into an agreement with the Bayonne Economic Opportunity Foundation, 555 Kennedy Boulevard, Bayonne, N.J. 07002, in the amount of $27,574.00, for salaries and fringe benefits for bus drivers associated with operating the Senior Citizen Transportation Program for the period commencing September 1, 2012 and ending August 31, 2013; and be it further

RESOLVED, that this expenditure be charged against Account CDBG-913.

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

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

WHEREAS, United Cerebral Palsy of Hudson County provides in-home respite care, transportation, and other services persons with disabilities; and

WHEREAS, such services include providing pediatric medical day care for economically needy households enrolled in the program offered by the Cerebral Palsy, now, therefore, be it

RESOLVED, he Mayor and City Clerk are hereby authorized to enter into an agreement with United Cerebral Palsy of Hudson County for pediatric medical day care, for the one-year period commencing September 1, 2012 and expiring August 31, 2013, for an amount of $6,512.00 in program funds; and be it further

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

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

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

RESOLVED, that pursuant to the request for Community Development Block Grant Funds made by the Bayonne Community Mental Health Center, the Mayor, on behalf of the City of Bayonne, be and is hereby authorized to enter into an agreement with the Bayonne Community Mental Health Center, 601 Broadway, Bayonne, N.J. 07002, in the amount of $11,512.00, for services to emotionally disturbed children and their families, for the period commencing September 1, 2012 and ending August 31, 2013; and be it further

RESOLVED, that this expenditure be charged against Account CDBG-814.

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

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

RESOLVED, that pursuant to a request for Community Development Block Grant Funds made by the Bayonne Community Mental Health Center, the Mayor, on behalf of the City of Bayonne, be and is hereby authorized to enter into an agreement with the Bayonne Community Mental Health Center, 601 Broadway, Bayonne, N.J. 07002, in the amount of $6,512.00, to provide addiction counseling services to adolescents from low and moderate income families, for the period commencing September 1, 2012 and ending August 31, 2013; and be it further

RESOLVED, that this expenditure be charged against Account CDBG-814A.

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

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

RESOLVED, that pursuant to the request from Anselmo Crisonino, Program Director, Community Development, the Mayor, on behalf of the City of Bayonne, be and is hereby authorized to enter into an agreement with the Jewish Family and Counseling Services, 921 Bergen Avenue, Suite 627, Jersey City, N. J. 07306, in the amount of $6,512.00, for the period commencing September 1, 2012 and ending August 31, 2013, for in home services for elderly residents; and be it further

RESOLVED, that this expenditure be charged against Account CDBG-600.

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

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

RESOLVED, that pursuant to a request for Community Development Block Grant Funds from the Bayonne Jewish Community Center, the Mayor, on behalf of the City of Bayonne, be and is hereby authorized to enter into an agreement with the Bayonne Jewish Community Center, 1050 Kennedy Boulevard, Bayonne, N.J. 07002, in the amount of $1,512.00, for the period commencing September 1, 2012 and ending August 31, 2013, for after school day care for children from low and moderate income families; and be it further

RESOLVED, that this expenditure be charged against Account CDBG-823.

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

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

RESOLVED, that pursuant to a request for Community Development Block Grant Funds made by the Windmill Alliance, Inc., the Mayor, on behalf of the City of Bayonne, be and is hereby authorized to enter into an agreement with the Windmill Alliance, 141

Broadway, Bayonne, N.J. 07002, in the amount of $10,235.00, for the HIGHWAYS Program which provides counseling, crisis intervention and support services for needy individuals and families, for the period commencing September 1, 2012 and ending August 31, 2013; and be it further

RESOLVED, that this expenditure be charged against Account #CDBG-914.

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

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

RESOLVED, that pursuant to the request from Anselmo Crisonino, Program Director, Community Development, the Mayor, on behalf of the City of Bayonne, be and is hereby authorized to enter into a Public Donor Agreement with Bayonne Community Day Nursery, 593 Broadway, Bayonne, N.J. 07002, in the amount of $36,512.00, to provide day care services for approximately 100 pre-school children from low and moderate income families, for a one year period commencing September 1, 2012 and ending August 31, 2013; and be it further

RESOLVED, that this expenditure be charged against Account CDBG-413.

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

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

RESOLVED, that pursuant to the request from Anselmo Crisonino, Program Director, Community Development, the Mayor, on behalf of the City of Bayonne, be and is hereby authorized to enter into an agreement with the Bayonne Youth Center, 524 Kennedy Boulevard, Bayonne, N.J. 07002, in the amount of $1,512.00, for an after school program for children from low and moderate income families, for the period commencing September 1, 2012 and ending August 31, 2013; and be it further

RESOLVED, that this expenditure be charged against Account CDBG-416.

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

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

WHEREAS, the City is the recipient of Community Development Block Grant (CDBG) Funds from the U. S. Department of Housing and Urban Development (HUD) to benefit the City's low and moderate income families; and

WHEREAS, the Police Athletic League (PAL), 550 Avenue A, Bayonne, N.J. 07002, is an organization which has among its objectives assisting persons of low and moderate income; and

WHEREAS, the Police Athletic League (PAL) is requesting funds in the amount of $61,512.00 to assist in maintaining an After School Day Care Program for approximately 300 students from low and moderate income families commencing September 1, 2012 and ending August 31, 2013; and

WHEREAS, the City may use funds to assist the Police Athletic League (PAL) in accordance with the regulations governing the Community Block Grant Program under Section 24 CFR 570.201 (e) Public Services; now, therefore, be it

RESOLVED, that the Mayor, on behalf of the City of Bayonne, is hereby authorized to execute an agreement with the Police Athletic League (PAL), 550 Avenue A, Bayonne, NJ 07002, in the amount of $61,512.00 to assist in maintaining an After School Day Care Program for approximately 300 students from low and moderate income families commencing September 1, 2012 and ending August 31, 2013. Funds are certified available in Account #CDBG-912A.

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

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

RESOLVED, that pursuant to a request for Community Development Block Grant Funds by Hudson County Child Abuse Prevention Center, the Mayor, on behalf of the City of Bayonne, be and is hereby authorized to enter into an agreement with Hudson County Child Abuse Prevention Center, 880 Bergen Avenue, Room 302, Jersey City, NJ 07306, in the amount of $1,512.00 for a comprehensive child abuse prevention program, for a one year period commencing September 1, 2012 and ending August 31, 2013; and be it further

RESOLVED, that this expenditure be charged against Account CDBG-420.

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

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

WHEREAS, the City is the recipient of Community Development Block Grant (CDBG) Funds from the U. S. Department of Housing and Urban Development (HUD) to benefit the City's low and moderate income families; and

WHEREAS, the Bayonne Family Community Center (YMCA), 259 Avenue E, Bayonne, N.J. 07002, is an organization which has among its objectives assisting persons of low and moderate income; and

WHEREAS, the Police Athletic League (PAL) is requesting funds in the amount of $14,512.00 to assist in maintaining an After School Day Care Program for approximately 50 to 100 students from low and moderate income families commencing September 1, 2012 and ending August 31, 2013; and

WHEREAS, the City may use funds to assist the Bayonne Family Community Center (YMCA) in accordance with the regulations governing the Community Block Grant Program under Section 24 CFR 570.201 (e) Public Services; now, therefore, be it

RESOLVED, that the Mayor, on behalf of the City of Bayonne, is hereby authorized to execute an agreement with the Bayonne Family Community Center (YMCA), 259 Avenue A, Bayonne, NJ 07002, in the amount of $14,512.00 to assist in maintaining an After School Day Care Program for approximately 50 to 100 students from low and moderate income families commencing September 1, 2012 and ending August 31, 2013. Funds are certified available in Account #CDBG-414S.

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

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

WHEREAS, the City of Bayonne operates the 56th Street Senior Citizen Center, providing services to senior citizens and other members of the community, and has allocated funds for said operation; now, therefore be it

RESOLVED, that the amount of $16,512.00, be allocated for the operation of the 56th Street Senior Citizen Center for the period commencing September 1, 2012 and ending August 31, 2013, to provide funds for program activities; and be it further

RESOLVED, that the Department of Municipal Services, which operates the 56th Street Senior Citizen Center, shall report to the Division of Grants Management Community Development Block Grant in the Department of Administration, as required by Block Grant regulations or as directed by the Division of Grants Management, as to compliance with applicable regulations and accountability for said funding; and be it further

RESOLVED, that this expenditure be charged against Account CDBG-404.

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

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

WHEREAS, Resolution No. 12-03-14-043 authorized the acceptance of grant funds from the County of Hudson, Department of Health and Human Services, Area Agency on Aging, for services related to social services for the elderly for calendar year 2012, pursuant to a Notice of Initial Allocation dated February 9, 2012 in the amount of $581,183.00; and

WHEREAS, the Director of Municipal Services has advised that additional grant funds in the amount of $77,642.00 have become available from the County of Hudson Department of Health and Human Services, Area Agency on Aging, making the city's total grant amount $685,825.00; now, therefore, be it

RESOLVED, that the Director of Municipal Services and/or a designee thereof is hereby authorized to apply for grant additional grant funds in the amount of $77,642.00 from the County of Hudson, Department of Health and Human Services; and, be it further

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

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

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

WHEREAS, the city has accepted additional grant funds from the County of Hudson, Department of Health and Human Services, Area Agency on Aging, for services related to social services for the elderly for calendar year 2012; and

WHEREAS, the Director of Municipal Services requests the Council to award the Bayonne Economic Opportunity Foundation (BEOF) $53,871.00 from the additional City of Bayonne 2012 grant funds received from the Hudson County Office on Aging grant for the following programs: Congregate Nutrition: $15,152.00; Home Delivered Meals: $38,719.00; now, therefore, be it

RESOLVED, that the Mayor and City Clerk are hereby authorized to execute any and all documents necessary to effectuate the funding and closure of the above noted grants, and the Municipal Treasurer is authorized to order warrants in payment of said amounts payable to the Bayonne Economic Opportunity Foundation.

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

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

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

WHEREAS, Remington, Vernick & Arango Engineers, 243 Route 130, Suite 200, Bordentown, NJ 08505, has qualified under the Fair & Open Contracting Requirements pursuant to N.J.S.A. 19:44A:20.4 and.5;

WHEREAS, the aforementioned engineering firm is willing and able to provide said services for amounts to be negotiated; and

WHEREAS, funds are certified as available in Various Accounts; now therefore be it

RESOLVED, by the Municipal Council of the City of Bayonne finds that Remington, Vernick & Arango Engineers, 243 Route 130, Suite 200, Bordentown, NJ 08505 qualifies under the Fair and Open Procurement Process and the city administration is authorized to solicit proposals from said firm for engineering services.

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

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

WHEREAS, the City has a need to retain licensed insurance agent for services and products in connection with the city's various insurance coverage needs during CY 2012; and

WHEREAS, Frenkel and Company, 601 Plaza Three # 6 Jersey City, NJ 07311, has qualified under the Fair & Open Contracting Requirements pursuant to N.J.S.A. 19:44A:20.4 and.5;

WHEREAS, the aforementioned insurance agency is willing and able to provide said services for amounts to be negotiated; and

WHEREAS, funds are certified as available in Various Accounts; now therefore be it

RESOLVED, by the Municipal Council of the City of Bayonne finds that Frenkel and Company, 601 Plaza Three # 6 Jersey City, NJ 07311 qualifies under the Fair and Open Procurement Process and the city administration is authorized to solicit proposals from said firm for insurance services and products.

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

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

WHEREAS, the City has a need to retain licensed insurance agents for services and products in connection with the city's various insurance coverage needs during CY 2012; and

WHEREAS, Gormley, Lo Re and Murphy, 605 Broadway, Bayonne, NJ 07002 has qualified under the Fair & Open Contracting Requirements pursuant to N.J.S.A. 19:44A:20.4 and.5;

WHEREAS, the aforementioned insurance agency is willing and able to provide said services for amounts to be negotiated; and

WHEREAS, funds are certified as available in Various Accounts; now therefore be it

RESOLVED, by the Municipal Council of the City of Bayonne finds that Gormley, Lo Re and Murphy, 605 Broadway, Bayonne, NJ 07002 qualifies under the Fair and Open Procurement Process and the city administration is authorized to solicit proposals from said firm for insurance services and products.

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

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

WHEREAS, the City of Bayonne is in need of professional legal services to as Environmental and Special Counsel; and

WHEREAS, due to ongoing litigation, it was necessary for the Corporation Counsel to retain the services of the law firm of Weiner, Lesniak, LLP, 629 Parsippany Road, P.O. Box 438, Parsippany, New Jersey 07054;

WHEREAS, the law firm of Weiner, Lesniak, LLP, 629 Parsippany Road, P.O. Box 438, Parsippany, New Jersey has executed a proposed retainer agreement to represent the City as Environmental and Special Counsel at the rate of $165.00 per hour; and

WHEREAS, funds are certified as available from Account No. 01-201-20-156-2-020; 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; 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 actions of the Corporation Counsel in retaining the law firm of Weiner, Lesniak, LLP, 629 Parsippany Road, P.O. Box 438, Parsippany, New Jersey has executed a proposed retainer agreement to represent the City as Environmental and Special Counsel at the rate of $165.00 per hour are hereby ratified and confirmed.

2. Funds shall be payable from Account No. 01-201-20-156-2-020.

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.

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

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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, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions: and

WHEREAS, the Annual Report of Audit for the year ended June 30, 2011 (with comparative totals for 2010) has been filed by a Registered Accountant with the Municipal Clerk as pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs, as per; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations" as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

> R.S. 52:27BB-52: A local officer or member of a local governing body who, after a dated fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one

thousand dollars ($1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW THEREFORE, BE IT RESOLVED, that the Municipal Council of the City of Bayonne, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

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

WHEREAS, N.J.S., 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount

SECTION 1

NOW THEREFORE BE IT RESOLVED that the City of Bayonne hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the Calendar Year Budget of 2012 in the sum of $11,566.38 which has been reimbursed by Reimb. - BLRA Expenses

SECTION II

BE IT FURTHER RESOLVED that a like sum of $11,566.38 be and the same is hereby appropriated under the caption of

Reimb. - BLRA Expenses

SECTION III

BE IT FURTHER RESOLVED that the above is the result of moneys reimbursed by the BLRA Expenses

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

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

RESOLUTION TO AMEND RESOLUTION 12-05-16-049 AND EXTEND THE TERM OF THE PREVIOUSLY AUTHORIZED UEZ LOAN TO BAYONNE AVENUE E URBAN RENEWAL, LLC

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

WHEREAS, on May 20, 2009, the State approved expansions to the City’s UEZ map, to encompass additional properties including the properties commonly known as Block 458, Lot 1 and Block 467, Lots 27, 28 and 29 on the tax map of the City (collectively, the “Zone Area”); and

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

WHEREAS, on November 9, 2011, the City Council adopted ordinance no. O-11-34 designating the Zone Area as an area in need of redevelopment in accordance with

Section 5(g) of the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1, *et seq.* (the "Redevelopment Law") and adopting certain amendments to the Redevelopment Plan for such area; and

WHEREAS, Bayonne Avenue E Urban Renewal, LLC, a limited dividend entity duly formed under the Long Term Tax Exemption Law, *N.J.S.A.* 40A: 20-1 *et seq.* (the "Redeveloper"), is the owner of the Zone Area and seeks to construct approximately 85 residential units and ancillary facilities (collectively, the "Project"); and

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

WHEREAS, in furtherance of the redevelopment of the Zone Area and pursuant to the UEZ Act, on May 16, 2012 the City Council adopted Resolution 12-05-16-049 authorizing a loan of $2,000,000 from the City's UEZ funds to the Redeveloper (the "Loan") to assist in the financing of the Project; and

WHEREAS, the term of the Loan to the Redeveloper authorized by Resolution 12-05-16-049 was to be limited to five (5) years; however, the City Council has determined to extend the term of the Loan for a period longer than five (5) years in order to assist in the financing of the Project.

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. The City Council hereby (a) amends the term of the Loan to a time period to be determined by the Mayor in consultation with City staff and professionals in their reasonable discretion and (2) authorizes the Mayor, in consultation with City staff and professionals, to negotiate, in his reasonable discretion, other terms and conditions of the Loan relating to repayment, other than the Loan amount.

3. The City Council hereby authorizes the Mayor to negotiate and execute any documents and agreements relating to and required by Loan as determined necessary by the Mayor in consultation with the City's professionals.

4. All prior actions taken by the Mayor and the City's professionals in furtherance of this Resolution and the negotiation of the Loan to the Redeveloper are hereby ratified and approved.

5. This Resolution shall take effect immediately.

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

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

CHAPTER 159 NO. 2

WHEREAS, N.J.S., 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount

SECTION 1

NOW THEREFORE BE IT RESOLVED that the City of Bayonne hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the Calendar Year Budget of 2012 in the sum of $102,996.49 which has been granted by the Department of Justice - Police Reimbursement

SECTION II

BE IT FURTHER RESOLVED that a like sum of $102,996.49 be and the same is hereby appropriated under the caption of

Department of Justice - Police Reimbursement

SECTION III

BE IT FURTHER RESOLVED that the above is the result of moneys granted by the Department of Justice - Police Reimbursement

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

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

CHAPTER 159 NO. 3

WHEREAS, N.J.S., 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount

SECTION 1

NOW THEREFORE BE IT RESOLVED that the City of Bayonne hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the Calendar Year Budget of 2012 in the sum of $4,300 which has been donated by the Poster Contest Donations

SECTION II

BE IT FURTHER RESOLVED that a like sum of $4,300 be and the same is hereby appropriated under the caption of

Poster Contest Donations

SECTION III

BE IT FURTHER RESOLVED that the above is the result of moneys donated by the Poster Contest Donations

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

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

RESOLUTION OF THE CITY OF BAYONNE DESIGNATING 65 SOUTH STREET, L.L.C. AS THE CONDITIONAL REDEVELOPER FOR THE DEVELOPMENT OF PROPERTY SUBJECT TO THE SCATTERED SITES REDEVELOPMENT PLAN.

WHEREAS, on December 14, 2005, the City passed Ordinance O 06-02 adopting the “Scattered Sites Redevelopment Plan,” as same may be amended, modified or supplemented from time to time (the “Redevelopment Plan”) thereby establishing development and construction standards for various properties ranging from small vacant lots on Broadway to large old-industrial lots located near Route 440 and throughout the City (collectively, the “Redevelopment Area”); and

WHEREAS, 65 South Street, L.L.C., is the owner of a property located within the Redevelopment Area consisting of approximately 40,720 square feet designated Lots 1.01 and 1.02 in Block 307, also known as 5-13 Oak Street, and Lots 6 and 7 in Block 471, also known as 37 Linnet Street, on the Site Plan 11-10-2010 Revised through 6-15-11; Major Subdivision Site Plan dated 6-21-11 (the “Subject Property”); and

WHEREAS, 65 South Street, L.L.C., has submitted Application No. Z-11-009 for major subdivision and site plan approval for the construction of ten (10) two-family townhomes on the Subject Property (the “Project”) (see page A-1 of the Site Plan Location

Map attached hereto for reference) and has requested the City grant its application to be designated Redeveloper in accordance with the Redevelopment Plan; and

WHEREAS, although the Redevelopment Plan anticipates development of the Subject Property with multi-family apartments, the proposed Project nonetheless will contribute to the rehabilitation of the area in accordance with the legislative intent, goals and objectives of the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 *et seq.*); and

WHEREAS, 65 South Street, L.L.C., has submitted information to the City detailing its financial capabilities and professional experience to carry out the rehabilitation of the Property; and

WHEREAS, 65 South Street, L.L.C., has candidly advised the City that at this time it is unsure whether it will undertake construction of the Project as a whole or sell the approved Project as a whole to another developer; and

WHEREAS, it appears to be in the best interests of the City and in furtherance of the health, safety, morals and welfare of the City's residents to designate 65 South Street, L.L.C., as Conditional Redeveloper of the Project because such a designation will allow 65 South Street, L.L.C. to develop the Project in its entirety, to sell the Project as a whole to a third party, conditioned upon any subsequent purchaser being designated as Redeveloper.

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

Section 1. Conditional Designation Agreement. Corporation Counsel is hereby authorized and directed to negotiate a Conditional Redeveloper's Agreement on behalf of the City and the Mayor is hereby authorized to execute such an agreement as its deems appropriate in consultation with Corporation Counsel and consultants.

Section 2. Designation of Conditional Redeveloper. 65 South Street, L.L.C. is hereby designated as the "Conditional Redeveloper" of the Property expressly conditioned upon the execution of a Redevelopment Agreement with the City for a period of two (2) years, which maybe extended, in accordance with the terms of the Redevelopment Agreement as approved by the City's Corporation Counsel and consultants.

Section 3. Other Agreements. Corporation Counsel is hereby authorized to negotiate and the Mayor is hereby authorized to execute any other document or documents required to effectuate the purposes of this Resolution.

Section 5. Effective Date. This resolution shall take effect immediately.

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

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

WHEREAS, Resolution No. 12-06-20-081 adopted by the Municipal Council on June 20, 2012 authorized an extension of Agreement No. FY07-072 with Supreme-Sanitary Linen Supplies for Laundry Service for the Fire Department for a two month period 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

WHEREAS, said resolution should have reflected an increase in the total contract amount of $1,362.90 payable at the rate of $681.45 per month; now, therefore, be it

RESOLVED, that Resolution No. 12-06-20-081 is hereby amended to reflect an increase in the total contract amount of $1,362.90 payable at the rate of $681.45 per month.

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

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

WHEREAS, there exists a need for professional legal services as Municipal Court Prosecutor in the Bayonne Municipal Court; and

WHEREAS, Susan B. Gyss, Esq., P.O. Box 1098, Secaucus, New Jersey 07096-1098, has submitted to the City of Bayonne a formal, written proposal for said services; and

WHEREAS, Susan B. Gyss, Esq., P.O. Box 1098, Secaucus, New Jersey 07096-1098, is ready, willing and able to provide said services; and

WHEREAS, Susan B. Gyss, Esq., is willing to perform these services for the period commencing July 1, 2012 and ending December 31, 2012 for an amount not to exceed $17,500.00, and

WHEREAS, funds are certified as available in 01-201-25-275-1-011; 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 Susan B. Gyss, Esq., P.O. Box 1098, Secaucus, New Jersey 07096-1098 for the above mentioned services for the period commencing July 1, 2012 and ending December 31, 2012, for an amount not to exceed $17,500.00, and funds are certified as available in Account 01-201-25-275-1-011.

2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because this service will be performed by persons recognized by law to practice such a profession, and bids are not required as per N.J.S.A. 4A:11-1, et seq.

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

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

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

WHEREAS, there exists a need for professional legal services as Municipal Court Prosecutor in the Bayonne Municipal Court; and

WHEREAS, Robert L. Hennessey, Esq., 61 East Main Street, Bogota, New Jersey 07603, has submitted to the City of Bayonne a formal, written proposal for said services; and

WHEREAS, Robert L. Hennessey, Esq., 61 East Main Street, Bogota, New Jersey 07603, is ready, willing and able to provide said services; and

WHEREAS, Robert L. Hennessey, Esq., is willing to perform these services for the period commencing July 1, 2012 and ending December 31, 2012 for an amount not to exceed $17,500.00, and

WHEREAS, funds are certified as available in 01-201-25-275-1-011; 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 Robert L. Hennessey, Esq., 61 East Main Street, Bogota, New Jersey 07603 for the above mentioned services for the period commencing July 1, 2012 and ending December 31, 2012, for an amount not to exceed $17,500.00, and funds are certified as available in Account 01-201-25-275-1-011.

2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because this service will be performed by persons recognized by law to practice such a profession, and bids are not required as per N.J.S.A. 4A:11-1, et seq.

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

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

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

WHEREAS, there exists a need for professional legal services as Alternate Municipal Court Prosecutor in the Bayonne Municipal Court; and

WHEREAS, Steven R. Hummell, Esq., 1055 River Road, Edgewater, New Jersey 07020, has submitted to the City of Bayonne a formal, written proposal for said services; and

WHEREAS, Steven R. Hummell, Esq., is ready, willing and able to provide said services; and

WHEREAS, Steven R. Hummell, Esq., is willing to perform these services for the period commencing July 1, 2012 and ending December 31, 2012 for an amount not to exceed $6,000.00 to be paid at $300.00 per session and municipal appeals requiring Superior Court appearance and an additional rate of $75.00 per hour for a maximum of $1,000.00 per appeal, and

WHEREAS, funds are certified as available in 01-201-25-275-1-011; 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 Steven R. Hummell, Esq., 1055 River Road, Edgewater, New Jersey 07020 for the above mentioned services for the period commencing July 1, 2012 and ending December 31, 2012, for an amount not to exceed $6,000.00, and an additional rate of $75.00 per hour for a maximum of $1,000.00 per appeal and funds are certified as available in Account 01-201-25-275-1-011.

2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because this service will be performed by persons recognized by law to practice such a profession, and bids are not required as per N.J.S.A. 4A:11-1, et seq.

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

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

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70. Jane Tucker addressed the council regarding a problem on her property relating to a broken gas line caused by removal of a tree on her neighbor's property.

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71. Kevin F. Hennings addressed the council requesting a change in the health rules to raise a small number of chickens.

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At 8:10 P.M., Council Member Czerwienski motion to adjourn, seconded by Council Member Greaves, which motion was adopted.

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

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President – Terrance Ruane

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City Clerk – Robert F. Sloan