

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, SEPTEMBER 19, 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 September 19, 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 September 14, 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, "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 " which was introduced and passed a first reading at a meeting held August 15, 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 September 19, 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 Ruane moved that the following resolution of second reading be adopted, seconded by Council Member Czerwienski, which motion was adopted.

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

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

The Clerk read the ordinance by title, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR TAX EXEMPTION FOR AN URBAN RENEWAL PROJECT WITH RESPECT TO 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 "

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: Gary LaPelusa – 102 West 46th Street
Leonard R. Kantor – 102 West 3rd Street
Richard Barba – 177 West 48th 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 Ruane moved to close the hearing, seconded by Council Member Hurley, which motion was adopted.

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

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

WHEREAS, an ordinance entitled, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR TAX EXEMPTION FOR AN URBAN RENEWAL PROJECT WITH RESPECT TO 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 " was introduced and passed a first reading at a meeting held August 15, 2012, and was published and posted as required by law, with notice that it would be considered for final passage following a public hearing at this meeting of September 19, 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-12-34.

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

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02. The clerk announced:

AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC," which was introduced and passed a first reading at a meeting held August 15, 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 September 19, 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, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC"

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

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

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

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

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

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

WHEREAS, an ordinance entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC," was introduced and passed a first reading at a meeting held August 15, 2012, and was published and posted as required by law, with notice that it would be considered for final passage following a public hearing at this meeting of September 19, 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-12-35.

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

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03. 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

DELETE

092. Diane Vanderburg, 88 West 53rd Street

Beginning at a point on the north side of West 53rd Street, 367 feet east of the northeast corner of Avenue B and West 53rd Street, and extending to a point 22 feet east thereof.

139. Clara Urbanowicz, 21 East 15th Street

Beginning at a point on the east side of Chase Court, 60 feet north of the northeast corner of East 15th Street and Chase Court, and extending to a point 22 feet north thereof.

212. Christopher DeVenuta, 27 West 8th Street

Beginning at a point on the north side of West 8th Street, 322 feet east of the northeast corner of West 8th Street and Avenue C, and extending to a point 22 feet east thereof.

303. Margaret Jasolosky, 85 West 20th Street

Beginning at a point on the north side of West 20th Street, 270 feet east of the northeast corner of Kennedy Boulevard and West 20th Street, and extending to a point 22 feet east thereof.

ADD

092. Patricia Pipher, 13 Country Village Court

Beginning at a point on the west side of Country Village Court, 240 feet north of the northwest corner of Country Village Court and West 16th Street, and extending to a point 19 feet north thereof.

197. Richard Rowan for Caroline Canning, 30 East 40th Street

Beginning at a point on the south side of East 40th Street, 340 feet east of the southeast corner of East 40th Street and Broadway, and extending to a point 18 feet east thereof.

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

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, October 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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04. 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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05. The council as a whole moved the following communication be received and filed, which motion was adopted.

From Anthony J. Vinhal, Esq., filing notice of tort claim on behalf of SHIRLEY GRABER, alleging injuries sustained June 20, 2012 in a fall on the sidewalk at 784 Avenue C.

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

From Ty Hyderally, Esq., filing notice of tort claim on behalf of ANTHONY LARINO, alleging ethnic/racial discrimination sustained in his employment with the city as a police officer.

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

From THOMAS A. KOUVELIOTES, filing notice of tort claim alleging property damage to his automobile on August 2, 2012 resulting from an intersection collision with a city owned vehicle at 24th Street and Broadway.

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

From MARYANN MURPHY, filing notice of tort claim alleging personal injuries sustained August 17, 2012 when she was struck by a softball on 1st Street near Gorman Field.

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

From VALERIE DUNDAS, filing notice of tort claim alleging personal injuries sustained June 12, 2012 in a trip and fall at Broadway and East 26th Street.

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

From CONSUELO M. CARPENTER, filing notice of tort claim alleging property damage to her automobile on August 8, 2012 resulting from striking a brick obstruction (planter) along the curb at North Street near Avenue A.

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

From the Superior Court of New Jersey, Law Division, Summons and Complaint in matter entitled, "PETERSON vs. THE CITY OF BAYONNE." (Seeking indemnification for payment of a judgment in a civil action brought against a city employee)

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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, Law Division, Summons and Complaint in matter entitled, "WOZNIAK vs. THE CITY OF BAYONNE, et al." (Fall in the 16th Street Park on July 25, 2011)

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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, "KARAKATSANIS vs. CITY OF BAYONNE." (84-86 West 24th Street, Block 194, lot 20 – multi-family)

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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, "VAZQUEZ vs. CITY OF BAYONNE." (26 West 15th Street, Block 252, lot 29 – multi-family)

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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, “SOFRANKO vs. CITY OF BAYONNE.” (664 Broadway, Block 159, lot 44 - 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, “MARTINEZ vs. CITY OF BAYONNE.” (112 West 7th Street, Block 314, lot 47 – multi-family)

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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, “SHAH vs. CITY OF BAYONNE.” (293 Avenue A, Block 269, lot 3 - 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, “33 HOOK ROAD, LLC vs. CITY OF BAYONNE.” (33 Hook Road, Block 482, lot 7 - industrial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “BEE BEE PROPERTIES, USA, INC. vs. CITY OF BAYONNE.” (408 Broadway, Block 226, lot 41 - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “TD BANK, NA vs. CITY OF BAYONNE.” (1062-1068 Broadway, Block 41, lot 17.01 - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “FBV INC., c/o RITE-AID CORPORATION vs. CITY OF BAYONNE.” (471 Broadway, Block 210, lots 22-25 - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “RITE AID OF NEW JERSEY, INC. vs. CITY OF BAYONNE.” (1085-1089 Broadway, Block 31, lots 17-22 - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “DRAGONWOOD, LLC c/o IDEAL ALUMINUM vs. CITY OF BAYONNE.” (77-99 Linnet Street, Block 308, lots 6-8 - industrial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “IDEAL WINDOW MFG. CO., INC. vs. CITY OF BAYONNE.” (102-104 West 7th Street, Block 314, lots 37-41 - industrial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “ESSES ENTERPRISES, INC. vs. CITY OF BAYONNE.” (477 Broadway, Block 204, lot 2 - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “CVS PHARMACIES vs. CITY OF BAYONNE.” (40-48 W. 25th Street, Block 189, lots 27, 28.01, & 32-35 - commercial)

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27. 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, “FLEET BANK c/o BANK OF AMERICA vs. CITY OF BAYONNE.” (935-939 Broadway, Block 85, lot 23 - commercial)

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28. 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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29. 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, “LPM SERVICES, INC. vs. CITY OF BAYONNE.” (446-448 Broadway, Block 211, lots 16-18 - commercial)

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30. 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, “MAJMUNDAR vs. CITY OF BAYONNE.” (15-17 East 21st Street, Block 211, lot 3 & 7 - commercial)

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31. 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, “HF REALTY HOLDING, LLC vs. CITY OF BAYONNE.” (696-698 Kennedy Boulevard, Block 177, lot 47 - commercial)

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32. 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, “JTK PROPERTIES, LLC vs. CITY OF BAYONNE.” (813-817 Broadway, Block 113, lots 16 & 17 - commercial)

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33. 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, “820 HOLDING CO., INC. vs. CITY OF BAYONNE.” (814-820 Broadway, Block 114, lot 39 - commercial)

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34. 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, “ORLANDO vs. CITY OF BAYONNE.” (546 Avenue C, Block 189, lot 40 - commercial)

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35. 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, “VDS PROPERTIES vs. CITY OF BAYONNE.” (749 Broadway, Block 139, lot 20 - commercial)

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36. 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, “MERCER BAY, LLC vs. CITY OF BAYONNE.” (1191-1195 Kennedy Boulevard, Block 32, lots 10-12 - commercial)

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37. 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, “ADIMOOOLAM vs. CITY OF BAYONNE.” (789 Broadway, Block 126, lot 21 - commercial)

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38. 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, “PERD vs. CITY OF BAYONNE.” (900-902 Avenue C, Block 97, lots 45.01, et al. – 1-4 family – 24 separate units)

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39. 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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40. 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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41. The council as a whole moved the following communication be received and filed, which motion was adopted.

Date: August 6, 2012

To: Terrance Malloy, CFO
Robert Sloan, City Clerk

From: Janet Convery, Treasurer

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

\$4,852,326.00 Claim & Payroll for August, 2012.

Janet Convery
(signed)

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

Date: August 13, 2012

To: Mayor Mark Smith and the Municipal Council

From: Janet Convery

Ref: Report on Note Sale for next council meeting

CERTIFICATE OF DETERMINATION AND AWARD

On this 7th day of August, 2012, I, Terrance Malloy, Chief Financial Officer of the City of Bayonne, in the County of Hudson, New Jersey (hereinafter referred to as the "City"), HEREBY CERTIFY as follows:

1. I hereby determine to issue the \$12,029,060 Bond Anticipation Note (the "BAN", the \$1,665,278 Refunding Bond Anticipation Note (the "RBAN") and the \$6,462,012 Temporary Note (the "School Note") and, together with the BAN and the RBAN, the "Notes") hereinafter described by virtue of the authority conferred upon me by the bond ordinances of the City referred to in the attached chart by reference to number, date of adoption and amount of notes authorized, such Notes to be issue in the amounts indicated in the chart.

Bond Anticipation Note

<u>TOTAL</u>		<u>NUMBER</u>	<u>DENOMINATION</u>
<u>PRINCIPAL</u>			
<u>AMOUNT</u>	\$12,029,060	2012-3	\$12,029,060

DATE: 8/7/12

MATURITY: 8/7/13

INTEREST
RATE PER
ANNUUM: 1.50%

PAYING
AGENT: City of Bayonne, New Jersey

Refunding Bond Anticipation Note

<u>TOTAL</u> <u>PRINCIPAL</u> <u>AMOUNT:</u>	<u>NUMBER</u>	<u>DEMMONINATION</u>
\$1,665,278	2012-4	\$1,665,278

DATE: 8/7/12

MATURITY: 8/7/13

INTEREST
RATE PER
ANNUUM: 1.50%

PAYING
AGENT: City of Bayonne, New Jersey

Temporary Note

<u>TOTAL</u> <u>PRINCIPAL</u> <u>AMOUNT:</u>	<u>NUMBER</u>	<u>DEMMONINATION</u>
\$6,462,012	2012-5	\$6,462,012

DATE: 8/7/12

MATURITY: 8/7/13

INTEREST
RATE PER
ANNUUM: 1.50%

PAYING
AGENT: City of Bayonne, New Jersey

2. Pursuant to the authority so conferred upon me, I have awarded and sold the Notes to the Hudson County Improvement Authority at the aggregate price of \$20,223,120.40. There is no accrued interest on the Notes.

3. The date of the first note or other obligations issued in anticipation of the issuance of the bonds that the Notes are issued in anticipation of, whether or not now outstanding, is as stated in the attached chart.

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

5. No notes or other obligation in anticipation of the issuance of bonds have heretofore been issued pursuant to the bonds ordinances referred to in the attached chart and now remain outstanding and unpaid except as set forth in the attached chart and as described in Section 2 above.

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

CERTIFICATE OF DETERMINATION AND AWARD

On this 7th day of August, 2012, I, Terrance Malloy, Chief Financial Officer of the City of Bayonne, in the County of Hudson, New Jersey (hereinafter referred to as the "City"), HEREBY CERTIFY as follows:

1. I hereby determine to issue the \$3,875,000 Refunding Bond Anticipation Note (Federally Taxable) (the "RBAN") and the \$1,084,154 Temporary Note (Federally Taxable) (the "School Note" and, together with the RBAN, the "Notes") hereinafter described by virtue of the authority conferred upon me by the bond ordinances of the City referred to in the attached chart by reference to number, date of adoption and amount of notes authorized, such Notes to be issue in the amounts indicated in the chart.

Refunding Bond Anticipation Note (Federally Taxable)

<u>TOTAL</u> <u>PRINCIPAL</u> <u>AMOUNT</u>	<u>NUMBER</u>	<u>DENOMINATION</u>
\$3,875,000	2012-36	\$3,875,000

DATE: 8/7/12

MATURITY: 8/7/13

INTEREST
RATE PER
ANNUUM: 1.86%

PAYING
AGENT: City of Bayonne, New Jersey

Temporary Note (Federally Taxable)

<u>TOTAL</u> <u>PRINCIPAL</u> <u>AMOUNT:</u>	<u>NUMBER</u>	<u>DEMMONINATION</u>
\$1,084,154	2012-7	\$1,084,154

DATE: 8/7/12

MATURITY: 8/7/13

INTEREST
RATE PER
ANNUM: 1.86%

PAYING
AGENT: City of Bayonne, New Jersey

2. Pursuant to the authority so conferred upon me, I have awarded and sold the Notes to the Hudson County Improvement Authority at the aggregate price of \$4,959,267.33. There is no accrued interest on the Notes.

3. The date of the first note or other obligations issued in anticipation of the issuance of the bonds that the Notes are issued in anticipation of, whether or not now outstanding, is as stated in the attached chart.

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

5. No notes or other obligation in anticipation of the issuance of bonds have heretofore been issued pursuant to the bonds ordinances referred to in the attached chart and now remain outstanding and unpaid except as set forth in the attached chart and as described in Section 2 above.

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

BID REPORT

Date; 09/13/2012 Ad Resolution #12-07-18-054 Ad Date: 08/02/12

Date bids accepted: 09/13/12 Attending: Amy Dellabella, Anthony DeSalvo, Ess.

Bid title: LeFante Way Resurfacing II (Re-Bid)

<u>Bidder</u>	<u>Base Bid</u>	<u>Alternate A1</u>
English Paving Co., Inc. 650 Route 46 West Clifton, NJ 07013	\$449,446.30	\$2,145,540.00
Black Rock Enterprises LLC 1316 Englishtown Road Old Bridge, NJ 08857	\$389,927.00	\$195,799.00

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

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

BID REPORT

Date; 09/13/2012 Ad Resolution #12-08-15-030 Ad Date: 08/24/12

Date bids accepted: 09/13/12 Attending: Amy Dellabella, Anthony DeSalvo, Ess.

Bid title: Home Delivered Meals Vehicles

<u>Bidder</u>	<u>Bid Price</u>
Miller Ford 1594 Route 38 Lumberton, NJ 08048	\$39,139.00

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

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46. 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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47. 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, August 15, 2012 be and the same are hereby approved.

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

RESOLVED, That the official minutes of the special council meeting held Wednesday, August 8, 2012, be and the same are hereby approved.

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49. 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, August 8, 2012 , be and the same are hereby approved.

* * * * *

50. 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
44	44	Hai Ning Wang	454.71
57	10	Robert Kacsmar	140.52
64	5	Kittigron Lirtpanaruk	35,569.43
82	8	Maria Vargas	1,701.23
174	22	Alan Apfelbaum	855.69
212	2	Susan & Keith Davis	2,507.33
216	16	Sayed Aly	10,763.03
218	21	I. Younis & S. Chaudhry	48.74
270	23	Jeremiah Sullivan	618.20
339	4	Leonard Kopacz	164.00
Total:			52,822.88

* * * * *

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

WHEREAS, it is necessary for the City of Bayonne to make payments on various utility bills, now therefore, be it

RESOLVED, that the Municipal Treasurer is hereby authorized to issue warrants to make payments on the City's various utility bills upon verification that said bill is due and owing.

* * * * *

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

WHEREAS, the City of Bayonne has received an invoice from the Department of Labor relating to assessments levied on New Jersey Employers.

NOW THEREFORE BE IT RESOLVED, that a warrant be drawn from Current Fund and made payable to the State of New Jersey in the amount of \$ 1,629.00 and warrant to be charged to Group Insurance .

* * * * *

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

WHEREAS, the Parking Utility has received an invoice from the Department of Labor relating to assessments levied on New Jersey Employers.

NOW THEREFORE BE IT RESOLVED, that a warrant be drawn from the Parking Utility and made payable to the State of New Jersey in the amount of \$ 182.17. Said warrant to be charged to Group Insurance .

* * * * *

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

RESOLVED, That a warrant in the amount of \$ 63.00 be drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of Licenses No's 1650-1674 inclusive, 25 dog licenses, representing One Dollar per license for the State Fee, twenty cents per license for the State Clinic and Three Dollars per license for non-spayed and non-neutered dogs.

* * * * *

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

RESOLVED, That a warrant in the amount of \$ 54.60 be drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of Licenses No's 1675-1697 inclusive, 23 dog licenses, representing One Dollar per license

for the State Fee, twenty cents per license for the State Clinic and Three Dollars per license for non-spayed and non-neutered dogs.

* * * * *

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

Whereas, the Tax Assessor for the City of Bayonne has approved the exemption application filed July 10, 2012 by a 100% Disabled Veteran who occupies 1/2 (50%) of a (2 unit) home located at Block 56 Lot 13 (91 W 49th Street), in the City of Bayonne, and

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

Whereas, the Tax Assessor has also confirmed that, but for the late filing of the application, the qualified veteran would have been entitled to the exemption effective June 22, 2012 which is the date of ownership of the property according to a deed filed with the Hudson County Register of Deeds Book 8856 Page 520, the qualifying disability having pre-dated that ownership according to a written determination of the Department of Veterans Affairs, and

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

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

Now therefore be it resolved as follows:

1. The property taxes on 50% of the 2 unit home at Block 56 Lot 13 (91 W 49th Street), in the City of Bayonne occupied by said qualifying veteran are hereby canceled effective June 22, 2012 with the assessor to revise the assessment (rounding to the nearest \$1 increment) and the tax collector to calculate any resulting overpayment of the tax bills from that date to the date of passage of this resolution (estimated at approximately \$3,149.28 for the prorated portion of the 2012 tax year, such amount EXPRESSLY SUBJECT TO the Tax Collector's records and calculations based on the final tax rate and the amount of tax actually billed and paid for the year or years to which the exemption applies.
2. The Tax Collector upon performing the above calculations is authorized to credit any overpayment against any outstanding taxes for the 2012 tax year and to refund any overpayment amount which exceeds such outstanding taxes, so as to assure that the prorated exemption for 2012 is fully effectuated by the end of the 2012 Tax Year. The Tax Collector is further authorized to credit or adjusting future bills in conformance with this resolution for the duration of the veteran's qualified status with respect to this property.
3. The tax collector, tax assessor and city treasurer are authorized to take any and all appropriate action to effectuate this resolution, including but not limited to, cancellation of taxes as set forth above and the refund or credit of any excess taxes which may have been paid by said qualifying veterans during the periods noted herein.

* * * * *

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

Whereas, the Tax Assessor for the City of Bayonne has approved the exemption application filed June 28, 2012 by a 100% Disabled Veteran who occupies a one family home located at Block 277 Lot 24 (15 West 9th Street), in the City of Bayonne, and

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

Whereas, the Tax Assessor has also confirmed that, but for the late filing of the application, the qualified veteran would have been entitled to the exemption effective October 28, 2010 which is the date of the qualifying disability according to a written determination of the Department of Veterans Affairs dated June 6, 2012, and

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

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

Now therefore be it resolved as follows:

1. The property taxes on 100% of one family home at Block 277 Lot 24 (15 West 9th Street), in the City of Bayonne occupied by said qualifying veteran are hereby canceled effective October 28, 2010 with the assessor to revise the assessment (rounding to the nearest \$10 increment) and the tax collector to calculate any resulting overpayment of the tax bills from that date to the date of passage of this resolution (estimated at approximately \$1,356.29 for the prorated portion of the 2010 tax year, \$7,61.09 for the full 2011 Tax Year and \$7,910.77 for the full 2012 tax year EXPRESSLY SUBJECT TO the Tax Collector's records and calculations based on the final tax rate, the amount of tax actually billed and paid in the year in each year covered.
2. The Tax Collector upon performing the above calculations is authorized to refund any prior year amounts to the qualified veteran as well as such current year amount as cannot be fully credited to the qualified veteran in the remaining billing for the current tax year. The Tax Collector is further authorized to credit or adjusting future bills in conformance with this resolution for the duration of the veteran's qualified status with respect to this property.
3. The tax collector, tax assessor and city treasurer are authorized to take any and all appropriate action to effectuate this resolution, including but not limited to, cancellation of taxes as set forth above and the refund or credit of any excess taxes which may have been paid by said qualifying veterans during the periods noted herein.

* * * * *

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

RESOLVED, that the actions of the Municipal Treasurer in issuing a warrant from the Current Fund in the amount of \$ 7,632,875.05 payable to the County of Hudson for payment of Third Quarter County Taxes of 2012 is hereby ratified and confirmed.

* * * * *

59. 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 and issuing a warrant in the amount of \$ 2,985.51 to Cablevision Lightpath is hereby ratified and confirmed. Warrants have been charged to Telephone Expenses, Library – Other Expenses and Older American Program – Other Expenses.

* * * * *

60. 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 abandoned building board up.

* * * * *

61. 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 rock salt.

* * * * *

62. 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 snow removal.

* * * * *

63. 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
Rotary Club of Bayonne	12:30 P.M. 1081 Broadway December 12, 2012	RL: 8786
St. Andrew’s Church	12:00-5:00 P.M. 124 Broadway	RL: 8787

December 1, 2012

St. Andrew's Church	4:30 P.M. 124 Broadway December 1, 2012	RL: 8788
St. Henry's Church	1:00 P.M. 77 West 28 th St. November 18, 2012	RL: 8789
St. Ann's Society of Our Lady Of Assumption Church	12:00- 4:00 P.M. 1081 Broadway October 21, 2012	RL: 8790
Holy Family Academy of Bayonne	10:00 A.M. 239 Avenue A 2012 November 9 December 7 2013 January 4 February 1 March 1	RL: 8791
Midtown Community School	10:00 A.M. 550 Avenue A November 21, 2012	RL: 8792

* * * * *

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

WHEREAS, the city clerk, in accordance with a resolution adopted on August 15, 2012 advertised in the Jersey Journal on August 24, 2012 that sealed bids for a Home Delivered Meals Vehicle would be received on September 13, 2012; and

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

Bidders	Bid Amount
Miller Ford	
1594 Route 38	
Lumberton, NJ 08048	\$ 39,139.00

and

WHEREAS, Amy Dellabella, R.P.P.O., Q.P.A. and Joseph Waks, Director of Municipal Services have examined the bids or proposals and have determined that the bid of Miller Ford is a regular bid and is most advantageous to the City of Bayonne for a Home Delivered Meals Vehicle; 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 a Home Delivered Meals Vehicle be awarded to:

Miller Ford
1594 Route 38
Lumberton, NJ 08048

for the following bid price: \$ 39,139.00;

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: 02-213-41-737-2-190.

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

* * * * *

65. Council Member Czerwienski moved that the following resolution be adopted, seconded by Council Member Gillespie, 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 \$149,751.00 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 \$149,751.00 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.

* * * * *

66. 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 professional environmental consulting services consisting of soil sampling, groundwater sampling, and LSRP services and reporting as described in their proposal dated June 10, 2012, in connection with the Atlas Yacht Club property located at the foot of Oak Street, for the one year period commencing September 20, 2012 and ending September 19, 2013; and

WHEREAS, Atlantic Environmental Solutions, Inc. (AESI), Michael J. Novak, President, 5 Marine View Plaza, Suite 303, Hoboken, NJ 07030 has qualified under the Fair & Open Contracting Requirements pursuant to N.J.S.A. 19:44A:20.4 and 20.5, and is willing and able to perform such services as are described in its proposal dated June 10, 2012 for an amount not to exceed \$25,770.00; and

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

WHEREAS, funds are certified as available in Account RPI 12-286-56-308-2-199; now therefore be it

RESOLVED, by the Municipal Council of the City of Bayonne that the Mayor and the City Clerk are hereby authorized and directed to enter into an agreement with Atlantic Environmental Solutions, Inc. Michael J. Novak, President, 5 Marine View Plaza, Suite 303, Hoboken, NJ 07030 for professional environmental consulting services consisting of soil sampling, groundwater sampling, and LSRP services for the one year period commencing September 20, 2012 and ending September 19, 2013, as described in its proposal dated June 10, 2012 for an amount not to exceed \$25,770.00; and be it further

RESOLVED, that funds are certified as available in Account RPI 12-286-56-308-2-199; and be it further

RESOLVED, that the foregoing contract is awarded to a proposer pre-qualified by fair and open procurement procedures.

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

* * * * *

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

WHEREAS, by Resolution No. 10-07-28-044 the City of Bayonne entered into a Subgrant Agreement – DHS Award Number 2009-PU-T9-K019, CFDA 97.056 with the Port Authority of New York and New Jersey Maritime Security Committee (AMSC) acting on behalf of the United States Department of Homeland Security, pursuant to the FY '09 Port Security Grant Program (PSGP) for a PSGP subgrant in the amount of \$228,196 with a cash match of \$76,065, for a total project cost of \$304,261 for the purchase of a WMD/Rescue Vessel with the Bayonne Fire Department designated as the subgrantee; and

WHEREAS, the cost of the vessel has been determined to be \$335,000.00, and the Port Authority of New York and New Jersey has amended the Investment Justification attached to the Subgrant Agreement to reflect the change in Project Costs and has agreed to reimburse the subgrantee the lower of \$251,250.00 or seventy-five percent (75%) of the allowable Project Costs; and

WHEREAS, the Mayor, on behalf of the City of Bayonne and the Bayonne Fire Department, has executed a First Amendment to Subgrant Agreement to incorporate the terms of the revised Investment Justification and to provide for the payment of \$83,750.00 by the city as the Cash Match Requirement; now, therefore, be it

RESOLVED, that the actions of the Mayor in executing the aforesaid First Amendment to Subgrant Agreement, accepting the grant amount of \$251,250.00 and agreeing to the Cash Match Requirement of \$83,750.00 be and are hereby ratified and confirmed; and be it further

RESOLVED, that the city agrees to pay no less than twenty-five percent (25%) of the allowable Project Costs, which is estimated to be \$83,750.00 (Cash Match Requirement) and to be bound by the terms of the Subgrant Agreement – DHS Award Number 2009-PU-T9-K019, CFDA 97.056 and the First Amendment to Subgrant Agreement.

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

* * * * *

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

CHAPTER 159 NO. 4

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 \$19,208 which has been granted by the State of New Jersey

SECTION II

BE IT FURTHER RESOLVED that a like sum of \$19,208 be and the same is hereby appropriated under the caption of

2012 Justice Assistance Grant

SECTION III

BE IT FURTHER RESOLVED that the above is the result of moneys granted by the State of New Jersey

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

* * * * *

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

CHAPTER 159 NO. 5

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 \$10,000 which has been granted by the County of Hudson, Department of Health and Human Services

SECTION II

BE IT FURTHER RESOLVED that a like sum of \$10,000 be and the same is hereby appropriated under the caption of

HOME DELIVERED MEALS

SECTION III

BE IT FURTHER RESOLVED that the above is the result of moneys granted by the County of Hudson, Department of Health and Human Services

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

* * * * *

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

CHAPTER 159 NO. 6

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 \$23,771 which has been granted by the County of Hudson, Department of Health and Human Services

SECTION II

BE IT FURTHER RESOLVED that a like sum of \$23,771 be and the same is hereby appropriated under the caption of

OLDER AMERICAN ACT OF 1965 TITLE III

SECTION III

BE IT FURTHER RESOLVED that the above is the result of moneys granted by the County of Hudson, Department of Health and Human Services

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

* * * * *

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

CHAPTER 159 NO. 7

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 \$53,871 which has been granted by the County of Hudson, Department of Health and Human Services

SECTION II

BE IT FURTHER RESOLVED that a like sum of \$53,871 be and the same is hereby appropriated under the caption of

CONGREGATE MEALS PROGRAM

SECTION III

BE IT FURTHER RESOLVED that the above is the result of moneys granted by the County of Hudson, Department of Health and Human Services

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

* * * * *

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

CHAPTER 159 NO. 8

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 \$6,416.50 which has been reimbursed by Reimb. - BLRA Expenses

SECTION II

BE IT FURTHER RESOLVED that a like sum of \$6,416.50 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.

* * * * *

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

CHAPTER 159 NO. 9

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 \$4,000.00 which has been collected by Relocation Assistance Fund

SECTION II

BE IT FURTHER RESOLVED that a like sum of \$4,000.00 be and the same is hereby appropriated under the caption of

Relocation Assistance Fund

SECTION III

BE IT FURTHER RESOLVED that the above is the result of moneys collected by the Relocation Assistance Fund

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

* * * * *

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

WHEREAS, the New Jersey Department of Transportation's Fiscal Year 2012 Municipal Aid Program is accepting applications for NJDOT FY2013 Municipal Aid; and

WHEREAS, the City of Bayonne intends to apply for said aid; now, therefore, be it

RESOLVED, that the Mayor be and is hereby authorized to execute any and all documents necessary to apply for NJDOT FY2013 Municipal Aid under the New Jersey Department of Transportation's Fiscal Year 2013 Municipal Aid Program.

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

* * * * *

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

WHEREAS, the City of Bayonne, has submitted a funding request (Investment Justifications) to the Port Authority of New York and New Jersey Maritime Security Committee (AMSC) acting on behalf of the United States Department of Homeland Security, pursuant to the FY 2011 Port Security Grant Program (PSGP), Award No. 2011-PU-K00254, for a PSGP subgrant in the amount of \$130,000.00 with no cash match for firefighter marine pilot training in the Fire Department; and

WHEREAS, the city has been informed by the Port Authority that the subgrant application has been approved; now, therefore, be it

RESOLVED, that the Mayor be and is hereby authorized to execute the Subgrantee Agreement, Assurances- Non-Construction and the Certification Regarding Lobbying and any and all other documentation required in connection with obtaining said sub-grant in the amount of \$130,000.00 for firefighter marine pilot training in the Fire Department; and be it further

RESOLVED, that the city agrees to be bound by the terms of the Subgrant Agreement – DHS Award Number 2011-PU-K00254.

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

* * * * *

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

WHEREAS, the City of Bayonne, has submitted a funding request (Investment Justifications) to the Port Authority of New York and New Jersey Maritime Security Committee (AMSC) acting on behalf of the United States Department of Homeland

Security, pursuant to the FY 2011 Port Security Grant Program (PSGP), Award No. 2011-PU-K00254, for a PSGP subgrant in the amount of \$685,000.00 with no cash match for a foam tanker for use in the Fire Department; and

WHEREAS, the city has been informed by the Port Authority that the subgrant application has been approved; now, therefore, be it

RESOLVED, that the Mayor be and is hereby authorized to execute the Subgrantee Agreement, Assurances- Non-Construction and the Certification Regarding Lobbying and any and all other documentation required in connection with obtaining said sub-grant in the amount of \$685,000.00 for a foam tanker for use in the Fire Department; and be it further

RESOLVED, that the city agrees to be bound by the terms of the Subgrant Agreement – DHS Award Number 2011-PU-K00254.

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

* * * * *

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

WHEREAS, by Resolution No. 11-08-17-042, the Municipal Council authorized an agreement with Geoffrey Santini, ACO/ACI, Hudson County Animal Enforcement, Inc., September 1, 2011 and ending August 31, 2012, for animal control services on call at all times, in the amount of \$5,833.33 per month for a total contract amount of \$70,000.00; and

WHEREAS, the Municipal Council has authorized the solicitation of proposal for the provision of animal control services; and

WHEREAS, there is continuing need for such services pending the receipt of proposals for animal control services; now, therefore be it

RESOLVED, that the city's existing contract with Hudson County Animal Enforcement, Inc., P.O. Box 115, West New York, NJ 07093 for animal control services on call at all times, be extended for the period commencing September 1, 2012 through December 31, 2012, in the amount of \$5,833.33 per month for a total amount of \$23,333.32; and be it further

RESOLVED, that funds for this purpose are available in Account HW-03.

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

* * * * *

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

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

September 12, 2012

RE: Karen Fiermonte
Appointment to the Bayonne Planning Board

Dear Honorable Council Members,

By virtue of the powers vested in me by the laws of the State of New Jersey under the authority of the people, I do hereby appoint Karen Fiermonte as a Class IV Member and Commissioner of the Bayonne Planning Board to replace Brian Beebe (resigned) for the remainder of the term expiring December 31, 2013. Enclosed is her resume for your review.

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

Sincerely yours,
Mark A. Smith
Mayor
(signed)

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

* * * * *

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

WHEREAS, there exists a need for professional consulting services relating to planning, administration and implementation of the City of Bayonne's Community Development Block Grant Program; and

WHEREAS, Housing and Community Development Services, Inc., 4 Sloan Street, South Orange, New Jersey 07079, is willing to provide such services for a period of twelve months commencing July 1, 2012 and ending June 30, 2013; and

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

WHEREAS, funds have been certified as available in Account CDBG-200; and

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

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute an agreement with Housing and Community Development Services, Inc., 4 Sloan Street, South Orange, New Jersey 07079, to provide professional consulting services relating to planning, administration and implementation of the City of Bayonne's Community Development Block Grant Program for a period of one year commencing July

1, 2012 and ending June 30, 2013, for a contract not to exceed \$75,000.00, and funds are certified available in Account #CDBG-200.

2. This contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because the service is a recognized profession, licensed and regulated by the State of New Jersey, and bids are not required as per N.J.S.A. 40A:11-5.

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

WHEREAS, there exists a need for services to perform lead based paint inspections and risk assessments as required under CDBG regulations for residential properties being rehabilitated under the Block Grant Program; and

WHEREAS, proposals were solicited pursuant to Fair and Open requirements and two proposals were received; and

WHEREAS, A. Seine Lighthouse Solutions, LLC is willing and able to provide said service at a cost not to exceed \$17,000.00 for period of one year commencing July 1, 2012 and ending June 30, 2013; and

WHEREAS, funds are certified as available in Account #CDBG-506(B); and

WHEREAS, N.J.S.A. 40A:11-3(a), allows for the award of a contract when the cost or price does not exceed \$17,500.00 without the necessity of public advertising for bids; now, therefore, be

RESOLVED, that the Mayor and City Clerk of the City of Bayonne are hereby authorized to enter into an agreement with A. Seine Lighthouse Solutions, LLC, 3 Vose Avenue – Suite 7/9, South Orange, NJ 07079 to perform lead based paint inspections and risk assessments as required under CDBG regulations at a cost not to exceed \$17,000.00 for a period of one year commencing July 1, 2012 and ending June 30, 2013; and be it further

RESOLVED, that this contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contract Law because the service is a recognized profession, licensed and regulated by the State of New Jersey and bids are not required per N.J.A.A. 40A:5-11, and a notice of this action shall be printed once in the Jersey Journal.

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

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

WHEREAS, pursuant to Resolution No. 11-08-17-062 adopted by the Municipal Council on August 17, 2011, the Mayor and City Clerk entered into an Indemnity and Trust Agreement with the NEW JERSEY INTERGOVERNMENTAL INSURANCE FUND ("NJIF") for the provision of property and casualty insurance coverage for a 12 month period commencing September 1, 2011 and ending August 31, 2012; and

WHEREAS, pursuant to Resolution 11-12-14-049 adopted by the Municipal Council on December 14, 2011, the City amended the term of the Indemnity and Trust Agreement with the NJIF for the provision of property and casualty insurance coverage to be a 16 month period commencing September 1, 2011 and ending December 31, 2012 so that the term would coincide with the City's calendar year; and

WHEREAS, notwithstanding that the Municipal Council authorized participation in the NJIF for (16) sixteen months, the terms of the Indemnity and Trust Agreement obligate the City to participate through December 31, 2014 unless the City Revokes the Agreement by providing written notice to terminate no later than October 1, 2012; and

WHEREAS, during the course of the year and especially the last few weeks, various coverage issues have arisen causing City personnel to explore its options for other coverage in light of the City's needs; and

WHEREAS, it may be in the best interest of the City to send written notice of termination before the October 1, 2012 deadline so as to avoid being obligated to participate in the NJIF through December 31, 2014; now therefore be it

RESOLVED that Corporation Counsel together with the Business Administrator and other relevant City personnel are instructed to undertake an analysis as to whether it is reasonable to continue to participate in the NJIF and to explore options for continued participation under revised terms which would result in more or better coverage, and be it further

RESOLVED, that Corporation Counsel is granted the authority to send written notice of termination to the NJIF should he believe it is in the City's best interest before October 1, 2012.

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

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82. The Council as a whole moved the following resolution, which motion was adopted.

WHEREAS, 50,000 manufacturing plants have left our country in the past 10 years, causing a loss of over 6 million jobs; and

WHEREAS, the U.S. trade deficit has grown; and

WHEREAS, outsourcing has spread to other sectors like call centers and financial services; and

WHEREAS, our current tax policies encourage U.S. companies to ship jobs overseas and keep their profits offshore; and

WHEREAS, we as a nation, can no longer tolerate this destruction of our economy; and

WHEREAS; immediate Congressional action is necessary to stop and reverse this trend;

NOW, THEREFORE, BE IT RESOLVED, that we call upon our Congressional Delegation to endorse and pass The United States Call Center Worker and Consumer Protection Act (H.R. 3596, S. 1536) the Bring Jobs Home Act (H.R. 5542, S.2484);

AND BE IT FURTHER RESOLVED that this organization makes this resolution public and sends a copy to all of our Congressional Delegation.

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

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

WHEREAS, Resolution No. 12-07-18-035 awarded a contract to English Paving company in the amount of \$427,731.79 and

WHEREAS, said Resolution did not correctly site the accounts to be charged; now, therefore, be it

RESOLVED, that said contract with the English Paving Company is to be charged as follows:

DOT Grant Avenue C - \$401,500.00
Streets & Roads Maintenance _ \$10,000.00
Grounds Restoration - \$16,231.79

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

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

CHAPTER 159 NO. 10

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 \$16,500.00 which has been granted by Petsmart Charities

SECTION II

BE IT FURTHER RESOLVED that a like sum of \$16,500.00 be and the same is hereby appropriated under the caption of

PETSMART CHARITIES

SECTION III

BE IT FURTHER RESOLVED that the above is the result of moneys granted by the Petsmart Charities

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

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85. Leonard R. Kantor addressed the council regarding city taxes.

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86. Richard Barba addressed the council on 1) Street Crimes; 2) nail salons; 3) low flying choppers.

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87. Kevin Hennings spoke on changing the health ordinance to allow raising chickens.

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88. Kevin Hennings also addressed the council on traffic issues regarding Kennedy Boulevard and Route 440 and cited a lack of crosswalks and sidewalks on the highway.

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At 7:51 P.M., Council Member moved to adjourn, seconded by Council Member Gillespie, which motion adopted.

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

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