

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, OCTOBER 10, 2012

The Council met at 7:05 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 October 10, 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 October 5, 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 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 October 10, 2012, is now before the Council for its consideration and a public hearing.

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

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

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

The Clerk read the ordinance by title, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES 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 Ruane moved to close the hearing, seconded by Council Member Hurley, which motion was adopted.

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

Council Member Greaves 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 7, TRAFFIC " was introduced and passed a first reading at a meeting held September 19, 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 October 10, 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-12-36.

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

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02. 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 7-16, No Parking Certain Hours, 7-16.1, Parking Prohibited During Certain Hours on Certain Streets, be and is hereby amended and supplemented as follows (all new material):

Names of Street	Sides	Hours	Location
East 29 th Street	North	6:00 A.M. to 6:00 P.M., for use as a drop- off zone for patients at Bayonne Medical Center	North side of East 29 th Street, beginning at a point 154 feet west of the northwest corner of East 29 th Street and Avenue E and extending to a point 25 feet west 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, November 7, 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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03. Council Member Greaves introduced:

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

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

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

RESTRICTIVE PARKING ZONES

DELETE

191. Patricia Schuele, 60 East 5th Street
Beginning at a point on the south side of East 5th Street, 172 feet east of the southeast corner of Lexington Avenue and East 5th Street, and extending to a point 22 feet east thereof.

ADD

139. Magdi S. Fahim, 35 West 18th Street
Beginning at a point on the north side of West 18th Street, 259 feet east of the northeast corner of Avenue C and West 18th Street, and extending to a point 20 feet east thereof.

311. Aleksandra Strzyz, 68 Cottage Street
Beginning at a point on the south side of Cottage Street, 131 feet west of the southwest corner of Cottage Street and Hobart Avenue, and extending to a point 22 feet west 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, November 7, 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 Christopher Barnes, Esq., filing notice of tort claim on behalf of AMAL HANNA, alleging injuries sustained June 12, 2012 in a fall on the sidewalk at Broadway and West 26th Street.

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

From BRIENE N. ADAMSON, filing notice of tort claim alleging property damage to her automobile on July 11, 2012 resulting from being struck by a city owned vehicle on West 22nd Street.

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

From PETER J. NAPOLI, filing notice of tort claim alleging property damage to his water line on August 27, 2012 resulting from it being damaged and paved over at 996 Avenue C.

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

From YESHIVA OF BAYONNE, filing notice of tort claim alleging property damage to their water line on August 30, 2012 resulting from street paving at 1022 Avenue C.

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09. 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, "SHANE, TIM, TRUSTEE/FLOTEK CORP. vs. CITY OF BAYONNE." (19-31 West 55th Street, Block 28, lot 3 - industrial)

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10. 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, "GOLDBRUNN REALTY, LLC vs. CITY OF BAYONNE." (494-496 Broadway, Block 205, lot 1 - commercial)

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11. 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, "BLB MK, LLC vs. CITY OF BAYONNE." (179 West 21 Street, Block 207, lot 1.02 – residential)

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12. 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, "VERIZON NEW JERSEY, INC. vs. CITY OF BAYONNE." (617-627 Broadway, Block 167, lot 20 - commercial)

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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, "CHOHAN vs. CITY OF BAYONNE." (924 Broadway, Block 90, lot 45 - commercial)

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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, “MANSARD GARDENS vs. CITY OF BAYONNE.” (West 22nd & West 23rd Street, Blocks 195, 202 & 203, multi-family residential)

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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, “ADAM CORP. vs. CITY OF BAYONNE.” (280 Broadway, Block 268, lot 1 – commercial; 21-33 East 53rd Street, Block 36, lot 5 – commercial; 18-24 East 54th Street - vacant)

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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, “930 KENNEDY BLVD APRTMNTS, INC. vs. CITY OF BAYONNE.” (930 Kennedy Boulevard, Block 118, lot 1 – 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, “HG REALTY, LLC c/o THE HEART GROUP vs. CITY OF BAYONNE.” (654-658 Broadway, Block 159, lot 47 - 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, “563-567 BROADWAY, LLC vs. CITY OF BAYONNE.” (563-567 Broadway, Block 183, lot 17 - commercial)

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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, “BAYONNE COVE, LLC vs. CITY OF BAYONNE.” (179 West 20th Street, Block 213, lots 1-5 – vacant/multi-family)

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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, “BAYONNE COVE, LLC vs. CITY OF BAYONNE.” (168-170 West 21st Street, Block 213, lot 29 – multi-family)

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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, “BAYONNE COVE, LLC vs. CITY OF BAYONNE.” (164-176 West 21st Street, Block 213, lot 31-33 – vacant)

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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, “PERDIKOS vs. CITY OF BAYONNE.” (43 Broadway, Block 380, lot 44 – multi-family)

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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, “161 PROSPECT REALTY, LLC vs. CITY OF BAYONNE.” (161 Prospect Avenue, Block 429, lot 25 – multi-family)

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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, “RITE AID CORPORATION #3448 vs. CITY OF BAYONNE.” (12-16 North Street, Block 297, lot 4 - commercial)

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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, “CHASE BANK #144080 vs. CITY OF BAYONNE.” (646-652 Broadway, Block 159, lot 1 - commercial)

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

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

RESOLVED, That the following items which have been included on the agenda for this regular meeting as OFFICERS’ REPORTS and which follow this resolution shall constitute a consent agenda for officers’ reports and that they be received and filed and

that any resolution incorporated within them be adopted and included in the official minutes of this meeting as having been so ordered.

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

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

Date: September 9, 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 September , 2012.

Janet Convery
(signed)

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29. 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 Czerwinski, Gillespie, Greaves, Hurley, and President Ruane.

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30. 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, September 19, 2012 be and the same are hereby approved.

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31. 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, September 12, 2012, be and the same are hereby approved.

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32. 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
111	11	Mark Sloan	1,482.02
119	8	William Northgrave	3,057.14
134	22	Waldemar Koscielny	3,376.00
143	17	Joseph Barbero	2,424.66
186	30.18	Ernest J. Peters	40.32
217	20	Debra Murray	2,588.54
219	2	Steven & Delores Rhodes	682.10
232	19	Spanish American Club	801.70
261	44	Alfred Liana	4,166.36
263	25.0113	A. Volpe	181.31
265	20	C. Greco/R. McCabe	227.83

365	15	Mike Gerges	3,103.94
Total:			22,131.92

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33. 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 \$ 43.20 be drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of licenses Nos. 1698-1713 inclusive, 16 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.

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

RESOLVED, that pursuant to and consistent with a State Training Fee Report dated October 2, 2012 by Michael J. Feuer, Construction Official, the Municipal Treasurer is hereby authorized and directed to issue a warrant drawn to the order of the State of New Jersey, in the amount of \$13,512.00 representing payment of state surcharge fees on new construction and alterations collected during the third quarter of 2012; and be it further

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

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

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

WHEREAS, Resolution No. 12-08-15-052, authorizing an agreement with the Bayonne Family Community Center (YMCA) contains a reference in the third WHEREAS paragraph to the Police Athletic League (PAL), which should have been to the Bayonne Family Community Center (YMCA); now therefore, be it

RESOLVED, that Resolution No. 12-08-15-052, authorizing an agreement with the Bayonne Family Community Center (YMCA) be amended to change the reference in the third WHEREAS paragraph from the Police Athletic League (PAL), to the Bayonne Family Community Center (YMCA).

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36. 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
Community Day Nursery	3:00 P.M. 591 Broadway December 19, 2012	RL: 8793
Hudson County All Star Cheerleaders	7-11 P.M. 979 Avenue C December 4, 2012	RL: 8794
Remember Me John Jack Santopietro	7-11 P.M. 669 Avenue C March 15, 2013	RL: 8795
Ahern Foundation, Inc.	3:15 P.M. 25 West 38 th St. April 15, 2013	RL: 8796

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

CHAPTER 159 NO. 11

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 \$40,000 which has been received from Camelot Redevelopment

SECTION II

BE IT FURTHER RESOLVED that a like sum of \$40,000 be and the same is hereby appropriated under the caption of

CAMELOT REDEVELOPMENT

SECTION III

BE IT FURTHER RESOLVED that the above is the result of monies received from Camelot Redevelopment

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

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

CHAPTER 159 NO. 12

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 \$9,050 which has been received from Mini Golf

SECTION II

BE IT FURTHER RESOLVED that a like sum of \$9,050 be and the same is hereby appropriated under the caption of

MINI GOLF

SECTION III

BE IT FURTHER RESOLVED that the above is the result of monies received from Mini Golf

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

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

CHAPTER 159 NO. 13

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 \$20,111.12 which has been received from the Passaic Valley Sewerage Commissioner

SECTION II

BE IT FURTHER RESOLVED that a like sum of \$20,111.12 be and the same is hereby appropriated under the caption of

PVSC REBATE

SECTION III

BE IT FURTHER RESOLVED that the above is the result of monies received from the Passaic Valley Sewerage Commissioner

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

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

CHAPTER 159 NO. 14

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 \$7,500.00 which has been received from Bulin Associates Inc

SECTION II

BE IT FURTHER RESOLVED that a like sum of \$7,500 be and the same is hereby appropriated under the caption of

RESTITUTION FOR COST SERVICES

SECTION III

BE IT FURTHER RESOLVED that the above is the result of monies received from Bulin Associates Inc

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

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

WHEREAS, Resolution No. 12-09-19-079 authorized a professional consulting services relating to planning, administration and implementation of the City of Bayonne's Community Development Block Grant Program with Housing and Community Development Services, Inc., 4 Sloan Street, South Orange, New Jersey 07079 for a period of twelve months commencing July 1, 2012 and ending June 30, 2013 for an amount not to exceed \$75,000.00; and

WHEREAS, the amount of said contract should have been not to exceed \$50,000.00; now, therefore, be it

RESOLVED, that Resolution No. 12-09-19-079, authorizing a professional consulting services relating to planning, administration and implementation of the City of Bayonne's Community Development Block Grant Program with Housing and Community Development Services, Inc., 4 Sloan Street, South Orange, New Jersey 07079 for a period of twelve months commencing July 1, 2012 and ending June 30, 2013 be amended to reflect a contract amount not to exceed \$50,000.00.

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

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

WHEREAS, Resolution No. 12-08-15-057 designated the firm of Frankel and Company, 601 Plaza Three #6, Jersey City, NJ 07311 as qualified under the Fair and Open Procurement Process for services and products in connection with the city's insurance coverage needs, but did not specifically authorize a contract with said firm for a designated period of time; and

WHEREAS, it is in the best interest of the City of Bayonne to appoint a firm or firms to act as the City's Insurance Broker; and

WHEREAS, the Insurance Broker would, at no cost to the City, provide general insurance advisory and risk management services for the City including conducting a study of all of the City's general insurance needs and act as broker of record and insurance consultant with respect to all general insurance needs including, but not limited to, liability coverage, excess liability coverage, municipal officers' coverage and worker's compensation coverage; and

WHEREAS, the City of Bayonne, through Charles D'Amico, Esq., Law Director of the City of Bayonne, posted a Notice of Solicitation For Professional Service Contract for qualified firms interested in acting as Insurance Broker to the City of Bayonne; and

WHEREAS, Frenkel Benefits, LLC, 601 Plaza Three #6, Jersey City, NJ 07311 submitted a responsive proposal; and,

WHEREAS, based upon the Professional Service Contract Proposal / Qualification And Costs Submission Form by Jose O. Irizarry, Executive Vice President and Eric B. Labaska, RHU, of Frenkel Benefits, LLC, the firm of Frenkel Benefits, LLC, appears to be qualified to represent the City's interests as Insurance Broker; now therefore it is

RESOLVED,

1. That based upon the Professional Service Contract Proposal / Qualification And Costs Submission Form, the Municipal Council of the City of Bayonne finds Frenkel Benefits, LLC, 601 Plaza Three #6, Jersey City, NJ 07311 qualified to represent the City's interests as Insurance Broker and authorizes the Mayor to enter into a professional services contract Frenkel Benefits, LLC; and

2. That this professional services contract is at no cost to the City of Bayonne; and

3. That this is a professional service contract awarded in accordance with a "fair and open" contracting process as defined in the New Jersey Local Unit Pay to Play Law (N.J.S.A. 19:44-20.4 et seq.) and on that basis is awarded without public bidding and with notice of this award to be published.

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

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

WHEREAS, Resolution No. 12-08-15-057 designated the firm of Gormley, LoRe and Murphy, 605 Broadway, Bayonne, NJ 07002 as qualified under the Fair and Open Procurement Process for services and products in connection with the city's insurance coverage needs, but did not specifically authorize a contract with said firm for a designated period of time; and

WHEREAS, it is in the best interest of the City of Bayonne to appoint a firm or firms to act as the City's Insurance Broker; and

WHEREAS, the Insurance Broker would, at no cost to the City, provide general insurance advisory and risk management services for the City including conducting a study of all of the City's general insurance needs and act as broker of record and insurance consultant with respect to all general insurance needs including, but not limited to, liability coverage, excess liability coverage, municipal officers' coverage and worker's compensation coverage; and

WHEREAS, the City of Bayonne, through Charles D'Amico, Esq., Law Director of the City of Bayonne, posted a Notice of Solicitation For Professional Service Contract for qualified firms interested in acting as Insurance Broker to the City of Bayonne; and

WHEREAS, Gormley, LoRe & Murphy Insurance Agency, Inc., 605 Broadway, Bayonne, NJ 07002, submitted a responsive proposal; and,

WHEREAS, based upon the Professional Service Contract Proposal / Qualification and Costs Submission Form by Madeline LoRe, President of Gormley, LoRe & Murphy Insurance Agency, Inc., the firm of Gormley, LoRe & Murphy Insurance Agency, Inc., appears to be qualified to represent the City's interests as Insurance Broker; now therefore it is

RESOLVED,

1. That based upon the Professional Service Contract Proposal / Qualification And Costs Submission Form, the Municipal Council of the City of Bayonne finds Gormley, LoRe & Murphy Insurance Agency, Inc., 605 Broadway, Bayonne, NJ 07002 qualified to represent the City's interests as Insurance Broker and authorizes the Mayor to enter into a professional services contract Gormley, LoRe & Murphy Insurance Agency, Inc.; and

2. That this professional services contract is at no cost to the City of Bayonne; and

3. That this is a professional service contract awarded in accordance with a "fair and open" contracting process as defined in the New Jersey Local Unit Pay to Play Law (N.J.S.A. 19:44-20.4 et seq.) and on that basis is awarded without public bidding and with notice of this award to be published.

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

* * * * *

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

BE IT RESOLVED, That the City Clerk be and is hereby authorized to advertise for bids for a foam tender for use in the Fire Department.

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

* * * * *

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

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for funding of the 34th & 35th Street Station Pedestrian Access Safety Improvement Project.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Bayonne formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as *SST-2013-Bayonne City -00016* to the New Jersey Department of Transportation on behalf of the City of Bayonne.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the City of Bayonne and that their

signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

* * * * *

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

RESOLUTION AWARDING THE SALE BY THE CITY OF
BAYONNE, IN THE COUNTY OF HUDSON, NEW JERSEY
OF ITS PROPERTY TAX LEVY FOR THE FISCAL YEAR
ENDING DECEMBER 31, 2012 AND RATIFYING,
CONFIRMING AND AUTHORIZING CERTAIN ACTIONS IN
CONNECTION THEREWITH

WHEREAS, Chapter 99 of the Public Laws of 1997 of the State of New Jersey, effective May 12, 1997 (the "Act"), authorizes any municipality to sell its "total property tax levy" to the highest responsible bidder therefor in accordance with the procedures and limitations set forth therein; and

WHEREAS, the Tax Collector and Chief Financial Officer of the City of Bayonne, in the County of Hudson, New Jersey (the "City") have heretofore caused to be prepared and distributed to potential bidders and others a "Notice of Sale Relating to the Purchase of the Property Tax Levy for the Fiscal Year Ending December 31, 2012 from the City of Bayonne, in the County of Hudson, New Jersey", dated May 3, 2012 (the "Notice of Sale"), requesting bids for the purchase of the City's property tax levy for the fiscal year ending December 31, 2012 (the "Fiscal Year"); and

WHEREAS, the Tax Collector and Chief Financial Officer of the City have heretofore also caused to be prepared and distributed to potential bidders and others, certain documents and other information, and the City's special counsel has heretofore caused to be published certain notices, each in connection with the Notice of Sale; and

WHEREAS, by Resolution No. 12-04-18-062, duly adopted on April 18, 2012 (the "Resolution"), the City Council of the City has heretofore authorized the sale of the property tax levy, the preparation and distribution of documents and other information as aforesaid and the publication of certain notices as aforesaid, and authorized the Chief Financial Officer of the City to receive bids and take all actions in connection therewith in accordance with the Notice of Sale; and

WHEREAS, the Tax Collector and Chief Financial Officer of the City have heretofore also caused to be prepared and distributed to potential bidders and others: (i) a form of Purchase and Sale Agreement, between the City and the purchaser of the property tax levy (the "Agreement"), (ii) the Financial Information (as such term is defined in the Agreement) and (iii) other items constituting part of the Bid Package (as such term is defined in the Agreement); and

WHEREAS, the City's special counsel has heretofore caused to be published a copy of the Notice of Sale (stating, among other things, the manner of submitting and method of receiving bids and the time and place of sale) in a newspaper circulating in the City at least 14 days in advance of the date fixed for receiving bids; and

WHEREAS, one bid complying with the requirements set forth in the Notice of Sale was received in response to the Notice of Sale, and the Chief Financial Officer has recommended that the City Council make an award to the Highest Responsible Bidder (as such term is defined in the Act) in accordance with the provisions of the Notice of Sale; and

WHEREAS, the City Council desires to award the Agreement to the Highest Responsible Bidder, in accordance with Section 16(a) of the Act; and

WHEREAS, the Chief Financial Officer of the City has heretofore provided the City Council with a fiscal analysis (the "Fiscal Analysis") of the impact of the proposed sale of the property tax levy (the "Sale") on the current City budget and the projected City budgets for the next two subsequent years, in accordance with Section 14 of the Act; and

WHEREAS, the Chief Financial Officer of the City has heretofore caused to be forwarded to the Director of the Division of Local Government Services in the Department of Community Affairs (the "Division") copies of the Fiscal Analysis and the form of the Agreement (including pricing terms derived from the high bidder); and

WHEREAS, the Highest Responsible Bidder has heretofore delivered to the City a commitment to provide a Credit Facility (as such term is defined in the Agreement), meeting the requirements set forth in the Notice of Sale and in the Agreement and otherwise in form and substance satisfactory to the City and its counsel.

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

SECTION 1. In accordance with the Notice of Sale and the Act, ORIX Public Finance LLC (the "Purchaser") is hereby determined to be the Highest Responsible Bidder for the purchase of the Property Tax Levy (as such term is defined in the Agreement) on the basis of the offer set forth in its proposal (the "Winning Bid"), a copy of which proposal is attached hereto as Exhibit A. The Winning Bid states a Levy Bid (as such term is defined in the Agreement) constituting a premium of \$5,000.00. The Agreement is hereby awarded to the Purchaser in accordance with the terms of the Act, the Notice of Sale and the Winning Bid.

SECTION 2. The Agreement and Fiscal Analysis, in substantially the forms on file with the City Clerk are hereby approved, and the Mayor of the City is hereby authorized and directed to execute and deliver the Agreement, with such changes as may be approved by such officers, their execution and delivery thereof being conclusive evidence as to such approval.

SECTION 3. The Credit Facility, in the form of a Letter of Credit provided by Mizuho Corporate Bank is hereby determined to be acceptable to the City in substance, and is hereby approved and found to be sufficient in accordance with Section 17(b) of the Act, subject to any changes which may be required by the Mayor, the Chief Financial Officer or the City's special counsel.

SECTION 4. All actions heretofore taken by the Mayor, the Tax Collector and Chief Financial Officer, the City Counsel, Special Counsel, and all other employees and officials of the City (collectively, the "Authorized Persons") on behalf of the City in furtherance of the Sale are hereby ratified and confirmed, including specifically: (i) the request for sealed bids for the sale of the Property Tax Levy for the Fiscal Year, (ii) the preparation and distribution of certain information regarding the City including,

without limitation, the Notice of Sale, the form of the Agreement, the Financial Information and other items constituting part of the Bid Package (the content of all of which is hereby ratified and confirmed), (iii) the publication of the Notice of Sale, in accordance with Section 16 of the Act, (iv) the receipt of sealed bids, the determination of the Highest Bidder in accordance with the provisions of the Notice of Sale, (v) the inclusion of the pricing terms derived from the Highest Bid in the form of the Agreement and the preparation, in accordance with Section 14 of the Act, of the Fiscal Analysis, taking into account the pricing terms derived from the high bidder and (vi) the submission of the form of the Agreement (including such pricing terms) and the Fiscal Analysis to the Director of the Division, and the representation of the City before the Division in all matters relating thereto.

SECTION 5. All Authorized Persons are hereby authorized and directed to do all things necessary or convenient in furtherance of the Sale, including without limitation the execution and delivery of all documents in connection therewith and in connection with the special tax sale referred to in Section 6 hereof.

SECTION 6. Pursuant to N.J.S.A. 54:5-19, the Act and other applicable statutes, the City hereby determines to enforce the liens for unpaid taxes for the Fiscal Year, in part, by holding a special tax sale during the month of April 2013, whereat "New Tax Sale Certificates" (as such term is defined in the Agreement), shall be issued or assigned and sold to the Purchaser, each upon compliance with the payment and other requirements set forth in the Agreement (which requirements include, among other things, the payment of certain taxes, assessments and other municipal charges). Such special tax sale shall be held without prejudice to the right of the City to hold one or more separate tax sales in accordance with applicable law to enforce taxes, assessments and other municipal charges for which tax sale certificates are not issued or assigned to the Purchaser in accordance with the Agreement (which separate tax sale(s) may be held before, simultaneously with or after the aforementioned special tax sale).

SECTION 7. The City Clerk, or any other Authorized Person, is hereby authorized and directed to cause such notices to be published or otherwise given, in accordance with applicable law, as may be necessary in connection with the issuance of tax sale certificates as provided in Section 6 hereof.

SECTION 8. Notwithstanding any resolution to the contrary, the Tax Collector is hereby authorized to remit such funds to the Purchaser as may be provided in the Agreement, and there shall be no municipal fiscal restrictions (within the meaning of N.J.S.A. 54:5-58, or otherwise) imposed upon the Tax Collector in connection therewith.

SECTION 9. The Tax Collector shall accept payment from the Purchaser of such portions of the Levy Price and the TSC Amount (as such terms are defined in the Agreement) as relate to properties which are the subject of prior municipally-held tax sale certificates not therefore redeemed.

SECTION 10. This resolution shall take effect upon adoption hereof and receipt by the City of the written approval of the Director of the Division of the execution of the Agreement, in accordance with Section 12(b) of the Act.

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

* * * * *

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

WHEREAS, the City of Bayonne is in receipt of Title III Grant funds from the Department of Health and Human Services, Hudson County Office on Aging in the aggregate amount of \$421,000.00 (\$160,000.00 Congregate Meals), (\$245,000.00 Home Delivered Meals), and (\$16,000.00 Weekend Meals); and

WHEREAS, it is the City of Bayonne's intention to utilize these grant funds for the purpose of continuing to provide a Nutritional Feeding Program for Senior Citizens; and

WHEREAS, the Bayonne Economic Opportunity Foundation (BEOF) is willing to continue to provide the Nutritional Feeding Program for Senior Citizens, for one year commencing January 1, 2012 and ending December 31, 2012 at a cost of \$421,000.00; and

WHEREAS, funds are certified as available in Account No. 02-213-41-737-2-199; now, therefore, be it

RESOLVED, by the Municipal Counsel as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement to continue the existing nutritional feeding program with the Bayonne Economic Opportunity Foundation for one year commencing January 1, 2012 and ending December 31, 2012 for the amount of \$421,000.00 (\$160,000.00 Congregate Meals), (\$245,000.00 Home Delivered Meals), and (\$16,000.00 Weekend Meals); and
2. Funds are certified as available in Account 02-213-41-737-2-199.

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

* * * * *

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

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

WHEREAS, to determine whether certain parcels of land constitute areas in need of redevelopment, the City Council must authorize the Planning Board to conduct a preliminary investigation of the area and make recommendations to the City Council; and

WHEREAS, the City Council believes it is in the best interest of the City of Bayonne that an investigation occur and therefore authorizes and directs the Planning Board to conduct an investigation of the properties commonly known as Tax Map BLOCK 87, LOT 1,2,3,4,5.02, and 19, located at 1034-1046 John F. Kennedy Boulevard (hereinafter the "Study Area"), to determine whether the Study Area meet the criteria set forth in *N.J.S.A. 40A:12A-5* and should be designated as an area in need of redevelopment; and

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-7*, requires that no redevelopment project be undertaken or carried out except in accordance with a Redevelopment Plan adopted by ordinance of the City Council; and

WHEREAS, the Local Redevelopment and Housing Law requires that prior to adoption of the Redevelopment Plan, the City Council authorize the Planning Board to prepare and review said Redevelopment Plan for the Study Area;

NOW THEREFORE, BE IT RESOLVED by the City Council:

1. The Planning Board is hereby authorized and directed to conduct an investigation pursuant to *N.J.S.A. 40A:12A-6* to determine whether the Study Area satisfies the criteria set forth in *N.J.S.A. 40A:12A-5* to be designated as an area in need of redevelopment.
2. As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the proposed redevelopment area and the location of the various parcels contained therein.
3. The Planning Board shall conduct a public hearing, after giving due notice of the proposed boundaries of the proposed area and the date of the hearing to any persons who are interested in or would be affected by a determination that the area delineated in the notice is a redevelopment area.
4. At the hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that the area delineated in the notice is a redevelopment area. All objections to a determination that an area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.
5. After conducting its investigation, preparing a map of the proposed redevelopment area, and conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the City Council as to whether the City Council should designate all or some of the area identified above as an area in need of redevelopment.
6. If the Planning Board recommends that the City Council designate all or a portion of the Study Area, as an area in need of redevelopment, the Planning Board shall hereby also prepare and review a Redevelopment Plan in connection with the proposed redevelopment of the Study Area pursuant to *N.J.S.A. 40A:12A-7(5) e-f* for consideration by the City Council.
7. This Resolution shall take effect immediately.

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

* * * * *

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

RESOLUTION SUPPORTING A BILL TO AMEND THE DEFINITION OF HAZARDOUS SUBSTANCES WITHIN THE SPILL COMPENSATION AND CONTROL ACT, *N.J.S.A. 58:10-23.11(b)*

WHEREAS, the CITY OF BAYONNE (the "City") is a public body corporate and politic of the State of New Jersey; and

WHEREAS, CITY OF BAYONNE is a named Third Party Defendant in the pending environmental litigation captioned NJDEP v. Occidental Chemical et al., bearing Docket No. ESX-L-9868-05; and

WHEREAS, in the pending litigation the Third Party Plaintiffs are seeking contribution, among other things, from CITY OF BAYONNE as a result of various alleged discharges of sewage and/or sewage sludge into the Arthur Kill, the Passaic River Basin, and Newark Bay Complex; and

WHEREAS, the Spill Compensation and Control Act (the "Act"), N.J.S.A. 58:10-23.11(b), currently contains a definition of hazardous substances that reads as follows:

"Hazardous substances" means the "environmental hazardous substances" on the environmental hazardous substance list adopted by the department pursuant to section 4 of P.L.1983, c.315 (C.34:5A-4); such elements and compounds, including petroleum products, which are defined as such by the department, after public hearing, and which shall be consistent to the maximum extent possible with, and which shall include, the list of hazardous substances adopted by the federal Environmental Protection Agency pursuant to section 311 [33 U.S.C. 1321] of the Federal Water Pollution Control Act Amendments of 1972, Pub.L.92-500, as amended by the Clean Water Act of 1977, Pub.L.95-217 (33 U.S.C. § 1251 et seq.); the list of toxic pollutants designated by Congress or the EPA pursuant to section 307 [33 U.S.C. 1317] of that act; and the list of hazardous substances adopted by the federal Environmental Protection Agency pursuant to section 101 of the "Comprehensive Environmental Response, Compensation and Liability Act of 1980," Pub.L.96-510 (42 U.S.C. § 9601 et seq.); provided, however, that sewage and sewage sludge shall not be considered as hazardous substances for the purposes of P.L.1976, c.141 (C.58:10-23.11 et seq.); and

WHEREAS, this definition has been held by the New Jersey Courts to only apply to domestic sewage and sewage sludge from a public sewer system or publicly operated sewerage treatment plant; and

WHEREAS, the legislative history for this section of the Act suggests that the Legislature intended for the definition to include all sewage and sewage sludge from a public sewer system or publicly operated sewerage treatment plant, whether domestic or commercial; and

WHEREAS, the Legislature is now proposing an Amendment to Act that would clarify the definition of hazardous substance to read as follows:

"Hazardous substances" means the "environmental hazardous substances" on the environmental hazardous substance list adopted by the department pursuant to section 4 of P.L.1983, c.315 (C.34:5A-4); such elements and compounds, including petroleum products, which are defined as such by the department, after public hearing, and which shall be consistent to the maximum extent possible with, and which shall include, the list of hazardous substances adopted by the federal Environmental Protection Agency pursuant to section 311 [33 U.S.C. 1321] of the Federal Water Pollution Control Act Amendments of 1972, Pub.L.92-500, as amended by the Clean Water Act of 1977, Pub.L.95-217 (33 U.S.C. § 1251 et seq.); the list of toxic pollutants designated by Congress or the EPA pursuant to section 307 [33 U.S.C. 1317] of that act; and the list

of hazardous substances adopted by the federal Environmental Protection Agency pursuant to section 101 of the "Comprehensive Environmental Response, Compensation and Liability Act of 1980," Pub.L.96-510 (42 U.S.C. § 9601 et seq.); provided, however, that sewage and sewage sludge, including, but not limited to, any domestic, commercial, or industrial wastewater, sewage, or sewage sludge collected by or expelled from a sanitary sewer system or a public sewage treatment plant, shall not be considered as hazardous substances for the purposes of P.L.1976, c.141 (C.58:10-23.11 et seq.); and

WHEREAS, the Legislature is also proposing an Amendment to Act that would define "Public sewage treatment plant" to read as follows:

"Public sewage treatment plant" means any publicly owned structure, device, or facility used to treat or process domestic, commercial, or industrial sewage, sewage sludge, or wastewater; and

WHEREAS, CITY OF BAYONNE is in full support of the adoption of the proposed Amendment to the definition of hazardous substances under the Act and inclusion of a definition of "Public sewer treatment plant";

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of CITY OF BAYONNE, that the Municipal Council hereby supports the adoption of the amendment to N.J.S.A. 58:10-23.11(b), which clarifies the definition of hazardous substance by excluding any domestic, commercial and/or industrial sewage and sewage sludge discharged to or through a public sewage system or to or through a public sewage treatment plant from the definition; and

BE IT FURTHER RESOLVED that the City Clerk be and hereby is authorized to distribute copies of this Resolution to all appropriate officials and agencies including its Legislative Representatives, the Governor, and the Lieutenant Governor;

BE IT FURTHER RESOLVED that no further action of the Municipal Council shall be required in connection with this matter and this resolution shall take effect immediately.

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

* * * * *

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

CHAPTER 159 NO. 15

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 \$23,054 which has been received from the Port Authority of New York and New Jersey

SECTION II

BE IT FURTHER RESOLVED that a like sum of \$23,054 be and the same is hereby appropriated under the caption of

PORT SECURITY GRANT

SECTION III

BE IT FURTHER RESOLVED that the above is the result of monies received from the Port Authority of New York and New Jersey

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

* * * * *

51. Dorothy Rose addressed the Council on the subject of high property taxes.

* * * * *

52. At 7:29 P.M., Council Member Czerwienski moved that the following resolution to adjourned to a closed session seconded by Council Member Ruane, which motion was adopted.

WHEREAS, pursuant to N.J.S.A. 10:4-12(a) the Municipal Council must conduct its meetings in open view of the public at all times, subject to the provisions of N.J.S.A. 10:4-12(b); and

WHEREAS, pursuant to N.J.S.A. 10:4-12(b)(7), the Municipal Council may exclude the public from that portion of a meeting wherein the Municipal Council discusses any pending or anticipated litigation or contract negotiation; and

WHEREAS, it is now necessary to review certain options and the legal implications and ramifications thereof in connection with tax appeals; and

WHEREAS, the city's legal and negotiating positions and might be compromised by a public discussion of same at the current time; and

WHEREAS, the Municipal Council now deems it necessary to convene in a closed session in order to discuss the aforesaid tax appeals; and

WHEREAS, it is the intention of the Municipal Council to keep reasonably comprehensible minutes of this closed session meeting pursuant to N.J.S.A. 10:4-14 and to make said minutes available to the general public after the finalization of the issues involved; now, therefore, be it

RESOLVED, that the Municipal Council shall now recess to a private session in order to discuss the matters set forth above; and be it further

RESOLVED, that the Municipal Council shall reconvene to a public session at the conclusion of the closed session.

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

* * * * *

At 8:02 P.M., Council Member Gillespie moved to reconvene, seconded by Council Member Hurley, which motion was adopted.

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

* * * * *

At 8:03 P.M., Council Member Gillespie moved to adjourn, seconded by Council Member Ruane, which motion was adopted.

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

* * * * *