

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, NOVEMBER 7, 2012

The Council met at 7:04 P.M.

The Council President Ruane announced: "I would like to advise all those present that notice of this regular meeting of the Municipal Council of the City of Bayonne of November 7, 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 November 6, 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 October 10, 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 November 7, 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 Gillespie moved to close the hearing, seconded by Council Member Ruane, which motion was adopted.

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

Council Member 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 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 October 10, 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 November 7, 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 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 Czerwienski 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 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-12-37.

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

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03. Council member Greaves introduced:

Capital Improvement Ordinance to provide funding for the purchase of various Public Works Vehicles and the Paving of Various Streets in the amount of \$265,000.00

Whereas, a need exists to purchase various Public Works equipment, and

Whereas, a need exists to pave various streets located within the Urban Enterprise Zone, now, therefore, be it

ORDAINED, that a Capital Improvement Ordinance be established to fund the following:

Various Public Works Equipment	\$100,000.00
Paving of Various Streets located in the Urban Enterprise Zone	\$165,000.00

Be it further

ORDAINED that funding is hereby appropriated from the Capital Improvement Fund.

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

BE IT RESOLVED, that an ordinance entitled “CAPITAL IMPROVEMENT ORDINANCE TO PROVIDE FUNDING FOR THE PURCHASE OF VARIOUS PUBLIC WORKS VEHICLES AND THE PAVING OF VARIOUS STREETS IN THE AMOUNT OF \$265,000.00 ” 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. Council President Ruane 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 7-16.1, Parking Prohibited During Certain Hours on Certain Streets, be and is hereby amended and supplemented as follows:

Names of Street	Sides	Hours	Location
East 30 th Street	South	7:30 A.M. to 3:30 P.M., while school	South side of East 30 th Street, beginning at a point

is in session for use 190 feet west of the
as a drop off and southwest corner of East
pickup zone for 30th Street and Avenue F
students and extending to a point
104 feet east thereof.

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

BE IT RESOLVED, that an ordinance entitled “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, 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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05. 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

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

From Jeffrey R. Kivetz, Esq., filing notice of tort claim on behalf of VICTOR MARTINEZ, alleging injuries sustained September 6, 2012 in a fall on a storm drain at 5th Street and Avenue A.

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

From LAURA POST, filing notice of tort claim alleging property damage to her automobile on September 9, 2012 resulting from a fallen tree limb at 101 Broadway.

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09. 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, "KELLY-TOMAZ vs. THE CITY OF BAYONNE, et al." (Sewer line break on March 6, 2011 at 94 West 36th Street)

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

From the United States District Court, District of New Jersey, Summons and Complaint in matter entitled, "BURNS vs. THE CITY OF BAYONNE." (employment discrimination/civil rights violations)

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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, "174-180 Broadway, LLC vs. CITY OF BAYONNE." (174-180 Broadway, Block 331, lot 3 - commercial)

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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, “HORLICK LIVING TRUST vs. CITY OF BAYONNE.” (297-299 Broadway, Block 257, lot 7 & Block 264, lot 21 - 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, “RICHMOND COUNTY SAVINGS BANK vs. CITY OF BAYONNE.” (171-173 Broadway, Block 330, lot 17 - 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, “ADIMOOLAN vs. CITY OF BAYONNE.” (717-719 Broadway, Block 145, lot 18 - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “ADIMOOLAN vs. CITY OF BAYONNE.” (361 Broadway, Block 240, lot 22 - 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, “636 AVENUE C, LLC vs. CITY OF BAYONNE.” (636 Avenue C, Block 167, lot 45 – 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, “640 REALTY, LLC vs. CITY OF BAYONNE.” (640 Avenue C, Block 167, lot 44 – multi-family)

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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, “285 REALTY, LLC vs. CITY OF BAYONNE.” (283-287 Broadway, Block 264, lots 15-17 - 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, “NEW BAYONNE DINER vs. CITY OF BAYONNE.” (226-232 Broadway, Block 279, lot 1 - 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, “R & A DWECK, INC. vs. CITY OF BAYONNE.” (470-472 Broadway, Block 211, lot 11 - 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, “ESPOSITO vs. CITY OF BAYONNE.” (435-437 Broadway, Block 220, lots 18, 24, 26 - 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, “915-917 BROADWAY, LLC vs. CITY OF BAYONNE.” (915-917 Broadway, Block 89, lot 19 - 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, “1030 BROADWAY, LLC vs. CITY OF BAYONNE.” (1030-1036 Broadway, Block 54, lot 23 - commercial)

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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, “PLOUMITSAKOS REALTY, LLC vs. CITY OF BAYONNE.” (667-669 Broadway, Block 158, lot 26.01 - 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, “PLOUMITSAKOS vs. CITY OF BAYONNE.” (665 Broadway, Block 158, lot 25 - 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, “S & M GROUP, LLC vs. CITY OF BAYONNE.” (292½-296 Broadway, Block 258, lot 9 - 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, “662 AVENUE A, LLC vs. CITY OF BAYONNE.” (662 Avenue A, Block 165, lot 42 – multi-family)

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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, “STEINBERG vs. CITY OF BAYONNE.” (431-433 Broadway, Block 220, lot 23 - commercial)

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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, "V & M REALTY ENTERPRISES, LLC vs. CITY OF BAYONNE." (260 Prospect Avenue, Block 411, lot 14 - 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, "ZAMPETTI ENTERPRISES vs. CITY OF BAYONNE." (718 Broadway, Block 146, lot 47 - 49 - commercial)

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31. 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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32. 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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33. The council as a whole moved the following communication be received and filed, which motion was adopted.

DATE: OCTOBER 5,2012

TO: Terrence Malloy, CFO
Robert Sloan, City Clerk

FROM: Janet Convery, Treasurer

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

\$ 4,852,326.00 CLAIMS & PAYROLL FOR OCTOBER 2012

JANET CONVERY
(signed)

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

BID REPORT

Date: 10/23/12

Ad Resolution # 12-09-19-060

Ad Date: 10/09/12

Date bids accepted: 10/23/12 Attending: Amy Dellabella, Anthony DeSalvo, Esq.

Bid titled: Abandoned Building Board Up

No bids were received. I will re advertise.

Respectfully submitted,

Amy Dellabella, R.P.P.O., Q.P.A.
Purchasing Agent

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

BID REPORT

Date: 10/23/12 Ad Resolution #12-09-19-061 Ad Date: 10/09/12

Date bids accepted: 10/23/12 Attending: Amy Dellabella, Anthony DeSalvo, Esq.

Bid titled: Rock Salt

<u>Bidder</u>	<u>Total Bid Price</u>
Atlantic Salt Inc. 134 Middle Street, Suite 210 Lowell, MA 01852	\$329,340.00
Cargill Deicing Technology 24950 Country Club Blvd. Suite 450 North Olmsted, Ohio 44070	\$312,000.00

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

Legal Approval
Anthony DeSalvo, Esq

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

BID REPORT

Date: 10/23/12 Ad Resolution #12-09-19-062 Ad Date: 10/09/12

Date bids accepted: 10/23/12 Attending: Amy Dellabella, Anthony DeSalvo, Esq.

Bid titled: Snow Removal During Snow Emergency

<u>Bidder</u>	<u>Amount</u>
Control Industries 109 East 24 th Street Bayonne,NJ 07002	(1-3 feet note to exceed \$855,000.00 (3-6 feet not to exceed \$1,365,000.00

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

Legal Approval
Anthony DeSalvo, Esq.

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37. 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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38. 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, October 10, 2012 be and the same are hereby approved.

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39. 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, October 3, 2012, be and the same are hereby approved.

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40. 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
69	4.35	Marlene Rivera	1,975.99
123	10	Julie & Charles Glock	1,929.88
154	6	CoreLogic	1,249.87
167	5	Dariusz Bargielski	94.53
179	13	John Mateo	2,092.23
219	40	New York Community Bank	249.45
254	33	Theresa Carpena	2,633.12
272	19.01 C106	Kyleen Moraton	1,367.33
336	3	Marleny Romero	333.81
345	17	Dawn Harsch	1,350.01
358	24	Gene & Laura Perry	1,682.87

358	40	Alejandro Rodriguez	283.57
364	30	Susan Wilson	1,470.18
366	24	GMAC Mortgage	2,137.46
Total:			18,850.30

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41. 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 October 9, 2012 by a 100% Disabled Veteran who occupies 1/2 (50%) of a (2 unit) home located at **Block 370 Lot 3 (5 East 1st 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 **July 12, 2012** which is the date of the qualifying 100% disability according to a written determination of the Department of Veterans Affairs dated August 13, 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 50% of the 2 unit home at Block 370 Lot 3 (5 East 1st Street), in the City of Bayonne occupied by said qualifying veteran are hereby canceled effective July 12, 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 \$1,770.42 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.

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

WHEREAS, Resolution No. 12-08-15-057 as amended by Resolution No. 12-10-10-042 designated the firm of Frenkel Benefits, LLC, 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 incorrectly identified the name of the company in the RESOLVED paragraph; now, therefore, be it

RESOLVED, That Resolutions No. 12-08-15-057 and 12-10-10-042 be and are hereby amended to specify that the name of the entity designated to procure insurance services and products is Frenkel Benefits, LLC; and be it further

RESOLVED, that the term of any agreement entered into with Frenkel Benefits, LLC be for a one year term commencing July 1, 2012 and ending June 30, 2013.

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

WHEREAS, Resolution No. 12-08-15-058 as amended by Resolution No. 12-10-10-043 designated the firm of Gormley, LoRe & Murphy Insurance Agency, Inc., 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 Resolution No. 12-10-10-043 incorrectly identified the number of the resolution it amended; now, therefore, be it

RESOLVED, That Resolutions No. 12-08-15-058 and 12-10-10-043 be and are hereby amended to specify that the term of any agreement entered into with Gormley, LoRe & Murphy Insurance Agency, Inc. be for a one year term commencing July 1, 2012 and ending June 30, 2013; and be it further

RESOLVED, that Resolution No. 12-10-10-043 be amended to reflect that it amends Resolution No. 12-08-15-058.

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

WHEREAS, Resolution No. 12-06-20-054 awarded a contract to Harris Computer Systems (formerly CISCO), 62133 Collections Center Drive, Chicago, IL 60693-0621 for continuing maintenance services for Alchemy brand document-imaging software housed in the Police Department for a one year period commencing July 1, 2012 and ending June 30, 2013, for a total contract amount of \$4,852.00 chargeable to Account #PS-9 01-201-25-240-2-020; and

WHEREAS, the last paragraph of said resolution incorrectly directed the issuance of a warrant payable to CISCO rather than Harris Computer Systems; now, therefore, be it

RESOLVED, Resolution No. 12-06-20-054 be amended to order a warrant payable to Harris Computer Systems in the amount of \$4,852.00 in payment for the services described in said resolution.

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

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

LICENSEE	TIME & PLACE	LICENSE
St. Andrew’s Holy Name Society	10:00 P.M. 125 Broadway March 9, 2013	RL: 8797
Hudson County Animal League	6:30-10:00 P.M. 21 East 23 rd St. December 7, 2012	RL: 8798 RL: 8799

Our Lady of the Assumption Church	7:30 P.M. 93 West 23 rd St. January 8, 2013	RL: 8800
Our Lady of the Assumption Church	7:30 P.M. 93 West 23 rd St. May 7, 2013	RL: 8801
Mary J. Donohue PTA	5:00 P.M. 667 Avenue A February 10, 2012	RL: 8802

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

WHEREAS, the City Clerk’s Office has issued One Hundred and five (105) Marriage Licenses during the months of July, August and September, and has collected \$25.00 per license, which is to be forwarded to the Division of Youth and Family Services, now, therefore be it

RESOLVED, that a warrant in the amount of Two Thousand Six hundred twenty-five dollars (\$2625.00) be drawn to the order of the Treasurer, State of New Jersey and forwarded to the City Clerk’s Office for disbursement.

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

WHEREAS, the city clerk, in accordance with a resolution adopted on September 19, 2012 advertised in the Jersey Journal on October 9, 2012 that sealed bids for Rock Salt for City Streets would be received on October 23, 2012; and

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

Bidders	Bid Amount
Atlantic Salt Inc. 134 Middle Street, Suite 210 Lowell, MA 01852	\$329,340.00
Cargill Deicing Technology 24950 Country Club Blvd. Suite 450 North Olmsted, Ohio 44070	\$312,000.00

and

WHEREAS, Amy Dellabella, R.P.P.O., Q.P.A. and Gary Chmielewski, Director of Public Works and Parks have examined the bids or proposals and have determined that the bid of Cargill Deicing Technology is a regular bid and is most advantageous to the City of Bayonne for Rock Salt For City Streets; 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 Rock Salt for City Streets be awarded to:

Cargill Deicing Technology
24950 Country Club Blvd. Suite 450
North Olmsted, Ohio 44070 for the following bid price:

\$312,000.00 for a term of one (1) years commencing November 1, 2012 and ending October 31, 2013, 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: 01-201-26-291-2-020 Snow Removal

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

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

WHEREAS, the city clerk, in accordance with a resolution adopted September 19, 2012, advertised in the Jersey Journal on October 9, 2012, that sealed bids for Snow Removal During Snow Emergency would be received on October 23, 2012; and

WHEREAS, pursuant to such advertisement, one (1) proposal was received from:
Bidders:
Control Industries
109 East 24th Street
Bayonne, NJ 07002; and

WHEREAS, Amy Dellabella, R.P.P.O., Q.P.A. and Gary Chmielewski, Director of Public Works and Parks have examined the bid or proposal and have determined that it substantially exceeds the contracting unit's appropriation for the goods or services; now, therefore, be it

RESOLVED, that the bids for Snow Removal During Snow Emergency be rejected and that the city clerk be and is hereby authorized to re-advertise for bids for same.

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

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49. 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 Improvements to the following roads: 11th Street between Avenue A and John F. Kennedy Boulevard; 26th Street between Avenue C and John F. Kennedy Boulevard; Avenue B, Various Streets; Avenue C, Various Streets.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Bayonne, in the County of Hudson, State of New Jersey formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2013-Bayonne City-00257 to the New Jersey Department of Transportation on behalf of the City of Bayonne.

BE IT FURTHER RESOLVED that the Mayor and 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.

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

WHEREAS, Resolution No. 11-04-13-064 authorized an agreement with Krivit & Krivit, P.C., 1000 Potomac Street, N.W., Suite 250, Washington, D. C. 20007-3501 for services as special legal counsel for matters involving Federal Administrative Law and Regulatory Practices for a maximum contract amount of \$25,000.00 for a one year period commencing July 1, 2011 and ending June 30, 2012, which agreement was executed and designated as Agreement No. FY-11-100; and

WHEREAS, the law firm of Krivit & Krivit, P. C. has performed services with a billed value in excess of the maximum authorized amount in the amount of \$16,031.50; now, therefore be it

RESOLVED, that Resolution No. 11-04-13-064 and Agreement No. FY-11-100, authorizing an agreement with Krivit & Krivit, P.C., 1000 Potomac Street, N.W., Suite 250, Washington, D. C. 20007-3501 for services as special legal counsel for matters involving Federal Administrative Law and Regulatory Practices for a maximum contract amount of \$25,000.00 for a one year period commencing July 1, 2011 and ending June 30, 2012 be and is hereby amended to increase the maximum amount of said contract in an amount not to exceed \$16,031.50, making the total contract amount not to exceed \$41,301.50.

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

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

WHEREAS it has been identified that a need exists to provide assistance to Gel Spice Inc for improvements to its parking lot, and

WHEREAS said improvements will allow for increased job creation, and

WHEREAS the form of assistance will be in the form of a loan, part of which will be convertible to a grant for each job created that is filled by a Bayonne resident, now therefore, be it

RESOLVED that the Zone Coordinator is hereby authorized to create a project entitled 'Gel-Spice Loan Program', and further be it

RESOLVED that the Zone Coordinator is hereby authorized to implement said project through the use of Zone funds in an amount not to exceed \$200,000.00.

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

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

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

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

RESOLVED that the Zone Coordinator is hereby authorized to create a project entitled Marketing Campaign Program 2012 - 2013, and further be it

RESOLVED that the Zone Coordinator is hereby authorized to implement said project through the use of Zone funds in an amount not to exceed \$60,000.00.

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

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

CHAPTER 159 NO. 16

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 \$815,000 which has been received from the Department of Homeland Security

SECTION II

BE IT FURTHER RESOLVED that a like sum of \$815,000 be and the same is hereby appropriated under the caption of

2011 PORT SECURITY GRANT

SECTION III

BE IT FURTHER RESOLVED that the above is the result of monies received from the Department of Homeland Security

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

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

CHAPTER 159 NO. 17

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 \$9,000 which has been received from Dr Pepper Snapple Group - KaBOOM!

SECTION II

BE IT FURTHER RESOLVED that a like sum of \$9,000 be and the same is hereby appropriated under the caption of

KaBOOM GRANT

SECTION III

BE IT FURTHER RESOLVED that the above is the result of monies received from the Dr Pepper Snapple Group - KaBOOM!

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

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

RESOLVED, that the budgetary transfers as set forth below pertaining to the CY 2012 appropriations be and the same are hereby authorized , and be it further

RESOLVED, that the Comptroller be, and is hereby authorized and directed to make the said transfers in accordance with herewith:

CURRENT FUND

FROM			TO	
No.	Account	Amount	Account	Amount
1.	City Clerk –S&W	\$1000.00	City Clerk O.E.	\$1000.00
2.	Swimming Pool S&W	\$7200.00	Swimming Pool O.E.	\$1200.00
			Maint. Of Parks O.E.	\$3000.00
			Law Dept. O.E.	\$2000.00
			Cele. Of Pub. Holidays O.E.	\$1,000.00
3.	Other Pub. Works S&W	\$6000.00	Other Public Works O.E.	\$6000.00
4.	Bldgs & Grounds S&W	\$25000.00	Fire Dept. O.E.	\$25,000.00
5.	Parks & Playgrounds S&W	\$8000.00	Parks & Playgrounds O.E.	\$8000.00
Yeas - Council Members Czerwienski, Gillespie, Greaves, Hurley, and President Ruane.				

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

RESOLUTION TO AUTHORIZE THE ASSIGNMENT
OF THE AGREEMENT WITH THE PASSAIC VALLEY
SEWERAGE COMMISSIONERS CONCERNING
WASTEWATER DISPOSAL TO THE BAYONNE
MUNICIPAL UTILITIES AUTHORITY

WHEREAS, the City of Bayonne (the “City”) has entered into a certain Agreement with the Passaic Valley Sewerage Commissioners dated November 25, 1986 (the “PVSC Agreement”) for the treatment and disposal of wastewater in the City.

WHEREAS, the Bayonne Municipal Utilities Authority, a public entity of the State of New Jersey (“BMUA”) owns and operates the water supply system and sewer collection system in the City.

WHEREAS, the City desires to assign to BMUA all of the City’s right, title and interest in the PVSC Agreement and BMUA desires to accept, assume and perform when due all covenants, provisions, obligations and liabilities of the City under the PVSC Agreement.

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

1. The recitals are hereby incorporated as if restated in full.
2. The City Council hereby authorizes the Mayor to execute the Assignment and Assumption Agreement between the City and BMUA, attached hereto as Exhibit A, to effectuate the assignment and assumption.
3. All prior actions taken by the Mayor and the City’s professionals in furtherance of this Resolution are hereby ratified and approved.
4. This Resolution shall take effect immediately.

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

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57. At 7:25 P.M, Council Member Czerwienski moved that a resolution to adjourn be adopted, seconded by Council Member Ruane which motion was adopted.

RESOLVED, That the Municipal Council hereby adjourns to Wednesday, November 14, 2012, at 4:00 P.M., in the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue C, Bayonne, New Jersey.

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

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President – Terrence Ruane

City Clerk – Robert F. Sloan