

ADJOURNED 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 17, 2012

The Council met at 4:11 P.M.

The Council President Ruane announced: "I would like to advise all those present that notice of this adjourned meeting of the Municipal Council of the City of Bayonne of November 14, 2012 has been provided to the public in accordance with the provisions of the Open Public Meetings Act of the State of New Jersey. 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 9, 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. Council Member Gillespie moved the following communication be received and filed, seconded by Council Member Greaves, which motion was adopted.

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

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

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

WHEREAS, the Governor has, in Executive Order No. 104 (Oct. 27, 2012) has declared a state of emergency in the State of New Jersey due to Hurricane Sandy and its aftermath; and

WHEREAS, there exists an emergent need for removal of debris from the City of Bayonne; and

WHEREAS, the immediate delivery of debris removal services is necessary to reduce or eliminate health and safety hazards or potential health and safety hazards, and the purchase of such services without public bidding is appropriate under N.J.S.A. 52:34-10(b); and

WHEREAS, AshBritt, Inc. has experience with debris removal, staging, sorting, recycling and disposal in similar circumstances and in accordance with United States Department of Homeland Security, Federal Emergency Management Agency (FEMA) regulations; now, therefore be it

RESOLVED that the Mayor and City Clerk be and are hereby authorized and directed to enter into an agreement with AshBritt, Inc., 565 E. Hillsboro Boulevard, Deerfield Beach, FL 33441 for the removal, staging, sorting, recycling, and disposal of debris from the roads or properties within the City of Bayonne, and FEMA reimbursement and reimbursement application management and processing, pursuant to the terms of a contract between the State of New Jersey and AshBritt, Inc., No. AG-063, which is attached hereto and made a part hereof; and be it further

RESOLVED, that said contract shall be for the period commencing from October 30, 2012 to April 30, 2013 for an amount not to exceed \$250,000.00.

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

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

WHEREAS, the Governor has, in Executive Order No. 104 (Oct. 27, 2012) has declared a state of emergency in the State of New Jersey due to Hurricane Sandy and its aftermath; and

WHEREAS, there exists an emergent need for monitoring of removal of debris from the City of Bayonne and related FEMA regulatory requirements related to Hurricane Sandy; and

WHEREAS, the immediate delivery of debris removal services is necessary to reduce or eliminate health and safety hazards or potential health and safety hazards, and the purchase of such services without public bidding is appropriate under N.J.S.A. 52:34-10(b) and is permitted under state contract authorized by Executive Order #104; and

WHEREAS, Arcadis Malcolm Purnie, Inc. has experience with the monitoring of debris removal, in accordance with United States Department of Homeland Security, Federal Emergency Management Agency (FEMA) regulations, and has a contract with the New Jersey Division of Purchase and Property for Waivered Services dated November 1, 2012, a copy of which is attached hereto; now, therefore be it

RESOLVED that the Mayor and City Clerk be and are hereby authorized and directed to enter into an agreement with Arcadis Malcolm Purnie, Inc., for monitoring of the removal of debris from the roads or properties within the City of Bayonne, and related FEMA requirements pursuant to the terms of a New Jersey Division of Purchase and Property Contract for Waivered Services dated November 1, 2012, a copy of which is attached hereto; and be it further

RESOLVED, that said contract shall be for the period commencing from October 30, 2012 to April 30, 2013 for an amount not to exceed \$50,000.00.

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

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

WHEREAS, the City has a need to retain professional environmental consulting services consisting of soil sampling, mold air sampling, and related services and reporting as described in their proposal dated November 5, 2012, in connection with the effects of Hurricane Sandy; and

WHEREAS, Atlantic Environmental Solutions, Inc. (AESI), Michael J. Novak, President, 5 Marine View Plaza, Suite 303, Hoboken, NJ 07030 has qualified under the Fair & Open Contracting Requirements pursuant to N.J.S.A. 19:44A:20.4 and 20.5, and is willing and able to perform such services as are described in its proposal dated November 5, 2012 for an amount not to exceed \$20,000.00; and

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

RESOLVED, by the Municipal Council of the City of Bayonne that the Mayor and the City Clerk are hereby authorized and directed to enter into an agreement with Atlantic Environmental Solutions, Inc. Michael J. Novak, President, 5 Marine View Plaza, Suite 303, Hoboken, NJ 07030 for professional environmental consulting services consisting of soil sampling, mold air sampling, and related services for the period commencing November 14, 2012 and ending April 30, 2013, as described in its proposal dated November 5, 2012 for an amount not to exceed \$20,000.00; and be it further

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

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

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

WHEREAS, the Governor has, in Executive Order No. 104 (Oct. 27, 2012) has declared a state of emergency in the State of New Jersey due to Hurricane Sandy and its aftermath; and

WHEREAS, there exists an emergent need for environmental services within the City of Bayonne related to the Hurricane Sandy petroleum deposit and pursuant to an emergency declaration made by the city engineer; and

WHEREAS, the immediate delivery of such environmental services is necessary to reduce or eliminate health and safety hazards or potential health and safety hazards, and the purchase of such services without public bidding is appropriate under N.J.S.A. 52:34-10(b); and

WHEREAS, EQ Industrial Services, Inc. (EQIS) has experience and expertise with environmental cleanup; now, therefore be it

RESOLVED that the Mayor and City Clerk be and are hereby authorized and directed to enter into an agreement with EQIS pursuant to the terms of an Environmental Service Agreement submitted by EQIS, which is attached hereto and made a part hereof for the period commencing from October 30, 2012 to April 30, 2013 for an amount not to exceed \$75,000.00.

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

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

WHEREAS, the Governor has, in Executive Order No. 104 (Oct. 27, 2012) has declared a state of emergency in the State of New Jersey due to Hurricane Sandy and its aftermath; and

WHEREAS, there exists an emergent need for monitoring of removal and disposal of oil/petroleum deposits from the City of Bayonne related to Hurricane Sandy pursuant to an environmental emergency declared by the city engineer; and

WHEREAS, the immediate delivery of oil/petroleum removal services is necessary to reduce or eliminate health and safety hazards or potential health and safety hazards, and the purchase of such services without public bidding is appropriate under N.J.S.A. 52:34-10(b) and is permitted under state contract authorized by Executive Order #104; and

WHEREAS, Ken's Marine Service, Inc. has experience with the removal and disposal of oil/petroleum, in accordance with New Jersey DEP and other regulations, and has a contract with the New Jersey Department of Environmental Protections (NJDEP – Emergency Response Services Term Contract Statewide T2435 10-X-21125) dated January 25, 2012, a copy of which is attached hereto; now, therefore be it

RESOLVED that the Mayor and City Clerk be and are hereby authorized and directed to enter into an agreement with Ken's Marine Service, Inc., for the removal and disposal of oil/petroleum from the roads or properties within the City of Bayonne, pursuant to the terms of a New Jersey Department of Environmental Protections (NJDEP – Emergency Response Services Term Contract Statewide T2435 10-X-21125) dated January 25, 2012, a copy of which is attached hereto; and be it further

RESOLVED, that said contract shall be for the period commencing from October 30, 2012 to April 30, 2013 for an amount not to exceed \$75,000.00.

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

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

WHEREAS, the Governor has, in Executive Order No. 104 [October 27, 2012] has declared a state of emergency in the State of New Jersey due to Post-Tropical Cyclone Sandy ("Superstorm Sandy") on October 28-29, 2012 and its aftermath;

WHEREAS, the City's private and corporate citizens who own or lease property in the City have suffered both physical damage to real property and also damages to personal property used to operate the existing mechanical, fire, plumbing, electrical and heating

systems of those effected real properties (hereinafter collectively referred to as “Damages”) caused by Superstorm Sandy on October 28-29, 2012 and immediately thereafter;

WHEREAS, it may be necessary for the City’s private and corporate citizens to repair, replace and/or restore Damages sustained by Superstorm Sandy;

WHEREAS, in an effort to provide relief to those private and corporate citizens whose properties require repair, replacement and/or restoration of Damages caused by Superstorm Sandy on October 28-29, 2012 and immediately thereafter, Mayor Mark A. Smith has determined that it is in the best interests of our private and corporate citizens to be afforded temporary financial relief from the payment of permit fees, including state surcharges, typically collected by the City’s Building Department for the issuance of such permits that may be required for the repair, replacement and/or restoration of Damages caused by Superstorm Sandy on October 28-29, 2012;

WHEREAS, the Department of Community Affairs of the State of New Jersey has authorized, pursuant to N.J.A.C 5:23-4.19(b)(5), that if the municipality is waiving its permit fees, then the State permit surcharge fee is also waived;

RESOLVED, that for a period beginning October 28, 2012 and ending close of business on December 12, 2012 [and for good causing appearing may be extended for such additional time period by further action of the City Council or Mayor by way of Executive Order], that the payment of permit fees charged by the City’s Building Department, including state surcharges, for any building, mechanical, fire, plumbing and electrical permits, required for the repair, replacement or restoration of any Damages relating to Superstorm Sandy will be temporarily waived and not chargeable to the permit applicant, on the condition that the Construction Official, in his sole and absolute discretion, deems such permit application to be related to Damages caused by Superstorm Sandy on October 28-29, 2012; and it be further

RESOLVED, that pursuant to N.J.A.C 5:23-4.19(b)(5), that the state permit surcharge fee for such issued permits is also waived; and it be further

RESOLVED that the Mayor be and is hereby authorized to renew said permit fee waivers for an additional period to be determined by him by Executive Order.

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

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

CHAPTER 159 NO. 18

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

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

SECTION 1

NOW THEREFORE BE IT RESOLVED that the City of Bayonne hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the Calendar Year Budget of 2012 in the sum of \$4,038.50 which has been received from Bayonne Local Redevelopment Auth.

SECTION II

BE IT FURTHER RESOLVED that a like sum of \$4,038.50 be and the same is hereby appropriated under the caption of

SHARED SERVICES AGREEMENT - BLRA EXPENSES

SECTION III

BE IT FURTHER RESOLVED that the above is the result of monies received from the Bayonne Local Redevelopment Auth.

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

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

WHEREAS, the City of Bayonne Fire Department has a need to acquire a heating unit for the temporary fire station tent to replace the heating unit that was damaged as a result of Tropical Storm Sandy; and

WHEREAS, the City of Bayonne is in receipt of a quote from TOPP, 900C Tryens Road, Aston, PA 19014-1522 for an Oil Fired Tent Heater in the amount of \$6,700.00; and

WHEREAS, due to the coming of the winter months it is necessary to purchase the aforesaid heating unit on an emergency basis; and

WHEREAS, funds are certified in Account Emergency Appropriation Hurricane Sandy; now, therefore, be it

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

1. The Purchasing Agent is hereby authorized to purchase the aforesaid Oil Fired Tent Heater from TOPP, 900C Tryens Road, Aston, PA 19014-1522 for the amount of \$6,700.00 for the temporary fire station tent to replace the heating unit that was damaged as a result of Tropical Storm Sandy.
2. The Treasurer is hereby authorized to issue a warrant in the amount of \$6,700.00 payable to TOPP, 900C Tryens Road, Aston, PA 19014-1522.
3. Funds shall be charged to Account Emergency Appropriation Hurricane Sandy.

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

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

WHEREAS, an emergency has arisen with respect to extensive damage caused by Hurricane Sandy and no adequate provision was made in the 2012 budget for the aforesaid purpose, and NJS 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation created by this resolution is \$19,700,000.00 and three (3) percent of the total operations in the budget for 2012 is \$2,624,938.47, and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2012.

NOW, THEREFORE, BE IT RESOLVED, (by not less than 2/3 of all governing members affirmatively concurring) that in accordance with NJS 40A:4-48

1. An emergency appropriation is hereby made for:
Hurricane Sandy Salaries & Wages \$1,400,000.00
Hurricane Sandy Other Expenses \$ 570,000.00
For a total amount of \$1,970,000.00
2. That said emergency appropriation shall be provided for in full in the 2012 Budget, and is requested to be excluded from CAPS, pursuant to NJS 40A:4-53c(1)
3. That two (2) certified copies of this resolution be filed with the Director of Local Government Services.

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

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

WHEREAS, the City is the recipient of American Recovery and Reinvestment Act Assistance to Firefighters Station Construction Grant No. EMW-2009-FC-04845R funds; and

WHEREAS, the purpose of the aforesaid grant is to fund the construction of the New South Harbor Fire Station located at the Peninsula at Bayonne Harbor; and

WHEREAS, by way of Resolution 12-05-16-054 adopted by the Municipal Council on May 16, 2012; the Municipal Council authorized a contract with PEC/RM LLC of Millville, New Jersey (the "contractor") for the construction of the aforesaid New South Harbor Fire Station; and

WHEREAS, pursuant to the terms of the contract, the contractor shall submit Applications for Payment on a monthly basis and, upon certification of the Application for Payment submitted by the contractor, the Owner shall make progress payments on account of the Contract Sum to the Contractor; now, therefore be it

RESOLVED, that whenever an Application for Payment and voucher submitted by the Contractor are approved by the Business Administrator and/or the City Engineer, the Finance Department is hereby authorized to make payment.

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

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

WHEREAS, the City of Bayonne has the need to acquire professional legal services to act as counsel to the Purchasing Department and investigator for employee disciplinary matters and hearing officer; and

WHEREAS, Anthony J. DeSalvo, Esq., 921 Bergen Avenue, Jersey City, New Jersey 07306 has practiced law in the State of New Jersey for approximately thirty-six years and has experience during that time with representing and advising public entities for such matters; and

WHEREAS, Anthony J. DeSalvo, Esq. is ready, willing and able to provide said services for an amount not to exceed \$12,000.00 for a six month period commencing July 1, 2012 and ending December 31, 2012; and

WHEREAS, this professional services contract was determined under the Fair & Open Contracting Requirements pursuant to N.J.S.A. 19:44A:20.4 and .5; now, therefore, be it

WHEREAS, funds are certified as available in Account DL-4; and

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

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

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with Anthony J. DeSalvo, Esq., 921 Bergen Avenue, Jersey City, New Jersey to provide professional legal services professional legal services to act as counsel to the Purchasing Department and investigator for employee disciplinary matters and hearing officer for the period commencing July 1, 2012 and ending December 31, 2012 for an amount of \$12,000.00.

2. Funds are certified as available in Account DL-4.

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

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

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At 4:31 P.M., Council Member Ruane motion adjourned seconded by council member Hurley, which motion was adopted.

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

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President – Terrance Ruane

City Clerk – Robert F. Sloan