

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 MARCH 18, 2015

The Council met at 7:00 P.M.

The Council President Nadrowski 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 March 18, 2015 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 March 13, 2015.”

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 Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

The Council President led the Pledge of Allegiance.

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01. Business Administrator Joseph DeMarco and CFO Terrence Malloy addressed the Council on the subject of the CY 2015 budget.

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02. Milda Rosa from New Jersey Citizens Action addressed the Council on the subject of two (2) new affordable housing programs to assist people in recovering from Superstorm Sandy.

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03. Peter Zaloom addressed the Council on the subject of handicapped parking.

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04. Leonard R. Kantor addressed the Council on the subject of the environment, specifically the Exxon cleanup.

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05. THE CLERK ANNOUNCED:

AN ORDINANCE ENTITLED, “ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR PROPERTY IDENTIFIED AS BLOCK 195, LOT 2 AND BLOCK 196, LOTS 1-2 AND 4-7 ON THE TAX MAP OF THE CITY OF BAYONNE,” which was introduced and passed a first reading at a meeting held February 18, 2015, was published in the Jersey Journal and posted on the bulleting board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of March 18, 2015, is now before the Council for its consideration and a public hearing.

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

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

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

The Clerk read the ordinance by title: “ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR PROPERTY IDENTIFIED AS BLOCK 195, LOT 2 AND BLOCK 196, LOTS 1-2 AND 4-7 ON THE TAX MAP OF THE CITY OF BAYONNE,”

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

The following person spoke: Mike Vasigno - 42B West 23rd Street

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

Council Member LaPelusa moved to close the hearing, seconded by Council Member Gullace, which motion was adopted.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

Council Member LaPelusa moved the following resolution to amend, seconded by Council Member Perez, which was read by the Clerk and adopted.

WHEREAS, an ordinance entitled, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR PROPERTY IDENTIFIED AS BLOCK 195, LOT 2 AND BLOCK 196, LOTS 1-2 AND 4-7 ON THE TAX MAP OF THE CITY OF BAYONNE," was introduced and passed a first reading at a meeting held February 18, 2015, 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 March 18, 2015; and

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

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

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

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

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

RESOLVED, that the said ordinance be passed and designated as Ordinance No. O-15-06.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

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06. The Clerk announced:

AN ORDINANCE ENTITLED, "ORDINANCE OF THE CITY OF BAYONNE, ON THE COUNTY OF HUDSON, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN AMENDED LEASE AND AGREEMENT WITH THE HUDSON COUNTY IMPROVEMENT AUTHORITY FOR THE SECURITIZATION OF LEASE REVENUE REFUNDING BONDS (BAYONNE DPW GARAGE REFUNDING PROJECT) IN CONNECTION WITH THE BAYONNE DPW GARAGE REFUNDING PROJECT AND THE PROVISION OF CONSENT RELATED THERETO" which was introduced and passed a first reading at a meeting held February 18, 2015, was published in the Jersey Journal and posted on the bulleting board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of March 18, 2015, is now before the Council for its consideration and a public hearing.

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

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

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

The Clerk read the ordinance by title: "ORDINANCE OF THE CITY OF BAYONNE, ON THE COUNTY OF HUDSON, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN AMENDED LEASE AND AGREEMENT WITH THE HUDSON COUNTY IMPROVEMENT AUTHORITY FOR THE SECURITIZATION OF LEASE REVENUE

REFUNDING BONDS (BAYONNE DPW GARAGE REFUNDING PROJECT) IN CONNECTION WITH THE BAYONNE DPW GARAGE REFUNDING PROJECT AND THE PROVISION OF CONSENT RELATED THERETO”

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

The following person spoke: Leonard R. Kantor - 102 West 3rd Street

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

Council Member Perez moved to close the hearing, seconded by Council President Nadrowski, which motion was adopted.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

Council Member Perez moved the following resolution to amend, seconded by Council Member Cotter, which was read by the Clerk and adopted.

WHEREAS, an ordinance entitled, “ORDINANCE OF THE CITY OF BAYONNE, ON THE COUNTY OF HUDSON, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN AMENDED LEASE AND AGREEMENT WITH THE HUDSON COUNTY IMPROVEMENT AUTHORITY FOR THE SECURITIZATION OF LEASE REVENUE REFUNDING BONDS (BAYONNE DPW GARAGE REFUNDING PROJECT) IN CONNECTION WITH THE BAYONNE DPW GARAGE REFUNDING PROJECT AND THE PROVISION OF CONSENT RELATED THERETO” was introduced and passed a first reading at a meeting held February 18, 2015, 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 March 18, 2015; 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-15-07.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

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07. 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 February 18, 2015, was published in the Jersey Journal and posted on the bulleting board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of March 18, 2015, is now before the Council for its consideration and a public hearing.

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

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

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

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 President Nadrowski moved to close the hearing, seconded by Council Member Perez, which motion was adopted.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

Council Member LaPelusa moved the following resolution to amend, seconded by Council Member Gullace, 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 February 18, 2015, 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 March 18, 2015; 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-15-08.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

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08. Council Member Perez introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE THE, CHAPTER 33 PLANNING AND DEVELOPMENT REGULATIONS

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Legislature has authorized municipalities to make, amend, repeal and enforce ordinances for the good government, order and protection of persons and property and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as necessary to carry into effect the powers and duties conferred and imposed by law; and

WHEREAS, pursuant to N.J.S.A. 40:55D-45 *et seq.* and N.J.S.A. 40:55-65(c) of the Municipal Land Use Law a municipality is authorized to adopt ordinances to provide for planned developments and for the approval of general development plans within planned developments; and

WHEREAS, the City of Bayonne desires to supplement and amend its Land Development ordinances with respect to provisions governing general development plans, planned development and related definitions and procedures.

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

Section 1. Chapter 33 Planning and Development Regulations, Article 2 Rules of Interpretation, Section 2, Definition of Terms, of the Revised General Ordinances of the City of Bayonne shall be and is hereby amended and supplemented to add the following definitions;

PLANNED DEVELOPMENT (PD) – A development for which a General Development Plan pursuant to N.J.S.A. 40:55D-45 *et seq.* and the City Ordinances has been obtained for an area with a contiguous or noncontiguous acreage of a parcel of land greater than 100 acres, or, any area with a contiguous or noncontiguous acreage of a parcel of land of 100 acres or less in size for which parcel the developer is seeking approval of a

Planned Development pursuant to P.L.1975, c.291 (C.40:55D-1 *et seq.*), consisting of not less than 150,000 square feet of nonresidential floor area or not less than 100 residential dwelling units, or consisting of a combination of square feet of nonresidential floor area and residential dwelling units, which when proportionately aggregated at a rate of 1,500 square feet of nonresidential floor area to one residential dwelling unit, are equivalent to at least 150,000 square feet of nonresidential floor area or 100 residential dwelling units as a single entity containing one or more structures with appurtenant common areas to accommodate commercial or office uses or both and any residential and other uses as may be permitted by this ordinance or by an applicable redevelopment plan adopted pursuant to the Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1 *et seq.* Further, a Planned Development shall also mean a Planned Commercial Development, a Planned Industrial Development, a Planned Unit Development provided it contains a minimum of 10 acres, and a Planned Unit Residential Development.

Section 2. Chapter 33, Planning and Development Regulations, Article 11 Application Requirements of the Revised General Ordinances of the City of Bayonne shall be and is hereby amended and supplemented to read as follows:

33-11.12. GENERAL DEVELOPMENT PLANS; APPROVAL OF PLANNED DEVELOPMENT.

1. General.

a. A General Development Plan ("GDP") is defined as a comprehensive plan for the development of a Planned Development that is located in an "area in of redevelopment" designated in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* and controlled by a redevelopment plan. The purpose of the General Development Plan process is intended to be general in nature and to provide an increased flexibility desirable to promote mutual agreement between a developer and the Board regarding the basic scheme of a Planned Development and such matters should be considered in a general fashion, from the standpoint of probable feasibility, with a more detailed presentation deferred until the subsequent applications for preliminary site plan and/or subdivision approvals so long as there is sufficient information to satisfy the Board that the proposed Planned Development complies with the zoning requirements and would not cause an unreasonably adverse impact on the area. The purpose of this section shall be to set forth the procedural and substantive regulations for the application for, consideration and approval of a GDP in furtherance of a redevelopment plan.

b. Any developer of a parcel of land seeking approval of a Planned Development shall submit a General Development Plan to the Planning Board prior to the granting of any preliminary approval of that development by the Planning Board.

c. Approval of a General Development Plan, which shall specify land use types, density ranges and other pertinent site data for the entire tract, confers upon the applicant and the City such rights as set forth in N.J.S.A. 40:55D-45.1 *et seq.* for a period not to exceed twenty (20) years from the date upon which the developer receives final approval of the first section of the Planned Development with the following provisions:

1. The approved General Development Plan shall not be changed with regard to the maximum total dwelling units, density ranges and uses unless approved by the Planning Board as provided herein.
2. The general location and specifications for the approved major collector roads shall not be changed, unless approved by the Planning Board as provided herein.
3. The General Development Plan shall set forth the permitted number of dwelling units, the amount of non-residential floor space, the residential density and the non-residential floor area ratio for the Planned Development, in its entirety, according to a schedule which sets forth the timing of the various sections of the development, prototypical concept plans of each housing type and site constraints. Except as otherwise provided for by the applicable redevelopment plan, Municipal Land Use Law or any statute or regulation or ordinance adopted pursuant thereto, following the effective date of the approval, the Planned Development shall be developed in accordance with the General Development Plan approved by the Planning Board.

d. The term of the effect of the General Development Plan approval shall be determined by the Planning Board using the guidelines set forth in this section and as may be allowed by law, except that the term of the effect of the approval shall not exceed twenty (20) years from the date upon which the developer receives final approval of the first section of the Planned Development pursuant to the Municipal Land Use Law.

e. In making its determination regarding the duration of the effect of approval of the General Development Plan, the Planning Board shall consider: the number of dwelling units or amount of non-residential floor area to be constructed; prevailing economic conditions; the timing schedule to be followed in completing the development and the likelihood of its fulfillment; the developer's capability of completing the proposed development; the contents of the General Development Plan and any conditions which the Planning Board attaches to the approval thereof.

f. The Planning Board shall grant or deny General Development Plan approval within 95 days after submission of a complete application to the administrative officer or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute General Development Plan approval of the Planned Development.

g. If a General Development Plan requires any relief pursuant to N.J.S.A. 40:55D-70(c) or N.J.S.A. 40:55D-51, the applicant may at its election apply for and obtain such relief as part of its application for General Development Plan approval or as part of any subsequent application for preliminary or final site plan or subdivision approval. If a General Development Plan requires any relief pursuant to N.J.S.A. 40:55D-70(d), the applicant may at its election apply for and obtain such relief from the Zoning Board of Adjustment and/or make application directly to the Zoning Board of Adjustment for relief pursuant to N.J.S.A. 40:55D-70(d) and General Development Plan approval.

h. Within an "area in need of redevelopment" designated in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*, the designated redeveloper who has entered into a redevelopment agreement with the designated redevelopment entity may at its option utilize the General Development Plan process as set forth in this ordinance for approval of a Planned Development. Upon approval of a General Development Plan, the redeveloper shall be vested with the benefits and burdened with the obligations applicable to General Development Plans pursuant to N.J.S.A. 40:55D-45 *et seq.* and this ordinance. Redeveloper may, following approval of a General Development Plan and in accordance with the review and approval procedures applicable to the initial approval of the General Development Plan, amend such General Development Plan to encompass additional adjoining area for which it is or becomes the designated redeveloper but which was not included in the initial General Development Plan.

2. A General Development Plan application shall include the following submissions:

A. A general land use plan indicating the tract area and general locations of the land uses to be included in the Planned Development. The total number of dwelling units and amount of nonresidential floor area to be provided and proposed land area to be devoted to residential and nonresidential use shall be set forth. In addition, the proposed types of nonresidential uses to be included in the Planned Development shall be set forth, and the land area to be occupied by each proposed use shall be estimated. The density and intensity of use of the entire Planned Development shall be set forth, and a residential density and a nonresidential floor area ratio shall be provided;

B. A circulation plan showing the general location and types of transportation facilities, including facilities for pedestrian access within the Planned Development and any proposed improvements to the existing transportation system outside the Planned Development;

C. An open space plan showing the proposed land area and general location of parks and any other land areas to be set aside for conservation and recreational purposes and a general description of improvements proposed to be made thereon, including a plan for the operation and maintenance of parks and recreational lands;

D. A utility plan indicating the need for and showing the proposed location of sewage and waterlines, any drainage facilities necessitated by the physical characteristics of the site, proposed methods for handling solid waste disposal, and a plan for the operation and maintenance of proposed utilities;

E. A stormwater management plan setting forth the proposed method of controlling and managing stormwater on the site;

F. An environmental inventory including a general description of the vegetation, soils, topography, geology, surface hydrology, climate and cultural resources of the site, existing man-made structures or features and the probable impacts of the development on the environmental attributes of the site;

G. A community facility plan indicating the scope and type of supporting community facilities which may include, but not be limited to, educational or cultural facilities, historic sites, libraries, hospitals, firehouses and police stations;

H. A housing plan outlining the number of housing units to be provided and the extent to which any housing obligation assigned to the municipality pursuant to P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 *et seq.*) will be fulfilled by the development;

I. A local service plan indicating those public services which the applicant proposes to provide and which may include, but not be limited to, water, sewer, cable and solid waste disposal;

J. A fiscal report describing the anticipated demand on municipal services to be generated by the Planned Development and any other financial impacts to be faced by the municipality or school districts as a result of the completion of the Planned Development. The fiscal report shall also include a detailed projection of property tax revenues which will accrue to the county, municipality and school district according to the timing schedule provided under Subsection K below, and following the completion of the Planned Development in its entirety;

K. A proposed timing schedule in the case of a Planned Development whose construction is contemplated over a period of years, including any terms or conditions which are intended to protect the interests of the public and of the residents who occupy any section of the Planned Development prior to the completion of the development in its entirety; and

L. A municipal development agreement, which shall mean a written agreement between the municipality and a developer relating to the Planned Development or in the case of an "area in need of redevelopment" designated in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*, a redevelopment agreement between the designated redeveloper and the redevelopment entity.

3. Required Findings for Approval of a Planned Development.

Prior to approval of a Planned Development the Planning Board shall find the following facts and conclusions:

a. That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the ordinance standards applicable to Planned Developments as set forth in this ordinance or to an applicable redevelopment plan or can be approved by way of the grant of variance relief:

b. That the proposals for maintenance and conservation of the common open space are reliable. and the amount, location and purpose of the common open space are adequate:

c. That provision through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air. recreation and visual enjoyment are adequate:

d. That the proposed Planned Development will not have an unreasonably adverse impact upon the area in which it is proposed to be established:

e. In the case of a proposed development which contemplates construction over a period of years that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

4. Amendment, Revision or Modification of the General Development Plan.

a. Except as provided hereunder, following approval of a General Development Plan it may only be amended, revised or modified after application to, and approval by the Planning Board.

b. Any variation in the location of land uses or increase in density or floor area ratio which is proposed in reaction to a decision of, or condition of development approval imposed by the New Jersey Department of Environmental Protection (the NJDEP) or the United States Army Corps of Engineers shall be approved by the Planning Board if the developer can demonstrate to the satisfaction of the Planning Board, that the variation being proposed is a direct result of such determination by the NJDEP or the United States Army Corps of Engineers.

c. A developer, without violating the terms of the approved General Development Plan, may, in undertaking any section of the Planned Development, reduce the number of residential units or amounts of nonresidential floor space by no more than 15% or reduce the residential density or nonresidential floor area ratio by no more than 15%; provided, however, that a developer may not reduce the number of residential units to be provided pursuant to P.L.1985, c. 222 (C. 52:27D-301 *et seq.*), without prior City Council approval.

d. In the event that the developer seeks to modify the proposed timing schedule, such modification shall require the approval of the Planning Board. The Planning Board shall, in deciding whether or not to grant approval of the modification, take into consideration prevailing economic and market conditions, anticipated and actual needs for residential units and nonresidential space within the municipality and the region, and the availability and capacity of public facilities to accommodate the proposed development.

e. Any proposed amendment, revision or modification of an approved General Development Plan including the exception in 4(c) involving property within an "area in need of redevelopment" designated in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* the developer shall (i) first obtain the approval of the redevelopment entity, if and to the extent required by an applicable redevelopment agreement for such changes, or (ii) where such approval is not required, provide notice to the redevelopment entity, of the proposed amendment, revision or modification.

5. General Development Plan Completion.

a. Upon completion of each section of the development as set forth in the approved schedule of development of the General Development Plan, the developer shall notify the administrative officer, the City Clerk and the Secretary of the Planning Board, by certified mail, as evidence that the developer is fulfilling his obligations under the approved plan. For the purpose of this section, "completion" of any section of the development shall mean that the developer has acquired a certificate of occupancy for every residential unit or every non-residential structure, as set forth in the approved General Development Plan and pursuant to N.J.S.A. 52:27D-133. However, such notice, completion and/or satisfaction shall not operate to release a redeveloper from the terms and requirements of its redevelopment agreement with the redevelopment entity. If the City Clerk and/or the Secretary of the Planning Board, do not receive such notification at the completion of any section of the development, the City Clerk and/or the Secretary of the Planning Board shall notify the developer, by certified mail, in order to determine whether or not the terms of the approved plan are being complied with. Failure of the City Clerk and/or the Secretary of the Planning Board to notify the developer shall impose no liability upon the City of Bayonne, the Planning Board or any of their agents, servants or employees or act as a waiver of the City's rights or the rights of the redevelopment entity.

b. If a developer does not complete any section of the development within eight (8) months of the date which is provided for in the approved plan, or if at any time the has cause to believe that the developer is not fulfilling its obligations pursuant to the approved General Development Plan, the City shall notify the developer, by certified mail, to give evidence within ten (10) days of the date of the notice that the developer is fulfilling the obligations pursuant to the approved plan. The City thereafter shall conduct a hearing to determine whether or not the developer is in violation of the approved plan. If, after such a hearing, the municipality finds good cause to terminate the approval, it shall provide written notice of same to the developer and the approval shall be terminated thirty (30) days thereafter.

c. In the event that a developer who has General Development Plan approval does not make application for preliminary approval for the Planned Development or the first section thereof which is the subject of that General Development Plan within five (5) years of the date upon which the General Development Plan has been approved by the

Planning Board, the City shall have cause to terminate the approval in accordance with the provisions set forth in subsection b. of this section.

d. In the event that a development which is the subject of an approved General Development Plan is completed before the end of the term of the approval, the approval shall terminate with the completion of the development. For the purpose of this section, a development shall be considered complete on the date upon which the developer has fulfilled all of his obligations pursuant to the approval and a certificate of occupancy has been issued for the final residential or non-residential structure in the last section of the development and all amenities and required improvements have been completed and accepted by the City in accordance with the schedule of development set forth in the approved General Development Plan. However, such completion and satisfaction shall not operate to release a redeveloper from the terms and requirements of its redeveloper agreement with the redevelopment entity.

Section 4. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5. All ordinances or parts of ordinances of the City of Bayonne heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed. to the extent of such inconsistency.

Section 6. This ordinance shall take effect immediately or as required by law.

Council Member Perez moved the following resolution, seconded by Council President Nadrowski, 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 33, PLANNING AND DEVELOPMENT REGULATIONS,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, April 22, 2015 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, and to forward a copy of said ordinance to the planning board for its review of and a report regarding same pursuant to NJSA 40:55D-26.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

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09. Council President Nadrowski introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 2, ADMINISTRATION.

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 2, Administration, be amended and supplemented as follows: (New material **between asterisks**, deletions ~~{within brackets}~~)

Article 3 Administrative Organization

2-3 ORGANIZATION OF ADMINISTRATIVE FUNCTIONS.

2-3.1 Organization Generally.

The administrative functions, powers and duties of City shall be allocated and assigned among and within Departments, Boards, Bodies or Commissions established or constituted by this chapter as follows:

a. Statutory Offices.

1. City Clerk.
 2. Tax Assessor.
 - b. *Departments Established.*
 1. Department of Administration.
 2. Department of Public Safety.
 3. Department of Municipal Services.
 4. Department of Public Works and Parks.
 - c. *Municipal Court.*
 - d. *Boards, Committees, Commissions.*
 1. Zoning Board of Adjustment.
 2. Planning Board.
 3. ~~Parking Authority~~*Utility*.
 4. Housing Authority.
 5. Environmental Commission.
 6. Board of Trustees of the Free Public Library and Cultural Center.
 7. Insurance Fund Commission.
 8. Board of Alcoholic Beverage Control.
 9. Local Redevelopment Agency.
 10. Town Center Management Corporation.
 11. Rent Control Board.
 12. Ethical Standards Board.
 13. Office of Emergency Management.
 14. Municipal Utilities Authority.
- (1972 Code § 2-3.1; New; Ord. No. 0-09-28 § 1)

Article 8 Department of Public Safety

2-8 DEPARTMENT OF PUBLIC SAFETY.

2-8.1 Department Generally.

There shall be a Department of Public Safety, the head of which shall be the Director. (1972 Code § 2-8.1)

2-8.2 Personnel and Divisions.

Editor's Note: Throughout the City Code, references to Police Department have been retained and shall refer to the Police Division.

a. **Police Division Personnel.** The Police Division shall be organized in accordance with and subject to the provisions of Chapter 11, Police Department, of this Code. The head of the Police Division shall be the Chief of Police who, pursuant to N.J.S.A. 40A:14-118, shall be directly responsible to the Director of the Department of Public Safety for the efficiency and routine day to day operations thereof consistent with the mandates of N.J.S.A. 40A:14-118.

b. In addition to its other functions and duties, the Division of Police shall be responsible for traffic safety and lighting, including but not limited to:

1. Assessing problems of street traffic congestion, hazards and control and making recommendations for appropriate corrective measures.
2. Coordinating with the Municipal Council, other Municipal Departments and with State Officials to construct, install, repair and maintain traffic control signals and other electrically operated signals.
3. Coordinating with the Municipal Council, other Municipal Departments and with State Officials to install, repair and maintain street traffic signs and markers.
4. Monitoring street light outages.

c. **Bureau of Communications.** Within the Police Division there shall be a Bureau of Communications, the head of which shall be the Supervisor. The Bureau shall:

1. Operate, maintain and repair the police and fire signal and communications system.
2. Have all other functions, powers and duties assigned to it by the Director.

*d. **Parking Utility.** The Director of Public Safety shall be directly responsible for the day to day operations of the Parking Utility.*

2-25 BAYONNE **PARKING** UTILITY.

2-25.1 Establishment.

There is hereby created under the terms of this section a public utility for the purpose of managing its **parking** operations within the City of Bayonne, County of Hudson and State of New Jersey. For budgetary and accounting purposes, this Utility shall be a separate entity, having its own borrowing capacity, its own separate accounts and its own separate property, whether it be real, personal or mixed. *The Director of

Public Safety shall be directly responsible for the day to day operations of the Parking Utility.* (Ord. No. O-11-39 § 1)

Council President Nadrowski moved the following resolution, seconded by Council Member Cotter, 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 2, ADMINISTRATION,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, April 22, 2015 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 Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

10. Council Member Cotter introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR TAX EXEMPTION FOR AN URBAN RENEWAL PROJECT WITH RESPECT TO THE PROPERTY KNOWN AS 298-304 BROADWAY (“304 BROADWAY PARTNERS URBAN RENEWAL, LLC”) LOCATED AT BLOCK 258, LOT 8 BAYONNE, NEW JERSEY (THE “PROPERTY”)

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the “Act”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, in accordance with the criteria set forth in the Act, the City identified and the Property as an area in need of redevelopment; and

WHEREAS, previously, 304 Broadway Partners Urban Renewal, LLC (“the Entity”) was designated as the “redevelopment entity” for the Property; and

WHEREAS, pursuant to the Act, improvements to property located within an area in need of redevelopment may qualify for long term tax exemptions under the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (the “LTTE Law”); and

WHEREAS, pursuant to the Redevelopment Agreement, the Entity, as the owner of the Property, intends to undertake the development and construction of a series of residential buildings in phases, along with parking, passive recreation areas and other accessory uses (together with the acquisition of all or a portion of the Redevelopment Area, the “Project”); and

WHEREAS, the Project as set forth in the Redevelopment Agreement conforms to the Redevelopment Plan and will be in conformance with the master plan of the City; and

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

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

WHEREAS, pursuant to N.J.S.A. 40A:20-8, the Mayor has reviewed the Exemption Application and the Mayor has submitted the Exemption Application and Financial Agreement to the City Council with his recommendation for approval, subject

to the condition that the Entity pay, in lieu of tax payments on the Project, an annual service charge and other conditions set forth therein; and

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

1. The Project will (a) accelerate the development of vacant and currently unused lands located on the Peninsula; (b) generate ratables; and (c) renew and revitalize the Redevelopment Area;
2. Given the uncertainty of economic and market conditions, the investment risk makes the financing of the Project infeasible in the absence of a tax exemption provided by the City;
3. The Project is consistent with the Redevelopment Plan, will further its objectives and will contribute to the economic growth of the City, specifically the redevelopment of the Property and the Peninsula as a whole; and
4. The Financial Agreement was a material inducement to the Entity to undertake the Project in the City and facilitate the redevelopment of the Property; and

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

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

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

Section 2. The Exemption Application submitted by the Entity is hereby approved in accordance with Section 8 of the LTTE Law.

Section 3. The Mayor, in consultation with counsel to the City, is hereby authorized to execute the Financial Agreement in the form attached hereto as Exhibit A, and prepare, amend or execute any other agreements necessary to effectuate this ordinance, subject to modification or revisions, as deemed necessary and appropriate, and subject to the satisfaction of the conditions set forth in the Mayor's Recommendation.

Section 4. The Clerk of the City is hereby authorized and directed, upon execution of the Financial Agreement by the Mayor, to attest to the signature of the Mayor and to affix the corporate seal of the City upon such document.

Section 5. Any exemption from taxation as set forth in the Financial Agreement is hereby granted to the Entity, with respect to the Project for the term set forth in the Financial Agreement; provided that in no event shall the term of the Financial Agreement exceed the earlier of (i) thirty-five (35) years from the date of execution of the Financial Agreement or (ii) thirty (30) years from the Annual Service Charge Start Date, as said term is defined in the Financial Agreement, for each Phase of the Project (as the term "Phase" is defined in the Redevelopment Agreement) and only so long as the Entity remains subject to and in compliance with the Financial Agreement and the LTTE Law and; provided further, that the Entity does not file a petition of tax appeal for the Project or any part thereof.

Section 6. The executed copy of the Financial Agreement shall be certified by and filed with the Office of the City Clerk. Further, the Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the City and the Director of the Division of Local Government Services with the Department of Community Affairs, in accordance with Section 12 of the LTTE Law.

Section 7. The Project shall conform with all federal, state and City laws, ordinances, regulations, the Redevelopment Plan and the Redevelopment Agreement relating to its construction and use, however, in consideration of the benefits to the City of the Project, the Entity shall not be required to (i) comply with the City's Ordinance O-08-17, enacted July 16, 2008, pertaining to project labor agreements; and (ii) shall not have an "affordable housing obligation" concerning the occupancy of the Project by persons having low and moderate incomes.

Section 8. The Entity shall, in the operation of the Project, comply with all laws so that no person of race, religious principles, color, national origin or ancestry will be subject to discrimination.

Section 9. Without limiting the terms of the Financial Agreement, the Entity shall submit Annual Audits to the City in accordance with Article VII of the Financial Agreement.

Section 10. This ordinance shall take effect in accordance with all applicable laws.

Council Member Cotter moved the following resolution, seconded by Council President Nadrowski, which was read by the Clerk and adopted.

BE IT RESOLVED, that an ordinance entitled “ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR TAX EXEMPTION FOR AN URBAN RENEWAL PROJECT WITH RESPECT TO THE PROPERTY KNOWN AS 298-304 BROADWAY (“304 BROADWAY PARTNERS URBAN RENEWAL, LLC”) LOCATED AT BLOCK 258, LOT 8 BAYONNE, NEW JERSEY (THE “PROPERTY”),” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, April 22, 2015 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 Gullace, LaPelusa, Perez and President Nadrowski.

Nay - Council Member Cotter.

* * * * *

11. Council Member LaPelusa introduced:

**ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY
ADOPTING THE 8TH STREET STATION REHABILITATION PLAN**

WHEREAS, the City of Bayonne, in the County of Hudson, New Jersey (the “City”), a public body corporate and politic of the State of New Jersey (the “State”), is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “Redevelopment Law”), to determine whether certain parcels of land within the City constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

WHEREAS, on, the Municipal Council of the City (the “Municipal Council”) adopted 98-02-04-040, designated the entirety of the City of Bayonne as an area in need of rehabilitation in accordance with the provisions of *N.J.S.A. 40A:12A-14* of the Redevelopment Law; and

WHEREAS, the Municipal Council, pursuant to Resolution No. 15-02-18-022, directed the Planning board, to prepare and review a Rehabilitation Plan for 8th Street Station Area (the “Rehabilitation Area”) and make recommendations to the Municipal Council in accordance with the Redevelopment Law; and

WHEREAS, the Rehabilitation Area, which is shown on the map attached hereto as Exhibit A, encompasses approximately 180 acres of land and consists of some of the properties located within a half-mile radius of the 8th Street light rail station; and

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Municipal Services in conjunction with Local and Planning Services of the Department of Community Affairs, has prepared a rehabilitation plan for the Rehabilitation Area titled “City of Bayonne 8th Street Station Rehabilitation Area Plan” dated February 3, 2015 (the “Rehabilitation Plan”); and

WHEREAS, the Planning Board of the City (the “Planning Board”) has been requested by the Municipal Council to review the Rehabilitation Plan, a copy of which is attached hereto as Exhibit B, and to transmit its recommendations relating to the

Rehabilitation Plan, to the Municipal Council in accordance with the provisions of *N.J.S.A. 40A:12A-7* of the Redevelopment Law; and

WHEREAS, on February 25, 2015, the Planning Board adopted a Resolution recommending the 8th Street Station Rehabilitation Area Plan to the Municipal Council and concluding that the Rehabilitation Plan is consistent with the Master Plan of the City of Bayonne (the "Resolution"); and

WHEREAS, upon receipt of the Planning Board's Resolution and recommendations relating to the Rehabilitation Plan, the Municipal Council believes that the adoption of the Rehabilitation Plan is in the best interests of the City for the redevelopment of the Rehabilitation Area.

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Rehabilitation Plan, attached hereto as Exhibit B and made a part hereof, is hereby adopted pursuant to the terms of *N.J.S.A. 40A:12A-7* of the Redevelopment Law. Further, the Rehabilitation Plan shall amend, replace and supersede any prior plans with respect to Rehabilitation Area, except where the Rehabilitation Plan specifically states otherwise.

Section 3. The zoning district map in the zoning ordinance of the City is hereby amended to include the "Rehabilitation Area" per the boundaries described in the Rehabilitation Plan and the provisions therein.

Section 4. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 5. A copy of this Ordinance and the Rehabilitation Plan shall be available for public inspection at the office of the City Clerk during regular business hours.

Section 6. This Ordinance shall take effect in accordance with all applicable laws.

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

BE IT RESOLVED, that an ordinance entitled "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING THE 8TH STREET STATION REHABILITATION PLAN," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, April 22, 2015 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, and to forward a copy of said ordinance to the planning board for its review of and a report regarding same pursuant to NJSA 40:55D-26.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

12. Council Member Gullace 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, be amended and supplemented as follows: (New material **between asterisks**, deletions ~~{within brackets}~~)

7-14 PARKING PROHIBITED FOR STREET CLEANING.
ADD IN ITS ENTIRETY:

**

<i>Name of Street</i>	<i>Side</i>	<i>Hours</i>	<i>Days</i>	<i>Location</i>
Public Lane	Both	8:00 a.m. to 10:00 a.m.	Mon.	Entire length
Parkside Lane	East	8:00 a.m. to 10:00 a.m.	Mon.	Entire Length
Parkside Lane	West	10:00 a.m. to 12:00 p.m.	Tue.	Entire Length

**

Council Member Gullace moved the following resolution, seconded by Council President Nadrowski, 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, April 22, 2015 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 Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

13. Council Member Perez introduced:

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

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

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

RESTRICTIVE PARKING ZONES

ADD

107. Maria Petrus, 92 West 50th Street, Apt. 1
Beginning at a point on the south side of West 50th Street, 317 feet east of the southeast corner of West 50th Street and Avenue B, and extending to a point 18 feet east thereof.
133. Mervat Elsaker, 19 East 52nd Street
Beginning at a point on the north side of East 52nd Street, 258 feet east of the northeast corner of East 52nd Street and Broadway, and extending to a point 20 feet east thereof.
210. Cathey Alvaradous, 88 West 55th Street
Beginning at a point on the south side of West 55th Street, 366 feet west of the southwest corner of Avenue C and West 55th Street, and extending to a point 22 feet east thereof.
330. Fletcher Robinson, 31 West 20th Street

Beginning at a point on the north side of West 20th Street, 304 feet east of the northeast corner of West 20th Street and Avenue C, and extending to a point 22 feet east thereof.

361. Luis Canales, 41-43 Kelly Parkway

Beginning at a point on the west side of Kelly Parkway, 57 feet south of the southwest corner of West 2nd Street and Kelly Parkway, and extending to a point 19 feet south thereof.

Council Member Perez moved the following resolution, seconded by Council Member Cotter, 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, April 22, 2015 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 Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

14. 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 Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

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

From Adam M. Epstein, Esq., filing notice of tort claim on behalf of MEDHAT SAMUEL, alleging injuries sustained January 30, 2015 in a fall on ice at 328 Avenue B.

* * * * *

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

From Paul DeGrado, Esq., filing notice of tort claim on behalf of LAURA PODHASKI, alleging injuries sustained January 25, 2015 in a fall on ice and snow at 490 Kennedy Boulevard.

* * * * *

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

From RENEE RIZK, filing notice of tort claim alleging property damage to her automobile on January 27, 2015 resulting from being struck by a snow plow at West Drive and West 31st Street.

* * * * *

18. 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, “NINIVAGGI vs. PERLMAN, et al., incl. THE CITY OF BAYONNE.” (Sidewalk fall down on March 23, 2014 at 906 Avenue C)

* * * * *

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

From the Superior Court of New Jersey, Chancery Division, Summons and Complaint in matter entitled, “NATIONWIDE MORTGAGE, LLC vs. JOHNSON.” (Mortgage foreclosure – City Employees Federal Credit Union holds a judgment)

* * * * *

20. 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, Order to Show Cause and Verified Complaint in matter entitled, “RIVERA vs. THE CITY OF BAYONNE.” (OPRA request action)

* * * * *

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

From Donohue, Gironda & Doria, CPA’s submitting the NEW JERSEY COMPREHENSIVE ANNUAL REPORT (AUDIT) OF THE CITY OF BAYONNE for the year ended December 31, 2013.

* * * * *

22. 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 Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

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

March 9, 2015

Dear Council President Nadrowski
and Honorable Members City Council:

I hereby appoint Frank T. Carpenter III and Cheryl Scott Cashman as Municipal Court Judges of the City of Bayonne for three (3) years terms commencing April 1, 2015.

In conjunction with this appointment, the City Clerk has been directed to add an accompanying communication on the March 11, 2015 Council Caucus Meeting agenda for consideration by the City Council.

Sincerely,

James M. Davis
Mayor
(signed)

BE IT RESOLVED, that the Municipal Council of the City of Bayonne hereby consents to and confirms the foregoing appointments.

* * * * *

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

March 9, 2015

Dear Council President Nadrowski
and Honorable Members City Council:

I hereby appoint the following individual as Constable for the City of Bayonne:

Ben Constanza Term expiring on December 31, 2017
45 East 35th Street, Bayonne, New Jersey 07002

In conjunction with this appointment, the City Clerk has been directed to add an accompanying communication on the March 11, 2015 Council Caucus Meeting agenda for consideration by the City Council.

Sincerely,
James M. Davis
Mayor
(signed)

BE IT RESOLVED, that the Municipal Council of the City of Bayonne hereby consents to and confirms the foregoing appointments.

* * * * *

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

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

* * * * *

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

DATE: MARCH 6,2015

TO: Terrence Malloy, CFO
Robert Sloan, City Clerk

CC: Leo J. Smith, Jr., School Business Administrator

FROM: Janet Convery, Treasurer

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

\$4,949,372.83 CLAIMS & PAYROLL FOR MARCH 2015

Janet Convery
(signed)

* * * * *

27. 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 Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

28. 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, February 18, 2015 be and the same are hereby approved.

* * * * *

29. 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, February 11, 2015, be and the same are hereby approved.

* * * * *

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

BE IT RESOLVED, by the Municipal Council of the City of Bayonne that JAN PATRICK EGAN, and KEITH WEICKER be an are hereby re-appointed to the Zoning Board of Adjustment for four year terms expiring December 31, 2018.

* * * * *

31. 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
45	18	Clare Schaefer	209.54
45	21	US Masters Res. Prop. Fund	2,207.45
64	41	Lisa Olencewicz	3,540.46
80	44	Gary Lapelusa	733.90
102	42	US Masters Res. Prop. Fund	1,293.57
106	9	Susan Krol & Laura Dudes	2,986.45
167	33	US Masters Res. Prop. Fund	2,441.96

177	55.12	SAJ Corp.	626.73
177	55.16	SAJ Corp.	398.31
177	55.34	SAJ Corp.	600.30
177	55.44	SAJ Corp.	600.30
178	36.02	US Masters Res. Prop. Fund	1,425.72
179	29	German Valencia	1,273.49
190	12	Stanley Turteltaub	692.32
192	19.02	Zahida Perveen	3,005.92
207	22	Nour Nakhla	381.10
234	17	US Masters Res. Prop. Fund	2,280.04
255	8	US Masters Res. Prop. Fund	1,757.02
262	23	US Masters Res. Prop. Fund	2,129.28
266	23	Catalina Gomez	2,447.55
280	13	Taras Kozak	1,295.33
314	19	US Masters Res. Prop. Fund	1,552.29
318	23	Susan O'Rourke	4,232.49
338	25	US Masters Res. Prop. Fund	2,778.85
339	21	Michael Morris	1,459.14
358	28	Robert Martiak	1,286.51
380	27	Byron & Ana Perez	291.12
421	12	Xiong Li Huang	2,841.69
435	1	Angela Lorenc	2,088.53
442	4	US Masters Res. Prop. Fund	1,993.40
Total:			50,850.76

* * * * *

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

RESOLVED, that a warrant be drawn from the Current Fund and made payable to Police & Firemen's Retirement System in the amount of \$ 10,134,690.70. Said payment represents the city's annual contribution.

* * * * *

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

RESOLVED, that a warrant be drawn and made payable to Public Employees Retirement System in the amount of \$ 2,004,325.90. Said payment represents the city's annual contribution.

* * * * *

34. 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 \$ 189.00 be drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of licenses Nos. 1028-1114 inclusive, 85 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.

* * * * *

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

RESOLVED, that the actions of the Municipal Treasurer in issuing payment from Current Fund in the amount of \$ 6,995,219.24 payable to the County of Hudson for First Quarter County Taxes of 2015 is hereby ratified and confirmed.

* * * * *

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

WHEREAS, Resolution No. 15-01-24-064 adopted by the Municipal Council on January 24, 2015 authorized an Agreement with the Peninsula Lodge/Bayonne Masonic Temple for an amount of \$1,400.00 to provide funding for maintenance of the three boilers/flue system at their premises located at 888 Avenue C, Bayonne, NJ; and;

WHEREAS, the projected cost of said maintenance has been revised to an amount not to exceed \$3,784.00; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. Resolution No. 15-01-21-064 is hereby amended to reflect that funds allocated for maintenance of the three boilers/flue system at the Peninsula Lodge/Bayonne Masonic Temple be amended from the amount of \$1,400.00 to an amount not to exceed \$3,784.00;
2. The Mayor and City Clerk are hereby authorized to execute an amendment to the agreement with the Peninsula Lodge/Bayonne Masonic Temple to reflect such change, or to execute an original agreement reflecting the change in amount.
3. All other terms and conditions of Resolution No. 15-01-24-064 shall remain the same.

* * * * *

37. 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
American Legion Post 19	683 Broadway 4/1/15 to 3/31/16	RL: 9023
Friends of Special Children	7:00 PM 53 Prospect Ave June 12, 2015	RL: 9024
Midtown Community School PTO	10:00 PM 1081 Broadway April 24, 2015	RL: 9025
Hudson Council Animal League	6:30 -10:00 PM 21 East 23rd St.	RL: 9026 RL: 9027

* * * * *

38. Council Member LaPelusa moved that the following resolution, seconded by Council Member Perez, which motion was adopted.

WHEREAS, the City of Bayonne intends to purchase field turf for the Don Ahern Veteran's Memorial Stadium; and

WHEREAS, the Municipal Council has authorized membership in the Keystone Purchasing Network, a national cooperative purchasing agency which Bayonne is permitted to join under the authority of NJSA 52:24-6.2(b)(3); and

WHEREAS, Keystone Purchasing Network has solicited and obtained quotes for field turf from FieldTurf, 7445 Côte-de-Liesse Road, Suite 200, Montreal QC H4T 1G2, which has provided the city with a quote dated April 7, 2014 for field turf for the Don Ahern Veteran's Memorial Stadium under Keystone Purchasing Network Contract Number 201301-01 in the amount of \$1,036,395.39; and

WHEREAS, the Business Administrator has determined that procuring the equipment from FieldTurf will result in a cost savings to the City; and

he City published a Notice of Intent to purchase the equipment from FieldTurf pursuant to N.J.S.A. 52:34-6.2(b)(3); now, therefore be it

RESOLVED, that the Purchasing Agent be and is hereby authorized to purchase field turf for Don Ahern Veteran's Memorial Stadium from FieldTurf, 7445 Côte-de-Liesse Road, Suite 200, Montreal QC H4T 1G2 through Keystone Purchasing Network, 90 Lawton Lane, Milton, PA 17847, for the contract amount of \$1,036,395.39, through Keystone Purchasing Network Contract Number 201301-01, pursuant to FieldTurf's proposal dated April 4, 2014, a copy of which is attached hereto, subject to the City's publication of a Notice of Intent to purchase pursuant to N.J.S.A. 52:34-6.2(b)(3); and be it further

RESOLVED, that any and all previous actions of the Business Administrator and/or Purchasing Agent in perfecting this authorization are hereby ratified and affirmed; and be it further

RESOLVED, that funds for such purchase are available in Account #0-14-01, pending adoption of the CY 2015 budget.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

39. Council Member Perez moved that the following resolution, seconded by Council Member Cotter, which motion was adopted.

WHEREAS, the City of Bayonne intends to purchase field lighting for the Don Ahern Veteran's Memorial Stadium; and

WHEREAS, the Municipal Council has authorized membership in the Keystone Purchasing Network, a national cooperative purchasing agency which Bayonne is permitted to join under the authority of NJSA 52:24-6.2(b)(3); and

WHEREAS, Keystone Purchasing Network has solicited and obtained quotes for field lighting from Musco Lighting, LLC, P.O. Box 2260 , Muscatine, IA 52761 which has provided the City with a quote dated November 24, 2014 for field lighting for the Don Ahern Veteran's Memorial Stadium under Keystone Purchasing Network Contract Number KPN-201301-01 in the amount of \$359,866.00; and

WHEREAS, the Business Administrator has determined that procuring the equipment from Musco Lighting, LLC will result in a cost savings to the City; now, therefore be it

RESOLVED, that the Purchasing Agent be and is hereby authorized to purchase field lighting for Don Ahern Veteran's Memorial Stadium from Musco Lighting, LLC, P.O. Box 2260 , Muscatine, IA 52761, for the contract amount of \$359,866.00, through Keystone Purchasing Network Contract Number KPN-20131-01, pursuant to Musco Lighting, LLC's proposal dated November 24, 2014, a copy of which is attached hereto, subject to the City's publication of a Notice of Intent to purchase pursuant to N.J.S.A. 52:34-6.2(b)(3); and be it further

RESOLVED, that any and all previous actions of the Business Administrator and/or Purchasing Agent in perfecting this authorization are hereby ratified and affirmed; and be it further

RESOLVED, that funds for such purchase are available in Account #0-14-01, pending adoption of the CY 2015 budget.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

40. Council President Nadrowski moved that the following resolution, seconded by Council Member Cotter, which motion was adopted.

WHEREAS, the City of Bayonne is in need of professional mental health services to Low Income and Public Assistance Clients residing in the City of Bayonne; and

WHEREAS, the Bayonne Community Mental Health Center, 601 Broadway, Bayonne, New Jersey 07002 has submitted to the City of Bayonne a formal written proposal for said professional mental health services; and

WHEREAS, the Bayonne Community Mental Health Center is qualified, ready and able to provide said services; and

WHEREAS, this contract constitutes a "Professional Service" contract under the provisions of the Local Public Contracts Law because the service is a recognized profession, licensed and regulated by the State of New Jersey, and therefore, may be awarded without competitive bidding pursuant to N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, this professional services contract was advertised under the Fair & Open Contracting Requirements pursuant to N.J.S.A.19:44A:20.4.5; and

WHEREAS, the maximum amount of the contract is \$30,000.00; the term of the contract is from April 1, 2015 through March 31, 2016; and, the funds are available in Account #HW-4 01-201-27-330-2-020 pending adoption of the CY 2015 and CY2016 Budgets, and have been certified by the Municipal Comptroller; 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 the City Clerk are hereby authorized and directed to execute an agreement with the Bayonne Community Mental Health Center, 601 Broadway, Bayonne, New Jersey 07002 to provide professional mental health services to Low Income and Public Assistance clients residing in the City of Bayonne, for a total amount not to exceed \$30,000.00 for a period of one year commencing April 1, 2015 and ending March 31, 2016.
2. Funds shall be charged to Account #HW-4 01-201-27-330-2-020 pending adoption of the CY2015 and CY2016 Budgets.
3. A notice of this award shall be published once in a newspaper of general circulation within the boundaries of the City of Bayonne.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

41. Council Member LaPelusa moved that the following resolution, seconded by Council Member Gullace, which motion was adopted.

WHEREAS, the City of Bayonne is in need of professional mental health services in connection with the City's Employee Assistance Program for City of Bayonne Municipal Employees; and

WHEREAS, the Bayonne Community Mental Health Center, 601 Broadway, Bayonne, New Jersey 07002 has submitted to the City of Bayonne a formal written proposal for said professional mental health services; and

WHEREAS, the Bayonne Community Mental Health Center is qualified, ready and able to provide said services; and

WHEREAS, this contract constitutes a "Professional Service" contract under the provisions of the Local Public Contracts Law because the service is a recognized profession, licensed and regulated by the State of New Jersey, and therefore, may be awarded without competitive bidding pursuant to N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, this professional services contract was advertised under the Fair & Open Contracting Requirements pursuant to N.J.S.A.19:44A:20.4.5; and

WHEREAS, the maximum amount of the contract is \$27,000.00; the term of the contract is from April 1, 2015 through March 31, 2016; and, the funds are available in Account #HW-4 01-201-27-330-2-020 pending adoption of the CY 2015 and CY2016 Budgets, and have been certified by the Municipal Comptroller; 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 the City Clerk are hereby authorized and directed to execute an agreement with the Bayonne Community Mental Health Center, 601 Broadway, Bayonne, New Jersey 07002 for professional mental health services in connection with the City's Employee Assistance Program, for a total amount not to exceed \$27,000.00 for a period of one year commencing April 1, 2015 and ending March 31, 2016.
2. Funds shall be charged to Account #HW-4 01-201-27-330-2-020 pending adoption of the CY2015 and CY2016 Budgets.
3. A notice of this award shall be published once in a newspaper of general circulation within the boundaries of the City of Bayonne.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

42. Council Member Perez moved that the following resolution, seconded by Council Member Gullace, which motion was adopted.

WHEREAS, the City of Bayonne is in need of services in connection with the operation of the Adult Activity Center, one group home, and two supervised apartment programs, a Saturday Recreation Program, Early Intervention Program, and an After School Program, as well as Respite Services and advocacy, information and referral services for the Developmentally Disabled Population of Bayonne; and

WHEREAS, Hudson Milestones, 365-381 Clendenny Avenue, Jersey City, N. J. 07304, has provided said services for the period commencing July 1, 2013 through June 30, 2014 and has continued to provide said services for the period commencing July 1, 2014 and is agreeable to continue providing said services through June 30, 2015 for the sum of \$7,000.00 annually and funds are certified as available in the Reserve and Current Board of Health Accounts pending adoption of CY2015 budget; and

WHEREAS, no bid need be solicited for these services insofar as the agreement complies with the statutory guidelines of N.J.S.A. 40A:11-3; now, therefore, be it

RESOLVED, that the Mayor and Clerk are hereby authorized to enter into an agreement with Hudson Milestones, 365-381 Clendenny Avenue, Jersey City, N. J. 07304, for the aforesaid services in the amount of \$7,000.00 for the period commencing July 1, 2013 and ending June 30, 2014 and \$7,000.00 for the period commencing July 1, 2014 and ending June 30, 2015 making the total contract amount \$14,000.00; and be it further

RESOLVED, that funds for said services are chargeable to Reserve and Current Board of Health Accounts.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

43. Council Member LaPelusa moved that the following resolution, seconded by Council President Nadrowski, which motion was adopted.

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

WHEREAS, the Bayonne Community Day Nursery, 591 Broadway, Bayonne, New Jersey 07002 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, the Bayonne Community Day Nursery has requested and submitted a formal written application dated February 28, 2014 for said CDBG Grant Funds for the amount of \$ 141,000.00 for the purpose of providing the cost of reconstruction in various parts of the building from Bard Construction, LLC 252 Fern Avenue, Lyndhurst,NJ 07071.

WHEREAS, the Assistant Director of Community Development has advised that the availability of said Community Development Block Grant Funds for the purpose of providing the cost of reconstruction in various parts of the building from Bard Construction, LLC 252 Fern Avenue, Lyndhurst,NJ 07071; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG 842; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Bayonne Community Day Nursery, 591 Broadway, Bayonne, New Jersey 07002 for the provision of providing the cost of reconstruction in various parts of the building from Bard Construction, LLC 252 Fern Avenue, Lyndhurst,NJ 07071 in the amount of \$141,000.00 for the period commencing September 1, 2013 and ending August 31, 2014.

2. Funds shall be charged to Account #CDBG-842

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

44. Council Member Cotter moved that the following resolution, seconded by Council President Nadrowski, which motion was adopted.

WHEREAS, the City of Bayonne is in need of financial advisory services for the preparation and selling of Municipal debt instruments such as Municipal Bonds, Refunding Bonds, Bond Anticipation Notes, and other Notes; assistance in the preparation of and review of the City's Official Statement; conducting and providing the necessary calculations for Bonds and Notes sales; providing assistance to and interacting with Bond Counsel with regard to all relevant past, present and future City of Bayonne Bonds and Notes issues, and all required financial matters; assist City personnel during Bonds and Notes rating processes; representation at any required Local Finance Board Meetings; assistance in the production of applications to the Local Finance Board; assistance in obtaining Bond Insurance; providing financial analyses when required by the City and with regard to the timing of Bond Refundings, Notes sales, and the permanent financing of temporary debt; and advising the City with regard to legislation affecting Municipal Finance Matters and

WHEREAS, NW Financial Group, LLC, 2 Hudson Place, 3rd Floor, Hoboken, New Jersey 07030 has submitted to the City of Bayonne a formal, written proposal for said financial advisory services; and

WHEREAS, N.J.S.A. 40A:11-2(7) provides that a contract for extraordinary and unspecifiable services may be awarded by a public entity upon certification that the services are unique, specialized, and qualitative in nature, and

WHEREAS, the Business Administrator for the City of Bayonne has provided a certification of extraordinary and unspecifiable services to the Municipal Council indicating the services to be provided by NW Financial Group, LLC are "unique,

specialized and qualitative in nature requiring expertise, extensive training and a proven reputation in the field of financial advisory services;" and

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

WHEREAS, NW Financial Group, LLC is qualified, ready, willing and able to provide said services; and

WHEREAS, the term of the contract is for a one year period commencing April 1, 2015 and ending March 31, 2016, and

WHEREAS, funds are certified as available in Accounts BA-2 and Various Capital Ordinances pending adoption of the CY 2015 and CY 2016 Budgets; now, therefore, be it

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute an agreement with NW Financial Group, LLC, 2 Hudson Place, 3rd Floor, Hoboken, New Jersey 07030 to provide financial advisory services for a one year period commencing April 1, 2015 and ending March 31, 2016.
2. A notice of this action shall be printed once in a newspaper of general circulation within the boundaries of the City of Bayonne.
3. Funds shall be charged to Accounts BA-2 and Various Capital Ordinances.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

45. Council Member LaPelusa moved that the following resolution, seconded by Council Member Perez, which motion was adopted.

WHEREAS, the City of Bayonne is in need of professional event production and race management services in connection with the City's First Annual Bayonne 5K and Mayor's Mile scheduled to be held at 16th Street Park on Saturday, June 6, 2015; and

WHEREAS, NV Endurances, Inc. 19 Giles Avenue, Jersey City, New Jersey 07306 has submitted to the City of Bayonne a formal, written proposal for said professional event production and race management services; and

WHEREAS, N.J.S.A. 40A:11-2(7) provides that a contract for extraordinary and unspecifiable services may be awarded by a public entity upon certification that the services are unique, specialized, and qualitative in nature, and

WHEREAS, the Director of Municipal Services has provided a certification of extraordinary and unspecifiable services to the Municipal Council indicating the services to be provided by NV Endurance are "Unique, specialized and qualitative in nature requiring expertise, extensive training and a proven reputation in the field of professional event production and race management services; and

WHEREAS, this contract is not subject to the New Jersey Contracting laws or the Pay to Play Laws in that it is below the monetary threshold required to trigger such laws; now, and

WHEREAS, funds are certified as available in Account GL and Race Donation Account pending receipt registration fees and adoption of the CY 2015 budget; now, therefore, be it

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute an agreement with NV Endurance, Inc., 19 Giles Avenue, Jersey City, New Jersey 07306 for professional event production and race management service in connection with the City's First Annual Bayonne 5K and Mayor's Mile scheduled to be held at 16th Street Park on Saturday, June 6, 2015.

2. A notice of this action shall be printed once in the newspaper of general circulation within the boundaries of the City of Bayonne.
3. Funds shall be charged to Account GL and Race Donation Account.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

46. Council President Nadrowski moved that the following resolution, seconded by Council Member Perez, which motion was adopted.

WHEREAS, there exists a need for professional services to audit of books, accounts and financial transactions of the City of Bayonne for the Calendar Year 2014 as prescribed by N.J.S. 40A:5-4 et seq.; to audit the City's Public Assistance Trust Fund in compliance with State regulations of the Bureau of Welfare; to assist in the preparation of the Calendar Year 2015 budget preparation process, excluding department detail worksheets; to review the unaudited Calendar Year ended December 31, 2014, financial statements prior to submission to the State; to attend Municipal Council meetings, as required; to provide technical advice during the Calendar Year ending December 31, 2015, as needed, and to review the Employee's Deferred Compensation Plan; and

WHEREAS, Donohue, Gironda & Doria, 310 Broadway, Bayonne, New Jersey 07002, has submitted to the City of Bayonne a formal, written proposal for said services; and

WHEREAS, Donohue, Gironda & Doria, 310 Broadway, Bayonne, New Jersey 07002, is ready, willing and able to provide said services; and

WHEREAS, Donohue, Gironda & Doria is willing to perform these services for the period commencing January 1, 2015 and ending December 31, 2015 for an amount not to exceed \$83,500.00, and

WHEREAS, funds are certified as available in Account Budget and Accounting Fees 01-201-20-135-2-028, CDBG 200 and Parking Utility - Other Expenses 10-201-20-104-2-199 pending adoption of the CY 2015 Budget; now, and

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

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

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

1. That the Mayor and the City Clerk are hereby authorized and directed to execute an agreement with Donohue, Gironda & Doria, 310 Broadway, Bayonne, New Jersey 07002 for the above mentioned services for the period commencing January 1, 2015 and ending December 31, 2015, for an amount not to exceed \$83,500.00, and funds are certified as available in Account Budget and Accounting Fees 01-201-20-135-2-028, CDBG -200 and Parking Utility - Other Expenses 10-201-20-104-2-199 pending adoption of the CY 2015 Budget.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because this service will be performed by persons recognized by law to practice such a profession, and bids are not required as per N.J.S.A. 4A:11-1, et seq.
3. A notice of this action shall be printed once in a newspaper of general circulation within the boundaries of the City of Bayonne.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

47. Council President Nadrowski moved that the following resolution, seconded by Council Member Perez, which motion was adopted.

WHEREAS, the City of Bayonne posted a Request for Qualifications 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. 19:44-20.3 et seq.) for law firms to provide special legal services in connection with insurance claims to property insurance carrier(s) for any and all loss and damage sustained or incurred as a result of Superstorm Sandy and against the Federal Emergency Management Agency ("FEMA") for claims for property damage heretofore determined by FEMA to be "ineligible" or "not covered" by FEMA; and

WHEREAS, by way of City of Bayonne Insurance Commission Resolution No. 13-09-19-07 adopted September 19, 2013 the City entered into an agreement with the Services Providers dated September 20, 2013 for the aforesaid special legal services; and

WHEREAS, by way of Municipal Council Resolution No. 14-10-15-034 adopted by the Municipal Council of the City of Bayonne the City entered into an amendment to the aforesaid Agreement with the Services Providers to include claims the City may have against the Federal Emergency Management Agency ("FEMA") for claims for property damage heretofore determined by FEMA to "ineligible" or "not covered" by FEMA; and

WHEREAS, due to the effects of Superstorm Sandy, the Bayonne Municipal Utilities Authority ("Authority") will or may be resubmitting claims to its insurance carrier(s) and to FEMA for those certain loss and damage claims the Authority has sustained or incurred as a result of Superstorm Sandy, which have heretofore may have been denied or not submitted to FEMA; and

WHEREAS, the Authority recognizes that the Service Providers have unique expertise in resending the Authority's loss claims to insurance carriers and pursuing claims for property damage to FEMA that may have been heretofore determined by FEMA to be "ineligible" or "not covered" by FEMA; and

WHEREAS, due to Services Providers' unique expertise, the Authority wishes to retain the Service Providers to assist in development, preparation, and presentation of said claims submissions on the Authority's behalf to the insurance carrier(s) and to FEMA;

WHEREAS, the New Jersey Uniform Shared Services Consolidation Act, N.J.S.A. 40A:65-1 et seq allows local unites and authorities established by local units to contract with one another for a joint provision within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the Bayonne Municipal Utilities Authority adopted Resolution No. R-8 on March 2, 2015 authorizing and directing the Executive Director to execute a Shared Services Agreement with the City of Bayonne for the purpose of utilizing the services of BATHGATE, WEGENER & WOLF, P.C. and MERLIN LAW GROUP, P.A. to pursue the Authority's claims for property damage and other covered claims to its insurance carrier(s) and to the Federal Emergency Management Agency ("FEMA") arising out of and due to the effects of Superstorm Sandy through an Agreement between the City of Bayonne and BATHGATE, WEGENER & WOLF, P.C. and MERLIN LAW GROUP, P.A. dated September 20, 2013 and amended February 10, 2015 in a form acceptable to the Acting Counsel to the BMUA; and

WHEREAS, the aforesaid BMUA Resolution No. R-8 also authorized and directed the Executive Director to execute any and all documents in order to further effectuate said Shared Services Agreement; now, therefore, be it

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

1. The Mayor and City Clerk are hereby authorized and directed to execute a Shared Services Agreement with the Bayonne Municipal Utilities Authority for the purpose of allowing the Authority to utilize the services of BATHGATE, WEGENER & WOLF, P.C. and MERLIN LAW GROUP, P.A. to pursue the Authority's claims for property damage and other covered claims to its insurance carrier(s) and to the Federal Emergency Management Agency ("FEMA") arising out of and due to the effects of Superstorm Sandy through the Agreement between the City of Bayonne and BATHGATE, WEGENER & WOLF, P.C. and MERLIN LAW GROUP, P.A. dated September 20, 2013 and amended February 10, 2015 in a form acceptable to the Law Department; and

2. The Mayor and City Clerk are also hereby authorized and directed the Executive Director to execute any and all documents in order to further effectuate said Share Services Agreement.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

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48. Council President Nadrowski moved that the following resolution, seconded by Council Member Perez, which motion was adopted.

WHEREAS, by way of Resolution No. 14-04-09-005 adopted by the Municipal Council on April 9, 2014 the property commonly known as Block 195, Lot 2 and Block 196, Lots 1,2,3,4,5,6 and 7 on the Tax Map of the City of Bayonne ("Redevelopment Area") was designated as an area in need of redevelopment pursuant to the Redevelopment Law, specifically N.J.S.A. 40A:12A-5; and

WHEREAS, said Resolution No. 14-04-09-005 also designated Rendina Development Company of America, LLC, or its affiliate as the Conditional Redeveloper of the Redevelopment Area pending the execution of the Redevelopment Agreement with the City and the adoption of a redevelopment plan for same; and

WHEREAS, Bohler Engineering NJ, LLC,; Whitestone Associates, Inc., and First Environmental on behalf of Rendina Development Company of America, LLC or its affiliate, have requested access to the Redevelopment Area in order to conduct several site investigation activities in anticipation of acquisition and development of the Redevelopment Area; and

WHEREAS, Bohler Engineering NJ, LLC,; Whitestone Associates, Inc., and First Environmental have each provided the City with a proposed "Scope of Work" as follows:

Bohler Engineering, 35 Technology Drive, Warren, NJ 07059 dated February 26, 2015 attached hereto as Exhibit A;

Whitestone Associates, Inc. 35 Technology Drive, Warren, NJ 07059 dated February 24, 2015 attached hereto as Exhibit B; and

First Environment, 91 Fulton Street, Booton, NJ 07005 dated February 26, 2015 attached hereto as Exhibit C; and

WHEREAS, it is in the best interest of the City to allow Bohler Engineering NJ, LLC,; Whitestone Associates, Inc., and First Environmental on behalf of Rendina Development Company of America, LLC, or its affiliate their contractors and or their subcontractors and/or affiliates access to the Redevelopment Area to conduct the aforesaid site investigation activities in anticipation of acquisition and development of the Redevelopment Area pursuant to the above proposed "Scope of Work" provided by each of the contractors subject to the approval, comments and instructions of the City's engineers; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. Permission for limited access is hereby granted to Bohler Engineering NJ, LLC, and its affiliate companies, Control Point Associates, Inc. and Atlantic Traffic & Design Engineers, Inc.; Whitestone Associates, Inc., and First Environmental ("Contractors") on behalf of Rendina Development Company of America, LLC, or its affiliate for the limited purpose of conducting the aforesaid site investigation activities in anticipation of acquisition and development of the Redevelopment Area pursuant to the above "Scope of Work" provided by each contractor attached hereto and made a part hereof as Exhibit A, Exhibit B and Exhibit C respectively on the conditions that: 1) The Contractors enter into a Right of Entry/Access Agreement in a form acceptable to the City and approved by the City's Law Division; 2) No cost or expense shall be borne by the City relating in any way to the Contractors' requests for access; 3) Proposed Scope of Work provided by each contractor is approved by the City's engineer, at the Contractors' expense; 4) No permits will issue without a fully executed Right of Entry/Access Agreement; 5) Valid permits to be issued by the City's Building Department and/or Police Department prior to the start of any work; and 6) The Contractors, shall abide by any and all requirements of the City deemed necessary to protect the City's property and citizens.

2. The Mayor and City Clerk are hereby authorized to sign any and all documents necessary to effectuate same.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

49. Council President Nadrowski moved that the following resolution, seconded by Council Member Gullace, which motion was adopted.

WHEREAS, Henkle & McCoy, Inc. is installing a major gas line to be located at Avenue E and 11th Street; and

WHEREAS, Bayonne City Ordinance 3-1.8 prohibits construction activity performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends and Federal holidays; and

WHEREAS, Henkle & McCoy, Inc. has requested an exemption from the aforesaid Ordinance 3-1.8 which limits the start time for work on Saturdays to 9:00 a.m. to allow work to begin at 8:00 a.m. on Saturdays for the period commencing March 9, 2015 through April 11, 2015 excluding April 4th in order to complete the construction of the aforesaid gas line to be located at Avenue E and 11th Street; and

WHEREAS, Henkle & McCoy, Inc. has also requested an exemption from the aforesaid Ordinance 3-1.8 for one day towards the end of March to allow them to hydro test the new line which will require 24 hour round the clock watch with a compressor working sporadically to keep pressure up on the line; and

WHEREAS, Henkle & McCoy, Inc. will also require extended work hours for approximately five (5) days commencing April 6, 2015 through April 11, 2015 to remove and replace the existing gas line located under Route 440; now, therefore, be it

RESOLVED that the Mayor and City Council of the City of Bayonne herewith allow an exemption from Ordinance No. 3-1.8 of the Revised General Ordinances to Henkles & McCoy, Inc. as follows:

1. Allowing work to begin at 8:00 a.m. on Saturdays for the period commencing March 9, 2015 through April 11, 2015 excluding April 4th in order to complete the construction of the gas line;

2. Allowing hydro testing of the new gas line for a 24 hour round the clock watch with a compressor working sporadically to keep pressure up on the line on a date towards the end of March to be agreed upon by the City subject to 24 hours notice to the City by Henkle & McCoy, Inc.

3. Allowing extended work hours from 7:00 a.m. to 10:00 p.m. for approximately five (5) days commencing April 6, 2015 through April 11, 2015 for the purpose of the removal and replacement of the existing gas line located under Route 440;

4. The City reserves the right to declare this Resolution null and void without further action of the Municipal Council if any justified complaints are lodged with the Bayonne Police Department, Bayonne Law Department or any other Department within the City of Bayonne in connection with noise disturbance.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

50. Council Member LaPelusa moved that the following resolution, seconded by Council Member Perez, which motion was adopted.

WHEREAS, the City of Bayonne, in the County of Hudson, New Jersey (the "City"), a public body corporate and politic of the State of New Jersey (the "State"), is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "Redevelopment Law"), to determine whether certain parcels of land within the City constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

WHEREAS, on November 11, 2009, the Bayonne Municipal Council (the "Municipal Council") adopted Resolution No. 09-11-10-052 requesting the Planning

Board of the City (the "Planning Board") to conduct a preliminary investigation to determine whether portions of Route 440 West between East 22nd Street and New Hook Road, consisting of Block 452.02, Lots 4-9, 11, 12 and 13 and Block 451, Lots 1.01, 1.02, 2.03, 2.04 and 2.05 on the City's Tax Maps (the "Study Area"), qualified as "an area in need of redevelopment" in accordance with the criteria set forth in *N.J.S.A. 40A:12A-5*, and if so, to prepare a redevelopment plan for the Study Area; and

WHEREAS, on November 13, 2013, the Municipal Council adopted Ordinance O-13-36 designating a portion of the Study Area comprised of Block 452.02, Lots 4 and 5 as an area in need of redevelopment (the "Redevelopment Area"), and reaffirming the designation of a portion of the Study Area comprised of Block 451, Lots 1.01 and 2.05 as an area in need of rehabilitation (the "Rehabilitation Area"); and

WHEREAS, pursuant to Ordinance O-13-36, the Municipal Council also adopted a Redevelopment Plan for the Redevelopment Area titled "Scattered Site Redevelopment Project: Phase II Site 14: Rt. 440 West Redevelopment Plan" dated October 16, 2013; and

WHEREAS, the portion of the Study Area comprising Block 452.02, Lots 4, 8 and 11 is owned by the City, and Block 452.02, Lot 1 is owned by the City subject to a deed restriction from the New Jersey Department of Transportation (the "DOT"); and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-22*, the City may make and enter into all contracts and agreements necessary or incidental to the performance of the duties authorized under the Redevelopment Law; and

WHEREAS, the City desires to negotiate the terms of a Redevelopment Agreement with a proposed Redeveloper in order to further the redevelopment objectives of the City in conformity with the Redevelopment Plan, which it believes to be in the best interests of the City; and

WHEREAS, the City, through the appropriate City officials, is actively working with the DOT to remove the deed restriction on Block 452.02, Lot 1, so that the property may be redeveloped in conformity with the Redevelopment Plan,

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Municipal Council hereby directs and authorizes the Mayor, along with such other City officials and professionals as may be necessary, to negotiate the terms of a Redevelopment Agreement with a proposed Redeveloper, M&M Realty Partners, for the portions of the Redevelopment Area owned by the City, which are identified as Block 452.02, Lots 4, 8 and 11 and Block 452.02, Lot 1, in accordance with the Redevelopment Law and in furtherance of the Redevelopment Plan.

Section 3. The Municipal Council further directs and authorizes the City, through the appropriate City officials and professionals, to continue its discussions with the DOT in order to the remove the deed restriction from Block 452.02, Lot 1.

Section 4. This Resolution shall take effect immediately.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

51. Council President Nadrowski moved that the following resolution, seconded by Council Member Perez, which motion was adopted.

WHEREAS, pursuant to the Municipal Services Act, *N.J.S.A. 40:67-23.2* to - 23.8, every municipality in New Jersey is required to either provide certain services to each qualified private community within its borders or reimburse the community for these services; and

WHEREAS, the Rosegate Village Condominium Association, Inc., 90 Columbus Drive, P.O. Box 119, Bayonne, New Jersey 07002 is a qualified private community as defined under *N.J.S.A. 40:67-23.3* within the City of Bayonne; and

WHEREAS, the Rosegate Village Condominium Association and the City of Bayonne desire to enter into a Municipal Services Reimbursement Agreement for the purpose of establishing the rights and obligations of the parties in connection with the aforementioned Municipal Services Act; now therefore be it

RESOLVED, the Mayor and City Clerk, on behalf of the City of Bayonne, be and are hereby authorized to execute a Municipal Services Reimbursement Agreement with the Rosegate Condominium Association 90 Columbus Drive, P.O. Box 119, Bayonne, New Jersey 07002 for the purpose of establishing the rights and obligations of the parties in connection with the aforementioned Municipal Services Act in a form substantially similar to that attached hereto as Exhibit A and acceptable to the Law Division.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

52. Council Member Perez moved that the following resolution, seconded by Council Member Cotter, which motion was adopted.

RESOLVED, that the budgetary transfers as set forth below pertaining to the CY 2014 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 herewith:

CURRENT FUND

FROM		TO	
No.	Account	Account	Amount
1.	Primary & General Election-S&W	20,000.	Bus. Administration-O.E. 47,000.00
	Primary & General Election-O.E.	40,000.	Vehicle Maintenance-O.E. 3,000.00
	Public Health Services-S&W	20,000.	Public Health Services-O.E. 46,000.00
	Maint. of Parks-S&W	16,000.	

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

53. Council Member LaPelusa moved that the following resolution, seconded by Council Member Gullace, which motion was adopted.

#2 TEMPORARY EMERGENCY APPROPRIATION CY 2015

WHEREAS, an emergency condition has arisen with respect to providing appropriations to pay various costs, as per attached schedule, and no adequate provision has been made in the CY 15 Temporary Budget for the aforesaid purposes and N.J.S.:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned, and

WHEREAS, the total emergency resolution adopted in the CY 15 budget pursuant to the provisions of Chapter 96, P.L. 1951 (NJS 40A:4-20) including this resolution total

Current Fund	\$	21,541,189.83
Parking Utility	\$	74,000.00

NOW THEREFORE, BE IT RESOLVED (not less than two-thirds of all members therefore affirmatively concurring) that in accordance with NJS 40A:4-20

An emergency temporary appropriation be and the same is hereby made as per attached schedule:

Current Fund	\$	18,366,331.83
Parking Utility	\$	70,000.00

That said emergency temporary appropriation will be provided for the CY 15 budget under the title of, as per attached schedule:

Current Fund \$ 18,366,331.83
Parking Utility \$ 70,000.00

That one certified copy of this resolution be filed with the Director of Local Government Services.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

54. Council President Nadrowski moved that the following resolution, seconded by Council Member LaPelusa, which motion was adopted.

Cash Management Plan

WHEREAS, N.J. 40A; 5-14, Local Fiscal Affairs Law, requires that each municipality adopt a Cash Management Plan designed to assure the deposit and investment of local funds; now, therefore be it

RESOLVED, that the Municipal Council of the City of Bayonne does hereby adopt the following Cash Management Plan:

A. DESIGNATION OF DEPOSITORIES

The following institutions are designated as permissible depositories for the deposit of City Funds.

BANK OF AMERICA
BANK OF NEW YORK
BCB COMMUNITY BANK
CAPITAL ONE BANK
CITIBANK
GARDEN STATE COMMUNITY BANK
HUDSON CITY SAVINGS BANK
INVESTORS BANK
JP MORGAN CHASE BANK
M&T BANK
PNC BANK
TD BANK
THE PROVIDENT BANK
VALLEY NATIONAL BANK
WELLS FARGO BANK

All depositories must conform to the Governmental Unit Deposit Protection Act (“GUDPA”), and shall provide a Notification of Eligibility from the State of New Jersey, Department of Banking, on a semi-annual basis. In addition, designated depositories shall maintain maximum FDIC or FSLIC coverage of all City funds on deposit.

B. DEPOSIT OF FUNDS

All funds shall be deposited within forty-eight (48) hours of receipt, in accordance with N.J.S. 40A: 5-15, into appropriate fund operating accounts. Non-interest bearing operating and capital accounts shall be regularly monitored for the availability of funds for investment. Debt Service and Trust accounts shall be maintained in accordance with Federal and State statutes regulating such funds which represent funds of individuals and other organizations held by the City, shall be deposited in regular non-interest bearing checking accounts unless applicable State statutes direct otherwise, Grant funds shall be deposited in accordance with the regulations of the granting government agency.

C. INVESTMENT INSTRUMENTS AND PROCEDURES

The City may purchase those investments permitted in N.J.S. 40A; 5-15-1 which include;

United States Treasury Bonds, Notes and Bills
United States Government Agency and Instrumentality Obligations
Bonds and other obligations of the City of Bayonne
Bonds and other obligations of the Bayonne Board of Education
Commercial Bank Deposits and Certificates of Deposit
State of New Jersey Cash Management Fund
Municipal Investors Service Corporation
First Union Money Manager Investment Program
Fidelity Treasury AAA Rated Fund
NJ Asset & Rebate Management Program

The City may purchase other obligations approved by the Division of Investment of the Department of Treasury for investment by local units.

Investments shall be limited to a maturity of not more than one year unless a longer term is permitted by applicable Federal or State regulations. Allowable investments with maturities which extend beyond the end of the City's fiscal year shall be permitted only if interest accrued on the investment is credited to the City at the end of the fiscal year for the purpose of realizing budgetary revenue.

The purchase of Certificates of Deposit shall be made based on the availability of funds for investment and the analysis of projected cash flows. Bids for Certificates of Deposit will be solicited of at least three designated depositories only if the amount available for investment is \$100,000 or greater. Telephone bids will be solicited by the Chief Financial Officer and/or the Treasurer, or designated staff member. Bidders shall specify the principal amount, interest rate and maturity of the investment. A check or wire transfer will be made available to the winning bidder on the same business day the bid is awarded.

Where the return on a proposed investment does not exceed the cost of making said investment, the Chief Financial Officer and/or the Treasurer will not make the investment. The Chief Financial Officer and/or the Treasurer shall have the discretion to award an investment to the depository wherein the funds reside, should that institution's quoted interest rate be less than other quoted rates, and the differential in interest rates is not more than twenty-five (25) basis points (0.25%), providing that the term of the investment is thirty (30) days or less. The Chief Financial Officer and/or the Treasurer shall also have the discretion to reject all bids.

The following officials shall be covered by surety bonds; said surety bonds to be examined by the independent auditor to insure their proper execution:

Chief Financial Officer
Treasurer
Tax Collector
City Clerk

Staff members of the Department of Finance not covered by separate surety bonds shall be covered by a Public Employee's Faithful Performance Bond.

D. COMPLIANCE

The Cash Management Plan of the City of Bayonne shall be subject to the approval of the City's Director of Law, and shall be subject to the annual audit conducted pursuant to N.J.S. 40A: 5-4.

As stated in N.J.S. 40A: 5-14, the official(s) charged with the custody of City funds shall deposit them as instructed by this Cash Management Plan, and shall thereafter be relieved of any liability or loss due to the insolvency or closing of any depository,

If, at anytime, this Cash Management Plan conflicts with any regulation of the State of New Jersey, or any department thereof, the applicable State regulations shall apply.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

55. Council Member LaPelusa moved that the following resolution, seconded by Council Member Perez, which motion was adopted.

WHEREAS, the City of Bayonne, in the County of Hudson, New Jersey (the “City”), a public body corporate and politic of the State of New Jersey (the “State”), is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “Redevelopment Law”), to determine whether certain parcels of land within the City constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

WHEREAS, pursuant to the Redevelopment Law, the Municipal Council adopted Resolution No. 98-02-04-040, designating the entire City as an area in need of rehabilitation in accordance with *N.J.S.A. 40A:12A-14*; and

WHEREAS, on March 18, 1998, the Bayonne Municipal Council (the “Municipal Council”) adopted Resolution 98-03-18-065 requesting the Planning Board of the City (the “Planning Board”) to conduct a preliminary investigation pursuant to *N.J.S.A. 40A:12A-6* to determine whether the subject area (the “Peninsula Study Area”), qualified as ‘an area in need of redevelopment’ in accordance with the criteria set forth in *N.J.S.A. 40A: 12A-5*, and if so, to prepare a redevelopment plan; and

WHEREAS, on November 23, 1999, the Municipal Council adopted Resolution 99-11-23-078 designating the Peninsula Study Area, as an area in need of redevelopment (the “Peninsula Redevelopment Area”); and

WHEREAS, on August 24, 2001, the Municipal Council passed Ordinance O-01-45, which adopted the original Redevelopment Plan for the Peninsula Redevelopment Area in accordance with the Redevelopment Law; and

WHEREAS, on December 15, 2004, the Municipal Council passed Ordinance O-04-39, adopting a new Redevelopment Plan for the Peninsula Redevelopment Area, titled “The Peninsula at Bayonne Harbor” with an amendment dated February 14, 2006; and

WHEREAS, by Ordinance No. O-06-24, the Municipal Council adopted a revision of The Peninsula at Bayonne Harbor Redevelopment Plan dated July 19, 2006 (the “Redevelopment Plan”), which incorporated and superseded the prior redevelopment plans and amendments; and

WHEREAS, the Redevelopment Plan was adopted a number of years ago when market conditions were different from current market conditions; and

WHEREAS, portions of the Peninsula Redevelopment Area currently remain vacant and/or undeveloped; and

WHEREAS, in order to update the Redevelopment Plan and consider adopting an amendment to said Plan in order to ensure the success of redevelopment in the Redevelopment Area in conformity with the City’s redevelopment objectives, the City would like to review certain portions of the Peninsula Redevelopment Area, which are identified as follows:

1. a portion of Block 830, Lot 1 on the tax map of the City of Bayonne, known as Parcels B4, B5, B6, B10, B11, B12, B13, B14, B15, B18.1, and B18.2 and portions of Parcels B7, B16 and B18.3, as shown on the existing Peninsula at Bayonne Harbor Redevelopment Plan, including the lands and rights of way for the streets know as I Street, J Street, K Street, South Park Avenue, Parkside Street, Bay View Drive, Center Street and Memorial Drive; and
2. a portion of Block 890, Lot 1 on the tax map of the City of Bayonne, known as Parcel B19 (“Hudson River Waterfront Walkway”), (collectively, the “Parcel”).

NOW, THEREFOR BE IT RESOLVED that:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. The Municipal Council hereby refers the Redevelopment Plan, attached hereto as Exhibit A, to the Planning Board for review and recommendation in accordance with the requirements of *N.J.S.A. 40A:12A-7(e)*.
3. Pursuant to the Redevelopment Law, the Planning Board is hereby authorized and directed to review those portions of the Redevelopment Plan and the Peninsula Redevelopment Area relating to the Parcel identified as follows:
 - a. Portion of Block 830, Lot 1 on the tax map of the City of Bayonne, known as Parcels B4, B5, B6, B10, B11, B12, B13, B14, B15, B18.1, and B18.2 and portions of Parcels B7, B16 and B18.3, as shown on the existing Peninsula at Bayonne Harbor Redevelopment Plan, including the lands and rights of way for the streets know as I Street, J Street, K Street, South Park Avenue, Parkside Street, Bay View Drive, Center Street and Memorial Drive; and
 - b. Portion of Block 890, Lot 1 on the tax map of the City of Bayonne, known as Parcel B19 ("Hudson River Waterfront Walkway").
4. The Planning Board shall make recommendations to the Municipal Council regarding an update to the Redevelopment Plan relating to the Parcel and recommended amendments to same.
5. The Clerk of the City shall forward a copy of this Resolution to the Planning Board for review pursuant to *N.J.S.A. 40A:12A-7(e)*.
6. This Resolution shall take effect immediately.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

56. Council Member LaPelusa moved that the following resolution, seconded by Council Member Gullace, which motion was adopted.

RESOLUTION AUTHORIZING AND DIRECTING THE PLANNING BOARD OF THE CITY OF BAYONNE TO CONDUCT A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER CERTAIN PROPERTY WITHIN THE CITY CONSTITUTES A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 ET SEQ.*

WHEREAS, the City of Bayonne, in the County of Hudson, New Jersey (the "City"), a public body corporate and politic of the State of New Jersey (the "State"), is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "Redevelopment Law"), to determine whether certain parcels of land within the City constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

WHEREAS, pursuant to the Redevelopment Law, the Municipal Council adopted Resolution No. 98-02-04-040, designating the entire City as an area in need of rehabilitation in accordance with *N.J.S.A. 40A:12A-14*; and

WHEREAS, N.J.S.A. 40A:12A-6 authorizes the governing body of any municipality, by resolution, to have its Planning Board conduct a preliminary investigation to determine whether an area of the municipality is a non-condemnation "area in need of redevelopment" pursuant to the criteria contained in N.J.S.A. 40A:12A-5; and

WHEREAS, the Mayor and Municipal Council consider it to be in the best interest of the City to have the Planning Board of the City (the "Planning Board") conduct such an investigation regarding certain properties located at the northwest corner of Broadway and 46th Street in the City, which properties are identified as Block 77, Lots 16, 17, 18, 19, 20, 21, 22, 23 and 24, as shown on the official Tax Map of the City (the "Property"); and

WHEREAS, the City believes the Property is potentially valuable for contributing to, serving, and protecting the public health safety and welfare and for the promotion of smart growth within the City: and

WHEREAS, the preliminary investigation will be designed to evaluate the area to determine whether designation of the Property as a non-condemnation “area in need of redevelopment” is appropriate and in conformance with the statutory criteria contained in N.J.S.A. 40A:12A-5.

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

Section 1. The Planning Board is hereby directed to conduct a preliminary investigation to determine whether the aforementioned Property, or any portions thereof, constitute a non-condemnation “area in need of redevelopment” according to the criteria set forth in N.J.S.A. 40A:12A-5;

Section 2. The Planning Board is hereby directed to study the area known as Block 77, Lots 16, 17, 18, 19, 20, 21, 22, 23 and 24; to develop a map reflecting the boundaries of the proposed non-condemnation redevelopment area; to provide public notice and conduct public hearings pursuant to N.J.S.A. 40A:6; and to draft a report/Resolution to the Mayor and Municipal Council containing its findings; and

Section 3. The results of such preliminary investigation shall be submitted to the Mayor and Municipal Council for review and approval in accordance with the provisions of the Redevelopment Law.

Section 4. This Resolution shall take effect immediately.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

57. Council President Nadrowski moved that the following resolution, seconded by Council Member Perez, which motion was adopted.

WHEREAS, the City of Bayonne, in the County of Hudson, New Jersey (the “City”), a public body corporate and politic of the State of New Jersey (the “State”), is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “Redevelopment Law”), to determine whether certain parcels of land within the City constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

WHEREAS, pursuant to the Redevelopment Law, the Municipal Council adopted Resolution No. 98-02-04-040, designating the entire City as an area in need of rehabilitation in accordance with *N.J.S.A. 40A:12A-14*; and

WHEREAS, the City is desirous of continuing revitalization and redevelopment efforts in the City;

WHEREAS, in order to ensure the success of rehabilitation in conformity with the City’s objectives, the City would like to review certain property identified as Block 295, Lot 17 on the City’s Tax Maps (the “Parcel”), and to authorize the preparation of a Rehabilitation Plan for said Parcel;

NOW THEREFORE, BE IT RESOLVED that:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. Pursuant to the provisions of *N.J.S.A. 40A:12A-7(e)* of the Redevelopment Law, the Planning Board, through the City’s staff and/or Planning Board professionals, is hereby authorized and directed to prepare a Rehabilitation Plan for the Parcel identified as Block 295, Lot 17 on the City’s Tax Maps;
3. The Clerk of the City shall forward a copy of this Resolution to the Planning Board for review pursuant to *N.J.S.A. 40A:12A-7(e)*.
4. This Resolution shall take effect immediately.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

58. Council Member Cotter moved that the following resolution, seconded by Council Member Gullace, which motion was adopted.

RESOLUTION OF THE CITY OF BAYONNE AUTHORIZING
THE EXECUTION OF THE AMENDED AND RESTATED
REDEVELOPMENT AND PURCHASE AND SALE
AGREEMENT AND CERTAIN OTHER AGREEMENTS IN
CONNECTION WITH THE SETTLEMENT OF CERTAIN
LITIGATION AND CLAIMS CONCERNING A PORTION OF
THE BAYONNE BAY DISTRICT

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*, as amended and supplemented (the “Act”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, in accordance with the criteria set forth in the Act, the City identified and designated the former Bayonne Military Ocean Terminal, known as the “Peninsula at Bayonne Harbor” (formerly Block 404, Lot 1 on the City’s tax maps) (the “Peninsula”) as an area in need of redevelopment; and

WHEREAS, previously, the City of Bayonne Redevelopment Agency, also known as the Bayonne Local Redevelopment Authority (the “BLRA”) was designated as the “redevelopment entity” for the Peninsula pursuant to *N.J.S.A. 40A:12A-4(c)*, with responsibility for implementing redevelopment plans and carrying out redevelopment projects on the Peninsula; and

WHEREAS, on or about August 24, 2001 and pursuant to the Act, the City adopted a redevelopment plan for the Peninsula which plan was subsequently amended from time to time (as amended, the “Redevelopment Plan”); and

WHEREAS, pursuant to the Redevelopment Plan, the Peninsula was divided into multiple districts, including the Harbor Station, Bayonne Bay, Maritime, Landing, Loft, and Point districts; and

WHEREAS, the BLRA and Bayonne Bay Developers, L.L.C. (the “Entity”) entered into a Redevelopment Agreement dated November 29, 2006, with respect to certain property on the Peninsula (the “Original Redevelopment Agreement”); and

WHEREAS, on or about July 30, 2010, the BLRA, as seller, and the Port Authority of New York and New Jersey (the “Port Authority”), as purchaser, entered into a contract of purchase and sale for the sale of the Landing, Loft and Point districts by the BLRA to the Port Authority (the “Port Contract”); and

WHEREAS, on or about August 5, 2010, the BLRA conveyed the Landing, Loft and Point districts to the Port Authority pursuant to the Port Contract; and

WHEREAS, the Entity filed a complaint (the “Complaint”) in the Superior Court of New Jersey, Law Division, Hudson County on August 5, 2010 bearing Docket Number HUD-C-45-12 against the BLRA which was later amended to assert claims against Port Authority and the City and which was consolidated with an action by the Plaintiff in Superior Court of New Jersey, Law Division, Hudson County against the BLRA and the City bearing Docket Number HUD-C-46-12 (the “Litigation”); and

WHEREAS, the City and Port Authority filed answers, asserted defenses and denied liability as to any and all claims asserted by the Entity in the Litigation; and

WHEREAS, by Ordinance No. 0-13-22, adopted on August 14, 2013, the City dissolved the BLRA pursuant to the Local Fiscal Control Law, *N.J.S.A. 40:51-20*, and became, as a matter of law, the successor-in-interest of all properties owned by the BLRA as of the date of the dissolution, including without limitation, all properties located on the Peninsula owned by BLRA as of such date; and

WHEREAS, the City’s fee ownership of all properties owned by BLRA, including those on the Peninsula, was confirmed by quitclaim deed from BLRA to the City dated October 16, 2013 and recorded in the Register of Deeds of Hudson County, New Jersey on January 9, 2014, 2013, in Deed Book 8952, Page 477 et seq.; and

WHEREAS, the City has determined to act as the “redevelopment entity” for the Peninsula under the Act; and

WHEREAS, the City and the Entity have engaged in settlement discussions to resolve the Litigation and, in connection therewith, have negotiated the terms of an Amended and Restated Redevelopment and Purchase and Sale Agreement (the "Redevelopment Agreement") and a Tolling Agreement and Stipulation Regarding Pending Litigation (the "Tolling Agreement") setting forth the terms and conditions upon which the Litigation may be settled; and

WHEREAS, in furtherance of the Redevelopment Agreement and the Tolling Agreement, the City, Entity and Port Authority negotiated a Settlement Agreement and Release, (the "Settlement Agreement") and a Roadway/Rail, Property Buffer and Property Use Agreement (the "Buffer Agreement") which together settle all aspects of the Litigation, and releases each of the City, Entity and Port Authority from any liability arising therefrom.

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

Section 1. The Redevelopment Agreement, Tolling Agreement, Settlement Agreement and Buffer Agreement in substantially the forms on file with the City Clerk are hereby approved and the Mayor is hereby authorized to execute the Redevelopment Agreement, Tolling Agreement, Settlement Agreement and Buffer Agreement on behalf of the City subject to such additions, deletions, modifications or amendments deemed necessary by the Mayor in his discretion in consultation with counsel, which additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto, and to take all other necessary and appropriate action to effectuate the Redevelopment Agreement, Tolling Agreement, Settlement Agreement and Buffer Agreement.

Section 2. The Mayor is further hereby authorized to take all steps necessary to negotiate and execute any additional documents or agreements necessary in order to carry out the purposes of the Redevelopment Agreement, Tolling Agreement, Settlement Agreement, Buffer Agreement and this resolution.

Section 3. This resolution shall take effect immediately.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

59. Council Member LaPelusa moved that the following resolution, seconded by Council Member Gullace, which motion was adopted.

WHEREAS, the City of Bayonne has a consistent need for professional planning, engineering and traffic engineering services; and

WHEREAS, Agreement No. CY14-058 between the City of Bayonne and Jacobs Engineering Group, LLC. for professional planning, engineering and traffic engineering services expired as of December 31, 2014; and

WHEREAS, notwithstanding the December 31, 2014 expiration date, due to exigent circumstances, in order to protect the interests of the City of Bayonne, Jacobs Engineering Group, LLC, has continued to provide said services through February 28, 2015; and

WHEREAS, funds have been certified as available in Account BA-2 pending adoption of the CY2015 budget; now, therefore, be it

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

2. The Treasurer is hereby authorized to issue a warrant in the amount of \$5,984.00 to Jacobs Engineering Group, LLC for the amount invoiced for the period commencing January 9, 2015 through February 27, 2015 subject to the presentation of a bill from Jacobs Engineering Group, LLC and the submission of claims list for the month of February 2015 by the Chief Financial Officer.

2. Funds shall be charged to Account BA-2.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

60. Council Member Cotter moved that the following resolution, seconded by Council Member Perez which motion was adopted.

RESOLUTION AUTHORIZING AND DIRECTING THE PLANNING BOARD OF THE CITY OF BAYONNE TO CONDUCT A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER CERTAIN PROPERTY WITHIN THE CITY CONSTITUTES A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 ET SEQ.*

WHEREAS, the City of Bayonne, in the County of Hudson, New Jersey (the "City"), a public body corporate and politic of the State of New Jersey (the "State"), is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "Redevelopment Law"), to determine whether certain parcels of land within the City constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

WHEREAS, pursuant to the Redevelopment Law, the Municipal Council adopted Resolution No. 98-02-04-040, designating the entire City as an area in need of rehabilitation in accordance with *N.J.S.A. 40A:12A-14*; and

WHEREAS, N.J.S.A. 40A:12A-6 authorizes the governing body of any municipality, by resolution, to have its Planning Board conduct a preliminary investigation to determine whether an area of the municipality is a non-condemnation "area in need of redevelopment" pursuant to the criteria contained in N.J.S.A. 40A:12A-5; and

WHEREAS, the Mayor and Municipal Council consider it to be in the best interest of the City to have the Planning Board of the City (the "Planning Board") conduct such an investigation to determine if certain properties located at the northwest corner of Broadway and 46th Street in the City, which properties are identified as Block 77, Lots 16, 17, 18, 19, 20, 21, 22, 23 and 24, as shown on the official Tax Map of the City (the "Property") constitute a non-condemnation "area in need of redevelopment"; and

WHEREAS, the City believes the Property is potentially valuable for contributing to, serving, and protecting the public health safety and welfare and for the promotion of smart growth within the City; and

WHEREAS, the preliminary investigation will be designed to evaluate the area to determine whether designation of the Property as a non-condemnation "area in need of redevelopment" is appropriate and in conformance with the statutory criteria contained in N.J.S.A. 40A:12A-5;

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

Section 1. The Planning Board is hereby directed to conduct a preliminary investigation to determine whether the aforementioned Property, or any portions thereof, constitute a non-condemnation "area in need of redevelopment" according to the criteria set forth in N.J.S.A. 40A:12A-5;

Section 2. The Planning Board is hereby directed to study the area known as Block 77, Lots 16, 17, 18, 19, 20, 21, 22, 23 and 24; to develop a map reflecting the boundaries of the proposed non-condemnation redevelopment area; to provide public notice and conduct public hearings pursuant to N.J.S.A. 40A:12A-6; and to draft a report/Resolution to the Mayor and Municipal Council containing its findings; and

Section 3. The results of such preliminary investigation shall be submitted to the Mayor and Municipal Council for review and approval in accordance with the provisions of the Redevelopment Law.

Section 4. This Resolution shall take effect immediately.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

61. Council Member Perez moved that the following resolution, seconded by Council Member Gullace, which motion was adopted.

WHEREAS, the Municipal Council adopted Municipal Ordinances establishing affordable housing obligations for the City of Bayonne (the “City”), in accordance with the regulations of the New Jersey Council on Affordable Housing (“COAH”); and

WHEREAS, on March 10, 2015, the Supreme Court of New Jersey (the “Supreme Court”) issued a decision relating to COAH’s Third Round Rules, *In Re Adoption of N.J.A.C. 5:96 and 5:97* (M-392-14) (the “Supreme Court Decision”); and

Municipal Council believe that it is in the best interest of the City to review the Revised General Ordinances of the City of Bayonne, Chapter 33, Planning and Development Regulations, Articles 13 through 18 (the “Affordable Housing Ordinance”);

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. In response to the recent Supreme Court Decision, the Planning Board, through the City’s staff and/or Planning Board professionals, is hereby authorized and directed to review the Affordable Housing Ordinance and make recommendations to the Municipal Council regarding an update and related amendments to the Ordinance.

Section 3. This Resolution shall take effect immediately.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

62. Council Member Cotter moved that the following resolution, seconded by Council Member Perez, which motion was adopted.

WHEREAS, the following lawsuits filed against the City of Bayonne and its employees are currently pending and being defended by the following outside attorneys and their law firms (collectively, “Law Firms”) pursuant to retainer agreements with said law firms:

Burns v. COB et al., 2:12-cv-06075-JLL-JAD

Roger Plawker, Esq., Walder, Hayden & Brogan (Smith & O’Connell)
Kenneth Davie, Esq., Cifelli & Davie (Officer William Kobryn)
Peter W. Till, Esq. (Capt Nevins & Lt Farrell)
John F. McKeon, Esq., Hardin, Kundla, McKeon & Poletto, P.C. (Capt. Thomas Lynch)

City of Bayonne v. ACE L-1844-13 (Dec Action)

David Bruno, Esq., Bianchi Law Group

Desmond, Frances v City of Bayonne HUD-L-21-13 (PI)

David Bruno, Esq., Bianchi Law Group

Rios, Jason v City of Bayonne et als, 2:12-CV-0416-KM-MAH

Kenneth P. Davie, Esq., Cifelli & Davie (City of Bayonne, BPD, chief Kubert & Sgt Amato & Lt Deczynski)
Peter W. Till, Esq., (Off Mahoney)
Eric. J. Plantier, Esq., Hardin, Kundla, McKeon & Poletto (Sgt Amato)
Gregory J. Castano, Esq., Castano Quigley (Off Saroshinsky & Popowski)

Ramos, Bengie v City of Bayonne,et al.. 2:13-CV-02444-ES-SCM

Leo J. Hurley, Esq., Connell Foley (City of Bayonne, Eric Gordon & Lawrence Gordon)

; and

WHEREAS, given the advanced nature of the proceedings, the time each Law Firm has spent cultivating a defense and defending the City and/or its employee(s) to date and the familiarity each Law Firm has with the facts of its respective case(s), it is in the City’s best interest in order to ensure continuity in the proceedings and to

achieve a cost effective result, to retain the Law Firm(s) pending conclusion of the litigation; and

WHEREAS, each of the above listed Law Firms responded to the City's RFP / RFQ for panel counsel posted on July 25, 2014 and/or December 23, 2014 pursuant to a fair and open process and each Law Firm qualifies under N.J.S.A.19:44A:20; and

WHEREAS, the following lawsuit was settled in 2015 by the Law Firms indicated below and legal invoices remain open:

Statham, James v City of Bayonne et als, HUD-L-2781-12

Thomas M. Lenney, Esq., (Joseph Era)
Alexander Booth, Esq., (Det. Graptsul)
Salvatore Roccaro, Esq., (Sgt. Betancourt)

; and

WHEREAS, funds are certified as available in ICF Liability Account; now, therefore, be it

RESOLVED that the following Law Firms shall be approved by the Municipal Council to continue in their representation of the City in each of the above stated matters:

Walder, Hayden & Brogan, P.A.
Cifelli & Davie
Law Office of Peter W. Till, Esq.
Hardin, Kundla, McKeon & Poletto, P.C.
Bianchi Law Group
Castano Quigley, LLC
Connell Foley, LLP

; and be it further

RESOLVED, the Insurance Fund Commission, through its attorney, is directed to authorize and process for payment the 2015 open invoices in the settled matter of Statham v. City of Bayonne et als, HUD-L-2781-12; and be it further

RESOLVED, that funds shall be charged to ICF Liability Account.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

63. Council Member Perez moved that the following resolution, seconded by Council Member Cotter, which motion was adopted.

WHEREAS, the City of Bayonne has a consistent need for professional legal services as Rent Control Board Attorney; and

WHEREAS, Agreement No. CY15-003 between the City of Bayonne and John J. Smith, Jr., Esq. for professional legal services to act as Ret Control Board Attorney expired as of December 31, 2014; and

WHEREAS, notwithstanding the December 31, 2014 expiration date, due to exigent circumstances, in order to protect the interests of the City of Bayonne, John J. Smith, Jr., Esq. has continued to provide said services through February 28, 2015; and

WHEREAS, funds have been certified as available in Account #M-19 01-201-20-100-2-020 pending adoption of the CY2015 budget; now, therefore, be it

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

3. The Treasurer is hereby authorized to issue a warrant in the amount of \$1,250.00 to John J. Smith, Jr., Esq. for the amount invoiced for the period commencing February 1, 2015 through February 28, 2015 subject to the presentation of a bill from John J. Smith, Jr., Esq. and the submission of claims list for the month of February 2015 by the Chief Financial Officer.
2. Funds shall be charged to Account #M-19 01-201-20-100-2-020.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

64. Council Member LaPelusa moved that the following resolution, seconded by Council Member Nadrowski, which motion was adopted.

WHEREAS, Resolution No. 13-12-11-048 adopted by the Municipal Council on December 11, 2015 authorized an Agreement with Nowell, Amoroso, Klein, Bierman, P.A. for professional legal services in defense of the City of Bayonne in connection with State Tax Court Tax Appeals for the period commencing January 1, 2014 and ending December 31, 2014 for an amount not to exceed \$55,000.00 at an hourly rate of \$165.00; and

WHEREAS, subsequent thereto, the City of Bayonne entered into Agreement No. CY14-008 with Nowell, Amoroso, Klein, Bierman, P.A. for the aforesaid professional legal services; and

WHEREAS, during the term of the contract, the law firm of Nowell, Amoroso, Klein, Bierman, P.A. was called upon to perform services whose value exceeded the maximum amount of the contract in the amount of \$5,791.50; and

WHEREAS, funds are certified as available in Account #01-203-20-156-2-020; now, therefore be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to execute an amendment to Agreement No. CY14-008 between the City of Bayonne and Nowell, Amoroso, Klein, Bierman, P.A., 155 Polify Road, Hackensack, New Jersey 07601 increasing same in the amount of \$5,791.50 making the total contract amount \$60,791.50 chargeable to Account #01-203-20-156-2-020.
2. All other terms and conditions of Agreement No. CY14-008 shall remain the same.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

* * * * *

65. Council Member Cotter moved that the following resolution, seconded by Council President Nadrowski, which motion was adopted.

Authorizing the Business Administrator to enter into negotiations with the Bayonne Board of Education for the purchase of the ice rink facility

WHEREAS, the Bayonne Board of Education maintains and owns a facility containing an ice rink; and

WHEREAS, the facility is in need of extensive repairs and improvements; and

WHEREAS, the city is willing and able to undertake the financial responsibility to make all necessary repairs and upgrades; and

WHEREAS, the purchase of the facility by the City will reduce the financial impact to the residents and minimize disruption of services.

NOW, THEREFORE, BE IT RESOLVED, BY THE MEMBER OF THE CITY COUNCIL OF THE CITY OF BAYONNE, that the City's Business Administrator is hereby authorized to negotiate for the purchase and transfer of the ice rink facility from the Board of Education along with an inter local agreement. The final contract and agreements to be approved by the City Council.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

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At 8:20 P.M., Council President Nadrowsaki motion to adjourn, seconded by Council Member Perez, which motion was adopted.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

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President - Sharon A. Nadrowski

Clerk - Robert F. Sloan