

**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, JUNE 17, 2015

The Council met at 7:02 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 June 17, 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 June 12, 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.** The Council as a whole moved the following resolution, which was read by the Clerk and adopted.

WHEREAS, the City of Bayonne finds that it is in its best interest to define the term "responsible", as referenced in the competitive bidding statutes, governing its purchases of construction goods and services in connection with municipal construction projects: and

WHEREAS, the City of Bayonne wishes to ensure that contracts for municipal construction projects are awarded in an atmosphere that invites competition and guards against favoritism, improvidence, arbitrary conduct, extravagance, fraud and corruption, so as to secure the best work or supplies at the lowest cost practicable; and

WHEREAS, the City of Bayonne possesses great discretion in determining the "lowest responsible bidder" and is entitled to specify the terms of the contract when its solicits for municipal construction projects and the criteria that bidders must meet in order to be considered a "responsible" bidder in the exercise of its proprietary duties and responsibilities, including meeting all Federal and State Requirements; and

WHEREAS, as the contracting authority, the City of Bayonne is entrusted with the power to determine whether a respective bidder is the "lowest responsible bidder" and has met all the Federal and State requirements; and,

WHEREAS, the City of Bayonne solicits bids and/or proposals on many different types of municipal construction contracts with varying factors affecting each purchasing decision, and therefore, must take into account reasonable benefits to the community's welfare arising from each bid and in the exercise of its proprietary functions; now, therefore, be it

RESOLVED, that financial responsibility is an important factor in determining the lowest responsible bidder, and the City of Bayonne, through its contracting authority, shall require an entity that bids on a municipal construction contract produce satisfactory evidence that the business entity is properly registered and authorized to conduct the type of work to be performed, including evidence that demonstrates the entity possesses or complies with the requirements of the Internal Revenue Service, New Jersey Department of Treasury and/or Labor, as well as complies with the general business license requirement of the State of New Jersey prior to the award and will continue to maintain said status during the term of the contract; and, be it further

RESOLVED, that the City of Bayonne, as the contracting authority, in order to make its determination as to whether a bidding entity is responsible, shall confirm and substantiate that the successful bidder can reasonably be expected to complete and perform under the contract specifications and, to that end, may require the successful

bidder to post a bid, performance, wage/fringe benefits and/or material bond(s); and be it further

RESOLVED, that the City of Bayonne, as the contracting authority, shall also determine if the successful bidder can reasonably be expected to complete the municipal construction project within the time constraints as delineated in the request for bids and/or proposals and shall also determine if the bidding entity maintains a satisfactory level of past performance and integrity as well as possesses the financial, supervisory, personnel, material, equipment, and other resources and expertise to satisfactorily meet its contractual responsibilities and obligations; and, be it further

RESOLVED, that social responsibility is a concern in awarding public contracts, and the City of Bayonne, as the contracting authority, may factor in its determination of whether a bidder is "responsible" factors as bidder's compliance with the requirements of the U.S. Department of Labor's Occupational Safety & Health Administration; and, be it further

RESOLVED, that the City of Bayonne, as the contracting authority, shall require the bidder to provide a certificate of insurance, designating the City of Bayonne as an Additional Insured under all pertinent policies, specifying all required coverage, including general liability, workers' compensation, completed operations, automobile, hazardous occupation, product liability, and professional liability at such limits as the contracting authority deems appropriate to protect the interests of the City of Bayonne; and, be it further

RESOLVED, that the provision of satisfactory evidence by the bidding entity for municipal construction contracts be established so that 1) it participates in an apprenticeship and training program approved and registered with the U.S. Department of Labor's Bureau of Apprenticeship & Training, 2) ten percent (10%) of the labor hours required shall be performed by Bayonne residents who are participating in the apprenticeship program, and 3) provides a benefit configuration being no less than that required under the New Jersey Prevailing Wage Act is minimally required to demonstrate that a bidding entity is "responsible".

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

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**02.** The Council as a whole moved the following resolution, which was read by the Clerk and adopted.

WHEREAS, the City of Bayonne, in cooperation with General Contractors and/or Project Management Firms, desires to provide for the efficient, safe, quality, and timely completion of municipal construction projects in excess of five million dollars in a manner designed to advance public policy objectives and afford lower reasonable costs to the City of Bayonne; and

WHEREAS, it is believed that Project Labor Agreements can help facilitate the achievement of these goals in connection with municipal construction projects in excess of five million dollars by:

- (1) Ensuring a reliable source of skilled and experienced labor;
- (2) Standardizing the terms and conditions governing the employment of labor on the Project;
- (3) Permitting wide flexibility in work scheduling and shift hours and times; from those which otherwise might obtain;
- (4) Receiving negotiated adjustments as to work rules and staffing requirements from those which otherwise might obtain;
- (5) Providing comprehensive and standardized mechanisms for the settlement of work disputes, including those relating to jurisdiction;
- (6) Avoiding the costly delays of potential strikes, slowdowns, walkouts, picketing and other disruptions arising from

work disputes, and promote labor harmony and peace for the duration of the Project.

- (7) Furthering public policy objectives as to improved employment opportunities for minorities, women and the economically disadvantaged in the construction industry;
- (8) Expediting the construction process; now, therefore, be it

RESOLVED, that the Mayor and Clerk are hereby authorized to enter into Project Labor Agreements for municipal construction projects in excess of five million dollars, and only for municipal construction projects in excess of five million dollars, in form and substance consistent with the Model Project Labor Agreement attached hereto, subject to modification and approval of the Law Division on a project by project basis.

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

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**03.** Nicole Mankowski and John Bauer, HPAE local officials addressed the council regarding two bills in the legislature on nursing staffing levels.

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**04.** The Council as a whole moved the following resolution, which was read by the Clerk and adopted.

Whereas, as elected leaders, the City Council is committed to ensuring that the residents of the City of Bayonne have access to quality health care service; and,

Whereas, Bayonne Medical Center (BMC) has been providing essential healthcare services to the citizens of Bayonne since 1888; and,

Whereas, a decade of studies show a direct link between nurse staffing levels and key patient outcomes; and,

Whereas, studies show that unsafe staffing levels negatively affect retention of nursing staff; and,

Whereas, current hospital regulations in New Jersey, setting only limited standards, have not been updates since 1987; and,

Whereas, technology, reduced hospital stays, and patient care have undergone drastic changes.

Now, Therefore, Be It Resolved, that the City Council of the City of Bayonne, County of Hudson, State of New Jersey hereby expresses its support of S1183 and A647, bills before the New Jersey State Legislature that establish minimum registered professional nurse staffing standards for hospitals and ambulatory surgery facilities and certain DHS facilities.

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

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**05.** Stacie Percella addressed the council on AFSCME 52 Local 2261 union matters.

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**06.** Seth Gollin staff attorney for AFSCME Local 2261.

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**07.** Peter Franco addressed the council on general city matters and the restructuring of code enforcement department.

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**08.** Mark Orlowski addressed the council on the subject of the Port Authority construction on the Bayonne Bridge.

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**09.** Danny Geiss addressed the council regarding truck traffic at 7th Street and Kennedy Blvd.

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**10.** The Clerk announced:

AN ORDINANCE ENTITLED, "AN ORDINANCE VACATING A PORTION OF DEL MONTE DRIVE," which was introduced and passed a first reading at a meeting held May 20, 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 June 17, 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.

The Clerk read the ordinance by title: "AN ORDINANCE VACATING A PORTION OF DELMONTE DRIVE"

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

WHEREAS, an ordinance entitled, "AN ORDINANCE VACATING A PORTION OF DEL MONTE DRIVE," was introduced and passed a first reading at a meeting held May 20, 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 June 17, 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-15-19.

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

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**11.** 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 April 22,

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 May 20, 2015, is now before the Council for its consideration and a public hearing.

Council President Nadrowski 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.

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 President Nadrowski moved the following resolution, seconded by Council Member Perez, 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 May 20, 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 June 17, 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-15-20.

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

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**12.** Council Member Perez introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING FIVE (5) YEAR TAX EXEMPTION ON THE ASSESSED VALUE OF NEW IMPROVEMENTS ONLY FOR NEWLY CONSTRUCTED RESIDENTIAL UNITS WITH RESPECT TO THE PARCEL OF LAND LOCATED AT BLOCK 258, LOT 8 (A/K/A 298-304 BROADWAY) ON THE TAX MAP OF THE CITY OF BAYONNE.

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, 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 or an area in need of redevelopment; and

WHEREAS, on February 4, 1998 by resolution No. 98-02-04-040 the entire City was designated as an area in need of rehabilitation pursuant to the Redevelopment Law; and

WHEREAS, pursuant to the Five Year Exemption and Abatement Law, *N.J.S.A. 40A:21-1 et seq.* (the "Five Year Law") improvements to property located within an area in need of rehabilitation or redevelopment may qualify for short term tax exemptions; and

WHEREAS, on May 22, 2013 the Municipal Council adopted Ordinance No. O-13-15 authorizing tax exemptions for the construction of 'multiple dwellings' (as defined in the Hotel and Multiple Dwelling Law, *N.J.S.A. 55:13A-1 et seq.*) in the City as authorized under *N.J.S.A. 40A:21-8* of the Five Year Law; and

WHEREAS, 304 Broadway Partners Urban Renewal Co. LLC is the owner of and has developed a parcel of land located at BLOCK 258, LOT 8, (with a property address commonly known as "298-304 Broadway" which is also known as the "Project Area") on the tax map of the City and constructed or will cause to be constructed thereon certain real estate improvements consisting of residential development containing five stories, thirty-eight (38) residential dwelling units with parking on the ground floor (the "Project"); and

WHEREAS, 304 Broadway Partners Urban Renewal Co. LLC has submitted an application to the City requesting a tax exemption under the Five Year Law for itself and/or on behalf of the new owners of the 38 residential units seeking a 5 year exemption agreement on the improvements; and

WHEREAS, the Municipal Council has determined that the authorization of a tax exemption for the aforesaid Project is in the best interests of the City and facilitates the goals of rehabilitation and productive use;

NOW THEREFORE BE IT ORDAINED, by the Municipal Council of the City of Bayonne, in the County of Hudson, New Jersey, as follows:

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

Section 2. The Municipal Council hereby approves an individual tax agreement for the exemption of real estate taxes on the parcel set forth above and any future sublots created by virtue of the development thereof in the Project Area allowing for a 5 Year exemption on the improvement on each individual parcel substantially in the form attached to this Ordinance and shall calculate payments in lieu of taxes in accordance with the tax phase-in basis and be in the form substantially as provided in Exhibit A also attached hereto. Each such agreement is intended to apply to the individual parcel involved for the five years following substantial completion of the property provided that the terms of the agreement are met and shall be executed with respect to each such parcel by the owner of that parcel following the effective date of this ordinance. Each such Tax Agreement shall be for no longer than five (5) years and only applicable to the assessed value of the new improvement (building) constructed on that parcel as such value is determined by the City Tax Assessor. Each such Tax Agreement shall also provide that; at all relevant times herein, the land values (land assessment) for the Project will NOT be subject to any Exemption or Abatement and that Land Taxes paid in full throughout any period of exemption on the improvement. If the effective date of this ordinance is subsequent to the date of substantial completion, the exemption shall nonetheless be credited from the first day of the month following substantial completion provided that the application was timely filed within 30 days of substantial completion and all other terms of the agreement are met. If the date of substantial completion should be prior to the effective date of this ordinance, the Mayor, in consultation with legal counsel to the City, is hereby authorized to execute each of these Tax Agreements, with such modifications or revisions deemed necessary by the Mayor, and to prepare, amend or execute any other agreements necessary to effectuate the Tax Agreement and this Ordinance.

Section 3. Within thirty (30) days of its execution, the City Clerk shall forward a copy of the Tax Agreement to the Director of the Division of Local Government Services in the Department of Community Affairs as prescribed by *N.J.S.A. 40A:21-11(d)*.

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

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 "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING FIVE (5) YEAR TAX EXEMPTION ON THE ASSESSED VALUE OF NEW IMPROVEMENTS ONLY FOR NEWLY CONSTRUCTED RESIDENTIAL UNITS WITH RESPECT TO THE PARCEL OF LAND LOCATED AT BLOCK 258, LOT 8 (A/K/A 298-304 BROADWAY) ON THE TAX MAP OF THE CITY OF BAYONNE," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, July 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.

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**13.** Council Member LaPelusa 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 A PORTION OF THE BAYONNE MILITARY OCEAN TERMINAL LOCATED ON BLOCK 830, PORTION OF LOT 1.

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 "Act"), 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, in accordance with the criteria set forth in the Act, the City identified and designated the Bayonne Military Ocean Terminal (the "Peninsula") as an area in need of redevelopment; and

WHEREAS, previously, 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, pursuant to a decision by the United States of America to decommission its facilities on the Peninsula, and while the BLRA was the redevelopment entity for the Peninsula, the Peninsula was conveyed to the BLRA pursuant to certain quitclaim deeds dated September 28, 2001 and December 11, 2002, and recorded on October 3, 2001 and January 24, 2003, respectively; and

WHEREAS, by Ordinance No. 01-13-22 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 the BLRA as of such date; and

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

WHEREAS, the City has determined to act as the "redevelopment entity" for the property, designed as Block 830, portion of Lot 1 on the tax map of the City (the "Project Site") which land is located on the Peninsula; and

WHEREAS, the City has adopted a redevelopment plan that includes the Project Site, entitled “Redevelopment Plan The Peninsula at Bayonne Harbor - Harbor Station North Redevelopment Area”; and

WHEREAS, the City shall adopt a new redevelopment plan for the Project Site (the “Redevelopment Plan”) which redevelopment plan shall supersede and replace all prior redevelopment plans applicable to the Project Site; and

WHEREAS, by Resolution adopted by the City on March 18, 2015, the City designated Bayonne Bay Developers Urban Renewal, LLC (f/k/a Bayonne Bay Developers, LLC) (the “Entity”), an urban renewal entity qualified to do business under the provisions of the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq., as amended and supplemented (the “Long Term Tax Exemption Law”) as the “Redeveloper” for the Project Site, as defined in and permitted by the Act, and approved the execution of an amended and restated redevelopment and purchase and sale agreement between the Redeveloper and the City providing for the acquisition and redevelopment of the Project Site by the Redeveloper (the “Redevelopment Agreement”); and

WHEREAS, the Redevelopment Agreement recognizes and acknowledges the right of the Redeveloper to assign its interests thereunder to the Entity; and

WHEREAS, the proposed project to be undertaken on the Project Site is the construction of a multi-family, multi-building, multi-phase residential project, all as may be modified in connection with applications for site plan approval (the “Project”); and

WHEREAS, the Project shall conform to the Redevelopment Plan and will be in conformance with the master plan of the City; and

WHEREAS, the City has undertaken a policy to encourage jobs, both construction related and permanent, and has determined to, among other things, suspend certain affordable housing requirements in furtherance of such policy; and

WHEREAS, despite the Entity’s substantial investment of equity and borrowed funds, such amounts are 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, by a letter dated June 10, 2015, a copy of which is attached hereto as Exhibit A (the “Mayor’s Recommendation”), 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, such that the combined tax payment on the land and the annual service charge paid by the Entity each year shall be no less than the amount of the total property taxes that would otherwise be owed on the Project Site, after redevelopment, if the Financial Agreement has not been executed; 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 Site is not currently developed to its maximum potential. The Project Site is vacant land. It was previously utilized as a military installation but is currently underutilized. Upon expiration of the exemption, the Project shall be fully assessed and conventionally taxed;
2. The construction of the Project will result in the creation of approximately 100 construction and approximately 25 permanent jobs;
3. The Project will generate significant amounts of new (otherwise unavailable) municipal revenues through the Annual Service Charge and water/sewer fees.

4. Given the uncertainty and instability of current 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;

5. Without the incentive of the tax exemption, it is unlikely that the Project would be undertaken and without the Project, the benefits described above would not be realized;

6. The tax exemption permits the development of underutilized property and provides a stream of revenue in the form of Annual Service Charges. The relative stability and predictability of the Annual Service charges will allow the owners and, by extension, the occupants, of the Project to stabilize their expenses, which will ensure the likelihood of the success of the Project and ensure that it will have a positive impact on the surrounding area.

7. The Financial Agreement was a material inducement to the Entity to undertake the Project in the City and facilitate the redevelopment of the Project Site; and

WHEREAS, in accordance with the provisions of the Long Term Tax Exemption 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 Exemption Application submitted by the Entity is hereby approved in accordance with Section 8 of the Long Term Tax Exemption Law.

Section 2. The Mayor, in consultation with counsel to the City, is hereby authorized to execute the Financial Agreement and prepare, amend or execute any other agreements necessary to effectuate this ordinance, subject to modification or revisions, as deemed necessary and appropriate.

Section 3. 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 4. 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) to the extent permitted by the Long Term Tax Exemption Law, thirty (30) years from the Entity's receipt of a Certificate of Occupancy (as defined in the Financial Agreement) for the Project and only so long as the Entity remains subject to and in compliance with the Financial Agreement and the Long Term Tax Exemption Law and; provided further, that the Entity does not file a petition of tax appeal for the Project or any part thereof.

Section 5. 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 Long Term Tax Exemption Law.

Section 6. The Project shall conform with all federal, state and City laws, ordinances and regulations relating to its construction and use.

Section 7. 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 8. The Entity shall, from the time the Annual Service Charge becomes effective under the Financial Agreement, pay to the City the estimated quarterly Annual Service Charge for the Project until the correct amount due from the Entity is determined by the certified financial audit report, required to be submitted under the terms of the Financial Agreement. After the report has been accepted by the City and within ninety (90) days thereafter, the City and the Entity shall adjust any over or underpayment so made or required to be made for the period covered by the certified audit report.

Section 9. 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 APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR TAX EXEMPTION FOR AN URBAN RENEWAL PROJECT WITH RESPECT TO A PORTION OF THE BAYONNE MILITARY OCEAN TERMINAL LOCATED ON BLOCK 830, PORTION OF LOT 1," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, July 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.

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**14.** Council Member Perez introduced:

AN ORDINANCE AUTHORIZING AN EASEMENT OVER THE CITY'S RIGHT OF WAY ON WEST 5<sup>TH</sup> STREET FOR THE PURPOSE OF ALLOWING PARKING AND ACCESS.

WHEREAS, the City of Bayonne is in receipt of a request by C&A Development Corp., the owner of 179 West 5<sup>th</sup> Street, for an easement upon which said owner can utilize a portion of the City's right of way adjacent to 179 West 5<sup>th</sup> Street as a parking area and as a point of access to the improvements thereon; and

WHEREAS, in furtherance of said request, the City of Bayonne has been provided with a Survey dated May 8, 2015 (revised May 12, 2015 to reflect the proposed easement) and a metes and bound description, both prepared by Faraldi Group, Inc., 831 First Street, Secaucus, New Jersey 07094-3432, evidencing that the proposed easement would encroach upon the City's right of way twenty-five (25) feet in width and one hundred twenty-two and 44/100 (122.44) feet in length on West 5<sup>th</sup> Street; and

WHEREAS, the City of Bayonne believes that the West 5<sup>th</sup> Street neighborhood would be best served by allowing for this parking and access easement insofar as there is limited parking available in the immediate area; now, therefore, be it

ORDAINED, as follows:

SECTION 1

- 1.1 The above recitals are incorporated herein.
- 1.2 That the Mayor and Clerk be and are hereby authorized to execute an Easement Agreement consistent with the dimensions set forth in the above referenced Survey and metes and bound description, and incorporating the terms and conditions of any Planning, Zoning and/or Building approvals necessary for the effectuation of said parking and access easement, and in such form as may be deemed necessary by the Division of Law of the City of Bayonne to secure these purposes both now and in the future.

SECTION 2 SEVERABILITY

- 2.1 If any subdivision, paragraph, subparagraph, sentence or clause of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this section.

SECTION 3 EFFECTIVE DATE

3.1 This ordinance shall take effect upon approval and publication according to law.

SECTION 4 TERMINATION DATE

4.1 The aforesaid easement shall terminate 30 years from the effective date of this ordinance.

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 AUTHORIZING AN EASEMENT OVER THE CITY'S RIGHT OF WAY ON WEST 5TH STREET FOR THE PURPOSE OF ALLOWING PARKING AND ACCESS," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, July 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.

\* \* \* \* \*

15. Council Member LaPelusa introduced:

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

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

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

RESTRICTIVE PARKING ZONES

DELETE

098. Geraldine Zdancewicz, 119 West 19<sup>th</sup> Street  
Beginning at a point on the north side of West 19<sup>th</sup> Street, 148 feet west of the northwest corner of Avenue C and West 19<sup>th</sup> Street, and extending to a point 22 feet west thereof.

ADD

020. Anna Marie Sopko, 176 West 8<sup>th</sup> Street  
Beginning at a point on the west side of West 8<sup>th</sup> Street, 446 feet west of the southwest corner of West 8<sup>th</sup> Street and Avenue A, and extending to a point 22 feet west thereof.  
(adds name)

103. Mrs. Giraldo Consuelo for Jose Valencia, Andrew Street (79)  
Beginning at a point on the north side of Andrew Street, 307 feet west of the northwest corner of Andrew Street and Avenue C and extending to a point 22 feet in a westerly direction. (adds new name to existing zone)

365. Rosemarie Devera, 93A West 45<sup>th</sup> Street  
Beginning at a point on the north side of West 54<sup>th</sup> Street, 220 feet east of the northeast corner of Avenue B and West 45<sup>th</sup> Street, and extending to a point 20 feet east thereof.

RELOCATE

044. John Sharkey, 39 West 33<sup>rd</sup> Street

OLD LOCATION: Beginning at a point on the north side of 33rd Street, 196 feet east of the northeast corner of Avenue C and West 33rd Street and extending 12 feet in an east thereof.

NEW LOCATION: Beginning at a point on the north side of West 33<sup>rd</sup> Street, 236 feet east of the northeast corner of Avenue C and West 33<sup>rd</sup> Street, and extending to a point 6 feet east thereof.

Council Member LaPelusa moved the following resolution, seconded by Council Member Perez, 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, July 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.

\* \* \* \* \*

**16.** 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.

\* \* \* \* \*

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

From Peter J. Cresci, Esq., filing notice of tort claim on behalf of JOEL BUCHHOLZ, alleging injuries sustained February 19, 2015 in a slip and fall at the 31<sup>st</sup> Street entrance to the Free Public Library.

\* \* \* \* \*

**18.** The Council as a whole moved the following communication be received and filed, which motion was adopted.

From Robert M. Anderson, Esq., filing notice of tort claim on behalf of MAGDY DAWOD, alleging injuries sustained February 23, 2015 in a fall on the ice of 19 East 25<sup>th</sup> Street.

\* \* \* \* \*

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

From John J. Smith, Jr., Esq., filing notice of tort claim on behalf of ANNA MORYTO, alleging injuries sustained April 8, 2015 in a fall on the sidewalk at 669 Broadway.

\* \* \* \* \*

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

From CLAUDIA D. FLORES, filing notice of tort claim alleging property damage to her automobile on an undisclosed date resulting from being struck by an NJ Treasury Department fleet vehicle at 32<sup>nd</sup> Street and Broadway.

\* \* \* \* \*

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

From IRENE ROSE PYKE, filing notice of tort claim alleging property damage to her automobile tire on May 22, 2015 resulting from hitting a pothole at 17<sup>th</sup> Street east of Kennedy Boulevard.

\* \* \* \* \*

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

From ANTHONY M. MACKOW and ALLYSON N. MACKOW, filing notice of tort claim alleging property damage to their automobile tire on April 3, 2015 resulting from being damaged by a metal spike in a steel plate at Avenue E near 40<sup>th</sup> Street.

\* \* \* \* \*

**23.** 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, "MARKIEWICZ vs. RAMIREZ, THE CITY OF BAYONNE, et al." (Sidewalk fall down on January 3, 2012 at 659 Avenue A)

\* \* \* \* \*

**24.** 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.

\* \* \* \* \*

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

Bayonne Municipal Council  
630 Avenue C  
Bayonne, NJ 07002

Attn: Robert F. Sloan, Esq. RMC  
City Clerk

Dear Honorable Municipal Council Members:

Pursuant to Chapter 7-17.1 of the Revised General Ordinances of the City of Bayonne, and upon the request of the Parking Utility of the City of Bayonne, I have determined that the following areas in the City of Bayonne, are impacted by construction vehicles and should be included in the existing Orange Parking Zones:

Evergreen Street from Hobart Avenue to Isabella Avenue

I have further determined that it is the resident's interest to include the above in the Orange Zone, in that the requirement of permits to park longer than 3 hours will alleviate unfavorable parking conditions, restrict the flow of outside traffic into the neighborhoods, thereby improving the quality of the life in those neighborhoods.

Respectfully submitted,  
James M. Davis  
Mayor

\* \* \* \* \*

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

June 5, 2015

Dear Council President Nadrowski  
and Honorable Members of City Council

I hereby submit and recommend the following individual for appointment to the Municipal Utilities Authority Commission of the City of Bayonne:

Elizabeth Jessen	Term expiring on February 1, 2016
11 Pavonia Court	<i>(Unexpired Alt. #2 Term of Michael Furmaniak)</i>
Bayonne, NJ 07002	

In conjunction with this appointment the City Clerk has been directed to add an accompanying item on the June 10, 2015 Council Caucus Meeting agenda for consideration by the City Council.

Sincerely,  
James M. Davis  
Mayor

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

\* \* \* \* \*

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

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

\* \* \* \* \*

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

DATE: May 7, 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 MAY 2015

Janet Convery

\* \* \* \* \*

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

BID REPORT  
FOR THE MUNICIPAL COUNCIL

Date: 06/12/15      Ad Date: 05/20/15      Date bids accepted: 06/02/15

Attending: Amy Dellabella, John F. Coffey II

Bid Titled: DPW UNIFORMS

Bidder:

Herbert's Army & navy, LLC  
468 Broadway  
Bayonne, NJ 07002

See Attached Schedule of Unit Prices

After review by the Department director, the Purchasing Department will prepare a request for contract award and forward it to the City Clerk for inclusion in future Council Agenda. If other than the lowest bidder is recommended, an explanation will be provided with that report. If bids are to be rejected, an appropriate report will be prepared. Please retain this report, as the information above may not be repeated in the request for award documents or in the event of a bid rejection.

Respectfully submitted,  
Amy Dellabella, RPPO. QPA  
Purchasing Agent  
(signed)

\* \* \* \* \*

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

BID REPORT  
FOR THE MUNICIPAL COUNCIL

Date: 06/15/15      Ad Date: 05/08/15      Date bids accepted: 06/03/15

Attending: Amy Dellabella, John F. Coffey II

Bid Titled: Improvements to 16th St Park ADA Compliant Playground

Bidder(s):

Bid Amount

Picerno-Giordano Construction  
200 Market Street  
Kenilworth, NJ 07033

\$237,546.00

JC Landscape Construction & Mgt.Co.Inc.  
8 Industrial Rd.  
Pequannock, NJ 07440

\$276,665.00

Let It Grow, Inc.  
52 Ackerson St.  
River Edge, NJ 07661

\$314,724.00

Jamali Developers  
238 Fresh Pond Rd.  
Monroe Twp, NJ 08831

\$319,041.00

After review by the Department director, the Purchasing Department will prepare a request for contract award and forward it to the City Clerk for inclusion in future Council Agenda. If other than the lowest bidder is recommended, an explanation will be provided with that report. If bids are to be rejected, an appropriate report will be prepared. Please retain this report, as the information above may not be repeated in the request for award documents or in the event of a bid rejection.

Respectfully submitted,  
Amy Dellabella, RPPO. QPA  
Purchasing Agent  
(signed)

\* \* \* \* \*

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

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

RESOLVED, That the following items which have been included on the agenda for this regular meeting as 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.

\* \* \* \* \*

**32.** 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, May 20, 2015 be and the same are hereby approved.

\* \* \* \* \*

**33.** 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, May 13, 2015, be and the same are hereby approved.

\* \* \* \* \*

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

WHEREAS, in preparing the official minutes of the regular council meeting held April 22, 2015, an error was made in that the resolution constituting paper number 064 placed in the minutes in a version that was changed prior to the council meeting and was also inadvertently repeated as paper number 065; and

WHEREAS, the City Clerk has found the error and replaced the items in the official minutes of the meeting of April 22, 2105 with the correct resolutions; now, therefore, be it

RESOLVED, That the official minutes of the regular council meeting held Wednesday, April 22, 2015 be and the same are hereby amended to reflect the foregoing corrections; and be it further

RESOLVED, that the actions of the City Clerk in making the amendment be and are hereby ratified and confirmed.

\* \* \* \* \*

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

WHEREAS, the Honorable James J. Donovan was elected as a Commissioner of the City of Bayonne on May 9, 1939 in the heaviest vote in the history of the City of Bayonne, having received the largest number of votes among twenty-seven candidates,

and defeating candidates backed by the notorious Mayor Frank Hague, breaking away from the influence of Hudson County political influence, and was elected by his fellow commissioners as mayor, serving until 1943; and

WHEREAS, prior to public service in Bayonne, James J. Donovan served his country in World War I as a member of the Medical Detachment of the 312th Infantry in France and Italy, having been awarded the Croix de Guerre from France, the Italian War Cross and Certificate by the government of Italy, and the Distinguished Service Cross by the Congress of the United States, the second highest military honor that could be awarded to a member of the United States Army; and

WHEREAS, James J. Donovan founded the James J. Donovan Football League, a legendary sports league that flourished in Bayonne from 1932 to 1950 that provided recreational opportunities and sports excitement to the community and whose roster of members reads like a who's who of legends of Bayonne's history of the era; and

WHEREAS, during his term in office, Mayor James J. Donovan led the administration that had the foresight to build the Port Terminal on the east side of Bayonne, an ocean going seaport that brought significant employment to the city and made it a major port on the eastern seaboard; and

WHEREAS, Mayor James J. Donovan fought hard amid stiff competition from the Brooklyn Navy Yard for the federal government to take over the city's Port Terminal and convert it into a naval supply depot and to build a super dry dock that still exists at the base, successfully lobbying President Franklin D. Roosevelt and the congress for the necessary legislation and appropriations, and

WHEREAS, Mayor James J. Donovan, as mayor and public safety commissioner, continued to serve both his city and his country as the United States' involvement in World War II became apparent, acting both locally and regionally to put the city on a war time footing, providing protection for the city's population and its industry and shipping; now, therefore, be it

RESOLVED, that in recognition of his lifetime achievements as a war hero, sports figure, political leader, and outstanding citizen of the City of Bayonne, and particularly because of his inexhaustible efforts to bring the Bayonne Navy Base and its drydock to this city, the Mayor and Municipal Council hereby direct that the triangular piece of land located within Block 830, Lot 1 on the tax maps of the City of Bayonne, which, more specifically, lies to the East of Harbor Place and is bounded by Veterans Memorial Boulevard to the North and Constitution Avenue to the South, be dedicated and henceforth known as Mayor James J. Donovan Park.

\* \* \* \* \*

**36.** 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
76	24	Tommaso Lametta	370.62
180	16	Francisca Henriquez	1,518.80
181	12.24	Bernard & Elaine Hoffmann	398.39
219	8	Doris Wilson	1,412.12

267	41	Oceanview Title Agency	2,190.69
315	5	Dennis Halsey	1,351.27
357	18	Patricia Keenan	584.87
368	7	Joseph Gizzi, Jr.	2,890.98
379	7	Jorge L. Jorge	2,470.48
380	44	Michael Schneck, Esq./ Perdikos	16,098.32
431	14	William & Audrey Jurcisin	407.48
447	12.01	Vincent Tomczak	1,344.54
Total:			31,038.56

\* \* \* \* \*

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

RESOLVED, that the actions of the Treasurer in issuing a warrant in the amount of \$ 3,125.00 payable to HEP Soil Conservation District for Soil Erosion Permit is hereby ratified and confirmed. Said warrant is charged to Business Administration – O.E.

\* \* \* \* \*

**38.** 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 \$45.00 be drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of licenses Nos. 1176-1201 inclusive, 25 dog licenses, representing one dollar per license for the state fee, twenty cents per license for the state clinic and three dollars per license for non-spayed and non-neutered dogs.

\* \* \* \* \*

**39.** 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
AHERN FOUNDATION INC.	7:00P.M 14 East 27th St. SEPT. 2,9,16,23 OCT. 7, 14,21,28 NOV. 4,11,18,25	RL: 9044

\* \* \* \* \*

**40.** Council Member LaPelusa moved that the following resolution, seconded by Council President Nadrowski, which was read by the Clerk and adopted.

WHEREAS, the City Clerk advertised in the Jersey Journal on May 20, 2015 that sealed bids for DPW UNIFORMS would be received on June 2, 2015; and

WHEREAS, pursuant to the aforesaid advertisement, the following one (1) bid was received:

<u>Bidder</u>	<u>Bid Amount</u>
Herbert's Army & Navy, LLC	See Attached Schedule of Unit Prices

468 Broadway  
Bayonne, NJ 07002; and

WHEREAS, the Purchasing Agent and the Director of Public Works and Parks and Recreation have examined the bid or proposal and have determined that the bid of Herbert's Army & Navy, LLC is a regular bid and is most advantageous to the City for DPW UNIFORMS; and

WHEREAS, funds have been certified in PW-Director's Account pending adoption of the CY2015, CY2016, CY2017 and CY2018 budgets; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The contract for DPW UNIFORMS be awarded to Herbert's Army & Navy, LLC, 468 Broadway, Bayonne, NJ 07002 for a contract term of three (3) years commencing July 1, 2015 through June 30, 2018, with a possible mutually agreed two year extension through June 30, 2020 for an amount not to exceed \$40,000.00 annually.

2. The Mayor and City Clerk are hereby authorized to execute the contract on behalf of the City of Bayonne.

2. Funds shall be charged to PW-Director's Account pending adoption of the CY2015, CY2016, CY2017 and CY2018 budgets.

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

\* \* \* \* \*

**41.** Council President Nadrowski moved that the following resolution, seconded by Council Member Perez, which was read by the Clerk and adopted.

WHEREAS, the City Clerk, advertised in the Jersey Journal on May 8, 2015 that sealed bids for IMPROVEMENTS TO 16TH STREET PARK ADA COMPLIANT PLAYGROUND would be received on June 3, 2015; and

WHEREAS, pursuant to the aforesaid advertisement, the following four (4) bids were received:

<u>Bidder</u>	<u>Bid Amount</u>
Picerno-Giordano Construction 200 Market Street Kenilworth, NJ 07033	\$237,546.00
JC Landscape Construction & Mgt. Co., Inc. 8 Industrial Rd. Pequannock, NJ 07440	\$276,655.00
Let It Grow, Inc. 52 Ackerson St. River Edge, NJ 07661	\$314,724.00
Jamali Developers 238 Fresh Pond Rd. Monroe Twp., NJ 08831; and	\$319,041.00

WHEREAS, the Purchasing Agent and the Director of Public Works and Parks and Recreation have examined the bids or proposals and have determined that the bid of Picerno-Giordano Construction, Inc. is a regular bid and is most advantageous to the City for IMPROVEMENTS TO 16TH STREET PARK ADA COMPLIANT PLAYGROUND; and

RESOLVED, by the Municipal Council as follows:

1. The contract for IMPROVEMENTS TO 16TH STREET PARK ADA COMPLIANT PLAYGROUND be awarded to Picerno-Giordano Construction, 200 Market Street, Kenilworth, NJ 07033 for the amount of \$237,546.00 chargeable to the adoption of Bond Ordinance 015-16

2. The Mayor and City Clerk are hereby authorized to execute the contract on behalf of the City of Bayonne.

3. This contract award is subject to the adoption of Bond Ordinance O-15-16.

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

\* \* \* \* \*

**42.** Council Member LaPelusa moved that the following resolution, seconded by Council Member Perez, which was read by the Clerk and adopted.

WHEREAS, the City of Bayonne is in need of continued maintenance services for five backup generators used in the city's communications system; and

WHEREAS, SBP Industries, 1301 New Market Avenue, South Plainfield, NJ 07080 has supplied emergency generator maintenance/service for five (5) different locations in Bayonne and a 75 kw mobile generator, together with an emergency standby generator agreement to provide backup power for the citywide communications system; and

WHEREAS, renewal of the existing contract is for the sum of \$3,210.00.00 for a one year period commencing July 1, 2015 and ending June 30, 2016 for the six generators, and \$2,640.00 for the emergency standby generator agreement, and funds are certified available from Account #PS-9 01-201-25-240-2-020 in the CY 2014 budget; and

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

RESOLVED, that the Mayor and City Clerk are hereby authorized to enter into an agreement with SBP Industries, 1301 New Market Avenue, South Plainfield, NJ 07080, for emergency generator maintenance/service for generators in five (5) different locations in Bayonne and a 75 kw mobile generator for a one year period commencing July 1, 2015 and ending June 30, 2016, for the sum of \$3,210.00 for the maintenance/service agreement for the six generators, and \$2,640.00 for the emergency standby generator agreement, for a total contract amount of \$5,800.00, and funds are certified available from Account PS-9 01-201-25-240-2-020, in the CY 2015 budget; and be it further

RESOLVED, that the Municipal Treasurer be and is hereby authorized and directed to issue a warrant in the amount of \$5,850.00 payable to SBP Industries in payment for said services.

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

\* \* \* \* \*

**43.** Council President Nadrowski moved that the following resolution, seconded by Council Member Perez, which was read by the Clerk and adopted.

WHEREAS, the Chief of Police has an ongoing need for access to an on-line information network; and

WHEREAS, IACP Net, 2101 Wooddale Drive, Suite D, Saint Paul, MN 55125 has previously been awarded a contract to provide such access to an on-line information network, and is willing to renew said contract at a cost of \$1,750.00 for a one year period commencing July 1, 2015 and ending June 30, 2016; and

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

RESOLVED, that the Mayor and City Clerk are hereby authorized to enter into an agreement with IACP Net, Wooddale Drive, Suite D, Saint Paul, MN 55125, for renewal of the city's subscription access to the IACP (International Association Chief of Police) on-line information network for use by the Police Department's administrative

division, at a cost of \$1,750.00 for a one year period commencing July 1, 2015 and ending June 30, 2016; and be it further

RESOLVED, that funds have been certified as available from Account #PS-9 01-201-25-240-2-020 in the CY 2015 Budget; and be it further

RESOLVED, the Municipal Treasurer be and is hereby authorized and directed to issue a warrant payable to IACP Net in the amount of \$1,750.00 in payment for said subscription.

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

\* \* \* \* \*

**44.** Council Member Perez moved that the following resolution, seconded by Council President Nadrowski, which was read by the Clerk and adopted.

WHEREAS, the Police Department of the City of Bayonne has established that there is a need a software license renewal and support for the Police Department's IAPro Internal Affairs computer software; and

WHEREAS, CI Technologies (IAPro), P.O. Box 534, Townsend MA 01469-0534, is willing and able to supply said service for a one year period commencing July 1, 2015 and ending June 30, 2016 at a cost of \$2,040.00; and

WHEREAS, funds are certified as available in Account #PS-9-201-25-240-2-020, of the CY 2015 Budget; and

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

RESOLVED, that the Mayor and City Clerk are hereby authorized to enter into an agreement with CI Technologies (IAPro), P.O. Box 534, Townsend MA 01469-0534, for a software license renewal and support for the Police Department's IAPro Internal Affairs computer software for a one year period commencing July 1, 2015 and ending June 30, 2016 at a cost of \$2,040.00, and funds are certified available in account #PS-9-201-25-240-2-020 of the CY 2015 Budget; and be it further

RESOLVED, that the Municipal Treasurer be and is hereby authorized and directed to issue a warrant payable CI Technologies (IAPro), in the amount of \$2,040.00 in payment for said services.

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 was read by the Clerk and adopted.

WHEREAS, the Police Department of the City of Bayonne has established that there is a need for annual support and battery replacement for the uninterrupted power supply powering the communications center electronics; and

WHEREAS, the Eaton Corporation, P.O. Box 93531, Chicago, IL 60673-3531, has previously been awarded a contract for such services under the company name, Powerware, and is willing and able to continue to supply the aforesaid services for a one year period commencing July 1, 2015 and ending June 30, 2016 at a cost of \$4,338.00 and

WHEREAS, funds are certified as available in Account #PS-9/01-201-25-240-2-020 in the CY 2015 Budget; and

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

RESOLVED, that the Mayor and Clerk of the City of Bayonne are hereby authorized to enter into an agreement with the Eaton Corporation, P.O. Box 93531,

Chicago, IL 60673-3531, for annual support and battery replacement for the uninterrupted power supply powering the communications center electronics for a one year period commencing July 1, 2015 and ending June 30, 2016 for the amount of \$4,338.00; and be it further

RESOLVED, that funds are certified available in Account #PS-9/01-201-25-240-2-020 in the CY 2015 Budget; and be it further

RESOLVED, that the Municipal Treasurer be and is hereby authorized and directed to issue a warrant payable to Eaton Corporation, in the amount of \$4,338.00 in payment for said services.

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

\* \* \* \* \*

**46.** Council Member Perez moved that the following resolution, seconded by Council President Nadrowski, which was read by the Clerk and adopted.

WHEREAS, the Police Department of the City of Bayonne has established that there is a need for maintenance and support for the AccuGlobe 9-1-1 crime mapping and wireless caller locater software; and

WHEREAS, Digital Data Technologies, 2323 West 5<sup>th</sup> Avenue, Suite 210, Columbus, OH 43204, is willing and able to supply said service for a one year period commencing July 1, 2015 and ending June 30, 2016 at a cost of \$6,292.50; and

WHEREAS, funds are certified as available in Account #PS-9/01-201-25-240-2-020 in the CY 2015 Budget; and

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

RESOLVED, that the Mayor and City Clerk are hereby authorized to enter into an agreement with Digital Data Technologies, 2323 West 5<sup>th</sup> Avenue, Suite 210, Columbus, OH 43204, for maintenance and support for the AccuGlobe 9-1-1 crime mapping and wireless caller locater software, for a one year period commencing July 1, 2015 and ending June 30, 2016 at a cost of \$6,292.50, and funds are certified available in account #PS-9/01-201-25-240-2-020 in the CY 2015 Budget; and be it further

RESOLVED, that the Municipal Treasurer be and is hereby authorized and directed to issue a warrant payable to Digital Data Technologies, in the amount of \$6,292.50 in payment for said service.

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

\* \* \* \* \*

**47.** Council President Nadrowski moved that the following resolution, seconded by Council Member Gullace, which was read by the Clerk and adopted.

WHEREAS, the Municipal Council of the City of Bayonne adopted Resolution #15-01-21-050 on January 21, 2015 awarding a contract for professional legal services to Nowell, Amoroso, Klien, Bierman, P.A., 155 Polify Road, Hackensack, New Jersey 07601 to represent the City of Bayonne in State Tax Court Tax Appeals for the period commencing February 1, 2015 and ending January 31, 2016; and

WHEREAS, subsequent thereto, the City entered into Agreement No. CY15-003 with the law firm of Nowell, Amoroso, Klien, Bierman, P.A. for the aforesaid professional legal services in the amount of \$55,000.00 at an hourly rate of \$165.00; and

WHEREAS, John R. Lloyd, Esq. was the attorney at said firm primarily responsible for handling the matters for the City of Bayonne; and

WHEREAS, John R. Lloyd, Esq. is joining the law firm of Chiesa, Shahinian & Giantomasi, PC, One Boland Drive, West Orange, NJ 07052; and

WHEREAS, it is in the best interest of the City of Bayonne to continue to be represented by John R. Lloyd, Esq. in connection with State Tax Court Tax Appeals

and, therefore, award a contract for said professional legal services to the law firm of Chiesa, Shahinian & Giantomasi, PC as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 et seq.*; and,

WHEREAS, the Law Division has provided the law firm of Nowell, Amoroso, Klein, Bierman, PA with formal, written notice of termination of Agreement No. CY15-003 as of May 31, 2015 pursuant to the terms of said Agreement; and

WHEREAS, the Business Administrator has determined and certified in writing that the value of said acquisition may exceed \$17,500; and

WHEREAS, said Funds are certified as available in Account No. 01-201-20-156-2-020 pending adoption of the CY2015 budget.

WHEREAS, Chiesa, Shahinian & Giantomasi, PC, has completed and submitted a Business Entity Disclosure Certification which certifies that Chiesa, Shahinian & Giantomasi, PC has not made any reportable contributions to a political or candidate committee in the City of Bayonne in the previous one year, and that the contract will prohibit the Chiesa, Shahinian & Giantomasi, PC from making any reportable contributions through the term of the contract; 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 Chiesa, Shahinian & Giantomasi, PC, One Boland Drive, West Orange, NJ 07052 for professional legal services to represent the City in connection with State Tax Court Tax Appeals for the period commencing June 1, 2015 and ending December 31, 2015 for an amount not to exceed the unexpended and unbilled portion of Agreement No. CY15-003 through May 31, 2015, under the same terms and at the same hourly rate of \$165.00, as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 et seq.*

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 have been certified as available in Account 01-201-20-156-2-020 pending adoption of the CY2015 budget.

4. The aforesaid Business Disclosure Entity Certification and the Determination of Value submitted by Chiesa, Shahinian & Giantomasi, be placed on file with this resolution.

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

\* \* \* \* \*

**48.** Council Member LaPelusa moved that the following resolution, seconded by Council Member Perez, which was read by the Clerk and adopted.

WHEREAS, New Jersey Turnpike Authority ("NJTA") is in the process of constructing improvements to New Jersey Turnpike Interchange 14A, including improvements to the connections between the New Jersey Turnpike and State Route 440, relocation of certain utilities in the Cities of Bayonne and Jersey City, Hudson County and improvements to Bayonne city streets within existing Bayonne and Jersey City rights-of-way; (collectively, the "Project"); and

WHEREAS, the NJTA has jurisdiction over the Garden State Parkway and the New Jersey Turnpike, including the various roadway extensions, service road and ramp networks throughout New Jersey; and

WHEREAS, Bayonne has jurisdiction over its local roads throughout the Project; and

WHEREAS, Jersey City has jurisdiction over its local roads throughout the Project; and

WHEREAS, the Project has caused a number of pedestrian and vehicular traffic issues (collectively referred to as "Traffic Issues") on the local roads within the confines and vicinity of both Bayonne and Jersey City, but specifically in the area of the current 14A toll plaza including the approach along Avenue "E" at the intersection of 53rd Street ("Project Vicinity");

WHEREAS, the parties acknowledge that said Traffic Issues require the presence of a uniformed officer(s) and patrol unit(s) at certain periods of time particularly during the morning and afternoon rush hours to address, reduce or eliminate a public safety concern, maintain the free-flow of pedestrian and vehicular traffic and enforce motor vehicle operation statute of the State of New Jersey in the Project area and vicinity;

WHEREAS, Bayonne is willing to utilize its uniformed police force and its patrol car(s) if necessary to direct vehicular and pedestrian traffic when determined to be necessary at the sole discretion of the Chief of Police or Public Safety Director of the City of Bayonne and if necessary will also enforce the motor vehicle statutes of the State of New Jersey; including but not limited to coordinating traffic operations on Bayonne and Jersey City streets and roadways (referred to as "Project Services");

WHEREAS, Jersey City is willing to grant such access and authority to the Bayonne Police Department to conduct and perform Project Services within its jurisdictional local roads in the Project Vicinity for the duration of the Project as the case may be, upon the conditions set forth herein;

WHEREAS, NJTA has entered into a separate Memorandum of Agreement to reimburse the City of Bayonne for the Project Services that are necessary to direct pedestrian and vehicular traffic in the sole and absolute discretion of the Bayonne's Chief of Police or Public Safety Director as specified herein is necessary for the Project in the Project Vicinity;

WHEREAS, the Parties wish to cooperate with each other to promote safety and minimize disruption to public convenience during the progress of the Project; and

WHEREAS, to that end, due to exigent circumstances, the Mayor executed the attached Agreement prior to obtaining the approval of this Municipal Council; now, therefore, be it

RESOLVED, that the City of Bayonne shall avail itself of the benefits, obligations and protections offered by the attached Memorandum of Agreement between the City of Bayonne and the City of Jersey City; and, be it further

RESOLVED, that the Mayor's signing of the Memorandum of Agreement, and the Clerk's attestation thereto, were justified by the exigencies attendant to the construction project at Interchange 14A; and be it further

RESOLVED, that the Mayor's signing of the Memorandum of Agreement and the Clerk's attestation thereto, are hereby ratified and affirmed.

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

\* \* \* \* \*

**49.** Council Member Perez moved that the following resolution, seconded by Council President Nadrowski, which was read by the Clerk and 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 Flournoy Gethers VFW Post 7470, 33-35 West 19<sup>th</sup> Street, Bayonne, New Jersey 07002 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, the Flournoy Gethers VFW 7470 has requested and submitted a formal written application dated February 27, 2014 for said CDBG Grant Funds for the amount of \$47,600.00 for the purpose of providing the cost of reconstruction in different locations 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 different locations 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 867; 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 Flournoy Gethers VFW Post 7470, 33-35 West 19<sup>th</sup> Street, Bayonne, New Jersey 07002 for the provision of providing the cost of reconstruction in different locations of the building from Bard Construction, LLC, 252 Fern Avenue, Lyndhurst, NJ 07071 in the amount of \$47,600.00 for the period commencing September 1, 2014 and ending August 31, 2015.

2. Funds shall be charged to Account #CDBG-867

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

\* \* \* \* \*

**50.** Council Member Perez moved that the following resolution, seconded by Council Member Gullace, which was read by the Clerk and adopted.

WHEREAS, Resolution No. 15-01-21-061 adopted by the Municipal Council on January 21, 2015 awarded a contract to Roth D'Aquanni, LLC, 150 Morris Avenue, Suite 206, Springfield, NJ 07081 for professional legal services to conduct arbitration hearings, litigation before the courts, and negotiations and PERC hearings involving various unions and the City of Bayonne for the period commencing February 1, 2015 and ending January 31, 2016; and

WHEREAS, subsequent thereto, the City entered into Agreement No. CY15-016 with Roth D'Aquanni, LLC for the aforesaid professional legal services, and

WHEREAS, it is necessary to amend the contract term from February 1, 2015 ending January 31, 2016 to January 1, 2015 and ending December 31, 2015 for quantum meruit work performed by Roth D'Aquanni, LLC in the month of January, 2015 on behalf of the City of Bayonne; 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. CY15-016 with Roth D'Aquanni, LLC for the aforesaid professional legal services to reflect a term commencing January 1, 2015 and ending December 31, 2015.

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

\* \* \* \* \*

**51.** Council Member LaPelusa moved that the following resolution, seconded by Council President Nadrowski, which was read by the Clerk and adopted.

WHEREAS, on April 22, 2015, the Municipal Council passed Resolution No. 15-04-22-055 authorizing an agreement with the Bayonne Masonic Temple/Peninsula Masonic Lodge #99 F & AM, 888 Avenue C, Bayonne New Jersey 07002 for the purpose of providing CDBG funds in the amount of \$21,990.00 for the purpose of funding the rehabilitation and maintenance of the knee wall and fence located at their premises located at 888 Avenue C for the period commencing September 1, 2014 and ending August 31, 2015; and

WHEREAS, pursuant to the aforesaid Resolution No. 15-04-22-055, the City of Bayonne entered into Agreement No. CY15-043 with the Bayonne Masonic Temple/Peninsula Masonic Lodge #99 F & AM; and

WHEREAS, said Agreement No. CY15-043 reflected that the work be performed pursuant to a proposal from Flash Point Services Group, LLC, the low bidder for the aforesaid rehabilitation and maintenance of the knee wall, dated March 6, 2015 for the amount of \$21,990.00; and

WHEREAS, subsequent thereto, Flash Point Services Group, LLC withdrew its aforesaid proposal; and

WHEREAS, Marek & Son Construction, LLC, 39 West 31st Street, Bayonne, New Jersey 07002 submitted the next lowest proposal for the aforesaid rehabilitation and maintenance of the knee wall dated February 26, 2015 for the amount of \$25,000.00; and

WHEREAS, funds are certified as available in Account CDBG-867, 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. CY15-043 increasing same in the amount of \$3,010.00 making the total contract amount \$25,000.00 and reflecting that the aforesaid rehabilitation and maintenance of the knee wall and fence located at their premises located at 888 Avenue C be performed pursuant to the proposal from Marek & Son Construction, LLC pursuant to their proposal dated February 26, 2015.

2. Funds shall be charged to Account CDBG-867.

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

\* \* \* \* \*

**52.** Council President Nadrowski moved that the following resolution, seconded by Council Member Perez, which was read by the Clerk and adopted.

WHEREAS, on March 18, 2015, this Municipal Council passed Resolution No. 15-03-18-38, authorizing the Purchasing Agent to purchase field turf for Don Ahern Veteran's Memorial Stadium Improvements (the "Project") from Field Turf, 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 Field Turf's proposal dated April 4, 2014; and

WHEREAS, via Purchase Order No. 150190, the City of Bayonne purchased said field turf from Field Turf, 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 Field Turf's proposal dated April 4, 2014; and

WHEREAS, on June 3, 2015, the City's Engineer, Michael Cassidy (Maser Consulting P.A.), submitted a proposal for a Change Order No. 1 to the aforesaid purchase for Don Ahern Veterans Memorial Stadium Improvements for an increase in the amount of \$7,151.26, for the purpose additional field striping, required to satisfactorily complete the Project; and

WHEREAS, the City's Engineer and City's Attorney have reviewed, approved and recommended Change Order No. 1 to process the net increase of \$7,151.26, for an adjusted total of \$ 1,043,546.65 in order to satisfactorily complete the Don Ahern Veterans Memorial Stadium Improvements Project; and

WHEREAS, the award of Change Order No. 1 is necessary for the efficient operation of the City; and

WHEREAS, the Certificate of Available Funds, maintained on file at the City, sets forth that sufficient funds for the subject procurement have been allotted in the City's budget pending adoption of the CY2015 budget; now, therefore, be it

RESOLVED, as follows:

1. The Mayor be and is hereby authorized to execute Change Order No. 1 to process the net increase of \$7,151.26 as stated in the June 3, 2015 change order proposal from the City's Engineer, Michael Cassidy (Maser Consulting, P.A.) in order to satisfactorily complete the Don Ahern Veterans Memorial Stadium Improvements Project, for an adjusted total amount of \$1,043,546.65.
2. The Purchasing Agent be and is hereby authorized to purchase said additional field turf from Field Turf, 7445 Côte-de-Liesse Road, Suite 200, Montreal QC

H4T 1G2 through Keystone Purchasing Network, 90 Lawton Lane, Milton, PA 17847, through Keystone Purchasing Network Contract Number 201301-01, pursuant to Field Turf's proposal dated April 4, 2014 for the amount of \$7,151.26.

3. The Chief Financial Officer's Certification that funds are available shall be maintained on file with the City Clerk and made a part hereof.

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

\* \* \* \* \*

- 53.** Council President Nadrowski moved that the following resolution, seconded by Council Member Gullace, which was read by the Clerk and adopted.

WHEREAS, Resolution No. 11-05-18-047 adopted by the Municipal Council on May 18, 2011 authorized an Agreement with the Control Industries, 103-105 East 25th Street, Bayonne, N.J. 07002 for Heavy Equipment Rental Program for Demolition and other Projects III for an amount not to exceed \$50,000.00 per year for a term of three (3) years commencing July 1, 2011 and ending June 30, 2014 with a possible (2) year renewal until June 30, 2016 chargeable to Accounts - Park Maintenance (50%) and Streets/Road Repairs (50%); and

WHEREAS, pursuant to the aforesaid Resolution No. 11-05-189-047, the City entered into Agreement No. FY12-002 with Control Industries; and

WHEREAS, Resolution 13-03-20-048 adopted by the Municipal Council on March 20, 2013 ratified and confirmed the actions of the Director of Public Works and Parks in authorizing Control Industries to provide debris removal on an emergency basis due to major flooding in various parts of the City caused by Superstorm Sandy and amended the aforesaid Agreement No. FY12-002 with Control Industries to include the Account - Sandy Emergency Appropriation and increase the amount of the annual maximum to \$350,000.00 for invoices pertaining to the aforesaid debris removal; and

WHEREAS, the City Administration and Control Industries, LLC have agreed to an additional one year extension of said agreement FY12-002 for the period commencing July 1, 2015 and ending June 30, 2016 for an additional amount not to exceed \$50,000.00 for the extension period; and

WHEREAS, funds are certified as available in Accounts - Park Maintenance (50%) and Street/Road Repairs (50%); 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. FY12-002 with Control Industries, 103-105 East 25th Street, Bayonne, N.J. 07002 for Heavy Equipment Rental Program for Demolition and other Projects III for an additional one year period commencing July 1, 2015 and ending June 30, 2016 for an additional amount not to exceed \$50,000.00 for the extension period.

2. Funds shall be charged to Accounts - Park Maintenance (50%) and Street/Road Repairs (50%).

3. All other terms and conditions of Agreement No. FY12-002 shall remain the same.

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

\* \* \* \* \*

- 54.** Council President Nadrowski moved that the following resolution, seconded by Council Member Perez, which was read by the Clerk and adopted.

WHEREAS, Resolution No. 12-08-15-033 adopted by the Municipal Council on August 15, 2012 authorized an Agreement with the In-Line Air Conditioning, Inc., 85 East 21st Street, Bayonne, N.J. 07002 for HVAC SERVICES FOR VARIOUS CITY BUILDINGS for an amount not to exceed \$69,455.00 per year for a term of three (3) years commencing July 1, 2012 and ending June 30, 2015 with an agreed upon extension of (2) years until June 30, 2017 chargeable to Various Accounts; and

WHEREAS, pursuant to the aforesaid Resolution No. 12-08-15-033, the City entered into Agreement No. CY12-033 with In-Line Air Conditioning, Inc.; and

WHEREAS, the City Administration and In-Line Air Conditioning, Inc. have agreed to an additional two (2) year extension of said agreement CY12-033 for the period commencing July1, 2015 and ending June 30, 2017 for an additional amount not to exceed \$69,455.00 per year; and

WHEREAS, funds are certified as available in Various Accounts; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to execute a Amendment to Agreement No. CY12-033 with In-Line Air Conditioning, Inc., 85 East 21st Street, Bayonne, N.J. 07002 for HVAC SERVICES FOR VARIOUS CITY BUILDINGS for an additional two (2) year period commencing July 1, 2015 and ending June 30, 2017 for an additional amount not to exceed \$69,455.00 per year.

2. Funds shall be charged to Various Accounts.

3. All other terms and conditions of Agreement No.CY12-033 shall remain the same.

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 was read by the Clerk and adopted.

WHEREAS, on September 17, 2014, the Municipal Council passed Resolution No. 14-09-17-082 authorizing an agreement with the Bayonne Family Community Center to provide CDBG funds in the amount of \$17,320.00 for the purpose of the removal of a 10,000 gallon oil tank located at 259 Avenue E; and

WHEREAS, pursuant to the aforesaid Resolution No. 14-09-17-082, the City of Bayonne entered into Agreement No. CY14-065 with the Bayonne Family Community Center on September 29, 2014; and

WHEREAS, Resolution No. 14-11-12-035 adopted by the Municipal Council on November 12, 2014, authorized an increase in the aforesaid Agreement No. CY14-065 in the amount of \$350.00 to cover the costs of permits in connection with said oil tank removal which were not included in the contractor's original proposal; and

WHEREAS, pursuant to a site inspection performed by PSE&G on January 20, 2015, PSE&G advised that due to a safety hazard, the transformer would have to be cut at the curb if the backfill in relation to the aforesaid tank removal was not completed; and

WHEREAS, due to exigent circumstances, the Business Administrator and the Assistant Director of Community Development authorized the completion of the backfill by the contractor for the amount of \$1,260.00 prior to the adoption of this resolution; and

WHEREAS, funds are certified in Account CDBG-841, 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. CY14-065 with the Bayonne family Community Center increasing same in the amount of \$1,260.00 to cover the cost of completing the backfill in relation to the tank removal.

2. The actions of the Business Administrator and the Assistant Director of Community Development in authorizing the contractor to fill the backfill for the amount of \$1,260.00 are hereby ratified and confirmed.

3. Funds shall be charged to Account CDBG-841.

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 was read by the Clerk and adopted.

Resolution of Support Authorizing Application for the  
2015 Food Waste, Tire Clean-up and Public Space Bonus Recycling Grant Program

WHEREAS, the City of Bayonne strives to achieve a sustainable community and expends local resources in pursuit of this goal; and

WHEREAS, the City of Bayonne continually seeks additional resources to save tax dollars while executing initiatives to assure clean land, air and water, and to improve working and living environments; and

WHEREAS, the City of Bayonne maintains and seeks to expand their local recycling program in support of these sustainability objectives; and

WHEREAS, the purposes of the NJDEP's Food Waste, Tire Clean-up and Public Space Bonus Recycling Grant Program is to provide resources to municipalities to make progress on recycling initiatives; and

WHEREAS, the Mayor and Council of the City of Bayonne have determined that the City will apply for the aforementioned grant and provide the requisite 100% matching funds and abide by all other terms of the guidance promulgated for this program should the grant be awarded; now

THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Bayonne authorizes the Mayor and Business Administrator to submit the application for the 2015 Food Waste, Tire Clean-up and Public Space Bonus Recycling Grant Program.

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 was read by the Clerk and adopted.

WHEREAS, Chapter 99 of the Pamphlet Laws of 1997 of the State of New Jersey (the "Act") permits municipalities to sell their tax levies; and

WHEREAS, the City of Bayonne (the "City") has successfully sold prior tax levies in accordance with the Act; and

WHEREAS, as part of the City's Fiscal Year 2015 budget, the City has determined that it would greatly benefit from another such sale of its tax levy;

WHEREAS, the City of Bayonne is in need of Special Counsel in connection with its upcoming tax levy sale, and

WHEREAS, pursuant to Resolution No. 15-01-21-051, duly adopted at a regular meeting of the Municipal Council of the City on January 21, 2015 under the Fair and Open Contracting Requirements contained in N.J.S.A. 19:44A-20.4, the City engaged the law firms of McManimon, Scotland & Baumann, LLC, 75 Livingston Avenue, Roseland, New Jersey 07068 and Archer & Greiner, 10 Highway 35, Red Bank, New Jersey 07701 (together, "Counsel") to serve as counsel in accordance with the terms and provisions of a fee agreements by and between the City and the respective law firms (the "Agreements"); and

WHEREAS, Counsel has performed professional legal services in connection with the City's tax levy sale in the past and is capable of performing such services; and

WHEREAS, Counsel has agreed to a fee of not to exceed \$25,000.00 at the rates set forth in the Agreements and funds are certified as available from the Bulk Levy Sale pending adoption of the CY 2015 budget; now, therefore, be it

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

The sale of the City of Bayonne's property tax levy is hereby authorized.

1. The Chief Financial Officer is hereby directed to prepare and distribute a Bid Package, including a Notice of Sale, a form of Purchase and Sale Agreement, certain financial information related to the City, a form of Bid Document and any and all other documents and other information as may be required to properly and effectively conduct such sale of tax levy in accordance with the Act.
2. The Chief Financial Officer is hereby directed to cause the publication of the aforesaid Notice of Sale as required by the Act.
3. The Chief Financial Officer is hereby authorized to receive bids and take all actions in connection therewith in accordance with the Act and as to be described in the Notice of Sale.
4. McManimon, Scotland & Baumann, LLC, 75 Livingston Avenue, Roseland, New Jersey 07068 and Archer & Greiner, 10 Highway 35, Red Bank, New Jersey 07701 are hereby authorized to perform the above-mentioned professional legal services for a fee not to exceed \$25,000.00 at the rates set forth in Agreements, plus reasonable and customary expenses, and funds are certified as available from the Bulk Levy Sale pending adoption of CY 2015 budget.
5. The City shall conclude its sale of the total property tax levy in the final month of CY 2015, provided that all statutory notice requirements are followed.

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

\* \* \* \* \*

**58.** Council President Nadrowski moved that the following resolution, seconded by Council Member Perez, which was read by the Clerk and adopted.

Re: Authorizing the Law firm of Inglesino, Webster, Wyciskala & Taylor, LLC, to file a declaratory judgment action in accordance with the Supreme Court of New Jersey's recent decision regarding COAH

WHEREAS, the Supreme Court of New Jersey recently issued an opinion regarding the COAH's failure to adopt new affordable housing rules by November 17, 2014; and

WHEREAS, the Supreme Court placed jurisdiction for approval of municipalities plans with the judiciary; and

WHEREAS, the Supreme Court established a deadline to permit municipalities to file a declaratory action with the Superior Court to determine if their plan is compliant.

NOW THEREFORE, BE IT RESOLVED by the City Council of Bayonne, that the Law firm of Inglesino, Webster, Wyciskala & Taylor, LLC, is authorized to file a declaratory action on behalf of the City of Bayonne in accordance with the Supreme Court's recent decision.

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

\* \* \* \* \*

**59.** Council Member Perez moved that the following resolution, seconded by Council President Nadrowski, which was read by the Clerk and adopted.

WHEREAS, certain improvements to infrastructure known as Berths S1, E1 and E2, located within the Peninsula at Bayonne Harbor, were constructed pursuant to a Construction Contract between the City of Bayonne and Flanagan's Contracting Group, Inc., as authorized by City Resolution No. 091709-04; and

WHEREAS, City of Bayonne has transferred the property upon which these improvements were made to the Port Authority of New York and New Jersey; and

WHEREAS, the City of Bayonne, in furtherance of the transfer of the aforesaid property to the Port Authority of the New York and New Jersey, is required to transfer

all bonds, insurances, guarantees, warranties and other continuing obligations of the aforesaid Construction Contract; now, therefore, be it

RESOLVED by the City Council of Bayonne, that the Mayor and Clerk are hereby authorized to execute any and all documents required to assign to the Port Authority of New York and New Jersey all rights, duties, bonds, insurances, guarantees, warranties and other continuing obligations of the aforesaid Construction Contract with Flanagan's Contracting Group.

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

\* \* \* \* \*

**60.** Council Member Perez moved that the following resolution, seconded by Council Member LaPelusa, which was read by the Clerk and adopted.

WHEREAS, the City of Bayonne previously entered into an agreement dated December 23, 2013 with the Port Authority of New York and New Jersey regarding an award of financial assistance from the Economic Development Administration to the City of Bayonne (EDA Award NO. 01-49-08660) in connection with infrastructure improvements to MOTBY; and

WHEREAS, under the agreement the Port Authority of New York and New Jersey agreed to reimburse the City of Bayonne for its financial contribution made in accordance with the award; now, therefore be it

RESOLVED, that the agreement previously signed by the Mayor on behalf of the City of Bayonne with the Port Authority of New York and New Jersey dated December 23, 2013 is hereby ratified and affirmed.

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

\* \* \* \* \*

**61.** Council Member LaPelusa moved that the following resolution, seconded by Council Member Perez which was read by the Clerk and adopted.

WHEREAS, the City of Bayonne (City") permanently appointed Drew Niekrasz ("Niekrasz") as its Chief of Police on July 17th, 2014, and Niekrasz has served in that capacity since that date; and

WHEREAS, in order to assure the performance of the various covenants, advantages and considerations inuring to the parties, which each party acknowledges is to its/his mutual and reciprocal benefit and advantage, the parties desire to enter into an Employment Agreement setting forth the rights, duties and responsibilities of each party; 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 Employment Agreement with Drew Niekrasz setting forth the terms upon which Niekrasz will be employed as the Chief of Police for the City of Bayonne in a form acceptable to the Law Division.

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

\* \* \* \* \*

**62.** Council Member Perez moved that the following resolution, seconded by Council Member LaPelusa, which was read by the Clerk and adopted.

WHEREAS, the City of Bayonne (City") permanently appointed Drew Sisk ("Sisk") as its Deputy Chief of Police on July 17th, 2014, and Sisk has served in that capacity since that date; and

WHEREAS, in order to assure the performance of the various covenants, advantages and considerations inuring to the parties, which each party acknowledges is to its/his mutual and reciprocal benefit and advantage, the parties desire to enter into an Employment Agreement setting forth the rights, duties and responsibilities of each party; 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 Employment Agreement with Drew Sisk setting forth the terms upon which Sisk will be employed as the Deputy Chief of Police for the City of Bayonne in a form acceptable to the Law Division.

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

\* \* \* \* \*

**63.** Council Member LaPelusa moved that the following resolution, seconded by Council Member Perez, which was read by the Clerk and adopted.

RESOLUTION DESIGNATING BAYONNE LANDCO, LLC AS REDEVELOPER OF THE PROPERTY DESIGNATED AS BLOCK 195, LOT 2 and BLOCK 196, LOTS 1-2 and 4-7 IN THE OF CITY OF BAYONNE AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH BAYONNE LANDCO, LLC FOR THE REDEVELOPMENT OF SUCH PROPERTY IN ACCORDANCE WITH THE REDEVELOPMENT PLAN

WHEREAS, the Municipal Council of the City of Bayonne in its capacity as the redevelopment entity (the "Municipal Council") for the City of Bayonne is responsible for implementing redevelopment plans and carrying out redevelopment projects pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"); and

WHEREAS, in accordance with the provision of the Redevelopment Law, the Municipal Council designated property known as Block 195, Lot 2 and block 196, Lots 1-2 and 4-7 on the official tax map of the City of Bayonne (the "Redevelopment Area") as an area in need of redevelopment; and

WHEREAS, the Redevelopment Area encompasses approximately 2.1452 acres of land located on the western side of Broadway between W. 23<sup>rd</sup> and W. 24<sup>th</sup> Streets, including a portion of Del Monte Drive between W. 23<sup>rd</sup> and W. 24<sup>th</sup> Streets; and

WHEREAS, Del Monte Drive is a public right of way, a portion of which has been vacated as a public right of way by the City; and

WHEREAS, the portion of the Redevelopment Area identified as Block 196, Lots 1-2 is currently owned by Barney Stock Hosiery Shops ("Barney Stock"); and

WHEREAS, the portion of the Redevelopment Area identified as Block 196, Lots 4-7 is currently owned by Barnabas Health Realty-Bayonne Project, LLC ("BHR-BP"), a single-purpose entity, formed to hold title to the portion of the Redevelopment Area identified as Block 196, a portion of Lots 1-2 and all of Lots 4-7 ("Redeveloper Parcels"); and

WHEREAS, the portion of the Redevelopment Area identified as Block 195, Lot 2 ("City Lot") is owned by the City in fee and is presently used as a public recreational miniature golf course and as a public parking lot; and

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Municipal Services has prepared a redevelopment plan for the Redevelopment Area titled "Redevelopment Plan for Block 195, Lot 2; Block 196, Lots 1-2 and 4-7; Del Monte Drive" (the "Redevelopment Plan"); and

WHEREAS, BHR-BP has authorized Bayonne Landco, LLC (the "Redeveloper") to act as agent for, and on behalf of BHR-BP, and BHR-BP has authorized and directed Redeveloper to develop the Project Premises in compliance with the Redevelopment Plan and subject to the terms and condition of this Redevelopment Agreement; and

WHEREAS, the Redeveloper as agent for, and on behalf of BHR-BP proposes to redevelop the Project Premises with an approximately 80,000 square foot, three story ambulatory care center, including a satellite emergency department, outpatient imaging facility, outpatient laboratory and medical office clinic space (the "Medical Facility"), a structured parking facility (the "Parking Garage") and all related improvements; and

WHEREAS, the Redeveloper has agreed to develop the Project Premises and use it for the purpose of implementing the Redevelopment Plan; and

WHEREAS, the Redeveloper has submitted an application to the Planning Board for preliminary and final major site plan approval for the Redevelopment Project which application is pending before the Planning Board (collectively, the "Planning Board Application"); and

WHEREAS, the Redeveloper has requested that the Municipal Council, as a redevelopment entity, enter into a redevelopment agreement with the Redeveloper providing for the Redeveloper's development of the Property in accordance with the Redevelopment Plan and the Planning Board Application; and

WHEREAS, the Municipal Council desires to enter into a Redevelopment Agreement with the Redeveloper, and upon the full execution of such Redevelopment Agreement by the city of Bayonne and the Redeveloper, recognize Bayonne Landco, LLC as redeveloper of the Property as provided for and in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law.

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

Section 1. The Municipal Council of the City of Bayonne hereby authorizes the execution of a Redevelopment Agreement by and between the City of Bayonne, as a redevelopment entity, and Bayonne Landco, LLC, concerning the Property identified as Block 195, Lot 2 and Block 196, Lots 1-2 and 4-7 in the City of Bayonne in such a form deemed advisable by the City Attorney, subject to any and all conditions contained herein and such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel to the City; and

Section 2. The Municipal Council, upon the full execution of a Redevelopment Agreement by the City of Bayonne and Bayonne Landco, LLC will recognize Bayonne Landco, LLC as Redeveloper of Block 195, Lot 2 and block 196, Lots 1-2 and 4-7 in the City of Bayonne as provided for and in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law; and

Section 3. The Mayor and Clerk are hereby authorized to execute the Redevelopment Agreement, with such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel, on behalf of the City of Bayonne, acting as the redevelopment entity for the redevelopment of the Property by Bayonne Landco, LLC.

Section 4. This Resolution shall take effect immediately.

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

\* \* \* \* \*

**64.** Council Member LaPelusa moved that the following resolution, seconded by Council Member Perez, which was read by the Clerk and 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 New Hook Road in the City, which properties are identified as Block 464.01, Lot 6, 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 464.01, Lot 6; 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.

\* \* \* \* \*

**65.** Council President Nadrowski moved that the following resolution, seconded by Council Member Perez, which was read by the Clerk and adopted.

**#5 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	\$	45,765,427.62
Parking Utility	\$	154,000.00

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

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

Current Fund	\$	8,109,581.93
Parking Utility	\$	50,000.00

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

Current Fund	\$	8,109,581.93
Parking Utility	\$	50,000.00

3- 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.

\* \* \* \* \*

**66.** Council President Nadrowski moved that the following resolution, seconded by Council Member LaPelusa, which was read by the Clerk and adopted.

RESOLUTION OF THE CITY OF BAYONNE DESIGNATING CERTAIN PROPERTY WITHIN THE CITY AS 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, *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 Municipal Council of the City (the "Municipal Council") has identified certain properties in the City, designated as Block 330, Lots 6, 7, 8, 9, 10, 11, and 12 on the City's Tax Maps (the "Property"), to be considered for designation as a non-condemnation "area in need of redevelopment" under the Redevelopment Law; and

WHEREAS, by resolution on April 22, 2015, the Municipal Council authorized and directed the Planning Board to conduct a preliminary investigation to determine whether the Property constitutes a non-condemnation "area in need of redevelopment" according to the criteria set forth in *N.J.S.A. 40A:12A-5*; and

WHEREAS, the Municipal Council further directed the Planning Board to develop a map reflecting the boundaries of the Property to be included within the proposed redevelopment area, to conduct a public hearing 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

WHEREAS, *N.J.S.A. 40A-12A-6.b(4)-(5)* of the Redevelopment Law provides in pertinent part relative to the Planning Board's public hearing on the Preliminary Investigation and whether the Study Area should be considered for designation as a non-condemnation "area in need of redevelopment";

"(4) At the hearing, which may be adjourned from time to time, the planning board shall hear all persons who are interested in or would be affected by a determination that the delineated area is a redevelopment area. All objections to such a determination and evidence in support of those objections, given orally or in writing, shall be received and considered and made part of the public record.

(5) (a) After completing its hearing on this matter, the planning board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the municipal governing body to be a redevelopment area"; and

WHEREAS, on June 9, 2015, the Planning Board held a public hearing, duly noticed under the Redevelopment Law, and reviewed an investigation/report prepared the City of Bayonne, Division of Planning & Zoning, Department of Municipal Services dated June 9, 2015 and any persons interested in or affected by a determination that the Property is a non-condemnation redevelopment area were given an opportunity to be heard, and any objections to such a determination and evidence in support of those objections, were received and considered and made part of the public record, and;

WHEREAS, on June 9, 2015, the Planning Board further adopted the Resolution attached hereto recommending that the Property be determined by the Municipal Council to be a non-condemnation "area in need of redevelopment" under the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.*; and

WHEREAS, the Municipal Council concurs and agrees with Planning Board's recommendation, as supported by the reasons stated in the Preliminary Investigation, that the Property constitutes and meets the criteria under the Redevelopment Law and that the Property should be determined and declared a non-condemnation "area in need of redevelopment", which determination shall, among other things, authorize the City to use all of the powers provided by the Legislature for use in a redevelopment area, however, it shall not authorize the City to exercise the power of eminent domain to acquire all or any portion of such Property.

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

Section 1. Block 330, Lots 6, 7, 8, 9, 10, 11, and 12, as shown on the official Tax Map of the City is hereby designated a non-condemnation "area in need of redevelopment" under the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.*; and

Section 2. The Municipal Council hereby directs the City Clerk to transmit a copy of the within resolution to the Commissioner of the Department of Community Affairs and to serve notice that Block 330, Lots 6, 7, 8, 9, 10, 11, and 12 is designated a non-condemnation redevelopment area on the owners of such Property and other parties within ten (10) days of the date hereof, in accordance with *N.J.S.A. 40A:12A-6.b (5)*.

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

\* \* \* \* \*

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

RESOLUTION OF THE CITY OF BAYONNE AUTHORIZING AND DIRECTING THE PLANNING BOARD TO PREPARE A REDEVELOPMENT PLAN FOR BLOCK 330, LOTS 6, 7, 8, 9, 10, 11 & 12

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, *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 Municipal Council of the City (the "Municipal Council") has identified certain properties in the City, designated as Block 330, Lots 6, 7, 8, 9, 10, 11 and 12 on the City's Tax Maps (the "Property"), to be considered for designation as a non-condemnation "area in need of redevelopment" under the Redevelopment Law; and

WHEREAS, by resolution dated April 22, 2015, the Municipal Council authorized and directed the Planning Board to conduct a preliminary investigation to determine whether the Property constitutes a non-condemnation "area in need of redevelopment" according to the criteria set forth in *N.J.S.A. 40A:12A-5*; and

WHEREAS, the Municipal Council further directed the Planning Board to develop a map reflecting the boundaries of the Property to be included within the proposed redevelopment area, to conduct a public hearing 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

WHEREAS, *N.J.S.A. 40A-12A-6.b(4)-(5)* of the Redevelopment Law provides in pertinent part relative to the Planning Board's public hearing on the Preliminary

Investigation and whether the Study Area should be considered for designation as a non-condemnation “area in need of redevelopment”;

“(4) At the hearing, which may be adjourned from time to time, the planning board shall hear all persons who are interested in or would be affected by a determination that the delineated area is a redevelopment area. All objections to such a determination and evidence in support of those objections, given orally or in writing, shall be received and considered and made part of the public record.

(5) (a) After completing its hearing on this matter, the planning board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the municipal governing body to be a redevelopment area”; and

WHEREAS, on June 9, 2015, the Planning Board held a public hearing, duly noticed under the Redevelopment Law, and reviewed an investigation/report prepared the City of Bayonne, Division of Planning & Zoning, Department of Municipal Services and any persons interested in or affected by a determination that the Property is a non-condemnation redevelopment area were given an opportunity to be heard, and any objections to such a determination and evidence in support of those objections, were received and considered and made part of the public record, and;

WHEREAS, on June 9, 2015, the Planning Board further adopted a Resolution recommending that the Property be determined by the Municipal Council to be a non-condemnation “area in need of redevelopment” under the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.*; and

WHEREAS, on June 17, 2015, the Municipal Council adopted a Resolution formally designating the Property as a non-condemnation “area in need of redevelopment”; and

WHEREAS, the Municipal Council is hereby authorizing and directing the Planning Board to prepare and present a Redevelopment Plan for the Property in accordance with the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.*

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

Section 1. The Planning Board of the City of Bayonne is hereby authorized and directed to prepare a Redevelopment Plan for the non-condemnation “area in need of redevelopment” identified as Block 330, Lots 6, 7, 8, 9, 10, 11 and 12, as shown on the official Tax Map of the City in accordance with the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.*; and

Section 2. The Planning Board shall transmit the Redevelopment Plan to the Municipal Council for further consideration and action upon completion of same.

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

\* \* \* \* \*

**68.** Council Member LaPelusa moved that the following resolution, seconded by Council Member Cotter, which was read by the Clerk and adopted.

BE IT RESOLVED, that the City Clerk be and is hereby authorized to advertise for bids for Solid Waste Collection for a period between one (1) and five (5) years to be determined by the Business Administrator commencing at the end of the current contract and any extensions.

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

\* \* \* \* \*

**69.** Council Member Perez moved that the following resolution, seconded by Council President Nadrowski, which was read by the Clerk and adopted.

BE IT RESOLVED, that the City Clerk be and is hereby authorized to advertise for bids for the Collection of Recyclable Material for a period between one (1) and five (5) years to be determined by the Business Administrator commencing at the end of the current contract and any extensions.

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

\* \* \* \* \*

**70.** Council Member Perez moved that the following resolution, seconded by Council Member Gullace, which was read by the Clerk and adopted.

BE IT RESOLVED, that the Municipal Council hereby authorizes the solicitation of proposals 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. 10:44-20.4 et seq.) for a Licensed Recycling Facility to receive and market certain recyclable materials for a one (1) year period commencing at the end of the current contract and any extensions and ending one (1) year after its commencement.

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

\* \* \* \* \*

**71.** The Council as a whole moved that the following resolution, which was read by the Clerk and adopted.

A Resolution of the Bayonne City Council Opposing New Jersey Transit's Proposed 9% Fare Increase and Service Cuts

Whereas, the City of Bayonne staunchly opposes New Jersey Transit's proposed 9% Fare Increase and service cuts to six bus lines and two train lines; and,

Whereas, local commuters already pay the highest fares in the country; and,

Whereas, the proposed fare increase will mean commuter fares have gone up over 30% since 2010; and,

Whereas, riders and businesses alike will be affected by the proposed service cuts and fare increase.

Now, Therefore, Be It Resolved by the City Council of the City of Bayonne, within the County of Hudson, within the State of New Jersey, that the City of Bayonne stands in opposition to New Jersey Transit's Fare Increase.

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

\* \* \* \* \*

**72.** Council President Nadrowski moved that the following resolution, seconded by Council Member Perez, which was read by the Clerk and adopted.

WHEREAS, the Municipal Council of the City of Bayonne has had the opportunity to review, analyze and comment upon a certain Memorandum of Agreement between the City of Bayonne and the BAYONNE MUNICIPAL SUPERVISORY ASSOCIATION, HUDSON COUNCIL #2; and

WHEREAS, the Municipal Council is satisfied that the terms set forth in the body of the aforementioned Memorandum of Agreement are beneficial to the City of Bayonne; now, therefore, be it

RESOLVED, that the Municipal Council hereby accepts the terms set forth within the Memorandum of Agreement and authorizes the Mayor and City Clerk of the City of Bayonne to execute a contract with the BAYONNE MUNICIPAL SUPERVISORY ASSOCIATION, HUDSON COUNCIL #2, for the period covering July 1, 2014 through December 31, 2019, consistent with the terms set forth in the aforementioned Memorandum of Agreement.

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

\* \* \* \* \*

**73.** Council Member Perez moved that the following resolution, seconded by Council Member Gullace, which was read by the Clerk and adopted.

WHEREAS, the City Clerk advertised in the Jersey Journal on March 6, 2015 that sealed bids for the lease of the food concession at the Municipal Pool would be received on March 24, 2015; and

WHEREAS, the bid received by Joan Marie Tsirabides, t/a Let's Eat Concession, was the sole bid received by the City pursuant to such advertisement; and

WHEREAS, Resolution No. 15-04-22-054 adopted by the Municipal Council on April 22, 2015 as amended by Resolution No. 15-05-20-060 adopted by the Municipal Council on May 22, 2015 authorized a lease between the City of Bayonne and Joan Marie Tsirabdidis, t/a Let's Eat Concession, (the "Vendor") for the operation of the Municipal Pool Food Concession for a term commencing May 1, 2015 and ending Labor Day, 2015 for the amount of \$8,222.22 payable to the City; and

WHEREAS, subsequent thereto the City entered into Agreement No. CY15-042 with the Vendor for the aforesaid lease of the Municipal Pool Food Concession (the "Lease"); and

WHEREAS, pursuant to the terms of the aforesaid Lease, the Vendor was required to furnish either an irrevocable surety bond in the amount of the full contract price payable to the City or a certified check in the sum of double the amount of the bid submitted by the Vendor as performance security; and

WHEREAS, the Vendor requested to modify the terms of the Lease by lowering the amount of the performance security deposit due to the City to \$4,000.00; and

WHEREAS, in order for the Municipal Pool Food Concession to be open to serve the public by Memorial Day 2015, it was necessary for the Corporation Counsel to amend the terms of the aforesaid Lease to modify the amount of the refundable performance security deposit to \$4,000.00 prior to obtaining formal approval from this body; now, therefore, be it

RESOLVED, by the Municipal Counsel as follows:

1. The actions of the Corporation Counsel in modifying the refundable performance security deposit due from the Vendor for the Municipal Pool Food Concession to \$4,000.00 are hereby ratified and confirmed.

2. The actions of the Mayor and City Clerk in executing an Amendment to the aforesaid Agreement No. CY15-042 modifying the amount of the refundable performance security deposit due to the City to \$4,000.00 are hereby ratified and confirmed.

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

\* \* \* \* \*

**74.** Council President Nadrowski introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR PROPERTY IDENTIFIED AS BLOCK 77, LOTS 16-24 ON THE TAX MAP OF THE CITY OF BAYONNE

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 April 22, 2015, the Municipal Council of the City (the "Municipal Council") adopted Resolution No. 15-04-22-064 designating the property identified as Block 77, Lots 16, 17, 18, 19, 20, 21, 22, 23 and 24 on the tax map of the City of Bayonne as an area in need of redevelopment under the Redevelopment Law in accordance with the provisions of *N.J.S.A. 40A:12A-6* of the Redevelopment Law (the "Redevelopment Area"); and

WHEREAS, the Redevelopment Area encompasses approximately 0.53 acres of land located on the northwestern corner of Broadway and 46<sup>th</sup> Street.

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Municipal Services has prepared a redevelopment plan for the Redevelopment Area titled "Block 77, Lots 16-24, 957-965 Broadway, 9-15 West 46<sup>th</sup> Street" (the "Redevelopment Plan"); and

WHEREAS, the Planning Board of the City (the "Planning Board") has been requested by the Municipal Council pursuant to Resolution No. 15-04-22-064 to review the Redevelopment Plan, a copy of which is attached hereto as Exhibit A, and to transmit its recommendations relating to the Redevelopment Plan to the Municipal Council in accordance with the provisions of N.J.S.A. 40A:12A-7 of the Redevelopment Law; and

WHEREAS, upon receipt of the Planning Board's recommendations relating to the Redevelopment Plan, the Municipal Council believes that the adoption of the Redevelopment Plan is in the best interests of the City for the redevelopment of the Redevelopment 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. Contingent upon the receipt of the Planning Board's recommendations, the Redevelopment Plan, attached hereto as Exhibit A 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 Redevelopment Plan shall amend, replace and supersede any prior redevelopment plans with respect to Redevelopment Area.

Section 3. The zoning district map in the zoning ordinance of the City is hereby amended to include the "Redevelopment Area" per the boundaries described in the Redevelopment 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 Redevelopment 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 President Nadrowski moved that 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 A REDEVELOPMENT PLAN FOR PROPERTY IDENTIFIED AS BLOCK 77, LOTS 16-24 ON THE TAX MAP OF THE CITY OF BAYONNE," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, July 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.

\* \* \* \* \*

**75.** Council Member Perez introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 15 BUILDING AND HOUSING.

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

That The Revised General Ordinances of the City of Bayonne, Chapter 15, Building and Housing, Section 15-3, 15-3 FEE FOR CONSTRUCTION PERMIT, be and is hereby

amended and supplemented, as follows (additions **\*\*between asterisks\*\*** and underlined, deletions [within brackets] and ~~struck through~~):

15-3 FEE FOR CONSTRUCTION PERMIT.

15-3.1 Construction Permit Fee; Sum of Subcode Fees.

The fee for a construction permit shall be the sum of the subcode fees listed in paragraphs a. through f. hereof and shall be paid before the permit is issued. A fine in accordance with the Uniform Construction Code shall be assessed when work for which a permit is required is commenced prior to the issuance of a permit.

a. *Building Subcode.* The building subcode fees shall be:

1. No Change.
2. No Change.
3. No Change.
4. No Change.
5. No Change.
6. No Change.
7. No Change.
8. Tank removals and abandonment in place, each:

Up to 1,000 gals. - \$150.00  
~~{From 1,001 gals. to 2,000 gals. - \$325.00}~~  
~~Over 2001 gals. - \$20.00 for each additional 100 gallons.~~

**\*\*Over 1,000 gals. - \$425.00\*\***

b. *Electrical Subcode Fees:*

1. No Change.
2. No Change.
3. No Change.
4. No Change.
5. No Change.
6. No Change.
7. No Change.
8. No Change.
9. No Change.
10. No Change.
11. No Change.
12. Service, subpanel and motor control

~~{(a) 0-299 amps - \$150.00}~~

**\*\* (a) 0-100 amps - \$65.00 \*\***

**\*\* (b) 101-299 amps - \$150.00 \*\***

~~{(b)}~~ **\*\* (c) \*\*** 300-399 amps - \$220.00

~~(e)~~ **(d)** 400-999 amps - \$575.00

~~(d)~~ **(e)** 1000-1299 amps - \$675.00

~~(e)~~ **(f)** Over 1300 amps - \$775.00

Council Member Perez moved that 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 GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 15 BUILDING AND HOUSING," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, July 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.

\* \* \* \* \*

**76.** Charles Freyer, President of AFSCME Local 2261 spoke on their ongoing labor negotiations.

\* \* \* \* \*

At 9:02 P.M., Council President Nadrowski moved the following resolution to adjourn, seconded by Council Member Perez, which was read by the Clerk and adopted.

RESOLVED, That the Municipal Council hereby adjourns to Tuesday, June 30, 2015, at 12:00 P.M., in the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue C, Bayonne, New Jersey.

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

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President - Sharon A. Nadrowski

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City Clerk - Robert F. Sloan