

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, JULY 22, 2015

The Council met at 7:03 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 July 22, 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 July 17, 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 and President Nadrowski.

Absent - Council Member Perez.

The Council President led the Pledge of Allegiance.

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01. John Milan Sebik addressed the council on the subject of litter.

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02. The clerk announced:

AN ORDINANCE ENTITLED, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR PROPERTY IDENTIFIED AS BLOCK 77, LOTS 16-24 ON THE TAX MAP OF THE CITY OF BAYONNE" which was introduced and passed a first reading at a meeting held June 17, 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 July 22, 2015, and was referred to the Planning Board for its review and a report, is now before the Council for its consideration and a public hearing.

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

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

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

Absent - Council Member Perez.

The Clerk read the ordinance by title: "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR PROPERTY IDENTIFIED AS BLOCK 77, LOTS 16-24 ON THE TAX MAP OF THE CITY OF BAYONNE"

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

The following person spoke: Ed Szawiel - 168 West 33rd Street.
Leonard R. Kantor - 102 West 3rd Street
Peter Franco - 127 West 12th Street
Albert Rinaldi - 17 West 41st Street
Leslie Cohen - West 46th Street
Jill Pusterino - 74 West 46th Street
Donna Farina - 140 West 51st Street
Jean Hunt - 91 West 48th Street

Robert Englehart - 27 West 46th Street
John O'Hara - 13 Kennedy Blvd.
Kathleen Hennessy - 88 West 6th Street
David Solari - 16 Colonial Drive
Patty Graham - 117 West 13th Street
Matthew Kopko - 105 West 8th Street
Sean Norton - 26 West 48th Street
Dr. Mitchell Brown - 2 Joan Ree Terrace
Ben Costanza - 45 East 35th Street
Terry Grant - 864 Kennedy Blvd.
John Blum - 26 West 46th Street
Edward Gilligan - 758 Kennedy Blvd.
Richard A. Rutkowski - 1 Sunset Ave
Tracy Luccarello - 14 West 46th Street
Matt Celino - 36 East 47th Street
Delora Blum - 26 West 46th Street
Mr. Galligio - 20 East 46th Street
Lois Ferrera - 40 East 47th Street
James Pusterino - 74 West 46th Street
Walter Schneider - 16 West 46th Street
Greta Martin - 25 West 47th Street
Anita Velez - 72 West 46th Street
Frank Pellitieri - 57 West 5th Street
Tess Loughlin - 15 East 45th Street
Helen Schnieder - 16 West 46th Street

The clerk read all objections or protests against and statements in favor of the ordinance which were filed.

Dear Honorable Mayor Jim Davis, Council President and Council Members

Thank you for allowing me to speak here tonight. My name is Mary Megale and I am a 73 years resident of Bayonne. I love this city and want nothing but the absolute best for it. When I first read about the L-Group "redevelopment plan", I thought it has to be some sort of mistake. How could so many people live in such a small place? Where would they fit so many people? Most importantly, why would the city consider doing a project of that size in a residential neighborhood?

I remember coming into work and telling my co-worker about the plans to construct a 90-unit monstrosity. She couldn't believe it herself and when I told her that no variances were sent, she encouraged me to contract my neighbors and council members.

I feel this is a terrible edifice that is being proposed. I feel this plan will make the area more congested, with parking being worse then what it is now. I live a block away from the site and sometimes, especially during the holidays, I spend an average of an hour trying to get a parking space.

I strongly feel that the building will make the neighborhood look so out of character that I am afraid my property values and those of my neighbors will decline. Such a building does not belong in a residential area. It belongs in an area where there is lots of land. It is a shame that people who live directly around Resnick will have shade and not sun coming into their homes.

I hope this plan will be reconsidered so that people can reside in peace and tranquility and not in a congested, noisy place.

Thank you for your time and consideration.

Mrs. Mary Megale

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

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

Absent - Council Member Perez.

Council Member LaPelusa moved to table to the next meeting, seconded by Council Member Gullace.

Yeas - Council Members, Gullace and LaPelusa

Nays - Council Members Cotter and President Nadrowski.

Absent - Council Member Perez.

This motion was defeated.

Council President Nadrowski moved a resolution for final passage, which was seconded by Council Member Cotter

Yeas - Council Member Cotter

Nays - Council Member Gullace

At this point Council President Nadrowski moved to table the ordinance to the next meeting, seconded by Council Member Cotter, with motion was adopted,

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

Absent - Council Member Perez.

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At 11:20 P.M., the Council President moved to recess, seconded by Council Member Gullace, with motion was adopted.

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

Absent - Council Member Perez.

At 11:28 P.M., Council Member LaPelusa moved to reconvene, seconded by Council President Nadrowski, which motion was adopted.

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

Absent - Council Member Perez.

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03. The clerk announced:

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" which was introduced and passed a first reading at a meeting held June 30, 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 July 22, 2015, and was referred to the Planning Board for its review and a report, 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 Cotter, which motion was adopted.

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

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

Absent - Council Member Perez.

The Clerk read the ordinance by title: "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"

Council President Nadrowski moved to table the ordinance to the next meeting, seconded by Council Member Cotter, with motion was adopted,

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

Absent - Council Member Perez.

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04. The clerk announced:

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," which was introduced and passed a first reading at a meeting held June 17, 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 July 22, 2015, and was referred to the Planning Board for its review and a report, 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 Gullace, which motion was adopted.

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

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

Absent - Council Member Perez.

The Clerk read the ordinance by title: "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,"

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

The following persons spoke: Mike Rusigno - 42B West 23rd Street
Matt Kopko - 105 West 8th Street

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

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

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

Absent - Council Member Perez.

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

WHEREAS, 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," was introduced and passed a first reading at a meeting held June 17, 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 July 22, 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-15-21.

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

Absent - Council Member Perez.

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05. The Clerk announced:

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," which was introduced and passed a first reading at a meeting held June 30, 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 July 22, 2015, and was referred to the Planning Board for its review and a report, is now before the Council for its consideration and a public hearing.

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

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

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

Absent - Council Member Perez.

The Clerk read the ordinance by title: "AN ORDINANCE AUTHORIZING AN EASEMENT OVER THE CITY'S RIGHT OF WAY ON WEST 5TH STREET FOR THE PURPOSE OF ALLOWING PARKING AND ACCESS,"

Council President Nadrowski moved to table the ordinance to the next meeting, seconded by Council Member Cotter, with motion was adopted,

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

Absent - Council Member Perez.

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06. The Clerk announced

AN ORDINANCE ENTITLED, , "AN ORDINANCE AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 15 BUILDING AND HOUSING," which was introduced and passed a first reading at a meeting held June 17, 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 July 22, 2015, and was referred to the Planning Board for its review and a report, is now before the Council for its consideration and a public hearing.

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

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

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

Absent - Council Member Perez.

The Clerk read the ordinance by title: , "AN ORDINANCE AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 15 BUILDING AND HOUSING,"

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 made the following statement: "No protest against, objections to, or statements in favor of this ordinance or its passage have been filed with me."

Council Member LaPelusa motioned to closed the hearing, seconded by Council President Nadrowski, which motion was adopted.

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

Absent - Council Member Perez.

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

WHEREAS, an ordinance entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 15 BUILDING AND HOUSING," was introduced and passed a first reading at a meeting held June 30, 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 July 22, 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-15-22.

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

Absent - Council Member Perez.

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07. The Clerk announced:

AN ORDINANCE ENTITLED, "A CAPITAL ORDINANCE TO PROVIDE FUNDING FOR THE IMPROVEMENT OF VARIOUS PUBLIC RECREATIONAL FACILITIES IN THE AMOUNT OF \$1,125,000.00," which was introduced and passed a first reading at a meeting held June 17, 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 July 22, 2015, and was referred to the Planning Board for its review and a report, 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 LaPelusa, which motion was adopted.

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

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

Absent - Council Member Perez.

The Clerk read the ordinance by title: , "AN ORDINANCE AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 15 BUILDING AND HOUSING,"

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 made the following statement: "No protest against, objections to, or statements in favor of this ordinance or its passage have been filed with me."

Council Member LaPelusa motioned to closed the hearing, seconded by Council President Nadrowski, which motion was adopted.

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

Absent - Council Member Perez.

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

WHEREAS, an ordinance entitled, "A CAPITAL ORDINANCE TO PROVIDE FUNDING FOR THE IMPROVEMENT OF VARIOUS PUBLIC RECREATIONAL FACILITIES IN THE AMOUNT OF \$1,125,000.00," was introduced and passed a first reading at a meeting held June 30, 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 July 22, 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-15-23.

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

Absent - Council Member Perez.

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08. 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 June 17, 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 July 22, 2015, and was referred to the Planning Board for its review and a report, 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 President Nadrowski, which motion was adopted.

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

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

Absent - Council Member Perez.

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 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 made the following statement: "No protest against, objections to, or statements in favor of this ordinance or its passage have been filed with me."

Council President Nadrowski motioned to closed the hearing, seconded by Council Member LaPelusa, which motion was adopted.

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

Absent - Council Member Perez.

Council Member LaPelusa moved the following resolution, seconded by Council Member Cotter, 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 June 17, 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 July 22, 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-15-24.

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

Absent - Council Member Perez.

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09. Council Member LaPelusa introduced:

REFUNDING BOND ORDINANCE PROVIDING FOR PAYMENT OF AMOUNTS OWING TO OTHERS FOR TAXES LEVIED IN AND BY THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, NEW JERSEY, APPROPRIATING \$4,230,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,230,000 BONDS OR NOTES OF THE CITY FOR FINANCING THE COST THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The City of Bayonne, in the County of Hudson, New Jersey (the "City") is hereby authorized to pay an aggregate amount not exceeding \$4,105,000 for amounts owed by the City to the owners of various properties for taxes levied in the City (plus certain costs associated therewith), as more particularly described on the List of Settled Appeals and available for inspection in the office of the City Clerk, which list is hereby incorporated by reference as if set forth at length herein.

Section 2. An aggregate amount not exceeding \$125,000.00 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

Section 3. In order to finance the cost of the project described in Section 1 hereof, negotiable refunding bonds are hereby authorized to be issued in the principal amount of \$4,230,000 pursuant to the Local Bond Law and the Municipal Qualified Bond Act.

Section 4. In anticipation of the issuance of the refunding bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. All refunding bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, provided that no note shall mature later than one year from its date.

The refunding bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with refunding bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the refunding bond anticipation notes shall be conclusive evidence as to all such determinations.

All refunding bond anticipation notes issued hereunder may be renewed from time to time, but all such refunding bond anticipation notes including renewals shall mature and be paid no later than the seventh anniversary of the date of the original refunding bond anticipation notes; provided, however, that no refunding bond anticipation notes shall be renewed beyond the first or any succeeding anniversary date of the original refunding bond anticipation notes unless an amount of such refunding bond anticipation notes, at least equal to the first legally payable installment of the refunding bonds in anticipation of which the refunding bond anticipation notes are issued, determined in accordance with the maturity schedule for the refunding bonds approved by the Local Finance Board, is paid and retired on or before such anniversary date; and provided, further, that the period during which the refunding bond anticipation notes and any renewals thereof and any permanent refunding bonds are outstanding, shall not exceed the period set for the maturity of the refunding bonds by the Local Finance Board.

The chief financial officer is hereby authorized to sell part or all of the refunding bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the refunding bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the refunding bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The chief financial officer of the City is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 6. The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the refunding bonds and refunding bond anticipation notes provided in this bond ordinance by \$4,230,000, but that the net debt of the City determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

Section 7. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be general obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the chief financial officer of the City as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

Section 9. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

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

BE IT RESOLVED, that an ordinance entitled "REFUNDING BOND ORDINANCE PROVIDING FOR PAYMENT OF AMOUNTS OWING TO OTHERS FOR TAXES LEVIED IN AND BY THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, NEW JERSEY, APPROPRIATING \$4,230,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,230,000 BONDS OR NOTES OF THE CITY FOR FINANCING THE COST THEREOF," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, August 19, 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 and President Nadrowski.

Absent - Council Member Perez.

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10. 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

019. Jan Fitzsimons, 650 Avenue C

Beginning at a point on the south side of West 29th Street, 28 feet east of the southeast corner of Avenue C and West 29th Street, and extending to a point 22 feet east thereof.

037. Elmer Riley, 65 Garretson Avenue

Beginning at a point on the west side of Garretson Avenue, 209 feet north of the northwest corner of Garretson Avenue and West 3rd Street, and extending to a point 18 feet north thereof.

055. William Bloodgood, 72 Avenue C

Beginning at a point on the east side of Avenue C, 72 feet south of the southeast corner of Avenue C and West 3rd Street, and extending to a point 22 feet south thereof.

144. Lorraine Hoppey, 138 Prospect Avenue

Beginning at a point on the north side of New Street, 35 feet east of the northeast corner of Prospect Avenue and New Street, and extending to a point 22 feet east thereof.

225. Barbara Davis, 81 East 28th Street

Beginning at a point on the north side of East 28th Street, 124 feet west of the northwest corner of Avenue F and East 28th Street, and extending to a point 22 feet west thereof.

253. Michael Salvatore, 908 Broadway

Beginning at a point on the south side of East 45th Street, 92 feet east of the southeast corner of Broadway and East 45th Street, and extending to a point 22 feet east thereof.

257. Michael Clark, 67 Lord Avenue

Beginning at a point on the west side of Lord Avenue, 144 feet south of the southwest corner of Lord Avenue and East 3rd Street, and extending to a point 22 feet south

266. Joseph Rubino, 15 East 34th Street

Beginning at a point on the north side of East 34th Street, 168 feet east of the northeast corner of Broadway and East 34th Street, and extending to a point 22 feet east thereof.

ADD

019. George Hyland, 182 Orient Street

Beginning at a point on the east side of Orient Street, 50 feet north of the northeast corner of Orient Street and Silver Street, and extending to a point 22 feet north thereof.

037. Kathleen Lissenden, 78A West 8th Street

Beginning at a point on the south side of West 8th Street, 307 feet west of the southwest corner of Avenue C and West 8th Street, and extending to a point 22 feet west thereof.
(Adds name to existing space)

RELOCATE

262. Joseph Kahle from 1109 Avenue C to 35 Country Village Court

OLD LOCATION: Beginning at a point on the west side of Avenue C, 40 feet north of the northwest corner of West 54th Street and Avenue C, and extending to a point 22 feet north thereof.

NEW LOCATION: Beginning at a point on the south side of Country Village Court, 190 feet west of the southwest corner of Country Village Court and extending to a point 22 feet west thereof.

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 "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, August 19, 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 and President Nadrowski.

Absent - Council Member Perez.

* * * * *

11. At 11:43 P.M., Council Member LaPelusa moved the following resolution to adjourn to a closed session, seconded by Council President Nadrowski, which was read by the Clerk and adopted.

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

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

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

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

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

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

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

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

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

Absent - Council Member Perez.

* * * * *

At 11:59 P.M. Council Member moved to reconvene, seconded by Council Member LaPelusa, which motion was adopted.

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

Absent - Council Member Perez.

* * * * *

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

RESOLUTION OF THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-51 AND N.J.S.A. 40A:3-1 ET SEQ.

WHEREAS, the City of Bayonne, in the County of Hudson, New Jersey (the "City") desires to make application to the Local Finance Board pursuant to N.J.S.A. 40A:2-51 and N.J.S.A. 40A:3-1 et seq. in connection with a refunding bond ordinance appropriating \$4,230,000 and authorizing \$4,230,000 in bonds and notes to provide for amounts owing to others for taxes levied throughout the City;

WHEREAS, the City believes that:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit and will not create an undue financial burden to be placed upon the local unit;

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

Section 1. The application to the Local Finance Board is hereby approved, and the City's Bond Counsel, along with other representatives of the City, are hereby authorized to prepare such application and to represent the City in matters pertaining thereto.

Section 2. The Clerk of the City is hereby directed to prepare and file a copy of the proposed refunding bond ordinance and this resolution with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

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

Absent - Council Member Perez.

* * * * *

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

WHEREAS, tax appeals have been filed in the New Jersey State Tax Court for the properties in the schedules attached to this resolution and incorporated herein by reference, and

WHEREAS, Legal Counsel for the City of Bayonne acting in consultation with the City's Tax Assessor and expert appraiser has, after analyzing the available pertinent data and applicable sales and lease information, negotiated the proposed settlements reported on the attached schedules; and

WHEREAS, the City of Bayonne's tax counsel after consultation with the City of Bayonne's valuation expert and the City Tax Assessor has recommended that these settlements be approved, insofar that these settlements eliminate the risk of further exposure at trial as well as reducing the litigation expenses attendant to same,

NOW THEREFORE BE IT RESOLVED, by the Municipal Council of the City of Bayonne as follows:

1. The above recitals and the attached Schedules C are incorporated herein by reference as if fully set forth herein.
2. With respect to the Tax Appeals set forth in the Attached Schedule of Settlements:
 - a. The City of Bayonne's attorneys are hereby authorized to enter into the necessary Stipulation(s) of Settlement with the Petitioner(s) or Petitioner's counsel reducing the assessment(s) as set forth in the attached Schedule, subject to local Finance Board approval of financing for these settlement amounts with no post-judgment interest to apply until 60 days after the entry of judgment.
 - b. The Tax Collector, Tax Assessor, Treasurer and CFO of the City of Bayonne are authorized to take any and all actions, correct any records and make appropriate to the changes in assessment as reflected in those settlements and as allowed by statute.
 - c. The Tax Collector, CFO and Treasurer are authorized to make appropriate refunds following both the entry of a judgment by the State Tax Court, approval by the Local Finance Board or financing for same and the receipt of said financing.
 - d. City Bond Counsel, Archer & Greiner, P.C., are authorized and empowered to make application to the local finance board on behalf of the City of Bayonne for authority and approval to issue debt (i.e. Notes or Bonds) for the payment of the settlement amounts in the attached Schedule and to take any actions necessary for that purpose.
3. This resolution shall take effect immediately.

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

Absent - Council Member Perez.

* * * * *

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

WHEREAS, Section 2-1.3 of the Revised General Ordinances of the City of Bayonne permits the Municipal Council, by an affirmative vote of the members present

at a council meeting, to approve a consent agenda consisting of one or more communications or resolutions; now, therefore, be it

RESOLVED, That the following items which have been included on the agenda for this regular meeting as COMMUNICATIONS and which follow this resolution shall constitute a consent agenda for communications and that they be received and filed and included in the official minutes of this meeting as having been so ordered.

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

Absent - Council Member Perez.

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

From Timothy J. Hawkes, Esq., filing notice of tort claim on behalf of DIANE WIERZBICKI, alleging injuries sustained April 21, 2015 in a fall on the sidewalk at 29th Street and Broadway.

* * * * *

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

From John J. Racinsky, Esq., filing notice of tort claim on behalf of KRYSTYNA JACHOWICZ, alleging injuries sustained June 5, 2015 in a fall on the sidewalk at East 19th Street.

* * * * *

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

From Michael De Blis Jr., Esq., filing notice of tort claim on behalf of HIEP DAO, alleging injuries sustained May 6, 2015 when struck by a J & R Transportation school bus at Orchard Street and Monticello Avenue, Jersey City, NJ.

* * * * *

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

From Robert Farber, Esq., filing notice of tort claim on behalf of JOUMARY TORRES, alleging injuries sustained May 21, 2015 in a fall on the Light Rail train at the maintenance yard after she fell asleep and was left on the train.

* * * * *

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

From JENNY A. MANZANO, filing notice of tort claim seeking reimbursement for having a tree on an adjoining, vacant property trimmed after it damaged her roof.

* * * * *

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

From DONNELL SALTERS, SR., filing notice of tort claim alleging property damage to his automobile on June 7, 2015 resulting from being struck by a softball at 1 Island View Court.

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21. 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, "ADVANCED ROOFING vs. THE CITY OF BAYONNE, et al." (Municipal Mechanic's lien claim from the New South Harbor Fire Station construction)

* * * * *

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

From the Tax Court of New Jersey, complaint in matter entitled, "J&J BUILDERS, LLC vs. CITY OF BAYONNE." (1122-1126 Kennedy Boulevard, Block 60, lot 1 - vacant)

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

From the Tax Court of New Jersey, complaint in matter entitled, "J&J BUILDERS, LLC vs. CITY OF BAYONNE." (41-47 West 34th Street, Block 131, lot 1 - vacant)

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

From the Tax Court of New Jersey, complaint in matter entitled, "J&J BUILDERS, LLC vs. CITY OF BAYONNE." (22 East 11th Street, Block 273, lot 23 - vacant)

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

From the Tax Court of New Jersey, complaint in matter entitled, "J&J BUILDERS, LLC vs. CITY OF BAYONNE." (196A-196 Avenue E, Block 458, lot 7 - vacant)

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

From the Tax Court of New Jersey, complaint in matter entitled, "J&J BUILDERS, LLC vs. CITY OF BAYONNE." (156-160 Avenue F, Block 445, lot 8.01 – multi-family residential)

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

From the Tax Court of New Jersey, complaint in matter entitled, "J&J BUILDERS, LLC vs. CITY OF BAYONNE." (101 East 21st Street, Block 457.01, lot 5 - vacant)

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

From the Tax Court of New Jersey, complaint in matter entitled, "AJMUNDAR vs. CITY OF BAYONNE." (35 West 21st Street, Block 210, lot 7 – 1-4 family residential)

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

From the Tax Court of New Jersey, complaint in matter entitled, "MAJMUNDAR vs. CITY OF BAYONNE." (15-17 East 21st Street, Block 211, lot 3 - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “LPM SERVICE, INC. vs. CITY OF BAYONNE.” (454-456 Broadway, Block 211, lot 16 - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “403 PROP, INC. vs. CITY OF BAYONNE.” (403 Broadway, Block 231, lot 27 - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “SUMO COMPANIES, INC. vs. CITY OF BAYONNE.” (103 Oak Street, Block 473.02, lot 1 - vacant)

* * * * *

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

From the Tax Court of New Jersey, complaint in matter entitled, “ESSES ENTERPRISES, INC. vs. CITY OF BAYONNE.” (477 Broadway, Block 204, lot 2 - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “COMMERCE BANK vs. CITY OF BAYONNE.” (1062-1068 Broadway, Block 41, lot 17.01 - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “IDEAL WINDOW MFG CO., INC. vs. CITY OF BAYONNE.” (94 West 7th Street, Block 314, lots 37-41 - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “RITE AID OF NEW JERSEY, INC. vs. CITY OF BAYONNE.” (1091-1099 Broadway, Block 31, lots 17-22 - commercial)

* * * * *

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

From the Tax Court of New Jersey, complaint in matter entitled, “FBV, INC., c/o RITE AID CORPORATION vs. CITY OF BAYONNE.” (471 Broadway, Block 210, lots 22-25 - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, "LINNET STREET REALTY, LLC vs. CITY OF BAYONNE." (77-99 Linnet Street, Block 308, lots 6-8 - industrial)

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

From the Tax Court of New Jersey, complaint in matter entitled, "FLEET NATIONAL BANK, c/o BANK OF AMERICA vs. CITY OF BAYONNE." (935-939 Broadway, Block 85, lot 23 - commercial)

* * * * *

40. 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 and President Nadrowski.

Absent - Council Member Perez.

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41. 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.

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

DATE: JUNE 5, 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:

\$4,949,372.85 CLAIMS & PAYROLL FOR JUNE 2015

Janet Convery
(signed)

* * * * *

43. 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 and President Nadrowski.

Absent - Council Member Perez.

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44. 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, June 17, 2015 be and the same are hereby approved.

* * * * *

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

RESOLVED, That the official minutes of the adjourned regular council meeting held Tuesday, June 30, 2015, be and the same are hereby approved.

* * * * *

46. 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, June 10, 2015, be and the same are hereby approved.

* * * * *

47. 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
46	18	Thomas Cosgrove	98.94
130	1.21	Soad Bushrui	555.68
145	3.11	Flagstar Bank	5,780.96
146	43	Rene Martinez	1,102.15
165	24	Susan Bizukiewicz	818.17
186	11	David Killion	2,916.74
232	3	Cynthia Harris	747.40

263	4	Wageh Girgis	804.94
267	21	BCB Community Bank	9,155.48
273	31	BCB Community Bank	12,146.88
282	7	Peter McMonagle	1,027.46
356	27	Catherine Borrello	281.46
Total:			35,436.26

* * * * *

48. 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 \$35.40 be drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of licenses Nos. 1202-1213 inclusive, 12 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

* * * * *

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

WHEREAS, the Broadcast Music, Inc. (BMI) has been aggressively asserting the rights of its members against small municipalities for copyright infringement when such municipalities play their music at various functions including, but not limited to, festivals, firework shows, concerts in the park, community centers and even while on "hold" during telephone calls, without a license to do so; and

WHEREAS, by way of Resolution No. 09-11-10-048 adopted by the Municipal Council on November 10, 2009 the City entered into a License Agreement to play the aforesaid music at their various functions as stated above; and

WHEREAS, the licensing fee for the year commencing June 1, 2015 through May 31, 2016 is \$668.00; and

WHEREAS, funds are certified as available in account #BA-2; now therefore be it

RESOLVED, that the Treasurer is herby authorized to issue a warrant payable to Broadcast Music, Inc., P.O. Box 630893, Cincinnati, OH 45263-0893 for the amount of \$668.00; and be it further

RESOLVED, that funds are certified available in Account #BA-2.

* * * * *

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

WHEREAS, there are instances wherein a resolution may contain inconsequential scrivener's and/or typographical errors (including, but not limited to, incorrectly spelled words, incorrect punctuation, missing words, unnecessary words, incorrect account numbers) at the time of introduction or passage; and

WHEREAS, rather than requiring the resolution to be re-introduced in order to correct inconsequential scrivener's and/or typographical errors it would be much more administratively efficient if the Municipal Clerk and/or Law Division were permitted to correct said errors prior to said resolutions becoming part of the official minutes of the City of Bayonne; now, therefore, be it

RESOLVED, by the Municipal Council of the City of Bayonne

1. The Municipal Clerk and/or the Law Division are hereby authorized to correct inconsequential scrivener's and/or typographical errors (as described above)

within said resolutions subsequent to introduction or passage, but prior to said resolutions becoming part of the official minutes of the City of Bayonne.

* * * * *

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

Whereas, the Port Authority of New York and New Jersey had previously on (December 13, 2013) filed a condemnation action regarding, among other items, the property at Tax Block 400 Lot 1 (A/K/A 150 Pulaski Street) in the City of Bayonne belonging at the time to Pulaski Street Real Estate, LLC under Docket Number L-5878-13 in the Superior Court of New Jersey, County of Hudson, and

Whereas, that litigation was contested and has now been resolved, rendering the property exempt from regular real estate taxation as of January 1, 2014, and

Whereas, all real estate taxes assessed prior to January 1, 2014 have been paid in full,

NOW THEREFORE BE IT RESOLVED By the Municipal Council of the City of Bayonne as follows:

1. The above recitals are incorporated herein as if fully set forth at length.
2. The City of Bayonne acknowledges the vesting of title to the above parcel in the Port Authority of New York and New Jersey effective December 30, 2013 and exemption from real estate taxation pursuant to NJSA 32:1-32.33 beginning with the 2014 Tax Year (January 1, 2014).
3. The Tax Collector is authorized to cancel all taxes and interest on Block 400 Lot 1 from January 1, 2014 to the present and to maintain the property as exempt until notified of a change in owner or of a non-exempt use pursuant to law.
4. The Tax Assessor is also empowered to take any actions necessary to reflect the above in the assessment records of the City of Bayonne and along with the Tax Collector and City Attorney are authorized to take any actions which may be necessary to effectuate this resolution and to give effect to the exemption.
5. This exemption does not limit or diminish any present or future payment in lieu of tax agreement with respect to Block 400 Lot 1.
6. This resolution shall take effect immediately.

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52. The Council as a whole moved the following resolution, 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 snow removal.

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53. The Council as a whole moved the following resolution, 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 rock salt.

* * * * *

54. The Council as a whole moved the following resolution, 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 animal control services.

* * * * *

55. 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
Friends of Special Children	7:00 PM 53 Prospect Ave. October 23, 2015	RL: 9045
St. Ann's Society of Our Lady of Assumption Church	12:00-4:00 PM 1081 Broadway October 18, 2015	RL: 9046
Hudson County Animal League	6:30-10:30 PM 290 Avenue E August 22, 2015	RL: 9047 RL: 9048
St. Ann Society, Our Lady of the Assumption Church	2:00-8:00 PM 91 West23rd St. September 19, 2015 Rain Date: September 20, 2015	RL: 9050
Our Lady of the Assumption Church	2:00-8:00 PM 91 West 23rd St. September 19, 2015 Rain Date: September 20, 2015	RL: 9051 RL: 9052
H.S.A. All Saints Catholic Academy	10:00 AM 19 West 13th St Oct. 7,14,21,28 Nov. 4,11,18,25 Dec. 2,9,16,23	RL: 9053
Bayonne Chapter Unico National	8:00 PM 1073 Broadway October 22, 2015	RL: 9054

* * * * *

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

WHEREAS, the City of Bayonne is in need of a security camera network to be installed along a 14 block section of the City's Broadway shopping district (the "UEZ Broadway Camera Network"); and

WHEREAS, on March 19, 2014 the City Clerk advertised that bids would be received for the UEZ Broadway Camera Network on April 9, 2014; and

WHEREAS, the sole responding bidder to said advertisement failed to submit a Consent of Surety which was required and is deemed a fatal flaw and their Non Collusion Affidavit was unsigned; and

WHEREAS, on May 23, 2014 the City Clerk again advertised that bids for the UEZ Broadway Camera Network would be received on June 17, 2014; and

WHEREAS, the sole responding bidder to said advertisement failed to submit an unconditional Consent of Surety which was required and is deemed a fatal flaw and also failed to submit a bid bond which was also required; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(3) et seq., any such contract may then be negotiated and may be awarded upon adoption of a resolution by a two-thirds affirmative vote of the authorized membership of the governing body authorizing such contract; and

WHEREAS, the City is in receipt of a formal written proposal from Hitachi Data Systems, 3 N. Harrison St., Suite 100 Easton, MD 21601 for the aforesaid UEZ Broadway Camera Network in the amount of \$102,685.73 which is in compliance with the original bid specifications; and

WHEREAS funds are certified as available in Account - Special Improvement District; now, therefore be it

RESOLVED, by the Municipal Council of the City of Bayonne

1. The Mayor and City Clerk are hereby authorized to execute an Agreement with Hitachi Data Systems, 3 N. Harrison St., Suite 100, Easton, MD 21601 for the aforesaid UEZ Broadway Camera Network in the amount of 4102,685.73
2. Funds shall be charged to Account-Special Improvement District
3. A notice of this action shall be printed once in a newspaper of general circulation within the boundaries of the City of Bayonne.

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

Absent - Council Member Perez.

* * * * *

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

WHEREAS, the City is in need of professional planning services to perform a Master Plan Reexamination; and

WHEREAS, DMR Architects, 777 Terrace Avenue, Suite 607, Hasbrouck Heights, New Jersey 07604 has submitted to the City of Bayonne a formal, written response to the City's Request for Qualifications/Proposals for said professional planning services; and

WHEREAS, DMR Architects is qualified, ready, willing and able to provide said professional planning services for an amount not to exceed \$50,000.00; and

WHEREAS, funds have been certified as available in Account CDBG and UEZ; and

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

WHEREAS, this professional services contract was advertised under the Fair & Open Contracting Requirements pursuant to N.J.S.A.19:44A:20.4.5; 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 DMR Architects, 777 Terrace Avenue, Suite 607, Hasbrouck Heights, New Jersey 07604 for professional planning services to perform a Master Plan Reexamination for an amount not to exceed \$50,000.00.

2. Funds shall be chargeable to Accounts - CDBG and UEZ.

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

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

Absent - Council Member Perez.

* * * * *

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

WHEREAS, the Attorney General has been designated by the Governor to implement the 2015 Byrne Justice Assistance Grant (JAG) Program for state and local assistance; and

WHEREAS, the County of Hudson will receive grant funds on behalf of the City of Bayonne for the JAG Program under GMS Application Number 2015-H3997-NJ-DJ; and

WHEREAS, the project is a joint effort between the County of Hudson and the City of Bayonne, and other municipalities for the purposes described in the application; and

WHEREAS, the City of Bayonne is eligible for \$13,395.00 in grant funding; and

WHEREAS, the Mayor and Clerk of the City of Bayonne may be required to execute documents in furtherance of this grant; now, therefore, be it

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

1) As a matter of public policy the City of Bayonne wishes to participate to the fullest extend possible with the Department of Justice and the County of Hudson;

2) The County of Hudson will receive funds on behalf of the applicant;

3) The Hudson County Prosecutor shall be responsible for the receipt, review and approval of the applications for said funds;

4) The County of Hudson shall initiate allocations to each applicant as authorized; and

5) The Mayor and Clerk are hereby authorized to enter into an Interlocal Services Agreement with the County of Hudson and to execute any and all documents in connection with the procurement of said grant funds;

6) The City of Bayonne agrees to use \$13,395 for the JAG Program until September 30, 2018.

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

Absent - Council Member Perez.

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

WHEREAS, pursuant to Resolution No. 14-07-16-055 adopted July 16, 2014 as amended by Resolution No. 14-08-13-064 adopted August 13, 2014 the Municipal Council authorized an agreement with Suburban Disposal, Inc., 54 Montesano Road, Fairfield, New Jersey for the Collection of Solid Waste AM for a one (1) year period commencing August 1, 2014 and ending July 31, 2015 for a total contract amount of \$1,196,000.00; and

WHEREAS, pursuant to the aforesaid Resolution No. 14-07-16-055 as amended by Resolution No.14-08-13-064 the City entered into Agreement No. CY14-070 with Suburban Disposal, Inc. for said Solid Waste Collection services; and

WHEREAS, Resolution No.15-06-17-068 adopted by the Municipal Council June 17, 2015 authorized the City Clerk 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; and

WHEREAS, the Law Division is in the process of reviewing, revising and updating the bid specifications for Solid Waste Collection services; and

WHEREAS, pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-23(a), in order to promote competitive bidding, advertisements for bids for the collection of solid waste shall be published in an official newspaper of the contracting unit for a period of not less than 60 days; and

WHEREAS, the Collection of Solid Waste is essential for the health, safety and general welfare of the citizens of Bayonne; and

WHEREAS, Suburban Disposal, Inc. has consented to extending their existing agreement with the City of Bayonne for the Collection of Solid Waste AM under the same terms and conditions as their existing agreement for a two (2) month period commencing August 1, 2015 and ending September 30, 2015 for an additional amount of \$199,333.32 payable at the rate of \$99,666.66 per month making the total contract amount \$1,395,333.32; and

WHEREAS, funds are certified as available in Account 01-201-32-465-2-020; now, therefore, be it

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

1. The Mayor and City Clerk are hereby authorized to enter into an Amendment to Agreement No. CY14-070 with Suburban Disposal, Inc., 54 Montesano Road, Fairfield, New Jersey for the Collection of Solid Waste AM for a one (1) year period commencing August 1, 2015 and ending September 30, 2015 for an additional amount of \$199,333.32 payable at the rate of \$99,666.66 per month making the total contract amount \$1,395,333.32; and

2. Funds shall be charged to Account 01-201-32-465-2-020.

3. All other terms and conditions of Agreement No. CY14-070 shall remain the same.

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

Absent - Council Member Perez.

* * * * *

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

WHEREAS, New Bay, LLC, 104-110 Avenue C, Bayonne New Jersey (the "Grantee") is the fee owner of improved real property located in City of Bayonne ("Grantor"), County of Hudson and State of New Jersey commonly known as 860 Broadway, designated as Lot 42 in Block 106 on the official tax map of the City of Bayonne, currently used as a financial institution known as BCB Community Bank; and

WHEREAS, Grantee submitted an application to the City of Bayonne Building Department for a permit to install a Sidewall-Mounted Bracket Design clock at the above property, specifications for which are attached hereto and made a part hereof; and

WHEREAS, according to Chapter 35, Section 25.4 (c)(2) of the Revised General Ordinances of the City of Bayonne, business signs are not permitted to project a distance greater than twelve (12) inches from the building to which are on file with the Building Department incorporated herein and made a part hereof; and

WHEREAS, a license agreement is required in order to comply with the Revised General Ordinances of the City of Bayonne and to permit the installation of a clock, which will add aesthetic value to and benefit equally the Grantor, Grantee and the surrounding neighborhood; and

WHEREAS, Grantee has requested Grantor, to grant a license providing a right of way to Grantee, allowing construction and installation of the clock over the public right of way; now, therefore, be it

RESOLVED, by the Municipal Council of the City of Bayonne

1. The Mayor is hereby authorized to execute a License Agreement with New Bay, LLC, 104-110 Avenue C, Bayonne New Jersey to permit the installation of a Sidewall Mounted Bracket Design clock at the property known as 860 Broadway, designated as Lot 42 in Block 106 on the official tax map of the City of Bayonne, currently used as a financial institution known as BCB Community Bank pursuant to the specifications submitted by New Bay, LLC on file with the Building Department for a yearly license fee mutually agreed upon by the City of

Bayonne and New Bay, LLC payable to the City and in a form acceptable to the Law Division.

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

Absent - Council Member Perez.

* * * * *

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

WHEREAS, from time to time, the City of Bayonne is in need of skilled attorneys to provide professional services and act as Special Legal Counsel; and

WHEREAS, in or about 2013, the law firm of Apruzzese, McDermott, Mastro & Murphy, P.O. Box 112, Liberty Corner, New Jersey 07938, was assigned work in connection with various disputes that had arisen out of Agreement CY 12-017, a contract between the City of Bayonne and PEC/RM, Inc., for construction of the New South Harbor Firehouse, at an hourly billable rate of \$165.00 per hour; and

WHEREAS, the City entered into a contract with Apruzzese, McDermott, Mastro & Murphy for the 2013 and 2014 terms but not for 2015; and

WHEREAS, Apruzzese, McDermott, Mastro & Murphy, at the direction of Corporation Counsel, has continuously represented the City's interests and enforced the contractor's obligations under Agreement CY 12-017 for construction of the New South Harbor Firehouse and is currently owed \$7,991.75 in outstanding fees and costs, incurred during the 2015 year, as reflected on detailed invoices submitted, which have been reviewed and confirmed by Corporation Counsel; and

WHEREAS, Apruzzese, McDermott, Mastro & Murphy has represented the City in various matters for 40 years and has proven skilled in various areas of law and qualified to represent the City's interests as Special Legal Counsel; and

WHEREAS, it was in the City's best interest to continue to retain the services of Apruzzese, McDermott, Mastro & Murphy to represent the City's interests and enforce the contractor's obligations under Agreement CY 12-017 for construction of the New South Harbor Firehouse given the firm's familiarity with the ongoing matter including strategies developed during the past (2) years of representation; and

WHEREAS, the anticipated contract amount for the 2015 term does not exceed \$17,500 and therefore is not subject to the Public Contracts Law or the Pay to Play Law; and

WHEREAS, Funds are certified as available in various accounts; now, therefore, be it

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

1. The actions of Corporation Counsel in continuing to utilize the services of Apruzzese, McDermott, Mastro & Murphy, P.O. Box 112, Liberty Corner, New Jersey 07938 to represent the City's interests under Agreement CY 12-017 for construction of the New South Harbor Firehouse are ratified and confirmed.
2. The Mayor and City Clerk are hereby authorized and directed to execute an agreement with Apruzzese, McDermott, Mastro & Murphy, P.O. Box 112, Liberty Corner, New Jersey 07938 for legal representation of the City's interests under Agreement CY 12-017 for construction of the New South Harbor Firehouse for the period commencing January 1, 2015 and ending December 31, 2015 at an hourly rate of \$165.00, in an amount not to exceed \$17,500.
3. The Treasurer is authorized to pay Apruzzese, McDermott, Mastro & Murphy the sum of \$7,991.75 for services rendered during the 2015 year to date.
4. Funds have been certified as available in various accounts.

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

Absent - Council Member Perez.

* * * * *

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

WHEREAS, Resolution No. 14-11-12-042 adopted by the Municipal Council on November 12, 2014 authorized an Agreement with Consulting and Municipal Engineers, L.L.C., 1460 Route 9 South, Howell, New Jersey for professional engineering services to act as in-house engineers for the period commencing December 1, 2014 for an amount not to exceed \$125,000.00; and

WHEREAS, subsequent thereto, the City of Bayonne entered into Agreement CY14-107 with Consulting and Municipal Engineers, L.L.C., for the aforesaid professional engineering services, and

WHEREAS, the Business Administrator has advised that it is necessary to increase the Agreement in the amount of \$175,000.00 due to services rendered above the original contract amount making the total contract amount \$300,000.00 and extend said Agreement for an additional one month period commencing December 1, 2015 and ending December 31, 2015; and

WHEREAS, funds are certified as available in Account No. #01-201-26-300-2-020; and Various Capital Ordinances and Grants; 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. CY14-107 with Consulting and Municipal Engineers, L.L.C., 1460 Route 9 South, Howell, New Jersey for professional engineering services to act as in-house engineers increasing same in the amount of \$175,000.00 making the total contract amount not to exceed \$300,000.00 and extending same for a one month period commencing December 1, 2015 and ending December 31, 2015.
2. Funds shall be charged to Account No. #01-201-26-300-2-020; and Various Capital Ordinances and Grants.
3. All other terms and conditions of Agreement No. CY14-107 shall remain the same.

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

Absent - Council Member Perez.

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

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2014 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the City of Bayonne to the efforts undertaken by

the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Municipal Council of the City of Bayonne that City of Bayonne hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Director of Public Works, Gary Chmielewski, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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

Absent - Council Member Perez.

* * * * *

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

WHEREAS, the Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program;

NOW THEREFORE BE IT RESOLVED by the City of Bayonne that City of Bayonne hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, chapter 311, in 2014 in the amount of Ninety-five Thousand Thirty-three Dollars and Sixteen Cents (\$95,033.16). Documentation supporting this submission is available at Bayonne City Hall, 630 Avenue C, Bayonne, New Jersey 07002 and shall be maintained for no less than five years from this date.

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

Absent - Council Member Perez.

* * * * *

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

WHEREAS, there is a continuing need to provide membership in the Bayonne Family Community Center for members of the Police Department; now, therefore be it

RESOLVED, that the Mayor, on behalf of the City of Bayonne, be and is hereby authorized to take any and all steps necessary to effectuate payment to the Bayonne Family Community Center, 259 Avenue E, Bayonne, NJ, in the amount of \$3,500.00 for the Police Department's Annual Membership Program for one year commencing July 1, 2015 and ending June 30, 2016; and be it further

RESOLVED, that this expenditure be charged against Account PS-9/01-201-25-240-2-020 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 to the Bayonne Family Community Center in the amount of \$3,500.00 representing payment for such membership.

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

Absent - Council Member Perez.

* * * * *

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

WHEREAS, SHI INVESTMENTS, LLC, a New Jersey Limited Liability Company with an address at 735-737 Broadway, Bayonne, New Jersey 07002 (the "Grantor") is the fee owner of certain improved real property designated as Lot 15 in Block 139 on the official tax map of the City of Bayonne, commonly known as 735-737 Broadway; and

WHEREAS, the City of Bayonne (the "Grantee") wishes to design, affix and maintain a mural depicting the likeness of boxer Chuck Wepner on the building situated at the above property, specifications for which have been reviewed by both parties; and

WHEREAS, a license agreement is required in order to comply with the Revised General Ordinances of the City of Bayonne and to permit the City to affix and maintain said mural, which will add aesthetic value to and benefit equally the Grantor, Grantee and the surrounding neighborhood; and

WHEREAS, Grantee has requested and Grantor is willing to grant a license providing a right of way to Grantee, allowing the mural to be affixed and maintained for a yearly license fee of \$1,200.00; and

WHEREAS, funds are certified as available in account UEZ Trust Account for calendar year 2015; now, therefore, be it

RESOLVED, by the Municipal Council of the City of Bayonne

1. The Mayor is hereby authorized to execute a License Agreement with SHI INVESTMENTS, LLC, a New Jersey Limited Liability Company, 735-737 Broadway, Bayonne, New Jersey 07002 to design, affix and maintain a mural depicting the likeness of boxer Chuck Wepner on the building situated at the above property pursuant to specifications which have been reviewed by both parties for a yearly license fee of \$1,200.00 subject to Municipal Council approval and in a form acceptable to the Law Division.

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

Absent - Council Member Perez.

* * * * *

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

Re: Approval of Change Order Nos. 2 and 3 to Field Turf
For Contract for Don Ahern Veterans Memorial Stadium

Whereas, pursuant to an approved cooperative purchasing network a contract ("Contract") was entered into between the City of Bayonne with Field Turf for Don Ahern Veterans Memorial Stadium Improvements, pursuant to a Resolution awarding such contract, for the amount of \$1,036,395.39.

Whereas, on July 20, 2015, the City's Engineer, Maser Consulting P.A., submitted a proposal for a Change Orders No. 2 and 3 to the contract for Don Ahern Veterans Memorial Stadium Improvements for an increase in the amounts of \$20,674.05 and \$13,222.64 for the purpose installation required to satisfactorily complete the contract; and

Whereas, the City's Engineer and City's Attorney have reviewed, approved and recommended Change Orders No. 2 and 3 to process the net increase of \$33,896.69 for an adjusted total of \$ 1,077,443.34 in accordance with the contract for Don Ahern Veterans Memorial Stadium Improvements; and

Whereas, the award of Change Order Nos. 2 and 3 are 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

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Bayonne, County of Hudson, New Jersey as follows:

1. The Mayor shall be and is hereby authorized to execute Change Order Nos. 2 and 3 to Process the net increase of \$33,896.69 as stated in the July 20, 2015 change order proposal from Field Turf, in accordance with the contract for Don Ahern Veterans Memorial Stadium Improvements, for an adjusted total amount of \$ 1,077,443.34.
2. The Chief Financial Officer's Certification that funds are available shall be on file at the Town and made a part hereof.
3. A Copy of this resolution and the contract when executed shall be kept on file for public inspection in the Office of the Municipal Clerk.

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

Absent - Council Member Perez.

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

APPROVING NOTICE OF INTENT TO AWARD A CONTRACT UNDER A NATIONAL COOPERATIVE PURCHASING AGREEMENT

WHEREAS, the City of Bayonne intends to award a contract for design/build services in connection with the construction of a Skate Park to be located at Dennis P. Collins Park through the Houston-Galveston Area Council Purchasing Program; and

WHEREAS, information regarding the contract may be found at the City of Bayonne Municipal Building, Office of the City Clerk located at 630 Avenue C, Bayonne, NJ as well as on the City of Bayonne's website at: www.bayonnenj.org; and

WHEREAS, by way of Resolution No. 15-04-22-061 adopted on April 22, 2015, the City of Bayonne entered into an Interlocal Agreement for Cooperative Purchasing with the Houston-Galveston Area Council (H-GAC") Purchasing Program; and

WHEREAS, the contract term is January 1, 2015 through December 31, 2015; and

WHEREAS, it the intent of the City of Bayonne to make a contract award to Spone Ranch, Inc. pursuant to the proposal submitted in response to the City's specifications; and

WHEREAS, the City of Bayonne is permitted to join national cooperative purchasing agreements under the authority of N.J.S.A. 52:34-6.2(b)(3); now, therefore, be it

RESOLVED, that the City Clerk is hereby directed to publish the forgoing enumerated "Notice of Intent to Award a Contract Under a National Cooperative Purchasing Agreement" in the legal newspaper of the City of Bayonne with a comment period to end at the close of business hours on August 27, 2015.

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

Absent - Council Member Perez.

* * * * *

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

WHEREAS, pursuant to N.J.A.C. 5:34-6.1(b) contracting units are required to adopt rules or regulations as appropriate to the contracting unit to ensure that there is a procedure for determining and confirming the existence of an emergency and that the provisions for emergency purchasing pursuant to N.J.S.A. 40A:11-6, Emergency Contracts, may be implemented; and

WHEREAS, such rules or regulations shall include such provisions that ensure that if initially designated individuals are not available, there is a designated chain of command to ensure that there are always appropriate individuals available to make such decisions; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6(c), the Director of the Division of Local Government Services in the Department of Community Affairs shall prescribe rules and procedures to implement the requirements of N.J.S.A. 40A:11-6, et seq.; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6(d), the governing body of the contracting unit may prescribe additional rules and procedures to implement the requirements of N.J.S.A. 40A:11-6 et seq.; now, therefore, be it

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

1. The Municipal Council of the City of Bayonne hereby adopts the rules and procedures prescribed by the Director of the Division of Local Government Services in the Department of Community Affairs to implement the requirements of N.J.S.A. 40A:11-6, et seq.

2. The Municipal Council of the City of Bayonne hereby also adopts the attached "Rules and Procedures to Implement the Requirements of N.J.S.A. 40A:11-6, et seq." attached hereto and made part hereof.

3. The following chain of command is hereby authorized to determine and confirm that the existence of an emergency and the provisions for emergency contracting or purchasing pursuant to N.J.S.A. 40A:11-6 may be implemented:

1. Business Administrator (based on Certification of Department Director or his / her designee.)
2. Purchasing Agent (based on Certification of Department Director or his / her designee.)
3. Corporation Counsel (based on Certification of Department Director or his / her designee.)

RULES AND PROCUDURES OF THE CITY OF BAYONNE
TO IMPLEMENT
THE REQUIREMENTS OF N.J.S.A. 40A:11-6

The following policies and procedures shall be implemented prior to the award of an emergency contract or procurement of emergency goods or services pursuant to N.J.S.A. 40A:11-6:

1. The appropriate Department Director, or his or her designee, shall notify the Business Administrator, Purchasing Agent and Corporation Counsel in a written certification of the emergent need for the performance of a contract or the emergent need for procurement of goods and services on the attached form of "Certification of Emergent Need to Award an Emergency Contract or Emergency Procurement pursuant to N.J.S.A. 40A:11-6."
2. The Business Administrator, or his or her designee, shall review the Certification of Emergent Need to Award an Emergency Contract or Emergency Procurement pursuant to N.J.S.A. 40A:11-6 and determine and confirm that the existence of the emergency and the provisions for emergency contracting and purchasing pursuant to N.J.S.A. 40A:11-6 have been met.
3. In the event the Business Administrator or designee is unavailable, the following individuals, in the following order, or their designees, shall receive and review the Certification of Emergent Need to Award an Emergency Contract or Emergency Procurement pursuant to N.J.S.A. 40A:11-6 and determine and confirm that the existence of the emergency and the provisions for emergency contracting and purchasing pursuant to N.J.S.A. 40A:11-6 have been met:

- a. Purchasing Agent
 - b. Corporation Counsel
4. Depending on the nature and imminence (in light of the public, health, welfare and safety) of the emergency, the Municipal Council shall review, consider and take action upon the Certification and may adopt either a resolution awarding the contract and / or authorizing the procurement of goods and services, or a resolution ratifying and confirming the actions of the Business Administrator or other designated individual in entering into the contract and / or authorizing the procurement of goods and services on an emergent basis.
5. The Certification shall set forth the following information:
 - a. Emergent Need (contract to be performed or goods and/or services to be procured)
 - b. Nature of Emergency
 - c. Time of Occurrence of Emergency
 - d. Facts and Circumstances contributing to the Emergency
 - e. Remedial Action(s), if any, taken to limit emergency and to comply with applicable laws such as the Local Public Contracts Law and Pay to Play Law
 - f. Any other facts relevant to the selection of the contractor, vendor or provider of goods and services that should be considered
 - g. Need for Invoking N.J.S.A. 40A:11-6
6. A copy of the Certification shall be kept on file with the Purchasing Agent and a copy attached to the contract.
7. A copy of the contract, where applicable, shall be kept on file with the City Clerk and available for inspection in accordance with the Open Public Record's Act.
8. Funds shall be certified as available prior to the award of an emergency contract or emergency procurement of goods or services.
9. Prior to the award of an emergency contract or the emergency procurement of goods or services, the Contractor and/or Vendor shall provide the following documentation as applicable:
 - a. Certificate of Insurance naming the City of Bayonne as an additional Insured evidencing all applicable and desirable insurance coverages required by the City of Bayonne (i.e. worker's compensation and employer's liability, general liability, auto liability, umbrella and environmental, where applicable)
 - b. Performance and/or Payment Bond(s) if mandated by law or otherwise requested by the City
 - c. Proof of Compliance with Affirmative Action Requirements
 - d. American With Disabilities Acknowledgement Form
 - e. Copy of NJ Business Registration Certificate
 - f. Stockholder Disclosure Certification
 - g. Corporate Ownership Statement
 - h. Business Entity Disclosure Certification (contracts or procurements in excess of \$17,500 only)
 - i. Completed Questionnaire of Experience and Financial Ability or other applicable writing setting forth the qualifications and financial ability of the contractor, vendor or provider of goods and services being sought by the City
 - j. Disclosure of Investment Activities in Iran
 - k. Any other Licenses or Approvals, under federal, state or local law, required to be obtained and maintained by the contractor, vendor or provider of goods and services being sought by the City (i.e. contractor's registration, certificate of public necessity, etc.)
10. The Purchasing Agent shall file an Emergency Procurement Report with the Director of the Division of Local Government Services within 30 days of the date the contract is issued or emergency goods or services are procured pursuant to N.J.S.A. 19:44A-20.12.
11. A notice of the award of an emergency contract or emergency purchase of goods or services shall be printed once in a newspaper of general circulation within the boundaries of the City of Bayonne.

CERTIFICATION OF EMERGENT NEED TO AWARD

AN EMERGENCY CONTRACT OR EMERGENCY PROCUREMENT
PURSUANT TO N.J.S.A. 40A:11-6.

To: Business Administrator
Purchasing Agent
Corporation Counsel

From:
(Director or designee)

Date:

I hereby Certify that there exists an emergent need for the performance of a contract and or/the emergency procurement of goods or services pursuant to N.J.S.A. 40A:11-6 as follows:

1. Emergent Need:
(Specify contract to be performed or goods and/or services to be procured)

2. Nature of Emergency:

3. Time of Occurrence of Emergency:

4. Facts and Circumstances contributing to the Emergency:

Action(s), if any, taken to limit emergency and to comply with applicable laws such as the Local Public Contracts Law and Pay to Play Law:

6. Need for Invoking N.J.S.A. 40A:11-6: Emergency affects the public health, safety or welfare of the citizens of Bayonne.

7. Any other facts relevant to the selection of the contractor, vendor or provider of goods and services that should be considered by the Municipal Counsel:

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

_____ Name:
Title:

Dated:

The undersigned, _____ (*insert title*) of the City of Bayonne, having received and reviewed the Certification of Emergent Need to Award an Emergency Contract or Emergency Procurement pursuant to N.J.S.A. 40A:11-6, hereby determines and confirms that there exists an emergency as set forth in the within Certification and that the provisions for emergency contracting and purchasing pursuant to N.J.S.A. 40A:11-6 have been met.

_____ Name:
Title:

Dated:

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

Absent - Council Member Perez.

* * * * *

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

WHEREAS, pursuant to Resolution No. 14-07-16-056 adopted by the Municipal Council on July 16, 2014 as amended by Resolution No. 14-08-13-065 adopted by the Municipal Council on August 13, 2014, the City of Bayonne (the "City") entered into Agreement No. CY14-069 with Joseph Smentkowski, Inc., 3 New York Avenue, Jersey City, New Jersey for the Collection of Recyclable Material AM Services - Commingled for a one (1) year period commencing August 1, 2014 and ending July 31, 2015 for a total contract amount of \$616,756.00; and

WHEREAS, pursuant to Resolution No. 14-08-13-088 adopted by the Municipal Council on August 13, 2014, the City entered into Agreement No. CY14-072 with Atlantic Coast Fibers, LLC, 101 7th Street, Passaic, New Jersey for the Receipt of Recyclable Materials - single stream at a fixed rate of \$9.50 per ton payable to the City for an eleven (11) month period commencing September 1, 2014 and ending July 31, 2015; and

WHEREAS, Resolution No. 15-06-17-069 adopted by the Municipal Council on June 17, 2015 authorized the City Clerk 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; and

WHEREAS, Resolution No. 15-06-17-070 adopted by the Municipal Council June 17, 2015 authorized 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 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

WHEREAS, the Law Division is in the process of reviewing, revising and updating the bid specifications for the Collection of Recyclable Materials and the Request for Proposals for a Licensed Recycling Facility to Receive and Market Certain Recyclable Materials; and

WHEREAS, the Collection of Recyclable Materials services and the Receipt and Marketing of Recyclable Materials services are essential for the health, safety and general welfare of the citizens of Bayonne; and

WHEREAS, the Director of Public Works has provided written certification to the Business Administrator, Purchasing Agent and Corporation Counsel of the need for the emergency procurement of the aforesaid Collection of Recyclable Materials services and Receipt and Marketing of Recyclable Materials services as of August 1, 2015 and the Business Administrator has determined and confirmed that the existence of the emergency and the provisions for emergency contracting pursuant to N.J.S.A. 40A:11-6 have been met; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6 any contract may be negotiated or awarded by a contracting unit without public advertising for bids and bidding notwithstanding that the contract price will exceed the bid threshold when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

WHEREAS, the Law Division anticipates the award of a contract or contracts pursuant to N.J.S.A. 40A:11-1 et seq., Local Public Contracts Law, and/or N.J.S.A. 10:44A-20.4 et seq., New Jersey Local Unit Pay to Play Law, for the aforesaid services within a two (2) month period; and

WHEREAS, Joseph Smentkowski, Inc. is unwilling to extend its existing agreement with the City of Bayonne for the Collection of Recyclable Materials AM Services - Commingled for the period commencing August 1, 2015 and ending September 30, 2015 under the same terms and conditions as its existing agreement unless the City also awards Joseph Smentkowski, Inc., or an entity with some or all of the same principal shareholders, partners or members, the emergency contract for the Receipt and Marketing of Recyclable Materials; and

WHEREAS, the City is unwilling to award Joseph Smentkowski, Inc., or an entity with some or all of the same principal shareholders, partners or members, the contract for the Receipt and Marketing of Recyclable Materials, because of monies owed

to the City of Bayonne under a prior contract with Galaxy Recycling, Inc., an entity with some or all of the same principal shareholders, partners or members as Joseph Smentkowski, Inc., for the Receipt and Marketing of Recyclable Materials; and

WHEREAS, the Law Division is in receipt of a combined proposal from Elite Waste Service, P.O. Box 776, Bayonne, New Jersey for the Collection of Recyclable Materials and Receipt and Marketing of said Recyclable Materials for an amount of \$45,750.00 per month for the Collection of Recyclable Materials and 25% of Pulp and Paper Index ("PPI") for the Receipt and Marketing of mixed paper Recyclable Materials payable to the City; and

WHEREAS, the aforesaid proposal sets forth a cost for the Collection of Recyclable Materials services at a lower monthly rate than the current contract with Joseph Smentkowski, Inc. and Elite proposes to pay the City an increased price per ton of mixed paper Recyclable Materials Received and Marketed; and

WHEREAS, it has been determined that awarding an emergency contract to Elite Waste Services combining the aforesaid Collection of Recyclable Materials services and the Receipt and Marketing of said Recyclable Materials services is in the best interest of the City and is essential for the health, safety and general welfare of the citizens of Bayonne; and

WHEREAS, the Business administration has determined and certified in writing that the value of the acquisition will exceed \$17,500.00; and

WHEREAS, Elite Waste Services, has completed and submitted a Business Entity Disclosure Certification which certifies that Elite Waste Services 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 Elite Waste Services from making any reportable contributions through the term of the contract; and

WHEREAS, funds are certified as available in Account No. 01-201-32-465-2-020; now, therefore, be it

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

1. The Mayor and City Clerk are hereby authorized to enter into an emergency contract with Elite Waste Services, P.O. Box 776, Bayonne, New Jersey for the Collection of Recyclable Materials and the Receipt and Marketing of said Recyclable Materials for an amount of \$45,750.00 per month for the Collection of Recyclable Materials and 25% of Pulp and Paper Index ("PPI") for the Receipt and Marketing of mixed paper Recyclable Materials payable to the City; for a two-month period commencing August 1, 2015 and ending September 30, 2015 pursuant to N.J.S.A. 40A:11-6.
2. Funds shall be charged to Account 01-201-32-465-2-020.
3. Written notification of the need for the emergency procurement of the aforesaid services shall remain on file with the Purchasing Agent.
4. The Purchasing Agent shall file an Emergency Procurement Report with the Director of the Division of Local Government Services within 30 days of the date this contract is issued pursuant to N.J.S.A. 19:44A-20.12.
5. The Business Disclosure Entity Certification submitted by Elite Waste Services and the Determination of Value shall be placed on file with this resolution.
6. A notice of this action shall be printed once in a newspaper of general circulation within the boundaries of the City of Bayonne.

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

Absent - Council Member Perez.

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

From Terrence Malloy, CFO, submitting a Supplemental Debt Statement as of July 22,

2015.

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

Absent - Council Member Perez.

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

WHEREAS, Resolution No. 14-11-12-047 adopted by the Municipal Council on November 12, 2014 authorized a short term Lease Agreement with Blue Apron, a corporate citizen of Jersey City, for a certain real property located in the vicinity of Center Street comprising a portion of what is commonly known as "Harbor Station North" within Block 600, Lot 1 for temporary employee parking for up to 200 privately-owned vehicles for the sole benefit of Blue Apron Employees commencing November 12, 2014 and terminating on May 11, 2015 with a thirty (30) day notice of termination, unless renewed thereafter on a month-to-month basis in the sole and absolute discretion of the City more specifically as follows:

Use: Parking of privately-owned Blue Apron vehicles for the benefit of the employees of Blue Apron only
Premises Access: As necessary for the reasonable employee use of Blue Apron
Monthly rent: \$3,500.00
Utilities: To be paid by Blue Apron
Temporary Lighting: To be installed by Blue Apron prior to possession at its sole cost and expense and upon the issuance of appropriate municipal permits
Additional rent: Property Taxes Included
Insurance: Provided and paid for by Blue Apron having limits of liability that are acceptable to the City in the sole and absolute discretion of the Corporation
Counsel by Blue Apron naming the "City of Bayonne" as additional insured.
Security Deposit: \$3,500.00
Term: For a six (6) month period and subsequent month-to-month extension at the sole and absolute discretion of the City; and at all times termination upon thirty (30) days notice; and

WHEREAS, on April 22, 2015, the Director of Municipal Services requested an extension of the aforesaid Lease Agreement through August 30, 2015 at an additional rental fee of \$10,500; and

WHEREAS, on April 22, 2015 this Municipal Council, by way of Resolution 15-04-22-62, authorized an extension of the aforesaid Lease Agreement with Blue Apron of Jersey City, New Jersey through August 30, 2015 for an additional amount of \$10,500.00; and

WHEREAS, the Director of Municipal Services has now requested an extension of the aforesaid Lease Agreement through March 31, 2016, at an additional rental fee of \$21,000.00; now, therefore, be it

RESOLVED by the Municipal Council that the Mayor and City Clerk are hereby authorized to enter into an extension of the aforesaid Lease Agreement with Blue Apron of Jersey City, New Jersey through March 31, 2016 for an additional amount of \$21,000.00.

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

Absent - Council Member Perez.

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At 12:10 A.M., the council as whole moved to adjourn, which motion was adopted.

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

Absent - Council Member Perez.

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President - Sharon A. Nadrowski

Clerk - Robert F. Sloan