

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, AUGUST 19, 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 August 19, 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 August 14, 2015."

The Regular Meeting of the Municipal Council of the City of Bayonne is now in session.

The Clerk called the roll.

Present were: Council Members Cotter, Gullace, LaPelusa Perez and President Nadrowski.

The Council President led the Pledge of Allegiance.

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01. Linda Doering and Joseph Coyne of the New Jersey Parents Foundation addressed the council and presented awards to three Bayonne High School Seniors for their winning essays on "What My Parents Mean to Me."

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02. 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 bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at the meeting of July 22, 2015, and was referred to the Planning Board for its review and a report, was published in the Jersey Journal and posted on the bulletin board as was required by law, was given a public hearing at the meeting of July 22, 2015, at which time it was tabled for further consideration to this meeting of August 19, 2015 is now before the Council for its consideration.

Council Member Perez motioned that the public hearing on the ordinance be re-opened, seconded by Council President Nadrowski, which motion was adopted.

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

The following persons spoke: John Wyciskola, Esq. - Special Redevelopment Counsel
Michael Miceli, Esq.
John McDonough - Licensed Professional Planner
Bear HanuszORajkowski - 84 Trask Avenue
Filima Anderson - 84 Newman Avenue
Patrick Fraconeri - 10 East 51st Street
Marti Reilly - 185 West 21st Street
Harry Linnus - West 46th Street
Clarence Hillard - Victory Lofts
Joseph DiGiorgio - 214 Avenue B
Robert Engerlhardt - 27 West 46th Street
Charles Cucchara - 9 East 50th Street
Muhammad Hahn - 122 West 43rd Street
Ralph Alterbaum 0 875 Broadway
Lena Drewman - 189 West 27th Street
Martin Dougherty - 78 West 8th Street
Jennifer Luback -1080 Kennedy Blvd.
Ed Ferrante - 78 East 23rd Street
George Demetrius - 159 West 2nd Street

Nina Orlando - 532 Avenue C
Raymond Candino - 12A West 52nd Street
Jimmy Ballis - 12A West 52nd Street
Ramon Veloz - 80 West 22nd Street
Jim Fong - 301 Constitution Avenue
Vincent Procepi - 128 West 44th Street
Julius Sklarski
Traci Lucarelli - 14 West 46th Street
Michael Policastro - 126 West 46th Street
Carol Matus - 92 West 34th Street
Dorothy Moreton - 275 Kennedy Blvd,
Carey Grant - 864 Kennedy Blvd.
Alan Griffin - 28 West 32nd Street
Jean Hunt - 91 West 48th Street
Pauline Tobey - 42 East 33rd Street
Matthew Kopko - 105 West 8th Street
David Solari - 18 Colonial Drive
Peter Franco - 127 West 12th Street
Lance Lucarelli - 199 West 21st Street
Edward Szawiel - 169 West 33rd Street
Patty Graham - 117 West 13th Street
Walter Schnieder - 16 West 46th Street
John Blum - 26 West 46th Street
Jim Spinotto - 230 Avenue B
Deborah Blum - 26 West 46th Street
Richard A. Rutkowski - 1 Sunset Avenue

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

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

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

WHEREAS, an ordinance entitled, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR PROPERTY IDENTIFIED AS BLOCK 77, LOTS 16-24 ON THE TAX MAP OF THE CITY OF BAYONNE" was introduced and passed a first reading at a meeting held June 17, 2015, was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at the meeting of July 22, 2015, and was referred to the Planning Board for its review and a report, was published in the Jersey Journal and posted on the bulletin board as required by law, was given a public hearing at the meeting of July 22, 2015, at which time it was tabled for further consideration to this meeting of August 19, 2015; and

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

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

WHEREAS, said ordinance was given a second public hearing 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-15-25.

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

Nay- Council Member LaPelusa.

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At 8:55 P.M. the Council went into recess.

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At 9:03 P.M., Council President Nadrowski moved to reconvene, seconded by Council Member LaPelusa,

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

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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 bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at the meeting of July 22, 2015, at which time it was tabled for further consideration to this meeting of August 19, 2015, is now before the Council for its consideration and a public hearing.

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

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

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

The Clerk read the ordinance by title: "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY 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,"

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

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

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

WHEREAS, 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 bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at the meeting of July 22, 2015, at which time it was tabled for further consideration to this meeting of August 19, 2015; and

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

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

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

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

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

RESOLVED, that the said ordinance be passed and designated as Ordinance No. O-15-26.

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

Nays - Council Member Cotter and LaPelusa

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04. 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 17, 2015, was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at the meeting of July 22, 2015, at which time it was tabled for further consideration to this meeting of August 19, 2015, is now before the Council for its consideration and a public hearing.

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

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

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

The Clerk read the ordinance by title: "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 Member Perez 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 Perez. and President Nadrowski.

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

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

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

WHEREAS, 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 bulletin board as required by law, with notice that it would be further

considered for final passage following a public hearing at the meeting of July 22, 2015, at which time it was tabled for further consideration to this meeting of August 19, 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-15-27.

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

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05. The Clerk announced:

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,” 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 bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at the meeting of July 22, 2015, at which time it was tabled for further consideration to this meeting of August 19, 2015, is now before the Council for its consideration and a public hearing.

Council Member LaPelusa moved the following resolution that the ordinance be tabled to the meeting of September 16, 2015, second by Council President Nadrowski, 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,” introduced at the meeting held July 22, 2015, and scheduled for a public hearing and final passage at this meeting of August 19, 2015 at 7:00 P.M., be and is hereby tabled and that Wednesday, September 16, 2015 at 7:00 P.M. or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

RESOLVED, that the City Clerk be and is hereby authorized and directed to publish said ordinance according to law, with a notice of its introduction and passage on first reading, and the time and place when and where said ordinance will be further considered for final passage.

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

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06. 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 July 22, 2015, was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of August 19, 2015, is now before the Council for its consideration and a public hearing.

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

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

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

The Clerk read the ordinance by title: "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC,"

The 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 Member Perez, which motion was adopted.

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

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

WHEREAS, an ordinance entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC," which was introduced and passed a first reading at a meeting held July 22, 2015, was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of August 19, 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-15-28.

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

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07. Council President Nadrowski introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY
CONSENTING TO THE SALE OF ALEXAN CITYVIEW BY BAYONNE RESIDENTIAL
URBAN RENEWAL, LLC TO CL CITYVIEW URBAN RENEWAL LLC, RS BAYONNE
URBAN RENEWAL LLC AND VERBANA URBAN RENEWAL LLC

WHEREAS, pursuant to and in accordance with the provisions of the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, the Bayonne Local Redevelopment Agency and Bayonne Residential Limited Partnership ("BRLP") entered into a Redevelopment Agreement dated June 28, 2006 pursuant to which BRLP agreed to, among other things, redevelop a portion of the Bayonne Military Ocean Terminal with a multi-family development, together with certain infrastructure improvements known as Alexan City View and located at 300-302 Constitution Avenue in the City of Bayonne (the "Project"); and

WHEREAS, pursuant to and in accordance with the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1 et seq.* ("LTTE Law") the City and Bayonne Residential Urban Renewal, LLC (the "Entity," an affiliate of BLRP) entered into an Amended and Restated

Financial Agreement dated as of December 8, 2009, as amended by the First Amendment dated December 22, 2014 (together, the “Financial Agreement”) to provide for the exemption of real estate taxes for the Project; and

WHEREAS, in 2010 the Entity has determined to sell the Project and transfer the Financial Agreement to the following urban renewal entities; which entities will have the following approximate ownership of the Project:

CL CITYVIEW URBAN RENEWAL LLC	77.5%
RS BAYONNE URBAN RENEWAL LLC	15.0%
VERBANA BAYONNE URBAN RENEWAL LLC	7.5%; and

WHEREAS, Section 8.01(A) of the Financial Agreement requires the approval of the City to such sale following a written application (the “Application”) of the Entity provided the conditions identified therein have been met; and

WHEREAS, the Entity has submitted an Application and met all of the requirements of Section 8.01(A) and has otherwise provide the information required thereunder since the execution of such Financial Agreement to the extent available;

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

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

Section 2. The City consents to the sale of the Project and transfer of the Financial Agreement, pursuant to Section 8.01(A) of the Financial Agreement, to the following with approximately the ownership percentages as follows:

CL CITYVIEW URBAN RENEWAL LLC	77.5%
RS BAYONNE URBAN RENEWAL LLC	15.0%
VERBANA BAYONNE URBAN RENEWAL LLC	7.5%.

Section 3. The Mayor and City Clerk are hereby authorized to execute such documents as may be necessary to effectuate the transfer and assumption of the Financial Agreement to the New Entities, including any applicable estoppel certificates.

Section 4. The City Clerk shall file certified copies of this Ordinance with the Tax Assessor of the City and the Director of the Division of Local Government Services with the Department of Community Affairs.

Section 5. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 6. A copy of this Ordinance shall be available for public inspection at the office of the City Clerk during regular business hours.

Section 7. This Ordinance shall take effect in accordance with all applicable laws.

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

BE IT RESOLVED, that an ordinance entitled “ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY CONSENTING TO THE SALE OF ALEXAN CITYVIEW BY BAYONNE RESIDENTIAL URBAN RENEWAL, LLC TO CL CITYVIEW URBAN RENEWAL LLC, RS BAYONNE URBAN RENEWAL LLC AND VERBANA URBAN RENEWAL LLC,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, September 16, 2015, at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

RESOLVED, that the City Clerk be and is hereby authorized and directed to publish said ordinance according to law, with a notice of its introduction and passage on first reading, and the time and place when and where said ordinance will be further considered for final passage.

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

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08. Council President Nadrowski 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

110. Alina Szelazek, 19 East 28th Street
Beginning at a point on the north side of East 28th Street, 243 feet east of the northeast corner of Broadway and East 28th Street, and extending to a point 22 feet east thereof.

237. Dorothy Riscart, 80 West 7th Street
Beginning at a point on the south side of West 7th Street, 50 feet east of the southeast corner of Newman Avenue and West 7th Street, and extending to a point 33 feet east thereof.

ADD

010. Grace Lee, 18 East 49th Street
Beginning at a point on the south side of East 49th Street, 214 feet east of the southeast corner of Broadway and East 49th Street, and extending to a point 20 feet east thereof.

019. Patrick Johnson, 38 West 12th Street
Beginning at a point on the south side of West 12th Street, 212 feet east of the southeast corner of Avenue C and West 12th Street, and extending to a point 22 feet east thereof.

037. Marie Caci, 66 West 49th Street
Beginning at a point on the south side of West 49th Street, 129 feet west of the southwest corner of Avenue C and West 49th Street, and extending to a point 22 feet west thereof.

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

BE IT RESOLVED, that an ordinance entitled “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, September 16, 2015, at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

RESOLVED, that the City Clerk be and is hereby authorized and directed to publish said ordinance according to law, with a notice of its introduction and passage on first reading, and the time and place when and where said ordinance will be further considered for final passage.

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

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

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

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

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

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

From CYNTHIA E. AYISAH, filing notice of tort claim alleging personal injuries sustained sometime in July, 2015 resulting from a fall on the sidewalk on Broadway between 21st and 22nd Streets.

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11. 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, “MENDEZ-ORTIZ vs. GLADSTONE, et al., incl. THE CITY OF BAYONNE.” (Automobile accident on the NJ Turnpike on February 13, 2014)

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

From the Superior Court of New Jersey, Chancery Division, Summons and Complaint in matter entitled, “BANK OF NEW YORK MELLON AS TRUSTEE, etc. vs. NORICA, et al., incl. THE CITY OF BAYONNE.” (Mortgage foreclosure with the city holding a second mortgage)

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

From the Superior Court of New Jersey, Chancery Division, Summons and Complaint in matter entitled, “GREEN TREE SERVICING vs. JOHNSON, et al., incl. THE CITY OF BAYONNE.” (Mortgage foreclosure – Bayonne Housing Authority holds 2 judgments)

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

From the Tax Court of New Jersey, complaint in matter entitled, “VIRA vs. CITY OF BAYONNE.” (423 Avenue A, Block 236, lot 36 – 1-4 family)

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

From the Tax Court of New Jersey, complaint in matter entitled, “BROADWAY REALTY ASSOCIATES vs. CITY OF BAYONNE.” (434-436 Broadway, Block 221, lot 24 - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “ADAM CORP. a/k/a/LEVIN MANAGEMENT CORP. vs. CITY OF BAYONNE.” (266-280 Broadway, Block 268, lot 1, - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “DC REAL PROPERTY CO, LLC vs. CITY OF BAYONNE.” (East 5th Street, Block 359, lot 4.05 - vacant)

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

From the Tax Court of New Jersey, complaint in matter entitled, “SUPERIOR-MPM, LLC vs. CITY OF BAYONNE.” (Hobart Avenue – East 4th - 2nd, Block 359, lot 10 - industrial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “DELAWARE DELTA, LLC vs. CITY OF BAYONNE.” (973-975 Broadway, Block 70, lot 20 - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “SHANE, TIM/TRUSTEE FLORTEK vs. CITY OF BAYONNE.” (39 West 55th Street, Block 28, lot 2 - industrial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “CHOHAN vs. CITY OF BAYONNE.” (924 Broadway, Block 90, lot 45 - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “759-761 AVENUE A REALTY, LLC vs. CITY OF BAYONNE.” (759 Avenue A, Block 142, 19 lots – 1-4 family residences)

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

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

RESOLVED, That the following items which have been included on the agenda for this regular meeting as OFFICERS’ REPORTS and which follow this resolution shall constitute a consent agenda for officers’ reports and that they be received and filed and that any resolution incorporated within them be adopted and included in the official minutes of this meeting as having been so ordered.

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

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24. 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.

* * * * *

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

DATE: JULY 7, 2015

TO: Terrence Malloy, CFO
Robert Sloan, City Clerk

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

FROM: Janet Convery, Treasurer

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

\$5,097,854.00 CLAIMS & PAYROLL FOR JULY, 2015

Janet Convery

* * * * *

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

BID REPORT
FOR THE MUNICIPAL COUNCIL

Date: 08/18/15 Ad Date: 07/3/15 Date bids accepted: 08/10/15
Attending: Amy Dellabella, Purchasing Agent, Rick Brown, Carroll Engineering

Bid titled: CY 2015 Resurfacing or Various Streets
Bidder: Alternate 1 Alternate 2 Alternate 3
Top Line Construction Corp. \$442,534.60 \$338,275.10 \$52,288.27
22 Fifth Street
Somerville, NJ 08876

Black Rock Enterprises, LLC \$454,765.20 \$350,349.40 \$65,167.66
1316 Englishtown Road
Old Bridge, NJ 08857

NOTE* Alternate numbers denote the potential streets to be paved. Listed separately.*

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

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

* * * * *

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

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

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

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

* * * * *

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

RESOLVED, That the official minutes of the regular council meeting held Wednesday, July 22, 2015, be and the same are hereby approved.

* * * * *

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

RESOLVED, That the official minutes of the council caucus meeting held Wednesday, July 15, 2015, be and the same are hereby approved.

* * * * *

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

WHEREAS, Mayor James M. Davis has recommended that Louis Lombari, currently Alternate #1 on the Zoning Board of Adjustment, for appointment to fill the unexpired term of John Calcaterra; now, therefore be it

RESOLVED, that Louis Lombari be and is hereby appointed to the Zoning Board of Adjustment to fill the unexpired term held by John Calcaterra, which term expires December 31, 2016.

* * * * *

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

WHEREAS, the properties set forth below all carry overpayments on their property tax accounts in the amounts indicated; and

WHEREAS, these taxpayers have requested refunds of the overpayments indicated; and

WHEREAS, the Director of Finance has recommended that these amounts be refunded to the taxpayers; now therefore be it

RESOLVED, that warrants be drawn to the order of the taxpayers listed, in the amounts indicated; and be it further

RESOLVED, that the warrants be forwarded to the Tax Collector for delivery to the payees.

BLOCK	LOT	PAYEE	AMOUNT
44	14	Lola Furfaro	404.18
52	6	Anna D’Anna-Masciale	2,312.45
91	3	Patricia Fleming	2,743.94
176	15	Deocharran Sawh	297.33
212	37.02	Irene G. Roberts	1,163.42
Total:			6,921.32

* * * * *

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

RESOLVED, that pursuant to and consistent with a State Training Fee Report dated July 1, 2015 by Michael J. Feuer, Construction Official, the Municipal Treasurer is hereby authorized and directed to issue a warrant drawn to the order of the State of New Jersey, in the amount of \$13,296.00 representing payment of state surcharge fees on new construction and alterations collected during the 2nd quarter of 2015; and be it further

RESOLVED, that said warrant be forwarded to the Construction Official for transmittal to the New Jersey Department of Community Affairs; and be it further

RESOLVED, that this expense to be charged to Account - Trust Funds, State Training Fees with the Tax Collector, Account #02-5102.

* * * * *

33. 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 \$61.20 be drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of licenses Nos. 1214-1239 inclusive, 26 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.

* * * * *

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

RESOLVED, that the actions of the Municipal Treasurer in issuing payment from Current Fund in the amount of \$ 7,454,242.19 payable to the County of Hudson for Third Quarter County Taxes of 2015 is hereby ratified and confirmed.

* * * * *

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

RESOLVED, that the actions of the Municipal Treasurer in issuing a warrant from the Unemployment Trust Fund in the amount of \$22,770.13 payable to the State of New Jersey Division of Employer Accounts is hereby ratified and confirmed. Said warrant is for the City of Bayonne unemployment bills for quarter ending 06/30/2015.

* * * * *

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

WHEREAS, P. Connelly was custodian of the Business Administration Petty Cash Fund; and

WHEREAS, Sneh Bains was custodian of the Free Public Library Petty Cash Fund; and

WHEREAS, Ralph Scianni was custodian of the Public Safety Petty Cash Fund; and

WHEREAS, in accordance with N.J.S.A. 40:5-21, the City of Bayonne is changing the custodian for the Business Administration Petty Cash Fund to Amy Dellabella; and

WHEREAS, in accordance with N.J.S.A. 40:5-21, the City of Bayonne is changing the custodian for the Free Public Library Petty Cash Fund to Elaine Reichert; and

WHEREAS, in accordance with N.J.S.A. 40:5-21, the City of Bayonne is changing the custodian for the Public Safety Petty Cash Fund to Drew Niekrasz;

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the City of Bayonne, County of Hudson hereby authorizes such change of custodians; and be it further

RESOLVED, that two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval

* * * * *

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

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund; and,

WHEREAS, it is the desire of the City of Bayonne, County of Hudson that the Petty Cash Fund for the Business Administration be increased from \$1,000 to \$2,000, and;

WHEREAS, it is the desire of the City of Bayonne, County of Hudson that the Petty Cash Fund for the Public Safety Department be increased from \$500 to \$2,000;

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the City of Bayonne, County of Hudson hereby authorizes the increases in the above referenced Petty Cash Funds; and be it further

RESOLVED, that two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

* * * * *

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

WHEREAS, it is the desire of the City of Bayonne, County of Hudson that the petty cash fund for the City Hall Annex be rescinded; and

WHEREAS, it is the desire of the City of Bayonne, County of Hudson that the petty cash fund for the Water and Sewer be rescinded; and

WHEREAS, it is the desire of the City of Bayonne, County of Hudson that the petty cash fund for the Municipal Council be rescinded; and

WHEREAS, it is the desire of the City of Bayonne, County of Hudson that the petty cash fund for the Public Assistance be rescinded; and

WHEREAS, it is the desire of the City of Bayonne, County of Hudson that the petty cash fund for the Community Development be rescinded;

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the City of Bayonne, County of Hudson hereby authorizes rescission of the above referenced Petty Cash Funds; and be it further

RESOLVED, that two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval

* * * * *

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

Whereas, the Tax Assessor for the City of Bayonne has approved the exemption application dated July 20, 2015 by a 100% Disabled Veteran who occupies a two family home located at Block 343 Lot 19 (60 East 5th Street), in the City of Bayonne, and

Whereas, the tax assessor has, due to the status of the property, approved the exemption for 50% of assessment (and taxes) otherwise applying to the property for the 2015 Tax Year, and

Whereas, the Tax Assessor has also confirmed that the veteran would have been eligible as of February 7, 2012 (the effective date of his 100% disability determination) but for the fact the Department of Veteran’s Affairs had not yet confirmed his qualifying disability which was subsequently done by letter dated July 14, 2015, and

Whereas, said qualified veteran has requested that the municipal council give effect to this application as if it were filed at the time of his 100% disability and cancel the taxes following the effective date of this determination, and

Now therefore be it resolved as follows:

1. The property taxes on (50%) of the two family home located at Block 343 Lot 19 (60 East 5th Street), in the City of Bayonne occupied by said qualifying veteran are hereby canceled effective February 7, 2012 with the assessor to revise the assessment going forward and the tax collector to calculate any resulting overpayment of the tax bills from that date to the date of passage of this resolution (estimated at approximately \$10,568.23 for the prorated portion of the prior tax year(s) 2012, 2013 and 2014 tax years AND an additional credit of \$3,829.33 to be applied against the taxes otherwise due for the entire 2015 Tax Year, EXPRESSLY SUBJECT TO the Tax Collector’s records and calculations based on the final tax rate and the amount of tax actually billed and paid for the year or years to which the exemption applies.
2. The Tax Collector upon performing the above calculations is authorized to refund any overpayment amount which exceeds such outstanding taxes, so as to assure that the exemption is fully effectuated in 2015. The Tax Collector is further authorized to credit or adjusting all 2016 and future bills in conformance with this resolution for the duration of the veteran’s qualified status with respect to this property.
3. The Tax Collector, Tax Assessor and City Treasurer are authorized to take any and all appropriate action to effectuate this resolution, including but not limited to, cancellation of taxes as set forth above and the refund or credit of any excess taxes which may have been paid by said qualifying veterans during the periods noted herein.

* * * * *

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

Whereas, the Tax Assessor for the City of Bayonne has approved the exemption application dated June 23, 2015 by a 100% Disabled Veteran who occupies a two family home located at Block 157 Lot 10 (77 West 30th St.), in the City of Bayonne, and

Whereas, the tax assessor has, due to the status of the property, approved the exemption for 50% of assessment (and taxes) otherwise applying to the property for the 2015 Tax Year, and

Whereas, the Tax Assessor has also confirmed that the veteran would have been eligible as of October 13, 2011 (the effective date of his 100% disability determination) but for the fact the Department of Veteran’s Affairs had not yet confirmed his qualifying disability which was subsequently done by letter dated Jan. 30, 2015, and

Whereas, said qualified veteran has requested that the municipal council give effect to this application as if it were filed at the time of his 100% disability and cancel the taxes following the effective date of this determination, and

Now therefore be it resolved as follows:

1. The property taxes on (50%) of the two family home located at Block 157 Lot 10 (77 West 30th St.), in the City of Bayonne occupied by said qualifying veteran are hereby canceled effective October 13, 2011 with the assessor to revise the assessment going forward and the tax collector to calculate any resulting overpayment of the tax bills from that date to the date of passage of this resolution (estimated at approximately \$15,547.58 for the prorated portion of the prior tax year(s) 2011, 2012, 2013 and 2014 tax years AND an additional credit of \$5,448.54 to be applied against the taxes otherwise due for the entire 2015 Tax Year, EXPRESSLY SUBJECT TO the Tax Collector’s records and calculations based on the final tax rate and the amount of tax actually billed and paid for the year or years to which the exemption applies.

2. The Tax Collector upon performing the above calculations is authorized to refund any overpayment amount which exceeds such outstanding taxes, so as to assure that the exemption is fully effectuated in 2015. The Tax Collector is further authorized to credit or adjusting all 2016 and future bills in conformance with this resolution for the duration of the veteran’s qualified status with respect to this property.
3. The Tax Collector, Tax Assessor and City Treasurer are authorized to take any and all appropriate action to effectuate this resolution, including but not limited to, cancellation of taxes as set forth above and the refund or credit of any excess taxes which may have been paid by said qualifying veterans during the periods noted herein.

* * * * *

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

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

LICENSEE	TIME & PLACE	LICENSE
St. Henry's Church	1:00 P.M. 77 West 28th Street November 22, 2015	RL: 9055
Hudson County Animal League	8:00 P.M. 151 LeFante Way December 15, 2015	RL: 9056
Liberty Humane Society	12:00-5:00 P.M. 16th Street Park September 12, 2015	RL: 9057
Sodality of the Children of Mary	3:00 PM 1044 Avenue C October 17, 2015	RL: 9058 RL: 9059

* * * * *

42. 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. 15-05-20-062 adopted by Municipal Council on May 20, 2015, the city clerk advertised in the Jersey Journal on July 3, 2015, that sealed bids for CY 2015 Resurfacing of Various Streets would be received on August 10, 2015; and

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

<u>Bidder:</u>	Alternate 1	Alternate 2	Alternate 3
Top Line Construction Corp. 22 Fifth Street Somerville, NJ 08876	\$442,534.60	\$338,275.10	\$52,288.27
Black Rock Enterprises, LLC 1316 Englishtown Road Old Bridge, NJ 08857	\$454,765.20	\$350,349.40	\$65,167.66

WHEREAS, the Purchasing Agent and the Director of the Department of Public Works have examined the bids or proposals and have determined that the bid of Top Line Construction Corp. is a regular bid and is most advantageous to the City of Bayonne for CY 2015 Resurfacing of Various Streets, Alternate 1 and Alternate 2 only; and

WHEREAS, funds have been certified as available in the following Accounts:

Alternate 1 - Account - (DOT Grant \$327,592 & Road Restoration & CBO O-15-16)

Alternate 2 - Account - (CBO O-13-31 & CBO 014-21)

; now, therefore, be it

RESOLVED, that the contract for CY 2015 Resurfacing of Various Streets, Alternate 1 and Alternate 2 only be awarded to:

Top Line Construction Corp., 22 Fifth Street, Somerville, New Jersey 08876 for total contract amount of \$780,809.70 (Alternate 1 - \$442,534.60 and Alternate 2 - \$338,275.10) chargeable to the following Accounts:

Alternate 1 - Account - (DOT Grant \$327,592 & Road Restoration & CBO O-15-16)

Alternate 2 - Account - (CBO O-13-31 & CBO 014-21)

, and that the contract be executed in the name of the City of Bayonne by the proper city officials.

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

* * * * *

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

WHEREAS, the Police Department of the City of Bayonne has established that there is a need for an annual software support and extended one-year warranties for all equipment deployed as part of the Digital Video Surveillance Network (DVSN) deployed throughout the city; and

WHEREAS, Hitachi Data Systems, 2845 Lafayette Street, Santa Clara, CA 95050, is willing and able to supply the aforesaid services for a one year period commencing July 1, 2015 and ending June 30, 2016 at a cost of \$38,000.00 and

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

WHEREAS; NJSA 40A:11-5(dd) provides for the award of a contract without the necessity of public advertising for bids for the provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software as an exception to the bidding statutes; now, therefore, be it

RESOLVED, that the Mayor and Clerk of the City of Bayonne are hereby authorized to enter into an agreement with Hitachi Data Systems, 2845 Lafayette Street, Santa Clara, CA 95050, for annual software support and extended one-year warranties for all equipment deployed as part of the Digital Video Surveillance Network (DVSN) deployed throughout the city for a one year period commencing July 1, 2015 and ending June 30, 2016 at a cost of \$38,000.00; and be it further

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

RESOLVED, that the Municipal Treasurer be and is hereby authorized and directed to issue a warrant payable to Hitachi Data Systems, in the amount of \$38,000.00 in payment for said services.

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

* * * * *

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

WHEREAS, pursuant to the terms of the recently executed purchase and sale agreement with the Port Authority of New York and New Jersey for Block 1190, Lots 1, 2 and 3 (the "Property") on the Peninsula at Bayonne Harbor, the City is obligated to

construct certain environmental protection improvements on the Property as a condition of release of a \$425,000 escrow deposit; and

WHEREAS, the primary required improvement is the construction of a perimeter fence around a portion of the Property designated as having historic soil contamination; and

WHEREAS, the proposed fence is estimated to have a total length of approximately 4,000 feet; and

WHEREAS, the State of New Jersey Department of Treasury, Division of Purchase and Property has awarded a term "State Contract" for chain link fencing to Consolidated Steel and Aluminum of Kenilworth, New Jersey (State Contract #A88680); and

WHEREAS, said State Contract specifies a unit price of \$21 per linear foot for 6 foot high chain link fencing with top rail for projects of 500 linear feet or more; and

WHEREAS, Consolidated Steel and Aluminum Consolidated Steel & Aluminum Fence Co., Inc., 316 North 12th Street, P.O. Box 643, Kenilworth, New Jersey 07033 has provided the City with a proposal for installation of 4,000 linear feet of 6 foot high fencing in accordance with the terms of the State Contract for a total contract amount of \$84,000.00; and

WHEREAS, funds are certified as available in Account No. GL 104; now, therefore, be it

RESOLVED, that Consolidated Steel and Aluminum Fence Co., Inc., 316 North 12th Street, P.O. Box 643, Kenilworth, New Jersey 07033 is hereby awarded the contract for the installation of 4,000 linear feet of 6 foot high fencing under State Contract #A88680 for a total contract amount of \$84,000.00, and be it further

RESOLVED, the Municipal Treasurer is hereby authorized and directed to issue a warrant in the amount of \$84,000.00 payable to Consolidated Steel and Aluminum Fence Co., Inc., 316 North 12th Street, P.O. Box 643, Kenilworth, New Jersey 07033, and be it further

RESOLVED, that funds for such purchase shall be charged to Account No. GL 104.

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

* * * * *

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

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

WHEREAS, the Bayonne Community Mental Health Center, 601 Broadway, Bayonne, New Jersey 07002 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, the Bayonne Community Mental Health Center has requested and submitted a formal written application dated February 23, 2015 for said CDBG Grant Funds for the amount of \$18,000.00 for the purpose of providing substance abuse and addiction services for low and moderate income families; and

WHEREAS, the Assistant Director of Community Development has advised that the availability of said Community Development Block Grant Funds for the purpose of providing substance abuse and addiction services for low and moderate income families is limited to the amount of \$10,512.00; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-880; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Bayonne Community Mental Health Center, 601 Broadway, Bayonne, New Jersey 07002 for the provision of providing substance abuse and addiction services for low and moderate income families in the amount of \$10,512.00 for the period commencing September 1, 2015 and ending August 31, 2016.

2. Funds shall be charged to Account #CDBG-880

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

* * * * *

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

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

WHEREAS, the Bayonne Community Mental Health Center, 601 Broadway, Bayonne, New Jersey 07002 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, the Bayonne Community Mental Health Center has requested and submitted a formal written application dated February 23, 2015 for said CDBG Grant Funds in the amount of \$22,000.00 for the purpose of providing psychiatric and psychotherapeutic services for children and adolescents and

WHEREAS, the Assistant Director of Community Development has advised that the availability of said Community Development Block Grant Funds for the purpose of providing psychiatric and psychotherapeutic services for children and adolescents is limited to the amount of \$16,309.00; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-891; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Bayonne Community Mental Health Center, 601 Broadway, Bayonne, New Jersey 07002 for the provision of providing psychiatric and psychotherapeutic services for children and adolescents in the amount of \$16,309.00 for the period commencing September 1, 2015 and ending August 31, 2016.

2. Funds shall be charged to Account #CDBG-891

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

* * * * *

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

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

WHEREAS, the Bayonne Family Community Center, 259 Avenue E, Bayonne, New Jersey 07002 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, the Bayonne Family Community Center has requested and submitted a formal written application dated February 23, 2015 for said CDBG Grant Funds in the amount of \$40,000.00 for the purpose of providing child care services for low and moderate income families and

WHEREAS, the Assistant Director of Community Development has advised that the availability of said Community Development Block Grant Funds for the purpose of providing child care services for low and moderate income families is limited to the amount of \$18,512.00; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-883; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Bayonne Family Community Center, 259 Avenue E, Bayonne, New Jersey 07002 for the provision of providing child care service for low and moderate income families in the amount of \$18,512.00 for the period commencing September 1, 2015 and ending August 31, 2016.

2. Funds shall be charged to Account #CDBG-883

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

* * * * *

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

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

WHEREAS, the Bayonne Youth Center, 524 Kennedy Blvd, Bayonne, New Jersey 07002 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, the Bayonne Youth Center has requested and submitted a formal written application dated February 26, 2015 for said CDBG Grant Funds for the amount of \$20,100.00 for the purpose of providing an after school learning center for low and moderate income families; and

WHEREAS, the Assistant Director of Community Development has advised that the availability of said Community Development Block Grant Funds for the purpose of providing an after school learning center for low and moderate income families is limited to the amount of \$3,000.00; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-882; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Bayonne Youth Center, 524 Kennedy Blvd, Bayonne, New Jersey 07002 for the provision of providing an after school learning center for low and moderate income families in the amount of \$3,000.00 for the period commencing September 1, 2015 and ending August 31, 2016.

2. Funds shall be charged to Account #CDBG-882.

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

* * * * *

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

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

WHEREAS, BCAP/Build America Association Inc., 28 West 20th Street, Bayonne, New Jersey 07002 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, BCAP/Build America Association Inc. has requested and submitted a formal written application dated February 26, 2015 for said CDBG Grant Funds in the amount of \$6,000.00 for the purpose of providing 2015 Marketing Upgrade Project; and

WHEREAS, the Assistant Director of Community Development has advised that the availability of said Community Development Block Grant Funds for the purpose of providing 2015 Marketing Upgrade Project is limited to the amount of \$6,000.00; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-885; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with BCAP/Build America Association Inc., 28 West 20th Street, Bayonne, New Jersey 07002 for the provision of providing 2015 Marketing Upgrade Project in the amount of \$6,000.00 for the period commencing September 1, 2015 and ending August 31, 2016.

2. Funds shall be charged to Account #CDBG-885.

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

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

* * * * *

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

WHEREAS, the Bayonne Economic Opportunity Foundation, 555 Kennedy Blvd, Bayonne, New Jersey 07002 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, the Bayonne Economic Opportunity Foundation has requested and submitted a formal written application dated February 26, 2015 for said CDBG Grant Funds in the amount of \$58,000.00 for the purpose of providing fair housing counseling services and

WHEREAS, the Assistant Director of Community Development has advised that the availability of said Community Development Block Grant Funds for the purpose of providing fair housing counseling services is limited to the amount of \$33,00.00; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-870; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Bayonne Economic Opportunity Foundation, 555 Kennedy Blvd, Bayonne, New Jersey 07002 for the provision of providing fair housing counseling services in the amount of \$33,000.00 for the period commencing September 1, 2015 and ending August 31, 2016.

2. Funds shall be charged to Account #CDBG-870.

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

* * * * *

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

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

WHEREAS, the Bayonne Economic Opportunity Foundation, 555 Kennedy Blvd, Bayonne, New Jersey 07002 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, the Bayonne Economic Opportunity Foundation has requested and submitted a formal written application dated February 26, 2015 for said CDBG Grant Funds in the amount of \$44,750.00 for the purpose of providing senior transportation salary and fringe benefits and

WHEREAS, the Assistant Director of Community Development has advised that the availability of said Community Development Block Grant Funds for the purpose of providing senior transportation salary and fringe benefits is limited to the amount of \$37,574.00; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-873; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Bayonne Economic Opportunity Foundation, 555 Kennedy Blvd, Bayonne, New Jersey 07002 for the provision of providing senior transportation salary and fringe benefits in the amount of \$37,574.00 for the period commencing September 1, 2015 and ending August 31, 2016.

2. Funds shall be charged to Account #CDBG-873.

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

* * * * *

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

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

WHEREAS, the Bayonne Economic Opportunity Foundation, 555 Kennedy Blvd, Bayonne, New Jersey 07002 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, the Bayonne Economic Opportunity Foundation has requested and submitted a formal written application dated February 26, 2015 for said CDBG Grant Funds in the amount of \$12,000.00 for the purpose of providing senior transportation insurance and

WHEREAS, the Assistant Director of Community Development has advised that the availability of said Community Development Block Grant Funds for the purpose of providing senior transportation insurance is limited to the amount of \$8,161.00; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-876; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Bayonne Economic Opportunity Foundation, 555 Kennedy Blvd, Bayonne, New Jersey 07002 for the provision of providing senior transportation insurance in the amount of \$8,161.00 for the period commencing September 1, 2015 and ending August 31, 2016.

2. Funds shall be charged to Account #CDBG-876.

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

* * * * *

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

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

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

WHEREAS, the Community Day Nursery has requested and submitted a formal written application dated February 26, 2015 for said CDBG Grant Funds in the amount of \$60,000.00 for the purpose of providing pre-school child care for low and moderate income families; and

WHEREAS, the Assistant Director of Community Development has advised that the availability of said Community Development Block Grant Funds for the purpose of providing pre-school child care for low and moderate income families is limited to the amount of \$33,000.00; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-872; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Community Day Nursery., 591 Broadway, Bayonne, New Jersey 07002 for the provision of providing pre-school child care for low and moderate income families in the amount of \$33,000.00 for the period commencing September 1, 2015 and ending August 31, 2016.
2. Funds shall be charged to Account #CDBG-872.

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

* * * * *

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

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

WHEREAS, the Jewish Community Center, 1050 Kennedy Blvd., Bayonne, New Jersey 07002 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, the Jewish Community Center has requested and submitted a formal written application dated February 27, 2014 for said CDBG Grant Funds for the amount of \$147,800.00 for the purpose of providing the cost of reconstruction of the boy's and girl's locker rooms in building from Bard Construction, LLC 252 Fern Avenue, Lyndhurst, NJ 07071.

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

WHEREAS, said CDBG Funds are certified as available in Account CDBG 867; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Jewish Community Center , 1050 Kennedy Blvd, Bayonne, New Jersey 07002 for the provision of providing the cost of reconstruction of the boy's and girl's locker rooms in the building from Bard Construction, LLC 252 Fern Avenue, Lyndhurst, NJ 07071 in the amount of \$147,800.00 for the period commencing September 1, 2014 and ending August 31, 2015.
2. Funds shall be charged to Account #CDBG-867

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

* * * * *

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

WHEREAS, the City of Bayonne has filed a Declaratory Judgment Action in the Superior Court of New Jersey, Hudson County, in furtherance of the Supreme Court's

March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the “Supreme Court Decision”); and

WHEREAS, Fair Share Housing Center (“FSHC”), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the “FSHC Numbers”) for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality’s affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, the City of Bayonne desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey (“Rutgers”), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the “Burchell Fair Share Analysis”) for determination of a municipality’s obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region’s affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”) and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301, et seq.; and

WHEREAS, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality’s fair share obligation; and

WHEREAS, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

WHEREAS, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

WHEREAS, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

WHEREAS, a Municipal Shared Services Defense Agreement (hereinafter “MSSDA”), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter “the Rutgers Agreement”) and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

WHEREAS, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC (“Surenian”) will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

WHEREAS, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

WHEREAS, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

WHEREAS, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

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

1. The terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.

2. The amount of \$2,000 is hereby authorized to be expended by the City of Bayonne for Rutgers through Dr. Robert Burchell, Principal Investigator to prepare the Burchell Fair Share Analysis.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the City of Bayonne and is appended hereto.
4. The Mayor of the City of Bayonne be and is hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the City of Bayonne in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
5. The City of Bayonne hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the City of Bayonne the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.
6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the City of Bayonne will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2000 it paid.
7. This Resolution shall take effect immediately.

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

* * * * *

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

WHEREAS, by way of Resolution No. 13-03-20-043 adopted by the Municipal Council on March 20, 2013, the City of Bayonne to entered into an Inter-Local Services Agreement with the Town of West New York for the provision of local public health services for a one year period commencing April 1, 2013 and ending March 31, 2014, at a cost of \$35,000.00; and

WHEREAS, by way of Resolution No. 14-07-16-045 adopted by the Municipal Council on July 16, 2014, the City of Bayonne to entered into an Inter-Local Services Agreement with the Town of West New York for the provision of local public health services for a one year period commencing April 1, 2014 and ending March 31, 2015, at a cost of \$35,000.00; and

WHEREAS, the City of Bayonne is required by N.J.S.A. 26A:3A2-10 to provide a program of public health services; and

WHEREAS, the City of Bayonne has not maintained its own local Health Department and recognizes that it may satisfy the statutory requirements for public health services by extending the aforementioned Inter-Local Services Agreement; and

WHEREAS, on July 22, 2015 the Mayor and Board of Commissioners of the Town of West New York passed a Resolution authorizing the Mayor of West New York to execute a Shared Services Agreement, commencing April 1, 2015 and ending March 31, 2016, with the City of Bayonne for the services of the Health Officer and for compensation to the Town of West New York in the amount of Thirty-Five Thousand (\$35,000.00) Dollars; and

WHEREAS, funds are certified as available in Account Board of Health – O.E. #01-201-27-330-2-020; now, therefore, be it

RESOLVED, as follows:

1. The Municipal Council hereby authorizes the Mayor and Clerk to execute a Shared Services Agreement with the Town of West New York, commencing April 1, 2015 and ending March 31, 2016 (with an automatic one (1) year extension unless the Agreement is renegotiated or terminated by either party) for the services of the Health Officer and for compensation to the Town of West New York in the amount of Thirty-Five Thousand (\$35,000.00) Dollars, payable quarterly at the rate of \$8,750.00 per quarter.
2. Funds shall be charged to Account Board of Health – O.E. #01-201-27-330-2-020.

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

* * * * *

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

CONSOLIDATED PLAN - 2014 ANNUAL ACTION PLAN AMENDMENT
CITY OF BAYONNE, NEW JERSEY

WHEREAS, the Housing and Community Development Act of 1974, as amended, provides for a program of Community Development Block Grants; and,

WHEREAS, the City of Bayonne is an entitlement municipality as defined under said Act and is eligible for financial assistance; and,

WHEREAS, the City of Bayonne has, pursuant to the Housing and Community Development Act of 1974, as amended, and the Consolidated Plan requirements solicited citizen comments and recommendations as to an amendment to the Consolidated Plan – 2014 Annual Action Plan for the Community Development Program and has held a meeting for such purpose; and,

WHEREAS, the Annual Action Plan for said grant conforms to the Plan requirements as contained in Federal regulations and provides for an amendment described as:

<u>From Funding Year</u>	<u>Designated Activity</u>	<u>Amount</u>
2014	Program Income	-\$100,310
2014	Single Family Unit Housing Rehabilitation	-\$166,690
2014	PHA Housing Rehabilitation	+\$267,000

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bayonne in the County of Hudson, State of New Jersey, being the Governing Body thereof, as follows:

1. That the Mayor be and is hereby authorized and directed to submit the amendment to the Action Plan documents, including all understandings and assurances contained therein to the fullest extent of the funding allowed and determined by the Department of Housing and Urban Development to act as the authorized representative of the City of Bayonne and to provide such additional information as may be required.
2. That the Mayor and such other appropriate and responsible officials be and they are authorized and directed to execute on behalf of the City of Bayonne such certification and certifications as may occur.

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

* * * * *

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

WHEREAS, Resolution No. 14-07-16-043 adopted by the Municipal Council on July 16, 2014 authorized an Agreement with Spatial Data Logic, 2 Executive Drive, Suite 200, Somerset, NJ 08873 for technical support and maintenance of its departmental data management software and continued enterprise licensing for the municipal management software currently in use for a one year commencing July 1, 2014 and ending June 30, 2015 for an amount of \$44,000.00; and

WHEREAS, pursuant to the aforesaid Resolution No. 14-07-16-043, the City entered into Agreement No. CY14-071 for the aforesaid technical support and maintenance of its departmental data management software and continued enterprise licensing for the municipal management software; and

WHEREAS, Spatial Data Logic submitted an invoice for services commencing July 1, 2015 and ending June 30, 2016 in the amount of \$44,000.00; and

WHEREAS, it is essential for the safety and welfare of the public that the City's technical support and maintenance of its departmental data management software and continued enterprise licensing for the municipal management software be maintained in order to respond to the public in the most effective manner; and

WHEREAS, it is necessary to extend the aforesaid Agreement No CY14-071 with Spatial Data Logic for a three-month period in order to maintain technical support and maintenance of the City's departmental data management software and continued enterprise licensing for the municipal management software to allow the City to advertise a Request for Qualifications for said services pursuant to the "Fair and Open" contracting provisions set forth in *N.J.S.A. 19:44A-20.4* and *N.J.S.A. 19:44A-20.5*; and

WHEREAS, in order to maintain the aforesaid services for the three-month period commencing July 1, 2015 and ending September 30, 2015, it was necessary for the Treasurer to issue a warrant to Spatial Data Logic in the amount of \$10,999.99 as payment for said services for the three month period; and

WHEREAS, funds have been certified in Account 12-286-45-366-2-199; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an amendment to Agreement No. CY14-071 with Spatial Data Logic, Inc., 2 Executive Drive, Suite 200, Somerset, NJ 08873 for the aforesaid technical support and maintenance of the City's departmental data management software and continued enterprise licensing for the municipal management software extending same for a three-month period commencing July 1, 2015 and ending September 30, 2015 for an amount of \$10,999.99.
2. The actions of the Treasurer in issuing a warrant in the amount of \$10,999.99 to Spatial Data Logic for are hereby ratified and confirmed.
3. The Law Division is hereby authorized to advertise a Request for Qualifications for technical support and maintenance of the City's departmental data management software and continued enterprise licensing for the municipal management software currently in use.

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

* * * * *

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

WHEREAS, by way of Resolution No. 12-08-15-034 adopted by the Municipal Council on August 15, 2012, the City of Bayonne awarded a contract for "Elevator Inspection Services On-Site Agency Acting as Elevator Sub-Code Official" to Municipal Inspection Corp. of 183 West 4th Street, Bayonne, NJ 07002 for a term of three (3) years commencing September 1, 2012 and ending August 31, 2015, with a possible two (2) year extension at a bid price of 85% of N.J.D.C.A fee to be charged for inspections with a 20% commission to the City of Bayonne; and

WHEREAS, the Purchasing Agent has recommended that this contract be extended for an additional two years through August 31, 2017 under the same terms and conditions; and

WHEREAS, funds are certified as available in Account 12-286-56-366-2-199; now, therefore, be it

RESOLVED, as follows:

1. The Municipal Council hereby authorizes the Mayor and Clerk to execute an extension through August 31, 2017 of the existing agreement with Municipal Inspection Corp., 183 West 4th Street, Bayonne, New Jersey 07002 upon the same terms and conditions.
2. Funds shall be charged to Account 12-286-56-366-2-199.

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

* * * * *

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

WHEREAS, by way of Resolution No. 12-08-15-035 adopted by the Municipal Council on August 15, 2012, the City of Bayonne awarded a contract for "Laundry Service for the Fire Department" to TNT Shirt Laundry and Dry Cleaning, LLC, (Now doing business as "Skye Cleaners") of 1089 Avenue C, Bayonne, New Jersey 07002 for a term of three (3) years commencing September 1, 2012 and ending August 31, 2015, with a possible two (2) year extension at a bid price not to exceed an annual cost of \$27,420.00; and

WHEREAS, the Purchasing Agent has recommended that this contract be extended for an additional two years through August 31, 2017 under the same terms and conditions (\$13,710.00 annually); and

WHEREAS, funds are certified as available in Account No. 01-201-25-265-2-020; now, therefore, be it

RESOLVED, as follows:

1. The Municipal Council hereby authorizes the Mayor and Clerk to execute an extension through August 31, 2017 of the existing agreement with TNT Shirt Laundry and Dry Cleaning, LLC, (now doing business as "Skye Cleaners") of 1089 Avenue C, Bayonne, New Jersey 07002 upon the same terms and conditions (\$13,710.00 annually).

2. Funds shall be charged to Account No. 01-201-25-265-2-020 pending future adopted budgets.

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

* * * * *

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

WHEREAS, pursuant to Resolution No. 15-07-22-070 adopted by the Municipal Council on July 22, 2015, the City of Bayonne (the "City") awarded Elite Waste Services, LLC, P.O. Box 776, Bayonne, New Jersey a two (2) month emergency contract for the Collection, Receipt and Marketing of Recyclable Materials pursuant to N.J.S.A. 40A:11-6; and

WHEREAS, Elite Waste Service, LLC, was and is unable to perform according to the terms of the emergency contract and defaulted on August 10, 2015; and

WHEREAS, a notice of public bid for the Collection, Receipt and Marketing of Recyclable Materials was advertised and bids are scheduled to be opened October, 2, 2015; and

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

WHEREAS, due to the necessity for the uninterrupted collection of Recyclable Materials, it was necessary for the City administrators to negotiate and the City officials to enter into a contract effective August 12, 2015; and

WHEREAS, the City received a proposal from Suburban Disposal, Inc., 54 Montesano Road, Fairfield, New Jersey 07004 for the Collection of Recyclable Materials - single stream only, for an amount of \$18,000.00 per week; and

WHEREAS, the City agreed to retain ownership of the recycled materials and direct their disposal and marketing to a facility or facilities of its choosing; and

WHEREAS, pursuant to Resolution 17-07-22-069, establishing a procedure for the awarding of emergency contracts, the Director of Public Works 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 as of August 10, 2015, and the Business Administrator determined and confirmed that the existence of the emergency and the provisions for emergency contracting pursuant to N.J.S.A. 40A:11-6 were met; and

WHEREAS, pursuant to N.J.S.A. 40:A11-6 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 Business administration determined and certified in writing that the value of the acquisition will exceed \$17,500.00; and

WHEREAS, Suburban Disposal, Inc., completed and submitted a Business Entity Disclosure Certification certifying that Suburban Disposal, Inc. 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 prohibits Suburban Disposal, Inc. 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 actions of the Mayor and City Clerk in entering into an emergency contract with Suburban Disposal, Inc., 54 Montesano Road, Fairfield, New Jersey 07004 pursuant to N.J.S.A. 40A:11-6, for the Collection of Recyclable Materials - single stream only, for an amount of \$18,000.00 per week payable monthly for a total contract amount of \$216,000.00 for a term commencing August 12, 2015 and ending October 31, 2015 are hereby ratified and confirmed.
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 Suburban Disposal, Inc., 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. Perez and President Nadrowski.

* * * * *

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

CHAPTER 159 #1

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

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

SECTION 1

NOW THEREFORE BE IT RESOLVED that the City of Bayonne hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the Calendar Year Budget of 2015 in the sum of \$55,569.81 which has been received from the Department of Justice and the Department of the Treasury; and

SECTION II

BE IT FURTHER RESOLVED that a like sum of \$55,569.81 and the same is hereby appropriated under the caption of

CUSTOM BORDER PATROL

SECTION III

BE IT FURTHER RESOLVED that the above is the result of moneys received by the Department of Justice and the Department of the Treasury.

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

* * * * *

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

CHAPTER 159 NO. 2

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

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

SECTION 1

NOW THEREFORE BE IT RESOLVED that the City of Bayonne hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the Calendar Year Budget of 2015 in the sum of \$10,000.00 which has been granted by the County of Hudson, Department of Health and Human Services

SECTION II

BE IT FURTHER RESOLVED that a like sum of \$10,000.00 and the same is hereby appropriated under the caption of

HOME DELIVERED MEALS

SECTION III

BE IT FURTHER RESOLVED that the above is the result of moneys granted by the County of Hudson, Department of Health and Human Services.

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

* * * * *

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

CHAPTER 159 NO. 3

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

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

SECTION 1

NOW THEREFORE BE IT RESOLVED that the City of Bayonne hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the Calendar Year Budget of 2015 in the sum of \$10,000.00 which has been received by the Emergency Management Grant

SECTION II

BE IT FURTHER RESOLVED that a like sum of \$10,000.00 and the same is hereby appropriated under the caption of

EMERGENCY MANAGEMENT GRANT

SECTION III

BE IT FURTHER RESOLVED that the above is the result of moneys received from the County of Hudson..

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

* * * * *

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

CHAPTER 159 NO. 4

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

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

SECTION 1

NOW THEREFORE BE IT RESOLVED that the City of Bayonne hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the Calendar Year Budget of 2015 in the sum of \$ 327,592.00 which will be received by the New Jersey Transportation

SECTION II

BE IT FURTHER RESOLVED that a like sum of \$327,592.00 and the same is hereby appropriated under the caption of

2015 MUNICIPAL AID PROGRAM

SECTION III

BE IT FURTHER RESOLVED that the above is the result of moneys received by the County of Hudson.

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

* * * * *

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

RESOLUTION OF THE CITY OF BAYONNE AUTHORIZING AND DIRECTING THE PLANNING BOARD TO PREPARE A REDEVELOPMENT PLAN FOR BLOCK 221, LOTS 1, 2, 3, 4, 5, 15, 16, 17, 18, 19 AND 24

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

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

WHEREAS, the Municipal Council of the City (the “Municipal Council”) identified certain properties in the City, designated as Block 211, Lots 16, 17, 18 and 19, Block

221, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29, Block 226, Lots 30, 31, 32, 33, 34 and 35, and Block 458, Lots 12 and 13 on the City's Tax Maps (the "Study Area"), to be considered for designation as an "area in need of redevelopment" under the Redevelopment Law; and

WHEREAS, by Resolution No. 03-07-16-071 adopted on July 16, 2003, the Municipal Council authorized and directed the Planning Board to conduct a preliminary investigation to determine whether the Study Area constitutes an "area in need of redevelopment" according to the criteria set forth in *N.J.S.A. 40A:12A-5*; and

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

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

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

WHEREAS, John Fussa, P.P., then City Planner of the City of Bayonne, Division of Planning & Zoning, prepared a written report, which included the Property, entitled "Redevelopment Study – Broad Corridor Study Area, City of Bayonne, Hudson County, New Jersey" dated August 2004; and

WHEREAS, on September 14, 2004 and October 12, 2004, the Planning Board held a public hearing, duly noticed under the Redevelopment Law, and any persons interested in or affected by a determination that the Property is an area in need of redevelopment were given an opportunity to be heard, and any objections to such a determination and evidence in support of those objections, were received and considered and made part of the public record; and

WHEREAS, by Resolution 04-11-10-082 adopted on November 10, 2004, the Municipal Council adopted a Resolution formally designating the Property as an "area in need of redevelopment" (the "Broadway Corridor Redevelopment Area"); and

WHEREAS, the Broadway Corridor Redevelopment Area includes certain properties located at 13-27 East 19th Street, 12-22 East 21st Street, and 434-436 Broadway in the City, which properties are identified as Block 221, Lots 1, 2, 3, 4, 5, 15, 16, 17, 18, 19 and 24, on the official Tax Map of the City (the "Property"); WHEREAS, the City believes the Property is potentially valuable for contributing to, serving, and protecting the public health safety and welfare and for the promotion of smart growth within the City; and

WHEREAS, the Municipal Council believes that the preparation of a Redevelopment Plan is in the best interests of the City for the redevelopment of the Property.

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

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

Section 1. The Planning Board of the City of Bayonne is hereby authorized and directed to prepare a Redevelopment Plan for the Property identified as Block 221, Lots 1, 2, 3, 4, 5, 15, 16, 17, 18, 19 and 24, as shown on the official Tax Map of the City in accordance with the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.*; and

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

Section 3. This Resolution shall take effect immediately.

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

* * * * *

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

RESOLUTION AUTHORIZING THE CITY OF BAYONNE TO SUBMIT A LETTER OF INTEREST TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST (NJEIT) TO FINANCE ENVIRONMENTAL IMPROVEMENTS ON BLOCK 464.01, LOT 6

WHEREAS, the City of Bayonne, in the County of Hudson, New Jersey (the "City"), constitutes a public body corporate and politic of the State of New Jersey (the "State") authorized to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust ("NJEIT") to qualify for financial assistance; and

WHEREAS, the Mayor and the Municipal Council consider it to be in the best interest of the City to apply to the NJEIT for the financing of environmental improvements on the former Kenrich site, commonly known as 140 East 22nd and designated as Block 464.01, Lot 6, as shown on the official Tax Map of the City; and

WHEREAS, the City must submit a Letter of Interest ("LOI") along with other documentation in order to participate in the New Jersey Environmental Infrastructure Financing Program;

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

Section 1. The City is hereby authorized to submit a Letter of Interest to the New Jersey Infrastructure Trust for the financing of environmental improvements to the former Kenrich Site, which is commonly known as 140 East 22nd and designated as Block 464.01, Lot 6 as shown on the official Tax Map of the City of Bayonne.

Section 2. This Resolution shall take effect immediately.

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

* * * * *

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

WHEREAS, the City is in need of temporary professional medical services for non-uniformed employees for a two month period commencing August 4, 2015; and

WHEREAS, John T. DeDousis M.D. is ready, willing and able to provide the aforesaid temporary professional medical services for the two month period commencing August 4, 2015 for a total contract amount of \$2,077.00; and

WHEREAS, this contract is not subject to the "Fair and Open" process under the provisions of the Pay to Play Law as the total amount of the contract is below the minimum required by N.J.S.A. 19:44A-20.4 and N.J.S.A. 19:44A-20.5; and

WHEREAS, funds are certified as available in Account No. 01-201-27-330-2-020; now, therefore, be it

RESOLVED, that the Mayor and City Clerk are hereby authorized to enter into an agreement with John T. DeDousis, M.D., for temporary medical services for non-uniformed employees for a two-month period commencing August 4, 2015 and ending October 3, 2015 for a total contract amount of \$2,077.00, and be it further

RESOLVED, that funds shall be charged to Account No. 01-201-27-330-2-020.

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

* * * * *

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

WHEREAS, Tyree Environmental Corp.(Tyree), on behalf of Getty Properties Corp.(Getty) is performing remedial investigation activities at the former Getty Service Station #95153 located at 354 Avenue C; and

WHEREAS, during the course of the remedial investigations, elevated levels of volatile organic compounds (VOC's) were observed in the vicinity; and

WHEREAS, Tyree, on behalf of Getty, is requesting permission to install four (4) groundwater monitoring wells in the sidewalks of Avenue C and West 15th Street adjacent to the aforesaid former Getty Services Station property; and

WHEREAS, the proposed groundwater monitoring wells are being installed to replace wells that were destroyed during the redevelopment of the former Getty Service Station property and to delineate impacted groundwater as a result of historic activities at the former Getty Service Station; and

WHEREAS, the installation of the aforesaid proposed groundwater monitoring wells is in the best interest of the health, safety and general welfare of the citizens of Bayonne; and

WHEREAS, Tyree Environmental Corp. has provided the City with a Scope of Work, Site Map and a diagram illustrating construction details of a typical groundwater monitoring well; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. Permission is hereby granted to Tyree Environmental Corp., 2 Executive Drive, Suite 9A, Morristown, New Jersey on behalf of Getty Properties Corp. to install four (4) groundwater monitoring wells in the sidewalks of Avenue C and West 15th Street on the condition that: 1) Tyree Environmental Corp. enters into a Right of Entry/Access Agreement in a form acceptable to the City and approved by the City's Law Division; 2) No cost or expense shall be borne by the City relating in any way to Tyree Environmental Corp.'s request for access and proposed Scope of Work; 3) proposed Scope of Work is approved by the City's engineer and LSRP at the property owner's expense; 4) no permits will issue without a fully executed Right of Entry/Access Agreement; 5) valid permits to be issued by the City's Building Department prior to the start of any work; and 6) Tyree Environmental Corp. shall abide by any and all requirements of the City deemed necessary to protect the City's property and citizens.
2. The Mayor and City Clerk hereby authorized to sign any and all documents necessary to effectuate same.

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

* * * * *

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

WHEREAS, Mayor James M. Davis has recommended that David Rivera currently Alternate #3 on the Zoning Board of Adjustment, fill the unexpired term of Louis Lombardi as Alternate #1, which term expires December 31, 2015, and that Frank Pellitteri, currently Alternate #4 on the Zoning Board of Adjustment on the Zoning Board, fill the unexpired term of Thomas P. Coletta as Alternate #2, which expires December 31, 2015; now, therefore be it

RESOLVED, that David Rivera be and is hereby reassigned as Alternate #1 on the Zoning Board of Adjustment to fill the unexpired term of Louis Lombardi, which term expires December 31, 2015; and be it further

RESOLVED, that Frank Pellitteri be and is hereby reassigned as Alternate #2 on the Zoning Board of Adjustment on the Zoning Board of Adjustment to fill the unexpired term of Thomas P. Coletta, which expires December 31, 2015.

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

* * * * *

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

WHEREAS, the City of Bayonne is in need of rodent and pest control services for a three year period September 1, 2015 to August 31, 2018 in accordance with N.J.S.A. 40A:11-6.1; and

WHEREAS, the purchasing agent solicited and quotations for said services and received a written quotation from Bayonne Exterminating Company, 1065 Avenue C, Bayonne, N.J. 07002 in the amount of \$28,350.00 (\$9,350.00 – year 1; \$9,450.00 – year 2; \$9,550.00 – year 3); and

WHEREAS, the purchasing agent has determined that the quotation of Bayonne Exterminating Company, 1065 Avenue C, Bayonne, N. J., 07002 is most advantageous to the City; now, therefore, be it

RESOLVED, that this contract is awarded without competitive bid under the provisions of the Local Public Contracts Law insofar as the total amount of the contract is below the minimum required by N.J.S.A. 40A:11-1, et. seq., specifically N.J.S.A. 40A:11- 3(a); and be it further

RESOLVED, that the Mayor and City Clerk are hereby authorized and directed to enter into an agreement with Bayonne Exterminating, 1065 Avenue C, Bayonne, N.J. 07002, in the amount of \$28,350.00 for the provision of rodent and pest control services in accordance with specifications on file in the Department of Municipal Services for the period of three years commencing September 1, 2015 and ending August 31, 2018; and
be it further

RESOLVED, that funds are available in account HW-01-201-27-330-2-020 pending future adopted budgets.

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

* * * * *

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

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

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

WHEREAS, the Municipal Council of the City (the “Municipal Council”) identified certain properties in the City, located at 75 East 31st Street, 77 East 31st Street, 79-87 East 31st Street and 80 East 32nd street, which are designated as Block 411, Lots 2, 3, 4 and 5 on the City’s Tax Maps (the “Study Area”), to be considered for designation as an “area in need of redevelopment” under the Redevelopment Law; and

WHEREAS, on December 11, 2013, the Bayonne Municipal Council (the “Municipal Council”) adopted Resolution 13-12-11-038 requesting the Planning Board of the City (the “Planning Board”) to conduct a preliminary investigation pursuant to *N.J.S.A. 40A:12A-6* to determine whether the Study Area qualified as ‘an area in need of redevelopment’ in accordance with the criteria set forth in *N.J.S.A. 40A: 12A-5*, and if so, to prepare a redevelopment plan; and

WHEREAS, on December 28, 2013 and January 14, 2014, the Planning Board completed a preliminary investigation of the Study Area and transmitted its findings to the Municipal Council; and

WHEREAS, on January 15, 2014 the Municipal Council adopted Resolution 14-01-15-006 designating the Study Area as an area in need of redevelopment (the “Redevelopment Area”);

WHEREAS, T&M Associates, on behalf of the Planning Board, prepared a redevelopment plan entitled the “Redevelopment Plan Block 411, lots 2, 3, 4, and 5 City of Bayonne Hudson County, New Jersey” dated January 7, 2014 (the “Redevelopment Plan”) for the Municipal Council’s consideration;

WHEREAS, on February 19, 2014, the Municipal Council passed Ordinance O-14-06 which adopted the Redevelopment Plan prepared by T&M Associates for the Redevelopment Area in accordance with the Redevelopment Law; and

WHEREAS, the City would like the Planning Board to review the Redevelopment Plan in order to update the Plan and consider adopting an amendment to said Plan in order to ensure the success of redevelopment in the Redevelopment Area in conformity with the City’s redevelopment objectives.

RESOLVED that:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby refers the Redevelopment Plan entitled “Redevelopment Plan Block 411, lots 2, 3, 4, and 5 City of Bayonne Hudson County, New Jersey” prepared by T&M Associates and dated January 7, 2014, the Planning Board for review and recommendation in accordance with the requirements of *N.J.S.A. 40A:12A-7(e)*.
3. Pursuant to the Redevelopment Law, the Planning Board is hereby authorized and directed to review the Redevelopment Plan relating to the Redevelopment Area identified as Block 411, Lots 2, 3, 4 and 5 on the Tax Map of the City, and make recommendations to the Municipal Council regarding an update to the Redevelopment
4. Plan and recommended amendments to same.
5. The Clerk of the City shall forward a copy of this Resolution to the Planning Board for review pursuant to *N.J.S.A. 40A:12A-7(e)*.
6. This Resolution shall take effect immediately.

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

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73. Council Member Perez introduced:

**ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY
APPROVING AND AUTHORIZING THE EXECUTION OF AN ADDENDUM TO DEED OF
ELECTRIC AND GAS UTILITIES EASEMENT**

WHEREAS, the City of Bayonne, in the County of Hudson, New Jersey (the “City”), a public body corporate and politic of the State of New Jersey (the “State”) is the owner in fee simple of certain tracts of real property situate in the City of Bayonne, County of Hudson and State of New Jersey, currently known as Block 404, Lot 6 a/k/a Lot 2.01, Block 404.7, Lot 1, Block 404.13, Lot 1 (collectively the “Property”); and

WHEREAS, on or about June 27, 2015, the City and/or a predecessor in interest, conveyed a “Deed of Electric and Gas Utilities Easement” (the “Original Easement”) to Public Service Electric and Gas Company (“PSEG”) over portions of the Property. The Original Easement was recorded on August 27, 2007 in Deed Book 8305, Page 280 in the Hudson County Register’s Office; and

WHEREAS, PSEG has requested that the City enter into an Addendum to Deed of Electric and Gas Utilities Easement which amends the Original Easement to allow PSEG to install a 20” natural gas supply line on the Peninsula to connect with the existing Spectra gas facilities on the Peninsula at Bayonne Harbor. The purposes of the connection is to provide the City of Bayonne with a second primary supply of natural gas. Currently, the City is served by only one primary supply line. This project will provide much needed and important resiliency with respect to the supply of natural gas to City of Bayonne as a whole; and

WHEREAS, the Municipal Council of the City of Bayonne agrees that the installation of a second natural gas supply line is necessary, and as such, that the execution and recording of the Addendum to Deed of Electric and Gas Utilities

Easement between the City and PSEG required to effectuate the installation of said secondary natural gas supply line is appropriate.

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

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

Section 2. The proposed form of Addendum to Deed of Electric and Gas Utilities Easement by and between the City of Bayonne and Public Service Electric and Gas is hereby approved.

Section 3. The Mayor is hereby authorized to execute the Addendum to Deed of Electric and Gas Utilities Easement by and between the City of Bayonne and Public Service Electric and Gas on behalf of the City of Bayonne.

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

Section 5. A copy of this Ordinance and the Addendum to Deed of Electric and Gas Utilities Easement by and between the City of Bayonne and Public Service Electric and Gas shall be available for public inspection at the office of the City Clerk during regular business hours.

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

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

BE IT RESOLVED, that an ordinance entitled “ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING AND AUTHORIZING THE EXECUTION OF AN ADDENDUM TO DEED OF ELECTRIC AND GAS UTILITIES EASEMENT,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, September 16, 2015, at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

RESOLVED, that the City Clerk be and is hereby authorized and directed to publish said ordinance according to law, with a notice of its introduction and passage on first reading, and the time and place when and where said ordinance will be further considered for final passage.

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

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74. Council Member LaPelusa introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 3 POLICE REGULATIONS

BE IT ORDAINED, by the Municipal Council of the City of Bayonne, as follows: That The Revised General Ordinances of the City of Bayonne, Chapter 3, Police Regulations, be and is hereby supplemented as follows (additions ****between asterisks**** and underlined, deletions [within brackets] and ~~struck through~~):

**** 3-31 DAMAGE TO PUBLIC PROPERTY**

a. No person shall remove, break down, deface or injure any property in or on any public ground or square of this City.

b. No person shall injure, destroy or tamper with or assist in injuring, destroying or tampering with any public building or any other property belonging to the City or any associated authority, utility or private contractor that provides services to the City. ******

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

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 3 POLICE REGULATIONS," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, September 16, 2015, at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

RESOLVED, that the City Clerk be and is hereby authorized and directed to publish said ordinance according to law, with a notice of its introduction and passage on first reading, and the time and place when and where said ordinance will be further considered for final passage.

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

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAYONNE AUTHORIZING THE EXECUTION OF LEASE AND TAX EXEMPTION AGREEMENT WITH BROADWAY BAYONNE REALTY, LIMITED LIABILITY COMPANY, INGERMAN DEVELOPMENT COMPANY, AND BAYONNE PARKING UTILITY.

WHEREAS, Broadway Bayonne Realty, Limited Liability Company ("Landlord") is the fee owner of certain real property situated in the City of Bayonne, County of Hudson and State of New Jersey located at (Block 221, Lots 1,4,15,16,17,18,19 and a portion of 24 consisting of a parking lot (the "Premises") located between 19th Street and 21st Street, East of Avenue E and West of Broadway; and

WHEREAS, Landlord has entered into an agreement to sell the Premises to the Ingerman Development Company, LLC (the "Contract Purchaser"); and

WHEREAS, the City of Bayonne, through its Parking Utility ("Tenant") leases the Premises for purposes of operating a municipal parking lot and desires to continue to lease the premises as a municipal parking lot subsequent to the sale to the Contract Purchaser; and

WHEREAS, the City of Bayonne desires to exempt the Premises from real property taxes for the duration of the Tenant's tenancy at the Premises; now, therefore, be it

RESOLVED, that the Mayor, Business Administrator and Clerk are hereby authorized and directed to negotiate and execute a Lease and Tax Exemption Agreement between Broadway Bayonne Realty, Limited Liability Corporation, Ingerman Development Company, LLC and the Bayonne Park Utility on behalf of the City ensuring, among other things, that (i) the Premises will remain exempt from real property taxes as long as the Lease Agreement remains in effect; (ii) the Landlord shall provide the City and the Bayonne Parking Utility with notice of the anticipated Closing thirty (30) days in advance of the Closing; (iii) Contract Purchaser shall provide the City and the Bayonne Parking Utility with notice confirming the occurrence of the Closing ("Closing Notice"); (iv) the Premises shall become subject to real property taxes only upon termination of the aforesaid lease; (v) the termination of the Lease can be effectuated by the Landlord and Contract Purchaser upon thirty (30) day's advance notice of the Closing to the City of Bayonne, or by the Contract Purchaser upon thirty (30) days advance notice to the City of Bayonne subsequent to the closing, or by the City of Bayonne upon thirty (30) days' notice to either the Landlord or the Contract Purchaser; (vi) Bayonne Parking Utility shall have five (5) days from receipt of the Notice of Termination to vacate the Premises; and (vii) regardless of whether the Bayonne Parking Utility vacates the Premises and removes all of its personal property, fixtures, vehicles, and equipment ("Utility Property") from the Premises within five (5) days of the Notice of Termination, the Contract Purchaser shall have the right to commence construction and remove and dispose of such Utility Property six (6) days after service of the Notice of Termination; and be it further

RESOLVED, that the Mayor, Business Administrator and City Clerk are authorized and directed to take any and all steps as necessary to carry out the negotiation and execution of the Lease and Tax Exemption Agreement with Broadway Bayonne Realty, Limited Liability Company, Ingerman Development Company, LLC, and the Bayonne Parking Utility; and be it further

RESOLVED, that this Resolution shall take effect immediately.

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

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At 12:02 A.M., the Council President motioned to adjourn, seconded by council member Perez, which motion was adopted.

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

* * * * *

President - Sharon A. Nadrowski

Clerk - Robert F. Sloan