**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, SEPTEMBER 16, 2015

The Council met at 7:00 P.M.

The Council President Nadrowski announced: "I would like to advise all those present that notice of this regular meeting of the Municipal Council of the City of Bayonne of September 16, 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 September 11, 2015."

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

The Clerk called the roll.

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

The Council President led the Pledge of Allegiance.

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**01.** The 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 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 the meeting of August 19, 2015, at which time it was tabled for further consideration to this meeting of September 16, 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 Gullace, which motion was adopted.

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

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

The Clerk read the ordinance by title: "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,"

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

WHEREAS, 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 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 the meeting of August 19, 2015, at which time it was tabled for further consideration to this meeting of September 16, 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-15-29.

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

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**02.** The Clerk announced:

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," which was introduced and passed a first reading at a meeting held August 19, 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 September 16, 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 Cotter, which motion was adopted.

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

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

The Clerk read the ordinance by title: "ORDINANCE OF THE CITY OF BAYONNE, 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,"

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

The following person spoke: Christos Genes - 31 Newman Avenue
Peter Franco - 127 West 12th Street
Matthew Kopko - 105 West 8th Street

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

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

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

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

WHEREAS, 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," was introduced and passed a first reading at a meeting held August 19, 2015, and was published and posted as required by law, with notice that it would be considered for final passage following a public hearing at this meeting of September 16, 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-15-30.

Yeas - 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 APPROVING AND AUTHORIZING THE EXECUTION OF AN ADDENDUM TO DEED OF ELECTRIC AND GAS UTILITIES EASEMENT," which was introduced and passed a first reading at a meeting held August 19, 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 September 16, 2015, is now before the Council for its consideration and a public hearing.

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

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

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

The Clerk read the ordinance by title: "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,"

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

The following person spoke: Matthew Kopko - 105 West 8th Street

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

Council Member Perez motioned to closed the hearing, seconded by Council Member Cotter, 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, "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," was introduced and passed a first reading at a meeting held August 19, 2015, and was published and posted as required by law, with notice that it would be considered for final passage following a public hearing at this meeting of September 16, 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-15-31.

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

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**04.** The Clerk announced:

AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 3 POLICE REGULATIONS," which was introduced and passed a first reading at a meeting held August 19, 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 September 16, 2015, is now before the Council for its consideration and a public hearing.

Council Member Perez moved that the following resolution of second reading be adopted, seconded by Council 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 GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 3 POLICE REGULATIONS,"

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

WHEREAS, an ordinance entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 3 POLICE REGULATIONS," was introduced and passed a first reading at a meeting held August 19, 2015, and was published and posted as required by law, with notice that it would be considered for final passage following a public hearing at this meeting of September 16, 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-15-32.

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

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**05.** 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 August 19, 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 September, 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: "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 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 AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC," was introduced and passed a first reading at a meeting held August 19, 2015, and was published and posted as required by law, with notice that it would be considered for final passage following a public hearing at this meeting of September 16, 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-15-33.

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

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**06.** Council Member LaPelusa introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 13, MUNICIPAL PARKS, RECREATION AREAS, SWIMMING POOL AND DOCKS

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 13, Municipal, Parks, Recreation Areas, Swimming Pool and Docks, be amended and supplemented as follows: (New material **between asterisks, bold printed and underlined**, deletions {~~within brackets~~})

13-3.1 Fees for Don Ahern Veterans Memorial Stadium.

The fees and charges, for the use of Don Ahern Veterans Memorial Stadium for any event and for the regulation of the use of Don Ahern Veterans Memorial Stadium by any person or organization, are hereby established:

a. A filing fee of two hundred fifty ($250.00) dollars for each date requested shall accompany each application. This fee shall be returned to the applicant after the date requested, provided that no damage has been done to the Don Ahern Veterans Memorial Stadium as a consequence of the applicant's use.

b. {~~In the event that use of the floodlighting system is applied for, an additional fee of twenty-five ($25.00) dollars per hour prorated on a quarterly basis for each date requested shall be charged to the applicant in the event such application is granted.~~} **During dusk and post-dusk hours when stadium lights are in use an additional flat fee of thirty-five dollars ($35.00) shall be charged to the applicant.**

c. **Applications shall be submitted as prescribed by this ordinance in form promulgated by the Director of Public Works.** After approval of an application by the Director of {~~Municipal Services~~, **or their designee,** but prior to issuance of permission to use the stadium, the applicant shall file with the Director evidence of general liability insurance coverage issued by an insurance company licensed to do business in the State of New Jersey, naming the City of Bayonne as an additional insured, against any claim arising out of the use of the Don Ahern Veterans Memorial Stadium in limits of liability of at least one million ($1,000,000.00) dollars for each person, three million ($3,000,000.00) dollars total for each accident, and five hundred thousand ($500,000.00) dollars for property damage.

d. The following **hourly** charges are hereby levied for the use of the Don Ahern Veterans Memorial Stadium. ~~and~~ **Fees** shall be paid by the applicant to the Division of Recreation five (5) days before the use of the Don Ahern Veterans Memorial Stadium*:

~~1. Two hundred ($200.00) dollars for each date granted.~~

**

| 1. | | BAYONNE BASED NON-PROFITS | OTHER NON-PROFITS | ALL OTHERS** |
|---|---|---|---|---|
| Baseball Field | | $15 | $75 | $125 |
| Softball Field | | $15 | $75 | $125 |
| Small Sided/ Multipurpose Field | | $15 | $75 | $125 |
| Football, Soccer, Lacrosse Field | HALF | $15 | $75 | $125 |
| | FULL | | $125 | $175 |
| Full Stadium | | $250 | $500 | |

*There will be a two (2) hour minimum charge for all rentals

** See 13-3.1(d)(2) for Professional and Semi-Professional Fee Schedule

| **2.** | PROFESSIONAL AND SEMI-PROFESSIONAL GROUPS / TEAMS |
|---|---|
| Baseball Field | $500.00 |
| Softball Field | $500.00 |
| Small Sided/ Multipurpose Field | $250.00 |
| Football, Soccer, Lacrosse Field | $750.00 |
| Full Stadium | $1000.00 |

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e. No person or organization shall sell or dispense any food or beverage in the Don Ahern Veterans Memorial Stadium, except as herein provided.

f. The Director is hereby authorized to grant permission to responsible and qualified persons or organizations to use the food and beverage concession facilities located within the Don Ahern Veterans Memorial Stadium pursuant to the conditions set forth herein.

g. All applications submitted pursuant to paragraph f. above shall be filed with the Director on forms to be issued by his office.

h. After the approval of the application by the Director, but prior to the issuance of a food concession permit, the applicant shall file with the Director evidence of general liability insurance coverage issued by an insurance company licensed to do business in the State of New Jersey, naming the City of Bayonne as an additional insured in the amount of one million ($1,000,000.00) dollars, insuring against any and all liability arising out of the sale of any food or beverages within the Don Ahern Veterans Memorial Stadium pursuant to the filed application.

i. Notwithstanding any of the foregoing, all public schools, private schools and parochial schools participating in sports activities that are located within the City of Bayonne and accredited by the New Jersey State Board of Education are exempt from the fees charged **herein** {~~in paragraphs a. and b~~}. Also exempt are {~~the Bayonne Youth Soccer Association, Bayonne Babe Ruth League, Bayonne Youth Football, Inc., Bayonne Little League, and~~} any teams, leagues or groups sponsored by or affiliated with the Division of Recreation of the City of Bayonne**.** {~~and any bona fide nonprofit organization registered under Section 501(c) of the Internal Revenue Code that complies with the City's rules and regulations regarding the use of municipal facilities.~~}

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

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 13, SWIMMING POOL, DOCKS, DON AHERN VETERANS MEMORIAL STADIUM, PUBLIC BOAT RAMP, MUNICIPAL PARKS AND PLAYGROUNDS AND BAYONNE PUBLIC LIBRARY AND BAYONNE MUSEUM," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, October 21, 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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**07.** Council Member LaPelusa introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR A PORTION OF THE BROADWAY CORRIDOR REDEVELOPMENT AREA IDENTIFIED AS BLOCK 221, LOTS 1-5, 15-19, 24 AND 26 ON THE TAX MAP OF THE CITY OF BAYONNE

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

WHEREAS, 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, 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, on August 19, 2015, the Planning Board of the City (the “Planning Board”) was directed by the Municipal Council pursuant to Resolution No. 15-05-19-066 to prepare and review a Redevelopment Plan, and to transmit its recommendations relating to the Redevelopment Plan to the Municipal Council in accordance with the provisions of *N.J.S.A.* 40A:12A-7 of the Redevelopment Law; and

WHEREAS, the City of Bayonne, Division of Planning and Zoning, Department of Municipal Services, prepared a redevelopment plan entitled the “Redevelopment Plan for a Portion of the Broadway Corridor Site Redevelopment Area, Block 221, Lots 1-5, 15-19 and 24, 13-27 East 19th Street, 12-22 East 21st Street, 434-436 Broadway” dated September 8, 2015, (final revision September 9, 2015) (the “Redevelopment Plan”) for the Municipal Council’s consideration; and

WHEREAS, on September 8, 2015, the Planning Board reviewed the Redevelopment Plan and adopted a Resolution, which recommended the adoption of the Redevelopment Plan to the Municipal Council and concluded that said Plan is consistent with the Master Plan of the City of Bayonne (the “Resolution”); and

WHEREAS, the Planning Board Resolution includes a recommendation the Redevelopment Plan include Block 221, Lot 26, which is an adjacent lot located within the Broadway Corridor Redevelopment Area that is presently vacant; and

WHEREAS, upon receipt and review of the Planning Board's recommendations relating to the Redevelopment Plan, the Municipal Council believes that the adoption of the Redevelopment Plan, including the addition of Block 221, Lot 26 in the Redevelopment Plan, is in the best interests of the City for the redevelopment of the Property, inclusive of Block 221, Lots 26 (collectively, referred to as the "Redevelopment Area");

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

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

Section 2. The Redevelopment Plan titled "Redevelopment Plan for a Portion of the Broadway Corridor Site Redevelopment Area, Block 221, Lots 1-5, 15-19, 24 and 26, 13-27 East 19th Street, 12-22 East 21st Street, 426-428 Broadway and 434-436 Broadway," dated September 8, 2015 (final revision September 9, 2015), is hereby adopted pursuant to the terms of *N.J.S.A.* 40A:12A-7 of the Redevelopment Law. Further, the Redevelopment Plan shall amend, replace and supersede any prior redevelopment plans with respect to Redevelopment Area.

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

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

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

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

Council Member LaPelusa 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 ADOPTING A REDEVELOPMENT PLAN FOR A PORTION OF THE BROADWAY CORRIDOR REDEVELOPMENT AREA IDENTIFIED AS BLOCK 221, LOTS 1-5, 15-19, 24 AND 26 ON THE TAX MAP OF THE CITY OF BAYONNE," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, October 21, 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:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR A TRACT OF LAND KNOWN AS THE TEXACO REDEVELOPMENT AREA

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, in August 2003, the Municipal Council of the City (the "Municipal Council") designated the property known as the Texaco site, which is identified as Block 332, Lot 3; Block 360, Lot 2; Bock 373, Lots 1, 2, 13, 14 and 15; Block 390 Lots 1, R667; Block 391, Lots 1 and 2; and Block 511, Lots 5 and 6, on the tax map of the City of Bayonne as an area in need of redevelopment under the Redevelopment Law in accordance with the provisions of *N.J.S.A.* 40A:12A-6 of the Redevelopment Law (the "Redevelopment Area"); and

WHEREAS, the Redevelopment Area encompasses approximately 71.1 acres of land located at the southernmost point of the City at the intersection of Avenue A and West 1Street in the Bergen Point section of the City.

WHEREAS, the Municipal Council adopted a redevelopment plan for the Redevelopment Area titled "Redevelopment Plan Texaco Redevelopment Area" prepared by the City of Bayonne, Office of Planning & Zoning, Department of Community Development, dated January 2004 (the "Redevelopment Plan"); and

WHEREAS, on September 17, 2014, the Municipal Council passed Resolution No. 14-09-17-096 directing the Planning Board of the City (the "Planning Board") to consider and recommend amendments to the Redevelopment Plan, conduct hearings on same and return its findings to the Municipal Council for consideration, comment, approval and/or such other actions as may be deemed necessary by the Municipal Council in accordance with the provisions of *N.J.S.A.* 40A:12A-7; and

WHEREAS, City of Bayonne, Division of Planning and Zoning, Department of Municipal Services, prepared a redevelopment plan entitled the "Amended and Restated Redevelopment Plan, Texaco Redevelopment Area, City of Bayonne Hudson County, New Jersey" dated September 8, 2015 (final revision September 11, 2015), (the "Amended and Restated Redevelopment Plan") for the Municipal Council's consideration; and

WHEREAS, on September 8, 2015, the Planning Board reviewed the Amended and Restated Redevelopment Plan and adopted a Resolution, which recommended the adoption of the Amended and Restated Redevelopment Plan to the Municipal Council and concluded that said Plan is consistent with the Master Plan of the City of Bayonne (the "Resolution"); and

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

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

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

Section 2. The Amended and Restated Redevelopment Plan prepared by Suzanne T. Mack, PP, AICP dated September 8, 2015 (final revision September 11, 2015), is hereby adopted pursuant to the terms of *N.J.S.A.* 40A:12A-7 of the Redevelopment Law. Further, the Redevelopment Plan shall amend, replace and supersede any prior redevelopment plans with respect to Redevelopment Area.

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

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

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

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

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

BE IT RESOLVED, that an ordinance entitled "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR A TRACT OF LAND KNOWN AS THE TEXACO REDEVELOPMENT AREA," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, October 21, 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.** Council Member Gullace introduced:

ORDINANCE OF THE CITY OF BAYONNE COUNTY OF HUDSON APPROVING A FINANCIAL AGREEMENT WITH 190 W. 54TH STREET URBAN RENEWAL ASSOCIATES, L.L.C.

Whereas, on the basis of a preliminary investigation and recommendation of the Planning Board of the City of Bayonne (the "Planning Board") pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-1 et. seq., the City Council of the Town of City of Bayonne (the "City Council") determined that certain property known as Block 32, Lot 21.01 on the Tax Maps, and all air rights and riparian rights attached or associated with those parcels, should be classified as a redevelopment area in accordance with N.J.S.A. 40A: 12A-5 (the "Redevelopment Area"); and

Whereas, at the discretion of the City Council, the Planning Board prepared and recommended adoption of a proposed redevelopment plan; and

Whereas, on February 19, 2014, the City Council passed Ordinance No. O-14-04 adopting the proposed redevelopment plan as the redevelopment plan of the City of Bayonne (the "City") for the Redevelopment Area (the "Redevelopment Plan"); and

Whereas, the Redevelopment Plan calls for the Redevelopment Area to be developed as a mixed residential community consisting of approximately 250 apartment units and associated uses, including roadways, parking facilities, walkways, parks, and other recreational amenities; and

Whereas, on August 12, 2014 the Planning Board adopted final site plan approval for a 248 unit multifamily residential development; and

Whereas, 190 W. 54TH STREET URBAN RENEWAL ASSOCIATES, L.L.C. proposes to construct approximately 248 residential apartment units, along with associated roadways and facilities (the "Project") in the project area;

Whereas, 190 W. 54TH STREET URBAN RENEWAL ASSOCIATES, L.L.C. has applied to the City Council for tax exemption pursuant to the New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et. seq. (the "Exemption Law") with respect to the Project; and

Whereas, the City Council finds that the requested tax exemptions will benefit the City and its inhabitants by furthering the redevelopment of the property which had remained unused and vacant for many years, and that the benefits would substantially outweigh the costs, if any, associated with the tax exemptions; and

Whereas, the City Council further finds that the requested tax exemptions are important to the City and that without the incentive of the tax exemptions, it is unlikely that the Project will be undertaken; and

Whereas, as part of its application for a tax exemption, 190 W. 54TH STREET URBAN RENEWAL ASSOCIATES, L.L.C. has submitted a form of Financial Agreement (the "Financial Agreement") providing for payments in lieu of taxes, a copy of which is attached to this Ordinance; and

Whereas, 190 W. 54TH STREET URBAN RENEWAL ASSOCIATES, L.L.C. has presented to this body certain financial information, copies of which are attached as exhibits to this Ordinance; and

Whereas, the City Council deems it to be in the best interest of the City to pass an Ordinance authorizing the City to enter into the proposed Financial Agreement with 190 W. 54TH STREET URBAN RENEWAL ASSOCIATES, L.L.C. on the terms and conditions stated in the applicable form of Financial Agreement attached to this Ordinance; now, therefore, be it

Ordained that the City Council of the City of Bayonne does hereby adopt the tax exemptions for 190 W. 54TH STREET URBAN RENEWAL ASSOCIATES, L.L.C. as follows:

1. The development of the Project is hereby approved for the grant of a tax exemption under the Exemption Law by virtue of, pursuant to, and in conformity with the provisions of the Exemption Law.

2. The Mayor is hereby authorized to execute the Financial Agreement with 190 W. 54th Street Urban Renewal, L.L.C. in substantially the form attached hereto and subject to any further review, analysis or modifications that counsel may deem appropriate.

3. During the term of the tax exemption with respect to 190 W. 54th Street Urban Renewal, L.L.C., there shall be paid to the City in lieu of any taxes to be paid on the improvements of the Project, an annual service charge determined as provided in the Financial Agreement.

4. Counsel is authorized to prepare, and the Mayor is hereby authorized to execute, any additional documents that may be necessary to implement and carry out the intent of the Financial Agreement.

Council Member Gullace 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 APPROVING A FINANCIAL AGREEMENT WITH 190 W. 54TH STREET URBAN RENEWAL ASSOCIATES, L.L.C.," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, October 21, 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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**10.** Council Member Cotter 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

273. Barbara Martinetti, 25 Hartley Place
Beginning at a point on the west side of Hartley Place, 78 feet south of the southwest corner of Linden Street and Hartley Place, and extending to a point 22 feet south thereof.

240. Nancy Barnes, 528 Avenue A
Beginning at a point on the east side of Avenue A, 139 feet south of the southeast corner of West 23rd Street and Avenue A, and extending to a point 22 feet south thereof.

ADD

019. Maureen Sullivan for her father, Carmen Manna, 40 West 12th Street
Beginning at a point on the south side of West 12th Street, 193 feet east of the southeast corner of West 12th Street and Avenue C, and extending to a point 20 feet east thereof.

037. Francine Petrowksi, 29 Trask Avenue
Beginning at a point on the west side of Trask Avenue, 100 feet north of the northwest corner of West 2nd Street and Trask Avenue, and extending to a point 20 feet north thereof.

055. Sophia Nolan, 10 Centre Lane
Beginning at a point on the south side of Centre Lane, 26 feet west of the northwest corner of Centre Lane and East Court, and extending to a point 20 feet west thereof.

110. Edward Ajamian for his son Tyler Ajamian, 881 Avenue C
Beginning at a point on the south side of West 40th Street, 76 feet west of the southwest corner of Avenue C and West 40th Street, and extending to a point 20 feet west thereof.

144. Lisa Ann Sanchez, 358 Avenue A, 1st floor
Beginning at a point on the east side of Avenue A, 37 feet north of the northeast corner of Avenue A and West 14th Street, and extending to a point 18 feet north thereof.

168. Joseph Castlegrande, 35 Dodge Street
Beginning at a point on the north side of Dodge Street, 50 feet west of the northwest corner of Orient Street and Dodge Street, and extending to a point 20 feet west thereof.

225. Mary Soliman, 140 West 23rd Street, Apt. 4
Beginning at a point on the south side of West 23rd Street, 138 feet east of the southeast corner of Avenue A & West 23rd Street, and extending to a point 18 feet east thereof.

233. John Weaver, 190 Orient Street, Apt. 5
Beginning at a point on the east side of Orient Street, 36 feet south of the southeast corner of Orient Street and Cottage Street, and extending to a point 18 feet south thereof.

RELOCATE

192. Courtney Booker for her son, Gionni Booker from 25 Lexington Avenue to 97 West 30th Street
OLD LOCATION: Beginning at a point on the west side of Lexington Avenue, 305 feet north of the northwest corner of East 1st Street and Lexington Avenue, and extending to a point 22 feet north thereof.
NEW LOCATION: Beginning at a point on the north side of West 30th Street, 136 feet east of the northeast corner of Kennedy Boulevard and West 30th Street, and extending to a point 19 feet east thereof.

REASSIGN

from 037. to 016. Kathleen Lissenden, West Eighth Street (78A)
Beginning at a point on the south side of West 8th Street, beginning at a point 307 feet from the southwest corner of Avenue C and West 8th Street and extending 22 feet westerly therefrom.

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

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, October 21, 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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**11.** 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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**12.** The Council as a whole moved the following communication be received and filed, which motion was adopted.

From HEATHER MARIA MONTAS, filing notice of tort claim alleging property damage to her automobile on July 30, 2015 resulting from a manhole cover that flipped up when she drove over it at Kennedy Boulevard and West 1st Street.

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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, Law Division, Summons and Complaint in matter entitled, "WILSON vs. THE CITY OF BAYONNE." (Fall in a pothole on August 31, 2013 at West 52nd Street between Avenue C and Broadway)

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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, "CONSTABLE HOOK ROAD PARTNERS, LLC vs. CITY OF BAYONNE." (Constable Hook, Block 646.01, lot 6 - industrial)

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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, "527-31 BROADWAY, LLC vs. CITY OF BAYONNE." (527-531 Broadway, Block 189, lot 21 - 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, "915-917 BROADWAY, LLC vs. CITY OF BAYONNE." (915-917 Broadway, Block 89, lot 19 - 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, "1030 BROADWAY, LLC vs. CITY OF BAYONNE." (1030-1036 Broadway, Block 54, lot 23 - commercial )

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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, "PLOUMITSAKOS REALTY, LLC vs. CITY OF BAYONNE." (667-669 Broadway, Block 158, lot 26.01 - commercial)

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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, "PLOUMITSAKOS vs. CITY OF BAYONNE." (665 Broadway, Block 158, lot 25 - 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, " S & M GROUP, LLC vs. CITY OF BAYONNE." (292½ -296 Broadway, Block 258, Lot 9, - commercial)

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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, "V & M REALTY ENTERPRISES, LLC vs. CITY OF BAYONNE." (260 Prospect Avenue, Block 411, lot 14 - 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, "YES CHRIS DEVELOPMENT, LLC vs. CITY OF BAYONNE." (9 East 18th Street, Block 226, lot 1.0111 - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, "YES CHRIS DEVELOPMENT, LLC vs. CITY OF BAYONNE." (400-404 Broadway, Block 226, lot 43 - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, "ZAMPETTI ENTERPRISES, INC. vs. CITY OF BAYONNE." (718-724 Broadway, Block 146, lots 47-49 - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, "MAYFAIR APARTMENTS, LLC vs. CITY OF BAYONNE." (85-87 West 32nd Street, Block 144, lot 14 – multi-family)

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

From the Tax Court of New Jersey, complaint in matter entitled, "BERGEN POINT-BAYONNE REALTY, LLC vs. CITY OF BAYONNE." (206 & 212-216 Broadway, Block 325, lots 1-3 & 6; 203-207½ Broadway, Block 305, lots 15-18 - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, "BERGEN POINT-BAYONNE REALTY, LLC vs. CITY OF BAYONNE." (201 Broadway, Block 305, lot 14 - commercial )

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

From the Tax Court of New Jersey, complaint in matter entitled, "BERGEN POINT-BAYONNE REALTY, LLC vs. CITY OF BAYONNE." (208 Broadway, Block 325, lot 5 - commercial )

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

From the Tax Court of New Jersey, complaint in matter entitled, "NJD DEVELOPMENT, LLC vs. CITY OF BAYONNE." (752-764 Broadway, Block 393, lot 16 – commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, "RITE AID CORPORATION #3448 vs. CITY OF BAYONNE." (12-16 North Street, Block 297, lot 4 - commercial)

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

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

RESOLVED, That the following items which have been included on the agenda for this regular meeting as 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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**32.** 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.

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

DATE: AUGUST 7,2015

TO: Terrance 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 AUGUST 2015

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

BID REPORT
FOR THE MUNICIPAL COUNCIL

Date: Ad Date: 08/20/15

Date bids accepted: 09/04/15 Attending: Amy Dellabella, John F. Coffey II, Rob Russo, CME

Bid titled: 2015 Roadway Improvements

| Bidder: | Alt. A | Alt. B | Alt. C | Alt. D | Alt. E |
|---|---|---|---|---|---|
| Black Rock Enterprises<br>1316 Englishtown Road<br>Old Bridge, NJ 08857 | 335,341.00 | 59,149.00 | 102,782.50 | 187,234.00 | 215,628.00 |

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

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

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

BID REPORT
FOR THE MUNICIPAL COUNCIL

Date: 08/27/15 Ad Date: 08/10/15

Date bids accepted: 08/27/15 Attending: Amy Dellabella, Purchasing Agent

Bid titled: Rock Salt

| Bidder: | Total Bid Price: |
|---|---|
| Atlantic Salt, Inc.<br>134 Middle St. Ste. 210<br>Lowell, MA 01852 | $419,400.00 |

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

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

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**36.** 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.

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**37.** 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, August 19, 2015, be and the same are hereby approved.

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**38.** 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, August 12, 2015 , be and the same are hereby approved.

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**39.** 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 |
|---|---|---|---|
| 97 | 13 | Fredy & Noris Osorio | 296.65 |
| 106 | 6 | County Line Title Agency | 2,360.00 |
| 151 | 3 | James Folger | 2,677.14 |
| 176 | 33 | Vivian Goff | 232.79 |
| 232 | 15 | Valley National Bank | 3,574.68 |
| 266 | 16 | Pamela Esposito | 1,706.78 |
| 353 | 01 | Judith Whalen | 431.22 |
| Total: | | | 11,279.26 |

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**40.** 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 $ 25.80 be drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of licenses Nos. 1240-1253 inclusive, 14 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.

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**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 |
|---|---|---|
| Rotary Club of Bayonne | | RL: 9060 |
| Hudson County Animal League | | RL: 9061<br>RL: 9062 |

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

WHEREAS, pursuant to Resolution No. 15-05-20-062 adopted by the Municipal Council on May 20, 2015, the city clerk advertised in the Jersey Journal on August 20, 2015, that sealed bids for CY 2015 Roadway Improvements would be received on September 4, 2015; and

WHEREAS, pursuant to such advertisement, one (1) proposal was received from:

| Bidder: | Alternate A | Alternate B | Alternate C | Alternate D | Alternate E |
|---|---|---|---|---|---|
| Black Rock Enterprises<br>1316 Englishtown Road<br>Old Bridge, NJ 08857 | $335,341.00 | $59,149.00 | $102,782.50 | $187,234.00 | $215,628.00 |

WHEREAS, the Purchasing Agent and the Director of the Department of Public Works have examined the bid or proposal and have determined that the bid of Black Rock Enterprises is a regular bid and is most advantageous to the City of Bayonne for CY 2015 Roadway Improvements, Alternate A, Alternate B, Alternate D, and Alternate E only; and

WHEREAS, funds have been certified as available in the following Accounts: Bond Ordinance O-15-16, CDBG-UEZ, Streets & Roads O.E.; now, therefore, be it

RESOLVED, that the contract for CY 2015 Roadway Improvements, , Alternate A, Alternate B, Alternate D, and Alternate E only; and

Black Rock Enterprises, 1316 Englishtown Road, Old Bridge, NJ 08857 for total contract amount of $797,352.00 (Alternate A - $335,341.00, Alternate B - $59,149.00, Alternate D - $187,234.00 and Alternate E - $215,628.00 chargeable to the following Accounts: Bond Ordinance O-15-16, CDBG-UEZ, Streets & Roads O.E. 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.

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

WHEREAS, the city clerk, advertised in the Jersey Journal on August 10, 2015 that sealed bids for rock salt would be received on August 27, 2015; and

WHEREAS, pursuant to such advertisement, one (1) proposal was received from:

| Bidders | Bid Amount |
|---|---|
| Atlantic Salt, Inc.<br>134 Middle St. Ste. 210<br>Lowell, MA 01852; | $419,400.00 |

and

WHEREAS, Amy Dellabella, R.P.P.O., Q.P.A. and Gary Chmielewski, Director of Public works and Parks have examined the bids or proposals and have determined that the bid of Atlantic Salt, Inc. is a regular bid and is most advantageous to the City of Bayonne for rock salt; and

WHEREAS, the Municipal Comptroller has filed a certification with the city clerk that funds are available; now, therefore, be it

RESOLVED, that the contract for rock be awarded to:

Atlantic Salt, Inc.
134 Middle St. Ste. 210
Lowell, MA 01852

for the following bid price: not to exceed $419,400.00 for a term of one (1) years commencing November 19, 2015 and ending November 18, 2016, and that the contract be executed in the name of the City of Bayonne by the proper city officials and that the said sum be charged to account: 01-201-26-291-2-020 - Snow Removal.

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

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

WHEREAS, the Police Department of the City of Bayonne has established that there is a need for maintenance of Info-Cop Licensed Mobile Computer Software; and

WHEREAS, GTBM, Inc., 351 Paterson Avenue, East Rutherford, N.J. 07073, has previously been awarded a contract to provide said service, and is willing and able to continue to supply said service for a one year period commencing July 1, 2015 and ending June 30, 2016 at a cost of $17,587.50; and

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

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

RESOLVED, that the Mayor and City Clerk are hereby authorized to enter into an agreement with GTBM, Inc., 351 Paterson Avenue, East Rutherford, N.J. 07073, for maintenance of Info-Cop Licensed Software, for a one year period commencing July 1, 2015 and ending June 30, 2016 at a cost of $17,587.50 and funds are certified available in account #PS-9/01-201-25-240-2-020 of the CY 2015 budget; and be it further

RESOLVED, that the Municipal Treasurer be and is hereby authorized and directed to issue a warrant payable to G.T.B.M., Inc., in the amount of $17,587.50 in payment for said service.

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

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

WHEREAS, the City of Bayonne is in need of technical support and maintenance of its departmental data management software and continued enterprise licensing for the municipal management software currently in use for a nine month period commencing October 1, 2015 and ending June 30, 2016; and

WHEREAS, Spatial Data Logic has provided the City with such software and support services for their GeoLogic software, pursuant to an agreement authorized by Resolution No. 09-12-16-044 and has provided the City with an invoice for continued licensing, technical support and maintenance for the period commencing October 1, 2015 through June 30, 2016 for an amount of $33,000.01; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-5 (1) (m)) authorizes the award of contracts for "Extraordinary Unspecifiable Services" without competitive bids; now, therefore, be it

WHEREAS, the Business Administrator has determined and certified in writing that the value of the acquisition will exceed $17,500; 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 be maintained in order to respond to the public in the most effective manner; and

WHEREAS, due to exigent circumstances, it was necessary for the Municipal Treasurer to issue a warrant payable to Spatial Data Logic in the amount of $33,000.01 in order to maintain uninterrupted technical support and maintenance services for the period commencing October 1, 2015 through June 30, 2016; and

WHEREAS, Spatial Data Logic has completed and submitted a "Business Entity Disclosure Certification for Non-Fair and Open Contracts" required Pursuant to N.J.S.A. 19:44A-20.8 which certifies that Spatial Data Logic has not made any reportable contributions to a political or candidate committee in the City of Bayonne in the previous one year, and that the contract will prohibit Spatial Data Logic from making any reportable contributions through the term of the contract; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and the City Clerk are hereby authorized to enter into a contract 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 nine month period commencing October 1, 2015 and ending June 30, 2016 for an amount of $33,000.01.

2. The actions of the Municipal Treasurer in issuing a warrant to Spatial Data Logic in the amount of $33,000.01 in order to maintain uninterrupted technical support and maintenance of the City's departmental data management software and continued enterprise licensing for the municipal management software currently in use for a nine month period commencing October 1, 2015 and ending June 30, 2016 charged to Account !2-286-45-366-2-199 are hereby ratified and confirmed.

3. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.

4. 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.

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**46.** Council President Nadrowski 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 of Bayonne, 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 of Bayonne 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 Children's Academy after school program for low income children; 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 Children's Academy after school program for low and moderate income children limited to the amount of $3,512.00; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-878; 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 of Bayonne , 1050 Kennedy Blvd., Bayonne, New Jersey 07002 for the provision of Children's Academy after school program for low and moderate income families in the amount of $3,512.00 for the period commencing September 1, 2015 and ending August 31, 2016.

2. Funds shall be charged to Account #CDBG-878

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

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**47.** Council Member Cotter 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 Family Service of MetroWest New Jersey, 256 Columbia Turnpike, Suite 105, Florham Park, New Jersey 07932 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, the Jewish Family Service of MetroWest New Jersey has requested and submitted a formal written application dated February 26, 2015 for said CDBG Grant Funds in the amount of $30,000.00 for the purpose of providing nutrition, social, health education and case management services for older adults; 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 nutrition, social, health, education and case management for older adults is limited to the amount of $4,000.00; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-877; 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 Family Services of MetroWest New Jersey, 256 Columbia Turnpike, Florham Park, New Jersey 07932 for the provision of providing nutrition, social, health education and case management services for older adults in the amount of $4,000.00 for the period commencing September 1, 2015 and ending August 31, 2016.

2. Funds shall be charged to Account #CDBG-877

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

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**48.** Council President Nadrowski 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 City of Bayonne, 630 Avenue C, Bayonne, New Jersey 07002 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, the City of Bayonne has requested and submitted a formal written application dated February 26, 2015 for said CDBG Grant Funds in the amount of $65,000.00 for the purpose of providing a Master Plan; 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 a Master Plan is limited to the amount of $25,000.00; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-871; 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 City of Bayonne, 630 Avenue C, Bayonne, New Jersey 07002 for the provision of providing a Master Plan in the amount of $25,000.00 for the period commencing September 1, 2015 and ending August 31, 2016.

2. Funds shall be charged to Account #CDBG-871

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

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

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 Team Walker, 373 Communipaw Avenue, Jersey City, New Jersey 07304 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, the Team Walker has requested and submitted a formal written application dated February 26, 2015 for said CDBG Grant Funds in the amount of $100,000.00 for the purpose of providing after school recreational child 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 after school recreational child services is limited to the amount of $17,957.00; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-886; 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 Team Walker, 373 Communipaw Avenue, Jersey City, New Jersey 07304 for the provision of providing after school recreational child services in the amount of $17,957.00 for the period commencing September 1, 2015 and ending August 31, 2016.

2. Funds shall be charged to Account #CDBG-886

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

The resolution failed adoption.

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**50.** 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 UCP of Hudson County, Inc., 721 Broadway, Bayonne, New Jersey 07002 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, the Windmill Alliance has requested and submitted a formal written application dated February 26, 2015 for said CDBG Grant Funds in the amount of $30,000.00 for the purpose of providing a pediatric medical day care center; 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 a pediatric medical day care center is limited to the amount of $10,512.00; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-875; 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 UCP of Hudson County Inc., 721 Broadway, Bayonne, New Jersey 07002 for the provision of providing pediatric medical day care 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-875

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

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**51.** 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, the Victory Hall, 74 W 46th Street, Bayonne, New Jersey 07002 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, the Victory Hall has requested and submitted a formal written application dated February 26, 2015 for said CDBG Grant Funds in the amount of $6,500.00 for the purpose of providing art instruction to adults/young adults developmentally disabled; 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 art instruction to adults/young adults developmentally disabled is limited to the amount of $4,000.00; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-884; 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 Victory Hall, W 46th Street, Bayonne, New Jersey 07002 for the provision of providing art instruction to adults/young adults developmentally disabled in the amount of $4,000.00 for the period commencing September 1, 2015 and ending August 31, 2016.

2. Funds shall be charged to Account #CDBG-884

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

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**52.** Council Member Gullace 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 Windmill Alliance, 141 Broadway, Bayonne , New Jersey 07002 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, the Windmill Alliance has requested and submitted a formal written application dated February 26, 2015 for said CDBG Grant Funds in the amount of $25,000.00 for the purpose of providing community outreach services through HIGHWAYS program; 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 community outreach services through HIGHWAYS program is limited to the amount of $12,000.00; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-874; 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 Windmill Alliance, 141 Broadway, Bayonne, New Jersey 07002 for the provision of providing outreach services through HIGHWAYS program in the amount of $12,000.00 for the period commencing September 1, 2015 and ending August 31, 2016.

2. Funds shall be charged to Account #CDBG-874

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

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**53.** 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 May 1, 2015 for said CDBG Grant Funds in the amount of $300,000.00 for the purpose of providing professional consulting services relating to planning administration and implementation of the City's Community Development Block Grant Program; 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 professional consulting services relating to planning, administration and implementation of the City's Community Development Block Grant Program, NJ 07002; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-869; 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 purpose of providing professional consulting services relating to planning administration and implementation of the City's Community Development Block Grant Program in the amount of $300,000.00 for the period commencing September 1, 2014 and ending August 31, 2015.

2. Funds shall be charged to Account #CDBG-869

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

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**54.** Council Member Perez moved the following resolution, seconded by Council President, 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 May 1, 2015 for said CDBG Grant Funds in the amount of $4,500.00 for the purpose of providing the cost of architectural plans from DAL Design Group, 11 W. 8th Street, Bayonne, NJ 07002; 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 the cost of architectural plans from DAL Design Group, 11 W. 8th Street, Bayonne, NJ 07002; and

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

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Bayonne Community Mental Health Center, 601 Broadway, Bayonne, New Jersey 07002 for the provision of providing the cost of architectural plans from DAL Design Group, 11 W. 8th Street, Bayonne, NJ 07002 in the amount of $4,500.00 for the period commencing September 1, 2014 and ending August 31, 2015.

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

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

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**55.** Council Member LaPelusa 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, 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 May 1, 2015 for said CDBG Grant Funds in the amount of $8,100.00 for the purpose of providing the cost of architectural plans from DAL Design Group, 11 W. 8th Street, Bayonne, NJ 07002; 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 the cost of architectural plans from DAL Design Group, 11 W. 8th Street, Bayonne, NJ 07002; and

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

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Bayonne Youth Center, 524 Kennedy Blvd, Bayonne, New Jersey 07002 for the provision of providing the cost of architectural plans from DAL Design Group, 11 W. 8th Street, Bayonne, NJ 07002 in the amount of $8,100.00 for the period commencing September 1, 2014 and ending August 31, 2015.

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

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

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

WHEREAS, the City of Bayonne (the "City") is a member of the New Jersey Intergovernmental Insurance Fund (hereinafter the "Fund" or "NJIIF") established pursuant to Chapter 372, Laws of 1983 (N.J.S.A. 40A:10-36 et seq.), pursuant to an Indemnity and Trust Agreement effective December 31, 2012 and terminating December 31, 2015; and

WHEREAS, the NJIIF has efficiently and effectively provided the City with the following types of insurance, through the City's membership in the NJIIF:

☒ a) Workers Compensation and Employers Liability
☒ b) General Liability (including Police Professional & Public Officials Liability);
☒ c) Motor Vehicle and Equipment Liability Coverage;
☒ d) Property Damage (including Building & Contents, Automobile Physical Damage, Contractors Equipment and Boiler & Machinery)
☒ e) Environmental Impairment Liability;

and

WHEREAS, the NJIIF has agreed to renew the City's membership contract (the Trust and Indemnity Agreement) for a period of 3 years commencing December 31, 2015 and terminating December 31, 2018, with the 2016 calendar year assessment remaining the same as it was for the 2015 calendar year and with a 3% per year reduction to be applied against the 2017 and 2018 calendar year assessments; and

WHEREAS, the NJIIF has further agreed to reduce the City's per claim deductibles to $30,000 per claim for Workers Compensation claims and $25,000 per claim for automobile and general liability claims (excluding public official and police professional liability claims); and

WHEREAS, it is in the best interest of the City to continue its membership in the NJIIF; and

WHEREAS, the procurement of insurance coverage is an exception to the Local Public Contract Law as an extraordinary unspecifiable service and the Local Public

Contracts Law (N.J.S.A. 40A:11-5 (1) (m)) authorizes the award of contracts for "Extraordinary Unspecifiable Services" without competitive bids; and

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

WHEREAS, funds are certified as available in the Insurance Commission Fund pending future adopted budgets;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Mayor and City Clerk are hereby authorized to execute the Indemnity and Trust Agreement for the period commencing on December 31, 2015 and terminating on December 31, 2018, in the form attached hereto as Exhibit 1 and to thereby continue participation as a member in the NJIIF for the following types of insurance coverage:

☒ a) Workers Compensation and Employers Liability
☒ b) General Liability (including Police Professional & Public Officials Liability);
☒ c) Motor Vehicle and Equipment Liability Coverage;
☒ d) Property Damage (including Building & Contents, Automobile Physical Damage, Contractors Equipment and Boiler & Machinery)
☒ e) Environmental Impairment Liability

2. The Bylaws of the New Jersey Intergovernmental Insurance Fund are herby adopted and accepted by the City and the City hereby agrees to conduct its membership in the “Fund” according to the rights and obligations set forth therein.

3. Funds are chargeable to the Insurance Commission Fund Account.

4. The Determination of Value shall be placed on file with this resolution.

5. 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.

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**57.** 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. 15-04-22-061 adopted on April 22, 2015, the City of Bayonne entered into an Interlocal Agreement for Cooperative Purchasing with the Houston-Galveston Area Council (H-GAC") Purchasing Program; and

WHEREAS, pursuant to Resolution No. 15-07-22-067 adopted by the Municipal Council on July 22, 2015, the City Clerk advertised a Notice of Intent to Award a Contract Under a National Cooperative Purchasing Agreement, specifically through the aforesaid H-GAC Purchasing Program, for design/build services in connection with the construction of a Skate Park to be located at Dennis P. Collins Park to Spohn Ranch, Inc.,; and

WHEREAS, the comment period concluded at the close of business hours on August 27, 2015; and

WHEREAS, no objections have been filed with the Clerk of the City of Bayonne in connection with the aforesaid advertisement; and

WHEREAS, funds are certified as available in Account Nos. O-15-16 and O-99-14; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The contract for the design and construction of a Skate Park located at Dennis P. Collins Park is hereby awarded to Spohn Ranch, Inc., 15131 Clark Avenue, City of Industry, California 91745 through the aforesaid Interlocal Agreement for Cooperative Purchasing with the Houston-Galveston Area Council Purchased Program for an amount not to exceed three-hundred thousand dollars ($300,000.00).

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

2. Funds shall be chargeable to Account Nos. O-15-16 and O-99-14.

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

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

WHEREAS, Municipal Council Resolution Nos. 15-02-18-032, 15-02-18-033 and 15-02-18-34 were adopted on February 18, 2015 authorizing the Mayor and City Clerk to enter into an agreement with the Windmill Alliance, Inc., 141 Broadway, Bayonne, New Jersey in the amounts of $4,950.00 for the purpose of providing the repair of the fire sprinkler system; $4,400.00 for the purpose of the replacement of (4) 40 Gallon Rheem Hot Water Heaters; and $3,475.00 for the purpose of providing basement ceiling repairs in their building located at 331 Broadway, Bayonne, New Jersey for the period commencing September 1, 2014 and ending August 31, 2015; and

WHEREAS, pursuant to the aforesaid Resolution Nos. 15-02-18-032, 15-02-18-033 and 15-02-18-34, the City of Bayonne entered into Agreement No. CY15-030 with the Windmill Alliance, Inc., and

WHEREAS, pursuant to a site inspection performed by the City Code Official, Windmill Alliance, Inc. was advised that it was necessary to install fire rated insulation and fire rated sheetrock on the ceiling of the utility room; and

WHEREAS, due to exigent circumstances, the Director of Community Development authorized the installation of the fire rated insulation and fire rated sheetrock on the ceiling of the utility room by AA-ABCO Construction for the amount of $750.00 prior to the adoption of this resolution; and

WHEREAS, funds are certified in Account CDBG-867, now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to execute an amendment to Agreement No. CY15-030 with Windmill Alliance, Inc. increasing same in the amount of $750.00 to cover the cost of installation of the fire rated insulation and fire rated sheetrock on the ceiling of the utility room.

2. The actions of the Director of Community Development in authorizing the contractor to install the fire rated insulation and fire rated sheetrock on the ceiling of the utility room for the amount of $750.00 are hereby ratified and confirmed.

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

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

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

CHAPTER 159 NO. 5

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 $ 54,448.00 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 $54,448.00 and the same is hereby appropriated under the caption of

MUNICIPAL ALLIANCE GRANT

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.

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

CHAPTER 159 NO. 6

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 $ 40,894.00 which has been collected from various sources

SECTION II

BE IT FURTHER RESOLVED that a like sum of $40,894.00 and the same is hereby appropriated under the caption of

GROUND RESTORATION

SECTION III

BE IT FURTHER RESOLVED that the above is the result of moneys collected from various sources

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

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

CHAPTER 159 NO. 7

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 $ 12,249.00 which has been collected from various sources

SECTION II

BE IT FURTHER RESOLVED that a like sum of $12,249.00 and the same is hereby appropriated under the caption of

POSTER CONTEST DONATIONS

SECTION III

BE IT FURTHER RESOLVED that the above is the result of moneys collected from various sources.

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

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

CHAPTER 159 NO. 8

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 $ 5,000.00 which has been donated by Cruise Industry Charitable Foundation

SECTION II

BE IT FURTHER RESOLVED that a like sum of $5,000.00 and the same is hereby appropriated under the caption of

ESL GRANT CRUISE FOUNDATION

SECTION III

BE IT FURTHER RESOLVED that the above is the result of moneys donated by Cruise Industry Charitable Foundation.

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

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

WHEREAS, the City of Bayonne (City") permanently appointed Peter Nevins ("Nevins") as its Deputy Chief of Police on August 15, 2015, and Nevins has served in that capacity since that date; and

WHEREAS, in order to assure the performance of the various covenants, advantages and considerations inuring to the parties, which each party acknowledges is to its/his mutual and reciprocal benefit and advantage, the parties desire to enter into an Employment Agreement setting forth the rights, duties and responsibilities of each party; now, therefore, be it

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute an Employment Agreement with Peter Nevins setting forth the terms upon which Nevins will be employed as the Deputy Chief of Police for the City of Bayonne in a form acceptable to the Law Division.

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

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

WHEREAS, Public Service Electric and Gas (PSE&G) Company is applying for an Industrial Treatment Works Approval ("TWA") Permit to install temporary mobile treatment units to treat groundwater associated with construction dewatering activities as part of the PSE&G Bergen-Linden Corridor Upgrade Project to improve the reliability of the electric transmission system; and

WHEREAS, the construction dewatering activities will take place along the underground electric transmission line route beginning at the Texaco Downstream Properties on Avenue A site, then along Kennedy Boulevard to the PSE&G Bayonne Switching Station on West 63rd Street; and

WHEREAS, treated groundwater will be discharged to the surface waters of the State in accordance with the NJPDES General Groundwater Remediation Clean-up ("BGR") Permit (NJ0155438) issued by the New Jersey Department of Environmental Protection ("NJDEP"); and

WHEREAS, TRC, 1200 Wall Street West, 5th Floor, Lyndhurst, NJ 07071, on behalf of PSE&G, has submitted a Statement of Consent in connection with its application for the aforesaid Industrial Treatment Works Approval Permit for endorsement by the City of Bayonne Governing Body to be signed by the authorized person of the governing body; and

WHEREAS, it is in the best interest of the health, welfare and safety of the citizens of the City of Bayonne to consent to the application by PSE&G for the aforesaid Industrial Treatment Works Approval Permit; now, therefore, be it

RESOLVED, by the Municipal Council that the Mayor is hereby authorized to execute the "Consent By Governing Body" submitted by TRC, 1200 Wall Street West, 5th Floor, Lyndhurst, NJ 07071, on behalf of PSE&G, in connection with PSE&G's application for an Industrial Treatment Works Approval ("TWA") Permit to install temporary mobile treatment units to treat groundwater associated with construction dewatering activities as part of the PSE&G Bergen-Linden Corridor Upgrade Project.

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

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**65.** 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. 14-07-16-055 adopted July 16, 2014 as amended by Resolution No. 14-08-13-064 adopted August 13, 2014 the Municipal Council authorized an agreement with Suburban Disposal, Inc., 54 Montesano Road, Fairfield, New Jersey for the Collection of Solid Waste AM for a one (1) year period commencing August 1, 2014 and ending July 31, 2015 for a total contract amount of $1,196,000.00; and

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

WHEREAS, pursuant to Resolution No.15-06-17-068 adopted by the Municipal Council June 17, 2015 the City Clerk advertised that sealed bids for Solid Waste Collection would be received on October 2, 2015; and

WHEREAS, pursuant to Resolution 15-07-22-059 adopted by the Municipal Council on July 22, 2015, the City entered into an amendment to Agreement No. CY14-070 with Suburban Disposal, Inc. for Solid Waste Collection services extending same for a two (2) month period commencing August 1, 2015 and ending September 30, 2015 for an additional amount of $199,333.32 payable at the rate of $99,666.66 per month making the total contract amount $1,395,333.32; and

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

WHEREAS, it is necessary for the City to extend Agreement CY14-070 with Suburban Disposal, Inc. for an additional month in order to allow for the receipt and review of the aforesaid bids for Solid Waste Collection receivable October 2, 2015; and

WHEREAS, Suburban Disposal, Inc. has consented to extending their existing agreement with the City of Bayonne for the Collection of Solid Waste AM under the same terms and conditions as their existing agreement for an additional one (1) month period commencing October 1, 2015 and ending October 31, 2015 for an additional amount of $99,666.66 per month making the total contract amount $1,494,999.98; and

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

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

1. The Mayor and City Clerk are hereby authorized to enter into a Second Amendment to Agreement No. CY14-070 with Suburban Disposal, Inc., 54 Montesano Road, Fairfield, New Jersey for the Collection of Solid Waste AM for an additional one (1) month period commencing October 1, 2015 and ending October 31, 2015 for an additional amount of $99,666.66 per month making the total contract amount $1,494,999.98; and

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

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

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

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

September 16, 2014

Dear Council President Nadrowski
And Honorable Members of City Council:

I hereby recommend the following individual for appointment to the Rent Control Board of the City of Bayonne and request the City Council's consenting actions:

Michael Pierson Term expiring on December 31, 2016
47 West 47th Street, Bayonne, NJ 07002 (Filling Vacant Position)

In conjunction with this appointment the City Clerk has been directed to add an accompanying item on the September 16, 2015 Regular Council Meeting agenda for consideration by the City Council.

Sincerely,
James M. Davis
Mayor
(signed)

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

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

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

WHEREAS, the Housing Authority desires to contract with the City for additional police services to create a drug and crime free environment and to provide for the safety and protection of the residents in its public housing developments; and

WHEREAS, the City, by and through its police department, desires to assist in the effort by providing effective police services at all Authority locations; now, therefore, be it

RESOLVED, that the Mayor and City Clerk are authorized to enter into an agreement with the Bayonne Housing Authority to provide police services in accordance with the Model contract for Supplemental Law Enforcement Services to Public Housing Residents which is attached hereto and made a part hereof; and be it further

RESOLVED, that the services rendered by the assigned personnel (police and civilian) under this contract are in addition to baseline police services; and be it further

RESOLVED, that the City, by and through its police department, will provide the minimum number of police officers necessary to perform specialized patrols and to enforce all state and local laws and the Housing Authority rules specified in the aforesaid agreement; and be it further

RESOLVED, that the term of this agreement shall be for one year beginning on the date approved by both parties; and be it further

RESOLVED, that the Authority will reimburse the City for services specified in this contract in a total amount not to exceed $200,000.00.

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

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

RESOLUTION DESIGNATING KATE HOWARD, LTD AS CONDITIONAL REDEVELOPER FOR A PORTION OF THE PENINSULA AT BAYONNE HARBOR, REFERRED TO AS HARBOR STATION SOUTH, DESIGNATED AS BLOCK 700 LOT 1; BLOCK 720, LOT 1; BLOCK 730 LOT 1; BLOCK 731, LOT 1; BLOCK 751, LOT 1; BLOCK 770, LOT 1; BLOCK 780, LOT 1; BLOCK 790, LOT 1; AND BLOCK 730, LOT 2, IN THE OF CITY OF BAYONNE AND AUTHORIZING THE NEGOTIATION AND PREPARATION OF A REDEVELOPMENT AGREEMENT IN FURTHERANCE THEREOF

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

WHEREAS, pursuant to a decision by the United States of America to decommission its facilities at the Bayonne Military Ocean Terminal, and while the City of Bayonne Redevelopment Agency, also known as the Bayonne Local Redevelopment Authority (the "BLRA") was the redevelopment entity for the Peninsula, the Peninsula was conveyed to the BLRA pursuant to certain Quitclaim Deeds (dated September 28, 2001 and December 11, 2002, respectively, and recorded on October 3, 2001 and January 24, 2003, respectively); and

**Deleted:** BLRA

WHEREAS, in accordance with the criteria set forth in the Redevelopment Law, the City identified and designated the Bayonne Military Ocean Terminal (hereinafter referred to as the "Peninsula") as an area in need of redevelopment, including that certain property known as Block 700 Lot 1; Block 720, Lot 1; Block 730 Lot 1; Block 731, Lot 1; Block 751, Lot 1; Block 770, Lot 1; Block 780, Lot 1; Block 790, Lot 1; and Block 730, Lot 2, on the official tax map of the City of Bayonne, which is referred to as Harbor Station South (the "Property"); and

WHEREAS, previously, the BLRA was designated as the "redevelopment entity" for the Peninsula pursuant to *N.J.S.A.* 40A:12A-4(c), with responsibility for the implementation of redevelopment plans and the carrying out of redevelopment projects on the Peninsula; and

**Deleted:** City of Bayonne Redevelopment Agency, also known as the Bayonne Local Redevelopment Authority (the "BLRA")

WHEREAS, Bayonne Local Redevelopment Agency Redevelopment Plan for the Peninsula at Bayonne Harbor was adopted on July 19, 2006 (the "Redevelopment Plan"); and

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

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

WHEREAS, the City has determined to act as the "redevelopment entity" for the Property located on the Peninsula; and

WHEREAS, the Redevelopment Law authorizes the City to arrange or contract for the planning, construction or undertaking of any development project or redevelopment work in an area designated "as an area in need of redevelopment" pursuant to *N.J.S.A.* 40A:12A-8; and

WHEREAS, Section 2.12.1 of the Redevelopment Plan, entitled "Redeveloper Selection," allows for the selection of redevelopers of specific sites, blocks or districts in any number or combination as is deemed necessary; and

WHEREAS, Kate Howard, LTD was chosen as the result of a public request for expression of interest issued by the City in December 2013 for the development of the Property, after which Kate Howard, LTD and other potential redevelopers made presentations to members of the Municipal Council of their respective proposals; and

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**Deleted:** , and Kate Howard LTD's proposal was chosen by the Municipal Council

WHEREAS, Kate Howard, LTD of 135 West 36th Street, New York, New York 10018 has submitted information to the City outlining its experience, expertise and financial capabilities to design and construct a project on the property referenced above and has requested designation by the City as the "redeveloper" for said Property referred to as Harbor Station South; and

**Deleted:** financial capabilities

**Deleted:** and

WHEREAS, the Municipal Council desires to designate a conditional redeveloper for a portion of the Peninsula identified as Block 700 Lot 1; Block 720, Lot 1; Block 730 Lot 1; Block 731, Lot 1; Block 751, Lot 1; Block 770, Lot 1; Block 780, Lot 1; Block 790, Lot 1; and Block 730, Lot 2, in the City of Bayonne, and upon full execution of a Redevelopment Agreement by the City and the Redeveloper, recognize Kate Howard LTD as redeveloper of the Property as provided for and in accordance with the provisions of the Redevelopment Law; and

WHEREAS, this Municipal Council desires to conditionally designate Kate Howard, LTD as the redeveloper of the aforesaid Redevelopment Area pursuant to Section 8 of the Redevelopment Law to undertake redevelopment of the Property consistent with an amendment to the Redevelopment Plan ("Amended Redevelopment Plan") to be adopted by the Municipal Council after receiving and reviewing the recommendations of the Planning Board, which Plan will be generally consistent with the Conceptual Master Plan for Harbor Station South prepared by Giovanni Bolignano and George D. Cascino, P.E., P.P. dated May 20, 2015 (the "Concept Plan"); and

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WHEREAS, the Project shall conform to the Amended Redevelopment Plan and shall be in conformance with the Master Plan of the City of Bayonne and any amendments thereto; and

WHEREAS, a Memorandum of Understanding ("MOU") has been negotiated between the parties setting forth the general terms of understanding with respect to moving forward with the redevelopment of Harbor Station South; and

WHEREAS, this Municipal Council further desires to authorize the negotiation and preparation of a Redevelopment Agreement for redevelopment of the aforesaid property which will set forth the rights and obligations of the respective parties as well as the anticipated time frame for the completion of certain tasks;

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

Section 1. The aforementioned recitals are incorporated herein as if fully set forth herein.

Section 2. Kate Howard, LTD, or an affiliate thereof, is hereby designated as the Redeveloper of the Property more particularly set forth and described above, subject, however, to the negotiation of a mutually agreeable Redevelopment Agreement between Kate Howard, LTD and the City of Bayonne, which Redevelopment Agreement must be approved by this Municipal Council.

Section 3. The Mayor and/or his designees is/are authorized to execute the Memorandum of Understanding ("MOU") and take all necessary steps to negotiate any additional terms, conditions and/or or agreements as are necessary in connection with and in furtherance of this resolution.

Section 4. This Resolution shall take effect immediately.

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

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

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

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

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

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

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

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

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

1. Block 700 Lot 1; Block 720, Lot 1; Block 730 Lot 1; Block 731, Lot 1; Block 751, Lot 1; Block 770, Lot 1; Block 780, Lot 1; Block 790, Lot 1; and Block 730, Lot 2 on the official tax map of the City of Bayonne, referred to as "Harbor Station South."

NOW, THEREFORE BE IT RESOLVED that:

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

2. The Municipal Council hereby refers the Redevelopment Plan and a Conceptual Master Plan for Harbor Station South prepared by Giovanni Bolignano and George D. Cascino, P.E., P.P. dated May 20, 2015 to the Planning Board for review and recommendation in accordance with the requirements of *N.J.S.A.* 40A:12A-7(e).

3. Pursuant to the Redevelopment Law, the Planning Board is hereby authorized and directed to review those portions of the Redevelopment Plan and the Peninsula Redevelopment Area relating to the Property identified as follows:

    a. Block 700 Lot 1; Block 720, Lot 1; Block 730 Lot 1; Block 731, Lot 1; Block 751, Lot 1; Block 770, Lot 1; Block 780, Lot 1; Block 790, Lot 1; and Block 730, Lot 2 on the official tax map of the City of Bayonne, referred to as "Harbor Station South."

4. The Planning Board shall make recommendations to the Municipal Council regarding an update and recommended amendments to the Redevelopment Plan that are generally consistent with the Concept Plan for the Property, and make recommendations regarding the amended Redevelopment Plan's consistency with and/or lack of consistency with the Master Plan.

5. This Resolution shall take effect immediately.

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

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

Whereas the Division of Local Government Services has determined that it is a "Best Practice" to require elected officials to attend on an annual basis at least one instructional course covering the responsibilities and obligations of elected official, and

Whereas the Mayor and Municipal Council desire to follow this "Best Practice", now therefore, be it

Resolved that the Mayor and members of the Municipal Council are required to attend at least one instructional course relating to their duties as elected officials.

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

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**71.** At 7:50 P.M. the Council President Nadrowski moved the following resolution to adjourn to a closed session, seconded by Council Member Perez, which was read by the Clerk and adopted.

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

WHEREAS, pursuant to N.J.S.A. 10:4-12(b)(1), the City of Bayonne may exclude the public from that portion of a meeting wherein the City of Bayonne desires to discuss any matter which by express provision of Federal law or State statute or rule of court shall be rendered confidential; and

WHEREAS, pursuant to N.J.S.A. 10:4-12(b)(2), the City of Bayonne may exclude the public from that portion of a meeting wherein the City of Bayonne desires to discuss any matter in which the release of information would impair a right to receive funds from the Government of the United States; and

WHEREAS, pursuant to N.J.S.A. 10:4-12(b)(3), the City of Bayonne may exclude the public from that portion of a meeting wherein the City of Bayonne desires to discuss any matter wherein the public disclosure constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly; and

WHEREAS, pursuant to N.J.S.A. 10:4-12(b)(4), the City of Bayonne may exclude the public from that portion of a meeting wherein the City of Bayonne desires to discuss any matter involving any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body; and

WHEREAS, pursuant to N.J.S.A. 10:4-12(b)(5), the City of Bayonne may exclude the public from that portion of a meeting wherein the City of Bayonne desires to discuss any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed; and

WHEREAS, pursuant to N.J.S.A. 10:4-12(b)(6), the City of Bayonne may exclude the public from that portion of a meeting wherein the City of Bayonne desires to discuss any matter involving tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection, and/or any investigations of violations or possible violations of the law; and

WHEREAS, pursuant to N.J.S.A. 10:4-12(b)(7), the City of Bayonne, may exclude the public from that portion of a meeting wherein the City of Bayonne desires to discuss pending or anticipated litigation or contract negotiation other than in subsection b(4) in which the public body is, or may become a party and/or any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer; and

WHEREAS, pursuant to N.J.S.A. 10:4-12(b)(8), the City of Bayonne, may exclude the public from that portion of a meeting wherein the City of Bayonne desires to discuss any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

WHEREAS, pursuant to N.J.S.A. 10:4-12(b)(8), the City of Bayonne, may exclude the public from that portion of a meeting wherein the City of Bayonne desires to discuss any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.

WHEREAS, it is necessary and appropriate for the City of Bayonne to discuss certain matters in a meeting not open to the public consistent with N.J.S.A. 10:4-12(b); and

WHEREAS, the general nature of the subjects to be discussed within the executive session meeting shall be (1) a matter involving the termination of employment; and

WHEREAS, it is the intention of the City of Bayonne to keep reasonably comprehensible minutes of this executive session meeting pursuant to N.J.S.A. 10:4-14 and to make said minutes available to the general public after the finalization of the issues involved consistent with N.J.S.A. 10:4-13; now, therefore, be it

RESOLVED, that the City of Bayonne shall now recess to an executive session in order to discuss the matters set forth above; and be it further

RESOLVED, that the City of Bayonne SHALL reconvene to public session at the conclusion of the executive session; and, be it further

RESOLVED, that no formal action will be taken in executive session and, in the event that formal action needs to be taken, it will take place in the public session at the conclusion of the executive session.

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

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At 8:02 P.M., Council Member LaPelusa motioned to reconvene, seconded by Council President Nadrowski, which motion was adopted.

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

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

WHEREAS, the City of Bayonne employs RICHARD SVERCAUSKI as a police officer at 630 Avenue C, Bayonne, New Jersey; and

WHEREAS, is an active member of the PFRS; and

WHEREAS, RICHARD SVERCAUSKI has in excess of 20 years of PFRS Service Credit, meeting the minimum service credit requirement of at least 4 years of PFRS members; and

WHEREAS, based on the documentation supplied by professionals retained by the City of Bayonne, the City of Bayonne is of the opinion that RICHARD SVERCAUSKI is totally and permanently disabled and is no longer able to perform his assigned duties; and

WHEREAS, the City of Bayonne is unable to provide an alternative to the PFRS covered position with duties capable of being performed by said RICHARD SVERCAUSKI; and

WHEREAS, the Business Administrator, Public Safety Director and Chief of Police have consented to the processing of the Involuntary Disability Retirement application for RICHARD SVERCAUSKI; now, therefore, be it

RESOLVED, as follows:

1. That the Business Administrator, Public Safety Director and Chief of Police are hereby authorized to process an Involuntary Disability Retirement application for RICHARD SVERCAUSKI.

2. Copies of this resolution shall be forwarded to all parties involved in this administrative action.

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

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At 8:04 P.M., Council President motion to adjourn, seconded by Council Member Perez, which motion was adopted.

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

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____________________________________
President - Sharon A. Nadrowski

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Clerk - Robert F. Sloan