

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, OCTOBER 21, 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 October 21, 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 October 16, 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.

* * * * *

01. PJ Leonard addressed the council with the following statement:

Knowing my experience as a political operative in past Jersey City municipal elections, I was asked by Mayor Davis in November of 2013 to help him with his June 2014 mayoral campaign. I have known Mayor Davis since we played Pony League Baseball when we were 13 years old. (which for the people that don't live here or never lived here is on 1st street adjacent to the Little League field) With no hesitation I told him I will not only help but seek out others that might also be interested in helping. Let's not fool ourselves and make it seem we are all righteous constituents here. Most of us are locals who get involved for one reason or another, whether looking for notoriety, jobs or contracts. There is always an angle. The rest are out of town opportunist like Mr. DeMarco and Mr. Wondolowski who seek financial gain while having you believe that this is just a job. You see I was the one who introduced the Mayor to Mr. Wondolowski and he in turn introduced the mayor to Mr. DeMarco and for this I apologize to the people of Bayonne.

During the course of the campaign I was privileged to many conversations about what could be done to personally benefit financially. For example the real estate deals being done through Keller Williams where Mr. Wondolowski is an agent, or Mr. DeMarco advising developers to use law firms that are supporters of Mayor Davis. Like the one Nicholas Chiaravalloti has been with since Mayor Davis won the campaign. We don't really think it is a coincidence that Little Nicky took a job at Weiner Lesniak and developers fired their lawyers and hired Weiner Lesniak to represent them. Do we? Or utilizing a consulting company like Suburban Terrace Inc which is spearheaded by Mr DeMarco's friend Jeff Meyers who consults for the Mayor and Carroll Engineering in which the latter received a substantial contract from the city. Maybe this is all a coincident?

I was personally singled out by Mr. DeMarco cause I don't bow down to him or refuse to allow him to intimidate me like he does others and give in to is arrogant Napoleon complex. He even lowered himself by instructing Mr. Coffey and the law dept to seek discipline action after I supposedly referred to him as a SCUMBAG. A word that is in the Merriam-Webster dictionary that is defined as; and I quote, "a dishonest, unkind, or unpleasant person." Well if you walk like a duck and talk like a duck you must be a duck. Initially there was no complainant or was there anyone named who I was supposed to have referenced this statement to. It amazes me that Mr. Coffey and the law dept would try to bring disciplinary action against me for supposedly using the "S" word in a confined office that was

occupied by another male coworker and a male Davis supporter who frequents not only city hall but especially the office the coworker and I shared. Three men who usually talk rash amongst themselves daily and consider it normal.

It amazes me that the "F" word is and was used by the mayor, some of the city council, Mr. DeMarco, Mr. Wondolowski and Mr. Coffey on a regular basis. Mr. Coffey even used the "F" word in the meeting while he was informing me about the "S" word incident. How ironic? I thought the "F" word always trumped the "S" word. So now for tomorrow Mr. DeMarco has hired, using city monies an outside law firm he had dealings with prior to Bayonne, to argue a claim that I used the "S" word so he can try to blemish my clean record as a City of Bayonne employee. How much will this cost the city? Please tell me now. Is there other avenues to utilize these monies.

Some will say I am complaining and exposing all the wrong doings of city hall because I was not giving a salary I was promised. Well that is 1/2 true. I was only seeking a salary that someone can live on. I was originally promised by the mayor to receive \$50,000 dollars to handle constituent services back in November 2013 prior to Mr. DeMarco entering the campaign. A job that the last administration paid their employee \$75,000 dollars. Instead Mr. DeMarco thought I should start as a clerk and be paid \$35,000. This is a man that feels 2% raises for city employees is a good thing, while he tries to negotiate with the city council a 25% raise for him and his school boy chum Mr. Wondowlowski using the mayors influence. So they can pay their Bernardsville and Jersey City taxes. While our own city employees cannot afford to live in their own town. If the concern for the budget reflected lower wages why did you add over \$2million in new salaries and benefits.

After reading on NJ.com about the City of Kearny illegally paying benefits to the part time council against state statue I made protected communications to the State of New Jersey, Civil Service that Part Time Council Members in the City of Bayonne were receiving illegal Health Benefits (repayment which has not been made). Will these premiums be paid back to the city? Mr. Demarco do we not know the law? Is this why other city workers have been penalized because in the words of the front office, "PJ made this happen."

I also made protected communications regarding the UEZ's utilization of certain media outlets, i.e. Hudson County TV has received over \$20,000 dollars in ill gotten ad revenue from the City of Bayonne's UEZ. This was directed by Joe DeMarco to Terrence Malloy (Head of the UEZ). The City of Bayonne has never utilized Hudson County TV prior to this administration. This is a You Tube North Hudson outlet. Hudson County TV provides no audience for the City of Bayonne and does not justify spending \$20,000 dollars. It was used in the campaign to benefit Mayor Davis on Joe DeMarco's insistence. They supposedly exposed the taping of the fireman in the firehouse during the campaign, while it was actually Mr. DeMarco who gave the tape to Hudson County TV.

I also exposed favors done for Mr. Wondolowski's friends that put his friends in front of over 150 city residents that have been waiting over a year to have their trees trimmed. I guess if someone and his fellow benefactors stand to make over \$400 thousand in real estate commissions what is wrong with trimming a little tree and making others wait.

Last but not least I made protected communications involving an engineering firm's \$5,000.00 unreported cash contribution giving to Mr. DeMarco to assist with the Davis election campaign effort. The engineering company in turn received a professional service contract with the City of Bayonne. So I guess you can pay to play if giving to the right person.

To the council I ask you to step up and correct these wrong doings and start to realize what is really going on here. There has been numerous decades of friendships destroyed and splintered because of financial greed. If this continues you will be sitting with the crowd and not up there in three years. There have been countless times I have come to you individually and has a group to correct or stop this insanity, but whether it was inexperience or blindness, nothing was done. I ask you now to correct the wrong being done to the City of Bayonne and to others who weren't deserving of these cruel acts.

I am sure after I leave this rostrum there will be allies of Mr. DeMarco and Mayor Davis that will try to soil my name. To them I say don't bother. For everyone of you who say something negative I have 200 who will speak highly of me. I will take that percentage. I never hid who I was, who I am and who I will be.

* * * * *

02. Matthew Kopko addressed the council on general city matters.

* * * * *

03. The Clerk announced:

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” which was introduced and passed a first reading at a meeting held September 16, 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 October 21, 2015, is now before the Council for its consideration and a public hearing.

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

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

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

The Clerk read the ordinance by title: “AN ORDINANCE 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”

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

There was no response - no person appearing to protest against or object to the ordinance or to its passage.

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

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

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

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

WHEREAS, an ordinance entitled, “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 13, SWIMMING POOL, DOCKS, DON AHERN VETERANS MEMORIAL STADIUM, PUBLIC BOAT RAMP, MUNICIPAL PARKS AND PLAYGROUNDS AND BAYONNE PUBLIC LIBRARY AND BAYONNE MUSEUM” was introduced and passed a first reading at a meeting held September 16, 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 October 21, 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-15-34.

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

* * * * *

04. The Clerk announced:

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,” which was introduced and passed a first reading at a meeting held September 16, 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 October 21, 2015, is now before the Council for its consideration and a public hearing.

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

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

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

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

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

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

The Clerk 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 President Nadrowski 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 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," was introduced and passed a first reading at a meeting held September 16, 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 October 21, 2015; and

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

WHEREAS, the redevelopment plan was prepared by and forwarded to the Municipal Council by the planning board; 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-15-35.

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

* * * * *

05. The Clerk announced:

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," which was introduced and passed a first reading at a meeting held September 16, 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 October 21, 2015, is now before the Council for its consideration and a public hearing.

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

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

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

The Clerk read the ordinance by title: "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR A TRACT OF LAND KNOWN AS THE TEXACO REDEVELOPMENT AREA,"

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

The following persons spoke: Matthew Kopko - 105 West 8th Street
Leonard R. Kantor - 102 West 3rd 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 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, "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," was introduced and passed a first reading at a meeting held September 16, 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 October 21, 2015; and

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

WHEREAS, the redevelopment plan was prepared by and forwarded to the Municipal Council by the planning board; 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-15-36.

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

* * * * *

06. The clerk announced:

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. ,"which was introduced and passed a first reading at a meeting held September 16, 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 October 21, 2015, is now before the Council for its consideration and a public hearing.

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

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

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

The Clerk read the ordinance by title: "ORDINANCE OF THE CITY OF BAYONNE COUNTY OF HUDSON APPROVING A FINANCIAL AGREEMENT WITH 190 W. 54TH STREET URBAN RENEWAL ASSOCIATES, L.L.C. ,"

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

The following persons spoke: Joseph Nichols - Tax Assessor
Leonard R. Kantor - 102 West 3rd Street
Christopher Baker - Baker Residential
Tom Solari - 14 Sunset Avenue

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 President Nadrowski 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 APPROVING A FINANCIAL AGREEMENT WITH 190 W. 54TH STREET URBAN RENEWAL ASSOCIATES, L.L.C. ," was introduced and passed a first reading at a meeting held September 16, 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 October 21, 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-15-37.

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

Nay - Council Member LaPelusa.

* * * * *

07. The Clerk announced:

AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC," which was introduced and passed a first reading at a meeting held September 16, 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 October 21, 2015, is now before the Council for its consideration and a public hearing.

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

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

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

The Clerk read the ordinance by title: "AN ORDINANCE 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 Cotter 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 to amend, seconded by Council President Nadrowski, which was read by the Clerk and adopted.

WHEREAS, the foregoing ordinance as introduced contains certain errors in the zone numbers assigned, and one of the recipients has died; now, therefore, be it

RESOLVED, that the following amendments be made to the ordinance as introduced: (New material bold printed and underlined, deletions ~~{within brackets}~~)

240. ~~{019.}~~Maureen Sullivan for her father, Carmen Manna, 40 West 12th Street
(no changes in the description)

~~{037. Francine Petrowski, 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.}~~

089. ~~055.~~ Sophia Nolan, 10 Centre Lane
(no changes in the description.

Council Member Cotter moved the following resolution, seconded by Council Member LaPelusa, 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 September 16, 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 October 21, 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; and

WHEREAS, said ordinance was amended at this meeting, which amendments do not materially alter the subject matter of the ordinance; now therefore, be it

RESOLVED, that the said ordinance be passed and designated as Ordinance No. O-15-38.

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

* * * * *

08. Council President Nadrowski introduced:

ORDINANCE OF THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, NEW JERSEY, AUTHORIZING THE ACQUISITION OF REAL PROPERTY KNOWN AS BLOCK 221, LOT 26 (426-428 BROADWAY) FROM TWO PALISADES ASSOCIATES, A NEW JERSEY GENERAL PARTNERSHIP

WHEREAS, there is within the City of Bayonne ("City"), certain real property known as Block 221, Lot 26 on the official tax map of the City (426-428 Broadway) (hereinafter "the Property"), as more particularly described in the attached survey by Carroll Engineering dated October 20, 2015, which the City believes is appropriate for acquisition for open space and other redevelopment; and

WHEREAS, the City has had the property independently appraised at a value of \$900,000.00; and

WHEREAS, the City and the record owners of the properties are interested in concluding bona fide negotiations and entering into a contract (a copy of which is attached hereto) whereby the City will acquire the property by way of mutual agreement and pay the record owner of Block 221, Lot 26 the sum of \$900,000.00 in order to acquire the property; and

WHEREAS, the City is acquiring the property consistent with its authority to acquire privately-owned land for public purposes, pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq., and wishes to memorialize its authority to acquire the property consistent with law and pursuant to this Ordinance; and

WHEREAS, sufficient funds have been appropriated by the City in order to acquire the subject property;

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

1. The City of Bayonne does hereby authorize the Mayor, Business Administrator and Clerk to take all steps necessary and legally required to conclude and close the purchase of the property, with a purchase price not to exceed \$900,000.00, subject to the conditions set forth in this Ordinance above and subject to legal review and approval.

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

BE IT RESOLVED, that an ordinance entitled "ORDINANCE OF THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, NEW JERSEY, AUTHORIZING THE ACQUISITION OF REAL PROPERTY KNOWN AS BLOCK 221, LOT 26 (426-428 BROADWAY) FROM TWO PALISADES ASSOCIATES, A NEW JERSEY GENERAL PARTNERSHIP," just introduced, do now pass a first reading and that a meeting of this Council to be held Tuesday, November 10, 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.

Nay - Council Member LaPelusa.

* * * * *

09. Council Member Perez introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 4, LICENSING, REGISTRATION AND BUSINESS REGULATIONS

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 4, Licensing, Registration and Business Regulations, Section 24, Sale of Secondhand Gems and Precious Metals, be amended and supplemented as follows: (New material **Between Asterisks, bold printed and underlined**, deletions ~~{within brackets}~~)

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 4, LICENSING, REGISTRATION AND BUSINESS REGULATIONS, SECTION 24, ~~{SALE OF SECONDHAND GEMS AND PRECIOUS METALS}~~ ****ELECTRONIC REPORTING SYSTEM FOR DEALERS IN PRECIOUS METALS AND OTHER SECONDHAND GOODS****

****4-24. 1 Purpose and intent.**

The purpose and intent of this chapter is to assist law enforcement officials and victims of crime in recovering stolen precious metals and other secondhand goods by requiring minimum identification, reporting, maintenance, and distribution criteria for licensed dealers in these goods.

No person shall use, exercise, or carry on the business, trade, or occupation of the buying, selling, or pawning of precious metals or other secondhand goods without complying with the requirements of this chapter in the exact manner described herein.**

4-24. ~~{1}~~ ****2**** Definitions.

As used in this section:

“Acceptable Identification” means a current valid New Jersey Driver’s License or Identification Card, a current valid photo driver’s license issued by another U.S. state, a valid United States Passport, or other verifiable U.S. Government issued identification, which shall be recorded on the receipt retained by the dealer and subsequently forwarded to the local police department on request.

“City Clerk” means the statutory officer whose duties are defined in N.J.S.A. 40A:9-133 and may refer to the duly appointed clerk of the city. (1972 Code Sect 7-20.2)

“Chief of Police” means the Chief of the Bayonne Police Department or his/her designee.**

“Dealer” means any person, partnership ****Limited Liability Company,**** corporation, ****or other entity**** who ~~{through any means, buys sells, barter, exchanges or accepts for credit or other value secondhand gems or precious metals}~~ ****either wholly or in part,** engages in or operates any of the following trades or businesses: the buying for purposes of resale of precious metals, jewelry, or other secondhand goods as defined herein; itinerant business as defined herein. For the purposes of this ordinance, transient buyers, as defined herein, are subject to the same licensing and reporting requirements as any other dealers.**

~~**{Gems shall mean any precious stones including diamonds, jewels, precious and semi-precious stones.}**~~

“Itinerant Business” means a dealer who conducts business intermittently within the municipality or at varying locations.

“Pawnbroker” means any person, partnership, association or corporation: lending money on deposit or pledge of personal property, other than chooses in action, securities, or printed evidences of indebtedness; purchasing personal property on condition of selling it back at a stipulated price; or doing business as a furniture storage warehousemen and lending money on goods, wares or merchandise pledged or deposited as collateral security.**

“Precious metals” means gold, silver, platinum, palladium, and ****their**** alloys ~~{thereof, in any form}~~ ****as defined in N.J.S.A. 51:5-1 et seq. and N.J.S.A. 51:6-1 et seq.****

~~**{Purchasing shall mean and include receiving gems and precious metals and all forms of previously owned jewelry and paying an amount of money, or other thing of value such goods, services, other jewelry, any product, or credit of any kind for such receipt.}**~~

“Public” means individuals and retail sellers, not to include wholesale transactions or transactions between other merchants.

“Reportable Transaction” means every transaction conducted between a dealer and a member of the public in which precious metals, jewelry, or any other secondhand goods as defined herein are purchased or pawned.

"Secondhand Goods" means used goods such as antiques, gold, silver, platinum, or other precious metals, jewelry, coins, gemstones, gift cards, any tools, cellular telephones, smart phones, GPS devices, computers, mobile computers, computer hardware and software, televisions (except cathode ray tube type) , radios, record or stereo sets, electronic devices, musical instruments, sporting goods, automotive equipment, collectibles, video game systems, game cartridges, DVDs, CDs, and other electronically recorded material, firearms, cameras and camera equipment, video equipment, and other valuable articles. For the purposes of this ordinance, secondhand goods shall not include goods transacted in the following manner: i) judicial sales or sales by executors or administrators; ii) occasional or auction sales of household goods sold from private homes; iii) auctions of real estate; iv) the occasional sale, purchase, or exchange of coins or stamps by a person at his permanent residence or in any municipally owned building who is engaged in the hobby of collecting coins or stamps and who does not solicit the sale. Purchase, or exchange of such coins or stamps to or from the general public by billboard, sign, handbill, newspaper, magazine, radio, television, or other form of printed or electronic advertising.

"Seller" means a member of the public who sells or pawns goods such as precious metal, jewelry, or other secondhand goods to a dealer.

"Transient Buyer" means a dealer, as defined herein, who has not been in a registered retail business continuously for at least six (6) months at any address in the municipality where the Dealer is required to register or who intends to close out or discontinue all retail business within six (6) months.**

4-24.{2} ~~**3** {License Required}~~ **License Requirement for Dealers**

~~{It shall be unlawful for a dealer to engage in the business of purchasing gems and precious metals, and all forms of previously owned jewelry, without first obtaining a license from the City Clerk. (1972 Code §7-20.2)}~~

** A. No person, partnership, Limited Liability Company, corporation, or other entity shall engage in the business of buying, selling, or pawning of precious metals or other secondhand goods, as defined above, within the municipality, without having first obtained a license therefore from the City Clerk, which license shall bear a number issued by the City Clerk.

B. The application for a license to the City Clerk shall set forth the name, date of birth, and address of the dealer, whether or not he/ she is a citizen of the United States, and whether or not he/ she has ever been convicted of any crime(s), disorderly persons offense(s), or municipal ordinance violation(s), and the date(s) thereof.

C. Advertising in any print or electronic media or by sign that any of those articles or secondhand goods referred to in §2 above are being bought in any location within the municipality shall constitute engaging in business as a dealer of secondhand goods for the purpose of this chapter. No person, partnership, Limited Liability Company, corporation or other entity shall place or cause to be placed any advertisement for purchase of such articles or goods without stating in the advertising the license number issued to a person or entity by the municipality. In any print advertisement, the license number shall be visibly or audibly stated. Failure to state or indicate the license number shall be a violation of this chapter and shall be subject to penalties established in §9.

D. Licensees may not operate at any location other than site specified in the license. Licensees operating at multiple locations must have each location separately licensed. Each location must be permanent. Itinerant businesses and transient buyers, as defined in § 4-24.2 above, are not eligible for licensure and are prohibited from operating in the City.**

[4-24.3 License Fees; Term.]

~~[A fee for the initial license shall be two hundred fifty (\$25.00) dollars, non-refundable. Each annual renewal fee shall be fifty (\$50.00) dollars. The license shall be valid for a period of one (1) year from the date of issuance. (1972 Code §7-20.3; Ord. No. O-12-02 §3)]~~

4-24.4 Application{ } **Process for dealers; approval or denial**

A. Upon receipt of an application the City Clerk shall refer such application to the Chief of Police who shall make an investigation of the prospective licensee within thirty

(30) days for the purpose of determining the suitability of the applicant for licensing. Such investigation shall include, but shall not be limited to the following:

1. The experience of the applicant in the business of purchase and sale of ~~{precious metals and related business such as jewelry and coins}~~ **those articles or goods referred to in §2 above,** although nothing in this section shall be construed to warrant denial of a license solely on the basis of lack of experience;
2. The reputation of the applicant for fair dealing in the community, which shall be made among credible sources, which sources shall be disclosed to the applicant in the event of a denial of any license;
3. Any criminal record of the applicant **including any past convictions for any crime(s), disorderly persons offense(s), or municipal ordinance violation(s) within this or any other jurisdiction. The Chief of Police may, as part of the application process, require fingerprint criminal background check through the Federal Bureau of Investigation, Criminal Justice Information Services Division, which may require an additional fee from the applicant;**
4. The type of operation contemplated to be conducted by the applicant, particularly whether the business is to be operated from a fixed ~~{or transient}~~ location, whether it is to be conducted from a location primarily devoted to the purchase and sale of precious metals ~~{and related items}~~ **or other secondhand goods,** and **other factors bearing on** whether the licensed business will be of a fixed and permanent nature. ~~{However,}~~ this section shall not be ~~{cause}~~ **construed** to ~~{deny a}~~ **require denial of any** license solely on the grounds that the business is not from a fixed location **or that the applicant is a transient buyer or itinerant business, however applicants who fall under the category of a transient buyer or itinerant business must state with specificity on the license application the business address where transaction records required by §6(D) of this chapter will be stored as well as the location where purchased goods will be retained during the mandatory inspection period required under §6(A). **

B. **The Chief of Police shall complete any investigation pursuant to this chapter within thirty (30) days of the submission of the application to the City Clerk, fully completed by the applicant.** If a criminal record check has been requested within the thirty (30) day period and has not been received from the Chief of Police within that period, the Chief may, if all other factors are satisfactory, recommend a conditional issuance of the license subject to the finding regarding the criminal record.

C. The Chief of Police, upon completion of the investigation, shall recommend in writing to grant or deny the requested license to the City Clerk, who shall grant or deny the license according to the recommendation. In the case of recommending denial, the Chief of Police shall state fully and specifically the reasons for the recommendation. If the Chief of Police recommends denial of any license, the City Clerk shall notify the applicant within ten (10) days of such denial, and forward to the applicant a statement of the reason or reasons for such denial.

D. **Grounds for recommending denial of license may include reliable information indicating that the applicant has in the past engaged in fraudulent or deceptive business practices in a business identical to or similar to a dealer in secondhand goods. A license may be denied if the investigation reveals a conviction of the applicant or any of its principal officers or employees of any crime(s), disorderly persons offense(s) in which deceit or misrepresentation is an element; or any conviction of any crime(s) disorderly persons offense(s) involving theft or the receiving of stolen goods, regardless of whether the applicant was a principal, accessory before the fact, after the fact, or a co-conspirator; or any prior municipal ordinance violation(s) by the applicant or any of its principal officers or employees in this or any other jurisdiction. A license may be denied if the applicant fails to demonstrate an ability to satisfactorily comply with the electronic reporting requirements specified in §5, the retention and inspection requirements of §6, or any other portion of this chapter. Upon receipt of the recommendation of the Chief of Police, the City Clerk shall issue or deny the license accordingly, contingent upon the receipt of a bond as required by §8 of this chapter.**

E. ~~{The applicant shall have ten (10) days after receipt of a denial to request reconsideration by the Municipal Council. Such a request shall be filed in writing with the City Clerk, setting forth in detail the grounds for the appeal. The applicant shall be entitled to a hearing at which time the applicant shall be permitted to introduce such evidence as he shall deem proper. The burden of proof in any such hearing shall be on the applicant. A decision shall be rendered by the Municipal Council at the hearing or~~

~~at the next regularly scheduled Municipal Council meeting. (1972 Code Sect. 7-20.4)~~
**Whenever any application for permit is denied, the applicant shall be entitled to a hearing before a three-person panel appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such denial. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of denial of a license to act as a dealer of secondhand goods.

F. No license shall be assignable by the dealer.**

4-24.5 ~~(Regulations.)~~** Identification of seller; recordkeeping requirements for dealers

For every reportable transaction between a dealer and the public, the dealer shall be required to do as follows.**

A. ~~{All dealers shall require of each person selling precious metals and/or gems two (2) forms of identification, e.g., a driver's license, social security card, or a County identification with picture. No purchases may be made from a person under eighteen (18) years of age.}~~

Require of each person selling or pawning precious metals or other secondhand goods acceptable identification as defined above in §2.

B. **Require each seller to execute a "Declaration of Ownership," which shall contain the following certification: "My signature confirms that I am the sole legal owner of and am legally authorized to sell the goods being sold. By signing below I certify that I did not obtain and do not possess the identified goods through unlawful means. I am the full age of eighteen years and the identification presented is valid and correct."**

C. ~~{All dealers shall issue to each seller a numbered receipt, numbered consecutively, with the number on the seller's copy and the buyer's copy. Such receipts must be in the form of a permanent type ledger book in which the buyer's copy will remain intact, and contain the following information:}~~

Record and issue to each person selling or pawning such goods on a sequentially numbered receipt:

1. A complete and detailed description of the item** (s) and the manufacturer and model of the item(s) if known; in the case of jewelry, the descriptions must include style, length, color, design, and stones, if any;** any identifying marks, **including numbers, dates, sizes, shapes, initials, names, monograms,** social security number engraved thereon, serial numbers, series number, or any other information appearing calculated to set apart the particular object sold from others of like kind; ~~{or a photograph thereof provided any such identifying marks or information are also noted.}~~
2. ~~If {purchased by weight,}~~ ** precious metals, the net weight in terms of pounds** (the) troy, {ounce weight of the item} **pennyweight (Troy) or kilograms/grams; fineness in terms of karats for gold, and sterling or coin for silver, in accordance with N.J.S.A. 51:5-1, N.J.S.A. 51:6-1 et seq.;**
3. The date **and time** of the ~~{purchase}~~ **transaction;**
4. The price paid for the ~~{item}~~ **purchase or pawn of the item(s);**
5. The name, **address, and telephone number of the purchaser, including the clerk or** employee of the ~~{dealer}~~ licensee making the transaction ~~{legibly set forth;}~~
6. The permanent business address and license number of the dealer;
7. The name, address, **date of birth, and** ~~{signature}~~ ** telephone number** of the seller or sellers;

** (8) A photographed recording of the seller in a format acceptable to the Chief of Police, along with a physical description of the seller, including height and weight (approximate), hair color, eye color, facial hair, if any, etc.;

(9) A photographed recording of the seller's acceptable identification, as set forth in §2, in a format acceptable by the Chief of Police;

(10) A photographed recording of all items sold in a format acceptable by the Chief of Police. When photographing, all items must be positioned in a manner that makes them readily and easily identifiable. Items should not be grouped together when photographing or imaging. Each item should have its own photograph;

(11) The receipt number.**

These records shall be subject to inspection by any representative of the Bayonne Police Department duly authorized for this purpose by the Chief of Police.

~~D. {If for any reason a page is missed and a sale is recorded on the following page, the page missed must be marked VOID across the entire page on both copies. A copy of these receipts must be kept for a period of one (1) year, setting forth the information in paragraph b. hereof;}~~

The information outlined in subsection (C) above, must additionally be electronically documented through the use of an electronic database system authorized by the Chief of Police. Installation and training in this software will be made mandatory as of the effective date of this chapter and licensing will be conditional upon compliance with proper use of the system as described herein. These records shall be subject to the inspection of any authorized police officer or any sworn law enforcement officer acting in the performance of their duty as set forth in subsection (F) below. Through the use of applicably required computer equipment, and using the electronic format approved by the Chief of Police, every dealer shall enter all reportable transactions into the electronic database by the end of the close of business on the same date as the purchase or receipt of property for pawn or consignment. The information entered must contain all pertinent information in subsection (C) above.

~~E. {In any print advertisement, the license number shall appear in type no smaller than eight point in the lower right hand corner of the advertisement. In any advertisement in the electronic media, the license number shall be visually or audibly stated. Failure to state or indicate the license number shall be a violation of this section;}~~

In the event of a database failure, or dealer's computer equipment malfunction, all transaction information is required to be submitted on paper forms approved by the Chief of Police within twenty-four (24) hours from the date of purchase. In the event that paper forms are used, the dealer is responsible to enter all transaction information set forth in subsection (C) above into the database as soon as possible upon the dealer's equipment being repaired or replaced, or the database coming back into service. Failure by the dealer to properly maintain computer equipment in a reasonable fashion, or failure by the dealer to replace faulty computer equipment, may result in the dealer being cited for a violation of this chapter and subsequently being subject to the penalties for doing so including revocation of the dealer's license as described in §6.

~~{No dealer shall sell, melt, change the form of, or dispose of any article bought or received within ten (10) days after said article is recorded and purchased;}~~

It shall be the requisite duty of every dealer, and of every person in the dealer's employ, to admit to the premises during business hours any member of the police department to examine any database, book, ledger, or any other record on the premises relating to the reportable transactions of precious metals or other secondhand goods, as well as the articles purchased or received and, where necessary, relinquish custody of those articles as provided in §6. Itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the address where these records and articles will be stored.

~~G. {The Bayonne Police Department will supply each dealer with three inch by five inch (3" x 5") dealer's reports and mailing envelopes. The dealer's report will contain the following information: type of article, sex, (of most probable wearer, if appropriate), material, serial number, stones (type), number of stones, weight, setting, inscriptions, etc., make of maker's name, design, value, color, size, number of items involved in transaction, date of purchase, amount paid, purchase, amount paid, purchase number, name of dealer, dealer's address, seller's name, address, type of identification used. This dealer's report shall be forwarded to the Bayonne Police Department no later than the day following the date of purchase, either through the mail or by hand delivery to the police desk of the Bayonne Police Department. (1972 Code Sect. 7-20.5)}~~

4-24.6 **Retention; revocation; other restrictions

A. All precious metals and other secondhand goods purchased, received for pawn, or received for consignment as described above, are to be made available for inspection by the Chief of Police or designee thereof at the designated business address for a period of at least ten (10) calendar days from the date the transaction information is actually reported to the Chief of Police in the approved manner described above in §5. Jewelry also must be maintained for at least ten (10) business days, the statutory period provided in N.J.S.A. 2C:21-36(d). All precious metal or other secondhand goods subject to inspection must remain in the same condition as when purchased or received for pawn and shall not be sold, disposed of, changed, modified, or melted by the dealer until the ten-day retention period has expired. Itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the location where the purchased item(s) are being held.

B. Upon probable cause that goods held by a dealer are stolen, and providing that the seller signed the mandatory statement required by §5(B) upon the sale of those goods, a law enforcement officer with jurisdiction should charge the seller with theft by deception under N.J.S.A. 2C:20-4 on behalf of the dealer, who shall be considered the "victim" of the offense for the purposes of N.J.S.A. 2C:43-3. The officer shall seize the goods, provide the dealer with a receipt, and issue a criminal complaint against the seller for theft by deception and any other criminal charges for which the officer has probable cause that the seller has committed. If convicted of theft by deception and if so found by an order of a court of valid jurisdiction, the seller will be responsible for providing restitution to the dealer under N.J.S.A. 2C:44-2 for the amount paid by the dealer to the seller for the stolen goods.

C. If market conditions would create a hardship on the dealer by holding precious metals or other secondhand goods for such period, the dealer may present the property to the Chief of Police in order that it may be photographed and, if deemed necessary by the Chief of Police, an investigation may be implemented. The Chief of Police shall have the authority to grant the dealer a waiver of the requirement under this section.

D. In addition to all other reporting requirements, every dealer shall maintain for at least five years, a written record of all purchases of precious metals and other secondhand goods in the form prescribed in §5(C).

E. No dealer shall purchase any item covered by this chapter from any person under the age of 18 or in the absence of providing prior notification of such purchase to the Chief of Police or business designee identifying the individual from whom such purchase is to be made and the item to be purchased.

F. *Suspension.* The Chief of Police or a designee thereof is hereby empowered to temporarily suspend for cause any dealer's license and rights to operate there under. This penalty shall be in addition to any fines and penalties the dealer may incur pursuant to §9 of this chapter.

(1) *Grounds for suspension.* The following shall constitute grounds for suspension: violation of any provisions of this chapter, including failure to comply with any training or fees associated with the electronic database software system in use by the municipality; violation of any other statute, regulation, or local ordinance; or any other illegal, improper, or fraudulent activity.

(2) *Procedure for suspension.* Upon determination that appropriate grounds exist and that a suspension is warranted, the Chief of Police or a designee thereof shall issue a written notice of suspension of license to the offending dealer and to the City Clerk, which shall set forth the grounds for the suspension and notify the dealer of his or her right to appeal pursuant to subsection (H). A temporary suspension shall issue immediately, pending the outcome of any appeal taken. Suspended dealers must immediately cease engaging in the business of purchasing for resale, receiving for pawn, and/or selling of precious metals and/or other secondhand goods in the municipality until reinstatement.

(3) *Reinstatement.* Suspended dealers may be reinstated only when the grounds leading to the suspension have, in the determination of the Chief of Police or the Chief's designee, been cured, corrected, or appropriately rectified; or if reinstatement is deemed appropriate by the three-person panel appointed by the Chief of Police, upon the timely filing of an appeal as provided in subsection (H).

G. Revocation. A license issued under this chapter may be revoked by the City Clerk upon written recommendation from the Chief of Police or the Chief's designee that the dealer is no longer qualified, capable or competent to comply with the requirements of this chapter. This penalty shall be in addition to any fines and penalties the dealer may incur under §9.

(1) Grounds for revocation. The following shall constitute grounds for revocation: a third violation under this chapter; a second violation under this chapter less than one year after an earlier violation under this chapter; conviction for a criminal offense within this or any jurisdiction; or multiple violations of any other regulations or local ordinances within this or any jurisdiction.

(2) Procedure for revocation. Upon a determination that appropriate grounds exist and that a revocation is warranted, the Chief of Police or the Chief's designee shall so report to the City Clerk in writing. A temporary suspension will immediately and automatically issue, if one is not already in effect, pending the outcome of the charge. A three-person panel, appointed by the Chief of Police, shall review the stated grounds for revocation and the panel shall issue an appropriate disposition of suspension, revocation, or reinstatement. If the panel determines that revocation is the appropriate disposition, it shall set forth the grounds for the same in writing in the form of a notice of revocation, which shall be provided to the dealer. The notice shall advise the dealer of the right to appeal. If the panel determines that suspension is the appropriate disposition, it shall provide the dealer with a notice of suspension that shall advise the dealer of the right to appeal. Following revocation, the dealer must relinquish his or her license and must immediately and indefinitely cease operating as a dealer of precious metals or other secondhand goods within the municipality.

H. Appeal. Any applicant wishing to appeal an issuance of a suspension or revocation shall be entitled to a hearing before a three-person panel, appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such suspension or revocation. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of revocation or suspension of license.

I. A dealer shall have the right to change the location of the licensed business, provided that he or she notifies the City Clerk, in writing, of the street address of said new location.

4-24.7 Bond Requirement.**

Each dealer **covered under this chapter** shall deliver a bond to the City Clerk executed by the ~~{dealer}~~ **applicant** as principal ~~{with}~~ **and executed by a** surety company authorized to do business under the laws of the State of New Jersey as surety. The bond, to be approved by the City Attorney^{**}, as defined in N.J.S.A. 40A:9-139,^{**} shall be in the **penal** sum of ten thousand (\$10,000) dollars **conditioned for the due and proper observance of and compliance with the provisions and requirements of all ordinances of the municipality in force or which may be adopted respecting the conduct of this business and conditioned also that the bond shall be and remain for the benefit of any person or persons who shall have received judgment against the dealer licensed under this chapter, which damage shall be established by a judgment of a court of proper jurisdiction. This bond shall contain the following language:

"The obligation of this bond shall, in addition to the City of Bayonne, be and remain for the benefit of any person who shall obtain a judgment against the obligor as a result of damage sustained in operation pursuant to any license granted under this chapter." (1972 Code Sect. 7-20.6) Said bond shall be kept for a minimum of one year from the date of issuance of license and must be renewed annually along with the license.

4-24.8 Fees; period of license validity.

A nonrefundable fee for initial application and license for a pawnbroker or a dealer in precious metals or other secondhand goods, as covered under this chapter, is \$300. The annual renewal fee for a license is \$250. These fees are separate from and in addition to any fees the dealer must pay in relation to the mandatory electronic database system designated by the Chief of Police, as provided by §5(D) of this chapter. Payments are to be made in the manner directed by the City Clerk. A license is valid for a one-year period from the date of its issuance.

4-24.9 Violations and penalties.

Violation of any provision of this chapter by any dealer shall, upon conviction thereof, be punished by a fine not in excess of the limitations of N.J.S.A. 40:49-5 or by a term of imprisonment or a period of community service not exceeding ninety (90) days in addition to a suspension or revocation of operating license as provided in §6(F) and §6(G) above. Each and every violation shall be considered a separate violation. Each violation shall result in an additional suspension period. Any person who is found guilty of violating the provisions of this chapter within one year of the date of a previous violation and who was fined for the previous violation may be sentenced by the court to an additional fine as a repeat offender and, in addition, may be subject to revocation proceedings as provided in §6(G). The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this chapter.

4-24.10 Time limit for conformance; repealer; severability.

A. Any person, partnership, Limited Liability Company, corporation, or other entity engaging in the business of a pawnbroker, or a dealer in precious metals or other secondhand goods shall conform to the provisions of this chapter within ninety (90) days following the effective date of this chapter.

B. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

C. Nothing contained in this chapter is intended to replace any pre-existing statutory requirements governing pawnbrokers, as in N.J.S.A. 45:22-1 et seq., the sale of precious metals as in N.J.S.A. 51:6A-1 et seq., the sale of secondhand jewelry as in N.J.S.A. 2C:21-36 et seq., or any other statutory provision regarding any subject matter discussed herein.

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

4-24.11 Exemptions

A. Sales conducted by governmental , civic, patriotic, fraternal, educational, religious or benevolent organizations which have been in active and continuous existence for at least one year prior to the holding of the sale or which are incorporated as a not-for-profit corporation by the state

B. Sales or purchases which are regulated by the licensing laws of the State, including automobile dealers, used parts dealers and automotive parts recyclers.**

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

BE IT RESOLVED, that an ordinance entitled “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 4, LICENSING, REGISTRATION AND BUSINESS REGULATIONS,” just introduced, do now pass a first reading and that a meeting of this Council to be held Tuesday, November 10, 2015 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

* * * * *

10. Council Member Perez introduced:

OF HUDSON, NEW JERSEY, ACCEPTING THE LAND DONATION OF BLOCK 71, LOT 16 (TIP OF EAST GRAND STREET AND 47TH STREET AND AVENUE E) FROM NUNZIO BARBERI, MARIO BARBERI and ANTONIO BARBERI AND/OR THEIR HEIRS

WHEREAS, NUNZIO BARBERI, MARIO BARBERI and ANTONIO BARBERI and/or their heirs are the owners of certain property located in the City of Bayonne (the "City") designated as Block 71, Lot 16, located at the tip of East Grand Street and 47th Street and Avenue E, having an approximate size of 17.88 feet by 19.89 feet, on the Tax Map of the City of Bayonne (the "Property"); and

WHEREAS, NUNZIO BARBERI, MARIO BARBERI and ANTONIO BARBERI and/or their heirs have offered to donate said Property to the City; and

WHEREAS, the City has, after consultation with its legal and engineering professionals, determined that it is in the public interest to accept the donation of the Property from the proposed donors; and
WHEREAS, the City desires to accept the donation of the Property subject to due diligence regarding environmental or any other issues that may affect the City's acceptance and ownership of the Property; and

WHEREAS, N.J.S.A. 40a:12-1, *et seq.*, the Local Lands and Buildings Law, authorizes municipalities to acquire real property by gift pursuant to a duly adopted ordinance.

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

SECTION 1. The Mayor and Clerk are hereby authorized to accept the land donation of Block 71, Lot 16 from NUNZIO BARBERI, MARIO BARBERI and ANTONIO BARBERI and/or their heirs contingent upon the City and/or its professionals conducting due diligence regarding environmental or any other issues that may affect the City's acceptance and ownership of the Property and receiving assurance that the Property is free of, including but not limited to, environmental or other deleterious substances or any other title defects.

SECTION 2. The Mayor and Clerk are hereby authorized to take all action necessary to effectuate the acquisition of the Property, including securing quotes from such professionals as are necessary to make environmental and/or title evaluations of the Property.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are ~~hereby repealed.~~

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

SECTION 5. This Ordinance shall take effect upon final passage and publication according to law.

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

BE IT RESOLVED, that an ordinance entitled "ORDINANCE OF THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, NEW JERSEY, ACCEPTING THE LAND DONATION OF BLOCK 71, LOT 16 (TIP OF EAST GRAND STREET AND 47TH STREET AND AVENUE E) FROM NUNZIO BARBERI, MARIO BARBERI and ANTONIO BARBERI AND/OR THEIR HEIRS," just introduced, do now pass a first reading and that a meeting of this Council to be held Tuesday, November 10, 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.

* * * * *

11. Council President Nadrowski introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY
ADOPTING AN AMENDED REDEVELOPMENT PLAN FOR BLOCK 411, LOTS 2, 3, 4
AND 5 (COMMONLY REFERRED TO AS 75 EAST 31ST STREET, 77 EAST 31ST STREET,
79-87 EAST 31ST STREET AND 80 EAST 32ST STREET)

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

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

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

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

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

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

WHEREAS, on August 19, 2015, the Municipal Council, pursuant to Resolution No. 15-08-19-072, directed the Planning Board to review the Redevelopment Plan, and make recommendations to the Municipal Council regarding an update to the Redevelopment Plan in accordance with the Redevelopment Law; and

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Municipal Services has prepared an amendment to the Redevelopment Plan for the Parcel titled “AMENDED and Restated Redevelopment Plan, 77 & 79-87 East 31st Street, 80 East 32nd Street, Block 411, Lots 2, 3, 4, & 5” dated October 13, 2015 (the “Amended Redevelopment Plan”); and

WHEREAS, on October 13, 2015, the Planning Board of the City (the “Planning Board”) reviewed the Amended Redevelopment Plan and adopted a Resolution recommending the adoption of the Amended Redevelopment Plan to the Municipal Council and concluding that the Amended Redevelopment Plan is consistent with the Master Plan of the City of Bayonne (the “Resolution”); and

WHEREAS, upon review of the Planning Board’s Resolution and recommendations relating to the Amended Redevelopment Plan, the Municipal Council

believes that the adoption of the Amended Redevelopment Plan is in the best interests of the City for the redevelopment of the Redevelopment Area.

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

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

Section 2. The Amended Redevelopment Plan is hereby adopted pursuant to the terms of *N.J.S.A. 40A:12A-7* of the Redevelopment Law.

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 Amended 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 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 Perez, which was read by the Clerk and adopted.

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE ADOPTING AN AMENDED REDEVELOPMENT PLAN FOR BLOCK 411, LOTS 2, 3, 4 AND 5, (COMMONLY REFERRED TO AS 75 EAST 31ST STREET, 77 EAST 31ST STREET, 79-87 EAST 31ST STREET AND 80 EAST 32ND STREET," just introduced, do now pass a first reading and that a meeting of this Council to be held Tuesday, November 10, 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.

* * * * *

12. Council President Nadrowski introduced:

ORDINANCE OF THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, NEW JERSEY, AUTHORIZING AERIAL EASEMENTS TO IMTT-BAYONNE OVER BLOCK 480, LOT 1 AND BLOCK 481, LOT 3 ON NEW HOOK ROAD

WHEREAS, the City of Bayonne (hereinafter "Grantor") owns and operates that certain public right of way commonly referred to as New Hook Road (the "Road");

WHEREAS, IMTT-BAYONNE, (hereinafter "Grantee") having an address at 250 East 22nd Street, Bayonne, New Jersey owns certain tracts of real property identified as Lot 1 in Block 480 and Lot 3 in Block 481 all as shown on the Official Tax Map of the City of Bayonne (collectively, "Grantee's Property"); and

WHEREAS, Grantee presently operates and maintains a pipe bridge over the Road; and

WHEREAS, Grantee intends to construct a groundwater treatment plant and associated piping system on a portion of Grantee's Property (the "Project"); and

WHEREAS, Grantee obtained site plan approval for the Project from the City of Bayonne Planning Board as evidenced by that certain Resolution of the Planning Board of the City of Bayonne adopted on August 11, 2015;

WHEREAS, as a condition of approval of the Project, Grantee requires aerial easements from Grantor in order to construct, maintain, and operate one or more pipe bridges over the Road;

WHEREAS, Grantor desires to grant two aerial easements for the benefit of Grantee and Grantee's Property over those portions of the Road between Block 481, Lot 3 and Block 480, Lot 1 ("Aerial Easement Areas"), as more particularly described by those certain metes and bounds descriptions attached hereto and made a part hereof as part of the proposed Aerial Easement attached hereto; and

WHEREAS, the drawing and meets and bounds description are specifically incorporated into this Ordinance by this reference; and

WHEREAS, the Municipal Council of the City of Bayonne is desirous of granting said Aerial Easement for the purpose stated above.

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

1. IMTT-BAYONNE is hereby granted aerial easements as depicted and described in the Exhibits attached hereto and made a part hereof.
2. The aerial easements are granted solely in conjunction with the site plan approval and that the grant of the aerial easements shall become void ab initio.

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

BE IT RESOLVED, that an ordinance entitled, "ORDINANCE OF THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, NEW JERSEY, AUTHORIZING AERIAL EASEMENTS TO IMTT-BAYONNE OVER BLOCK 480, LOT 1 AND BLOCK 481, LOT 3 ON NEW HOOK ROAD, " just introduced, do now pass a first reading and that a meeting of this Council to be held Tuesday, November 10, 2015 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

* * * * *

13. Council Member 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

247. Neil DeSena, 94 West 56th Street
Beginning at a point on the south side of West 56th Street, 233 feet east of the southeast corner of Avenue B and West 56th Street, and extending to a point 22 feet east thereof.

290. George Wisniewski, 32 West 47th Street
Beginning at a point on the south side of West 47th Street, 300 feet east of the southeast corner of Avenue C and West 47th Street, and extending to a point 22 feet east thereof.

ADD

037. George Bessady for his daughter, Miriam, 780 Broadway
Beginning at a point on the south side of East 35th Street, 58 feet east of the southeast corner of Broadway and East 35th Street, and extending to a point 20 feet east thereof.

055. Dorothy Devney, 23 Hartley Place
Beginning at a point on the west side of Hartley Place, 96 feet south of the southwest corner of Linden Street and Hartley Place, and extending to a point 29 feet south thereof.

135. Marie Amormino, 126 Lexington Avenue
Beginning at a point on the east side of Lexington, 69 feet south of the southeast corner of Lexington Avenue and George Street, and extending to a point 20 feet south thereof.

241. Thomas Cappadona, 26 West 27th Street
Beginning at a point on the south side of West 27th Street, 384 feet east of the southeast corner of Avenue C and West 27th Street, and extending to a point 20 feet east thereof.

247. Darlene Sanchez, 172 West 22nd Street
Beginning at a point on the south side of West 22nd Street, 330 feet west of the southwest corner of Avenue A and West 22nd Street, and extending to a point 20 feet west thereof.

253. John Nesnay, 488 Avenue E
Beginning at a point on the east side of Avenue E, 140 feet north of the northeast corner of Avenue E and East 32nd Street, and extending to a point 22 feet north thereof.

257. Linda Vetter for her son, Kyle, 116 Broadway
Beginning at a point on the east side of Broadway, 35 feet south of the southeast corner of Broadway and East 4th Street, and extending to a point 18 feet south thereof.

266. Germaine White, 861 Avenue C
Beginning at a point on the west side of Avenue C, 51 feet south of the southwest corner of Avenue C and West 39th Street, and extending to a point 22 feet south thereof.

Council Member Cotter moved the following resolution, seconded by Council Member LaPelusa, 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 Tuesday, November 10, 2015 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

* * * * *

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

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

RESOLVED, That the following items which have been included on the agenda for this regular meeting as COMMUNICATIONS and which follow this resolution shall constitute a consent agenda for communications and that they be received and filed and included in the official minutes of this meeting as having been so ordered.
Yeas - Council Members Cotter, Gullace, LaPelusa Perez, and President Nadrowski.

* * * * *

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

From Mark W. Morris, Esq., filing notice of tort claim on behalf of EUGENIA ZUBKOVA, alleging injuries sustained June 8, 2015 in a fall on the sidewalk at 801-803 Broadway.

* * * * *

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

From Joseph G. Boccia, Esq., filing notice of tort claim on behalf of AMINA ABDULKARIM, alleging injuries sustained August 14, 2015 in a fall on the sidewalk at 820 Broadway.

* * * * *

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

From Jeffrey S. Ziegelheim, Esq., filing notice of tort claim on behalf of TIMOTHY SULLIVAN, alleging injuries sustained June 5, 2015 in a pedestrian/vehicle accident at 51st Street and Avenue E.

* * * * *

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

From Scott P. Kessler, Esq., filing notice of tort claim on behalf of APRIL L. POLSUNAS, alleging injuries sustained June 3, 2015 in a fall in the street at 51st Street and Avenue C.

* * * * *

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

From KATHLEEN PERKINS-CZANDER, filing notice of tort claim alleging property damage to her automobile on August 23, 2015 resulting from a tree branch falling on it at 162 West 26th Street.

* * * * *

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

From the Superior Court of New Jersey, Law Division, Summons and Complaint in matter entitled, "MARCH ASSOCIATES CONSTRUCTION, INC. vs. CAMERON ROYAL DEVELOPMENT, et al., incl. THE CITY OF BAYONNE." (Construction lien collection matter)

* * * * *

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, "PORTLAND PETROLEUM, INC. vs. CITY OF BAYONNE." (205 Port Jersey Boulevard, Block 397, lot 2 - industrial)

* * * * *

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, "C&C 45 BROADWAY, LLC vs. CITY OF BAYONNE." (45 Broadway, Block 380, lot 45 – multi-family residential)

* * * * *

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, "C&C 45 BROADWAY, LLC vs. CITY OF BAYONNE." (57-63 West 39th Street, Block 104, lot 18 – multi-family residential)

* * * * *

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

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

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

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

* * * * *

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

October 2, 2015

Dear Council President Nadrowski
and Honorable Members of City Council:

I hereby appoint the following individual to the Housing Authority Board of the City of Bayonne and request the City Council's consenting action:

Edith Sinclair-Morris	Term expiring on December 31, 2018
3 Kennedy Boulevard Apt. #2	(Filling Unexpired term of Irene Pyke)
Bayonne, NJ 07002	

In conjunction with this appointment the City Clerk has been directed to add an accompanying item on the October 14, 2015 Council Caucus Meeting agenda for consideration by the City Council.

Sincerely,
James M. Davis
Mayor
(signed)

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

* * * * *

26. 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 same.

* * * * *

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

DATE: September 4, 2015

TO: Terrence Malloy, CFO
Robert Sloan, City Clerk

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

FROM: Janet Convery, Treasurer

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

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

JANET CONVERY

* * * * *

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

BID REPORT FOR THE MUNICIPAL COUNCIL

Date: 10/02/15 Ad Date: 07/31/15 Date bids accepted: 10/02/15
Attending: Amy Dellabella, Susan Ferraro, Esq.

Bid titled: Solid Waste

Suburban Disposal
54 Montesano Rd.
Fairfield, NJ 07004

	Proposed Option#1 (3yr Contract with two(2), one (1)year options <u>Including</u> pickup/processing of Solid Waste @ Grammar/High Schools	Proposed Option #1A (3yr Contract with two(2) one(1) year options <u>Excluding</u> pickup/processing of Solid Waste @ Grammar/HighSchools	Proposed Option#2 Five yr contract <u>Including</u> pickup/processing of Solid Waste @Grammar/High Schools & supply of dumpsters	Proposed Option #2A yr contract <u>Excluding</u> pickup/processing of Sol @ Grammar/High School supply of dumpsters
3year total	\$4,440,000.00	\$4,440,000.00		
Opt yr 1	\$1,590,000.00	\$1,590,000.00		
Opt yr 2	\$1,590,000.00	\$1,590,000.00		
Total	\$7,620,000.00	\$7,620,000.00	Total Five years \$7,620,000.00	Total Five years \$7,620,C

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

* * * * *

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

BID REPORT FOR THE MUNICIPAL COUNCIL

Date: 10/02/15 Ad Date: 07/31/15 Date bids accepted: 10/02/15
Attending: Amy Dellabella, Susan Ferraro, Esq.

Bid titled: Recycling Collection, Processing & Marketing

Suburban Disposal
54 Montesano Rd.
Fairfield, NJ 07004

	Proposed Option#1 (3yr Contract with two(2), one (1)year options <u>Including</u> pickup/processing of Recyclables @ Grammar/High Schools	Proposed Option #1A (3yr Contract with two(2) one(1) year options <u>Excluding</u> pickup/processing of Recyclables @ Grammar/High Schools	Proposed Option #1B Receipt & Marketing Dual Stream	Proposed Option#2 Five yr contract <u>Including</u> pickup/processing of Recyclables @Grammar/High Schools & supply of dumpsters Five Years \$5,000,000.00	Proposed Option #2A yr contract <u>Excluding</u> pickup/processing of f Grammar/High School dumpsters Five Years \$5,000,000.00
3year total	\$2,940,000.00	\$2,940,000.00	No Bid		
Opt yr 1	\$1,030,000.00	\$1,030,000.00	No Bid		
Opt yr 2	\$1,030,000.00	\$1,030,000.00	No Bid		
Total	\$5,000,000.00	\$5,000,000.00	No Bid		

Atlantic Coast Fibers LLC No bid submitted except for Option #2A Receipt & Marketing
101 7th St Dual Stream based on formula attachment
Passaic NJ 07055

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

* * * * *

30. 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.

* * * * *

31. 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, September 16, 2015 be and the same are hereby approved.

* * * * *

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

RESOLVED, That the official minutes of the council caucus meeting held Wednesday, September 9, 2015 , be and the same are hereby approved.

* * * * *

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

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
60	24	William Rodas	208.32
89	41	Emily Estevez	306.54
96	36	Theofanis Tsakos	778.26
114	18.12	Mark Melvin	1,577.81
192	41	Zachary Tzoumas	4,227.35
210	17	Grace Bible Fellowship	1,919.37
246	2	Maria Fernandez	305.90
249	39	Anthony Makris	966.93
249	42.01	Yakov Burakovsky	1,073.33
249	42.02	Yakov Burakovsky	1,073.33
308	18	Nardo Dumaquita	1,865.13
349	7	Estate of Patricia Carson McKeever	562.49
Total:			14,864.76

* * * * *

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

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

RESOLVED, that the Mayor, on behalf of the City of Bayonne, be and is hereby authorized to take any and all steps necessary to effectuate payment to the Bayonne Family Community Center, 259 Avenue E, Bayonne, NJ, in the amount of \$7,000.00 for the Fire Department’s Annual Membership Program for two years commencing July 1, 2014 and ending June 30, 2016; and be it further

RESOLVED, that this expenditure be charged against Account 01-201-25-165-1-028 of the CY 2015 Budget; and be it further

RESOLVED, that the Municipal Treasurer be and is hereby authorized and directed to issue a warrant payable to the Bayonne Family Community Center in the amount of \$7,000.00 representing payment for such membership.

* * * * *

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

WHEREAS, the City of Bayonne has an invoice from the Department of Labor relating to assessments levied on New Jersey Employers.

NOW THEREFORE BE IT RESOLVED, that a warrant be drawn from Current Fund and made payable to the State of New Jersey in the amount of \$ 1,839.00 and warrant to be charged to Group Insurance .

* * * * *

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

WHEREAS, the City Clerk's Office has issued one hundred six (106) Marriage Licenses during the months of April, May and June, and has collected \$25.00 per license, which is to be forwarded to the Division of Youth and Family Services, now, therefore be it

RESOLVED, that a warrant in the amount of Two thousand six hundred and fifty dollars (\$2650.00) be drawn to the order of the Treasurer, State of New Jersey and forwarded to the City Clerk's Office for disbursement.

* * * * *

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

WHEREAS, the City Clerk's Office has issued one hundred thirty-seven (137) Marriage Licenses during the months of July, August and September, and has collected \$25.00 per license, which is to be forwarded to the Division of Youth and Family Services, now, therefore be it

RESOLVED, that a warrant in the amount of Three thousand four hundred and twenty-five dollars (\$3425.00) be drawn to the order of the Treasurer, State of New Jersey and forwarded to the City Clerk's Office for disbursement.

* * * * *

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

RESOLVED, That a warrant in the amount of \$32.40 be drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of licenses Nos. 1254-1265 inclusive, 12 dog licenses, representing one dollar per license for the state fee, twenty cents per license for the state clinic and three dollars per license for non-spayed and non-neutered dogs.

* * * * *

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

RESOLVED, that pursuant to and consistent with a State Training Fee Report dated October 1, 2015 by Michael J. Feuer, Construction Official, the Municipal Treasurer is hereby authorized and directed to issue a warrant drawn to the order of the State of New Jersey, in the amount of \$32,477.00 representing payment of state surcharge fees on new construction and alterations collected during the 3rd quarter of 2015; and be it further

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

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

* * * * *

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

RESOLVED, that the actions of the Treasurer in issuing a warrant in the amount of \$4,397.40 payable to Sanofi Pasteur for Flu Shots is hereby ratified and confirmed. Said warrant is charged to Public Health Services- O.E.

* * * * *

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

WHEREAS, the City has been maintaining various reserves and receivables that have been inactive for several years, and

WHEREAS, it has been recommended by the City's independent auditors and the Division of Local Government Services that the inactive receivables and reserves no longer be carried in the City's General Ledger, now, therefore, be it

RESOLVED, that the City's Chief Financial Officer is hereby authorized to undertake the necessary steps to meet the recommendations of the aforementioned entities.

* * * * *

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

WHEREAS, the Bayonne Urban Enterprise Zone (the "UEZ"), in conjunction with the Bergen Point Merchants, hosted the Bergen Point Fall Festival on October 17, 2015 (the "Festival"); and

WHEREAS, the UEZ Coordinator was required to undertake various actions to ensure the success of the Festival including the creation of a UEZ Project entitled "Fall Festival 2015"; now, therefore, be it

RESOLVED, by the Municipal Council that the actions of the UEZ Coordinator that were required to be undertaken to ensure the success of the Bergen Point Fall Festival on October 17, 2015, including the creation of a UEZ Project entitled "Fall Festival 2015," are hereby ratified and confirmed.

* * * * *

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

WHEREAS, the City of Bayonne needs to apply for an Open Space Grant for Improvements to Fitzpatrick Park; now, therefore, be it

RESOLVED, that the Mayor and Clerk and any other necessary municipal officials are hereby authorized to sign any and all documents necessary to effectuate an application for an Open Space Grant for Improvements to Fitzpatrick Park.

* * * * *

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

WHEREAS, the Municipal Council of the City (the "Municipal Council") has adopted an ordinance designating the entire City as an area in need of rehabilitation under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law");

WHEREAS, the Municipal Council has designated the area commonly known as Block, Lots 1-4, 5.02 p/o and 19 (proposed Block 87, Lot 1.01) on the tax map of the City as an area in need of redevelopment in accordance with the Redevelopment Law; and

WHEREAS, on February 10, 2013 the Municipal Council adopted a redevelopment plan for the Project Area prepared by John D. Fussa, P.P. entitled the 'Amended Redevelopment Plan, 1034-1046 John F. Kennedy Boulevard Redevelopment Area' dated November 2012 (the "Redevelopment Plan")'

WHEREAS on May 2, 2013, the Municipal Council adopted Ordinance O-13-16 designating 1040 Kennedy Blvd. as the redeveloper of the Project Area; and

WHEREAS, on July 10, 2013, the City and the Redeveloper entered into a redevelopment agreement (the "Redevelopment Agreement") governing the redevelopment of the Project Area; and

WHEREAS, pursuant to an in accordance with the provisions of the Five-Year Exemption and Abatement Law, N.J.S.A. 40A:21-1 et seq. (the "Tax Exemption Law" and together with the Redevelopment Law, the "Acts"), the City is authorized to provide for a tax exemption and for payments in lieu of taxes in an area in need of rehabilitation or area in need of redevelopment; and

WHEREAS, on May 22, 2013, the Municipal Council adopted Ordinance O-13-15 permitting tax exemptions for the construction of multiple dwellings (as such term is defined in the Tax Exemption Law) in the City and authorizing tax agreements for same; and

WHEREAS, the Redeveloper submitted an application to the City for a tax exemption, all in accordance with the Tax Exemption Law, including without limitation N.J.S.A 40A:2 1-9 and the Exemption Application was accepted and approved pursuant to Ordinance O-13-16 of the Municipal Council duly adopted on May 22, 2013, which authorized the execution of a tax agreement with the Redeveloper; and

WHEREAS, on July 10, 2013, the City and the Redeveloper entered into a tax agreement (the "Tax Agreement") governing the tax exemption and payment in lieu of taxes for the Project Area; and

WHEREAS, both the Redevelopment Agreement and the Tax Agreement contemplate the Project Completion Date of November 7, 2015 for the project area; and

WHEREAS, the Redeveloper has requested that the Project Completion Date to be extended to January 31, 2016; and

WHEREAS, the City of Bayonne is amendable to the change in the Project Completion; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to execute amendments to the existing Redevelopment Agreement and Tax Agreement between the City of Bayonne and 1040 Kennedy, LLC to reflect that the Project Completion Dates therein are extended to January 31, 2016. Any and all amendments to said Agreements shall be subject to the review and approval of legal council.

* * * * *

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

WHEREAS, Section 17-23, Charitable Clothing Bins, of the Revised General Ordinances of the City of Bayonne requires that a permit be obtained by a qualifying non-profit organization in order for it to place donation clothing bins within the City of Bayonne, provided certain requirements in the ordinance are met; and

WHEREAS, CANCER SUPPORT COMMUNITY – CENTRAL NEW JERSEY, c/o Eunice Jadlocki, 3 Crossroads Drive, Bedminster, NJ 07921 has applied for a permit for two (2) clothing donation bins to be located at 400 Bayonne Crossing Way, and has paid the appropriate fees and supplied the required documents; now, therefore be it

RESOLVED, that the application of Cancer Support Community – Central New Jersey, c/o Eunice Jadlocki, 3 Crossroads Drive, Bedminster, NJ 07921 for two (2) clothing donation bins to be located at 400 Bayonne Crossing Way at the specific location designated on the map submitted as part of their application, be and is hereby approved for the calendar year 2015; and be it further

RESOLVED, that the City Clerk be and is hereby authorized and directed to issue a permit for two (2) clothing donation bins to Cancer Support Community – Central New Jersey for calendar year 2015.

* * * * *

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

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

LICENSEE	TIME & PLACE	LICENSE
Friends of Marist, Inc.	6:00- 10:00 PM 1241 Kennedy Blvd. November 21, 2015	RL: 9063
PS #14 PTO	7:00 - 11:00 PM 440 Route 440 March 18, 2016	RL: 9064 RL: 9065
The Power of the Gospel Ministries	1:00 - 5:00 PM 888 Avenue C November 15, 2015	RL: 9066

* * * * *

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

WHEREAS, pursuant to Resolution No. 15-06-17-068 adopted by the Municipal Council on June 17, 2015, the City Clerk advertised that sealed bids for Solid Waste Collection for a period between one (1) and five (5) years would be received on October 2, 2015; and

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

Suburban Disposal
54 Montesano Rd.
Fairfield, NJ 07004

	Proposed Option#1 (3yr Contract with two(2), one (1)year options <u>Including</u> pickup/processing of Solid Waste @ Grammar/High Schools	Proposed Option #1A (3yr Contract with two(2) one(1) year options <u>Excluding</u> pickup/processing of Solid Waste @ Grammar/HighSchools	Proposed Option#2 Five yr contract <u>Including</u> pickup/processing of Solid Waste @Grammar/High Schools & supply of dumpsters	Proposed Optio Five yr contract pickup/process Waste @ Gramr Schools & suppr dumpsters
3year total	\$4,440,000.00	\$4,440,000.00		
Opt yr 1	\$1,590,000.00	\$1,590,000.00		
Opt yr 2	\$1,590,000.00	\$1,590,000.00		
Total	\$7,620,000.00	\$7,620,000.00	Total Five years \$7,620,000.00	Total Five years \$7,620,000.00

; and

WHEREAS, the Department Director and the Purchasing Agent have examined the bid and have determined that the bid received is a regular bid and the following option is the most advantageous to the City:

Proposed Option #1A

Contract Term: Three Years, starting November 1, 2015 and ending October 31, 2018, with additional two (2),one (1) year options through October31, 2020 for a total term of five (5) years for a total contract amount for the three year period commencing November 1, 2015 and ending October 31, 2018 of \$ 4,440,000.00; and

WHEREAS, funds are certified as available in Account - Solid Waste Collection 01-201-32-465-2-020 for CY2015 and pending the adoption of future budgets; now, therefore, be it

RESOLVED, that the contract for Solid Waste Collection be awarded to:

Suburban Disposal
54Montesanno Road
Fairfield, New Jersey 07004
for a contract term of Three Years, starting November 1, 2015 and ending October 31, 2018, with additional two (2),one (1) year options through October 31, 2020 for a total term of five (5) years for a total contract amount for the three year period commencing November 1, 2015 and ending October 31, 2018 of \$4,440,000.00; and be it further

RESOLVED, that funds shall be charged to Account - Solid Waste Collection 01-201-32-465-2-020.

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

* * * * *

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

WHEREAS, pursuant to Resolution Nos. 15-06-17-069 and 15-06-17-070 adopted by the Municipal Council on June 17, 2015, the City Clerk advertised that sealed bids for Recycling Collection, Processing and Marketing for a period between one (1) and five (5) years would be received on October 2, 2015; and

WHEREAS, pursuant to said advertisement the following two (2) bids were received:

Suburban Disposal
54 Montesano Rd.
Fairfield, NJ 07004

	Proposed Option#1 (3yr Contract with two(2), one (1)year options Including pickup/processing of Recyclables @ Grammar/High Schools	Proposed Option #1A (3yr Contract with two(2) one(1) year options Excluding pickup/processing of Recyclables @ Grammar/High Schools	Proposed Option #1B Receipt & Marketing Dual Stream	Proposed Option#2 Five yr contract Including pickup/processing of Recyclables @Grammar/High Schools & supply of dumpsters Five Years	Proposed Option #: yr contract Exclud pickup/processing @ Grammar/High supply of dumpste Five Years
3year total	\$2,940,000.00	\$2,940,000.00	No Bid	\$5,000,000.00	\$5,000,000.00
Opt yr 1	\$1,030,000.00	\$1,030,000.00	No Bid		
Opt yr 2	\$1,030,000.00	\$1,030,000.00	No Bid		
Total	\$5,000,000.00	\$5,000,000.00	No Bid		

Atlantic Coast Fibers LLC No bid submitted except for Option #2A Receipt & Marketing
Dual Stream based on formula attached
101 7th St
Passaic NJ 07055

; and

WHEREAS, the Department Director and the Purchasing Agent have examined the bid of Atlantic Coast Fibers, LLC and have determined that the bid is deficient due to the fact that Atlantic Coast Fibers, LLC did not submit a proposal for the collection of recyclable materials as required under the bid specifications and is, therefore, deemed non-responsive; and

WHEREAS, the Department Director and the Purchasing Agent have examined the bid of Suburban Disposal, Inc. and have determined that the bid is a regular bid and the following option is the most advantageous to the City:

Option #1A

Contract Term: Three Years, starting November 1, 2015 through October 31, 2018, with additional two (2), one (1) year options through October 31, 2020, for a total term of Five (5) years.

Contract Amount: Three (3) Years \$2,940,000.00

WHEREAS, funds are certified as available in Account - Solid Waste Collection 01-201-32-465-2-020 for CY2015 and pending the adoption of future budgets; now, therefore, be it

RESOLVED, that the contract for the Collection of Recyclable Material be awarded to:

Suburban Disposal
54Montesanno Road
Fairfield, New Jersey 07004

for a contract term of three years, starting November 1, 2015 and ending October 31, 2018, with additional two (2),one (1) year options through October31, 2020 for a total term of five (5) years for a total contract amount for the three year period commencing November 1, 2015 and ending October 31, 2018 of \$2,940,000.00; and be it further

RESOLVED, that funds shall be charged to Account - Solid Waste Collection 01-201-32-465-2-020

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

* * * * *

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

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

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

WHEREAS, the Jewish Community Center has requested and submitted a formal written application dated May 1, 2015 for said CDBG Grant Funds in the amount of \$2,500.00 for the purpose of providing the cost of architectural plans from Alan Feld Architect, 215 Fourteenth Street, Jersey City, NJ 07310; 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 Alan Feld Architect, 215 Fourteenth Street, Jersey City, NJ 07310; 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 Alan Feld Architect, 1050 Kennedy Blvd, Jersey City, New Jersey 07310 for the provision of providing the cost of architectural plans from Alan Feld Architect, 215 Fourteenth Street, Jersey City, NJ 07310 in the amount of \$2,500.00 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.

* * * * *

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 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 \$3,500.00 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 Economic Opportunity Foundation, 555 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 \$3,500.00 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.

* * * * *

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

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

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

WHEREAS, the BEOF requested funds in the amount of \$1,200.00 in order to replace a leaking water heater at their Bayonne Head Start facility located at 21, West 8th Street in the amount of \$1,200.00 pursuant to a proposal received from Tri-State Heating, LLC, 96 Newman Avenue, Bayonne, NJ; and

WHEREAS, due to exigent circumstances, the Executive Director of Community Development authorized the replacement of the aforesaid leaking hot water heater by Tri State Heating, LLC for the amount of \$1,200.00 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 actions of the Executive Director in authorizing the replacement of the leaking hot water heater at the BEOF's Bayonne Head Start facility located at 21, West 8th Street in the amount of \$1,200.00 pursuant to the proposal received from Tri-State Heating, LLC, 96 Newman Avenue, Bayonne, NJ are hereby ratified and confirmed.

2. The Mayor and City Clerk are hereby authorized to enter into an Agreement with the Bayonne Economic Opportunity Foundation, 555 Kennedy Blvd. for the amount of \$1,200.00 for the purpose of the replacement of the leaking hot water heater at their Bayonne Head Start Facility located at 21 West 8th Street are hereby ratified and confirmed.

3. Funds shall be charged to Account CDBG 867

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

* * * * *

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

WHEREAS, the Municipal Council of the City of Bayonne adopted Resolution No. 13-02-20-041 on February 20, 2013 awarding a contract to Maser Consulting, P.A., 200 Valley Road, Suite 400, Mount Arlington, NJ 07852 for professional design and construction administration services for the Ahern Veterans Athletic Complex Renovation Project (the "Project") for an amount not to exceed \$245,050.00; and

WHEREAS, due to additional design and construction administration services related to the Project not anticipated at the time of the original award of the aforesaid contract it is necessary to increase same in the amount of \$29,350.00 making the total contract amount not to exceed \$274,400.00; and

WHEREAS, the City is in receipt of a "Change Order for Additional Design and Construction Administration Services" from Maser Construction dated May 4, 2015; and

WHEREAS, it is in the best interest of the City for the Maser Consulting, P.A, provide the aforesaid additional design and construction administration services in connection with the Project; and

WHEREAS, funds are certified as available in Account O-15-23; 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. CY13-029 with Maser Consulting, P.A., 200 Valley Road, Suite 400, Mount Arlington, NJ 07852 for professional design and construction administration services for the Ahern Veterans Athletic Complex Renovation Project increasing same in the amount of \$29,350.00, making the total contract amount not to exceed \$274,400.00.
2. Funds shall be chargeable to Account O-15-23.
3. All other terms and conditions of Agreement No. CY13-092 shall remain the same.

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

* * * * *

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

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Municipal Aid Program. This project is for Roadway Improvements.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Bayonne formally approves the grant application for the above-stated project; and

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to submit an electronic grant application identified as MA-2016-2016 ROADWAY IMPROVEMENTS-00349 to the New Jersey Department of Transportation on behalf of the City of Bayonne; and

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to sign the grant agreement on behalf of the City of Bayonne, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

* * * * *

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

WHEREAS, the City of Bayonne has been awarded an FY 2014 Assistance to Firefighters Grant in the amount of \$45,455.00 (Grant #EMW-2014-FO-05729) from the U.S. Department of Homeland Security for the purpose of purchasing an Air Compressor/Fill Station/Cascade System for filling Self-Contained Breathing Apparatus; and

WHEREAS, as a condition of this award, the City of Bayonne is required to contribute a cost match in the amount of \$4,545.00 of non-Federal funds; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to execute any and all documents necessary to effectuate the receipt and implementation of the aforesaid grant funds.
2. The Comptroller and/or other responsible City official is hereby authorized to contribute a "cost match" in the amount of \$4,545.00 so long as funds are available for such use.

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

* * * * *

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

WHEREAS, N.J.A.C. 5:23-2(b) provides for emergency procedures to be followed when, in the opinion of the construction official and appropriate subcode officials, there is actual and immediate danger of failure or collapse of a building or structure or any part thereof which could endanger life; and

WHEREAS, N.J.A.C. 5:23-2(b) also provides that when, in the opinion of the construction official, there is actual and immediate danger of collapse or failure of a building or structure or any part thereof which would endanger life, the construction official shall cause the necessary work to be done to render such building or structure or part thereof temporarily safe; and

WHEREAS, 41 East 16th Street suffered a fire approximately two (2) years ago, was subsequently abandoned and continues to deteriorate; and

WHEREAS, the Building Department has issued and served notices of unsafe structure to the owner and other responsible third party to no avail; and

WHEREAS, the Acting Construction Official has determined that as a result of the deteriorating condition of the abandoned structure, it posed an actual and immediate danger of collapse or failure; and

WHEREAS, CME Associates, the City Engineering firm, undertook an inspection of the premises and issued a "Structural Evaluation Report, 41 East 16th Street, Bayonne, New Jersey" dated September 20, 2015, wherein the City Engineer concurred that parts of the structure were compromised, in danger of collapse and should be demolished; and

WHEREAS, based on his own observations and the opinion of the City Engineer, the Acting Construction Official issued a "Certification of Unsafe Structure Pursuant to N.J.A.C. 5:23-2" requiring the demolition of the structure; and

WHEREAS, the City has a contract with Control Industries, Inc., (FY 12-002) that contemplates rapid response for emergency demolition projects (i.e. fires and unsafe structures); and

WHEREAS, the City also maintains a Capital Bond for such projects it was determined by the City Business Administrator that funds for this project should be charged to Capital Bond Ordinance O99-31; and

WHEREAS, pursuant to N.J.A.C. 5:23-2(b), the costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on certificate of the construction official and the legal authority of the jurisdiction shall

institute appropriate action against the owner of the premises for the recovery of such costs; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The actions of the Business Administrator in authorizing Control Industries, Inc., 103 East 25th Street, Bayonne, New Jersey to demolish the abandoned, fire damaged structure located at 41 East 16th Street for the amount of \$36,000.00 pursuant to N.J.A.C. 5:23-2 (2014) are hereby ratified and confirmed.
2. The actions of the Treasurer in issuing a warrant in the amount of \$36,000.00 to Control Industries, Inc. for the aforementioned demolition services chargeable to Capital Bond Ordinance O99-31 are hereby ratified and confirmed.
4. The Law Division is hereby authorized to take any and all appropriate action against the owner of the premises for the recovery of such costs.
5. The Certification of Unsafe Structure Pursuant to N.J.A.C. 5:23-2 shall be kept on file in the Building Department.

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

* * * * *

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

WHEREAS, Municipal Council Resolution No. 15-06-17-049 was adopted on June 17, 2015 authorizing the Mayor and City Clerk to enter into an agreement with Flournoy Gethers VFW Post 7470, having an address at 33-35 West 19th Street, Bayonne, New Jersey 07002 in the amount of \$47,600 for the purpose of providing the cost of reconstruction in different locations of their building (the "Project") for the period commencing September 1, 2014 and ending August 31, 2015; and

WHEREAS, pursuant to the aforesaid Resolution No. 15-06-17-049 , the City of Bayonne entered into Agreement No. CY15-049 with Flournoy Gethers VFW Post 7470, and

WHEREAS, subsequent to the commencement of the work, the contractor advised that the plumbing and electrical work necessary to complete the Project was more extensive than was anticipated in his original proposal; and

WHEREAS, the contractor has provided the Director of Community Development with a formal written supplemental proposal dated September 9, 2015 for the amount of \$3,900.00 to include the additional plumbing and electrical work necessary to complete the Project; 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. CY15-049 with Flournoy Gethers VFW Post 7470 to include the additional plumbing and electrical work necessary to complete the project which was not anticipated at the time of the original proposal for the amount of \$3,900.00 pursuant to the contractor's supplemental proposal dated September 9, 2015 making the total contract amount \$51,500.00.
2. Funds shall be charged to Account CDBG-867.

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

* * * * *

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

WHEREAS, Municipal Council Resolution No. 15-08-19-054 was adopted on August 19, 2015 authorizing the Mayor and City Clerk to enter into an agreement with the Jewish Community Center, having an address at 1050 Kennedy Blvd., Bayonne, New Jersey 07002 in the amount of \$147,800.00 for the purpose of providing the cost

of funding the reconstruction of the boys' and girls' locker rooms for the period commencing September 1, 2014 and ending August 31, 2015; and

WHEREAS, pursuant to the aforesaid Resolution No. 15-08-19-054, the City of Bayonne entered into Agreement No. CY15-067 with Jewish Community Center, and

WHEREAS, subsequent to the commencement of the work, the contractor advised that the contract didn't include the cost of masonry steps with vinyl tread covers which was not anticipated at the time of the original proposal; and

WHEREAS, the contractor has provided the Director of Community Development with a formal written supplemental proposal dated July 24, 2015, in the amount of \$3,500.00 to include the cost of masonry steps with vinyl tread covers necessary to complete the Project; 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. CY15-067 with Jewish Community Center to include the cost of masonry steps with vinyl tread covers necessary to complete the project which was not anticipated at the time of the original proposal for the amount of \$3,500.00 pursuant to the contractor's proposal dated July 24, 2015 .

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

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

* * * * *

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

WHEREAS, Resolution No. 15-01-21-056 adopted by the Municipal Council on April 22, 2015 as amended Resolution No. 15-06-30-008 adopted by the Municipal Council on June 30, 2015 awarded a contract to Jacobs Engineering Group Inc. 299 Madison Avenue, P.O. Box 1936, Morristown, New Jersey 07962 (the "Contractor") for professional engineering services as consulting engineer for traffic and transportation for an amount not to exceed \$70,000.00 pursuant to the Fair & Open Contracting Requirements pursuant to N.J.S.A.:20.4.5; and

WHEREAS, subsequent thereto the City entered into Agreement No. CY15-041 with Jacobs Engineering Group, Inc., for the aforesaid professional engineering services; and; and

WHEREAS, the Contractor has advised that updating the traffic analysis for amending the Highway Access Permit will require obtaining new traffic data, and

WHEREAS, the Contractor has also advised that this work was not anticipated in the original scope of services submitted by the Contractor and anticipates the additional cost to be \$20,000.00; and

WHEREAS, it is in the best interest of the City for the Contractor to provide the aforesaid additional professional engineering services and to increase the contract award in the amount of \$20,000.00 making the total contract amount not to exceed \$90,000.00; and

WHEREAS, funds are certified as available in the Various Accounts; 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. CY15-041 with Jacobs Engineering Group, Inc., 299 Madison Avenue, P.O. Box 1936, Morristown, New Jersey 07962-1936 increasing same in the amount of \$20,000.00 to cover the additional cost of updating the traffic analysis for amending the Highway Access Permit.

2. Funds shall be chargeable to account Various Accounts.

3. All other terms and conditions of Agreement No. CY15-041 shall remain the same.

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

* * * * *

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

WHEREAS, due to construction work being performed on Avenue E in conjunction with the reconstruction of Turnpike Exchange Exit 14A the corner of 53rd Street and Broadway has become a traffic bottleneck and a pedestrian hazard; and

WHEREAS, the City of Bayonne's Public Safety Director has studied the traffic patterns on Broadway and Avenue E and is of the opinion that traffic congestion and the threat to pedestrians at 53rd Street and Broadway can be alleviated by changing the flow of traffic on 53rd Street between Avenue C and Broadway to east to west until such time as the emergent need for same no longer exists; now, therefore, be it

RESOLVED, that the Mayor, Public Safety Director, Chief of Police and/or any other necessary public officials are hereby authorized to effectuate any and all measures necessary to implement the change in the flow of traffic on 53rd Street between Avenue C and Broadway from west to east (as it currently runs) to east to west, until such time as the Public Safety Director deems that the need for such change no longer exists.

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

* * * * *

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

WHEREAS, Vericon Construction is performing underground utility work in connection with the Investors Bank construction project located on the southwest corner of 53rd Street and Broadway; and

WHEREAS, due to the fact that the City of Bayonne will not allow for the closure of any travel lanes on Broadway during normal business hours, Vericon Construction is requesting that it be permitted to work during non-traditional hours (8 p.m. to 4 a.m., Monday through Friday) for the next two phases of construction; and

WHEREAS, Vericon Construction anticipates the first phase, which is expected to take approximately five night time shifts, is to be comprised of digging several test pits to determine the location of other utilities in the road in order to allow for Vericon's engineers to finish design for the new sanitary/storm piping; and

WHEREAS, Vericon Construction anticipates the second phase, which is expected to take approximately 25 night time shifts and create considerable noise if rock is encountered, will involve the installation of new storm and sanitary piping from the Investor's Bank site to the City main approximately 12" below the surface of Broadway; and

WHEREAS, this Municipal Council is satisfied that, although temporarily inconvenient, the use of night time shifts will ultimately expedite the construction process and reduce overall congestion and inconvenience currently being visited upon this site by virtue of the Turnpike reconstruction; now, therefore, be it

WHEREAS, Vericon Construction has provided the City with correspondence dated October 12, 2015 indicating the need for an exemption from the aforesaid Ordinance 3-1.8 to allow work to be performed by the contractor during the hours of 8:00 p.m. and 4:00 a.m., Monday through Friday, for at least thirty (30) shifts; now, therefore, be it

RESOLVED that the Mayor and City Council of the City of Bayonne herewith allow an exemption from Ordinance No. 3-1.8 of the Revised General Ordinances to Vericon Construction as follows:

1. Allowing work hours from 8:00 p.m. to 4:00 a.m., Monday through Friday, for thirty (30) shifts.

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

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

* * * * *

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

WHEREAS, the City is in need of various professional services and/or extraordinary unspecifiable services for the upcoming calendar year commencing January 1, 2016 and ending December 31, 2016 including, but not limited to, professional legal services, engineering services, accounting services, information technology services, *etc.*, now, therefore, be it

RESOLVED, the Municipal Council hereby authorizes the advertisement of various Requests for Qualifications/Proposals for the aforesaid professional and or extraordinary unspecifiable services for the upcoming calendar year commencing January 1, 2016 and ending December 31, 2016 pursuant to the fair and open contracting provisions set forth in *N.J.S.A. 19:44A-20.4* and *N.J.S.A. 19:44A-20.5*.

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

* * * * *

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

WHEREAS, the Municipal Council of the City of Bayonne has had the opportunity to review, analyze and comment upon certain Memoranda of Agreements between (a) the City of Bayonne and the American Federation of State, County & Municipal Employees Local 2261 and (b) the City of Bayonne and the Local 2261, affiliated with AFSCME Council 52 of the American Federation of State, County & Municipal Employees Local 2261 (Library Employees) ; and

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

RESOLVED, that the Municipal Council hereby accepts the terms set forth within the Memoranda of Agreements and authorizes the Mayor and City Clerk of the City of Bayonne to execute contracts with (a) Local 2261, American Federation of State, County and Municipal Employees and (b) Local 2261, affiliated with AFSCME Council 52 of American Federation of State, County and Municipal Employees, AFL-CIO (Library Employees) for the period covering July 1, 2014 through December 31, 2019, consistent with the terms set forth in the aforementioned Memoranda of Agreements.

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

* * * * *

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

RESOLUTION DESIGNATING 26 NORTH AVENUE, LLC AS REDEVELOPER OF THE PROPERTY DESIGNATED AS BLOCK 297, Lot 3 IN THE OF CITY OF BAYONNE

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

WHEREAS, the Municipal Council, pursuant to Resolution No. 15-02-18-046, directed the Planning board, to prepare and review a Rehabilitation Plan for 8th Street Station Area (the “Rehabilitation Area”) and make recommendations to the Municipal Council in accordance with the Redevelopment Law; and

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Municipal Services in conjunction with Local and Planning Services of the Department of Community Affairs, prepared a rehabilitation plan for the Rehabilitation Area titled “City of Bayonne 8th Street Station Rehabilitation Area Plan” revised through April 24, 2015 (the “Rehabilitation Plan”); and

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

WHEREAS, on May 20, 2015, the Municipal Council pursuant to Ordinance O-15-13 adopted the Rehabilitation Plan dated March 9, 2015 and revised through April 24, 2015; and

WHEREAS, 26 North Avenue, LLC is the owner of property located within the Rehabilitation Area, which is designated as 26 North Street, Block 297, Lot 3 on the Tax Maps of the City of Bayonne (the “Property”); and

WHEREAS, the Property encompasses approximately 1.8 acres of land and is presently vacant; and

WHEREAS, the Redeveloper has agreed to develop the Property and use it for the purpose of implementing the Rehabilitation Plan; and

WHEREAS, the Redeveloper obtained preliminary and final site plan approval from the Planning Board for Phase I of the Redevelopment Project (the “Planning Board Approval”); and

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

WHEREAS, 26 North Avenue, LLC 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;

WHEREAS, the Municipal Council desires to enter into a Redevelopment Agreement with the Redeveloper, and upon the full execution of such Redevelopment Agreement by the City of Bayonne and the Redeveloper, recognize 26 North Avenue, LLC as redeveloper of the Property as provided for and in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law; and

WHEREAS, the 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. 26 North Avenue, LLC, or an affiliate thereof, is hereby designated as the Redeveloper of the Property, which is designated as Block 297, Lot 3 on the Tax Maps of the City of Bayonne, subject, however, to the negotiation of a mutually agreeable Redevelopment Agreement between 26 North Avenue, LLC and the City of Bayonne, which Redevelopment Agreement must be approved by this Municipal Council.

Section 2. The Mayor and/or his designees is/are authorized 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 3. The Municipal Council, upon the full execution of a Redevelopment Agreement by the City of Bayonne and 26 North Avenue, LLC will recognize 26 North Avenue, LLC as Redeveloper of 26 North Street, more particularly set forth and described, as provided for and in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law; and

Section 4. This Resolution shall take effect immediately.

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

* * * * *

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

RESOLUTION OF THE CITY OF BAYONNE AUTHORIZING AND DIRECTING THE PLANNING BOARD TO PREPARE A REDEVELOPMENT PLAN FOR BLOCK 84, LOTS 6, 7, 8 AND 9

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

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

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

WHEREAS, in order to ensure the success of rehabilitation in conformity with the City's objectives, the Municipal Council is hereby authorizing and directing the Planning Board to review certain property located at 140 Avenue B, 138 Avenue B, 104 West 44th Street, and 101 West 44th Street, which is designated as Block 84, Lots 6, 7, 8, and 9, on the City's Tax Maps (the "Parcel"), and to prepare and present a Redevelopment Plan for said Parcel in accordance with the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.*

NOW THEREFORE, BE IT RESOLVED that:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. Pursuant to the provisions of *N.J.S.A. 40A:12A-7(e)* of the Redevelopment Law, the Planning Board, through the City's staff and/or Planning Board professionals, is hereby authorized and directed to prepare a Redevelopment Plan for the Parcel identified as Block 84, Lots 6, 7, 8, on the City's Tax Maps;
3. The Clerk of the City shall forward a copy of this Resolution to the Planning Board for review pursuant to *N.J.S.A. 40A:12A-7(e)*.
4. This Resolution shall take effect immediately.

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

* * * * *

65. The Business Administrator briefed the Council on the Best Practices List and the Council discussed it.

* * * * *

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

RESOLUTION CONDITIONALLY DESIGNATING BAYONNE 19th STREET URBAN RENEWAL ASSOCIATES, LLC AS REDEVELOPER OF THE PROPERTY DESIGNATED

AS BLOCK 221, LOTS 1, 2, 3, 4, 5, 15, 16, 17, 18, 19, 24 AND 26 (13-27 East 19th Street, 12-22 East 21st Street, 426-428 Broadway and 434-436 Broadway) IN THE OF CITY OF BAYONNE

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

WHEREAS, the Municipal Council 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 of the City (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, 426-428 Broadway 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, 24 and 26 on the official Tax Map of the City (the “Property”);

WHEREAS, on August 19, 2015, 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, 24, and 26 13-27 East 19th Street, 12-22 East 21st Street, 426-428 and 434-436 Broadway” revised through September 9, 2015, (the “Redevelopment Plan”) for the Municipal Council’s consideration; and

WHEREAS, on October 21, 2015, the Municipal Council pursuant to Ordinance O-15-35 adopted the Redevelopment Plan, upon receipt of the Planning Board’s recommendation to the Municipal Council; and

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

WHEREAS, the Redeveloper has requested that the Municipal Council, as a redevelopment entity, enter into a redevelopment agreement with the Redeveloper

providing for the Redeveloper's development of the Property in accordance with the Redevelopment Plan; and

WHEREAS, the Municipal Council 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, and

WHEREAS, upon the negotiation and full execution of a Redevelopment Agreement by the City of Bayonne and the Redeveloper, the Municipal Council further desires to recognize Bayonne 19th Street Urban Renewal Associates, LLC as redeveloper of the Property as provided for and in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law.

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

Section 1. Bayonne 19th Street Urban Renewal Associates, LLC or an affiliate thereof, is hereby conditionally designated as the Redeveloper of the Property, which is designated as Block 221, Lots 1, 2, 3, 4, 5, 15, 16, 17, 18, 19, 24 and 26 on the Tax Maps of the City of Bayonne, subject, however, to the negotiation of a mutually agreeable Redevelopment Agreement between Bayonne 19th Street Urban Renewal Associates, LLC and the City of Bayonne, which Redevelopment Agreement must be approved by this Municipal Council.

Section 2. The Mayor and/or his designees is/are authorized 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 3. This Resolution shall take effect immediately.

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

* * * * *

67. Council Member Perez moved the following resolution, seconded by Council 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 Community Day Nursery, 591 Broadway, Bayonne, New Jersey 07002 is an organization which has among its objectives assisting persons of lower and moderate income households; and

WHEREAS, the Bayonne Community Day Nursery has submitted a formal written application dated February 1, 2013 for said CDBG Grant Funds for the amount of \$160,000 for the purpose of providing the cost of reconstruction in various parts of their building located at 591 Broadway, Bayonne New Jersey; and

WHEREAS, the Bayonne Community Day Nursery requested funds in the amount of \$19,000.00 in order to reconstruct the sidewalk in front of their building located at 591 Broadway, Bayonne, New Jersey pursuant to a proposal received from Lucciola Mason Contracting, Inc., 145 Lord Avenue, Bayonne, New Jersey 07002; and

WHEREAS, the Executive Director of Community Development has advised that said Community Development Block Grant Funds for the purpose of providing the cost of reconstruction of the sidewalk in front of their building are certified as available in Account CDBG-867; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Bayonne Community Day Nursery, 591 Broadway, Bayonne, New Jersey 07002 for the provision of providing the cost of reconstruction of the sidewalk in front of their building located at 591 Broadway, Bayonne, New Jersey pursuant to a proposal received from Lucciola Mason Contracting, Inc. in the amount of \$19,000.00.

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

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

* * * * *

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

WHEREAS, the City of Bayonne has been awarded an FY 2015 Port Security Grant in the amount of \$25,000.00 (Grant #EMW-2015-PU-00551) from the U.S. Department of Homeland Security for the purpose of purchasing Marine Blue Force Tracking & Identification System and Marine Fire Pump; and

WHEREAS, as a condition of this award, the City of Bayonne is NOT required to contribute a cost match of non-Federal funds; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to execute any and all documents necessary to effectuate the receipt and implementation of the aforesaid grant funds.

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

* * * * *

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

WHEREAS, Alaa Gerges tendered a check in the sum of \$1,050.00 to the City of Bayonne in connection with an application for a municipal limousine license, which sum has been confirmed as received by the City Clerk; and

WHEREAS, subsequent thereto it was determined that the application could not be processed and the application was withdrawn; and

WHEREAS, Alaa Gerges has requested that he be reimbursed the above noted application fee in the amount of \$1,050.00; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Comptroller and/or other appropriate officials of the City of Bayonne are hereby authorized to issue a reimbursement in the amount of \$1,050.00 payable to Alaa Gerges in connection with the above noted withdrawn application.

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

* * * * *

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

WHEREAS, BCB Bank is holding a celebration event commemorating its 15th anniversary at the BCB Bank Pavilion located at 301 Chosin Few Way on November 7, 2015; and

WHEREAS, BCB Bank's caterer, The Vic Tavern, d/b/a The Vic Tavern, LLC has requested a waiver from Section 3-5.2 of the Revised General Ordinances of the City of Bayonne that prohibits the possession and consumption of alcoholic beverages on the grounds of any public place, and also provides that the Municipal Council of the City of Bayonne may, by resolution, permit the possession or consumption of alcoholic beverages in a designated park at a designated time or times in connection with a specific event; and

WHEREAS, BCB Bank's caterer, The Vic Tavern, d/b/a The Vic Tavern, LLC has submitted an Application for Catering Permit (CT) requesting a Special Permit to sell, dispense and serve alcoholic beverages off its licensed premises in connection with the aforesaid celebration event to be held at the BCB Bank Pavilion located at 301 Chosin Few Way on November 7, 2015 from 3:00 p.m. to 10:00 p.m.; now, therefore, be it

RESOLVED, that permission is hereby granted to The Vic Tavern, d/b/a The Vic Tavern, LLC to service alcoholic beverages to BCB Bank's members and guests to possess and consume alcoholic beverages at the BCB Bank Pavilion located at 301 Chosin Few Way on November 2, 2015 from 3:00 p.m. until 10:00 p.m., so that BCB Bank may hold its celebration event; and be it further

RESOLVED, that the within permission is conditioned upon the filing with the City evidence of general liability insurance naming the City of Bayonne as "additional insured" having a policy limit and scope of coverage that is acceptable to the Law Division and in a form so approved by the Law Division by November 1, 2015.

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

* * * * *

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

WHEREAS, the Municipal Council of the City (the "Municipal Council") has adopted an ordinance designating the entire City as an area in need of rehabilitation under the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "Redevelopment Law");

WHEREAS, the Municipal Council has designated the area commonly known as Block 87, Lots 1-4, 5.02 p/o and 19 (proposed Block 87, Lot 1.01) on the tax map of the City as an area in need of redevelopment in accordance with the Redevelopment Law; and

WHEREAS, on February 20, 2013 the Municipal Council adopted a redevelopment plan for the Project Area prepared by John D. Fussa, P.P. entitled the 'Amended Redevelopment Plan, 1034-1046 John F. Kennedy Boulevard Redevelopment Area' dated November 2012 (the "Redevelopment Plan");

WHEREAS, on May 22, 2013, the Municipal Council adopted Ordinance 0-13-16 designating 1040 KENNEDY, LLC as the redeveloper of the Project Area; and

WHEREAS, on July 10, 2013, the City and the Redeveloper entered into a redevelopment agreement (the "Redevelopment Agreement") governing the redevelopment of the Project Area; and

WHEREAS, pursuant to and in accordance with the provisions of the Five-Year Exemption and Abatement Law, *N.J.S.A. 40A:21-1 et seq.* (the "Tax Exemption Law" and together with the Redevelopment Law, the "Acts"), the City is authorized to provide for a tax exemption and for payments in lieu of taxes in an area in need of rehabilitation or area in need of redevelopment; and

WHEREAS, on May 22, 2013, the Municipal Council adopted Ordinance 0-13-15 permitting tax exemptions for the construction of multiple dwellings (as such term is defined in the Tax Exemption Law) in the City and authorizing tax agreements for same; and

WHEREAS, the Redeveloper submitted an application to the City for a tax exemption, all in accordance with the Tax Exemption Law, including without limitation *N.J.S.A. 40A:21-9* and the Exemption Application was accepted and approved pursuant to Ordinance 0-13-16 of the Municipal Council duly adopted on May 22, 2013, which authorized the execution of a tax agreement with the Redeveloper; and

WHEREAS, on July 10, 2013, the City and the Redeveloper entered into a tax agreement (the "Tax Agreement") governing the tax exemption and payment in lieu of taxes for the Project Area; and

WHEREAS, both the Redevelopment Agreement and the Tax Agreement contemplate a Project Completion Date of November 7, 2015 for the project area; and

WHEREAS, the Redeveloper has requested that the Project Completion Date be extended to January 31, 2016; and

WHEREAS, the City of Bayonne is amenable to the change in the Project Completion; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to execute amendments to the existing Redevelopment Agreement and Tax Agreement between the City of Bayonne and 1040 KENNEDY, LLC to reflect that the Project Completion Dates therein are extended to January 31, 2016. Any and all amendments to said Agreements shall be subject to the review and approval of legal council.

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

* * * * *

At 8:43 P.M. Council Member LaPelusa motioned to adjourn, seconded by Council President Nadrowski, which motion was adopted.

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

* * * * *

President - Sharon A. Nadrowski

Clerk - Robert F. Sloan