

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 TUESDAY, NOVEMBER 10, 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 November 10, 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 November 6, 2015.”

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

The Clerk called the roll.

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

The Council President led the Pledge of Allegiance.

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01. Baer Hanusz -Rajkowski addressed the council on the subject of a house on 5th Street being proposed for demolition.

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02. Muhammed Khan addressed the council regarding people bringing dogs into the county park at night.

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03. Jamie Minotto addressed the council regarding medical benefits erroneously paid to part time council members.

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04. The Clerk announced:

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” which was introduced and passed a first reading at a meeting held October 21, 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 November 10, 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 President Nadrowski, which motion was adopted.

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

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

Nay - Council Member LaPelusa.

The Clerk read the ordinance by title: “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”

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 DeMarco - Business Administrator
Lara Schweger - Ingerman Development
Baer Hanusz-Rajkowski- 84 Trask Avenue
Matthew Kopko - 105 West 8th Street
Peter Franco - 127 West 12th Street

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

Council President Nadrowski motioned to closed the hearing, seconded by Council Member Cotter, 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 Cotter, which was read by the Clerk and adopted.

WHEREAS, 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" was introduced and passed a first reading at a meeting held October 21, 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 November 10, 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-15-39.

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

Nays - Council Member LaPelusa.

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05. The Clerk announced:

AN ORDINANCE ENTITLED, , "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 4, LICENSING, REGISTRATION AND BUSINESS REGULATIONS," which was introduced and passed a first reading at a meeting held October 21, 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 November 10, 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: , "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 4, LICENSING, REGISTRATION AND BUSINESS REGULATIONS,"

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

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

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

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

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

Council Member Perez moved the following resolution, seconded by Council President Nadrowski, 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 4, LICENSING, REGISTRATION AND BUSINESS REGULATIONS," was introduced and passed a first reading at a meeting held October 21, 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 November 10, 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-15-40.

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

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06. The Clerk announced:

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," which was introduced and passed a first reading at a meeting held October 21, 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 November 10, 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: , "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,"

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

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

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

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

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

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

WHEREAS, an ordinance entitled, "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," was introduced and passed a first reading at a meeting held October 21, 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 November 10, 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-15-41.

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

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07. The Clerk announced:

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," which was introduced and passed a first reading at a meeting held October 21, 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 November 10, 2015, is now before the Council for its consideration and a public hearing.

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

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

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

The Clerk read the ordinance by title: , "AN ORDINANCE 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

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(s) spoke: Matthew Kopko - 105 West 8th Street
Sue Mack - City Planner

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

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

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

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

WHEREAS, 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, 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 November 10, 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-15-42.

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

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08. The Clerk announced:

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," which was introduced and passed a first reading at a meeting held October 21, 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 November 10, 2015, is now before the Council for its consideration and a public hearing.

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

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

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

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

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

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

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

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

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

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

WHEREAS, an ordinance entitled, "ORDINANCE OF THE CITY OF BAYONNE, 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, 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 November 10, 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-15-43.

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

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09. 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 October 21, 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 November 10, 2015, is now before the Council for its consideration and a public hearing.

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

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

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

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

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

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

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

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

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

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

WHEREAS, an ordinance entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC, 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 November 10, 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-15-44.

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

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10. Council President Nadrowski introduced:

AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON APPROVING A FINANCIAL AGREEMENT WITH 230-250 AVENUE E URBAN RENEWAL, LLC

WHEREAS, on the basis of a preliminary investigation and recommendation of the Planning Board of the City of Bayonne (the “Planning Board”) pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq., the City Council of the City of Bayonne (the “City Council”) determined that certain property known as 230-250 AVENUE E, and designated as Block 454, on the Tax Map of the City of Bayonne (the “City”), and all air rights and riparian rights attached or associated with those parcels, should be classified as a redevelopment area in accordance with N.J.S.A. 40A: 12A-5 (the “Redevelopment Area”); and

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

WHEREAS, on October 17, 2013, the Municipal Council of the City of Bayonne (the “Municipal Council”) passed a Resolution designating the property at 230-250 Avenue E and commonly known as Block 454, Lot 2 as an “are in need of redevelopment” under the Redevelopment Law (the “Bayonne Plumbing South Redevelopment Area”) in accordance with the provisions of N.J.S.A. 40A: 12A-6 of the Redevelopment Law; and

WHEREAS, on November 13, 2013 the Municipal Council adopted an Ordinance adopting a Redevelopment Plan fro the Bayonne Plumbing South Development Area (the “Bayonne Plumbing South Redevelopment Plan”); and

WHEREAS, the Redevelopment Plan calls for the Redevelopment Area to be developed as a residential community consisting of up to 90 residential units and associated uses, including parking; and

WHEREAS, 230-250 AVENUE E URBAN RENEWAL, LLC proposes to construct up to 90 residential apartment units, along with associated parking and improvements (the “Project”) in the project area;

WHEREAS, 230-250 AVENUE E URBAN RENEWAL, LLC has applied to the City Council for tax exemption pursuant to the New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et. seq. (the “Exemption Law”) with respect to the Project; and

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

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

WHEREAS, as part of its application for a tax exemption, 230-250 AVENUE E URBAN RENEWAL, LLC has submitted a form of Financial Agreement (the “Financial Agreement”) providing for payments in lieu of taxes, a copy of which is attached to this Ordinance; and

WHEREAS, 230-250 AVENUE E URBAN RENEWAL, LLC has presented to this body certain financial information, copies of which are attached as exhibits to this Ordinance; and

WHEREAS, the City Council deems it to be in the best interest of the City to pass an Ordinance authorizing the City to enter into the proposed Financial Agreement with 230-250 AVENUE E URBAN RENEWAL, LLC on the terms and conditions stated in the applicable form of Financial Agreement attached to this Ordinance;

NOW THEREFORE, be it Ordained that the City Council of the City of Bayonne does hereby adopt the tax exemptions for 230-250 AVENUE E URBAN RENEWAL, LLC as follows:

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

Section 2. The Mayor is hereby authorized to execute the Financial Agreement with 230-250 AVENUE E URBAN RENEWAL, LLC in substantially the form attached hereto and subject to any further review, analysis or modifications that counsel may deem appropriate.

Section 3. During the term of the tax exemption with respect to 230-250 AVENUE E URBAN RENEWAL, LLC there shall be paid to the City in lieu of any taxes to be paid on the improvements of the Project, an annual service charge determined as provided in the Financial Agreement.

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

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

BE IT RESOLVED, that an ordinance entitled "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON APPROVING A FINANCIAL AGREEMENT WITH 230-250 AVENUE E URBAN RENEWAL, LLC," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, December 16, 2015 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

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11. Council President Nadrowski introduced:

AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON APPROVING A FINANCIAL AGREEMENT WITH INGERMAN DEVELOPMENT COMPANY, LLC AND BAYONNE 19TH STREET URBAN RENEWAL ASSOCIATES, LLC

WHEREAS, on the basis of a preliminary investigation and recommendation of the Planning Board of the City of Bayonne (the "Planning Board") pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et. seq.*, the City Council of the City of Bayonne (the "City Council") determined that certain property known as 13-27 East 19th Street, 12-22 East 21st Street, 426-428 Broadway and 434-436 Broadway, and designated as Block 221, Lots 1, 2, 3, 4, 5, 15, 16, 17, 18, 19, 24 and 26 on the Tax Map of the City of Bayonne (the "City"), and all air rights and riparian rights attached or associated with those parcels, should be classified as a redevelopment area in accordance with N.J.S.A. 40A: 12A-5 (the "Redevelopment Area"); and

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

WHEREAS, on October 21, 2015, the City Council passed Ordinance No. O-15-35 adopting the proposed redevelopment plan as the redevelopment plan of the City for the Redevelopment Area (the "Redevelopment Plan"); and

WHEREAS, the Redevelopment Plan calls for the Redevelopment Area to be developed as a residential community consisting of up to 160 residential units per acre and associated uses, including, parking, open space and civic uses; and

WHEREAS, INGERMAN DEVELOPMENT COMPANY, LLC and BAYONNE 19th STREET URBAN RENEWAL ASSOCIATES, LLC proposes to construct up to 160 residential apartment units, along with associated parking and improvements, and open space (the "Project") in the project area;

WHEREAS, INGERMAN DEVELOPMENT COMPANY, LLC and BAYONNE 19th STREET URBAN RENEWAL ASSOCIATES, LLC has applied to the City Council for tax exemption pursuant to the New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et. seq. (the "Exemption Law") with respect to the Project; and

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

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

WHEREAS, as part of its application for a tax exemption, INGERMAN DEVELOPMENT COMPANY, LLC and BAYONNE 19th STREET URBAN RENEWAL ASSOCIATES, LLC has submitted a form of Financial Agreement (the "Financial Agreement") providing for payments in lieu of taxes, a copy of which is attached to this Ordinance; and

WHEREAS, INGERMAN DEVELOPMENT COMPANY, LLC and BAYONNE 19th STREET URBAN RENEWAL ASSOCIATES, LLC has presented to this body certain financial information, copies of which are attached as exhibits to this Ordinance; and

WHEREAS, the City Council deems it to be in the best interest of the City to pass an Ordinance authorizing the City to enter into the proposed Financial Agreement with INGERMAN DEVELOPMENT COMPANY, LLC and BAYONNE 19th STREET URBAN RENEWAL ASSOCIATES, LLC on the terms and conditions stated in the applicable form of Financial Agreement attached to this Ordinance;

NOW THEREFORE, be it Ordained that the City Council of the City of Bayonne does hereby adopt the tax exemptions for INGERMAN DEVELOPMENT COMPANY, LLC and BAYONNE 19th STREET URBAN RENEWAL ASSOCIATES, LLC as follows:

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

Section 2. The Mayor is hereby authorized to execute the Financial Agreement with Ingerman Development Company LLC and Bayonne 19th Street Urban Renewal Associates, LLC in substantially the form attached hereto and subject to any further review, analysis or modifications that counsel may deem appropriate.

Section 3. During the term of the tax exemption with respect to Ingerman Development Company, LLC and Bayonne 19th Street Urban Renewal Associates, LLC, there shall be paid to the City in lieu of any taxes to be paid on the improvements of the Project, an annual service charge determined as provided in the Financial Agreement.

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

Council 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, COUNTY OF HUDSON APPROVING A FINANCIAL AGREEMENT WITH INGERMAN DEVELOPMENT COMPANY, LLC AND BAYONNE 19TH STREET URBAN RENEWAL ASSOCIATES, LLC," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, December 16, 2015 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

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12. Council Member LaPelusa introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 37, HISTORIC PRESERVATION

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

SECTION 1. Chapter 37, Historic Preservation, of the Revised General Ordinances of the City of Bayonne, is amended and supplemented by adding the following designation of the property located at 16-18 West 9th Street, Block 283, Lot 27 on the Tax Map of the City of Bayonne, and known as the Joyce-Herbert Veterans of Foreign Wars Post #226 Veterans' Museum/The VFW Post 226 Veterans Museum:

1. The Municipal Council of the City of Bayonne finds and determines the following:

- The VFW Post #226 building is located one block north of the historic Bergen Point section of Bayonne, the city's downtown district. The Post's immediate context includes other significant buildings, such as the local, state, and national landmark Bayonne Community Museum at the corner of 9th Street and Broadway (formerly the Bayonne Community Trust Bank), a Head Start building at 7 West 9th Street, and the former Mechanics' Trust Bank building at 19-21 Eighth Street (now a Head Start building). Together they constitute the extended footprint of the Eighth Street Station of the Central Railroad of New Jersey (1864 to 1978) and the recent construction of the New Jersey Transit's 8th Street Light Rail Station (January 2011) modeled on the former railway station. They are within the location of the Eighth Street Station Rehabilitation Area Plan.
- The façade and main entrance, on the southerly side of West 9th Street, is 50-feet wide with a side elevation 100-feet deep. The building faces north on West 9th Street. A first-floor extension (left side) to the building was added in the early 1960s as was the ground-level entrance to its left. It is constructed to the lot line on the left side; an alley is to the right of the building. There is a handicap ramp and a metal railing leading from the first floor to the ground on the right side of the building. Most of the left side is not visible due to the garage that abuts it.
- The appearance of the two-story commercial-style building is not original to the time of its construction circa 1919. The building was constructed by John R. Proctor, an electrical contractor. Neither the architect nor contractor are known. Proctor's intent to construct a one-story building appears in a notice posted in the engineering magazine *Iron Age* (Vol. 102, Part 1, July-December 1918, p. 673):.

A one-story machine repair shop and office, 19 x 76 ft., will be constructed at 16-20 West Ninth Street, Bayonne, NJ by John R. Proctor, Inc., engineer, 721 Broadway, Bayonne.

- Two maps give an early look at Ninth Street before-and-after the building construction. The 1912 Sanborn map indicates that no building existed on the site and the 1934 Plat map confirms the construction of Proctor's building albeit two stories.
- In the early 1960s, the building was expanded to the end of the property line and modified with a new entrance at the right side of the facade. Stucco applied by the Anchor Stone Co. covers the original red brick and white stone building.
- The building--including the front façade, right side, left side and rear and addition--is of mixed decorative stucco finishes in light tan and medium brown color tones. Stucco, a durable material of Portland cement, sand and water, is an economical material that usually lasts the life of the building. A variety of

textures can be achieved depending on the aggregates used as is evidenced on the VFW building.

- On the front façade, the medium brown stucco is embedded with small cracked pieces of stone. There are three rectangular panels of light tan stucco embedded with smooth stones. The left panel contains a window on the second floor and red, white and blue signage with the post insignia on the first floor. The middle panel contains a window on the second floor and the original entrance (double) door on the first floor. The right panel contains a window on the second floor and an empty panel which resembles a frame on the first floor.
- There are decorative faux columns of medium brown stucco on the front façade and on the right and left side of the building. Also prominent on the right and left sides of the building near the roofline is a band of medium brown stucco. The stucco on the left side, the right side and the rear of the building is of a different texture than the stucco on the front façade. The plaster texture is lighter and smoother and resembles one of the following two types of plaster texture: "Spanish" or "California."
- There are three sections of visible siding on the building: one section of light green siding, approximately 8' x 8' in a half-triangular shape on the upper left side of the building above the entrance to the museum; one triangular section of white siding
- (3 horizontal rows) near the roof line of the rear of the building and to the right of this section is a half-triangular section of white siding (10 rows).
- The building has no architectural ornamentation except for a rectangular cornice centered below the roofline and flat roof featuring the letters "VFW" in red, white and blue in an inserted light tan panel. (Image #8) The panel is centered over a blue awning on the first floor with the post name on it. There are two flags – the American flag and the POW/MIA flag (Prisoner of War/Missing in Action flag) above the awning. The front steps, with a railing and overhead awning, leading from the sidewalk to the first floor, was the original entrance into the building and once led to the Post's canteen that is no longer in use. The post's name and address appear over the stairway.
- There are three windows in the front of the building, two (that are visible) on the left side of the building and seven on the right side of the building. On the first floor, the window to the right of the original entrance has been covered with framed stucco. The window to the left of the original raised entrance is covered with a red, white and blue sign with "Veterans Military Museum," the post insignia and the signage "Joyce-Herbert V.F.W. Post 226" on it.
- The contemporary double-door of glass at the left of the building is at ground level and is not original to the building. On the facade above the door is the signage "VFW 226 AUX" in red, white and blue.
- Beyond the ground floor entrance ramp to the first floor, one enters the museum room. (Image #10) Along the back wall (facing south) of the room is the VFW Insignia flanked with portraits of Fireman 3rd Class (US Navy) Martin A. Joyce and US Army Corporal William Herbert who died in World War I, for whom the post was named. (Images #11, #12, #13) The vast collection donated by Bayonne veterans and their families includes uniforms, weaponry, medals, citations, photographs, print media and thousands of items dating back to the Revolutionary War, Civil War, Spanish-American War, World Wars I and II, Korean and Vietnamese conflicts, and the Gulf War to the current military operations in Iraq and Afghanistan.
- A second large room on the first floor (to the right of the museum room) which once had a stage, has seating for programs, presentations and social gatherings. At the back (facing north) of the room is a bar area that served as the Post's canteen, which one entered from the original 9th Street entrance. Additional rooms and spaces include a kitchen, museum office, archive, curator's workshop and repair room.
- The second floor has a storage area, two file rooms, and offices, including one for the commander. It was originally used as a rental hall with a kitchen.

2. The Municipal Council further finds and determines that the VFW Post #226 building meets the criteria for historic designation for the following reasons:

- Property is associated with events that have made a significant contribution to the broad patterns of our history.
- Property is associated with the lives of persons significant in our past.
- Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- Property has yielded, or is likely to yield, information important in prehistory or history.
- The property at 16-18 West 9th Street is historically significant for its association with the peak years of the city's era of industry and invention. It was built for the electrical engineer John R. Proctor who owned it during the post-World War I era. His work and inventions complimented industries such as the Atlas Steel Barrel Company that may have contributed to the oil refineries like Standard Oil at Constable Hook and the defense industry during World War II.
- Since its purchase by the VFW Post 226 in 1941, the building has been dedicated as a civic center for the city's veterans who served actively in occupied or war zones and is representative of their role in America's foreign engagements. It is also a depository for the material legacy donated by Bayonne women and men of the US military and their families. It is representative of how Bayonne experienced the military experiences of its residents.
- The origins of the veterans' post date back circa 1919 at the end of the Great War (World War I) when Bayonne war veterans were said to have met in two automobiles at the 8th Street Train Station. The group decided to organize and applied for a charter from the Veterans of Foreign Wars of the United States that they received on October 8, 1919. The document with the motto, "Fortitude and Loyalty," and names of 36 charter members is displayed at the museum. The post offered comradeship to returning soldiers from active service.
- The national VFW organization is well known for the "Buddy Poppy" campaign to raise funds for veterans, the founding of the Veterans' Administration, and GI Bills for the 20th and 21st centuries, among other benefits programs.
- Post 226 (the 226th chapter established in the US) was named for Martin Aloysius Joyce, Fireman, 3rd Class, US Navy, and William Herbert, US Army Corporal, 310th Infantry Regiment, 78th Division. Joyce died aboard the USS Delaware on January 25, 1918, as a result of injuries received on board ship during heavy sea. He was the first Bayonne resident killed during the war. Herbert was the last local resident killed two weeks before the end of the war from shrapnel wounds. He is buried at Meuse-Argonne American Cemetery, Romagne, France.
- The building, briefly owned by Mechanics' Trust Co. and the Square Holding Corporation at 30 Journal Square, was previously owned by John R. Proctor. According to the 1910 and 1930 US Census, Proctor was born in Scotland in 1880 and emigrated to the US in 1882. He lived in Bayonne at Avenue B with his wife, Marie, and two sons John R. Proctor, Jr. and Aurion M. Proctor. Other residences for Proctor listed in Bayonne City Directories are 24 West 29th Street (1911) and 24 Avenue C (1914-15).
- In 1915, Proctor received a contract for electrical work at the Mechanic Trust Co. on West 8th Street, which eventually became his neighbor and the banking institution that he used for his property/banking transactions. By 1918, Proctor seemed to be financially positioned to build his business on the vacant property at 18-20 West 9th Street. His company was incorporated with Lewis R. Ransom "with the capital of \$30,000 to manufacture metal products and rubber specialties (Iron Age, October 29, 1917). An ad in Industrial Development and Manufacturers Record (May 4, 1922) indicated that he specialized in "Lighting, Power, Heating, Sanitary and Water Supply Systems for Municipal and Industrial Properties" with offices at 130 Liberty Street, New York City as well as 721 Broadway, Bayonne. As a businessman, he involved himself in the community as he was elected by the Bayonne Chamber of Commerce for a two-year trustee, 1921-1923 (Bayonne Times 8 April 1921). He also launched a career as an inventor that continued after his removal from the Ninth Street property. Proctor succeeded in obtaining a number of US patents related to his

business such as a clamping ring (1935), seal for bond rings (1938, 1942) for the welding of flange to drum head sheet for the sewerage system for Sayreville, NJ.

- Between 1938 to 1942, several of his inventions, with Robert Campbell of Staten Island, were developed and patented for the Atlas Steel Barrel Corporation, a division of Bethlehem Steel Corp, located at Second Street in Bayonne. Among them were a clamping ring for open-ended containers, locking rings for container closures, and bung fixtures for hollow receptacles of sheet metal:

Patented Apr. 1, 1941 2,236,649
UNITED STATES PATENT OFFICE
CLAMPING RING
John R. Proctor, Bayonne, N.J., assignor to Atlas Steel Barrel Corporation,
Bayonne, N.J., a corporation of New Jersey
Application May 16, 1935, Serial No. 21,890.

- In 1944, the Rheem Manufacturing Company purchased Atlas Steel, giving Rheem a drum plant in Bayonne, New Jersey, replacing the Newark plant which was sold in 1942. Rheem was noted for its ability to produce durable rolled flat steel for containers for petroleum products, chemicals, dyes, oils and liquid food as well as defense materials, like heavy artillery shells.
 - From its opening at West 9th Street, VFW Post 226 was a popular meeting place offering support to returning veterans. It had a Ladies' Auxiliary for many years, the largest marching band in New Jersey, an annual military ball, a canteen and was known as "the swinging-est post" in town. The Post was re-dedicated in 1951.
 - In 2005, Post Commander Glen J. Flora transformed the Post facility into a veterans' museum with the assistance of Vice Commander Joseph Kennedy, Museum Curator, and Jackie George, Esq., Commander's Aide, Tour Coordinator.
 - It is now a depository for a "collection" of Bayonne military and veterans' artifacts donated to the museum. It dates back to the Civil War and Spanish-American War through World Wars I and II, Korea, Vietnam, and the recent American operations in the Gulf War, Iraqi Freedom and Afghanistan. Visitors have an opportunity to view the vast collection of uniforms, shoes, belts and buckles, rifles and knives, medals, citations, photographs, models and print media, among its holdings.
 - The museum opened to the public in 2006 and has served the community as a learning center. Students, civic organizations and visitors from Bayonne and surrounding areas have attended the exhibits.
 - Over 2,000 children from Bayonne, Jersey City, Newark, Camden, the Big Brothers, Sea Scouts, Boy Scouts, and Girl Scouts have viewed the collection. Other attendees include veterans residing at Lyons Hospital and an Australian documentary film maker. In 2015, Margaret Mary Doria completed the making of chair covers in red, white and blue for the meeting room and received the Girl Scout Gold Award for the project. She and Julianne Spiniello previously prepared a brochure about the museum to help promote visitation to the site.
3. The Municipal Council further finds that, although the building has neither architectural nor aesthetic significance it should be designated as a local landmark for the following cultural and historical impact that it has for the city, state and nation:
- VFW Post #226 is associated with events that have made a significant contribution to the broad patterns of American history.
 - The structure on the property was constructed ca. 1918-1920 for the John R. Proctor Company, Inc. whose proprietor was an electrical engineer and inventor of devices for the Atlas Steel Barrel Company.
 - John R. Proctor received several patents related to inventions for the Atlas Steel manufactured steel barrels that were supplied to Bethlehem Steel for both industrial and military use.
 - In 1941, the building was purchased by VFW Post 226 for use as a social club for veterans.

- In 2006, the Post became the Bayonne VFW Veterans Museum that expanded its significance as a local depository and an educational center for Bayonne's military history.
 - The Post's Veteran Museum qualifies as a landmark property "dedicated" to all the women and men from Bayonne who served during the nation's foreign wars. When one enters the museum, one revisits the significant military participation for which the city is known. Artifacts that represent those who served, including military uniforms, helmets, ship models, weaponry, medals, insignia, photographs and print articles, fill the room.
 - One of the earliest items is a memorial photograph of Civil War Corporal Patrick Larkin, Co. B – 5th NJ Infantry and a metal military insignia from the Spanish-American War. Ship models include: USS Arizona, USS Bayonne, USS New Jersey, PT 109, and James Ford Rhodes. Also, a World War I Admiral cape may be seen on display at the museum.
 - There are also donated items from Cornelius Gallagher (former US Congressman), Barry Dugan (former Hudson County Freeholder), former Bayonne mayors Dennis Collins and Richard Rutkowski, US Army Lt. Col. Jack Smith, and uniform of Susan Sokolowki, US Army (Iraqi Operation). Every branch of the military is represented; for example, George Pepe is identified as the first Bayonne resident to enter the US Air Force Academy. Angelo A. Squiterri, (1916-1983) who received the World War II Distinguished Service Cross is remembered.
 - One of the most important veterans in the City of Bayonne, was James J. Donovan, who was Bayonne's Mayor from 1939 - 1943. Mayor Donovan served in the Medical Corps in World War I and earned the Distinguished Service Cross in World War I, the United States' second highest military honor, for his bravery at Grand Prix, France, in October 1918. He also received the Italian Cross from the Italian government at New York City Hall in 1919. Mayor Donovan was responsible for the Navy Base/Military Ocean Terminal, one of the most strategically important bases on the East coast, while providing many jobs for Bayonne citizens.
 - The VFW Post 226 Museum also proudly displays commemorative items of Bayonne's three Medal of Honor Recipients: Stephen R. Gregg (1945), Nicholas Oresko (1945) and William Shemin (2015).
4. The property located at 16-18 West 9th Street, Block 283, Lot 27 on the Tax Map of the City of Bayonne, and known as the Joyce-Herbert Veterans of Foreign Wars Post #226 Veterans' Museum/The VFW Post 226 Veterans Museum is hereby designated a Historic Landmark in accordance with Municipal Land Use Law, N.J.S. 40:55D-1 et. seq., and Chapter 37, Historic Preservation, of the Revised General Ordinances of the City of Bayonne, noted for meeting the standards of the National Register of Historic Places:
- Property is associated with events that have made a significant contribution to the broad patterns of our history.
 - Property is associated with the lives of persons significant in our past.
 - Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
 - Property has yielded, or is likely to yield, information important in prehistory or history;
and the local standards (City of Bayonne) of Criteria A and B in the Historic Preservation Ordinance.
5. This designation shall be noted on the zoning map of the City of Bayonne and filed with the City Tax Assessor.

SECTION 2. This Ordinance shall take effect after publication and passage according to law.

SECTION 3. The Municipal Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the County Planning Board and to all others entitled thereto pursuant to the provisions of N.J.S. 40:55D-15. Upon adoption of this ordinance, after public hearing thereon, the Municipal Clerk is further directed to publish notice of the passage thereof and to file a copy of this ordinance as finally adopted with the County Planning Board as required by N.J.S. 40:55D-16 and with the City Tax Assessor.

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

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 37, HISTORIC PRESERVATION," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, December 16, 2015 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

RESOLVED, that the City Clerk forward said ordinance to the County Planning Board pursuant to the provisions of N.J.S. 40:55D-15, and to the Bayonne Planning Board for its review and a report pursuant to section 37-8.2(d) of the Revised General Ordinances of the City of Bayonne; 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 President introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED DEED TO BAYONNE AUTO TERMINAL, LLC FOR PROPERTY KNOWN AS BLOCK 1180, LOT 1 LOCATED IN THE MARITIME DISTRICT OF THE PENINSULA, IN THE CITY OF BAYONNE

WHEREAS, pursuant to N.J.S.A. 40A:12-13, 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 to sell any real property, capital improvement or personal property, or interests therein, not needed for public use; and

WHEREAS, the Municipal Council of the City of Bayonne in its capacity as the redevelopment entity (the "Municipal Council") for the City 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, the Bayonne Auto Terminal, LLC, is the owner in fee simple of certain tracts of real property situate on the former Bayonne Military Ocean Terminal (the "Peninsula") in the City of Bayonne, County of Hudson and State of New Jersey, currently known as Block 1180 Lot 1 (the "Property"), which was previously conveyed by Deed from the Bayonne Local Redevelopment Authority ("BLRA") to Bayonne Auto Terminal, LLC, which Deed was dated April 1, 2009 and recorded with the Hudson County Register 20090402010023430 as Book 8656, Page 912 (the "Original Deed"); and

WHEREAS, Bayonne Auto Terminal, LLC purchased the Property in accordance with a Redevelopment Agreement between the BLRA and Ports America, LLC, whose interests were subsequently transferred to Bayonne Auto Terminal, LLC, as Redeveloper of the Property; and

WHEREAS, by Ordinance No. 0-13-22, adopted on August 14, 2013, the City dissolved the BLRA pursuant to the Local Fiscal Control Law, N.J.S.A. 40:51-20, and became, as a matter of law, the successor-in-interest of all properties owned by the

BLRA as of the date of the dissolution, including without limitation, all properties located on the Peninsula owned by BLRA as of such date; and

WHEREAS, the City has determined to act as the “redevelopment entity” for property located on the Peninsula, including the Property; and

WHEREAS, pursuant to the Redevelopment Plan for the Peninsula and redevelopment agreements with various redevelopers of property on the Peninsula, the uses permitted on the Property will be restricted in order to limit or prohibit uses that are incompatible with the residential, retail and lifestyle development permitted within other nearby districts of the Peninsula; and

WHEREAS, the Municipal Council of the City of Bayonne agrees that an Amended and Restated Deed containing restrictions for use of the Property, is necessary in order to effectuate the terms of the redevelopment agreements with the redevelopers of the Peninsula and in accordance with the Redevelopment Plan in place for same.

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

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

Section 2. The proposed form of Amended and Restated Deed by and between the City of Bayonne, as successor in interest to the Bayonne Redevelopment Agency, and Bayonne Auto Terminal, LLC, a Delaware corporation authorized to do business in the State of New Jersey, is hereby approved.

Section 3. The Mayor is hereby authorized to execute the Amended and Restated Deed by and between the City of Bayonne and Bayonne Auto Terminal, LLC on behalf of the City of Bayonne, which shall be duly recorded with the Hudson County Register upon full execution.

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

Section 5. A copy of this Ordinance and the Amended and Restated Deed by and between the City of Bayonne and Bayonne Auto Terminal, LLC shall be available for public inspection at the office of the City Clerk during regular business hours.

Section 6. This Ordinance shall take effect upon the passage and publication in accordance with the applicable law.

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, COUNTY OF HUDSON, NEW JERSEY APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED DEED TO BAYONNE AUTO TERMINAL, LLC FOR PROPERTY KNOWN AS BLOCK 1180, LOT 1 LOCATED IN THE MARITIME DISTRICT OF THE PENINSULA, IN THE CITY OF BAYONNE,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, December 16, 2015 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

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14. Council President Nadrowski introduced:

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

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

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

RESTRICTIVE PARKING ZONES

DELETE

234. Elizabeth Floyd for George Loyal, 72 Evergreen Street
Beginning at a point on the south side of Evergreen Street, 89 feet west of the southwest corner of Evergreen Street and Hobart Avenue, and extending to a point 22 feet west thereof.

ADD

202. Janet Staruch, 31-35 East 11th Street
Beginning at a point on the north side of East 11th Street, 115 feet west of the northwest corner of Avenue E and East 11th Street, and extending to a point 20 feet west thereof.

234. William Farley, 145 West 28th Street
Beginning at a point on the north side of West 28th Street, 154 feet east of the northeast corner of Avenue A and West 28th Street, and extending to a point 22 feet east thereof.

273. Jane Young, 112 West 3rd Street
Beginning at a point on the south side of West 3rd Street, 101 feet west of the southwest corner of Humphrey Avenue and West 3rd Street, and extending to a point 19 feet west thereof.

290. Paul Yurkon, Sr., 509 Kennedy Boulevard
Beginning at a point on the north side of West 19th Street, 35 feet west of the northwest corner of Kennedy Boulevard and West 19th Street, and extending to a point 20 feet west thereof.

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

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

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

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

* * * * *

15. 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, "Christiana Trust vs. Csabai, et al., incl. The City of Bayonne."

* * * * *

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

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

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

* * * * *

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

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

* * * * *

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

DATE October 7, 2015

TO: Terrence Malloy, CFO
Robert Sloan, City Clerk

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

FROM: Janet Convery, Treasurer

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

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

* * * * *

19. 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.

* * * * *

20. 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, October 21, 2015 be and the same are hereby approved.

* * * * *

21. 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, October 14, 2015, be and the same are hereby approved.

* * * * *

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

WHEREAS, Neil A. DeSena was first elected as a Councilman for the Third Ward in 1970 and served four consecutive terms in that capacity; and

WHEREAS, in 1986, Neil A. DeSena was elected by the citizens of Bayonne to serve for an additional four years as a Councilman at Large; and

WHEREAS, Neil A. DeSena served as Council President of the Bayonne Municipal Council from 1974 to 1978 and 1986 to 1990; and

WHEREAS, in addition to his service to the City of Bayonne as an elected official, Neil A. DeSena distinguished himself as part of the social and communal fabric of the City of Bayonne through his tireless work with charitable and civic organizations during the course of his life, as evidenced by the fact that Neil A. DeSena was given the Patriots Award for God, Country, and Home from the Catholic War Veterans Post 1612 and the Ladies Auxiliary, the 2003 Honor Citizen Award from the New Jersey Honor Legion Police, the Rudy DeAngelo Foundation Award, and was the Grand Marshall of 2003 Bayonne Columbus Parade; and

WHEREAS, Neil A. DeSena not only served the City of Bayonne, but his country as well, as a veteran of World War II and the Korean War, fighting on behalf of his country with great honor and valor, receiving an honorable discharge with the rank of Staff Sergeant; and

WHEREAS, Neil A. DeSena passed away on October 15, 2015; be it

RESOLVED, by the Municipal Council as follows:

- 1. That Neil A. DeSena is hereby recognized for his years of meritorious service on behalf of the City of Bayonne.
- 2. That this Municipal Council hereby thanks Neil A. DeSena posthumously for his selfless and lifelong dedication to betterment of the City of Bayonne.
- 3. That a fully engrossed copy of this resolution be presented to his family.

* * * * *

23. 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
32	20.02	Mohsen Shaikh	1,086.66

89	37	Rita Anuszewski	2,893.53
228	19	Cecilia Auciello	250.00
249	29	Debra Daly	2,961.31
272	13	Marilyn Smith	251.25
326	32	Tracey Kilmer	1,491.00
Total:			8,933.75

* * * * *

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

WHEREAS, the properties set forth below have received judgments in their favor from the Tax Court of New Jersey; and

WHEREAS, the Director of Finance has recommended that these amounts, resulting from the aforementioned judgments be refunded to the property owners; now, therefore be it

RESOLVED, that warrants be drawn in the names and amounts set forth below, and forwarded to the Tax Collector for release to the property owners.

<u>BLOCK</u>	<u>LOT</u>	<u>PAYEE</u>	<u>AMOUNT</u>
47	8.107	Sunitha Massey	670.05
146	48	Michael Vespasiano, Esq./ Zampetti	8,029.28
252	29	Jason Lustbader, Esq./ Vazquez	5,474.50
Total:			14,173.83

* * * * *

25. 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 \$ 30.60 be drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of licenses Nos. 1266-1274 inclusive, 9 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.

* * * * *

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

RESOLVED, that the actions of the Municipal Treasurer in issuing a warrant from the Unemployment Trust Fund in the amount of \$ 28,319.91 payable to the State of New Jersey Division of Employer Accounts is hereby ratified and confirmed. Said warrant is for the City of Bayonne unemployment bills for quarter ending 09/30/2015.

* * * * *

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

WHEREAS, Resolution No. 15-09-16-044 adopted by the Municipal Council on September 16, 2015, awarded a contract to G.T..B.M., Inc., 351 Paterson Avenue, East Rutherford, N.J. 07073 for maintenance of the City's Info-Cop Licensed Software for a one year period commencing July1, 2015 and ending June 30, 2016 for an amount of

\$17,587.50 without going through the "fair and open process" pursuant to N.J.S.A. 19:44A-20.4 and N.J.S.A. 19:44A-20.5 *et seq.*; and

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

WHEREAS, it is essential for the safety and welfare of the public that the City’s maintenance of its Info-Cop Licensed Software be maintained in order to respond to the public in the most effective manner; and

WHEREAS, due to exigent circumstances the Municipal Council awarded the contract to G.T.M.B., Inc. by way of the aforesaid Resolution 15-09-16-044 prior to receiving the completed “Business Entity Disclosure Certification for Non-Fair and Open Contracts” required Pursuant to N.J.S.A. 19:44A-20.8; and

WHEREAS, G.T.M.B., Inc. has completed and submitted said “Business Entity Disclosure Certification” which certifies that G.T.B.M., Inc. has not made any reportable contributions to a political or candidate committee in the City of Bayonne in the previous one year, and that the contract will prohibit G.T.M.B., Inc. from making any reportable contributions through the term of the contract pursuant to N.J.S.A. 19:44A-20.8; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

- 1. The actions of the Municipal Council in awarding the aforesaid contract to G.T..B.M., Inc., 351 Paterson Avenue East Rutherford, N.J. 07073 for maintenance of the City's Info-Cop Licensed Software for a one year period commencing July 1, 2015 and ending June 30, 2016 for an amount of \$17,587.50 are hereby ratified and confirmed.
- 2. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.

* * * * *

28. 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
All Saints Catholic Academy	12:00-4:00 PM 19 West 13th Street	RL: 9067 RL: 9068

* * * * *

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

WHEREAS, the City of Bayonne is in need of professional animal control and shelter services; and

WHEREAS, NEW JERSEY ANIMAL CONTROL and RESCUE of 15C HILLSIDE PLACE, LODI, NJ 07644 has submitted to the City of Bayonne a formal written response to the City’s Request for Qualifications/Proposals for said professional animal control and shelter services; and

WHEREAS, NEW JERSEY ANIMAL CONTROL and RESCUE of 15C HILLSIDE PLACE, LODI, NJ 07644 is qualified, ready, willing and able to provide said services for the period commencing December 1, 2015 and ending November 30, 2017 for an amount not to exceed \$87,500.00 per year; and

WHEREAS, funds are certified as available in Account 01-201-27-330-2-020; and

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

WHEREAS, this professional services contract was advertised under the Fair & Open Contracting Requirements pursuant to N.J.S.A.19:44A:20.4.5; now, therefore, be it

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute an agreement with NEW JERSEY ANIMAL CONTROL and RESCUE of 15C HILLSIDE PLACE, LODI, NJ 07644 professional animal control and shelter services for a maximum contract amount not to exceed \$87,500.00 per year for the period commencing December 1, 2015 and ending November 30, 2017.

2. Funds are certified as available in Account #01-201-27-330-2-020.

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

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

* * * * *

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

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

WHEREAS, the State of New Jersey requires each municipality to maintain a health department; and

WHEREAS, the City of Bayonne, in furtherance of the obligation set forth in N.J.S.A. 26A:3A2-10 et seq. shall employ a licensed Health Officer, Vincent Rivelli, to serve as full-time Health Officer and Chief Executive Officer for all public health services and activities; and

WHEREAS, the City of Union City, the Town of Weehawken the Town of Harrison, the Town of Secaucus and the Town of Guttenberg do not employ a licensed Health Officer; and

WHEREAS, the City of Union City, the Town of Weehawken, the Town of Harrison, the Town of Secaucus and the Town of Guttenberg have offered to enter into a shared services agreement with the City of Bayonne for the use of the City of Bayonne's Health Officer; and

WHEREAS, the City of Union City, the Town of Weehawken, the Town of Harrison, the Town of Secaucus and the Town of Guttenberg have offered to compensate the City of Bayonne in connection with said shared services agreement in an amount not to exceed \$35,000.00 per municipality; and

WHEREAS, N.J.S.A. 40A:65-1 et seq. allows municipalities to enter into shared service agreements; and

WHEREAS, it is in the best interests of the City of Bayonne and each of the other municipalities to enter into such a shared services agreement; now, therefore, be it

RESOLVED, that the Mayor and Clerk are hereby authorized to enter into a Shared Services Agreement with the City of Union City, the Town of Weehawken, the Town of Harrison, the Town of Secaucus and the Town of Guttenberg for the services of a Health Officer for the following amounts:

City of Union City - \$35,000.00
Town of Weehawken - \$15,000.00
Town of Secaucus - \$20,000.00
Town of Harrison - \$35,000.00
Town of Guttenberg - \$22,500.00

for a one year period commencing December 1, 2015 and ending November 30, 2016; and, be it further

RESOLVED, that Vincent Rivelli is hereby designated as the City of Bayonne's full time Health Officer and Chief Executive Officer for all health services and activities; and, be it further

RESOLVED, that funds are hereby certified as being available in Account – Board of Health - O.E., pending adoption of the CY 2016 budget.

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

* * * * *

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

RESOLUTION AUTHORIZING THE EXECUTION OF A LICENSE AND SERVICES AGREEMENT WITH MOBILE PAYMENT PROCESSING SYSTEMS, INC., GRANTING THE CITY A NON-EXCLUSIVE LICENSE TO USE THE MPAY2 PARKING MANAGEMENT AND REVENUE CONTROL SYSTEM, WHICH OFFERS CUSTOMERS A PAY BY PHONE PARKING FEE SERVICE AND PROVIDES THE CITY WITH REVENUE COLLECTION, DATA REPORTING AND OTHER SERVICES THAT WILL BENEFIT THE PARKING UTILITY AT NO COST TO THE CITY

WHEREAS, Mobile Payment Processing Systems, Inc., ("MPPS"), of 8 Capital Drive, Wallingford, CT 06492, offers parking management, data reporting, collection and revenue control and other services to municipalities and their parking utilities through a non-exclusive license to use its mPay2 parking management and revenue control system (the "mPay2 System"), pursuant to the terms set forth in the attached "License And Services Agreement"; and

WHEREAS, the mPay2 System offers individuals ("Customers"), who park in metered areas within the City, the option of making payments by using a cell phone application ("pay-by-phone service") for a fee of \$0.30 per transaction payable by the Customer; and

WHEREAS, MPPS is responsible for collecting and processing customer payments, including paying debit and credit card payment processing costs imposed by card issuers and meter vendors; and

WHEREAS, the mPay2 System provides the City with additional services, at no cost to the City, including the collection and tracking of parking fees paid through the pay-by-phone service, the compilation and reporting on all fees collected through the pay-by-phone service, parking space inventory and activity tracking, parking enforcement / violation monitoring in real time, and remote data for parking enforcement officers via tablet; and

WHEREAS, the Municipal Council has determined that, there being no monetary benefit or cost to the City, the mPay2 System will offer residents and visitors a convenience benefit and the Parking Utility certain administrative benefits including those described hereinabove; now, therefore, be it

RESOLVED by the Municipal Council of the City of Bayonne, that the Mayor and City Clerk are hereby authorized to enter into and execute a "License and Services Agreement" substantially similar to the attach "License and Services Agreement" but in form and substance as may be acceptable to Corporation Counsel.

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

* * * * *

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

WHEREAS, Resolution No. 15-01-21-044 adopted by the Municipal Council on January 21, 2015 awarded a contract to Clarke, Caton, Hintz, 100 Barrack Street, Trenton, New Jersey 08608 (the "Contractor") for professional planning services as Council on Affordable Housing (COAH) Consultant for the period commencing February 1, 2015 and ending January 31, 2016 for a total contract amount not to exceed \$36,000.00 pursuant to the Fair & Open Contracting Requirements pursuant to N.J.S.A. 19:44A:20.4.5; and

WHEREAS, subsequent thereto the City entered into Agreement No. CY15-023 with Clarke, Caton Hintz for the aforesaid professional planning services; and

WHEREAS, the Contractor has advised due to significant changes in the anticipated work load that were not foreseeable when their original response to the City's Request for proposals was submitted to the City the Scope of work was increased significantly and has requested an increase in the contract amount of \$12,000.000 for a total contract amount not to exceed \$48,000.00; and

WHEREAS, it is in the best interest of the City for the Contractor to provide the aforesaid additional professional planning services and to increase the contract award in the amount of \$12,000.00 making the total contract amount not to exceed \$48,000.00; and

WHEREAS, funds are certified as available in the Affordable Housing Trust Fund Account; 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. CY15-023 with Clarke, Caton, Hintz, 100 Barrack Street, Trenton, New Jersey 08608 for professional planning services as Council on Affordable Housing (COAH) Consultant for the period commencing February 1, 2015 and ending January 31, 2016 increasing same in the amount of \$12,000.00, making the total contract amount not to exceed \$48,000.00.

2. Funds shall be chargeable to the Affordable Housing Trust Fund Account.

3. All other terms and conditions of Agreement No. CY15-023 shall remain the same

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

* * * * *

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

WHEREAS, the Municipal Council of the City of Bayonne (the "City") entered into the Municipal Shared Services Defense Agreement ("MSSDA") for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action ("Litigation") that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision"); and

WHEREAS, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA ("Amendment") has been prepared to effectuate the modification; and

WHEREAS, the Municipal Council recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

WHEREAS, the Municipal Council has determined that it is in the best interests of the citizens of the City to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA;

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

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.
2. The Mayor and City Clerk or Deputy Clerk, be and are hereby authorized to execute the aforesaid Amendment.
3. The City hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of the City with Econsult Solutions, Inc.

The City hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the City with the approval of the City's designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.

4. The City further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA.

In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDA, the City shall only be responsible for such funding if it authorizes same.

5. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the City.
6. This Resolution shall take effect immediately.

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

* * * * *

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

RESOLUTION DESIGNATING BORAIE DEVELOPMENT URBAN RENEWAL LLC AS REDEVELOPER OF PROPERTY LOCATED AT THE PENINSULA AND REFERRED TO AS A PORTION OF BLOCKS 830, LOT 1 IN THE CITY OF BAYONNE AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH BORAIE DEVELOPMENT URBAN RENEWAL LLC FOR THE REDEVELOPMENT OF SUCH PROPERTY IN ACCORDANCE WITH THE REDEVELOPMENT PLAN

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

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

WHEREAS, on November 23, 1999, in accordance with the criteria set forth in the Redevelopment Law, the City identified and designated the Bayonne Military Ocean Terminal (hereinafter referred to as the "Peninsula") as an area in need of redevelopment, including that certain property known as Block 830, Lot 1, more specifically 12.5 acres of the Bayonne Bay District defined as B7, B8, B16 and B17 (bordered by Memorial Drive to the North, Center Street to the South, M Street to the East and K Street to the West), on the Bayonne Local Redevelopment Agency Redevelopment Plan for the Peninsula at Bayonne Harbor (the "Redevelopment Plan") and the official tax map of the City of Bayonne (the "Property"); and

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

WHEREAS, the Redevelopment Plan was adopted on July 19, 2006; and

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

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

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

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

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

WHEREAS, Boraie Development Urban Renewal LLC of 120 Albany Street, New Brunswick, NJ 08901 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; and

WHEREAS, this Municipal Council desires to designate Boraie Development Urban Renewal LLC as the redeveloper of the aforesaid Redevelopment Area pursuant to Section 8 of the Redevelopment Law to undertake redevelopment of the Property consistent with the Redevelopment Plan and any subsequent amendments thereto, if applicable; and

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

WHEREAS, the Municipal Council desires to enter into a Redevelopment Agreement with the Redeveloper, and recognize Boraie Development Urban Renewal LLC as redeveloper of the Property identified as Block 830, Lot 1, more specifically 12.5 acres of the Bayonne Bay District defined as B7, B8, B16 and B17 (bordered by Memorial Drive to the North, Center Street to the South, M Street to the East and K Street to the West), in the City of Bayonne, as provided for and in accordance with the provisions of the Redevelopment Law.

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

Section 1. The Municipal Council of the City of Bayonne hereby authorizes the execution of the “Redevelopment and Purchase and Sale Agreement by and between the City of Bayonne as Redevelopment Entity and Boraie Development Urban Renewal LLC as Redeveloper” (the “Redevelopment Agreement”), concerning the Property identified as Block 830, Lot 1, more specifically 12.5 acres of the Bayonne Bay District defined as B7, B8, B16 and B17 (bordered by Memorial Drive to the North, Center Street to the South, M Street to the East and K Street to the West), in the City of Bayonne in such a form deemed advisable by the City Attorney, subject to any and all conditions contained herein and such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel to the City; and

Section 2. The Municipal Council, upon the full execution of the Redevelopment Agreement by the City of Bayonne and Boraie Development Urban Renewal LLC recognizes Boraie Development Urban Renewal LLC, as Redeveloper of Block 830, Lot 1, more specifically 12.5 acres of the Bayonne Bay District defined as B7, B8, B16 and

B17 (bordered by Memorial Drive to the North, Center Street to the South, M Street to the East and K Street to the West), in the City of Bayonne as provided for and in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law; and

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

Section 4. This Resolution shall take effect immediately.

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

* * * * *

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

RESOLUTION REAFFIRMING THE DESIGNATION OF BAYONNE AUTO TERMINAL, LLC AS REDEVELOPER OF THE PROPERTY LOCATED IN THE MARITIME DISTRICT OF THE PENINSULA AND REFERRED TO AS BLOCK 1180, LOT 1, IN THE CITY OF BAYONNE AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH BAYONNE AUTO TERMINAL, LLC FOR THE REDEVELOPMENT OF SUCH PROPERTY IN ACCORDANCE WITH THE REDEVELOPMENT PLAN

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

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

WHEREAS, in accordance with the criteria set forth in the Redevelopment Law, the City identified and designated the Bayonne Military Ocean Terminal (hereinafter referred to as the “Peninsula”) as an area in need of redevelopment, including that certain property located within the Maritime District of the Peninsula and known as Block 1180, Lot 1, on the official tax map of the City of Bayonne, (the “Property”); and

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

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

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

WHEREAS, the district in which the Redeveloper’s parcel of property is located was identified in the Redevelopment Plan as the Maritime District; and

WHEREAS, redevelopment of the Maritime District was intended to “take full commercial advantage of fact that the property is situated along the waterfront of New York Harbor” and as such “commercial maritime” and “port uses” were specifically permitted; and

WHEREAS, in furtherance of the overall vision embodied in the Redevelopment Plan, the BLRA had determined to forego certain port uses within the Maritime District

as being inherently incompatible with the residential retail and lifestyle development permitted within other districts of the Peninsula; and

WHEREAS, on September 20, 2007, the BLRA purported to authorize the execution of a Purchase and Sale Agreement (hereinafter referred to as the P & S Agreement) with The Port Authority of New York and New Jersey concerning land in the Maritime District (hereinafter referred to as the "PANYNJ"); and

WHEREAS, the BLRA subsequently discovered that the September 20, 2007 meeting was conducted in violation of the requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.; and

WHEREAS, on November 1, 2007 the BLRA adopted Resolution #110107-02a, which provided, in pertinent part, (i) that the Resolution adopted at the September 20, 2007 special meeting was void as enacted in violation of the OPMA; (ii) that the P & S Agreement and the Executive Director's execution thereof were void as having been authorized in violation of the provisions of the OPMA; (iii) that the BLRA shall reconsider the matter and thereafter vote again on the P & S Agreement; and (iv) that, prior to voting on the Purchase and Sale Agreement, and as part of its re-consideration thereof, the BLRA listen to and evaluate the presentations of certain enumerated third parties, including the Redeveloper, concerning the purchase of the subject land for redevelopment in the Maritime District; and

WHEREAS, the BLRA had listened to and evaluated such proposals and, on the basis of such evaluation, had ultimately rejected the proposal and the associated Purchase and Sale Agreement and determined to enter into a Redevelopment Agreement with Ports America, Inc. as Redeveloper;

WHEREAS, on November 30, 2007 the BLRA entered into a binding Redevelopment Agreement with Ports America, Inc., (hereinafter referred to as the Original Redevelopment Agreement); and

WHEREAS, on September 3, 2008, with the consent of the BLRA, Ports America, LLC transferred its interests as redeveloper of the Property to Bayonne Auto Terminal, LLC ("the Redeveloper"), a qualified corporate Affiliate entity of Ports America, LLC; and

WHEREAS, pursuant to the terms of the Original Redevelopment Agreement, on April 1, 2009, the Redeveloper purchased the Property (consisting of the entire tract of land situated within the Maritime District); and

WHEREAS, among other modifications and amendments to the respective Parties' obligations, said transfer was memorialized in a written document identified as the First Amendment to the Redevelopment Agreement (the "First Amended RDA") entered into and executed by the BLRA; Ports America LLC and Bayonne Auto Terminal, LLC; and

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

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

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

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

WHEREAS, Bayonne Auto Terminal, LLC, a Delaware corporation authorized to do business in the State of New Jersey, having an office of 99 Wood Avenue South, Level 8, Suite 804, Iselin, New Jersey 08830, 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; and

WHEREAS, in light of the substantial changes and the passage of time since the BLRA and the Redeveloper entered into the Original Redevelopment Agreement, the Parties acknowledge and agree that the terms set forth therein require modification, amendment and refinement; and

WHEREAS, the Municipal Council desires to enter into an Amended and Restated Redevelopment Agreement with the Redeveloper, and reaffirm the prior designation of Bayonne Auto Terminal, LLC, as redeveloper of the Property identified as Block 1180, Lot 1, within the Maritime District in the City of Bayonne, as provided for and in accordance with the provisions of the Redevelopment Law.

WHEREAS, the Parties have fully negotiated the respective terms, obligations and conditions set forth in this Amended and Redevelopment Agreement by which both Parties wish to be bound.

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

Section 1. The Municipal Council of the City of Bayonne hereby reaffirms the designation of Bayonne Auto Terminal, LLC as redeveloper of the Property identified as Block 1180, Lot 1, within the Maritime District in the City of Bayonne, and authorizes the execution of the “Amended and Restated Redevelopment Agreement By and Between the City of Bayonne, a Municipal Corporation within the County of Hudson and the State of New Jersey, and Bayonne Auto Terminal, LLC, a Delaware Corporation,” (the “Amended and Restated Redevelopment Agreement”) concerning the Property, in such a form deemed advisable by the City Attorney, subject to any and all conditions contained herein and such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel to the City; and

Section 2. The Mayor and Clerk are hereby authorized to execute the Amended and Restated Redevelopment Agreement, with such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel, on behalf of the City of Bayonne, acting as the redevelopment entity for the redevelopment of the Property by Bayonne Auto Terminal, LLC.

Section 3. This Resolution shall take effect immediately.

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

* * * * *

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

RESOLVED, that the budgetary transfer as set forth below pertaining to the CY 2015 appropriations be and the same are hereby authorized, and be it further,

RESOLVED, that the Comptroller be, and is hereby authorized and directed to make the said transfers in accordance herewith:

		CURRENT FUND			
FROM				TO	
NO.	ACCOUNT	AMOUNT	ACCOUNT	AMOUNT	
1.	Board of Health-S&W	95,000.00	Snow-S & W	5,000.00	
	Board of Health-O.E.	75,025.00	Snow-O.E.	5,000.00	
	Vehicle Maintenance-S&W	50,000.00	Maint. ofParks-S&W	170,000.00	
	Prosecutors Office-O.E.	55,000.00	Maint. ofParks-O.E.	10,000.00	
	Board of Health-S&W	50,000.00	Building&Grounds-O.E.	40,000.00	
	Gen. Liability/Worker Comp	100,000.00	Vehicle Maintanence-O.E.	80,000.00	
	Law Department-Contracts	75,000.00	Parks & Playgrounds-O.E.	34,000.00	
	Fire Dept.-Non-Uniform-S&W	25,000.00	Parks & Playgrounds-S&W	95,000.00	
	Fire Dept.-O.E.	20,000.00	Planning & Zoning-S&W	38,000.00	
	Law Dept. -S&W	22,000.00	Planning & Zoning-O.E.	2,000.00	
	Municipal Council - S&W	3,000.00	Finance Dept. -S&W	30,000.00	
	Planning Board-O.E.	5,000.00	City Clerk-S&W	8,000.00	
	Budget & Accounting Fees	5,000.00	Personnel - S &W	1,525.00	
			Tax Collector-S&W	10,000.00	

			Tax Assessor-S&W	3,500.00
			Other Public Works-S&W	48,000.00
2.	Business Admin- S&W	40,000.00	Business Admin- O.E.	80,000.00
	Older American Program	20,000.00		
	Gasoline,Oil&Grease, etc.	20,000.00		

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

* * * * *

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

CHAPTER 159 NO. 9

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

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

SECTION 1

NOW THEREFORE BE IT RESOLVED that the City of Bayonne hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the Calendar Year Budget of 2015 in the sum of \$ 6,028.06 which has been received from McCabe Ambulance Services for Citywide Communication System.

SECTION II

BE IT FURTHER RESOLVED that a like sum of \$6,028.06 and the same is hereby appropriated under the caption of

Citywide Communication System

SECTION III

BE IT FURTHER RESOLVED that the above is the result of moneys received from McCabe Ambulance Services for Citywide Communication System.

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

* * * * *

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

CHAPTER 159 NO. 10

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

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

SECTION 1

NOW THEREFORE BE IT RESOLVED that the City of Bayonne hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the Calendar Year Budget of 2015 in the sum of \$ 14,755.38 which has been received from State of New Jersey.

SECTION II

BE IT FURTHER RESOLVED that a like sum of \$ 14,755.38 and the same is hereby appropriated under the caption of

Body Armor Replacement Fund

SECTION III

BE IT FURTHER RESOLVED that the above is the result of moneys received from State of New Jersey.

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

* * * * *

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

CHAPTER 159 NO. 11

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

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

SECTION 1

NOW THEREFORE BE IT RESOLVED that the City of Bayonne hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the Calendar Year Budget of 2015 in the sum of \$ 45,455.00 which has been granted by US Department of Homeland Security.

SECTION II

BE IT FURTHER RESOLVED that a like sum of \$ 45,455.00 and the same is hereby appropriated under the caption of

2014 Assistance to Firefighter Grant

SECTION III

BE IT FURTHER RESOLVED that the above is the result of moneys granted by US Department of Homeland Security.

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

* * * * *

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

CHAPTER 159 NO. 12

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

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

SECTION 1

NOW THEREFORE BE IT RESOLVED that the City of Bayonne hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the Calendar Year Budget of 2015 in the sum of \$ 1,620.00 which has been received from Union Paving & Construction Co., Inc.

SECTION II

BE IT FURTHER RESOLVED that a like sum of \$ 1,620.00 and the same is hereby appropriated under the caption of

New Jersey Turnpike Shuttle Service

SECTION III

BE IT FURTHER RESOLVED that the above is the result of moneys received from Union Paving & Construction Co., Inc.

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

* * * * *

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

CHAPTER 159 NO. 13

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

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

SECTION 1

NOW THEREFORE BE IT RESOLVED that the City of Bayonne hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the Calendar Year Budget of 2015 in the sum of \$ 25,000.00 which has been granted by U.S. Department of Homeland Security.

SECTION II

BE IT FURTHER RESOLVED that a like sum of \$25,000.00 and the same is hereby appropriated under the caption of

2015 Port Security Grant

SECTION III

BE IT FURTHER RESOLVED that the above is the result of moneys granted by US Department of Homeland Security.

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

* * * * *

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

RESOLUTION DESIGNATING INGERMAN DEVELOPMENT COMPANY, LLC AND BAYONNE 19th STREET URBAN RENEWAL ASSOCIATES, LLC AS REDEVELOPER OF THE PROPERTY KNOWN 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 AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH INGERMAN DEVELOPMENT COMPANY, LLC AND BAYONNE 19th STREET URBAN RENEWAL ASSOCIATES, LLC FOR THE REDEVELOPMENT OF SUCH PROPERTY IN ACCORDANCE WITH THE REDEVELOPMENT PLAN

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

WHEREAS, 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, Ingerman Development Company, LLC and Bayonne 19th Street Urban Renewal Associates, LLC, an urban renewal entity formed and qualified to do business under the provisions of the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1* et seq., which is an affiliate of Ingerman Development Company, LLC (collectively, the “Redeveloper”) have 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 Redeveloper providing for the development of the Property in accordance with the Redevelopment Plan; and

WHEREAS, the Municipal Council desires to enter into a Redevelopment Agreement with the Redeveloper, and recognize Ingerman Development Company, LLC and 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. The Municipal Council of the City of Bayonne hereby authorizes the execution of the "Redevelopment Agreement By and Between the City of Bayonne and Ingerman Development Company, LLC and Bayonne 19th Street Urban Renewal Associates, LLC" (the "Redevelopment Agreement"), concerning the Property identified as Block 221, Lots 1, 2, 3, 4, 5, 15, 16, 17, 18, 19, 24 and 26 in the City of Bayonne, in such a form deemed advisable by the City Attorney, subject to any and all conditions contained herein and such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel to the City; and

Section 2. The Municipal Council, upon the full execution of the Redevelopment Agreement recognizes Ingerman Development Company, LLC and Bayonne 19th Street Urban Renewal Associates, LLC, collectively, as Redeveloper of Block 221, Lots 1, 2, 3, 4, 5, 15, 16, 17, 18, 19, 24 and 26 in the City of Bayonne as provided for and in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law; and

Section 3. The Mayor and Clerk are hereby authorized to execute the Redevelopment Agreement, with such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel, on behalf of the City of Bayonne, acting as the redevelopment entity for the redevelopment of the Property by Ingerman Development Company, LLC and Bayonne 19th Street Urban Renewal Associates, LLC.

Section 4. This Resolution shall take effect immediately.

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

* * * * *

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

WHEREAS, the City of Bayonne received two payments for street openings and sidewalk openings, for permits number 6307 and 6183 from Iris Townes, owner of Block 177, lot 6, located at 67 West 26th Street, in connection with a water main leak; and

WHEREAS, it was subsequently determined that the leak was in the city main and not the service line, and was the responsibility of United Water to repair; now, therefore, be it

RESOLVED, that the Municipal Treasurer be and is hereby authorized to issue a warrant in the amount of \$287.00 payable to Iris Townes, 67 West 26th Street, Bayonne, NJ 07002 refunding the payments made in connection with the above referenced permits; and be it further

RESOLVED, that funds are certified as available in Miscellaneous refund Account #01-203.

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

* * * * *

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

WHEREAS, the City of Bayonne has a need to acquire the services of a LICENSED RECYCLING FACILITY to receive and market certain recyclable materials from the City and from the City's private recycling collection contractor(s), specifically for the following recyclable materials: (a) Mixed Paper; and (b) Commingled Collection consisting of glass, cans and bottles; and (c) any other material in the recycling material stream (collectively referred to as "Recycling Commodity") as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 et seq*; and

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

WHEREAS, Atlantic Coast Fibers, LLC has submitted a formal written proposal for the aforesaid services dated October 2, 2015 based on certain formulas, copies of which are attached hereto as Schedule A; and

WHEREAS, Atlantic Coast Fibers, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Atlantic Coast Fibers, LLC has not made any reportable contributions to a political or candidate committee in the City of Bayonne in the previous one year, and that the contract will prohibit Atlantic Coast Fibers, LLC from making any reportable contributions through the term of the contract, and

WHEREAS, N.J.S.A. 40A:11-5(1)(s) provides for the award of a contract without the necessity of public advertising for bids for the marketing of recyclable materials recovered through a recycling program, as an exception to the bidding requirements pursuant to the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq.; 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 Atlantic Coast Fibers, LLC, 101 7th Street, Passaic, New Jersey 07055 for the receipt of recyclable materials and payment therefore to the City pursuant to the formulas attached hereto as Schedule A for the period of time commencing ten (10) days after the adoption of this resolution through December 31, 2016.
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
3. A notice of this action shall be printed once in a newspaper of general circulation within the boundaries of the City of Bayonne and the contract shall be made available for public inspection in the City Clerk's office.

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

* * * * *

45. Council Member LaPelusa moved the following communication be received and filed, seconded by Council Member Gullace, which motion was adopted.

TO: Municipal Council
 Robert F. Sloan, City Clerk

FROM: James M. Davis, Mayor

RE: Residential Parking Areas

DATE: November 10, 2015

Please be advised that it has been determined that there is a need to extend the existing Residential Permit Parking Areas/Zones to the westerly side of Kennedy Boulevard and/or Avenue A (depending upon the area/zone). To that end, I am providing you with notice of my intention to extend same pursuant to City Ordinance 7-17.1 and I request that you consider this as my request as mandated by said ordinance.

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

* * * * *

At 8:50 P.M., Council President Nadrowski moved the following resolution, seconded by Council Member Perez, which motion was adopted.

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

* * * * *

President - Sharon A. Nadrowski

Clerk - Robert F. Sloan