

**REGULAR MEETING**

OF THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, NEW JERSEY, HELD IN THE COUNCIL CHAMBER, MUNICIPAL BUILDING, 630 AVENUE C, ON WEDNESDAY, JANUARY 20, 2016

The Council met at 7:03 P.M.

The Council President Nadrowski announced: “I would like to advise all those present that notice of this regular meeting of the Municipal Council of the City of Bayonne of January 20, 2016 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 January 15, 2016.”

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.** Leonard R. Kantor addressed the council of the Smith administration and its finances.

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**02.** The Clerk announced:

AN ORDINANCE ENTITLED, “ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR A PORTION OF THE PENINSULA IDENTIFIED AS BLOCK 700 LOT 1; BLOCK 720, LOT 1; BLOCK 730 LOT 1; BLOCK 731, LOT 1; BLOCK 751, LOT 1; BLOCK 770, LOT 1; BLOCK 780, LOT 1; BLOCK 790, LOT 1; AND BLOCK 730, LOT 2 ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE, AND REFERRED TO AS ‘HARBOR STATION SOUTH’ ” which was introduced and passed a first reading at a meeting held December 16, 2015, was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of January 20, 2016, is now before the Council for its consideration and a public hearing.

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

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

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

The Clerk read the ordinance by title: “ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR A PORTION OF THE PENINSULA IDENTIFIED AS BLOCK 700 LOT 1; BLOCK 720, LOT 1; BLOCK 730 LOT 1; BLOCK 731, LOT 1; BLOCK 751, LOT 1; BLOCK 770, LOT 1; BLOCK 780, LOT 1; BLOCK 790, LOT 1; AND BLOCK 730, LOT 2 ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE, AND REFERRED TO AS ‘HARBOR STATION SOUTH’ ”

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: Leonard R. Kantor 102 West 3rd Street  
Planning Board Report

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 a resolution for final passage, seconded by Council Member Perez, which failed adoption by the following vote.

WHEREAS, an ordinance entitled, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR A PORTION OF THE PENINSULA IDENTIFIED AS BLOCK 700 LOT 1; BLOCK 720, LOT 1; BLOCK 730 LOT 1; BLOCK 731, LOT 1; BLOCK 751, LOT 1; BLOCK 770, LOT 1; BLOCK 780, LOT 1; BLOCK 790, LOT 1; AND BLOCK 730, LOT 2 ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE, AND REFERRED TO AS 'HARBOR STATION SOUTH' ", was introduced and passed a first reading at a meeting held December 16, 2015, and was published and posted as required by law, with notice that it would be considered for final passage following a public hearing at this meeting of January 20, 2016; 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, said ordinance was referred to the planning board which has approved its passage; 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-16-01.

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

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**03.** The Clerk announced:

AN ORDINANCE ENTITLED, "REFUNDING BOND ORDINANCE OF THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY (THE "CITY") PROVIDING FOR (i) THE REFUNDING OF CERTAIN OUTSTANDING GENERAL IMPROVEMENT BONDS OF THE CITY DATED JUNE 24, 2009 AND SCHOOL BONDS OF THE CITY DATED DECEMBER 22, 2004 TO PROVIDE DEBT SERVICE SAVINGS, AND (ii) AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$80,000,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE CITY TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR", which was introduced and passed a first reading at a meeting held December 16, 2015, was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of January 20, 2016, is now before the Council for its consideration and a public hearing.

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

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

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

The Clerk read the ordinance by title: "REFUNDING BOND ORDINANCE OF THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY (THE "CITY") PROVIDING FOR (i) THE REFUNDING OF CERTAIN OUTSTANDING GENERAL IMPROVEMENT BONDS OF THE CITY DATED JUNE 24, 2009 AND SCHOOL BONDS OF THE CITY DATED DECEMBER 22, 2004 TO PROVIDE DEBT SERVICE SAVINGS, AND (ii) AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$80,000,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS

OF THE CITY TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR”,

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

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

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

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

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

Council Member Perez moved a resolution for final passage, seconded by Council Member President Nadrowski, which failed adoption by the following vote.

WHEREAS, an ordinance entitled, “REFUNDING BOND ORDINANCE OF THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY (THE “CITY”) PROVIDING FOR (i) THE REFUNDING OF CERTAIN OUTSTANDING GENERAL IMPROVEMENT BONDS OF THE CITY DATED JUNE 24, 2009 AND SCHOOL BONDS OF THE CITY DATED DECEMBER 22, 2004 TO PROVIDE DEBT SERVICE SAVINGS, AND (ii) AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$80,000,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE CITY TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR”, was introduced and passed a first reading at a meeting held December 16, 2015, and was published and posted as required by law, with notice that it would be considered for final passage following a public hearing at this meeting of January 20, 2016; 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-16-02.

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

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**04.** The Clerk announced:

AN ORDINANCE ENTITLED, “ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR A PORTION OF THE PENINSULA IDENTIFIED AS: a. PORTION OF BLOCK 830, LOT 1 ON THE TAX MAP OF THE CITY OF BAYONNE, KNOWN AS PARCELS B4, B5, B6, B10, B11, B12, B13, B14, B15, B18.1, AND b. 18.2 AND PORTIONS OF PARCELS B7, B16 AND B18.3, AS SHOWN ON THE EXISTING PENINSULA AT BAYONNE HARBOR REDEVELOPMENT PLAN, INCLUDING THE LANDS AND RIGHTS OF WAY FOR THE STREETS KNOW AS I STREET, J STREET, K STREET, SOUTH PARK AVENUE, PARKSIDE STREET, BAY VIEW DRIVE, CENTER STREET AND MEMORIAL DRIVE; AND PORTION OF BLOCK 890, LOT 1 ON THE TAX MAP OF THE CITY OF BAYONNE, KNOWN AS PARCEL B19 (“HUDSON RIVER WATERFRONT WALKWAY”)” which was introduced and passed a first reading at a meeting held December 16, 2015, was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of January 20, 2016, 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, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR A PORTION OF THE PENINSULA IDENTIFIED AS: a. PORTION OF BLOCK 830, LOT 1 ON THE TAX MAP OF THE CITY OF BAYONNE, KNOWN AS PARCELS B4, B5, B6, B10, B11, B12, B13, B14, B15, B18.1, AND b. 18.2 AND PORTIONS OF PARCELS B7, B16 AND B18.3, AS SHOWN ON THE EXISTING PENINSULA AT BAYONNE HARBOR REDEVELOPMENT PLAN, INCLUDING THE LANDS AND RIGHTS OF WAY FOR THE STREETS KNOW AS I STREET, J STREET, K STREET, SOUTH PARK AVENUE, PARKSIDE STREET, BAY VIEW DRIVE, CENTER STREET AND MEMORIAL DRIVE; AND PORTION OF BLOCK 890, LOT 1 ON THE TAX MAP OF THE CITY OF BAYONNE, KNOWN AS PARCEL B19 ("HUDSON RIVER WATERFRONT WALKWAY")"

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: Leonard R. Kantor - 102 West 3rd Street

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

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

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

Council Member LaPelusa moved a resolution for final passage, seconded by Council Member Perez, which failed adoption by the following vote.

WHEREAS, an ordinance entitled, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR A PORTION OF THE PENINSULA IDENTIFIED AS: a. PORTION OF BLOCK 830, LOT 1 ON THE TAX MAP OF THE CITY OF BAYONNE, KNOWN AS PARCELS B4, B5, B6, B10, B11, B12, B13, B14, B15, B18.1, AND b. 18.2 AND PORTIONS OF PARCELS B7, B16 AND B18.3, AS SHOWN ON THE EXISTING PENINSULA AT BAYONNE HARBOR REDEVELOPMENT PLAN, INCLUDING THE LANDS AND RIGHTS OF WAY FOR THE STREETS KNOW AS I STREET, J STREET, K STREET, SOUTH PARK AVENUE, PARKSIDE STREET, BAY VIEW DRIVE, CENTER STREET AND MEMORIAL DRIVE; AND PORTION OF BLOCK 890, LOT 1 ON THE TAX MAP OF THE CITY OF BAYONNE, KNOWN AS PARCEL B19 ("HUDSON RIVER WATERFRONT WALKWAY")", was introduced and passed a first reading at a meeting held December 16, 2015, and was published and posted as required by law, with notice that it would be considered for final passage following a public hearing at this meeting of January 20, 2016; 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, said ordinance was referred to the planning board, which has approved its passage; 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-16-03.

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

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**05.** The Clerk announced:

AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC," which was introduced and passed a first reading at a meeting held December 16, 2015, was published in the Jersey Journal and posted on the bulletin board as

required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of January 20, 2016, is now before the Council for its consideration and a public hearing.

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

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

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

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

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

There was no response - no person appearing to protest against or object to the ordinances 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 a resolution for final passage, seconded by Council Member Perez, which failed adoption by the following vote.

WHEREAS, an ordinance entitled, “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC,” was introduced and passed a first reading at a meeting held December 16, 2015, and was published and posted as required by law, with notice that it would be considered for final passage following a public hearing at this meeting of January 20, 2016; 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-16-04.

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

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**06.** Council President Nadrowski introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 2, ADMINISTRATION.

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 2, Administration, be and is hereby supplemented and amended as follows (additions underlined and in “quotes”, deletions in {brackets} and ~~stricken~~ :

CHAPTER 2 ADMINISTRATION\*

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Note: No change in the wording of the \*Editor's Note in the preamble of this Chapter of the Revised General Ordinances.

## Article 1 Municipal Council

### 2-1 ORGANIZATION AND POWERS OF THE MUNICIPAL COUNCIL.

NO CHANGE

## Article 2 Mayor

### 2-2 POWERS AND DUTIES OF THE MAYOR.

NO CHANGE

## Article 3 Administrative Organization

### 2-3 ORGANIZATION OF ADMINISTRATIVE FUNCTIONS.

#### 2-3.1 Organization Generally.

The administrative functions, powers and duties of City shall be allocated and assigned among and within Departments, Boards, Bodies or Commissions established or constituted by this chapter as follows:

- a. *Statutory Offices.*
  1. City Clerk.
  2. Tax Assessor.
- b. *Departments Established.*
  1. Department of Administration.
  2. Department of Public Safety.
  3. ~~Department of Municipal Services.~~ } "Department of Finance"
  4. Department of Public Works and Parks
  - "5. Department of Law"
- c. *Municipal Court.*
- d. *Boards, Committees, Commissions.*
  1. Zoning Board of Adjustment.
  2. Planning Board.
  3. Parking Authority.
  4. Housing Authority.
  5. Environmental Commission.
  6. Board of Trustees of the Free Public Library and Cultural Center.
  7. Insurance Fund Commission.
  8. Board of Alcoholic Beverage Control.
  9. Local Redevelopment Agency.
  10. Town Center Management Corporation.
  11. Rent Control Board.
  12. Ethical Standards Board.
  13. Office of Emergency Management.
  14. Municipal Utilities Authority.

(1972 Code § 2-3.1; New; Ord. No. 0-09-28 § 1)

#### 2-3.2 Powers and Duties of Department Directors.

NO CHANGE

#### 2-3.3 Removal.

NO CHANGE

## Article 4 City Clerk

### 2-4 CITY CLERK; APPOINTMENT, FUNCTIONS AND DUTIES.

NO CHANGE

## Article 5 Department of Administration

### 2-5 DEPARTMENT OF ADMINISTRATION.

#### 2-5.1 Department Generally.

There shall be a Department of Administration, the Director of which shall be the Business Administrator. The Department shall be administered through Divisions of Administration. The head of one of such divisions may also be designated as Assistant Administrator to act in the absence of the Business Administrator or to have such other functions, powers and duties as may be assigned by the Business Administrator. (1972 Code § 2-4.1)

2-5.2 Division of Administration.

Within the Department of Administration there will be a Division of Administration. Under the direction and supervision of the Director, the Division shall:

- a. Prescribe and install uniform forms and procedures for budget preparation by all departments, and assist in the review and analysis of budget requests and in the preparation of the budget document.
  - b. Administer the City's personnel program, including job classification, pay plan and other personnel policies, and maintain a complete system of personnel records of municipal officers and employees.
  - c. Study, prepare and install methods and systems for administration of the various Departments.
  - d. Manage and sell City property acquired through tax foreclosure or not needed for public use.
- (1972 Code § 2-4.2)

~~2-5.3 Division of Purchasing.~~

~~Within the Department of Administration there shall be a Division of Purchasing, the head of which shall be the Purchasing Agent. (1972 Code § 2-4.3)~~

~~2-5.4 Procedures and Operation of the Division of Purchasing.~~

- ~~a. Whenever it becomes necessary that any materials or supplies be purchased by a Department, the Head of the Department shall fill out a requisition slip stating the article required and the use for which it is required and requesting the Purchasing Agent to make the purchase. If the cost in aggregate of materials and/or supplies requested does not exceed the maximum amount permitted by N.J.S.A. 40A:11-3, the Purchasing Agent shall make the purchase of the same and deliver such articles to the Department Head. If the estimated cost of materials or supplies requested by the individual Department exceeds one thousand (\$1,000.00) dollars, the Purchasing Agent shall attempt to get three (3) quotations therefor and shall make the purchase on the basis of the most responsible quotation which is most advantageous to the City, price and other appropriate factors considered, and shall maintain a written record of attempts made and quotations obtained. The Purchasing Agent shall deliver one (1) copy of the order blank bearing the cost of the article or articles purchased to the Comptroller, one (1) copy to the Director of the Division of Finance, one (1) copy to the Department Director making the requisition, and one (1) copy shall be retained in his office. The copies shall be open at all times for public inspection.~~
- ~~b. The Council shall, at intervals to be fixed by it, solicit proposals by public advertisements for the furnishing of all materials and supplies usually required by it or any Department under its control and shall award the contracts to the lowest responsible bidder. Such proposals shall be received and processed as hereinafter provided.~~
- ~~c. If the purchase price of materials or supplies, either in the aggregate sum for all Departments for a full year or on an individual purchase for one Department exceeds the current public bidding threshold as specified under Local Public Contracts Law N.J.S.A. 40A:11-3 as may be amended by the State Legislature, the Purchasing Agent shall advise the Director of the Department requesting same and the Director shall request the Council to authorize bids for the purchase. If the Council deems it necessary to make the purchase therefor, a resolution shall be adopted authorizing the City Clerk to advertise for bids. After bids are received and opened, the Council shall adopt a resolution awarding a contract to the lowest responsible bidder who shall comply with all the requirements prescribed by the Council. Bids shall be received and processed as hereinafter provided.~~
- ~~d. Upon the execution of a contract, materials or supplies purchased shall be delivered to the Department which requested the purchase, and the receiving Department shall examine the materials and supplies to make certain they comply with the specifications.~~
- ~~e. No purchase shall be made by the Purchasing Agent unless the amount remaining as a balance of an appropriation is sufficient to meet the cost, unless provision shall be made by the Council for the making of a further appropriation to meet the cost.~~
- ~~f. All contracts needed to be drawn to carry out the terms and provisions of this section shall be prepared by the {Division} "Department" of Law. Resolutions authorizing the City Clerk to advertise for bids shall be prepared by the City Clerk at the written request of the Purchasing Agent for bids to be taken pursuant to paragraph b. of this subsection and at the written request of the requesting Director pursuant to paragraph c. of this subsection. Resolutions authorizing a contract following the receipt of bids shall be prepared by the City Clerk with the assistance of the {Division} "Department" of Law where necessary. All other resolutions will be prepared by the {Division} "Department" of Law or shall be approved by the {Division} "Department" of Law.~~

~~g. The Purchasing Agent is hereby designated as the agent for the receipt of sealed bids and proposals advertised pursuant to this subsection unless provided otherwise by the Council in the resolution authorizing the advertisement. The Purchasing Agent, on the date and time for receiving bids, shall comply with the following procedure:~~

~~1. Bids shall be received by the Purchasing Agent in the presence of the Corporation Counsel or his designee.~~

~~2. Bids shall be received and opened pursuant to the Local Public Contracts Law. (N.J.S.A. 40A:11-1, et seq.)~~

~~3. The Purchasing Agent shall forward all received bids to the appropriate Department and shall report in writing to the Council the items for which bids were solicited, number of bids received, names of bidders and bid prices.~~

~~4. Upon receipt of the bids, the appropriate Department will review same to make certain they meet their specifications and then recommend to the Municipal Council whether and to whom a contract should be awarded or whether the bids should be rejected. In the case of bids for materials and supplies needed for several Departments or for all Departments, the Purchasing Agent with the assistance of the Directors and the Engineer will make the necessary recommendation to the Council.~~

~~h. Insofar as N.J.S.A. 40A:11-36(1) only regulates the sale of the City's personal property not needed for public use if the estimated fair market value of the property to be sold is in excess of two thousand five hundred (\$2,500.00) dollars, if the Purchasing Agent should determine that the City would be best served by selling certain of the City's personal property not needed for public use (i.e., excess inventory, outdated, defective and/or irreparable equipment and/or material to be scrapped or junked) having an estimated fair market value of less than two thousand five hundred (\$2,500.00) dollars, then he shall place the personal property up for sale consistent with the following guidelines:~~

~~1. In establishing the market value of a certain piece of personal property, the Purchasing Agent shall contact original suppliers, salvage operators and/or used equipment dealers and obtain a minimum of three (3) bids in writing. The request for bid shall contain, where applicable, the manufacturer's name, serial number, model number and a brief description of the property including its current operational status.~~

~~Should an organization, person or entity from which a bid price is solicited, refuse to reply in writing and/or express no interest in the property offered, it shall be the responsibility of the Purchasing Agent, or his designee, to document the conversation, including company name, contact name, exact phone number and any and all comments made by the contact during said conversation as to the utility and/or value of the subject property. The Purchasing Agent's report of such a conversation shall be memorialized in writing and shall be considered a bid, albeit negative. If the Purchasing Agent receives three (3) such negative bids, the property in question may be disposed of pursuant to paragraph h, 7. of this subsection.~~

~~2. Once three (3) written bids have been obtained, the bidder submitting the highest bid will be determined to be the successful bidder.~~

~~3. After a successful bidder has been determined by the Purchasing Agent, the Director of the appropriate Department shall request of the Municipal Council that a resolution approving of the sale be presented and passed at the next scheduled Municipal Council meeting. Copies of all bidder replies, the request for bid and all other pertinent information shall be included with the request to the Municipal Council.~~

~~4. Upon approval by the Municipal Council, the Purchasing Agent shall notify the successful bidder and the bidder shall have five (5) business days from the date of notice within which to tender a certified check, bank check or money order payable to the City of Bayonne in an amount equal to the successful bid amount.~~

~~5. Any and all property will be sold "AS IS" and "WHERE IS" with no guarantees, either expressed or implied, as to the operational suitability or nature of the property.~~

~~6. Upon payment to the City of Bayonne of the bid price, the successful bidder shall have five (5) business days therefrom to remove the personal property from City property. Should the successful bidder fail to remove the personal property within five (5) days of payment of the bid price, the bid shall be forfeited and the property shall be re-offered for bidding. This five (5) day time frame can be extended by the Purchasing Agent, in writing, for good cause.~~

~~7. In the event that a minimum of three (3) bidders have been contacted and they have each indicated in writing that the personal property being offered for sale has no resale value, then:~~

~~(a) If the property is operational and useful, the Director of the appropriate Department may offer it to another branch of the City government or to a not for profit charitable organization. It shall be the responsibility of the entity receiving the property to remove the property at its own cost and expense.~~

~~(b) If the property is defective and/or irreparable and no salvor has exhibited interest in same, the Director of the appropriate Department may dispose of the~~

~~property through the City's recycling operation or arrangements can be made to have it disposed of at a landfill.~~

~~———— (c) ——— In either event, if the property is under the aegis of the Director of Public Safety, then the Purchasing Agent shall first obtain written approval from the Public Safety Director that the property to be disposed of poses no security concerns. If the Director of Public Safety determines that security would be compromised by the disposal of property under paragraph h, 7(a) or (b), then the property must first be processed by the appropriate City employees and/or contractors to render it free of any such problems prior to disposal.~~

~~———— (d) ——— In either event, the Director of the appropriate Department shall request of the Municipal Council that a resolution approving of the disposal be presented and passed at the next scheduled Municipal Council meeting. Copies of all bidder replies, Public Safety Director's written approval, if required, and any other pertinent information should be included with the request.~~

~~———— Any property to be disposed of pursuant to paragraph h, 7(a) or (b) of this subsection must be removed from City property within twenty (20) days of the passing of the Municipal Council resolution approving same unless the time is extended in writing and for good cause, by the Purchasing Agent.~~

~~(1972 Code § 2-4.4; Ord. No. 0-09-28 § 2)~~

~~{2-5.5 Division of Finance.~~

~~———— Within the Department there shall be a Division of Finance, the head of which shall be the Chief Financial Officer (CFO). (Ord. No. 0-09-28 § 1)}~~

#### “2-5.3 Division of Health; Health Officer.

———— Within the Department there shall be a Division of Health, the head of which shall be the Health Officer. The Health Officer shall be the holder of a Health Officer's license issued by the State Department of Health of New Jersey and shall have thorough education and training in public health theory and practice. Under the supervision of the Health Officer the Division shall:

———— a. ——— Have all the functions, powers, and duties of a local Board of Health under Title 26 of the New Jersey Statutes and Chapter 52 of the New Jersey Administrative Code, except that the Municipal Council shall have and exercise all local legislative powers under the statutes.

———— b. ——— Plan and administer a comprehensive public health program including, without limitation thereto, environmental sanitation, communicable disease control, child and adult health and health education, laboratory services, and all other services authorized by statute or ordinance.

———— c. ——— Administer and enforce local health ordinances and the licensing of dogs and cats.”

#### {2-5.6 Division Generally.

~~———— There shall be a Division of Finance, which shall be under the administrative direction of the Chief Financial Officer. The Chief Financial Officer (CFO) shall be responsible for the development of financial policies for recommendation to the Mayor and Business Administrator and shall, prior to this appointment, be qualified by training or experience in government finance and fiscal management. (1972 Code § 2-5.1; New; Ord. No. 0-09-28 § 1)}~~

#### “2-5.4 Office on Aging.

———— Within the Department there shall be an Office on Aging. Under the supervision of the Director, the Office shall serve the City's senior citizens as a source of information, outreach, and referral service. The primary objectives of the Office on Aging are to help older residents reach their fullest potential; to make them aware of their rights under the law; to make the public aware of problem areas of the frail elderly and to seek solutions to these problems; and to insure a lifelong continuum with a focus on program participation.”

#### {2-5.7 Chief Financial Officer; Powers and Duties.

~~———— The Chief Financial Officer shall be appointed by the Mayor with the advice and consent of the Municipal Council for the term prescribed by law. The Chief Financial Officer may serve as Division Manager as well as Municipal Treasurer or Municipal Comptroller. Through the Bureau of Accounts and Control, Treasury, and the Office of the Tax Collector, he shall be responsible for the following:~~

~~———— a. ——— The accounting, pre-auditing and control of all City revenues and expenditures;~~

~~———— b. ——— The custody, receipt and disbursement of City funds;~~

~~———— c. ——— The safety and investment of the City investments;~~

~~———— d. ——— The management of the City's debts;~~

~~———— e. ——— The safeguarding of the City's financial interests;~~

- ~~\_\_\_\_\_f.\_\_\_\_\_ The assessment of a penalty charge of forty (\$40.00) dollars for any check issued to the City of Bayonne, or to any of its Departments or subdivisions, returned to the City uncollected for any reason;~~
  - ~~\_\_\_\_\_g.\_\_\_\_\_ Payment quarterly to the Bayonne Urban Enterprise Zone Development Corporation based upon the amount billed for the Special Improvement District less the value of mixed use residential exemptions;~~
  - ~~\_\_\_\_\_h.\_\_\_\_\_ Report to the Council annually, at such time as the Council may require, on the nature and terms of outstanding leases, the rent reserved by each, and their respective expiration dates.~~
- ~~(1972 Code § 2-5.2; New; Ord. No. 0-09-28 § 1; Ord. No. 0-12-10)}~~

“2-5.5 Division of Community Development.

There shall be a Division of Community Development, the head of which shall be the Division Head. The Division Head may also be the Chief Planner, and shall have at least five (5) years experience in the supervision and administration of housing and redevelopment projects. (1972 Code § 2-10.1)”

~~¶2-5.8 Bureau of Accounts and Control.~~

~~Within the Division of Finance there shall be a Bureau of Accounts and Control, the head of which shall be the City Comptroller. The Bureau shall:~~

- ~~\_\_\_\_\_a.\_\_\_\_\_ Develop, maintain and enforce a uniform system of accounts, including forms, standards and procedures for all Departments of the municipal government. Any uniform system of accounts shall include appropriate provision for such records and reports as may be prescribed or approved by the Chief Financial Officer for the determination of the cost of performance of each functional program or activity, measured in such work units as may be appropriate thereto; and for such data, records and reports as may be prescribed or approved by the Chief Financial Officer for the preparation and execution of a budget for the expenditure of public funds for capital purposes to give effect to general improvement programs.~~
  - ~~\_\_\_\_\_b.\_\_\_\_\_ Maintain and operate the City's central bookkeeping and accounting records according to sound accounting principles and in accordance with the requirements of the Director of the State Division of Local Government.~~
  - ~~\_\_\_\_\_c.\_\_\_\_\_ Audit all disbursements of the municipal government and of each of its Departments; pre-audit bills, claims and demands against the City, including payrolls, and require each Department Head to certify that materials, supplies or equipment have been received and accepted as specified and that services have been duly rendered.~~
  - ~~\_\_\_\_\_d.\_\_\_\_\_ Control all expenditures to assure that budget appropriations are not exceeded and maintain such books and records required for the proper exercise of such budgetary control, including an encumbrance system of budget operation.~~
  - ~~\_\_\_\_\_e.\_\_\_\_\_ Review each proposed expenditure and commitment to be made on behalf of any Department for conformity with State Law, the Charter and ordinance of the City and authorize only expenditures and commitments which conform with all the requirements of this chapter.~~
  - ~~\_\_\_\_\_f.\_\_\_\_\_ Install a central payroll system and insure that it is operated and maintained in accordance with State requirements.~~
  - ~~\_\_\_\_\_g.\_\_\_\_\_ Submit a monthly report of encumbrances, expenditures and unencumbered balances to the Council and Business Administrator, commencing with the adoption of the municipal budget.~~
  - ~~\_\_\_\_\_h.\_\_\_\_\_ Undertake periodic audits and studies of various Departments to further assist the safeguarding and efficient use of municipal assets.~~
  - ~~\_\_\_\_\_i.\_\_\_\_\_ Advise the Business Administrator and the Council of any need for budgetary transfers, amendments or emergency appropriations.~~
  - ~~\_\_\_\_\_j.\_\_\_\_\_ Perform such other duties as may be assigned by the Chief Financial Officer.~~
- ~~(1972 Code § 2-5.3; Ord. No. 0-09-28 §1)}~~

“2-5.6 Administration of Planning and Community Services.

The Division shall supervise the administration of the planning and implementation of such community services, housing preservation and conservation and such other services and projects as may be funded by any source. The Division shall also supervise the administration of Zoning and Planning process, regulations and enforcement, the administration of the Building Bureau, the oversight of all affordable housing initiatives and any other activities deemed by the director to be related to community development. (1972 Code § 2-10.2)”

~~¶2-5.9 Division of Treasury.~~

~~Within the Department of Administration there shall be a Division of Treasury, the head of which shall be the City Treasurer. He shall be appointed by the Business Administrator to serve for the term prescribed by law, and any vacancy shall be filled for the unexpired term only. The Division shall:~~

- ~~\_\_\_\_\_ a. \_\_\_\_\_ Have custody of all investments and invested funds of the City or in its possession in a fiduciary capacity, except as otherwise provided by law, and keep such funds and municipal moneys not required for current operations safely invested or deposited in interest bearing accounts as may be approved by the Business Administrator and the Chief Financial Officer.~~
- ~~\_\_\_\_\_ b. \_\_\_\_\_ Make disbursements of municipal funds upon warrant of the Comptroller by an individual warrant check for each bill, claim, wage and salary payment.~~
- ~~\_\_\_\_\_ c. \_\_\_\_\_ Keep a full account of all cash receipts and disbursements by the Division according to the system of accounts approved by the Business Administrator and the Chief Financial Officer.~~
- ~~\_\_\_\_\_ d. \_\_\_\_\_ Have the safekeeping of all bonds and notes of the City and the receipt and delivery of City bonds and notes for transfer, registration or exchange.~~
- ~~\_\_\_\_\_ e. \_\_\_\_\_ Oversee the daily operation of the payroll function.~~
- ~~\_\_\_\_\_ f. \_\_\_\_\_ Oversee the preparation and filing of all payroll tax reports.~~
- ~~\_\_\_\_\_ g. \_\_\_\_\_ Ensure the timely payment of all municipal debt payments.~~
- ~~\_\_\_\_\_ h. \_\_\_\_\_ Other duties as assigned by the Chief Financial Officer or the Business Administrator.~~

~~(1972 Code § 2-5.5; New; Ord. No. 0-09-28 § 1))”~~

“2-5.7 Duties of the Division Head.

The Division Head shall also have administrative oversight of the personnel employed to perform building, construction code, subcode and zoning enforcement and administration. The Division shall, with the oversight of the Division Head, and through the appropriate Construction and Subcode Officials, issue all permits for construction and certificates of occupancy, perform all inspections and other duties required by the Uniform Construction Code and Chapter 15 of the Revised General Ordinances of the City of Bayonne, Section 15-1, the Uniform Construction Code and its Subcodes, and such other inspections or activities as may be necessary to comply with law, statute or regulation or to promote the goals of community development and housing preservation. The Division shall also, with the oversight of the Division Head and through the Zoning Officer, perform all of the functions and duties of the office of zoning as required by the Zoning Chapter of the Revised General Ordinances of the City of Bayonne. (1972 Code § 2-10.3)”

~~(2-5.10 Disbursement of Municipal Funds:~~

~~\_\_\_\_\_ Payment of claims certified and approved by the proper officers as herein provided shall be authorized by the Council at least once during each month of the calendar year. The Chief Financial Officer shall submit a list of such claims to the City Clerk at least two (2) days before the time fixed for the meeting at which such claims are to be authorized for payment. The Chief Financial Officer shall state at the foot of the list his recommendations with regard to the payment of the claims. When a claim is disapproved for payment by the Chief Financial Officer, he shall state his reasons for disapproval. Payment of salaries to City Officers and employees shall be made by checks signed by the City Comptroller and City Treasurer. Payment of claims and other disbursements shall be on warrants signed by the Chief Financial Officer, the Comptroller, the Treasurer and the Clerk. If there is a vacancy in the Office of the Chief Financial Officer or during his disability or absence from the City, such warrants shall be signed by the Mayor in addition to the officers herein named, provided that the Chief Financial Officer may direct that in the event of his disability or absence from the City, another City Official in his Division may be designated by him to sign such warrants on his behalf. (1972 Code § 2-5.6; Ord. No. 0-09-28 § 1))~~

“2-5.8 Bureau of Building.

Within the Division of Community Development there shall be a Bureau of Building, the head of which shall be the Construction Official. Under the direction and supervision of the Construction Official, the Bureau shall:

- a. \_\_\_\_\_ Have administrative oversight of the personnel employed to perform Building, Construction Code and subcode enforcement and administration.
- b. \_\_\_\_\_ Have authority, through the appropriate Construction and Subcode Officials, to issue all permits for construction and certificates of occupancy, perform all inspections and other duties required by the Uniform Construction Code and Chapter 15 of the Revised General Ordinances of the City of Bayonne, Section 15-1, the Uniform Construction Code and its Subcodes, and such other inspections or activities as may be necessary to comply with law, statute or regulation.

(Ord. No. O-04-03 § 1)”

~~(2-5.11 Bureau of Tax Collections.~~

~~\_\_\_\_\_ Within the Division of Finance there shall be the Tax Collector, who shall be appointed by the Business Administrator to serve for the term prescribed by law. Pursuant to N.J.S.A. 40A:9-145.7, no person shall be appointed or reappointed as Tax~~

~~Collector without first holding a Tax Collector's Certificate issued by the State of New Jersey. The Division shall:~~

- ~~a. Perform the functions of a collector of taxes under general law including, but without limitation thereto, the preparation and mailing of tax bills, the enforcement of tax collections by tax sales and otherwise, and the maintenance of tax accounting records in such manner as may be prescribed or approved pursuant to the Charter and this chapter.~~
- ~~b. Receive and collect all current and delinquent real and personal property taxes, and charge and receive penalties and interest, pursuant to law.~~
- ~~c. Make, or cause to be made, and certify searches for tax and other liens on real property as may be authorized by law, and charge and collect for the use of the City the fee required pursuant to law for any such search. The Tax Collector may appoint or designate one of the Bureau employees as Official Tax Searcher to perform these functions within the Bureau.~~
- ~~d. Receive funds entrusted to or under the control of any Department and deposit all funds received by it in depositories authorized by the Council by resolution.~~
- ~~e. Charge ten (\$10.00) dollars for the preparation of a duplicate tax bill, and fifty (\$50.00) dollars for the preparation of a duplicate certificate of redemption. The ten (\$10.00) dollar fee may be waived by the Chief Financial Officer.~~
- ~~f. Pursuant to N.J.S.A. 54:5-54, charge fifty (\$50.00) dollars for preparation of a redemption calculation requested by a property owner or property owner's agent after two (2) free redemption calculations have been provided in any one (1) calendar year. A request for a redemption calculation shall be made in writing to the Tax Collector.~~
- ~~g. Pursuant to N.J.S.A. 54:5-97.1, charge fifty (\$50.00) dollars for preparation of a redemption calculation requested by a third party lien holder. Any request for a redemption calculation shall be made to the Tax Collector in writing and specify the date to be used for the calculation, which shall be the date of the notice. Neither the City Tax Collector nor the City of Bayonne shall be liable for an incorrect calculation. The fee paid to the City of Bayonne shall not become part of the lien and shall not be passed on to any party entitled to redeem under N.J.S.A. 54:5-54.~~
- ~~h. The Tax Collector may write off any delinquency in the amount of ten (\$10.00) dollars or less.~~
- ~~i. Perform other duties as assigned by the Chief Financial Officer or the Business Administrator.~~

"2-5.9 Bureau of Planning and Zoning.

Within the Division of Community Development there shall be a Bureau of Planning and Zoning, the head of which shall be the Planner or Assistant Planner. Under the direction and supervision of the Planner or Assistant Planner, the Bureau shall:

- a. Have administrative oversight of the personnel employed to perform zoning and land use functions.
- b. Have authority, through the Zoning Officer, to perform all of the functions and duties of the Office of Zoning as required by Chapter 35 of the Revised General Ordinances of the City of Bayonne.
- c. Have authority to perform all of the functions and duties of the Bureau of Planning and Zoning as required by Chapter 33 of the Revised General Ordinances of the City of Bayonne and all other related planning functions."

~~{2-5.12 Division of Law.}~~

"2-5.10 Municipal Housing Liaison/RCA Administrator.

a. Purpose. The purpose of this subsection is to create the administrative mechanisms needed for the execution of the City of Bayonne's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

b. Definitions. As used in this subsection, the following terms shall have the meanings indicated:

Administrative Agent shall mean the entity responsible for administering the affordability controls of some or all units in the affordable housing program for the City of Bayonne to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low- and moderate-income households.

MHL/RCA Administrator shall mean the employee charged by the Governing Body with the responsibility for oversight and administration of the affordable housing program for the City of Bayonne and any RCA it enters into.

c. Establishment of MHL/RCA Administrator Position and Compensation; Powers and Duties.

1. Establishment of Position of MHL/RCA Administrator. There is hereby established the position of MHL/RCA Administrator for City of Bayonne.

2. Subject to the approval of the Council on Affordable Housing (COAH), the MHL/RCA Administrator shall be appointed by the Governing Body and may be a full or part time municipal employee. The City Planner or the Community Development Division Head may be the MHL/RCA Administrator.

3. The MHL/RCA Administrator shall be responsible for oversight and administration of the municipality's affordable housing program and the administration of any RCA entered into by the City of Bayonne, including the following responsibilities which may not be contracted out:

(a) Serving as the City of Bayonne's primary point of contact for all inquiries, from the State, affordable housing providers, Administrative Agents, and interested households;

(b) Establishing an escrow account for the RCA funds and submitting to COAH a signed escrow agreement between the City of Bayonne, the bank and COAH for each RCA;

(c) Monitoring the status of all restricted units in the City of Bayonne's Fair Share Plan and any Project Plan for an RCA;

(d) Compiling, verifying and submitting semi-annual reports as required by COAH;

(e) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;

(f) Attending continuing education opportunities as offered or approved by COAH;

(g) If applicable, serving as the Administrative Agent for some or all of the restricted units in the City of Bayonne as described in paragraph f. below and any RCA's entered into by the City of Bayonne.

d. Subject to approval by COAH, the City of Bayonne may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body, which entity shall have the responsibility of administering the affordable housing program of the City of Bayonne, except for those responsibilities which may not be contracted out pursuant to paragraph c. above. If the City of Bayonne contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the MHL/RCA Administrator shall supervise the contracting Administrative Agent.

e. Compensation shall be fixed by the Governing Body at the time of the appointment of the MHL/RCA Administrator.

f. Administrative powers and duties assigned to the MHL/RCA Administrator.

1. Affirmative Marketing.

(a) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of the City of Bayonne and the provisions of N.J.A.C. 5:80-26.15; and

(b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;

2. Household Certification.

(a) Providing written notification to each applicant as to the determination of eligibility or noneligibility;

(b) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in appendices J and K of N.J.A.C. 5:80-26.1 et. seq.;

(c) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and

(d) Employing the random selection process as provided in the Affirmative Marketing Plan of the City of Bayonne when referring households for certification to affordable units.

(e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and

(f) Employing the random selection process as provided in the Affirmative Marketing Plan of the City of Bayonne when referring households for certification to affordable units.

3. Affordability Controls.

(a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;

(b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;

(c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register

of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;

(d) Communicating with lenders regarding foreclosures; and  
(e) Ensuring the issuance of Continuing Certificates of Occupancy or  
certifications pursuant to N.J.A.C. 5:80-26.10.

4. Resale and Rental.

(a) Instituting and maintaining an effective means of communicating  
information between owners and the Administrative Agent regarding the availability of  
restricted units for resale or rental; and

(b) Instituting and maintaining an effective means of communicating  
information to low- and moderate-income households regarding the availability of  
restricted units for resale or rental.

5. Processing Request From Unit Owners.

(a) Reviewing and approving requests from owners of restricted units who  
wish to take out home equity loans or refinance during the term of their ownership;

(b) Reviewing and approving requests to increase sales prices from owners of  
restricted units who wish to make capital improvements to the units that would affect  
the selling price, such authorizations to be limited to those improvements resulting in  
additional bedrooms or bathrooms and the cost of central air conditioning systems; and

(c) Processing requests and making determinations on requests by owners  
of restricted units for hardship waivers.

6. Enforcement.

(a) Securing annually lists of all affordable housing units for which tax bills  
are mailed to absentee owners and notifying all such owners that they must either move  
back to their unit or sell it;

(b) Securing from all developers and sponsors of restricted units, at the  
earliest point of contact in the processing of the project or development, written  
acknowledgement of the requirement that no restricted unit can be offered, or in any  
other way committed, to any person, other than a household duly certified to the unit  
by the Administrative Agent;

(c) The posting annually in all rental properties, including two-family  
homes, of a notice as to the maximum permitted rent together with the telephone  
number of the Administrative Agent where complaints of excess rent can be made;

(d) Sending annual mailings to all owners of affordable dwelling units,  
reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d) 4;

(e) Establishing a program for diverting unlawful rent payments to the  
municipality's affordable housing trust fund or other appropriate municipal fund  
approved by the DCA;

(f) Creating and publishing a written operating manual, as approved by  
COAH, setting forth procedures for administering such affordability controls; and

(g) Providing annual reports to COAH as required.

7. The Administrative Agent shall have authority to take all actions  
necessary and appropriate to carry out its responsibilities hereunder. "

~~{2-5.13 Corporation Counsel.~~

~~There shall be a Division of Law, the head of which shall be the Corporation~~  
~~Counsel of the City of Bayonne, who shall be the Chief Legal Officer. He shall be~~  
~~appointed pursuant to the Charter and receive such compensation as shall be provided~~  
~~by ordinance. Prior to his appointment, he shall have been admitted to the practice of~~  
~~law in the State of New Jersey for at least five (5) years. (1972 Code § 2-6-1))~~

"2-5.11 Division of Recreation

Within the Department there shall be a Division of Recreation whose duty it  
shall be to:

a. Plan and provide for a comprehensive recreation program for all citizens  
of the City of Bayonne.

b. Administer and operate the City's senior and recreation centers.

c. Support private recreation endeavors and those of the Bayonne Board of  
Education.

d. Manage scheduling of municipal facilities including parks, fields and the  
municipal pool.

e. Administer the municipal pool.

f. Coordinate with the Department of Public Works and Parks for the  
proper maintenance and availability of all municipal facilities.

g. Promote the Arts in Bayonne.

h. Charge and collect fees for use of facilities as provided in Chapter 13,  
Municipal Parks, Recreation Areas, Swimming Pool and Docks."

~~{2-5.14 Professional Assistants.~~

~~———— The Corporation Counsel may appoint Assistant City Attorneys to serve during the term of Office of the Corporation Counsel appointing them and until their successors are appointed and qualify. (1972 Code § 2-6.2; Ord. No. 0-09-28 § 1)~~

~~{2-5.15 Powers and Duties Generally.~~

~~———— The Corporation Counsel shall be the legal advisor to the Mayor, the Council and all Departments except as may be otherwise provided by the Charter. He shall prosecute and defend actions and proceedings by and against the City and its Departments. In furtherance of these general powers, and without limitation thereto, he shall:~~

~~———— a. ——— Advise the Council or its Committees or its City Officers, when requested, upon all legal questions arising in the conduct of City business.~~

~~———— b. ——— Prepare or revise ordinances when so requested by the Council or by a Committee and review all ordinances and resolutions prepared by the City Clerk prior to action by the Council.~~

~~———— c. ——— Give his opinion upon any legal matter or question submitted to him by the Council or any of its Committees or by any City Officer.~~

~~———— d. ——— Attend all Council meetings in their entirety for the purpose of giving the Council any legal advice requested by its members.~~

~~———— e. ——— Prepare all contracts and instruments when the City is a party and approve all bonds to be submitted to the City.~~

~~———— f. ——— Represent the City in all judicial proceedings brought against the City and, when authorized by the Municipal Council or other City authority, prepare and prosecute complaints against third parties.~~

~~———— g. ——— Immediately report the outcome of any litigation in which the City has an interest to the Council and to the City official having control of the subject matter of litigation.~~

~~———— h. ——— Annually report to the Council the condition of all pending litigation in which the City has an interest.~~

~~———— i. ——— Perform all legal services auxiliary to Council action in connection with the appropriating of property to public use.~~

~~———— j. ——— Supervise the investigation in all cases, including Worker's Compensation, and assume the direction and supervision of investigator for the legal department.~~

~~———— k. ——— Keep a complete record of all suits in which the City has an interest, stating the names of the parties, the nature of the action, the disposition of the case, or its condition if pending, and the briefs of counsel.~~

~~———— l. ——— Have such other and different functions, powers and duties as may be provided by Charter or ordinance.}~~

~~(1972 Code § 2-6.3; Ord. No. 0-09-09 § 2; Ord. No. 0-09-28 § 1)~~

~~{2-5.16 Assistant City Attorneys.~~

~~———— The Assistant City Attorneys shall perform such duties as the Corporation Counsel may direct or prescribe and, during the absence or disability of the Corporation Counsel, one shall be designated to possess all the powers and perform all the duties of the Corporation Counsel. In the event of the death or resignation of the Corporation Counsel or of the occurrence of a vacancy in the Office for any other reason, one of the Assistant City Attorneys shall act as Corporation Counsel until the office is duly filled pursuant to the Charter.} (1972 Code § 2-6.4; Ord. No. 0-09-28 § 1)~~

~~{2-5.17 Prosecutor.~~

~~———— The Mayor, with the advice and consent of the Municipal Council, shall appoint one (1) or more Municipal Prosecutors for a term of one (1) year in accordance with the provisions of N.J.S.A. 2B:25-1 et seq. An Assistant City Attorney may be appointed as Prosecutor. (New; Ord. No. 0-09-28 § 1)}~~

~~{2-5.18 Special Counsel.~~

~~———— Whenever he deems the interests of the City so require, the Corporation Counsel may, with the approval of the Council, appoint Special Counsel to assist him in the preparation, trial or argument of such legal matters or proceedings as he may determine. If the Corporation Counsel should be disqualified in any matter, the Mayor shall appoint Special Counsel, with the approval of the Municipal Council, to represent the City in the matter. (1972 Code § 2-6.5; Ord. No. 0-09-28 § 1)}~~

~~{2-5.19 Records and Papers.~~

~~———— All papers, documents, memoranda, reports and other materials relating to the administration of the Division of Law shall be and remain the property of the City. Upon the termination of his service with the City, the Corporation Counsel shall forthwith surrender to his successor all such property, together with a written consent to substitution of his successor in all legal actions and proceedings then pending to which the City is a party. The Assistant City Attorneys shall have a like duty and obligation~~

~~upon the termination of their services with the City. (1972 Code § 2-6.6; Ord. No. 0-09-28 § 1))~~

2-5.(20)"12" Division of Grants Management Community Development Block Grant.

Within the Department there shall be a Division of Grants Management Community Development Block Grant. Under the supervision of the Director, the Division shall:

- a. Perform all of the functions and duties associated with implementation of Community Development Block Grant Programs and related grants.
  - b. Monitor and administer the Community Development Block Grant Program.
  - c. Manage all aspects of all grants received by the municipality.
  - d. Coordinate applications for grants from the State and Federal Government and private sources.
  - e. Handle all grant drawdowns, documentation and reporting in accordance with grant requirements.
- (Ord. No. 0-09-28 § 1)

2-5.(21)"13" Division of Human Resources.

Within the Department there shall be a Division of Human Resources whose head shall be the Personnel Officer. The Division shall:

- a. Administer the human resources function for all departments.
  - b. Ensure compliance with civil service and other applicable regulations.
  - c. Coordinate all hiring, termination and discipline functions with each department.
  - d. Manage and oversee the municipal payroll.
  - e. Manage and oversee all employee benefits.
  - f. Provide for an employee assistance program.
  - g. Manage all employee pre-placement testing, screenings, and physicals.
- (Ord. No. 0-9-28 § 1)

Article 6 Department of Public Works and Parks

2-6 DEPARTMENT OF PUBLIC WORKS AND PARKS.

NO CHANGE

Article 7 ~~(Reserved)~~ "Department of Finance"

"2-7.1 Generally.

There shall be a Department of Finance, which shall be under the administrative direction of the Director of Finance. The Director shall be responsible for the development of financial policies for recommendation to the Mayor and shall, prior to this appointment, be qualified by training or experience in government finance and fiscal management. (1972 Code § 2-5.1; New)

2-7.2 Chief Financial Officer; Powers and Duties.

The Chief Financial Officer shall be appointed by the Mayor with the advice and consent of the Municipal Council for the term prescribed by law. The Chief Financial Officer may serve as Director of Finance as well as Municipal Treasurer or Municipal Comptroller. Through the Division of Accounts and Control, Treasury, and the Office of the Tax Collector, he shall be responsible for the following:

- a. The accounting, pre-auditing and control of all City revenues and expenditures;
- b. The custody, receipt and disbursement of City funds;
- c. The safety and investment of the City investments;
- d. The management of the City's debts;
- e. The safeguarding of the City's financial interests;
- f. The assessment of a penalty charge of forty (\$40.00) dollars for any check issued to the City of Bayonne, or to any of its Departments or subdivisions, returned to the City uncollected for any reason;
- g. Payment quarterly to the Bayonne Urban Enterprise Zone Corporation based upon the amount billed for the Special Improvement District less the value of mixed-use residential exemptions;
- h. Report to the Council annually, at such time as the Council may require, on the nature and terms of outstanding leases, the rent reserved by each, and their respective expiration dates.

2-7.3 Division of Accounts and Control.

Within the Department of Finance there shall be a Division of Accounts and Control, the head of which shall be the City Comptroller. The Division shall:

- a. Develop, maintain and enforce a uniform system of accounts, including forms, standards and procedures for all Departments of the municipal government. Any uniform system of accounts shall include appropriate provision for such records and reports as may be prescribed or approved by the Chief Financial Officer for the determination of the cost of performance of each functional program or activity, measured in such work units as may be appropriate thereto; and for such data, records and reports as may be prescribed or approved by the Chief Financial Officer for the preparation and execution of a budget for the expenditure of public funds for capital purposes to give effect to general improvement programs.
- b. Maintain and operate the City's central bookkeeping and accounting records according to sound accounting principles and in accordance with the requirements of the Director of the State Division of Local Government.
- c. Audit all disbursements of the municipal government and of each of its Departments; pre-audit bills, claims and demands against the City, including payrolls, and require each Department Head to certify that materials, supplies or equipment have been received and accepted as specified and that services have been duly rendered.
- d. Control all expenditures to assure that budget appropriations are not exceeded and maintain such books and records required for the proper exercise of such budgetary control, including an encumbrance system of budget operation.
- e. Review each proposed expenditure and commitment to be made on behalf of any Department for conformity with State Law, the Charter and ordinance of the City and authorize only expenditures and commitments which conform with all the requirements of this chapter.
- f. Install a central payroll system and insure that it is operated and maintained in accordance with State requirements.
- g. Submit a monthly report of encumbrances, expenditures and unencumbered balances to the Council and Business Administrator, commencing with the adoption of the municipal budget.
- h. Undertake periodic audits and studies of various Departments to further assist the safeguarding and efficient use of municipal assets.
- i. Advise the Business Administrator and the Council of any need for budgetary transfers, amendments or emergency appropriations.
- j. Perform such other duties as may be assigned by the Chief Financial Officer or Director of Finance.

#### 2-7.4 Division of Treasury.

Within the Department of Finance there shall be a Division of Treasury, the head of which shall be the City Treasurer. He shall be appointed by the Director to serve for the term prescribed by law, and any vacancy shall be filled for the unexpired term only. The Division shall:

- a. Have custody of all investments and invested funds of the City or in its possession in a fiduciary capacity, except as otherwise provided by law, and keep such funds and municipal moneys not required for current operations safely invested or deposited in interest-bearing accounts as may be approved by Director of Finance.
- b. Make disbursements of municipal funds upon warrant of the Comptroller by an individual warrant check for each bill, claim, wage and salary payment.
- c. Keep a full account of all cash receipts and disbursements by the Division according to the system of accounts approved by the Director of Finance.
- d. Have the safekeeping of all bonds and notes of the City and the receipt and delivery of City bonds and notes for transfer, registration or exchange.
- e. Oversee the daily operation of the payroll function.
- f. Oversee the preparation and filing of all payroll tax reports.
- g. Ensure the timely payment of all municipal debt payments.
- h. Other duties as assigned by the Chief Financial Officer or the Director.  
(1972 Code § 2-5.5; New)

#### 2-7.5 Disbursement of Municipal Funds.

Payment of claims certified and approved by the proper officers as herein provided shall be authorized by the Council at least once during each month of the calendar year. The Director of Finance shall submit a list of such claims to the City

Clerk at least two (2) days before the time fixed for the meeting at which such claims are to be authorized for payment. The Director of Finance shall state at the foot of the list his recommendations with regard to the payment of the claims. When a claim is disapproved for payment by the Director of Finance, he shall state his reasons for disapproval. Payment of salaries to City Officers and employees shall be made by checks signed by the City Comptroller and City Treasurer. Payment of claims and other disbursements shall be on warrants signed by the Director of Finance, the Comptroller, the Treasurer and the Clerk. If there is a vacancy in the Office of the Director of Finance or during his disability or absence from the City, such warrants shall be signed by the Mayor in addition to the officers herein named, provided that the Director of Finance may direct that in the event of his disability or absence from the City, another City Official in his Department may be designated by him to sign such warrants on his behalf. (1972 Code § 2-5.6)

#### 2-7.6 Division of Tax Collections.

Within the Department of Finance there shall be the Tax Collector, who shall be appointed by the Director to serve for the term prescribed by law. Pursuant to N.J.S.A. 40A:9-145.7, no person shall be appointed or reappointed as Tax Collector without first holding a Tax Collector's Certificate issued by the State of New Jersey. The Division shall:

a. Perform the functions of a collector of taxes under general law including, but without limitation thereto, the preparation and mailing of tax bills, the enforcement of tax collections by tax sales and otherwise, and the maintenance of tax accounting records in such manner as may be prescribed or approved pursuant to the Charter and this chapter.

b. Receive and collect all current and delinquent real and personal property taxes, and charge and receive penalties and interest, pursuant to law.

c. Make, or cause to be made, and certify searches for tax and other liens on real property as may be authorized by law, and charge and collect for the use of the city the fee required pursuant to law for any such search. The Tax Collector may appoint or designate one of the Division employees as Official Tax Searcher to perform these functions within the Bureau Division.

d. Receive funds entrusted to or under the control of any Department and deposit all funds received by it in depositories authorized by the Council by resolution.

e. Charge ten (\$10.00) dollars for the preparation of a duplicate tax bill, and fifty (\$50.00) dollars for the preparation of a duplicate certificate of redemption. The ten (\$10.00) dollar fee may be waived by the Director of Finance.

f. Pursuant to N.J.S.A. 54:5-54, charge fifty (\$50.00) dollars for preparation of a redemption calculation requested by a property owner or property owner's agent after two (2) free redemption calculations have been provided in any one (1) calendar year. A request for a redemption calculation shall be made in writing to the Tax Collector.

g. Pursuant to N.J.S.A. 54:5-97.1, charge fifty (\$50.00) dollars for preparation of a redemption calculation requested by a third party lien holder. Any request for a redemption calculation shall be made to the Tax Collector in writing and specify the date to be used for the calculation, which shall be the date of the notice. Neither the City Tax Collector nor the City of Bayonne shall be liable for an incorrect calculation. The fee paid to the City of Bayonne shall not become part of the lien and shall not be passed on to any party entitled to redeem under N.J.S.A. 54:5-54.

h. The Tax Collector may write off any delinquency in the amount of ten (\$10.00) dollars or less.

i. Perform other duties as assigned by the Chief Financial Officer or the Director.

#### 2-7.7 Division of Purchasing.

Within the Department of Finance there shall be a Division of Purchasing, the head of which shall be the Purchasing Agent. (1972 Code § 2-4.3)

#### 2-7.8 Procedures and Operation of the Division of Purchasing.

a. Whenever it becomes necessary that any materials or supplies be purchased by a Department, the Head of the Department shall fill out a requisition slip stating the article required and the use for which it is required and requesting the Purchasing Agent to make the purchase. If the cost in aggregate of materials and/or supplies requested does not exceed the maximum amount permitted by N.J.S.A. 40A:11-3, the Purchasing Agent shall make the purchase of the same and deliver such articles to the Department Head. If the estimated cost of materials or supplies requested by the individual Department exceeds one thousand (\$1,000.00) dollars, the Purchasing Agent shall attempt to get three (3) quotations therefor and shall make the purchase on the basis of the most responsible quotation which is most advantageous to the City, price and other appropriate factors considered, and shall maintain a written record of attempts made and quotations obtained. The Purchasing Agent shall deliver one (1) copy of the order blank bearing the cost of the article or articles purchased to the Comptroller, one (1) copy to the Director of the Division of Finance, one (1) copy to the

Department Director making the requisition, and one (1) copy shall be retained in his office. The copies shall be open at all times for public inspection.

b. The Council shall, at intervals to be fixed by it, solicit proposals by public advertisements for the furnishing of all materials and supplies usually required by it or any Department under its control and shall award the contracts to the lowest responsible bidder. Such proposals shall be received and processed as hereinafter provided.

c. If the purchase price of materials or supplies, either in the aggregate sum for all Departments for a full year or on an individual purchase for one Department exceeds the current public bidding threshold as specified under Local Public Contracts Law N.J.S.A. 40A:11-3 as may be amended by the State Legislature, the Purchasing Agent shall advise the Director of the Department requesting same and the Director shall request the Council to authorize bids for the purchase. If the Council deems it necessary to make the purchase therefor, a resolution shall be adopted authorizing the City Clerk to advertise for bids. After bids are received and opened, the Council shall adopt a resolution awarding a contract to the lowest responsible bidder who shall comply with all the requirements prescribed by the Council. Bids shall be received and processed as hereinafter provided.

d. Upon the execution of a contract, materials or supplies purchased shall be delivered to the Department which requested the purchase, and the receiving Department shall examine the materials and supplies to make certain they comply with the specifications.

e. No purchase shall be made by the Purchasing Agent unless the amount remaining as a balance of an appropriation is sufficient to meet the cost, unless provision shall be made by the Council for the making of a further appropriation to meet the cost.

f. All contracts needed to be drawn to carry out the terms and provisions of this section shall be prepared by the Department of Law. Resolutions authorizing the City Clerk to advertise for bids shall be prepared by the City Clerk at the written request of the Purchasing Agent for bids to be taken pursuant to paragraph b. of this subsection and at the written request of the requesting Director pursuant to paragraph c. of this subsection. Resolutions authorizing a contract following the receipt of bids shall be prepared by the City Clerk with the assistance of the Department of Law where necessary. All other resolutions will be prepared by the Department of Law or shall be approved by the Department of Law.

g. The Purchasing Agent is hereby designated as the agent for the receipt of sealed bids and proposals advertised pursuant to this subsection unless provided otherwise by the Council in the resolution authorizing the advertisement. The Purchasing Agent, on the date and time for receiving bids, shall comply with the following procedure:

1. Bids shall be received by the Purchasing Agent in the presence of the Corporation Counsel or his designee.

2. Bids shall be received and opened pursuant to the Local Public Contracts Law. (N.J.S.A. 40A:11-1, et seq.)

3. The Purchasing Agent shall forward all received bids to the appropriate Department and shall report in writing to the Council the items for which bids were solicited, number of bids received, names of bidders and bid prices.

4. Upon receipt of the bids, the appropriate Department will review same to make certain they meet their specifications and then recommend to the Municipal Council whether and to whom a contract should be awarded or whether the bids should be rejected. In the case of bids for materials and supplies needed for several Departments or for all Departments, the Purchasing Agent with the assistance of the Directors and the Engineer will make the necessary recommendation to the Council.

h. Insofar as N.J.S.A. 40A:11-36(1) only regulates the sale of the City's personal property not needed for public use if the estimated fair market value of the property to be sold is in excess of two thousand five hundred (\$2,500.00) dollars, if the Purchasing Agent should determine that the City would be best served by selling certain of the City's personal property not needed for public use (i.e., excess inventory, outdated, defective and/or irreparable equipment and/or material to be scrapped or junked) having an estimated fair market value of less than two thousand five hundred (\$2,500.00) dollars, then he shall place the personal property up for sale consistent with the following guidelines:

1. In establishing the market value of a certain piece of personal property, the Purchasing Agent shall contact original suppliers, salvage operators and/or used equipment dealers and obtain a minimum of three (3) bids in writing. The request for bid shall contain, where applicable, the manufacturer's name, serial number, model number and a brief description of the property including its current operational status.

Should an organization, person or entity from which a bid price is solicited, refuse to reply in writing and/or express no interest in the property offered, it shall be the responsibility of the Purchasing Agent, or his designee, to document the conversation, including company name, contact name, exact phone number and any

and all comments made by the contact during said conversation as to the utility and/or value of the subject property. The Purchasing Agent's report of such a conversation shall be memorialized in writing and shall be considered a bid, albeit negative. If the Purchasing Agent receives three (3) such negative bids, the property in question may be disposed of pursuant to paragraph h, 7. of this subsection.

2. Once three (3) written bids have been obtained, the bidder submitting the highest bid will be determined to be the successful bidder.

3. After a successful bidder has been determined by the Purchasing Agent, the Director of the appropriate Department shall request of the Municipal Council that a resolution approving of the sale be presented and passed at the next scheduled Municipal Council meeting. Copies of all bidder replies, the request for bid and all other pertinent information shall be included with the request to the Municipal Council.

4. Upon approval by the Municipal Council, the Purchasing Agent shall notify the successful bidder and the bidder shall have five (5) business days from the date of notice within which to tender a certified check, bank check or money order payable to the City of Bayonne in an amount equal to the successful bid amount.

5. Any and all property will be sold "AS IS" and "WHERE IS" with no guarantees, either expressed or implied, as to the operational suitability or nature of the property.

6. Upon payment to the City of Bayonne of the bid price, the successful bidder shall have five (5) business days therefrom to remove the personal property from City property. Should the successful bidder fail to remove the personal property within five (5) days of payment of the bid price, the bid shall be forfeited and the property shall be re-offered for bidding. This five (5) day time frame can be extended by the Purchasing Agent, in writing, for good cause.

7. In the event that a minimum of three (3) bidders have been contacted and they have each indicated in writing that the personal property being offered for sale has no resale value, then:

(a) If the property is operational and useful, the Director of the appropriate Department may offer it to another branch of the City government or to a not-for-profit charitable organization. It shall be the responsibility of the entity receiving the property to remove the property at its own cost and expense.

(b) If the property is defective and/or irreparable and no salvor has exhibited interest in same, the Director of the appropriate Department may dispose of the property through the City's recycling operation or arrangements can be made to have it disposed of at a landfill.

(c) In either event, if the property is under the aegis of the Director of Public Safety, then the Purchasing Agent shall first obtain written approval from the Public Safety Director that the property to be disposed of poses no security concerns. If the Director of Public Safety determines that security would be compromised by the disposal of property under paragraph h, 7(a) or (b), then the property must first be processed by the appropriate City employees and/or contractors to render it free of any such problems prior to disposal.

(d) In either event, the Director of the appropriate Department shall request of the Municipal Council that a resolution approving of the disposal be presented and passed at the next scheduled Municipal Council meeting. Copies of all bidder replies, Public Safety Director's written approval, if required, and any other pertinent information should be included with the request.

Any property to be disposed of pursuant to paragraph h, 7(a) or (b) of this subsection must be removed from City property within twenty (20) days of the passing of the Municipal Council resolution approving same unless the time is extended in writing and for good cause, by the Purchasing Agent."

## Article 8 Department of Public Safety

### 2-8 DEPARTMENT OF PUBLIC SAFETY.

No Change.

## Article 9 Department of ~~(Municipal Services)~~ "Law"

### ~~2-9 DEPARTMENT OF MUNICIPAL SERVICES.~~

#### ~~2-9.1 Department Generally.~~

~~There shall be a Department of Municipal Services, the head of which shall be the Director of Municipal Services. (New; Ord. No. 0-09-28 § 1)~~

#### ~~2-9.2 Division of Health; Health Officer.~~

~~Within the Department there shall be a Division of Health, the head of which shall be the Health Officer. The Health Officer shall be the holder of a Health Officer's license issued by the State Department of Health of New Jersey and shall have thorough education and training in public health theory and practice. Under the supervision of the Health Officer the Division shall:~~

- ~~a. Have all the functions, powers, and duties of a local Board of Health under Title 26 of the New Jersey Statutes and Chapter 52 of the New Jersey Administrative Code, except that the Municipal Council shall have and exercise all local legislative powers under the statutes.~~
- ~~b. Plan and administer a comprehensive public health program including, without limitation thereto, environmental sanitation, communicable disease control, child and adult health and health education, laboratory services, and all other services authorized by statute or ordinance.~~
- ~~c. Administer and enforce local health ordinances and the licensing of dogs and cats.~~

~~(New; Ord. No. 0-09-28 § 1)~~

#### ~~2-9.3 Office on Aging.~~

~~Within the Department there shall be an Office on Aging. Under the supervision of the Director, the Office shall serve the City's senior citizens as a source of information, outreach, and referral service. The primary objectives of the Office on Aging are to help older residents reach their fullest potential; to make them aware of their rights under the law; to make the public aware of problem areas of the frail elderly and to seek solutions to these problems; and to insure a lifelong continuum with a focus on program participation. (New; Ord. No. 0-09-28 § 1)~~

#### ~~2-9.4 Reserved.~~

~~Former subsection 2-9.4, Registrar of Vital Statistics, previously codified herein and containing portions of 1972 Code § 2-10.1 and Ordinance No. 0-09-28, was repealed by Ordinance No. 0-11-08. See subsection 2-4.9 for Registrar of Vital Statistics.~~

#### ~~2-9.5 Division of Community Development.~~

~~There shall be a Division of Community Development, the head of which shall be the Division Head. The Division Head may also be the Chief Planner, and shall have at least five (5) years experience in the supervision and administration of housing and redevelopment projects. (1972 Code § 2-10.1; Ord. No. 0-09-28 § 1)~~

#### ~~2-9.6 Administration of Planning and Community Services.~~

~~The Division shall supervise the administration of the planning and implementation of such community services, housing preservation and conservation and such other services and projects as may be funded by any source. The Division shall also supervise the administration of Zoning and Planning process, regulations and enforcement, the administration of the Building Bureau, the oversight of all affordable housing initiatives and any other activities deemed by the director to be related to community development. (1972 Code § 2-10.2; Ord. No. 0-09-28 § 1)~~

#### ~~2-9.7 Duties of the Division Head.~~

~~The Division Head shall also have administrative oversight of the personnel employed to perform building, construction code, subcode and zoning enforcement and administration. The Division shall, with the oversight of the Division Head, and through the appropriate Construction and Subcode Officials, issue all permits for construction and certificates of occupancy, perform all inspections and other duties required by the Uniform Construction Code and Chapter 15 of the Revised General Ordinances of the City of Bayonne, Section 15-1, the Uniform Construction Code and its Subcodes, and such other inspections or activities as may be necessary to comply with law, statute or regulation or to promote the goals of community development and housing preservation. The Division shall also, with the oversight of the Division Head and through the Zoning Officer, perform all of the functions and duties of the office of zoning as required by the Zoning Chapter of the Revised General Ordinances of the City of Bayonne. (1972 Code § 2-10.3; Ord. No. 0-09-28 § 1)~~

#### ~~2-9.8 Bureau of Building.~~

~~Within the Division of Community Development there shall be a Bureau of Building, the head of which shall be the Construction Official. Under the direction and supervision of the Construction Official, the Bureau shall:~~

- ~~a. Have administrative oversight of the personnel employed to perform Building, Construction Code and subcode enforcement and administration.~~
- ~~b. Have authority, through the appropriate Construction and Subcode Officials, to issue all permits for construction and certificates of occupancy, perform all inspections and other duties required by the Uniform Construction Code and Chapter~~

~~15 of the Revised General Ordinances of the City of Bayonne, Section 15-1, the Uniform Construction Code and its Subcodes, and such other inspections or activities as may be necessary to comply with law, statute or regulation.  
(Ord. No. O-04-03 § 1; Ord. No. O-09-28 § 1)~~

~~2-9.9 Bureau of Planning and Zoning-~~

~~Within the Division of Community Development there shall be a Bureau of Planning and Zoning, the head of which shall be the Planner or Assistant Planner. Under the direction and supervision of the Planner or Assistant Planner, the Bureau shall:~~

- ~~a. Have administrative oversight of the personnel employed to perform zoning and land use functions.~~
- ~~b. Have authority, through the Zoning Officer, to perform all of the functions and duties of the Office of Zoning as required by Chapter 35 of the Revised General Ordinances of the City of Bayonne.~~
- ~~c. Have authority to perform all of the functions and duties of the Bureau of Planning and Zoning as required by Chapter 33 of the Revised General Ordinances of the City of Bayonne and all other related planning functions.~~

~~(Ord. No. O-04-03 § 1; Ord. No. O-09-28 § 1)~~

~~2-9.10 Municipal Housing Liaison/RCA Administrator.~~

~~a. Purpose. The purpose of this subsection is to create the administrative mechanisms needed for the execution of the City of Bayonne's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.~~

~~b. Definitions. As used in this subsection, the following terms shall have the meanings indicated:~~

~~Administrative Agent shall mean the entity responsible for administering the affordability controls of some or all units in the affordable housing program for the City of Bayonne to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low and moderate income households.~~

~~MHL/RCA Administrator shall mean the employee charged by the Governing Body with the responsibility for oversight and administration of the affordable housing program for the City of Bayonne and any RCA it enters into.~~

~~c. Establishment of MHL/RCA Administrator Position and Compensation; Powers and Duties:~~

~~1. Establishment of Position of MHL/RCA Administrator. There is hereby established the position of MHL/RCA Administrator for City of Bayonne.~~

~~2. Subject to the approval of the Council on Affordable Housing (COAH), the MHL/RCA Administrator shall be appointed by the Governing Body and may be a full or part time municipal employee. The City Planner or the Community Development Division Head may be the MHL/RCA Administrator.~~

~~3. The MHL/RCA Administrator shall be responsible for oversight and administration of the municipality's affordable housing program and the administration of any RCA entered into by the City of Bayonne, including the following responsibilities which may not be contracted out:~~

~~(a) Serving as the City of Bayonne's primary point of contact for all inquiries, from the State, affordable housing providers, Administrative Agents, and interested households;~~

~~(b) Establishing an escrow account for the RCA funds and submitting to COAH a signed escrow agreement between the City of Bayonne, the bank and COAH for each RCA;~~

~~(c) Monitoring the status of all restricted units in the City of Bayonne's Fair Share Plan and any Project Plan for an RCA;~~

~~(d) Compiling, verifying and submitting semi-annual reports as required by COAH;~~

~~(e) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;~~

~~(f) Attending continuing education opportunities as offered or approved by COAH;~~

~~(g) If applicable, serving as the Administrative Agent for some or all of the restricted units in the City of Bayonne as described in paragraph f. below and any RCA's entered into by the City of Bayonne.~~

~~d. Subject to approval by COAH, the City of Bayonne may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body, which entity shall have the responsibility of administering the affordable housing program of the City of Bayonne, except for those responsibilities which may not be contracted out pursuant to paragraph c. above. If the City of Bayonne contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the MHL/RCA Administrator shall supervise the contracting Administrative Agent.~~

- ~~\_\_\_\_\_ e. \_\_\_\_\_ Compensation shall be fixed by the Governing Body at the time of the appointment of the MHL/RCA Administrator.~~
- ~~\_\_\_\_\_ f. \_\_\_\_\_ Administrative powers and duties assigned to the MHL/RCA Administrator.~~
- ~~\_\_\_\_\_ 1. \_\_\_\_\_ Affirmative Marketing.~~
  - ~~\_\_\_\_\_ (a) \_\_\_\_\_ Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of the City of Bayonne and the provisions of N.J.A.C. 5:80-26.15; and~~
  - ~~\_\_\_\_\_ (b) \_\_\_\_\_ Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low or moderate income unit;~~
- ~~\_\_\_\_\_ 2. \_\_\_\_\_ Household Certification.~~
  - ~~\_\_\_\_\_ (a) \_\_\_\_\_ Providing written notification to each applicant as to the determination of eligibility or noneligibility;~~
  - ~~\_\_\_\_\_ (b) \_\_\_\_\_ Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in appendices J and K of N.J.A.C. 5:80-26.1 et. seq.;~~
  - ~~\_\_\_\_\_ (c) \_\_\_\_\_ Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and~~
  - ~~\_\_\_\_\_ (d) \_\_\_\_\_ Employing the random selection process as provided in the Affirmative Marketing Plan of the City of Bayonne when referring households for certification to affordable units.~~
  - ~~\_\_\_\_\_ (e) \_\_\_\_\_ Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and~~
  - ~~\_\_\_\_\_ (f) \_\_\_\_\_ Employing the random selection process as provided in the Affirmative Marketing Plan of the City of Bayonne when referring households for certification to affordable units.~~
- ~~\_\_\_\_\_ 3. \_\_\_\_\_ Affordability Controls.~~
  - ~~\_\_\_\_\_ (a) \_\_\_\_\_ Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;~~
  - ~~\_\_\_\_\_ (b) \_\_\_\_\_ Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;~~
  - ~~\_\_\_\_\_ (c) \_\_\_\_\_ Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;~~
  - ~~\_\_\_\_\_ (d) \_\_\_\_\_ Communicating with lenders regarding foreclosures; and~~
  - ~~\_\_\_\_\_ (e) \_\_\_\_\_ Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.~~
- ~~\_\_\_\_\_ 4. \_\_\_\_\_ Resale and Rental.~~
  - ~~\_\_\_\_\_ (a) \_\_\_\_\_ Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and~~
  - ~~\_\_\_\_\_ (b) \_\_\_\_\_ Instituting and maintaining an effective means of communicating information to low and moderate income households regarding the availability of restricted units for resale or rental.~~
- ~~\_\_\_\_\_ 5. \_\_\_\_\_ Processing Request From Unit Owners.~~
  - ~~\_\_\_\_\_ (a) \_\_\_\_\_ Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;~~
  - ~~\_\_\_\_\_ (b) \_\_\_\_\_ Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems; and~~
  - ~~\_\_\_\_\_ (c) \_\_\_\_\_ Processing requests and making determinations on requests by owners of restricted units for hardship waivers.~~
- ~~\_\_\_\_\_ 6. \_\_\_\_\_ Enforcement.~~
  - ~~\_\_\_\_\_ (a) \_\_\_\_\_ Securing annually lists of all affordable housing units for which tax bills are mailed to absentee owners and notifying all such owners that they must either move back to their unit or sell it;~~
  - ~~\_\_\_\_\_ (b) \_\_\_\_\_ Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;~~
  - ~~\_\_\_\_\_ (c) \_\_\_\_\_ The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;~~

~~\_\_\_\_\_ (d) \_\_\_\_\_ Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d) 4;~~  
~~\_\_\_\_\_ (e) \_\_\_\_\_ Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;~~  
~~\_\_\_\_\_ (f) \_\_\_\_\_ Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls; and~~  
~~\_\_\_\_\_ (g) \_\_\_\_\_ Providing annual reports to COAH as required.~~  
~~\_\_\_\_\_ 7. \_\_\_\_\_ The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.~~  
~~(Ord. O-06-27 §§ 1-4; Ord. No. O-07-25 § 1; Ord. No. O-09-28 § 1)~~

#### 2-9.11 Division of Recreation

~~\_\_\_\_\_ Within the Department there shall be a Division of Recreation whose duty it shall be to:~~

- ~~\_\_\_\_\_ a. \_\_\_\_\_ Plan and provide for a comprehensive recreation program for all citizens of the City of Bayonne.~~
  - ~~\_\_\_\_\_ b. \_\_\_\_\_ Administer and operate the City's senior and recreation centers.~~
  - ~~\_\_\_\_\_ c. \_\_\_\_\_ Support private recreation endeavors and those of the Bayonne Board of Education.~~
  - ~~\_\_\_\_\_ d. \_\_\_\_\_ Manage scheduling of municipal facilities including parks, fields and the municipal pool.~~
  - ~~\_\_\_\_\_ e. \_\_\_\_\_ Administer the municipal pool.~~
  - ~~\_\_\_\_\_ f. \_\_\_\_\_ Coordinate with the Department of Public Works and Parks for the proper maintenance and availability of all municipal facilities.~~
  - ~~\_\_\_\_\_ g. \_\_\_\_\_ Promote the Arts in Bayonne.~~
  - ~~\_\_\_\_\_ h. \_\_\_\_\_ Charge and collect fees for use of facilities as provided in Chapter 13, Municipal Parks, Recreation Areas, Swimming Pool and Docks.~~
- ~~(Ord. No. O-09-28 § 1)~~

#### "2-9 DEPARTMENT OF LAW.

##### 2-9.1 Department Generally.

There shall be a Department of Law, the head of which shall be the Director of the Department of Law, who shall be the Chief Legal Officer. He shall be appointed pursuant to the Charter and receive such compensation as shall be provided by ordinance. Prior to his appointment, he shall have been admitted to the practice of law in the State of New Jersey for at least five (5) years. (1972 Code § 2-6.1)

##### 2-9.2 Professional Assistants.

The Director may appoint Assistant City Attorneys to serve during the term of Office of the Director appointing them and until their successors are appointed and qualify. (1972 Code § 2-6.2)

##### 2-9.3 Powers and Duties Generally.

The Director of the Department of Law shall be the legal advisor to the Mayor, the Council and all Departments except as may be otherwise provided by the Charter. He shall prosecute and defend actions and proceedings by and against the City and its Departments. In furtherance of these general powers, and without limitation thereto, he shall:

- a. \_\_\_\_\_ Advise the Council or its Committees or its City Officers, when requested, upon all legal questions arising in the conduct of City business.
- b. \_\_\_\_\_ Prepare or revise ordinances when so requested by the Council or by a Committee.
- c. \_\_\_\_\_ Give his opinion upon any legal matter or question submitted to him by the Council or any of its Committees or by any City Officer.
- d. \_\_\_\_\_ Attend all Council meetings in their entirety for the purpose of giving the Council any legal advice requested by its members.
- e. \_\_\_\_\_ Prepare all contracts and instruments when the City is a party and approve all bonds to be submitted to the City.
- f. \_\_\_\_\_ Represent the City in all judicial proceedings brought against the City and, when authorized by the Municipal Council or other City authority, prepare and prosecute complaints against third parties.
- g. \_\_\_\_\_ Immediately report the outcome of any litigation in which the City has an interest to the Council and to the City official having control of the subject matter of litigation.
- h. \_\_\_\_\_ Annually report to the Council the condition of all pending litigation in which the City has an interest.

- i. Perform all legal services auxiliary to Council action in connection with the appropriating of property to public use.
- j. Supervise the investigation in all cases, including Worker's Compensation, and assume the direction and supervision of investigator for the legal department.
- k. Keep a complete record of all suits in which the City has an interest, stating the names of the parties, the nature of the action, the disposition of the case, or its condition if pending, and the briefs of counsel.
- l. Have such other and different functions, powers and duties as may be provided by Charter or ordinance.

#### 2-9.4 Assistant City Attorneys.

The Assistant City Attorneys shall perform such duties as the Director of Law may direct or prescribe and, during the absence or disability of the Director of Law, one shall be designated to possess all the powers and perform all the duties of the Director of Law. In the event of the death or resignation of the Director of Law or of the occurrence of a vacancy in the Office for any other reason, one of the Assistant City Attorneys shall act as Director of Law until the office is duly filled pursuant to the Charter. (1972 Code § 2-6.4)

#### 2-9.5 Prosecutor.

The Mayor, with the advice and consent of the Municipal Council, shall appoint one (1) or more Municipal Prosecutors for a term of one (1) year in accordance with the provisions of N.J.S.A. 2B:25-1 et seq. An Assistant City Attorney may be appointed as Prosecutor. (New)

#### 2-9.6 Special Counsel.

Whenever he deems the interests of the City so require, the Director of Law may, with the approval of the Council, appoint Special Counsel to assist him in the preparation, trial or argument of such legal matters or proceedings as he may determine. If the Director of Law should be disqualified in any matter, the Mayor shall appoint Special Counsel, with the approval of the Municipal Council, to represent the City in the matter. (1972 Code § 2-6.5)

#### 2-9.7 Records and Papers.

All papers, documents, memoranda, reports and other materials relating to the administration of the Department of Law shall be and remain the property of the City. Upon the termination of his service with the City, the Director of Law shall forthwith surrender to his successor all such property, together with a written consent to substitution of his successor in all legal actions and proceedings then pending to which the City is a party. The Assistant City Attorneys shall have a like duty and obligation upon the termination of their services with the City. (1972 Code § 2-6.6)"

#### NO FURTHER CHANGES

Section 2. That the city's codifier, in consultation with the City Clerk and Corporation Counsel, be and is hereby authorized and directed to make such changes in the Revised General Ordinances of the City of Bayonne as may be needed to make the provisions of any and all other Chapters consistent with the terms of this Chapter 2, Administration.

Section 3. Severability. If any part of this Ordinance shall be declared to be invalid or inoperative, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

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

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 2, ADMINISTRATION," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, February 17, 2016, 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.

\* \* \* \* \*

07. Council Member LaPelusa introduced:

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

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

Section 1. That the Revised General Ordinances of the City of Bayonne, Chapter 7, Traffic, be and is hereby supplemented and amended as follows (additions underlined, deletions ~~stricken~~ :

CHAPTER 7 TRAFFIC

RIGHT TURN ON RED LIGHT PROHIBITED.

No person shall make a turn on the red signal at any location listed: (1972 Code § 10-17; Schedule XV; Ord. No. O-02-36; Ord. No. O-03-14; Ord. No. O-07-39; Ord. No. O-11-05 § 4)

| <i>Intersection</i>              | <i>Right Turn Prohibition</i> | <i>Days</i>     | <i>Hours</i>     |
|----------------------------------|-------------------------------|-----------------|------------------|
| <u>Centre Street &amp; Ave E</u> | <u>North onto Avenue E</u>    | <u>All Days</u> | <u>All Times</u> |

Section 2. That the city’s codifier, in consultation with the City Clerk and Corporation Counsel, be and is hereby authorized and directed to make such changes in the Revised General Ordinances of the City of Bayonne as may be needed to make the provisions of any and all other Chapters consistent with the terms of this Chapter 7, Traffic.

Section 3. Severability. If any part of this Ordinance shall be declared to be invalid or inoperative, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

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

BE IT RESOLVED, that an ordinance entitled “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, February 17, 2016, 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.

\* \* \* \* \*

08. Council Member Perez 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

ADD

045. Magdy E. Faried, 162 West 49<sup>th</sup> Street  
Beginning at a point on the south side of West 49<sup>th</sup> Street, 185 feet west of the southwest corner of Kennedy Boulevard and Wet 49<sup>th</sup> Street, and extending to a point 18 feet west thereof.

RELOCATE

325. Kevin Hennessy, from 180 West 22<sup>nd</sup> Street to 68 West 24<sup>th</sup> Street  
OLD LOCATION: Beginning at a point on the south side of West 22<sup>nd</sup> Street, 444 feet west of the southwest corner of West 22<sup>nd</sup> street and Avenue A, and extending to a point 18 feet west thereof.  
NEW LOCATION: Beginning at a point on the south side of West 24<sup>th</sup> Street, 112 feet west of the southwest corner of Avenue C and West 24<sup>th</sup> Street, and extending to a point 20 feet west thereof.

AMEND

(New material bold printed and underlined, deletions {within brackets ~~and struck through~~}) )

273. Jane Young, 112 West 3<sup>rd</sup> Street  
Beginning at a point on the south side of West 3<sup>rd</sup> Street, 101 feet west of the south~~(west)~~(east) corner of Humphrey Avenue and West 3<sup>rd</sup> Street, and extending to a point 19 feet ~~(west)~~(east) thereof.

Council Member Perez 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, February 17, 2016, 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.

\* \* \* \* \*

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

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

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

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

\* \* \* \* \*

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

From Joel Silberman, Esq., filing notice of tort claim on behalf of BIONCA COLON, alleging wrongful death of Sabore Worrell sustained November 2, 2015 at Route 440 and East 32<sup>nd</sup> Street.

\* \* \* \* \*

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

From Amadeo & Miller, Esqs., filing notice of tort claim on behalf of HEATHER TAPIA, alleging injuries sustained October 17, 2015 in a collision with a fire engine at Kennedy Boulevard and West 49<sup>th</sup> Street.

\* \* \* \* \*

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

From Daniel R. Bever, Esq., filing notice of tort claim on behalf of AMEER KHAN, alleging property damage to his vehicle sustained November 9, 2015 in a collision with a street sweeper at Kennedy Boulevard and West 35<sup>th</sup> Street.

\* \* \* \* \*

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

From GAIL SARNO, filing notice of tort claim seeking recovery of a towing fee and related expenses from an erroneous license suspension.

\* \* \* \* \*

**14.** 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, "POLSUNAS vs. THE CITY OF BAYONNE, et al." (Fall in the street on June 3, 2015 at Avenue C and West 51<sup>st</sup> Street)

\* \* \* \* \*

**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, Order to Show Cause and Complaint in matter entitled, "PAFF vs. THE CITY OF BAYONNE." (OPRA request lawsuit)

\* \* \* \* \*

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

From the PLANNING BOARD, a resolution recommending that Block 28, lot 4, located at West 55<sup>th</sup> Street and Garfield Avenue be rezoned for commercial use and include such accessory uses that serve permitted uses in the commercial zone of an adjacent municipality that borders a C-2 District. (Hudson Lanes property)

\* \* \* \* \*

**17.** 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

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.

\* \* \* \* \*

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

December 29, 2015

Dear Council President Nadrowski  
and Honorable Members of the City Council

I hereby appoint the following individual to the Historic Preservation Commission of the City of Bayonne:

Meryl Robin Term expiring on December 31, 2017  
106 West 8th Street, Bayonne, NJ 07002

In conjunction with this appointment the City Clerk has been directed to add an accompanying item on the January 13, 2015 Council Caucus Meeting Agenda to be received and filed.

Sincerely,  
James M. Davis  
Mayor  
(signed)

\* \* \* \* \*

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

January 11, 2016

Dear Council President Nadrowski  
and Honorable Members of the City Council

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

|                                                     |                                                                      |
|-----------------------------------------------------|----------------------------------------------------------------------|
| Ed Gilligan<br>758 Kennedy Blvd., Bayonne, NJ 07002 | Term expiring on December 31, 2017<br>(formerly held by Ramon Veloz) |
|-----------------------------------------------------|----------------------------------------------------------------------|

In conjunction with this appointment the City Clerk has been directed to add an accompanying item on the January 13, 2015 Council Caucus Meeting Agenda to be received and filed.

Sincerely,  
James M. Davis  
Mayor  
(signed)

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

\* \* \* \* \*

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

January 12, 2016

Dear Council President Nadrowski  
and Honorable Members of the City Council

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

Mary Louise Hyman  
892 Kennedy Blvd., Bayonne, NJ 07002

Term expiring on December 31, 2019

In conjunction with this appointment the City Clerk has been directed to add an accompanying item on the January 13, 2015 Council Caucus Meeting Agenda to be received and filed.

Sincerely,  
James M. Davis  
Mayor  
(signed)

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

\* \* \* \* \*

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

January 12, 2016

Dear Council President Nadrowski  
and Honorable Members of the City Council

I hereby appoint the following individual to the Municipal Utilities Authority Commission of the City of Bayonne and request the City Council's consenting action:

Mark Meyers  
38 West 7th Street, Bayonne, NJ 07002

Term expiring on February 1, 2021

In conjunction with this appointment the City Clerk has been directed to add an accompanying item on the January 13, 2015 Council Caucus Meeting Agenda to be received and filed.

Sincerely,  
James M. Davis  
Mayor  
(signed)

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

\* \* \* \* \*

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

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

\* \* \* \* \*

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

Date: January 5, 2016

To: Mayor James M. Davis and the Municipal Council

From: Janet Convery

Re: Report on Note Sale for Council Meeting of January 20, 2016

Attached are copies of the Certificate of Determination and Award for Notes dated 12/22/2015

\* \* \* \* \*

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

DATE : January 8, 2016

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 JANUARY 2016

JANET CONVERY  
(signed)

\* \* \* \* \*

**25.** 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.

\* \* \* \* \*

**26.** 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, December 16, 2015, be and the same are hereby approved.

\* \* \* \* \*

**27.** 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, December 9, 2015, be and the same are hereby approved.

\* \* \* \* \*

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

RESOLUTION OF CONTINUING SUPPORT FOR THE GOALS AND PURPOSES OF THE 2004 HIGHLANDS WATER PROTECTION AND PLANNING ACT

WHEREAS, New Jersey Highlands Water Protection and Planning Act (The Highlands Act) was enacted in order to protect the State’s water supplies and other significant resources and  
WHEREAS, The Highlands Act was passed with overwhelming bipartisan support in both the New Jersey State Senate and New Jersey State Assembly; and

WHEREAS, subsequently in 2008, the New Jersey Highlands Water Protection and Planning Council adopted the New Jersey Highlands Regional Master Plan, and proceeded with a program for its implementation through a Plan Conformance process.

WHEREAS, the City of Bayonne is a municipality that receives all or a portion of its drinking water from sources within the Highlands Region; and that the City of Bayonne relies on the resources of the Highlands to meet the current and future needs of its residents.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Bayonne wishes that it be known that we strongly support the goals, policies and objectives of the 2004 Highlands Water Protection and Planning Act and the Highlands Regional Master Plan.

\* \* \* \* \*

**29.** 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    |
|--------|------|---------------------------|-----------|
| 29     | 22   | Ocwen Loan Servicing      | 2,086.39  |
| 149    | 30   | Neri Maldonado            | 2,299.04  |
| 218    | 24   | Khalid Chaudhry           | 3,813.99  |
| 254    | 6    | Brian Creamer             | 2,228.65  |
| 307    | 1.03 | Wells Fargo Home Mortgage | 2,581.69  |
| 374    | 11   | Mark D. Squitieri         | 1,552.33  |
| Total: |      |                           | 14,562.09 |

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

WHEREAS, SESAC, INC., P.O. Box 900013, Raleigh, NC 27675-9013 has been aggressively asserting the rights of its members against small municipalities for copyright infringement when such municipalities play their music at various functions including, but not limited to, festivals, firework shows, concerts in the park, community centers and even while on "hold" during telephone calls, without a license to do so; and

WHEREAS, the licensing fee for the current license period is \$1,230.00; and

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

RESOLVED, that the Treasurer is hereby authorized to issue a warrant payable to SESAC, Inc. in the amount of \$1,230.00; and be it further

RESOLVED, that funds are certified available in Account #BA-2 (01-201-20-101-1-090.

\* \* \* \* \*

**31.** 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 \$ 754.20 be drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of licenses Nos. 1-448 inclusive, 446 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.

\* \* \* \* \*

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

RESOLVED, that pursuant to and consistent with a State Training Fee Report dated January 4, 2016 by Richard Bielinski, Construction Official, the Municipal Treasurer is hereby authorized and directed to issue a warrant drawn to the order of the State of New Jersey, in the amount of \$13,339.00 representing payment of state surcharge fees on new construction and alterations collected during the fourth quarter of 2015; and be it further

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

RESOLVED, that this expense to be charged to Account - Trust Funds, State Training Fees with the Tax Collector, Account #12-286-56-312-2-199.

\* \* \* \* \*

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

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

Whereas, the tax assessor had, due to the status of the property, approved the exemption for 50% of assessment (and taxes) otherwise applying to the property for the 2015 Tax Year with the Municipal Council having approved the prior a refund of 50% of the assessment back to the original date of eligibility (October 13, 2011), and

Whereas, the house was subsequently converted to a one family home as confirmed by a certificate of occupancy (C15-09-4161) dated 9/2/2015, and

Whereas, the Tax Assessor has confirmed that the property would on account of this conversion be entitled to a 100% exemption effective on 9/2/2015;

Now therefore be it resolved as follows:

1. The property taxes on the previously non-exempt 50% of the two family home located at Block 157 Lot 10 (77 West 30<sup>th</sup> St.), in the City of Bayonne occupied by said qualifying veteran are hereby canceled effective September 2, 2015 with the assessor to revise the assessment going forward and the tax collector to calculate any resulting overpayment of the tax bills from that date to the date of passage of this resolution (estimated at approximately \$1,806.23 for the prorated portion of the 2015 tax year AND an additional refund of any taxes paid on the property in the 2016 Tax Year, EXPRESSLY SUBJECT TO the Tax Collector's records and calculations based on the final tax rate and the amount of tax actually billed and paid for the period to which the exemption applies.
2. The Tax Collector upon performing the above calculations is authorized to refund any overpayment amount which exceeds such outstanding taxes, so as to assure that the exemption is fully effectuated for 2015 and 2016. The Tax Collector is further authorized to credit or adjusting all future bills in

conformance with this resolution for the duration of the veteran's qualified status with respect to this property.

3. The Tax Collector, Tax Assessor and City Treasurer are authorized to take any and all appropriate action to effectuate this resolution, including but not limited to, cancellation of taxes as set forth above and the refund or credit of any excess taxes which may have been paid by said qualifying veterans during the periods noted herein.

\* \* \* \* \*

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

WHEREAS, the Police Department of the City of Bayonne, pursuant to a grant received under the State Homeland Security Program (SHSP-FY 10), administered through the County of Hudson, purchased a policy management software package (DMS Software) from Innovative Data Solutions, Inc., P.O. Box 2468, Orlando, FL 32802, on March 9, 2011, which included two years of software maintenance; and

WHEREAS, Power DMS has provided the city with an invoice for software maintenance services for the one-year period commencing January 1, 2016 and ending December 31, 2016, for a total contract amount of \$2,022.00; and

WHEREAS, funds for said agreement have been certified as available in Account #PS-9/01-201-25-240-2-020 pending adoption of the CY 2016 budget; and

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

RESOLVED, that the Mayor and the City Clerk of the City of Bayonne are hereby authorized to enter into a service agreement with PowerDMS, 101 S. Garland Avenue Suite 300, Orlando, FL 32802, for annual software support services for the Police Department's policy management software package (DMS Software) for the one-year period commencing January 1, 2016 and ending December 31, 2016, for a total contract amount of \$2,022.00 and said funds have been certified available in Account #PS-9/01-201-25-240-2-020 pending adoption of the CY 2016 budget; and be it further

RESOLVED, that the Municipal Treasurer be and is hereby authorized and directed to issue a warrant payable to PowerDMS in the amount of \$2,022.00 in payment for such services.

\* \* \* \* \*

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

WHEREAS, the Police Department of the City of Bayonne has established that there is a need for annual support with upgrades for the POSS Enterprise Edition scheduling software; and

WHEREAS, Visual Computer Solutions, Inc., 4400 US Highway 9 South, Suite 3500, Freehold, NJ 07728 is able to supply the aforesaid services for the period commencing March 1, 2016 and ending December 31, 2016 at a cost of \$3,958.00; and

WHEREAS, funds are certified as available in Account #PS-9/01-201-25-240-2-020 pending adoption of the CY 2016 Budget; and

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

RESOLVED, that the Mayor and Clerk of the City of Bayonne are hereby authorized to enter into an agreement with Visual Computer Solutions, Inc., 4400 US Highway 9 South, Suite 3500, Freehold, NJ 07728 for annual support with upgrades for the POSS Enterprise Edition scheduling software in use in the Police Department for the period commencing March 1, 2016 and ending December 31, 2016 at a cost of \$3,958.00; and be it further

RESOLVED, that funds are certified available in Account #PS-9/01-201-25-240-2-020 pending adoption of the CY 2016 Budget; and be it further

RESOLVED, that the Municipal Treasurer be and is hereby authorized and directed to issue a warrant payable to Visual Computer Solutions, Inc., in the amount of \$3,958.00 in payment for said services.

\* \* \* \* \*

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

BE IT RESOLVED, That the City Clerk be and is hereby authorized to advertise for bids for improvements to Clark Park.

\* \* \* \* \*

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

BE IT RESOLVED, That the City Clerk be and is hereby authorized to advertise for bids for improvements to Fitzpatrick Park.

\* \* \* \* \*

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

BE IT RESOLVED, That the City Clerk be and is hereby authorized to advertise for bids for an air compressor/fill station/cascade system for filling self-contained breathing apparatus.

\* \* \* \* \*

**39.** 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 # |
|---------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Bridgemen Organization Inc.                 | 7:00 PM<br>57 West 6th Street<br>Feb. 6, 13, 20, 27<br>Mar. 5,12,19,26<br>Apr. 2,9,16,23,30<br>May 7,14,21,28<br>June 4,11,18,25<br>July 2,9,16,23,30 | RL: 9076  |
| Our Lady of Mt. Carmel                      | 11:00 AM<br>39 East 22nd Street<br>March 13, 2016                                                                                                     | RL: 9077  |
| W.F. Robinson School PTO                    | 7:00 PM<br>92 West 31st Street                                                                                                                        | RL: 9078  |
| Knights of Columbus #371<br>Star of the Sea | 1:00 PM<br>669 Avenue c<br>March 20, 2016                                                                                                             | RL: 9079  |
| Midtown Community School PTO                | 10:00 PM<br>550 Avenue A<br>April 29, 2016                                                                                                            | RL: 9080  |
| Friends of Special Children                 | 7:00 PM<br>53 Prospect Ave.                                                                                                                           | RL: 9081  |

June 10, 2016

|                                                            |                                                   |                      |
|------------------------------------------------------------|---------------------------------------------------|----------------------|
| Lincoln Community School PTO                               | 4:00 PM<br>126 Broadway<br>March 5, 2016          | RL: 9082             |
| Educational Partnership for<br>Instructing Children (EPIC) | 5:00 - 11:30 PM<br>882 Avenue C<br>April 30, 2016 | RL: 9083<br>RL: 9084 |

\* \* \* \* \*

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

WHEREAS, the City of Bayonne is in need of continued supplementation services for the Revised General Ordinances of the City of Bayonne; and

WHEREAS, Coded Systems, LLC, 608 Highway 71, Spring Lake Heights, New Jersey 07762, has previously been awarded a contract for such services on an annual basis, and is willing to continue to supply said services for the period commencing January 1, 2016 and ending December 31, 2016 in accordance with the terms of a proposal dated January 5, 2016; and

WHEREAS, funds are certified as available in Account C-6 (01-201-26-300-2-020); and

WHEREAS, bids need not be solicited for these services insofar as the Agreement complies with the statutory guidelines of N.J.S.A. 40A:11-5(1)(a)(x) and the vendor has complied with the requirements of the non-fair and open solicitation process; now, therefore be it

RESOLVED, that the Mayor and City Clerk be and are hereby authorized to enter into a contract with Coded Systems, LLC, 608 Highway 71, Spring Lake Heights, New Jersey 07762, for continuation of supplementation service for the Revised General Ordinances of the City of Bayonne for the period commencing January 1, 2016 and ending December 31, 2016, for a contract amount not to exceed Fifteen Thousand (\$15,000.00) Dollars; and be it further

RESOLVED, that funds are certified as available in Account C-6 (01-201-20-121-2-028) pending adoption of the CY 2016 budget.

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

\* \* \* \* \*

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

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

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

WHEREAS, the City may use funds to assist the Bayonne Youth Center in accordance with the regulations governing the Community Block Grant Program under Section 2(a)(4)208(b)(2); and

WHEREAS, the Jewish Community Center requested and submitted an a formal written application dated February 24, 2014 for said CDBG Grant Funds for the purpose of providing renovation and repair of the Ladies' and Men's Locker Rooms to be ADA Compliant at their premises located at 1050 Kennedy Boulevard, Bayonne, NJ (the "Premises"); and

WHEREAS, pursuant the aforesaid application submitted by the Jewish Community Center dated February 24, 2014, the City entered into an agreement with the Jewish Community Center to provide CDBG funds in the amount of \$147,800.00 as may be subsequently amended for the purpose of providing said renovation and repair

of the Ladies' and Men's Locker Rooms to be ADA Compliant at the Premises ("Project No. 1"); and

WHEREAS, it was determined by the Office of Community Development that it was necessary that a lead based paint inspection be performed in connection with Project No.1 in order to ensure the health and safety of the employees and clientele of the Jewish Community Center; and

WHEREAS, due to exigent circumstances, the Director of Community Development retained the services of Matrix New World Engineering Inc., 26 Columbia Turnpike, Florham Park, NJ 07932 to perform a Certified Lead Paint Inspection at the Premises for the amount of \$1,812.50; and

WHEREAS, the Office of Community Development is in receipt of an Invoice from Matrix New World Engineering, Inc. dated December 7, 2015 for the amount of \$1,812.50 for the aforesaid Certified Lead Paint Inspection; and

WHEREAS, the Jewish Community Center has also requested and submitted an additional formal written application dated November 9, 2015 for said CDBG Grant Funds for the purpose of providing the expansion of its Lauren Wendroff Early Children's Academy located at the Premises to accommodate infants and young toddlers (Project No. 2); and

WHEREAS, the Office of Community Development determined it is necessary that lead-based paint clearance monitoring be performed at the Premises in connection with both Project No. 1 and Project No. 2 in order to ensure the health and safety of the clientele of the Jewish Community Center; and

WHEREAS, Matrix New World Engineering, Inc. has provided the Office of Community Development with a proposal for lead-based paint clearance monitoring of the Premises dated November 24, 2015 in connection with both Project No. 1 and Project No. 2 for the amount of \$1,195.00; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-917; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The actions of the Director of Community Development in retaining the services of Matrix New World Engineering, Inc., 26 Columbia Turnpike, Florham Park, NJ 07932 to perform a Certified Lead Paint Inspection at the Premises for the amount of \$1,812.50 are hereby ratified and confirmed.

2. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Jewish Community Center, 1050 Kennedy Blvd., Bayonne, New Jersey 07002 for the provision of providing the cost of lead paint inspection and clearance monitoring pursuant to the invoice dated December 7, 2015 for the amount of \$1,812.50 and the proposal submitted by Matrix New World Engineering, Inc. by Matrix New World Engineering Inc., 26 Columbia Turnpike, Florham Park, NJ 07932 dated November 24, 2015 for the amount of \$1,195.00 in connection with both Project No. 1 and Project No. 2 for the amount of \$3,007.50 for the period commencing September 1, 2015 and ending August 31, 2016.

3. Funds shall be charged to Account #CDBG-917

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

\* \* \* \* \*

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

WHEREAS, Municipal Council Resolution No. 15-08-19-054 adopted on August 19, 2015 authorized the Mayor and City Clerk to enter into an agreement with the Jewish Community Center, 1050 Kennedy Blvd., Bayonne, New Jersey 07002 for the amount of \$147,800.00 for the purpose of providing the cost of funding the reconstruction of the boys' and girls' locker rooms (the "Project") for the period commencing September 1, 2014 and ending August 31, 2015; and

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

WHEREAS, Municipal Council Resolution No. 15-10-21-057 adopted on October 21, 2015 authorized an amendment to the aforesaid Agreement No. CY15-067 with the Jewish Community Center to include the cost of masonry steps with vinyl tread covers for the amount of \$3,500.00 pursuant to the supplemental proposal from Bard Construction Co. and \$2,400.00 for the additional plumbing work necessary to complete the project which was not anticipated at the time of the original proposal pursuant to the proposal from George C. Knobloch, Inc., making the total contract amount \$153,700.00; and

WHEREAS, the Contractor provided the Director of Community Development with a final invoice from George C. Knobloch, Inc. dated December 4, 2015 reducing the amount for the aforesaid additional plumbing work from \$2,400.00 to \$1,800.00; and

WHEREAS, the Contractor, also provided the Director of Community Development with a second supplemental proposal dated November 29, 2015, for the amount of \$3,800.00 to include the cost of additional work (the "Additional Work") necessary to complete the Project; and

WHEREAS, it was determined by the Office of Community Development that the Additional Work was necessary and needed in order to complete the Project in a satisfactory manner; and

WHEREAS, due to the fact that the Additional Work was already in progress, the Contractor performed the work notwithstanding the fact that commencement of the work was not yet authorized by the Office of Community Development; and

WHEREAS, a final inspection of the Additional Work was performed and the Additional Work was ultimately approved by the Office of Community Development; and

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

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to execute a second amendment to Agreement No. CY15-067 with the Jewish Community Center to include the cost of additional work necessary to complete the project pursuant to the supplemental proposal from Bard Construction Co. dated November 29, 2015 and to reflect the final invoice from George C. Knobloch, Inc. dated December 4, 2015 for the amount of \$1,800.00 for the additional plumbing work necessary to complete the Project, making the total contract amount \$156,900.00.

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

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

\* \* \* \* \*

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

WHEREAS, pursuant to Resolution No. 15-10-21-047 adopted October 21, 2015 the Municipal Council authorized an agreement with Suburban Disposal, Inc., ("Suburban") 54 Montesano Road, Fairfield, New Jersey for the Collection of Solid Waste (CY15-087) for a three (3) year period commencing November 1, 2015 and ending October 31, 2018 for a total contract amount of \$4,440,000 (the "Solid Waste Contract"); and

WHEREAS, pursuant to Resolution No. 15-10-21-048 adopted October 21, 2015 the Municipal Council authorized an agreement with Suburban Disposal, Inc., ("Suburban") 54 Montesano Road, Fairfield, New Jersey for the Collection of Recyclable Materials (CY15-086) for a three the (3) year period commencing November 1, 2015 and ending October 31, 2018 (the "Recyclables Contract"); and

WHEREAS, to better meet the needs of the Board of Education, the City seeks to change the scope of work set forth in the Solid Waste Contract to provide for pick-up of solid waste from Grammar and High Schools on Tuesdays instead of Mondays and to change the scope of work in the Recyclables Contract to provide for the pick-up of recyclable materials two (2) days each week, namely, Wednesdays and Thursdays; and

WHEREAS, pursuant to its proposal attached hereto, Suburban has agreed to pick-up solid waste from Grammar and High Schools on Tuesdays instead of Mondays at an additional cost of \$43,333.33 for the ten (10) month period commencing January 1, 2016 through October 31, 2016 and \$52,000 per year for the two (2) year period commencing November 1, 2016 and ending October 31, 2017 for a total additional amount of \$147,333.33 payable monthly for the remainder of three (3) year Contract term. However, there will be no additional charge for the additional day of recyclable pick-up at the Grammar and High Schools; and

WHEREAS, the City further seeks to amend the scope of work set forth in the Solid Waste Contract to include the purchase of four (4) additional eight (8) yard dumpsters for use at Bayonne High School; and

WHEREAS, pursuant to its proposal attached hereto, Suburban has agreed to supply same at a one time additional cost of \$8,500; and

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

WHEREAS, funds are certified as available in Account 01-201-32-465-2-020 pending adoption of the CY2016 and future budgets; and

WHEREAS, this resolution is subject to the adoption of an Interlocal Agreement between the Bayonne Board of Education and the City of Bayonne whereby the Bayonne Board of Education shall reimburse the City of Bayonne for costs associated with providing collection of solid waste and recyclable materials from the schools; now, therefore, be it

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

1. The Mayor and City Clerk are hereby authorized to enter into an Amendment to Agreement No. CY15-087 with Suburban Disposal, Inc., 54 Montesano Road, Fairfield, New Jersey for the Collection of Solid Waste for a three (3) year period commencing November 1, 2015 and ending October 31, 2018 so as to provide for the pick-up of solid waste from Grammar and High Schools on Tuesdays instead of Mondays at an additional cost of \$43,333.33 for the ten (10) month period commencing January 1, 2016 through October 31, 2016 and \$52,000 per year for the two (2) year the period commencing November 1, 2016 and ending October 31, 2018 for a total additional amount of \$147,333.33 payable monthly and to include the purchase of four (4) additional eight (8) yard dumpsters for use at Bayonne High School at a one time cost of \$8,500, making the total contract amount \$4,595,833.33; and

2. Funds shall be charged to Account 01-201-32-465-2-020 pending adoption of the CY2016 and future budgets.

3. All other terms and conditions of Agreement No. CY15-087 shall remain the same.

4. The Mayor and City Clerk are hereby authorized to enter into an Amendment to Agreement No. CY15-086 with Suburban Disposal, Inc., 54 Montesano Road, Fairfield, New Jersey for the Collection of Recyclable Materials for a three (3) year period commencing November 1, 2015 and ending October 31, 2018 so as to provide for the pick-up of recyclable materials from Grammar and High Schools two (2) days each week, namely, Wednesdays and Thursdays commencing as of January 1, 2016 through October 31, 2017 at no additional cost.

5. All other terms and conditions of Agreement No. CY15-086 shall remain the same.

6. This resolution is subject to the adoption of an Interlocal Agreement between the Bayonne Board of Education and the City of Bayonne whereby the Bayonne Board of Education shall reimburse the City of Bayonne for costs associated with providing collection of solid waste and recyclable materials from the schools.

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

\* \* \* \* \*

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

WHEREAS, pursuant to Resolution No. 15-10-21-047 adopted October 21, 2015 the Municipal Council authorized an agreement with Suburban Disposal, Inc., (“Suburban”) 54 Montesano Road, Fairfield, New Jersey for the Collection of Solid Waste (CY15-087) for a three (3) year period commencing November 1, 2015 and ending October 31, 2018 for a total contract amount of \$4,440,000 (the “Solid Waste Contract”); and

WHEREAS, pursuant to Resolution No. 15-10-21-048 adopted October 21, 2015 the Municipal Council authorized an agreement with Suburban Disposal, Inc., (“Suburban”) 54 Montesano Road, Fairfield, New Jersey for the Collection of Recyclable Materials (CY15-086) for a three the (3) year period commencing November 1, 2015 and ending October 31, 2018 (the “Recyclables Contract”); and

WHEREAS, to meet the needs of the Board of Education, the aforementioned contracts provide for pick-up of solid waste and recyclables from the Bayonne Board of Education’s Grammar and High Schools; and

WHEREAS, N.J.S.A. 40A:65-1 et seq. allows municipalities and other public entities to enter into Shared Services Agreements; and

WHEREAS, it is in the best interests of the City of Bayonne and Bayonne Board of Education to enter into such a Shared Services Agreement in connection with the aforementioned contracts; now, therefore, be it

RESOLVED, that the Mayor and Clerk are hereby authorized to enter into a Shared Services Agreement with the Bayonne Board of Education for the Collection of Solid Waste and Recyclable Materials pursuant to Agreements CY15-086 and CY15-087 whereby the City of Bayonne is recompensed for the costs associated with the Board of Education’s portion of the aforesaid Agreements.

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

\* \* \* \* \*

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

WHEREAS, significant deficiencies have been identified in the Port of NY have been the lack of dispatch coordination, command and control of marine assets to support a regionalized approach to the management of DHS-funded marine assets on the NJ side of the Port of NY/NJ, and lack of streamlined and coordinated transfer and sharing of information; and

WHEREAS, these deficiencies significantly impact the overall security of the Port; and

WHEREAS, the Regional Marine Vessel (RMV) group consists of 13 municipalities, including the City of Bayonne, that desire to cooperate with each other on the response, and/or sharing of resources critical to an effective regional response; and

WHEREAS, the RMV group has implemented a Regional Marine Response and Dispatching program to assist in addressing said deficiencies; and

WHEREAS, the City of Bayonne is desirous of entering into a Memorandum of Understanding with the RMV to participate in said program; and

WHEREAS, the participation in said program is essential for the safety and welfare of the citizens of Bayonne; 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 a Memorandum of Understanding with the Regional Marine Vessel group to participate in the Regional Marine Response and Dispatching program.

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

\* \* \* \* \*

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

WHEREAS, the City of Bayonne has a need to appoint a firm to act as the City's Voluntary Benefit Insurance Broker of Record 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, the anticipated term of the contract is eleven (11) months commencing February 1, 2016 and ending December 31,2016; and

WHEREAS, Fairview Insurance Agency, 25 Fairview Avenue, Vernon, New Jersey 07044 has requested that they be appointed Voluntary Benefits Broker of Record for the City of Bayonne; and

WHEREAS, said services provided by Fairview Insurance Agency will in all instances be paid in the form of commissions by private insurance carriers, and will never be paid directly by the City of Bayonne; and

WHEREAS, Fairview Insurance Agency has completed and submitted a Business Entity Disclosure Certification which certifies that Fairview Insurance Agency 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 the Fairview Insurance Agency from making any reportable contributions through the term of the contract, now, therefore, be it

RESOLVED, by the Municipal Council as follows:

- 1. The Mayor and City Clerk are hereby authorized to enter into a contract with Fairview Insurance Agency, 25 Fairview Avenue, Vernon, New Jersey 07044 to act as the City's Voluntary Benefit Insurance Broker of Record for an eleven (11) month period commencing February 1, 2016 and ending December 31, 2016 payable in the form of commissions by private insurance carriers.
- 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.

\* \* \* \* \*

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

RESOLVED, that the budgetary transfers 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

| CURRENT FUND |                           |         |                          |         |
|--------------|---------------------------|---------|--------------------------|---------|
| FROM         |                           |         | TO                       |         |
| No.          | Account                   | Amount  | Account                  | Amount  |
| 1.           | Law Enforcement           |         | Vehicle Maintenance      |         |
|              | Uniform-S&W               | 58,500. | O.E.                     | 16,000. |
|              |                           |         | Building & Grounds-O.E.  | 25,000. |
|              |                           |         | Office of the Mayor-O.E. | 1,000.  |
|              |                           |         | Municipal Court - O.E.   | 8,000.  |
|              |                           |         | Planning & Zoning-O.E.   | 8,500.  |
| 2.           | Gasoline, Oil, Grease ETC | 71,000. | Utilities                | 71,000. |

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

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

CY 2016 TEMPORARY BUDGET

RESOLVED, by the Municipal Council that pursuant to N.J.S. 40A:4 -19, the following appropriations be and the same are hereby made and approved for the year CY 2016, and be it further.

RESOLVED, by the Municipal Council of the City of Bayonne, that the dedicated revenues pursuant to N.J.S. 40A:4 -39 for the period between the beginning of CY 2016 and the date of the adoption of the CY 2016 budget are hereby appropriated for the purpose to which said revenues are dedicated for in the said statues or other legal requirements:

|                                |                 | OTHER           | COMBINED             |
|--------------------------------|-----------------|-----------------|----------------------|
| <u>CURRENT FUND</u>            | <u>SALARIES</u> | <u>EXPENSES</u> | <u>APPROPRIATION</u> |
|                                | \$              | \$              |                      |
| OFFICE OF THE MAYOR            | 100,000.00      | 3,500.00        |                      |
|                                |                 | \$              |                      |
| PLANNING BOARD                 |                 | 13,000.00       |                      |
|                                |                 | \$              |                      |
| BOARD OF ADJUSTMENT            |                 | 7,000.00        |                      |
|                                |                 | \$              |                      |
| ALCOHOL BEVERAGE CONTROL       |                 | 1,000.00        |                      |
|                                |                 | \$              |                      |
| ENVIRONMENTAL COMMISSION       |                 | 1,000.00        |                      |
|                                |                 | \$              |                      |
| RENT CONTROL                   | \$ 4,000.00     | 4,500.00        |                      |
|                                |                 | \$              |                      |
| BAYONNE ECON. OPPORTUNITY FUND |                 | 22,500.00       |                      |
|                                | \$              | \$              |                      |
| BUSINESS ADMINISTRATION        | 180,000.00      | 200,000.00      |                      |
| PERSONNEL                      | \$ 23,000.00    |                 |                      |
|                                |                 | \$              |                      |
| GROUP INSURANCE                |                 | 5,000,000.00    |                      |
|                                |                 | \$              |                      |
| GENERAL LIABILITY/WORKERS COMP |                 | 1,300,000.00    |                      |
|                                |                 | \$              |                      |
| GROUP INSURNCWE WAIVER COST    |                 | 5,000.00        |                      |
|                                |                 | \$              |                      |
| TELEPHONE EXPENSES             |                 | 35,000.00       |                      |
|                                |                 | \$              |                      |
| MUNICIPAL COUNCIL              | \$ 44,000.00    | 1,500.00        |                      |
|                                |                 | \$              |                      |
| BUDGET & ACCOUNTING FEES       |                 | 50,000.00       |                      |
|                                |                 | \$              |                      |
| CITY CLERK'S OFFICE            | \$ 80,000.00    | 10,000.00       |                      |
|                                |                 | \$              |                      |
| PRIMARY & GENERAL ELECTION     | \$ 7,500.00     | 14,000.00       |                      |
|                                | \$              |                 |                      |
| FINANCE                        | 250,000.00      |                 |                      |
| TAX ASSESSOR                   | \$ 60,000.00    |                 |                      |
| COLLECTION OF TAXES            | \$ 70,000.00    |                 |                      |
|                                |                 | \$              |                      |
| POSTAGE                        |                 | 30,000.00       |                      |
|                                | \$              | \$              |                      |
| PLANNING & ZONING              | 110,000.00      | 1,200.00        |                      |
|                                | \$              | \$              |                      |
| LAW DEPT.                      | 180,000.00      | 8,500.00        |                      |
|                                |                 | \$              |                      |
| LAW DEPT - CONTRACTS           |                 | 60,000.00       |                      |
|                                |                 | \$              |                      |
| RESERVE FOR TAX APPEALS        |                 | 30,000.00       |                      |
|                                | \$              | \$              |                      |
| BOARD OF HEALTH                | 230,000.00      | 130,000.00      |                      |
| BAYONNE HEALTH CENTER          |                 | \$              |                      |

|                                         |              |              |              |
|-----------------------------------------|--------------|--------------|--------------|
|                                         |              | 1,000.00     |              |
|                                         |              | \$           |              |
| SOLID WASTE DISPOSAL                    |              | 1,000,000.00 |              |
|                                         |              | \$           |              |
| SOLID WASTE COLLECTION                  |              | 500,000.00   |              |
|                                         | \$           | \$           |              |
| FIRE DEPT. - UNIFORM                    | 5,600,000.00 | 110,000.00   |              |
| FIRE DEPT. - NON-UNIFORM                | \$ 50,000.00 |              |              |
|                                         |              | \$           |              |
| UNIFORM FIRE SAFETY ACT                 |              | 30,000.00    |              |
|                                         | \$           | \$           |              |
| LAW ENFORCEMENT - UNIFORM               | 6,500,000.00 | 140,000.00   |              |
|                                         | \$           | \$           |              |
| LAW ENFORCEMENT - NON-UNIFORM           | 800,000.00   | 3,500.00     |              |
| HOMELAND SECURITY- POLICE S&W           | \$ 20,000.00 |              |              |
| HOMELAND SECURITY- FIRE S&W             | \$ 5,000.00  |              |              |
|                                         |              | \$           |              |
| PROSECUTOR'S OFFICE                     |              | 16,000.00    |              |
|                                         |              | \$           |              |
| CELEBRATION OF PUBLIC HOLIDAYS          |              | 10,000.00    |              |
|                                         | \$           | \$           |              |
| PARKS & PLAYGROUNDS                     | 370,000.00   | 25,000.00    |              |
|                                         | \$           | \$           |              |
| STREETS & ROAD MAINTENANCE              | 350,000.00   | 60,000.00    |              |
|                                         | \$           | \$           |              |
| BUILDINGS & GROUNDS                     | 400,000.00   | 50,000.00    |              |
|                                         | \$           | \$           |              |
| VEHICLE MAINTENANCE                     | 200,000.00   | 90,000.00    |              |
|                                         | \$           | \$           |              |
| MAINTENANCE OF PARKS                    | 500,000.00   | 20,000.00    |              |
|                                         | \$           | \$           |              |
| OTHER PUBLIC WORKS                      | 100,000.00   | 40,000.00    |              |
|                                         | \$           | \$           |              |
| SNOW REMOVAL                            | 100,000.00   | 100,000.00   |              |
|                                         |              | \$           |              |
| SWIMMING POOL                           | \$ 10,000.00 | 10,000.00    |              |
|                                         |              | \$           |              |
| PUBLIC DEFENDER                         |              | 30,000.00    |              |
|                                         |              | \$           |              |
| BULK LEVY EXPENSES                      |              | 5,000.00     |              |
|                                         |              | \$           |              |
| RETIREMENT OF LIQUOR LICENSES           |              | 20,000.00    |              |
|                                         |              | \$           |              |
| GASOLINE, OIL, GREASE, ETC.             |              | 150,000.00   |              |
| OLDER AMERICAN PROGRAM                  |              |              | \$ 50,000.00 |
|                                         |              | \$           |              |
| UTILITIES                               |              | 550,000.00   |              |
|                                         |              | \$           |              |
| SOCIAL SECURITY                         |              | 600,000.00   |              |
|                                         |              | \$           |              |
| CONSOLIDATED P&F RET.SYS.               |              | 10,000.00    |              |
|                                         |              | \$           |              |
| PUBLIC EMPLOYEES' RETIREMENT SYSTEM     |              | 5,000.00     |              |
| POLICE AND FIREMEN'S RETIREMENT         |              | \$           |              |
| SYSTEM                                  |              | 10,000.00    |              |
|                                         |              | \$           |              |
| UNEMPLOYMENT INSURANCE                  |              | 10,000.00    |              |
|                                         |              | \$           |              |
| MUNI PEN. TO EMPLOYEE & WIDOWS          |              | 15,000.00    |              |
| DEFINED CONTRIBUTION RETIREMENT PROGRAM |              |              | \$ 8,000.00  |
|                                         | \$           | \$           |              |
| MUNICIPAL COURT                         | 300,000.00   | 30,000.00    |              |
|                                         |              |              | \$           |
| MAINTENANCE OF FREE PUBLIC LIBRARY      |              |              | 900,000.00   |
|                                         |              |              | \$           |
| OLDER AMERICAN ACT                      |              |              | 200,000.00   |
|                                         |              | \$           |              |
| TREE REPLACEMENT FUND                   |              | 27,285.00    |              |

|                                     |                 |                 |                |
|-------------------------------------|-----------------|-----------------|----------------|
|                                     | \$16,643,500.00 | \$10,603,485.00 | \$1,150,000.00 |
| TOTAL                               | \$28,396,985.00 |                 |                |
|                                     |                 | OTHER           | COMBINED       |
| PARKING UTILITY                     | SALARIES        | EXPENSES        | APPROPRIATION  |
|                                     | \$              | \$              |                |
| OPERATING                           | 170,000.00      | 35,000.00       |                |
|                                     |                 | \$              |                |
| GROUP INSURANCE                     |                 | 32,000.00       |                |
|                                     |                 | \$              |                |
| OTHER INSURANCE                     |                 | 20,000.00       |                |
|                                     |                 | \$              |                |
| SOCIAL SECURITY                     |                 | 10,000.00       |                |
|                                     |                 | \$              |                |
| PUBLIC EMPLOYEES' RETIREMENT SYSTEM |                 | 5,000.00        |                |
|                                     |                 | \$              |                |
| UNEMPLOYMENT INSURANCE              |                 | 2,000.00        |                |
|                                     | \$              | \$              |                |
|                                     | 170,000.00      | 104,000.00      | \$ -           |
|                                     | \$              |                 |                |
| TOTAL                               | 274,000.00      |                 |                |

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

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

Whereas, the City of Bayonne is eligible under N.J.S. 52:27H-66.7 for designation as an Urban Enterprise Zone and has been designated as such; and

Whereas, pursuant to the pertinent statutes of the City of Bayonne's Urban Enterprise Zone map has been accepted and approved by the appropriate administrative agencies of the State of New Jersey; and

Whereas, the City of Bayonne Urban Enterprise Zone Corporation's Executive Director has sufficiently evidenced that it is necessary and prudent to seek approval for a Modification and expansion of the current Urban Enterprise Zone Map consistent with the list of blocks and lots attached hereto and made part hereof; now, therefore, be it

Resolved, that the Bayonne Urban Enterprise Zone Corporation's Executive Director is hereby authorized to submit any and all documentation necessary to perfect the modification and expansion of the City of Bayonne's Urban Enterprise Zone map consistent with that which is attached hereto; and, be it further

Resolved, that the Clerk and/or any other individuals necessary to perfect the modification and expansion of the City of Bayonne's Urban Enterprise Zone map consistent with that which is attached hereto said are hereby authorized to execute any and al documents in furtherance thereof; and, be it further

Resolved, that the Bayonne Urban Enterprise Zone Corporation's Executive Director is hereby authorized to submit any and all documentation necessary to perfect the modification and expansion of the City of Bayonne's Urban Enterprise Zone map consistent with that which is attached hereto to any and all requisite agencies and/or departments of the State of New Jersey.

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

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

RESOLUTION OF THE CITY OF BAYONNE AUTHORIZING AND DIRECTING THE PLANNING BOARD TO PREPARE A REDEVELOPMENT PLAN FOR BLOCK 221, LOTS 8, 9, 10, 11, 12 AND 13, KNOWN AS 33-43 EAST 19<sup>TH</sup> STREET, 197-205 AVENUE E, 197-205 AVENUE E REAR AND 4 STANDARD PLACE

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

WHEREAS, *N.J.S.A. 40A:12A-6* authorizes the governing body of any municipality, by resolution, to have its Planning Board conduct a preliminary investigation to determine whether an area of the municipality is an "area in need of redevelopment" pursuant to the criteria contained in *N.J.S.A. 40A:12A-5*; and WHEREAS, the Municipal Council of the City (the "Municipal Council") identified certain properties in the City, designated as Block 211, Lots 16, 17, 18 and 19, Block 221, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29, Block 226, Lots 30, 31, 32, 33, 34 and 35, and Block 458, Lots 12 and 13 on the City's Tax Maps (the "Study Area"), to be considered for designation as an "area in need of redevelopment" under the Redevelopment Law; and

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

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

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

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

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

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

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

WHEREAS, the Broadway Corridor Redevelopment Area includes certain properties located at 3-43 East 19<sup>th</sup> street, 197-205 Avenue E, 197-205 Avenue E Rear and 4 Standard Place in the City, which properties are identified as Block 221, Lots 8, 9, 10, 11, 12 and 13 on the official Tax Map of the City (the "Property");

WHEREAS, the City believes the Property is potentially valuable for contributing to, serving, and protecting the public health, safety and welfare and for the promotion of smart growth within the City: and

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

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

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

Section 1. The Planning Board of the City of Bayonne is hereby authorized and directed to prepare a Redevelopment Plan for the Property identified as Block 221, Lots 8, 9, 10, 11, 12 and 13, as shown on the official Tax Map of the City in accordance with the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.*; and

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

Section 3. This Resolution shall take effect immediately.

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

\* \* \* \* \*

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

RESOLUTION OF THE CITY OF BAYONNE AUTHORIZING AND DIRECTING THE PLANNING BOARD TO PREPARE A REHABILITATION PLAN FOR BLOCK 295, LOTS 16 AND 17 (NORTH STREET REAR AND NORTH STREET BETWEEN 105A AND 107 – ALSO REFERRED TO AS 105.5 NORTH STREET) ON THE TAX MAPS OF THE CITY OF BAYONNE

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

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

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

WHEREAS, on March 18, 2015 the Municipal Council of the City of Bayonne (the “Municipal Council”) adopted Resolution No. 15-03-018-057 authorizing and directing the Planning Board to prepare a Rehabilitation Plan for the Parcel identified as Block 295, Lot 17 on the City’s Tax Maps; and

WHEREAS, subsequently the Parcel identified as Block 295, Lot 16 has been acquired and is under common ownership with Block 295, Lot 17; and

WHEREAS, in order to ensure the success of rehabilitation in conformity with the City’s objectives, the City would like to review certain property identified as Block 295, Lots 16 and 17 on the City’s Tax Maps (the “Parcel”), and to authorize the preparation of a Rehabilitation Plan for both parcels;

NOW THEREFORE, BE IT RESOLVED that:

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

Section 2. Pursuant to the provisions of *N.J.S.A. 40A:12A-7(e)* of the Redevelopment Law, the Planning Board, through the City’s staff and/or Planning Board professionals, is hereby authorized and directed to prepare a

Rehabilitation Plan for the Parcels identified as Block 295, Lots 16 and 17 on the City's Tax Maps.

Section 3. The Clerk of the City shall forward a copy of this Resolution to the Planning Board for review pursuant to *N.J.S.A. 40A:12A-7(e)*.  
Section 4. This Resolution shall take effect immediately.

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

\* \* \* \* \*

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

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

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

WHEREAS, the Jewish Community Center has requested and submitted a formal written application dated November 9, 2015 for said CDBG Grant Funds in the amount of \$174,350.00 for the purpose of providing the cost of the expansion of the child day care center to be completed by Bard Construction, 252 Fern Avenue, Lyndhurst, NJ 07071 and

WHEREAS, the Assistant Director of Community Development has advised that the availability of said Community Development Block Grant Funds for the purpose of providing the cost of the expansion of the child day care center to be completed by Bard Construction, 252 Fern Avenue, Lyndhurst, NJ 07071 ; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-917; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Jewish Community Center, 1050 Kennedy Blvd., Bayonne, New Jersey 07002 for the provision of providing the expansion of the child day care center to be completed by Bard Construction, 252 Fern Avenue, Lyndhurst, NJ 07071 in the amount of \$174,350.00 for the period commencing September 1, 2015 and ending August 31, 2016.
2. Funds shall be charged to Account #CDBG-917

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

\* \* \* \* \*

**53.** 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 in need of professional legal services as Redevelopment/Land Use Attorney; and

WHEREAS, the law firm of Inglesino, Webster, Wyciskala & Taylor, LLC, 600 Parsippany Road, Suite 204, Parsippany, New Jersey 07054 has submitted formal written responses to the City of Bayonne's Request for Qualifications for said professional legal services; and

WHEREAS, this professional services contract was determined under the Fair & Open Contracting Requirements pursuant to *N.J.S.A. 19:44A:20.4* and *.5*; and

WHEREAS, the law firm of Inglesino, Webster, Wyciskala & Taylor, LLC is qualified, ready and able to provide said services; and

WHEREAS, these contracts constitute "Professional Service" contracts 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, the Local Public Contract Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, funds are certified as available in Various Accounts; now, therefore, be it

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute an agreement with the law firm of Inglesino, Webster, Wyciskala & Taylor, LLC, 600 Parsippany Road, Suite 204, Parsippany, New Jersey 07054 for professional legal services as Redevelopment/Land Use Counsel for the period commencing February 1, 2016 and ending December 31, 2016, in accordance with its response to the City's Request for Qualifications for an amount not to exceed \$275,000.00.

2. Funds shall be charged to Various Accounts.

3. This contract is awarded without competitive bidding as a "Professional Service" 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 bids are not required as per N.J.S.A. 40A:11-1, et seq.

4. 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.

\* \* \* \* \*

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

WHEREAS, on November 10, 2015, this Municipal Council passed Resolution No. 15-11-10-030 authorizing a Shared Services Agreement with various municipalities for the services of a Health Officer; and

WHEREAS, said Resolution calls for a contract in the amount of \$22,500.00 with the Town of Guttenberg with a starting date of December 1, 2015 and a termination date of November 30, 2016; and

WHEREAS, subsequent to the passage of said Resolution it was discovered that the contract amount of \$22,500.00 would have been for an 18 month contract term and that the contract amount should be \$15,000.00 for a 12 month term; now, therefore, be it

RESOLVED, that Resolution No. 15-11-10-030 is hereby amended to reflect that the Mayor and Clerk are hereby authorized to enter into a Shared Services Agreement with the Town of Guttenberg for the services of a Health Officer for the amount of \$15,000.00 for the term January 1, 2016 through December 31, 2016 and that all other terms of Resolution No. 15-11-10-030 shall remain the same.

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

\* \* \* \* \*

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

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

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

WHEREAS, the Jewish Community Center has requested and submitted a formal written application dated November 9, 2015 for said CDBG Grant Funds in the amount of \$174,350.00 for the purpose of providing the cost of the expansion of the child day care center to be completed by Bard Construction, 252 Fern Avenue, Lyndhurst, NJ 07071 and

WHEREAS, the Assistant Director of Community Development has advised that the availability of said Community Development Block Grant Funds for the purpose of providing the cost of the expansion of the child day care center to be completed by Bard Construction, 252 Fern Avenue, Lyndhurst, NJ 07071 ; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-917; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Jewish Community Center, 1050 Kennedy Blvd., Bayonne, New Jersey 07002 for the provision of providing the expansion of the child day care center to be completed by Bard Construction, 252 Fern Avenue, Lyndhurst, NJ 07071 in the amount of \$174,350.00 for the period commencing September 1, 2015 and ending August 31, 2016.

2. Funds shall be charged to Account #CDBG-917

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

\* \* \* \* \*

**61.** Council President Nadrowski introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY  
ADOPTING A REDEVELOPMENT PLAN FOR BLOCK 84, LOTS 6, 7, 8 AND 9 (140 AVENUE B, 138 AVENUE B, 103 WEST 44<sup>TH</sup> STREET AND 101 WEST 44<sup>TH</sup> STREET)  
ON THE TAX MAPS OF THE CITY OF BAYONNE

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

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

WHEREAS, the Municipal Council, pursuant to Resolution No. 15-10-21-064, directed the Planning board, to prepare and review a Redevelopment Plan for Block 84, Lots 6, 7, 8 and 9, which is also known as 140 Avenue B, 138 Avenue B, 103 West 44<sup>th</sup> Street and 101 West 44<sup>th</sup> Street on the Tax Maps of the City of Bayonne (the "Rehabilitation Area") and make recommendations to the Municipal Council in accordance with the Redevelopment Law; and

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Municipal Services has prepared a redevelopment plan for the Rehabilitation Area titled "Redevelopment Plan, Block 84, Lots 6, 7, 8 and 9, 138-140 Avenue B and 101-103 West 44th Street" (the "Redevelopment Plan"); and

WHEREAS, the Planning Board adopted a Resolution recommending the Redevelopment Plan to the Municipal Council and concluding that the Redevelopment Plan is consistent with the Master Plan of the City of Bayonne (the "Resolution"); and

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

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

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

Section 2. The Redevelopment Plan is hereby adopted pursuant to the terms of *N.J.S.A. 40A:12A-7* and *N.J.S.A. 40A:12A-15* of the Redevelopment Law.

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

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

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

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

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

BE IT RESOLVED, that an ordinance entitled “ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR BLOCK 84, LOTS 6, 7, 8 AND 9 (140 AVENUE B, 138 AVENUE B, 103 WEST 44TH STREET AND 101 WEST 44TH STREET) ON THE TAX MAPS OF THE CITY OF BAYONNE,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, February 17, 2016 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, and to forward a copy of said ordinance to the planning board for its review of and a report regarding same pursuant to NJSA 40:55D-26.

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

\* \* \* \* \*

**57.** Council Member LaPelusa introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE PLANNING AND DEVELOPMENT REGULATIONS IN CHAPTER 33 OF THE GENERAL ORDINANCES OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY, CONCERNING APPLICATION FEES AND ESCROW REQUIREMENTS

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Legislature has authorized municipalities to make, amend, repeal and enforce ordinances for the good government, order and protection of persons and property and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as necessary to carry into effect the powers and duties conferred and imposed by law; and WHEREAS, pursuant to N.J.S.A. 40:55D-45 *et seq.* and N.J.S.A. 40:55-65(c) of the Municipal Land Use Law a municipality is authorized to adopt ordinances to provide for planned developments and for the approval of general development plans within planned developments; and

WHEREAS, on April 22, 2015, the Municipal Council adopted Ordinance O-15-09 entitled “AN ORDINANCE AMENDING AND SUPPLEMENTING THE PLANNING AND DEVELOPMENT REGULATIONS IN CHAPTER 33 OF THE GENERAL ORDINANCES OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY, CONCERNING GENERAL DEVELOPMENT PLANS, PLANNED DEVELOPMENTS AND RELATED DEFINITIONS” with respect to provisions governing general development plans, planned development and related definitions and procedures; and

WHEREAS, the City of Bayonne desires to amend the Fee Schedule in order to establish a Schedule of Fees and Escrow Requirements for General Development Plans and Planned Developments, which is not currently established;

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

Section 1. Chapter 33 Planning and Development Regulations, Article 12 Application Fees and Escrow Requirements of the Revised General Ordinances of the City of Bayonne shall be and is hereby amended and supplemented to read as follows:

33-12.4 Schedule of Fees and Escrow Requirements for General Development Plans and Planned Development

|                      |                                         |
|----------------------|-----------------------------------------|
| GDP Application Fee: | Escrow Fee:                             |
| \$2,500              | 1–3 lots or units \$1,000               |
|                      | 4–10 lots or units \$2,500              |
|                      | 11–25 lots or units \$5,000             |
|                      | 26–50 lots or units \$7,500             |
|                      | 51–100 lots or units \$10,000           |
|                      | In excess of 100 lots or units \$20,000 |

Section 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held in valid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 3. All ordinances or part of ordinances of the City of Bayonne heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 4. A copy of this Ordinance shall be available for public inspection at the office of the City Clerk during regular business hours.

Section 5. This Ordinance shall take effect in accordance with all applicable laws.

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

BE IT RESOLVED, that an ordinance entitled “AN ORDINANCE AMENDING AND SUPPLEMENTING THE PLANNING AND DEVELOPMENT REGULATIONS IN CHAPTER 33 OF THE GENERAL ORDINANCES OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY, CONCERNING APPLICATION FEES AND ESCROW REQUIREMENTS,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, February 17, 2016 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, and to forward a copy of said ordinance to the planning board for its review of and a report regarding same pursuant to NJSA 40:55D-26.

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

At 8:16 P.M. Council Member Cotter moved to adjourn, seconded by Council President Nadrowski, which motion was adopted.

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

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President - Sharon A. Nadrowski

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Clerk - Robert F. Sloan