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, FEBRUARY 17, 2016

The Council met at 7:07 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 February 17, 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 February 12, 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. The Clerk announced:

AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 2, ADMINISTRATION," which was introduced and passed a first reading at a meeting held January 20, 2016, 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 February 17, 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: "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 2, ADMINISTRATION,"

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

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

Council Member Perez moved a resolution for final passage, seconded by Council Member Cotter, 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 2, ADMINISTRATION," was introduced and passed a first reading at a meeting held January 20, 2016, 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 February 17, 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-16-05.

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

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02. The clerk announced:

AN ORDINANCE ENTITLED, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY 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," which was introduced and passed a first reading at a meeting held January 20, 2016, 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 February 17, 2016, and referred tot he Planning Board for its review and a report 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 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,"

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

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

Council Member LaPelusa moved 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 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," was introduced and passed a first reading at a meeting held January 20, 2016, 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 February 17, 2016; and

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

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

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

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

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

RESOLVED, that the said ordinance be passed and designated as Ordinance No. O-16-06.

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

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03. The Clerk announced:

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,"
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, and was referred to the Planning Board for its review and a report, is now before the Council for its consideration and a public hearing.

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

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

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

The Clerk read the ordinance by title: "AN ORDINANCE AMENDING AND SUPPLEMENTING THE 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,"

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 Member Gullace, 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 President Nadrowski, which failed adoption by the following vote.

WHEREAS, 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," was introduced and passed a first reading at a meeting held January 20, 2016, 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 February 17, 2016; and

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

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

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

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

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

RESOLVED, that the said ordinance be passed and designated as Ordinance No. O-16-07.

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

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04. The Clerk announced:

AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC," which was introduced and passed a first reading at a meeting held January 20, 2016, 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 February 17, 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 Member Cotter, which motion was adopted.

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

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

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

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

There was no response - no person appearing to protest against or object to the 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 Member Cotter, which motion was adopted.

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

Council President Nadrowski 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 January 20, 2016, 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 February 17, 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-16-08.

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 January 20, 2016, 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 February 17, 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: "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 LaPelusa motioned to closed the hearing, seconded by Council Member Perez, which motion was adopted.

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

Council Member LaPelusa moved 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 January 20, 2016, 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 February 17, 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-16-09.

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

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06. Council Member Cotter introduced:

AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR PROPERTY IDENTIFIED AS BLOCK 330, LOTS 6-12 (17 W. 5TH STREET; 15 W. 5TH STREET; 11 W. 5TH STREET; 9 W. 5TH STREET; 155-157 BROADWAY; 159 BROADWAY; AND 161 BROADWAY) ON THE TAX MAP OF THE CITY OF BAYONNE

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

WHEREAS, on June 17, 2015, the Municipal Council of the City (the "Municipal Council") adopted Resolution No. 15-06-17-066 designating the property identified as Block 330, Lots 6, 7, 8, 9, 10, 11, and 12 (17 W. 5th Street; 15 W. 5th Street; 11 W. 5th Street; 9 W. 5th Street; 155-157 Broadway; 159 Broadway; and 161 Broadway) on the tax map of the City of Bayonne as an area in need of redevelopment under the Redevelopment Law in accordance with the provisions of *N.J.S.A.* 40A:12A-6 of the Redevelopment Law (the "Redevelopment Area"); and

WHEREAS, the Redevelopment Area encompasses approximately 0.55 acres of land located on the northwestern corner of Broadway and West 5th Street.

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Municipal Services has prepared a redevelopment plan for the Redevelopment Area titled "Redevelopment Plan Block 330, Lots 6-12" (the "Redevelopment Plan"); and

WHEREAS, the Planning Board of the City (the "Planning Board") has been directed by the Municipal Council pursuant to Resolution No. 15-06-17-067 to prepare and review the Redevelopment Plan, and to transmit its recommendations relating to the Redevelopment Plan to the Municipal Council in accordance with the provisions of *N.J.S.A.* 40A:12A-7 of the Redevelopment Law; and

WHEREAS, upon receipt and review of the Planning Board's recommendations relating to the Redevelopment Plan, the Municipal Council believes that the adoption of the Redevelopment Plan is in the best 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 of the Redevelopment Law. Further, the Redevelopment Plan shall amend, replace and supersede any prior redevelopment plans with respect to Redevelopment Area.

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

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

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

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

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

BE IT RESOLVED, that an ordinance entitled "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR PROPERTY IDENTIFIED AS BLOCK 330, LOTS 6-12 (17 W. 5TH STREET; 15 W. 5TH STREET; 11 W. 5TH STREET; 9 W. 5TH STREET; 155-157 BROADWAY; 159 BROADWAY; AND 161 BROADWAY) ON THE TAX MAP OF THE CITY OF BAYONNE," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, March 16, 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.

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07. Council President Nadrowski introduced:

AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON APPROVING A FINANCIAL AGREEMENT WITH 662 AVENUE C URBAN RENEWAL LLC

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 January 25, 2006, the Municipal Council passed Ordinance O-06-02 which adopted the Scattered Site Redevelopment Plan prepared by H2M Associates, Inc. for the Scattered Site Redevelopment Area in accordance with the Redevelopment Law;

WHEREAS, the Scattered Site Redevelopment Area consists of 34 sites ranging from small vacant lots on Broadway to large former industrial lots near Route 169, including the subject parcel, which is known as Block 163, Lot 45 (the "Parcel") on the Tax Map of the City (commonly referred to as 662-666 Avenue C);

WHEREAS, the Municipal Council, pursuant to Resolution No. 15-02-18-52, directed the Planning board, to review those portions of the Scattered Sites Redevelopment Plan (the "Redevelopment Plan") relating to the Parcel known as Block 163, Lot 45, and make recommendations to the Municipal Council regarding an update to the Redevelopment Plan in accordance with the Redevelopment Law; and

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Municipal Services prepared an amendment to the Redevelopment Plan for the Parcel titled "Amendment To The Scattered Site Redevelopment Plan To Provide For An Overlay Zone for Block 163, Lot 45) dated April 10, 2015 (the "Amended Redevelopment Plan"); and

WHEREAS, on April 14, 2015, the Planning Board of the City (the "Planning Board") reviewed the Amended Redevelopment Plan and adopted a Resolution recommending the adoption of the Amended Redevelopment Plan to the Municipal Council and concluding that the Amended Redevelopment Plan is consistent with the Master Plan of the City of Bayonne (the "Resolution"); and

WHEREAS, on May 20, 2015, the Municipal Council adopted Ordinance #0-15-07 adopting an Amended Redevelopment Plan for the Scattered Site Redevelopment Plan to Provide for an Overlay Zone for Block 163, Lot 45; and

WHEREAS, 662 AVENUE C URBAN RENEWAL, LLC proposes to construct up to 33 residential apartment units, along with associated parking and improvements (the "Project") in the project area consistent with the Amended Redevelopment Plan;

WHEREAS, 662 AVENUE C URBAN RENEWAL, LLC has applied to the City Council for tax exemption pursuant to the New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et. seq. (the "Exemption Law") with respect to the Project; and

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

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

WHEREAS, as part of its application for a tax exemption, 662 AVENUE C URBAN RENEWAL, LLC has submitted a form of Financial Agreement (the "Financial Agreement") providing for payments in lieu of taxes, a copy of which is attached to this Ordinance; and

WHEREAS, 662 AVENUE C URBAN RENEWAL, LLC has presented to this body certain financial information, copies of which are attached as exhibits to this Ordinance; and

WHEREAS, the City Council deems it to be in the best interest of the City to pass an Ordinance authorizing the City to enter into the proposed Financial Agreement with 662 AVENUE C URBAN RENEWAL, LLC on the terms and conditions stated in the applicable form of Financial Agreement attached to this Ordinance;

NOW THEREFORE, be it Ordained that the City Council of the City of Bayonne does hereby adopt the tax exemptions for 662 AVENUE C URBAN RENEWAL, LLC as follows:

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

Section 2. The Mayor is hereby authorized to execute the Financial Agreement with 662 AVENUE C URBAN RENEWAL, LLC in substantially the form attached hereto and subject to any further review, analysis or modifications that counsel may deem appropriate.

Section 3. During the term of the tax exemption with respect to 662 AVENUE C URBAN RENEWAL, LLC there shall be paid to the City in lieu of any taxes to be paid on the improvements of the Project, an annual service charge determined as provided in the Financial Agreement.

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

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

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE APPROVING A FINANCIAL AGREEMENT (PILOT) WITH 622 AVENUE C URBAN RENEWAL LLC," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, March 16, 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.

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08. Council Member Cotter introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON APPROVING A FINANCIAL AGREEMENT WITH 195 EAST 22ND STREET URBAN RENEWAL LLC

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1, *et seq.* (the "Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, pursuant to Section 6 of the Redevelopment Law (*N.J.S.A.* 40A:l2A-6), on October 6, 2004 and January 19, 2005, the Municipal Council of the City of Bayonne, in the County of Hudson, New Jersey (the "City") designated the property commonly known as Tax Map Block 452.01, Lots 1, 2, 3, 4 and 9 (Tax Book Block 452, Lots 1, 2, 3, 4 and 9); Tax Map Block 453.01, Lots 1, 2, 5, 6, 7, 8, 9, 10 and 11 (Tax Book Block 453, Lots 1, 2, 5, 6, 7, 8, 9, 10 and 11); and Tax Map Block 503, Lots 8 and 9 (Tax Book Block 503, Lots 8 and 9) on the tax map of the City, as an area in need of redevelopment, said area consisting of 17 lots with a total area of approximately 52.25 acres (the "Redevelopment Area"); and

WHEREAS, on January 19, 2005, the City Council adopted a resolution (a) designating the area commonly known as Tax Map Block 453, Lot 2 (Tax Map Block 453.01, Lot 2) as an area in need of redevelopment (the "Second Redevelopment Area") and together with the First Redevelopment area the ("Redevelopment Area") and (b) reaffirming its designation of the First Redevelopment Area; and

WHEREAS, on June 15, 2005, the City Council adopted the Redevelopment Plan for the Redevelopment Area through Ordinance 0-05-20 (the "Original Redevelopment Plan"); and

WHEREAS, on December 6, 2006, the City Council adopted amendments to the Original Redevelopment Plan through Ordinance 0-06-43 (the "First Amended Redevelopment Plan"); and

WHEREAS, on December 12, 2006, the City Planning Board granted Cameron Bayonne, LLC, the designated redeveloper (the "Redeveloper") of the Redevelopment Area, major site plan approval with respect to its proposed redevelopment project the ("Original Planning Board Approval"); and

WHEREAS, on February 18, 2009, the City Council (a) adopted further amendments to the Original Redevelopment Plan, as amended by the First Amended Redevelopment Plan, and (b) restated the Original Redevelopment Plan incorporating all amendments therein through Ordinance 0-09-04 (the "Amended and Restated Redevelopment Plan"); and

WHEREAS, on February 18, 2009, the City Council (a) adopted further amendments to the Original Redevelopment Plan, as amended by the First Amended Redevelopment Plan, and restated the Original Redevelopment Plan incorporating all amendments therein through Ordinance 0-09-04 (the "Amended and Restated Redevelopment Plan"); and

WHEREAS, on November 5, 2014 the Municipal Council requested the Planning Board to consider an Amendment to the Route 440 Corridor East Redevelopment Area Redevelopment Plan by providing for overlay zoning for Block 452.02 Lots 1, 2, 3, 4 and 9 to allow changes to the permitted uses in the Redevelopment Plan a portion of the Redevelopment Area that is not part and parcel of the Bayonne Crossing Shopping Center, specifically that portion of the Redevelopment Area known as Block 452.01, Lots 1, 2 and 9, located at the southeast corner of the Redevelopment Area, bounded by Route 440 and East 22nd Street to the South, consisting of approximately 2.7 acres, might benefit from an overlay plan or zone and the consideration of uses not permitted under the Redevelopment Plan and other site amendments; and

WHEREAS, on November 12, 2014, the Municipal Council passed an Ordinance approving said overlay plan or zone; and

WHEREAS, 195 EAST 22nd STREET URBAN RENEWAL LLC will be acquiring Block 452.01, Lot 9 and is already the owner of Block 452.01, Lots 1 and 2, all of which combined are designated as the "Property"; and

WHEREAS, the Property is located within a designated Urban Enterprise Zone of the City of Bayonne pursuant to N.J.S.A. 52:27H-61 et seq.; and

WHEREAS, 195 EAST 22nd STREET URBAN RENEWAL, LLC proposes to construct three (3) separate buildings containing 26,056 square feet of retail space, along with associated parking and improvements (the "Project") in the project area;

WHEREAS, 195 EAST 22nd STREET URBAN RENEWAL, LLC has applied to the City Council for tax exemption pursuant to the New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et. seq. (the "Exemption Law") with respect to the Project; and

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

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

WHEREAS, as part of its application for a tax exemption, 195 EAST 22nd STREET URBAN RENEWAL, LLC has submitted a form of Financial Agreement (the "Financial Agreement") providing for payments in lieu of taxes, a copy of which is attached to this Ordinance; and

WHEREAS, 195 EAST 22nd STREET URBAN RENEWAL, LLC has presented to this body certain financial information, copies of which are attached as exhibits to this Ordinance; and

WHEREAS, the City Council deems it to be in the best interest of the City to pass an Ordinance authorizing the City to enter into the proposed Financial Agreement with 195 EAST 22ND STREET URBAN RENEWAL, LLC on the terms and conditions stated in the applicable form of Financial Agreement attached to this Ordinance;

NOW THEREFORE, be it Ordained, that the City Council of the City of Bayonne does hereby adopt the tax exemptions for 195 EAST 22nd STREET URBAN RENEWAL, LLC as follows:

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

Section 2. The Mayor is hereby authorized to execute the Financial Agreement with 195 EAST 22nd STREET URBAN RENEWAL, LLC in substantially the form attached hereto and subject to any further review, analysis or modifications that counsel may deem appropriate.

Section 3. During the term of the tax exemption with respect to 195 EAST 22nd STREET URBAN RENEWAL LLC there shall be paid to the City in lieu of any taxes to be paid on the improvements of the Project, an annual service charge determined as provided in the Financial Agreement.

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

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

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE APPROVING A FINANCIAL AGREEMENT (PILOT) WITH 195 EAST 22ND STREET URBAN RENEWAL LLC," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, March 16, 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.

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09. Council Member Cotter introduced:

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

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

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

RESTRICTIVE PARKING ZONES

<u>ADD</u>

049. Diane Husband, 943 Broadway
Beginning at a point on the north side of West 45th Street, 35 feet west of the northwest corner of Broadway and West 45th Street, and extending to a point 20 feet west thereof.

079. Lucy Sanchez, 35 East 32nd Street
Beginning at a point on the north side of East 32nd Street, 264 feet west of the northwest corner of Avenue E and East 32nd Street, and extending to a point 20 feet west thereof.

366. John Lewandowski, 328 Avenue E
Beginning at a point on the east side of Avenue E, 66 feet north of the northeast corner of Avenue E and East 25th Street, and extending to a point 22 feet north thereof.

367. Kamal Morgan, 21 East 16th Street
Beginning at a point on the north side of East 16th Street, 10 feet east of the northeast corner of Court Place and East 16th Street, and extending to a point 17 feet east thereof.

368. Sotero Garcia, 35 Sunset Avenue
Beginning at a point on the east side of Sunset Avenue, 52 feet east of the southeast corner of the terminus of Sunset Avenue, and extending to a point 20 feet east thereof.

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

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, March 16, 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.

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

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

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

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

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

From John Velasquez, Paralegal, filing notice of tort claim on behalf of JOSE ARAUJO, alleging property damage sustained October 13, 2015 in a collision with a Fire Department vehicle at Avenue C and West 52nd Street.

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

From Patrick H. Cahalane, Esq., filing notice of tort claim on behalf of ARLENE M. HARVIE, alleging injuries sustained December 8, 2015 in a fall in the parking lot at East 33rd Street.

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

From Samuel L. Davis, Esq., filing notice of tort claim on behalf of JULIE REINHOEL, alleging injuries sustained September 13, 2015 in a fall on the sidewalk at 391 Avenue C.

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

From David L. Wikstrom, Esq., filing notice of tort claim on behalf of ESTATE OF TYLER SELLERS, alleging wrongful death sustained November 2, 2015 in an accident at Route 440 and East 32nd Street.

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

From SAID M. ELSAYED, filing notice of tort claim alleging property damage to his automobile on January 10, 2016 resulting from a fallen tree branch at 15 West 53rd Street.

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

From PEDRO BARNES, filing notice of tort claim alleging property damage to his automobile on January 24, 2016 resulting from being struck by a snow plow at 43 East Grand Street.

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

From YASIR MAZHER, filing notice of tort claim alleging property damage to his automobile on January 25, 2016 resulting from being struck by a snow plow at 46 West 19th Street.

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

From MICHAEL M. MANDZIK, JR., filing notice of tort claim alleging property damage to his automobile on January 20, 2016 resulting from a collision with a police car at Avenue C and West 39th Street.

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

From PATRICK TIERNEY, filing notice of tort claim alleging property damage to his automobile on January 25, 2016 resulting from damage from a snow removal piece of equipment at West 19th Street.

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

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

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

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

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

City of Bayonne
Office of the City Council
630 Avenue C
Bayonne, NJ 07002

January 11, 2016

Dear Council President Nadrowski
and Honorable Members of the City Council

Pursuant to the powers vested in me by the laws of the State of New Jersey and the regulations of the Faulkner Act governing the City of Bayonne, I do hereby make the following appointments subject to your advise and consent:

Terrence Malloy - Director, Department of Finance
John F. Coffey, II - Director, Department of Law

In conjunction with this appointment the City Clerk has been directed to add an accompanying item on the January 20, 2016 Regular Meeting of the City Council for consideration. Please note that these appointments are subject to the approval and final adoption of an ordinance amending Chapter 2 of the Code of the City of Bayonne restructuring administrative departments, Should you have any questions or comments about this action please feel free to contact me.

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 appointments, effective as of the effective date of the ordinance passed at this meeting amending the Revised General Ordinances of the City of Bayonne, Chapter 2, Administration.

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

City of Bayonne
Office of the City Council
630 Avenue C
Bayonne, NJ 07002

February 8, 2016

Dear Council President Nadrowski
and Honorable Members of the City Council

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

Susan Contey — Term to expire on December 31, 2020
549 Avenue A, Bayonne, NJ 07002

In conjunction with this appointment the City Clerk has been directed to add an accompanying item on the February 10, 2016 Council Caucus Meeting agenda for consideration by the City Council

Sincerely,
James M. Davis
Mayor
(signed)

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

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

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

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

From Terrence Malloy, Chief Financial Officer submitting the Annual Debt Statement for the Annual Debt Statement for the budget year ending December 31, 2015.

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

BID REPORT   FOR THE MUNICIPAL COUNCIL

Date: 02/16/16 Ad Date: 01/25/16 Date bids accepted: 02/11/16 Attending: Amy Dellabella, Robert J. Russo, P.E.
Bid titled: Improvements to Clark Park

Bidder	Total Base Bid	DEL-1/ADD-1 REMOVE BRICK FINISH CONCRETE WALL, BRICK FINISH COLUMN,ORNAMENTAL STEEL FENCE AND ASSOCIATED IMPROVEMENTS	DEL-2 REMOVE TREE GRATE AND FRAME	DEL-3/ADD-3 REMOVE STAMPED CONCRETE ALONG AVENUE C FRONTAGE AND ASSOCIATED IMPROVEMENTS	DEL-4 REM DECORATI LIGHT FOU CONDUIT A ASSOCIATE IMPROVEM
PICERNO-GIORDANO CONSTRUCTION, LLC 200 MARKET STREET KENILWORTH, NJ 07033	$796,103.75	($36,860.00)	($15,000.00)	($30,975.00)	($15,500.0
T & S BUILDER, LLC. 174 CEDAR ROAD NEW MILFORD, NJ 07646	$820,439.00	($36,260.00)	($12,500.00)	($30,285.00)	($8,950.00)
ADAMO BROTHERS CONSTRUCTION 1033 ALEXANDER AVE. RIDGEFIELD, NJ 07657	$875,582.00	($34,300.00)	($13,750.00)	($33,230.00)	($10,550.0
JC LANDSCAPE CONSTRUCTION & MANAGEMENT CO., INC. 8 INDUSTRIAL ROAD PEQUANNOCK, NJ 07440	$939,740.80	($48,500.00)	($12,500.00)	($23,427.50)	($11,660.0
TEC-CON CONTRACTORS, INC. 9 DODD STREET EAST ORANGE, NJ 07017	$983,273.00	($25,180.00)	($14,500.00)	($30,339.00)	($18,000.0
LET IT GROW, INC. 52 ACKERSON STREET RIVER EDGE, NJ 07661	$987,572.00	($52,027.00)	($15,000.00)	($28,930.00)	($7,711.00)
APPLIED LANDSCAPE TECHNOLOGIES 145 RIVER ROAD MONTVILLE, NJ 07045	$1,022,523.10	($39,280.00)	($20,500.00)	($29,190.00)	($51,750.0
TSIVICOS ENTERPRISES, INC. 1420 NINTH AVE. STE 23 NEPTUNE, NJ 07753	$1,095,000.00	($35,100.00)	($12,500.00)	($33,500.00)	($9,475.00)

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

Respectfully submitted,

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

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

BID REPORT FOR THE MUNICIPAL COUNCIL

Date: 02/16/16 Ad Date: 01/27/16 Date bids accepted: 02/09/16
Attending: Amy Dellabella, James V. Demuro P.E., Susan Ferraro, Esq.

Bid titled: DiDomenico Park Fixed Dock

Bidder	Total Base Bid
Marbro General Contractor 127 Pine Street Montclair, NJ 07042	$591,117.00
Bird Construction 105 Harbor Inn Road Bayville, NJ 08721	$684,550.00
D'Onofrio General Contractor 202 28th Street Brooklyn, NY 11232	$1,924,900.00
Lomma Construction Corp. 80 Wakefield Road Staten Island, NY 10312	$2,695,000.00

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

Respectfully submitted,

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

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

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

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

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

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

RESOLVED, That the official minutes of the regular council meeting held Wednesday, January 20, 2016 be and the same are hereby approved.

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

RESOLVED, That the official minutes of the council caucus meeting held Wednesday, January 13, 2016, be and the same are hereby approved.

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30. 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
13	5	Michael Contaldi	134.07
32	8.01	John Kastanis	5,257.45
42	10	Patricia Malvey	3,063.62
139	18	Patrick J. Fay	602.19
207	1.03	Sybil Ford	4,940.09
230	31	Mathew V. Johnson	2,156.03
250	22	Izet Tafilai	1,887.31
304	15	Denise Bobko	444.76
325	26	Marek Mickiewicz	167.92
335	15	Izet Tafilai	2,838.46
349	18	Walter Rogers	737.53
365	24	Izet Tafilai	2,281.70
369	2	Izet Tafilai	1,513.38
421	16.107	Michael Malady	1,034.33
429	32	Rafal Kieloch	1,473.87
Total:			28,532.71

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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 $ 1,084.80 be drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of licenses Nos. 449-1007 inclusive, 559 dog licenses, representing one dollar per license for the state fee, twenty cents per license for the state clinic and three dollars per license for non-spayed and non-neutered dogs.

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

RESOLVED, that the actions of the Municipal Treasurer in issuing payment from Current Fund in the amount of $ 7,201,859.60 payable to the County of Hudson for First Quarter County Taxes of 2016 is hereby ratified and confirmed.

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

RESOLVED, that the actions of the Municipal Treasurer in issuing a warrant from the Unemployment Trust Fund in the amount of $ 15,715.80 payable to the State of New Jersey Division of Employer Accounts is hereby ratified and confirmed. Said warrant is for the City of Bayonne unemployment bills for quarter ending 12/31/2015.

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

BE IT RESOLVED, That the actions of the City Clerk in advertising for bids for DiDomenico Park dock repairs be and the same are hereby ratified and confirmed.

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

WHEREAS, the recent changes to the Local Public Contracts Law gave local contracting units the ability to increase their bid threshold up to $40,000.00; and

WHEREAS, N.J.S.A. 40A:11-3(a), permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS, Amy Dellabella possesses the designation of Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with N.J.S.A. 40A:11-9(b).; and

WHEREAS, Amy Dellabella was appointed as Qualified Purchasing Agent for the City of Bayonne and was vested with such authority, responsibility, and accountability as its contracting agent as is granted by N.J.S.A. 40A:11-9 by way of Resolution No. 11-02-16-035 adopted by the Municipal Council on February 16, 2011; and

WHEREAS, the City of Bayonne desires to take advantage of the increased bid threshold; now, therefore, be it

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

The City of Bayonne's bid threshold is hereby increased to $40,000.00.

City Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Director of the Division of Local Government Services.

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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 municipal pool roof.

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

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

LICENSEE	TIME & PLACE	LICENSE
Bayonne Cal Ripken Baseball & Babe Ruth Baseball, Inc.	12:00 PM 145 East 5th St. April, 16,30 May 15, 28	RL: 9088

	June 11, 18 July 9 & 23 Aug. 6, 20 Sept. 3, 17	
Bayonne Women's Club	9:30 PM 417 Broadway April 2, 2016	RL: 9089 RL: 9090
Sodality of the Children of Mary of St. Teresa	3:00 PM 552 Broadway April 23, 2016	RL: 9091 RL: 9092
Remember Me John "Jack" Santopietro, Inc.	7:00-10:00 PM 669 Avenue C September 17, 2016	RL: 9093
Friends of the Handicapped	10:00 PM 669 Avenue C May 6, 2016	RL: 9094
Bayonne Jewish Community Center	6:30-10:30 PM 1050 Kennedy Blvd. April 21, 2016	RL: 9095

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

WHEREAS, the City of Bayonne's Public Safety Director has evidenced that there is a need for the purchase of twenty-four (24) L3 Mobile Computers to be used in various divisions within the Police Department; and

WHEREAS, L3 Mobile-Vision, Inc, 400 Commons Way, Rockaway, New Jersey 07866 has provided the City of Bayonne with a quotation for said mobile computers in the amount of $99,122.40 under State Contract #A81311; and

WHEREAS, funds have been certified as available in Account "GL-106 (Police Auction)"; now, therefore be it

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

1. The Mayor and Clerk of the City of Bayonne are hereby authorized to execute any and all documents necessary to effectuate the purchase of twenty-four (24) mobile computers from L3 Mobile-Vision, Inc, 400 Commons Way, Rockaway, New Jersey 07866 to be used in various divisions within the Police Department, pursuant to the quotation provided L3 Mobile-Vision for a total amount not to exceed $99,122.40 under State Contract #A81311; and

2. Funds have been certified as available in Account "GL-106 (Police Auction)".

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

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

WHEREAS, the Police Department of the City of Bayonne has established that there is a need for maintenance and support for the Tipsoft v5 Online software; and

WHEREAS, Public Engines, Inc., is willing and able to supply said service for the period commencing July 1, 2015 and ending December 31, 2016 at a cost of $3,448.50; 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 City Clerk are hereby authorized to enter into an agreement with Public Engines, Inc., 756 East Winchester Road, Murray, UT 84107, for maintenance and support for the Police Department's Tipsoft v5 Online software for the period commencing July 1, 2015 and ending December 31, 2016 at a cost of $3,448.50, and 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 Crime Reports, in the amount of $3,448.50 in payment for said services.

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

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

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

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

WHEREAS, the Bayonne Community Day Nursery has requested and submitted a formal written application dated February 1, 2013 for said CDBG Grant Funds in the amount of $1,877.50 for the purpose of providing the cost installing a color video intercom/call button system from Platinum Alarms & Services LLC, 20 Plank Road, Bayonne, NJ; 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 installing a color video intercom/call button system from Platinum Alarms & Services LLC, 20 Plank Road, Bayonne, NJ; 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 Bayonne Community Day Nursery, 591 Broadway, Bayonne, New Jersey 07002 for the provision of providing the cost installing a color video intercom/call button system from Platinum Alarms & Services, LLC, 20 Plank Road, Bayonne, NJ in the amount of $1,877.50 for the period commencing September 1, 2013 and ending August 31, 2014.

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

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

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41. 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 quarterly maintenance in connection with the HVAC system at the Bayonne Firehouse located at 200 Chosin Few Way; and

WHEREAS, In-Line Heating & Cooling of 85 East 21st Street, Bayonne, New Jersey has submitted proposal for said maintenance of the HVAC system at a cost of $4,500.00 , billed quarterly at $1,125.00; and

WHEREAS, the Director of Public Works & Parks is satisfied that In-Line Heating and Cooling will provide the necessary services in a professional and timely manner; now therefore be it

RESOLVED, that the Mayor and City Clerk be and are hereby authorized and directed to execute an agreement with In-Line Heating and Cooling of 85 East 21st Street, Bayonne, New Jersey 07002 in the amount of $4,500.00 for a one year term, billed quarterly in the amount of $1,125.00; and be it further

RESOLVED, that funds are certified as available in Account No. 01-201-26-310-2-020 pending adoption of the SFY 2016 budget.

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

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

WHEREAS, the City of Bayonne is in need of professional engineering services to act as in-house engineers including work on various projects and for various roads for the period commencing January 1, 2016 and ending December 31, 2016; and

WHEREAS, Consulting and Municipal Engineers, LLP, 1460 Route 9 South, Howell, New Jersey 07731 is qualified, ready, willing and able to provide said professional engineering services; and

WHEREAS, funds have been certified as available in Account #01-201-26-300-2-020 and various other accounts pending adoption of the CY2016 budget; and

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

WHEREAS, Consulting and Municipal Engineers, LLP has qualified under the Fair & Open Contracting Requirements pursuant to N.J.S.A.19:44A:20.4.5; now, therefore, be it

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute an agreement with Consulting and Municipal Engineers, LLP to act as in-house engineers including work on various projects and for various roads for the period commencing January 1, 2016 and ending December 31, 2016 for an amount not to exceed $500,000.00.

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

3. Funds shall be chargeable to Account #01-201-26-300-2-020 and various other accounts.

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

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

WHEREAS, Resolution No. 15-04-22-054 adopted by the Municipal Council on April 22, 2015 as amended by Resolution No. 15-05-20-060 adopted by the Municipal Council on May 20, 2015 authorized a lease between the City of Bayonne and Joan Marie Tsirabides t/a Lets Eat Concession, 34 Newark Bay Court, Bayonne, New Jersey for the operation of the Municipal Pool food concession stand for a term commencing May 1, 2015 and ending Labor Day, 2015, renewable up to five (5) years for the amount of $8,222.22 payable to the City; and

WHEREAS, pursuant the aforesaid Resolution 15-04-22-054 as amended, the City entered into Agreement No. CY15-042 with Joan Marie Tsirabdides t/a Lets Eat Concession; and

WHEREAS, the Supervisor of Recreation and administration desire to renew the Agreement No. CY15-042 for the term commencing May 1, 2016 end ending Labor Day, 2016 under the same terms and conditions; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

The Mayor and City Clerk be and are hereby authorized and directed to execute an extension of Agreement No. CY15-042 between the City and Joan Marie Tsirabides t/a Lets Eat Concession, 34 Newark Bay Court, Bayonne, New Jersey for the operation of the food concession of the Municipal Pool for the amount of $8,222.22 payable to the city.

All other terms and conditions shall remain the same.

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

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

WHEREAS, the Department of Public Works and Parks of the City of Bayonne has established that there is a need for maintenance and support for the City's automated fueling system operation located at 330 Hook Road; and

WHEREAS, E.J. Ward, Inc., 6600 Queens Midtown Expressway, Flushing, New York 11378 has supplied such maintenance and support and is willing and able to continue to supply said services for a one year period commencing January 1, 2016 and ending December 31, 2016 at a cost of $4,158.00; and

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

WHEREAS, funds are certified as available in Account 01-201-26-315-2-020 pending adoption of the CY2016 budget; 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 execute an Agreement with E.J. Ward, Inc., 6600 Queens Midtown Expressway, Flushing, New York 11378 for maintenance and support for the City's automated fueling system operation located at 330 Hook Road for a one year period commencing January 1, 2016 and ending December 31, 2016 at a cost of $4,158.00.

2. Funds shall be charged to Account 01-201-26-315-2-020.

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

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

WHEREAS, pursuant to Resolution No. 15-07-22-069 adopted by the Municipal Council on July 22, 2016 the City of Bayonne adopted rules and regulations to ensure that there is a procedure in place for determining and confirming the existence of an emergency and that the provisions for emergency purchasing pursuant to <u>N.J.S.A.</u> 40A:11-6, Emergency Contracts, may be implemented; and

WHEREAS, approximately twenty-six (26") inches of snow fell due to blizzard conditions on January 22 and January 23, 2016 creating conditions for emergency snow removal services; and

WHEREAS, the City took bids for Heavy Duty Equipment Rental including snow plows for snow removal on two separate occasions, however, the bids received on both occasions exceeded the City's budget; and

WHEREAS, subsequently, the City extended its existing agreement for Heavy Duty Equipment Rental including snow plows for snow removal through June 30, 2016, however, when the City contacted the Contractor to perform said snow removal, the Contractor advised that there was no equipment available; and

WHEREAS, Emergency Snow Removal services are essential for the health, safety and general welfare of the citizens of Bayonne; and

WHEREAS, the Director of Public Works has provided written certification to the Business Administrator, Purchasing Agent and Corporation Counsel of the need for the emergency procurement of the aforesaid Emergency Snow Removal services from January 22nd through January 28th, 2016 and the Business Administrator has determined and confirmed that the existence of the emergency and the provisions for emergency contracting pursuant to N.J.S.A. 40A:11-6 have been met; and

WHEREAS, the Director of Public Works retained the services of the following contractors to provide said emergency snow removal services from January 22nd through January 28th, 2016:

DiBella Sow Services, Inc., 76 East 23rd Street, Bayonne, New Jersey;
Ken's Marine Service, Inc., P.O. Box 4001, Bayonne, New Jersey; and
Control Services, LLC, P.O. Box 269, Bayonne, New Jersey; (the "Contractors")

and

WHEREAS, the City is in receipt of the following invoices from the aforesaid Contractors in the amount of $148,471.80; $90,048.25 and $107,025.00 respectively; and

WHEREAS, the Contractors are in the process of providing the necessary documentation required pursuant to the aforesaid Resolution No. 15-07-22-069; and

WHEREAS, funds are certified as available in Account Snow O.E.; now, therefore, be it

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

1. The actions of the Director of Public Works in retaining the services of the Contractors to provide emergency snow removal services from January 22nd through January 28th, 2016 are hereby ratified and affirmed.

2. The Treasurer is hereby authorized to issue warrants to the following Contractors in the following amounts:

DiBella Sow Services, Inc. - $148,726.85
Ken's Marine Service, Inc. - $ 90,048.25
Control Services, LLC - $107,025.00

3. Funds shall be charged to Account Snow O.E.

4. Written notification of the need for the emergency procurement of the aforesaid services shall remain on file with the Purchasing Agent.

5. The Purchasing Agent shall file an Emergency Procurement Report with the Director of the Division of Local Government Services within 30 days of the date of procurement of the aforesaid Emergency Snow Removal services pursuant to N.J.S.A. 19:44A-20.12.

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

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

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

WHEREAS, Resolution No. 14-11-12-047 adopted by the Municipal Council on November 12, 2014 authorized a short term Lease Agreement with Blue Apron, a corporate citizen of Jersey City, for a certain real property located in the vicinity of Center Street comprising a portion of what is commonly known as "Harbor Station North" within Block 600, Lot 1 for temporary employee parking for up to 200 privately-owned vehicles for the sole benefit of Blue Apron Employees commencing November 12, 2014 and terminating on May 11, 2015 with a thirty (30) day notice of termination, unless renewed thereafter on a month-to-month basis in the sole and absolute discretion of the City more specifically as follows:

Use: Parking of privately-owned Blue Apron vehicles for the benefit of the employees of Blue Apron only
Premises Access: As necessary for the reasonable employee use of Blue Apron
Monthly rent: $3,500.00
Utilities: To be paid by Blue Apron
Temporary Lighting: To be installed by Blue Apron prior to possession at its sole cost and expense and upon the issuance of appropriate municipal permits
Additional rent: Property Taxes Included
Insurance: Provided and paid for by Blue Apron having limits of liability that are acceptable to the City in the sole and absolute discretion of the Corporation Counsel by Blue Apron naming the "City of Bayonne" as additional insured.
Security Deposit: $3,500.00
Term: For a six (6) month period and subsequent month-to-month extension at the sole and absolute discretion of the City; and at all times termination upon thirty (30) days notice; and

WHEREAS, the Municipal Council authorized an extension of the aforesaid Lease Agreement through August 30, 2015 for an additional rental fee of $10,500.00 by way of Resolution 15-04-22-062 adopted on April 22, 2015; and

WHEREAS, the Municipal Council authorized a second extension of the aforesaid Lease Agreement through February 29, 2016 for an additional rental fee of $21,000.00 by way of Resolution 15-07-22-072 adopted on July 22, 2016; and

WHEREAS, the Business Administrator has now requested an extension of the aforesaid Lease Agreement through June 30, 2016 at an additional rental fee of $14,000.00; now, therefore, be it

RESOLVED by the Municipal Council that the Mayor and City Clerk are hereby authorized to enter into an extension of the aforesaid Lease Agreement with Blue Apron of Jersey City, New Jersey through June 30 2016 for an additional amount of $14,000.00.

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

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

WHEREAS, Resolution No. 14-12-10-046 adopted by the Municipal Council on September 16, 2015 authorized the Mayor to enter into an agreement with Applied Landscape Technologies, 145 River Road, Montville, NJ 07045 Renovations to Don Ahern Veteran's Memorial Stadium, for the Total Base Bid ($2,103,152.97) and Alternate D ($102,600.00) for a total contract amount of $2,205,752.97; and

WHEREAS, subsequent thereto the City of Bayonne entered into Agreement No. CY14-112 with Applied Landscape Technologies; and

WHEREAS, the City of Bayonne is in receipt of an Application and Certificate for Payment from Maser Consulting, P.A., dated December 3, 2015, evidencing that Applied Landscape Technologies should be paid the sum of $45,821.43 as a Final Retainage Payment; and

WHEREAS, funds are certified as available in Account O-15-16 and O-15-23; and

RESOLVED, that the Comptroller is hereby authorized to issue a Final Retainage Payment in the amount of $45,821.43 to Applied Landscape Technologies consistent with the Application and Certificate for Payment from Maser Consulting, P.A. dated December 3, 2015 regarding same; and be it further

RESOLVED, that funds for said increase shall be charged to Account O-15-16 and/or O-15-23.

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 President Nadrowski, which was read by the Clerk and adopted.

WHEREAS, the Bayonne Bridge, which was constructed by the Port Authority and joins the City of Bayonne with Borough of Staten Island, is a critical link in the northern metropolitan highway bypass system; and

WHEREAS, the Port Authority has undertaken a project to reconstruct the Bayonne Bridge to increase the vertical clearance (hereinafter referred to as the "Program"); and

WHEREAS, the Program requires use of the Port Authority's Right of Way for the construction and staging activities; and

WHEREAS, the Port Authority had licensed two parcels within the Program Right of Way for the City's recreation use, namely, Al Slootsky Playground (so named by the City), located at Block 345 Lot 1, and Bridge Field (so named by the City), located at Block 391 Lot 3, both within the City (collectively referred to as "Properties"); and

WHEREAS, the Port Authority, in an effort to minimize and mitigate the impacts of the loss of the Properties upon the City and its residents, agreed to reimburse the City for costs to relocate the uses on the Properties among other expenses up to $2,000,000.00; and

WHEREAS, the Port Authority and the City entered into a reimbursement agreement dated December 23, 2013, which was amended on April 7, 2014, providing for reimbursement of relocation costs and attendant expenses associated with the Program; and

WHEREAS, the City has requested that in lieu of the reimbursement payments under the previous agreements, the $2,000,000.00 be now allocated to recreational improvements of Dennis P. Collins Park; 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 Port Authority removing Al Slootsky Playground and Bridge Field from the City's Green Acres Recreation and Open Space Inventory in consideration for the payment of $2,000,000.00 to be allocated to recreational improvements to Dennis P. Collins Park in form and substance similar to that which is attached hereto subject to review and amendment by legal counsel.

2. 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.

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

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The City Council of the City of Bayonne, County of Hudson, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the City Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the City Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Hudson;

NOW, THEREFORE, BE IT RESOLVED by the City of Bayonne, County of Hudson, State of New Jersey hereby recognizes the following:

The City Council does hereby authorize submission of a strategic plan for the Bayonne Municipal Alliance grant year July 1, 2015 to June 30, 2016 in the amount of:

DEDR $ 54,448.00
Cash Match $ 14,000.00
In-Kind $ 45,000.00

The City Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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.

WHEREAS, the City has been awarded Title III Grant funds from the Department of Health and Human Services, Area Agency on Aging in the amount of $604,398.00 for CY2016 to be allocated as follows: for codes Care Management, Emergency and Eyeglasses - $148,256.00; for Nutrition - $172,324; for Congregate - $269,100.00; for Home Delivered Meals - $269,100.00; for State Weekend Home Delivered Meals -$14,718; and

WHEREAS, the Municipal Council of the City of Bayonne intends to utilize said grant funds for the Office on Aging and the nutrition program administered by the Bayonne Economic Opportunity Foundation; now, therefore, be it

RESOLVED, by the Municipal Council of the City of Bayonne that the City of Bayonne hereby accepts $604,398.00 grant funds from the County of Hudson, Department of Health and Human Services, Area Agency on Aging, to be allocated as follows: for codes Care Management, Emergency and Eyeglasses - $148,256.00; for Nutrition - $172,324; for Congregate - $269,100.00; for Home Delivered Meals - $269,100.00; for State Weekend Home Delivered Meals -$14,718; and be it further

RESOLVED, that the Mayor and City Clerk be and are hereby authorized to enter into an agreement with the Bayonne Economic Opportunity Foundation (BEOF) for the administration of the nutrition programs funded by the grant in the amount of $456,142.00 for the one year period commencing January 1, 2016 and ending December 31, 2016; and be it further

RESOLVBED, that such funds be charged to account 02-213-41-737-2-199, pending adoption of the 2016 budget.

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

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

WHEREAS, the County of Hudson, Department of Health and Human Services has awarded Peer Grouping grant funds to the Bayonne Office on Aging in the amount of $10,000.00 for the period of January 1, 2016 and ending December 31, 2016 for case management, emergency mental health services, respite care, hospice, early intervention services, medical supplies and home delivered meals to the elderly and people with disabilities; now, therefore be it

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

1. The City of Bayonne hereby accepts the aforesaid $10,000.00 Peer Grouping grant funds from the County of Hudson, Department of Health and Human Services, for the Home Delivered Meals Program as for the period commencing January 1, 2016 through December 31, 2016.

2. The Mayor and City Clerk are hereby authorized to enter into an Agreement with the Bayonne Economic Opportunity Foundation, 555 Kennedy Boulevard, Bayonne, New Jersey 07002 for amount by $10,000.00 to be used to continue the provision of a Nutritional Feeding Program for Senior Citizens with Home Delivered Meals for the period commencing January 1, 2016 and ending December 31, 2016.

3. Funds shall be charged to account 02-213-41-737-2-199 subject to the receipt of the aforesaid $10,000.00 Peer Grouping grant funds from the County of Hudson, Department of Health and Human Services.

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

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52. Council Member Cotter 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 CONDUCT A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER CERTAIN PROPERTY LOCATED AT CONSTABLE HOOK, KNOWN AS BLOCK 482, LOTS 10 AND 11 WITHIN THE CITY CONSTITUTES A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT AND DIRECTING THE PLANNING BOARD TO PREPARE A REDEVELOPMENT PLAN IF APPROPRIATE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A.* 40A:12A-1 *ET SEQ*.

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

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

WHEREAS, *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 a non-condemnation "area in need of redevelopment" pursuant to the criteria contained in *N.J.S.A.* 40A:12A-5; and

WHEREAS, the Mayor and Municipal Council consider it to be in the best interest of the City to have the Planning Board of the City (the "Planning Board") conduct such an investigation to determine if certain properties located at Constable Hook in the City, which properties are identified as Block 482, Lots 10 and 11 as shown on the official Tax Map of the City (the "Study Area"), constitute a non-condemnation "area in need of redevelopment," and if appropriate, to prepare and present a Redevelopment Plan for said Study Area in accordance with the Redevelopment Law, *N.J.S.A.* 40A:12A-1 et seq;

WHEREAS, the City believes the Study Area 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 preliminary investigation will be designed to evaluate the area to determine whether designation of the Study Area as a non-condemnation "area in need of redevelopment" is appropriate and in conformance with the statutory criteria contained in *N.J.S.A.* 40A:12A-5;

WHEREAS, the adjacent property located at Block 482, Lot 9 was previously designated as an area in need of redevelopment and a Redevelopment Plan titled "Redevelopment Plan 401 Hook Road Redevelopment Area" was adopted by the Municipal Council for that area;

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

NOW THEREFORE, BE IT RESOLVED that:

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

Section 2. The Planning Board is hereby directed to conduct a preliminary investigation to determine whether the aforementioned Property, or any portions thereof, constitute a non-condemnation "area in need of redevelopment" according to the criteria set forth in *N.J.S.A.* 40A:12A-5;

Section 3. The Planning Board is hereby directed to study the area known as Block 482, Lots 10 and 11 on the City's Tax Maps (the "Study Area"); to develop a map reflecting the boundaries of the proposed non-condemnation redevelopment area; to provide public notice and conduct public hearings pursuant to *N.J.S.A.* 40A:12A-6; and to draft a report/Resolution to the Mayor and Municipal Council containing its findings; and

Section 4. The results of such preliminary investigation shall be submitted to the Mayor and Municipal Council for review and approval in accordance with the provisions of the Redevelopment Law.

Section 5 Pursuant to the provisions of *N.J.S.A.* 40A:12A-7(e) of the Redevelopment Law, if the Planning Board recommends that the Municipal Council designate all or a portion of the Study Area, as an area in need of redevelopment, the Planning Board, through the City's staff and/or Planning Board professionals, is authorized and directed to prepare and review a Redevelopment Plan in connection with the proposed redevelopment of the Study Area pursuant to N.J.S.A. 40A:12A-7(5) e-f for consideration by the Municipal Council.

Section 6. 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 7. This Resolution shall take effect immediately.

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

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53. Council Member Perez moved the following resolution, seconded by Council Member LaPelusa, 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 458, LOTS 12 AND 13 LOCATED AT 206-220 AVENUE E AND 222 AVENUE E

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

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

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

WHEREAS, in order to ensure the success of rehabilitation in conformity with the City's objectives, the Municipal Council is hereby authorizing and directing the Planning Board to review certain property located at 206-220 Avenue E and 222 Avenue E, which is designated as Block 458, Lots 12 and 13 on the City's Tax Maps (the "Parcel") and located within the City's Urban Enterprise Zone, and to prepare and present a Redevelopment Plan for said Parcel in accordance with the Redevelopment Law, *N.J.S.A.* 40A:12A-1 et seq.

NOW THEREFORE, BE IT RESOLVED that:

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) and *N.J.S.A.* 40A:12A-15 of the Redevelopment Law, the Planning Board, through the City's staff and/or Planning Board professionals, is hereby authorized and directed to prepare a Redevelopment Plan for the Parcel identified as Block 458, Lots 12 and 13 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.

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

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54. Council Member Perez moved the following resolution, seconded by Council Member LaPelusa, 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 accordance herewith:

CURRENT FUND

	TO		FROM	
NO.	ACCOUNT	AMOUNT	ACCOUNT	AMOUNT
1.	Law Enforcement Uniform S& W	185,000.	Law Enforcement Uniform O.E.	19,000.
			Building & Grounds-O.E.	40,000.
			Bus. Administration-O.E,	95,000.
			Vehicle Maintenance-O.E.	30,000.
			Municipal Court - O.E.	1,000.

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

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

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55. Council Member LaPelusa introduced:

AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 13, SWIMMING POOL, DOCKS, DON AHERN VETERANS MEMORIAL STADIUM, PUBLIC BOAT RAMP, MUNICIPAL PARKS AND PLAYGROUNDS AND BAYONNE PUBLIC LIBRARY AND BAYONNE MUSEUM.

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

Section 1. That the Revised General Ordinances of the City of Bayonne, Chapter 13, Swimming Pool, Docks, Don Ahern Veterans Memorial Stadium, Public Boat Ramp, Municipal Parks and Playgrounds and Bayonne Public Library and Bayonne Museum, be and is hereby supplemented and amended as follows (additions underlined, deletions ~~stricken)~~ :

13-1 MUNICIPAL SWIMMING POOL.
Editor's Note: The power to regulate swimming pools is an incident of Police Power, N.J.S.A. 40:48-2.

13-1.1 ~~Admission Fees;~~ Hours.
a. It shall be the duty of the Division of Recreation under the Department of ~~Municipal Services~~ Administration to set ~~all fees and~~ hours of operation under the direction of the Mayor.
(1972 Code § 19-1.1; Ord. No. O-00-31 § 1; Ord. No. O-07-16 § 1; Ord. No. O-08-10; Ord. No. 0-09-28 § 2)

13-1.2 Personnel.

The temporary personnel to be engaged for the operation of the pool shall be the following, whose duties shall be as set forth:

a. *Director.* It shall be the duty of the director to manage and supervise the operation of the pool in all its aspects under the direction of the director of the Department of ~~Municipal Services~~ Administration, or their designee.
b. *Chief of Lifeguards.* The chief of the lifeguards shall act as a lifeguard, supervise all lifeguards, assign all guards to their stations and shall be responsible for the performance by the lifeguards of their duties.
c. *Lifeguards.* Lifeguards shall, under the supervision of the chief of lifeguards, constantly and carefully observe persons using the pool to prevent injury or loss of life and shall at all times prevent or stop all conduct by persons using the pool as shall be dangerous, indecent or unseemly.
d. *Checks.* The checkers shall be stationed in the pool buildings for the purpose of receiving and returning clothing of patrons, issuing checks for the same and safely storing the clothing in receptacles provided for that purpose.
All persons employed at the swimming pool project shall perform such other duties as may from time to time be prescribed by the Director of the Department of ~~Municipal Services~~ Administration.
(Ord. No. 0-09-28 § 2)

13-1.3 Admission & Facility Rental Fees.
Daily Admission Fees. Fees for daily admission to the municipal swimming pool shall be charged in accordance with the following schedule*:

Age 12 & Under	Age 13 - 64	Age 65 & Above
$1.00	$3.00	$1.00

** Any Bayonne resident who does not possess a City of Bayonne ID will be charged $5. Any out-of-town guest of a Bayonne resident will be charged $10.*

Seasonal Pass Fees. Fees for seasonal admission the municipal swimming pool shall be charged in accordance with the following schedule:

Family of 4*	Age 12 & Under	Age 13 - 64	Age 65 & Above
$200.00	$25.00	$100.00	$40.00

** Includes parents/guardians and children under age 17. Additional children may be added at a fee of $15 per child.*
Group Rental Fees. Fees for group/party rentals of the municipal swimming pool shall be charged in accordance with the following schedule(s):

Parties *(During Regular Operating Hours)*			
25 People & Under	26 – 50 People	51 – 75 People	Over 75 People
$50 Flat Fee	$125 Flat Fee	$175 Flat Fee	$200 Flat Fee

Parties *(During Non-Operating Hours)*
Parties of Any Size
$500 Flat Fee*

**Duration of not less than one (1), nor more than three (3) hours*

Other Aquatic Events/Swim Meets/Practices *(During Non-Operating Hours)*
$200 Per Hour

Insurance Requirements for Pool Rentals.

<u>In cases of group rentals pursuant to the schedules set forth in 13-1.3(c), the insurance requirements shall be as follows:</u>
<u>After approval of an application for use by the pool director, but prior to issuance of permission to use the pool, the applicant shall file with the director evidence of general liability insurance coverage issued by an insurance company licensed to do business in the State of New Jersey, naming the City of Bayonne as an additionally insured, against any claim arising out of use of the Bayonne Municipal Pool in limits of liability of at least $1,000,000 for each person, $3,000,000 for each accident, and $500,000 for property damage.</u>

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 13, Swimming Pool, Docks, Don Ahern Veterans Memorial Stadium, Public Boat Ramp, Municipal Parks and Playgrounds and Bayonne Public Library and Bayonne Museum.

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 President Nadrowski, which was read by the Clerk and adopted.

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 33, SWIMMING POOL, DOCKS, DON AHERN VETERANS MEMORIAL STADIUM, PUBLIC BOAT RAMP, MUNICIPAL PARKS AND PLAYGROUNDS AND BAYONNE PUBLIC LIBRARY AND BAYONNE MUSEUM," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, March 18, 2016, 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.

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

Cash Management Plan

WHEREAS, N.J. 40A; 5-14, Local Fiscal Affairs Law, requires that each municipality adopt a Cash Management Plan designed to assure the deposit and investment of local funds; now, therefore be it

RESOLVED, that the Municipal Council of the City of Bayonne does hereby adopt the following Cash Management Plan:

<u>DESIGNATION</u> <u>OF</u> <u>DEPOSITORIES</u>

The following institutions are designated as permissible depositories for the deposit of City
Funds.

BANK OF AMERICA
BANK OF NEW YORK
BCB COMMUNITY BANK
CAPITAL ONE BANK
CITIBANK
GARDEN STATE COMMUNITY BANK
HUDSON CITY SAVINGS BANK

INVESTORS BANK
JP MORGAN CHASE BANK
M&T BANK
PNC BANK
TD BANK
THE PROVIDENT BANK
VALLEY NATIONAL BANK
WELLS FARGO BANK

All depositories must conform to the Governmental Unit Deposit Protection Act ("GUDPA"), and shall provide a Notification of Eligibility from the State of New Jersey, Department of Banking, on a semi-annual basis. In addition, designated depositories shall maintain maximum FDIC or FSLIC coverage of all City funds on deposit.

B. DEPOSIT OF FUNDS

All funds shall be deposited within forty-eight (48) hours of receipt, in accordance with N.J.S.. 40A: 5-15, into appropriate fund operating accounts. Non-interest bearing operating and capital accounts shall be regularly monitored for the availability of funds for investment. Debt Service and Trust accounts shall be maintained in accordance with Federal and State statutes regulating such funds which represent funds of individuals and other organizations held by the City, shall be deposited in regular non-interest bearing checking accounts unless applicable State statutes direct otherwise, Grant funds shall be deposited in accordance with the regulations of the granting government agency.

C. INVESTMENT INSTRUMENTS AND PROCEDURES

The City may purchase those investments permitted in N.J.S. 40A; 5-15-1 which include;

United States Treasury Bonds, Notes and Bills
United States Government Agency and Instrumentality Obligations
Bonds and other obligations of the City of Bayonne
Bonds and other obligations of the Bayonne Board of Education
Commercial Bank Deposits and Certificates of Deposit
State of New Jersey Cash Management Fund
Municipal Investors Service Corporation
First Union Money Manager Investment Program
Fidelity Treasury AAA Rated Fund
NJ Asset & Rebate Management Program

The City may purchase other obligations approved by the Division of Investment of the Department of Treasury for investment by local units.

Investments shall be limited to a maturity of not more than one year unless a longer term is permitted by applicable Federal or State regulations Allowable investments with maturates which extend beyond the end of the City's fiscal year shall be permitted only if interest accrued on the investment is credited to the City at the end of the fiscal year for the purpose of realizing budgetary revenue.

The purchase of Certificates of Deposit shall be made based on the availability of funds for investment and the analysis of projected cash flows. Bids for Certificates of Deposit will be solicited of at least three designated depositories only if the amount available for investment is $100,000 or greater. Telephone bids will be solicited by the Chief Financial Officer and/or the Treasurer, or designated staff member. Bidders shall specify the principal amount, interest rate and maturity of the investment. A check or wire transfer will be made available to the winning bidder on the same business day the bid is awarded.

Where the return on a proposed investment does not exceed the cost of making said investment, the Chief Financial Officer and/or the Treasurer will not make the investment. The Chief Financial Officer and/or the Treasurer shall have the discretion to award an investment to the depository wherein the funds reside, should that institution's quoted interest rate be less than other quoted rates, and the differential in interest rates is not more than twenty-five *(25)* basis points *(0.25%),* providing that the term of the investment is thirty (30) days or less. The Chief Financial Officer and/or the Treasurer shall also have the discretion to reject all bids.

The following officials shall be covered by surety bonds; said surety bonds to be examined by the independent auditor to insure their proper execution:

Chief Financial Officer
Treasurer
Tax Collector
City Clerk

Staff members of the Department of Finance not covered by separate surety bonds shall be covered by a Public Employee's Faithful Performance Bond.

D. COMPLIANCE

The Cash Management Plan of the City of Bayonne shall be subject to the approval of the City's Director of Law, and shall be subject to the annual audit conducted pursuant to N.J.S. 40A: 5-4.

As stated in N.J.S.40A: *5-14,* the official(s) charged with the custody of City funds shall deposit them as instructed by this Cash Management Plan, and shall thereafter be relieved of any liability or loss due to the insolvency or closing of any depository,

If, at anytime, this Cash Management Plan conflicts with any regulation of the State of New Jersey, or any department thereof, the applicable Stale regulations shall apply.

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

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

#1 TEMPORARY EMERGENCY APPROPRIATION CY 2016

WHEREAS, an emergency condition has arisen with respect to providing appropriations to pay various costs, as per attached schedule, and no adequate provision has been made in the CY 16 Temporary Budget for the aforesaid purposes and N.J.S.:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned, and

WHEREAS, the total emergency resolution adopted in the CY 16 budget pursuant to the provisions of Chapter 96, P.L. 1951 (NJS 40A:4-20) including this resolution total

Current Fund	$	2,650,000.00
Parking Utility	$	2,000.00

NOW THEREFORE, BE IT RESOLVED (not less than two-thirds of all members therefore affirmatively concurring) that in accordance with NJS 40A:4-20

1- An emergency temporary appropriation be and the same is hereby made as per attached schedule:

Current Fund	$	2,650.000.00
Parking Utility	$	2,000.00

2- That said emergency temporary appropriation will be provided for the CY 16 budget under the title of, as per attached schedule:

Current Fund	$	2,650,000.00
Parking Utility	$	2,000.00

3- That one certified copy of this resolution be filed with the Director of Local Government Services.

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

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

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

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

RESOLVED, that the Municipal Council hereby accepts the terms set forth within the Memoranda of Understanding and authorizes the Mayor and City Clerk of the City of Bayonne to execute a contract with Local 2261, affiliated with AFSCME Council 52 of American Federation of State, County and Municipal Employees, AFL-CIO (Crossing Guards and Parking Enforcement Officers) for the period covering July 1, 2016 through December 31, 2019, consistent with the terms set forth in the aforementioned Memoranda of Agreements.

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

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

RESOLUTION DESIGNATING SKYLINE HARBOR, LLC AS REDEVELOPER OF THE PROPERTY REFERRED TO AS HARBOR STATION SOUTH, DESIGNATED AS BLOCK 700, LOT 1; BLOCK 720, LOT 1; BLOCK 730, LOT 1; BLOCK 731, LOT 1; BLOCK 751, LOT 1; BLOCK 770, LOT 1; BLOCK 780, LOT 1; BLOCK 790, LOT 1; AND BLOCK 730, LOT 2 IN THE CITY OF BAYONNE AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH SKYLINE HARBOR, LLC FOR THE REDEVELOPMENT OF SUCH PROPERTY IN ACCORDANCE WITH THE REDEVELOPMENT PLAN

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

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

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

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

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

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

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

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

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

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

WHEREAS, on September 10, 2015, the Municipal Council passed Resolution conditionally designating Kate Howard, LTD as the Redeveloper of the Property subject to the negotiation and preparation of a Redevelopment Agreement; and

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

WHEREAS, Kate Howard, LTD, of 135 West 36th Street, 3rd Floor, New York, New York 10018 has submitted information to the City outlining its, experience, expertise and financial capabilities to design and construct a project on the property referenced above and has requested designation by the City as the "redeveloper" for said Property referred to as Harbor Station South; and

WHEREAS, Kate Howard, LTD, has assigned its rights to Skyline Harbor, LLC, an entity affiliated with Kate Howard, LTD; and

WHEREAS, this Municipal Council desires to designate Skyline Harbor, LLC (the "Redeveloper") as the redeveloper of the aforesaid Redevelopment Area pursuant to Section 8 of the Redevelopment Law to undertake redevelopment of the Property consistent with an amendment to the Redevelopment Plan ("Amended Redevelopment Plan") adopted by the Municipal Council on January 20, 2016, which Plan is generally consistent with the Conceptual Master Plan for Harbor Station South prepared by Giovanni Bolignano and George D. Cascino, P.E., P.P. dated May 20, 2015 (the "Concept Plan"); and

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

WHEREAS, the Municipal Council desires to enter into a Redevelopment and Purchase and Sale Agreement By and Between the City of Bayonne as Redevelopment Entity and Skyline Harbor, LLC, a New Jersey Limited Liability Company as the Redeveloper (the "Redevelopment Agreement"), and recognize Skyline Harbor, LLC as redeveloper of the Property identified as Block 700 Lot 1; Block 720, Lot 1; Block 730 Lot 1; Block 731, Lot 1; Block 751, Lot 1; Block 770, Lot 1; Block 780, Lot 1; Block 790, Lot 1; and Block 730, Lot 2, in the City of Bayonne, as provided for and in accordance with the provisions of the Redevelopment Law; and

WHEREAS, the Redevelopment Agreement sets forth the terms and conditions for the transfer of the Property from the City to Redeveloper.

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

Section 1. The Municipal Council of the City of Bayonne hereby authorizes the execution of the Redevelopment and Purchase and Sale Agreement By and Between the City of Bayonne as Redevelopment Entity and Skyline Harbor, LLC, a New Jersey Limited Liability Company as the Redeveloper (the "Redevelopment Agreement"), concerning the Property identified as Block 700 Lot 1; Block 720, Lot 1; Block 730 Lot 1; Block 731, Lot 1; Block 751, Lot 1; Block 770, Lot 1; Block 780, Lot 1; Block 790, Lot 1; and Block 730, Lot 2 in the City of Bayonne in such a form deemed advisable by the

City Attorney, subject to any and all conditions contained therein and such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel to the City and acceptable to the Redeveloper; and

Section 2. The Municipal Council, upon the full execution of the Redevelopment Agreement by the City of Bayonne and Skyline Harbor, LLC recognizes Skyline Harbor, LLC, as Redeveloper of Block 700 Lot 1; Block 720, Lot 1; Block 730 Lot 1; Block 731, Lot 1; Block 751, Lot 1; Block 770, Lot 1; Block 780, Lot 1; Block 790, Lot 1; and Block 730, Lot 2 in the City of Bayonne as provided for and in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law; and

Section 3. The Mayor and Clerk are hereby authorized to execute the Redevelopment Agreement, with such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel and acceptable to the Redeveloper, on behalf of the City of Bayonne, acting as the redevelopment entity for the redevelopment of the Property by Skyline Harbor, LLC and to execute any and all documents necessary to effectuate the terms and conditions of the Redevelopment Agreement, including the closing of title to the Property.

Section 4. This Resolution shall take effect immediately.

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

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60. Council Member Cotter introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE 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, Subsection 7-16.1, Parking Prohibited During Certain Hours on Certain Streets, is hereby amended and supplemented as follows (Additions **between asterisks and/or in bold**, deletions {~~within brackets and/or struck through~~}:

Names of Street	Sides	Hours	Location
**5th Street	West	Monday through Friday 10:00 a.m. to 4:00 p.m.	Beginning at a point 65 feet west of the Northwest corner of Broadway Extending to a point 35 feet West thereof.**

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

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, March 16, 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.

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

WHEREAS, Fire Chief Gregory Rogers and the City of Bayonne desire to memorialize the terms of the former's separation from the City of Bayonne effective as of February 29, 2016; and

WHEREAS, a Separation Agreement has been negotiated between the two parties and requires the review and approval of this Municipal Council; and

WHEREAS, this Municipal Council is satisfied that the proposed Separation Agreement is of mutual benefit to both parties thereto; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

The Mayor and City Clerk be and are hereby authorized and directed to execute a Separation Agreement with Gregory Rogers in form and content consistent with that which has been presented to this Municipal Council.

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

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62. Council President Nadrowski introduced:

A CAPITAL IMPROVEMENT ORDINANCE TO PROVIDE FUNDING FOR THE IMPROVEMENT OF CLARK PARK IN THE AMOUNT OF $390,000.00

Whereas, a need exists to improve Clark Park which is located within the City of Bayonne, now, therefore, be it

Ordained that the Capital Improvement Ordinance be established to fund the following:

Improvement to Clark Park $390,000.00

Be it further

ORDAINED, the funding is provided through the Community Development Block Grant Fund in the amount of $190,000.00 and Developers Contribution Fund in the amount of $200,000.00, be it further

ORDAINED, that the Capital Improvement Fund shall provide funding in the event that adequate funding is not received from the Developers Contribution Fund.

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 "CAPITAL IMPROVEMENT ORDINANCE TO PROVIDE FUNDING FOR THE IMPROVEMENT OF VARIOUS CLARK PARK IN THE AMOUNT OF $390,000.00," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, March 18, 2016, 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.

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

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

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

WHEREAS, the Municipal Council desires to discuss a matter or matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of one or more specific prospective public officers or employees or current public officers or employees employed or appointed by the public body; and

WHEREAS, no public officer or employee whose rights could be adversely affected has requested in writing that such matter or matters be discussed at a public meeting; and

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

RESOLVED, that the Municipal Council shall now recess to a closed session in order to discuss the matters set forth above; and be it further

RESOLVED, that the Municipal Council shall reconvene to a public session at the conclusion of the closed session.

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

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At 7:40 P.M., the council adjourned to closed session.

At 7:50 P.M., Council President Nadrowski motion to reconvene, seconded by Council Member Cotter, which motion was adopted.

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

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

WHEREAS, the City of Bayonne employs MICHAEL O'BRIEN as a FIRE FIGHTER at 630 Avenue C, Bayonne, New Jersey; and

WHEREAS, MICHAEL O'BRIEN is an active member of the PFRS; and

WHEREAS, MICHAEL O'BRIEN has in excess of 21 years of PFRS Service Credit, meeting the minimum service credit requirement of at least 4 years of PFRS members; and

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

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

WHEREAS, the Business Administrator, Public Safety Director and Fire Chief have consented to the processing of the Involuntary Disability Retirement application for MICHAEL O'BRIEN; now, therefore, be it

RESOLVED, as follows:

1. That the Business Administrator, Public Safety Director and Fire Chief are hereby authorized to process an Involuntary Disability Retirement application for MICHAEL O'BRIEN.

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

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

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Council President Nadrowski motioned to rescind R-14, seconded by Council Member Cotter, which motion was adopted.

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

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At 7:55 P.M., Council Member LaPelusa motioned to adjourn, seconded by Council Member Cotter, which motion was adopted.

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

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President - Sharon A. Nadrowski

Clerk - Robert F. Sloan