

REGULAR MEETING

OF THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON,
NEW JERSEY, HELD IN THE COUNCIL CHAMBER, MUNICIPAL BUILDING, 630 AVENUE C,
ON WEDNESDAY, SEPTEMBER 21, 2016

The Council met at 7:00 P.M.

The Council President Nadrowski announced: “I would like to advise all those present that notice of this regular meeting of the Municipal Council of the City of Bayonne of September 21, 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 September 16, 2016.”

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

The Clerk called the roll.

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

The Council President led the Pledge of Allegiance.

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01. Leonard R. Kantor addressed the Council regarding City Finances.

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

WHEREAS, the local municipal budget for the calendar year 2016 was approved on the 16th day of March, 2016, and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approve budget, now

THEREFORE BE IT RESOLVED, by the Municipal Council of the City of Bayonne, County of Hudson, that the following amendments to the approved budget of calendar year 2016 be made:

Section D:		
Municipal Health Officer Interlocal	0.00	20,000.00
Total Section D:	52,000.00	72,000.00
Section F:		
NJ Turnpike Shuttle Service	0.00	10,233.00
Municipal Alliance Grant	0.00	54,448.00
Clean Communities Grant	106,247.00	227,682.27
Emergency Management Grant	0.00	10,000.00
Reimbursement Citywide Communications System	0.00	60,093.63
Bureau of Housing Inspection	35,436.00	77,709.00
Sportsnet Grant	0.00	5,000.00
Police Overtime DMV	108,750.00	174,000.00
Custom Border Patrol	10,471.00	26,739.79
Total Section F:	985,397.00	1,370,398.69
Section G:		
Sale of Municipal Owned Land	15,000,000.00	2,044,657.00
BMUA Expense Reimbursement	0.00	30,000.00
Monetization Port Authority Revenue	0.00	12,454,344.00
Total Section G:	27,318,808.01	26,847,809.01

Total Miscellaneous Revenues	47,754,825.01	47,688,827.70
Subtotal General Revenues (Items 1,2,3 , and 4)	52,769,825.01	52,703,827.70
a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	73,619,854.67	73,661,853.67
b) Addition to Local Deistrict School Tax	7,379,116.39	7,337,117.39
c) Minimum Library Tax	1,760,010.93	1,760,010.93
Total Amount to be Raised by Taxes for Support of Municipal Budget	82,758,981.99	82,758,981.99
Total General Revenues	135,528,807.00	135,462,809.69
General Appropriations		
(A) Operations - within "CAPS"		
Bayonne Historical Commission - Other Expenses	25,000.00	8,000.00
Business Administrator's Office - Salaries & Wages	417,000.00	401,000.00
Business Administrator's Office - Other Expenses	800,000.00	820,000.00
Primary & General Election - Salaries & Wages	26,000.00	24,000.00
Law Department - Contracts	190,000.00	170,000.00
Board of Health - Salaries & Wages	701,000.00	671,000.00
Board of Health - Other Expenses	340,000.00	325,000.00
Solid Waste Collection	2,500,000.00	2,475,000.00
Prosecutor's Office - Other Expenses	60,000.00	35,000.00
Other Public Works	225,000.00	250,000.00
Gasoline, Oil, Grease, etc.	400,000.00	370,000.00
Older American Program	50,000.00	45,000.00
Total Operations within "CAPS"	91,682,000.00	91,542,000.00
Total Operations Including Contingent within "CAPS"	91,683,000.00	91,543,000.00
(2) Statutory Expenditures		
Unemployment Insurance	40,000.00	35,000.00
Total Deferred Charges & Statutory Expenditures - Municipal within "CAPS"	14,666,000.00	14,661,000.00
Total General Appropriations for Municipal Purposes within "CAPS"	106,349,000.00	106,204,000.00
(A) Operations - Excluded from "CAPS"		
Maintenance Free Public Library	1,810,000.00	1,805,000.00
Total Other Operations - Excluded from "CAPS"	1,810,000.00	1,805,000.00
Shared Service Agreements		
Municipal Health Officer Interlocal	0.00	20,000.00
Total Shared Service Agreements	52,000.00	72,000.00
Public & Private Programs Offset by Revenues		
NJ Turnpike Shuttle Service	0.00	10,233.00
Municipal Alliance Grant	0.00	54,448.00
Clean Communities Grant	106,247.00	227,682.27
Emergency Management Grant	0.00	10,000.00
Sportsnet Grant	0.00	5,000.00
Reimbursement Citywide Communications System	0.00	60,093.63
Bureau of Housing Inspection	35,436.00	77,709.00
Police Overtime DMV	108,750.00	174,000.00
Custom Border Patrol	10,471.00	26,739.79
Total Public & Private Programs Ofset by Revenues	1,180,537.00	1,565,538.69
Total Operations Excluded from "CAPS"	3,042,537.00	3,442,538.69
Capital Improvements - Excluded from "CAPS"		
Capital Improvement Fund	100,000.00	65,000.00
Total Capital Improvements Excluded from "CAPS"	100,000.00	65,000.00

Municipal Debt Service - Excluded from "CAPS"		
Payment of Bond Principal	2,660,000.00	3,530,000.00
Interest on Bonds	5,873,000.00	4,726,000.00
Interest on Notes	735,000.00	768,000.00
Total Municipal Debt Service Excluded from "CAPS"	14,022,030.00	13,778,030.00
 Total General Appropriations for Municipal Purposes Excluded from "CAPS"	 17,164,567.00	 17,285,568.69
 Type 1 District School Debt Service		
Payment of Bond Principal	6,341,240.00	6,355,241.00
Interest on Bonds	3,974,000.00	3,918,000.00
Total of Type 1 District School Debt Service Excluded from "CAPS"	10,315,240.00	10,273,241.00
 Subtotal General Appropriations	 133,828,807.00	 133,762,809.69
 Total General Appropriations	 135,528,807.00	 135,462,809.69

The Clerk read the CY2016 Budget Amendments in full:

The Clerk announced, “The Council is now ready to give all persons interested an opportunity to be heard. The council president will recognize anyone who wishes to speak.”

The following persons spoke: Pete Cresci – 917 Kennedy Blvd.
 Leonard R. Kantor – 102 West 3rd Street
 Peter Franco – 127 West 12th Street
 Matt Kopko – 105 west 8th Street
 Mike Morris – 123 Avenue C

Council Member Perez moved to close the hearing, seconded by Council President Nadrowski, which motion 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 was read by the Clerk and adopted.

Be it Resolved by the Municipal Council of the City of Bayonne, County of Hudson that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purpose stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$73,661,854 (item 2 below) for municipal purposes, and
- (b) \$ (item 3 below) for school purposes in type I School Districts only (N.J.S.A. 18a:9-20) to be raised by taxation and,
- (c) \$ 7,337,117 (item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S.A. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenue and appropriations.
- (d) \$ (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) \$ 1,760,011 (Item 5 below) Minimum Library Tax

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

Nay – Council Member LaPelusa.

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03. The clerk introduced:

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 August 24, 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 September 21, 2016, and was referred to the planning board for its review is now before the Council for its consideration and a public hearing.

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

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

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

The Clerk read the ordinance by title: "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 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 ordinance or to its passage.

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

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

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

Council Member LaPelusa moved a resolution for final passage, seconded by Council Member Perez, which was read by the Clerk and adopted.

WHEREAS, an ordinance entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 2, ADMINISTRATION," was introduced and passed a first reading at a meeting held August 24, 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 September 21, 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-16-54.

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

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04. The clerk introduced:

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 June 22, 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 July 20, 2016, and was referred to the planning board for its review 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 LaPelusa, which motion was adopted.

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

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez .

Abstain – Council President Nadrowski.

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

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

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

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

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

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez .

Abstain – Council President Nadrowski.

Council Member Perez moved a resolution for final passage, seconded by Council Member Cotter, which was read by the Clerk and adopted.

WHEREAS, an ordinance entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC," was introduced and passed a first reading at a meeting held August 24, 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 September 21, 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-16-55.

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez.

Abstain – Council President Nadrowski.

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05. Council President Perez introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING AN AMENDED AND RESTATED REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 101 EAST 23RD STREET; 103 EAST 23RD STREET; 105 EAST 23RD STREET; EAST 23RD STREET; 102-106 EAST 24TH STREET; AND 162-170 AVENUE F, WHICH PROPERTY IS IDENTIFIED AS BLOCK 445, LOTS 1, 2, 3, 4, 5 AND 7 AS SHOWN ON THE OFFICIAL 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, by Resolution dated June 22, 2016, the Municipal Council of the City (the "Municipal Council") designated the property located at 101 East 23rd Street; 103 East 23rd Street; 105 East 23rd Street; East 23rd Street; 102-106 East 24th Street; and 162-170 Avenue F, which property is identified as Block 445, Lots 1, 2, 3, 4, 5 and 7 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 City of Bayonne, Division of Planning & Zoning, Department of Municipal Services has prepared a redevelopment plan for the Redevelopment Area titled "Redevelopment Plan Block 445, Lots 1, 2, 3, 4, 5 and 7" dated June 3, 2016 (the "Redevelopment Plan"); and

WHEREAS, by Resolution dated May 18, 2016, the Planning Board of the City (the "Planning Board") has been directed by the Municipal Council 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, the Planning Board reviewed the Redevelopment Plan and, in accordance with the Redevelopment Law, on June 14, 2016, conducted a public hearing wherein the Planning Board recommended the adoption of the Redevelopment Plan; and

WHEREAS, the Municipal Council agreed with the Planning Board's recommendation and by Ordinance O-3, dated July 20, 2016 the Municipal Council adopted the Redevelopment Plan; and

WHEREAS, by Resolution R-6, dated July 20, 2016, the Municipal Council designated Parkview Realty Holdings, LLC, a limited liability company of the State of New York, with an office address of 1441 Brooklyn, New York 11219, as the redeveloper of the Redevelopment Area (the "Redeveloper") subject to the negotiation and preparation of a Redevelopment Agreement; and

WHEREAS, subsequent to the passage of the Redevelopment Plan, the Municipal Council was advised of certain errors and omissions in the Redevelopment Plan, including without limitation the minimum lot area required for projects undertaken within the Redevelopment Area pursuant to the terms and conditions of the Redevelopment Plan; and

WHEREAS, an Amended Redevelopment Plan (the "Amended Redevelopment Plan") dated September 13, 2016 has been prepared by the City Planning Department which makes the necessary corrections to the Redevelopment Plan; and

WHEREAS, the Municipal Council desires to adopt the Amended Redevelopment Plan in order to effectuate a plan that is consistent with the goals and objectives of the City for the redevelopment of the Redevelopment Area; and

WHEREAS, the Municipal Council believes that the adoption of the Amended Redevelopment Plan is in the best interest of the City for the redevelopment of the Redevelopment Area.

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

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

Section 2. The Amended Redevelopment Plan is hereby adopted pursuant to the terms of *N.J.S.A. 40A:12A-7* of the Redevelopment Law. Further, the Amended Redevelopment Plan shall amend, replace and supersede any prior redevelopment plans with respect to the Redevelopment Area.

Section 3. 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 4. A copy of this Ordinance and the Amended Redevelopment Plan shall be available for public inspection at the office of the City Clerk during regular business hours.

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

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

BE IT RESOLVED, that an ordinance entitled "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING AN AMENDED AND RESTATED REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 101 EAST 23RD STREET; 103 EAST 23RD STREET; 105 EAST 23RD STREET; EAST 23RD STREET; 102-106 EAST 24TH STREET; AND 162-170 AVENUE F, WHICH PROPERTY IS IDENTIFIED AS BLOCK 445, LOTS 1, 2, 3, 4, 5 AND 7 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, October 19, 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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06. Council Member LaPelusa introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 35, ZONING REGULATIONS

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

Section 1. That the Revised General Ordinances of the City of Bayonne, Chapter 35, ZONING REGULATIONS, Subsection 4.25 Home Professional Occupations, is hereby amended and supplemented as follows (Additions **between asterisks and/or in bold**, deletions ~~{within brackets and/or struck through}~~):

35-4.25 Home Professional Occupations.

a. A home professional occupation, as defined in Chapter 33, Planning and Development Regulations Section 33-2, may be permitted within a dwelling unit, subject to the following requirements:

1. For any premises not registered with the City of Bayonne as of ~~{October 1, 2016}~~**January 1, 2017** as having a home professional occupation the proprietor or professional of the home occupation shall reside in the dwelling unit.
2. For any premises registered with the City of Bayonne as a having a home professional occupation as of ~~{October 1, 2016}~~**January 1, 2017**, the proprietor or professional of the home occupation shall not have to reside in the dwelling unit and said home professional occupation may be sold or transferred free of the residence requirement set forth above subject to and limited by the information set forth on the registration form as of ~~{October 1, 2016}~~**January 1, 2017**.
3. The use shall be clearly incidental and secondary to the residential use shall not change the character of use as a dwelling.
4. For any premises not registered with the City of Bayonne as of ~~{October 1, 2016}~~**January 1, 2017** as having a home professional occupation, no more than fifty (50%) percent of the dwelling unit floor area shall be used for the home professional occupation.
5. For any premises registered with the City of Bayonne as a having a home professional occupation as of ~~{October 1, 2016}~~**January 1, 2017**, no more than the percentage of the dwelling unit floor area set forth on the registration shall ever be used for the home professional occupation.
6. For any premises not registered with the City of Bayonne as of ~~{October 1, 2016}~~**January 1, 2017** as having a home professional occupation, in two (2) family dwellings, home professional occupations may occupy one (1) of the dwelling units provided the proprietor resides in the other unit and the home occupation does not occupy more than fifty (50%) percent of the total floor area of the structure, exclusive of attics and basements.
7. For any premises registered with the City of Bayonne as a having a home professional occupation as of ~~{October 1, 2016}~~**January 1, 2017**, in two family dwellings, home professional occupations may occupy one (1) of the dwelling units, the proprietor does not have to reside in the other and no more than the percentage of the dwelling unit floor area set forth on the registration shall ever be used for the home professional occupation.

8. For any premises not registered with the City of Bayonne as of ~~{October 1, 2016}~~**January 1, 2017** as having a home professional occupation, a home professional occupation shall be located on a single floor, and not be located in a cellar or attic space.
9. For any premises registered with the City of Bayonne as a having a home professional occupation as of ~~{October 1, 2016}~~**January 1, 2017**, a home professional occupation shall be located on a single floor, but may have storage space in a cellar or attic space. In no event, however, shall the storage space ever exceed that which is set forth on the registration form as of ~~{October 1, 2016}~~**January 1, 2017**.
10. For any premises registered with the City of Bayonne as a having a home professional occupation as of ~~{October 1, 2016}~~**January 1, 2017**, said home professional occupation may be sold or transferred subject to and limited by the information set forth on the registration form as of ~~{October 1, 2016}~~**January 1, 2017**.
11. There shall be no change in the outside appearance of the building or premises giving evidence to the conduct of the home professional occupation, other than signage in accordance with Section 35-25.
12. There shall be no on-premises distribution, delivery, or storage of goods or equipment in connection with such home professional occupation, except that this shall not prohibit occasional delivery of goods and equipment incidental to, but not an integral part of, such home occupation.
13. For any premises not registered with the City of Bayonne as of ~~{October 1, 2016}~~**January 1, 2016** as having a home professional occupation, there shall be no more than one (1) nonresident employed at the premises in connection with the home professional occupation.
14. For any premises registered with the City of Bayonne as a having a home professional occupation as of ~~{October 1, 2016}~~**January 1, 2016**, there shall be no more nonresidents employed at the premises in connection with the home professional occupation than are set forth on the registration as of ~~{October 1, 2016}~~**January 1, 2017**.

~~{b}~~**a**. The proprietor or professional of the home occupation shall present evidence of ownership or the written consent of the owner of the premises prior to issuance of a permit to conduct a home professional occupation under this section.

~~{e}~~**b**. Nothing in this section shall be construed to limit, prohibit or regulate the occasional part-time use of a residence for the purpose of studying or working on papers in connection with a business or for the purpose of making or receiving telephone calls or using a computer in connection with work.

~~{d}~~**c**. The City Clerk shall have on file a list of all home professional occupation dwelling registrations filed with the City of Bayonne as of ~~{October 1, 2016}~~**January 1, 2017** and this list shall be the exclusive and sole list of all such dwellings for the purpose of determining whether or not a home professional occupation may exist or be sold in accordance with the more liberal standards set forth above and all dwellings set forth on said list shall be limited to the information set forth within the registration on file as of ~~{October 1, 2016}~~**January 1, 2017**.

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

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 35, ZONING REGULATIONS," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, October 19, 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 Member Perez 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 24 Stop Intersections, is hereby amended and supplemented as follows (Additions ****between asterisks and/or in bold****, deletions ~~{within brackets and/or struck through}~~):

Intersections:

****7** Hook Road

Stop Signs on:

Hook Road adjacent to existing PDQ Plastics Building
(Facing eastbound traffic for PQ Plastics, Inc. parking lot)******

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

BE IT RESOLVED, that an ordinance entitled “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, October 19, 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 President Nadrowski 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
West 57 th Street	South	Monday through Friday 7:30 a.m. to 3:30 p.m. (for use as a pick up and drop off)	Beginning at a point 91 feet south of the southeast corner of West 57 th Street and Avenue B and extending to a point 61 feet south thereof.

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

BE IT RESOLVED, that an ordinance entitled “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, October 19, 2016, at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

* * * * *

09. Council Member LaPelusa introduced:

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

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

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

RESTRICTIVE PARKING ZONES

DELETE

067. Marylou Steffich, 23 West 47th Street
Beginning at a point on the north side of West 47th Street 234 feet west of the northwest corner of Broadway and West 47th Street, and extending to a point 22 feet west thereof.

076. Margaret LoPresti, 20 Schuyler Place
Beginning at a point on the south side of Schuyler Place, 54 feet east of the westerly terminus of Schuyler Place and extending to a point 22 feet east thereof.

ADD

076. Ann Marie Collins, 32 East 28th Street
Beginning at a point on the south side of East 28th Street, 313 feet west of the southwest corner of East 28th Street and Avenue E, and extending to a point 19 feet west thereof.

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

BE IT RESOLVED, that an ordinance entitled “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, October 19, 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.

* * * * *

10. Council Member LaPelusa introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 3, POLICE REGULATIONS.

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

Section 1. That the Revised General Ordinances of the City of Bayonne, Chapter 3, Police Regulations, section 3-18 DRUG-FREE SCHOOL ZONES, be amended and supplemented as follows: (New material ****between asterisks****, deletions [~~within brackets~~])

3-18 DRUG-FREE SCHOOL ZONES.

3-18.1 Adoption of Map.

In accordance with and pursuant to the authority N.J.S. 2C:35-7, the drug-free school zone map dated ~~{January 18, 2012}~~ ****September 14, 2016****, is hereby approved and adopted as an official finding and record of the location and areas within the municipality of property which is used for school purposes and which is owned by or leased to any elementary or secondary school or school board, and of the areas on or within one thousand (1,000) feet of such school property.

Section 2. That the Revised General Ordinances of the City of Bayonne, Chapter 3, Police Regulations, section 3-19 DRUG-FREE PUBLIC PROPERTY ZONES, be amended and supplemented as follows: (New material ****between asterisks****, deletions [~~within brackets~~])

3-19 DRUG-FREE PUBLIC PROPERTY ZONES.

3-19.1 Adoption of 500 Foot Drug-Free Public Property Maps.

In accordance with and pursuant to the authority of N.J.S. 2C:35-7.1, the five hundred (500) foot drug free public housing, park or building maps dated ~~{March 30, 2012}~~ ****September 14, 2016****, are hereby approved and adopted as an official finding and record of the location and areas within the City of property which is comprised of a public housing facility, a public park or a public building, and of the areas on or within five hundred (500) feet of such public property.

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

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 3, POLICE REGULATIONS," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, October 19, 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.

* * * * *

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

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

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

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

* * * * *

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

From Jerry A. Casser, Esq., filing notice of tort claim on behalf of DISCOVERLINE CORP., alleging property damage sustained April 29, 2016 when its bus hit a temporary barrier on Kennedy Boulevard at West 7th Street.

* * * * *

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

From LISA GOMEZ, filing notice of tort claim alleging property damage to a sidewalk slab at her residence on August 5, 2016 resulting from tree removal at 17 West 45th Street.

* * * * *

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

From DOROTHY ROSE FORGIONE, filing notice of tort claim alleging personal injury sustained July 27, 2016 from a fall on wet pavement at the Don Ahern Veterans Stadium playground.

* * * * *

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

From DOUGLAS FLETCHER, filing notice of tort claim alleging property damage to his automobile on August 5, 2016 resulting from being struck by a municipally owned vehicle parking at 36 West 29th Street.

* * * * *

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

From the Superior Court of New Jersey, Law Division, Summons and Complaint in matter entitled, "DONATO vs. AVENUE C REALTY, LLC, THE CITY OF BAYONNE, et al." (premises fall down on July 12, 2014 at 1011 Avenue C)

* * * * *

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

From the Superior Court of New Jersey, Law Division, Summons and Complaint in matter entitled, "REAL REPUBLICANS vs. SLOAN, et al." (Challenging conduct and results of the Republican Primary Election for city committee)

* * * * *

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

From the Superior Court of New Jersey, Chancery Division, Summons and Complaint in matter entitled, “JPMORGAN CHASE BANK, NA vs. MALIK, et al., incl. THE CITY OF BAYONNE.” (mortgage foreclosure – city has possible judgments against the debtor)

* * * * *

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

From the Superior Court of New Jersey, Law Division – Special Civil Part, Summons and Complaint in matter entitled, “DISCOVERLINE CORP. vs. PSE&G SERVICES CORPORATION, et al., incl. THE CITY OF BAYONNE.” (Jitney bus crashed into concrete traffic barrier on April 29, 2016 at 7th Street and Kennedy Boulevard)

* * * * *

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

From the United States District Court, District of New Jersey, Summons and Complaint in matter entitled, “LARINO vs. THE CITY OF BAYONNE, et al.” (Employment discrimination/civil rights violations)

* * * * *

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

From the Tax Court of New Jersey, complaint in matter entitled, “ADIMOOLAN vs. CITY OF BAYONNE.” (416 Avenue C, Block 231, lot 55 - commercial)

* * * * *

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

From the Tax Court of New Jersey, complaint in matter entitled, “ADIMOOLAN vs. CITY OF BAYONNE.” (129 West 31st Street, Block 151, lot 17 – 1-4 family residential)

* * * * *

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

From the Tax Court of New Jersey, complaint in matter entitled, “ADIMOOLAN vs. CITY OF BAYONNE.” (687 Kennedy Boulevard, Block 176, lot 22 - commercial)

* * * * *

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

C-13 From the Tax Court of New Jersey, complaint in matter entitled, “ADIMOOLAN vs. CITY OF BAYONNE.” (361 Broadway, Block 240, lot 22 - commercial)

* * * * *

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

From the Tax Court of New Jersey, complaint in matter entitled, “BERGEN POINT–BAYONNE REALTY, LLC vs. CITY OF BAYONNE.” (208 Broadway, Block 325, lot 15 - commercial)

* * * * *

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

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

* * * * *

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

From the Tax Court of New Jersey, complaint in matter entitled, “BERGEN POINT-BAYONNE REALTY, LLC vs. CITY OF BAYONNE.” (8 parcels, Block 325, lots 1, 2, 3, 6, & Block 305, lots 15, 16, 17 & 18 - commercial)

* * * * *

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

From the Tax Court of New Jersey, complaint in matter entitled, “759-761 AVENUE A REALTY, LLC vs. CITY OF BAYONNE.” (19 parcels at 759-761 Avenue A, Block 142, - 1-4 family residential)

* * * * *

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

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

* * * * *

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

From the Tax Court of New Jersey, complaint in matter entitled, “PRIDE OF BAYONNE LODGE 461 BY vs. CITY OF BAYONNE.” (88 West 20th Street, Block 219, lot 39 – vacant)

* * * * *

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

From the Tax Court of New Jersey, complaint in matter entitled, “AJMUNDAR vs. CITY OF BAYONNE.” (35 West 21st Street, Block 210, lot 7 – 1-4 family residential)

* * * * *

32. 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.

* * * * *

33. 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.

* * * * *

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

DATE : September 6, 2016

TO: Terrence Malloy, CFO
Robert Sloan, City Clerk

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

FROM: Janet Convery, Treasurer

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

\$5,239,669.59 CLAIMS & PAYROLL FOR September 2016

JANET CONVERY

* * * * *

35. 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.

* * * * *

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

RESOLVED, That the official minutes of the regular council meeting held Wednesday, August 24, 2016 be and the same are hereby approved.

* * * * *

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

RESOLVED, That the official minutes of the council caucus meeting held Wednesday, August 17, 2016, be and the same are hereby approved.

* * * * *

38. 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
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34	27	Bayonne Community Bank	2,854.53
38	20	Fortress Real Estate	2,606.27
47	8.437	Tod Littler	3,454.00
52	39	Timothy Calabrese	2,339.00
57	38	Dixon Advisory	2,253.00
85	18.22	Bayonne Community Bank	1,450.00
134	9	Adamson, Hundley & Hundley	3,673.56
140	28	Bayonne Community Bank	775.07
156	47	Bayonne Community Bank	368.35
162	9	Bayonne Community Bank	105.52
163	3	Bayonne Community Bank	654.21
169	37	Drew Sisk	491.84
170	29	Bayonne Community Bank	214.88
184	3	Bayonne Community Bank	277.99
188	26	Bayonne Community Bank	2,704.90
211	6	Bayonne Community Bank	3,073.00
211	14	Bayonne Community Bank	4,135.00
211	15	Bayonne Community Bank	5,193.00
238	39	Donna Russo	1,049.35
256	43	William & Sharon Borke	1,274.10
259	17	Bayonne Community Bank	2,463.44
276	7.01	Angela George	4,050.06
330	4	Braden & Jennifer Mulkeen	2,488.29
355	12	Dixon Advisory	2,163.00
Total:			50,112.36

* * * * *

39. 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 \$ 52.20 be drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of licenses Nos. 1189-1209 inclusive, 21 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.

* * * * *

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

WHEREAS, the Broadcast Music, Inc. (BMI) has been aggressively asserting the rights of its members against small municipalities for copyright infringement when such municipalities play their music at various functions including, but not limited to, festivals, firework shows, concerts in the park, community centers and even while on "hold" during telephone calls, without a license to do so; and

WHEREAS, by way of Resolution No. 09-11-10-048 adopted by the Municipal Council on November 10, 2009 the City entered into a License Agreement to play the aforesaid music at their various functions as stated above; and

WHEREAS, the licensing fee for the year commencing June 1, 2016 through May 31, 2017 is \$669.00; and

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

RESOLVED, that the Treasurer is hereby authorized to issue a warrant payable to Broadcast Music, Inc. for the amount of \$669.00; and be it further

RESOLVED, that funds are certified available in Account #BA-2.

* * * * *

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

WHEREAS, the AMERICAN SOCIETY OF COMPOSERS, AUTHORS, AND PUBLISHERS (ASCAP) has been aggressively asserting the rights of its members against small municipalities for copyright infringement when such municipalities play their music at various functions including, but not limited to, festivals, firework shows, concerts in the park, community centers and even while on "hold" during telephone calls, without a license to do so; and

WHEREAS, the City of Bayonne has a licensing account with ASCAP for such purposes; and

WHEREAS, there is presently owing a balance of \$0.71 for the period January 1, 2016 to September 14, 2016, and a balance owing of \$195.13 for the period September 15, 2016 through December 31, 2016, and the licensing fee for the period commencing January 1, 2017 through September 14, 2017, is \$473.88, for a total amount due of \$669.72; and

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

RESOLVED, that the Treasurer is hereby authorized to issue a warrant payable to the AMERICAN SOCIETY OF COMPOSERS, AUTHORS, AND PUBLISHERS (ASCAP) to be mailed to ASCAP, 21678 Network Place, Chicago, IL 60673-1216 in the amount of \$669.72; and be it further

RESOLVED, that funds are certified available in Account #BA-2, pending approval of the CY 2016 budget.

* * * * *

42. 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 \$6,563,044.64 payable to the County of Hudson for Third Quarter County Taxes of 2016 is hereby ratified and confirmed.

* * * * *

43. 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 \$ 13,529.50 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 6/30/2016.

* * * * *

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

WHEREAS, the City Clerk's Office has issued One thirty-one (131) Marriage Licenses during the months of April, May and June, and has collected \$25.00 per license, which is to be forwarded to the Division of Youth and Family Services, now, therefore be it

RESOLVED, that a warrant in the amount of Three thousand two hundred and seventy-five dollars (\$3275.00) be drawn to the order of the Treasurer, State of New Jersey and forwarded to the City Clerk's Office for disbursement.

* * * * *

45. 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 \$ 144,394.15 payable to the County of Hudson for amount due county on 2015 pilot revenues is hereby ratified and confirmed.

* * * * *

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

WHEREAS, a private citizen, John R. Cupo, has graciously offered to donate his personal time, effort and money in connection with the beautification and rehabilitation of the park located at 442 Avenue C (Block: 225, Lot: 45); and

WHEREAS, John R. Cupo has specifically offered to:

- a. Paint each of the five (5) benches within the park
- b. Paint the two (2) dolphins in the rear of the park
- c. Paint the front and side fences the same color
- d. Have up to three (3) murals painted on site by local artists
- e. Apply a fresh top coat to the existing blacktop surface
- f. Paint the sides of the playground set

and;

WHEREAS, the City of Bayonne is desirous of accepting John R. Cupo's offer and having this park rehabilitated as set forth above; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and Clerk are hereby authorized to execute a Right of Access and Entry Agreement with John R. Cupo, the terms of which shall be satisfactory to the City of Bayonne's Law Director, permitting the latter to effectuate the proposed beautification and rehabilitation project. No work shall commence at the site until such time as a Right of Access and Entry Agreement has been fully executed.

2. All work at the site shall be performed in conjunction with and subject to the oversight of the City of Bayonne's Director of Public Works & Parks and no work shall be performed without said Director's prior approval.

* * * * *

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

WHEREAS, pursuant to Resolution No. 15-02-18-037 adopted by the Municipal Council on February 18, 2015 the City entered into Agreement No. CY15-024 with All Covered IT Services from Konica Minolta, 100 Dobbs Lane, Suite 208, Cherry Hill, New Jersey 08037 (the "Contractor") for information technology, computer system and network administration and support services for the period commencing March 1, 2015 through February 29, 2016 for an amount not to exceed \$25,000.00; ;and

WHEREAS, pursuant to Resolution No. 15-12-16-087 adopted by the Municipal Council on December 16, 2015 the City entered into an Amendment to the aforesaid Agreement No. CY15-024 with the Contractor increasing same in the amount of \$65,000.00 due to additional services rendered outside the scope of services of the original contract making the total contract amount not to exceed \$90,000.00; and

WHEREAS, pursuant to Resolution No. 16-04-20-076 adopted by the Municipal Council April 20, 2016, and Resolution No. 16-06-22-048 adopted by the Municipal Council on June 22, 2016, the City entered into a Second Amendment to the aforesaid Agreement No. CY15-024 with the Contractor extending same for an additional six (6) month period commencing March 1, 2016 and ending August 31, 2016 and increasing same in the amounts of \$25,000.00 and \$60,000.00 making the total contract amount not to exceed \$175,000.00; and

WHEREAS, the Business Administrator has advised that it is necessary to extend the aforesaid Agreement No. CY15-024 with the Contractor for the period commencing September 1, 2016 through December 31, 2016 at no additional cost; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to execute a third amendment to Agreement No. CY15-024 with All Covered IT Services from Konica Minolta, 100 Dobbs Lane, Suite 208, Cherry Hill, New Jersey 08037 for information technology, computer system and network administration and support services extending same for the period commencing September 1, 2016 through December 31, 2016 at no additional cost.
2. All other terms and conditions of Agreement No. CY15-024 shall remain the same.

* * * * *

48. The Council as a whole moved the following resolution, 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 Municipal Council authorized a third extension of the aforesaid Lease Agreement through June 30, 2016 for an additional rental fee of \$14,000.00 by way of Resolution 16-02-17-046 adopted on February 17, 2016; and

WHEREAS, the Municipal Council authorized a fourth extension of the aforesaid Lease Agreement through September 30, 2016 for an additional rental fee of \$10,500.00 by way of Resolution 16-06-22-047 adopted on June 22, 2016; and

WHEREAS, the Business Administrator has now requested an extension of the aforesaid Lease Agreement through December 31, 2016 at an additional rental fee of \$10,500.00; 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 December 31, 2016 for an additional amount of \$10,500.00.

* * * * *

49. 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 Chapter of Unico	10:00 PM 1081 Broadway October 21, 2016	RL: 9134

* * * * *

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

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

WHEREAS, H AND M LEASING CORP., c/o Marc Field, 1245 Marconi Blvd., Copiague, NY 11726 has applied for a permit for four (4) clothing donation bins to be located at 400 Bayonne Crossing Way, and has paid the appropriate fees and supplied the required documents; now, therefore be it

RESOLVED, that the application of H AND M LEASING CORP., c/o Marc Field, 1245 Marconi Blvd., Copiague, NY 11726 for four (4) clothing donation bins to be located at 400 Bayonne Crossing Way at the specific location designated on the map submitted as part of their application, be and is hereby approved for the calendar year 2016; and be it further

RESOLVED, that the City Clerk be and is hereby authorized and directed to issue a permit for four (4) clothing donation bins to H AND M LEASING CORP., c/o Marc Field, 1245 Marconi Blvd., Copiague, NY 11726 for calendar year 2016.

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

* * * * *

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

WHEREAS, pursuant to Resolution No. 15-04-22-055 adopted by the Municipal Council on April 22, 2015, the City entered into Agreement No. CY15-043 with the Bayonne Masonic Temple/Peninsula Masonic Lodge #99 F & AM, 888 Avenue C, Bayonne New Jersey 07002 for the purpose of providing CDBG funds in the amount of \$21,990.00 for the purpose of funding the rehabilitation and maintenance of the knee wall and fence located at their premises located at 888 Avenue C (the "Work") for the period commencing September 1, 2014 and ending August 31, 2015; and

WHEREAS, said Agreement No. CY15-043 reflected that the Work be performed pursuant to a proposal from Flash Point Services Group, LLC, the low bidder for the aforesaid rehabilitation and maintenance of the knee wall, dated March 6, 2015 for the amount of \$21,990.00; and

WHEREAS, subsequent thereto, Flash Point Services Group, LLC withdrew its aforesaid proposal; and

WHEREAS, Marek & Son Construction, LLC, 39 West 31st Street, Bayonne, New Jersey 07002 submitted the next lowest proposal for the aforesaid Work dated February 26, 2015 for the amount of \$25,000.00; and

WHEREAS, pursuant to Resolution No. 15-06-17-051 adopted by the Municipal Council on June 17, 2016, the City entered into an Amendment to Agreement CY15-043 with the Bayonne Masonic Temple increasing same, making the total contract amount \$25,000.00 and reflecting that the aforesaid Work be performed pursuant to the aforesaid proposal from Marek & Son Construction, LLC dated February 26, 2015; and

WHEREAS, conditions in the field revealed that the knee wall was beyond repair and it is necessary to replace said knee wall in its entirety including the foundation; and

WHEREAS, the Office of Community Development performed an inspection of said knee wall and foundation and approved of said replacement of the aforesaid knee wall including the foundation; and

WHEREAS, the Office of Community Development is in receipt of a proposal from Andrew L. Ciok, R.A., LLC., Architect, dated August 17, 2016 in the amount of \$1,000.00 for professional architectural services in connection with the replacement of the aforesaid knee wall including the foundation; and

WHEREAS, the Office of Community Development is also in receipt of a revised proposal from Marek & Son Construction, LLC dated August 31, 2016 in the amount of \$90,000.00 to include the additional work necessary to replace said knee wall in its entirety including the foundation; and

WHEREAS, 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 execute a Second Amendment to Agreement No. CY15-043 increasing same in the amount of \$66,000.00 making the total contract amount \$91,000.00 and reflecting that the aforesaid rehabilitation and maintenance of the knee wall and fence located at their premises located at 888 Avenue C be performed pursuant the proposal from Andrew L. Ciok, R.A., LLC, Architect, dated August 17, 2016 in the amount of \$1,000.00 and the revised proposal from Marek & Son Construction, LLC in the amount of \$90,000.00 dated August 31, 2016.

2. The additional funds in the amount of \$66,000.00 shall be charged to Account CDBG-917.

3. All other terms and conditions of Agreement No. CY15-043 shall remain the same.

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

* * * * *

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

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

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

WHEREAS, the Bayonne Economic Opportunity Foundation has requested and submitted a formal written application dated February 23, 2016 for said CDBG Grant Funds in the amount of \$45,000.00 for the purpose of providing senior transportation salary and fringe benefits 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 senior transportation salary and fringe benefits is limited to the amount of \$40,000.00; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-921; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Bayonne Economic Opportunity Foundation, 555 Kennedy Blvd, Bayonne, New Jersey 07002 for the provision of providing senior transportation salary and fringe benefits in the amount of \$40,000.00 for the period commencing September 1, 2016 and ending August 31, 2017.

2. Funds shall be charged to Account #CDBG-921

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

* * * * *

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

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

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

WHEREAS, the Bayonne Economic Opportunity Foundation has requested and submitted a formal written application dated February 23, 2016 for said CDBG Grant Funds in the amount of \$12,000.00 for the purpose of providing senior transportation insurance 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 senior transportation insurance is limited to the amount of \$12,000.00; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-930; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Bayonne Economic Opportunity Foundation, 555 Kennedy Blvd, Bayonne, New Jersey 07002 for the provision of providing senior transportation insurance in the amount of \$12,000.00 for the period commencing September 1, 2016 and ending August 31, 2017.

2. Funds shall be charged to Account #CDBG-930

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

* * * * *

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

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

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

WHEREAS, the Bayonne Economic Opportunity Foundation has requested and submitted a formal written application dated February 23, 2016 for said CDBG Grant Funds in the amount of \$58,000.00 for the purpose of providing fair housing counseling services and

WHEREAS, the Assistant Director of Community Development has advised that the availability of said Community Development Block Grant Funds for the purpose of providing fair housing counseling services is limited to the amount of \$40,00.00; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-931 now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Bayonne Economic Opportunity Foundation, 555 Kennedy Blvd, Bayonne, New Jersey 07002 for the provision of providing fair housing counseling services in the amount of \$40,000.00 for the period commencing September 1, 2016 and ending August 31, 2017.

2. Funds shall be charged to Account #CDBG-931

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

* * * * *

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

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

WHEREAS, the Bayonne Community Mental Health Center, 601 Broadway, Bayonne, New Jersey 07002 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, the Bayonne Community Mental Health Center has requested and submitted a formal written application dated February 23, 2016 for said CDBG Grant Funds in the amount of \$24,000.00 for the purpose of providing psychiatric and psychotherapeutic services for children and adolescents 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 psychiatric and psychotherapeutic services for children and adolescents is limited to the amount of \$22,000.00; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-929; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Bayonne Community Mental Health Center, 601 Broadway, Bayonne, New Jersey 07002 for the purpose of providing psychiatric and psychotherapeutic services for children and adolescents in the amount of \$22,000.00 for the period commencing September 1, 2016 and ending August 31, 2017.

2. Funds shall be charged to Account #CDBG-929

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

* * * * *

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

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

WHEREAS, the Bayonne Community Mental Health Center, 601 Broadway, Bayonne, New Jersey 07002 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, the Bayonne Community Mental Health Center has requested and submitted a formal written application dated February 23, 2016 for said CDBG Grant Funds for the amount of \$20,000.00 for the purpose of providing substance abuse and addiction services for low and moderate income families; 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 substance abuse and addiction services for low and moderate income families is limited to the amount of \$17,000.00; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG 925; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Bayonne Community Mental Health Center, 601 Broadway, Bayonne, New Jersey 07002 for the purpose of providing substance abuse and addiction services for low and moderate income families in the amount of \$17,000.00 for the period commencing September 1, 2016 and ending August 31, 2017.

2. Funds shall be charged to Account #CDBG-925

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 Perez, which was read by the Clerk and adopted.

WHEREAS, it is necessary for the City of Bayonne to file a Riparian Grant Application with the State of New Jersey in connection with Block 452.01, Lot 9 for the purpose of quieting title with respect to same; and

WHEREAS, John M. Van Dalen, Esq., of Van Dalen Brower, LLC, 156 West State Street, Trenton, New Jersey is prepared to submit said application to the State of New Jersey and act as the City's agent with respect to this Riparian Grant Application at no cost to the City of Bayonne; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and Clerk are hereby authorized to execute any and all documents necessary to perfect the submission of a Riparian Grant Application to the State of New Jersey's Department of Environmental Protection, Bureau of Tidelands Management in connection with the property known as Block: 452.01, Lot: 9.

2. John M. Van Dalen, Esq., is hereby authorized to act as the City's agent in connection with this Riparian Grant Application at no cost to the City of Bayonne.

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

* * * * *

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

WHEREAS, Sterling Equipment, Inc., (hereinafter, "Sterling") 555 South Street, Quincy MA 02169, has presented the City of Bayonne with plans for a proposed mooring project which is to be located in an unclaimed tideland area located within Newark Bay west of Bayonne (in the water just off of what is formally known as G. Thomas DiDomenico Park, or commonly known as 16th Street Park); and

WHEREAS, in order for the project to proceed, Sterling will have to apply for a Tidelands License from the State of New Jersey; and

WHEREAS, insofar as the City of Bayonne is an upland property owner with respect to the site in question, Sterling must obtain the consent of the City of Bayonne if it is to obtain the aforementioned Tidelands License; and

WHEREAS, the City of Bayonne has no current objection to the Sterling's proposed use at the proposed site; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The City of Bayonne, as an upland property owner, has no objection to the proposed mooring project and consents to the application of Sterling Equipment, Inc. for a Tidelands License for an unclaimed tideland in Newark Bay west of the City of Bayonne.

2. The City of Bayonne hereby waives its right to apply for a Tidelands License in the same location at this time.

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 Member LaPelusa, which was read by the Clerk and adopted.

WHEREAS, iMTT-Bayonne ("iMTT"), located at 250 East 22nd Street, Bayonne, New Jersey, has requested authorization from the City of Bayonne to have its contractor, Moran Office of Maritime & Port Security, located at One Woodbridge Center, Suite 420, Woodbridge, NJ 07095, access Halecky Park for the purpose of installing three (3) closed circuit television cameras to provide additional security coverage for iMTT's operation; and

WHEREAS, the Moran Office of Maritime & Port Security will be required to apply for and adhere to any required permits related to work at this location; and

WHEREAS, subsequent to installation the Bayonne Police Department will be permitted to monitor the security cameras; and

WHEREAS, Moran Office of Maritime and Port Security has provided the City with a Scope of Work and Site Plan of the proposed installation locations dated September 19, 2016; and

WHEREAS, the installation of the closed circuit security cameras is in the best interest of the health, safety and general welfare of the citizens of Bayonne; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. Permission is hereby granted to Moran Office of Port & Maritime Security, located at One Woodbridge Center, Suite 420, Woodbridge, NJ 07095 to access Halecky Park for the purpose of installing three (3) closed circuit television cameras pursuant to the Scope of Work dated September 19, 2016 on the condition that: 1) Moran Office of Port & Maritime Security enters into a Right of Entry/Access Agreement in a form acceptable to the City and approved by the City's Law Department; 2) No cost or expense shall be borne by the City relating in any way to iMTT/Moran Office of Maritime & Port Security's request for access; 3) the proposed Scope of Work is approved by the City's engineer; 4) no permits will issue without a fully executed Right of Entry/Access Agreement; 5) valid permits to be issued by the City prior to the start of any work; and 6) Moran Office of Maritime & Port Security shall abide by any and all requirements of the City deemed necessary to protect the City's property and citizens.

2. The Mayor and City Clerk hereby authorized to sign any and all documents necessary to effectuate same.

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

* * * * *

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

RESOLUTION AWARDING THE SALE BY THE CITY OF
BAYONNE, IN THE COUNTY OF HUDSON, NEW JERSEY OF ITS
PROPERTY TAX LEVY FOR THE FISCAL YEAR ENDING
DECEMBER 31, 2016 AND RATIFYING, CONFIRMING AND
AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH

WHEREAS, Chapter 99 of the Laws of New Jersey of 1997, effective May 12, 1997 (the "Act"), authorizes any municipality to sell its "total property tax levy" to the highest responsible bidder therefor in accordance with the procedures and limitations set forth therein; and

WHEREAS, the Tax Collector and Chief Financial Officer of the City of Bayonne, in the County of Hudson, New Jersey (the "City"), have heretofore caused to be prepared and distributed to potential bidders and others a "Notice of Sale Relating to the Purchase of the Property Tax Levy for the Fiscal Year Ending December 31, 2016 from the City of Bayonne, in the County of Hudson, New Jersey", dated August 18, 2016 (the "Notice of Sale"), requesting bids for the purchase of the City's property tax levy for the fiscal year ending December 31, 2016 (the "Fiscal Year"); and

WHEREAS, the Tax Collector and Chief Financial Officer of the City have heretofore also caused to be prepared and distributed to potential bidders and others, certain documents and other information, and the City's special counsel has heretofore caused to be published certain notices, each in connection with the Notice of Sale; and

WHEREAS, by Resolution No.16-08-24-072, duly adopted on August 24, 2016 (the "Resolution"), the City Council of the City has heretofore authorized the sale of the property tax levy, the preparation and distribution of documents and other information as aforesaid and the publication of certain notices as aforesaid, and authorized the Chief Financial Officer of the City to receive bids and take all actions in connection therewith in accordance with the Notice of Sale; and

WHEREAS, the Tax Collector and Chief Financial Officer of the City have heretofore also caused to be prepared and distributed to potential bidders and others: (i) a form of Purchase and Sale Agreement, between the City and the purchaser of the property tax levy (the

“Agreement”), (ii) the Financial Information (as such term is defined in the Agreement) and (iii) other items constituting part of the Bid Package (as such term is defined in the Agreement); and

WHEREAS, the City’s special counsel has heretofore caused to be published a copy of the Notice of Sale (stating, among other things, the manner of submitting and method of receiving bids and the time and place of sale) in a newspaper circulating in the City at least 14 days in advance of the date fixed for receiving bids; and

WHEREAS, two bids complying with the requirements set forth in the Notice of Sale was received in response to the Notice of Sale, and the Chief Financial Officer has recommended that the City Council make an award to the Highest Responsible Bidder (as such term is defined in the Act) in accordance with the provisions of the Notice of Sale; and

WHEREAS, the City Council desires to award the Agreement to the Highest Responsible Bidder, in accordance with Section 16(a) of the Act; and

WHEREAS, the Chief Financial Officer of the City has heretofore provided the City Council with a fiscal analysis (the “Fiscal Analysis”) of the impact of the proposed sale of the property tax levy (the “Sale”) on the current City budget and the projected City budgets for the next two subsequent years, in accordance with Section 14 of the Act; and

WHEREAS, the Chief Financial Officer of the City has heretofore caused or will cause to be forwarded to the Director of the Division of Local Government Services in the Department of Community Affairs (the “Division”) copies of the Fiscal Analysis and the form of the Agreement (including pricing terms derived from the high bidder); and

WHEREAS, the Highest Responsible Bidder has heretofore delivered to the City a Credit Facility (as such term is defined in the Agreement), meeting the requirements set forth in the Notice of Sale and in the Agreement and otherwise in form and substance satisfactory to the City and its counsel.

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

SECTION 1. In accordance with the Notice of Sale and the Act, Caz Creek NJ II, LLC (the “Purchaser”) is hereby determined to be the Highest Responsible Bidder for the purchase of the Property Tax Levy (as such term is defined in the Agreement) on the basis of the offer set forth in its proposal (the “Winning Bid”), a copy of which proposal is attached hereto as Exhibit A. The Winning Bid states a Levy Bid (as such term is defined in the Agreement) constituting a premium of \$293,000.00. The Agreement is hereby awarded to the Purchaser in accordance with the terms of the Act, the Notice of Sale and the Winning Bid.

SECTION 2. The Agreement and Fiscal Analysis, in substantially the forms on file with the City Clerk are hereby approved, and the Mayor of the City is hereby authorized and directed to execute and deliver the Agreement, with such changes as may be approved by such officers, their execution and delivery thereof being conclusive evidence as to such approval.

SECTION 3. The Credit Facility, in the form of a letter of credit provided by Capital One Bank, is hereby determined to be acceptable to the City in substance, and is hereby approved and found to be sufficient in accordance with Section 17(b) of the Act, subject to any changes which may be required by the Mayor, the Chief Financial Officer or the City’s special counsel.

SECTION 4. All actions heretofore taken by the Mayor, the Tax Collector and Chief Financial Officer, the City Counsel, Special Counsel, and all other employees and officials of the City (collectively, the “Authorized Persons”) on behalf of the City in furtherance of the Sale are hereby ratified and confirmed, including specifically: (i) the request for sealed bids for the sale of the Property Tax Levy for the Fiscal Year, (ii) the preparation and distribution of certain information regarding the City including, without limitation, the Notice of Sale, the form of the Agreement, the Financial Information and other items constituting part of the Bid Package (the content of all of which is hereby ratified and confirmed), (iii) the publication of the Notice of Sale, in accordance with Section 16 of the Act, (iv) the receipt of sealed bids, the determination of the Highest Bidder in accordance with the provisions of the Notice of Sale, (v) the inclusion of the pricing terms derived from the Highest Bid in the form of the Agreement and the preparation, in accordance with Section 14 of the Act, of the Fiscal Analysis, taking into account the pricing terms derived from the high bidder and (vi) the submission of the form of the Agreement (including such pricing terms) and the Fiscal Analysis to the Director of the Division, and the representation of the City before the Division in all matters relating thereto.

SECTION 5. All Authorized Persons are hereby authorized and directed to do all things necessary or convenient in furtherance of the Sale, including without limitation the execution and delivery of all documents in connection therewith and in connection with the special tax sale referred to in Section 6 hereof.

SECTION 6. Pursuant to N.J.S.A. 54:5-19, the Act and other applicable statutes, the City hereby determines to enforce the liens for unpaid taxes for the Fiscal Year, in part, by holding a special tax sale no later than April 30, 2017, whereat "New Tax Sale Certificates" (as such term is defined in the Agreement), shall be issued or assigned and sold to the Purchaser, each upon compliance with the payment and other requirements set forth in the Agreement (which requirements include, among other things, the payment of certain taxes, assessments and other municipal charges). Such special tax sale shall be held without prejudice to the right of the City to hold one or more separate tax sales in accordance with applicable law to enforce taxes, assessments and other municipal charges for which tax sale certificates are not issued or assigned to the Purchaser in accordance with the Agreement (which separate tax sale(s) may be held before, simultaneously with or after the aforementioned special tax sale).

SECTION 7. The City Clerk, or any other Authorized Person, is hereby authorized and directed to cause such notices to be published or otherwise given, in accordance with applicable law, as may be necessary in connection with the issuance of tax sale certificates as provided in Section 6 hereof.

SECTION 8. Notwithstanding any resolution to the contrary, the Tax Collector is hereby authorized to remit such funds to the Purchaser as may be provided in the Agreement, and there shall be no municipal fiscal restrictions (within the meaning of N.J.S.A. 54:5-58, or otherwise) imposed upon the Tax Collector in connection therewith.

SECTION 9. The Tax Collector shall accept payment from the Purchaser of such portions of the Levy Price and the TSC Amount (as such terms are defined in the Agreement) as relate to properties which are the subject of prior municipally-held tax sale certificates not therefore redeemed.

SECTION 10. This resolution shall take effect upon adoption hereof and receipt by the City of the written approval of the Director of the Division of the execution of the Agreement, in accordance with Section 12(b) of the Act.

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

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At 8:59 P.M., Council Member Perez move d to adjourn, seconded by Council President Nadrowski, which motion was adopted.

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

* * * * *

President – Sharon A. Nadrowski

Clerk – Robert F. Sloan