

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, NOVEMBER 9, 2016

The Council met at 7:03 P.M.

The Council President Nadrowski announced: "I would like to advise all those present that notice of this regular meeting of the Municipal Council of the City of Bayonne of October 19, 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 October 14, 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.

* * * * *

01. The clerk introduced:

"CAPITAL IMPROVEMENT ORDINANCE TO PROVIDE FUNDING FOR THE PURCHASE AND INSTALLATIONS OF GENERATORS IN THE AMOUNT OF \$207,854," which was introduced and passed a first reading at a meeting held October 19, 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 November 9, 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 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: "CAPITAL IMPROVEMENT ORDINANCE TO PROVIDE FUNDING FOR THE PURCHASE AND INSTALLATIONS OF GENERATORS IN THE AMOUNT OF \$207,854,"

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

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

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

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

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

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

WHEREAS, an ordinance entitled, "CAPITAL IMPROVEMENT ORDINANCE TO PROVIDE FUNDING FOR THE PURCHASE AND INSTALLATIONS OF GENERATORS IN THE AMOUNT OF \$207,854," was introduced and passed a first reading at a meeting held October 19, 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 November 9, 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-16-62.

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

* * * * *

02. The clerk introduced:

AN ORDINANCE ENTITLED, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR TAX EXEMPTION WITH 160 EAST 22ND STREET URBAN RENEWAL, LLC FOR PROPERTY KNOWN AS 160 EAST 22ND STREET (BLOCK 464.01, LOT 2.02) IN THE CITY," which was introduced and passed a first reading at a meeting held October 19, 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 November 9, 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 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: "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR TAX EXEMPTION WITH 160 EAST 22ND STREET URBAN RENEWAL, LLC FOR PROPERTY KNOWN AS 160 EAST 22ND STREET (BLOCK 464.01, LOT 2.02) IN THE CITY,"

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

The following person(s) spoke: Mary Ellen Curtis – 27 East 26th Street
Joseph Nichols – Tax Assessor

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 President Nadrowski, which motion was adopted.

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

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

WHEREAS, an ordinance entitled, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR TAX EXEMPTION WITH 160 EAST 22ND STREET URBAN RENEWAL, LLC FOR PROPERTY KNOWN AS 160 EAST 22ND STREET (BLOCK 464.01, LOT 2.02) IN THE CITY," was introduced and passed a first reading at a meeting held October 19, 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 November 9, 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-16-63.

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

Nay – Council Member LaPelusa.

* * * * *

03. 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 October 19, 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 November 9, 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 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.

The following person(s) spoke: Mike Morris – 123 Avenue C

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 close 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 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 October 19, 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 November 9, 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-16-64.

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

* * * * *

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 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 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 and President Nadrowski.

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

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

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

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

Council Member LaPelusa motioned to close 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 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 October 19, 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 November 9, 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-16-65.

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

* * * * *

05. Council Member LaPelusa introduced:

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

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

SECTION 1. Chapter 37, Historic Preservation, of the Revised General Ordinances of the City of Bayonne, is amended and supplemented by adding the following designation of the property located at

1. The Municipal Council of the City of Bayonne finds and determines the following:
 - 20 East 33rd Street is located on the south side of East 33rd Street, between Avenue E and Broadway in Bayonne, NJ. It is a unit of a five-unit row of houses (Nos. 12, 14, 16, 18 and 20 from west to east). These residential units each sit on a property that is about 18.75-feet wide x 82.50-feet deep (as per an 1873 Hopkins Map). They have a continuous front yard. The five units abut each other and are presumed to have common party walls between them; and
 - 20 East 33rd Street cannot be described without mention of the other attached four units. All five exteriors are identical in shape, size and location of openings. They are two-story, two-bay and basement high, as shown on the 1912 Sanborn Map (Volume 10, plate 82) with no change on the 2006 Sanborn Map (Volume 10, plate 82). A current visual observation confirms that we still see the same shaped buildings; and
 - The 1912 Sanborn Map color key indicates that the row houses are made out of brick, making them a distinctive property on a block where brick was used in less than 15% of the buildings; and
 - 20 East 33rd Street has the Italianate-style inspiration that coincides with the time of its assumed erection, circa 1878, as per the historic narrative description of this document. The Italianate style was in vogue between 1840 and 1885 (Virginia and Lee McAlester, *A Field Guide to American Houses*, 1988) and the style of No. 20 fits in this period. The following Italianate characteristics can be observed in this row house: large eave overhang with brackets, tall and narrow windows, paired windows, segmented arches over windows, belt course and inverted U-shape crowns above windows and door. It has other elements that are shared with other previous or contemporary styles, such as bay windows and six-panel double doors. It must be noted that these are not the classical shapes of the Italianate style but a variation or local interpretation of them. Also, the façade, built on two planes, gives the impression of towers--another characteristic of the Italianate style; and
 - The facade of row house No. 20 is set back about 15 feet from the front property line. It is asymmetrical and has two bays, one narrower than the other. The narrow bay includes a stone stoop with eight risers that leads to the main entrance of the house. Number 20 has elaborate heavy cast iron railings, balusters, and newel posts with geometric and natural motifs. There are acanthus leaves on the newel post and miscellaneous types of leaves under the handrails and base of each baluster; and
 - The facade is arranged in two planes, one per bay. The plane that projects further towards the street is wider and has the bay window and the paired windows above it. The fact that this plane is more prominent and breaks the monotony of a flat surface brings to mind the shape of a tower, which fits in the context of the Italianate style. The recessed plane, about the length of a brick, contains the main entrance and the second floor window. The pattern of the brick wall is assembled in a stretcher bond of a reddish color. The double door of the main entrance is made of a dark wood color. The door has tall proportions and is recessed from the brick plane. It is divided into three sets of panels. The bottom panels have decorative insets, which are rectangular pyramids that may be related to similar motifs on the bay window. Between the bottom panels and the middle panels there are wood decoration reliefs with scrolls and incised detailing. The

middle panels have a kind of shelf or sill at the bottom and follow the same pattern as the panels below, using the pyramid theme but elongated. The top panels have glass panes surrounded by a wood molding. The same molding is repeated around all panels; and

- The door has a stone lintel, as do the windows, but each is different depending on the size of the fenestration. These lintels are "supported" by small brackets, similar to those at the entablature and the bay windows, giving the facade a decorative unity. All three have a decorative keystone with incised detailing representing natural forms, such as leaves and flowers. The end of each lintel has a vertical and rectangular shape that sticks up and down; the windows have bull's eyes or targets at the center of these ends, while the door has incised leaf decoration. The door lintel is different since the bottom has diagonal lines that ascend towards the keystone giving the impression of a segmented arch. The bottoms of the window lintels have small pyramidal decorations, again, becoming a theme on this façade; and
- One of the most visible features of No. 20, as well as the adjoining units, is the three-sided first floor bay windows that are made almost entirely of wood. These bay windows are each painted a different color and crowned by an entablature with a cornice and a frieze, with moldings and modillions (four per side) respectively. The windows are one-over-one double hung and have simple moldings around them, curved at the top, or "segmented," which is an Italianate touch. All three windows have a continuous sill with moldings below. Under the sill, which has seven decorative pyramids each, there is a framed panel. The first-floor bay window sits on a wide horizontal band or belt that separates it from the basement level. The bay window continues down to the basement in a simpler arrangement where the windows are smaller, since the basement wall elevates itself just about half of its height. These windows have stone sills and lintels. A peculiar detail about the stone lintel is that the bottom of it shows a drapery-like effect since it is cut in a zigzag pattern, round at the bottom, giving the stone a cozy touch; and

The house is crowned by a wood entablature with cornice, frieze and architrave, which, at present, shows a different color at each of the buildings of this row house unit. The cornice has moldings and cantilevers beyond the facade plane and follows the in-and-out planes of the house. Between the soffit and the frieze is crown molding that has a rectangular fill-void pattern. The main element of the entablature is the large brackets. There are three of them at each one of the protruding planes, as well as a bracket at each turn towards the recessed plan, which has two modillions. These brackets and modillions have two vertical incised lines that run along the face. There is curve-incised detailing on the side, similar to other historic buildings in Bayonne and surrounding areas, but different from a strictly Italianate design. The frieze of the advancing plane has a sort of beam whose center seems to have an inverted key stone (though the material is wood) with scrolls on its sides and a peculiar round motif or a small hemisphere at the center. This motif can also be seen at the bottom of the modillion. The recessed plane frieze has a flat molding with cutouts, a circle over a triangle, all rounded up, which is indicative of the Queen Anne style; and

- The roof cannot be seen from the street since the top cornice of the building extends high enough to block any view of it. An aerial photo (Bing 2013) shows a flat rectangular roof. This rectangle is about 50 feet long where the southeast is cut about 5x16 feet. We must note that the footprint shown on an 1873 Hopkins map is the same as the present general layout. The short sides of this rectangle face the street and the rear yard. The roof slopes towards the rear yard. The roof shows some penetrations, including two chimneys on their east walls, and a skylight or hatch at midpoint near the west wall. The bay window has its own roof, which at present shows bituminous material and no gutter, which may be a sign that the roof has not been modified except for the waterproofing materials; and
- Most of the original elements of the Italianate style of No. 20 have been maintained and, therefore, it retains historic integrity that is worth preserving; and

2. The Municipal Council further finds and determines that the meets the criteria for historic designation for the following reasons:

- The property meets Criterion C of the standards for the National Register of Historic Places: Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction; and
- The Schuyler House at 20 East 33 Street also complies with the following criteria found in the Bayonne Ordinance O-98-51:

(D). Embodiment of distinguishing characteristics of a type, period, or method of construction, architecture, or engineering;

(E). Identification with the work of a builder, designer, artist, architect, or landscape architect whose work has influenced the development of the Municipality, State, or Nation;

(F). Embodiment of elements of design, detail, material, or craftsmanship that render a site architecturally significant or structurally innovative; and

- The area of significance for the property is its architecture. Its period of significance was 1878 to 1901 during local popularity of row houses and beginning of decline of use of Italianate style. The architect/builder was J. Rutsen Schuyler; and
- The Schuyler Row House at 20 East 33rd Street is an excellent example of a late Victorian Italianate-style brick row house with modified features from other styles, designed to appeal to the commuter residents of the first decade of home construction in the City of Bayonne; and
- As a real estate developer Schuyler made a significant contribution to the property values of the city by building attractive neighborhoods at various strategic locations on the peninsula where he had acquired property; and
- After the Cadmus farmlands were purchased in 1859 by a group of real estate speculators, Schuyler began watching for opportunities to acquire desirable lots from that land near the CNJ Train Station at Bayonne Avenue. The 1873 Hopkins Map shows Schuyler by then owning all the lots from Bayonne Avenue (now 33rd Street) to Oakland Avenue (now 32nd Street) including Willow Street from Avenue D to Avenue E as well as the northerly side of Maple Avenue (now 31st Street) also from Avenue D to Avenue E; and
- There is no evidence that Schuyler attempted to build on any of these lots until after he retired from *Schuyler, Hartley & Graham* in 1876 and until the home construction industry started to recover in 1878 from the economic downturn of 1873. An item in the "Bohemianisms" column of the *Bayonne Herald and Greenville Register* on August 3, 1878, states that: "Mr. Schuyler is building five fine houses on Bayonne Avenue." This refers to the five row houses that we see today from 12 to 20 East 33rd Street of which No. 20 is nominated as a local landmark (2014). On October 26, 1878, the newspaper reports: "Mr. J.R. Schuyler's houses, on Bayonne Avenue, are approaching completion and will be a valuable addition to that section of the city"; and
- It appears that the five row houses were created as rental properties. In some cases, they would temporarily house wealthy real estate customers while permanent "dream homes" were being designed and built for them in Bayonne. At other times, they provided temporary housing for highly-skilled workers who circulated between the various plants that Bayonne industries such as Tidewater Oil and Babcock & Wilcox often maintained at multiple sites throughout the country. Thus, these row houses

were still the property of J.R. Schuyler when he died in 1887, and a number of tenants had resided in them during his ownership; and

- Items in the *Bayonne Herald and Greenville Register* and *The Bayonne Times* show that J.R. Schuyler continued to build houses on his surrounding property up until 1884 when serious health issues began to impact his ability to continue his real estate projects; and
- After his death in 1887, his children maintained the East 33rd Street row houses as rental properties for many years only selling them in 1896. The sale may have been triggered by the news reported in the *Bayonne Herald* earlier that year on January 11, 1896, that their neighbor William L. Morris had sold his Newark Bay estate to Jersey City lawyer E.K. Seguire, who was expected to resell the property to a business that would erect a factory on the site. The Schuyler children sold 20 East 33rd Street to Rienzi and Emilia Cadugan in September 1896; and
- Jacob Rutzen Schuyler (1816-1887) was born in Belleville, Essex County, New Jersey, the son of John Arent Schuyler (1780-1817) and Catherine Van Rennselaer (1781-1867). His father owned a copper mine in Belleville. He was a lineal descendant, on his father's side, of a Dutch immigrant Philip Pieterus Van Schuler, who left Amsterdam, Holland, in 1653 and settled at Fort Orange, New Netherland, which is now Albany, New York; and
- American Revolutionary War General Philip Schuyler, whose daughter Elizabeth Schuyler married Alexander Hamilton, was also a lineal descendant of that first Dutch settler but via another son; and
- J. Rutzen Schuyler married Susannah Haigh Edwards (1825-1870), a great-granddaughter of Christian preacher and theologian Jonathan Edwards (1703-1758), who is widely acknowledged to be America's most important and original philosophical theologian, and one of America's greatest intellectuals; and
- J. R. and Susannah Edwards Schuyler are listed with their children in the 1860 U.S. Census as living in the First Ward of Jersey City. They moved to the Township of Bayonne in the early 1860s. A Hudson County deed dated February 3, 1864, in Liber 106, page 666, conveyed 18.5 acres of land and premises to Jacob R. Schuyler from Lucinda the widow of Henry C. Burdett (1813?-1863). The deed implies several things from which some reasonable conclusions may be drawn. First, J.R. Schuyler is already identified in the deed as a resident of Bayonne, so the Schuyler family had probably been living in a rental property in Bayonne before this purchase. The 1864 deed states that the property had previously been deeded to Henry C. Burdett in January 1854 by Michael and Albert W. Zabriskie, and it refers to "All that certain tract or parcel of land and premises..." which implies that there already was a house on the property in 1864; and
- The Burdett surname usually indicates French Huguenot ancestry with the original spelling being "Bourdette." The 1850 and 1860 U.S. Census list Burdett as New York-born and respectively identify his profession as a bookkeeper and later as a cashier. The 1850 and 1862 New York City Directories document him as an accountant at 279 Broadway, which was then the New York headquarters of The Bradstreet Company (later Dun & Bradstreet). Burdett's 1863 obituary implies that he had many friends and contacts in Manhattan. There is nothing to indicate that he was involved in Bayonne real estate. The 1860 U.S. Census shows that the three oldest Burdett children were born in New York, but the two youngest children, born after the Bergen Point land purchase in 1854, were born in New Jersey. Thus, it appears that the Schuyler Mansion may have been built as early as the spring of 1854, but as the Burdett Mansion for a then growing Burdett family; and
- Vintage photographs of the mansion from 1914 and 1915, after the Schuyler heirs sold the homestead to the Pavonia Yacht Club, show a sprawling Second Empire or French Mansard style house off Pavonia Court above the shore of Newark Bay. It was then

quite different from the modernized building that now serves as the Robbins Reef Yacht Club; and

- Susannah Edwards Schuyler died at Bergen Point in 1870 at age 44 shortly after the birth of her tenth child, a daughter Angelica Van Rensselaer Schuyler. The other Schuyler children were: Sarah Edwards, Jacob Rutsen, Rutsen Van Rensselaer, Katherine Van Rensselaer, Robert Edwards, Charles Haigh, John Arent, Susanna Edwards, and Edwards Ogden. Only six of the ten Schuyler children survived to adulthood; and
- J. Rutsen Schuyler was a junior member of the firm Smith, Young, and Company, which sold “Military & Fancy goods” in Manhattan. He became the senior member of the firm Schuyler, Hartley & Graham founded in 1854 (Figures 4, 5, and 6), which sold similar merchandise from two shops at 19 Maiden Lane and 22 John Street near Wall Street. The company was called upon to provide arms and military goods for the North at the outbreak of the Civil War. Much like Abercrombie & Fitch during the Spanish-American War, Schuyler’s firm emerged from the Civil War as a great financial success. He retired from this business in 1876; and
- When the City of Bayonne was incorporated in 1869, Schuyler was elected by the voters to serve as a council member and then elected by the council members to serve as the first council president for two terms from 1869-1870 and 1871-1872. During those years, he developed a working relationship and lasting friendship with the first mayor of Bayonne – Henry Meigs, Jr.; and
- J. Rutsen Schuyler’s brother, John Arent Schuyler, Jr., married Frances Elizabeth Bleecker who was a first cousin of Mayor Meigs’ wife Mary Noel Bleecker. Thus, Meigs and Schuyler could also be considered “extended family”; and
- In early 1871, J.R. Schuyler built a large, brick three-story multi-use public building called the Schuyler Building at the northwest corner of Avenue C and West 8th Street. It featured a large room called Schuyler Hall that became a popular meeting place for educational, fraternal, social, and religious organizations in Bayonne; and
- The Rev. Henry Ward Beecher (1813-1887), a prominent [Congregationalist clergyman](#), [social reformer](#), [abolitionist](#), and [speaker](#) in the late-19th century, as well as brother of author Harriett Beecher Stowe, gave a lecture in Schuyler Hall as reported by The Bayonne Herald and Greenville Register on December 3, 1881. He had also lectured at the First Reformed Church in Bayonne a year earlier on December 1, 1880; and
- In 1872, J.R. Schuyler was one of the incorporators of the Mechanics Trust Company, along with other Bayonne merchants and businessmen Henry Meigs, Solon Humphreys, Rufus Story, Francis I. Smith, Hiram Van Buskirk, James W. Trask, Erastus Randall, and George Carragan; and
- Schuyler and his colleagues Randall, Meigs, Van Buskirk, and Humphreys are credited as the founders of the Bergen Point Gas-Light Company. An ad in the *Bayonne Herald and Greenville Register* of March 30th, 1878, identifies A.B. Warner, President; J.R. Schuyler, Vice President; and Alexander Crombie Humphreys, Secretary, of the Bayonne and Greenville Gas Light Company on Oak Street at the corner of Hobart Avenue; and
- Schuyler was a vestryman of Trinity Episcopal Church at Bergen Point. In 1879, he assumed financial responsibility for the cost of having the church repaired and enlarged. Jersey City architect Lewis H. Broome was hired to handle the exterior work, and Edward J. Neville Stent of New York handled the interior decorations. Regrettably, the church has been destroyed by fire twice since the improvements that Schuyler funded; and
- Items in the *Bayonne Herald and Greenville Register* show that J.R. Schuyler continued to build houses on his property up until 1884 when health issues began to affect him. Schuyler suffered strokes in 1884 and in 1887 and never fully recovered after the last stroke. He later fell, injuring his head and causing his death at age seventy years old. Schuyler died leaving an estate that owned property at nine different locations in

Bayonne, including the row houses on East 33rd Street. His real estate investments resulted in streets such as Schuyler Place and more recently Schuyler Place West that are named in his honor, as well as Edwards Court where his son, Edwards Ogden Schuyler, owned a house designed by architect Charles Edwards. Hartley Place is thought to be named after Schuyler's business partner, the philanthropist Marcellus Hartley; and

- After Schuyler died, the Schuyler Building served first as a Masonic Hall and then temporarily as a Bayonne High School, but it eventually fell to the wrecker's ball. The land on which it once stood now serves as Edward F. Clark Park named in honor of a former Mayor of the City of Bayonne; and
 - The shorefront Schuyler Mansion was purchased in 1913 by the Pavonia Yacht Club as their club house for their members. Later it became home to the Robbins Reef Yacht Club building, which relocated from New York Bay to Newark Bay. The Robbins Reef Yacht Club still exists today but with considerable modernization of both its interior and its exterior façade;
3. The Municipal Council further finds that the building has architectural and aesthetic significance it should be designated as a local landmark for the following cultural and historical impact:
- Built in 1878, the 135-year old property at 20 East 33rd Street retains most of its original architectural details. While the row house style of construction was popular on the Eastern seaboard, it was not frequently used in Bayonne. Unlike the downtown section of Jersey City that contains blocks of row houses, Bayonne only has isolated instances of the architecture. The Italianate-style row house at 20 East 33rd Street and the adjoining houses enhances the streetscape. It is a unique reminder of the Late Victorian Era, setting it apart from the design and fabrication of other structures in the neighborhood. The long wooden bay windows and doorway at the entrance give the property its elegance and curb appeal; and
 - It is also significant because of its builder and first owner, J. Rutzen Schuyler, and his role in local and national history. His selection of the architectural design is representative of the era of his influence in the development of the City of Bayonne. A successful New York merchant, Schuyler "adopted" Bayonne and contributed to the city with his real estate development and support of its political, economic, religious and social institutions; and
 - Many of the wood houses that Schuyler built in the vicinity of Bayonne Avenue have been modified and updated over the years. Only the brick row houses that Schuyler produced have been able to closely maintain their original appearance of 135 years ago. Thus, they are the most intact legacy that the city has from its first council president:

NOW THEREFORE, be it Ordained that the City Council of the City of Bayonne designates the J. Rutzen Schuyler Row House at 20 East 33rd Street, Block 146, Lot 37 on the Tax Map of the City of Bayonne, be added by municipal ordinance to the Register of Historic Places of Bayonne, NJ, as it meets the local standards (City of Bayonne) of Criteria D, E and F as well as Criterion C of the National Register for preservation.

SECTION 2. This Ordinance shall be noted on the zoning map of the City of Bayonne and filed with the City Tax Assessor.

SECTION 3. This Ordinance shall take effect after publication and passage according to law.

SECTION 4. The Municipal Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all other entitled thereto pursuant to N.J.S.A. 40:55D-15. Upon adoption of this ordinance, after public hearing thereon, the Municipal Clerk is further directed to publish notice of the passage thereof and to file a copy of this ordinance as finally adopted with the County Planning Board as required by N.J.S.A. 40:55D-16 and with the City Tax Assessor

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

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL OF THE CITY OF BAYONNE, CHAPTER 37, HISTORIC PRESERVATION ," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, December 14, 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 forward said ordinance to the County Planning Board pursuant to the provisions of N.J.S. 40:55D-15, and to the Bayonne Planning Board for its review and a report pursuant to section 37-8.2(d) of the Revised General Ordinances of the City of Bayonne; and be it further

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

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

* * * * *

06. Council Member Cotter introduced:

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF AND THE PAYMENT OF A PORTION OF THE PURCHASE PRICE OF REAL PROPERTY AND VARIOUS 2016 CAPITAL IMPROVEMENTS, BY AND IN THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY (THE "CITY"); APPROPRIATING \$4,730,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,500,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COSTS THEREOF

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the City of Bayonne, in the County of Hudson, State of New Jersey (the "City"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$4,730,000, said

sum being inclusive of a down payment in the aggregate amount of \$230,000 for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The down payment is now available by virtue of a provision or provisions in a previously adopted budget or budgets of the City for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$4,730,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the City are hereby authorized to be issued in the aggregate principal amount not exceeding \$4,500,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the City in an aggregate principal amount not exceeding \$4,500,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued include, but are not limited to, as follows:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) <u>Real Property Acquisition</u> – Acquisition and payment of a portion of the purchase price of real property, a lawful public purpose, such real property being designated as Block 284, Lot 2 on the Official Tax Map of the City, and being commonly known as 237-249 Avenue A, Bayonne, New Jersey;	\$2,553,995	\$2,429,804	\$124,191	40 years
(ii) <u>Improvements to Communication Systems</u> – Computer Dispatch and Network System Improvements At Various Facilities Throughout The City, Including, But Not Limited To, Acquisition And Installation, As Applicable, Of Computer Hardware and Software, Communication System Equipment And Accessories Including, But Not Limited To, Backup Battery Improvements, Dispatch Radio Control Consoles, Network Components And A Radio/Telephone Recording System;	\$1,200,378	\$1,142,009	\$58,369	7 years
(iii) <u>Improvements to Computer Assisted Dispatch/Records Management Systems for the Police and Fire Departments</u> – Improvements To The Police And Fire Departments Computer Assisted Dispatch/Records Management System Including, But Not Limited To, Acquisition And Installation, As Applicable, Of Computer Hardware And Software, An Off-Site Data Recovery System And Mobile Tablet Computers;	\$791,739	\$753,240	\$38,499	10 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(iv) <u>Improvements to Police Department Facility-</u> Capital Improvements To Detention Facilities At Police Department Including, But Not Limited To, Plumbing Fixture Improvements;	\$30,648	\$29,158	\$1,490	15 years
(v) <u>Improvements to Technology Systems for the Municipal Building – Acquisition And Installation, As Applicable, Of Various Computer Hardware and Software and Telecommunication Equipment for the Municipal Building; and</u>	\$51,080	\$48,597	\$2,483	5 years
(vi) <u>Improvements to Parks and Infrastructure – Various Park and Infrastructure Improvements throughout the City.</u>	\$102,160	\$97,192	\$4,968	5 years
TOTALS	<u>\$4,730,000</u>	<u>\$4,500,000</u>	<u>\$230,000</u>	

(b) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$4,500,000.

(c) The aggregate estimated cost of said improvements or purposes is \$4,730,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the down payment available for said purposes.

(d) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, surveying, title searches, inspections, all engineering and design work, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and also shall include all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto and all in accordance with the plans and specifications therefor on file in the Office of the Clerk of the City and available for public inspection and hereby approved.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Hudson make a contribution or grant in aid to the City for the improvements and purposes authorized hereby and the same shall be received by the City prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Hudson. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Hudson shall be received by the City after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the City, provided that no note shall mature

later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the City shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey, is on file in the Office of the Clerk of the City and is available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the City may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 25.30 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the City and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$4,500,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements herein before described.

SECTION 8. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of the principal of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The City hereby declares the intent of the City to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of

this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The City Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The City Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission⁴ (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The City is hereby authorized to acquire the Property and to negotiate an agreement of sale for the aforesaid acquisition. The Mayor, Business Administrator, Chief Financial Officer, Comptroller, Corporation Counsel and the City Clerk are each hereby authorized, as applicable, to negotiate, approve, execute, attest, deliver and perform said agreement of sale and any and all documents necessary to acquire said Property.

SECTION 12. The City covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this bond ordinance.

SECTION 13. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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 "BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF AND THE PAYMENT OF A PORTION OF THE PURCHASE PRICE OF REAL PROPERTY AND VARIOUS 2016 CAPITAL IMPROVEMENTS, BY AND IN THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY (THE "CITY"); APPROPRIATING \$4,730,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,500,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COSTS THEREOF," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, December 14, 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, Perez and President Nadrowski.

Nay - Council Member LaPelusa.

* * * * *

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

WHEREAS, the City Administration is interested in determining if it is in the best interest of the City of Bayonne to purchase the property located at 237-249 Avenue A, Block 284, Lot 2 (commonly known as Holy Family Academy); and

WHEREAS, the City Administration and the record owners of the property have engaged in bona fide, preliminary negotiations designed to determine if an agreement can be reached whereby the City of Bayonne would, consistent with its authority to acquire privately owned land for public purposes pursuant to N.J.S.A. 40A:12-1 et seq., purchase the subject property for open space, public use and/or other redevelopment; and

WHEREAS, the property would have to be independently appraised and funds would have to be properly appropriated by the City in order to acquire the subject property; and

WHEREAS, on November 7, 2016, the Mayor and the record property owner executed a preliminary term sheet, a copy of which is attached hereto and made a part hereof, setting forth general terms and conditions of a proposed purchase and sale of the subject premises; and

WHEREAS, the Administration now seeks authorization to negotiate and finalize terms of a formal contract with the record owner, subject to normal and customary terms including appraisal, which shall be subject to approval by the Municipal Council; now, therefore, be it

RESOLVED, that the Mayor and Business Administrator are hereby authorized to enter into negotiations for the purchase of 237-249 Avenue A, Bayonne, New Jersey (Block 284, Lot 2) with the record owner thereof consistent with N.J.S.A. 40A:12-1 et seq; and, be it further

RESOLVED, that, in the event the Mayor and Business Administrator determine that they believe it is in the best interests of the City of Bayonne to purchase said property and enter into a formal contract for the purchase of the subject premises, the Mayor and Business Administrator are hereby authorized to execute a purchase contract, subject to normal and customary terms including appraisal, which contract shall not be binding upon the City of Bayonne until such time as same has been presented to and approved by this Municipal Council.

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

* * * * *

08. 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

048. Anthony Feminello, 132 West 54th Street

Beginning at a point on the south side of West 54th Street, 221 feet east of the southeast corner of Kennedy Boulevard and West 54th Street, and extending to a point 20 feet east thereof.

107. Maria Petrus, 92 West 50th Street

Beginning at a point on the south side of West 50th Street, 317 feet east of the southeast corner of West 50th Street and Avenue B, and extending to a point 18 feet east thereof.

ADD

112. Colleen Higgins, 105 Hobart Avenue

Beginning at a point on the west side of Hobart Avenue, 27 feet south of the southwest corner of Hobart Avenue and East 4th Street, and extending to a point 18 feet south thereof.

215. Dale Shah, 119 West 21st Street

Beginning at a point on the north side of West 21st Street, 151 feet west of the northwest corner of West 21st Street and Kennedy Boulevard, and extending to a point 18 feet west thereof.

237. Juan Matos, 41 West 16th Street

Beginning at a point on the north side of West 16th Street, 180 feet east of the northeast corner of West 16th Street and Avenue C, and extending to a point 22 feet east thereof.

278. Orlando Diaz, 174 Prospect Avenue

Beginning at a point on the east side of Prospect Avenue, 63 feet north of the northeast corner of East 27th Street and Prospect Avenue, and extending to a point 18 feet north thereof.

371. Regina Donovan, 76 West 43rd Street

Beginning at a point on the south side of West 43rd Street, 225 feet west of the southwest corner of West 43rd Street and Avenue C, and extending to a point 18 feet west thereof.

378. Amreeta Sukhram, 96 West 19th Street

Beginning at a point on the south side of West 19th Street, 151 feet east of the southeast corner of West 19th Street and Kennedy Boulevard, and extending to a point 18 feet east thereof.

379. Annette Cappozzoli, 437 Kennedy Boulevard

Beginning at a point on the south side of West 16th Street, 80 feet west of the southwest corner of West 16th Street and Kennedy Boulevard, and extending to a point 19 feet west thereof.

388. Jacqueline Garcia, 34 West 47th Street

Beginning at a point on the south side of West 47th Street, 281 feet east of the southeast corner of West 47th Street and Avenue C, and extending to a point 18 feet east thereof.

RE-ISSUE

105. Geraldine Boasci to Liz D'Amato, her daughter, 47 East 27th Street

Beginning at a point on the north side of East 27th Street, 103 feet west of the northwest corner of Avenue E and East 27th Street, and extending to a point 22 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, LICENSING-REGISTRATION AND BUSINESS REGULATIONS," just introduced, do

now pass a first reading and that a meeting of this Council to be held Wednesday, December 14, 2016 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

* * * * *

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

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

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

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

* * * * *

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

From MEGAN DWECK, filing notice of tort claim, alleging property damage to her automobile on September 29, 2016 when it struck by a Bayonne Fire Department truck at the intersection of Manila Avenue at 7th Street in Jersey City.

* * * * *

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

From Superior Court of New Jersey, Chancery Division Summons and Complaint in matter entitled, "WELLS FARGO BANK, NA vs. DAVIS, as the Administrator of the ESTATE OF RICHARD JACKSON, et al., incl. THE CITY OF BAYONNE." (mortgage foreclosure – city has possible judgements against debtor)

* * * * *

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

From Superior Court of New Jersey, Chancery Division Summons and Complaint in matter entitled, "EVERHOME MORTGAGE COMPANY f/k/a ALLIANCE MORTGAGE CO. vs. MARY ULICHNY, et al., incl. THE CITY OF BAYONNE." (mortgage foreclosure – City holds second mortgage)

* * * * *

13. 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.

* * * * *

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

October 21, 2016

Dear Council President Nadrowski
And Honorable Members of City Council:

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

Commissioner
Christopher L. Patella, Esq.
868 Broadway, Bayonne, NJ 07002

Term expiring on December 31, 2018
(Unexpired term of Edith Sinclair-Morris)

In conjunction with this appointment the City Clerk has been directed to add an accompanying item on the November 2, 2016 Council Caucus 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.

* * * * *

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

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

* * * * *

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

DATE: November 4, 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 NOVEMBER 2016

JANET CONVERY
(signed)

* * * * *

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

From Terrence Malloy, CFO, submitting Supplemental Debt Statement as of November 9, 2016.

* * * * *

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

BID REPORT
FOR THE MUNICIPAL COUNCIL

Date: 10/18/16 Ad Date: 09/30/16

Date bids accepted: 10/13/16 Attending: Amy Dellabella, Purchasing Agent

Bid titled: Rock Salt

Bidder: Total Price

Atlantic Salt, Inc.
134 Middle Street Suite 210
Lowell, MA 01852

\$354,000.00

Morton Salt, Inc.
123 North Wacker Drive
Chicago, IL 60606-1743

\$522,385.00

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

* * * * *

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

BID REPORT
FOR THE MUNICIPAL COUNCIL

Date: 10/18/16 Ad Date: 09/30/16 Date bids accepted: 10/13/16

Attending: Amy Dellabella, Purchasing Agent

Bid titled: Snow removal During Snow Emergency

Bidder:	Total Price
Control Industries	1-3 feet \$488,805.31
109 East 24 th Street	3-6 feet \$783,171.32
Bayonne, NJ 07002	

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

* * * * *

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 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.

* * * * *

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

RESOLVED, That the official minutes of the regular council meeting held Wednesday October 19, 2016 be and the same are hereby approved.

* * * * *

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

RESOLVED, That the official minutes of the council caucus meeting held Wednesday, October 12, 2016, be and the same are hereby approved.

* * * * *

23. 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 \$ 25.20 be drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of licenses Nos. 1218-1229 inclusive, 11 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.

* * * * *

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

WHEREAS, the City Clerk's Office has issued One Hundred forty-one (141) Marriage Licenses during the months of July, August and September and has collected \$25.00 per license, which is to be forwarded to the Division of Youth and Family Services, now, therefore be it

RESOLVED, that a warrant in the amount of Three thousand five hundred and twenty-five dollars (\$3525.00) be drawn to the order of the Treasurer, State of New Jersey and forwarded to the City Clerk's Office for disbursement.

* * * * *

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

WHEREAS, Kenneth R. Moyer of Seagis Property Group, LP submitted an OPRA request for documents in connection with 59 Hook Road, Bayonne, NJ 07002; and

WHEREAS, the Office of the City Clerk inadvertently provided Mr. Moyer with copies of additional documents in response to his aforesaid OPRA request; and

WHEREAS, Mr. Moyer was overcharged the amount of \$12.10 for same; and

WHEREAS, Mr. Moyer returned the aforesaid non-responsive documents via overnight mail at a cost of \$10.00; and

WHEREAS, Mr. Moyer has requested a refund for the cost of the additional documents copies and return shipping expenses; and

WHEREAS, funds are certified as available in Account GL-220; now, therefore, be it

RESOLVED, by the Municipal Council that the Municipal Treasurer is hereby authorized to issue a warrant in the amount of \$22.10 payable to Kenneth R. Moyer representing refund of overpayment for copies and reimbursement of return shipping fees chargeable to Account GL-220.

* * * * *

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

RESOLVED, that the actions of the Treasurer in issuing warrants totaling \$ 10,500.00 are hereby ratified and confirmed. Said warrants are charged to Trust- Chapter 25 for release of Cash Performance Bonds for Road Openings. Said warrants are as follows: 231 Ave C LLC - \$ 1,500.00

Infinity	- \$ 1,500.00
Skyhail, LLC	- \$ 1,500.00
Skyhail, LLC	- \$ 1,500.00
Skyhail, LLC	- \$ 1,500.00
Skyhail, LLC	\$ 1,500.00
Skyhail, LLC	\$ 1,500.00

* * * * *

27. 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
St. Andrew's/St. Mary's HNS Blessed Miriam Teresa Parish	11:00 PM 126 Broadway March 11, 2017	RL: 9138
Bayonne Feral Cat Foundation	290 Avenue E December 10, 2016	RL: 9139 RL: 9140

HSA All Saints Catholic Academy

R: 9141

19 West 13th Street
January 27, 2017

* * * * *

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

WHEREAS, the City Clerk advertised in the Jersey Journal on September 30, 2016 that sealed bids for Rock Salt for City Streets would be received on October 13, 2016; and

WHEREAS, pursuant to such advertisement, the following two (2) proposals were received from:

Bidders	Delivered	Unit Price	Total
Atlantic Salt Inc. 134 Middle Street Suite 210 Lowell, MA 01851	5,500 tons	\$59.00/Ton	\$324,500.00
	500 tons	\$59.00/Ton	\$ 29,500.00

Total Bid Amount: \$354,000.00

Morton Salt, Inc. 123 North Wacker Drive Chicago, IL 60606-173 Lowell MA 01851	5,500 tons	\$87.07/Ton	\$478,885.00
	500 tons	\$87.00/Ton	\$ 43,500.00

Total Bid Amount: \$522,385.00;

and

WHEREAS, Amy Dellabella, Purchasing Agent and Gary Chmielewski, Director of Public Works, Parks and Recreation, have examined the bids or proposals and have determined that the bid of Atlantic Salt Inc., 134 Middle Street, Suite 210, Lowell, MA 01851, is a regular bid and is most advantageous to the City of Bayonne for Rock Salt for City Streets; and

WHEREAS, the Municipal Comptroller has filed a certification with the city clerk that funds are available in Account #PW-Snow 01-201-26-291-2-030; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The contract for Rock Salt for City Streets be awarded to:

Atlantic Salt Inc., 134 Middle Street, Suite 210, Lowell, MA 01851 for a total bid amount not to exceed \$354,000.00 based on the following:

Delivered	Unit Price	Total
5,500 tons	\$59.00/Ton	\$324,500.00
500 tons	\$59.00/Ton	\$ 29,500.00

2. The contract be executed in the name of the City of Bayonne by the proper city officials.

3. Said sum be charged to Account ##PW-Snow 01-201-26-291-2-030.

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

* * * * *

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

WHEREAS, the City Clerk, advertised in the Jersey Journal on September 30, 2016 that sealed bids for Snow Removal During Snow Emergency would be received on October 13, 2016; and

WHEREAS, pursuant to said advertisement, only one (1) bid was received as follows:

<u>Bidder</u>	<u>1 to 3 Feet</u>	<u>3 to 6 Feet</u>
Control Industries	\$488,805.31	\$783,171.32
103 East 25 th Street		
Bayonne, New Jersey		

as reported on the Municipal Council Bid Report; and

WHEREAS, Amy Dellabella, Purchasing Agent, and Gary Chmielewski the Director of Public Works and Parks have reviewed the bid and have recommended that the City Council consider rejecting the bid pursuant to N.J.S.A. 40A:11-13.2 in that the bid received, exceeds the City's appropriation for the goods or services; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Municipal Council hereby rejects the following bid for the reasons stated above:

<u>Bidder</u>	<u>1 to 3 Feet</u>	<u>3 to 6 Feet</u>
Control Industries	\$488,805.31	\$783,171.32
103 East 25 th Street		
Bayonne, New Jersey		

2. The City Clerk be and is hereby authorized to re-advertise for bids for Snow Removal During Snow Emergency.

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

* * * * *

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

WHEREAS, on September 16, 2015, this Municipal Council passed Resolution No. 15-09016-057, authorizing the award of contract for the design and construction of a Skate Park located at Dennis P. Collins Park be awarded to Spohn Ranch, Inc., 15131 Clark Avenue, City of Industry, California 91745 through an Interlocal Agreement for Cooperative Purchasing with

the Houston-Galveston Area Council Purchasing Program for an amount not to exceed three-hundred thousand dollars (\$300,000.00); and

WHEREAS, the Director of Public works requested additional Skate Square Footage that will result in an increase in the contract amount of \$60,000.00 and

WHEREAS, the City is in receipt of a Change Order from Spohn Ranch, Inc. dated June 24, 2016 reflecting the additional Skate Square Footage for an additional amount of \$60,000.00 attached hereto and made a part hereof; and

WHEREAS, the Director of Public Works has reviewed, approved and recommended Change Order No. 1 to the aforesaid Agreement Spohn Ranch, Inc.; and

WHEREAS, funds are certified as available in Account Nos. O-15-16 and O-99-14; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The attached Change Order from Spohn Ranch, Inc. dated June 24, 2016 is hereby approved making the total contract amount three-hundred sixty thousand dollars (\$360,000.00).
2. The Mayor and City Clerk shall be and is hereby authorized to execute any and all documents to effectuate same.
2. Funds shall be charged to Accounts O-15-16 and O-99-14.

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

* * * * *

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

WHEREAS, the City Administration determined it in the best interest of the City and its citizens to establish a Standards of Conduct and Ethics / Conflict of Interest Policy for Off Duty/Outside Employment by City employees; and

WHEREAS, the City Administration promulgated such a policy effective October 27, 2016 and issued the attached Memorandum to all employees; now be it

RESOLVED, by the Municipal Council as follows:

1. That the actions of the City Administration in implementing the Standards of Conduct and Ethics / Conflict of Interest Policy for Off Duty / Outside Employment by city employees as set forth in the attached Memorandum dated October 27, 2016 and issued to all employees is hereby ratified and affirmed; and
2. The Mayor and City Clerk shall be and are hereby authorized to execute any and all documents to further effectuate this policy.

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

* * * * *

32. 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 Fire Department was in need of emergency repair of its 95' Aerialscope Boom Fire Apparatus; and

WHEREAS, FWD Seagrave, 105 East 12th Street, Clintonville, WI, the manufacturer of the aforesaid 95' Aerialscope Boom Fire Apparatus, has proprietary ownership of the parts necessary to perform said repairs; and

WHEREAS, FWD Seagrave has provided the City with a proposal for the aforesaid repair services for the amount of \$84,363.03; and

WHEREAS, Local Public Contracts Law, N.J.S.A. 40A:11-15(1)(i), provides for the award of a contract which exceeds the bid threshold without public advertising for bids and bidding when the subject matter thereof consists of equipment repair service in the nature of an extraordinary unspecifiable service and necessary parts furnished in connection with such service; and

WHEREAS, the Chief of the Fire Department has provided this Municipal Council with a Certification of Extraordinary, Unspecifiable Services pursuant to N.J.S.A. 40A:11-5(1)(a); and

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

WHEREAS, FWD Seagrave has completed and submitted a "Business Entity Disclosure Certification for Non-Fair and Open Contracts" required Pursuant to N.J.S.A. 19:44A-20.8 which certifies that FWD Seagrave has not made any reportable contributions to a political or candidate committee in the City of Bayonne in the previous one year, and that the contract will prohibit FWD Seagrave from making any reportable contributions through the term of the contract; and

WHEREAS, it is essential for the safety and welfare of the public that the Fire Department's equipment be maintained in order to respond to the public in the most effective manner; and

WHEREAS, due to exigent circumstances, and in order to avoid any unnecessary delay in the performance of the aforesaid emergency repairs, it was necessary for the Chief of the Fire Department to authorize his designee to execute a contract with FWD Seagrave in order to effectuate the aforesaid emergency repairs prior to obtaining approval from this Body; and

WHEREAS, due to exigent circumstances, it was necessary for the Municipal Treasurer to issue a warrant payable to FWD Seagrave in the amount of \$50,617.82 in order to effectuate the aforesaid emergency repair of the 95' Aerialscope Boom Fire Apparatus without any unnecessary delay; and

WHEREAS, funds are certified as available in Account #01-201-25-265-2-020;

RESOLVED, by the Municipal Council as follows:

1. The actions of the Chief of the Fire Department in authorizing his designee to execute a contract with FWD Seagrave, 105 East 12th Street, Clintonville, WI for the emergency repair of the aforesaid 95' Aerialscope Boom Fire Apparatus for the amount of \$84,363.03 chargeable to Account #01-201-25-265-2-020 are hereby ratified and affirmed.

2. The actions of the Municipal Treasurer in issuing a warrant payable to FWD Seagrave in the amount of \$50,617.82 Account #01-201-25-265-2-020 are hereby ratified and affirmed.

3. The Mayor and the City Clerk are hereby authorized to execute any further addenda to be prepared by the Law Department necessary to render the contract enforceable and in conformance with State and local laws.

4. The Business Disclosure Entity Certification; Determination and Certification of Value; and Certification of Extraordinary, Unspecifiable Service shall be placed on file with this resolution.

5. 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.

* * * * *

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

WHEREAS, The local capital budget for the year CY 2016 was adopted on the 21ST day of SEPTEMBER, 2016 and,

WHEREAS, it is desired to amend said adopted capital budget section,
NOW THEREFORE BE IT RESOLVED, by the MUNICIPAL COUNCIL of the
CITY of BAYONNE County of HUDSON,
that the following amendment(s) to the adopted Capital budget section of CY 2016
be made:

CAPITAL BUDGET (CURRENT YEAR ACTION)
CY 2016
PLANNED FUNDING SERVICES FOR CURRENT YEAR CY 2016

<u>1</u> <u>PROJECT</u>	<u>2</u> <u>PROJECT</u> <u>NUMBER</u>	<u>3</u> <u>ESTIMATED TOTAL</u> <u>COST</u>	<u>4</u> <u>AMOUNTS</u> <u>RESERVED IN PRIOR</u> <u>YEARS</u>	<u>5(a)</u> <u>19 BUDGET</u> <u>APPROPRIATIONS</u>	<u>5(b)</u> <u>CAPITAL</u> <u>IMPROVEMENT FUN</u>
VARIOUS CAPITAL IMPROVEMENTS	1	\$4,730,000			\$230,000
<u>TOTAL ALL PROJECTS</u>		\$4,730,000			\$230,000

YEAR CAPITAL PROGRAM CY 2016
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENT

<u>1</u> <u>PROJECT</u>	<u>2</u> <u>PROJECT</u> <u>NUMBER</u>	<u>3</u> <u>ESTIMATED</u> <u>TOTAL COST</u>	<u>4</u> <u>ESTIMATED COMPLETION</u> <u>TIME</u>	<u>BUDGET YEAR</u>
VARIOUS CAPITAL	1	\$4,730,000		\$4

IMPROVEMENTS

TOTAL ALL PROJECTS

\$4,730,000

\$4

SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

PROJECT	1	3. BUDGET APPROPRIATIONS			4	5	G O
		7. <u>BONDS AND NOTES</u>	(A)	(B)			
		2					
		<u>ESTIMATED</u>	<u>CURRENT YEAR</u>	<u>FUTURE</u>	<u>CAPITAL</u>	<u>CAPITAL</u>	
		<u>TOTAL COST</u>	<u>2016</u>	<u>YEARS</u>	<u>IMPROVEMENT</u>	<u>SURPLUS</u>	
					<u>FUND</u>		
VARIOUS		\$4,730,000			\$230,000		
CAPITAL							
IMPROVEMENTS							
<u>TOTAL ALL PROJECTS</u>		\$4,730,000			\$230,000		

Be it Further Resolved, that two certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services.

It is hereby certified that this is a true copy of a resolution amending the capital budget section adopted by the governing body on the 9th day of November, 2016.

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

* * * * *

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

RESOLVED, that the budgetary transfers as set forth below pertaining to the CY 2016 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

No.	Account	Amount	Account	Amount
1.	Mun. Court-S &W	\$ 6,000.	Mun. Court-O.E.	\$ 6,000.
	Law Enforcement-		Law Enforcement-Uniform-OE	\$ 60,000.
	Uniform-S&W	\$105,000.	Solid Waste Collection-O.E.	\$ 67,000.
	Solid Waste Tipping	\$235,000.	Collection of Taxes-S&W	\$ 10,000.

Tax Assessor – S & W	\$ 2,000.
Law Dept.-Contracts	\$ 25,000.
Planning & Zoning-O.E.	\$ 1,000.
Fire Dept-NonUniform-S&W	\$ 15,500.
Fire Department O.E.	\$ 45,000.
Office of the Public Defender-OE	\$ 18,000.
Rent Control – O.E.	\$ 500.
Vehicle Maintenance-S&W	\$ 12,000.
Vehicle Maintenance-O.E.	\$ 50,000.
Maintenance of Parks-O.E.	\$ 20,000.
Buildings & Grounds-O.E.	\$14,000.00

PARKING UTILITY

No.	Account	Amount	Account	Amount
1.	Parking Utility-Other		Parking Utility-O.E.	\$30,000.
	Insurance	\$47,000.	Social Security	\$17,000.

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

* * * * *

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

WHEREAS, PSIP Avenue A, LLC, (“PSIP”) is the owner and anticipated redeveloper of the assemblage of parcels known as the former Best Foods site, having a street address at 99 Avenue A, Bayonne, New Jersey; and

WHEREAS, the City of Bayonne (“City”) owns an adjacent parcel, designated on the City’s tax maps as Block 333.01, Lot 1 (“Lot 1”); and

WHEREAS, PSIP has expressed an interest in acquiring Lot 1 and adding it to the assemblage for the redevelopment, and the City has expressed an interest in incorporating Lot 1 into the designated redevelopment area, including it in the redevelopment plan for that area, and selling it to PSIP; and

WHEREAS, the terms and conditions of the sale of Lot 1 are in the process of being negotiated as part of a redevelopment agreement between PSIP and the City; and

WHEREAS, PSIP is in contract to purchase another adjacent parcel, Block 333.01, Lot 2, from the private owner of that parcel, also with the intention of adding it to the assemblage for redevelopment; and

WHEREAS, under the terms of that contract, PSIP will be conducting “due diligence” investigations of that parcel, including site investigation and assessment of the environmental condition of the property; and

WHEREAS, in the interests of time and efficiency, PSIP has requested that the City permit access to Lot 1 so that PSIP can simultaneously commence its due diligence investigations as to Lots 1 and 2, in advance of the completion and execution of the redevelopment agreement being negotiated between PSIP and the City; and

WHEREAS, the City is willing to grant such access to Lot 1 to PSIP and its consultants for that purpose under the terms and conditions as listed below; and

WHEREAS, PSIP has provided the City with a Scope of Work and a Site Map from its contractor, SESI Consulting Engineers ("SESI") dated October 31, 2016 attached hereto and made a part hereof; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. Permission is hereby granted to PSIP Avenue A, LLC, its employees, agents, contractors and consultants to enter onto Lot 1 to conduct site investigation and due diligence, pursuant to the Scope of Work and Site Map from PSIP's Consulting Engineers, SESI, dated October 31, 2016 attached hereto and made a part hereof on the condition that: 1) PSIP 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 ExxonMobil's request for access; 3) the proposed Scope of Work is approved by the City's engineer and LSRP at PSIP's expense; 4) no permits will issue without a fully executed Right of Entry/Access Agreement; 5) valid permits to be issued by the City's Building Department prior to the start of any work; and 6) PSIP 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.

* * * * *

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

WHEREAS, by way of Municipal Council Resolution No. 15-08-19-049 adopted on August 19, 2015, the Mayor and City Clerk to entered into an agreement with BCAP/Build America Association, Inc., 28 West 20th Street, Bayonne, NJ (the "Subrecipient") to provide Community Development Block Grant ("CDBG") Funds in the amount of \$6,000.00 for the purpose of funding its 2015 Marketing Upgrade Project; and

WHEREAS, pursuant to the aforesaid Resolution No. 15-08-19-49, the City of Bayonne entered into Agreement No. CY15-070 with the Subrecipient; and

WHEREAS, subsequent thereto, the Subrecipient requested permission to use the aforesaid \$6,000.00 of CDBG Grant funds for the purpose of funding its Special Needs Support Program and has provided the Office of Community Development with an Amended Application reflecting same; and

WHEREAS, the City may use CDBG funds to assist the Subrecipient in accordance with the regulations governing the CDBG Program under Section 570:201(a)208(a)(2)(i)(A), paragraph (e), Public Services; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to execute an amendment to Agreement No. CY15-070 with the BCAP/Build America Association, Inc. to amend the purpose of the \$6,000.00 CDBG funds to reflect said funds are being provided to fund its Special Needs Support Program.

2. All other terms and conditions of Agreement No. CY15-070 shall remain the same.

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

* * * * *

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING AND DIRECTING THE PLANNING BOARD TO PREPARE AN AMENDED REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT THE PENINSULA AND REFERRED TO AS A PORTION OF BLOCK 830, LOT 1 AS SHOWN ON THE OFFICIAL TAX MAP IN THE CITY OF BAYONNE PURSUANT TO THE LOCAL REVELOPMENT AND HOUSING LAW, *N.J.S.A. 30A:12A-1 ET. SEQ.*

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

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

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

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

WHEREAS, the Redevelopment Plan was adopted on July 19, 2006 with subsequent amendments made thereto; 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 (the “Redevelopment Entity”); and

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

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

WHEREAS, Boraie Development Urban Renewal LLC of 120 Albany Street, New Brunswick, NJ 08901 submitted information to the City outlining its, experience, expertise and financial capabilities to design and construct a project on the property referenced above requested designation by the City as the “redeveloper” for said Property; and

WHEREAS, on November 10, 2015, the Municipal Council passed Resolution R-6 designating Boraie Development Urban Renewal LLC as the Redeveloper of the Property and authorized the execution of a Redevelopment and Purchase and Sale Agreement by and between the City of Bayonne as Redevelopment Entity and Boraie Development Urban Renewal LLC; and

WHEREAS, the Municipal Council now believes that it is in the best interests of the City to amend the Redevelopment Plan to expand the scope of the revitalization and redevelopment efforts in the City and make necessary modifications to the Redevelopment Plan; and

WHEREAS, in accordance with the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.*, the Municipal Council is desirous of directing the Planning Board to prepare the Amended Redevelopment Plan.

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

Section 1. The Planning Board of the City of Bayonne is hereby authorized and directed to prepare an amendment to the Redevelopment Plan for the Property identified as Block 830, Lot 1 as shown on the official Tax Map of the City in accordance with the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.*

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

Section 3. This Resolution shall take effect immediately.

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

* * * * *

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING AND DIRECTING THE PLANNING BOARD TO CONDUCT A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER CERTAIN PROPERTY LOCATED AT 517 – 519 AVENUE E, 521-523 AVENUE E, 525- 527 AVENUE E, 529 AVENUE E, 531 AVENUE E, WHICH PROPERTY IS IDENTIFIED AS BLOCK 140, LOTS 21, 22, 23, 24, AND 25 WITHIN THE CITY CONSTITUTES A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT 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") to conduct such an investigation to determine if certain properties located at 517-519 Avenue E, 521-523 Avenue E, 525-527 Avenue E, 529 Avenue E, 531 Avenue E in the City, which properties are identified as Block 140, Lots 21, 22, 23, 24, and 25 as shown on the official Tax Map of the City (the "Study Area"), constitute a non-condemnation "area in need of redevelopment," in accordance with the Redevelopment Law; and

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*; and

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

NOW THEREFORE, BE IT RESOLVED 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 Planning Board is hereby directed to conduct a preliminary investigation to determine whether the Study Area, 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 140, Lots 21, 22, 23, 24, and 25 on the City's Tax Maps; 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.

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. This Resolution shall take effect immediately.

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

* * * * *

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY DESIGNATING MAHALAXMI BAYONNE, LLC AS CONDITIONAL REDEVELOPER FOR A PORTION OF THE PENINSULA AT BAYONNE HARBOR, REFERRED TO AS HARBOR STATION SOUTH, WHICH PROPERTY IS SHOWN AS PROPOSED BLOCK 751, LOT 1 ON A FINAL MAJOR SUBDIVISION PLAT

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

WHEREAS, 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 referred to as Harbor Station South (the "Redevelopment Property"); and

WHEREAS, the City is the owner of the Redevelopment Property; 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, in February of 2016, the City approved the subdivision of the Redevelopment Property pursuant to a Final Major Subdivision Plat, prepared by Partner Engineering and Science, Inc., dated November 11, 2015 ("Major Subdivision Plat"), which modified the existing lots within the Redevelopment Property for future sale and redevelopment purposes; and

WHEREAS, the Major Subdivision Plat has not yet been recorded with the Office of the Hudson County Register; and

WHEREAS, among other lots, the Major Subdivision Plat creates "Proposed Block 751, Lot 1" consisting of approximately 27.328 acres of land (the "Property"); and

WHEREAS, by Resolution adopted on April 20, 2016, the City authorized a Request for Qualification for redevelopers to submit proposals for the redevelopment of the Redevelopment Property; and

WHEREAS, MAHALAXMI BAYONNE, LLC, a limited liability company of the State of New Jersey with an office at 2449 Kennedy Blvd., Jersey City, NJ 07304 ("MBL") informed the City of its interest in acquiring and redeveloping the Property, and

WHEREAS, the City and MBL have negotiated and prepared a purchase proposal (the "Purchase Proposal") for the Property setting forth the general terms of understanding with respect to moving forward with the redevelopment of the Property; and

WHEREAS, at this time, the Municipal Council wishes to designate MBL as conditional redeveloper ("Conditional Redeveloper") subject to the negotiation and preparation of a mutually agreeable Redevelopment Agreement; and

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

Section 1. The aforementioned recitals are incorporated herein as if fully set forth herein.

Section 2. MBL is hereby conditionally designated as the Redeveloper of proposed Block 751, Lot 1 consisting of approximately 27.328 acres of land as shown on the Final Major Subdivision Plat, prepared by Partner Engineering and Science, Inc., dated November 11, 2015, subject to the negotiation of a mutually agreeable Redevelopment Agreement between MBL and the City of Bayonne, which Redevelopment Agreement must be approved by this Municipal Council.

Section 3. This Resolution shall take effect immediately.

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

* * * * *

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY DESIGNATING NORTH STREET PROPERTIES, LLC AS REDEVELOPER OF THE PROPERTY LOCATED AT BLOCK 295, LOTS 16 AND 17 ALSO REFERRED TO AS NORTH STREET REAR AND NORTH STREET BETWEEN 105A AND 107 - ALSO REFERRED TO AS 105.5 NORTH STREET AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH NORTH STREET PROPERTIES, LLC FOR THE REDEVELOPMENT OF SUCH PROPERTY IN ACCORDANCE WITH THE REDEVELOPMENT PLAN

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

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

WHEREAS, the Municipal Council, pursuant to Resolution No. 15-03-18-020, directed the Planning Board, to prepare and review a Redevelopment Plan for Block 295, Lot 17) and make recommendations to the Municipal Council in accordance with the Redevelopment Law; and

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

WHEREAS, the Municipal Council, pursuant to Resolution No. 16-01-20-012, directed the Planning Board, to prepare and review a Redevelopment Plan for Block 295, Lots 16 and 17 (the "Rehabilitation Area") and make recommendations to the Municipal Council in accordance with the Redevelopment Law; and

WHEREAS, the Rehabilitation Area encompasses approximately 0.66 acres of land and consists of property located at 105.5 North Street between Avenue A and North Lane; and

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Municipal Services prepared a Redevelopment Plan for the Rehabilitation Area titled "Redevelopment Plan Block 295, Lots 16-17 105.5 North Street" dated January 17, 2016 (the "Redevelopment Plan"); and

WHEREAS, on March 8, 2016 the Planning Board adopted a Resolution recommending the Redevelopment Plan to the Municipal Council concluding that the Redevelopment Plan is consistent with the Master Plan of the City of Bayonne (the "Resolution"); and

WHEREAS, the Municipal Council agreed with the Planning Board's recommendation and on April 20, 2016, the Municipal Council adopted the Redevelopment Plan; and

WHEREAS, North Street Properties, LLC, a limited liability company of the State of New Jersey, with an office address of 3125 Rt.10E., Suite 2B, Denville, NJ 07834, (the "Redeveloper") wishes to develop the Rehabilitation Area and use it for the purpose of implementing the Redevelopment Plan; and

WHEREAS, the Redeveloper has requested that the Municipal Council, as a redevelopment entity, prepare a redevelopment agreement with the Redeveloper providing for the development of the Property in accordance with the Redevelopment Plan (the "Redevelopment Agreement"); and

WHEREAS, the Municipal Council desires to designate North Street Properties, LLC as Redeveloper of the Redevelopment Area and enter into a Redevelopment Agreement with the Redeveloper, as provided for and in accordance with the provisions of the Redevelopment Law.

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

Section 1. The Municipal Council of the City of Bayonne hereby authorizes the execution of the "Redevelopment Agreement By and Between the City of Bayonne and North Street Properties, LLC," concerning the Property identified as Block 295, Lots 16 and 17 in the City of Bayonne, in such a form deemed advisable by the City Attorney, subject to any and all conditions contained herein and such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel to the City; and

Section 2. The Municipal Council, upon the full execution of the Redevelopment Agreement recognizes North Street Properties, LLC as Redeveloper of Block 295, Lots 16 and 17 in the City of Bayonne (the "Redeveloper") as provided for and in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law; and

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

Section 4. This Resolution shall take effect immediately.

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

* * * * *

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY DESIGNATING PARKVIEW REALTY HOLDINGS, LLC AS REDEVELOPER OF 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 AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH PARKVIEW REALTY HOLDINGS, LLC FOR THE REDEVELOPMENT OF SUCH PROPERTY IN ACCORDANCE WITH THE REDEVELOPMENT PLAN

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 (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 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 Municipal Council directed the Planning Board of the City (the "Planning Board") 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-11, dated July 20, 2016, the Municipal Council adopted the Redevelopment Plan; and

WHEREAS, the Municipal Council believed it to be in the best interests of the City to amend the Redevelopment Plan to expand the scope of the revitalization and redevelopment efforts in the City (the "Amended and Restated Redevelopment Plan") ; and

WHEREAS, by Resolution dated August 24, 2016, the Municipal Council, authorized and directed the Planning Board to prepare an Amended and Restated Redevelopment Plan for the Redevelopment Area; and

WHEREAS, the Municipal Council agreed with the Planning Board's recommendation and by Ordinance O-1, dated October 19, 2016, the Municipal Council adopted the Amended and Restated Redevelopment Plan; and

WHEREAS, Parkview Realty Holdings, LLC, a limited liability company of the State of New York, with an office address of 1441 Brooklyn, New York 11219, (the "Redeveloper") wishes to develop the Redevelopment Area and use it for the purpose of implementing the Amended and Restated Redevelopment Plan; and

WHEREAS, the Redeveloper has requested that the Municipal Council, as a redevelopment entity, prepare a redevelopment agreement with the Redeveloper providing for the development of the Property in accordance with the Amended and Restated Redevelopment Plan (the "Redevelopment Agreement"); and

WHEREAS, the Municipal Council desires to designate Parkview Realty Holdings, LLC as redeveloper of the Redevelopment Area and enter into a Redevelopment Agreement with the redeveloper, as provided for and in accordance with the provisions of the Redevelopment Law.

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

Section 1. The Municipal Council of the City of Bayonne hereby authorizes the execution of the "Redevelopment Agreement By and Between the City of Bayonne and Parkview Realty Holdings, LLC," concerning the Redevelopment Area identified as Block 445, Lots 1, 2, 3, 4, 5 and 7 in the City of Bayonne, in such a form deemed advisable by the City Attorney, subject to any and all conditions contained herein and such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel to the City; and

Section 2. The Municipal Council, upon the full execution of the Redevelopment Agreement recognizes Parkview Realty Holdings, LLC as redeveloper of Block 445, Lots 1, 2, 3, 4, 5 and 7 in the City of Bayonne (the "Redeveloper") as provided for and in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law; and

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

Section 4. This Resolution shall take effect immediately.

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

* * * * *

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY DESIGNATING 975 BROADWAY OWNER, LLC AS REDEVELOPER OF THE PROPERTY LOCATED AT 9 WEST 46TH STREET, 11 WEST 46TH STREET, 13 WEST 46TH STREET, 15 WEST 46TH STREET, 957 BROADWAY, 959

BROADWAY, 961 BROADWAY, 963 BROADWAY, AND 965 BROADWAY, WHICH PROPERTY IS IDENTIFIED AS BLOCK 77, LOTS 16, 17, 18, 19, 20, 21, 22, 23 AND 24 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH 975 BROADWAY OWNER, LLC FOR THE REDEVELOPMENT OF SUCH PROPERTY IN ACCORDANCE WITH THE REDEVELOPMENT PLAN

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 April 22, 2015, the Municipal Council of the City (the "Municipal Council") adopted Resolution No. 15-04-22-064 designating the property identified as Block 77, Lots 16, 17, 18, 19, 20, 21, 22, 23 and 24 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 "Property"); and

WHEREAS, the Property encompasses approximately 0.53 acres of land located on the northwestern corner of Broadway and 46th Street; and

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Municipal Services has prepared a redevelopment plan for the Property titled "Block 77, Lots 16-24, 957-965 Broadway, 9-15 West 46th Street" (the "Redevelopment Plan"); and

WHEREAS, the Municipal Council pursuant to Resolution No. 15-04-22-064 authorized the Planning Board of the City (the "Planning Board") to 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 the Planning Board recommended adopting same; and

WHEREAS, upon receipt 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 Property; and

WHEREAS, on June 17, 2015, the Municipal Council agreeing and concurring with the Planning Board's recommendation, adopted the Redevelopment Plan for the Property, and set forth their reasons on the record; and

WHEREAS, 975 Broadway Owner, LLC (the "Entity") is the owner of the Property and desires to construct a mixed use building consisting of 91 residential units and 150 parking spaces (the "Project") on the Property consistent with the Redevelopment Plan; and

WHEREAS, the Entity wishes to develop the Property for the purpose of implementing the Redevelopment Plan; and

WHEREAS, the Entity has requested that the Municipal Council designate it as the redeveloper of the Property under the Redevelopment Law and that the City enter into a redevelopment agreement with the Entity providing for the redevelopment of the Property in accordance with the Redevelopment Plan (the "Redevelopment Agreement"); and

WHEREAS, a Redevelopment Agreement has been prepared and presented to the Municipal Council for review and approval; and

WHEREAS, the Municipal Council desires to designate the Entity as redeveloper of the Property subject to the execution of a Redevelopment Agreement for redevelopment of the aforesaid Property which will set forth the rights and obligations of the respective parties as well as the anticipated time frame for the completion of certain tasks.

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

Section 1. The Municipal Council of the City of Bayonne hereby authorizes the execution of the "Redevelopment Agreement By and Between the City of Bayonne and 975 Broadway Owner, LLC," concerning the Property identified as Block 77, Lots 16, 17, 18, 19, 20, 21, 22, 23 and 24 in the City of Bayonne, in such a form deemed advisable by the City Attorney, subject to any and all conditions contained herein and such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel to the City; and

Section 2. The Municipal Council, upon the full execution of the Redevelopment Agreement recognizes 975 Broadway Owner, LLC as redeveloper of Block 77, Lots 16, 17, 18, 19, 20, 21, 22, 23 and 24 in the City of Bayonne (the "Redeveloper") as provided for and in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law; and

Section 3. The Mayor and Clerk are hereby authorized to execute the Redevelopment Agreement, with such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel, on behalf of the City of Bayonne, acting as the redevelopment entity for the redevelopment of the Property by 975 Broadway Owner, LLC.

Section 4. This Resolution shall take effect immediately.

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

* * * * *

43. 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, COUNTY OF HUDSON, NEW JERSEY DESIGNATING BB BAYONNE, LLC AS REDEVELOPER OF THE PROPERTY LOCATED AT 140 AVENUE B, 138 AVENUE B, 103 WEST 44TH STREET AND 101 WEST 44TH STREET, WHICH PROPERTY IS IDENTIFIED AS BLOCK 84, LOTS 6, 7, 8 AND 9 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH BB BAYONNE, LLC FOR THE REDEVELOPMENT OF SUCH PROPERTY IN ACCORDANCE WITH THE REDEVELOPMENT PLAN

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

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

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

WHEREAS, the Property is deemed an area in need of rehabilitation under the Redevelopment Law, and is also located in an Urban Enterprise Zone ("UEZ"); and

WHEREAS, BB Bayonne, LLC (the "Entity") is the contract purchaser of the Property; and

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

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

WHEREAS, on February 17, 2016, the Municipal Council agreeing and concurring with the Planning Board's recommendation, adopted Ordinance #O-16-06 adopting the Redevelopment Plan for the Property, and set forth their reasons on the record; and

WHEREAS, the Entity desires to develop multi-family residential units (the "Project") on the Property consistent with the Redevelopment Plan; and

WHEREAS, the Entity wishes to develop the Property and use it for the purpose of implementing the Redevelopment Plan; and

WHEREAS, the Entity has requested that the Municipal Council, as a redevelopment entity, prepare a redevelopment agreement with the Entity providing for the development of the Property in accordance with the Redevelopment Plan (the "Redevelopment Agreement"); and

WHEREAS, on August 24, 2016, the Municipal Council conditionally designated the Entity as redeveloper of the Property subject to the negotiation and preparation of a Redevelopment Agreement with the Entity for redevelopment of the aforesaid Property; and

WHEREAS, the Municipal Council, through its attorneys and staff, have negotiated and prepared a mutually agreeable Redevelopment Agreement between BB Bayonne, LLC, and the City of Bayonne; and

WHEREAS, the Municipal Council desires to designate BB Bayonne, LLC as redeveloper of the Property and enter into a Redevelopment Agreement with the Redeveloper, as provided for and in accordance with the provisions of the Redevelopment Law.

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

Section 1. The Municipal Council of the City of Bayonne hereby authorizes the execution of the "Redevelopment Agreement By and Between the City of Bayonne and BB

Bayonne, LLC,” concerning the Property identified as Block 84, Lots 6, 7, 8 and 9 in the City of Bayonne, in such a form deemed advisable by the City Attorney, subject to any and all conditions contained herein and such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel to the City; and

Section 2. The Municipal Council, upon the full execution of the Redevelopment Agreement recognizes BB Bayonne, LLC as redeveloper of Block 84, Lots 6, 7, 8 and 9 in the City of Bayonne (the “Redeveloper”) as provided for and in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law; and

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

Section 4. This Resolution shall take effect immediately.

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

* * * * *

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

WHEREAS, the City of Bayonne is the owner of certain real properties located at the foot of 5th Street, within Blocks 475 and 476.01 that are presently underutilized; and

WHEREAS, in an effort to pursue redevelopment of those properties and an adjoining private property (Block 476.01, Lot 10.02), the City desires to pursue grant funding from the New Jersey Department of Environmental Protection’s Hazardous Discharge Site Remediation Fund (HDSRF) to investigate the existing environmental conditions of the City-owned properties and the adjoining private property which may be acquired by the City in the future; and

WHEREAS, the Business Administrator has requested authorization to prepare and submit a grant application for the subject purpose; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Business Administrator is hereby authorized to take any and all actions necessary to prepare and submit a grant application for grant funding from the New Jersey Department of Environmental Protection’s Hazardous Discharge Site Remediation Fund for the purpose as set forth above.
2. The Mayor and City Clerk are hereby authorized to execute any and all documents necessary to effectuate the submission of the aforesaid grant application.

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

* * * * *

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

WHEREAS, the City Administration determined it in the best interest of the City and its citizens to disallow for the further banking of sick time, which is reimbursable upon separation, after July 1, 2017 in the case of all management, confidential, professional and unclassified employees, whose benefits are not otherwise specified in a collective bargaining agreement; and

WHEREAS, on October 18, 2016, the City Administration implemented an amended policy to take effect on July 1, 2017 for payment of accrued sick time upon separation of all management, confidential, professional and unclassified employees, whose benefits are not otherwise specified in a collective bargaining agreement; and

WHEREAS, the amended policy provides that an employee who has banked at least one hundred (100) days of sick time on July 1, 2017 shall remain eligible upon separation to receive payment for sick days banked at the time of separation subject to the following requirements:

- A. Said employee has at least one hundred (100) sick days banked at the time of separation;
- B. Said employee shall be paid for the number of sick days banked at the time of separation, not exceeding the number of sick days banked on July 1, 2017, at the rate of one (1) day's pay for every two (2) sick days banked, up to a maximum payout of \$15,000;
- C. If an employee who is eligible as a result of having banked at least one hundred (100) sick days on July 1, 2017 should have less than one hundred (100) sick days banked at any time after July 1, 2017 but prior to separation, the lowest number of sick days banked shall constitute the maximum number of sick days for which said employee shall be reimbursed at the time of separation;
- D. Any employee who has not banked one hundred (100) days of sick time on July 1, 2017 shall not be eligible for reimbursement of sick time regardless of how many sick days said employee has accrued at the time of separation;
- E. No employee shall be paid for any sick days accrued after July 1, 2017 at the time of separation;
- F. Sick time shall be based upon LIFO (last in first out);
- G. Employees are still permitted to carry over unused sick time not used in a calendar year; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. That the actions of the City Administration on October 18, 2016 in implementing an amended policy disallowing further accrual of sick time after July 1, 2017 and setting eligibility guidelines for those employees entitled to receive payment for accrued sick time in accordance with the following policy is hereby ratified and confirmed:

An employee who has banked at least one hundred (100) days of sick time on July 1, 2017 shall be eligible upon separation to receive payment for sick days banked at the time of separation subject to the following requirements:

- A. Said employee has at least one hundred (100) sick days banked at the time of separation;
 - B. Said employee shall be paid for the number of sick days banked at the time of separation, not exceeding the number of sick days banked on July 1, 2017, at the rate of one (1) day's pay for every two (2) sick days banked, up to a maximum payout of \$15,000;
 - C. If an employee who is eligible as a result of having banked at least one hundred (100) sick days on July 1, 2017 should have less than one hundred (100) sick days banked at any time after July 1, 2017 but prior to separation, the lowest number of sick days banked shall constitute the maximum number of sick days for which said employee shall be reimbursed at the time of separation;
 - D. Any employee who has not banked one hundred (100) days of sick time on July 1, 2017 shall not be eligible for reimbursement of sick time regardless of how many sick days said employee has accrued at the time of separation;
 - E. No employee shall be paid for any sick days accrued after July 1, 2017 at the time of separation;
 - F. Sick time shall be based upon LIFO (last in first out);
 - G. Employees are still permitted to carry over unused sick time not used in a calendar year.
2. The Mayor and City Clerk shall be and are hereby authorized to execute any and all documents to further effectuate this policy.

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

* * * * *

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

WHEREAS, Municipal Council Resolution No. 16-06-22-075 adopted on June 22, 2016 authorized the Mayor and City Clerk to enter into an agreement with the Bayonne Family Community Center ("BFCC"), 259 Avenue E, Bayonne, New Jersey for the amount of \$26,240.00 to provide CDBG funds for the purpose of funding the removal of a 10,000 gallon oil tank; and

WHEREAS, pursuant to the aforesaid Resolution No. 16-06-22-075, the City of Bayonne entered into Agreement No. CY16-048 with the BFCC to provide the CDBG funds for the cost for the aforesaid removal of a 10,000 gallon oil tank; and

WHEREAS, due to the effects of Hurricane Matthew, it became necessary for the contractor, Pancoast Pump & Tank, Inc. (the "Contractor"), to perform additional soil removal/disposal and dewatering services which were not anticipated at the time of the award of the original contract; and

WHEREAS, the Contractor has provided the Office of Community Development with an invoice dated October 31, 2016 in the amount of \$3,750.66 representing the cost of the aforesaid soil removal/disposal and dewatering services; and

WHEREAS, due to exigent circumstances, the Director of the Office of Community Development authorized the Contractor to perform the aforesaid soil removal/disposal and dewatering services prior to obtaining approval from this Body; and

WHEREAS, the Office of Community Development has also been advised by the Contractor that, pursuant to his environmental engineer, it is necessary to install a monitoring well for continual water sampling that was not anticipated at the time of the original contract award; and

WHEREAS, the Contractor has provided the Office of Community Development with a proposal for said services dated October 20, 2016 for the amount of \$16,581.00; and

WHEREAS, said proposal has been approved by the Office of Community Development; 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 an amendment to Agreement No. CY16-048 with the Bayonne Family Community Center, 259 Avenue E, Bayonne, New Jersey increasing same in the amount of \$20,331.66 representing an additional \$3,750.66 for aforesaid soil removal/disposal and dewatering services necessary due to the effects of Hurricane Matthew and \$16,581.00 for the installation of a monitoring well for continual water sampling pursuant to the invoice dated October 31, 2016 and proposal dated October 31, 2016 submitted by the Contractor, making the total contract amount \$46,571.66.

2. The actions of the Director of the Office of Community Development in authorizing the Contractor to perform the aforesaid soil removal/disposal and dewatering services due to the effects of Hurricane Matthew for the amount of \$3,750.66 are hereby ratified and affirmed.

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

3. All other terms and conditions of Agreement No. CY16-048 shall remain the same.

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

* * * * *

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

RESOLUTION AUTHORIZING THE EXECUTION OF THE AMENDED
DECLARATION CONCERNING COVENANTS, EASEMENTS AND RESTRICTIONS
THAT AMENDS A DECLARATION CONCERNING EASEMENTS COVENANTS
AND RESTRICTIONS DATED DECEMBER 1, 2009 FOR THE ROUTE 440 EAST
CORRIDOR REDEVELOPMENT AREA KNOWN AS BAYONNE CROSSING

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 Resolutions 03-07-16-071 and 04-09-15-055 adopted on July 16, 2003 and September 15, 2004 respectively, by the Municipal Council ("Municipal Council") of the City of Bayonne ("City"), the City Planning Board ("Planning Board") was authorized to determine if portions of the area then known as the Route 440 Corridor met the statutory criteria for designation as an "area in need of Redevelopment" pursuant to the provisions of the Redevelopment Law; and

WHEREAS, based upon two redevelopment studies authorized by the Municipal Council and conducted by the Planning Board, certain lands along NJ Route 440 in the City, Hudson County, New Jersey were determined to be "in need of redevelopment." Those lands consisted of 17 lots, which together were been identified as the "Route 440 Corridor East Redevelopment Area" with a total area of approximately 52.25 acres (*then* commonly known on the Tax Map of the City of Bayonne as Block 452, Lots 1, 2, 3, 4, and 9 (Block 452, Lot 9 sometimes erroneously referred to in the City tax records as Block 452, Lot 5); Block 453, Lots 1, 2, 5, 6, 7, 8, 9, 10 and 11; and Block 503, Lots 8 and 9; and now known as Block 452.01, Lots 1, 2, 2.02, 3, 4 and 9, and the Central Avenue Right of Way (owned by the City), Block 453.01, Lots 1, 5, 6, 7, 8, 9, 10 and 11, and Block 503, Lots 8 and 9.01 on the tax map of the City (the "Redevelopment Area"). The Redevelopment Area is currently known and designated as Block 453.01, Lot 1 on the tax map of the City; and

WHEREAS, the Municipal Council also adopted a resolution on January 19, 2005, as amended June 14, 2006, selecting Cameron Bayonne Urban Renewal, LLC ("Cameron") as the "Conditional Redeveloper" of the Redevelopment Area and executed with Cameron a Conditional Redeveloper's Agreement subject to negotiation and execution of a written Redevelopment Agreement.

WHEREAS, pursuant to Section 4 of the Redevelopment Law, the City originally determined to act as the redevelopment entity (as such term is defined at *N.J.S.A.* 40A:12A-3) for the Redevelopment Area and to exercise the powers contained in the Local Redevelopment and Housing Law to facilitate the redevelopment of the Redevelopment Area. On December 6, 2006, the City adopted Ordinance 0-06-44 designating the City of Bayonne Redevelopment Agency, also known as The Bayonne Local Redevelopment Authority (the "BLRA") as the redevelopment entity for the Project (as defined herein). Thereafter by Resolution dated January 25, 2007, the BLRA designated Cameron as the Project redeveloper ("Redeveloper") and entered into a Redevelopment Agreement with Cameron as Redeveloper dated as of March 9, 2007 and amended on December 17, 2007 and March 19, 2009 (as amended, the "Redevelopment Agreement"), subject to Redeveloper's filing of a restrictive covenant document controlling the use of the Redevelopment Area for the Project; and

WHEREAS, on October 29, 2009, Cameron executed a Declaration Concerning Easements, Covenants and Restrictions by Cameron Bayonne Urban Renewal, LLC for the Route 440 East Corridor Redevelopment Area (the "Declaration") in satisfaction of the requirement in the Redevelopment Agreement. The Declaration was recorded in the Register of Deeds of Hudson County, New Jersey on December 4, 2009 in Book 8702 at Page 243; and

WHEREAS, the Declaration, in Article IX, Section 9.3 provides that the Declaration may be amended, changed or terminated by a written agreement signed by the Owners (as defined in the Declaration), the City of Bayonne, the BLRA, all mortgagees holding first mortgages of record affecting the Bayonne Crossing Shopping Center, Lowe's and Wal-Mart; and

WHEREAS, Cameron sold the Bayonne Crossing Shopping Center located at the Redevelopment Area to Inland Diversified Bayonne Urban Renewal, LLC ("Inland Diversified Bayonne"), a subsidiary of Inland Diversified Real Estate Trust, Inc. ("Inland Diversified REIT") on February 3, 2012 by Deed recorded in the Register of Deeds of Hudson County, New Jersey on March 28, 2012 in Book 8840 at Page 143; and

WHEREAS, KRG Bayonne Urban Renewal, LLC ("KRG") is a subsidiary of Kite Realty Group Trust ("Kite Realty"). Kite Realty acquired Inland Diversified REIT on or about July 1, 2014, and KRG assumed Inland Diversified Bayonne's interest in the Bayonne Crossing Shopping Center located at the Redevelopment Area; and

WHEREAS, the BLRA was dissolved by Ordinance O-13-24 adopted by the City of Bayonne in August 14, 2013, whereby the City Council of the City of Bayonne assumed the powers and duties of the BLRA; and

WHEREAS, the Principal Life Insurance Company ("First Mortgagee") holds a secured mortgage on the Bayonne Crossing Shopping Center located at the Redevelopment Area, and

WHEREAS, the Declaration authorizes, in Article III, Section 3.3(xxvii), certain types of medical clinics or offices that are less than 10,000 square feet in size within buildings designated as Proposed Retail B and Proposed Retail J as shown on Exhibit C-1 to the Declaration; and

WHEREAS, KRG seeks to lease space in Building G to a medical clinic or office use, thereby necessitating an amendment to the Declaration solely to modify Article III, Section 3.3(xxvii), and

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 determines that amending the Declaration Concerning Easements, Covenants and Restrictions dated December 1, 2009 to modify Article III, Section 3.3(xxxvii) permit medical clinic or office use in Retail Building G in the Bayonne Crossing Shopping Center as set forth in the Amended Declaration Concerning Easements, Covenants and Restrictions (the "Amended Declaration") is appropriate and in the public interest; and

Section 2. The Mayor and Clerk are hereby authorized to execute the Amended Declaration, with such revisions as deemed advisable by the City Attorney on behalf of the City of Bayonne, upon confirmation from the City Attorney that all other parties to the Amended Declaration have executed same.

Section 3. This Resolution shall take effect immediately.

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

* * * * *

48. Council Member LaPelusa moved the following be received and filed, seconded by Council Member Perez, which was read by the Clerk and adopted.

November 4, 2016

Dear Council President Nadrowski

And Honorable Members of City Council

I hereby appoint the following individuals to the Restrictive Parking Zone and Permit Review Panel of the City of Bayonne pursuant to Chapter 7.37.d.1 of the Code of the City of Bayonne and request the City Council to note the receipt and filing of this correspondence:

Robert Halsey
134 Humphrey Avenue
Bayonne, NJ 07002

Term to Expire: December 31, 2017

Mario DeMaria
10 East 11th Street
Bayonne, NJ 07002

Term to Expire: December 31, 2017

William Bilak
14 Cottage Street
Bayonne, NJ 07002

Term to Expire: December 31, 2018

Each of the foregoing appointees qualify as being disable and shall act to constitute this review board in accordance with the provisions outlined in Chapter 7.37.d.1.

In conjunction with these appointments the City Clerk is directed to add an accompanying item on the November 9,2016 Council Caucus Meeting agenda for consideration by the City Council.

Sincerely,
James M. Davis
Mayor
(signed)

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

* * * * *

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

November 7, 2016

Dear Council President Nadrowski
And Honorable Members of City Council

I hereby appoint the following individual to the Restrictive Parking Zone and Permit Review Panel of the City of Bayonne pursuant to Chapter 7.37.d.1 of the Code of the City of Bayonne and request the City Council to note the receipt and filing of this correspondence:

Ryan J. Walker
13 East 31st Street
Bayonne, NJ 07002

Term to Expire: December 31, 2018

In conjunction with these appointments the City Clerk is directed to add an accompanying item on the November 9,2016 Council Caucus Meeting agenda for consideration by the City Council.

Sincerely,
James M. Davis
Mayor

(signed)

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

* * * * *

At 9:30 P.M., Council President Nadrowski motioned to adjourn, seconded by Council Member Perez, which motion was adopted.

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

* * * * *