

REGULAR MEETING

OF THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON,
NEW JERSEY, HELD IN THE COUNCIL CHAMBER, MUNICIPAL BUILDING, 630 AVENUE C,
ON WEDNESDAY, FEBRUARY 15, 2017

The Council met at 7:00 P.M.

The Council President Nadrowski announced: “I would like to advise all those present that notice of this regular meeting of the Municipal Council of the City of Bayonne of February 15, 2017, has been provided to the public in accordance with the provisions of the Open Public Meetings Act of the State of New Jersey. Notice of time and place of the meeting has been included in the annual notice of meetings, which was posted and filed with the City Clerk, and with the Jersey Journal and the Star Ledger. An additional notice of time and place was posted and filed with the City Clerk and was forwarded to the Jersey Journal and the Star Ledger by on February 10, 2017.”

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

The Clerk called the roll.

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

The Council President led the Pledge of Allegiance.

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01. Megan McNally addressed the council on the subject of the North Street redevelopment.

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02. Stacie Percella addressed the council on the subject of city business, specifically the hiring freeze.

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03. The clerk introduced:

AN ORDINACNE ENTITLED, “ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON APPROVING A FINANCIAL AGREEMENT WITH 957 BROADWAY URBAN RENEWAL, LLC,” which was introduced and passed a first reading at a meeting held January 18, 2017, was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of February 15, 2017, and was referred to the planning board for its review is now before the Council for its consideration and a public hearing.

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

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

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

The Clerk read the ordinance by title: “ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON APPROVING A FINANCIAL AGREEMENT WITH 957 BROADWAY URBAN RENEWAL, LLC,”

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

The following persons spoke: Ed Swzawiel – 168 West 33rd Street
Alfred Rinaldi – 17 West 41st Street
Mike Kinary – 40 West 40th Street
Clarence Hilliard – 63 West 30th Street
Pat Kellner – Hudson County Building & Trades
David Watson – 94 West 46th Street
Nicholas Caliccio – 20 West 47th Street
Jose Sanchez – 691 Kennedy Blvd.
George Schreck – Carpenter’s Union
George Sklarski – 656 Avenue C
Mike Morris – 123 Avenue C
William T. Boyle – 839 24th Street
Peter Franco – 127 West 12th Street

Matthew Mallet – 801 Avenue C
Mary Ellen Curtis – 73 East 26th Street
Joe Wisnieewski – 100 East 23rd Street
Diane Brennan – 82 East 29th Street
Ben Costanza – 45 East 35th Street
Patrick Franconeri – 10 East 51st Street
Charles DiChiara – 9 East 50^t Street
Corrado DiVincenza – 1109 Avenue C
Michael Gallella – 287 Avenue B
John Sebik – 10 East 43rd Street
Megan McNally – 17 Linden Street
Nick Miceli- 43 East 46th Street
Kathleen Henderson – 88 West 6th Street

Communications received from: Nina Lupo of 168 West 31st Street
Scott Winkel
Sean and Nicole Oliver – 182 West 26th Street
Amy Miceli – 43 East 45th Street
Madeline and Sam Miceli – 79 West 36th Street
Judy Hurley – 42 East 32nd Street

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

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

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

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

WHEREAS, an ordinance entitled, “ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON APPROVING A FINANCIAL AGREEMENT WITH 957 BROADWAY URBAN RENEWAL, LLC,” was introduced and passed a first reading at a meeting held January 18, 2017, and was published and posted as required by law, with notice that it would be considered for final passage following a public hearing at this meeting of February 15, 2017; 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-17-03.

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

Nays – Council Member LaPelusa.

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04. The clerk introduced:

AN ORDINANCE ENTITLED, “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC,” which was introduced and passed a first reading at a meeting held January 18, 2017, was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of February 15, 2017, 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 Perez, which motion was adopted.

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

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

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

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

There was no response – no person appearing to protest against or object to the 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 LaPelusa moved a resolution for final passage, seconded by Council Member Gullace, 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 January 18, 2017, and was published and posted as required by law, with notice that it would be considered for final passage following a public hearing at this meeting of February 15, 2017; 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-17-04.

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

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05. The clerk introduced:

AN ORDINANCE ENTITLED, "AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY (15-19 HOWARD PLACE – BLOCK 289, LOT 15 AND 237-249 AVENUE A – BLOCK 284, LOT 2) BY THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY FROM THE CONVENT OF SISTERS OF SAINT JOSEPH," which was introduced and passed a first reading at a meeting held January 18, 2017, was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of February 15, 2017, 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: "AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY (15-19 HOWARD PLACE – BLOCK 289, LOT 15 AND 237-249 AVENUE A – BLOCK 284, LOT 2) BY THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY FROM THE CONVENT OF SISTERS OF SAINT JOSEPH,"

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

The following persons spoke: John Sebik – 10 East 43rd Street
Peter Franco – 127 west 12th Street

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

Council 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 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 AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY (15-19 HOWARD PLACE – BLOCK 289, LOT 15 AND 237-249 AVENUE A – BLOCK 284, LOT 2) BY THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY FROM THE CONVENT OF SISTERS OF SAINT JOSEPH," was introduced and passed a first reading at a meeting held January 18, 2017, and was published and posted as required by law, with notice that it would be considered for final passage following a public hearing at this meeting of February 15, 2017; 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-17-05.

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

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06. The clerk introduced:

AN ORDINANCE ENTITLED, "AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY, AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53 FOR PREPARATION OF AN APPROVED TAX MAP," which was introduced and passed a first reading at a meeting held January 18, 2017, was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of February 15, 2017, 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 Perez, which motion was adopted.

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

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

The Clerk read the ordinance by title: "AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY, AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53 FOR PREPARATION OF AN APPROVED TAX MAP,"

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

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

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

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

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

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

WHEREAS, an ordinance entitled, "AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY, AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53 FOR PREPARATION OF AN APPROVED TAX MAP," was introduced and passed a first reading at a meeting held January 18, 2017, and was published and posted as required by law, with notice that it would be considered for final passage following a public hearing at this meeting of February 15, 2017; 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-17-06.

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

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07. The clerk introduced:

AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 35, ZONING REGULATIONS," which was introduced and passed a first reading at a meeting held January 18, 2017, was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of February 15, 2017, 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 Gullace, LaPelusa, Perez and President Nadrowski.

Absent – Council Member Cotter.

The Clerk read the ordinance by title: "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 35, ZONING REGULATIONS,"

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

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

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

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

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

Absent – Council Member Cotter.

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 35, ZONING REGULATIONS," was introduced and passed a first reading at a meeting held January 18, 2017, and was published and posted as required by law, with notice that it would be considered for final passage following a public hearing at this meeting of February 15, 2017; and

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

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

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

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

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

RESOLVED, that the said ordinance be passed and designated as Ordinance No. O-17-07.

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

Absent – Council Member Cotter.

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08. 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 January 18, 2017, was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of February 15, 2017, 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.

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

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

Council Member Perez motioned to close the hearing, seconded by Council 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, “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC,” was introduced and passed a first reading at a meeting held January 18, 2017, and was published and posted as required by law, with notice that it would be considered for final passage following a public hearing at this meeting of February 15, 2017; 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-17-08.

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

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09. Council Member Cotter introduced:

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

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

Section 1. That the Revised General Ordinances of the City of Bayonne, Chapter 7, TRAFFIC, Subsection 7-13.3, Time Limited Parking, is hereby amended and supplemented as follows (Additions ****between asterisks and/or in bold****, deletions ~~{within brackets and/or struck through}~~):

d. The Parking Utility of the City of Bayonne hereby authorizes the installation of parking meters at the following locations.

1. 269 Broadway on the west side;
2. 718-724 Broadway on the east side (two meters);
3. 910-912 Broadway on the east side (two meters);
4. 1020 Broadway on the east side;
5. 1022 Broadway on the west side;
6. 1060 Broadway on the east side;
7. 1065 Broadway on the west side (two meters){-}**;
8. 156 Broadway on the east side (three meters).**

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

BE IT RESOLVED, that an ordinance entitled “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, March 15, 2017 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

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10. Council Member LaPelusa introduced:

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY (7 WEST 9th STREET – BLOCK 277, LOT 29; 555 BOULEVARD – BLOCK 208, LOT 24; 557 BOULEVARD – BLOCK 208, LOT 25 BY THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY FROM THE BAYONNE ECONOMIC OPPORTUNITY FOUNDATION

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., provides that a municipality may, by ordinance, provide for the acquisition of real property or an interest therein by purchase, gift, devise, lease, exchange, or condemnation in the manner provided in the Eminent Domain Act, N.J.S.A. 20:3-1, et seq.; and

WHEREAS, certain real property has been offered for sale by the BAYONNE ECONOMIC OPPORTUNITY FOUNDATION to the City of Bayonne, which property is known and designated as 7 West 9th Street (Block 277, Lot 29), 555 Boulevard (Block 208, Lot 24) and 557 Boulevard (Block 208, Lot 25) on the Official Tax Maps of the City of Bayonne; and

WHEREAS, the Mayor and Municipal Council of the City of Bayonne have determined that the real property is suitable for use and re-development by the City of Bayonne; and

WHEREAS, this Municipal Council, by virtue of the passage of Resolution No. 16-11-09-007, previously authorized the Mayor to negotiate and enter into a contract for the purchase of 15-19 Howard Place and 237-249 Avenue A subject to the approval of this Municipal Council; and

WHEREAS, this Municipal Council, by virtue of the passage of Ordinance O-16-66 has previously provided for the financing of the purchase of 15-19 Howard Place and 237-249 Avenue A by way of a Bond; and

WHEREAS, on January 11, 2017 the Mayor, on behalf of the City of Bayonne, and The Convent of Sisters of Saint Joseph entered into a contract of sale for the above noted property; and

WHEREAS, on January 18, 2017 this Municipal Council passed Ordinance #O-_____ approving the Contract of Sale between the City of Bayonne and the Convent of Sisters of Saint Joseph, dated January 11, 2017, for the purchase and sale of the property known and designated as 15-19 Howard Place (Block 289, Lot 15) and 237-249 Avenue A (Block 284, Lot 2) on the Official Tax Maps of the City of Bayonne for the sum of \$2,500,000.00 and further authorizing Mayor and City Clerk are to sign such documents as are necessary, advisable and proper to acquire said property; and

WHEREAS, it had been proposed that the end use for the property at 15-17 Howard Place and 237-249 Avenue A would be to house the Bayonne Economic Opportunity Foundation and that the cost of purchasing said properties would be offset by the purchase, sale and redevelopment of three properties (those set forth in the first paragraph) currently owned by the Bayonne Economic Development Authority which properties are now being offered for sale to the City of Bayonne for the sum of \$1.00 per property;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Bayonne, County of Hudson and State of New Jersey as follows:

Section 1. The Mayor and Clerk are hereby authorized to enter into a Contract of Sale between the City of Bayonne and the Bayonne Economic Opportunity Foundation for the purchase of real property known and designated as 7 West 9th Street (Block 277, Lot 29), 555 Boulevard (Block 208, Lot 24) and 557 Boulevard (Block 208, Lot 25) on the Official Tax Maps of the City of Bayonne for the sum of \$1.00 per property.

Section 2. The Mayor and City Clerk are authorized to sign such documents as are deemed by the Law Director to be necessary, advisable and proper to acquire said real property.

Section 3. Ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed but only to the extent of such inconsistency.

Section 4. This ordinance shall take effect after final passage, publication and other provisions in accordance with applicable law.

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

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY (7 WEST 9th STREET – BLOCK 277, LOT 29; 555 BOULEVARD – BLOCK 208, LOT 24; 557 BOULEVARD – BLOCK 208, LOT 25 BY THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY FROM THE BAYONNE ECONOMIC OPPORTUNITY FOUNDATION," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, March 15, 2017 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

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11. Council Member Cotter introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING AND EXPANDING AN AMENDED AND RESTATED SCATTERED SITE REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 477 AND 479-481 BROADWAY, AND 19-25 W 22ND ST, WHICH PROPERTIES ARE IDENTIFIED AS BLOCK 204, LOTS 2 & 3, AND BLOCK 203, LOT 4 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE

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

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

WHEREAS, on March 16, 2005, the Bayonne Municipal Council (the “Municipal Council”) adopted Resolution 05-03-16-048 requesting the Planning Board of the City (the “Planning Board”) to conduct a preliminary investigation pursuant to *N.J.S.A. 40A:12A-6* to determine whether the subject area, which consists of 34 sites including the Parcel (the “Scattered Site Study Area”), qualified as ‘an area in need of redevelopment’ in accordance with the criteria set forth in *N.J.S.A. 40A: 12A-5*, and if so, to prepare a redevelopment plan; and

WHEREAS, H2M Associates, Inc., on behalf of the Planning Board, prepared a report entitled the ‘Scattered Site Redevelopment Study’ dated December 7, 2005 (the “Scattered Site Redevelopment Study”) for the Municipal Council’s consideration; and

WHEREAS, on December 14, 2005, the Municipal Council adopted Resolution 05-12-14-064 designating the Scattered Site Study Area, which included the Parcel, as an area in need of redevelopment (the “Scattered Site Redevelopment Area”); and

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

WHEREAS, pursuant to the provisions of *N.J.S.A. 40A:12A-7(e)* of the Redevelopment Law, the Planning Board, through the City’s staff and/or Planning Board professionals, is permitted to amend a Redevelopment Plan; and

WHEREAS, the City believes that the property identified as Block 204, Lots 2 and 3, and Block 203, Lot 4 (the “Property”) on the City’s Tax Maps is potentially valuable for contributing to, serving, and protecting the public health, safety and welfare and for the promotion of smart growth within the City; and

WHEREAS, the Municipal Council believes that it is in the best interests of the City to amend the Redevelopment Plan as it relates to the Property and expand the scope of the revitalization and redevelopment efforts in the City; and

WHEREAS, on October 19, 2016, the Municipal Council directed the Planning Board, to prepare and review an amended Redevelopment Plan for the Property and make recommendations to the Municipal Council in accordance with the Redevelopment Law; and

WHEREAS, an amended Redevelopment Plan (the “Amended Redevelopment Plan”) dated February 14, 2017, has been prepared by the City Planning Department which incorporates the properties located at Block 204, Lots 2 and 3, and Block 203, Lot 4 to the Redevelopment Plan; and

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

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

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

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

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

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

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

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

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

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

BE IT RESOLVED, that an ordinance entitled "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING AND EXPANDING AN AMENDED AND RESTATED SCATTERED SITE REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 477 AND 479-481 BROADWAY, AND 19-25 W 22ND ST, WHICH PROPERTIES ARE IDENTIFIED AS BLOCK 204, LOTS 2 & 3, AND BLOCK 203, LOT 4 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE, NJSA 40A:12A-1 ET SEQ.;" just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, March 15, 2017 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.

* * * * *

12. Council Member Cotter introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING AND AMENDING THE FORMER BEST FOODS SITE REDEVELOPMENT PLAN BLOCK 310, LOTS 1-3, BLOCK 311.01, LOT 1, BLOCK 333.01, LOTS 3-6, BLOCK 333.02, LOT 1, AND BLOCK 301.01, LOT 7 TO INCORPORATE THE PROPERTY LOCATED AT 16 BAYVIEW COURT AND 18-20 BAYVIEW COURT AND MORE SPECIFICALLY KNOWN AS BLOCK 333.01, LOTS 1 AND 2 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE

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

WHEREAS, 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, on August 24, 2016, the Municipal Council by resolution authorized and directed the Planning Board to conduct a preliminary investigation to determine whether the properties located as 16 Bayview Court and 18-20 Bayview Court in the City, which properties are identified as Block 333.01, Lots 1 and 2 as shown on the official Tax Map of the City (the

“Study Area”) constituted a non-condemnation “area in need of redevelopment” according to the criteria set forth in *N.J.S.A. 40A:12A-5*; and

WHEREAS, on November 10, 2016, the Planning Board held a public hearing, duly noticed under the Redevelopment Law, and reviewed an investigation/report titled “Area in Need of Redevelopment Preliminary Investigation 16 Bayview Court (Block 333.01 Lot 1) 18-20 Bayview Court (Block 333.01 Lot 2) prepared by the City of Bayonne, Division of Planning & Zoning, Department of Municipal Services dated November 8, 2016 (the “Study”) and any persons interested in or affected by a determination that the Property is a non-condemnation redevelopment area were given an opportunity to be heard, and any objections to such a determination and evidence in support of those objections, were received and considered and made part of the public record; and

WHEREAS, on November 10, 2016, the Planning Board by resolution recommended that the Study Area be determined by the Municipal Council to be a non-condemnation “area in need of redevelopment” under the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.*; and

WHEREAS, the Study further recommended that the Study Area should be incorporated into the redevelopment plan entitled “Former Best Foods Site Redevelopment Plan Block 310, Lots 1-3, Block 311.01, Lot 1, Block 333.01, Lots 3-6, Block 333.02, Lot 1, and Block 301.01, Lot 7” (the “Redevelopment Plan”), which was adopted by the Municipal Council on April 20, 2016, for certain properties in the City, designated as Block 301.01, Lot 7; Block 310, Lots 1-13; Block 311.01, Lot 1; Block 333.01, Lots 3-6; and Block 333.02, Lot 1 on the City’s Tax Maps; and

WHEREAS, the Municipal Council concurs and agrees with Planning Board’s recommendation, as supported by the reasons stated in the Study, that the Study Area constitutes and meets the criteria under the Redevelopment Law and that the Study Area should be determined and declared a non-condemnation “area in need of redevelopment”, which determination shall, among other things, authorize the City to use all of the powers provided by the Legislature for use in a redevelopment area, however, it shall not authorize the City to exercise the power of eminent domain to acquire all or any portion of such Property; and

WHEREAS, on December 14, 2016, the Municipal Council directed the Planning Board, to prepare and review an amended Redevelopment Plan for the Study Area and make recommendations to the Municipal Council in accordance with the Redevelopment Law; and

WHEREAS, an amended Redevelopment Plan (the “Amended Redevelopment Plan”) dated January 25, 2017, has been prepared by the City Planning Department which incorporates the properties located at Block 333.01, Lots 1 and 2 to the Amended Redevelopment Plan; and

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

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

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

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

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

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

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

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

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

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

BE IT RESOLVED, that an ordinance entitled "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING AND AMENDING THE FORMER BEST FOODS SITE REDEVELOPMENT PLAN BLOCK 310, LOTS 1-3, BLOCK 311.01, LOT 1, BLOCK 333.01, LOTS 3-6, BLOCK 333.02, LOT 1, AND BLOCK 301.01, LOT 7 TO INCORPORATE THE PROPERTY LOCATED AT 16 BAYVIEW COURT AND 18-20 BAYVIEW COURT AND MORE SPECIFICALLY KNOWN AS BLOCK 333.01, LOTS 1 AND 2 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, March 15, 2017 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.

* * * * *

13. Council Member LaPelusa introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY
APPROVING A FINANCIAL AGREEMENT WITH BAYONNE REDEVELOPERS
URBAN RENEWAL BLOCK 700, LLC

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, including certain property known as Block 700 Lot 1; Block 720, Lot 1; Block 730 Lot 1; Block 731, Lot 1; Block 751, Lot 1; Block 770, Lot 1; Block 780, Lot 1; Block 790, Lot 1; and Block 730, Lot 2, on the official tax map of the City of Bayonne, which is referred to as Harbor Station South (the "Redevelopment Property"); and

WHEREAS, on January 20, 2016, the Municipal Council passed Ordinance O-16-01 which adopted the redevelopment plan prepared by the City of Bayonne Division of Planning & Zoning, Department of Municipal Services for the Redevelopment Property in accordance with the Redevelopment Law (the "Redevelopment Plan"); 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, 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 (the "Major Subdivision Plat"), which modified the existing lots within the Redevelopment Property for future sale and redevelopment purposes, and the Major Subdivision Plat was recorded with the Hudson County Register's Office on November 14, 2016; 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, Bayonne Redevelopers, LLC (the "Redeveloper"), through its affiliate JMF Acquisition Group, L.L.C., informed the City of its interest in acquiring and redeveloping the portion of the Redevelopment Property identified as Block 700, Lot 1, Block 720, Lot 1, and Block 791, Lot 1 on the Final Major Subdivision Plat (the "Property"); and

WHEREAS, on October 19, 2016, pursuant to Resolution No. 16-10-19-042, the City authorized the execution of the “Redevelopment and Purchase and Sale Agreement by and between the City as Redevelopment Entity and Bayonne Redevelopers LLC as Redeveloper,” (the “Redevelopment Agreement”) authorized the execution of a redevelopment agreement with the Redevelopers for the redevelopment of the Property, and designated Bayonne Redevelopers, LLC, as redeveloper of the Property; and

WHEREAS, on November 28, 2016, the Redevelopment Agreement was fully executed by the City and the Redeveloper; and

WHEREAS, the Redevelopment Agreement sets forth the terms and conditions upon which the Redeveloper will acquire and redevelop the Property; and

WHEREAS, the Redeveloper formed “Bayonne Redevelopers Urban Renewal Block 700, LLC,” (the “Entity”) for the purpose of acquiring and redeveloping the portion of the Property identified as Block 700, Lot 1 in accordance with the Redevelopment Plan and the Redevelopment Agreement; and

WHEREAS, the Entity proposes to redevelop Block 700, Lot 1 with approximately 150,000 square feet of commercial/retail space and other site improvements (the “Project”); and

WHEREAS, the Entity has applied to the Municipal Council for tax exemption pursuant to the New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et. seq. (the “Exemption Law”) with respect to the Project; and

WHEREAS, the Municipal Council finds that the requested tax exemptions will benefit the City and its inhabitants by furthering the redevelopment of the Block 700, Lot 1, and that the benefits would substantially outweigh the costs, if any, associated with the tax exemptions; and

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

WHEREAS, as part of its application for a tax exemption the Entity has submitted a form of Financial Agreement (the “Financial Agreement”) providing for payments in lieu of taxes, a copy of which is attached to this Ordinance as Exhibit A; and

WHEREAS, the Entity has presented to this body certain financial information, copies of which are attached as exhibits to the Financial Agreement; and

WHEREAS, the Municipal Council deems it to be in the best interest of the City to pass an Ordinance authorizing the City to enter into the proposed Financial Agreement with Bayonne Redevelopers Urban Renewal Block 700, LLC on the terms and conditions stated in the applicable form of Financial Agreement attached to this Ordinance.

NOW THEREFORE, be it Ordained that the Municipal Council of the City of Bayonne does hereby adopt the tax exemptions for Bayonne Redevelopers Urban Renewal Block 700, LLC as follows:

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

Section 2. The Mayor is hereby authorized to execute the Financial Agreement with Bayonne Redevelopers Urban Renewal Block 700, LLC in substantially the form attached hereto and subject to any further review, analysis or modifications that counsel may deem appropriate.

Section 3. During the term of the tax exemption with respect to Bayonne Redevelopers Urban Renewal Block 700, LLC there shall be paid to the City in lieu of any taxes to be paid on the improvements of the Project, an annual service charge determined as provided in the Financial Agreement.

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

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

BE IT RESOLVED, that an ordinance entitled “ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING A FINANCIAL AGREEMENT WITH BAYONNE REDEVELOPERS URBAN RENEWAL BLOCK 700, LLC,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, March 15, 2017 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.

* * * * *

14. Council Member Cotter introduced:

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

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

Section 1. That the Revised General Ordinances of the City of Bayonne, Chapter 7, Traffic, Subsection 7-13, Parking Time Limited Establishments, is hereby amended and supplemented as follows (Additions underlined and/or in bold, deletions ~~{within brackets and/or struck through}~~):

7-13 PARKING TIME LIMITED.

7-13.1 Parking Time Limited to Forty-Eight (48) Hours.

NO CHANGE

7-13.2 Parking Time Limited on Certain Streets During Certain Hours.

No person shall park a vehicle for longer than the time limit between the hours listed on any day (except Sundays and public holidays) upon any of the streets or parts of streets described. (1972 Code § 10-35; Schedule IV)

a. NO CHANGE

b. NO CHANGE

c. Fifteen (15) Minute Time Limit Parking. No vehicle used for commercial public transportation purposes, including, but not limited to, jitney buses, buses for hire or buses accepting a fare, capable of transporting 10 or more passengers, shall be permitted to park in excess of fifteen (15) minutes on any street within the City of Bayonne.

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

BE IT RESOLVED, that an ordinance entitled “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, March 15, 2017 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

* * * * *

15. The Council as a whole moved the following 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.

* * * * *

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

From Rafael E. Davila, Esq., filing notice of tort claim on behalf of MAXWELL IGIRI alleging property damage to his vehicle sustained December 2, 2016 in being struck by a municipal vehicle at 630 Avenue C.

* * * * *

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

From Christine S. Diana, Esq., filing notice of tort claim on behalf of STEPHANIE BOLASCI, alleging injuries sustained November 12, 2016 in a fall in the street at 19th Street and Broadway.

* * * * *

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

From SUZANNAH L. CIANO, filing notice of tort claim alleging property damage to her parked automobile on October 31, 2016 resulting from being struck by a municipal vehicle at Avenue A and West 27th Street.

* * * * *

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

From PSE&G, filing notice of tort claim alleging property damage to their underground electric line on October 20, 2016 resulting from being struck by municipal workers digging at 45th Street and Broadway.

* * * * *

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

From JOSEPHINE WRIGHT, filing notice of tort claim alleging property damage to her automobile on November 22, 2016 resulting from being struck by a municipal vehicle parking at Avenue C and 21st Street.

* * * * *

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

From the Superior Court of New Jersey, Chancery Division, Summons and Complaint in matter entitled, "DEUTSCH BANK NATIONAL TRUST COMPANY, etc. vs. REUSTLE, et al., incl. THE CITY OF BAYONNE." (Mortgage foreclosure – city holds a Community Development mortgage)

FROM: Janet Convery, Treasurer

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

\$5,239,669.50 CLAIMS & PAYROLL FOR FEBRUARY 2017

Janet Convery

* * * * *

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

Date: 01/20/17 Ad Date: 012/21/16 Resolution #16-07-20-036

Date bids accepted: 01/18/17 Attending: Amy Dellabella, Purchasing,
Robert J. Russo, PE Darren Mazzei, PE

<u>Bid titled:</u>	<u>Total Bid:</u>
<u>Bidders:</u>	
4 Clean-Up Inc. PO Box 5098 North Bergen, NJ 07047	\$305,890.00
JTG Construction, Inc. 188 Jefferson St. Newark, NJ 07105	\$307,357.00
American Asphalt & Milling Services LLC 96 Midland Avenue Kearny, NJ 07032 Mathematical Error	\$91,881,843.02 (\$310,068.02)
S. Brothers Inc. 16 Sobechko Road Manalapan, NJ 07726	\$319,225.09
Black Rock Enterprises LLC 1316 Englishtown Road Old Bridge, NJ 08857 Mathematical Error	\$355,559.57 (\$355,197.57)
Mark Paving Co. Inc. 77 Cutters Dock Road Woodbridge, NJ 07095	\$384,334.60

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

* * * * *

28. 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.

* * * * *

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

RESOLVED, That the official minutes of the regular council meeting held Wednesday, January 18, 2017 be and the same are hereby approved.

* * * * *

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

RESOLVED, That the official minutes of the council caucus meeting held Wednesday, January 11, 2017, be and the same are hereby approved.

* * * * *

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

BE IT RESOLVED, that the HON. JUAN PEREZ be and is hereby appointed as the Class III member of the Planning Board for a term expiring December 31, 2017.

* * * * *

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

WHEREAS, the properties set forth below all carry overpayments on their property tax accounts in the amounts indicated; and

WHEREAS, these taxpayers have requested refunds of the overpayments indicated; and

WHEREAS, the Director of Finance has recommended that these amounts be refunded to the taxpayers; now therefore be it

RESOLVED, that warrants be drawn to the order of the taxpayers listed, in the amounts indicated; and be it further

RESOLVED, that the warrants be forwarded to the Tax Collector for delivery to the payees.

BLOCK	LOT	PAYEE	AMOUNT
34	36	Nabila Elraheb	2,371.06
88	15	Lloyd Cain	206.38
94	12	Carmen Gonzalez	2,002.75
114	4	Ibrahim Mandour	1,289.06
125	32	Arshad Naqvi	168.58
125	37	Gabriel Poalucci	1,821.75
145	3.14	Lauren Montalbano	998.51
226	17	Jose O. & Neri Maldonado	1,002.31
228	29	Hugo Carminio	2,201.00
234	8.01	Bayonne Ave E Urban Renewal	11,069.91
277	53	Nivin Gerges	3,104.47
377	7.101	Bayonne Community Bank	1,417.48

Total:

27,653.26

* * * * *

33. 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 \$ 979.20 be drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of licenses Nos. 409-925 inclusive, 517 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.

* * * * *

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

RESOLVED, that the actions of the Municipal Treasurer in issuing payment from Current Fund in the amount of \$ 6,956,169.76 payable to the County of Hudson for First Quarter County Taxes of 2017, County Open Space Tax and Added/Omitted Tax is hereby ratified and confirmed.

* * * * *

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

RESOLVED, that the actions of the Municipal Treasurer in issuing a warrant from the Unemployment Trust Fund in the amount of \$ 7,737.60 payable to the State of New Jersey Division of Employer Accounts is hereby ratified and confirmed. Said warrant is for the City of Bayonne unemployment bills for quarter ending 12/31/2016.

* * * * *

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

WHEREAS, the Attorney General of the State of New Jersey has authorized the use of Edward Byrne Memorial Justice Assistance Grant Program funding (CFDA NO. 16.738) from the United States Department of Justice, Office of Justice Programs to assist counties and municipalities with the purchase of Body-Worn Cameras (BWCs) and related equipment under the Office of Attorney General 2016 BWC Assistance Program; and

WHEREAS, the City of Bayonne Police Department has submitted an application for assistance under the Office of Attorney General 2016 BWC Assistance Program; and

WHEREAS, the Office of the Attorney General has approved a total project budget of \$90,000 to the Bayonne Police Department to purchase 180 BWCs for the period commencing January 9, 2017 through January 8, 2018 under Assistance Program Award Notification – JAG BWC14-16; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and/or such other municipal official as may be required by the State of New Jersey Office of the Attorney General be and is hereby authorized to execute any and all documents and to take any and all actions as may be necessary to accept the aforesaid \$90,000 under the Office of Attorney General 2016 BWC Assistance Program as reimbursement for the purchase of 180 BWCs for the period commencing January 9, 2017 through January 8, 2018 under Assistance Program Award Notification – JAG BWC14-16 and is hereby further authorized and directed to take the necessary steps to comply with the instructions in the Assistance Program Award Notification JAG BWC14-16 to obtain the aforesaid \$90,000.00 grant funds.

2. The City of Bayonne will accept and utilize these specific grant funds for the purposes set forth within the application for assistance.

* * * * *

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

WHEREAS, there exists a need for professional legal services as Municipal Court Prosecutor in the Bayonne Municipal Court; now, therefore, be it

RESOLVED, by the Municipal Council of the City of Bayonne that William Opel, Esq., Donna Russo, Esq., Susan Ferraro, Esq., John F. Coffey II, Esq., and Karla Garcia, Esq. are hereby appointed as Municipal Prosecutors for the Municipal Court; and be it further

RESOLVED, that William Opel, Esq. is hereby designated as Chief Prosecutor.

* * * * *

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

WHEREAS, Resolution 16-12-14-072 adopted by the Municipal Council on December 14, 2016 authorized an agreement with the Jewish Community Center, 1060 Kennedy Boulevard to provide CDBG funds in the amount of \$4,750.00 for the cost of architectural plans from Alan Feld Architect for the period commencing September 1, 2016 and ending August 31, 2017; and

WHEREAS, said Resolution 16-12-14-072 should have reflected that said CDBG funds were certified as available in Account# CDBG-917; and

WHEREAS, said Resolution 16-12-14-072 should also have reflected that said CDBG funds were to be charged to Account #CDBG- 917; now, therefore, be it

RESOLVED, by the Municipal Council that Resolution 16-12-14-072 is hereby amended to reflect that funds are certified as available in Account #CDBG-917 and chargeable to Account #CDBG-917.

* * * * *

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

WHEREAS, Municipal Council Resolution No. 16-07-20-040, adopted on July 20, 2016, authorized the Mayor and City Clerk to enter into an agreement with the Bayonne Economic Opportunity Foundation (the "BEOF"), 555 Kennedy Boulevard, Bayonne, New Jersey 07002 to provide CDBG funds in the amount of \$2,450.00 for the purpose of providing the cost of air sampling/monitoring at the Head Start Building located at 7 West 8th Street, Bayonne, New Jersey for the period commencing September 1, 2015 and ending August 31, 2016; and

WHEREAS, pursuant to the aforesaid Resolution No. 16-07-20-040, the City of Bayonne entered into Agreement No. CY16-055 with the BEOF for the aforesaid air sampling/monitoring pursuant to a proposal from Atlantic Environmental Solutions, Inc. ("Atlantic") dated June 20, 2016 as amended; and

WHEREAS, due to unforeseen circumstances, it is necessary for Atlantic Environmental Solutions, Inc. to submit an application to the New Jersey Department of Environmental Protection (the "NJDEP") for a "No Further Action" letter; and

WHEREAS, the Director of Community Development is in receipt of an invoice from Atlantic dated February 1, 2017 in the amount of \$400.00 for said services; 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. CY16-055 with the Bayonne Economic Opportunity Foundation, 555 Kennedy Boulevard, Bayonne, New Jersey increasing same in the amount of \$400.00 pursuant to the Invoice from Atlantic Environmental Solutions, Inc. dated February 1, 2017 representing payment for the submission of an application to the NJDEP for a "No Further Action" letter, making the total contract amount \$2,850.00.

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

3. All other terms and conditions of Agreement No. CY16-055 shall remain the same.

* * * * *

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

WHEREAS, Municipal Council Resolution No. 16-04-29-072, adopted on April 29, 2016, authorized the Mayor and City Clerk to enter into an agreement with the Bayonne Masonic Temple/Peninsula Masonic Lodge #99 F & AM, 888 Avenue C, Bayonne, New Jersey 07002 (the “BMT/PML#99”) to provide CDBG funds in the amount of \$7,222.50 for the purpose of providing the cost of the removal of one 2,000 gallon underground heating oil tank at their premises located at 888 Avenue C (the “Project”) for the period commencing September 1, 2015 and ending August 31, 2016; and

WHEREAS, pursuant to the aforesaid Resolution No. 16-04-29-072, the City of Bayonne entered into Agreement No. CY16-039 with the BMT/PML#99 to provide CDBG funds for the aforesaid Project pursuant to a proposal from Ken’s Marine Service, Inc. dated March 4, 2016; and

WHEREAS, due to unforeseen circumstances, the Project called for soil remediation work which was not anticipated at the time of the original contract award; and

WHEREAS, due to exigent circumstances, the Director of Community Development authorized the soil remediation work be performed by Ken’s Marine Service, Inc.; and

WHEREAS, the Office of Community Development is in receipt of Ken’s Marine Service, Inc.’s Invoice No. 17-078 dated February 2, 2017 reflecting the additional remediation work for the amount of \$14,700.00; and

WHEREAS, funds are certified as available in Account CDBG-917, now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The actions of the Director of Community Development in authorizing Ken’s Marine Service, Inc. to perform the aforesaid remediation work are hereby ratified and affirmed.

2. The Mayor and City Clerk are hereby authorized to execute an amendment to Agreement No. CY16-039 with the Bayonne Masonic Temple/Peninsula Masonic Lodge #99 F & AM increasing same in the amount \$7,477.50, pursuant to Ken’s Marine Service, Inc.’s Invoice No. 17-078 reflecting the aforesaid soil remediation work making the total contract amount \$14,700.00

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

4. All other terms and conditions of Agreement No. CY16-039 shall remain the same.

* * * * *

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

WHEREAS, the Director of Public Safety has determined that the following vehicle is out of service and beyond repair:

2001 GMC (PUBLIC WORKS #327) VIN#1GTEC14W11Z298542

WHEREAS, the Director of Public Safety has further determined that the City no longer has a need for the aforesaid vehicle and that said vehicle should be sold to the highest bidder; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

The Director of Public Safety and/or any other appropriate City Official is/are hereby authorized to auction off the above listed vehicle to the highest bidder, subject to the applicable statutes and regulations governing such sales.

* * * * *

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

WHEREAS, Section 17-23, Charitable Clothing Bins, of the Revised General Ordinances of the City of Bayonne requires that a permit be obtained by a qualifying non-profit

organization in order for it to place donation clothing bins within the City of Bayonne, provided certain requirements in the ordinance are met; and

WHEREAS, H AND M LEASING CORP., c/o Marc Field, 1245 Marconi Blvd., Copiague, NY 11726 has applied for a permit for three (3) clothing donation bins to be located at 400 Bayonne Crossing Way, and has paid the appropriate fees and supplied the required documents; now, therefore be it

RESOLVED, that the application of H AND M LEASING CORP., c/o Marc Field, 1245 Marconi Blvd., Copiague, NY 11726 for three (3) clothing donation bins to be located at 400 Bayonne Crossing Way at the specific location designated on the map submitted as part of their application, be and is hereby approved for the calendar year 2017; and be it further

RESOLVED, that the City Clerk be and is hereby authorized and directed to issue a permit for three (3) clothing donation bins to H AND M LEASING CORP., c/o Marc Field, 1245 Marconi Blvd., Copiague, NY 11726 for calendar year 2017.

* * * * *

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

WHEREAS, Tadco Engineering & Environmental Services, LLC, 59A Bleecker Street, Jersey City, New Jersey 07307 submitted an application for a Building Permit in connection with the removal of an underground oil tank located at 129 West 51st Street (the “Premises”) and paid the permit fee in the amount of \$150.00 to the City of Bayonne; and

WHEREAS, Tadco Engineering and Environmental Services, LLC, has advised that no tank was found on the Premises and submitted a formal written request dated January 25, 2017 for a refund of the \$150.00 fee paid in connection with same; and

WHEREAS, funds are certified as available in Account #12-286-56-366-2-199; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

- 1. The Comptroller and/or other appropriate officials of the City of Bayonne are hereby authorized to issue a warrant in the amount of \$150.00 payable to Tadco Engineering & Environmental Services, LLC, 59A Bleecker Street, Jersey City, New Jersey 07307 representing reimbursement of the Building Permit fee associated with the aforesaid removal of the underground storage tank located at 129 West 51st Street, Bayonne, New Jersey.
- 2. Funds shall be charged to Account #12-286-56-366-2-199.

* * * * *

44. 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 Vincent de Paul R.C. Church	11:30 AM 979 Avenue C June 11, 2017	RL: 9161
Bayonne Cal Ripken Baseball & Babe Ruth Baseball	12:00 PM 145 East 5 th Street April 22 & 29 May 13 & 27 June 10 & 24 July 8 & 22 Aug. 5 & 19 Sept. 2 & 16	RL: 9162
All Saints Catholic Academy HSA	12:00 – 5:00 PM 19 West 13 th Street February 26, 2017	RL: 9163
W.F. Robinson PTC	3:00 PM 95 West 31 st Street	RL: 9164

May 17, 2017

Mary J. Donohoe PTA	6:00 – 10:00 PM 1081 Broadway May 5, 2017	RL: 9165 RL: 9166
Bayonne Feral Cat Foundation	6:00 – 10:00 PM 290 Avenue E April 29, 2017	RL: 9167 RL: 9168
P.G. Vroom PTA	5:30-9:30 PM 18 East 26 th Street March 31, 2017	RL: 9169
St. Henry’s Church	1:30 PM 77 West 28 th Street May 21, 2017	RL: 6170
Hudson County Animal League	2:30-6:00PM 290 Avenue E April 1, 2017	RL: 6171 RL: 6172

* * * * *

45. Council Member Perez 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 December 21, 2016 that sealed bids for 2016 Roadway Improvements Phase II would be received on January 18, 2017; and

WHEREAS, pursuant to such advertisement, six (6) proposals were received from:

Bidders	Bid Amount
4 Clean-Up Inc. PO Box 5098 North Bergen, NJ	\$305,890.00
JTG Construction, Inc. 188 Jefferson St. Newark, NJ 07105	\$307,357.00
American Asphalt & Milling Services LLC 96 Midland Avenue Kearny, NJ 07032	\$310,968.02
S. Brothers Inc. 16 Sobeckko Road Manalapan, NJ 07726	\$319,225.09
Black Rock Enterprises LLC 1316 Englishtown Road Old Bridge, NJ 08857	\$355,559.57
Mark Paving Co. Inc. 77 Cutters Dock Road Woodbridge, NJ 07095	\$384,334.60;

and

WHEREAS, Amy Dellabella, R.P.P.O., Q.P.A. and Gary Chmielewski, Director of Public Works and Parks have examined the bids or proposals and have determined that the bid of 4 Clean Up Inc. is a regular bid and is most advantageous to the City of Bayonne for 2016 Roadway Improvements Phase II; and

WHEREAS, the Municipal Comptroller has filed a certification with the city clerk that funds are available; now, therefore, be it

RESOLVED, that the contract for 2016 Roadway Improvements Phase II be awarded to:

4 Clean-Up Inc.
PO Box 5098
North Bergen, NJ

for the following bid price: \$305,890.00, and that the contract be executed in the name of the City of Bayonne by the proper city officials and that the said sum be charged to account: Municipal Aid Program (pending approval of Temporary Emergency Appropriation #1.

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

* * * * *

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

WHEREAS, the Police Department of the City of Bayonne has established that there is a need for a system upgrade to the city-wide Motorola Brand P25 Digital Trunked Two-way Radio System Infrastructure, Dispatch and Recording Platforms; and

WHEREAS, Motorola Solutions, Inc., 123 Tice Boulevard, Suite 202, Woodcliff Lake, NJ 07677 Corporation is capable of supplying such upgrade under Motorola NJ State Contract #83909 detailed proposal dated January 29, 2016 and the revised cover letter and equipment list dated November 1, 2016; and

WHEREAS, funds are certified as available in Capital Bond Ordinance #O-16-66; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and/or his designee be and is/are hereby authorized to take any and all actions and execute any and all documents necessary in order to effectuate the purchase of the aforesaid system upgrade to the city-wide Motorola brand P25 Digital Trunked Two-way Radio System Infrastructure, Dispatch and Recording Platforms under Motorola NJ State Contract #83909 detailed proposal dated January 29, 2016 and the revised cover letter and equipment list dated November 1, 2016.

2. Funds shall be charged to Capital Bond Ordinance #O-16-66.

3. The Municipal Treasurer be and is hereby authorized and directed to make a payment to Motorola Solutions, Inc. in the amount of \$1,098,119.40 in payment of the purchase of the aforesaid system upgrade to the city-wide Motorola brand P25 Digital Trunked Two-way Radio System Infrastructure, Dispatch and Recording Platforms chargeable to Capital Bond Ordinance #O-16-66.

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

* * * * *

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

WHEREAS, the City of Bayonne is in need of professional engineering services for various special projects for the period commencing January 1, 2017 and ending December 31, 2017; and

WHEREAS, Mott MacDonald, LLC, 111 Wood Avenue South, Iselin, NJ 08830, has submitted to the City a formal written response to the City's Request for Qualifications/Proposals for said professional engineering services; and

WHEREAS, Mott MacDonald, LLC is qualified, ready, willing and able to provide said professional engineering services; and

WHEREAS, funds have been certified as available in Various Accounts pending adoption of the CY2017 budget; and

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

WHEREAS, Mott MacDonald, LLC has qualified under the Fair & Open Contracting Requirements pursuant to N.J.S.A.19:44A:20.4.5; now, therefore, be it

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute an agreement with Mott MacDonald, LLC to work on various special projects during CY2017 for the period commencing January 1, 2017 and ending December 31, 2017 for an amount not to exceed \$75,000.00.

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

3. Funds shall be chargeable to Various Accounts.

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

* * * * *

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

WHEREAS, the City is in need of professional medical services to perform various physical examinations and medical testing in connection with non-uniformed employees, taxi licenses; disability parking spaces, *etc.*; and

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

WHEREAS, the anticipated term of this contract one year; and

WHEREAS, Astra Health Centers, 564 Broadway, Bayonne, New Jersey has submitted a formal written proposal for the aforesaid professional medical services dated January 30, 2017 that satisfies the needs of the City in connection with same; and

WHEREAS, it is necessary to acquire the services pursuant to a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

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

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

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

WHEREAS, funds are certified as available in Account #01-201-27-330-2-020; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with Astra Health Centers, 564 Broadway, Bayonne, New Jersey to provide the aforesaid professional medical services for a one year period commencing January 1, 2017 and ending December 31, 2017 for a total contract amount not to exceed \$37,000.00.

2. Funds shall be chargeable to Account #01-201-27-330-2-020.

3. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

4. This contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because the service is a recognized profession, licensed and regulated by the State of New Jersey, and bids are not required as per N.J.S.A. 40A:11-1, et seq.

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

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

* * * * *

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

WHEREAS, the City of Bayonne is in need of professional legal services in defense of the City of Bayonne in connection with State Tax Court Appeals;

WHEREAS, the law firm of Chasan, Lamparello, Mallon & Cappuzzo P.C., 300 Lighting Way, Suite 300, Secaucus, New Jersey 07094 has submitted to the City of Bayonne a formal written response to the City's Request for Qualifications/Proposals for said professional legal services; and

WHEREAS, the law firm of Chasan, Lamparello, Mallon & Cappuzzo P.C., is qualified, ready, willing and able to provide said services; and

WHEREAS, funds are certified as available in Account #01-201-20-156-2-020 pending adoption of the CY2017 budget; and

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

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

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute an agreement with the law firm of Chasan, Lamparello, Mallon & Cappuzzo, P.C., to provide professional legal services in defense of the City of Bayonne in matters before the State Tax Court of the State of New Jersey, for a maximum contract amount not to exceed \$55,000.00, at an hourly rate of \$165.00 per hour for the period commencing January 1, 2017 and ending December 31, 2017.

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

3. Funds are certified as available in Account #01-201-20-156-2-020.

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

* * * * *

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

WHEREAS, N.J.S.A. 40A:11-1(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Educational Services Commission of New Jersey, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, on February 15, 2017 the governing body of the City of Bayonne, County of Hudson, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

TITLE

This Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the City of Bayonne.

AUTHORITY

Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor and City Clerk are hereby authorized to enter into a cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

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

* * * * *

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

WHEREAS, the City of Bayonne, Office of Emergency Management has been advised that the city is eligible for a subgrant from the State Emergency Management Agency Assistance (EMAA) Grant Program from the New Jersey's Emergency Management Performance Grant (EMPG), for an amount up to \$9,400.00 Federal Award and \$9,400.00 Local Matching Funds, for the Performance Period of July 1, 2016 through June 30, 2017, for the purpose of enhancing Bayonne's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the subgrant award is contingent upon the State of New Jersey's receipt of the Emergency Management Performance Grant (EMPG); and

WHEREAS, the application for the anticipated allocation will be made to the county of Hudson Office of Emergency Management, which will review it for completeness and a certification of local agencies will be submitted to the NJOEM Emergency Response Bureau by the county; and

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

RESOLVED that the Mayor and/or such other official as may be required to submit the application for the Federal Fiscal Year (FFY) 2016 Homeland Security Emergency Management Performance Grant Program Subgrant in an amount up to \$9,400.00 Federal Funds from the New Jersey State Police, Office of Emergency Management be and is hereby authorized and directed to execute such documents as may be necessary to apply for the EMMA subgrant in an amount up to \$9,400.00; and be it further

RESOLVED that the Municipal Council of the City of Bayonne hereby agrees to commit an amount up to \$9,400.00 in cash or in-kind local match to the subgrant; and be it further

RESOLVED, that in the event that the grant is awarded to the City of Bayonne, the Mayor and or his designee is hereby authorized to receive and expend same in furtherance of the purpose of the grant; and be it further

RESOLVED, that said \$9,400.00 Local Matching Funds funds shall be charged to Account ##01-201-25-265-2-020.

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

* * * * *

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

WHEREAS, the County of Hudson, Department of Health and Human Services has awarded Peer Grouping grant funds to the Bayonne Office on Aging in the amount of \$10,000.00 for the period of January 1, 2017 and ending December 31, 2017 for case management, emergency mental health services, respite care, hospice, early intervention services, medical supplies and home delivered meals to the elderly and people with disabilities; now, therefore be it

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

1. The City of Bayonne hereby accepts the aforesaid \$10,000.00 Peer Grouping grant funds from the County of Hudson, Department of Health and Human Services, for the Home Delivered Meals Program as for the period commencing January 1, 2017 through December 31, 2017.

2. The Mayor and City Clerk are hereby authorized to enter into an Agreement with the Bayonne Economic Opportunity Foundation, 555 Kennedy Boulevard, Bayonne, New Jersey 07002 for amount by \$10,000.00 to be used to continue the provision of a Nutritional

Feeding Program for Senior Citizens with Home Delivered Meals for the period commencing January 1, 2017 and ending December 31, 2017.

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

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

* * * * *

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

WHEREAS, on June 29, 2016 the City of Bayonne purchased the property known as 426-428 Broadway, Bayonne, New Jersey (also known as Block 221, Lot 26 on the Tax Maps of the City of Bayonne) from 426 Bayonne LLC for \$900,000.00; and

WHEREAS, the City of Bayonne is desirous of subdividing property into two separate lots, a portion of which is to become Proposed Block 221, Lot 1.03 and the remainder of which is to become part of Proposed Block 221, Lot 1.01; and

WHEREAS, the City of Bayonne is desirous of selling the “remainder” portion of Block 221, Lot 26 (as more specifically set forth in the attached metes and bounds description) to Bayonne 19th Street Urban Renewal Associates LLC for the sum of \$400,000.00; and

WHEREAS, pursuant to N.J.S.A. 40A:12-13(c), the City of Bayonne can sell the aforesaid property via authorizing resolution; and

WHEREAS, the Municipal Council is convinced that it is in the best interests of the City of Bayonne to sell the above referenced “remainder” portion of Block 221, Lot 26 to Bayonne 19th Street Urban Renewal Associates LLC for the sum of \$400,000.00; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute any and all documents necessary to effectuate the sale of that portion of Block 221 Lot 26 as is more specifically set forth in the attached metes and bounds description for the sum of \$400,000.00 to Bayonne 19th Street Urban Renewal Associates LLC.

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

* * * * *

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

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

CURRENT FUND

FROM			TO	
No.	Account	Amount	Account	Amount
1.	Law Enforcement-Uniform		Bus. Administration-O.E.	\$50,000.00
	- S& W	\$97,000.00	Fire Dept. – O.E.	\$47,000.00
	Streets & Roads-Maintenance		Vehicle Maintenance-O.E.	\$42,000.00
	- S& W	\$42,000.00	Older American Program-O.E.	\$ 4,400.00
	Board of Health-S&W	\$ 4,400.00		

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

* * * * *

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

WHEREAS, pursuant to a Consent Judgment with the New Jersey State Department of Environmental Protection (“NJDEP”) dated September 7, 2011, to which the City of Bayonne was a party, Honeywell is responsible for the investigation and remediation of chromium

contamination at various sites along the western shoreline of the City of Bayonne identified as Hudson County Chromate Site 144 Bayonne Pipeline B and C (Lines B and C), which are part of the overall Site identified as NJDEP PI# G000008760 (the ‘Site’); and

WHEREAS, a portion of the site is located within the Richard A. Rutkowski Park, owned by the City of Bayonne; and

WHEREAS, on December 21, 2015, Honeywell submitted a Remedial Action Work Plan (RAWP) to the NJDEP, setting forth Honeywell’s proposed plan for remediation at the Site; and

WHEREAS, as part of the proposed remedial action, the RAWP included the eventual filing of a Deed Notice for hexavalent chromium against the affected areas of Rutkowski Park; and

WHEREAS, by “Request for Owner Concurrence with Deed Notice” executed May 31, 2016, a copy of which is attached to this Resolution, Honeywell sought the consent of the City to join in the application for a remedial action permit as a co-permittee with Honeywell and for the eventual imposition of a Deed Notice, which would restrict future uses of the property as part of the remediation efforts; and

WHEREAS, the City of Bayonne through the Bayonne Municipal Utilities Authority (BMUA) concurred with the investigation and cleanup of chromium contamination proposed by Honeywell at the Site and executed the May 31, 2016 “Request for Owner Concurrence with Deed Notice”; and

WHEREAS, pursuant to its letter dated January 12, 2017, a copy of which is attached to this Resolution, Honeywell via their engineer of record for the project at AMEC Foster Wheeler Environment & Infrastructure, Inc. (Amec Foster Wheeler) has applied for a Tidelands License required to complete the remedial actions described in the RAWP including the construction of engineering controls (caps); and

WHEREAS, the City of Bayonne as successor in interest to the BMUA wishes to ratify and confirm the former actions by the BMUA and authorize Honeywell to proceed with the cleanup efforts and eventual imposition of a Deed Notice; and

WHEREAS, a Deed Notice is an acceptable, effective and efficient means of remediation at the Site and in furtherance of the health, safety and welfare of the citizens and visitors of the City of Bayonne;

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

1. The above recitals are incorporated herein by reference;
2. The City of Bayonne Ratifies and confirms the actions of the BMUA and its former executive director Tim Boyle, who, following the BMUA’s dissolution is now an employee of the City of Bayonne with respect to the cleanup and associated tidelands licensing and further authorizes Honeywell via their engineer of record for the project at AMEC Foster Wheeler Environment & Infrastructure, Inc. (Amec Foster Wheeler) to apply for the Tidelands License required to complete the remedial actions described in the Remedial Action Workplan (RAWP) dated December 2015.
3. The City of Bayonne authorizes either the Mayor of the City of Bayonne or Tim Boyle, who is likewise hereby authorized to act as the City’s designee for matters involving the BMUA transition and related environmental, water and sewer system matters to execute any documents on behalf of the City of Bayonne and to take any actions necessary to effectuate the purposes of this resolution or any other matters related to processes begun by the BMUA prior to its dissolution or responsibilities carried over from the BMUA as a result of the assumption of its responsibilities by the City of Bayonne.
4. The City of Bayonne authorizes the Mayor or his designee to execute a Deed Notice and any documents in furtherance of remedial action at the Richard A. Rutkowski Park, in form and substance as is approved by the Law Director and if required by the NJDEP to protect the health, safety and welfare of the citizens and visitors of the City of Bayonne.
5. This resolution shall take effect immediately.

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

* * * * *

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

WHEREAS, on March 16, 2015 the City of Bayonne entered into an Amended and Restated Redevelopment and Purchase and Sale Agreement with Fidelco Bayonne Realty LLC for a portion of Harbor Station North in the Peninsula at Bayonne Harbor; and

WHEREAS, due to exigent circumstances, consistent 9.18 of the aforesaid Amended and Restated Redevelopment and Purchase and Sale Agreement, it is necessary to amend certain terms same as more particularly set forth in the attached proposed amendment; and

WHEREAS, the Business Administrator has sufficiently demonstrated that the proposed amendments to the aforesaid Amended and Restated Redevelopment and Purchase and Sale Agreement are necessary any inure to the best interests of the City of Bayonne and the timely completion of this project; now, therefore, be it

RESOLVED, as follows:

1. That the Mayor and Clerk Business Administrator are hereby authorized to execute a final amendment to the March 16, 2015 Amended and Restated Redevelopment and Purchase and Sale Agreement with Fidelco Bayonne Realty LLC consistent with the terms set forth in the attached document, which document is made a part hereof.

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

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY DESIGNATING CERTAIN PROPERTY LOCATED AT AVENUE E AND E 25TH STREET, WHICH PROPERTY IS IDENTIFIED AS BLOCK 191, LOT 5.02, AND CERTAIN PROPERTY LOCATED AT 306-322 AVENUE E, WHICH PROPERTY IS IDENTIFIED AS BLOCK 440, LOTS 3, 4, AND 5 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT AND AUTHORIZING AND DIRECTING THE PLANNING BOARD TO PREPARE A REDEVELOPMENT PLAN FOR THE PROPERTY PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 ET SEQ.*

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

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

WHEREAS, *N.J.S.A. 40A:12A-6* authorizes the governing body of any municipality, by resolution, to have its Planning Board conduct a preliminary investigation to determine whether an area of the municipality is a non-condemnation "area in need of redevelopment" pursuant to the criteria contained in *N.J.S.A. 40A:12A-5*; and

WHEREAS, the Mayor and Municipal Council consider it to be in the best interest of the City to have the Planning Board of the City (the "Planning Board") conduct such an investigation to determine if certain properties located at Avenue E and E. 25th Street, which property is identified as Block 191, Lot 5.02 and commonly known as "317 Avenue E," and certain property located at 306-322 Avenue E, which property is identified as Block 440, Lots 3, 4, and 5 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.

WHEREAS, on February 14, 2017, the Planning Board held a public hearing, duly noticed under the Redevelopment Law, and reviewed an investigation/report titled "Area in Need of Redevelopment Preliminary Investigation Block 191, Lot 5.02, Block 440, Lot 3, Block 440 Lot 4, Block 440 Lot 5" prepared by Suzanne Mack, PPAICP, City of Bayonne, Division of Planning & Zoning, Department of Municipal Services, dated February 7, 2017 (the "Study") and any persons interested in or affected by a determination that the Property is a non-condemnation redevelopment area were given an opportunity to be heard, and any objections to such a determination and evidence in support of those objections, were received and considered and made part of the public record, and;

WHEREAS, on February 14, 2017, the Planning Board further adopted the Resolution recommending that the Property be determined by the Municipal Council to be a non-condemnation "area in need of redevelopment" under the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.*; and

WHEREAS, the Municipal Council concurs and agrees with Planning Board's recommendation, as supported by the reasons stated in the Study, that the Property constitutes and meets the criteria under the Redevelopment Law and that the Property should be determined and declared a non-condemnation "area in need of redevelopment", which determination shall, among other things, authorize the City to use all of the powers provided by the Legislature for use in a redevelopment area, however, it shall not authorize the City to exercise the power of eminent domain to acquire all or any portion of such Property; and

WHEREAS, the City is desirous of directing the Planning Board to prepare a redevelopment plan for the Property (the "Redevelopment Plan"); and

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

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

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

Section 1. Block 191, Lot 5.02, and Block 440, Lots 3, 4, and 5, as shown on the official Tax Map of the City are hereby designated a non-condemnation "area in need of redevelopment" under the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.*

Section 2. The Municipal Council hereby directs the City Clerk to transmit a copy of the within resolution to the Commissioner of the Department of Community Affairs and to serve notice that Block 191, Lot 5.02, and Block 440, Lots 3, 4, and 5, is designated a non-condemnation redevelopment area on the owners of such Property and other parties within ten (10) days of the date hereof, in accordance with *N.J.S.A. 40A:12A-6.b(5)*.

Section 3. The Planning Board of the City of Bayonne is hereby authorized and directed to prepare a Redevelopment Plan for the Property identified as Block 191, Lot 5.02, and Block 440, Lots 3, 4, and 5 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 4. The Planning Board shall transmit the Redevelopment Plan to the Municipal Council for further consideration and action upon completion of same.

Section 5. This Resolution shall take effect immediately.

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

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58. 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 AMEND THE REDEVELOPMENT PLAN FOR THE PENINSULA AT BAYONNE HARBOR - HARBOR STATION SOUTH AS IT RELATES TO THE PORTION OF THE PENINSULA IDENTIFIED AS BLOCK 700, LOT 1, BLOCK 720, LOT 1, AND

BLOCK 791, LOT 1 ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE,
AND REFERRED TO AS “HARBOR STATION SOUTH”

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

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

WHEREAS, on March 18, 1998, the Bayonne Municipal Council (the “Municipal Council”) adopted Resolution 98-03-18-065 requesting the Planning Board of the City (the “Planning Board”) to conduct a preliminary investigation pursuant to *N.J.S.A. 40A:12A-6* to determine whether the subject area (the “Peninsula Study Area”), qualified as ‘an area in need of redevelopment’ in accordance with the criteria set forth in *N.J.S.A. 40A: 12A-5*, and if so, to prepare a redevelopment plan; and

WHEREAS, on November 23, 1999, the Municipal Council adopted Resolution 99-11-23-078 designating the Peninsula Study Area, as an area in need of redevelopment (the “Peninsula Redevelopment Area”); and

WHEREAS, on August 24, 2001, the Municipal Council passed Ordinance O-01-45, which adopted the original Redevelopment Plan for the Peninsula Redevelopment Area in accordance with the Redevelopment Law; and

WHEREAS, on December 15, 2004, the Municipal Council passed Ordinance O-04-39, adopting a new Redevelopment Plan for the Peninsula Redevelopment Area, titled “The Peninsula at Bayonne Harbor” with an amendment dated February 14, 2006; and

WHEREAS, by Ordinance No. O-06-24, the Municipal Council adopted a revision of The Peninsula at Bayonne Harbor Redevelopment Plan dated July 19, 2006, which incorporated and superseded the prior redevelopment plans and amendments; and

WHEREAS, the Municipal Council, pursuant to Resolution No. 15-09-16-069 referred the Redevelopment Plan to the Planning board, to prepare and review an update to the Redevelopment Plan for those portions of the Peninsula Redevelopment Area located within Harbor Station South District identified as Block 700 Lot 1; Block 720, Lot 1; Block 730 Lot 1; Block 731, Lot 1; Block 751, Lot 1; Block 770, Lot 1; Block 780, Lot 1; Block 790, Lot 1; and Block 730, Lot 2 on the official tax map of the City of Bayonne, referred to as “Harbor Station South;” 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 for the Peninsula at Bayonne Harbor - Harbor Station South” dated December 2015 (the “Redevelopment Plan”); and

WHEREAS, on December 8, 2015, 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 January 20, 2016, the Municipal Council passed Ordinance O-16-01 which adopted the Redevelopment Plan prepared by the City of Bayonne Division of Planning & Zoning, Department of Municipal Services for the Property in accordance with the Redevelopment Law; and

WHEREAS, pursuant to the provisions of *N.J.S.A. 40A:12A-7(e)* of the Redevelopment Law, the Planning Board, through the City’s staff and/or Planning Board professionals, is permitted to amend the Redevelopment Plan; and

WHEREAS, portions of the Peninsula Redevelopment Area currently remain vacant and/or undeveloped; and

WHEREAS, the City believes that the property identified as Block 700, Lot 1, Block 720, Lot 1, and Block 791, Lot 1 on the City’s Tax Maps (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 Municipal Council believes that the preparation of an amended Redevelopment Plan for the Study Area is in the best interests of the City.

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 amend those portions of the Redevelopment Plan pertaining to the Study Area, which is identified as Block 700, Lot 1, Block 720, Lot 1, and Block 791, 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.*; and

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

Section 3. This Resolution shall take effect immediately.

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

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59. Council Member Perez introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 4, LICENSING, REGISTRATION AND BUSINESS REGULATIONS

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

Section 1. That the Revised General Ordinances of the City of Bayonne, Chapter 4, Licensing, Registration and Business Regulations, Subsection 4-22, Massage Establishments, is hereby deleted in its entirety and is replaced with:

4-22 MESSAGE ESTABLISHMENTS.

4-22.1 Definitions.

For the purpose of this section:

a. *Massage* shall mean **massage**, bodywork, pressure and somatic therapy. Those terms shall be used herein as those terms are used in *N.J.S.A. 45:11-55 et seq.* Systems of activity of structured touch which include, but are not limited to, holding, applying pressure, positioning and mobilizing soft tissue of the body by manual techniques and use of visual, kinesthetic, auditory and palpating skills to assess the body for purposes of applying therapeutic **massage**, bodywork, pressure or somatic principles. Such application may include, but is not limited to, the use of therapies such as heliotherapy or hydrotherapy, the use of moist hot and cold external application of herbal or topical preparations not classified as prescribed drugs, explaining and describing myofascial movement, self-care and stress management as it relates to **massage**, bodywork and somatic therapies. **Massage**, bodywork and somatic therapy practices are designed to affect the energetic system of the body for purposes of promoting and maintaining the health and well-being of the client. **Massage**, bodywork, pressure and somatic therapies do not include the practice of medicine, surgery, dentistry, osteopathy, chiropractic, physical therapy or other medical or surgical practices as defined in Title 45, Chapter 9, of New Jersey Statutes Annotated or to licensed nurses acting under the direct prescription and direction of said practitioners. **Massage**, bodywork, pressure and somatic therapies do not include **massage** of the scalp, hands or feet by a hair or nail salon or chair **massage** of arms, neck and shoulders in an open room or area where other business is conducted, or certificated therapeutic methods that are employed when the patron is fully clothed.

b. *Massage Establishment*. Shall mean any establishment located in a fixed place of business on a property owned, leased, operated or controlled by any person, firm, association or corporation which engages in or carries on, or permits to be engaged in or carried on, any of the **massage** activities defined in this chapter. This includes any establishment engaged in or carrying on or permitting any combination of a **massage**, bodywork, pressure and/or somatic therapy and bathhouse establishment.

c. *Massage Practitioner*. Shall mean any person who holds a certificate as defined by this chapter who, for any consideration whatsoever, engages in the practice of **massage**, bodywork, pressure and/or somatic therapy as herein defined, including but not limited to subcontractors, subtenants or temporary employees certified by the State of New Jersey.

d. *Massage Work Area*. Shall mean any room, floor or section of a **massage** business or establishment where **massage**, bodywork, pressure and/or somatic therapies as herein defined are carried out.

e. *Person*. Shall mean any individual, firm, member of a firm, partnership, member of a partnership, corporation or any officer, director or stockholder of such corporation, a voluntary association or incorporated association. "Persons" shall specifically include and apply to individual owners of **massage** businesses, as well as the entity(ies).

4-22.2 Registration Required.

a. (1) It shall be unlawful to operate any massage establishment in the City of Bayonne without first obtaining a license therefor. The owner of a massage establishment desiring a license shall make written application to the City Clerk setting forth the name of the applicant, location of the places sought to be licensed, whether or not the applicant is registered by the New Jersey State Department of Health and any other facts which the City Clerk may consider pertinent. Said application shall be on a form prescribed by the City Clerk.

(2) It shall be unlawful for any Massage Practitioner or person to engage in the practice of massage, bodywork, pressure and/or somatic therapy as herein defined without first obtaining a license therefore.

(3) Each application for a license or the renewal thereof, or to engage in the business of massage which is submitted to the City Clerk, shall be approved by the Municipal Council before any license is issued. The Municipal Council shall not approve such application unless a valid State License is attached to the application.

b. Conditions for issuance. A license shall not be issued to a business entity, massage establishment, massage practitioner or person unless he/she/it meets the following conditions:

(1) Owners, corporate officers, partners, limited liability members submit a completed application as required by the Ordinance, along with proof of State Licensure to own/operate a massage establishment.

(2) Is at least eighteen (18) years of age.

(3) Is licensed/certified pursuant to N.J.S.A. 45:11-53 et seq. (The Massage, Body Work and Somatic Therapy Certification Act) and regulations promulgated hereto and provides a copy of a valid license/certification issued by the State of New Jersey.

(4) Submits a certification from a duly licensed physician of the State of New Jersey stating that the applicant is free from contagious and communicable disease, dated within thirty (30) days of the date of the application.

(5) Applicant submits three (3) recent photographs that shall be approximately 2 x 2 inches showing the head and shoulders of the applicant in a clear and distinguishing manner. Each applicant shall be fingerprinted by the Chief of Police or his designee and shall undergo a background check by the Chief of Police, which cost shall be borne by the applicant. (If there have been no violations of this chapter and the applicant has been continually licensed from their initial application, fingerprinting shall only be required upon the initial application). The applicant completes an application in a form maintained on file with the City Clerk.

(6) The applicant has not been convicted or pled guilty to violating any provisions of the Criminal Code included in N.J.S.A. 2C: 34-1 et seq. and/or N.J.S.A. 2C: 14-2 or their equivalent in another jurisdiction.

(7) Has not made a false statement in connection with an application for licensure under this Ordinance.

c. Restrictions on location. No application for a new massage establishment license shall be granted unless the establishment is more than one thousand (1,000) feet away from any

public or private educational institution (including elementary, high school and/or college level) or house of worship.

d. Compliance; misrepresentation. Any application which fails to conform or to comply with the requirements of this chapter or which contains any misrepresentations shall constitute sufficient grounds for the denial of the application and any license which may be issued with an intentional misrepresentation contained in the application shall be subject to suspension or revocation in addition to penalties hereinafter mentioned.

e. Terms. Each such license shall become effective January 1 of any given year and will be renewable by mail annually.

f. Annual fee. Annual fee is due with application and will be required to be paid January 31 of any given year after. The applicant shall pay a two hundred fifty dollar (\$250.00) fee upon filing an initial application for the operation of a business engaged in providing massage therapy services and any individual applicant (as opposed to a business entity) who wishes to be licensed for massage therapy purposed under this chapter shall pay an initial application fee of fifty dollars (\$50.00). All licenses shall be valid for a period one (1) year. All provisions of this chapter, including the requirement of filing fees, shall apply to renewals in the same manner as they apply to applications for initial licenses.

g. Nontransferable. These licenses are not transferable.

h. Lists of suppliers. Every owner of a massage establishment, upon request of the City's Health Officer, shall furnish to the Health Officer the names and addresses of any person, firm or corporation supplying them with any item that is used in its establishment for the purpose of enabling the Health Officer to examine the sanitary and hygienic conditions under which said materials are handled.

i. Water supply. Every massage establishment upon request of the Health Officer shall contain hot and cold running water.

j. Use of linen. It shall be unlawful to wash or dry in the licensed premises any towels that were used or that have come into contact with a patron. It shall be unlawful to use covering cloths on more than one (1) person successively, except when either a clean towel or a paper neck is applied next to the skin between each covering cloth and the skin to prevent contact of the skin with such covering cloth.

k. Separation of living quarters. No part of the premises used as a massage establishment shall be occupied or used or furnished for sleeping quarters and rooms in the rear or to the side of the premises which may be used as living quarters shall be separated from the massage establishment and/or massage work area by a permanent partition extending from ceiling to floor. And any door leading thereto shall be kept closed at all times except as used for ingress and egress.

l. Sign stating hours of operation, required. All massage establishments shall have a sign not less than eighteen (18) inches wide by sixteen (16) inches long on which shall be prominently stated the hours of operation. The said sign shall be displayed in such a manner that all persons frequenting the said location shall have an unobstructed view thereof.

m. Inspections; re-inspection fee. The Health Officer or his/her designee shall enter said premises at any time with no advance warning. The premises must be inspection ready at all times. The Health Officer, Public Health Investigator, Bayonne Police Department are the other authorities that may enter said premises for complaints or general inquiries. All findings will be reported to the Health Officer as soon as possible.

Each massage establishment will be inspected at least one (1) time annually, where a certificate of inspection (pass or fail) will be posted. This certificate must be posted in clear view of all patrons entering said locations.

At which time an inspection is made and it is found to be of unsatisfactory condition it will put the said location on notice and schedule a re-inspection and a re-inspection fee of forty dollars (\$40.00) will be charged.

n. Licenses must be displayed. All licenses issued by the City Clerk must be posted and available to all patrons entering said location. In locations where there is additional

licensing (by the State of New Jersey), all individual licenses of operators and owners must be posted at the said premises and must be valid. (The personal information that is on the license may be blocked out, but must be accessible to the inspecting individual.)

o. Revocation of License. The conviction of any applicant or licensee of any criminal offense, quasi-criminal offense or sanitary code violation related to the licensee's business, or any sex-related offense may constitute a forfeiture of the license and said license shall be deemed revoked. Each licensee shall be deemed responsible for a clean and safe business operation in the massage work area and on the premises. The violation of any law at said premises or any provisions of this chapter may be grounds for the revocation of the license to operate massage therapy on the premises.

p. Revocation Procedure.

(1) Licenses issued under this chapter may be revoked by the City Clerk, Business Administrator, Construction Code Official, Law Director, Health Officer or Chief of Police for violations of any terms or conditions of this chapter.

(2) Notice of an informal hearing for revocation of a license before any of the individuals identified in Subsection 1. above, shall be given in writing setting forth the grounds of complaint and time and place of hearing. Such notice shall be served personally upon the licensee or mailed by registered letter to the licensee at his last known address at least five (5) days prior to the date set for hearing.

(3) In the event of a revocation of license, the City Clerk, Business Administrator, Construction Code Official, Law Director, Health Officer or Chief of Police shall report his/her findings and reasons therefor to the applicant/licensee in writing.

q. Appeals. In the event that any applicant for a license shall have been refused a license or in the event that any license shall have had his/her license revoked or suspended by the Health Officer, said person shall have the right and privilege to appeal from such refusal to grant license or suspension or revocation of license to the Municipal Council provided however that not less than fourteen (14) days written notice of such appeal shall have been served upon the Municipal Council either in person or registered mail return receipt requested and a date of hearing before the Municipal Council shall be fixed no later than thirty (30) days after the receipt of said notice of appeal. Thereupon the Municipal Council shall notify said person of the place, date and time of hearing.

r. Fines and Violations. In addition to any penalty imposed pursuant to section 4-22.6, if a licensee fails to correct any violation within a time period prescribed by the Health Officer or other authorized City Officer, a license may be revoked until such corrections are made.

s. Reapplication After Revocation Prohibited. No person, business entity, owner, corporate officer, partner, limited liability member, or someone acting in their behalf, after having their license revoked shall be granted a license upon reapplication. The City Clerk shall be prohibited from issuing a license to operate a massage establishment or a license to operate as a massage practitioner under this or any other ordinance of the City of Bayonne to any such revokee. If the applicant for a massage establishment hereunder is a person, this ordinance shall apply to all immediate family members of said person.

4-22.3 Requirements.

Any person or entity engaged in the business of operating a massage establishment as defined in this section, shall be required to carry a professional liability insurance policy in the minimum amount of ten thousand (\$10,000.00) dollars for each occurrence, plus ten thousand (\$10,000.00) dollars for each individual. A copy of such policy shall be submitted for approval with the application for a license.

4-22.4 Exemptions from Licensing.

The provisions of this section shall not apply to massage or physical therapy treatments given by a massage therapist certified by either the A.M.T.A. or the A.M.B.P., and:

- a. In the office of a licensed physician, osteopath, chiropractor or physical therapist.
- b. In a regularly established medical center, hospital, or sanitarium having a staff which includes licensed physicians, chiropractors or physical therapists.
- c. By any licensed physician, osteopath, chiropractor or physical therapist in the residence of his patient.

4-22.5 Compliance with State and Local Laws.

All massage establishments shall comply with all other State laws and local ordinances.

4-22.6 Penalty.

Any person violating any provision of this section shall, upon conviction, be liable for the penalty stated in Chapter 1, Section 1-5.

4-22.7 Sexual Misconduct.

It shall be unlawful for any licensee to operate any establishment as a massage establishment or any similar type business where any physical contact by the licensee or any employee of the licensee is provided resulting in sexual misconduct. Sexual misconduct shall be defined as follows:

- a. The purpose of this section is to identify licensee's conduct which shall be deemed sexual misconduct.
- b. As used in this section, the following terms have the following meanings unless the context clearly indicates otherwise:

CLIENT-Any person who is the recipient of massage, bodywork or somatic therapy.

CLIENT-THERAPIST RELATIONSHIP-A relationship between a licensee and a client wherein the licensee owes a continuing duty to the client to render massage, bodywork or somatic therapy services consistent with his or her training and experience.

SEXUAL CONDUCT-The knowing touching of a person's body directly or through clothing, where the circumstances surrounding the touching would be construed by a reasonable person to be motivated by the licensee's own prurient interest or for sexual arousal or gratification.

SEXUAL CONTACT-Includes, but is not limited to, the imposition of a part of the licensee's body upon a part of the client's body, sexual penetration, or the insertion or imposition of any object or any part of a licensee or client's body into or near the genital, anal or other opening of the other person's body. "Sexual contact" does not include the touching of a client's body which is necessary during the performance of a generally accepted and recognized massage, bodywork or somatic therapy procedure.

SEXUAL HARASSMENT-Solicitation of any sexual act, physical advances, or verbal or nonverbal conduct that is sexual in nature, and which occurs in connection with a licensee's activities or role as a provider of massage, bodywork or somatic therapy services, and that either: is unwelcome, is offensive to a reasonable person, or creates a hostile workplace environment, and the licensee knows, should know, or is told this; or is sufficiently severe or intense to be abusive to a reasonable person in that context. "Sexual harassment" may consist of a single extreme or severe act or of multiple acts and may include, but is not limited to, conduct of a licensee with a client, co-worker, employee, student or supervisee whether or not such individual is in a subordinate position to the licensee.

SPOUSE-The husband, wife or fiancée of the licensee or an individual involved in a long-term committed relationship with a licensee. For purposes of the definition of "spouse," a long-term committed relationship means a relationship which is at least six (6) months in duration.

- c. A licensee shall not engage in sexual contact with a client with whom he or she has a client-therapist relationship. The client-therapist relationship is ongoing for purposes of this section, unless the last massage, bodywork or somatic therapy was rendered more than three (3) months ago.

- d. A licensee shall not seek or solicit sexual contact with a client with whom he or she has a client-therapist relationship and shall not seek or solicit sexual contact with any person in exchange for professional services.
- e. A licensee shall not engage in any discussion of any intimate sexual nature with a person with whom the licensee has a client-therapist relationship, unless that discussion is directly related to a proper massage, bodywork or somatic therapy purpose. Such discussion shall not include disclosure by the licensee of his or her own sexual relations.
- f. A licensee, shall provide privacy and therapy conditions which prevent exposure of the unclothed body of the client. Appropriate draping measures shall be employed to protect the client's privacy.
- g. A licensee shall not engage in sexual harassment either within or outside of the professional setting.
- h. A licensee shall not engage in any other activity which would lead a reasonable person to believe that the activity serves the licensee's personal prurient interests or which is for the sexual arousal, or sexual gratification of the licensee or client or which constitutes an act of sexual abuse.
- i. Nothing in this section shall be construed to prevent a licensee from rendering massage, bodywork or somatic therapy to a spouse, providing that the rendering of such massage, bodywork or somatic therapy is consistent with accepted standards of massage, bodywork or somatic therapy and that the performance of therapy is not utilized to exploit the spouse for sexual arousal or sexual gratification of the licensee.
- j. It shall not be a defense to any action under this section that:
 - (1) The client solicited or consented to sexual contact with the licensee; or
 - (2) The licensee is in love with or held affection for the client.

4-22.8 Non-preemption.

This chapter is intended to be read in pari materia with any and all state regulations appertaining to the same or similar subject matter, including, but not by way of limitation, any and all regulations established by the Massage, Bodywork and Somatic Therapy Examining Committee operating under the New Jersey Board of Nursing (P.L. 1999, c. 19, approved February 8, 1999, Assembly Bill No. 843).

4-22.9 Severability.

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

4-22.10 Repealer.

All ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.

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

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 4, LICENSING, REGISTRATION AND BUSINESS REGULATIONS," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, March 15, 2017 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.

* * * * *

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

WHEREAS, the City of Bayonne has by Ordinance this day authorized a Financial Agreement with 957 Broadway Urban Renewal, LLC pursuant to the New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et. seq. (the “Exemption Law”); and

WHEREAS, the City of Bayonne desires to unilaterally dedicate a portion of the payment in lieu of taxes called for within the body of the aforesaid Financial Agreement to the Bayonne Board of Education; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. With respect to the Financial Agreement with 957 Broadway Urban Renewal, LLC, approved by Ordinance this date by this Municipal Council, the City of Bayonne will voluntarily pay to Bayonne School District :
 - A. (5%) of the Annual Service Charge received by the City for the first ten years from the Commencement Date of the Annual Service Charge under said agreement; and then
 - B. increasing to (6%) of the Annual Service Charge from the first day after the 10th anniversary of the ASC Commencement Date until the 15th anniversary of the ASC Commencement Date; and then
 - C. increasing to (7%) from the first day after the 15th anniversary of the ASC Commencement Date until the 20th anniversary of the ASC Commencement Date; and then
 - D. increasing to (8%) from the first day after the 20th anniversary of the ASC Commencement Date until the 25th anniversary of the ASC Commencement Date.
2. The Law Director is hereby authorized to incorporate said language into the body of the Financial Agreement if he should deem it prudent and if 957 Broadway Urban Renewal, LLC does not object to same.

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

Nays – Council Members LaPelusa.

* * * * *

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

#1 TEMPORARY EMERGENCY APPROPRIATION CY 2017

WHEREAS, an emergency condition has arisen with respect to providing appropriations to pay various costs, as per attached schedule, and no adequate provision has been made in the CY 17 Temporary Budget for the aforesaid purposes and N.J.S.:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned, and

WHEREAS, the total emergency resolution adopted in the CY 17 budget pursuant to the provisions of Chapter 96, P.L. 1951 (NJS 40A:4-20) including this resolution total

Current Fund	\$	2,984,447.00
Parking Utility	\$	64,000.00

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

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

Current Fund	\$	2,984,447.00
Parking Utility	\$	64,000.00

2- That said emergency temporary appropriation will be provided for the CY 17 budget under the title of, as per attached schedule:

Current Fund	\$	2,984,447.00
Parking Utility	\$	64,000.00

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

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

* * * * *

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

WHEREAS, pursuant to Resolution No. 15-11-10-044 adopted by the Municipal Council on November 10, 2015, the Municipal Council of the City of Bayonne entered into Agreement No. CY15-092 with Atlantic Coast Fibers, LLC, 101 7th Street, Passaic, New Jersey for a licensed recycling facility to receive and market certain recyclable materials from the City and from the City's private recycling collection contractor(s) for the period of time commencing November 10, 2015 through December 31, 2016; and

WHEREAS, pursuant to the Fair & Open Contracting Requirements pursuant to N.J.S.A.19:44A:20.4.5, the Law Director advertised for proposals for a licensed recycling facility to receive and market the aforesaid Recycling Commodity to be submitted by November 30, 2016; and

WHEREAS, pursuant to the aforesaid advertisement three (3) proposals were received; and

WHEREAS, the Business Administrator opined that it would be in the best interest of the citizens of the City of Bayonne to re-advertise for said licensed recycling facility due to the fact that the responses received proposed varying formulas based on inconsistent markets, making it difficult to compare; and

WHEREAS, by way of Resolution No. 16-12-14-075 adopted on December 14, 2016, the City entered into an amendment to the aforesaid Agreement No. CY15-092 extending same for the period commencing January 1, 2017 and ending January 31, 2017 in order to allow for the re-advertisement for said licensed recycling facility and the receipt of submissions thereto; and

WHEREAS, the City re-advertised for said licensed recycling facility on January 10, 2017 and amended said advertisement amending the formula for the "Commingled Rebate" and extending the submission date to February 7, 2017; and

WHEREAS, it is necessary for the City to have a licensed recycling facility to receive and market the aforesaid Recycling Commodity to ensure the public health and welfare; and

WHEREAS, Atlantic Coast Fibers, LLC was agreeable to extending its existing contract with the City of Bayonne as amended for the period commencing February 1, 2017 and ending February 28, 2017 under the same terms and conditions of their existing contract;

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

1. The actions of the Mayor and City Clerk in executing a second amendment to Agreement No. CY15-092 with Atlantic Coast Fibers, LLC for the aforesaid receipt of the City's Recycling Commodity for the period commencing February 1, 2017 and ending February 28, 2017 under the same terms and conditions of the original contract.

2. All other terms and conditions of Agreement No. CY15-092 shall remain the same.

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

* * * * *

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

WHEREAS, the City of Bayonne is in need of a LICENSED RECYCLING FACILITY to receive and market certain recyclable materials from the City and from the City's private recycling collection contractor(s), specifically for the following recyclable materials: (a) Mixed Paper; and (b) Comingled Collection consisting of glass, cans and bottles; and; (c) any other material in the recycling material stream (collectively referred to as "Recycling Commodity"); and

WHEREAS, Reliable Paper Recycling, Inc. (the “Contractor”), 1 Caven Point Avenue, Jersey City, New Jersey 07305 has submitted to the City of Bayonne a response to the City's Request for Qualifications/Proposals based on certain formulas, copies of which are attached hereto as Schedule A; and

WHEREAS, Reliable Paper Recycling, Inc., responded with the most cost effective rate(s) and has further qualified pursuant to the Fair & Open Contracting Requirements set forth in N.J.S.A.19:44A:20.5; and

WHEREAS, the City will not be charged processing costs for recyclables regardless of the market(s); now therefore be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with Reliable Paper Recycling, Inc., 1 Caven Point Avenue, Jersey City, New Jersey 07305 for the receipt of the City’s Recycling Commodity for a ten (10) month period commencing March 1, 2017 and ending December 31, 2017 pursuant to the Contractor’s response to the City’s Request for Qualifications/Proposals and Schedule A attached hereto.

2. There shall be no processing costs for the City recyclables charged to the City of Bayonne;

3. A notice of this action shall be printed once in a newspaper of general circulation within the boundaries of the City of Bayonne and the contract shall be made available for public inspection in the City Clerk’s office.

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

* * * * *

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

WHEREAS, the Law Department is in need of continuing software support and maintenance for eight (8) licenses for its Amicus Attorney program to maintain its file and calendar management system; and

WHEREAS, the Law Director is in receipt of a proposal from Abacus Data Systems, Inc., dated January 19, 2017 to supply said service for a sixty (60) month period commencing February 24, 2017 and ending February 23, 2022 for an amount of \$40.00 per license per month for a total monthly amount of \$320.00 and a total contract amount of \$19,200.00; and

WHEREAS, funds are certified as available in Account #01-201-20-155-2-090 pending adoption of the CY2017 and future budgets;; now, therefore, be it

RESOLVED by the Municipal Council as follows:

1. The Law Director is hereby authorized to execute the aforesaid proposal from Abacus Data Systems, Inc., dated January 19, 2017 to supply said service for a sixty (60) month period commencing February 24, 2017 and ending February 23, 2022 for an amount of \$40.00 per license per month for a total monthly amount of \$320.00 and a total contract amount of \$19,200.00.

2. The Municipal Treasurer is hereby authorized to make monthly payments to Abacus Data Systems, Inc. in the amount of \$320.00 per month for a sixty (60) month period commencing February 24, 2017 and ending February 23, 2022 representing payment for same and a total contract amount of \$19,200.00.

3. Funds shall be charged to Account #01-201-20-155-2-090 pending adoption of the CY2017 and future budgets.

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

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58. Council Member LaPelusa introduced:

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY RUNNING NORTH FROM WEST 63RD STREET, BAYONNE (a/k/a The Route 440 Access Road) EXTENDING NORTH PAST DANFORTH AVENUE, JERSEY CITY UNDER WHICH A CITY PIPELINE USED TO DELIVER SEWAGE FOR TREATMENT RUNS (the “Property”) TO THE CITY OF JERSEY CITY FOR ONE DOLLAR AND RETAINING AN EASEMENT FOR THE SEWAGE PIPELINE

WHEREAS, the City of Bayonne, as successor in interest to the Bayonne Municipal Utilities Authority, owns real property running North from West 63rd Street, Bayonne (a/k/a the Route 440 Access Road) extending north past Danforth Avenue, Jersey City (the "Property"); and

WHEREAS, the City of Bayonne's Pipeline force main (the "Pipeline"), which is used to deliver sewage treatment, runs underneath the Property; and

WHEREAS, the City of Bayonne does not use surface of the Property above the Pipeline, but must maintain the surface above and adjacent to the Pipeline and adjacent to the Property at the sole cost and expense of the City of Bayonne; and

WHEREAS, the City of Jersey City has expressed an interest in using the surface area of the Property as a passive park and walkway (the "Project"), which would be maintained by the City of Jersey City; and

WHEREAS, the City of Bayonne is desirous of accommodating the city of Jersey City's interest in developing the surface area of the Property into a passive park and walkway and eliminating the City of Bayonne's obligations with respect to the maintenance of the surface area of the Property by way of a sale of the Property to the city of Jersey City; and

WHEREAS, the City of Bayonne is desirous of retaining an easement in the Property for the purpose of operating, maintaining and servicing the Pipeline as part of a proposed sale; and

WHEREAS, pursuant to N.J.S.A. 40A:12-13(b)(1), a municipality may sell, at private sale, by ordinance, real property to any political subdivision or body politic of the State of New Jersey;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Bayonne, County of Hudson and State of New Jersey as follows:

Section 1. That the Mayor is hereby authorized to enter into a Contract of Sale between the City of Bayonne and the City of Jersey City for the sale of the property real property running North from West 63rd Street, Bayonne (a/k/a the Route 440 Access Road) extending north past Danforth Avenue, Jersey City (the "Property") for the sum of \$1.00 with the proviso that the City of Bayonne is to retain an easement for the operation, maintenance and service of a pipeline force main underneath the Property.

Section 2. The Mayor and City Clerk are authorized to sign such documents as are necessary, advisable and proper to sell said property consistent with the terms set forth in Section 1 above.

Section 3. Ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed but only to the extent of such inconsistency.

Section 4. This ordinance shall take effect after final passage, publication and other provisions in accordance with applicable law.

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

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY RUNNING NORTH FROM WEST 63RD STREET, BAYONNE (a/k/a The Route 440 Access Road) EXTENDING NORTH PAST DANFORTH AVENUE, JERSEY CITY UNDER WHICH A CITY PIPELINE USED TO DELIVER SEWAGE FOR TREATMENT RUNS (the "Property") TO THE CITY OF JERSEY CITY FOR ONE DOLLAR AND RETAINING AN EASEMENT FOR THE SEWAGE PIPELINE," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, March 15, 2017 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

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66. At 10:30 P.M., Council Member Cotter moved the following resolution to adjourn to a closed session, seconded by Council President Nadrowski, which was read by the Clerk and adopted.

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

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

WHEREAS, it is necessary and appropriate for the City of Bayonne to discuss certain matters in a meeting not open to the public consistent with N.J.S.A. 10:4-12(b); and

WHEREAS, the general nature of the subjects to be discussed within the executive session meeting shall be (1) a matter involving the termination of employment; and

WHEREAS, it is the intention of the City of Bayonne to keep reasonably comprehensible minutes of this executive session meeting pursuant to N.J.S.A. 10:4-14 and to make said minutes available to the general public after the finalization of the issues involved consistent with N.J.S.A. 10:4-13; now, therefore, be it

RESOLVED, that the City of Bayonne shall now recess to an executive session in order to discuss the matters set forth above; and be it further

RESOLVED, that the City of Bayonne SHALL reconvene to public session at the conclusion of the executive session; and, be it further

RESOLVED, that no formal action will be taken in executive session and, in the event that formal action needs to be taken, it will take place in the public session at the conclusion of the executive session.

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

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At 10:41 P.M., the council president motioned to reconvene, seconded by Council Member Perez, which motion was adopted.

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

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

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

WHEREAS, is an active member of the PFRS; and

WHEREAS, MICHAEL WALDRON has in excess of 20 years of PFRS Service Credit, meeting the minimum service credit requirement of at least 4 years of PFRS members; and

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

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

WHEREAS, on February 15, 2017, at the request of MICHAEL WALDRON, a PUBLIC hearing was going to be conducted regarding his employment status, but this request was recanted and, as such, a PRIVATE; hearing was conducted; and

WHEREAS, the Business Administrator, Public Safety Director and Fire Chief have advised that it is in the best interests of the City of Bayonne to initiate an Involuntary Disability Retirement application for MICHAEL WALDRON; now, therefore, be it

RESOLVED, as follows:

1. That the Business Administrator, Public Safety Director and Fire Chief are hereby authorized to process an Involuntary Disability Retirement application for MICHAEL WALDRON.
2. Copies of this resolution shall be forwarded to all parties involved in this administrative action.

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

Abstain – Council Member Cotter.

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

WHEREAS, the City of Bayonne employs FELIX LOPEZ as a FIRE FIGHTER at 630 Avenue C, Bayonne, New Jersey; and

WHEREAS, is an active member of the PFRS; and

WHEREAS, FELIX LOPEZ has in excess of 22 years of PFRS Service Credit, meeting the minimum service credit requirement of at least 4 years of PFRS membership; and

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

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

WHEREAS, on February 15, 2017, in the presence and with the participation of FELIX LOPEZ, a PRIVATE hearing was conducted regarding his employment status; and

WHEREAS, the Business Administrator, Public Safety Director and Fire Chief have advised that it is in the best interests of the City of Bayonne to initiate an Involuntary Disability Retirement application for FELIX LOPEZ; now, therefore, be it

RESOLVED, as follows:

1. That the Business Administrator, Public Safety Director and Fire Chief are hereby authorized to process an Involuntary Disability Retirement application for FELIX LOPEZ.
2. Copies of this resolution shall be forwarded to all parties involved in this administrative action.

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

Abstain – Council Member Cotter.

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At 10:42 P.M., Council Member Perez motioned to adjourn, seconded by Council President Nadrowski, which motion was adopted.

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

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