

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, MARCH 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 March 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 March10, 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. Michael Morris addressed the council on the say he was satisfied with how the Mayor addressed the problem he raised.

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02. The clerk announced:

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,” which was introduced and passed a first reading at a meeting held February 15, 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 March 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 Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

The Clerk read the ordinance by title: “ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING A FINANCIAL AGREEMENT WITH BAYONNE REDEVELOPERS URBAN RENEWAL BLOCK 700, 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: Peter Franco – 127 West 12th Street
Michael Morris – 123 Avenue A

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, LaPelusa, Perez and President Nadrowski.

Absent – Council Member Gullace.

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, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING A FINANCIAL AGREEMENT WITH BAYONNE REDEVELOPERS URBAN RENEWAL BLOCK 700, LLC," was introduced and passed a first reading at a meeting held February 15, 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 March 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-17-09.

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

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03. The clerk announced:

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.," which was introduced and passed a first reading at a meeting held February 15, 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 March 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: "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.,"

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

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

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

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

Yeas - Council Members Cotter, Gullace, LaPelusa, Perez 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, "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.," was introduced and passed a first reading at a meeting held February 15, 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 March 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-17-10.

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

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04. The clerk announced:

AN ORDINANCE ENTITLED, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING 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," which was introduced and passed a first reading at a meeting held February 15, 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 March 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 Cotter moved that the following resolution of second reading be adopted, seconded by Council President Nadrowski, which motion was adopted.

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

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

The Clerk read the ordinance by title: "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY 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,"

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

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

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

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

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

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

WHEREAS, 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," was introduced and passed a first reading at a meeting held February 15,

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 March 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-17-11.

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

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05. The clerk announced:

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," which was introduced and passed a first reading at a meeting held February 15, 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 March 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 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 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,"

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

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

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

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

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

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

WHEREAS, 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," was introduced and passed a first reading at a meeting held February 15, 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 March 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-17-12.

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

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06. The clerk announced:

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," which was introduced and passed a first reading at a meeting held February 15, 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 March 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 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,"

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

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

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

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

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

Council Member 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 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," was introduced and passed a first reading at a meeting held February 15, 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 March 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-17-13.

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

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07. The clerk announced:

AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 4, LICENSING, REGISTRATION AND BUSINESS REGULATIONS," which was introduced and passed a first reading at a meeting held February 15, 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 March 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 Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

The Clerk read the ordinance by title: "AN ORDINANCE AMENDING AND SUPPLEMENTING THE GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 4, LICENSING, REGISTRATION AND BUSINESS 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 Cotter, Gullace, LaPelusa, Perez and President Nadrowski.

Council Member Perez 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 GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 4, LICENSING, REGISTRATION AND BUSINESS REGULATIONS," was introduced and passed a first reading at a meeting held February 15, 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 March 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-17-14.

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

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08. The clerk announced:

AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC," which was introduced and passed a first reading at a meeting held February 15, 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 March 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 Cotter 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 LaPelusa motioned to close the hearing, seconded by Council Member Perez, which motion was adopted.

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

Council Member LaPelusa moved a resolution for final passage, seconded by Council President Nadrowski, 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 February 15, 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 March 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-17-15.

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

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09. The clerk announced:

AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC," which was introduced and passed a first reading at a meeting held February 15, 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 March 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 Cotter 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 President Nadrowski motioned to close the hearing, seconded by Council Member Gullace, which motion was adopted.

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

Council Member LaPelusa moved a resolution for final passage, seconded by Council Member Perez, which 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 February 15, 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 March 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-17-16.

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

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10. Council Member LaPelusa introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING AN OVERLAY AS AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PENINSULA AT BAYONNE- HARBOR STATION SOUTH AS IT RELATES TO THE PORTION OF THE PENINSULA IDENTIFIED AS BLOCK 700, LOT 1, AND BLOCK 720, LOT 1, AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE

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, the City has adopted an Amended Redevelopment Plan for the Redevelopment Property (hereinafter referred to as the "Amended Redevelopment Plan") defined herein below which Amended Redevelopment Plan supersedes and replaces all prior redevelopment plans applicable to the Redevelopment Property; and

WHEREAS, the City is the owner of the Redevelopment Property; and

WHEREAS, Bayonne Redevelopers, LLC (the "Redeveloper"), through its affiliate JMF Acquisitions Group, L.L.C., is the designated Redeveloper of a portion of the Redevelopment Property identified as Block 720, Lot 1, Block 791, Lot 1 and Block 700, Lot 1; 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, the Municipal Council authorized the preparation of an amendment to Amended Redevelopment Plan for the creation of an overlay for Block 700, Lot 1 and Block 720, Lot 1; and

WHEREAS, the Municipal Council believes that the preparation of amendment to the Amended Redevelopment Plan for Block 700, Lot 1 and Block 720, Lot 1, is in the best interests of the City.

WHEREAS, an amendment to the Amended Redevelopment Plan has been prepared by the City, which provides an overlay relative to Block 700, Lot 1 and Block 720, Lot 1.

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. An amendment to the Amended Redevelopment Plan (the "Plan") creating an overlay is hereby adopted for the property identified as Block 700, Lot 1 and Block 720, Lot 1, as shown on the official Tax Map of the City in accordance with the Redevelopment Law, N.J.S.A. 40A:12A-1 et seq.

Section 3. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

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

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

Council Member 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 OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING AN OVERLAY AS AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PENINSULA AT BAYONNE – HARBOR STATION SOUTH AS IT RELATED TO THE PORTION OF THE PENINSULA IDENTIFIED AS BLOCK 700, LOT 1, AND BLOCK 791, LOT 1 ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE, AND REFERRED TO AS 'HARBOR STATION SOUTH,'" just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, April 19, 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 LaPelusa introduced:

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY (555 KENNEDY BOULEVARD A/K/A BLOCK 208, LOT 24 AND 557 KENNEDY BOULEVARD A/K/A BLOCK 208, LOT 25 AS SHOWN ON THE TAX MAP OF THE CITY OF BAYONNE) OWNED BY THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY, NOT REQUIRED FOR PUBLIC PURPOSES PURSUANT TO N.J.S.A. 40A:12-13, ET SEQ.

WHEREAS, the Local Lands and Building Laws, N.J.S.A. 40A:12-13, et seq., authorizes the sale by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by sale in the manner provided by law; and

WHEREAS, the City of Bayonne is or soon will be the owner of certain real property as further set forth herein not needed for public use, and the Mayor and Council have determined that it is in the best interest of the City to sell the same to generate revenue, reduce taxes and liabilities.

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

SECTION 1. 555 Kennedy Boulevard (Block 208, Lot 24), Bayonne, New Jersey as further described in Schedule A attached hereto and 557 Kennedy Boulevard (Block 208, Lot 25), Bayonne, New Jersey as further described in schedule B attached hereto shall be offered for sale, pursuant to N.J.S.A. 40A:12-13 at separate public auctions to the highest bidder. The public auction shall be held at the City of Bayonne's Municipal Building at 630 Avenue C, Bayonne, New Jersey or such other place as shall be designated by the City at a date to be set by the City Clerk and published in accordance with law.

SECTION 2. Each property sale shall be subject to the following terms:

1. That no representations of any kind are made by the City of Bayonne as to the condition of the property, said property is being sold in its present condition "as is". Additionally, the City makes no representation as to the presence or absence of wetlands or any other environmental conditions on the property.
2. That the City will execute a Quitclaim Deed mutually acceptable in form and substance to both parties.
3. That the Purchaser, at its sole expense, shall have a right to conduct environmental and other inspections of the property with results satisfactory to Purchase and its lender but must complete such inspections within thirty (30) days of bid acceptance.
4. That the Purchaser shall obtain a survey of the entire tract, which said survey will be at Purchaser's sole expense, in form and substance satisfactory to the City and the Purchaser; and said survey shall be certified to the City.
5. Purchaser's receipt of a title commitment, which title commitment shall be at Purchaser's sole expense, with respect to the property, to be obtained, stating that Seller has good, indefeasible and marketable fee simple title to the property, free and clear of all liens and encumbrances except such matters as may be acceptable to Purchaser.
6. It is understood that the Acquisition is subject to applicable New Jersey law concerning disposition of municipal real estate.

SECTION 3. This sale is made subject to such state of facts as an accurate survey may disclose, existing tenancies, rights of persons in possession, easements, conditions, covenants and restrictions and any other encumbrances of title which the Mayor and Municipal Council may impose on any parcel at the time of the sale, including but not limited to restrictions on the use to be made of such real property, capital improvements or personal property and any conditions of sale as to buildings or structures, or as to the type, size or other specifications of buildings or structures, and the time within such conditions shall be operative, or any other conditions of sale in like manner to the same extent as by any other vendor.

SECTION 4. The sale is made subject to all applicable laws and ordinances of the State of New Jersey and the City of Bayonne.

SECTION 5. That should the title to the property prove to be unmarketable for any reason, the liability of the City shall be limited to the repayment to the Purchaser of the deposit and any portion of the purchase price paid and shall not extend to any further costs, expenses, damages or claims. Notice of any alleged defect in title or claim must be served on the City Clerk, by the Purchaser, in writing no later than thirty (30) days after the sale is approved by the Municipal Council, failure upon the part of the Purchaser to give written notice within said time shall be deemed conclusive proof that the Purchaser accepts the title in its present condition.

SECTION 6. In addition to the terms and conditions set forth herein, successful bidders agree that the City may impose the following conditions:

- i. To deposit cash, check or money order in an amount not less than 25% of the bid price at the time that the bid is submitted.
- ii. To pay by the time of closing:
 - a. The balance of the purchase price.

- b. The cost of preparation of all legal documents including any special property description.
- c. The prorated real estate taxes, for the balance of the current year as of the date of closing.

- iii. To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulations that this sale will not be used as grounds to support any variance from these regulations.
- iv. That in the event Purchase fails to close title, Purchaser shall forfeit to the City of Bayonne any and all money deposited with the City.
- v. That the purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any court of this State as grounds to support a challenge of the existing assessment of the subject property, nor shall the purchase price be used as a comparable sale to challenge assessments with regard to other properties.

SECTION 7. The City reserves the right to withdraw the offer of sale and reject any and all bids.

SECTION 8. All sales are subject to final approval by the Municipal Council.

Parties interested in submitting bids and who require additional information should contact:

William Opel, Esq., Assistant City Attorney
City of Bayonne Law Department
630 Avenue C
Bayonne, NJ 07002

SECTION 9. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION 10. All ordinances or parts of ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 11. The Mayor, Business Administrator, City Clerk and Director of Law are hereby authorized to execute all documents necessary for the conduct of this auction and for the conveyance of the properties listed herein, including but not limited to executing all contracts, Deeds and other conveyance documents.

SECTION 12. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

SCHEDULE A – 555 Kennedy Boulevard

BEGINNING at a point in the northwesterly side of the New Public Road formed by Avenue B, distant 52.56 feet southwesterly from the intersection of said northwesterly side of the New Public Road with the southwesterly side of West 22nd Street; thence (1) Northwesterly parallel with West 22nd Street, 105 feet; thence (2) Southwesterly parallel with the New Public Road 25 feet; thence (3) Southeasterly parallel with the first course 105 feet to the said line of the New Public Road; and thence (4) Northeasterly along said northwesterly line of the New Public Road 25 feet to the place of BEGINNING.

Being also known as Lot 24 in Block 208 on the Tax Map of the City of Bayonne.

SCHEDULE B – 557 Kennedy Boulevard

Beginning at a point in the westerly line of Kennedy B'lv. distant 27.67 feet southerly from the intersection of the westerly line of Kennedy B'lv. and the southerly line of W. 22nd Street, thence: (1) Southerly and along the westerly line of Kennedy B'lv. having a bearing of S. 42° 20' W. for a distance of 25.00' to a point, (2) Westerly and along a line having a bearing of N. 47° 34' W. for a distance of 105.00' to a point (3) Northerly and along a line having a bearing of N. 42° 20' E. for a distance of 25.00' to a point, (4) Easterly and along a line having a bearing of S. 47° 34' E. for a distance of 105.00' to the westerly line of Kennedy B'lv. being the point or place of beginning.

Being also known as Lot 25 in Block 208 on the Tax Map of the City of Bayonne.

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 OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING AN OVERLAY AS AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PENINSULA AT BAYONNE – HARBOR STATION SOUTH AS IT RELATED TO THE PORTION OF THE PENINSULA IDENTIFIED AS BLOCK 700, LOT 1, AND BLOCK 791, LOT 1 ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE, AND REFERRED TO AS “HARBOR STATION SOUTH,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, April 19, 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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12. Council President Nadrowski introduced:

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

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

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

RESTRICTIVE PARKING ZONES

DELETE

289. Scott McCarthy, 23 Dodge Street
Beginning at a point on the north side of Dodge Street, 192 feet west of the northwest corner of Dodge Street and Orient Street and, and extending to a point 20 feet west thereof.

ADD

#. Fathi Sawirs, 86 West 18th Street
Beginning at a point on the south side of West 18th Street, 399 feet east of the southeast corner of West 18th Street and Avenue C, and extending to a point 18 feet east thereof.

#. Maureen Devlin, 131 West 33rd Street
Beginning at a point on the north side of West 33rd Street, 133 feet west of the northwest corner of West 33rd Street and Avenue A, and extending to a point 18 feet west thereof.

#. German Valdez, 160 West 49th Street
Beginning at a point on the south side of West 49th Street, 155 feet east of the southeast corner of West 49th Street and Kennedy Boulevard, and extending to a point 17 feet east thereof.

#. Henry Klarmann, 192 West 52nd Street
Beginning at a point on the south side of West 52nd Street, 81 feet east of the westerly terminus of the southerly curb line West 52nd Street and Newark Bay, and extending to a point 19 feet east thereof.

#. John O'Donnell, 25 Dodge Street
Beginning at a point on the north side of Dodge Street, 174 feet west of the northwest corner of Dodge Street and Orient Street, and extending to a point 18 feet west thereof.

#. Geraldine Rogers, 62 Trask Avenue
Beginning at a point on the east side of Trask Avenue, 130 feet north of the northeast corner of Trask Avenue and West 3rd Street, and extending to a point 18 feet north thereof.

#. Mary Tawardos for her husband, Romamy Ramsis, 26 East 36th Street
Beginning at a point on the south side of East 36th Street, 325 feet east of the southeast corner of East 36th Street and Broadway, and extending to a point 18 feet east thereof.

#. Cornelius Carroll, 135 West 2nd Street

Beginning at a point on the north side of West 2nd Street, 35 feet west of the northwest corner of West 2nd Street and Trask Avenue, and extending to a point 18 feet west thereof.

RE-ASSIGN

160. From Samir Salib to his wife Yasmin Salib, 375 Kennedy Boulevard
Beginning at a point on the south side of West 13th Street, 37 feet west of the southwest corner of West 13th Street and Kennedy Boulevard, and extending to a point 22 feet west thereof.

(Additions ****between asterisks and/or in bold****, deletions ~~{within brackets and/or struck through}~~);

~~{215.}~~ ****118.**** William Jurcisin, 45 East 4th Street
Beginning at a point on the north side of East 4th Street, 35 feet west of the northwest corner of West 4th Street and Lexington Avenue, and extending to a point 18 feet west thereof.

Council President Nadrowski 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, April 19, 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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13. The Council as a whole moved the following resolution, which was read by the Clerk and adopted.

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

RESOLVED, That the following items which have been included on the agenda for this regular meeting as 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.

* * * * *

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

From Stephen Dratch, Esq., filing notice of tort claim on behalf of CARLOS RODRIGUEZ alleging personal injuries resulting from an assault by police officers on October 30, 2016 at 18th Street and Avenue E.

* * * * *

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

From JACQUELINE M. PETTY-OLSON, filing notice of tort claim alleging property damage to her automobile on December 13, 2016 resulting from being struck by a police vehicle at Avenue C and 25th Street.

* * * * *

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

From MARY RUSSELL, filing notice of tort claim alleging property damage to her automobile on January 27, 2017 resulting from being struck by a city owned vehicle at 714 Broadway.

* * * * *

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

From Superior Court of New Jersey, Law Division Third Party Summons and Complaint in matter entitled, “NELSON vs. YEE-BAYONNE LIMITED, et al., incl. THE CITY OF BAYONNE.” (Sidewalk fall down on June 18, 2014, at 844 Broadway)

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

From Superior Court of New Jersey, Law Division Summons and Complaint in matter entitled, “PAGANO vs. THE CITY OF BAYONNE, et al.” (Premises fall down on February 5, 2015, at 535 Avenue A)

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

From Superior Court of New Jersey, Chancery Division Summons and Complaint in matter entitled, “ORIX PUBLIC FINANCING vs. STRICKLAND, et al., incl. THE CITY OF BAYONNE.” (Mortgage foreclosure, Bayonne Housing Authority has a redevelopment mortgage)

* * * * *

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

From the Tax Court of New Jersey, complaint in matter entitled, “SUBHA REALTY, INC. c/o PURNA ATLURI vs. CITY OF BAYONNE.” (2ND Street & Lexington Avenue, Block 359, lot 4.04 - industrial)

* * * * *

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

From the BAYONNE BOARD OF EDUCATION, a resolution adopted at its meeting held February 28, 2017, urging the city to reconsider its current use and allocation of PILOT funds to allocate a fair and equitable percentage apportionment of said funds to the general budget of the school district.

* * * * *

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

From Donohue, Gironda, Doria & Tompkins, LLC, ANNUAL AUDIT REPORT for the year ended 2015.

* * * * *

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

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

RESOLVED, That the following items which have been included on the agenda for this regular meeting as OFFICERS’ REPORTS and which follow this resolution shall constitute a

consent agenda for officers' reports and that they be received and filed and that any resolution incorporated within them be adopted and included in the official minutes of this meeting as having been so ordered.

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

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

From Terrence Malloy, Chief Financial Officer, submitting the Annual Debt Statement for the Year 2016.

* * * * *

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

From Terrance Malloy, Chief Financial Officer, reporting on vendor payments and recommending payment of same and a resolution adopting the recommendation and ordering payment of claims.

* * * * *

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

From Joann Sisk, CTC, Tax Collector, submitting the Annual Report for the calendar year 2016.

* * * * *

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

DATE: MARCH 3, 2017

TO: Terrence Malloy, CFO
Robert Sloan, City Clerk

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 MARCH 2017

Janet Convery
(signed)

* * * * *

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, February 15, 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, February 8, 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.

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

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

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

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

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

BLOCK	LOT	PAYEE	AMOUNT
29	14	Quality Urban Properties, Inc.	3,729.36
47	8.205	John Butters	2,783.00
69	4.14	Maria Rama	454.91
82	20.01	Mohsen Shaikh	3,285.11
128	19	Philip Benson, III	7,329.58
192	39	Ramez Zaki	3,154.16
224	11	William Caban	2,722.00
231	4	Heba Saad	2,472.00
250	8	Richard Martinez	2,652.45
261	12	James Minarick	3,328.50
263	20.12	Christie Monserrate	1,221.09
322	15	Ellen Farrell	2,200.00
366	15	Tami Parsley	3,235.74
421	14	Quality Urban Properties	2,841.31
Total:			41,409.21

* * * * *

32. 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 \$ 109.80 be drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of licenses Nos. 426-975 inclusive, 49 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.

* * * * *

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

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

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

A. DESIGNATION OF DEPOSITORIES

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

Funds.	BANK OF AMERICA
	BANK OF NEW YORK
	BCB COMMUNITY BANK
	CAPITAL ONE BANK
	CITIBANK
	GARDEN STATE COMMUNITY BANK
	HUDSON CITY SAVINGS BANK
	INVESTORS BANK
	JP MORGAN CHASE BANK
	M&T BANK
	PNC BANK
	TD BANK
	THE PROVIDENT BANK
	VALLEY NATIONAL BANK
	WELLS FARGO BANK

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

B. DEPOSIT OF FUNDS

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

C. INVESTMENT INSTRUMENTS AND PROCEDURES

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

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

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

Investments shall be limited to a maturity of not more than one year unless a longer term is permitted by applicable Federal or State regulations Allowable investments with maturates which extend beyond the end of the City’s fiscal year shall be permitted only if interest accrued

on the investment is credited to the City at the end of the fiscal year for the purpose of realizing budgetary revenue.

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

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

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

Chief Financial Officer
Treasurer
Tax Collector
City Clerk

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

D. COMPLIANCE

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

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

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

* * * * *

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

RESOLUTION AUTHORIZING ASSESSOR, LAW DIRECTOR AND SPECIAL TAX COUNSEL TO CORRECT ERRORS IN TAX ASSESSMENT, SIGN STIPULATIONS CORRECTING SAID ERRORS, AND FILE AND SETTLE MUNICIPAL TAX APPEALS ON THE BEHALF OF THE CITY OF BAYONNE.

WHEREAS, the Tax Assessor for the City of Bayonne will from time to time detect errors or omissions made in computing the tax assessments covering certain properties located within the City of Bayonne; and,

WHEREAS, notice of errors can also be discovered through property owner's municipal tax appeals at the County and State level; and,

WHEREAS, it is the desire of the Municipal Council of the City of Bayonne to authorize the Tax Assessor, Law Director and the City's Special Tax Counsel to correct said errors and file appropriate documents as to the same; and,

WHEREAS, the Hudson County Board of Taxation and the Tax Court of the State of New Jersey further require Municipal Council authorization for the Tax Assessor, Law Director and Special Tax Counsel to settle pending matters; and,

WHEREAS, it is in the best interest of all parties involved to amicably resolve municipal tax appeal matters within the guidelines established by the New Jersey Constitution and existing case law;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the City of Bayonne that the Tax Assessor for the City of Bayonne, Law Director and Special Tax Counsel are hereby authorized as follows:

1. The Law Director and/or Special Tax Counsel for the City of Bayonne with the express approval of the Bayonne Tax Assessor are authorized to (a) jointly file corrective appeals in the State Tax Court as well as (b) sign Stipulations to correcting errors and/or omissions related to City of Bayonne assessments.

2. The Law Director and/or Special Tax Counsel for the City of Bayonne with the express approval of the Bayonne Tax Assessor and the City's Chief Financial Officer (as to the refund or credit) are authorized to jointly settle any and all pending municipal tax appeals filed in the State Tax Court, so long as said appeals do not result in a municipal tax refund or credit of more than \$10,000.00, exclusive of interest, for any tax year in question.

* * * * *

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

WHEREAS, George Sabsovich ("Applicant") is the owner in fee simple of real property located at 812 Broadway, designated as Block 121, Lot 44 in the City of Bayonne, County of Hudson, State of New Jersey shown on the official tax map of the City of Bayonne, currently used as a mixed use building with a bar/restaurant commercial space and residential dwelling units above (the "Premises"); and

WHEREAS, the Applicant has applied to the Planning Board of the City of Bayonne (the "Planning Board") to install a commercial kitchen grease exhaust system (the "Equipment") on the first floor of the Applicant's Property, (the "Project"), portions of which will project out of the building and into the City's Right-of-Way at the 37th Street side of the Premises as depicted in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, the Zoning Officer has advised the Applicant that Municipal Council approval is required for the Project since the commercial kitchen grease exhaust system will project over the City's sidewalk on East 37th Street as illustrated in the drawing attached hereto as Exhibit "A"; and

WHEREAS, the Applicant submitted a letter dated March 1, 2017 and an Email dated March 7, 2017, copies of which are attached hereto as Exhibits "B" and "C", respectively, requesting permission to install said Equipment, which will extend into the City's Right-of-Way as follows: the Exhaust will encroach 33 ¾" by 39 3/8" over the sidewalk and the Intake will encroach 14 3/8" by 39 9/16" over the sidewalk on 37th Street, adjacent to 812 Broadway; and

WHEREAS, the City believes that the conveyance of a license over the City's Right-of-Way will allow the Applicant to go forward with the Project and make building improvements that offer an improved planning and zoning perspective and economic benefit to the Applicant, the City and its residents; now, therefore, be it

RESOLVED, the City of Bayonne is willing to grant a License to George Sabsovich allowing him to install and maintain a commercial kitchen grease exhaust system as follows: the Exhaust will encroach 33 ¾" by 39 3/8" over the sidewalk and the Intake will encroach 14 3/8" by 39 9/16" over the sidewalk on 37th Street, adjacent to 812 Broadway, both to be constructed in accordance with the Applicant's zoning permit application and plans prepared by Karl Stockerl, P.E. dated January 26, 2017 submitted to the Planning Board and applicable state and local laws and ordinances, pursuant to the following conditions:

1. The sidewalk beneath the License area will at all times be maintained and kept clear and unobstructed, free of debris, snow and ice;

2. George Sabsovich shall pay to the City an annual fee of \$250.00 to be billed through the City Tax Collector as an added assessment to the quarterly tax bills;

3. George Sabsovich and his successors and assigns will defend, indemnify and hold harmless the City of Bayonne from any and all claims for injury and damage to persons or property arising from the use of the License area;

4. George Sabsovich and his successors and assigns will at all times maintain liability insurance with limits of at least \$1,000,000 and provide the City of Bayonne with a Certificate of Insurance naming it as an additional insured;

5. The License Agreement may not be modified, amended or terminated without the prior written consent of the Municipal Council;

6. Failure to comply with the terms of the License Agreement may result in revocation of the License, zoning permit and/or building permit or certificate of occupancy; and

BE IT FURTHER RESOLVED that the Mayor and Clerk be and are hereby authorized to execute a License Agreement consistent with the dimensions (or portion thereof) set forth in the Zoning Board Application and incorporating the terms and conditions of any Planning, Zoning and/or Building approvals necessary for the installation of the aforesaid commercial kitchen grease exhaust system in such form and content as may be deemed necessary by the Law Director for the City of Bayonne to secure these purposes both now and in the future.

* * * * *

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

WHEREAS, Municipal Council Resolution No. 16-08-24-067 adopted on August 24, 2016 authorized the Mayor and City Clerk to enter into an agreement with the Bayonne Housing Authority (the "BHA"), 529 Avenue A, Bayonne, New Jersey in the amount of \$112,000.00 for the purpose of providing CDBG funding for plumbing work for Sanitary Sewer Improvements at Pamrapo Gardens Annex located at 30 East 40th Street, Bayonne, New Jersey; and

WHEREAS, pursuant to the aforesaid Resolution No. 16-08-24-067, the City of Bayonne entered into Agreement No. CY16-066 with the BHA to provide the cost for the aforesaid plumbing services; and

WHEREAS, the contractor, George C. Knobloch, Inc. (the "Contractor") has advised the Office of Community Development that it is necessary to perform additional work that was not anticipated at the time of his original proposal pursuant to the Contractor's Change Order #1 attached hereto and made a part hereof (the "Additional Work"); and

WHEREAS, the Office of Community Development has performed an inspection and approves of the aforesaid Change Order #1 for the Additional Work; and

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

1. The Mayor and City Clerk are hereby authorized to execute an amendment to Agreement No. CY16-066 with the Bayonne Housing Authority, 529 Avenue A, Bayonne, New Jersey increasing same in the amount of \$4,800.00 for the purpose of providing the cost of the Additional Work pursuant to the Contractor's Change Order #1 attached hereto and made a part hereof, making the total contract amount \$116,800.00.

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

3. All other terms and conditions of Agreement No. CY16-066 shall remain the same.

* * * * *

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

WHEREAS, by way of Resolution No. 17-01-18-036 adopted January 18, 2017 the Municipal Council authorized an amendment to Agreement No. CY15-087 with Suburban Disposal, Inc., ("Suburban") 54 Montesano Road, Fairfield, New Jersey for the Collection of Solid Waste (CY15-087) as amended pursuant to Resolution 16-01-20-043 adopted on January 20, 2016, so as to provide for the pick-up of solid waste from Grammar and High Schools on Saturdays in addition to the regularly scheduled days ("Additional Services") for an additional amount of \$1,000.00 per week commencing November 1, 2016 for a total additional contract amount of \$104,000.00 making the total contract amount \$4,699,833.33; and

WHEREAS, the Contractor's proposal called for an additional amount of \$4,333.33 per month for said Additional Services; now, and

RESOLVED, that Resolution 17-01-18-036 is hereby amended to reflect that payment for said Additional Services shall be payable at the rate of \$4,333.33 per month.

2. All other terms and conditions of Resolution No. 17-01-18-036 shall remain the same.

* * * * *

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

WHEREAS, on May 18, 2016, this Municipal Council passed Resolution No. 16-05-18-048, authorizing an Agreement with AJM Contractors, Inc., 300 Kuller Road, Clifton, New Jersey 07011 for 2016 Roadway Improvements Total Alt. A & Alt. B = \$628,277.50 & \$48,445.00 for a total contract amount of \$676,722.50; and

WHEREAS, pursuant to the aforesaid Resolution No. 16-05-18-048, the City of Bayonne entered into Agreement No. CY16-044 AJM Contractors, Inc., for 2016 Roadway Improvements Total Alt. A & Alt. B; and

WHEREAS, the City is in receipt of a proposal dated January 30, 2017 for Change Order No. 1 from CME Associates to the aforesaid Agreement No. CY16-044 with AJM Contractors, Inc., for 2016 Roadway Improvements Total Alt. A & Alt. B reflecting actual field conditions encountered and allowing for various additions to the project that do not increase the original contract amount; and

WHEREAS, the City's Engineer and City's Attorney have reviewed, approved and recommended Change Order No. 1 to the aforesaid Agreement No. CY16-044 with AJM Contractors, Inc.; and

RESOLVED, as follows:

1. The Mayor shall be and is hereby authorized to execute Change Order No. 1 attached hereto and made a part hereof to the aforesaid Agreement No. CY16-044 with AJM Contractors, Inc. to reflect actual field conditions encountered and allow for various additions to the project that do not increase the original contract amount.
2. A Copy of this resolution and the contract when executed shall be kept on file for public inspection in the Office of the City Clerk.

* * * * *

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

WHEREAS, the City of Bayonne entered into a Redevelopment Agreement with Madison Hill Properties, LLC on January 18, 2017 for the properties located at 206-220 Avenue E (Block: 458, Lot 12) and 222 Avenue E (Block: 458, Lot:13), Bayonne, New Jersey, more commonly known as the "C.J. Murphy property"; and

WHEREAS, by letter dated March 1, 2017, Madison Hill Properties, LLC has placed the City of Bayonne on notice that it has transferred all rights, duties and interests as Redeveloper to MHP 222 Avenue E Urban Renewal, LLC of 4 Brighton Road, Suite 200, Clifton, NJ 07012; and

WHEREAS, Section 8.03(g) ("Permitted Transfers") of the above noted Redevelopment Agreement expressly permits the transfer of redevelopment rights; 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 amendment to the January 18, 2017 Redevelopment Agreement effectuating the transfer all rights, duties and interests as Redeveloper from Madison Hill Properties, LLC to MHP 222 Avenue E Urban Renewal, LLC consistent with Section 8.04 of the Redevelopment Agreement.

* * * * *

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

WHEREAS, the City of Bayonne entered into an Amended and Restated Tax Agreement with 1040 Kennedy, LLC on December 31, 2015 for the properties located at 1040-1046 Kennedy Boulevard (Block: 87, Lot 1.012), Bayonne, New Jersey; and

WHEREAS, by letter dated February 13, 2017, 1040 Kennedy, LLC has placed the City of Bayonne on notice that it has transferred all rights, duties, responsibilities and obligations to a

new owner, Park Bayonne, LLC, pursuant to Section 6.01 of the Amended Restated Tax Agreement; and

WHEREAS, consistent with Section 6.01 of the Amended and Restated Tax Agreement, Park Bayonne, LLC has represented, in writing, that it will continue to operate, maintain and utilize the Project Area and the Improvements thereon in accordance with the terms of the Agreement and, as such, is requesting that the City of Bayonne consent to the transfer of the aforesaid Agreement from 1040 Kennedy, LLC to Park Bayonne, LLC; and

WHEREAS, the City of Bayonne has been provided with (1) a Deed dated January 30, 2017 transferring Block 87, Lot 1.01 from 1040 Kennedy, LLC to Park Bayonne, LLC and (2) Certificates of Formation for both entities evidencing memberships; 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 amendment to the December 31, 2015 Amended and Restated Tax Agreement with 1040 Kennedy LLC reflecting that all rights, duties, responsibilities and obligations therein have been transferred by 1040 Kennedy, LLC to Park Bayonne, LLC.

* * * * *

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

BE IT RESOLVED, That the City Clerk be and is hereby authorized to advertise for bids for improvements to Mayor Dennis P. Collins Park – Phase 1.

* * * * *

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

WHEREAS, the Director of Public Works has determined that the following vehicles are in poor condition and would be too costly to repair:

2002 Isuzu Tymco Sweeper 1JAE5814727902478 MG96679 OLD # 363; and
2004 Spaulding Asphalt Hot Box T4D042104282 MG-62802 OLD # 3024

WHEREAS, the Director of Public Works has further determined that the City no longer has a need for the aforesaid vehicles and that said vehicles should be sold to the highest bidder; and

WHEREAS, the Public Safety Director has determined that it is necessary for the City of Bayonne’s Fire Department to sell as scrap or at auction a 1994 Chevrolet Caprice VIN#1G1BL52P2RR128696, unusable compressed air cascade bottles and other unusable fire equipment; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

The Director of Public Works and/or any other appropriate City Official is/are hereby authorized to auction off the above listed vehicles to the highest bidder, subject to the applicable statutes and regulations governing such sales; and, be it further

RESOLVED, that the Public Safety Director and/or any other appropriate City Official is/are hereby authorized to auction off to the highest bidder or sell as scrap a 1994 Chevrolet Caprice, unusable compressed air cascade bottles and other unusable fire equipment.

* * * * *

43. 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
JCC of Bayonne	6:00 – 11:00 PM 1050 Kennedy Blvd. April 20, 2017	RL: 9173
Friends of Special Children	7:00 PM	RL: 9174

	53 Prospect Avenue June 16, 2017	
Friends of the Handicapped	10:00 PM 667 Avenue C May 5, 2017	RL: 9175
St. John Paul II Church	12:15 PM 39 East 22 nd Street May 21, 2017	RL: 9176
Friends of Marist, Inc.	6:00-10:00 PM 1241 Kennedy Blvd. April 29, 2017	RL: 9177
Trinity Parish in Bergen Point	6:00-10:00 PM 1081 Broadway October 27, 2017	RL: 9178
Mt. Carmel Lyceum, Inc.	7:00 PM 39 East 22 nd Street May 1, 2017	RL: 9179
American Legion Post 19	Pull Tabs 683 Broadway 04/01/2017 to 3/31/2018	RL: 9180
Bayonne High School Band Foundation	6:00 P.M. 667 Avenue A May 1, 2017	RL: 9181

* * * * *

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

WHEREAS, the City of Bayonne is in need of professional engineering and planning services on an on-call basis during CY 2017; and

WHEREAS, Jacobs Engineering Group, Inc., 299 Madison Avenue, P.O. Box 1936, Morristown, New Jersey 07962 has submitted to the City of Bayonne a formal, written response to the City's Request for Qualifications/Proposals for said professional engineering and planning services; and

WHEREAS, Jacobs Engineering Group, Inc. is qualified, ready, willing and able to provide said professional engineering and planning services; and

WHEREAS, funds have been certified as available in various accounts pending adoption of the CY 2017 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, Jacobs Engineering Group, Inc. has qualified pursuant to 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 Jacobs Engineering Group, Inc., 299 Madison Avenue, P.O. Box 1936, Morristown, New Jersey 07962 for professional engineering and planning services on an on-call basis for the period commencing January 1, 2017 and terminating December 31, 2017 for an amount not to exceed \$90,000.00.

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 have been certified as available in various accounts pending adoption of the CY 2017 budget.

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

* * * * *

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

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

WHEREAS, the Community Day Nursery, 593 Broadway, Bayonne, New Jersey 07002 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, the Community Day Nursery has requested and submitted a formal written application dated February 15, 2016 for said CDBG Grant Funds in the amount of \$10,200.00 for the purpose of providing the cost of architectural plans from Carminio Architecture LLC, 655 Jerusalem Road, Scotch Plains, NJ 07076 and

WHEREAS, the Assistant Director of Community Development has advised that the availability of said Community Development Block Grant Funds for the purpose of providing the cost of architectural plans from Carminio Architecture LLC, 655 Jerusalem Road, Scotch Plains, NJ 07076; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-936; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Community Day Nursey, 593 Broadway, Bayonne, New Jersey 07002 for the provision of providing the cost of architectural plans from Carminio Architecture, LLC, 655 Jerusalem Road, Scotch Plains, NJ 07076 in the amount of \$10,2000.00 for the period commencing September 1, 2016 and ending August 31, 2017.

2. Funds shall be charged to Account #CDBG-936

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

* * * * *

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

WHEREAS, the City of Bayonne has a need for implementation, maintenance and administrative services for the City of Bayonne's Bicycle Share Program; and

WHEREAS, P3 Global Maintenance Inc., 300 Park Avenue, 13th Floor, New York, New York 10022 has submitted to the City of Bayonne a formal, written response to the City's Request for Qualifications/Proposals for said implementation, maintenance and administrative services; and

WHEREAS, said written response provides that the requested service will be provided at no cost to the City of Bayonne; and

WHEREAS, P3 Global Maintenance, Inc. is qualified, ready, willing and able to provide said implementation, maintenance and administrative services; and

WHEREAS, P3 Global Maintenance Inc. has qualified pursuant to 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 P3 Global Maintenance Inc., 300 Park Avenue, 13th Floor, New York, New York 10022 for the implementation, maintenance and administration of the City of Bayonne's Bicycle Share Program at no cost to the City of Bayonne.

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

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

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

#2 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 \$ 9,587,420.50
Parking Utility \$ 86,000.00

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 \$ 6,402,973.50
Parking Utility \$ 22,000.00

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

Current Fund \$ 6,402,973.50
Parking Utility \$ 22,000.00

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.

48. Council Member LaPelusa moved the following resolution, seconded by Council Member Perez, 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, and be it further

RESOLVED, that the Comptroller be, and is hereby authorized and directed to make the said transfers in

CURRENT FUND				
NO.	FROM ACCOUNT	AMOUNT	TO ACCOUNT	AMOUNT
1	Law Dept.-S & W	\$ 7,000.00	Law Dept. Contracts	\$ 7,000.00
	Parks & Playgrounds-S&W	15,000.00	Maintenance of Parks-O.E.	25,000.00
	Board of Health-S&W	10,000.00	Municipal Court-O.E.	6,000.00
	Other Public Works-S&W	15,000.00	Parks & Playgrounds-O.E.	1,000.00
	Law Enforcement-Uniform S&W	79,000.00	Finance-S&W	3,000.00
	Solid Waste Disposal- O.E.	30,000.00	Tax Assessor-S&W	1,000.00
			Collection of Taxes-S&W	1,500.00
			Fire Dept.-Nonuniform-S&W	1,500.00
			Vehicle Maintenance-S&W	8,000.00
			Maintenance of Parks-S&W	12,000.00
			Bus. Administration-O.E.	60,000.00
			Building & Grounds-O.E.	30,000.00
PARKING UTILITY				
1	Parking Utility Operating-O.E.	\$1,500.00	Parking Utility Operating-S&W	\$ 1,500.00

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

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

WHEREAS, on August 19, 2015, this Municipal Council passed Resolution No. 15-08-19-042, authorizing an Agreement with Top Line Construction Corp., 22 Fifth Street, Somerville, NJ 08876 for CY 2015 Resurfacing of Various Streets Alternate 1 and Alternate 2 only for a total contract amount of \$780,809.70; and

WHEREAS, pursuant to the aforesaid Resolution No. 15-08-19-042, the City of Bayonne entered into Agreement No. CY15-057 with Top Line Construction Corp., for the aforesaid CY 2015 Resurfacing of Various Streets Alternate 1 and Alternate 2 only for a total contract amount of \$780,809.70; and

WHEREAS, by way of Resolution No. 16-05-18-067 adopted on May 18, 2016, the Municipal Council authorized Change Order No. 1 to the aforesaid Agreement No. CY15-057 with Top Line Construction for the aforesaid CY 2015 Resurfacing of Various Streets Alternate 1 and Alternate 2 only to process a net increase of \$59,194.25 as stated in a March 18, 2017 Change Order proposal from Carroll Engineering for an adjusted total contract amount of \$840,003.95 for additional Police Traffic Directors above the estimate in the amount of \$29,074.90; Hot Mix Asphalt in the amount of \$15,820.25; and Striping in the amount of \$14,299.00; and

WHEREAS, the City is in receipt of a proposal dated July 25, 2016 for Change Order No. 2 from Carroll Engineering to the aforesaid Agreement No. CY15-057 with Top Line Construction for the aforesaid CY 2015 Resurfacing of Various Streets Alternate 1 and Alternate 2 only to process a net increase in the amount of \$32,839.54, for additional Police Traffic Directors above the estimate in the amount of \$13,989.00 and Hot Mix Asphalt in the amount of \$8,850.54; and

WHEREAS, the City's Engineer and City's Attorney have reviewed, approved and recommended Change Order No. 2 to the aforesaid Agreement No. CY'15-057 with Top Line Construction Corp; and

WHEREAS, funds are certified as available in Account O-01-56; now, therefore, be it

RESOLVED, as follows:

1. The Mayor shall be and is hereby authorized to execute Change Order No. 2 to the aforesaid aforesaid Agreement No. CY'15-057 with Top Line Construction Corp. to process the net increase of \$32,839.54 as stated in the July 25, 2016 Change Order proposal from Carroll Engineering attached hereto and made a part hereof, in accordance with the contract for CY 2015 Resurfacing of Various Streets Alternate 1 and Alternate 2 only, for an adjusted total contact amount of \$872,843.49.
2. Funds shall be charged to Account O-01-56/
3. A copy of this resolution and the contract when executed shall be kept on file for public inspection in the Office of the City Clerk.

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, on September 18, 2013 the Municipal Council of the City of Bayonne passed Ordinance O-13-29 entitled "An Ordinance of the City of Bayonne Ratifying and Granting Aerial Easements to the Port Authority of New York and New Jersey for the Bayonne Bridge"; and

WHEREAS, said Ordinance ratified Existing Easements between the City of Bayonne and the Port Authority of New York and New Jersey and consented to the granting of Aerial Easement Areas to the Port Authority; and

WHEREAS, said Ordinance further authorized the "proper City officials to execute a Grant of Easement" and to cause same to be recorded; and

WHEREAS, the Aerial Easement Grant was never executed by proper City officials prior to the close of the prior administration on July 1, 2014; and

WHEREAS, it is incumbent upon the City of Bayonne to execute the aforesaid Aerial Easement Grant, which has been reviewed and approved by the Law Department, in conformity with Ordinance O-13-29; now, therefore, be it

RESOLVED, that, consistent with the terms set forth in Ordinance O-13-29, the Mayor and Clerk are hereby authorized to execute the Grant of Easement (Aerial Easement) and the Law Director is authorized to cause the Grant of Easement to be recorded.

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

* * * * *

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

WHEREAS, on or about December 10, 2014 a portion of Block 700 Lot 1 belonging to the City of Bayonne was leased to Medical Tourism TV, LLC, a non-exempt entity; and

WHEREAS, the lease term ran from June 1, 2015 to October 31, 2015 and from June 1, 2016 through October 31, 2016; and

WHEREAS, the property so leased was assessed for real estate taxation purposes and designated on the tax records as Block 700 Lot 1; and

WHEREAS, the lease arrangement intended that the tax obligation should be part of the leasehold obligation to the City of Bayonne and not a separate charge; and

WHEREAS, said assessment was fully included in the levy for school and county purposes, leaving only the municipal share; and

WHEREAS, said municipal share was absorbed under the lease; and

WHEREAS, the leasehold ended in calendar year 2016, but the assessment was carried over into the 2017 tax year;

NOW, THEREFORE, BE IT RESOLVED:

1. The Bayonne Tax Collector is authorized and directed to cancel all outstanding taxes on Block 700 Lot 1.
2. The Tax Assessor is notified that the leasehold has been terminated prior to the end of the 2016 Calendar Year and that the entirety of the property is, for 2017, being held by the City of Bayonne for public purposes in its capacity as the City's redevelopment entity.
3. The Tax Collector, Tax Assessor, Municipal Treasurer and Chief Financial Officer are authorized to rely upon the contents of this resolution and to take all actions necessary to effectuate the cancellation of all outstanding taxes on Block 700, Lot 1.
4. This resolution shall take effect immediately.

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

* * * * *

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

WHEREAS, the City of Bayonne is in need of professional legal services in connection with Federal and State Grants and Funding; and

WHEREAS, the law firm of Krivit & Krivit, P.C., 1000 Potomac Street, N.W., Suite 250, Washington, D.C. 20007-3501 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, Krivit & Krivit, P.C., is qualified, ready and willing to provide said services; and

WHEREAS, this professional services contract was determined under the Fair & Open Contracting Requirements pursuant to N.J.S.A.19:44A-20.4.5; and

WHEREAS, the maximum amount of the contract is \$120,000.00 for the period commencing January 1, 2017 and ending December 31, 2017; and

WHEREAS, funds have been certified in Account No. PS-9 01-201-25-240-2-020 and various other accounts pending adoption of the CY2017; 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; 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 Krivit & Krivit, P.C., 1000 Potomac Street, N.W., Suite250, Washington, D.C. 20007-3501 for professional legal services in connection with Federal and State Grants and Funding for the City for the period commencing January 1, 2017 and ending December 31, 2017 for a total contract amount not to exceed \$120,000.00.
2. Funds shall be charged to account PS-9 01-201-25-240-2-020 and various other accounts.
3. 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.

* * * * *

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

WHEREAS, from time to time the City retains licensed insurance brokerage services and products in connection with the City's various insurance coverage needs; and

WHEREAS, a dispute arose as to whether Frenkel Benefits, LLC / Frenkel & Company, LLC, 601 Plaza Three 6th Floor, Jersey City, NJ 07311 (“Frenkel”) provided the City with insurance consulting services during the CY2012; and

WHEREAS, Frenkel filed a lawsuit against the City to recover its fees and commission for services allegedly provided during CY2012; and

WHEREAS, the NJIIF is defending the City in the lawsuit and has reached a resolution with Frenkel pursuant to which Frenkel will be paid an amount equal to 6% of the City's annual assessment as promulgated by the NJIIF; and

WHEREAS, in order to pay Frenkel for insurance brokerage services, the parties must execute a Risk Management Consultant Agreement in the form attached hereto as Exhibit “A”; and

WHEREAS, upon the advise of counsel, Florio, Kenny & Raval, LLP, appointed by the NJIIF to represent the City in the lawsuit, it is in the best interest of the City to execute the Risk Management Agreement for the CY 2012 and settle the lawsuit; now, therefore, be it

RESOLVED, the Municipal Council of the City of Bayonne authorizes the Mayor and the City Clerk to execute the Risk Management Consultant Agreement for a one (1) year term retroactive to 2012, in the form attached hereto as Exhibit "A" in furtherance of settlement and to take such further action as is necessary for the NJIIF to effect settlement of the lawsuit.

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

* * * * *

At 8:15 P.M., Council Member Perez motioned to adjourn, seconded by Council Member Cotter, which motion was adopted.

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

* * * * *