

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, MAY 17, 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 May 17, 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 May 12, 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. Stacie Percella addressed the council on the subject of the hiring freeze and employees being hired.

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02. Tony Campano addressed the city on millions dollars lost at the board of education.

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03. The Clerk announced:

AN ORDINANCE ENTITLED, “ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 171-181 LEFANTE WAY; 77-97 LEFANTE WAY; 101-129 LEFANTE WAY; 131-139 LEFANTE WAY; AND 191 LEFANTE WAY, WHICH PROPERTIES ARE IDENTIFIED AS BLOCK 412, LOTS 1.01, 2.01, 2.021, 2.022 AND 2.03, AND COMMONLY KNOWN AS SOUTH COVE, AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE,” which was introduced and passed a first reading at a meeting held April 19, 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 May 17, 2017, and is now before the Council for its consideration and a public hearing.

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

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

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

The Clerk read the ordinance by title: “ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 171-181 LEFANTE WAY; 77-97 LEFANTE WAY; 101-129 LEFANTE WAY; 131-139 LEFANTE WAY; AND 191 LEFANTE WAY, WHICH PROPERTIES ARE IDENTIFIED AS BLOCK 412, LOTS 1.01, 2.01, 2.021, 2.022 AND 2.03, AND COMMONLY KNOWN AS SOUTH COVE, 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.

The following persons spoke: Peter Cresci – 917 Kennedy Blvd.

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

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

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

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

WHEREAS, an ordinance entitled, “ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 171-181 LEFANTE WAY; 77-97 LEFANTE WAY; 101-129 LEFANTE WAY; 131-139 LEFANTE WAY; AND 191 LEFANTE WAY, WHICH PROPERTIES ARE IDENTIFIED AS BLOCK 412, LOTS 1.01, 2.01, 2.021, 2.022 AND 2.03, AND COMMONLY KNOWN AS SOUTH COVE, AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE,” was introduced and passed a first reading at a meeting held April 19, 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 May 17, 2017; and

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

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

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

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

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

RESOLVED, that the said ordinance be passed and designated as Ordinance No. O-17-20.

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

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04. The Clerk announced:

AN ORDINANCE ENTITLED, “BOND ORDINANCE PROVIDING FOR VARIOUS 2017 CAPITAL IMPROVEMENTS, BY AND IN THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY (THE “CITY”); APPROPRIATING \$1,760,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,675,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COSTS THEREOF,” which was introduced and passed a first reading at a meeting held April 19, 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 May 17, 2017, is now before the Council for its consideration and a public hearing.

Council President Nadrowski moved that the following resolution, seconded by Council Member Perez, which motion was adopted.

BE IT RESOLVED, that the further consideration of the foregoing ordinance be tabled to the meeting of June 21, 2017; and further

RESOLVED, that the City Clerk be and is hereby directed to publish notice of the new hearing date and notify those property owners who will be affected by the special assessment of the pendency of the ordinance and the time and place of the public hearing.

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

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05. The Clerk announced:

AN ORDINANCE ENTITLED, “BOND ORDINANCE PROVIDING FOR VARIOUS 2017 CAPITAL IMPROVEMENTS, BY AND IN THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY (THE “CITY”); APPROPRIATING \$1,760,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,675,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COSTS THEREOF,” which was introduced and passed a first reading at a meeting held April 19, 2017, was published in the Jersey Journal and posted on the bulletin board as required by

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

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

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 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."

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

WHEREAS, an ordinance entitled, “BOND ORDINANCE PROVIDING FOR VARIOUS 2017 CAPITAL IMPROVEMENTS, BY AND IN THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY (THE “CITY”); APPROPRIATING \$1,760,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,675,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COSTS THEREOF,” was introduced and passed a first reading at a meeting held April 19, 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 May 17, 2017; and

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

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

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Council President Nadrowski 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: "CALENDAR YEAR 2017 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.24),"

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: Mike Morris – 123 Avenue C

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

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

WHEREAS, an ordinance entitled, "CALENDAR YEAR 2017 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.24)," was introduced and passed a first reading at a meeting held April 19, 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 May 19, 2017; and

WHEREAS, said ordinance was forwarded to the Division of Local Government Services as required by law; 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-17-22.

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 REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 6, ALCOHOLIC BEVERAGE CONTROL," which was introduced and passed a first reading at a meeting held April 19, 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 May 17, 2017, 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: "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 6, ALCOHOLIC BEVERAGE CONTROL,"

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: Vincent Bottino – 124 West 8th Street
Thomas Pelliccio – 123 West 10th Street
Kevin Kuhl – 53 Prospect Avenue

Mike Morris – 123 Avenue C
John Sebik – 10 East 43rd Street
Fran Sklarski – 14 East 16th Street
Pat Desmond – 131 West 4th Street

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

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

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

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

RESOLVED, that section 3 of the foregoing ordinance be amended to state, "This ordinance shall remain in effect until April 30, 2018 unless extended to a later date prior to its expiration."

Council Member Cotter moved a resolution for final passage as amended, 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 6, ALCOHOLIC BEVERAGE CONTROL," was introduced and passed a first reading at a meeting held April 19, 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 May 17, 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, said ordinance was amended at this meeting, which amendment has been described by the Law Director as not substantially alter the substance of the ordinance; 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-17-23.

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

Nays – Council Member La Pelusa.

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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 April 19, 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 May 17, 2017, is now before the Council for its consideration and a public hearing.

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

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

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

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

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

The following persons spoke: Mike Resigno – 42 West 23rd Street

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

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

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

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

WHEREAS, an ordinance entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC," was introduced and passed a first reading at a meeting held April 19, 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 May 17, 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-17-24.

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 April 19, 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 May 17, 2017, is now before the Council for its consideration and a public hearing.

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

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

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

WHEREAS, an ordinance entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC," was introduced and passed a first reading at a meeting held April 19, 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 May 17, 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-17-25.

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

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10. 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 April 19, 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 May 17, 2017, and was referred to the planning board for its review is now before the Council for its consideration and a public hearing.

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

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

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

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

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

The following persons spoke: Mike Morris – 123 Avenue C

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

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

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

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

WHEREAS, an ordinance entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC," was introduced and passed a first reading at a meeting held April 19, 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 May 17, 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-17-26.

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

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11. 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 April 19, 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 May 17, 2017, is now before the Council for its consideration and a public hearing.

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

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

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

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

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

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

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

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

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

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

WHEREAS, an ordinance entitled, “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC,” was introduced and passed a first reading at a meeting held April 19, 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 May 17, 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-17-26.

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

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12. Council Member Perez introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REHABILITATION PLAN FOR THE PROPERTY LOCATED AT 537-543 BROADWAY, WHICH PROPERTY IS IDENTIFIED AS BLOCK 189, LOT 24 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 ET SEQ.*

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

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

WHEREAS, pursuant to the provisions of *N.J.S.A. 40A:12A-7(e)* and *N.J.S.A. 40A:12A-15* of the Redevelopment Law, the Planning Board, through the City’s staff and/or Planning Board professionals, is permitted to prepare a rehabilitation plan; and

WHEREAS, the City is desirous of directing the Planning Board to prepare a rehabilitation plan in order to ensure the success of rehabilitation in conformity with the City’s objectives; and

WHEREAS, the City believes that the property located at 537-543 Broadway, which property is identified as Block 189, Lot 24 (the “Property”) on the City’s Tax Maps is potentially valuable for contributing to, serving, and protecting the public health, safety and welfare and for the promotion of smart growth within the City; and

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Administration has prepared a rehabilitation plan for the Property titled “Rehabilitation Plan 537-543 Broadway Block 189, Lot 24 (Mc Donald’s Plan)” dated May 17, 2017 (the “Rehabilitation Plan”); and

WHEREAS, the Planning Board reviewed the Rehabilitation Plan and, in accordance with the Redevelopment Law, on May 9, 2017, conducted a public hearing wherein the Planning Board identified that the Rehabilitation Plan is inconsistent with the Master Plan and recommended its concerns regarding those inconsistencies for the Municipal Council’s consideration; and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-7(d)* the Municipal Council may adopt a redevelopment plan which is inconsistent with or not designed to effectuate the Master Plan by affirmative vote of a majority of its full authorized membership with the reasons for so acting set forth in the redevelopment plan; and

WHEREAS, upon review of the Planning Board’s Resolution and concerns relating to those inconsistencies of the Rehabilitation Plan with the Master Plan, for the reasons set forth in the Rehabilitation Plan, the Municipal Council believes that the adoption of the Rehabilitation Plan is in the best interest of the City for the redevelopment of the Property, and with the exception of the public street curb cut requirements on Broadway, the Rehabilitation Plan is otherwise consistent with the Master Plan; and

WHEREAS, the Municipal Council believes that the adoption of the Rehabilitation Plan is in the best interest of the City, provided that all conditions of approval are met, and that the redeveloper addresses any vehicular/pedestrian conflicts that this curb cut may cause.

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

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

Section 2. The Rehabilitation Plan is hereby adopted by an affirmative vote of a majority of the full authorized membership of the Municipal Council with the reasons for so acting set forth in the Rehabilitation Plan pursuant to the terms of *N.J.S.A. 40A:12A-7(d)* of the Redevelopment Law. Further, the Rehabilitation Plan shall amend, replace and supersede any prior redevelopment plans with respect to the Property.

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

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

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

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

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

BE IT RESOLVED, that an ordinance entitled “ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REHABILITATION PLAN FOR

THE PROPERTY LOCATED AT 537-543 BROADWAY, WHICH PROPERTY IS IDENTIFIED AS BLOCK 189, LOT 24 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, June 21, 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. Council Member Cotter introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING AN AMENDED REDEVELOPMENT PLAN RELATING TO THE WEST ROUTE 440 REDEVELOPMENT AREA IN THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.

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

WHEREAS, on November 11, 2009, the Bayonne Municipal Council (the "Municipal Council") adopted Resolution No. 09-11-10-052 requesting the Planning Board of the City (the "Planning Board") to conduct a preliminary investigation to determine whether portions of Route 440 West between East 22nd Street and New Hook Road, consisting of Block 452.02, Lots 3-9, 11, 12 and 13 and Block 451, Lots 1.01, 1.02, 2.03, 2.04 and 2.05 on the City's Tax Maps (the "Study Area"), qualified as "an area in need of redevelopment" in accordance with the criteria set forth in N.J.S.A. 40A: 12A-5, and if so, to prepare a redevelopment plan for the Study Area; and

WHEREAS, on November 13, 2013, the Municipal Council adopted Ordinance O-13-36 designating a portion of the Study Area comprised of Block 452.02, Lots 4 and 5 as an area in need of redevelopment (the "Redevelopment Area"), and reaffirming the designation of a portion of the Study Area comprised of Block 451, Lots 1.01 and 2.05 as an area in need of rehabilitation (the "Rehabilitation Area"); and

WHEREAS, pursuant to Ordinance O-13-36, the Municipal Council also adopted a Redevelopment Plan for portions of Route 440 West between East 22nd Street and New Hook Road, consisting of Block 452.02, Lots 3-9, and 11 and Block 451, Lots 1.01, 1.02, 2.03, 2.04 and 2.05 on the City's Tax Maps (the "Property") titled "Scattered Site Redevelopment Project: Phase II Site 14: Rt. 440 West Redevelopment Plan" dated October 16, 2013 (the "Redevelopment Plan"); and

WHEREAS, the Municipal Council authorized the preparation of an amendment to the Redevelopment Plan for the creation of an overlay for Block 452.02, Lot 5; and

WHEREAS, an amended Redevelopment Plan (the "Amended Redevelopment Plan") dated May 17, 2017, has been prepared by the City Planning Department which provides an overlay relative to Block 452.02, Lot 5 on the City's Tax Maps to the Redevelopment Plan; and

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

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

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

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

Section 2. An amendment to the Redevelopment Plan creating an overlay is hereby adopted for the property identified as Block 452.02, Lot 5, as shown on the official Tax Map of the City in accordance with the Redevelopment Law, N.J.S.A. 40A:12A-1 et seq.

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

BE IT RESOLVED, that an ordinance entitled "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING AN AMENDED REDEVELOPMENT PLAN RELATING TO THE WEST ROUTE 440 REDEVELOPMENT AREA IN THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A.40A:12A-1 ET SEQ.," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, June 21, 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 and to forward a copy of said ordinance to the planning board for its review of and a report regarding same pursuant to NJSA 40:55D-26.

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

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14. Council Member LaPelusa introduced:

TO LEASE THE PREMISES AT 591 BROADWAY, BAYONNE, NEW JERSEY, ALSO KNOWN AS LOT 9 IN CITY BLOCK 171 ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE, TO THE BAYONNE COMMUNITY DAY NURSERY, A NONPROFIT CORPORATION ESTABLISHED FOR A PUBLIC PURPOSE, PURSUANT TO N.J.S.A. 40A:12-14, ET. SEQ.

WHEREAS, the Bayonne Community Day Nursery is a non-profit corporation established on July 6, 1969 for a public purpose; and

WHEREAS, by way of verbal lease, the Bayonne Community Day Nursery has been occupying the City owned premises located at 591 Broadway also known as Lot 9 in City Block 171 on the official tax map of the City of Bayonne (the "Premises") for the purpose of providing day care services to low and moderate income families of Bayonne regardless of their ability to pay; and

WHEREAS, the City of Bayonne and the Bayonne Community Day Nursery (the "Parties") desire to enter into a formal Lease Agreement setting forth the rights and obligations of both Parties in connection with said use and occupancy of the Premises; now, therefore,

THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE DOES ORDAIN:

Section 1. That the premises at 591 Broadway, also known as Lot 9 in City Block 171 (formerly Lot 38B-1 in City Block 224), on the official tax map of the City of Bayonne, not needed for public use, be leased to the Bayonne Community Day Nursery, for a term expiring May 31, 2018 retroactive from April 3, 1982, providing that the Bayonne Community Day Nursery will provide child day care services to the community in accordance with N.J.S.A. 30:9A-1, et seq., and that said lease to contain the following provisions:

- a. Bayonne Community Day Nursery will provide all utilities, such as gas, electric, heat, repairing and alterations;
- b. The City of Bayonne may terminate said lease upon the issuance by the City of a six month notice of termination;

c. Any structural alterations to the subject premises shall be made at the expense of the Bayonne Community Day Nursery, providing the said alterations meet with the requirements and regulations of the Building Department, Health Department, and Police and Fire Departments of the City of Bayonne;

d. Bayonne Community Day Nursery Center will submit annually a report to the City Clerk of the City of Bayonne, setting forth the use to which the leased premises was put during the year, the activities of the lessee undertaken in furtherance of the public purpose for which the leasehold was granted, the approximate value or cost, if any, of such activities in furtherance of such purpose, and an affirmation of the continued tax exempt status of the nonprofit corporation pursuant to both State and Federal law;

e. Bayonne Community Day Nursery will insure said premises with liability insurance coverage of at least \$1,000,000.00, adding the City of Bayonne as an additional insured. Evidence of said insurance coverage shall be delivered to the Law Department;

f. Bayonne Community Day Nursery 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 Premises;

g. The use of said premises by the lessee is to provide child care services to the community in accordance with N.J.S.A. 30:9A-1, et. seq.

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

BE IT RESOLVED, that an ordinance entitled “AN ORDINANCE GRANTING A ONE (1) YEAR LEASE WITH THE BAYONNE COMMUNITY DAY NURSERY FOR THE PROPERTY LOCATED AT 593 BROADWAY FOR A RENT OF \$1.00 AND CONFIRMING THE PRE-EXISTING AGREEMENT FOR THE PAST YEARS,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, June 21, 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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15. Council Member LaPelusa 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

339. Jamie DeRocco, 86 West 25th Street
Beginning at a point on the south side of East 25th Street, 111 feet west of the southwest corner of East 25th Street and Avenue F, and extending to a point 22 feet west thereof.

376. Frances Billeci, 31 West 16th Street
Beginning at a point on the north side of West 16th Street, 302 feet east of the northeast corner of West 16th Street and Avenue C, and extending to a point 17 feet east thereof.

ADD

248. Catherine Kass, 131 West 20th Street

Beginning at a point on the north side of West 20th Street, 162 feet east of the northeast corner of West 20th Street and Avenue A, and extending to a point 18 feet east thereof.

339. Ceceile Reid, 32 West 19th Street

Beginning at a point on the south side of West 19th Street feet 420 of the southwest corner of West 19th Street and Broadway, and extending to a point 19 feet west thereof.

409. Lisa Roberts, 620 Avenue E

Beginning at a point on the east side of Avenue E, 45 feet south of the southeast corner of West 39th Street and Avenue E, and extending to a point 18 feet south thereof.

410. Richard Lipowski, 31 Kelly Parkway

Beginning at a point on the west side of Kelly Parkway, 207 feet south of the southwest corner of Kelly Parkway and West 2nd Street, and extending to a point 19 feet south thereof.

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

BE IT RESOLVED, that an ordinance entitled “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, June 21, 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.

* * * * *

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

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

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

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

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

From Nicholas J. Leonardis, Esq., filing notice of tort claim on behalf of MOHAMED ELBAHBOUHI alleging personal injuries resulting from being hit by an automobile on March 24, 2017 at West 56th Street and Avenue B.

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

From Jeffrey Youngman, Esq., filing notice of tort claim on behalf of the ESTATE OF CALEB J. SERRANO alleging personal injuries resulting from a motor vehicle accident on February 3, 2017 at Avenue C and 55th Street.

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

From HANAN SOLIMAN, filing notice of tort claim alleging personal injuries resulting from a fall on icy stairs on March 15, 2017 at the Community Day Nursery, 593 Broadway.

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

From DAVID ESKRIDGE, filing notice of tort claim alleging property damage to his automobile on March 23, 2017 resulting from a raised manhole on Goldsborough Drive.

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

From DAVID QUINONES, filing notice of tort claim alleging property damage to his automobile on January 19, 2017 resulting from a collision with a police vehicle at Kennedy Boulevard and West 5th Street.

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

From WILTON RIVERA, filing notice of tort claim alleging property damage to his automobile on March 14, 2017 resulting from being struck by a city vehicle at 584 Avenue C.

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

From DINA SANAD, filing notice of tort claim alleging property damage to her automobile on March 15, 2017 resulting from being struck by a city owned snow plow at 28th Street and Avenue E.

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24. 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, “HELBIG vs. BAYONNE HOUSING AUTHORITY and THE CITY OF BAYONNE, et al.” (Sidewalk fall down on March 6, 2015 at 630 Avenue C)

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25. 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, “CITY OF TRENTON vs. BETHEA, et al., incl. THE CITY OF BAYONNE.” (Tax sale foreclosure – Bayonne Housing Authority has a judgment)

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

From Superior Court of New Jersey, Equity Division, Summons and Complaint in matter entitled, “MORRIS and CRESCI, et al. vs. DeMARCO, et al., incl. THE CITY OF BAYONNE.” (Challenge to residency of certain municipal employees)

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

From the BAYONNE BOARD OF EDUCATION, 2017-2018 School Year Budget requiring the amount of \$64,644,844.00 to be levied for local school purposes for the calendar year.

* * * * *

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

May 9, 2017

Dear Council President Nadrowski
And Honorable Members of City Council

I hereby appoint Matt Dorans, 36 West 43rd Street, Bayonne, New Jersey 07002, as a Commissioner of the Zoning Board of Adjustment of the City of Bayonne. This appointment shall be effective immediately and shall replace Edoardo Ferrante, Jr. in his capacity as Commissioner.

Furthermore, I hereby name the following individuals to the Zoning Board of Adjustments of the City of Bayonne:

Joseph Pineiro 78 East 28 th Street, Bayonne, NJ 07002	Term expiring on December 31, 2017 (Appointment as Alternate #1)
James O’Brien, Jr. 101 East 25 th Street, Bayonne, NJ 07002	Term expiring on December 31, 2018 (Appointment as Alternative #2)
Nicholas DiLullo 337 Kennedy Boulevard, Bayonne, NJ 07002	Term expiring on December 31, 2018 (Appointment as Alternate #3)

In conjunction with this appointment the City Clerk has been directed to add an accompanying item on the May 17, 2017 Council meeting agenda to be received and filed by the City Council.

Sincerely,
James M. Davis
Mayor
(signed)

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

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

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

* * * * *

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

DATE: May 3, 2017

TO: Terrence Malloy, CFO
Robert Sloan, City Clerk

FROM: Janet Convery, Treasurer

Please be advised that a transfer to the Board of Ed will be made on May 3, 2017

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

Janet Convery
(signed)

* * * * *

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

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

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

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

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33. 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, April 19, 2017 be and the same are hereby approved.

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34. 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, April 12, 2017, be and the same are hereby approved.

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35. 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
156	10	Teresa La Rocca	3,196.83
156	32	Wells Fargo Home Mortgage	3,123.35
169	35	Luis Rivas	1,467.95
181	12.37	Hilda Baldeon	1,740.93
223	9	Tracy Morales	1,665.86

267	47	Elena Oliver	2,449.41
290	22.02	William Richards	2,886.36
369	8.05	Aimee Montgomery Wilson	235.00
Total:			16,765.69

* * * * *

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

WHEREAS, Thomas M. Sutcliffe, 80 Francis Street, East Haven, CT 06512 submitted a peddler’s license application and paid the \$250.00 annual fee for same; and

WHEREAS, the license application was not processed; and

WHEREAS, Mr. Sutcliffe has advised the city clerk’s office that he no longer desires to obtain the license and has requested a refund of the license fee; and

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

RESOLVED, that the Municipal Treasurer is hereby authorized to issue a warrant in the amount of \$250.00 payable to Thomas M. Sutcliffe, 80 Francis Street, East Haven, CT 06512 as a refund for the unused annual fee for a peddler’s license chargeable to Account GL-220.

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

WHEREAS, the City Clerk’s Office has issued Ninety-nine (99) Marriage Licenses during the months of January, February and March and has collected \$25.00 per license, which is to be forwarded to the Division of Youth and Family Services, now, therefore be it

RESOLVED, that a warrant in the amount of Two thousand four hundred and seventy-five dollars (\$2475.00) be drawn to the order of the Treasurer, State of New Jersey and forwarded to the City Clerk’s Office for disbursement.

* * * * *

38. 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 \$34.20 be drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of licenses Nos. 1001-1011 inclusive, 11 dog licenses, representing one dollar per license for the state fee, twenty cents per license for the state clinic and three dollars per license for non-spayed and non-neutered dogs.

* * * * *

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

RESOLVED, that the actions of the Municipal Treasurer in issuing a warrant from the Unemployment Trust Fund in the amount of \$ 16.807.47 payable to the State of New Jersey Division of Employer Accounts is hereby ratified and confirmed. Said warrant is for the City of Bayonne unemployment bills for quarter ending 3/31/2017.

* * * * *

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

RESOLVED, that the actions of the Municipal Treasurer in issuing payment from Current Fund in the amount of \$ 6,886,365.82 payable to the County of Hudson for First Quarter County Taxes of 2017 and County Open Space Tax is hereby ratified and confirmed.

* * * * *

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

WHEREAS, by way of Resolution No. 16-03-16-044 adopted by the Municipal Council at its meeting on March 16, 2016, the City entered into Agreement No. CY16-032 with Marbro, Inc., 127 Pine Street, P.O. Box 134, Montclair, New Jersey for Di Domenico Park fixed dock for the amount of \$591,117.00; and

WHEREAS, said Resolution 16-03-16-044 contained a scrivener's error in that it reflected that said funds were to be charged to Capital Improvement Ordinance O-16-14 adopted at said Municipal Council meeting of March 16, 2016 pending approval by the Mayor; and

WHEREAS, said Resolution No. 16-03-16-044 should have reflected that said funds were to be charged to Capital Improvement Ordinance O-16-22 pending adoption on April 20, 2016; and

WHEREAS, said Capital Improvement Ordinance O-16-22 was adopted by the Municipal Council on April 20, 2016, effective May 11, 2016; and

WHEREAS, Marbro, Inc. has submitted an Application and Certificate for Payment in the amount of \$334,465.65 for contract items completed through March 2017 ("Progress Payment No.1"); and

WHEREAS, the City's engineers, Maser Engineering, monitored construction and as-built quantities for contract items completed through March 2017 and recommended payment of Progress Payment No. 1 to Marbro, Inc. in the amount of \$334,465.65; and

WHEREAS, funds were certified in Capital Improvement Ordinance O-16-22; and

WHEREAS, due to exigent circumstances, it was necessary for the Treasurer to issue a check payable to Marbro, Inc. in the amount of \$334,465.65 representing payment of Progress Payment No. 1 prior to obtaining approval from this body; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The actions of the Treasurer in issuing a check to Marbro, Inc. in the amount of \$334,465.65 chargeable to Capital Improvement Ordinance O-16-22 are hereby ratified and affirmed.

2. Resolution No. 16-03-16-044 is hereby amended to reflect that funds for Agreement No. CY16-032 between the City and Marbro, Inc. for Di Domenico Park fixed dock in the amount of \$591,117.00 are chargeable to Capital Improvement Ordinance O-16-22 subject to its adoption and approval by the Mayor.

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

WHEREAS, the Police Department of the City of Bayonne has established that there is a need a software license maintenance agreement for the Police Department's VeriPic digital photo management software; and

WHEREAS, VeriPic, Inc., is willing and able to supply said service for a one year period commencing July 1, 2017 and ending June 30, 2018 at a cost of \$2,140.00; and

WHEREAS, funds are certified as available in Account #PS-9/01-201-25-240-2-020 pending approval of the CY 2017 Budget; and

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

RESOLVED, that the Mayor and City Clerk are hereby authorized to enter into an agreement with VeriPic, Inc., 2360 Walsh Avenue, Santa Clara, CA 95051-1301 for a software license maintenance agreement for the Police Department's VeriPic digital photo management software for a one year period commencing July 1, 2017 and ending June 30, 2018 at a cost of \$2,140.00, and funds are certified available in account #PS-9/01-201-25-240-2-020 pending approval of the CY 2017 Budget; and be it further

RESOLVED, that the Municipal Treasurer be and is hereby authorized and directed to issue a warrant payable to VeriPic, Inc., in the amount of \$2,140.00 in payment for said services.

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

WHEREAS, the City was in need of rental of a Send Pro P200 mailing system from Pitney Bowes; and

WHEREAS, said Send Pro P200 system from Pitney Bowes is available through State Contract #41258 with monthly payments in the amount of \$654.85 payable quarterly at \$1,964.55; and

WHEREAS, funds were certified as available in Account BA-2 pending adoption of the CY2017 budget and future budgets; and

WHEREAS, due to exigent circumstances, the Mayor signed an agreement with Pitney Bowes for the rental of a Send Pro P2000 mailing system for a term of 60 months with monthly payments in the amount of \$654.85 payable quarterly at \$1,964.55 for a total contract amount of \$39,291.00; now, therefore, be it

RESOLVED, that the actions of the mayor in executing the aforesaid agreement with Pitney Bowes for the rental of a Send Pro P2000 mailing system for a term of 60 months with monthly payments in the amount of \$654.85 payable quarterly at \$1,964.55 for a total contract amount of \$39,291.00 are hereby ratified and affirmed; and be it further

RESOLVED, that said rental shall be made under the State contract #41258; and be it further

RESOLVED, that said agreement be chargeable to Account BA-2.

* * * * *

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

WHEREAS, MIC-POWER, having an address at 4506 Avenue J, Bayonne, New Jersey and seeks a short term lease of certain vacant real property located in the vicinity of the fire station in the marine terminal area comprising a portion of what is more commonly known as Block 751, Lot 1 for temporary parking for up to 100 privately owned vehicles for the sole benefit of MIC-POWER, commencing May 22, 2017 and terminating on May 21, 2018, with a thirty (30) day notice of termination, unless renewed thereafter on a month-to-month basis in the sole and absolute discretion of the City, more specifically as follows:

Use:

Parking of privately-owned MIC-POWER related vehicles for the benefit of the MIC-POWER only

Premises Access:

As necessary for reasonable use by MIC-POWER

Monthly rent:

\$1,500.00

Utilities:

To be paid by MIC-POWER

Temporary Lighting (If Necessary):

To be installed by Blue Apron prior to possession at its sole cost and expense and upon the issuance of appropriate municipal permits

Additional rent:

None - Property Taxes Included

Insurance:

Provided and paid for by MIC-POWER having limits of liability that are acceptable to the City in the sole and absolute discretion of the City's legal counsel naming the "City of Bayonne" as an additional insured.

Security Deposit:

\$1,500.00

Term:

May 22, 2017 through May 21, 2018 and subsequent month-to-month extension at the sole and absolute discretion of the City; and at all times termination upon thirty (30) days notice

WHEREAS, MIC-POWER, as consideration for the lease, will pay the amount of \$1,500.00 each month to the City commencing on or about May 22, 2017;

WHEREAS, said lease shall be in a form whose terms and conditions are acceptable to the Corporation Counsel of the City of Bayonne in his sole and absolute discretion;

WHEREAS, the installation of temporary lighting will be required and same shall be installed at the sole cost and expense of MIC-POWER upon the issuance of appropriate municipal permits that may be required;

WHEREAS, it is in the City's best interest to agree to enter into the aforesaid Lease Agreement under such terms and conditions that are acceptable to Corporation Counsel for a one (1) year period and renewable on a month-to-month basis at the sole discretion of the City with the City having an option to terminate with a thirty (30) day notice commencing as of May 22, 2017 and ending May 21, 2018; now, therefore, be it

RESOLVED, it is in the City's best interest to authorize the Mayor and City Clerk to execute a certain Lease Agreement with MIC-POWER that shall terminate with a thirty (30) day notice commencing as of May 22, 2017 and ending May 21, 2018 and may be extended on a month-to-month basis in the sole discretion of the City under the terms and conditions set forth in detail above and in a final form of Lease Agreement that is acceptable to the Law Director in his sole and absolute discretion:

* * * * *

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

WHEREAS, the City of Bayonne is in need of specialized services for the exhibition of fireworks on July 5, 2017; and

WHEREAS, Garden State Fireworks, Inc., P. O. Box 403, Carlton Road, Millington, New Jersey, 07946 is willing to perform said service; and

WHEREAS, Garden State Fireworks, Inc. has submitted a proposed agreement for the maximum amount of \$12,500.00, and

WHEREAS, funds are certified as available in Account 01-201-30-420-2-028; now, therefore, be it

RESOLVED, that said contract shall be entered into only after review and approval by the Chief of Police and the Chief of the Fire Department of the City of Bayonne; and be it further

RESOLVED, that any display of fireworks pursuant to said agreement shall be of such a character, and so located, discharged, or fired, as in the opinion of the Chiefs of the Police and Fire Departments, after proper inspection, shall not be hazardous to property or endanger any person or persons; and be it further

RESOLVED, that said agreement shall contain an identification number and the specific types or kinds of fireworks to be used and shall name one person who shall be authorized to purchase, or otherwise order, and receive delivery of any fireworks; and be it further

RESOLVED, that any and all necessary permits/licenses as required by the State of New Jersey and/or the United States of America shall be provided to the City of Bayonne prior to and/or concomitant with the execution of said agreement; and be it further

RESOLVED, that a specific condition of said agreement shall be that the contracting party maintain insurance coverage in the amount of \$5,000,000.00 with the City of Bayonne listed as an added insured thereby conforming with the mandates of N.J.S.A. 21:3-5; and be it further

RESOLVED, that in the event that the above conditions are met, the Mayor and City Clerk are hereby authorized to enter into an agreement with Garden State Fireworks, Inc., P. O. Box 403, Carlton Road, Millington, New Jersey, 07946, for the exhibition of fireworks on July 5, 2017 for a maximum amount of \$12,500.00 at no additional cost and any and all other documents necessary to effectuate said fireworks display; and be it further

RESOLVED, that no bid need be solicited for these services insofar as the agreement complies with the statutory guidelines of N.J.S.A. 40A:11-3; and be it further

RESOLVED, that funds are certified as available by the Municipal Comptroller in Account 01-201-30-420-2-028.

* * * * *

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

WHEREAS, the Bayonne Hometown Fair Association (the “BHFA”), an association duly formed and existing under the laws of the State of New Jersey, has requested permission to hold a Third Annual Hometown Fair on Saturday, June 10th and Sunday, June 11th, 2017 to be located along Broadway, from 21st Street to 25th Street; and

WHEREAS, the First and Second Annual Bayonne Hometown Fairs held in June of 2015 and June of 2016 proved to be successful and desirous events in the City of Bayonne, now, therefore, be it

RESOLVED that the Mayor and the City Clerk are hereby authorized and directed to take all steps necessary to execute any and all documents to effectuate the Third Annual Bayonne Hometown Fair to be held on Saturday, June 10th and Sunday June 11th, 2017.

* * * * *

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

WHEREAS, the Bayonne Hometown Fair is being held on June 10th and June 11th of 2017, and

WHEREAS, said event requires the Bayonne Urban Enterprise Zone to oversee and coordinate various actions required in managing this event, and

WHEREAS, The Bayonne Urban Enterprise Zone will be sponsoring activities during the event, now therefore, be it

RESOLVED that the Bayonne Urban Enterprise Zone Coordinator is hereby authorized to undertake all actions required to effectuate the goal of successfully hosting the Bayonne Hometown Fair, including but not limited to coordinating activities with the Hometown Fair Committee, waiving permit fees for participating vendors, creating a UEZ project entitled Bayonne Hometown Fair, and coordinating activities with the various municipal departments that are involved with the event.

* * * * *

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

WHEREAS, pursuant to Municipal Council Resolution 16-08-24-083 adopted on August 24, 2016, the City entered into an Access Agreement with Active Environmental Technologies, Inc. (“Active”) to perform delineation and remediation of any soil and/or groundwater impacted due to evidence of a release from an unregulated heating oil tank removed from the planting bed in front of 29 West 37th Street pursuant to a Scope of Work provided by Active dated July 28, 2016; and

WHEREAS, in furtherance of the aforesaid delineation and remediation activities, Active has provided the City with an additional Scope of Work dated May 2, 2017 attached hereto and made a part hereof; and

WHEREAS, it is in the best interests of the citizens of Bayonne to amend the aforesaid Access Agreement with Active to include the additional Scope of Work dated May 2, 2017; now, therefore, be it

RESOLVED, that the Mayor and the City Clerk are hereby authorized and directed to execute an amendment to the aforementioned Access Agreement with Active Environmental Technologies, Inc. to include the additional Scope of Work provided by Active dated May 2, 2017 attached hereto and made a part hereof under the same terms and conditions as the original Access Agreement in a form acceptable to the Law Department.

* * * * *

49. 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 elevator inspection services.

* * * * *

50. 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 laundry services for the Fire Department.

* * * * *

51. 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
Preschool Playhouse, PTO	5:00-8:00 PM 625 Avenue C June 23, 2017	RL: 9190
Friends of Marist, Inc.	1241 Kennedy Blvd. 12:00 – 11:00 PM June 15, 2017 4:00 – 11:00 PM June 16, 2017 1:00-9:00 PM June 17 & 18, 2017	RL: 9191 RL: 9192 RL: 9193

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

WHEREAS, by way of City of Bayonne Ordinance O-17-05 passed on February 15, 2017 and effective March 7, 2017 the Municipal Council approved a Contract of Sale between the City of Bayonne and the Convent of Sisters of Saint Joseph, dated January 11, 2017, for the purchase and sale of the property known and designated as 15-19 Howard Place (Block 289, Lot 15) and 237-249 Avenue A (Block 284, Lot 2) on the Official Tax Maps of the City of Bayonne (the “Former Holy Family Academy Site”) for the sum of \$2,500,000.00; and

WHEREAS, title of the Former Holy Family Academy Site was conveyed to the City by the Convent of Sisters of Saint Joseph by way of Deed dated February 14, 2017; and

WHEREAS, due to exigent circumstances it was necessary for the City to secure the aforesaid Former Holy Family Academy Site; and

WHEREAS, Platinum Alarms and Security Inc., 20 Plank Road, Bayonne New Jersey provided the Director of Community Development with a proposal dated March 20, 2017 to install two (2) Intrusion Alarm Systems at the Former Holy Family Academy Site for a total amount of \$15,785.00; and

WHEREAS, the Proposal amount does not exceed the bid threshold pursuant to the provisions of the Local Public Contract Law (N.J.S.A. 40A:11-1, et seq.); and

WHEREAS, the Director of Community Development retained the services of Platinum Alarms and Security Inc., 20 Plank Road, Bayonne, New Jersey to install the aforesaid two (2) Intrusion Alarm Systems at the Former Holy Family Academy Site pursuant to said proposal; and

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

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

1. The actions of the Director of the Office of Community Development in authorizing Platinum Alarms and Security, Inc. to install the aforesaid security systems at the Property are hereby ratified and affirmed.

2. The Mayor and City Clerk are hereby authorized to execute an agreement with Platinum Alarms and Security, Inc. for the installation of the aforesaid security systems at the Property for the amount of \$15,785.00 pursuant to the Contractor's proposal dated March 20, 2017.

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

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

* * * * *

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

WHEREAS, the City of Bayonne, as successor in interest to the Bayonne Municipal Utilities Authority, entered into the Bayonne Water and Wastewater Concession Agreement dated as of December 20, 2012 with Bayonne Water Joint Venture, LLC ("the Concessionaire"); and

WHEREAS, the Concessionaire, on behalf of itself, Bayonne Water JV Parent, LLC, KKR Water Investors, L.P. and AIA Energy North America, LLC has advised the City of Bayonne that KKR Water Investors, L.P. and AIA Energy North America, LLC have entered into a purchase and sale agreement under which KKR Water Investors, L.P. proposes to transfer all right, title and interest in and to 99% of the equity interest in Bayonne Water JV Parent, LLC, the owner of 100% of the equity interests in the Concessionaire, to a new special entity formed and owned by AIA Energy North America, LLC (the "Proposed Transfer"); and

WHEREAS, Section 17 of the Concession Agreement permits such a transfer subject to the City's review of and consent to same; and

WHEREAS, the Law Director has had the opportunity to review, among other documents, the Concession Agreement, the Concessionaire's letter dated March 23, 2017 describing the transaction and an April 28, 2017 Confirmation of Collateral Assignee; and

WHEREAS, the Law Director is satisfied that the City of Bayonne should consent to the Proposed Transfer in accordance with the requirements of Section 17 of the Concession Agreement; and

WHEREAS, due to exigent circumstances, the Law Director has executed a letter consenting to the Proposed Transfer in accordance with the requirements of Section 17 of the Concession Agreement prior to the passage of a resolution authorizing same; and

WHEREAS, this Municipal Council is sufficiently satisfied that the City of Bayonne should consent to the Proposed Transfer in accordance with the requirements of Section 17 of the Concession Agreement and that the Law Director's signing of the aforesaid letter of consent was prudent and justified; now, therefore, be it

RESOLVED, that the City of Bayonne hereby consents to the Proposed Transfer in accordance with the requirements of Section 17 of the aforesaid Concession Agreement; and, be it further

RESOLVED, that Law Director's signing a letter of consent to same dated May 10, 2017 (a copy of which attached hereto and made a part hereof) is hereby ratified and affirmed; and, be it further

RESOLVED, that this Resolution shall take effect immediately.

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

* * * * *

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

WHEREAS, the Hudson County Department of Cultural Affairs Heritage and Tourism has decided to support the UEZ Utility Box Art Program, and

WHEREAS, the Hudson County Department of Cultural Affairs Heritage and Tourism has committed to funding said project in the amount of \$5,000.00, and

WHEREAS, The Bayonne Urban Enterprise Zone will be overseeing said project now therefore, be it

RESOLVED that the Bayonne Urban Enterprise Zone Coordinator is hereby authorized to execute any and all documents relating to the receipt of the \$5,000.00 from the Hudson County Department of Cultural Affairs Heritage and Tourism.

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

* * * * *

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING AND DIRECTING THE PLANNING BOARD TO CONDUCT A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER CERTAIN PROPERTY LOCATED AT 122 AVENUE E, 124 AVENUE E, 126 AVENUE E, 126 ½ AVENUE E, 128 AVENUE E, 130 AVENUE E, 132 AVENUE E, 134-136 AVENUE E, 138 AVENUE E, 140 AVENUE E, 165 AVENUE E, 167 AVENUE E, 169 AVENUE E, 170-180 AVENUE E, AND 157-163 AVENUE E WHICH PROPERTY IS IDENTIFIED AS BLOCK 467, LOTS 17, 18, 19, 20, 21, 22, 23, 24, 25, & 26, BLOCK 234, LOTS 11, 12, & 13, BLOCK 458, LOT 1 & 1.01, AND BLOCK 234, LOT 8.01, WITHIN THE CITY CONSTITUTES A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT AND AUTHORIZING AND DIRECTING THE PLANNING BOARD TO AMEND AND EXPAND THE REDEVELOPMENT PLAN FOR THE PROPERTY PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 ET SEQ.*

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

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

WHEREAS, the State designated several blocks in the City as an “Urban Renewal Zone” pursuant to the *New Jersey Urban Enterprise Zone Act, N.J.S.A. 52:27H-60 et seq.* (the “UEZ Act” and those parcels located within the designated Urban Enterprise Zone shall hereinafter be the “UEZ”); and

WHEREAS, on May 20, 2009, the State approved expansions to the City’s UEZ map, to encompass additional properties including the properties common known as Block 458, Lot 1, Block 467, Lots 27, 28, & 29 on the Official Tax Map of the City (the “Zone Area”); and

WHEREAS, Block 467, Lots 27, 28, & 29, were consolidated into Block 458, Lot 1; and

WHEREAS, Block 234, Lots 8, 9, & 10, were consolidated into Block 234, Lot 8.01; and

WHEREAS, on October 11, 2011, the Planning Board reviewed a report prepared by John D. Fussa, P.P., planner for the Planning Board (the “Planner”) and a redevelopment plan prepared by the Planner, dated October 11, 2011 and entitled, “Redevelopment Plan Maidenform Redevelopment Area” (the “Redevelopment Plan”), at which hearing the Planning Board discussed the report and the Redevelopment Plan as presented and then resolved to recommend to the City Council that the Zone Area be designated a redevelopment area and the Redevelopment Plan be adopted; and

WHEREAS on November 9, 2011, the Municipal Council adopted the Redevelopment Plan with amendments for the Property and designated the Zone Area as an area in need of redevelopment; and

WHEREAS, the Mayor and Municipal Council consider it to be in the best interest of the City to have the Planning Board of the City (the “Planning Board”) conduct such an investigation to determine if certain properties located at 122 Avenue E, 124 Avenue E, 126 Avenue E, 126 ½ Avenue E, 128 Avenue E, 130 Avenue E, 132 Avenue E, 134-136 Avenue E, 138 Avenue E, 140 Avenue E, 165 Avenue E, 167 Avenue E, 169 Avenue E, 170-180 Avenue E, and 157-163 Avenue E, which property is identified as Block 467, Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, & 26, Block 234, Lots 11, 12, & 13, Block 458, Lot 1 & 1.01, and Block 234, Lot 8.01 on the City’s Tax Maps (the “Study Area”), constitute a non-condemnation “area in need of redevelopment,” in accordance with the Redevelopment Law; and

WHEREAS, the preliminary investigation will be designed to evaluate the area to determine whether designation of the Study Area as a non-condemnation “area in need of redevelopment” is appropriate and in conformance with the statutory criteria contained in *N.J.S.A. 40A:12A-5* and pursuant to *N.J.S.A. 40A:12A-6* to authorize the municipality to use all powers provided by Legislature for use in a redevelopment area other than the use of eminent domain; and

WHEREAS, the Municipal Council believes that it is in the best interests of the City to amend the Redevelopment Plan to expand the scope of the revitalization and redevelopment efforts in the City and make necessary modifications to the Redevelopment Plan to include the Study Area if it determined to be a non-condemnation “area in need of redevelopment” (the “Amended Redevelopment Plan”); and

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

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

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

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

Section 3. The Planning Board is hereby directed to study the property located at 122 Avenue E, 124 Avenue E, 126 Avenue E, 126 ½ Avenue E, 128 Avenue E, 130 Avenue E, 132 Avenue E, 134-136 Avenue E, 138 Avenue E, 140 Avenue E, 165 Avenue E, 167 Avenue E, 169 Avenue E, 170-180 Avenue E, and 157-163 Avenue E, which property is identified as Block 467, Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, & 26, Block 234, Lots 11, 12, & 13, Block 458, Lot 1 & 1.01, and Block 234, Lot 8.01 on the City’s Tax Maps; to develop a map reflecting the boundaries of the proposed non-condemnation redevelopment area; to provide public notice and conduct public hearings pursuant to *N.J.S.A. 40A:12A-6*; and to draft a report/Resolution to the Mayor and Municipal Council containing its findings.

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

Section 5. The Planning Board of the City of Bayonne is hereby authorized and directed to prepare an amendment to the Redevelopment Plan for the Property identified as Block 467, Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, & 26, Block 234, Lots 11, 12, & 13, Block 458, Lot 1 & 1.01, and Block 234, Lot 8.01 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 6. The Planning Board shall transmit the Amended Redevelopment Plan to the Municipal Council for further consideration and action upon completion of same.

Section 7. This Resolution shall take effect immediately.

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

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

4 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	\$	40,450,900.50
Parking Utility	\$	343,000.00

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	\$	10,020,480.00
Parking Utility	\$	65,000.00

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

Current Fund	\$	10,020,480.00
Parking Utility	\$	65,000.00

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.

* * * * *

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING AND DIRECTING THE PLANNING BOARD TO CONDUCT A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER CERTAIN PROPERTY LOCATED AT 979-993 AVENUE C, WHICH PROPERTY IS IDENTIFIED AS BLOCK 76, LOT 17, WITHIN THE CITY CONSTITUTES A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 ET SEQ.*

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

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

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

WHEREAS, the Mayor and Municipal Council consider it to be in the best interest of the City to have the Planning Board of the City (the “Planning Board”) conduct such an investigation to determine if certain properties located at 979-993 Avenue C, which property is identified as Block 76, Lot 17 as shown on the official Tax Map of the City (the “Study Area”), constitute a non-condemnation “area in need of redevelopment,” in accordance with the Redevelopment Law; and

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

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

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

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

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

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

Section 3. The Planning Board is hereby directed to study the property located at 979-993 Avenue C, which property is identified as Block 76, Lot 17 on the City’s Tax Maps; to develop a map reflecting the boundaries of the proposed non-condemnation redevelopment area; to provide public notice and conduct public hearings pursuant to *N.J.S.A. 40A:12A-6*; and to draft a report/Resolution to the Mayor and Municipal Council containing its findings.

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

Section 5. This Resolution shall take effect immediately.

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

* * * * *

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

WHEREAS, the City of Bayonne, as successor in interest to the Bayonne Municipal Utilities Authority, is often a required signatory in connection with sanitary sewer applications submitted by developers to the State of New Jersey in furtherance of redevelopment or other projects; and

WHEREAS, most often the City of Bayonne is asked to sign an NJDEP TWA-1 Application, an NJDEP WQM-003 Statement of Consent Form and/or an NJDEP WQM-006 Engineer’s Report for Domestic Treatment Works Approval Application, all of which require the signature of a City official; and

WHEREAS, due to time constraints, it is often necessary for the City’s representatives to sign these documents prior to obtaining approval by way of resolution; now, therefore, be it

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

1. The Mayor, Clerk, Business Administrator, Law Director and/or the Superintendent of the Department of Public Works are all, as needed or required, hereby authorized to execute any and all documents on behalf of the City of Bayonne, including, but not limited to, an NJDEP TWA-1 Application, an NJDEP WQM-003 Statement of Consent Form and/or an NJDEP WQM-006 Engineer’s Report for Domestic Treatment Works Approval Application in furtherance of any and all sanitary sewer applications submitted to the State of New Jersey by developers in connection with redevelopment or other projects within the City of Bayonne.
2. This Resolution shall take effect immediately.

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

* * * * *

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

WHEREAS, 492 Broadway Bayonne LLC (“Applicant”) is the owner in fee simple of real property located at 492 Broadway, designated as Block 205, Lot 2 in the City of Bayonne, County of Hudson, State of New Jersey shown on the official tax map of the City of Bayonne, a mixed use building with a storefront commercial space and residential dwelling units above (the “Premises”); and

WHEREAS, the Applicant has obtained the approval of the City’s Environmental Consultant, Remington, Vernick & Arango Engineers and the City’s Engineers, Consulting and Municipal Engineers, L.L.C. (the “City’s Consultants”) to allow a legally abandoned underground storage tank (the “Decommissioned Storage Tank”) certified to have been cleaned and filled with sand, pursuant to NJDEP regulations and protocols, to remain abandoned in place within the sidewalk that is located within the City’s Right-of-Way in front the Premises as depicted in Exhibit “A” attached hereto and made a part hereof; and

WHEREAS, the City has advised the Applicant that Municipal Council approval is required for the Project since the Decommissioned Storage Tank is located within the sidewalk located within the City's Right-of-Way in front the Premises; and

WHEREAS, the excavation and removal of the aforesaid Decommissioned Storage Tank will undermine the structural integrity of the building and cause disruption to existing utility lines;

WHEREAS, the City's Consultants have confirmed that the filling of the abandoned tank filled with sand is preferred to filling it with any other more solid fill material so that in the event of future underground access to the building, access will not be impeded by a more solid fill material;

WHEREAS, the City believes that the conveyance of a license in the City's Right-of-Way is in the best interests of the Applicant, the City and its residents; now, therefore, be it

RESOLVED, the City of Bayonne is willing to grant a License to 492 Broadway Bayonne, LLC allowing its Decommissioned Storage Tank to remain within the sidewalk located within the City's Right-of-Way in front the Premises as depicted in Exhibit "A" attached hereto and made a part hereof in accordance with the applicable state and local laws and ordinances, pursuant to the following conditions:

1. The sidewalk above the License area will at all times be maintained and kept intact, clear and unobstructed, free of debris, snow and ice at the sole cost and expense of the Applicant or any subsequent purchaser of the Premises;

The Applicant or subsequent owner of the Premises shall immediately address any issues that may arise in the License Area including any damage to the City sidewalk that may be caused by any settling or other condition negativity affecting the sidewalk integrity;

2. 492 Broadway Bayonne LLC 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 and this fee shall be paid by Applicant and all subsequent purchasers of the Premises for the duration of time that the Decommissioned Storage Tank remains in the City's Right of Way;
3. 492 Broadway Bayonne LLC and its 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, including but not limited to claims made by the City of Bayonne;
4. 492 Broadway Bayonne LLC and its 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;
7. The City may at any time revoke the license agreement in its sole and absolute discretion and require the Applicant or subsequent property owner to excavate and remove the Decommissioned Storage Tank from the City's Right of Way

BE IT FURTHER RESOLVED that the Mayor and Clerk be and are hereby authorized to execute a License Agreement consistent with the City's Consultants' approval and Exhibit "A" attached hereto and made a part hereof and incorporating the terms and conditions of any approvals granted by the City's Consultants 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.

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

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

WHEREAS, consistent with the terms of a Redevelopment Agreement, a Tolling Agreement, a negotiated Settlement Agreement and Release, and a Roadway/Rail Property Buffer and Property Use Agreement and a Resolution of this Municipal Council dated March 18, 2015 (Resolution #15-03-18-058), on April 27, 2017 the City of Bayonne transferred the property known as Block 830, Lots 1.01, 1.02, 1.03 and 1.4 on the Tax Map of the City of Bayonne by way of deed to Bayonne Bay Developers Urban Renewal, LLC for the sum of \$20,700,380.00; and

WHEREAS, in order to perfect the sale of said property and transfer clear title it is necessary for the City of Bayonne to execute an Amendment to Deed of Easement in form and substance acceptable to legal counsel for the City of Bayonne, Bayonne Bay Developers Urban Renewal, LLC and the Professional Abstract & Title Agency, Inc.; now, therefore, be it

RESOLVED, that the Mayor and Clerk are hereby authorized to execute an Amendment to Deed of Easement in form and substance acceptable to legal counsel for the City of Bayonne, Bayonne Bay Developers Urban Renewal, LLC and the Professional Abstract & Title Agency, Inc. in order to perfect the City’s transfer of the above noted property and provide clear title; and be it further

RESOLVED, that this Resolution shall take effect immediately.

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

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61. At 9:15 P.M, Council Member Perez moved the following resolution to adjourn, seconded by Council Member Cotter, which was read by the Clerk and adopted.

RESOLVED, That the Municipal Council hereby adjourns to Wednesday, June 14, immediately following the Council Caucus scheduled for 7:00 P.M., in the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue C, Bayonne, New Jersey.

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

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President – Sharon A. Nadrowski

Clerk –Robert F. Sloan