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, JUNE 21, 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 June 21, 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 June 16, 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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Council Member Cotter nominated Council Member Perez as Acting President, which a unanimous vote was in favor.

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01. Peter Franco addressed the council on the subject of a zoning issue involving inflatable pools.

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02. Pat Desmond addressed the council regarding an incident on primary election night.

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03. The Clerk announced:

AN ORDINANCE ENTITLED, "BOND ORDINANCE PROVIDING FOR VARIOUS ROADWAY IMPROVEMENTS TO LEFANTE WAY IN AND BY THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY, APPROPRIATING $1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $550,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF UPON COMPLIANCE WITH CERTAIN CONDITIONS" 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 the meeting of May 17, 2017, at which time further consideration was adjourned to this meeting of June 21, 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 Cotter, which motion was adopted.

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

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

Absent – Council President Nadrowski.

The Clerk read the ordinance by title: "BOND ORDINANCE PROVIDING FOR VARIOUS ROADWAY IMPROVEMENTS TO LEFANTE WAY IN AND BY THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY, APPROPRIATING $1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $550,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF UPON COMPLIANCE WITH CERTAIN CONDITIONS"

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

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

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

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

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

Absent - Council President Nadrowski.

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

WHEREAS, an ordinance entitled, "BOND ORDINANCE PROVIDING FOR VARIOUS ROADWAY IMPROVEMENTS TO LEFANTE WAY IN AND BY THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY, APPROPRIATING $1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $550,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF UPON COMPLIANCE WITH CERTAIN CONDITIONS" 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 the meeting of May 17, 2017, at which time further consideration was adjourned to this meeting of June 21, 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-17-28.

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

Absent - Council President Nadrowski.

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04. The Clerk announced:

AN ORDINANCE ENTITLED, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING 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.," which was introduced and passed a first reading at a meeting held May 17, 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 June 21, 2017, and is now before the Council for its consideration and a public hearing.

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

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

Yeas – Council Members Cotter, Gullace, LaPelusa and Acting President Perez.

Absent – Council President Nadrowski.

The Clerk read the ordinance by title: "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.,"

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: Chuck Wepner – Parkview Terrace
Peter Franco – 127 West 12th Street
Michael Miceli – Attorney for McDonald's
120 West 34th Street
Joe Wisniewski – 100 East 23rd Street
Kathleen Henderson – 88 West 6th Street
Michael Morris – 123 Avenue C
Melanie Floria – 108 East 25th Street

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

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

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

Absent - Council President Nadrowski.

Council Member LaPelusa expressed safety and other concerns regarding the proposal moved a motion to table, seconded by Council Member Perez, who asked the developer to take the public commits into consideration, which motion was adopted.

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

WHEREAS, an ordinance entitled, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY 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.," was introduced and passed a first reading at a meeting held May 17, 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 June 21, 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-17-29.

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

Nays – Council Member LaPelusa.

Absent - Council President Nadrowski.

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05. The Clerk announced:

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 BYAONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.,"
which was introduced and passed a first reading at a meeting held May 17, 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 June 21, 2017, and is now before the Council for its consideration and a public hearing.

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

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

Yeas – Council Members Cotter, Gullace, LaPelusa and Acting President Perez.

Absent – Council President Nadrowski.

The Clerk read the ordinance by title: "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 BYAONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.,"

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

The following persons spoke: Jonathan Guldin, Esq. – Clark & Guldin, rep. Ferrara Concrete
Dawn Sisak – 10 Packard Street
Melanie Flora – 108 East 25th Street
Joe Wisniewski – 100 East 23rd Street
Steven Sisak – 10 Packard Street
Gordon Mells – Engineer for Clayton Block
Andy Kanischak – 18 Packard Street
Mary Ellen Curtis – 73 East 26th Street
Michael Morris – 123 Avenue C

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

Council Member moved to table to the July 19th meeting, seconded by Council Member LaPelusa, which motion was adopted.

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

Absent - Council President Nadrowski.

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06. The Clerk announced:

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 BYAONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.," which was introduced and passed a first reading at a meeting held May 17, 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 June 21, 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 and Acting President Perez.

Absent – Council President Nadrowski.

The Clerk read the ordinance by title: "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 BYAONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.,"

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

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

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

Council Member Cotter motioned to close the hearing, seconded by Council Member

Perez, which motion was adopted.

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

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

WHEREAS, an ordinance entitled, “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.,” was introduced and passed a first reading at a meeting held May 17, 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 June 21, 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-17-31.

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

Absent - Council 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 7, TRAFFIC,” which was introduced and passed a first reading at a meeting held May 17, 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 June 21, 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 Gullace, which motion was adopted.

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

Yeas – Council Members Cotter, Gullace, LaPelusa and Acting President Perez.

Absent – Council President Nadrowski.

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

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

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

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

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

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

Absent - Council President Nadrowski.

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

WHEREAS, an ordinance entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC," was introduced and passed a first reading at a meeting held May 17, 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 June 21, 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-17-32.

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

Absent - Council President Nadrowski.

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08. Council Member LaPelusa introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING AN AMENDED REDEVELOPMENT PLAN FOR THE PROPERTY COMMONLY KNOWN AS BAYONNE BAY EAST LOCATED AT THE PENINSULA AND REFERRED TO AS A PORTION OF BLOCK 830, LOTS 1.05, 1.06, 1.07, AND A PORTION OF MEMORIAL BOULEVARD FORMERLY A PORTION OF BLOCK 830, LOT 1 AS SHOWN ON THE OFFICIAL TAX MAP IN THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A.* 30A:12A-1 *ET. SEQ.*

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

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

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

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

WHEREAS, the Redevelopment Plan was adopted on July 19, 2006 with subsequent amendments made thereto; and

WHEREAS, by Ordinance No. 0-13-22, adopted on August 14, 2013, the City dissolved the BLRA pursuant to the Local Fiscal Control Law, *N.J.S.A.* 40:51-20, and became, as a matter of law, the successor-in-interest of all properties owned by the BLRA as of the date of the dissolution, including without limitation, all properties located on the Peninsula owned by BLRA as of such date; and

WHEREAS, the City's fee ownership of all properties owned by BLRA, including those on the Peninsula, was confirmed by Quitclaim Deed from BLRA to the City dated October 16, 2013 and recorded in the Register of Deeds of Hudson County, New Jersey on January 9, 2014, in Deed Book 8952, Page 477 et seq.; and

WHEREAS, the City has determined to act as the "redevelopment entity" for the Property located on the Peninsula (the "Redevelopment Entity"); and

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

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

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

WHEREAS, on September 1, 2016, a Major Subdivision Plat subdividing Block 830, Lot 1, and creating Block 830, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 1.06, and 1.07, was recorded with the Office of the Hudson County Register; and

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

WHEREAS, on November 9, 2016, the Municipal Council directed the Planning Board, to prepare and review an amended Redevelopment Plan for the Property and make recommendations to the Municipal Council in accordance with the Redevelopment Law; and

WHEREAS, an amended Redevelopment Plan titled "Bayonne Bay East Redevelopment Plan" (the "Amended Redevelopment Plan") dated June 6, 2017, and revised June 19, 2017 has been prepared by the City Planning Department which incorporates the properties located at Block 830, Lot 1.05, 1.06, 1.07, and a portion of Memorial Boulevard (the "Redevelopment Area") to the Redevelopment Plan; and

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

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

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

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

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

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

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

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

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

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

BE IT RESOLVED, that an ordinance entitled "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING AN AMENDED REDEVELOPMENT PLAN FOR THE PROPERTY COMMONLY KNOWN AS BAYONNE BAY EAST LOCATED AT THE PENINSULA AND REFERRED TO AS A PORTION OF BLOCK 830, LOTS 1.05, 1.06, 1.07, AND A PORTION OF MEMORIAL BOULEVARD FORMERLY A PORTION OF BLOCK 830, LOT 1 AS SHOWN ON THE OFFICIAL TAX MAP IN THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 30A:12A-1 ET. SEQ.," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, July 19, 2017 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

Absent - Council President Nadrowski.

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09. Council Member LaPelusa introduced:

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

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

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

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

WHEREAS, the Mayor and Municipal Council consider it to be in the best interest of the City to have the Planning Board of the City (the "Planning Board") conduct such an investigation to determine if certain properties located at Avenue E and E. 25th Street, which property is identified as Block 191, Lot 5.02 and commonly known as "317 Avenue E," and certain property located at 306-322 Avenue E, which property is identified as Block 440, Lots 3, 4, and 5 as shown on the official Tax Map of the City (the "Redevelopment Area"), constitute a non-condemnation "area in need of redevelopment," in accordance with the Redevelopment Law; and

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

WHEREAS, on February 15, 2017, the Municipal Council by resolution designated the Redevelopment Area a non-condemnation area in need of redevelopment and directed the Planning Board, to prepare and review a redevelopment plan for the Redevelopment Area and make recommendations to the Municipal Council in accordance with the Redevelopment Law; and

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Municipal Services has prepared a redevelopment plan for the Redevelopment Area titled "City of Bayonne: St. Joseph's Redevelopment Plan, Block 191, Lot 5.02, Block 440, Lots 3, 4, 5, Hudson County, NJ" dated June 6, 2017, and revised June 19, 2017 (the "Redevelopment Plan"); and

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

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

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

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

Section 2. The Redevelopment Plan is hereby adopted pursuant to the terms of N.J.S.A. 40A:12A-7 of the Redevelopment Law.

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

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

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

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

Council Member LaPelusa 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 REDEVELOPMENT PLAN FOR CERTAIN PROPERTY LOCATED AT AVENUE E AND E 25TH STREET, WHICH PROPERTY IS IDENTIFIED AS BLOCK 191, LOT 5.02, AND CERTAIN PROPERTY LOCATED AT 306-322 AVENUE E, WHICH PROPERTY IS IDENTIFIED AS BLOCK 440, LOTS 3, 4, AND 5 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE 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, July 19, 2017 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

Absent - Council President Nadrowski.

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10. Council Member Perez introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR TAX EXEMPTION WITH PSIP AVENUE A URBAN RENEWAL, LLC FOR THE PROPERTY KNOWN AS 99 AVENUE A (BLOCK 310, LOTS 5, 6, 7, 8 & 9 AND PARTS OF LOTS 4, 11, 12 & 13; BLOCK 311.01, LOT 1; BLOCK: 333.01, LOTS 1, 2, 3 & 4 AND PART OF LOT 5; BLOCK 333.02, LOT 1; BLOCK 301.01, LOT 7) IN THE CITY OF BAYONNE

WHEREAS, PSIP AVENUE A URBAN RENEWAL, LLC is the owner of certain property designated as Block 310, Lots 5, 6, 7, 8 & 9 and parts of Lots 4, 11, 12 & 13; Block 311.01, Lot 1; Block 333.01, Lots 1, 2, 3 & 4 and part of Lot 5; Block 333.02, Lot 1 and Block 301.01, Lot 7 in the City of Bayonne, which is commonly known by the street location of 99 Avenue A in the City (the "Property"); and

WHEREAS, at the discretion of the City Council, the Planning Board prepares and recommended adoption of a proposed redevelopment plan; and

WHEREAS, by Resolution 12-07-018-045 on July 18, 2012, the Municipal Council adopted a Resolution formally designating the Property as an "area in need of redevelopment" (the "Redevelopment Area")in accordance with the provisions of N.J.S.A. 4)A:12A-6 of the Redevelopment Law; and

WHEREAS, on April 20, 2016 this Municipal Council adopted an ordinance adopting the Redevelopment Plan titled "City of Bayonne: Scattered Site Redevelopment Project Phase II: Site 9" dated June 21, 2011 pursuant to the terms of N.J.S.A. 40A:12A-7 of the Redevelopment Law. Further, that Redevelopment Plan amended, replaced and superseded any prior redevelopment plans with respect to the Redevelopment Area.

WHEREAS, PSIP AVENUE A URBAN RENEWAL, LLC proposes to construct a project that will consist of new construction of approximately 190,000 square feet of warehouse facilities along with additional site improvements; (the "Project"); and

WHEREAS, PSIP AVENUE A URBAN RENEWAL, LLC has applied to the City Council for tax exemption pursuant to the New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et. seq. (the "Exemption Law") with respect to the Project; and

WHEREAS, the City Council finds that the requested tax exemptions will benefit the City and its inhabitants by furthering the development of the property, and that the benefits would substantially outweigh the costs, if any, associated with the tax exemptions; and

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

WHEREAS, as part of its application for a tax exemption, PSIP AVENUE A URBAN RENEWAL, LLC has submitted a form of Financial Agreement (the "Financial Agreement") providing for payments in lieu of taxes, a copy of which is attached to this Ordinance; and

WHEREAS, PSIP AVENUE A URBAN RENEWAL, LLC has presented to this body certain financial information, copies of which are attached as exhibits to this Ordinance; and

WHEREAS, the City Council deems it to be in the best interest of the City to pass an Ordinance authorizing the City to enter into the proposed Financial Agreement with PSIP AVENUE A URBAN RENEWAL, LLC on the terms and conditions stated in the applicable form of Financial Agreement attached to this Ordinance.

NOW THEREFORE, be it Ordained that the City Council of the City of Bayonne does hereby adopt the tax exemption for PSIP AVENUE A URBAN RENEWAL, LLC, as follows:

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

Section 2. The Mayor is hereby authorized to execute the Financial Agreement with PSIP AVENUE A URBAN RENEWAL, LLC in substantially the form attached hereto and subject to any further review, analysis or modifications that counsel may deem appropriate.

Section 3. During the term of the tax exemption with respect to PSIP AVENUE A URBAN RENEWAL, LLC there shall be paid to the City in lieu of any taxes to be paid on the improvements of the Project, an annual service charge determined as provided in the Financial Agreement.

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

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

BE IT RESOLVED, that an ordinance entitled "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR TAX EXEMPTION WITH PSIP AVENUE A URBAN RENEWAL, LLC FOR THE PROPERTY KNOWN AS 99 AVENUE A (BLOCK 310, LOTS 5, 6, 7, 8 & 9 AND PARTS OF LOTS 4, 11, 12 & 13; BLOCK 311.01, LOT 1; BLOCK: 333.01, LOTS 1, 2, 3 & 4 AND PART OF LOT 5; BLOCK 333.02, LOT 1; BLOCK 301.01, LOT 7) IN THE CITY OF BAYONNE ," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, July 19, 2017 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

Absent - Council President Nadrowski.

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11. Council Member Perez introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR TAX EXEMPTION WITH PSIP AVENUE A URBAN RENEWAL II, LLC FOR THE PROPERTY KNOWN AS 99 AVENUE A (BLOCK 310, LOTS 1, 2, 3 AND PARTS OF LOTS 4, 11, 12 & 13 AND BLOCK 333.01, LOT 6 AND PART OF LOT 5) IN THE CITY OF BAYONNE

WHEREAS, PSIP AVENUE A URBAN RENEWAL, LLC is the owner of certain property designated as Block 310, Lots 1, 2, 3 and parts of Lots 4, 11, 12 & 13 and Block 333.01, Lot 6 and part of Lot 5 in the City of Bayonne, which is commonly known by the street location of 99 Avenue A in the City (the "Property"); and

WHEREAS, at the discretion of the City Council, the Planning Board prepares and recommended adoption of a proposed redevelopment plan; and

WHEREAS, by Resolution 12-07-018-045 on July 18, 2012, the Municipal Council adopted a Resolution formally designating the Property as an "area in need of redevelopment" (the "Redevelopment Area")in accordance with the provisions of N.J.S.A. 4)A:12A-6 of the Redevelopment Law; and

WHEREAS, on April 20, 2016 this Municipal Council adopted an ordinance adopting the Redevelopment Plan titled "City of Bayonne: Scattered Site Redevelopment Project Phase II: Site 9" dated June 21, 2011 pursuant to the terms of N.J.S.A. 40A:12A-7 of the Redevelopment Law. Further, that Redevelopment Plan amended, replaced and superseded any prior redevelopment plans with respect to the Redevelopment Area.

WHEREAS, PSIP AVENUE A URBAN RENEWAL II, LLC proposes to construct a project that will consist of the substantial renovation of approximately 160,575 square feet of warehouse facilities along with additional site improvements; (the "Project"); and

WHEREAS, PSIP AVENUE A URBAN RENEWAL II, LLC has applied to the City Council for tax exemption pursuant to the New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et. seq. (the "Exemption Law") with respect to the Project; and

WHEREAS, the City Council finds that the requested tax exemptions will benefit the City and its inhabitants by furthering the development of the property, and that the benefits would substantially outweigh the costs, if any, associated with the tax exemptions; and

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

WHEREAS, as part of its application for a tax exemption, PSIP AVENUE A URBAN RENEWAL II, LLC has submitted a form of Financial Agreement (the "Financial Agreement") providing for payments in lieu of taxes, a copy of which is attached to this Ordinance; and

WHEREAS, PSIP AVENUE A URBAN RENEWAL II, LLC has presented to this body certain financial information, copies of which are attached as exhibits to this Ordinance; and

WHEREAS, the City Council deems it to be in the best interest of the City to pass an Ordinance authorizing the City to enter into the proposed Financial Agreement with PSIP AVENUE A URBAN RENEWAL II, LLC on the terms and conditions stated in the applicable form of Financial Agreement attached to this Ordinance.

NOW THEREFORE, be it

ORDAINED, that the City Council of the City of Bayonne does hereby adopt the tax exemption for PSIP AVENUE A URBAN RENEWAL II, LLC, as follows:

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

Section 2. The Mayor is hereby authorized to execute the Financial Agreement with PSIP AVENUE A URBAN RENEWAL II, LLC in substantially the form attached hereto and subject to any further review, analysis or modifications that counsel may deem appropriate.

Section 3. During the term of the tax exemption with respect to PSIP AVENUE A URBAN RENEWAL II, LLC there shall be paid to the City in lieu of any taxes to be paid on the improvements of the Project, an annual service charge determined as provided in the Financial Agreement.

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

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

BE IT RESOLVED, that an ordinance entitled "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR TAX EXEMPTION WITH PSIP AVENUE A URBAN RENEWAL II, LLC FOR THE PROPERTY KNOWN AS 99 AVENUE A (BLOCK 310, LOTS 1, 2, 3 AND PARTS OF LOTS 4, 11, 12 & 13 AND BLOCK 333.01, LOT 6 AND PART OF LOT 5) IN THE CITY OF BAYONNE ," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, July 19, 2017 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

Absent - Council President Nadrowski.

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12. Council Member LaPelusa introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR TAX EXEMPTION WITH SOUTH COVE COMMONS III URBAN RENEWAL, LLC FOR THE PROPERTY KNOWN AS BLOCK 412, LOT 2.02 (WHICH HAS BEEN DIVIDED INTO TWO SEPARATE PARCELS: LOT 2.021 AND LOT 2.022) IN THE CITY OF BAYONNE

WHEREAS, SOUTH COVE COMMONS III URBAN RENEWAL, LLC is the owner of certain property designated as Block 412, Lot 2.02 (which has been divided into two separate parcels: Lot 2.021 and Lot 2.022) in the City of Bayonne, which is commonly known as being located off of LeFante Way in the City (the "Property"); and

WHEREAS, at the discretion of the City Council, the Planning Board prepares and recommended adoption of a proposed redevelopment plan; and

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

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

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Municipal Services, prepared 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 (the "Property") titled "South Cove Redevelopment Plan" dated February 14, 2017 (the "Redevelopment Plan"); and

WHEREAS, on May 17, 2017, the Municipal Council agreeing and concurring with the Planning Board's recommendation, adopted Ordinance #O-17-20 adopting the Redevelopment Plan for the Property, and set forth their reasons on the record; and

WHEREAS, SOUTH COVE COMMONS III URBAN RENEWAL, LLC proposes to construct a project that will consist of two separate components: (1) a 135 room hotel with meeting and banquet facilities and (a) 65 residential units located on floors above the hotel; (the "Project"); and

WHEREAS, SOUTH COVE COMMONS III URBAN RENEWAL, LLC has applied to the City Council for tax exemption pursuant to the New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et. seq. (the "Exemption Law") with respect to the Project; and

WHEREAS, the City Council finds that the requested tax exemptions will benefit the City and its inhabitants by furthering the development of the property, and that the benefits would substantially outweigh the costs, if any, associated with the tax exemptions; and

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

WHEREAS, as part of its application for a tax exemption, SOUTH COVE COMMONS III URBAN RENEWAL, LLC has submitted a form of Financial Agreement (the "Financial Agreement") providing for payments in lieu of taxes, a copy of which is attached to this Ordinance; and

WHEREAS, SOUTH COVE COMMONS III URBAN RENEWAL, LLC has presented to this body certain financial information, copies of which are attached as exhibits to this Ordinance; and

WHEREAS, the City Council deems it to be in the best interest of the City to pass an Ordinance authorizing the City to enter into the proposed Financial Agreement with SOUTH COVE COMMONS III URBAN RENEWAL, LLC on the terms and conditions stated in the applicable form of Financial Agreement attached to this Ordinance.

NOW THEREFORE, be it

ORDAINED, that the City Council of the City of Bayonne does hereby adopt the tax exemption for SOUTH COVE COMMONS III URBAN RENEWAL, LLC , as follows:

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

Section 2. The Mayor is hereby authorized to execute the Financial Agreement with SOUTH COVE COMMONS III URBAN RENEWAL, LLC in substantially the form attached hereto and subject to any further review, analysis or modifications that counsel may deem appropriate.

Section 3. During the term of the tax exemption with respect to SOUTH COVE COMMONS III URBAN RENEWAL, LLC there shall be paid to the City in lieu of any taxes to be paid on the improvements of the Project, an annual service charge determined as provided in the Financial Agreement.

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

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

BE IT RESOLVED, that an ordinance entitled "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR TAX EXEMPTION WITH SOUTH COVE COMMONS III URBAN RENEWAL, LLC FOR THE PROPERTY KNOWN AS BLOCK 412, LOT 2.02 (WHICH HAS BEEN DIVIDED INTO

TWO SEPARATE PARCELS: LOT 2.021 AND LOT 2.022)," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, July 19, 2017 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

Absent - Council President Nadrowski.

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13. Council Member LaPelusa introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, APPROVING AN AMENDMENT TO THE FINANCIAL AGREEMENT WITH 190 W. 54TH STREET URBAN RENEWAL ASSOCIATES, L.L.C.

WHEREAS, on the basis of a preliminary investigation and recommendation of the Planning Board of the City of Bayonne (the "Planning Board") pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-1 et. seq., the City Council of the Town of City of Bayonne (the "City Council") determined that certain property known as Block 32, Lot 21.01 on the Tax Maps, and all air rights and riparian rights attached or associated with those parcels, should be classified as a redevelopment area in accordance with N.J.S.A. 40A: 12A-5 (the "Redevelopment Area"); and

WHEREAS, at the discretion of the City Council, the Planning Board prepared and recommended adoption of a proposed redevelopment plan; and

WHEREAS, on February 19, 2014, the City Council passed Ordinance No. 0-14-04 adopting the proposed redevelopment plan as the redevelopment plan of the City of Bayonne (the "City") for the Redevelopment Area (the "Redevelopment Plan"); and

WHEREAS, the Redevelopment Plan calls for the Redevelopment Area to be developed as a mixed residential community consisting of approximately 250 apartment units and associated uses, including roadways, parking facilities, walkways, parks, and other recreational amenities; and

WHEREAS, on August 12, 2014 the Planning Board adopted final site plan approval for a 248 unit multifamily residential development; and

WHEREAS, 190 W. 54TH STREET URBAN RENEWAL ASSOCIATES, L.L.C. proposed to construct approximately 248 residential apartment units, along with associated roadways and facilities (the "Project") in the project area; and

WHEREAS, 190 W. 54TH STREET URBAN RENEWAL ASSOCIATES, L.L.C. applied to the City Council for tax exemption pursuant to the New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A:20-l et. seq (the "Exemption Law'') with respect to the Project; and

WHEREAS, on October 21, 2015, as evidenced by the passage of Ordinance No. O-15-37, the City Council found that the requested tax exemptions would benefit the City and its inhabitants by furthering the redevelopment of the property which had remained unused and vacant for many years, and that the benefits would substantially outweigh the costs, if any, associated with the tax exemptions; and

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

WHERREAS, as part of its application for a tax exemption, 190 W. 54TH STREET URBAN RENEWAL ASSOCIATES, L.L.C. submitted a form of Financial Agreement (the "Financial Agreement") providing for payments in lieu of taxes; and

WHEREAS, 190 W. 54TH STREET URBAN RENEWAL ASSOCIATES, L.L.C. also presented to this body certain financial information, which were all considered prior to the passage of Ordinance No. O-15-37; and

WHEREAS, 190 W. 54TH STREET URBAN RENEWAL ASSOCIATES, LLC has now requested that the terms of the proposed Financial Agreement be modified to reflect a slight decrease in the in the 30 year payment total due to a change in the unit mix and a resulting reduction in the number of proposed units; and

WHEREAS, this Municipal Council deems it to be in the best interest of the City to pass an Ordinance authorizing a modification the proposed Financial Agreement with 190 W. 54TH STREET URBAN RENEWAL ASSOCIATES, L.L.C. as more particularly set forth in letters dated April 27, 2017 and May 2, 2017, which letters are made part and parcel hereof; now, therefore, be it

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

1. The Mayor and Clerk are hereby authorized to execute a modified Financial Agreement with 190 W. 54 th Street Urban Renewal, L.L.C. reflecting that the percentages be amended as follows:

   FROM:

Years	Approved
1 through 12	12%
13 through 25	13%

   TO:

Years	Proposed
1 through 5	10%
6 through 12	12%
13 through 19	13%
20 through 25	14%

   consistent with the terms and conditions set forth in letters to the City of Bayonne dated April 27, 2017 and May 2, 2017and subject to any further review, analysis or modifications that counsel may deem appropriate.

2. Legal counsel is authorized to prepare, and the Mayor and Clerk are hereby authorized to execute, any additional documents that maybe necessary to implement and carry out the modification of the Financial Agreement.

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 "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, APPROVING AN AMENDMENT TO THE FINANCIAL AGREEMENT WITH 190 W. 54TH STREET URBAN RENEWAL ASSOCIATES, L.L.C.," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, July 19, 2017 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

Absent - Council President Nadrowski.

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14. Council Member LaPelusa introduced:

AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON TO AUTHORIZE THE GRANTING OF AN AERIAL EASEMENT OVER A PORTION OF THE CITY OF BAYONNE'S RIPARIAN RIGHTS AT THE TERMINATION OF INGHAM AVENUE (BLOCK 481, LOT 2) TO INTERNATIONAL MATEX TANK TERMINALS (I.M.T.T)

THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE DOES ORDAIN:

Section 1. That an aerial easement for the right of access through the air space over the City of Bayonne's riparian rights at the termination of Ingham Avenue for the purpose of allowing mooring lines to pass from a common mooring dolphin located in the waters located immediately to the west of the City's riparian property through the City of Bayonne's air space to vessels which are to be moored at I.M.T.T.'s Pier 5B (located just east of the City of Bayonne's riparian rights) be granted in favor of I.M.T.T.

Section 2. That the said easement agreement shall be in a form approved by the Law Department and that all expenses incurred by the City of Bayonne relating thereto be borne by I.M.T.T.

Section 3. The Mayor and City Clerk are hereby authorized to execute a Grant of Easement granting permission for the right of access through the air space over the City of Bayonne's riparian rights at the termination of Ingham Avenue for the purpose of allowing mooring lines to pass from a common mooring dolphin located in the waters located immediately to the west of the City's riparian property through the City of Bayonne's air space to vessels which are to be moored at I.M.T.T.'s Pier 5B (located just east of the City of Bayonne's riparian rights) to I.M.T.T. in a form approved by the Law Department with all expenses incurred by the City of Bayonne relating thereto to be borne by I.M.T.T.

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 OF THE CITY OF BAYONNE, COUNTY OF HUDSON TO AUTHORIZE THE GRANTING OF AN AERIAL EASEMENT OVER A PORTION OF THE CITY OF BAYONNE'S RIPARIAN RIGHTS AT THE TERMINATION OF INGHAM AVENUE (BLOCK 481, LOT 2) TO INTERNATIONAL MATEX TANK TERMINALS (I.M.T.T)" just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, July 19, 2017 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

Absent - Council President Nadrowski.

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15. Council Member Cotter introduced:

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

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

Section 1. That the Revised General Ordinances of the City of Bayonne, Chapter 7, TRAFFIC, Subsection 7-11, Temporary Parking Prohibition For Snow Plowing and Removal, is hereby amended and supplemented as follows (Additions **between asterisks and/or in bold**, deletions {~~within brackets and/or struck through~~}:

7-11 TEMPORARY PARKING PROHIBITION FOR SNOW PLOWING AND REMOVAL**, SPECIAL EVENTS, EMERGENCIES AND/OR CONSTRUCTION RELATED ACTIVITIES ; PARKING METER BAGS**

a. Whenever snow has fallen and the accumulation is such that it covers the streets and highways, an emergency shall exist and no vehicle shall be parked on the streets or highways or portions thereof indicated.

The above parking prohibitions shall remain in effect after the snow has ceased until the streets have been plowed sufficiently and to the extent that parking will not interfere with the normal flow of traffic.

b. Any unoccupied vehicle parked or standing in violation shall be deemed a nuisance and a menace to the safe and proper regulation of traffic and any Police Officer may provide for the removal of such vehicle. The owner shall pay the reasonable costs of the removal and storage which may result from such removal before regaining possession of the vehicle.

c. The effectiveness of this section is contingent upon the signs being erected as required by law.

EMERGENCY NO PARKING—SNOW REMOVAL

Name of Street	*Side*	*Location*
Avenue C	Both	Entire length
Broadway	Both	Entire length
Avenue E	Both	9th Street to 52nd Street
Avenue A	Both	1st Street to 36th Street
Prospect Avenue	Both	19th Street to Route 440 (Ord. No. O-12-07 § 2)
Avenue F	Both	19th Street to 30th Street
1st Street	North	Lexington Avenue to Avenue A
7th Street	Both	Broadway to Avenue C
10th Street	Both	Broadway to Avenue C
26th Street	Both	Avenue E to Avenue A
32nd Street	Both	Avenue E to Kennedy Boulevard
39th Street	Both	Broadway to Kennedy Boulevard
54th Street	Both	Broadway to Kennedy Boulevard
55th Street	Both	Avenue C to Avenue B

d. Whenever the City Engineer, Chief of Police and/or Public Safety Director determines that an emergency traffic congestion or danger to the health and welfare of the public is likely to result from the holding of public or private assemblages, gatherings, or functions, or for other reasons, including, but not limited to building construction or rehabilitation, street repairs or maintenance and sidewalk repairs or maintenance, he shall have the power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets or public parking lots as he shall direct during the time such temporary signs are in place. Such signs shall remain in place only during the existence of such emergency and they shall be removed promptly thereafter. When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate, park or stand any vehicle contrary to the directions and provisions of such signs.

**e. Whenever it becomes necessary for representatives of the New Jersey Bell Telephone Company, Public Service Electric and Gas Company, any service, repair or construction contractor or individuals having temporary specific need to use a parking metered space for a vehicle, dumpster or storage for longer than the allotted time prescribed by this article, then parking meter bags may be issued upon approval of a Metered Parking Space Agreement by the

Bayonne Parking Utility. A deposit of $25 will be required for each bag and the user will be required to employ a secure lock when bags are placed over meters.**

** f. The fee for the use of parking meters bags shall be $10 per twenty-four-hour period, or part thereof. The fee shall be charged until the time of the return of the parking meter bags. Failure to return bags promptly shall also result in the forfeiture of the deposit.**

g. No person shall utilize the parking meter bags for any purpose or use other than those approved in the Metered Parking Space Agreement by the Bayonne Parking Utility.

h. The Director of Public Safety shall formulate any further rules or regulations necessary to implement the intent and purposes of this section.

i. Use of any parking meter bag at a time or place other than specifically applied for and approved shall constitute a violation of this section punishable by a fine of up to $500 for each violation.

j. No person shall utilize parking meter bags obtained from any other source, except those applied for and authorized by the Bayonne Parking Utility. Such use shall be punishable by a fine as listed in Subsection i, and all unauthorized parking meter bags shall be subject to confiscation.

Section 2. Consistency. That the city's codifier, in consultation with the City Clerk and Corporation Counsel, be and is hereby authorized and directed to make such changes in the Revised General Ordinances of the City of Bayonne as may be needed to make the provisions of any and all other Chapters consistent with the terms of this Chapter 7, Traffic.

Section 3. Severability. If any part of this Ordinance shall be declared to be invalid or inoperative, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

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

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, July 19, 2017 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

Absent - Council President Nadrowski.

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16. Council Member LaPelusa introduced:

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

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

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

RESTRICTIVE PARKING ZONES

<u>DELETE</u>

239. Robert Schatz, 30 West 7th Street

Beginning at a point on the south side of West 7th Street, 42 feet east of the southeast corner of West 7th Street and Avenue C, and extending to a point 16 feet east thereof.

290. Paul Yurkon, Sr., 509 Kennedy Boulevard
Beginning at a point on the north side of West 19th Street, 35 feet west of the northwest corner of West 19th Street and Kennedy Boulevard, and extending to a point 20 feet west thereof.

ADD

411. Julia Fantino, for her husband, Carmelo Fantino, 13 East 37th Street
Beginning at a point on the north side of East 37th Street, 176 feet east of the northeast corner of East 37th Street and Broadway, and extending to a point 18 feet east thereof.

412. Gayle Swierat, 187 West 32nd Street
Beginning at a point on the north side of West 32nd Street, 530 feet west of the northwest corner of West 32nd Street and Avenue A, and extending to a point 16 feet west thereof.

413. Carlos Castillo, 22 East 36th Street
Beginning at a point on the south side of East 36th Street, 254 feet east of the southeast corner of East 36th Street and Broadway, and extending to a point 15 feet east thereof.

416. Roman Gonzalez, 125 West 19th Street
Beginning at a point on the north side of West 19th Street, 206 feet east of the northeast corner of West 19th Street and Avenue A, and extending to a point 18 feet east thereof.

417. Cordelia Grant, 795 Avenue E
Beginning at a point on the south side of East 50th Street, 57 feet west of the southwest corner of East 50th Street and Avenue E, and extending to a point 18 feet west thereof.

414. Edward Maksymowicz, 26 East 28th Street
Beginning at a point on the south side of East 28th Street, 312 feet east of the southeast corner of East 28th Street and Broadway, and extending to a point 22 feet east 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, July 19, 2017 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

Absent - Council President Nadrowski.

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17. 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 and Acting President Perez.

Absent - Council President Nadrowski.

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

From SHANTE D. WILLIAMS, filing notice of tort claim alleging property damage to her tire on April 3, 2017 resulting from striking a pothole at Bayonne Crossing and Route 440.

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

From RICHARD PRONTI, filing notice of tort claim alleging property damage to a house window screen and window lock on March 4, 2017 resulting from firemen breaking in at 31 West 31st Street.

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20. 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, “DOBROWLOSKA vs. BAYONNE ECONOMIC OPPORTUNITY FOUNDATION, et al., incl. THE CITY OF BAYONNE.” (Injured her finger on November 2, 2015 at the Head Start building at 7 West 9th Street)

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21. 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, “EVENING JOURNAL ASSOCIATION vs. THE CITY OF BAYONNE.” (Seeking records of settled lawsuit)

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

From United States District Court, District of New Jersey, Summons and Complaint in matter entitled, “MELEIKA vs. BAYONNE POLICE DEPARTMENT.” (False arrest on April 23, 2015.)

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

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

RESOLVED, That the following items which have been included on the agenda for this regular meeting as OFFICERS’ REPORTS and which follow this resolution shall constitute a consent agenda for officers’ reports and that they be received and filed and that any resolution incorporated within them be adopted and included in the official minutes of this meeting as having been so ordered.

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

Absent - Council President Nadrowski.

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

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

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

DATE: JUNE 2, 2017
TO: Terrence Malloy, CFO
Robert Sloan, City Clerk

FROM: Janet Convery, Treasurer

Please be advised that a transfer to the Board of Ed was made on JUNE 2, 2017

$5,239,669.50 CLAIMS & PAYROLL FOR JUNE 2017

Janet Convery
(signed)

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26. 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 and Acting President Perez.

Absent - Council President Nadrowski.

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27. 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, May 17, 2017 be and the same are hereby approved.

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28. 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, May 10, 2017 , be and the same are hereby approved.

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29. 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

81	10	Ahmed Negm	2,252.79
88	38	Yasmin Abdelgawad	1,410.00
108	11	Ronald Greco	3,561.32
118	4	Gregory Gunther	1,857.32
134	12	Lereta, LLC	3,286.39
134	14.44	Jonathan Lampert	5,138.44
201	34	Corelogic	1,662.39
221	20	Hans Kaspersetz	8,747.25
280	16	Anthony Stragapede	5,674.90
295	3	Barbara Keohane	960.86
308	11	Igor Kolinets	1,211.69
318	11.02	175 Broadway, LLC	1,096.54
318	12	175 Broadway, LLC	2,475.53
318	15	175 Broadway, LLC	1,639.87
318	23	Graceland Flats	361.04
377	7.101	BCB Community Bank	1,389.07
Total:			42,725.40

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

WHEREAS, Bayonne Durable Construction, 22 Elm Court, Bayonne New Jersey 07002, on behalf of its subcontractor, Hansson's A/C and Heating, Inc., purchased a mechanical and fire permit for the Gateway Shopping Center, 195 East 22nd Street for the installation of twenty (20) roof top heating and cooling units for a fee of $3,000.00; and

WHEREAS, Hansson's A/C and Heating, Inc., advised the Building Department that a mistake was made and there are only eleven (11) roof top heating and cooling units to be installed; and

WHEREAS, the difference in the cost for the installation of eleven (11) rooftop heating and cooling units permits instead of twenty (20) is $1,350.00; and

WHEREAS, funds are certified as available in Account 12-286-56-112-2-199; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Comptroller and/or other appropriate officials of the City of Bayonne is hereby authorized to issue a warrant in the amount of $1,350.00 payable to Bayonne Durable Construction, 22 Elm Court, Bayonne, New Jersey representing reimbursement of the additional Building Permit fee in connection with the installation of rooftop heating and cooling units for the Gateway Shopping Center.

2. Funds shall be charged to Account 12-286-56-112-2-199.

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

WHEREAS, Hudson Plumbing, submitted an application for a plumbing permit for the replacement of the heating system located at 27 East 43rd Street, Bayonne (the "Premises") which included replacement of the boiler and a hot water heater; and

WHEREAS, said permit was paid for by check from the owner of said Premises, William W. Hicks (the "Owner"); and

WHEREAS, the Owner advised the Building Department that Hudson Plumbing made a mistake in filling out the application for the aforesaid permit in that the application should not have included the installation of the hot water boiler, which, in fact, was not installed; and

WHEREAS, the fee for the permit included the amount of $135.00 representing charges for the installation of the aforesaid hot water boiler; and

WHEREAS, the Owner has requested reimbursement of the amount of $135.00 from the Building Department representing said charges; and

WHEREAS, funds are certified as available in Account 12-286-56-112-2-199; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Comptroller and/or other appropriate officials of the City of Bayonne is hereby authorized to issue a warrant in the amount of $135.00 payable to William W. Hicks, 27 East 43rd, Bayonne, New Jersey representing reimbursement of $135.00 mistakenly paid for the installation of the aforesaid hot water boiler.

2. Funds shall be charged to Account 12-286-56-366-2-199.

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

RESOLVED, That a warrant in the amount of $ 35.40 be drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of licenses Nos. 1011-1023 inclusive, 12 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.

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

RESOLVED, that pursuant to and consistent with a State Training Fee Report dated June 1, 2017 by Richard Bielinski, Construction Official, the Municipal Treasurer is hereby authorized and directed to issue a warrant drawn to the order of the State of New Jersey, in the amount of $44,302.00 representing payment of state surcharge fees on new construction and alterations collected during the first quarter of 2017; and be it further

RESOLVED, that said warrant be forwarded to the Construction Official for transmittal to the New Jersey Department of Community Affairs; and be it further

RESOLVED, that this expense to be charged to Account - Trust Funds, State Training Fees with the Tax Collector, Account #12-286-56-312-2-199.

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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 actions of the Treasurer in issuing warrants totaling $ 4,500.00 are hereby ratified and confirmed. Said warrants are charged to Trust- Chapter 25 for release of Cash Performance Bonds for Road Openings. Said warrants are as follows: Virgin Mary & Coptic Church -$ 1,500

Haley & Aldrich, Inc - $ 1,500
Haley & Aldrich, Inc. - $ 1,500

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

WHEREAS, by way of Resolution No. 14-10-15-055 adopted by the Municipal Council on October 15, 2014, the City entered into Agreement No. CY14-090 with Time Record Storage, 225 Long Avenue, Hillside, New Jersey 07205 for off premises document and file storage for an initial period of two (2) years at a cost not to exceed $5,000.00 and for an additional three (3) annual renewals at the City's option, subject to availability of funds; and

WHEREAS, by way of correspondence dated February 19, 2016 from Iron Mountain Information Management, LLC, 1000 Campus Drive, Collegeville, PA 19426 ("Iron Mountain"), the City was informed that Time Record Storage had become a part of Iron Mountain and that the City's inventory would be converted from Time Record Storage to Iron Mountain as of April 4, 2016; and

WHEREAS, Iron Mountain advised that it would honor the rates of Time Record Storage for at least the first year; and

WHEREAS, by way of Resolution 16-05-18-049 adopted by the Municipal Council on May 18, 2016, the City entered into Agreement No. CY16-045 with Iron Mountain, for the aforesaid off premises document and file storage services for a one year period commencing April 4, 2016 and ending March 3, 2017 under the same terms and conditions as the aforesaid Agreement No. CY14-090 with Time Record Storage; and

WHEREAS, the services provided by Iron Mountain proved to be unsatisfactory and inadequate in that Iron Mountain did not provide signed contracts to the City for at least ten (10) months and only after multiple efforts and follow-up by the Law Department as well as consistent overcharging the City on monthly invoices; and

WHEREAS, the Law Department finally succeeded in obtaining corrected invoices from Iron Mountain three months after Agreement No. CY16-045 with Iron Mountain had expired; and

WHEREAS, the City was in receipt of additional monthly invoices for the months of April, May and June, 2017 in the amounts of $196.25, $210.25 and $196.25, respectively; and

WHEREAS, in order for the City to terminate its relationship with Iron Mountain by July 1, 2017 it is necessary for the City to pay the outstanding invoices due to Iron Mountain for the months of April, May and June, 2017 in the amounts of $196.25, $210.25 and $196.25, respectively; and

WHEREAS, funds are certified as available in various accounts; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Treasurer be and is hereby authorized to issuing payment to Iron Mountain for the outstanding invoices due for the months of April, May and June, 2017 in the amounts of $196.25, $210.25 and $196.25 respectively.

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36. 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 continued maintenance services for five backup generators used in the city's communications system; and

WHEREAS, SBP Industries, 1301 New Market Avenue, South Plainfield, NJ 07080 has supplied emergency generator maintenance/service for different locations in Bayonne and a 75 kw mobile generator, together with an emergency standby generator agreement to provide backup power for the citywide communications system; and

WHEREAS, renewal of the existing contract is for the sum of $3,210.00.00 for a one year period commencing July 1, 2017 and ending June 30, 2016 for six generators, and $2,640.00 for the emergency standby generator agreement, and funds are certified available from Account #PS-9 01-201-25-240-2-020 in 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 SBP Industries, 1301 New Market Avenue, South Plainfield, NJ 07080, for emergency generator maintenance/service for generators in six (6) different locations in Bayonne and a 75 kw mobile generator for a one year period commencing July 1, 2016 and ending June 30, 2017, for the sum of $3,210.00 for the maintenance/service agreement for the six generators, and $2,640.00 for the emergency standby generator agreement, for a total contract amount of $5,800.00, and funds are certified available from Account PS-9 01-201-25-240-2-020, in the CY 2016 budget; and be it further

RESOLVED, that the Municipal Treasurer be and is hereby authorized and directed to issue a warrant in the amount of $5,850.00 payable to SBP Industries in payment for said services.

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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 of Bayonne is in need of application software support for computers housed in the Police Department; and

WHEREAS, Global Software, 62133 Collections Center Drive, Chicago, IL 60693-0621 has previously been awarded an annual contract for such services and has provided the City with an invoice for said services for the one-year period commencing July 1, 2017 and ending June 30, 2018, for a total contract amount of $8,677.00; and

WHEREAS, funds for said agreement have been certified as available in Account #PS-9/01-201-25-240-2-020 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 $36,000.00; now, therefore, be it

RESOLVED, that the Mayor and the City Clerk of the City of Bayonne are hereby authorized to enter into a service agreement with Global Software (formerly CISCO), 62133 Collections Center Drive, Chicago, IL 60693-0621, for annual software support services for the Police Department's CISCO brand Records Management Software (RMS), ECAD Dispatch Software, and other custom software interfaces, for the period commencing July 1, 2017 and ending June 30, 2018, for a total contract amount of $8,677.00, and said funds have been certified available in Account #PS-9/01-201-25-240-2-020; and be it further

RESOLVED, that the Municipal Treasurer be and is hereby authorized and directed to issue a warrant payable to Global Software in the amount of $8,677.00 in payment for such services.

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

WHEREAS, the Chief of Police has an ongoing need for access to an on-line information network; and

WHEREAS, IACP Net, 2101 Wooddale Drive, Suite D, Saint Paul, MN 55125 has previously been awarded a contract to provide such access to an on-line information network, and is willing to renew said contract at a cost of $1,750.00 for a one year period commencing July 1, 2017 and ending June 30, 2018; 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 $36,000.00; now, therefore, be it

RESOLVED, that the Mayor and City Clerk are hereby authorized to enter into an agreement with IACP Net, Wooddale Drive, Suite D, Saint Paul, MN 55125, for renewal of the city's subscription access to the IACP (International Association Chief of Police) on-line information network for use by the Police Department's administrative division, at a cost of $1,750.00 for a one year period commencing July 1, 2017 and ending June 30, 2018; and be it further

RESOLVED, that funds have been certified as available from Account #PS-9 01-201-25-240-2-020 in the CY 2017 Budget; and be it further

RESOLVED, the Municipal Treasurer be and is hereby authorized and directed to issue a warrant payable to IACP Net in the amount of $1,750.00 in payment for said subscription.

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39. 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 for annual support and battery replacement for the uninterrupted power supply powering the communications center electronics; and

WHEREAS, the Eaton Corporation, P.O. Box 93531, Chicago, IL 60673-3531, has previously been awarded a contract for such services, and is willing and able to continue to supply the aforesaid services for a one year period commencing July 1, 2017 and ending June 30, 2018 at a cost of $4,992.00 and

WHEREAS, funds are certified as available in Account #PS-9/01-201-25-240-2-020 in 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 $36,000.00; now, therefore, be it

RESOLVED, that the Mayor and Clerk of the City of Bayonne are hereby authorized to enter into an agreement with the Eaton Corporation, P.O. Box 93531, Chicago, IL 60673-3531, for annual support and battery replacement for the uninterrupted power supply powering the communications center electronics for a one year period commencing July 1, 2017 and ending June 30, 2018 for the amount of $4,992.00; and be it further

RESOLVED, that funds are certified available in Account #PS-9/01-201-25-240-2-020 in 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 Eaton Corporation, in the amount of $4,992.00 in payment for said services.

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40. 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 renewal and support for the Police Department's IAPro Internal Affairs computer software; and

WHEREAS, CI Technologies (IAPro), P.O. Box 534, Townsend MA 01469-0534, 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 $2,080.80; and

WHEREAS, funds are certified as available in Account #PS-9-201-25-240-2-020, 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 $36,000.00; now, therefore, be it

RESOLVED, that the Mayor and City Clerk are hereby authorized to enter into an agreement with CI Technologies (IAPro), P.O. Box 534, Townsend MA 01469-0534, for a software license renewal and support for the Police Department's IAPro Internal Affairs computer software for a one year period commencing July 1, 2017 and ending June 30, 2018 at a cost of $2,080.80, and funds are certified available in account #PS-9-201-25-240-2-020 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 CI Technologies (IAPro), in the amount of $2,080.80 in payment for said services.

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

WHEREAS, the Director of Public Safety has established that there is a need for annual parts and labor services for the Parking Utility's 12 Luke II Pay Stations located in the municipal parking lots; and

WHEREAS, Integrated Technical Systems, Inc. 8 Capital Drive, Wallingford, CD 06492 has provided the aforesaid parts and labor services in the past; and

WHEREAS, Integrated Technical Systems, Inc., 8 Capital Drive, Wallingford, CD 06492 provided the Director of Public Safety with a proposal and Service Agreement to supply said services for a one year period commencing July 23, 2017 and ending July 22, 2018 for an amount of $15,749.00; and

WHEREAS, the terms of said Service Agreement require payment for said services in the amount of $15,749.00; and

WHEREAS, in order to maintain said services without interruption, the Director of Public Safety executed the aforesaid Service Agreement with Integrated Technical Systems; and

WHEREAS, funds are certified as available in Account 7-05-20-104-0000-199; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Treasurer be and is hereby authorized to issue a warrant in the amount of $15,749.00 to Integrated Technical Systems, Inc., 8 Capital Drive, Wallingford, CD 06492 representing payment for the aforesaid annual parts and labor services contract for the Parking Utility's 12 Luke II Pay Stations located in the municipal parking lots for the one year period commencing July 23, 2017 and ending July 22, 2018.

2. Funds shall be chargeable to Account 7-05-20-104-0000-199.

3. The actions of the Director of Public Safety in executing the aforesaid Service Agreement with Integrated Technical Systems, Inc. are hereby ratified and affirmed.

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42. 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 technical support and maintenance of its departmental data management software and continued enterprise licensing for the municipal management software currently in use for a one year period commencing June 1, 2017 and ending June 30, 2018; and

WHEREAS, Spatial Data Logic has provided the City with such software and support services for their GeoLogic software, pursuant to an agreement authorized by Resolution No. 09-12-16-044 and has provided the City with an invoice for continued licensing, technical support and maintenance for the period commencing July 1, 2017 through June 30, 2018 for an amount of $50,000.00; and

WHEREAS, the Local Public Contracts Law (<u>N.J.S.A.</u> 40A:11-5 (1) (m)) authorizes the award of contracts for "Extraordinary Unspecifiable Services" without competitive bids; and

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

WHEREAS, it is essential for the safety and welfare of the public that the City's technical support and maintenance of its departmental data management software be maintained in order to respond to the public in the most effective manner; and

WHEREAS, funds are certified as available in Account UCC 12-286-56-366-2-199; and

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

RESOLVED, by the Municipal Council as follows:

1. The Mayor and the City Clerk are hereby authorized to enter into a contract with Spatial Data Logic, 285 Davidson Avenue, Suite 302, Somerset, NJ 08873 for technical support and maintenance of its departmental data management software and continued enterprise licensing for the municipal management software currently in use for a one year period commencing July 1, 2017 and ending June 30, 2018 for an amount of $50,000.00.

2. Funds shall be charged to Account UCC 12-286-56-366-2-199.

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

4. Notice of this action shall be printed once in a newspaper of general circulation within the boundaries of the City of Bayonne

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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 of Bayonne has the need to store legal and other documents and files off premises; and

WHEREAS, a proposal for said document and file storage, dated July 1, 2017, has been provided to the City of Bayonne by GRM Information Management Services, 215 Coles Street, Jersey City, New Jersey 07310, for a three (3) year period commencing July 1, 2017 and ending June 30, 2020 whereby the City of Bayonne will be charged pursuant to the Schedule of Charges attached hereto and made a part hereof; and

WHEREAS, the anticipated contract amount for the contract does not exceed $5,000.00 per year; and

WHEREAS, said anticipated contract amount for the contract does not exceed $17,500 per year and, therefore, is not subject to the Public Contracts Law, N.J.S.A. 40A:11-1 et seq. or the New Jersey Local Unit Pay to Play Law, N.J.S.A.19:44A:20.4. et seq.; and

WHEREAS, funds have been certified as available in various accounts pending adoption of the CY2017 and future budgets; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and Clerk are hereby authorized to enter into a contract with GRM Information Management Services, 215 Coles Street, Jersey City, New Jersey 07310, for the aforesaid storage services at the costs set forth in the Schedule of Charges attached hereto and made a part hereof for a three (3) year period commencing July 1, 2017 and ending June 30, 2020 at a cost not to exceed $5,000.00 per year for a total contract amount not to exceed $15,000.00.

2. Funds shall be chargeable to various accounts pending adoption of the CY2017 and future budgets.

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

WHEREAS, PSE&G's Direct Install Program has already helped hundreds of city halls, firehouses, community service organizations and non-profits save energy and money by becoming more energy efficient; and

WHEREAS, PSE&G's Direct Install Program provides for the installation of new energy efficient equipment with PSE&G covering 100 percent of the upfront costs for the energy efficiency work and participating customers repaying only 30 percent of the total, interest free, over 36 months on their PSE&G bill, or in one lump sum payment; and

WHEREAS, the City of Bayonne is in receipt of an Energy Efficiency Upgrade Proposal from P.S.E.&G. for the installation of certain energy conservation measures ("ECMs") at the Bayonne Engine Co. 4 located at 389 Avenue A for a total project amount of $5,310.77 of which $1,593.23 is payable by the City; and

WHEREAS, PSE&G has also provided the City with a Projected Three Year Monthly Cash Flow over a three (3) year period projecting a savings to the City of $171.00 per month attached hereto and made a part hereof; and

WHEREAS, it is estimated that these energy efficiency measures will also result in a reduction in the production of greenhouse gases; and

WHEREAS, it is in the best interest of the citizens of Bayonne for the City to execute an Installation and Repayment Agreement with PSE&G for the installation of certain energy conservation measures at the Bayonne Engine Co. 4 located at 389 Avenue A for the amount of $1,593.23 payable at the monthly rate of $44.26 for a thirty-six (36) month period; and

WHEREAS, funds are certified as available in Account FPL-2; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to execute an Installation and Repayment Agreement with PSE&G for the installation of certain energy conservation measures ("ECMs") at the Bayonne Engine Co. 4 located at 389 Avenue A for a total project amount of $5,310.77 of which $1,593.23 is payable by the City.

2. Funds shall be charged to Account FPL-2.

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

WHEREAS, PSE&G's Direct Install Program has already helped hundreds of city halls, firehouses, community service organizations and non-profits save energy and money by becoming more energy efficient; and

WHEREAS, PSE&G's Direct Install Program provides for the installation of new energy efficient equipment with PSE&G covering 100 percent of the upfront costs for the energy efficiency work and participating customers repaying only 30 percent of the total, interest free, over 36 months on their PSE&G bill, or in one lump sum payment; and

WHEREAS, the City of Bayonne is in receipt of an Energy Efficiency Upgrade Proposal from P.S.E.&G. for the installation of certain energy conservation measures ("ECMs") at the Bayonne Engine Co. 6 located at 339 Avenue B for a total project amount of $4,472.64 of which $1,341.79 is payable by the City; and

WHEREAS, PSE&G has also provided the City with a Projected Three Year Monthly Cash Flow over a three (3) year period projecting a savings to the City of $266.00 per month attached hereto and made a part hereof; and

WHEREAS, it is estimated that these energy efficiency measures will also result in a reduction in the production of greenhouse gases; and

WHEREAS, it is in the best interest of the citizens of Bayonne for the City to execute an Installation and Repayment Agreement with PSE&G for the installation of certain energy conservation measures at the Bayonne Engine Co. 6 located at 339 Avenue B for the amount of $1,341.79 payable at the monthly rate of $37.27 for a thirty-six (36) month period; and

WHEREAS, funds are certified as available in Account FPL-2; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to execute an Installation and Repayment Agreement with PSE&G for the installation of certain energy conservation measures ("ECMs") at the Bayonne Engine Co. 6 located at 339 Avenue B for a total project amount of $4,472.64 of which $1,341.79 is payable by the City.

2. Funds shall be charged to Account FPL-2.

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

WHEREAS, pursuant to an Indemnity and Trust Agreement effective December 31, 2012 through December 31, 2015 and renewed for the period commencing December 31, 2015 until and including December 31, 2018, the City of Bayonne (the "City") is a member of the New Jersey Intergovernmental Insurance Fund ("NJIIF") established in accordance with Chapter 372, Laws of 1983 (N.J.S.A. 40A:10-36 et seq.); and

WHEREAS, the NJIIF prefers its members utilize the services of a Risk Management Professional ("RMP"); and

WHEREAS, by way of Resolution No. 16-12-14-068 adopted by the Municipal Council on December 14, 2016, the City entered into an agreement with Fairview Insurance Agency Associates, Inc., 25 Fairview Avenue, Verona, New Jersey 07044 (the "City's RMP") for general insurance advisory and risk management services and to act as broker of record and insurance consultant with respect to all of the City's general insurance needs for the period commencing January 1, 2017 through December 31, 2017, at no cost to the City; and

WHEREAS, the NJIIF has set aside a portion of the City's renewal premium to compensate the City's appointed RMP and, in order to make payment to the City's RMP, the NJIIF requires the City to execute the attached Risk Management Consultant's Agreement; now, therefore, be it

RESOLVED, by the Municipal Council that the Mayor or his designee be and is hereby authorized to execute the Risk Management Consultant's Agreement attached hereto as Exhibit A with Fairview Insurance Agency Associates, Inc., and that the NJIIF is authorized to pay Fairview Insurance Agency, Inc. the lesser of $90,000.00 or five (5%) percent of the City's annual assessment as promulgated by the NJIIF, for risk management services provided for the 2017 calendar year.

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

WHEREAS, the City of Bayonne, through its Risk Management Provider, Fairview Insurance Agency Associates, Inc., has received a proposal and Letter of Intent from Pro Act Pharmacy Benefit Management of 6333 Route 298 – Suite 10, East Syracuse, NY, whereby Pharmacy Benefit Management would provide pharmacy benefit management services for both the City of Bayonne and the Bayonne Board of Education; and

WHEREAS, Pro Act Pharmacy Benefit Management has also provided the City of Bayonne with a written guarantee that it will provide benefits equal to or better than that which the City of Bayonne currently receives in connection with its prescription drug plan if both the City of Bayonne and the Bayonne Board of Education enter into a tripartite agreement for pharmacy benefit management services with Pro Act Pharmacy Benefit Management; and

WHEREAS, RX Reins, located at 235 E. Broadway, Suite 960, Long Beach, CA 90802, has provided the City of Bayonne and the Bayonne Board of Education with a stop loss proposal in the event that the City of Bayonne, Bayonne Board of Education and Pro Act enter into a tripartite agreement for the provision of prescription drug services; and

WHEREAS, the Business Administrator has determined and demonstrated to this council that the City of Bayonne will realize substantial cost savings in connection with its prescription plan if the City enters into the proposed tripartite agreement with the Bayonne Board of Education and Pro Act Pharmacy Benefit Management; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and the City Clerk are hereby authorized to enter into a tri-partite contract with the Bayonne Board of Education and Pro Act Pharmacy Benefit Management so long as the City of Bayonne's employees receive prescription medicine benefits equal to or better than that which they are receiving now and so long as the City of Bayonne realizes substantial cost savings as the result of this tripartite agreement.

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

WHEREAS, the City of Bayonne (City") will permanently appoint Drew Sisk ("Sisk") as its Chief of Police on July 1, 2017; and

WHEREAS, in order to assure the performance of the various covenants, advantages and considerations inuring to the parties, which each party acknowledges is to its/his mutual and reciprocal benefit and advantage, the parties desire to enter into an Employment Agreement setting forth the rights, duties and responsibilities of each party; now, therefore, be it

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute an Employment Agreement with Drew Sisk setting forth the terms upon which Sisk will be employed as the Chief of Police for the City of Bayonne in a form acceptable to the Law Director.

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

WHEREAS, the City of Bayonne (City") will permanently appoint Robert Geisler ("Geisler") as its Deputy Chief of Police on July 1, 2017; and

WHEREAS, in order to assure the performance of the various covenants, advantages and considerations inuring to the parties, which each party acknowledges is to its/his mutual and reciprocal benefit and advantage, the parties desire to enter into an Employment Agreement setting forth the rights, duties and responsibilities of each party; now, therefore, be it

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute an Employment Agreement with Robert Geisler setting forth the terms upon which Geisler will be employed as the Deputy Chief of Police for the City of Bayonne in a form acceptable to the Law Director.

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

WHEREAS, pursuant to Municipal Council Resolution No. 17-01-18-048 adopted by the Municipal Council on January 18, 2017, the City entered into Agreement No.CY17-035 with Hudson Milestones, 365-381 Clendenny Avenue, Jersey City, New Jersey 07304 to provide Community Development Block Grant funds in the amount of $76,441.80 for the purpose of providing the cost of bathroom renovations at their facility located at 13 Lord Avenue, Bayonne, New Jersey (the “Work”) for the period commencing September 1, 2016 and ending August 31, 2017; and

WHEREAS, during the performance of the Work, AIA Restoration Group, LLC, (the “Contractor”) discovered a leaking water supply line and water damage resulting from said leaking water supply line that was not foreseeable at the time of the original contract award; and

WHEREAS, the Office of Community Development was in receipt of Estimate #1050 in the amount of $2,500.00 for the 1st floor bathroom Repairs and Estimate #1051 in the amount of $10,875.00 for the 2nd floor bathroom Repairs both dated May 9, 2017from the Contractor (the “Estimates”); and

WHEREAS, said Estimates were approved by the Office of Community Development; and

WHEREAS, due to exigent circumstances, it was necessary for the Director of Community Development to authorize repairs to the aforesaid leaking water supply line and repairs to the water damaged area resulting therefrom (the “Repairs”) for an additional amount of $13,375.00 ($2,500.00 for the 1st floor bathroom and $10,875.00 for the 2nd floor bathroom) prior to obtaining approval from this body; and

WHEREAS, funds are certified as available in Account CDBG-932; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The actions of the Director of Community Development in authorizing AIA Restoration Group, LLC, to perform the aforesaid Repairs for an additional amount of $13,375.00 ($2,500.00 for the 1st floor bathroom and $10,875.00 for the 2nd floor bathroom) are hereby ratified and affirmed.

2. The Mayor and City Clerk are hereby authorized to execute an amendment to Agreement No. CY17-035 with Hudson Milestones increasing same in the amount of $13,375.00 ($2,500.00 for the 1st floor bathroom and $10,875.00 for the 2nd floor bathroom) pursuant to the Estimates received from the Contractor for the purpose of providing CDBG funds representing the cost of the aforesaid Repairs making the total contract amount $89,816.80.

2. Funds shall be charged to Account CDBG-932.

3. All other terms and conditions of Agreement No. CY17-035 shall remain the same.

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

WHEREAS, the Bayonne Theater Company, a New Jersey Not for Profit Corporation has requested permission to hold an event to be promoted as the 2017 Bayonne Renaissance Festival to be held on Saturday, July 22, 2017 from 7:00 a.m. to 10:00 p.m. during which various activities will be offered including, but not limited to traditional talent, un-traditional talent, rides, vendors and a beer garden to be located throughout designated areas of the Thomas Di Domenico Park located at 16th Street between Avenue A and Newark Bay; and

WHEREAS, the Bayonne Theater Company has provided the City with the details of the proposed event in the form of a preliminary document entitled the “2017 Safety Guide and Proposal” and has agreed to further work with the Bayonne Police Department, the Bayonne Fire Department, the Bayonne Law Department, the Department of Public Works, Division of Parks and any other City department, division or personnel in order to ensure the safety and welfare of the general public during the event; and

WHEREAS, the Bayonne Theater Company is a not for profit organization dedicated to the furtherance of the arts within the local community and as such has requested that any licensing fees be waived; and

WHEREAS, it is the opinion of the members of the Municipal Council that it is important to support local community activities such as this and that this event will prove to be a desirous event for the citizens of the City; now, therefore, be it

RESOLVED, that the Mayor and City Clerk are hereby authorized to execute a License Agreement, in form and substance as is acceptable to the Law Director, allowing the Bayonne Theater Company to hold the 2017 Bayonne Renaissance Festival on Saturday, July 22, 2017 from 7:00 a.m. to 10:00 p.m., throughout designated areas of the Thomas Di Domenico Park located at 16th Street between Avenue A and Newark Bay; and it is further

RESOLVED, that there shall be no fee for said License.

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

WHEREAS, a common goal of the United States Coast Guard (“USCG”) and the Bayonne Fire Department (collectively the “Parties”) is to ensure the timely and thorough notification of all confirmed maritime distress incidents to all potential response agencies; and

WHEREAS, due to the increase in popularity of wireless communications in the United States Maritime environment, many mariners now use cellular telephones as a primary or secondary means of communication on the water; and

WHEREAS, although the Coast Guard discourages use of cellular telephones as a primary means of distress alerting, it is expected this problem will persist; and

WHEREAS, in maritime incidents involving vessels, it is probable that distress alerting will be attempted via cellular or landline telephone and that the distress calls will be directed to the 911 emergency response systems; and

WHEREAS, the United State Coast Guard provided the Bayonne Fire Department with a Memorandum of Agreement between the United States Coast Guard Sector New York and the Bayonne Fire Department formalizing the Parties’ expectations relative to the communication of confirmed maritime distress incidents between the USCG’s Sector New York’s Command Center (“SECNY”) and to formalize the mechanism to be used and process to be implemented when a confirmed maritime distress call is received by their SECNY or the Bayonne Fire Department (the “MOA”); and

WHEREAS, it was in the best interests of the citizens of the City of Bayonne for the Chief of the Fire Department to execute the MOA without delay; and

WHEREAS, due to exigent circumstances, the Chief of the Fire Department did execute said MOA prior to obtaining the approval of this body; now, therefore, be it

RESOLVED, that the actions of the Chief of the Fire Department in executing the attached Memorandum of Agreement with the United States Coast Guard Sector New York are hereby ratified and affirmed.

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

Whereas, the Tax Assessor for the City of Bayonne had approved the exemption application dated January 30, 2017 by a 100% Disabled Veteran who occupies a ONE family home located at Block 272 Lot 23 (263 Broadway), in the City of Bayonne, and

Whereas, the qualified veteran has filed an application with the Bayonne Tax Assessor along with proof of 100% disability as of June 8, 2012 as confirmed by letter from the Department of Veterans Affairs with respect to a one family house owned by the qualifying veteran as evidenced by a deed filed with the Hudson County Register in book 5332 page 1 and has asked that the City Council grant the exemption retroactively to the date of disability, and

Whereas, the Tax Assessor has approved the exemption for 2017 and has forwarded the request for prior years for approval by the Municipal Council as required by law;

Now therefore be it resolved as follows:

1. The property taxes on the one family home located at Block 272 Lot 23 (263 Broadway), in the City of Bayonne occupied by said qualifying veteran are hereby canceled effective June 8, 2012 with the assessor to revise the assessment going forward and the tax collector to calculate any resulting overpayment of the tax bills from that date to the date of passage of this resolution (estimated at approximately $31,461.48 for prior years (6-8-2012 to 12-31-2016) and an additional $4,195 for the current half of the 2017 tax year EXPRESSLY SUBJECT TO the Tax Collector's records and calculations based on the final tax rate and the amount of tax actually billed and paid for the period to which the exemption applies.

2. The Tax Collector upon performing the above calculations is authorized to refund any overpayment amount which exceeds such outstanding taxes, so as to assure that the exemption is fully effectuated. The Tax Collector is further authorized to credit or adjusting all future bills in conformance with this resolution for the duration of the veteran's qualified status with respect to this property.

3. The Tax Collector, Tax Assessor and City Treasurer are authorized to take any and all appropriate action to effectuate this resolution, including but not limited to, cancellation of taxes as set forth above and the refund or credit of any excess taxes which may have been paid by said qualifying veterans during the periods noted herein.

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

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

Public Works #345 2003 GMC Sierra Dump VIN#1GDJK34U43E279582
Police Unit #22 2010 Chevy Impala VIN#2G1WD5EM5A1115053
Police Unit #25 2010 Chevy Impala VIN: 2G1WD5EM9A1113600

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

RESOLVED by the Municipal Counsel as follows:

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

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

BE IT RESOLVED the City Clerk be and is hereby authorized to advertise a Request for Proposals for various tree services including, but not limited to, tree trimming, tree removal, tree grinding, tree repairing replacement, concrete patching, *etc.*

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56. 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 traffic controllers.

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57. 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 BINGO LICENSE be granted:

LICENSEE	TIME & PLACE	LICENSE
Blessed Miriam Teresa Demjanovich Parish	6:00-11:00 PM 19 West 13th Street Jul. 7,14,21,28 Aug. 4,11,18,25 Sept. 1,8,15,22,29 Oct. 6,1320,27 Nov. 3,10.17 Dec. 1,8,15,22,29	BL: 2414

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58. 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
Trinity Parish in Bergen Point	12:00 241 Broadway October 2017	RL: 9194
All Saints Catholic Academy-HAS		RL: 9195
St. Henry's Church	1:30 PM 77 West 28th Street November 19, 2017	RL: 9196
Friends of Special Children	7:00 PM 53 Prospect Avenue October 27, 2017	RL: 9197
Hudson County Animal League	2:30 – 6:00 PM 290 Avenue E August 12, 2017	RL: 9198 RL: 9199

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

WHEREAS, by way of Resolution No. 17-02-15-050 the City entered into Cooperative Pricing Agreement Contract No. 65MCESCCPS with the Educational Services Commission of New Jersey (formerly the Middlesex Regional Educational Services Commission) pursuant to N.J.S.A. 40A:11-1(5); and

WHEREAS, the City is in need of two (2) 2018 JC Bus LLC Model PB105 (54) Passenger School Buses (the "School Buses"); and

WHEREAS, the Business Administrator has determined it is in the best interest of the City to procure said School Buses through the aforesaid Cooperative Pricing Agreement under Contract No. ECNJ 16/17-31 through quote #EM051517 for the amount of $205,533.78; and

WHEREAS, funds shall be chargeable to Capital Bond Ordinance O-17-21 pending adoption thereof; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Purchasing Agent be and is hereby authorized to procure said School Buses through the aforesaid Cooperative Pricing Agreement under Contract No. ECNJ 16/17-31 through quote #EM051517 for the amount of $205,533.78.

2. Said purchase is subject to the adoption of Capital Bond Ordinance O-17-21.

3. Funds shall be chargeable to Capital Bond Ordinance O-17-21.

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

Absent - Council President Nadrowski.

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60. 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 DESIGNATING CERTAIN PROPERTY LOCATED ON NORTH ST, WHICH PROPERTY IS IDENTIFIED AS BLOCK 295, LOTS 16 AND 17 WITHIN THE CITY AS 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 on North Street, which property is identified as Block 295, Lots 16 and 17 as shown on the official Tax Map of the City (the "Property"), constitute a non-condemnation "area in need of redevelopment," in accordance with the Redevelopment Law; and

WHEREAS, the City believes the Proeprty 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, *N.J.S.A.* 40A-12A-6.b(4)-(5) of the Redevelopment Law provides in pertinent part relative to the Planning Board's public hearing on the preliminary investigation and whether the Property should be considered for designation as a non-condemnation "area in need of redevelopment";

"(4) At the hearing, which may be adjourned from time to time, the planning board shall hear all persons who are interested in or would be affected by a determination that the delineated area is a redevelopment area. All objections to such a determination and evidence in support of those objections, given orally or in writing, shall be received and considered and made part of the public record.

(5) (a) After completing its hearing on this matter, the planning board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the municipal governing body to be a redevelopment area"; and

WHEREAS, on June 13, 2017, the Planning Board held a public hearing, duly noticed under the Redevelopment Law, and reviewed an investigation/report titled "Preliminary Investigation Non-Condemnation Area in Need of Redevelopment Block 295 Lots 16-17 (105.5 North Street)" prepared by Suzanne Mack, PPAICP, City of Bayonne, Division of Planning & Zoning, Department of Municipal Services dated June 13, 2017 (the "Study") and any persons interested in or affected by a determination that the Property is a non-condemnation redevelopment area were given an opportunity to be heard, and any objections to such a determination and evidence in support of those objections, were received and considered and made part of the public record, and;

WHEREAS, on June 13, 2017, the Planning Board further adopted the Resolution recommending that the Property be determined by the Municipal Council to be a non-condemnation "area in need of redevelopment" under the Redevelopment Law, *N.J.S.A.* 40A:12A-1 et seq.; and

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

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. Block 295, Lots 16 and 17, as shown on the official Tax Map of the City are hereby designated a non-condemnation "area in need of redevelopment" under the Redevelopment Law, *N.J.S.A.* 40A:12A-1 et seq.

Section 3. The Municipal Council hereby directs the City Clerk to transmit a copy of the within resolution to the Commissioner of the Department of Community Affairs and to serve notice that Block 295, Lots 16 and 17, is designated a non-condemnation redevelopment area on the owners of such Property and other parties within ten (10) days of the date hereof, in accordance with *N.J.S.A.* 40A:12A-6.b(5).

Section 4. This Resolution shall take effect immediately.

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

Absent - Council President Nadrowski.

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61. 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 DESIGNATING SOUTH COVE COMMONS REDEVELOPMENT URBAN RENEWAL, LLC AS REDEVELOPER OF 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 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH SOUTH COVE COMMONS REDEVELOPMENT URBAN RENEWAL, LLC FOR THE REDEVELOPMENT OF SUCH PROPERTY IN ACCORDANCE WITH THE REDEVELOPMENT PLAN

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

WHEREAS, pursuant to the Redevelopment Law, the Municipal Council 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) of the Redevelopment Law, the Planning Board, through the City's staff and/or Planning Board professionals, is permitted to prepare a Redevelopment Plan; and

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Municipal Services, prepared 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 (the "Property") titled "South Cove Redevelopment Plan" dated February 14, 2017 (the "Redevelopment Plan"); and

WHEREAS, on May 17, 2017, the Municipal Council agreeing and concurring with the Planning Board's recommendation, adopted Ordinance #O-17-20 adopting the Redevelopment Plan for the Property, and set forth their reasons on the record; and

WHEREAS, South Cove Commons Redevelopment Urban Renewal, LLC is the owner of the Property (the "Owner"); and

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

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

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

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

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

Section 1. The Municipal Council of the City of Bayonne hereby authorizes the execution of the "Redevelopment Agreement By and Between the City of Bayonne and South Cove Commons Redevelopment Urban Renewal, LLC," concerning the Property identified as Block 412, Lots 1.01, 2.01, 2.021, 2.022 and 2.03 in the City of Bayonne, in such a form deemed advisable by the City Attorney, subject to any and all conditions contained herein and such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel to the City.

Section 2. The Municipal Council, upon the full execution of the Redevelopment Agreement recognizes South Cove Commons Redevelopment Urban Renewal, LLC as redeveloper of Block 412, Lots 1.01, 2.01, 2.021, 2.022 and 2.03 in the City of Bayonne (the "Redeveloper") as provided for and in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law.

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

Section 4. This Resolution shall take effect immediately.

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

Absent - Council President Nadrowski.

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY DESIGNATING MCDONALD'S CORPORATION AS REDEVELOPER OF 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 AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH MCDONALD'S CORPORATION FOR THE REDEVELOPMENT OF SUCH PROPERTY IN ACCORDANCE WITH THE REDEVELOPMENT PLAN

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

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

WHEREAS, the Municipal Council, pursuant to Resolution No. 17-01-18-55, directed the Planning board, to prepare and review a Rehabilitation Plan for 537-543 Broadway (the “Rehabilitation Area”) and make recommendations to the Municipal Council in accordance with the Redevelopment Law; and

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Municipal Services in conjunction with Local and Planning Services of the Department of Community Affairs, prepared a rehabilitation plan for the Rehabilitation Area titled “McDonald’s Rehabilitation Plan”, prepared May 9, 2017, revised May 17, 2017 (the “Rehabilitation Plan”); and

WHEREAS, on June 21, 2017, the Municipal Council agreeing and concurring with the Planning Board’s recommendation, adopted an ordinance adopting the Rehabilitation Plan for the Property, and set forth their reasons on the record; and

WHEREAS, McDonald’s Corporation is the owner (the “Owner”) of the property located at 537-543 Broadway, which is identified as Block 189, Lot 24 on the Official Tax Map of the City and is within the Rehabilitation Area (the “Property”); and

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

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

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

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

Section 1. The Municipal Council of the City of Bayonne hereby authorizes the execution of the Redevelopment Agreement concerning the Property identified as Block 189, Lot 24 in the City of Bayonne, in such a form deemed advisable by the City Attorney, subject to any and all conditions contained herein and such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel to the City.

Section 2. The Municipal Council, upon the full execution of the Redevelopment Agreement recognizes McDonald’s Corporation as redeveloper of Block 189, Lot 24 in the City of Bayonne (the “Redeveloper”) as provided for and in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law.

Section 3. The Mayor and Clerk are hereby authorized to execute a Redevelopment Agreement, with such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel, on behalf of the City of Bayonne, with McDonald’s Corporation.

Section 4. This Resolution shall take effect immediately.

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

Absent - Council President Nadrowski.

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY DESIGNATING 29 WEST 8TH STREET BAYONNE, LLC AS REDEVELOPER OF THE PROPERTY LOCATED AT 29 WEST 8TH STREET,

WHICH PROPERTY IS IDENTIFIED AS BLOCK 283, LOT 14 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH 29 WEST 8TH STREET BAYONNE, LLC FOR THE REDEVELOPMENT OF SUCH PROPERTY IN ACCORDANCE WITH THE REDEVELOPMENT PLAN

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

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

WHEREAS, the Municipal Council, pursuant to Resolution No. 15-02-18-022, directed the Planning board, to prepare and review a Rehabilitation Plan for 8th Street Station Area (the "Rehabilitation Area") and make recommendations to the Municipal Council in accordance with the Redevelopment Law; and

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Municipal Services in conjunction with Local and Planning Services of the Department of Community Affairs, prepared a rehabilitation plan for the Rehabilitation Area titled "City of Bayonne 8th Street Station Rehabilitation Area Plan" dated March 9, 2015 and revised through April 24, 2015 (the "Rehabilitation Plan"); and

WHEREAS, on May 20, 2015, the Municipal Council agreeing and concurring with the Planning Board's recommendation, adopted Ordinance #O-15-13 adopting the Rehabilitation Plan for the Property, and set forth their reasons on the record; and

WHEREAS, 29 8th Street Bayonne, LLC is the owner (the "Owner") of the property located at 29 West 8th Street, which is identified as Block 283, Lot 14 on the Official Tax Map of the City and is within the Rehabilitation Area (the "Property"); and

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

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

WHEREAS, the Municipal Council, through its attorneys and staff, have negotiated and prepared a mutually agreeable Redevelopment Agreement between 29 West 8th Street Bayonne, LLC, and the City of Bayonne; and

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

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

Section 1. The Municipal Council of the City of Bayonne hereby authorizes the execution of the Redevelopment Agreement concerning the Property identified as Block 283, Lot 14 in the City of Bayonne, in such a form deemed advisable by the City Attorney, subject to any and all conditions contained herein and such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel to the City.

Section 2. The Municipal Council, upon the full execution of the Redevelopment Agreement recognizes 29 West 8th Street Bayonne, LLC as redeveloper of Block 283, Lot 14 in the City of Bayonne (the "Redeveloper") as provided for and in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law.

Section 3. The Mayor and Clerk are hereby authorized to execute the Redevelopment Agreement, with such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel, on behalf of the City of Bayonne, acting as the redevelopment entity for the redevelopment of the Property by 29 West 8th Street Bayonne, LLC.

Section 4. This Resolution shall take effect immediately.

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

Absent - Council President Nadrowski.

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING AND DIRECTING THE PLANNING BOARD TO REOPEN AND AMEND THE SCATTERED SITE REDEVELOPMENT PLAN FOR THE PROPERTY AT 474-476 BROADWAY, WHICH PROPERTY IS IDENTIFIED AS BLOCK 205, LOT 10 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 adopted Resolution No. 98-02-04-040, designating the entire City as an area in need of rehabilitation in accordance with *N.J.S.A.* 40A:12A-14; and

WHEREAS, on March 16, 2005, the Bayonne Municipal Council (the "Municipal Council") adopted Resolution 05-03-16-048 requesting the Planning Board of the City (the "Planning Board") to conduct a preliminary investigation pursuant to *N.J.S.A.* 40A:12A-6 to determine whether the subject area, which consists of 34 sites including the Property identified as Block 205, Lot 10 on the official tax map of the City of Bayonne (the "Scattered Site Study Area"), qualified as 'an area in need of redevelopment' in accordance with the criteria set forth in *N.J.S.A.* 40A: 12A-5, and if so, to prepare a redevelopment plan; and

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

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

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

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

WHEREAS, the City believes that the property located at 474-476 Broadway, which property is identified as Block 205, Lot 10 (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 economic revitalization within the City: and

WHEREAS, the Municipal Council believes that the preparation of an amended Redevelopment Plan for the Study Area is in the best interests of the City.

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

Section 1. The Planning Board of the City of Bayonne is hereby authorized and directed to amend the Redevelopment Plan to include the Property identified as Block 205, Lot 10 as shown on the official Tax Map of the City in accordance with the Redevelopment Law, *N.J.S.A.* 40A:12A-1 et seq.; and

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

Section 3. This Resolution shall take effect immediately.

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

Absent - Council President Nadrowski.

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

CONSENT RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING THE PERMITTED TRANSFER OF THE REDEVELOPMENT AGREEMENT AND THE FINANCIAL AGREEMENT FROM 195 EAST 22ND STREET URBAN RENEWAL, LLC TO 195 EAST 22ND STREET 1-01 URBAN RENEWAL, L.L.C., 195 EAST 22ND STREET 1-02 URBAN RENEWAL, L.L.C., AND 195 EAST 22ND STREET 1-03 URBAN RENEWAL, L.L.C., FOR THE PROPERTY LOCATED AT BLOCK 452.01, LOTS 1.01, 1.02, AND 1.03 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE FOR THE REDEVELOPMENT OF SUCH PROPERTY IN ACCORDANCE WITH THE REDEVELOPMENT PLAN AND FINANCIAL AGREEMENT

WHEREAS, the City of Bayonne designated as redeveloper and entered into a Redevelopment Agreement with 195 East 22nd Street Urban Renewal, LLC on June 29, 2016 for the properties identified as Block 452.01, Lots 1, 2, and 9 as shown on the Official Tax Map of the City of Bayonne (the "Redevelopment Agreement"); and

WHEREAS, the City of Bayonne entered into a financial agreement with 195 East 22nd Street Urban Renewal, LLC on February, 2016 for the properties identified as Block 452.01, Lots 1, 2, and 9 as shown on the Official Tax Map of the City of Bayonne (the "Financial Agreement"); and

WHEREAS, on June 29, 2016, a Major Subdivision Plat consolidating and subsequently subdividing Block 452.01, Lots 1 and 2, to create Block 452.01, Lots 1.01, 1.02, and 1.03, was recorded with the Office of the Hudson County Register; and

WHEREAS, by letter dated June 5, 2017, 195 East 22nd Street Urban Renewal, LLC has placed the City of Bayonne on notice that it has transferred all rights, duties and interests of the Redevelopment Agreement and Financial Agreement to 195 East 22nd Street 1-01 Urban Renewal, L.L.C. for Block 452.01, Lot 1.01 having its offices at P.O. Box 1009, 85 East 2nd Street, Bayonne NJ 07002; and

WHEREAS, by letter dated June 5, 2017, 195 East 22nd Street Urban Renewal, LLC has placed the City of Bayonne on notice that it has transferred all rights, duties and interests of the Redevelopment Agreement and Financial Agreement to 195 East 22nd Street 1-02 Urban Renewal, L.L.C. for Block 452.01, Lot 1.02 having its offices at P.O. Box 1009, 85 East 2nd Street, Bayonne NJ 07002; and

WHEREAS, by letter dated June 5, 2017, 195 East 22nd Street Urban Renewal, LLC has placed the City of Bayonne on notice that it has transferred all rights, duties and interests of the Redevelopment Agreement and Financial Agreement to 195 East 22nd Street 1-03 Urban Renewal, L.L.C. for Block 452.01, Lot 1.03 having its offices at P.O. Box 1009, 85 East 2nd Street, Bayonne NJ 07002; and

WHEREAS, Section 8.03(f) ("Redevelopment Agreement Permitted Transfers") of the above noted Redevelopment Agreement expressly permits the transfer of redevelopment rights; and

WHEREAS, Section 8.01 ("Financial Agreement Permitted Transfers") of the above noted Redevelopment Agreement expressly permits the transfer of redevelopment rights.

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

Section 1. The Mayor and the City Clerk are hereby authorized and directed to execute an amendment to the June 29, 2016 Redevelopment Agreement and the February, 2016 Financial Agreement effectuating the transfer of all rights, duties and interests from 195 East 22nd Street Urban Renewal, LLC to 195 East 22nd Street 1-01 Urban Renewal, L.L.C. for Block 452.01, Lot 1.01 consistent with Section 8.04 of the Redevelopment Agreement and Section 8.01 of the Financial Agreement.

Section 2. The Mayor and the City Clerk are hereby authorized and directed to execute an amendment to the June 29, 2016 Redevelopment Agreement and the February, 2016 Financial Agreement effectuating the transfer of all rights, duties and interests from 195 East 22nd Street Urban Renewal, LLC to 195 East 22nd Street 1-02 Urban Renewal, L.L.C. for Block 452.01, Lot 1.02 consistent with Section 8.04 of the Redevelopment Agreement and Section 8.01 of the Financial Agreement.

Section 3. The Mayor and the City Clerk are hereby authorized and directed to execute an amendment to the June 29, 2016 Redevelopment Agreement and the February, 2016 Financial Agreement effectuating the transfer of all rights, duties and interests from 195 East 22nd Street Urban Renewal, LLC to 195 East 22nd Street 1-03 Urban Renewal, L.L.C. for Block 452.01, Lot 1.03 consistent with Section 8.04 of the Redevelopment Agreement and Section 8.01 of the Financial Agreement.

Section 4. This Resolution shall take effect immediately.

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

Absent - Council President Nadrowski.

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

WHEREAS, Resolution No. 16-11-09-032 adopted by the Municipal Council on June 21, 2016 ratified and affirmed the actions of the Chief of the Fire Department in authorizing his designee to execute a contract with FWD Seagrave, 105 East 12th Street, Clintonville, WI for the emergency repair of a 95' Aerial Scope Boom Fire Apparatus for the amount of $84,363.03; and

WHEREAS, said agreement is designated as City of Bayonne Agreement No. CY16-076; and

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

WHEREAS, the Fire Department was in receipt of three (3) Change Orders from FWD Seagrave in the amounts of $4,459.73, $45,725.06 and $2,914.17 for a total amount of $53,098.96; and

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

WHEREAS, FWD Seagrave is the only entity capable of effectuating the required repairs and/or providing the required parts; and

WHEREAS, due to exigent circumstances, and in order to avoid any unnecessary delay in the performance of the aforesaid emergency repairs, it was necessary for the Chief of the Fire Department to execute or authorize his designee to execute the aforesaid Change Orders in order to effectuate the aforesaid emergency repairs without delay; and

WHEREAS, said Change Orders were approved by the Fire Department; and

WHEREAS, funds are certified as available in Fire O.E. and Fire Penalties Accounts; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The actions of the Chief of the Fire Department or his authorized designee in executing the aforesaid Change Orders for a total additional amount of $53,098.96, making the total contract amount $137,461.99 are hereby ratified and affirmed.

2. Funds shall be charged to Fire O.E. and Fire Penalties Accounts.

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

Absent - Council President Nadrowski.

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

Whereas, Tax Counsel for the City of Bayonne has with the agreement of the City Tax Assessor reached proposed settlement agreements with respect to certain multi-year State Court Tax Appeals on the following properties as detailed on the attached Schedule A :

- Block 427 Lot 1, 48-52 Hook Road (Engle Holding Company)
- Block 184 Lot 5, 556 Broadway (MCP Associates, L.P.)
- Block 482 Lots 1 and 2 – Hook Road – Once Commerce Street, LLC, and

Whereas, in addition to the above, Tax Counsel for the City of Bayonne authority make an offer to resolve multi-year State Court Tax Appeals on the property at Block 396 Lot 1 - 20 Pulaski Street brought by T M Jasme as detailed on the attached Schedule A without prejudice for the City to withdraw the offer should it not be accepted by the petitioner within 30 days;

Whereas, the tax assessor of the City of Bayonne in consultation with the City's expert appraiser recommends these settlements;

Now therefore be it resolved as follows:

1. The above recitals are incorporated herein.
2. Tax Counsel for the City of Bayonne is authorized to enter into and execute stipulations of settlement on behalf of the City of Bayonne consistent with the terms provided on the attached schedule A with respect to the outstanding appeals listed in that schedule for: Block 427 Lot 1, 48-52 Hook Road (Engle Holding Company); Block 184 Lot 5, 556 Broadway (MCP Associates, L.P.; and Block 482 Lots 1 and 2 – Hook Road – Once Commerce Street, LLC – the terms of such stipulation to provide for the resulting credit to be applied 50% in Tax Year 2017 and 50% in Tax Year 2018, with no interest to apply.
3. Tax Counsel for the City of Bayonne is authorized to make an offer, without prejudice to the City of Bayonne, to enter into and execute stipulations of settlement on behalf of the City of Bayonne consistent with the terms provided on the attached schedule A with respect to the outstanding appeals listed in that schedule for Block 396 Lot 1 - 20 Pulaski Street brought by T M Jasme Properties LLC with the understanding that any refund shall be without interest and shall not issue until the later of 6 months from the entry of judgment or February 2018 and is also authorized to execute a stipulation confirming such an offer if accepted and to withdraw the offer should it not be accepted within 30 days.
4. The City's Tax Counsel, City Attorney, CFO, Treasurer and Tax Collector are authorized to take any action necessary to effectuate this resolution and the resulting judgment(s).
5. This resolution shall take effect immediately.

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

Absent - Council President Nadrowski.

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

WHEREAS, the City of Bayonne participates in the Community Development Block Grant (CDBG) and Hearth Emergency Solutions (HESG) Programs directly through the U.S. Department of Housing and Urban Development (HUD) and the HOME Program as part of the Hudson County Consortium; and

WHEREAS, the U.S. Department of Housing and Urban Development requires the City of Bayonne to submit certain documents and certifications in connection with said programs; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized to sign all documents and certifications relating to the City's FY 2017 CDBG and HESG Programs for the amounts listed below; and be it further

RESOLVED, that the City of Bayonne is hereby authorized to submit its FY 2017 Annual Action Plan to the U.S. Department of Housing and Urban Development for the following anticipated amounts:

2017 CDBG Program	$1,356,561
2017 CDBG Anticipated Program Income	$60,000

RESOLVED, that if the 2017 funding is reduced a result of the U.S. Department of Housing and Urban Development allocation to the City of Bayonne, the CDBG Committee is authorized to adjust the proposed activity funding for each project.

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

Absent - Council President Nadrowski.

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

BID REPORT
FOR THE MUNICIPAL COUNCIL

Date: 06/16/17 Ad Date: 05/18/17

Date bids accepted: 06/07/17 Attending: Amy Dellabella, Darren Mazzei, CME

Bid titled:
IMPROVEMENTS TO DENNIS P. COLLINS PARK- PHASE I

Bidder(s) Name	Bid Amount(s):
Picerno-Giordano Construction, LLC 200 Market Street Kenilworth, NJ 070333	$1,815,853.00
Zenith Construction Services Inc. 365 Thomas Boulevard Orange, NJ 07050	$1,936,641.25

Copies of bid price pages are forwarded with hard copies under separate cover. After review by the Department Director, the Purchasing Department will prepare a request for contract award and forward it to the City Clerk for inclusion in future Council Agenda. If other than the lowest bidder is recommended, an explanation will be provided with that report. If bids are to be rejected, an appropriate report will be prepared.

Please retain this report, as the information above may not be repeated in the request for award documents or in the event of a bid rejection.

Respectfully submitted,
Amy Dellabella, R.P.P.O., Q.P.A.
Purchasing Agent
(signed)

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

Absent - Council President Nadrowski.

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

WHEREAS, pursuant to Resolution No. 17-03-15-041 adopted by the Municipal Council on March 15, 2017, the City Clerk advertised in the Jersey Journal on May 18, 2017 that sealed bids for Improvements to Dennis P. Collins Park – Phase 1 would be received on June 7, 2017; and

WHEREAS, pursuant to said advertisement, two (2) bids were received as follows:

Bidder(s) Name	Bid Amount(s):
Picerno-Giordano Construction, LLC 200 Market Street Kenilworth, NJ 070333	$1,815,853.00
Zenith Construction Services Inc. 365 Thomas Boulevard Orange, NJ 07050	$1,936,641.25

as reported on the Municipal Council Bid Report; and

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

RESOLVED, by the Municipal Council as follows:

1. The Municipal Council hereby rejects the following bids for the reason stated above:

Bidder(s) Name	Bid Amount(s):
Picerno-Giordano Construction, LLC 200 Market Street Kenilworth, NJ 070333	$1,815,853.00
Zenith Construction Services Inc. 365 Thomas Boulevard Orange, NJ 07050	$1,936,641.25

2. The City Clerk be and is hereby authorized to re-advertise for bids for Improvements to Dennis P. Collins Park – Phase 1.

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

Absent - Council President Nadrowski.

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

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

WHEREAS, the City of Bayonne entered into a Redevelopment Agreement with North Street Properties, LLC on May 12, 2017 for the properties located at Block 295, Lots 16 and 17, also referred to as North Street Rear and North Street between 105A and 107 as shown on the Official Tax Map of the City of Bayonne; and

WHEREAS, by letter dated May 22, 2017, North Street Properties, LLC has placed the City of Bayonne on notice that it has transferred all rights, duties and interests as Redeveloper to North Street Properties Urban Renewal, LLC, having its office address at 3125 Route 10 East, Suite 2B, Denville, NJ 07834; and

WHEREAS, Section 8.03(g) ("Permitted Transfers") of the above noted Redevelopment Agreement expressly permits the transfer of redevelopment rights.

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

Section 1. The Mayor and the City Clerk are hereby authorized and directed to execute an amendment to the May 12, 2017 Redevelopment Agreement effectuating the transfer of all rights, duties and interests as Redeveloper from North Street Properties, LLC to North Street Properties Urban Renewal, LLC consistent with Section 8.04 of the Redevelopment Agreement.

Section 2. This Resolution shall take effect immediately.

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

Absent - Council President Nadrowski.

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

WHEREAS, Mayor James M. Davis has recommended that Arrigo De Ros, Jr. be appointed to the Zoning Board of Adjustment as Alternate #4, and has recommended that Joseph Pineiro be reappointed as Alternate #1, each for a two year term to expire December 31, 2019; and

WHEREAS, at the council meeting held May 18, 2016, James O'Brien, Jr. was appointed by the mayor as Alternate #2 and Nicholas DiLullo was appointed Alternate #3 on the Zoning Board of Adjustment, for two year terms expiring December 31, 2018, with a resolution adopted by the Municipal Council consenting to said appointments; and

WHEREAS, at the council meeting held May 17, 2017, Matthew Dorans was appointed as a full member of the Zoning Board of Adjustment, Joseph Pineiro was appointed as Alternate #1 James O'Brien was appointed as Alternate #2, and Nicholas DiLullo was appointed Alternate #3, which appointments were made by the mayor with a resolution adopted by the Municipal Council consenting to them; and

WHEREAS, pursuant to Section 33-3.4 of the Revised General Ordinances of the City of Bayonne, the members of the Board of Adjustment are to be appointed by the Municipal Council of the City of Bayonne and not by the mayor; now, therefore, be it

RESOLVED, that Joseph Pineiro be and is hereby reappointed to the Zoning Board of Adjustment as Alternate #1 for a term to expire December 31, 2019, and that Arrigo De Ros, Jr. be and is hereby appointed to the Zoning Board of Adjustment as Alternate #4 for a term to expire December 31, 2019; and be it further

RESOLVED, that the appointments to the Zoning Board of Adjustment of James O'Brien, Jr. as Alternate #2 and of Nicholas DiLullo as Alternate #3, originally made by the mayor with the consent of the council with terms to expire December 31, 2018, be and are hereby reconfirmed as if originally made by the Municipal Council, <u>nunc pro tunc.</u>

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

Absent - Council President Nadrowski.

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73. Council Member Perez introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING FIVE (5) YEAR TAX EXEMPTION ON THE ASSESSED VALUE OF NEW IMPROVEMENTS ONLY FOR NEWLY CONSTRUCTED UNITS WITH RESPECT TO THE PARCEL OF LAND LOCATED AT BLOCK 190, LOT 9 (A/K/A 536 BROADWAY) ON THE TAX MAP OF THE CITY OF BAYONNE.

WHEREAS, the City of Bayonne, in the County of Hudson, New Jersey (the "City"), a public body corporate and politic of the State of New Jersey, 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 or an area in need of redevelopment; and

WHEREAS, on February 4, 1998 by resolution No. 98-02-04-040 the entire City was designated as an area in need of rehabilitation pursuant to the Redevelopment Law; and

WHEREAS, pursuant to the Five Year Exemption and Abatement Law, *N.J.S.A.* 40A:21-1 *et seq*. (the "Five Year Law") improvements to property located within an area in need of rehabilitation or redevelopment may qualify for short term tax exemptions; and

WHEREAS, on May 22, 2013 the Municipal Council adopted Ordinance No. O-13-15 authorizing tax exemptions for the construction of 'multiple dwellings' (as defined in the Hotel and Multiple Dwelling Law, *N.J.S.A.* 55:13A-1 *et seq.*) in the City as authorized under *N.J.S.A.* 40A:21-8 of the Five Year Law; and

WHEREAS, 536 BROADWAY PARTNERSHIP, LLC is the owner of and has developed a parcel of land located at BLOCK 190, LOT 9, (with a property address commonly known as "536 Broadway" which is also known as the "Project Area") on the tax map of the City and constructed or will cause to be constructed thereon certain real estate improvements consisting of residential and retail/commercial development containing three stories, with four (4) residential dwelling units (two units on the second floor and two units on the third floor) and commercial/retail/parking on the first floor (the "Project"); and

WHEREAS, 304 Broadway Partners Urban Renewal Co. LLC has submitted an application to the City requesting a tax exemption under the Five Year Law for itself and/or on behalf of the new owners of the residential/retail/commercial units seeking a 5 year exemption agreement on the improvements; and

WHEREAS, the Municipal Council has determined that the authorization of a tax exemption for the aforesaid Project is in the best interests of the City and facilitates the goals of rehabilitation and productive use;

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

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

Section 2. The Municipal Council hereby approves an individual tax agreement for the exemption of real estate taxes on the parcel set forth above and any future sublots created by virtue of the development thereof in the Project Area allowing for a 5 Year exemption on the improvement on each individual parcel substantially in the form attached to this Ordinance and shall calculate payments in lieu of taxes in accordance with the tax phase-in basis and be in the form substantially as provided in Exhibit A also attached hereto. Each such agreement is intended to apply to the individual parcel involved for the five years following substantial completion of the property provided that the terms of the agreement are met and shall be executed with respect to each such parcel by the owner of that parcel following the effective date of this ordinance. Each such Tax Agreement shall be for no longer than five (5) years and only applicable to the assessed value of the new improvement (building) constructed on that parcel as such value is determined by the City Tax Assessor. Each such Tax Agreement shall also provide that; at all relevant times herein, the land values (land assessment) for the Project will NOT be subject to any Exemption or Abatement and that Land Taxes paid in full throughout any period of exemption on the improvement. If the effective date of this ordinance is subsequent to the date of substantial completion, the exemption shall nonetheless be credited from the first day of the Tax Year following substantial completion provided that the application was timely filed within 30 days of substantial completion and all other terms of the agreement are met. If the date of substantial completion should be prior to the effective date of this ordinance, the Mayor, in consultation with legal counsel to the City, is hereby authorized to execute each of these Tax Agreements, with such modifications or revisions deemed necessary by the Mayor, and to prepare, amend or execute any other agreements necessary to effectuate the Tax Agreement and this Ordinance.

Section 3. Within thirty (30) days of its execution, the City Clerk shall forward a copy of the Tax Agreement to the Director of the Division of Local Government Services in the Department of Community Affairs as prescribed by *N.J.S.A.* 40A:21-11(d).

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

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

BE IT RESOLVED, that an ordinance entitled "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING FIVE (5) YEAR TAX EXEMPTION ON THE ASSESSED VALUE OF NEW IMPROVEMENTS ONLY FOR NEWLY CONSTRUCTED UNITS WITH RESPECT TO THE PARCEL OF LAND LOCATED AT BLOCK 190, LOT 9 (A/K/A 536 BROADWAY) ON THE TAX MAP OF THE CITY OF BAYONNE," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, July 19, 2017 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

Absent - Council President Nadrowski.

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

BE IT RESOLVED the City Clerk be and is hereby authorized to advertise for bids for bathroom renovations and elevator repairs (to make them more handicapped accessible) in City Hall.

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

Absent - Council President Nadrowski.

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At 8:52 P.M., Council Member Perez moved to adjourn, seconded by Council Member Cotter, which motion was adopted.

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

Absent - Council President Nadrowski.

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Acting President -Juan Perez

Clerk – Robert F. Sloan