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, SEPTEMBER 13, 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 September 13, 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 September 8, 2017."

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

The Clerk called the roll.

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

The Council President led the Pledge of Allegiance.

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01. Melanie Flora addressed the council regarding several aspects of tax abatements.

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02. The Clerk announced:

AN ORDINANCE ENTITLED, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR TAX EXEMPTION WITH PARKVIEW REALTY URBAN RENEWAL, LLC FOR THE PROPERTY KNOWN AS BLOCK 445, LOTS 1-5 AND 7," which was introduced and passed a first reading at a meeting held August 16, 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 September 13, 2017, 2017, is now before the Council for its consideration and a public hearing.

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

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

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

The Clerk read the ordinance by title: "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR TAX EXEMPTION WITH PARKVIEW REALTY URBAN RENEWAL, LLC FOR THE PROPERTY KNOWN AS BLOCK 445, LOTS 1-5 AND 7,"

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: Melanie Flora – 108 East 25th Street
Mike Morris – 123 Avenue C
Peter Franco – 127 West 12th Street
Joe Wisniewski - 100 East 23rd Street

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

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

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

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

WHEREAS, an ordinance entitled, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR TAX EXEMPTION WITH PARKVIEW REALTY URBAN RENEWAL, LLC FOR THE PROPERTY KNOWN AS BLOCK 445, LOTS 1-5 AND 7," was introduced and passed a first reading at a meeting held August 16, 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 September 13, 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-17-47.

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

Nays – Council Member LaPelusa.

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03. The Clerk announced:

AN ORDINANCE ENTITLED, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR TAX EXEMPTION WITH BAYONNE REDEVELOPERS URBAN RENEWAL BLOCK 720, LLC FOR THE PROPERTY KNOWN AS BLOCK 720 1, LOT 1 IN WHAT IS KNOWN A S THE HARBOR STATION SOUTH SECTION OF THE PENINSULA AT BAYONNE HARBOR IN THE CITY OF BAYONNE," which was introduced and passed a first reading at a meeting held August 16, 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 September 13, 2017, 2017, is now before the Council for its consideration and a public hearing.

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

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

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

The Clerk read the ordinance by title: "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR TAX EXEMPTION WITH BAYONNE REDEVELOPERS URBAN RENEWAL BLOCK 720, LLC FOR THE PROPERTY KNOWN AS BLOCK 720 1, LOT 1 IN WHAT IS KNOWN A S THE HARBOR STATION SOUTH SECTION OF THE PENINSULA AT BAYONNE HARBOR IN THE CITY OF BAYONNE,"

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

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

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

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

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

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

WHEREAS, an ordinance entitled, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR TAX EXEMPTION WITH BAYONNE REDEVELOPERS URBAN RENEWAL BLOCK 720, LLC FOR THE PROPERTY KNOWN AS BLOCK 720 1, LOT 1 IN WHAT IS KNOWN A S THE HARBOR

STATION SOUTH SECTION OF THE PENINSULA AT BAYONNE HARBOR IN THE CITY OF BAYONNE," was introduced and passed a first reading at a meeting held August 16, 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 September 13, 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-17-48.

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

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04. The Clerk announced:

AN ORDINANCE ENTITLED, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING THE EXECUTION OF A PARKING AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND BAYONNE EQUITIES URBAN RENEWAL, LLC FOR THE PROPERTY LOCATED AT 19-25 WEST 22ND STREET, WHICH PROPERTY IS IDENTIFIED AS BLOCK 203, LOT 4 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE," which was introduced and passed a first reading at a meeting held Ju1y 19, 2017, was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of August 16, 2017, is now before the Council for its consideration and a public hearing.

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

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

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

The Clerk read the ordinance by title: "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING THE EXECUTION OF A PARKING AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND BAYONNE EQUITIES URBAN RENEWAL, LLC FOR THE PROPERTY LOCATED AT 19-25 WEST 22ND STREET, WHICH PROPERTY IS IDENTIFIED AS BLOCK 203, LOT 4 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE,"

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

The following persons spoke: Mike Resigno – 42 West 23rd Street
Mike Morris – 123 Avenue C

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

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

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

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

WHEREAS, an ordinance entitled, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING THE EXECUTION OF A PARKING AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND BAYONNE EQUITIES URBAN RENEWAL, LLC FOR THE PROPERTY LOCATED AT 19-25 WEST 22ND STREET, WHICH PROPERTY IS IDENTIFIED AS BLOCK 203, LOT 4 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE," was introduced and passed a first reading at a meeting held August 16, 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 September 13, 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-17-49.

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

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05. The Clerk announced:

AN ORDINANCE ENTITLED, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF BAYONNE AND THE BAYONNE ECONOMIC OPPORTUNITY FOUNDATION FOR THE PROPERTIES AT 15-19 HOWARD PLACE (BLOCK 289, LOT 15) AND 237-249 AVENUE A (BLOCK 284, LOT 2) IN THE CITY OF BAYONNE," which was introduced and passed a first reading at a meeting held August 16, 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 September 13, 2017, 2017, is now before the Council for its consideration and a public hearing.

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

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

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

The Clerk read the ordinance by title: "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF BAYONNE AND THE BAYONNE ECONOMIC OPPORTUNITY FOUNDATION FOR THE PROPERTIES AT 15-19 HOWARD PLACE (BLOCK 289, LOT 15) AND 237-249 AVENUE A (BLOCK 284, LOT 2) IN THE CITY OF BAYONNE,"

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

The following persons spoke: Joe Wisniewski - 100 East 23rd Street
Peter Franco – 127 West 12th Street

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

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

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

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

WHEREAS, an ordinance entitled, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF BAYONNE AND THE BAYONNE ECONOMIC OPPORTUNITY FOUNDATION FOR THE PROPERTIES AT 15-19 HOWARD PLACE (BLOCK 289, LOT 15) AND 237-249 AVENUE A (BLOCK 284, LOT 2) IN THE CITY OF BAYONNE," was introduced and passed a first reading at a meeting held August 16, 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 September 13, 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-17-50.

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

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06. 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 August 16, 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 September 13, 2017, 2017, is now before the Council for its consideration and a public hearing.

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

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

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

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

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

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

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

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

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

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

WHEREAS, an ordinance entitled, “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC,” was introduced and passed a first reading at a meeting held August 16, 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 September 13, 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-17-51.

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

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07. Council President Nadrowski 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 RESIDENTIAL UNITS WITH RESPECT TO THE PARCEL OF LAND LOCATED AT BLOCK 445, LOT 6 (A/K/A 172 AVENUE F) 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, 172 AVENUE F, LLC is the owner of and has developed a parcel of land located at BLOCK 445, LOT 6, (with a property address commonly known as "172 AVENUE F" 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 development with 18 residential units on the second through sixth levels, a fitness center for residents and ground floor parking for twenty-one (21) cars with a three (3) level vehicle lift system (the "Project"); and

WHEREAS, 172 AVENUE F, 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 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 month 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 President Nadrowski moved a resolution, seconded by Council Member Perez, which was read by the Clerk and adopted.

BE IT RESOLVED, that an ordinance entitled "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 RESIDENTIAL UNITS WITH RESPECT TO THE PARCEL OF LAND LOCATED AT BLOCK 445, LOT 6 (A/K/A 172 AVENUE F) 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, October 18, 2017 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

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08. Council President Nadrowski introduced:

ORDINANCE AUTHORIZING THE EXECUTION OF AN ENCROACHMENT AGREEMENT WITH MHP 222 AVENUE E URBAN RENEWAL, LLC TO ALLOW CERTAIN ENCROACHMENTS INTO THE PUBLIC RIGHT OF WAY ADJACENT TO BLOCK 458, LOTS 12 AND 13 (206-220 AVENUE E)

WHEREAS, MHP 222 AVENUE E URBAN RENEWAL, LLC (hereinafter "Redeveloper") is the owner of a certain parcel of property known as Tax Block 458, Lots 12 & 13 (which will be or have been consolidated into a single tax lot) (the "Property") previously and more commonly known as the CJ Murphy Property; and

WHEREAS, the Property is located in the Urban Enterprise Zone and a rehabilitation area, and the redevelopment thereof is subject to the approved 206-222 Avenue E Rehabilitation Plan and Preliminary and Final Site Plan Approval for Application No. P-16-024 dated July 12, 2016 by the City's Planning Board ("Approvals"); and

WHEREAS, the Property is presently being redeveloped in accordance with the Approvals to provide a multifamily apartment building containing 70 residential units and seventy-two (72) parking spaces; and

WHEREAS, Redeveloper has requested that the City permit certain physical encroachments within the public right of way to facilitate the residential uses of the new apartment building, including the installation of: (1) a steel canopy appended to the northern building corner, extending into the right of way for both Avenue E and East 21stStreet; (2) a three (3) foot high iron fence around a planted area extending into the Avenue E right of way; and (3) double out-swinging lobby door extending into the Avenue E right of way; all such encroaching improvements depicted on the architectural plan prepared by architects Marchetto Higgins Stieve, which is appended hereto as Exhibit B (the "Encroachment Area"); and

WHEREAS, Redeveloper has agreed to enter into an Encroachment Agreement, the salient terms of which are set forth in the proposed Encroachment Agreement attached hereto as Exhibit A, setting forth the Redeveloper's obligations regarding said encroachments; and

WHEREAS, the proposed encroachments within the public right of way are subject to approval by this Municipal Council; and

WHEREAS, the Redeveloper agrees to defend, indemnify, and hold harmless the City, its agents, employees, successors and assigns, from any and all claims, liabilities, actions, demands, personal injuries, death, or property damage resulting from or arising out of the use or presence of the easements granted herein, including all costs, counsel fees, expenses and liabilities incurred in connection with any such claim(s).

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE THAT:

The Mayor and City Clerk are hereby authorized to execute an Encroachment Agreement with MHP 222 Avenue E Urban Renewal, LLC .

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

BE IT RESOLVED, that an ordinance entitled "ORDINANCE AUTHORIZING THE EXECUTION OF AN ENCROACHMENT AGREEMENT WITH MHP 222 AVENUE E URBAN RENEWAL, LLC TO ALLOW CERTAIN ENCROACHMENTS INTO THE PUBLIC RIGHT OF WAY ADJACENT TO BLOCK 458, LOTS 12 AND 13 (206-220 AVENUE E)," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, October 18, 2017 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

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

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

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

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

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

From Douglas J. Fleisher, Esq., filing notice of tort claim on behalf of ROCIO CABRAL g/a/l for ISAIAH DeSTEFANO alleging personal injuries resulting from negligent supervision at the city's 16th Street Park camp on August 2, 2017.

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

From MAKSYM SENYSHYN, filing notice of tort claim alleging personal injuries and property damage resulting from a collision with a police vehicle on August 12, 2017 at 38th Street and Broadway.

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

From SAMUEL A. HERSHOWITZ, filing notice of tort claim alleging property damage to his automobile on July 28, 2017 resulting from hitting potholes at LeFante Way.

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13. 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, "GIL vs. HARRIS, et al., incl. THE CITY OF BAYONNE." (Sidewalk fall down on March 12, 2016 at 29 West 16th Street)

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14. 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. THE STATE OF NEW JERSEY, et al, incl. THE CITY OF BAYONNE.” (False arrest, malicious prosecution, etc. on an unspecified date)

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

From the Tax Court of New Jersey, complaint in matter entitled, “ENGLEWOOD NORSE, LLC vs. CITY OF BAYONNE.” (1086A-1090 Avenue C, Block 40, lots 45-47 - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “NAGRA vs. CITY OF BAYONNE.” (30 East 36th Street, Block 127, lot 35 – 1-4 family residential)

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

From the Tax Court of New Jersey, complaint in matter entitled, “YES CHRIS DEVELOPMENT, LLC vs. CITY OF BAYONNE.” (400-404 Broadway, Block 226, lot 43 - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “YES CHRIS DEVELOPMENT, LLC vs. CITY OF BAYONNE.” (9 East 18th Street, Block 226, lot 1.0111 - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “TUBITO vs. CITY OF BAYONNE.” (381-383 Broadway, Block 239, lot 15 - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “527-31 BROADWAY, LLC vs. CITY OF BAYONNE.” (527-531 Broadway, Block 189, lot 21 - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “BROADWAY 135, LLC vs. CITY OF BAYONNE.” (671-673 Broadway, Block 153, lot 15 - commercial)

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

From the Tax Court of New Jersey, complaint in matter entitled, “783 AVENUE A. LLC vs. CITY OF BAYONNE.” (783 Avenue A, Block 141, lot 23 - commercial)

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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, Perez and President Nadrowski.

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

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

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

DATE: September 5, 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 September 5, 201

$5,534,471.17 CLAIMS & PAYROLL FOR September 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, Perez and 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, August 16, 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, August 9, 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
16	6	Margaret Ruhle	207.93
188	28	BCB Community Bank	7,710.84
191	4	Barbara D'Avella	6,508.49
222	31	Kathleen Clarke	2,830.34
226	12	CoreLogic Tax Services, LLC	4,174.41
229	23	Foundation Title, LLC	450.00
335	10	Yajaira Miranda	1,563.62
Total:			23,445.63

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30. 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 $ 48.60 be drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of licenses Nos. 1056-1078 inclusive, 23 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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31. The Council as a whole moved the following resolution, which was read by the Clerk and adopted.

WHEREAS, Mayor Jimmy Davis announced that the City of Bayonne will hold a concert on Friday, September 22 to benefit the community of Baytown, Texas, which has been hit hard by Hurricane Harvey; and

WHEREAS, the fundraising event will take place on the lower level of DiDomenico 16th Street Park on Friday, September 22, from 6:00 p.m. to 10:00 p.m. ; and

WHEREAS, local musician Terry Young is recruiting musical talent to offer their services for the concert and they will play at the amphitheater that is the site of Bayonne's Summer Sounds concert series; and

WHEREAS, the Bayonne Economic Opportunity Foundation (BEOF), as the City's designated community action agency, will act as the recipient of tax-deductible donations to assist the people of Baytown and will disburse funds to Baytown following the concert; and

WHEREAS, this Municipal Council is proud to be part of this effort and is desirous of assisting the City of Bayonne involvement in this project; as such, now, therefore be it

RESOLVED, that the Mayor and Clerk are hereby authorized to sign any and all documents and take any and all actions necessary to effectuate the purposes of this benefit concert.

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

Whereas the Bayonne Urban Enterprise Zone will be hosting the Bayonne Uptown Merchants Classic Car Show on September 17, 2017 and will be hosting the Bergen Point Fall Festival on October 14, 2017, and

Whereas these events require cross agency cooperation in order to ensure their success, now therefore, be it

Resolved that the Bayonne Urban Enterprise Zone Coordinator is hereby authorized to undertake all necessary actions required to effectuate the purpose of hosting the two aforementioned events.

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

WHEREAS, pursuant to Resolution No. 17-01-18-050 adopted by the Municipal Council on January 18, 2017, the Mayor and City Clerk entered into Agreement No. CY17-034 with the Bayonne Housing Authority (the "BHA"), 535 Avenue A, Bayonne, New Jersey 07002 to provide CDBG funds in the amount of $58,630.00 for the purpose of providing the cost of entrance improvements at Back Bay Garden (the "Project") for the funding period commencing September 1, 2015 and ending August 31, 2016 to be completed by Joseph Cannarozzo, Inc., 24 East 31st Street, Bayonne, NJ (the "Contractor"); and

WHEREAS, during the course of the demolition of the existing automatic sliding doors, the Contractor discovered concrete block and steel that had to be removed and replaced due to improper installation which would impede the installation of new automatic sliding doors; and

WHEREAS, the Contractor has also advised the Office of Community Development that two existing wall mounted heaters must be removed and replaced with a Qmark 4000 watt heater in order to complete the Project; and

WHEREAS, the Office of Community Development performed an inspection of the Project and confirmed same; and

WHEREAS, in order to expedite the completion of the Project, the Director of Community Development authorized the removal of the existing concrete block for the amount of $4,367.00; and

WHEREAS, the Contractor has provided the Office of Community Development with Change Order No. 1 in the amount of $4,367.00 for the cost of the removal and replacement of the improperly installed concrete block and Change Order No. 2 in the amount of $2,750.00 for the removal and replacement of the two existing wall mounted heaters with a Qmark 4000 watt heater; and

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

RESOLVED, by the Municipal Council as follows:

1. The actions of the Director of Community Development in authorizing demolition of the improperly installed concrete block for the amount of $4,367.00 are hereby ratified and affirmed.

2. The Mayor and City Clerk are hereby authorized to execute an amendment to Agreement No. CY17-034 with the Bayonne Housing Authority, 535 Avenue A, Bayonne, NJ increasing same in the amount of $7,117.00 representing the cost of the demolition and replacement of the improperly installed concrete block and steel for the amount of $4,367.00

and the replacement of the two wall mounted heaters with a Qmark 4000 watt heater for the amount of $2,750.00 pursuant to the Contractor's Change Orders No. 1 and No. 2 dated August 7, 2017, making the total contract amount $62,997.00.

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

4. All other terms and conditions of Agreement No. CY17-034 shall remain the same.

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

WHEREAS, on June 17, 2015, this Municipal Council passed Resolution No. 15-06-17-048, authorizing an Agreement with Picerno-Giordano Construction, 200 Market Street, Kenilworth, NJ 07033 for IMPROVEMENTS TO 16TH STREET PARK ADA COMPLIANT PLAYGROUND for a total contract amount of $237,546.00; and

WHEREAS, pursuant to the aforesaid Resolution No. 15-06-17-048, the City of Bayonne entered into Agreement No. CY15-048 with Picerno-Giordano Construction for the aforesaid IMPROVEMENTS TO 16TH STREET PARK ADA COMPLIANT PLAYGROUND for a total contract amount of $$237,546.00; and

WHEREAS, the City is in receipt of a Final Close-out Change Order reflecting the final contract quantities and supplemental items including reductions and increases in same due to actual field conditions encountered; and

WHEREAS, the aforesaid Final Close-out Change Order calls for an overall decrease in the original contract in the amount of $698.63; and

WHEREAS, the City's Engineer and City's Attorney have reviewed, approved and recommend the Final Close-Out Change Order to the aforesaid Agreement No. CY15-048 with Picerno-Girodano Construction; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor shall be and is hereby authorized to execute the Final Close-out Change Order to the aforesaid Agreement No. CY15-048 with Picerno-Giordano Construction decreasing same in the amount of $698.63, making the total contract amount $236,847.37.

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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. 12-02-15-034 adopted by the Municipal Council on February 15, 2012, the City of Bayonne (the "City") entered into an Access Agreement with PPG Industries, Inc. ("PPG") for access to real property owned by the City comprised of Block 383, Lot 1, Lot 2, Lots 4-8; and Block 384, Lot 1 and Lot 2 and more commonly known as West 1st Street, Dennis Collins Park, Bayonne, New Jersey in the City of Bayonne, Hudson County, New Jersey ("Bayonne Property or "Site") for the limited purpose of performing a soil and groundwater environmental investigation and performing environmental remediation work as specifically described in detail in the Scope of Work and Sampling Map and for the limited time period further described in the Scope of Work attached thereto; and

WHEREAS, it was necessary for PPG to extend the term of the aforesaid Access Agreement for another twelve (12) months and to extend thereafter for a reasonable amount of time should there be unforeseen delays for the purpose of chromium removal pursuant to a directive by the New Jersey Department of Environmental Protection ("NJDEP"); and

WHEREAS, pursuant to Resolution Nos. 14-06-18-061 adopted June 18, 2014; 14-12-10-059 adopted December 10, 2014; 15-05-20-063 adopted May 20, 2015; and 16-05-18-042 adopted May 18, 2017, the Municipal Council authorized First, Second, Third and Fourth Amendments to the aforesaid Access Agreement extending the term of same for the periods commencing June 19, 2014 through December 18, 2014; December 19, 2014 through June 17, 2015; June 18, 2015 through June 17, 2016; and June 17, 2017 respectively; and

WHEREAS, in order to complete the aforesaid investigation and environmental remediation work it is again necessary for PPG to extend the term of the aforesaid Access Agreement for an additional two (2) year period commencing June 18, 2017 and ending June 17, 2019; and

WHEREAS, the removal of said chromium contaminant is in the best interest of the health, safety and welfare of the citizens of the City of Bayonne; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The aforesaid Access Agreement between the City of Bayonne and PPG Industries, Inc. for access to real property owned by the City comprised of Block 383, Lot 1, Lot 2, Lots 4-8; and Block 384, Lot 1 and Lot 2 and more commonly known as West 1st Street, Dennis Collins Park, Bayonne, New Jersey in the City of Bayonne, Hudson County, New Jersey ("Bayonne Property or "Site") is hereby extended for an additional two (2) year period commencing June 18, 2017 and ending June 17, 2019 for the limited purpose of performing environmental remediation work on the conditions that: 1) PPG executes a Fourth Amendment to the current Right of Entry/Access Agreement in a form acceptable to the City and approved by the City's Law Department; 2) No cost or expense shall be borne by the City relating in any way to PPG's for access and proposed Supplemental Scope of Work; 3) Proposed Supplemental Scope of Work is approved by the City's engineer and Licensed Site Remediation Professional at PPG's and/or the contractor's expense; 4) No permits will issue without a fully executed Fourth Amendment to the Right of Entry/Access Agreement; 5) Valid permits to be issued by the City's Building Department and/or Police Department prior to the start of any work, if required; 6) PPG shall abide by any and all requirements of the City deemed necessary to protect the City's property and citizens; and 7) all fees due and payable to any of the City's engineering and environmental professionals shall be paid by PPG prior to entry onto City property.

2. The Mayor and City Clerk are hereby authorized to execute a Fifth Amendment to the aforesaid Access Agreement in a form acceptable to the Law Department.

3. All other terms and conditions of the aforesaid Access Agreement dated March 13, 2012 shall remain the same except as may be required to comply with the provisions of the First, Second, Third and Fourth Amendments and this resolution.

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

WHEREAS, the Municipal Council adopted Resolution 17-08-16-062 on August 16, 2017 authorizing issuance of a License Agreement, in form and substance acceptable to the Law Director, allowing the Bridge Arts Gallery to hold an event on City lands advertised as the Bridge Arts Festival, on Saturday, September 9, 2017 from 6:00 a.m. to 11:30 p.m., throughout designated areas of Dennis P. Collins Park located at 1st Street; and

WHEREAS, during its due diligence, the Law Department discovered that the correct legal name of the entity holding the event was in fact "Mack Made, LLC t/a Bridge Arts Festival" and not "Bridge Arts Gallery;" and

WHEREAS, the Law Director drafted a License Agreement to reflect the correct legal name of the entity; now, therefore, be it

RESOLVED, that the actions of the Law Director in drafting a License Agreement in the name of Mack Made, LLC t/a Bridge Arts Festival and the actions of the Mayor and City Clerk in executing such License Agreement for the use of City lands for purposes of the Bridge Arts Festival on Saturday, September 9, 2017 from 6:00 a.m. to 11:30 p.m., throughout designated areas of Dennis P. Collins Park located at 1st Street consistent with Resolution 17-08-16-062 are hereby ratified and affirmed.

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37. 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 a Hot Shot Meals on Wheels vehicle

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38. 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 2017 roadway improvements.

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39. 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 an addition to the Hudson River Walkway at the Peninsula at Bayonne Harbor.

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40. 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 Bergen Point	6:00 – 10:00 PM 1081 Broadway April 20, 2018	RL: 9208
St. Vincent DePaul Church	12:00 – 5:00 PM 979 Avenue C December 2, 2017	RL: 9209
Hudson County Animal League	6:30-10:30 PM 290 Avenue E October 21, 2017	RL: 9210 RL: 9211
BHS-Band Foundation	2:00 – 6:00 PM 400 Route 440 November 17, 2017	RL: 9212

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

WHEREAS, the city clerk, advertised in the Jersey Journal on July 26, 2017 that sealed bids for traffic controllers would be received on August 10, 2017; and

WHEREAS, pursuant to such advertisement, one (1) proposal was received from:

Bidder	Amount: controllers	Battery backup
Signal Control Products, Inc. 199 Evans Way Branchburg, NJ 08876;	$92,078.00	$22,098.00

and

WHEREAS, Amy Dellabella, R.P.P.O., Q.P.A. and Gary Chmielewski, Director of Public Works and Parks have examined the bids or proposals and have determined that the bid of Signal Control Products, Inc.is a regular bid and is most advantageous to the City of Bayonne for traffic controllers; and

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

RESOLVED, that the contract for traffic controllers be awarded to:

Signal Control Products, Inc.
199 Evans Way
Branchburg, NJ 08876;

for the following bid price: $92,078.00, and that the contract be executed in the name of the City of Bayonne by the proper city officials and that the said sum be charged to account: RPI (T-12-56-3804-0001-99).

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

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

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

WHEREAS, the Bayonne Economic Opportunity Foundation, 555 Kennedy Blvd, Bayonne, New Jersey 07002 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, the Bayonne Economic Opportunity Foundation has requested and submitted a formal written application dated January 13, 2017 for said CDBG Grant Funds in the amount of $58,000.00 for the purpose of providing fair housing counseling services and

WHEREAS, the Assistant Director of Community Development has advised that the availability of said Community Development Block Grant Funds for the purpose of providing fair housing counseling services is limited to the amount of $48,00.00; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-951 now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Bayonne Economic Opportunity Foundation, 555 Kennedy Blvd, Bayonne, New Jersey 07002 for the provision of providing fair housing counseling services in the amount of $48,000.00 for the period commencing September 1, 2017 and ending August 31, 2018.

2. Funds shall be charged to Account #CDBG-951

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

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

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

WHEREAS, the Bayonne Economic Opportunity Foundation, 555 Kennedy Blvd, Bayonne, New Jersey 07002 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, the Bayonne Economic Opportunity Foundation has requested and submitted a formal written application dated January 13, 2017 for said CDBG Grant Funds in the amount of $45,000.00 for the purpose of providing senior transportation salary and fringe benefits and

WHEREAS, the Assistant Director of Community Development has advised that the availability of said Community Development Block Grant Funds for the purpose of providing senior transportation salary and fringe benefits is limited to the amount of $32,000.00; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-939; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Bayonne Economic Opportunity Foundation, 555 Kennedy Blvd, Bayonne, New Jersey 07002 for the provision of providing senior transportation salary and fringe benefits in the amount of $32,000.00 for the period commencing September 1, 2017 and ending August 31, 2018.

2. Funds shall be charged to Account #CDBG-939

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

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

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

WHEREAS, the Windmill Alliance, 141 Broadway, Bayonne , New Jersey 07002 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, the Windmill Alliance has requested and submitted a formal written application dated February 13, 2017 for said CDBG Grant Funds in the amount of $25,000.00 for the purpose of providing community outreach services through HIGHWAYS program; and

WHEREAS, the Assistant Director of Community Development has advised that the availability of said Community Development Block Grant Funds for the purpose of providing community outreach services through HIGHWAYS program is limited to the amount of $20,000.00; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-940; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Windmill Alliance, 141 Broadway, Bayonne, New Jersey 07002 for the provision of providing outreach services through HIGHWAYS program in the amount of $20,000.00 for the period commencing September 1, 2017 and ending August 31, 2018.

2. Funds shall be charged to Account #CDBG-940

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

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

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

WHEREAS, the UCP of Hudson County, Inc., 721 Broadway, Bayonne, New Jersey 07002 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, the UCP of Hudson County, Inc. has requested and submitted a formal written application dated February 14, 2017 for said CDBG Grant Funds in the amount of $30,000.00 for the purpose of providing a pediatric medical day care center; and

WHEREAS, the Assistant Director of Community Development has advised that the availability of said Community Development Block Grant Funds for the purpose of providing a pediatric medical day care center is limited to the amount of $20,000.00; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-941; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the UCP of Hudson County Inc., 721 Broadway, Bayonne, New Jersey 07002 for the provision of providing pediatric medical day care in the amount of $20,000.00 for the period commencing September 1, 2017 and ending August 31, 2018.

2. Funds shall be charged to Account #CDBG-941

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

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

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

WHEREAS, the Jewish Community Center, 1050 Kennedy Blvd.., Bayonne, New Jersey 07002 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, the Jewish Community Center has requested and submitted a formal written application dated February 15, 2016 for said CDBG Grant Funds in the amount of $186,200.00 for the purpose of providing the cost of the swimming pool renovation to be completed by Bloom Heating – Cooling , 513 Avenue A, Bayonne , NJ 07002 and

WHEREAS, the Assistant Director of Community Development has advised that the availability of said Community Development Block Grant Funds for the purpose of providing the cost of the swimming pool renovation to be completed by Bloom Heating – Cooling , 513 Avenue A, Bayonne , NJ 07002 ; and

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

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Jewish Community Center, 1050 Kennedy Blvd., Bayonne, New Jersey 07002 for the provision of providing the cost of the swimming pool renovation to be completed by Bloom Heating – Cooling , 513 Avenue A, Bayonne , NJ 07002 in the amount of $186,200.00 for the period commencing September 1, 2017 and ending August 31, 2018.

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

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

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

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

WHEREAS, BCAP/Build America Association Inc., 28 West 20th Street, Bayonne, New Jersey 07002 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, BCAP/Build America Association Inc. has requested and submitted a formal written application dated February 20, 2017 for said CDBG Grant Funds in the amount of $6,000.00 for the purpose of providing special needs support program; and

WHEREAS, the Assistant Director of Community Development has advised that the availability of said Community Development Block Grant Funds for the purpose of providing special needs support program is limited to the amount of $3,000.00; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-948; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with BCAP/Build America Association Inc., 28 West 20th Street, Bayonne, New Jersey 07002 for the provision of providing special needs support program in the amount of $3,000.00 for the period commencing September 1, 2017 and ending August 31, 2018.

2. Funds shall be charged to Account #CDBG-948

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

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

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

WHEREAS, the Victory Hall, 74 W 46th Street, Bayonne, New Jersey 07002 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, the Victory Hall has requested and submitted a formal written application dated February 21, 2017 for said CDBG Grant Funds in the amount of $7,500.00 for the purpose of providing art instruction to adults/young adults developmentally disabled; and

WHEREAS, the Assistant Director of Community Development has advised that the availability of said Community Development Block Grant Funds for the purpose of providing art instruction to adults/young adults developmentally disabled is limited to the amount of $6,500.00; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-947; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Victory Hall, W 46th Street ., Bayonne, New Jersey 07002 for the provision of providing art instruction to adults/young adults developmentally disabled in the amount of $6,500.00 for the period commencing September 1, 2017 and ending August 31, 2018.

2. Funds shall be charged to Account #CDBG-947

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

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE DEVELOPER'S AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND 190 WEST 54TH STREET URBAN RENEWAL ASSOCIATES, LLC, FOR THE PROPERTY LOCATED AT THE TERMINI OF WEST 53RD AND WEST 54TH STREETS, WHICH PROPERTIES ARE SHOWN AS BLOCK 32, LOT 21.01, FOR THE REDEVELOPMENT OF SUCH PROPERTY IN ACCORDANCE WITH THE REDEVELOPMENT PLAN

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

WHEREAS, the Municipal Council, by Resolution dated January 14, 2014, duly designated an area commonly known as the Hi-Hat Catering Redevelopment Area (the "Redevelopment Area"), consisting of Block 32, Lot 21.01, as an Area in Need of Redevelopment in accordance with the provisions of the Redevelopment Law, and specifically N.J.S.A. 40A:12A-5; and

WHEREAS, the Municipal Council, on February 19, 2014, adopted Ordinance 0-14-04 approving a redevelopment plan (the "Redevelopment Plan") for the Redevelopment Area; and

WHEREAS, the Redevelopment Plan provided, among other things, for the construction of market rate residential rental units on Block 32, Lot 21.01, (the "Property"), including the construction of utilities, roads, street lighting, landscaping, sidewalk and other on- and off-site improvements in accordance with the requirements of the Redevelopment Plan; and

WHEREAS, Baker Residential Limited Partnership has been designated by the City as Developer for the Property (the "Developer") and has agreed to implement the Redevelopment Plan, and develop, design, finance and construct a project consisting of residential rental units and sufficient parking (the "Project") and in connection therewith, the Developer has agreed to devote substantial cash assets and borrowed funds to the completion of the project; and

WHEREAS, on August 12, 2014, Baker Residential Limited Partnership, received preliminary and final major site plan approval and bulk variance relief for the Project; and

WHEREAS, in order to implement the development, financing, construction, operation and management of the Project, the City entered into a Development Agreement with the Developer dated September 28, 2007 (the "Development Agreement"), which Development Agreement specifies the rights and responsibility of the City and Developer with respect to certain aspects of the Project; and

WHEREAS, as permitted by the Development Agreement, Developer assigned the Development Agreement to 190 West 54th Street Urban Renewal Associates, LLC (the "Entity"); and

WHEREAS, the City and Entity now desire to amend the Development Agreement in order to effectuate a more desirable and consistent plan in accordance with the Redevelopment Plan (the "Amended Developer's Agreement"); and

WHEREAS, the Amended Developer's Agreement has been prepared and presented to the Municipal Council for review and approval; and

WHEREAS, the Municipal Council desires to enter into the Amended Developer's Agreement with the Entity, 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 Amended Developer's Agreement concerning the Property identified as Block 32, Lot 21.01, in such a form deemed advisable by the City Attorney, or Special Redevelopment Counsel to the City, 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 Mayor and Clerk are hereby authorized to execute the Amended Developer's 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 190 West 54th Street Urban Renewal Associates, LLC.

Section 3. The Mayor and Clerk are hereby authorized to take such action and to execute such other documents, on behalf of the City of Bayonne, as is necessary to effectuate the terms of the Development Agreement, as amended by the Amended Developer's Agreement, as deemed advisable by the City Attorney or Special Redevelopment Counsel.

Section 4. This Resolution shall take effect immediately.

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

* * * * * * * *

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING AND DIRECTING THE PLANNING BOARD TO CONDUCT A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER CERTAIN PROPERTY LOCATED AT 41 PROSPECT AVENUE, WHICH PROPERTY IS IDENTIFIED AS BLOCK 455, LOT 3, WITHIN THE CITY CONSTITUTES A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A.* 40A:12A-1 *ET SEQ.*

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

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

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

WHEREAS, the Mayor and Municipal Council consider it to be in the best interest of the City to have the Planning Board of the City (the "Planning Board") conduct such an investigation to determine if certain property located at 41 Prospect Avenue, which property is identified as Block 455, Lot 3 as shown on the official Tax Map of the City (the "Study Area"), constitute a non-condemnation "area in need of redevelopment," in accordance with the Redevelopment Law; and

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

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

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

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

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

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

Section 3. The Planning Board is hereby directed to study the property located at 41 Prospect Avenue, which property is identified as Block 455, Lot 3 on the City's Tax Maps; to develop a map reflecting the boundaries of the proposed non-condemnation redevelopment area; to provide public notice and conduct public hearings pursuant to *N.J.S.A.* 40A:12A-6; and to draft a report/Resolution to the Mayor and Municipal Council containing its findings.

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

Section 5. This Resolution shall take effect immediately.

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

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

BE IT RESOLVED, That the City Clerk be and is hereby authorized to advertise for bids for improvements to the 16th Street Police gun range.

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

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

September 13, 2017

Dear Council President Nadrowski
And Honorable Members of City Council:

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

H. Gene Sykes — Term expiring on December 31, 2021
28 West 20th Street
Bayonne, NJ 07002

In conjunction with this appointment the City Clerk has been directed to add an accompanying item on the September 13, 2017 Council meeting agenda to be received and filed by the City Council.

Sincerely,
James M. Davis
Mayor
(signed)

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

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

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

RESOLUTION DESIGNATING PSIP AVENUE A, LLC AS REDEVELOPER OF THE PROPERTY LOCATED AT BLOCK 301.01, LOT 7; BLOCK 310, LOTS 1-13 (LOT 1- “BAY”); BLOCK 311.01, LOT 1 (“39-55 BAYVIEW CT”); BLOCK 333.01, LOTS 1-6 (LOT 1- “16 BAYVIEW CT,” LOT 2- “18-20 BAYVIEW CT,” LOT 4- “22-46 BAYVIEW CT,” LOT 5- “97-103 AVENUE A,” LOT 6- “AVENUE A”) AND BLOCK 333.02, LOT 1 (“97-103 AVENUE A”) ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH PSIP AVENUE A, LLC FOR THE REDEVELOPMENT OF SUCH PROPERTY IN ACCORDANCE WITH THE REDEVELOPMENT PLAN

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

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

WHEREAS, the Municipal Council identified certain properties in the City, designated as Block 301.01, Lot 7; Block 310, Lots 1-13 (Lot 1- “Bay”); Block 311.01, Lot 1 (“39-55 Bayview CT”); Block 333.01, Lots 3-6 (Lot 4- “22-46 Bayview CT,” Lot 5- “97-103 Avenue A,” Lot 6- “Avenue A”); and Block 333.02, Lot 1 (“97-103 Avenue A”) on the City’s Tax Maps (the “Study Area”), to be considered for designation as an “area in need of redevelopment” under the Redevelopment Law; and

WHEREAS, by Resolution 12-07-18-045 dated July 18, 2012, the Municipal Council designated the Study Area as an “area in need of redevelopment” (the “Redevelopment Area”); and

WHEREAS, by Ordinance O-16-27, the City Council adopted a redevelopment plan for the Redevelopment Area in accordance with the Redevelopment Law (the "Redevelopment Plan"); and

WHEREAS, by Resolution dated August 17, 2016, the Municipal Council authorized and directed the Planning Board to conduct a preliminary investigation to determine whether certain property located at 16 Bayview Court and 18-20 Bayview Court and more specifically known as Block 333.01, Lots 1 and 2, on the official tax map of the City constitutes a non-condemnation area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, the City desires to develop the Redevelopment Area as well as the property located at 16 Bayview Court and 18-20 Bayview Court and more specifically known as Block 333.01, Lots 1 and 2, on the official tax map of the City (the “Property”); and

WHEREAS, PSIP Avenue A, LLC, a New Jersey limited liability company organized under the laws of the State of New Jersey, having its offices at One Financial Plaza, 12th Floor, Hartford, CT 06103, wishes to develop the Property (the “Entity”); and

WHEREAS, the Entity is the owner of Block 301.01, Lot 7; Block 310, Lots 1-13; Block 311.01, Lot 1; Block 333.01, Lots 3-6; and Block 333.02, Lot 1; and

WHEREAS, pursuant to an agreement between the Entity and the City, the Entity is to acquire Block 333.01, Lot 1 from the City; and

WHEREAS, the Entity is the contract purchaser of Block 333.01, Lot 2 from Michael F. Lacey and Carol-Ann J. Lacey; and

WHEREAS, the Municipal Council desires to designate the Entity to undertake the necessary development and construction of the Property for commercial and light industrial uses in accordance with the Redevelopment Plan and related improvements in the Redevelopment Area (the "Redevelopment Project"); and

WHEREAS, the City wishes to enter into an agreement for the construction of the Redevelopment Project; and

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

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

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

Section 1. The Municipal Council of the City of Bayonne hereby authorizes the execution of the Redevelopment Agreement by and between the City of Bayonne as Redevelopment Entity and PSIP Avenue A, LLC, a New Jersey Limited Liability Company as the Redeveloper concerning the Property identified as Block 301.01, Lot 7; Block 310, Lots 1-13 (Lot 1- "Bay"); Block 311.01, Lot 1 ("39-55 Bayview CT"); Block 333.01, Lots 1-6 (Lot 1- "16 Bayview CT," Lot 2- "18-20 Bayview Ct," Lot 4- "22-46 Bayview CT," Lot 5- "97-103 Avenue A," Lot 6- "Avenue A"); and Block 333.02, Lot 1 ("97-103 Avenue A") in the City of Bayonne in such a form deemed advisable by the City Attorney, subject to any and all conditions contained therein and such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel to the City and acceptable to the Entity; and

Section 2. The Municipal Council, upon the full execution of the Redevelopment Agreement by the City of Bayonne and PSIP Avenue A, LLC recognizes PSIP Avenue A, LLC, as Redeveloper of Block 301.01, Lot 7; Block 310, Lots 1-13 (Lot 1- "Bay"); Block 311.01, Lot 1 ("39-55 Bayview CT"); Block 333.01, Lots 1-6 (Lot 1- "16 Bayview CT," Lot 2- "18-20 Bayview Ct," Lot 4- "22-46 Bayview CT," Lot 5- "97-103 Avenue A," Lot 6- "Avenue A"); and Block 333.02, Lot 1 ("97-103 Avenue A") in the City of Bayonne as provided for and in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law; and

Section 3. The Mayor and Clerk are hereby authorized to execute the Redevelopment Agreement, with such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel and acceptable to the Redeveloper, on behalf of the City of Bayonne, acting as the redevelopment entity for the redevelopment of the Property by PSIP Avenue A, LLC and to execute any and all documents necessary to effectuate the terms and conditions of the Redevelopment Agreement, including the closing of title to the Property.

Section 4. This Resolution shall take effect immediately.

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

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54. Council President Perez introduced:

ORDINANCE AUTHORIZING THE EXECUTION OF A RIGHTS-OF- WAY AND POLE ACCESS AGREEMENT BETWEEN THE CITY OF BAYONNE AND MOBILITIE, LLC TO PERMIT THE INSTALLATION OF ANTENNAS AND RELATED COMMUNICATIONS EQUIPMENT ON CERTAIN EXISTING UTILITY POLES AND IF NECESSARY TO INSTALL UTILITY POLES WITHIN CERTAIN PUBLIC RIGHTS-OF-WAY FOR PURPOSES OF PROVIDING TELECOMMUNICATION SERVICES

WHEREAS, Mobilitie, LLC d/b/a NYFI ("Mobilitie"), 2220 University Drive, Newport Beach, CA 92660 is a telecommunications carrier authorized to provide services by the New Jersey Board of Public Utilities ("BPU") and the Federal Communications Commission ("FCC"); and

WHEREAS, Mobilitie has requested that the City of Bayonne ("City") grant it permission to construct, install, operate, and maintain antennas and related telecommunications equipment on existing utility poles located in the public rights-of-way and, if and where necessary, to install utility poles to accommodate such antennas and equipment within the public rights-of-way for the purpose of installing, operating, repairing, and maintaining a telecommunications system ("Scope of Work") as attached hereto as Exhibit A; and

WHEREAS, Mobilitie agrees to execute a Use Agreement for a ten (10) year period commencing on a date to be agreed by the City with four (4) additional five (5) year periods unless the City notifies Mobilitie of its intent not to renew at least (90) days prior to the end of the then current term; and

WHEREAS, Mobilitie agrees to pay the City fees and cost as attached hereto as Exhibit B; and

WHEREAS, Mobilitie agrees to pay the City's reasonable additional costs and expenses incurred by the City for professional and legal fees, police oversight and any other expenses to be incurred by the City as a result of the Scope of Work; and

WHEREAS, N.J.S.A. 48:17-10 and N.J.S.A. 40:67-1 authorize the City to grant municipal consent for the Scope of Work presented by Mobilitie in the City's rights-of-way; and

WHEREAS, it is deemed to be in the best interest of the City and its citizenry, including the commercial and industrial citizens, for the City to grant municipal consent to Mobilitie to occupy said public rights-of-way within the City for this purpose; and

WHEREAS, the granting of such consent is and shall be conditioned upon Mobilitie's continued compliance with all existing and future ordinances of the City and its entering into this Use Agreement with the City; and

WHEREAS, Mobilitie agrees to indemnify, defend and hold the City harmless as to all claims and liability resulting from any injury or damage which may arise from the construction, installation, operation, repair, maintenance, disconnect, replacement and removal of its telecommunications facilities within certain public rights-of-way.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPALCOUNCIL OF THE CITY OF BAYONNE THAT:

1. Non-exclusive consent is hereby granted to Mobilitie to use certain public rights-of-way within the City for the purpose of installation, operation, repair, and maintenance of a telecommunications system for a period of ten (10) years, commencing on a date to be agreed by the City with four (4) additional five (5) year periods unless the City notifies Mobilitie of its intent not to renew at least (90) days prior to the end of the then current term subject to the mutual covenants and obligations as set forth in a Rights-of-Way and Pole Access Agreement acceptable to the Law Department.

2. The within granted permission is conditioned upon Mobilitie's executing said Rights-of-Way and Pole Access Agreement (the "Agreement") in a form acceptable to the Law Department and pays all fees and expenses as specified as reflected by said Agreement and provides insurance coverage naming the City as "additional insured."

3. The Mayor and City Clerk are hereby authorized to execute said Rights-of-Way and Pole Access Agreement.

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

BE IT RESOLVED, that an ordinance entitled "ORDINANCE AUTHORIZING THE EXECUTION OF A RIGHTS-OF- WAY AND POLE ACCESS AGREEMENT BETWEEN THE CITY OF BAYONNE AND MOBILITIE, LLC TO PERMIT THE INSTALLATION OF ANTENNAS AND RELATED COMMUNICATIONS EQUIPMENT ON CERTAIN EXISTING UTILITY POLES AND IF NECESSARY TO INSTALL UTILITY POLES WITHIN CERTAIN PUBLIC RIGHTS-OF-WAY FOR PURPOSES OF PROVIDING TELECOMMUNICATION SERVICES," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, October 18, 2017 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

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55. Council President Nadrowski moved the following communication be received and filed, seconded by Council Member Perez, which motion was adopted.

CERTIFICATION OF REFERENDUM PETITION

I, Robert F. Sloan, City Clerk of the City of Bayonne, hereby certify pursuant to NJSA 40:69A-191 as follows:

- On September 5, 2017, a Committee of Petitioners submitted a Petition For Referendum of Ordinance O-17-43 amending Chapter 20, Personnel Policies of the Revised General Ordinances of the City of Bayonne consisting of 46 sets of petition papers pursuant to NJSA 40:69A-184 et seq., requesting that the ordinance be submitted to the electorate. The petition contains approximately 1,380 signatures. I have not counted the exact number of signatures on each petition page. The above quoted statute provides that a referendum petition be signed by at least 15% of the number of the total votes cast at the last election at which members of the General Assembly were elected. NJSA 40:69A-192 provides that such a referendum petition shall be submitted at the next general or regular municipal election occurring not less than 40 days after the final date on which the committee of petitioners may withdraw the petition as provided for in NJSA 40:69A-191. If no regular municipal or general election occurs within 90 days of said date, a special election shall be held no sooner than 40 days or later than 60 days from the withdrawal date. It appears that if the referendum petition is successful, a special election will have to be held in December.
- Each set of petition papers consisted of one double-sided petition paper stating the purpose of the petition and containing spaces for up to 30 signatures with room for the signer's printed name, address and the date of signing. Each petition paper contained an Affidavit of the Circulator which was signed and notarized. Each petition paper listed the names and addresses of the Committee of Petitioners. A copy of ordinance O-17-43, being objected to, and a copy of the previous ordinance that O-17-43 amends were attached to each petition paper.
- Pursuant to NJSA 40:69A-187, I have examined the petition papers and have determined that the petition meets the technical requirements of the statute, but that the petition has not been signed by a sufficient number of legal voters. I compared the names and signatures submitted against the Statewide Voter Registry for Bayonne and I determined that the petition contained 721 valid signatures of legal voters. The petitioner were required to submit signatures numbering at least 15% the number of the total votes cast at the last election at which members of the General Assembly were elected. (NJSA 40:69A-184.) The members of the General Assembly were last elected at the General Election held November 3, 2015. The vote cast at that election was 6,496 as certified by the Hudson County Clerk. The minimum number of signatures to meet the statutory requirement for submission at an election is 975. The 721 valid signatures falls 254 short of the required threshold.
- The particulars of the deficiencies are as follows:
    - Not found in the voter registry: 506
    - Deleted/rejected (e.g. failure to vote in successive federal elections/criminal disqualifications: 64
    - Signature does not match signature on voter registry: 31
    - Illegible: 26
    - No signature: 42
    - Other municipality: 20
    - No address: 1
    - Duplicates: 2

I have notified the committee of the petitioners by regular and certified mail return receipt requested that the petition is insufficient and included a copy of this certification. They have 10 days from receipt of this notice to amend the petition and cure its deficiencies. Further procedures follow from that point.

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

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING AND DIRECTING THE PLANNING BOARD TO REOPEN AND AMEND SCATTERED SITE 14 REDEVELOPMENT PLAN, WHICH INCLUDES THE PROPERTIES IDENTIFIED AS BLOCK 452.02, LOTS 3-9, AND 11 AND BLOCK 451, LOTS 1.01, 1.02, 2.03, 2.04 AND 2.05 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, on November 11, 2009, the Bayonne Municipal Council (the "Municipal Council") adopted Resolution No. 09-11-10-052 requesting the Planning Board of the City (the "Planning Board") to conduct a preliminary investigation to determine whether portions of Route 440 West between East 22nd Street and New Hook Road, consisting of Block 452.02, Lots 3-9, 11, 12 and 13 and Block 451, Lots 1.01, 1.02, 2.03, 2.04 and 2.05 on the City's Tax Maps (the "Study Area"), qualified as "an area in need of redevelopment" in accordance with the criteria set forth in *N.J.S.A.* 40A: 12A-5, and if so, to prepare a redevelopment plan for the Study Area; and

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

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

WHEREAS, 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 Municipal Council now believes that it is in the best interest of the City to reopen and amend the Redevelopment Plan for the Property in order to expand the scope of the revitalization and redevelopment efforts in the City and make necessary modifications to the Redevelopment Plan (the "Amended Redevelopment Plan"); and

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

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

Section 1. The Planning Board of the City of Bayonne is hereby authorized and directed to reopen and prepare an amendment to the Redevelopment Plan for the Property identified as Block 452.02, Lots 3-9, and 11 and Block 451, Lots 1.01, 1.02, 2.03, 2.04 and 2.05 as shown on the official Tax Map of the City in accordance with the Redevelopment Law, *N.J.S.A.* 40A:12A-1 *et seq.*

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

Section 3. This Resolution shall take effect immediately.

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

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

WHEREAS, Circulo Hispano Americano De Bayonne, a NJ Non-Profit Organization ("Circulo") has requested permission to hold an event to be promoted as the Circulo Hispano Americano Festival to be held on Saturday, September 30, 2017 from 12:00 pm to 6:00 pm (set up to begin at 8:00 a.m.) on Broadway between 18th and 19th Streets for the purpose of conducting a Hispanic Heritage and Cultural Festival; and

WHEREAS, Circulo has provided the City with the details of the proposed event in the form of a written application 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, 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 Circulo to hold the Circulo Hispano Americano Festival on Saturday, September 30, 2017 from 12:00 pm to 6:00 p.m. (set up to begin at 8:00 a.m.) on Broadway between 18th and 19th Streets for the purpose of conducting a Hispanic Heritage and Cultural Festival; and be it further

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

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

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At 8:25 P.M. Council President Nadrowski motioned to adjourn, seconded by Council Member Perez, which motion was adopted.

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

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President – Sharon A. Nadrowski

Clerk – Robert F. Sloan