

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, JANUARY 17, 2018

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 January 17, 2018, 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 January 12, 2018."

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

The Clerk called the roll.

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

The Council President led the Pledge of Allegiance.

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01. Megan McNally addressed the council regarding its incompetence regarding animal control.

Kathy Henderson also addressed the council on the animal control

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02. Niele Weissman addressed the council requesting support for petitioning the Port Authority to widen the bicycle/pedestrian path on the George Washington Bridge.

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03. Peter Franco addressed the council on a general subject matter.

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04. The Clerk announced:

AN ORDINANCE ENTITLED, "ORDINANCE AUTHORIZING THE EXECUTION OF A RIGHTS-OF-WAY USE AGREEMENT BETWEEN THE CITY OF BAYONNE AND CROSS RIVER FIBER LLC TO PERMIT THE INSTALLATION OF FIBER OPTIC FACILITIES AND RELATED EQUIPMENT WITHIN THE MUNICIPAL RIGHT-OF-WAY FOR PURPOSES OF PROVIDING TELECOMMUNICATION SERVICES," which was introduced and passed a first reading at a meeting held December 13, 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 January 17, 2018, 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 AUTHORIZING THE EXECUTION OF A RIGHTS-OF- WAY USE AGREEMENT BETWEEN THE CITY OF BAYONNE AND CROSS RIVER FIBER LLC TO PERMIT THE INSTALLATION OF FIBER OPTIC FACILITIES AND RELATED EQUIPMENT WITHIN THE MUNICIPAL RIGHT-OF-WAY FOR PURPOSES OF PROVIDING TELECOMMUNICATION SERVICES,"

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

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

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

Council Member Cotter motioned to close the hearing, seconded by Council President Naddrowski, 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 AUTHORIZING THE EXECUTION OF A RIGHTS-OF- WAY USE AGREEMENT BETWEEN THE CITY OF BAYONNE AND CROSS RIVER FIBER LLC TO PERMIT THE INSTALLATION OF FIBER OPTIC FACILITIES AND RELATED EQUIPMENT WITHIN THE MUNICIPAL RIGHT-OF-WAY FOR PURPOSES OF PROVIDING TELECOMMUNICATION SERVICES," was introduced and passed a first reading at a meeting held December 13, 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 January 17, 2018; 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-18-01.

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

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05. The Clerk announced:

AN ORDINANCE ENTITLED, "AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 751, LOT 1.04 (2.12 ACRES) AND BLOCK 751, LOT 1.02 (2.01 ACRES) , BOTH LOCATED WITHIN HARBOR STATION SOUTH, TO MAHALAXMI BAYONNE, LLC FOR THE AMOUNT OF \$500,000.00 PER ACRE CONSISTENT WITH THE TERMS OF THE REDEVELOPMENT AND PURCHASE AND SALE AGREEMENT AUTHORIZED BY RESOLUTION NO. 16-12-14-079, WHICH REDEVELOPMENT AGREEMENT WAS ENTERED INTO ON FEBRUARY 21, 2017," which was introduced and passed a first reading at a meeting held December 13, 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 January 17, 2018, is now before the Council for its consideration and a public hearing.

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

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

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

The Clerk read the ordinance by title: "AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 751, LOT 1.04 (2.12 ACRES) AND BLOCK 751, LOT 1.02 (2.01 ACRES) , BOTH LOCATED WITHIN HARBOR STATION SOUTH, TO MAHALAXMI BAYONNE, LLC FOR THE AMOUNT OF \$500,000.00 PER ACRE CONSISTENT WITH THE TERMS OF THE REDEVELOPMENT AND PURCHASE AND SALE AGREEMENT AUTHORIZED BY RESOLUTION NO. 16-12-14-079, WHICH REDEVELOPMENT AGREEMENT WAS ENTERED INTO ON FEBRUARY 21, 2017,"

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 person spoke – Patrick McGovern – 97 West 29th 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 Perez moved a resolution for final passage, seconded by Council Member LaPelusa, which was read by the Clerk and adopted.

WHEREAS, an ordinance entitled, "AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 751, LOT 1.04 (2.12 ACRES) AND BLOCK 751, LOT 1.02 (2.01 ACRES) , BOTH LOCATED WITHIN HARBOR STATION SOUTH, TO MAHALAXMI BAYONNE, LLC FOR THE AMOUNT OF \$500,000.00 PER ACRE CONSISTENT WITH THE TERMS OF THE REDEVELOPMENT AND PURCHASE AND SALE AGREEMENT AUTHORIZED BY RESOLUTION NO. 16-12-14-079, WHICH REDEVELOPMENT AGREEMENT WAS ENTERED INTO ON FEBRUARY 21, 2017," was introduced and passed a first reading at a meeting held December 13, 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 January 17, 2018; 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-18-02.

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

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06. The Clerk announced:

AN ORDINANCE ENTITLED, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 39-43 WEST 25TH STREET & 45 WEST 25TH STREET, WHICH PROPERTIES ARE IDENTIFIED AS BLOCK 183, LOTS 1 & 2.01 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.," which was introduced and passed a first reading at a meeting held December 13, 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 January 17, 2018, is now before the Council for its consideration and a public hearing.

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

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

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

The Clerk read the ordinance by title: "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 39-43 WEST 25TH STREET & 45 WEST 25TH STREET, WHICH PROPERTIES ARE IDENTIFIED AS BLOCK 183, LOTS 1 & 2.01 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.,"

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

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 Gullace, which was read by the Clerk and adopted.

WHEREAS, an ordinance entitled, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 39-43 WEST 25TH STREET & 45 WEST 25TH STREET, WHICH PROPERTIES ARE IDENTIFIED AS BLOCK 183, LOTS 1 & 2.01 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.," was introduced and passed a first reading at a meeting held December 13, 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 January 17, 2018; 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-18-03.

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

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07. The Clerk announced:

AN ORDINANCE ENTITLED, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 63-67 NEW HOOK ROAD, WHICH PROPERTY IS IDENTIFIED AS BLOCK 416, LOT 3 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.," which was introduced and passed a first reading at a meeting held December 13, 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 January 17, 2018, is now before the Council for its consideration and a public hearing.

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

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

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

The Clerk read the ordinance by title: "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 63-67 NEW HOOK ROAD, WHICH PROPERTY IS IDENTIFIED AS BLOCK 416, LOT 3 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.,"

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

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

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

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

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

Council Member LaPelusa moved to amend the 5th Whereas paragraph to read "December 1, 2017 and revised December 7, 2017", seconded by Council President Nadrowski, which motion was adopted.

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

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

WHEREAS, an ordinance entitled, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 63-67 NEW HOOK ROAD, WHICH PROPERTY IS IDENTIFIED AS BLOCK 416, LOT 3 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.," was introduced and passed a first reading at a meeting held December 13, 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 January 17, 2018; 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-18-04.

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

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08. The Clerk announced:

AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC," which was introduced and passed a first reading at a meeting held December 13, 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 January 17, 2018, is now before the Council for its consideration and a public hearing.

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

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

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

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

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

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

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

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

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

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

WHEREAS, an ordinance entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC," was introduced and passed a first reading at a meeting held December 13, 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 January 17, 2018; 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-18-05.

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

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09. The Clerk announced:

AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC," which was introduced and passed a first reading at a meeting held December 13, 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 January 17, 2018, is now before the Council for its consideration and a public hearing.

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

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

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

The Clerk read the ordinance by title: "AN ORDINANCE AMENDING AND SUPPLEMENTING THE 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 Perez, which motion was adopted.

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

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

WHEREAS, an ordinance entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC," was introduced and passed a first reading at a meeting held December 13, 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 January 17, 2018; 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-18-06.

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

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10. The Council as a whole introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 33, PLANNING AND DEVELOPMENT

WHEREAS, The City of Bayonne has seen unprecedented new development over the last several years resulting in construction projects for residential and commercial buildings; and

WHEREAS, the pace of new construction will likely increase in the foreseeable future; and

WHEREAS, the City of Bayonne has a compelling interest to ensure that development projects with a total estimated cost equal to or exceeding \$15 million, excluding land acquisitions costs, that receive a tax abatement pursuant to the Long Term Tax Exemption Act, N.J.S.A 40A:20-1 et. seq., are completed at responsible cost with the highest degree of quality; and

WHEREAS, the City of Bayonne has a compelling interest in ensuring that workers on such development projects are paid appropriate wages and that their families receive appropriate benefits; and

WHEREAS, a highly skilled workforce ensures the efficient, economical and safe completion of contracts as described above; and

WHEREAS, the employment of apprentices in such contracts can maintain reasonable costs while providing valuable and rewarding work opportunities for new workers; and

WHEREAS, the City of Bayonne also seeks to ensure that job opportunities generated by contracts as described above are also utilized to help low-income, minority and women workers gain access to careers in the construction trades; and

WHEREAS, the City seeks to promote meaningful job opportunities for all of its citizens; and

WHEREAS, the benefits received by contractors impacted by this ordinance will create opportunities to employ a substantial number of apprentices from Bayonne, thus ensuring that those projects will expand access to living wage careers in the construction trades for a new generation of Bayonne workers; and

WHEREAS, Union-affiliated apprenticeship programs offer access to large numbers of long-term living wage careers in the construction trades; and

WHEREAS, the successful completion of construction contracts expands the City's tax base and advances economic and budgetary stability of all its citizens; and

WHEREAS, Project Labor Agreements provide the City of Bayonne with a guarantee that contracts as described above are completed with a highly skilled and diverse workforce.

WHEREAS, in Hotel Temples. & Rest. Temples, Union. Local 57 v. Sage Hospitality Res., LLC., 390F.3d 206 (2004); the Court held that a City cannot impose labor restrictions on a private developer's project as a condition of that developer accepting a tax incentive if the City is merely acting as a market regulator, but, if a City acts as a market participant, meaning that the City has a proprietary interest in the developer's project, such as if the City is a financial investor in the project, then the City could impose labor restrictions as a condition of the developer accepting a tax incentive; and

WHEREAS, the Court in Hotel Temples. & Rest. Temples. Union, Local, .57 v Sage Hospitality Res., LLC., 390F.3d 206 (2004), held that the City of Pittsburgh, PA could require, by ordinance, that a private developer building a hotel in the City enter into an agreement with a union because the City of Pittsburgh, through its Redevelopment Authority, had helped to finance the developer's project with municipal bonds thus making the City of Pittsburgh a participant in the project; and

WHEREAS, it is therefore in the City's best interest to ensure that the City's policy of requiring Project Labor Agreements on certain tax abated projects is consistent with the Court's ruling in both Associated Builders & Contractors v City of Jersey City and Hotel Temples. & Rest. Emples. Union, Local 57 v. Sage Hospitality Res., LLC, and require Project Labor Agreements only for those projects with a Total Construction Cost that is equal to or exceeds fifteen million dollars (\$15,000,000.00), exclusive of any land acquisition costs, and which receive (1) a tax exemption pursuant to N.J.S.A. 40A:20-1 et. seq. or N.J.S.A. 40A:21-1, et seq., and (2) receive some form of Redevelopment Area Financing such as an Affordable Housing Trust Fund Grant, a Community Block Development Grant, or a Redevelopment Area Bond; and

WHEREAS, it is also in the City's best interest to require that all future Project Labor Agreements include firm local hiring goals in order to ensure that City of Bayonne residents are actually hired to work on projects subject to Project Labor Agreements only for those projects with a Total Construction Cost that is equal to or exceeds fifteen million dollars (\$15,000,000.00), exclusive of any land acquisition costs, and which receive (1) a tax exemption pursuant to N.J.S.A. 40A:20-1 et. seq. or N.J.S.A. 40A:21-1, et seq., and (2) receive some form of Redevelopment Area Financing such as an Affordable Housing Trust Fund Grant, a Community Block Development Grant, or a Redevelopment Area Bond; and

WHEREAS, the City finds that that twenty percent (20%) of the total Labor-Person Hours performed by the Labor Organizations on such Project Labor Agreement related projects should be performed by residents of the City of Bayonne; and

WHEREAS, it is in the City's best interest to establish clear compliance and reporting benchmarks as well as establish remedies for non-compliance; and

WHEREAS, these benchmarks should be expressed in a model Project Labor Agreement and in a Memorandum of Understanding with the Hudson County Building and Construction Trades Council, both of which are to be drafted and approved by legal counsel;

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

Section 1. That the Revised General Ordinances of the City of Bayonne Chapter 33, Planning and Development, is hereby amended and supplemented by adding ARTICLE 19, Construction Project Labor Agreements, as set forth below in its entirety:

Article 19 Construction Project Labor Agreements

33-19.1 Definitions.

To effectuate the purposes of this Article, these terms shall have the following meanings:

1. APPRENTICE means a worker who participates in a program registered by the Bureau of Apprenticeship and Training of the U.S. Department of Labor, ("DOL") or an apprenticeship equivalent program either approved and funded by the New Jersey Department of Labor as of January 1, 2003, who takes a construction, apprenticeship test, and receives benefits and pay not less than those received by an apprentice.
2. AFFORDABLE HOUSING GRANT means a form of Redevelopment Area Financing involving a disbursement of monies from the City's Affordable Housing Trust Fund to a Developer, given in order to ensure the inclusion, of on-site affordable housing at the Developer's Project, for the duration of the tax exemption.
3. APPRENTICESHIP PROGRAM means an apprenticeship program and registered by the Bureau of Apprenticeship and Training of the U.S. Department of Labor or an apprenticeship equivalent program as that term is used by the State of New Jersey in the Abbot Project Labor Agreement either approved or funded by the New Jersey Department of Labor as of January 1, 2003.

4. CITY OF BAYONNE means the Mayor, the Municipal Council, the Law Director, and/or the Business Administrator of the City of Bayonne, or any of their designees.
5. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) means a form of Redevelopment Area Financing which provides monies that can be used to revitalize neighborhoods, expand affordable housing and economic opportunities, and/or improve community facilities.
6. CRAFT EMPLOYEE means a person employed in a Trade as defined herein at either the Apprentice or Journeyman level.
7. DEVELOPER means an entity that is developing a project that has a Total Construction Cost that is equal to, or in excess of, fifteen million dollars (\$15,000,000.00), exclusive of any land acquisition costs, and has received (1) a tax exemption pursuant to N.J.S.A. 40A:20-1 et. seq. (the Long-Term Tax Exemption Statute) or a tax exemption pursuant to N.J.S.A. 40A:21-1, et seq., (the Five-Year Tax Exemption Statute) and (2) is a recipient of some form of Redevelopment Area Financing (RAP) such as, but not limited to, a Redevelopment Area Bond ("RAB") pursuant to N.J.S.A. 40A:12A-64, et seq. or any other form of municipal financing/funding such as an Affordable Housing Trust Fund Grant, a Community Development Block Grant (CDBG), a direct payment to the Developer by the City in the form of rent, or (3) if the entity is the recipient of a construction contract awarded by the City for a Public Construction Project.
8. FINAL CERTIFICATE OF OCCUPANCY means the certificate that is issued by the Office of the Construction Official from the Building Department upon completion of the project indicating that the structure is ready for occupancy.
9. JOURNEYMAN means a skilled worker who is a member of a Labor Organization and who has successfully completed an official apprenticeship qualification in a building trade or craft.
10. LABOR ORGANIZATION means an organization which represents, for purposes of collective bargaining, employees trained in a particular Trade, involved in the performance of a public construction project or RAP project that has the present ability to refer, provide or represent sufficient numbers of qualified employees to perform the contracted work and has an apprenticeship program.
11. LABOR PERSON HOURS means the number of hours worked multiplied by the number of employees performing such work.
12. PRINCIPAL means any officer; director, or individual who directly or indirectly holds any beneficial interest in or ownership of the securities of the business and/or any employee of the business who is empowered by title or by explicit assignment to authorize the procurement, purchase, or contracting of equipment, goods, services, or supplies whatsoever involving an expenditure of \$ 1,000.00 or greater.
13. PROJECT COMPLETION means the determination by the City that the project, in whole or in part, is ready for the use intended, which ordinarily shall mean the date on which the project receives its Final Certificate of Occupancy.
14. PROJECT LABOR AGREEMENT (PLA) means a contract between a Labor Organization and a Developer for construction jobs that contains, at a minimum, the requirements set forth in this Chapter.
15. PUBLIC CONSTRUCTION PROJECT means any construction contract entered into by the City using public funds, the total cost of which is equal to or exceeds five million dollars (\$5,000,000.00), exclusive of any land acquisition costs.
16. REDEVELOPMENT AREA BOND means a form of Redevelopment Area Financing whereby the City sells bonds pursuant to N.J.S.A. 40A:12A-64, et seq. (the "RAB Law") in order to fund infrastructure improvements and other Project costs.
17. REDEVELOPMENT AREA FINANCING ("RAF") PROJECT means a project that has a Total Construction Cost that is equal to or exceeds fifteen million dollars (\$15,000,000.00), exclusive of any land acquisition costs, which and receives (1) a tax exemption pursuant to N.J.S.A. 40A:20-1 et seq. or N.J.S.A. 40A:21-1, et seq., and (2) some form of Redevelopment Area Financing such as an Affordable Housing Trust Fund Grant, a Community Block Development Grant, or a Redevelopment Area Bond.
18. RESIDENT means any person who currently lives in the City of Bayonne and who has lived in the City for the previous twelve (12) months.

19. SUBSTANTIAL COMPLETION means any construction project that is not completed but is near completion by virtue of the project receiving a Temporary Certificate of Occupancy from the Office of the Construction Official.

20. TEMPORARY CERTIFICATE OF OCCUPANCY means a certificate that is issued by the Office of the Construction Official when a project has been substantially completed provided that such portion or portions may be occupied safely prior to full completion of the building or structure without endangering health or safety.

21. TOTAL CONSTRUCTION COST means all costs, including infrastructure, excluding only land acquisition costs, incurred to construct a project through the date of completion, that is, the date the Final Certificate of Occupancy is issued. Total Construction Cost shall generally be determined in accordance with the industry standard of Marshall and Swift Valuation, but including the cost of piling and soil compaction. Total Construction Cost must include any construction cost constituting as an element of Total Project Cost under N.J.S.A. 40A:20-3(h)(4).

22. TRADE means a skilled job, typically one requiring manual skills and special training, such as carpentry, masonry, and plastering that are primarily concerned with the construction and finishing of buildings.

33-19.2 Project Labor Agreements required; General Terms.

All Redevelopment Area Financing (RAF) Projects as defined herein and all requests for proposals, specifications and final contracts for Public Construction Projects exceeding five million dollars (\$5,000,000.00), exclusive of any land acquisition costs, shall require the execution of a Project Labor Agreement that complies with the requirements of this Article. The Business Administrator may, having taking into consideration the nature, size and, complexity of the project, determine that a Project Labor Agreement is not required. In all cases where a Project Labor Agreement is utilized, it must advance the interests of the City, including cost, efficiency, quality, time lines, and need for a skilled labor force and safety.

All Project Labor Agreements shall contain the following terms:

1. A guarantee that there will be no strikes, lock-outs, or other similar actions;
2. Procedures to insure the effective, immediate, and mutually binding resolutions of jurisdictional and labor disputes arising before the completion of the work;
3. A provision, to bind all contractors and subcontractors on the project in all relevant documents;
4. Evidence that each contractor and subcontractor working on the project has a local Federally-registered apprenticeship program;
5. Conformity with all statutes, regulations and City ordinances regarding the implementation of the City's goals for the hiring of local residents. Specifically, that twenty percent (20%) of the total Labor-Person Hours performed by the Labor Organizations are performed by residents of City of Bayonne. Included in this 20% shall be Craft Employees of all skill levels including Apprentices and Journeymen.
6. A requirement that Developers and Labor Organizations complete the following "Pre-Construction Actions":

A. INITIAL MEETING. Prior to a Financial Agreement being executed between the City and the Developer, and prior to a Project Labor Agreement being executed between the Developer and the Labor Organizations, the Developer, the General Contractor, and a representative from the Labor Organizations must all meet with the Tax Assessor and Business Administrator (1) to assess the General Contractor's respective workforce needs, (2) to discuss the General Contractor's construction and procurement schedule, and (3) for the Tax Assessor to specify any and all procedures necessary and proper in carrying out the enlisted requirements within this Article.

B. PRE-CONSTRUCTION MEETING. Prior to the commencement of construction, the Developer, the General Contractor, and a representative from the Labor Organizations must all meet with the Business Administrator and Tax Assessor to present workforce needs, which will include the job description of the positions to be filled and the duration of the project. In

addition, the Developer and/or the General Contractor must provide the Business Administrator and Tax Assessor their construction and procurement schedules. The Labor Organizations must present the Developer and the City with the names, addresses, and trades of all eligible apprentices who are available to work on fee project. Additionally, the Business Administrator and/or Tax Assessor shall specify any and all procedures necessary and proper in carrying out the enlisted requirements within this Article.

C. ADVERTISEMENT. Not more than sixty (60) days after the Initial Meeting, each Labor Organization must advertise for prospective apprentices within their respective trade. These advertisements from each Labor Organization must do the following: (1) solicit apprenticeship applications for their respective apprenticeship program, (2) describe the basic requirements for admission into their-respective apprenticeship program, (3) describe the job training associated with their apprenticeship program, (4) state the date or dates for their respective apprenticeship tests, and (5) set forth the range of salaries. All apprenticeship applications and advertisements must meet the following requirements:

Application Requirements

1. All apprenticeship applications shall include a provision that the names and contact information of all applicants shall be listed in a job-seekers database maintained by the Office of Diversify and Inclusion;

2. Applications must be made available online and must be able to be filled out and submitted digitally via a mobile browser and via a personal computer/laptop browser;

3. Applications must be able to be downloaded and printed and applications must be made available to be picked up and submitted in person at a physical location during reasonable business hours (9 A. M. to 5 P.M., Mondays through Fridays).

Advertising Requirements

1. Advertisements must be posted both online and in all newspapers regularly distributed and/or circulated within the City of Bayonne;

2. Online advertisements, when clicked, must either direct the user to a web address to learn more or link directly to the online application form;

3. Advertisements must provide both a physical location and a web address to learn more;

4. All online advertisements must include relevant keywords (e.g. electrician, plumbing, etc.) to ensure that the targeted audience sees the advertisement;

5. Advertisements must be posted directly on LinkedIn, Indeed and GlassDoor, via sites such as ZipRecruiter or WorkConnect;

6. Advertisements posted through Google search ads and Google display ads or on any advertising network with similar reach, and any advertisements posted on Facebook, Twitter and Pandora, must be targeted to the City of Bayonne zip code;

7. All advertisements must run at least fourteen (14) days prior to the apprenticeship application deadline;

8. All proposed advertisements, regardless of whether they are in digital or in print format, must be approved by the Business Administrator fourteen (14) days in advance of publication.

At the conclusion of the application period, the results of the Labor Organization's advertising campaign (including, but not limited to, the total number of page -views, clicks, number of application submissions, etc.) must be submitted to the Business Administrator on forms issued by the City of Bayonne.

D. JOB FAIRS. The Labor Organizations must conduct job fairs once every three months, thus four times annually. The job fairs are to be held at a location to be provided by the City in order for the Labor Organizations to explain the apprenticeship programs and solicit applications from attendees.

33-19.3 Exemptions.

Any residential project which shall maintain more than fifty (50%) percent of the entire project's gross square footage as Affordable Housing shall be exempt from the requirement of a Project Labor Agreement.

In the event an application for a RAF Financing Project contains an estimate of Total Project Cost of less than fifteen million dollars (\$15 million), but upon Project Completion is determined to have a Total Construction Cost equal to or exceeding fifteen million dollars (\$15 million), then the project Service Charge shall be increased as follows:

A. LONG TERM TAX EXEMPTION. By an additional two (2%) percent of Total Project Cost, or five (5%) percent of Annual Gross Revenue, as applicable; or

B. FIVE YEAR TAX EXEMPTION. The phase-in for each year shall be increased by an. additional ten (10%) percent or, if applicable, the improvement assessment increased by five (5%) percent.

The above increases shall be retroactive to the date of Substantial Completion and shall apply for each and every year of the entire term of the RAF Financing Project.

33-19.4 Reports and Records.

A. All Developers of RAF Projects, whether subject to a Project Labor Agreement or not, shall submit a detailed certification, of the estimated Total Construction Cost with the application for any tax exemption, which shall be made available to the public.

B. In the event construction permits are issued more than twelve (12) months from the date of the adoption of the Ordinance approving the RAF Financing or have otherwise expired, the Developer shall be required to re-submit a current estimate of Total Construction Costs to ensure that the Total Construction Costs do not exceed fifteen million dollars (\$15,000,000.00) or a Project Labor Agreement shall be required.

C. No later than ninety (90) days following Project completion, the Developer shall submit a certification of actual Total Construction Cost certified to the City by the Project's Architect and Engineer. Total Construction Cost is subject to review by the City at the time of application and audit by the City, upon project completion.

D. The Project Labor Agreement shall require the submission of the following reports to the Business Administrator on the fifteenth (15) day of each month for the previous month in a format provided by the City of Bayonne, for each year of construction until Project Completion:

1. MANNING REPORT. This report which is provided by the Developer's General Contractor must accurately reflect the total work hours in each construction trade or craft and the number of hours worked by minorities and/or women in each trade or craft, and will list separately the work hours performed by such employees of the General Contractor who are actually performing work on the site and each of its subcontractors during the previous quarter.

2. CERTIFIED PAYROLL REPORT. This certified report, which is to be provided by the Developer's General Contractor, must specify the residence, gender and ethnic/racial origin of each worker, broken down by Trade, along with their respective work hours and the rate of pay and benefits provided,

3. EQUAL EMPLOYMENT OPPORTUNITY REPORTS. The Labor Organizations must provide copies of each of their local union reports (EEO-3) and each of their apprenticeship information reports (EEO-2), as required to be filed with the United States Commission of Equal Employment Opportunity Commission.

4. APPRENTICESHIP REPORT. This report from all of the Labor Organizations, which must be provided each month, shall list the names, addresses, and contact information of all persons who were accepted into each

Labor Organization's apprenticeship program. The report shall also list the names, addresses, and contact information of all City residents who were rejected for admission into each Labor Organization's apprenticeship program along with the reasons for their rejection. For those City residents who failed to finish the program, the report must provide the reasons why they failed to complete the program.

5. MEMBERSHIP REPORT. Every month, each Labor Organization shall provide an accurate, up-to-date number of its current membership throughout the State and a list of all of their current members, journeymen and apprentices who live in Bayonne, along with each member/journeyman/apprentice's name, address, and contact information.

6. OTHER REPORTS. The Developer and/or Labor Organizations shall furnish to the City any and all reports or other documents to the City as the City may reasonably request from time to time in order to carry out the purposes of this Ordinance.

7. RECORDS. Records to support the work hours stated in the above reports must be maintained for a period of three (3) years after project completion. All records shall be made available to the City upon ten (10) days prior written notice.

8. SITE ACCESS. Representatives of the City shall be permitted to have appropriate access to all work sites in order to monitor compliance.

33-19.5 Pre-Apprenticeship Training Program

1. INTER AGENCY COOPERATION. The City will solicit the support of the Bayonne Board of Education, Hudson County Community College, Hudson County Vo-Tech School, Bayonne Economic Opportunity Foundation, Bayonne Housing Authority, and other community-based organizations in order to maximize participation in the apprenticeship program among eligible City residents.

2. PREPARATORY SERVICES. The City shall be responsible for the development of a program to provide all necessary preparatory services for enrolled pre-apprentices, including assistance with GED preparation, obtaining drivers license, mentoring and other supportive services for pre-apprentices. The pre-apprenticeship program shall be operated in such a manner that its successful graduates will be equipped and eligible for entry into the apprenticeship programs of a Labor Organization.

3. MONITORING. The City shall be responsible for the selection, operation and supervision of pre-apprenticeship programs that may be operated by private entities (e.g. the Bayonne Economic Opportunity Foundation); and shall retain authority to review and approve the curriculum and procedures used to recruit and select participants.

33-19.6 Enforcement

1. The Business Administrator shall be the primary office authorized to implement and enforce this Ordinance, including (1) documentation and recordkeeping requirements, (2) monitoring and compliance activities, (3) project and/or contract coverage determinations, (4) designated referral sources, (5) bid and contract documents implementing the Ordinance, and (6) other matters related to implementation of this Ordinance.

2. The Business Administrator assesses compliance monthly during construction and for all ongoing obligations post-construction;

3. If the Business Administrator determines that a Project is not compliant, then the Business Administrator will issue a recommendation for appropriate corrective action.

4. The Developer and all Labor Organizations affiliated with the Project shall demonstrate to the City compliance with this Ordinance. It shall not be a defense to any enforcement action taken by the City that the Developer or the

Labor Organization could not obtain any item or information from any other party to the Project Labor Agreement. This Ordinance does not limit the Developer or the Labor Organization's ability to assess qualifications of prospective workers, to make final hiring and retention decisions. No provision of this Ordinance shall be interpreted so as to require a Developer, a Labor Organization, a General Contractor or a subcontractor to hire or retain a worker who lacks the necessary qualifications for the position in question, or to employ any particular worker regardless of qualifications.

33-19.7 Remedies

In the event that either the Developer and/or the Labor Organization should violate this Ordinance, the City may seek any and all remedies available to it at law or equity. Such remedies include, but are not limited to, compelling the Developer and/or the Labor Organization to (a) complete a remedial employment action plan, (b) pay liquidated damages or (b) electing to terminate the RAF and/or the tax exemption.

33-19.8 Severability

If any provision of this Chapter, or application thereof, to any person or circumstance is judged unconstitutional or otherwise invalid, the invalidity shall not affect other provisions or applications of this Chapter that can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared severable.

Section 2. Consistency. That the city's codifier, in consultation with the City Clerk and Director of Law, be and is hereby authorized and directed to make such changes in the Revised General Ordinances of the City of Bayonne as may be needed to make the provisions of any and all other Chapters consistent with the terms of this Chapter 33, Planning and Development.

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

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

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 33, PLANNING AND DEVELOPMENT," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, February 14, 2018 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

RESOLVED, that the City Clerk be and is hereby authorized and directed to publish said ordinance according to law, with a notice of its introduction and passage on first reading, and the time and place when and where said ordinance will be further considered for final passage, and to forward a copy of said ordinance to the planning board for its review of and a report regarding same pursuant to NJSA 40:55D-26.

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

* * * * *

11. 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 UNITS WITH RESPECT TO THE PARCEL
OF LAND LOCATED AT BLOCK 226, LOTS 18 & 19 (A/K/A 189-195 AVENUE E) 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, PAULANTO DENTAL, LLC is the owner of and has developed a parcel of land located at BLOCK 226, LOTS 18 & 19, (with a property address commonly known as "189-195 Avenue E") 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 a mixed use residential/commercial development of four stories, containing a dental office, fourteen (14) residential units and a total of 19 parking spaces located in two (2) parking garages on land located at 189-195 Avenue E (the "Project"); and

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

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

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

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

Section 2. The Municipal Council hereby approves an individual tax agreement for the exemption of real estate taxes on the improvements to be made on the parcels set forth above and any future lot(s) created or designated by virtue of the development thereof in the Project Area allowing for a 5 Year exemption on the improvements, but not the land, as provided in the TAX AGREEMENT attached hereto. Each such agreement is intended to apply to the individual parcel involved for the five years following substantial completion of the property provided that the terms of the agreement are met and shall be executed with respect to each such parcel by the owner of that parcel following the effective date of this ordinance.

Each such Tax Agreement shall be for no longer than five (5) years and only applicable to the assessed value of the new improvement (building) constructed on that parcel as such value is determined by the City Tax Assessor. Each such Tax Agreement shall also provide that; at all relevant times herein, the land values (land assessment) for the Project will NOT be subject to any Exemption or Abatement and that Land Taxes paid in full throughout any period of exemption on the improvement. If the effective date of this ordinance is subsequent to the date of substantial completion, the exemption shall nonetheless be credited from the first day of the Tax Year following substantial completion provided that the application was timely filed within 30 days of substantial completion and all other terms of the agreement are met. If the date of substantial completion should be prior to the effective date of this ordinance, the Mayor, in consultation with legal counsel to the City, is hereby authorized to execute each of these Tax Agreements, with such modifications or revisions deemed necessary by the Mayor, and to prepare, amend or execute any other agreements necessary to effectuate the Tax Agreement and this Ordinance.

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

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

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

Council 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 UNITS WITH RESPECT TO THE PARCEL OF LAND LOCATED AT BLOCK 226, LOTS 18 & 19 (A/K/A 189-195 AVENUE E) 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, February 14, 2018 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

* * * * *

12. Council Member LePelusa moved a 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 THE PREPARATION OF A REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 27-31 PROSPECT AVE, 33-39 PROSPECT AVE, AND 41 PROSPECT AVE, WHICH PROPERTIES ARE IDENTIFIED AS

BLOCK 455, LOTS 1, 2, AND 3 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 ET SEQ.*

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

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

WHEREAS, on March 16, 2005, the Municipal Council adopted Resolution 05-03-16-048 authorizing and directing the Planning Board of the City (the "Planning Board") to conduct a preliminary investigation to determine whether certain scattered sites in locations throughout the City, which include the properties located at 27-31 Prospect Avenue and 33-39 Prospect Avenue, which properties are identified as Block 455, Lots 1 and 2, as shown on the official Tax Map of the City (the "Redevelopment Area"), constitute an "area in need of redevelopment," in accordance with the Redevelopment Law; and

WHEREAS, by Resolution 05-12-14-064, dated December 14, 2005, the Municipal Council designated the Redevelopment Area as an area in need of redevelopment in accordance with the provisions of *N.J.S.A. 40A:12A-6* of the Redevelopment Law; and

WHEREAS, on September 13, 2017, the Municipal Council authorized and directed the Planning Board to conduct a preliminary 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, on December 13, 2017, the Municipal Council designated the Study Area as an area in need of redevelopment in accordance with the provisions of *N.J.S.A. 40A:12A-6* of the Redevelopment Law; and

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

WHEREAS, the City is desirous of directing the Planning Board to prepare a redevelopment plan; and

WHEREAS, the City believes that the property located at 27-31 Prospect Avenue, 33-39 Prospect Avenue, and 41 Prospect Avenue, which properties are identified as Block 455, Lots 1, 2, and 3 as shown on the official Tax Map of the City (the "Property") are potentially valuable for contributing to, serving, and protecting the public health, safety and welfare and for the promotion of smart growth within the City; and

WHEREAS, the Municipal Council believes that the preparation of a redevelopment plan is in the best interests of the City for the redevelopment of the Property (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 prepare a Redevelopment Plan for the Property identified as Block 455, Lots 1, 2, and 3 as shown on the official Tax Map of the City in accordance with the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.*; and

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

Section 3. This Resolution shall take effect immediately.

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

* * * * *

13. Council Member LaPelusa introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR CERTAIN PROPERTIES LOCATED AT 27-31 PROSPECT AVE, 33-39 PROSPECT AVE, AND 41 PROSPECT AVE, WHICH PROPERTIES ARE IDENTIFIED AS BLOCK 455, LOTS 1, 2, AND 3 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 ET SEQ.*

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

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

WHEREAS, on March 16, 2005, the Municipal Council adopted Resolution 05-03-16-048 authorizing and directing the Planning Board of the City (the "Planning Board") to conduct a preliminary investigation to determine whether certain scattered sites in locations throughout the City, which include the properties located at 27-31 Prospect Avenue and 33-39 Prospect Avenue, which properties are identified as Block 455, Lots 1 and 2, as shown on the official Tax Map of the City (the "Redevelopment Area"), constitute a non-condemnation "area in need of redevelopment," in accordance with the Redevelopment Law; and

WHEREAS, by Resolution 05-12-14-064, dated December 14, 2005, the Municipal Council designated the Redevelopment Area as an area in need of redevelopment in accordance with the provisions of *N.J.S.A. 40A:12A-6* of the Redevelopment Law; and

WHEREAS, on September 13, 2017, the Municipal Council authorized and directed the Planning Board to conduct a preliminary 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, on December 13, 2017, the Municipal Council designated the Study Area as a non-condemnation area in need of redevelopment in accordance with the provisions of *N.J.S.A. 40A:12A-6* of the Redevelopment Law; and

WHEREAS, on January 17, 2018, the Municipal Council by resolution authorized and directed the Planning Board, to prepare and review a redevelopment plan for the property located at 27-31 Prospect Avenue, 33-39 Prospect Avenue, and 41 Prospect Avenue, which properties are identified as Block 455, Lots 1, 2, and 3 as shown on the official Tax Map of the City (the "Property") and make recommendations to the Municipal Council in accordance with the Redevelopment Law; and

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Administration has prepared a redevelopment plan for the Property titled "Redevelopment Plan Madison Hill II Block 455, Lots 1, 2, & 3" dated January 17, 2018, (the "Redevelopment Plan"); and

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

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

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

Section 1. The afore-mentioned recitals are incorporated herein as though fully set forth at length.

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

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

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

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

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

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

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

* * * * *

14. Council Member Cotter introduced:

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

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

Section 1. That the Revised General Ordinances of the City of Bayonne, Chapter 7, TRAFFIC, Subsection 27 - Left Turn Prohibition, Schedule VII and XIX, is hereby amended and supplemented as follows (Additions ****between asterisks and/or in bold****, deletions ~~{within brackets and/or struck through}~~):

Intersection

Turn Prohibited

Movement Prohibited

29th Street and Avenue A Left

Westbound on 29th Street onto southbound Avenue A between the hours of 7:30 a.m. and 9:30 a.m. ****and 2:30 p.m. and 3:30 p.m.**** from Monday to Friday

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

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, February 14, 2018 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

* * * * *

15. Council Member Nadrowski introduced:

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

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

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

RESTRICTIVE PARKING ZONES

DELETE

078. Sheila Cain for her mother, Connie Sackowitch, 142 West 31st Street Beginning at a point on the south side of West 31st Street, 205 feet east of the southeast corner of West 31st Street and Avenue A, and extending to a point 22 feet east thereof.

129. Carmen Coss, 30 East 50th Street, Apt. 274 Beginning at a point on the south side of East 50th Street, 197 feet east of the southeast corner of East 50th Street and Broadway, and extending to a point 20 feet east thereof.

145. Carole Tocci, 156 West 4th Street Beginning at a point on the south side of West 4th Street, 125 feet west of the southwest corner of Kennedy Boulevard and West 4th Street, and extending to a point 19 feet west thereof.

Beginning at a point on the west side of Agnes Street, 83 feet north of the northwest corner of East 17th Street and Agnes Street, and extending to a point 17 feet north thereof.

055. Souzan F. Morgan, 23 Andrew Street

Beginning at a point on the north side of Andrew Street, 298 feet west of the northwest corner of Andrew Street and Broadway, and extending to a point 16 feet west thereof.

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

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, February 14, 2018 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

* * * * *

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

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

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

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

* * * * *

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

From Superior Court of New Jersey, Law Division Summons and Amended Complaint in matter entitled, "TAPIA vs. THE CITY OF BAYONNE." (Collision on June 20, 2013 on Kennedy Boulevard)

* * * * *

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

From Superior Court of New Jersey, Law Division Order to Show Cause and Complaint

* * * * *

20. 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.

* * * * *

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

December 28, 2017

Dear Council President Nadrowski
And Honorable Members of the Council:

Effective December 18, I have appointed Bayonne Chief Financial Officer Terrance Malloy as Acting Business Administrator until further notice. Mr. Malloy will assume the duties of Business Administrator Joseph DeMarco, who is taking a leave of absence from his position. As a former City Business Administrator and Mayor, Mr. Malloy has over 30 years of experience in City government and is an experienced municipal manager with a deep understanding of sound budgeting practices and effective personnel management.

Sincerely,
James M. Davis
Mayor
(signed)

* * * * *

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

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

* * * * *

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

DATE: January 1, 2018

TO: Terrence Malloy, CFO
Robert Sloan, City Clerk

24. 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.

* * * * *

25. 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, December 13, 2017 be and the same are hereby approved.

* * * * *

26. 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, December 6, 2017, be and the same are hereby approved.

* * * * *

27. 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
75	12	Ronald Greenbaum	191.79
85	6	John Gurbisz	231.84
137	4	William Birtwistle	3,027.07

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

RESOLVED, that pursuant to and consistent with a State Training Fee Report dated January 2, 2018 by Richard Bielinski, Construction Official, the Municipal Treasurer is hereby authorized and directed to issue a warrant drawn to the order of the State of New Jersey, in the amount of \$42,462.00 representing payment of state surcharge fees on new construction and alterations collected during the 4th quarter of 2017; and be it further

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

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

* * * * *

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

WHEREAS, the City Clerk's Office has issued Eighty-six (86) Marriage Licenses during the months of October, November and December and has collected \$25.00 per license, which is to be forwarded to the Division of Youth and Family Services, now, therefore be it

RESOLVED, that a warrant in the amount of Two thousand one hundred fifty dollars (\$2,150.00) be drawn to the order of the Treasurer, State of New Jersey and forwarded to the City Clerk's Office for disbursement.

* * * * *

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 \$ 564.60 drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of licenses Nos. 1-340 inclusive, 338 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.

* * * * *

31. The Council as a whole moved the following resolution, 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 Youth Center, 524 Kennedy Blvd., Bayonne, New Jersey 07002 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, the Bayonne Youth Center has requested and submitted a formal written application dated February 17, 2017 for said CDBG Grant Funds in the amount of \$3,250.00 for the purpose of providing the cost of architectural plans from DAL Design Group, 11 W. 8th Street, 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 architectural plans from DAL Design Group, 11 W. 8th Street, Bayonne, NJ 07002; and

2. Funds shall be charged to Account #CDBG-954

* * * * *

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

WHEREAS, the Police Department of the City of Bayonne has established that there is a need for yearly maintenance of the citywide communications system infrastructure; and

WHEREAS, Motorola Corporation is capable of supplying such services under State Contract #83909 for a one year period commencing January 1, 2018 and ending December 31, 2018 at a cost of \$196,436.15, pursuant to Motorola Future Service Agreement No. S00001012749 dated December 20, 2017; and

WHEREAS, it is essential for the health, safety and welfare of the citizens of the City of Bayonne that the citywide communications system infrastructure be maintained at all times; and

WHEREAS, in order to ensure uninterrupted maintenance of the citywide communications system infrastructure, the Chief of Police executed the aforesaid Motorola Future Service Agreement No. S00001012749 dated December 20, 2017 prior to obtaining approval from this body; and

WHEREAS, funds are certified as available in various accounts pending adoption of the CY 2018 budget; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The actions of the Chief of Police in executing the aforesaid Future Service Agreement No. S00001012749 dated December 20, 2017 with Motorola Solutions, ATTN: National Service Support/4th Floor, 1301 East Algonquin Road, Schaumburg, IL 60196, for maintenance of the citywide communications system infrastructure for a one year period commencing January 1, 2018 and ending December 31, 2018 for an amount of \$196,436.15 payable quarterly under State Contract #83909 are hereby ratified and affirmed.

2. The Treasurer is hereby authorized to issue quarterly checks in the amounts of \$49,109.04 payable for the first, second, and third quarters, and \$49,109.03 payable for the 4th quarter for a total contract amount of \$196,436.15 to Motorola Solutions representing payment for the aforesaid maintenance of the citywide communications systems infrastructure.

3. Funds shall be chargeable to Various Accounts.

* * * * *

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

WHEREAS, the Director of Public Safety has established that there is a need for continued licensing and warranty for its Parking Management System, Residential Parking Permit Software Permit Tech2000; and

WHEREAS, NetTech Solutions, 116 North Plains Industrial Road, Wallingford, CT 06492 is willing and able to supply said licensing and warranty for the period commencing January 1, 2018 and ending December 31, 2018 for the amount of \$775.00 and has provided the Director of Public Safety with a Parking Management System License and Warranty Agreement reflecting same; and

WHEREAS, funds are certified as available in Account No. 8-05-20-104-0000-199 pending adoption of the CY2018 budget; now, therefore, be it

3. Funds shall be chargeable to Account No. 8-05-20-104-0000-199.

* * * * *

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

WHEREAS, pursuant to Senate Bill S2364, Federal law permits the Secretary of the United States Department of Defense to transfer to Federal and State agencies personal property of the Department of Defense that the secretary determines is suitable for use by agencies in law enforcement activities; and

WHEREAS, known as the “Law Enforcement Support Office (LESO) 1033 Program”, this program allows local law enforcement agencies to obtain, at little or no cost, surplus federal property originally intended for use by the United States Armed Forces; and

WHEREAS, although equipment is provided through the “Law Enforcement Support Office (LESO) 1033 Program” at no cost to county and municipal law enforcement agencies, these agencies are responsible for costs associated with the maintenance, fueling and upkeep of the equipment and for specialized training for its operation; and

WHEREAS, taxpayers are the primary consumers and financiers of services provided by county and municipal law enforcement agencies and have the right to be assured that their money is being spent in an efficient and effective manner and the right to know the purposes for which public funds are utilized; and

WHEREAS, it is appropriate to establish a system of local oversight for county and municipal law enforcement agencies that participate in and acquire equipment through the “Law Enforcement Support Office (LESO) 1033 Program” and guidelines for the use of this equipment by those agencies; and

WHEREAS, an application for the enrollment of a municipal law enforcement agency in any program established by the United States Department of Defense pursuant to 10 U.S.C. s.2576a shall be approved by a resolution adopted by a majority of the full membership of the governing body of a local unit prior to the transmittal of any such application to the State Coordinator of any such program; now, therefore, be it

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

1. The Municipal Council does hereby authorize and approve participation in the “Law Enforcement Support Office (LESO) 1033 Program” established by the United States Department of Defense pursuant to 10 U.S.C. s2576a.

2. The Municipal Council does hereby authorize an application for the enrollment be made on behalf of the City of Bayonne.

3. The Municipal Council further agrees that the acquisition of any property by the City through the LESO Coordinator shall be approved by the Director of Public Safety and/or his designee and that the Municipal Council shall be given complete oversight of all property acquisitions through the 1033 program.

* * * * *

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

WHEREAS, a self-contained breathing apparatus (“SCBA”) is a type of respiratory protection equipment that contains breathable compressed air typically used by firefighters and rescue workers while operating in areas of immediate danger to life and health; and

1. The City of Bayonne hereby accepts the donation of the aforesaid Scott SCBA bottles for use by the City of Bayonne's Fire Department and its firefighters with an estimated total value of \$14,000.00 from IMTT-Bayonne.

2. The Chief of the Fire Department and/or his designee is/are hereby authorized to take any and all actions and sign any and all documents necessary to effectuate said acceptance.

* * * * *

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

WHEREAS, Walmart Corporation through its "Community Grant Program" provides grant funds to recognized government entities such as state, county, and city agencies, including law enforcement and fire departments that request funds exclusively for public purposes; and

WHEREAS, the Chief of the Fire Department submitted an application to the Walmart Corporation for grant funds through Walmart's Community Grant Program to be used for purchasing Fire Prevention materials; and

WHEREAS, the Chief of the Fire Department has been advised by the Walmart Community Grants Team that the application submitted by the Fire Department has been selected to receive a \$1,500.00 grant for the purchase of Fire Prevention materials; now, therefore, be it

RESOLVED by the Municipal Counsel as follows:

1. The Chief of the Fire Department and/or his designee is hereby authorized to execute any and all documents and take any and all actions necessary to effectuate the receipt of the aforesaid award of \$1,500.00 Community Grant Program Funds from Walmart Corporation through its Community Grant Program to be used for the purchase of Fire Prevention materials.

2. The actions of the Chief of the Fire Department in submitting an application to the Walmart Corporation through its Community Grant Program for grant funds to be used for purchasing of Fire Prevention equipment are hereby ratified and affirmed.

* * * * *

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

WHEREAS, by way of Municipal Council Resolution No. 17-01-18-040 adopted on January 18, 2017, the Municipal Council authorized the City to enter into an Employment Agreement with Stephen Peterson, the permanently appointed Deputy Chief of the Bayonne Fire Department effective retroactively to March 4, 2016; and

WHEREAS, pursuant to the aforesaid Resolution No. 17-01-18-040, the City of Bayonne entered into said Employment Agreement with Stephen Peterson (the "Employment Agreement"); and

WHEREAS, the terms of the Employment Agreement reflected that health benefit contributions/payments by Peterson would remain at the amounts specified, with an adjusted percentage rate for his salary, based on the department rank and structure as shown in the FMBA 211 MOU dated October 16, 2013, unless mutually agreed upon by both parties to the Employment Agreement; and

WHEREAS, by way of Municipal Council Resolution No. 17-12-13-105 adopted on December 13, 2017, the City entered into a new Memorandum of Understanding with the Bayonne Fire Superior Officers Association FMBA 211 which, among other things, extended

benefits/ contributions/payments by Peterson reflect the terms of the current Memorandum of Understanding authorized pursuant to Municipal Council Resolution 17-12-13-105 adopted on December 13, 2017.

* * * * *

38. The Council as a whole moved the following resolution, 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, or to aid in the prevention or elimination of slums and blight; and

WHEREAS, Windmill Alliance ("Windmill") is a non-profit organization dedicated to assisting and to providing social services to low- and moderate-income families; and

WHEREAS, Windmill currently operates The Supervised Apartment Program, a State licensed 15 bed facility for extremely low income, developmentally disabled individuals located at 331 Broadway, Bayonne, New Jersey; and

WHEREAS, Windmill submitted a formal written application to the City's CDBG administrator, the Bayonne Economic Opportunity Foundation (the "BEOF"), for new furnaces and replacement of major appliances for The Supervised Apartment Program; and

WHEREAS, there existed an urgent need to replace the boiler for one of the apartments in The Supervised Apartments Program, specifically Apartment No. 7 (the "Apartment"), due to flames and burning controls and wiring creating an imminent danger to the health, safety and welfare of the occupants of the building; and

WHEREAS, J.P.'s Plumbing & Heating Corp., 116 Linnet Street, Bayonne, New Jersey (the "Contractor") advised the BEOF of the imminent danger posed by the boiler and submitted a proposal to the BEOF for the replacement of said boiler for the amount of \$5,330.50 dated December 19, 2017; and

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

WHEREAS, funds were available in Account CDBG -917; and

WHEREAS, due to exigent circumstances the Executive Director of the BEOF authorized the Contractor to effectuate said replacement of the boiler prior to obtaining approval from this body; now, therefore, be it

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

1. The actions of the City's CDBG Program administrator, the BEOF, in authorizing the replacement of the aforesaid boiler for the Apartment in The Supervised Apartments Program located at 331 Broadway, Bayonne, New Jersey pursuant to the proposal submitted by the Contractor dated December 19, 2017 are hereby ratified and affirmed.

2. The Mayor and City Clerk are hereby authorized to execute an agreement with Windmill Alliance, 141 Broadway, Bayonne, New Jersey for the amount of \$5,330.50 for payment of the cost of the replacement of the aforesaid boiler for the Apartment in The Supervised Apartments Program located at 331 Broadway, Bayonne, New Jersey pursuant to the proposal submitted by the Contractor dated December 19, 2017.

3. Funds are certified as available in and chargeable to Account CDBG - 917.

* * * * *

RESOLVED, that the application of H AND M LEASING CORP., c/o Marc Field, 1245 Marconi Blvd., Copiague, NY 11726 for three (3) clothing donation bins to be located at 400 Bayonne Crossing Way at the specific location designated on the map submitted as part of their application, be and is hereby approved for the calendar year 2018; and be it further

RESOLVED, that the City Clerk be and is hereby authorized and directed to issue a permit for three (3) clothing donation bins to H AND M LEASING CORP., c/o Marc Field, 1245 Marconi Blvd., Copiague, NY 11726 for calendar year 2018.

* * * * *

40. 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 intersection improvements at Avenue C and West 12th Street.

* * * * *

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

WHEREAS, Resolution No. 17-12-13-041 adopted a calendar for council meetings and council caucus meetings for calendar year 2018; and

WHEREAS, in preparing said resolution the city clerk inadvertently failed to include the council's reorganization on July 1, 2018; now, therefore, be it

RESOLVED, that Resolution No. 17-12-13-041 be and is hereby amended to include the Reorganization Meeting of the City Council to be held Sunday, July 1, 2018 at 12:00 Noon; and be it further

RESOLVED, that the City Clerk is hereby directed to insure that proper notice of the City Council Reorganization meeting is provided to the public as follows:

a) Posting a copy of the amended annual schedule and appropriate notices of meetings on the bulletin board in the lobby of the Municipal Building.

b) Filing a copy of said notices in the City Clerk's Office.

c) Mailing, faxing, or otherwise delivering copies of said notices to the Jersey Journal and the Star Ledger within the time prescribed by the Open Public Meetings Act.

d) Complying with any additional statutory requirements not specified herein.

* * * * *

42. 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
Blessed Miriam Teresa	11:00 PM 126 Broadway March 9, 2018	RL: 9235
W.F. Robinson PTC	3:00 PM	RL: 9236

19 West 13th Street
May 5, 2018

Blessed Miriam Teresa

6:00-11:00 PM
19 West 13th Street
May 1, 2, 3, 4 and 5, 2018

RL: 9340

* * * * *

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

WHEREAS, the City Clerk is responsible for the conduct of the Municipal Election to be held May 8, 2018, and any Runoff Election to be held June 12, 2018, including the printing of ballots and related printing needs; and

WHEREAS, Royal Printing Service, West New York, New Jersey is the official printer for elections in Hudson County as designated by the Hudson County Clerk, and has provided such services to the City of Bayonne in past Municipal Elections; and

WHEREAS, the City Clerk estimates a maximum anticipated contract amount of \$60,000.00 for the Municipal Election and \$30,000.00 for the Runoff Election; and

WHEREAS, funds are available in Account – City Clerk Election subject to final adoption of the CY 2018 budget; now therefore be it

RESOLVED, that the Mayor and City Clerk be and are hereby authorized to execute an agreement with Royal Printing Service, West New York, New Jersey for printing related to the Municipal Election May 8, 2018 and any runoff on June 12, 2018, including nominating petitions, ballots and related printing needs for a total amount not to exceed \$90,000.00; and be it further

RESOLVED, that funds for same are chargeable to Account - City Clerk Election (8-01-20-122-0000-028), subject to final adoption of the CY 2018 budget.

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

* * * * *

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

CY 2018 TEMPORARY BUDGET

RESOLVED, by the Municipal Council that pursuant to N.J.S. 40A:4 -19, the following appropriations be and the same are hereby made and approved for the year CY 2018, and be it further.

RESOLVED, by the Municipal Council of the City of Bayonne, that the dedicated revenues pursuant to N.J.S. 40A:4 -39 for the period between the beginning of CY 2018 and the date of the adoption of the CY 2018 budget are hereby appropriated for the purpose to which said revenues are dedicated for in the said statutes or other legal requirements:

<u>CURRENT FUND</u>	<u>SALARIES</u>	<u>OTHER EXPENSES</u>	<u>COMBINED APPROPRIATION</u>
OFFICE OF THE MAYOR	\$ 100,000.00	\$ 3,500.00	
PLANNING BOARD		\$ 13,000.00	

GENERAL		\$ 1,500,000.00	
LIABILITY/WORKERS COMP			
GROUP INSURANCE WAIVER COST			
TELEPHONE EXPENSES		\$ 32,000.00	
MUNICIPAL COUNCIL	\$ 44,000.00	\$ 1,500.00	
BUDGET & ACCOUNTING		\$ 50,000.00	
FEES			
CITY CLERK'S OFFICE	\$ 90,000.00	\$ 8,000.00	
PRIMARY & GENERAL	\$ 8,000.00	\$ 10,000.00	
ELECTION			
FINANCE	\$ 240,000.00	\$ 20,000.00	
TAX ASSESSOR	\$ 80,000.00		
COLLECTION OF TAXES	\$ 65,000.00		
POSTAGE		\$ 25,000.00	
PLANNING & ZONING	\$ 150,000.00	\$ 3,000.00	
LAW DEPT.	\$ 170,000.00	\$ 10,000.00	
LAW DEPT - CONTRACTS		\$ 60,000.00	
RESERVE FOR TAX APPEALS			
BOARD OF HEALTH	\$ 180,000.00	\$ 100,000.00	
BAYONNE HEALTH CENTER		\$ 1,000.00	
SOLID WASTE DISPOSAL		\$ 1,000,000.00	
SOLID WASTE COLLECTION		\$ 800,000.00	
FIRE DEPT. - UNIFORM		\$ 80,000.00	
	\$6,000,000.00		
FIRE DEPT. - NON-UNIFORM	\$ 60,000.00		
UNIFORM FIRE SAFETY ACT		\$ 30,000.00	
LAW ENFORCEMENT -		\$ 200,000.00	
UNIFORM	\$6,300,000.00		
LAW ENFORCEMENT - NON-	\$ 850,000.00	\$ 4,000.00	
UNIFORM			
HOMELAND SECURITY- POLICE S&W			
HOMELAND SECURITY- FIRE S&W			
PROSECUTOR'S OFFICE		\$ 30,000.00	
CELEBRATION OF PUBLIC		\$ 10,000.00	
HOLIDAYS			
PARKS & PLAYGROUNDS	\$ 380,000.00	\$ 30,000.00	
STREETS & ROAD	\$ 310,000.00	\$ 60,000.00	
MAINTENANCE			
BUILDINGS & GROUNDS	\$ 350,000.00	\$ 75,000.00	
VEHICLE MAINTENANCE	\$ 200,000.00	\$ 100,000.00	
MAINTENANCE OF PARKS	\$ 650,000.00	\$ 20,000.00	
OTHER PUBLIC WORKS	\$ 90,000.00	\$ 50,000.00	
SNOW REMOVAL	\$ 150,000.00	\$ 100,000.00	
SWIMMING POOL	\$ 30,000.00	\$ 30,000.00	
WATER SEWER DIVISION	\$ 75,000.00	\$ 60,000.00	
PUBLIC DEFENDER		\$ 30,000.00	
BULK LEVY EXPENSES		\$ 5,000.00	
RETIREMENT OF LIQUOR LICENSES			
GASOLINE, OIL, GREASE,		\$ 120,000.00	
ETC.			
OLDER AMERICAN			\$ 45,000.00
PROGRAM			
UTILITIES		\$ 500,000.00	
SOCIAL SECURITY		\$ 700,000.00	
CONSOLIDATED P&F		\$ 10,000.00	
RET.SYSTEM			
PUBLIC EMPLOYEES' RETIREMENT SYSTEM			
POLICE AND FIREMEN'S RETIREMENT SYSTEM			
UNEMPLOYMENT INSURANCE			
MUNI PEN. TO EMPLOYEE &		\$ 10,000.00	
WIDOWS			
DEFINED CONTRIBUTION RETIREMENT PROGRAM			
MUNICIPAL COURT	\$ 300,000.00	\$ 25,000.00	

\$29,376,249.0
0

	<u>SALARIES</u>	<u>OTHER EXPENSES</u>	<u>COMBINED APPROPRIATION</u>
<u>PARKING UTILITY</u>			
OPERATING	\$ 200,000.00	\$ 45,000.00	
GROUP INSURANCE		\$ 25,000.00	
OTHER INSURANCE		\$ 8,000.00	
SOCIAL SECURITY		\$ 10,000.00	
PUBLIC EMPLOYEES' RETIREMENT		\$ 2,000.00	
SYSTEM			
UNEMPLOYMENT INSURANCE			
	<u>\$ 200,000.00</u>	<u>\$ 92,000.00</u>	<u>\$ -</u>
 TOTAL	 <u>\$ 292,000.00</u>		

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

* * * * *

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

RESOLVED, that the budgetary transfers as set forth below pertaining to the CY 2017 appropriations be and the same are hereby authorized, and be it further

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

CURRENT FUND

NO.	FROM ACCOUNT	AMOUNT	TO ACCOUNT	AMOUNT
1	Water & Sewer		Vehicle Maintenance O.E.	\$40,000.00
	Division- S&W	\$17,000.00	Park Maintenance O.E.	\$10,000.00
	Water & Sewer		Streets & Roads Maintenance	
	Division-O.E.	\$20,000.00	O.E.	\$15,000.00
	Parks & Recreation		Public Defender-O.E.	\$ 1,500.00
	City Clerk-S&W	\$10,000.00	Municipal Court-O.E.	\$ 9,000.00
	Other Public Works			
	S& W	\$20,000.00		

PUBLIC UTILITY

1	Parking Utility-O.E.	\$2,500.00	Parking Utility – S& W	\$2,500.00
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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.

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW
 JERSEY AUTHORIZING AND DIRECTING THE PLANNING BOARD TO REOPEN

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

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

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

WHEREAS, on May 20, 2015, the Municipal Council pursuant to Ordinance O-15-13 adopted the Redevelopment Plan dated March 9, 2015 and revised through April 24, 2015; and

WHEREAS, 26 North Avenue, LLC is the owner of the property located within the Rehabilitation Area, which is designated as 26 North Street, and identified as Block 297, Lot 3 on the official Tax Maps of the City of Bayonne (the “Property”); and

WHEREAS, on October 21, 2015, 26 North Avenue, LLC, was designated redeveloper of the Property; 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 creation of an overlay for the Property in order to expand the scope of the revitalization and redevelopment efforts in the City and to make the 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 297, Lot 3 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.

* * * * *

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

WHEREAS, Bayonne Equities Urban Renewal, LLC, a New Jersey non-profit corporation, has its offices at 4615 Canton Road, Apt. 2508, Canton Road and

RESOLVED by the Municipal Counsel as follows:

1. The Mayor and Clerk are hereby authorized to execute a Declaration of Easement Agreement in form and substance similar to that which is attached hereto as Exhibit A and to execute any and all other documents necessary to effectuate the intents and purposes thereof.

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

* * * * *

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY DESIGNATING CERTAIN PROPERTY LOCATED AT 130-134 AVENUE F, EAST 23RD ST, MECHANIC ST, 37 MECHANIC ST, 39 MECHANIC ST, AND 41 MECHANIC ST, WHICH PROPERTIES ARE IDENTIFIED AS BLOCK 450, LOTS 1, 10.01, 10.02, 22, 23, AND 24, AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT AND AUTHORIZING AND DIRECTING THE PLANNING BOARD TO PREPARE A REDEVELOPMENT PLAN FOR THE PROPERTY PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 ET SEQ.*

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

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

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

WHEREAS, the Mayor and Municipal Council considered it to be in the best interest of the City to have the Planning Board of the City (the "Planning Board") conduct such an investigation to determine if certain properties located at 130-134 Avenue F, East 23rd St, Mechanic St, 136 Avenue F, 37 Mechanic St, 39 Mechanic St, and 41 Mechanic St, which properties are identified as Block 450, Lots 1, 10.01, 10.02, 21, 22, 23, and 24, 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, on January 9, 2018, the Planning Board held a public hearing, duly noticed under the Redevelopment Law, and reviewed an investigation/report for the properties identified as Block 450, Lots 1, 10.01, 10.02, 22, 23, and 24 (the "Redevelopment Area"), which was entitled "Preliminary Investigation Non-Condensation Area in Need of Redevelopment 130-134 Avenue F, East 23rd St, Mechanic St, 37 Mechanic St, 39 Mechanic St, and 41 Mechanic St, Block 450, Lots 1, 10.01, 10.02, 22, 23 and 24 " prepared by Suzanne Mack, PPAICP, City of Bayonne, Division of Planning & Zoning, Department of Administration, (the "Study") and any persons interested in or affected by a determination that the Redevelopment Area is a non-condemnation redevelopment area were given an opportunity to be heard, and any objections to such a determination and evidence in support of those objections, were received and considered and made part of the public record; and

WHEREAS, on January 9, 2018, the Planning Board further adopted a resolution recommending that the Redevelopment Area be determined by the Municipal Council to be a non-condemnation "area in need of redevelopment" under the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.*; and

WHEREAS, the Redevelopment Plan may be amended at a future date to include the property located at 136 Avenue F, which property is identified as Block 450, Lot 21, provided the subject parcel is determined to be a non-condemnation "area in need of redevelopment," in accordance with the Redevelopment Law; and

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

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

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

Section 1. The afore-mentioned recitals are incorporated herein as though fully set forth at length.

Section 2. The property located at 130-134 Avenue F, East 23rd St, Mechanic St, 37 Mechanic St, 39 Mechanic St, and 41 Mechanic St, which properties are identified as Block 450, Lots 1, 10.01, 10.02, 22, 23 and 24, as shown on the Official Tax Map of the City is hereby designated a non-condemnation "area in need of redevelopment" under the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.*

Section 3. The Municipal Council hereby directs the City Clerk to transmit a copy of the within resolution to the Commissioner of the Department of Community Affairs and to serve notice that Block 450, Lots 1, 10.01, 10.02, 22, 23 and 24, is designated a non-condemnation redevelopment area on the owners of such Redevelopment Area and other parties within ten (10) days of the date hereof, in accordance with *N.J.S.A. 40A:12A-6.b(5)*.

Section 4. The Planning Board of the City of Bayonne is hereby authorized and directed to prepare a Redevelopment Plan for the Redevelopment Area identified as Block 450, Lots 1, 10.01, 10.02, 22, 23, and 24 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 5. The Planning Board shall transmit the Redevelopment Plan to the Municipal Council for further consideration and action upon completion of same.

Section 6. This Resolution shall take effect immediately.

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

* * * * *

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

CONSENT RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING THE PERMITTED ASSIGNMENT OF A FINANCIAL AGREEMENT FROM BAYONNE AVENUE E URBAN RENEWAL, LLC TO 154 AVE E BAYONNE MILE HIGH AMS URBAN RENEWAL, LLC AND 154 AVE E BAYONNE AMS URBAN RENEWAL, LLC FOR THE PROPERTY LOCATED AT BLOCK 458, LOTS 1 AND 1.01 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE FOR THE REDEVELOPMENT OF SUCH PROPERTY IN ACCORDANCE WITH THE REDEVELOPMENT PLAN AND FINANCIAL AGREEMENT

WHEREAS, on May 16, 2012, the City of Bayonne designated as redeveloper Bayonne Avenue E Urban Renewal, LLC for the properties identified as Block 458, Lot 1, and Block 467, Lots 27, 28, and 29, as shown on the Official Tax Map of the City of Bayonne (the "Redeveloper"); and

WHEREAS, Block 467, Lots 27, 28, & 29, were consolidated into Block 458, Lot 1.01;

WHEREAS, Section 8.01(B) ("Assignment and/or Assumption") of the above noted Financial Agreement expressly permits the transfer of all rights, duties, and obligations under the Financial Agreement.

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

Section 1. The Mayor and the City Clerk are hereby authorized and directed to execute an amendment to the February 22, 2013, Financial Agreement effectuating the transfer of all rights, duties and interests from Bayonne Avenue E Urban Renewal, LLC to 154 Ave E Bayonne Mile High AMS Urban Renewal, LLC, and 154 Ave E Bayonne AMS Urban Renewal, LLC, as tenants in common, for Block 458, Lots 1 and 1.01, consistent with Section 8.01(B) of the Financial Agreement.

Section 2. This Resolution shall take effect immediately.

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

* * * * *

50. Council Member LaPelusa introduced:

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

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

Section 1. That the Revised General Ordinances of the City of Bayonne, Chapter 7, TRAFFIC, Subsection 17-16.1 Parking Prohibited During Certain Hours on Certain Streets, is hereby amended and supplemented as follows (Additions ****between asterisks and/or in bold****, deletions ~~(within brackets and/or struck through)~~):

Name of Street	Sides	Hours	Location
15th Street	North	Wednesday and Friday 7:00 p.m. 9:00 p.m., Sunday 9:00 a.m. to 6:00 p.m.	Beginning at a point 138 Feet west of the northwest corner of West 15 th Street & Avenue C and extending to a Point 32 feet west thereof ^{f}

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

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, February 14, 2018 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.

to the City's Request for Qualifications/Proposals for said professional engineering and planning services; and

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

WHEREAS, funds have been certified as available in various accounts pending adoption of the CY2018 budget; and

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

WHEREAS, Jacobs Engineering Group, Inc. has qualified pursuant to the Fair & Open Contracting Requirements pursuant to N.J.S.A.19:44A:20.4.5; now, therefore, be it

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute an agreement with Jacobs Engineering Group, Inc., 299 Madison Avenue, P.O. Box 1936, Morristown, New Jersey 07962 for professional engineering and planning services on an on-call basis for the period commencing January 1, 2018 and terminating December 31, 2018 for an amount not to exceed \$10,000.00.

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

3. Funds have been certified as available in various accounts pending adoption of the CY2018 budget.

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

* * * * *

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

WHEREAS, the City of Bayonne ("City") and the Bayonne Water Joint Venture, LLC ("Borrower") are parties to the Bayonne Water & Wastewater Concession Agreement dated as of December 20, 2012 (as amended, restated, modified or otherwise supplemented from time to time in accordance with the terms thereof, the "Concession Agreement"), pursuant to which the City, among other things, grants to the Borrower the rights to use, operate, manage, construct, maintain and improve the Systems, to perform the System Operations and collect and retain all Revenues from the Systems (in each case as defined in the Concession Agreement); and

WHEREAS, the City, the Borrower and Deutsche Bank Trust Company Americas, as Collateral Agent (together with its successors and assigns in such capacity, the "Collateral Agent") entered into a Consent Agreement dated as of December 20, 2012 (the "Existing Consent Agreement") pursuant to which the City consented to the pledge and assignment of, and the granting of the lien and security in, the Concessionaire Interest in connection with certain Collateral Assignment Debt incurred by the Borrower on or about the Effective Date of the Concession Agreement (the "Existing Debt"); and

WHEREAS, the Borrower has entered into the Note Purchase Agreement dated as of the date hereof (the "Note Purchase Agreement") with the note purchasers from time to time party thereto (the "Purchasers"), pursuant to which the Purchasers have agreed to purchase certain senior secured notes (the "Notes") on the Closing Date to finance certain general corporate purposes; and

WHEREAS, the Borrower has entered into the Credit Agreement dated as of the date

agency and intercreditor agreement dated as of December 20, 2012 pursuant to which the Collateral Agent agreed to act as collateral agent for the Secured Parties; and

WHEREAS, the Borrower has granted in favor of the Collateral Agent, for the benefit of the Secured Parties, security interests encumbering all of the Borrower's properties and assets, including the Concessionaire Interest, pursuant to the Security Documents (as defined under the Note Purchase Agreement), as collateral security for the Borrower's payment and other obligations (collectively, the "Senior Obligations") under the Note Purchase Agreement and each other Financing Document (as defined under the Note Purchase Agreement) and the Credit Agreement and each other Financing Document (as defined under the Credit Agreement); and

WHEREAS, it is a condition precedent to the purchase of any Notes under the Note Purchase Agreement and the making available of the Credit Facilities under the Credit Agreement that the City shall have executed and delivered this Consent, which is the consent referred to in Section 10.2 of the Concession Agreement, and the City is willing to give this Consent in reliance in part upon the representations of the Borrower contained in the certificate attached hereto as Exhibit A and the representations of the Collateral Agent contained in the certificate attached hereto as Exhibit B; now, therefore, be it

RESOLVED by the Municipal Counsel as follows:

1. The Mayor and Clerk are hereby authorized to execute a Consent Agreement in form and substance similar to that which is attached hereto and to execute any and all other documents necessary to effectuate the intents and purposes thereof.

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

* * * * *

At 8:17 P.M. Council Member Perez motioned to adjourn, seconded by Council Member Cotter, which motion was adopted.

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

* * * * *

President – Sharon A. Nadrowski

Clerk – Robert F. Sloan