

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, APRIL 18, 2018

The Council met at 7:10 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 April 18, 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 April 13, 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. The Council as a whole moved the following communication be received and filed, which motion was adopted.

I, Robert F. Sloan, City Clerk of the City of Bayonne, hereby certify pursuant to NJSA 40:69A-190 and an Order signed by Hon. Peter F. Bariso, A.J.S.C., a copy of which is attached hereto that the referendum petition filed on September 12, 2017, seeking to repeal Ordinance No. 0-17-43, amending Chapter 20, Personnel Policies, of the Revised General Ordinances of the City of Bayonne, has a sufficient number of signatures of qualified voters to qualify for inclusion on the ballot at an election to be held in the City of Bayonne. The required number of signatures for the petition to be successful is 975. Upon re-examination of the petition based on documentation presented to the Court, I have determined that the petition contains 977 valid signatures of qualified voters.

Pursuant to NJSA 40:69A-191, the City Council may within 20 days of the date of this certification, repeal said ordinance or fail to act on repeal. Absent of appeal and after the expiration of said 20 day period, the committee of petitioners has a 10 day period in which they may withdraw the petition. If the committee does not withdraw its petition, a public question must be presented to the voters at a special election to be held, in this case, within 40 to 60 days. That range would span from June 9, 2018 to June 29, 2018. The logical date for a special election would be Tuesday, June 12, 2018, the date currently scheduled for any runoff election needed for the municipal election.

IN WITNESS WHEREOF, I have set my
hand and affixed the corporate seal of
the City of Bayonne, this 29th day of
March, 2018.

Robert F. Sloan
City Clerk
(signed)

BE IT RESOLVED, that on or before March 29, 2018, the Municipal Council received the “Final Certification of Referendum Petition” submitted by Robert F. Sloan, City Clerk, certifying, pursuant to N.J.S.A. 40:69A-109 and Court Order entered March 28, 2018 by the Hon. Peter F. Bariso, Jr., A.J.S.C., Superior Court of New Jersey, Law Division, Hudson County, under Docket No.: HUD-L-4987, copies of which are attached hereto, that the referendum petition filed on September 13, 2017, seeking to repeal Ordinance O-17-43, amending Chapter 20, Personnel Policies, of the Revised General Ordinances of the City of Bayonne, has a sufficient number of signatures of qualified voters for inclusion on the ballot at an election to be held in the City; and be it further

RESOLVED, that the Final Certification of Referendum Petition, submitted to the Municipal Council on or before March 29, 2018, contained a scrivener’s error in that the corporate attestation by the City Clerk reflects it was signed and sealed on the “2nd day of October, 2017” instead of on the 28th day of March, 2018 and that the Municipal Council is in

receipt of a “Corrected Final Certification of Referendum Petition” signed and sealed by the City Clerk on the 28th day of March, 2018, a copy of which is attached hereto; and be it further

RESOLVED, that, notwithstanding the scrivener’s error, within 20 days of its receipt of the Final Certification of Referendum Petition, pursuant to N.J.S.A. 40:69A-191, the Municipal Council herein elects to repeal Ordinance O-17-43, amending Chapter 20, Personnel Policies, Subsection 20-16.1(b), Residency Requirements of the Revised General Ordinances of the City of Bayonne, adopted on August 16, 2017 (attached), in favor of the previous version of the ordinance (attached); and be it further

RESOLVED, that the repeal of Ordinance O-17-43, amending Chapter 20, Personnel Policies, Subsection 20-16.1(b), Residency Requirements, of the Revised General Ordinances of the City of Bayonne, is effective immediately and the previous version of the ordinance found at Chapter 20, Personnel Policies, Subsection 20-16.1(b), Residency Requirements, of the Revised General Ordinances of the City of Bayonne, shall and is hereby reinstated, effective immediately; and be it further

RESOLVED, the City Clerk be and is hereby authorized and directed to publish notice of the repeal of Ordinance O-17-43 and the reinstatement of the previous version of the ordinance found at Chapter 20, Personnel Policies, Subsection 20-16.1(b), Residency Requirements, of the Revised General Ordinances of the City of Bayonne, effective immediately.

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

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

WHEREAS, the City of Bayonne is in need of professional animal control and shelter services; and

WHEREAS, the City of Bayonne advertised a Request for Qualifications for the aforesaid professional animal control services for the period commencing January 1, 2018 and ending December 31, 2019 pursuant to the fair and open contracting provisions set forth in N.J.S.A. 19:44A-20.4 and N.J.S.A. 19:44A-20.5; and

WHEREAS, the City of Bayonne received two timely responses pursuant to the aforesaid advertisements:

1. New Jersey Animal Control Services, 15C Hillside Place, Lodi, NJ 07644 in the amount of \$87,500.00 per year (or \$7,291.66 per month)
2. Liberty Humane Society, 235 Jersey City Boulevard, Jersey City, NJ 07305 in the amount of \$84,900.00 per year (or \$7,075.00 per month); and

WHEREAS, professional animal control services are essential for the health, safety and welfare of the citizens of the City of Bayonne; now, therefore, be it

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

1. The Mayor is hereby authorized and directed to enter into an agreement with Liberty Humane Society, 235 Jersey City Boulevard, Jersey City, NJ 07305 for the provision of animal control, collection and sheltering services for the City of Bayonne; and
2. This contract is for a term commencing May 15, 2018 and ending December 31, 2019 for the amount of \$7,075.00 per month, for a total contract amount of \$137,962.50; and
3. Funds for this purpose are available in Account ##08-01-27-330-0000-029 pending adoption of the CY 2018 and CY2019 Budgets.

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

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03. Megan McNally addressed the council on the animal control contract.

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04. Peter Franco addressed the council regarding animal control.

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05. The Clerk announced:

AN ORDINANCE ENTITLED, “ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR CERTAIN PROPERTY LOCATED AT 117-121 PROSPECT AVE, WHICH PROPERTY IS IDENTIFIED AS BLOCK 441, LOT 10, AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 *ET SEQ.*” which was introduced and passed a first reading at a meeting held March 14, 2018, 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 April 18, 2018, is now before the Council for its consideration and a public hearing.

Council Member Perez moved a resolution to table to the meeting of May 16, 2018, seconded by Council President Nadrowski, which was read by the Clerk and adopted.

BE IT RESOLVED, that further consideration of the foregoing ordinance be tabled to the meeting of May 16, 2018 at 7:00 P.M. or as soon thereafter as the matter can be reached, in the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey; 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 the time and place when and where said ordinance will be further considered for final passage.

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

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06. The Clerk announced:

AN ORDINANCE ENTITLED, “AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR CERTAIN PROPERTY LOCATED AT 554-556 BROADWAY AND 11 EAST 25TH STREET, AND IDENTIFIED AS BLOCK 185, LOTS 5 AND 10 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 *ET SEQ.*,” which was introduced and passed a first reading at a meeting held March 14, 2018, 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 April 18, 2018, is now before the Council for its consideration and a public hearing.

Council Member LaPelusa moved a resolution, seconded by Council Member Perez, which was read by the Clerk and 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 ADOPTING A REDEVELOPMENT PLAN FOR CERTAIN PROPERTY LOCATED AT 554-556 BROADWAY AND 11 EAST 25TH STREET, AND IDENTIFIED AS BLOCK 185, LOTS 5 AND 10 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 *ET SEQ.*,”

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 objects to the ordinance or to its passage.

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

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

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

Council Member 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 ADOPTING A REDEVELOPMENT PLAN FOR CERTAIN PROPERTY LOCATED AT 554-556 BROADWAY AND 11 EAST 25TH STREET, AND IDENTIFIED AS BLOCK 185, LOTS 5 AND 10 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.,” was introduced and passed a first reading at a meeting held March 14, 2018, 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 April 18, 2018; and

WHEREAS, said ordinance was referred to the planning board for its review and a report; 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-18-18.

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 CERTAIN PROPERTIES 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 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 March 14, 2018, 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 April 18, 2018, is now before the Council for its consideration and a public hearing.

Council President Nadrowski moved a resolution to table to the meeting of May 16, 2018, seconded by Council Member Perez, which was read by the Clerk and adopted.

BE IT RESOLVED, that further consideration of the foregoing ordinance be tabled to the meeting of May 16, 2018 at 7:00 P.M. or as soon thereafter as the matter can be reached, in the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey; 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 the time and place when and where said ordinance will be further considered for final passage.

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

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08. The Clerk announced:

AN ORDINANCE ENTITLED, ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING AN AMENDED REDEVELOPMENT PLAN FOR THE PENINSULA AT BAYONNE HARBOR, AND REFERRED TO AS “HARBOR STATION SOUTH”, which was introduced and passed a first reading at a meeting held March 14, 2018, 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 April 18, 2018, is now before the Council for its consideration and a public hearing.

Council Member Perez moved a resolution to table to the meeting of May 16, 2018, seconded by Council President Nadrowski, which was read by the Clerk and adopted.

BE IT RESOLVED, that further consideration of the foregoing ordinance be tabled to the meeting of May 16, 2018 at 7:00 P.M. or as soon thereafter as the matter can be reached, in

the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey; 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 the time and place when and where said ordinance will be further considered for final passage.

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

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09. The Clerk announced:

AN ORDINANCE ENTITLED, ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING AN AMENDED AND RESTATED SCATTERED SITE 14 REDEVELOPMENT PLAN FOR THE PROPERTIES IDENTIFIED AS BLOCK 452.02, LOTS 3-9, AND 11 AND BLOCK 451, LOTS 1.01, 1.02, 2.03, 2.04 AND 2.05 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE”, which was introduced and passed a first reading at a meeting held March 14, 2018, 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 April 18, 2018, is now before the Council for its consideration and a public hearing.

Council Member Perez moved a resolution to table to the meeting of May 16, 2018, seconded by Council President Nadrowski, which was read by the Clerk and adopted.

BE IT RESOLVED, that further consideration of the foregoing ordinance be tabled to the meeting of May 16, 2018 at 7:00 P.M. or as soon thereafter as the matter can be reached, in the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey; 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 the time and place when and where said ordinance will be further considered for final passage.

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

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10. The Clerk announced:

AN ORDINANCE ENTITLED, “ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING THE AMENDED SCATTERED SITE REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 474-476 BROADWAY, WHICH PROPERTY IS IDENTIFIED AS BLOCK 205, LOT 10.01 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 March 14, 2018, 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 April 18, 2018, is now before the Council for its consideration and a public hearing.

Council Member LaPelusa moved a resolution, seconded by Council Member Perez, which was read by the Clerk and 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 THE AMENDED SCATTERED SITE REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 474-476 BROADWAY, WHICH PROPERTY IS IDENTIFIED AS BLOCK 205, LOT 10.01 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 objects to the ordinance or to its passage.

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

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

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

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

WHEREAS, an ordinance entitled, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING THE AMENDED SCATTERED SITE REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 474-476 BROADWAY, WHICH PROPERTY IS IDENTIFIED AS BLOCK 205, LOT 10.01 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 March 14, 2018, 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 April 18, 2018; and

WHEREAS, said ordinance was referred to the planning board for its review and a report; 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-18-19.

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

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11. The Clerk announced:

AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 11, POLICE DEPARTMENT," was introduced and passed a first reading at a meeting held March 14, 2018, which was introduced and passed a first reading at a meeting held February 14, 2018, was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of March 14, 2018, is now before the Council for its consideration and a public hearing.

Council Member Perez moved a resolution, seconded by Council Member Gullace, which was read by the Clerk and 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 11, POLICE DEPARTMENT"

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 objects to the ordinance or to its passage.

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

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

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

Council Member Perez moved a resolution for final passage, seconded by Council 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 11, POLICE DEPARTMENT," was introduced and passed a first reading at a meeting held March 14, 2018, 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 April 18, 2018; and

WHEREAS, said ordinance was referred to the planning board for its review and a report; 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-18-20.

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

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12. 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 March 14, 2018, 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 April 18, 2018, is now before the Council for its consideration and a public hearing.

Council President Nadrowski moved a resolution, seconded by Council Member Gullace, which was read by the Clerk and 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 objects to the ordinance or to its passage.

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

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

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

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

WHEREAS, an ordinance entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC," was introduced and passed a first reading at a meeting held March 14, 2018, 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 April 18, 2018; and

WHEREAS, said ordinance was referred to the planning board for its review and a report; 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-18-21.

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

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13. Council Member LaPelusa introduced:

AN ORDINANCE TO AUTHORIZE THE GRANTING OF A PERPETUAL NON-EXCLUSIVE ACCESS EASEMENT OVER, ABOVE, UNDER AND THROUGH LANDS LOCATED IN THE BOROUGH OF NORTH ARLINGTON, BERGEN COUNTY, OWNED BY THE CITY OF BAYONNE AND DESIGNATED AS LOTS 3 AND 4 IN BLOCK 167, TO CARCAMO REAL ESTATE HOLDINGS LLC, A NEW JERSEY LIMITED LIABILITY COMPANY, BJ PORETE LLC, A NEW JERSEY LIMITED LIABILITY COMPANY AND THE BOROUGH OF NORTH ARLINGTON, A MUNICIPAL CORPORATION IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY FOR PURPOSES OF INGRESS AND EGRESS FROM THE CARCAMO AND PORENTE PROPERTIES TO BELLEVILLE TURNPIKE AS WELL AS FOR UTILITES.

THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE DOES ORDAIN:

Section 1. That a perpetual, non-exclusive easement permitting ingress and egress as well as utility rights over, above, under and through certain lands in the Borough of North Arlington designated as Lots 3 and 4 in Block 167, which are owned by the City of Bayonne, be and the same is hereby granted to Carcamo Real Estate Holdings LLC, a New Jersey Limited Liability Company, BJ Porete LLC, a New Jersey Limited Liability Company and the Borough of North Arlington.

Section 2. That the said easement shall be in accordance with Project 130114701, Site Plan Drawing No. CS101 (See Sheet 4 of 15), dated February 14, 2018, revised March 28, 2018, prepared by Kevin Webb, P.E., of Langan, 989 Lennox Drive, Suite 124, Lawrenceville, New Jersey 08648, a copy of which is attached hereto and made a part hereof.

Section 3. That the said easement agreement shall be in substance and form as is approved by the Law Department.

Section 4. The Mayor and City Clerk are hereby authorized to execute said easement, which shall be recorded in the Bergen County Clerk / Register's Office and run with the lands, binding, benefitting and burdening, as the case may be, the successors and assigned of all parties to the easement.

Council Member Perez 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 AUTHORIZING THE GRANTING OF A PERPETUAL NON-EXCLUSIVE EASEMENT OVER LANDS LOCATED IN NORTH ARLINGTON, BERGEN, OWNED BY THE CITY OF BAYONNE AND DESIGNATED AS LOTS 3 AND 4 IN BLOCK 167 TO CARCAMO REAL ESTATE HOLDINGS LLC, A NEW JERSEY LIMITED LIABILITY COMPANY, BJ PORETE LLC, A NEW JERSEY LIMITED LIABILITY COMPANY AND THE BOROUGH OF NORTH ARLINGTON, A MUNICIPAL CORPORATION IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY FOR PURPOSES OF INGRESS AND EGRESS FROM THE CARCAMO AND PORETE PROPERTIES TO THE BELLEVILLE TURNPIKE," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, May 16, 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.

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14. Council Member Perez introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING AN OVERLAY AS AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR CERTAIN PROPERTY IDENTIFIED AS BLOCK 1180, LOTS 1 AND 2, 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 Municipal Council of the City of Bayonne in its capacity as the redevelopment entity (the “Municipal Council”) for the City of Bayonne (the “City”) is responsible for implementing redevelopment plans and carrying out redevelopment projects pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “Redevelopment Law”); and

WHEREAS, in accordance with the criteria set forth in the Redevelopment Law, the City identified and designated the Bayonne Military Ocean Terminal (hereinafter referred to as the “Peninsula”) as an area in need of redevelopment (the “Redevelopment Area”); and

WHEREAS, by ordinance first adopted on August 24, 2001, the Municipal Council approved and adopted The Peninsula at Bayonne Harbor BLRA Redevelopment Plan that was amended several times throughout the years to govern the development of the Redevelopment Area (the “Redevelopment Plan”); and

WHEREAS, the Redevelopment Area was subdivided in order to create several development lots, including but not limited to the property identified as Block 1180, Lots 1 and 2 on the official Tax Map of the City of Bayonne (the “Property”); and

WHEREAS, Block 1180, Lot 1 is currently owned by Bayonne Auto Terminal, LLC (the “Owner”) and Block 1180, Lot 2 is owned by the City; and

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

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Administration has prepared an amended Redevelopment Plan which provides an overlay relative to the property identified as Block 1180, Lots 1 & 2 on the official Tax Map of the City of Bayonne, and is titled “_____” dated _____, (the “Amended Redevelopment Plan”); and

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

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

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

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

Section 2. The Amended Redevelopment Plan creating an overlay for the property identified as Block 1180, Lots 1 & 2 as shown on the official Tax Map of the City 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 Amended Redevelopment Plan and the provisions thereon.

Section 4. The City hereby transfers the Amended Redevelopment Plan to the Planning Board for further consideration and to determine same is consistent with the City’s Master Plan and in accordance with the Redevelopment Law.

Section 5. 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 6. A copy of this Ordinance and the Amended Redevelopment Plan shall be available for public inspection at the office of the City Clerk during regular business hours.

Section 7. This Ordinance shall take effect in accordance with all applicable laws.

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

BE IT RESOLVED, that an ordinance entitled “AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR A PORTION OF THE PENINSULA AT BAYONNE HARBOR,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, May 16, 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.

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15. Council Member Perez introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 13, SWIMMING POOL, DOCS, DON AHERN VETERANS MEMORIAL STADIUM, PUBLIC BOAT RAMP, MUNICIPAL PARKS AND PLAYGROUNDS AND BAYONNE PUBLIC LIBRARY AND BAYONNE MUSEUM

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 13, SWIMMING POOL, DOCS, DON AHERN VETERANS MEMORIAL STADIUM, PUBLIC BOAT RAMP, MUNICIPAL PARKS AND PLAYGROUNDS AND BAYONNE PUBLIC LIBRARY AND BAYONNE MUSEUM, Subsection 3.1 Fees for Don Ahern Veterans Memorial Stadium is hereby amended and supplemented as follows: (Additions ****between asterisks and/or in bold****, deletions ~~{within brackets and/or struck through}~~):

****j.** Notwithstanding any of the foregoing, all Bayonne based non-profit organizations are exempt from the fees charged herein.******

Council Member Perez 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 13, SWIMMING POOL, DOCKS, DON AHERN VETERANS MEMORIAL STADIUM, PUBLIC BOAT RAMP, MUNICIPAL PARKS AND PLAYGROUNDS AND BAYONNE PUBLIC LIBRARY AND BAYONNE MUSEUM,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, May 16, 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. Council Member LaPelusa introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 2, ADMINISTRATION

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 2, ADMINISTRATION, is hereby amended and supplemented as follows (Additions **between asterisks and/or in bold**, deletions ~~{within brackets and/or struck through}~~):

****CHAPTER 2-46 LABOR PEACE AGREEMENTS FOR HOTELS WHERE THE CITY HAS A FINANCIAL INTEREST****

****2-46.1 Legislative Findings.**

WHEREAS, The City of Bayonne has a financial and proprietary interest in hotel operations which lease property from the City or are financed with City assistance when these operations base their payments to the City in part on the revenue they generate; and

WHEREAS, it is essential these operations conduct business efficiently and without interruption resulting from labor disputes; and

WHEREAS, The City has found that the efficient and uninterrupted operation of hospitality operations may be threatened by labor disputes; and

WHEREAS, The City's investment in these operations must be shielded from the impact that labor disputes may have on the revenue of these hospitality operations; and

WHEREAS, The City has found that it can only protect its investment by requiring as a precondition for a lease or other financial assistance that the hotel sign an agreement with the labor organizations which represent employees in the hospitality industry which prohibits the labor organization and its members from engaging in picketing, work stoppages, boycotts or other economic interference with the Hospitality Operations for the duration of the City's financial interest.**

****2-46.2 Definitions.**

The following definitions apply to this Chapter:

- (1) "City" means the City of Bayonne and all City-Related Agencies.
- (2) "City-Related Agencies" means all authorities and quasi-public corporations which either: receive appropriations from the City; have entered into continuing contractual or cooperative relationships with the City, including any agreement whereby the City funds an agency's debt service; or operate under legal authority granted to them by City ordinance.
- (3) "Contract under 29 U.S.C. § 185(a)" as used herein means a contract to which 29 U.S.C. § 185(a) applies, as that provision has been interpreted by the United States Supreme Court.
- (4) "Hospitality Company" means any Person seeking a lease, management agreement or development agreement from the City for a Hotel, or seeking City financial assistance to a Hotel project, including a developer which will later lease or sublease property to another Person to operate the Hotel.
- (5) "Hotel" includes a hotel and any food or beverage operations which are part of a Hotel.
- (6) "Hospitality Operations" means any operations at a Hotel staffed by Hospitality Workers.
- (7) "Hospitality Workers" means all employees in a Hotel, except supervisors, managers, office clerical employees and guards.
- (8) "Labor Organization" means an organization of any kind, or an agency or employer representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.
- (9) "Hospitality Contract" means any contract, lease or license from the City to use any City property for Hospitality Operations, or any contract, lease or license pursuant to which the City is entitled to receive as rents, royalties or other income a percentage of the revenues of an enterprise, or any payments in connection with financing including loan guarantees provided by or through the City, or any subcontract, sublease, sublicense or other transfer or assignment of any right, title or interest received from the City pursuant to any such contract, lease or license.

(10) "No-Strike Pledge" means a provision in a labor peace agreement prohibiting the Labor Organization and its members, and in the case of a collective bargaining agreement, all employees covered by the agreement, from engaging in picketing, work stoppages, boycotts or any other economic interference with the Hospitality Operations for the duration of the City's Hospitality Contract.

(11) "Person" includes natural person, sole proprietorship, partnership, limited liability company, corporation, joint venture or business organization of any kind.

(12) "Valid Collective Bargaining Agreement" as used herein means a collective bargaining agreement entered into between the person contracting or subcontracting to provide services and a labor organization lawfully serving as the exclusive collective bargaining representative for the employees who provide or will provide services pursuant to such a contract.**

****2-46.3 No-Strike Pledge Requirement for Hospitality Operations.**

(a) The City shall not enter into any Hospitality Contract with a Hospitality Company unless and until such Company has signed a valid collective bargaining agreement or other contract enforceable under 29 U.S.C. § 185(a) with any Labor Organization seeking to represent Hospitality Workers at the premises covered by the Hospitality Contract containing a No-Strike Pledge.

(b) Any contract, lease, grant or other agreement entered into by the City with any City-related Agency shall contain a provision requiring that the City-related Agency abide by the provisions of this Chapter in awarding any contracts pursuant to its City agreement.**

****2-46.4 Limitations.**

(a) Nothing in this Chapter requires a Hospitality Company to recognize a particular Labor Organization nor requires employees to be union members.

(b) This Chapter is not intended to, and shall not be interpreted to, enact or express any generally applicable policy regarding labor-management relations or to regulate those relations in any way.

(c) This Chapter is not intended to favor any particular outcome in the determination of employee preference regarding union representation.

(d) Nothing in this Chapter permits or requires the City or any Hospitality Company to enter into any agreement in violation of Federal labor laws.**

****2-46.5 Severability.**

If any section or any portion of a section of this Chapter is declared illegal, invalid or inoperative, in whole or in part, by any court of competent jurisdiction, the remaining sections and all portions not declared illegal, invalid or inoperative shall remain in full force or effect, and no such determination shall invalidate the remaining sections or portions of the sections of this Chapter.**

Section 2. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

Section 3. The Mayor and Clerk are hereby authorized to execute any and all necessary documents in order to implement the intent of this Ordinance.

Section 4. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 5. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 6. This Ordinance shall take effect upon publication in an official newspaper of the City, as required by and in conformance with law.

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

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 2, ADMINISTRATION," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, May 16, 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.

* * * * *

17. Council Member LaPelusa introduced:

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

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

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

RESTRICTIVE PARKING ZONES

DELETE

031. Mariano DiBenedetto, 161 West 20th Street

Beginning at a point on the north side of West 20th Street, 234 feet west of the northwest corner of West 20th Street and Avenue A, and extending to a point 22 feet west thereof.

044. Brian Sharkey, 39 West 33rd Street

Beginning at a point on the north side of West 33rd Street, 196 feet east of the northeast corner of Avenue C and West 33rd Street, and extending to a point 12 feet east thereof.

316. Helen Donovan, 6 Story Court

Beginning at a point on the east side of Story Court, 71 feet north of the northeast corner of Story Court and West 3rd Street, and extending to a point 18 feet north thereof.

ADD

031. Edward Zaleck, 69 East 25th Street

Beginning at a point on the north side of East 25th Street, 56 feet east of the northeast corner of East 25th Street and Prospect Avenue, and extending to a point 0 feet east thereof.

058. Alice Dahl, 12 West 52nd Street

Beginning at a point on the south side of West 52nd Street, 182 feet south of the southwest corner of West 52nd Street and Broadway, and extending to a point 16 feet west thereof.

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

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE 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, May 16, 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.

* * * * *

18. 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.

* * * * *

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

From ANTHONY CAPUTO, filing notice of tort claim alleging property damage to the curb and sidewalk at his house on or about January 13, 2018 resulting from snow plowing at 12 O'Brien Court.

* * * * *

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

From MIRIAM SANDOVAL, filing notice of tort claim alleging property damage to her automobile on February 17, 2018 resulting from an accident involving a patrol car on West 21 Street west of Broadway.

* * * * *

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

From the Tax Court of New Jersey, complaint in matter entitled, "MPT OF BAYONNE, LLC vs. CITY OF BAYONNE." (407-427 & 408-422 Avenue E, Block 420.02, lot 2, Block 159, lots 14 & 15, Block 164, lot 5.01, Block 504, lot 7.01 – commercial and vacant)

* * * * *

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

From the Tax Court of New Jersey, complaint in matter entitled, "RITE AID #149 vs. CITY OF BAYONNE." (1097 Broadway, Block 31, lot 17.01 - commercial)

* * * * *

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

From the Tax Court of New Jersey, complaint in matter entitled, "McDONALD'S CORP. vs. CITY OF BAYONNE." (534-543 Broadway, Block 189, lot 24 - commercial)

* * * * *

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

From the Tax Court of New Jersey, complaint in matter entitled, "175 AVENUE A HOLDINGS, LLC vs. CITY OF BAYONNE." (175 Avenue A, Block 300.01, lots 2 & 3- commercial)

* * * * *

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

From the Tax Court of New Jersey, complaint in matter entitled, "PSE&G PROPERTIES vs. CITY OF BAYONNE." (160 West 63rd Street, Block 3, lot 3 - industrial)

* * * * *

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

From the Tax Court of New Jersey, complaint in matter entitled, "MILLIONS, INC. vs. CITY OF BAYONNE." (55 Hook Road, Block 417, lot 3 - industrial)

* * * * *

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

From the Tax Court of New Jersey, complaint in matter entitled, "BAYONNE AUTO TERM LLC c/o PORTS OF AMERICA vs. CITY OF BAYONNE." (Peninsula at Bayonne Harbor: Maritime District, Block 1180, lot 1 - industrial)

* * * * *

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

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

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

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

* * * * *

29. 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.

* * * * *

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

DATE: April 6, 2018

TO: Terrence Malloy, CFO
Robert Sloan, City Clerk

CC: Leo J. Smith, Jr., School Business Administrator

FROM: Janet Convery, Treasurer

Please be advised that I have transferred the following to the Board of Education on March 2, 2018

\$5,533,471.00 CLAIMS & PAYROLL FOR FEBRUARY 2018

JANET CONVERY
(signed)

* * * * *

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

From Joanne Sisk, CTC, Tax Collector's Annual Report for 2017.

* * * * *

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

BID REPORT
FOR THE MUNICIPAL COUNCIL

Date: 04/10/18 Ad Date: 03/27/18 Resolution #18-02-14-039

Date bids accepted: 04/05/18 Attending: Amy Dellabella, Purchasing Agent, Darren Mazzei, CME

Bid titled: Sgt. James J. Shea Memorial Shooting Range
 Environmental Remediation and Miscellaneous Demolition

<u>Bidders:</u>	<u>Total Bid</u>
Unicorn Contracting Corp. 32 Willow Way Woodland Park, NJ 07424	\$71,000.00
Enterprise Network Resolutions Contracting LLC 874 Piney Hollow Road PO Box 70 Winslow, NJ 08095	\$87,000.00
Nari Construction LLC 63 Leather Stocking Path Lincoln Park, NJ 07035	\$123,000.00
Metal Treatment Technologies LLC 14045 W 66 th Avenue Arvada, CO 80004	\$193,580.00

After review by the Department Director, the Purchasing Department will prepare a request for contract award and forward it to the City Clerk for inclusion in future Council Agenda. If other than the lowest bidder is recommended, an explanation will be provided with that report. If bids are to be rejected, an appropriate report will be prepared. Please retain this report, as the information above may not be repeated in the request for award documents or in the event of a bid rejection.

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

* * * * *

33. 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.

* * * * *

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

RESOLVED, That the official minutes of the regular council meeting held Wednesday, March 14, 2018 be and the same are hereby approved.

* * * * *

35. 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, March 7, 2018, be and the same are hereby approved.

* * * * *

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

WHEREAS, there is a need for a Clean Communities Coordinator for the City of Bayonne; and

WHEREAS, there is also a need for the Clean Communities Coordinator to apply for and submit Clean Community Grants to various agencies; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

- 1. Alicia K. Losonczy is hereby designated as the Clean Communities Coordinator of the City of Bayonne.
- 2. The Clean Communities Coordinator is authorized to prepare, apply for and submit Clean Communities Grants to any and all applicable state, federal and local agencies.
- 3. The Mayor and Clerk are hereby authorized to execute any and all documents in furtherance of the aforesaid Clean Communities Grants.

* * * * *

37. 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
137	15 Q, C0205	Harold Sklenar	1,029.07
144	35 Q, P0002	Sergei Kukhar	77.28
186	30 Q, C0103	David Aziz	1,444.09
254	21	John & Dale Skowronski	278.82
272	22	Arthur Gallagher	2,014.84
304	4	Colleen Costanzo	185.68
315	25	Teresa Troglia	121.51
319	16	Lyndia Hayes	3,997.39
353	17	Lyndia Hayes	2,481.87
410	2	Dawn Rzeczkowski	1,544.86
413	18	John Villamater	1,675.55
Total:			14,850.96

* * * * *

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

WHEREAS, on March 12, 2018 Stephanie A. Diaz applied for a marriage license and paid to the City Clerk a marriage ceremony fee of \$50.00 in accordance with City of Bayonne Ordinance 2-52.b; and

WHEREAS, subsequent thereto, Ms. Diaz advised the City Clerk that he no longer intended to get married and requested the marriage ceremony fee of \$50.00 be refunded; and

WHEREAS, funds are certified as available in Account No. T-12-56-838-0000-199; now, therefore, be it

RESOLVED, that the Municipal Treasurer is hereby authorized to issue a warrant in the amount of \$50.00 payable to Stephanie A. Diaz, 36 West 9th Street, Bayonne New Jersey representing refund of the marriage ceremony fee paid to the City Clerk chargeable to Account No. T-12-56-838-0000-199.

* * * * *

39. 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 Seventy-three (73) Marriage Licenses during the months of January, February and March and has collected \$25.00 per license, which is to be forwarded to the Division of Youth and Family Services, now, therefore be it

RESOLVED, that a warrant in the amount of One thousand eight hundred twenty-five dollars (\$1825.00) be drawn to the order of the Treasurer, State of New Jersey and forwarded to the City Clerk's Office for disbursement.

* * * * *

40. 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 \$ 61.80 drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of licenses Nos. 867-895 inclusive, 29 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.

* * * * *

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

RESOLVED, that the actions of the Municipal Treasurer in issuing a warrant from the Unemployment Trust Fund in the amount of \$ 6,014.73 payable to the State of New Jersey Division of Employer Accounts is hereby ratified and confirmed. Said warrant is for the City of Bayonne unemployment bills for quarter ending 12/31/2018.

* * * * *

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

RESOLVED, that a warrant be drawn and made payable to Public Employees Retirement System in the amount of \$ 2,413,120.66. Said payment represents the city's annual contribution.

* * * * *

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

RESOLVED, that a warrant be drawn from the Current Fund and made payable to Police & Firemen's Retirement System in the amount of \$11,567,534.00. Said payment represents the city's annual contribution.

* * * * *

44. 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 April 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 \$21,725.00 representing payment of state surcharge fees on new construction and alterations collected during the first quarter of 2018; 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.

* * * * *

45. 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 Hudson Milestone, 365-381 Clendenny Avenue, Jersey City, New Jersey 07304 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, the Hudson Milestone has requested and submitted a formal written application dated February 21, 2017 for said CDBG Grant Funds in the amount of \$130,500.00 for the purpose of providing the cost of renovations at the 715 Avenue E, Bayonne, NJ location to be completed by A1A Restoration Group LLC., 174 Mountain Avenue, Hawthorne, NJ 07506; 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 renovations at the 715 Avenue E, Bayonne, NJ location to be completed by A1A Restoration Group LLC., 174 Mountain Avenue, Hawthorne, NJ 0750; and

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

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with Hudson Milestone 365-381 Clendenny Avenue, Jersey City NJ 07305 for the provision of providing the cost of bathroom renovations at the 715 Avenue E, Bayonne NJ location to be completed by A1A Restoration Group LLC., 174 Mountain Avenue , Hawthorne, NJ 0750 in the amount of \$130,500.00 for the period commencing September 1, 2017 and ending August 31, 2018.

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

* * * * *

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

WHEREAS, the City of Bayonne's Public Safety Director has evidenced that there is a need for the purchase of eight (8) Police Utility Interceptors for use in the Patrol Division; and

WHEREAS, Winner Ford, Cherry Hill, New Jersey has provided the City of Bayonne with a quotation for the purchase of seven (7) vehicles equipped with prisoner partitions for the amount of \$40,140.00 per vehicle and one (1) vehicle without partitions for the amount of \$37,206.00 for the total amount of \$318,186.00 under State Contract #A88728; and

WHEREAS, funds have been certified as available in Department of Justice Grant Account G-02-41-731-0000-199 (\$218,186.00) and P-01-25-240-0000-029 (\$100,000.00) pending adoption of the CY2018 budget; now, therefore be it

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

1. The Purchasing Agent of the City of Bayonne is hereby authorized to execute any and all documents and take any and all actions necessary to effectuate the purchase of eight (8) Police Utility Interceptors, seven (7) vehicles equipped with prisoner partitions for the amount of

\$40,140.00 per vehicle and one (1) vehicle without partitions for the amount of \$37,206.00, for use in the Patrol Division pursuant to the quotation provided by Winner Ford, Cherry Hill, New Jersey under NJ State Contract #A88728 for a total amount of \$318,186.00.

2. Funds shall be chargeable to Department of Justice Grant Account G-02-41-731-0000-199 (\$218,186.00) and P-01-25-240-0000-029 (\$100,000.00).

* * * * *

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

WHEREAS, the City of Bayonne's Public Safety Director has evidenced that there is a need for the purchase of Two-hundred (200) Body Worn Gen2 complete camera systems; and

WHEREAS, the City is in receipt of the following quotations for the purchase of said Body Worn Gen2 complete camera systems:

L3 Mobile-Vision, Inc., 400 Commons Way, Rockaway, NJ, quotation Number 207752155 dated March 22, 2018 in the amount of \$135,000.00 and Number 207881699 dated March 20, 2018 in the amount of \$19,575.00; and

CDW, 260 Industrial ay W #1, Eatontown, NJ in the amount of \$12,806.00

for a total amount of \$167,381.00 under State Contract #A81311; and

WHEREAS, funds have been certified as available in the Attorney General 2016 Body-Worn Camera (BWC) Assistance Program Award – JAG BWC14-16 (\$90,000.00) and the Department of Justice Equitable Sharing Fund (\$77,381.00) pending temporary emergency #3; now, therefore be it

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

1. The Purchasing Agent of the City of Bayonne is hereby authorized to execute any and all documents necessary and take any and all actions to effectuate the purchase of Two-hundred (200) Body Worn Gen2 complete camera systems through State Contract no.#A81311 pursuant to the quotations from L3 Mobile-Vision, Inc. and CDW as stated above.

2. Funds shall be chargeable to the Attorney General 2016 Body-Worn Camera (BWC) Assistance Program Award – JAG BWC14-16 (\$90,000.00) and the Department of Justice Equitable Sharing Fund (\$77,381.00).

* * * * *

48. 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. 16-07-20-040, adopted on July 20, 2016, the City entered into Agreement CY16-055 with the Bayonne Economic Opportunity Foundation (the "BEOF"), 555 Kennedy Boulevard, Bayonne, New Jersey 07002 to provide CDBG funds in the amount of \$2,450.00 for the purpose of providing the cost of air sampling/monitoring at the Head Start Building located at 7 West 8th Street, Bayonne, New Jersey (the "Site") pursuant to a proposal submitted by Atlantic Environmental Solutions, Inc. ("Atlantic") dated June 20, 2016 for the period commencing September 1, 2015 and ending August 31, 2016; and

WHEREAS, said Agreement No CY16-055 was increased in the amount of \$400.00 by way of Resolution 17-02-15-039 adopted on February 15, 2017 increasing same in the amount of \$400.00 pursuant to an Invoice from Atlantic dated February 1, 2017 representing payment for the submission of an application to the New Jersey Department of Environmental Protection (the "NJDEP") for a "No Further Action" letter, making the total contract amount \$2,850.00; and

WHEREAS, Atlantic submitted said application to the NJDEP; and

WHEREAS, the BEOF is in receipt of a Notice of Deficiency from the NJDEP dated June 19, 2017 ("Notice") advising of the following deficiencies in said application:

Pursuant to N.J.A.C. 7:26E- 6.3(e), failure to meet the monitoring and performance requirements for groundwater remediation; and

Pursuant to N.J.A.C. 7:26E-6.7(c), failure to include the required information concerning soils and sediments, manifests and the deed notice in the Remedial Action Report; and

WHEREAS, said Notice advised of corrective actions to correct said deficiencies; and

WHEREAS, Atlantic provided a proposal to the BEOF dated March 13, 2018 for said corrective actions for the amount of \$4,900.00 ; and

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

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to execute a second amendment to Agreement No. CY16-055 extending same through August 31, 2018; expanding the scope of services pursuant to the aforesaid proposal submitted by Atlantic Environmental, Inc. dated March 13, 2018; and increasing same in the amount of \$4,900.00 representing the cost of said services making the total contract amount \$7,750.00.

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

* * * * *

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

WHEREAS, on February 2, 2017, this Municipal Council passed Resolution No. 17-02-15-045, authorizing an Agreement with 4 Clean-Up, Inc., P.O. Box 5098, North Bergen, NJ for 2016 ROADWAY IMPROVEMENTS PHASE II for a total contract amount of \$305,890.00; and

WHEREAS, pursuant to the aforesaid Resolution No. 17-02-15-045, the City of Bayonne entered into Agreement No. CY17-040 with 4 Clean-Up, Inc., the aforesaid 2016 ROADWAY IMPROVEMENTS PHASE II for a total contract amount of \$305,890.00; and

WHEREAS, the City is in receipt of Change Order No. 1 reflecting an increase in the contract amount of \$48,228.79 due to adjusted quantities reflected on said Change Order No. 1; and

WHEREAS, the City's Engineer and City's Attorney have reviewed, approved and recommended said Change Order No. 1 to the aforesaid Agreement No. CY17-040 with 4 Clean-Up, Inc.; and

WHEREAS, funds are certified as available in Account T-12-56-804-0001-99; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor shall be and is hereby authorized to execute Change Order No. 1 to the aforesaid Agreement No. CY17-040 with 4 Clean-Up, Inc., increasing same in the amount of \$48,228.79 due to the reason as stated above, making the total contract amount \$354,118.79.

2. Funds shall be chargeable to Account T-12-56-804-0001-99.

* * * * *

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

Whereas, the City desires to construct a structured parking facility located at the existing municipal parking lot located at 22nd Street and Del Monte Drive; and

Whereas said structure will assist in increasing economic activity in the Broadway shopping district, now therefore, be it

Resolved, that the UEZ Coordinator is hereby authorized to create a project entitled "Midtown Structured Parking Facility."

* * * * *

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

RESOLUTION ADOPTING REVISIONS TO THE
EMPLOYEE HANDBOOK EFFECTIVE OCTOBER 19, 2017
FOR THE CITY OF BAYONNE

WHEREAS, pursuant to Resolution No.: 17-10-18-036, the Municipal Council adopted a revised and updated Employee Handbook setting forth personnel policies, procedures and guidelines applicable to all city officials, appointees, employees, volunteers and independent contractors, effective October 19, 2017 (the "2017 Employee Handbook"); and

WHEREAS, the Acting Business Administrator has recommended the following revisions to the 2017 Employee Handbook:

Page 19 – Section 3, Holidays, "A" = add the Day After Thanksgiving
Page 21 – Section 5, Vacation, "A"– add VI. After twenty-five years, thirty (30) days
Page 21 – Section 5 – Vacation, "C", last line change to – shall only be permitted to carryover one year of vacation time
Page 23 - Section 9, Sick Leave, "B", change three consecutive days to five
Page 39 – Section 1, Health Insurance Benefits, number the first paragraph as "A" and add a second paragraph: "B. Fulltime non-union employees are eligible to receive health benefits, both as active and retired employees, the same as the Supervisor's group. Deductions for cost-sharing made for said benefits shall also be the same as the Supervisor's group."

WHEREAS, the proposed revisions are consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, in the event there is a conflict between the proposed revisions and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, the policies and procedures in 2017 Employee Handbook, as amended from time to time, shall prevail; and

WHEREAS, the proposed revisions are in intended to provide guidelines covering public service by city employees and shall not confer any contractual rights upon city employees;

BE IT FURTHER RESOLVED that the following revisions are hereby adopted and shall be added to, incorporated in and made a part of the Employee Handbook effective October 19, 2017:

Page 19 – Section 3, Holidays, "A" = add the Day After Thanksgiving
Page 21 – Section 5, Vacation, "A"– add VI. After twenty-five years, thirty (30) days
Page 21 – Section 5 – Vacation, "C", last line change to – shall only be permitted to carryover one year of vacation time
Page 23 - Section 9, Sick Leave, "B", change three consecutive days to five
Page 39 – Section 1, Health Insurance Benefits, number the first paragraph as "A" and add a second paragraph: "B. Fulltime non-union employees are eligible to receive health benefits, both as active and retired employees, the same as the Supervisor's group. Deductions for cost-sharing made for said benefits shall also be the same as the Supervisor's group."

* * * * *

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

WHEREAS, the City is in need of the services of a business consultant to advise both businesses seeking to open or are newly opened as well as limited services for existing businesses, now; therefore, be it

RESOLVED, the Municipal Council hereby authorizes the advertisement of a Request for Proposals for the retention of a business consultant to advise both businesses seeking to open or are newly opened as well as limited services for existing businesses.

* * * * *

53. 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
St. Henry’s Church	8:30 PM 979 Avenue C September 29, 2018	RL: 9273
Blessed Miriam Teresa Demjanovich	6:00 – 11:00 PM 19 West 13 th Street May 1, 2, 3, 4 & 5, 2018	RL: 9274
Henry E. Harris PTA	6:00 – 10:00 PM 1081 Broadway April 20, 2018	RL: 9275 RL: 9276
John M. Bailey PTA	6:00 – 8:00 PM 75 West 10 th Street May 10, 2018	RL: 9277
Friends of Marist, Inc.	5:30 – 10-:30 PM 1241 Kennedy Bld. November 17, 2018	RL: 9278
Friends of Marist, Inc.	1241 Kennedy Blvd. 4:00 – 9:00 PM May 31, 2017 4:00PM – 12:00 AM June 1 & 2, 2018 2:00 PM – 9:00 PM June 3, 2018	RL: 9279 RL: 9280 RL: 9281

* * * * *

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

WHEREAS, the City of Bayonne, hereinafter “Local Government Unit,” has submitted an application to the State of New Jersey Department of Environmental Protection, Green Acres Program, hereinafter “State” (collectively the “Parties”) for Green Acres funding for the Newark Bay Waterfront Project, (the “Project”) consisting of real property located West 23rd to West 25th Streets and Westerly terminus; and Foot of West 16th Street, designated as Block 21, Lots 3, 14, 15, 16 and Block 254, Lot 45 on the official tax map of the City of Bayonne (the “Premises”); and

WHEREAS, the State has reviewed said application and has found it to be in conformance with the scope and intent of the Green Acres Program and has approved the Local Government Unit’s request and awarded funding (“Green Acres Funds”); and

WHEREAS, the Parties wish to execute Green Acres Project Agreement(s) (“Project Agreement(s)”) to govern the Local Government Unit’s use of Green Acres Funds; and

WHEREAS, The Local Government Unit has agreed to utilize the Green Acres Funds and to hold and use the Premises in accordance with the Green Acres Law; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The City Law Director and the City Chief Executive Officer shall be and are hereby authorized to execute the aforesaid Project Agreements.
2. The City Planner and/or her designee or designees shall be and are hereby authorized to take any and all actions necessary to perform in accordance with the provisions, terms and conditions set forth in the aforesaid Project Agreement(s).

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

* * * * *

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

BE IT RESOLVED, That the City Clerk be and is hereby authorized to advertise for bids for improvements to the 16th Street Miniature Golf Course.

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

* * * * *

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

WHEREAS, the City is in need of the services of a ferry service operator at the Peninsula at Bayonne Harbor; now, therefore, be it

RESOLVED, the Municipal Council hereby authorizes the advertisement of a Request for Proposals for the retention of a ferry service operator at the Peninsula at Bayonne Harbor.

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

* * * * *

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

WHEREAS, pursuant to said Resolution 18-02-14-039 the City Clerk advertised in the Jersey Journal on March 27, 2018 that sealed bids for Sgt. James J. Shea Memorial Shooting Range Environmental Remediation and Miscellaneous Demolition would be received on April 5, 2018; and

WHEREAS, pursuant to such advertisement, four (4) proposals were received from:

<u>Bidders:</u>	<u>Total Bid</u>
Unicorn Contracting Corp. 32 Willow Way Woodland Park, NJ 07424	\$71,000.00
Enterprise Network Resolutions Contracting LLC 874 Piney Hollow Road PO Box 70 Winslow, NJ 08095	\$87,000.00
Nari Construction LLC 63 Leather Stocking Path Lincoln Park, NJ 07035	\$123,000.00
Metal Treatment Technologies LLC 14045 W 66 th Avenue Arvada, CO 80004	\$193,580.00

; and

WHEREAS, Amy Dellabella, R.P.P.O., Q.P.A. and Gary Chmielewski, Director of Public Works and Parks have examined the bids or proposals and have determined that the bid of Unicorn Contracting Corp., 32 Willow Way, Woodland Park, NJ 07424 is the most advantageous to the City of Bayonne for Sgt. James J. Shea Memorial Shooting Range Environmental Remediation and Miscellaneous Demolition; and

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

RESOLVED, that the contract for Sgt. James J. Shea Memorial Shooting Range Environmental Remediation and Miscellaneous Demolition to:

Unicorn Contracting Corp.
32 Willow Way
Woodland Park, NJ 07424

for the following bid price: \$71,000.00, and that the contract be executed in the name of the City of Bayonne by the proper city officials and that the said sum be charged to Capital Bond Ordinance.

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

* * * * *

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

#3 TEMPORARY EMERGENCY APPROPRIATION CY 2018

WHEREAS, an emergency condition has arisen with respect to providing appropriations to pay various costs, as per attached schedule, and no adequate provision has been made in the CY 18 Temporary Budget for the aforesaid purposes and N.J.S.:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned, and

WHEREAS, the total emergency resolution adopted in the CY 18 budget pursuant to the provisions of Chapter 96, P.L. 1951 (NJS 40A:4-20) including this resolution total

Current Fund \$ 33,165,852.82
Parking Utility \$ 373,000.00

NOW THEREFORE, BE IT RESOLVED (not less than two-thirds of all members therefore affirmatively concurring) that in accordance with NJS 40A:4-20

1- An emergency temporary appropriation be and the same is hereby made as per attached schedule:

Current Fund \$ 18,584,527.32
Parking Utility \$ 108,000.00

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

Current Fund \$ 18,584,527.32
Parking Utility \$ 108,000.00

3- That one certified copy of this resolution be filed with the Director of Local Government Services.

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

* * * * *

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY DESIGNATING LEG-BP BAYONNE INVESTORS, LLC AS CONDITIONAL REDEVELOPER FOR THE PROPERTY LOCATED AT BLOCK 1180, LOTS 1 AND 2 ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE AND AUTHORIZING THE NEGOTIATION AND PREPARATION OF A REDEVELOPMENT AGREEMENT FOR SUCH PROPERTY AND THE NEGOTIATION AND PREPARATION OF AN AGREEMENT FOR THE SALE OF BLOCK 1180, LOT 2 TO LEG-BP BAYONNE INVESTORS, LLC FOR THE REDEVELOPMENT OF SUCH PROPERTY IN ACCORDANCE WITH THE REDEVELOPMENT PLAN

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

WHEREAS, in accordance with the criteria set forth in the Redevelopment Law, the City identified and designated the Bayonne Military Ocean Terminal (hereinafter referred to as the “Peninsula”) as an area in need of redevelopment (the “Redevelopment Area”); and

WHEREAS, by ordinance first adopted on August 24, 2001, the Municipal Council approved and adopted The Peninsula at Bayonne Harbor BLRA Redevelopment Plan that was amended several times throughout the years to govern the development of the Redevelopment Area (the “Redevelopment Plan”); and

WHEREAS, the Redevelopment Area was subdivided in order to create several development lots, including but not limited to Block 1180, Lots 1 and 2; and

WHEREAS, Block 1180, Lot 1 is currently owned by Bayonne Auto Terminal, LLC (the “Owner”) and Block 1180, Lot 2 is owned by the City; and

WHEREAS, an affiliate and predecessor of the Owner was designated the redeveloper of Block 1180, Lot 1 by the Bayonne Local Redevelopment Agency (the “BLRA”) and entered into a redevelopment agreement for the redevelopment of Block 1180, Lot 1 with the BLRA; and

WHEREAS, following the dissolution of the BLRA, the Municipal Council reaffirmed the Owner as the designated redeveloper of Block 1180, Lot 1 and the City entered into an amended and restated Redevelopment Agreement with the Owner (the “Amended and Restated Redevelopment Agreement”); and

WHEREAS, the Owner has placed the City of Bayonne on notice of its intention to sell Block 1180, Lot 1 to LEG-BP Bayonne Investors, LLC (“LEG”) and its intention to terminate in its entirety the Amended and Restated Redevelopment Agreement by and between the City and Owner; and

WHEREAS, the Owner pursuant to Section 13.3 of the Amended and Restated Redevelopment Agreement has determined in its reasonable discretion that LEG has the financial strength and integrity to serve as a qualified redeveloper of Block 1180, Lot 1; and

WHEREAS, LEG has also notified the City of its intent to purchase Block 1180, Lot 1 from the Owner and its desire to acquire Block 1180, Lot 2 (hereinafter collectively referred to as the “Property”) from the City; and

WHEREAS, LEG has requested that the Municipal Council, acting as the redevelopment entity for the City and to effectuate those purposes of the Redevelopment Law and Redevelopment Plan, designate LEG as conditional redeveloper of the Property, and authorize the negotiation and preparation of a redevelopment agreement for the Property, and the sale of Block 1180, Lot 2 to LEG for the purposes of redevelopment; and

WHEREAS, at this time, the Municipal Council wishes to designate LEG as conditional redeveloper of the Property (“Conditional Redeveloper”) subject to the negotiation and preparation of a mutually agreeable Redevelopment Agreement, and to authorize the negotiation and sale of Block 1180, Lot 2 to LEG for the purpose of redevelopment.

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

Section 1. The aforementioned recitals are incorporated herein as if fully set forth herein.

Section 2. The Municipal Council hereby terminates the Amended and Restated Redevelopment Agreement by and between the City of Bayonne and Bayonne Auto Terminal, LLC and any all prior redevelopment agreements associated with Block 1180, Lot 1.

Section 3. The Municipal Council hereby authorizes the release of any restrictive covenants or declarations associated with the redevelopment agreements entered into between the City of Bayonne and Bayonne Auto Terminal, LLC, or their predecessors in title, for the redevelopment of Block 1180, Lot 1.

Section 4. The Municipal Council finds that LEG-BP Bayonne Investors, LLC has the financial wherewithal and capacity to bring the City’s visions for redevelopment of Block 1180, Lots 1 and 2 to fruition.

Section 5. LEG-BP Bayonne Investors, LLC is hereby conditionally designated the redeveloper of Block 1180, Lots 1 and 2 on the Official Tax Map of the City of Bayonne subject to the negotiation of a mutually agreeable redevelopment agreement by and between the City of Bayonne, through its attorneys and staff, and LEG-BP Bayonne Investors, LLC, which redevelopment agreement must be approved by this Municipal Council.

Section 6. The City is hereby authorized to negotiate and execute a mutually agreeable sale agreement for Block 1180, Lot 2 from the City of Bayonne to LEG-BP Bayonne Investors, LLC. If the terms of a sale and purchase agreement for Block 1180, Lot 2 cannot be achieved by the parties, nothing shall prohibit the City from negotiating a redevelopment agreement for Block 1180, Lot 1 with LEG-BP Bayonne Investors, LLC.

Section 7. The Mayor and/or his designees, attorneys and staff, is/are authorized to take all necessary steps to effectuate the purposes of this resolution, including but not limited to, negotiating any additional terms, conditions or agreements, reviewing project specific materials, reviewing and approving governmental applications and permits for

submission to any governmental agency related to the redevelopment of Block 1180, Lots 1 and 2.

Section 8. This resolution shall take effect immediately.

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

* * * * *

60. Council Member Perez moved the following resolution, seconded by Council President Nadrowski, 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 AMENDED AND RESTATED REDEVELOPMENT AND PURCHASE AND SALE AGREEMENT DATED MARCH 16, 2015 FROM FIDELCO BAYONNE REALTY LLC TO CENTRE STREET REDEVELOPER LLC FOR THE PROPERTY LOCATED AT BLOCK 600, LOTS 1, 2 AND 3 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE AND THE FURTHER ASSIGNMENT OF SAID AMENDED AND RESTATED REDEVELOPMENT AND PURCHASE AND SALE AGREEMENT FROM CENTRE STREET REDEVELOPER LLC TO 151 CENTRE STREET URBAN RENEWAL LLC FOR THE PROPERTY LOCATED AT BLOCK 600, LOTS 1 AND 2 ONLY.

WHEREAS, FIDELCO BAYONNE REALTY, LLC entered into an Amended and Restated Redevelopment and Purchase and Sale Agreement dated March 16, 2015, as thereafter amended, ("Redevelopment Agreement") with the City of Bayonne ("City"), acting as the redevelopment entity, for the following Property: Portions of the Bayonne Military Ocean Terminal (the "Peninsula") Block 600, Lot 1; Block 630, Lot 1; Block 645, Lot I; Block 660, Lot I; Block 680, Lot 1, the paper street identified as Road "B" (located between Blocks 600 and 630 and between Blocks 645 and 660) and the paper street known as Memorial Boulevard that runs to the north of Blocks 645 and 680 and to the south of Block 680 (which paper street runs from the eastern border of Blocks 660 and 680 due west to Road "C"); and

WHEREAS, pursuant to the Redevelopment Agreement, the Property was to be subdivided and conveyed to FIDELCO BAYONNE REALTY LLC in phases; and

WHEREAS, the Property has been subdivided pursuant to a "Harbor Station North Preliminary and Final Major Subdivision Plan", last dated October 2, 2017, and the Property is now known as and comprises Block 600, Lots 1, 2 and 3; and

WHEREAS, pursuant to Section 8.01 of the Redevelopment Agreement, FIDELCO BAYONNE REALTY LLC desires to assign all of its rights, title, and interest, and Assignee desires to accept such assignment and assume Assignor's obligations in and under the Redevelopment Agreement pertaining to Block 600, Lots 1, 2 and 3 as referenced on the Subdivision Plan ("Block 600, Lots 1, 2 and 3") to CENTRE STREET REDEVELOPER LLC, 520 US Highway 22, PO Box 6872, Bridgewater, New Jersey 08807; and

WHEREAS, pursuant to Section 8.01 of the Redevelopment Agreement, in turn, CENTER STREET REDEVELOPER LLC desires to assign all of its rights, title, and interest, and Assignee desires to accept such assignment and assume Assignor's obligations in and under the Redevelopment Agreement pertaining to Block 600, Lots 1 and 2 only as referenced on the Subdivision Plan ("Block 600, Lots 1 and 2") to 151 CENTRE STREET URBAN RENEWAL LLC, 520 US Highway 22, PO Box 6872, Bridgewater, New Jersey 08807; and

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

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

Section 1. The City of Bayonne hereby consents to and the Mayor and the City Clerk are hereby authorized and directed to execute an amendment to the March 16, 2015, Redevelopment Agreement effectuating the transfer of all rights, duties and interests from FIDELCO BAYONNE REALTY LLC to CENTRE STREET REDEVELOPER LLC for Block 600, Lots 1, 2 and 3 consistent with Section 8.01(B) of the Redevelopment Agreement.

Section 2. The City of Bayonne hereby consents to and the Mayor and the City Clerk are hereby authorized and directed to execute an additional amendment to the March 16, 2015, Redevelopment Agreement effectuating the transfer of all rights, duties and interests from CENTRE STREET REDEVELOPER LLC to 151 CENTRE STREET URBAN RENEWAL LLC

for Block 600, Lots 1 and 2 only consistent with Section 8.01(B) of the Redevelopment Agreement.

Section 3. This Resolution shall take effect immediately.

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

* * * * *

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY
DESIGNATING TFG 39-43 W25TH STREET, LLC AS REDEVELOPER OF THE PROPERTY
LOCATED AT 39-43 WEST 25TH STREET, WHICH PROPERTY IS IDENTIFIED AS BLOCK 183,
LOT 2.01 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE AND
AUTHORIZING THE NEGOTIATION AND PREPARATION OF A REDEVELOPMENT AGREEMENT
WITH TFG 39-43 W25TH STREET, LLC FOR THE REDEVELOPMENT OF SUCH PROPERTY IN
ACCORDANCE WITH THE REDEVELOPMENT PLAN

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

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

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

WHEREAS, on August 16, 2017, the Municipal Council directed the Planning Board, to prepare and review a redevelopment plan for the properties located at 39-43 West 25th Street & 45 West 25th Street, which properties are identified as Block 183, Lots 1 & 2.01 (the “Property”) on the official tax map of the City of Bayonne and make recommendations to the Municipal Council in accordance with the Redevelopment Law; and

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Municipal Services has prepared a redevelopment plan for the Property titled “Redevelopment Plan (Forum) Block 183 Lots 1 & 2.01”, dated _____, 2017 (the “Redevelopment Plan”); and

WHEREAS, on November 14, 2017, the Planning Board reviewed the Redevelopment Plan and recommended the adoption of the Redevelopment Plan to the Municipal Council and concluded that said Redevelopment Plan is consistent with the Master Plan of the City of Bayonne; and

WHEREAS, on January 17, 2018, the Municipal Council by ordinance adopted the Redevelopment Plan, and set forth their reasons on the record; and

WHEREAS TFG 39-43 W25th Street, LLC a limited liability company of the State of New Jersey, with an office address of 492-C Cedar Lane, Suite 30, Teaneck, New Jersey 07666 (the “Entity”) is the contract purchaser of the property identified as Block 183, Lot 2.01 on the official Tax Map of the City of Bayonne (the “Redevelopment Area”); and

WHEREAS, the Entity is interested in redeveloping the Redevelopment Area; and

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

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

WHEREAS, the Municipal Council desires to designate the Entity as redeveloper of the Redevelopment Area subject to the negotiation and preparation of a Redevelopment Agreement with the Entity for redevelopment of the aforesaid Redevelopment Area which will set forth the

rights and obligations of the respective parties as well as the anticipated time frame for the completion of certain tasks.

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

Section 1. TFG 39-43 W25th Street, LLC is hereby conditionally designated as the redeveloper of the Redevelopment Area, which is designated as Block 183, Lot 2.01 on the official Tax Maps of the City of Bayonne (the “Redeveloper”) subject to the execution of a mutually agreeable Redevelopment Agreement.

Section 2. The Municipal Council, through its attorneys and staff, is hereby authorized to negotiate and prepare a mutually agreeable Redevelopment Agreement between TFG 39-43 W25th Street, LLC, and the City of Bayonne, which Redevelopment Agreement shall be subject to the review and approval of this Municipal Council.

Section 3. The Mayor and/or his designees is/are authorized to take all necessary steps to negotiate any additional terms, conditions and/or or agreements as are necessary in connection with and in furtherance of this resolution.

Section 4. This Resolution shall take effect immediately.

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

* * * * *

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY DESIGNATING TFG 117-121 PROSPECT, LLC AS REDEVELOPER OF THE PROPERTY LOCATED AT 117-121 PROSPECT AVE, WHICH PROPERTY IS IDENTIFIED AS BLOCK 441, LOT 10 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE AND AUTHORIZING THE NEGOTIATION AND PREPARATION OF A REDEVELOPMENT AGREEMENT WITH TFG 117-121 PROSPECT, LLC FOR THE REDEVELOPMENT OF SUCH PROPERTY IN ACCORDANCE WITH THE REDEVELOPMENT PLAN

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

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

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

WHEREAS, the Mayor and Municipal Council consider it to be in the best interest of the City to have the Planning Board of the City (the “Planning Board”) conduct such an investigation to determine if certain property located at 117-121 Prospect Ave, which property is identified as Block 441, Lot 10, 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 March 13, 2018, the Planning Board held a public hearing, duly noticed under the Redevelopment Law, and reviewed an investigation/report titled “Preliminary Investigation Non-Condensation Area in Need of Redevelopment 117-121 Prospect Avenue Block 441 Lot 10” prepared by Suzanne Mack, PPAICP, City of Bayonne, Division of Planning & Zoning, Department of Administration, dated February 13, 2018 (the “Study”) and any persons interested in or affected by a determination that the Study 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 March 13, 2018, the Planning Board further adopted the Resolution recommending that the Study Area be determined by the Municipal Council to be a non-condemnation “area in need of redevelopment” under the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.*; and

WHEREAS, on March 14, 2018, the Municipal Council designated the Study Area as a non-condemnation area in need of redevelopment for the property located at 117-121 Prospect Ave, which property is identified as Block 441, Lot 10, as shown on the official Tax Map of the City (the "Property") and made 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 117-121 Prospect Avenue Block 441 Lot 10" dated March 13, 2018, (the "Redevelopment Plan"); and

WHEREAS, on April 18, 2018, the Municipal Council by ordinance adopted the Redevelopment Plan, and set forth their reasons on the record; and

WHEREAS, TFG 117-121 Prospect, LLC a limited liability company of the State of New Jersey, with an office address of 492-C Cedar Lane, Suite 30, Teaneck, New Jersey 07666 (the "Entity") is the contract purchaser of the Property; and

WHEREAS, the Entity is interested in redeveloping the Property; and

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

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

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

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

Section 1. TFG 117-121 Prospect, LLC is hereby conditionally designated as the redeveloper of the Property, which is designated as Block 441, Lot 10 on the Tax Maps of the City of Bayonne (the "Redeveloper") subject to the execution of a mutually agreeable Redevelopment Agreement.

Section 2. The Municipal Council, through its attorneys and staff, is hereby authorized to negotiate and prepare a mutually agreeable Redevelopment Agreement between TFG 117-121 Prospect, LLC, and the City of Bayonne, which Redevelopment Agreement shall be subject to the review and approval of this Municipal Council.

Section 3. The Mayor and/or his designees is/are authorized to take all necessary steps to negotiate any additional terms, conditions and/or or agreements as are necessary in connection with and in furtherance of this resolution.

Section 4. This Resolution shall take effect immediately.

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

* * * * *

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY
DESIGNATING JERSAM INC. AS REDEVELOPER OF 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 AND AUTHORIZING THE NEGOTIATION
AND PREPARATION OF A REDEVELOPMENT AGREEMENT WITH JERSAM INC. FOR THE
REDEVELOPMENT OF SUCH PROPERTY IN ACCORDANCE WITH THE REDEVELOPMENT
PLAN

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

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

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

WHEREAS, on August 16, 2017, the Municipal Council directed the Planning Board, to prepare and review a redevelopment plan for the property located at 63-67 New Hook Road, which property is identified as Block 416, Lot 3 (the “Property”) on the official tax map of the City of Bayonne and make recommendations to the Municipal Council in accordance with the Redevelopment Law; and

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Municipal Services has prepared a redevelopment plan for the Property titled “63-67 New Hook Road Redevelopment Plan, City of Bayonne Rehabilitation Area: Block 416, Lot 3, Hudson County, New Jersey”, dated _____, 2017 (the “Redevelopment Plan”); and

WHEREAS, on December 12, 2017, the Planning Board reviewed the Redevelopment Plan and recommended the adoption of the Redevelopment Plan to the Municipal Council and concluded that said Redevelopment Plan is consistent with the Master Plan of the City of Bayonne; and

WHEREAS, on January 17, 2018, the Municipal Council by ordinance adopted the Redevelopment Plan, and set forth their reasons on the record; and

WHEREAS, Jersam, Inc., a corporation of the State of New Jersey, with an office address of 63-67 Hook Road, Bayonne, NJ 07002 (the “Entity”) is the contract purchaser of the Property; and

WHEREAS, the Entity is interested in redeveloping the Property; and

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

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

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

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

Section 1. Jersam, Inc. is hereby conditionally designated as the redeveloper of the Property, which is designated as Block 416, Lot 3 on the Tax Maps of the City of Bayonne (the “Redeveloper”) subject to the execution of a mutually agreeable Redevelopment Agreement.

Section 2. The Municipal Council, through its attorneys and staff, is hereby authorized to negotiate and prepare a mutually agreeable Redevelopment Agreement between Jersam, Inc., and the City of Bayonne, which Redevelopment Agreement shall be subject to the review and approval of this Municipal Council.

Section 3. The Mayor and/or his designees is/are authorized to take all necessary steps to negotiate any additional terms, conditions and/or or agreements as are necessary in connection with and in furtherance of this resolution.

Section 4. This Resolution shall take effect immediately.

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

* * * * *

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY
AUTHORIZING AND DIRECTING THE PLANNING BOARD TO CONDUCT A PRELIMINARY
INVESTIGATION TO DETERMINE WHETHER CERTAIN PROPERTY IDENTIFIED AS BLOCK

457.01, LOTS 6, 7, 7.01, 8, 8.01, 8.02, 9, & 10, AND BLOCK 457.02, LOTS 1, 2, 7, & 8 WITHIN THE CITY CONSTITUTES A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 ET SEQ.*

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

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

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

WHEREAS, the Mayor and Municipal Council consider it to be in the best interest of the City to have the Planning Board of the City (the “Planning Board”) conduct such an investigation to determine if certain property identified as Block 457.01, Lots 6, 7, 7.01, 8, 8.01, 8.02, 9, & 10, and Block 457.02, Lots 1, 2, 7, & 8 as shown on the official Tax Map of the City (the “Study Area”), constitute a non-condemnation “area in need of redevelopment,” in accordance with the Redevelopment Law; and

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

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

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

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

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

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

Section 3. The Planning Board is hereby directed to study the property identified as Block 457.01, Lots 6, 7, 7.01, 8, 8.01, 8.02, 9, & 10, and Block 457.02, Lots 1, 2, 7, & 8 on the City’s Tax Maps; to develop a map reflecting the boundaries of the proposed non-condemnation redevelopment area; to provide public notice and conduct public hearings pursuant to *N.J.S.A. 40A:12A-6*; and to draft a report/Resolution to the Mayor and Municipal Council containing its findings.

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

Section 5. This Resolution shall take effect immediately.

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

* * * * *

65. Council Member Perez introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR CERTAIN PROPERTY LOCATED AT 43-45 W 32ND ST, WHICH PROPERTY IS IDENTIFIED AS BLOCK 145, LOT 1, AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 ET SEQ.*

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

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

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

WHEREAS, the Mayor and Municipal Council consider it to be in the best interest of the City to have the Planning Board of the City (the “Planning Board”) conduct such an investigation to determine if certain property located at 43-45 W 32nd Street, which property is identified as Block 145, Lot 1, 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 November 14, 2017, the Planning Board held a public hearing, duly noticed under the Redevelopment Law, and reviewed an investigation/report titled “Preliminary Investigation Non-Condensation Area in Need of Redevelopment 43-45 West 32nd Street Block 145, Lot 1” prepared by Suzanne Mack, PPAICP, City of Bayonne, Division of Planning & Zoning, Department of Administration, dated October 27, 2017 (the “Study”) and any persons interested in or affected by a determination that the Study 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 November 14, 2017, the Planning Board further adopted the Resolution recommending that the Study Area be determined by the Municipal Council to be a non-condemnation “area in need of redevelopment” under the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.*; and

WHEREAS, on December 13, 2017, the Municipal Council designated the Study Area as a non-condemnation area in need of redevelopment and authorized and directed the Planning Board to prepare and review a redevelopment plan for the property located at 43-45 W 32nd Street, which property is identified as Block 145, Lot 1, 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 “43-45 West 32nd Street Block 145, Lot 1” dated February 12, 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 Perez moved the following resolution, seconded by Council President Nadrowski, which was read by the Clerk and adopted.

BE IT RESOLVED, that an ordinance entitled "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR CERTAIN PROPERTY LOCATED AT 43-45 W 32ND ST, WHICH PROPERTY IS IDENTIFIED AS BLOCK 145, LOT 1, AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, May 16, 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.

* * * * *

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

WHEREAS, by way of Resolution Nos. 16-02-17-043 adopted on February 17, 2016 and 17-04-19-063 adopted on April 19, 2017, the Municipal Council authorized extensions of the aforesaid contract with Joan Marie Tsirabddides t/a Lets Eat Concession for the periods commencing Memorial Day 2016 through Labor Day 2016 and Memorial Day 2017 through Labor Day 2017 respectively; and

WHEREAS, the Supervisor of Recreation and administration desire to renew Agreement No. CY15-042 for the term commencing Memorial Day, 2018 end ending Labor Day, 2018 under the same terms and conditions; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk be and are hereby authorized and directed to execute a second extension of Agreement No. CY15-042 between the City and Joan Marie Tsirabddides t/a Lets Eat Concession, 34 Newark Bay Court, Bayonne, New Jersey for the operation of the food concession of the Municipal Pool for the period commencing Memorial Day, 2018 through Labor Day, 2018 for the amount of \$8,222.22 payable to the city.
2. All other terms and conditions shall remain the same.

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

* * * * *

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING AND DIRECTING THE PLANNING BOARD TO CONDUCT A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER CERTAIN PROPERTY IDENTIFIED AS BLOCK 300, LOT 1 WITHIN THE CITY CONSTITUTES A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.

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

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

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

WHEREAS, the Mayor and Municipal Council consider it to be in the best interest of the City to have the Planning Board of the City (the “Planning Board”) conduct such an investigation to determine if certain property identified as Block 300, Lot 1 as shown on the official Tax Map of the City (the “Study Area”), constitute a non-condemnation “area in need of redevelopment,” in accordance with the Redevelopment Law; and

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

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

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

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

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

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

Section 3. The Planning Board is hereby directed to study the property identified as Block 300, Lot 1 on the City’s Tax Maps; to develop a map reflecting the boundaries of the proposed non-condemnation redevelopment area; to provide public notice and conduct public hearings pursuant to *N.J.S.A. 40A:12A-6*; and to draft a report/Resolution to the Mayor and Municipal Council containing its findings.

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

Section 5. This Resolution shall take effect immediately.

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

* * * * *

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

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

* * * * *

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

WHEREAS, on March 14, 2018 the Municipal Council of the City of Bayonne passed Resolution #18-03-14-062 consenting to the appointment of Frank T. Carpenter III and Cheryl Scott Cashman as Municipal Court Judges of the City of Bayonne for three year terms commencing April 1, 2018 consistent with Mayor James M. Davis’ letter of appointment dated March 13, 2018; and

WHEREAS, the County of Hudson has advised the Law Department that Resolution #18-03-14-062 is not sufficient for their purposes because the resolution does not mention the

appointees by name, but rather includes their names by reference via the attachment of the March 13, 2018 letter of appointment; now, therefore, be it

RESOLVED, that Resolution #18-03-14-062 is hereby reaffirmed and this Municipal Council reiterates its consent consenting to the appointment of Frank T. Carpenter III and Cheryl Scott Cashman on March 14, 2018 as Municipal Court Judges of the City of Bayonne for three year terms commencing April 1, 2018 consistent with Mayor James M. Davis' letter of appointment dated March 13, 2018.

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

* * * * *

70. Council Member LaPelusa introduced:

AN ORDINANCE TO AUTHORIZE THE ADDENDUM TO AND PARTIAL RELEASE OF THAT CERTAIN DEED OF EASEMENT FROM THE CITY OF BAYONNE TO THE BAYONNE MUNICIPAL UTILITIES AUTHORITY ("BMUA") DATED OCTOBER 5, 2006, RECORDED ON OCTOBER 18, 2006, IN THE HUDSON COUNTY CLERK/REGISTERS OFFICE IN DEED BOOK 8028 AT PAGE 56 ("EASEMENT") GRANTING THE BMUA RIGHTS TO INSTALL, OPERATE, MAINTAIN, REPAIR AND REPLACE WATER AND SEWER SYSTEMS SERVICING REDEVELOPMENT THROUGHOUT THE FORMER BAYONNE MILITARY OCEAN TERMINAL, FORMERLY BLOCKS 404, LOT 1 ("PENINSULA") SO AS TO EXTINGUISH THE RIGHTS AND OBLIGATIONS OF THE PARTIES WITH THE EXCEPTION OF A 20-FOOT-WIDE SANITARY SEWER EASEMENT LOCATED AT BLOCK 700, LOT 1, A PORTION OF HARBOR STATION SOUTH, IN FAVOR OF BAYONNE REDEVELOPERS URBAN RENEWAL BLOCK 700, LLC, THE SUCCESSOR PURCHASER OF A PORTION OF THE PROPERTY COMPRISING THE PENINSULA.

THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE DOES ORDAIN:

Section 1. That the rights and obligations of the parties under that certain Deed of Easement from the City of Bayonne to the Bayonne Municipal Utilities Authority ("BMUA") dated October 5, 2006, recorded on October 18, 2006, in the Hudson County Clerk/Register's Office in Deed Book 8028 at Page 56 granting the BMUA rights to install, operate, maintain, repair and replace water and sewer systems servicing redevelopment throughout the former Bayonne Military Ocean Terminal, formerly Blocks 404, Lot 1 ("Peninsula"), which has been subdivided into various blocks and lots, including Block 700, Lot 1, part of Harbor Station South, shall be extinguished, and the parties released, except as provided, pursuant to the terms of that certain Addendum To And Partial Release of Deed of Easement, dated April 3, 2018 ("Addendum and Partial Release"), a copy of which is attached hereto, upon the recording of same in the Hudson County Clerk/Register's Office.

Section 2. That pursuant to the Addendum and Partial Release, Bayonne Redevelopers Urban Renewal Block 700, LLC, the successor purchaser of Block 700 Lot 1, shall retain those rights and continue to be bound by those obligations set forth in the Easement, with respect to a 20-foot-wide sewer easement.

Section 3. That the said sewer easement is more specifically described and shall be in accordance with the Metes and Bounds Description prepared by Maser Consulting, P.A., dated March 16, 2018 and Easement Plan prepared by Maser Consulting, P.A., dated March 20, 2018, attached to the Addendum and Partial Release and made a part hereof.

Section 3. That the said Addendum and Partial Release shall be in substance and form as is approved by the Law Department.

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

BE IT RESOLVED, that an ordinance entitled "ORDINANCE TO AUTHORIZE THE ADDENDUM TO AND PARTIAL RELEASE OF THAT CERTAIN DEED OF EASEMENT FROM THE CITY OF BAYONNE TO THE BAYONNE MUNICIPAL UTILITIES AUTHORITY ("BMUA") DATED OCTOBER 5, 2006, RECORDED ON OCTOBER 18, 2006, IN THE HUDSON COUNTY CLERK/REGISTRARS OFFICE IN DEED BLOCK 8028 AT PAGE 56 ("EASEMENT") GRANTING THE BMUA RIGHTS TO INSTALL, OPERATE, MAINTAIN, REPAIR AND REPLACE WATER AND SEWER SYSTEMS SERVING REDEVELOPMENT THROUGHOUT THE FORMER BAYONNE MILITARY OCEAN TERMINAL, FORMERLY BLOCKS 404, LOT 1 ("PENINSULA") SO AS TO EXTINGUISH THE RIGHTS AND OBLIGATIONS OF THE PARTIES WITH THE EXCEPTION OF A 20-FOOT-WIDE SANITARY SEWER EASEMENT LOCATED AT BLOCK 700, LOT 1, A PORTION OF HARBOR STATION SOUTH, IN FAVOR OF BAYONNE REDEVELOPERS URBAN RENEWAL BLOCK 700 LLC, THE SUCCESSOR PURCHASER OF A PORTION OF THE PROPERTY COMPRISING THE PENINSULA," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, May 16, 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.

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

WHEREAS, on November 10, 2015 the City of Bayonne awarded a contract for professional animal control and shelter services for a maximum contract amount not to exceed \$87,500.00 per year for the period commencing December 1, 2015 and ending November 30, 2017 to NEW JERSEY ANIMAL CONTROL and RESCUE of 15C HILLSIDE PLACE, LODI, NJ 07644; and

WHEREAS, NEW JERSEY ANIMAL CONTROL and RESCUE of 15C HILLSIDE PLACE, LODI, NJ 07644 has been providing said services to the City of Bayonne on an emergent/holdover basis since November 30, 2017 and will continue to provide said services on an emergent/holdover basis until April 30, 2018; now, therefore, be it

RESOLVED, that the CFO and/or Controller is hereby authorized to issue payment for services rendered to NEW JERSEY ANIMAL CONTROL and RESCUE of 15C HILLSIDE PLACE, LODI, NJ 07644 from December 1, 2017 through May 14, 2018 consistent with the terms set forth in the original contract.

2. Funds are certified as available in Account #08-01-27-330-0000-029.

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

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

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

WHEREAS, the Hudson County Open Space, Recreation, and Historic Preservation Trust Fund ("County Trust Fund"), provides matching grants to municipal governments and to non-profit organizations who are sponsored by their local municipality for assistance in the development or redevelopment of park improvements; and

WHEREAS, the City of Bayonne desires to further the public interest by obtaining a matching grant of \$500,000 from the County Trust Fund to fund the following project: Improvements to Neil A. DeSena Parks, and

WHEREAS, the Municipal Council has reviewed the County Trust Fund Program Statement, and the Trust Fund Park Improvement application and instructions and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and,

WHEREAS, the County of Hudson shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Hudson for the above named project and ensures it completion on or about the project expiration date.

RESOLVED, by the Municipal Council:

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of Friday, May 4, 2018, as established by the County; and

2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the Municipal Council has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and
3. That the Municipal Council is committed to proving a match for the project in the amount of \$192,000.00; and
4. That only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement.
5. That the Municipal council agrees to comply with all applicable federal, state, and local laws, rules and regulations in its performance of the project; and
6. That this resolution shall take effect immediately.

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

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