

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, NOVEMBER 7, 2018

The Council met at 7:05 P.M.

Council President Perez 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 November 7, 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 November 1, 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 Nadrowski.

The Council President led the Pledge of Allegiance.

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01. The Clerk announced:

AN ORDINANCE ENTITLED, "“ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING AND MODIFYING THE REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 736 TO 742 AVE E, WHICH PROPERTIES ARE IDENTIFIED AS BLOCK 393, LOTS 3, 4 & 5 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.” which was introduced and passed a first reading at a meeting held September 12, 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 October 17, 2018, at which time it was tabled for further consideration at this meeting of November 7, 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: "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING AND MODIFYING THE REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 736 TO 742 AVE E, WHICH PROPERTIES ARE IDENTIFIED AS BLOCK 393, LOTS 3, 4 & 5 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ."

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

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

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

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

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

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

WHEREAS, an ordinance entitled, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING AND MODIFYING THE REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 736 TO 742 AVE E, WHICH PROPERTIES ARE IDENTIFIED AS BLOCK 393, LOTS 3, 4 & 5 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ." was introduced and passed a first reading at a meeting held September 12, 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 the meeting of October 17, 2018 at which time it was amended and tabled for further consideration at this meeting of November 7, 2018; and

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

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

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

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

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

RESOLVED, that the said ordinance be passed and designated as Ordinance No. O-18-63.

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

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02. The Clerk announced:

AN ORDINANCE ENTITLED, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING AND MODIFYING THE REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 90 to 102 AVENUE E WHICH PROPERTIES ARE IDENTIFIED AS BLOCK 467, LOTS 8 & 9 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 October 17, 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 November 7, 2018, is now before the Council for its consideration and a public hearing.

Council Member LaPelusa moved a resolution, seconded by Council President Nadrowski, 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 AND MODIFYING THE REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 90 to 102 AVENUE E WHICH PROPERTIES ARE IDENTIFIED AS BLOCK 467, LOTS 8 & 9 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ. "

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

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

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

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

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

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

WHEREAS, an ordinance entitled, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING AND MODIFYING THE REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 90 to 102 AVENUE E WHICH PROPERTIES ARE IDENTIFIED AS BLOCK 467, LOTS 8 & 9 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 October 17, 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 November 7, 2018 ; and

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

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

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

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

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

RESOLVED, that the said ordinance be passed and designated as Ordinance No. O-18-64.

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

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03. The Clerk announced:

AN ORDINANCE ENTITLED, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AMENDING THE REDEVELOPMENT PLAN FOR THE PROPERTY AT 554-556 BROADWAY AND 11 EAST 25TH STREET, WHICH PROPERTY IS IDENTIFIED AS BLOCK 184, LOT 5 AND BLOCK 184 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 October 17, 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 November 7, 2018, is now before the Council for its consideration and a public hearing.

Council Member Perez moved a resolution, seconded by Council Member LaPelusa, 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 AMENDING THE REDEVELOPMENT PLAN FOR THE PROPERTY AT 554-556 BROADWAY AND 11 EAST 25TH STREET, WHICH PROPERTY IS IDENTIFIED AS BLOCK 184, LOT 5 AND BLOCK 184 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."

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

The following person spoke – Bruce Piggett – 30 East 46th Street

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

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

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

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

WHEREAS, an ordinance entitled, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AMENDING THE REDEVELOPMENT PLAN FOR THE PROPERTY AT 554-556 BROADWAY AND 11 EAST 25TH STREET, WHICH PROPERTY IS IDENTIFIED AS BLOCK 184, LOT 5 AND BLOCK 184 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." was introduced and passed a first reading at a meeting held October 17, 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 November 7, 2018 ; and

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

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

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

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

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

RESOLVED, that the said ordinance be passed and designated as Ordinance No. O-18-65.

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

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04. The Clerk announced:

AN ORDINANCE ENTITLED, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON APPROVING A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND 160 EAST 22ND STREET 2-01 REALTY URBAN RENEWAL, LLC FOR THE PROPERTY LOCATED AT 160 EAST 22ND STREET, WHICH PROPERTY IS IDENTIFIED AS BLOCK 464.01, LOT 2.01 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE" which was introduced and passed a first reading at a meeting held October 17, 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 November 7, 2018, is now before the Council for its consideration and a public hearing.

Council President Nadrowski moved a resolution, seconded by Council Member Cotter, 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 APPROVING A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND 160 EAST 22ND STREET 2-01 REALTY URBAN RENEWAL, LLC FOR THE PROPERTY LOCATED AT 160 EAST 22ND STREET, WHICH PROPERTY IS IDENTIFIED AS BLOCK 464.01, LOT 2.01 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE"

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

The following person spoke – Bruce Piggett – 32 West 46th Street
Peter Franco – 127 West 12th Street

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

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

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

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

WHEREAS, an ordinance entitled, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON APPROVING A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND 160 EAST 22nd STREET 2-01 REALTY URBAN RENEWAL, LLC FOR THE PROPERTY LOCATED AT 160 EAST 22nd STREET, WHICH PROPERTY IS IDENTIFIED AS BLOCK 464.01, LOT 2.01 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE" was introduced and passed a first reading at a meeting held October 17, 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 November 7, 2018; and

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

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

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

RESOLVED, that the said ordinance be passed and designated as Ordinance No. O-18-66.

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

Nays – Council Member LaPelusa.

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05. The Clerk announced:

AN ORDINANCE ENTITLED, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON APPROVING A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND DAVI MATA FLAGSHIP URBAN RENEWAL LLC FOR THE PROPERTY IDENTIFIED AS BLOCK 751, LOT 1.03 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE," which was introduced and passed a first reading at a meeting held October 17, 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 November 7, 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 APPROVING A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND DAVI MATA FLAGSHIP URBAN RENEWAL LLC FOR THE PROPERTY IDENTIFIED AS BLOCK 751, LOT 1.03 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE,"

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

The following person spoke – Mike Morris – 123 Avenue C

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

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

WHEREAS, an ordinance entitled, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON APPROVING A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND DAVI MATA FLAGSHIP URBAN RENEWAL LLC FOR THE PROPERTY IDENTIFIED AS BLOCK 751, LOT 1.03 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE," was introduced and passed a first reading at a meeting held October 17, 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 November 7, 2018; and

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

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

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

RESOLVED, that the said ordinance be passed and designated as Ordinance No. O-18-67.

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

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06. The Clerk announced:

AN ORDINANCE ENTITLED, "ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY LOCATED WITHIN THE MARITIME DISTRICT OF THE PENINSULA AT BAYONNE HARBOR DESIGNATED AS BLOCK 1180 LOT 2 ON THE OFFICAL TAX MAPS OF THE CITY OF BAYONNE (the "Property") TO LEG-BP BAYONNE OWNER LLC FOR THREE HUNDRED TWENTY SIX THOUSAND DOLLARS (\$326,000.00),"which was introduced and passed a first reading at a meeting held October 17, 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 November 7, 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 AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY LOCATED WITHIN THE MARITIME DISTRICT OF THE PENINSULA AT BAYONNE HARBOR DESIGNATED AS BLOCK 1180 LOT 2 ON THE OFFICAL TAX MAPS OF THE CITY OF BAYONNE (the "Property") TO LEG-BP BAYONNE OWNER LLC FOR THREE HUNDRED TWENTY SIX THOUSAND DOLLARS (\$326,000.00),"

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

There was no response – no person appearing to protest against or object to the ordinances 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 President Nadrowski motioned to close the hearing, seconded by Council Member Gullace, which motion was adopted.

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

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

WHEREAS, an ordinance entitled, “ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY LOCATED WITHIN THE MARITIME DISTRICT OF THE PENINSULA AT BAYONNE HARBOR DESIGNATED AS BLOCK 1180 LOT 2 ON THE OFFICAL TAX MAPS OF THE CITY OF BAYONNE (the “Property”) TO LEG-BP BAYONNE OWNER LLC FOR THREE HUNDRED TWENTY SIX THOUSAND DOLLARS (\$326,000.00),” was introduced and passed a first reading at a meeting held October 17, 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 November 7, 2018; and

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

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

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

RESOLVED, that the said ordinance be passed and designated as Ordinance No. O-18-68.

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

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07. The Clerk announced:

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

Council Member Perez moved a resolution, seconded by Council President Nadrowski, 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 object to the ordinance or to its passage.

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

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

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

Council Member LaPelusa moved the 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 October 17, 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 November 7, 2018; and

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

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

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

RESOLVED, that the said ordinance be passed and designated as Ordinance No. O-18-69.

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

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08. Bruce Piggot addressed the council regarding the noise levels at the 46th Street construction site.

Kiros Alla addressed the council regarding the status of the ferry service.

Peter Franco addressed the council regarding the salary ordinance.

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09. Council Member LaPelusa introduced:

AN ORDINANCE TO ADOPT OFFICIAL STREET NAMES FOR NEW STREETS LOCATED IN THE BAYONNE BAY WEST DISTRICT OF THE PENINSULA AT BAYONNE HARBOR

WHEREAS, the Municipal Council of the City of Bayonne adopted Resolution No. 08-09-24-086 on September 24, 2008 adopting a Street Naming and Property Numbering Methodology Master Plan by which street names and property numbers shall be adopted, designated and assigned for new streets constructed at the Peninsula at Bayonne Harbor; and

WHEREAS, the former Military Ocean Terminal at Bayonne was home to Baker Company 21st Infantry Battalion from January 1947 until called to active duty for the Korean War on September 7, 1950; and

WHEREAS, eight members of Baker Company made the Supreme Sacrifice and did not return home; and

WHEREAS, the Mayor has requested that the following street names, as more particularly described and set forth on the “Map and Schedule of Street Names” prepared by Matrix New World Engineering, which Map and Schedule is attached hereto and made a part hereof, be adopted, designated and assigned:

- Arcuri Court
- Brandner Court
- Joachinson Court
- Matusowski Court
- Lawton Court
- Sharpe Court
- Stiller Court
- Wisneski Court
- Baker Company Street ; and

WHEREAS, these streets will comprise the initial road construction for the district known as the Bayonne Bay West District of the Peninsula At Bayonne Harbor; and

WHEREAS, these streets require official names as soon as possible in order that (1) they can be assigned addresses through the Post Master , (2) they can be assigned utility accounts, (3) they can be made part of marketing plans and navigational tools in time for the residential occupancy planned for the Spring of 2018; and

WHEREAS, the adoption of these street names conforms with the Property Numbering Methodology Master Plan adopted by the Municipal Council by Resolution No. 08-09-24-086 on September 24, 2008; now, therefore,

THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE DOES HEREBY ORDAIN:

Section 1. The following street names, as more particularly described and set forth on the “Map and Schedule of Street Names” prepared by Matrix New World Engineering, which Map and Schedule is attached hereto and made a part hereof, are hereby adopted, designated and assigned:

Arcuri Court
Brandner Court
Joachinson Court
Matusowski Court
Lawton Court
Sharpe Court
Stiller Court
Wisneski Court
Baker Company Street; and

Section 2. The designation of these street names shall be filed with the City Tax Assessor.

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 TO ADOPT OFFICIAL STREET NAMES FOR NEW STREETS LOCATED IN THE BAYONNE BAY WEST DISTRICT 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, December 19, 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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10. Council Member LaPelusa introduced:

AN ORDINANCE TO ADOPT OFFICIAL STREET NAMES FOR NEW STREETS LOCATED IN THE BAYONNE BAY WEST DISTRICT OF THE PENINSULA AT BAYONNE HARBOR

WHEREAS, the Municipal Council of the City of Bayonne adopted Resolution No. 08-09-24-086 on September 24, 2008 adopting a Street Naming and Property Numbering Methodology Master Plan by which street names and property numbers shall be adopted, designated and assigned for new streets constructed at the Peninsula at Bayonne Harbor; and

WHEREAS, the former Military Ocean Terminal at Bayonne was the training ground for United States Navy Divers; and

WHEREAS, Carl Brashear was the first African-American to attend and graduated from the U.S. Navy Diving & Salvage School in 1954; and

WHEREAS, despite having his leg amputated as a result of Salvage and Recovery operations, Carl Brashear obtained the rank of Master Diver and retired at the rank of Master Chief Petty Officer; and

WHEREAS, the Mayor has requested that the following street name, as more particularly described and set forth on the “Map and Schedule of Street Names” prepared by Matrix New World Engineering, which Map and Schedule is attached hereto and made a part hereof, be adopted, designated and assigned the name:

CARL BRASHEAR DRIVE; and

WHEREAS, these streets will comprise the initial road construction for the district known as the Bayonne Bay West District of the Peninsula At Bayonne Harbor; and

WHEREAS, these streets require official names as soon as possible in order that (1) they can be assigned addresses through the Post Master , (2) they can be assigned utility accounts, (3) they can be made part of marketing plans and navigational tools in time for the residential occupancy planned for the Spring of 2018; and

WHEREAS, the adoption of these street names conforms with the Property Numbering Methodology Master Plan adopted by the Municipal Council by Resolution No. 08-09-24-086 on September 24, 2008; now, therefore,

THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE DOES HEREBY ORDAIN:

Section 1. The following street name, as more particularly described and set forth on the “Map and Schedule of Street Names” prepared by Matrix New World Engineering, which Map and Schedule is attached hereto and made a part hereof, are hereby adopted, designated and assigned:

CARL BRASHEAR DRIVE; and

Section 2. The designation of these street names shall be filed with the City Tax Assessor.

Council Member LaPelusa 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 TO ADOPT OFFICIAL STREET NAMES FOR NEW STREETS LOCATED IN THE BAYONNE BAY WEST DISTRICT 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, DECEMBER 19, 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.

* * * * *

11. Council Member Perez introduced:

AN ORDINANCE TO ADOPT OFFICIAL STREET NAMES FOR NEW STREETS LOCATED IN THE HARBOR STATION SOUTH DISTRICT OF THE PENINSULA AT BAYONNE HARBOR

WHEREAS, the Municipal Council of the City of Bayonne adopted Resolution No. 08-09-24-086 on September 24, 2008 adopting a Street Naming and Property Numbering Methodology Master Plan by which street names and property numbers shall be adopted, designated and assigned for new streets constructed at the Peninsula at Bayonne Harbor; and

WHEREAS, the Mayor has requested that the following street name, as more particularly described and set forth on the “Map and Schedule of Street Names” prepared by Matrix New World Engineering, which Map and Schedule is attached hereto and made a part hereof, be adopted, designated and assigned the name:

RAICHLE WAY; and

WHEREAS, these streets will comprise the initial road construction for the district known as the Harbor Station South District of the Peninsula At Bayonne Harbor; and

WHEREAS, these streets require official names as soon as possible in order that (1) they can be assigned addresses through the Post Master , (2) they can be assigned utility accounts, (3) they can be made part of marketing plans and navigational tools in time for the residential occupancy planned for the Spring of 2018; and

WHEREAS, the adoption of these street names conforms with the Property Numbering Methodology Master Plan adopted by the Municipal Council by Resolution No. 08-09-24-086 on September 24, 2008; now, therefore,

THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE DOES HEREBY ORDAIN:

Section 1. The following street name, as more particularly described and set forth on the “Map and Schedule of Street Names” prepared by Matrix New World Engineering, which Map and Schedule is attached hereto and made a part hereof, are hereby adopted, designated and assigned:

RAICHLE WAY; and

Section 2. The designation of these street names shall be filed with the City Tax Assessor.

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

BE IT RESOLVED, that an ordinance entitled “AN ORDINANCE TO ADOPT OFFICIAL STREET NAMES FOR NEW STREETS LOCATED IN THE BAYONNE BAY WEST DISTRICT 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, DECEMBER 19, 2018 at 7:00 P.M., or as soon thereafter as the matter can be reached, and the Dorothy E. Harrington Council Chamber, Municipal Building, 630 Avenue, Bayonne, New Jersey, are hereby fixed as the time and place when and where such ordinance will be further considered for final passage, at which time and place all persons interested shall be given an opportunity to be heard concerning the same; and, be it further

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

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

* * * * *

12. Council Member 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

048. Kenneth Adelung, 87 West 9th Street
Beginning at a point on the north side of 9th Street, 398 feet west of the northwest corner of 9th Street and Avenue C, and extending to a point 19 feet west thereof.

159. Elyse Sanchez, 88 West 52nd Street
Beginning at a point on the south side of West 52nd Street, 288 feet east of the south east corner of Avenue B and 52nd Street, and extending to a point 22 feet easterly thereof.

198. Rosa Lopez, 15 East 25th Street
Beginning at a point on the north side of 25th Street, 235 feet east of the north east corner of 25th Street and Broadway, and extending to a point 20 feet east thereof.

264. Denise Alicea, 66 Andrew Street
Beginning at a point on the south side of Andrew Street, 156 feet west of the south west corner of Avenue C and Andrew Street, and extending to a point 18 feet west thereof.

285. Pamela Fucci, 34 East 28th Street
Beginning at a point on the south side of 28th Street, 291 feet west of the south west corner of Avenue E and 28th Street, and extending to a point 22 feet west thereof.

340. Albert Petulla, 52 East 48th Street
Beginning at a point on the north side of East Grand Street, 93 feet west of the north west corner of East Grand Street and Avenue E, and extending to a point 18 feet west thereof.

395. Fathi Sawirs, 86 West 18th Street
Beginning at a point on the south side of 18th Street, 399 feet east of the south east corner of 18th Street and Avenue c, and extending to a point 18 feet east thereof.

RELOCATE

091. Charles Pronticki, East 36th Street to 14 Prospect Avenue

OLD LOCATION: Beginning at a point on the north side of East 36th Street, 267 feet east of the north east corner of 36th Street and Broadway, and extending to a point 18 feet east thereof.

NEW LOCATION: Beginning at a point on the east side of Prospect Avenue, 182 feet north of the north east corner of East 19th Street and Prospect Avenue, and extending to a point 18 feet north thereof.

RELOCATE

349. Jessica Young, for her daughter Daryl Young, 175 West 48th Street

OLD LOCATION: Beginning at a point on the south side of West 48th Street, 520 feet west of the south west corner of 48th Street and Kennedy Blvd., and extending to a point 8 feet west thereof.

NEW LOCATION: Beginning at a point on the south side of West 48th Street, 310 feet west of the south west corner of Kennedy Blvd. and 48th Street, and extending to a point 8 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, DECEMBER 19, 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.

* * * * *

13. 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.

* * * * *

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

From Thomas F. Shebell, III, Esq, filing notice of tort claim on behalf of GERALDINE PIETRONICO, alleging person injury sustained from a fall at the Jersey City Medical Center at 24th Street and Broadway on July 23, 2018.

* * * * *

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

From 304 BROADWAY URBAN REDEVELOPMENT, filing notice of tort claim alleging water damage to property located 298-304 Broadway from sewer backing up and overflowing on September 25, 2018.

* * * * *

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

From SANDRA OSMAN-SHAALAN, filing notice of tort claim alleging water damage to her property located 58 East 14th Street from the sewer backing up and overflowing for a rainstorm on September 25, 2018.

* * * * *

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

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

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

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

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

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

* * * * *

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

DATE: November 2, 2018

TO: Terrence Malloy, CFO
Sloan, City Clerk

FROM: Janet Convery, Treasurer

Please be advised that a transfer to the Board of Ed was made on , November 2, 2018

\$ 5,692,692.00 CLAIMS & PAYROLL FOR November

Janet Convery

* * * * *

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

BID REPORT
FOR THE MUNICIPAL COUNCIL

Date: 10/17/18 Ad Date: 10/ /18 Resolution #18-

Date bids accepted: 10/10/18 Attending: Amy Dellabella, Purchasing Agent

Bid titled: Sgt. James J. Shea Memorial Shooting Range Renovations

Bidders:

TNS Construction LLC
1294 Waterloo Road
Stanhope, NJ 07874

ZN Construction LLC
279 Grace Avenue
Saddle Brook, NJ 07663

After review by the Department Director, the Purchasing Department will prepare a request for contract award and forward it to the City Clerk for inclusion in future Council Agenda. If other than the lowest bidder is recommended, an explanation will be provided with that report.

If bids are to be rejected, an appropriate report will be prepared. Please retain this report, as the information above may not be repeated in the request for award documents or in the event of a bid rejection.

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

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

BID REPORT
FOR THE MUNICIPAL COUNCIL

Date: 10/18/18 Ad Date: 10/08/18 Resolution #18-08-15-071

Date bids accepted: 10/16/18 Attending: Amy Dellabella, Purchasing Agent

Bid titled: Rock Salt

<u>Bidders:</u>	<u>5500 tons delivered</u>	<u>500 tons picked up</u>	<u>Total Bid Price</u>
The Detroit Salt Co. LLC 12841 Sanders St. Detroit, MI 48217	\$53.50	\$50.75	\$319,625.00
Atlantic Salt, Inc. 134 Middle Street Suite 210 Lowell, MA 01852	\$59.90	\$59.90	\$359,400.00

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
(signed)

* * * * *

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

BID REPORT
FOR THE MUNICIPAL COUNCIL

Date: 10/18/18 Ad Date: 10/08/18 Resolution #18-08-15-072

Date bids accepted: 10/16/18 Attending: Amy Dellabella, Purchasing Agent

Bid titled: Snow Removal Services During Snow Emergency

No bids received. I will request the City Clerk to advertise to re bid.

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 bids are to be rejected an appropriate report will be prepared. Please retain this report, as the information above may not be repeated in the request for award documents or in the event of a bid rejection.

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

* * * * *

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

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

RESOLVED, That the following items which have been included on the agenda for this regular meeting as 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.

* * * * *

24. 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, October 17, 2018 be and the same are hereby approved.

* * * * *

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

RESOLVED, That the official minutes of the council caucus meeting held Wednesday, October 10, 2018 , be and the same are hereby approved.

* * * * *

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

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
42	20	Abba Karas Realty, LLC	3,750.62
85	5.01	Robert Mullins	6,269.60
188	12	Abba Karas Realty, LLC	6.79
423	5	Raymond Ortiz	1,382.80
Total:			11,409.81

* * * * *

27. 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 \$ 39.60 drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of licenses Nos. 999-1011 inclusive, 8 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.

* * * * *

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

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

Police Department, 2005 Buick Century VIN #2G4WS52J451146531

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

RESOLVED, by the Municipal Counsel as follows:

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

* * * * *

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

WHEREAS, the Police Department of the City of Bayonne, pursuant to a grant received under the State Homeland Security Program (SHSP-FY 10), administered through the County of Hudson, purchased a policy management software package (DMS Software) from Innovative Data Solutions, Inc., P.O. Box 2468, Orlando, FL 32802, on March 9, 2011, which included two years of software maintenance; and

WHEREAS, Power DMS has provided the city with an invoice for software maintenance services for the one-year period commencing January 1, 2018 and ending December 31, 2018, for a total contract amount of \$2,516.20; and

WHEREAS, funds for said agreement have been certified as available in Account #PS-9/01-25-240-0000-029 pending adoption of the CY 2019 budget; and

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

RESOLVED, that the Mayor or his designee of the City of Bayonne are hereby authorized to enter into a service agreement with PowerDMS, 101 S. Garland Avenue Suite 300, Orlando, FL 32802, for annual software support services for the Police Department's policy management software package (DMS Software) for the one-year period commencing January 1, 2019 and ending December 31, 2019, for a total contract amount of \$2,516.20 and said funds have been certified available in Account #PS-9/01-25-240-0000-029 pending adoption of the CY 2019 budget; and be it further

RESOLVED, that the Municipal Treasurer be and is hereby authorized and directed to issue a warrant payable to PowerDMS in the amount of \$2,516.20 in payment for such services.

* * * * *

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

WHEREAS, the Police Department of the City of Bayonne established that there was a need for an annual software support and extended one-year warranties for all equipment deployed as part of the Digital Video Surveillance Network (DVSN) throughout the city; and

WHEREAS, Hitachi Data Systems (“Hitachi”), 2845 Lafayette Street, Santa Clara, CA 95050, provided the City with an IP-Surveillance Support Agreement to supply the aforesaid services for a one year period commencing July 1, 2018 and ending June 30, 2019 at a cost of \$46,500.00 and

WHEREAS, uninterrupted software support for said equipment deployed as part of the Digital Video Surveillance Network (DVSN) deployed throughout the city is essential for the safety and welfare of the citizens of the City of Bayonne; and

WHEREAS, the Chief of Police executed said IP-Surveillance Support Agreement with Hitachi so as to avoid any interruption of the service prior to obtaining the approval of this body; and

WHEREAS, Hitachi Vantara Corporation, the successor to Hitachi Data Systems, has completed and submitted a Business Entity Disclosure Certification certifying that it has not made any reportable contributions to a political or candidate committee in the City of Bayonne in the one (1) year next preceding July 1, 2018, and, furthermore, that the contract will prohibit Hitachi Vantara Corporation from making any reportable contributions through the contract term in accordance with N.J.S.A. 19:44A-20.5; and

WHEREAS, this contract is awarded pursuant to the Non-fair and Open process pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, it is necessary to amend said IP-Surveillance Support Agreement to conform to Law Department standards; and

WHEREAS, funds are certified as available in Account Nos. 8-01-25-240-0000-028 for CY2018 and 9-01-25-240-0000-028 for CY2019 pending adoption of the CY2019 budget; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The actions of the Chief of Police in executing the IP-Surveillance Support Agreement with Hitachi Data Systems, 2845 Lafayette Street, Santa Clara, CA 95050, for annual software support and extended one-year warranties for all equipment deployed as part of the Digital Video Surveillance Network (DVSN) deployed throughout the city for a one year period commencing July 1, 2018 and ending June 30, 2019 at a cost of \$46,500.00 are hereby ratified and affirmed.
2. The Mayor and/or his designee is/are hereby authorized to execute an amendment to the aforesaid IP-Surveillance Support Agreement with Hitachi conforming same to the Law Department standards.
3. Funds are chargeable to Account Nos. 8-01-25-240-0000-028 for CY2018 and 9-01-25-240-0000-028 for CY2019.
4. The Municipal Treasurer be and is hereby authorized and directed to issue a warrant payable to Hitachi Data Systems, in the amount of \$46,500.00 in payment for said services.
5. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

* * * * *

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

WHEREAS, the City of Bayonne is in need of continuing maintenance services for Alchemy brand document-imaging software housed in the Police Department; and

WHEREAS, Open Text, Inc., c/o J.P. Morgan Lockbox, 24685 Network Place Chicago, IL 60673 has provided the City with an invoice for said services for the period commencing January 1, 2019 and ending December 31, 2019, for a total contract amount of \$4,414.00; and

WHEREAS, funds for said agreement have been certified as available in Account #PS-9/01-201-25-240-2-020 pending adoption of the 2019 budget; and

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

RESOLVED, that the Mayor and his designee of the City of Bayonne are hereby authorized to enter into a service agreement with Open Text, Inc., c/o J.P. Morgan Lockbox, 24685 Network Place Chicago, IL 60673, for application software support services for Alchemy brand document-imaging software housed in the Police Department for a one year period commencing January 1, 2019 and ending December 31, 2019, for a total contract amount of \$4,414.00, and said funds have been certified available in Account #PS-9 01-201-25-240-2-020 pending adoption of the 2019 budget; and be it further

RESOLVED, that the Municipal Treasurer be and is hereby authorized and directed to issue a warrant payable to Open Text, Inc.in the amount of \$4,414.00 in payment for such services.

* * * * *

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

WHEREAS, the City is in need of pressure washing of the sidewalks in the Special Improvement District, both sides of a fifteen (15) block area within Bayonne's Commercial core; and

WHEREAS, Commercial District Services, LLC ("CDS"), 35 Journal Square, Suite 502, Jersey City, New Jersey, has submitted a formal written proposal for the aforesaid pressure washing services dated October 25, 2018 in the amount of \$27,540.00; and

WHEREAS, CDS has completed and submitted a Business Entity Disclosure Certification certifying that it has not made any reportable contributions to a political or candidate committee in the City of Bayonne in the one (1) year next preceding November 7, 2018, and, furthermore, that the contract will prohibit CDS from making any reportable contributions through the contract term in accordance with N.J.S.A. 19:44A-20.5; and

WHEREAS, this contract is awarded pursuant to the Non-fair and Open process pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, funds are certified as available in Account SID; and

WHEREAS, N.J.S.A. 40A:11-3(a), allows for the award of a contract without the necessity of public advertising for bids where the municipality has a Qualified Purchasing Agent, and when the cost or price does not exceed \$40,000.00; 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 Commercial District Services, LLC, 35 Journal Square, Suite 502, Jersey City, New Jersey 07306 for pressure washing of the sidewalks in the Special Improvement District, both sides of a fifteen (15) block area within Bayonne's Commercial core, for an amount of \$27,540.00 pursuant to CDS's proposal dated October 25, 2018.

3. Funds are certified as available in Account SID.

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

* * * * *

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

WHEREAS, the Municipal Council by resolution adopted September 11, 1974, did authorize the Mayor, on behalf of the City of Bayonne, to enter into a Joint Agreement for the establishment of the Regional Health Commission of Hudson County (the "Commission") in accordance with N.J.S.A. 26:3-83 to 94; and

WHEREAS, the Commission has provided the City with services in connection with the prevention of the use of the atmosphere as a receptor of waste thereby adversely affecting persons and property; and

WHEREAS, the City of Bayonne has continued membership in the aforesaid Commission on an annual basis in order to avail the City of the services offered; and

WHEREAS, pursuant to the terms of the aforesaid Joint Agreement, each participating municipality shall contribute to the Commission's budget on the bases of the percent of its population to the combined population of all participating municipalities; and

WHEREAS, the City's annual assessment for Calendar Years 2017 and 2018 is \$25,944.00 per year; and

WHEREAS, the City is in receipt of invoices from the Commission totaling the amount of \$45,402.00 for its annual municipal assessments for Calendar Years 2017 and 2018 to date (\$25,944.00 representing the City's annual assessment for CY2018 and \$19,458 for the first, second and third quarters of Calendar Year 2018); and

WHEREAS, it is in the best interests of the citizens of Bayonne to continue membership in the in the aforesaid Commission in order to continue to avail the City of the services offered; and

WHEREAS, funds are certified as available in Accounts 07-01-27-330-0000-029 for CY2017 & 08-01-27-330-0000-029 for CY2018; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The continued membership of the City of Bayonne in the Commission for the Calendar Years 2017 and the first, second, and third quarters of 2018 is hereby ratified and affirmed.

2. The continued membership of the City of Bayonne in the Commission for the Calendar Year 2018 is hereby authorized.

3. The Municipal Treasurer is hereby authorized to issue warrants in the amounts of \$45,402.00 payable to the Commission representing the City's municipal assessment for CY2017 and the first, second and third quarters of CY2018 and \$6,486.00 representing payment of the City's annual assessment for the fourth quarter of CY2018 upon receipt of an invoice for same.

4. Funds shall be charged to Accounts 07-01-27-330-0000-029 for CY2017 & 08-01-27-330-0000-029 for CY2018.

* * * * *

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

WHEREAS, pursuant to Resolution No. 16-07-20-041 adopted on July 20, 2016, the Municipal Council authorized the Mayor and City Clerk to execute an "Interlocal Agreement between the City of Bayonne and the Hudson Regional Health Commission (re: Conducting Elevated Blood Lead EBL) Investigations)" (the "Interlocal Agreement") for the period commencing March 1, 2015 and ending February 28, 2018 for an amount of \$600.00 for each environmental lead investigation, inclusive of clearance inspection and laboratory costs where warranted for a total amount not to exceed \$6,000.00; and

WHEREAS, the Interlocal Agreement provides that the Hudson Regional Health Commission (the "HRHC") would be responsible for conducting eight (8) environmental investigations related to children with elevated blood lead levels pursuant to standards set forth in the New Jersey Department of Health and Senior Services ("Investigations") at a cost of \$600.00 for each environmental lead investigation and a total amount not to exceed \$5,000.00; and

WHEREAS, the New Jersey Department of Health and Senior Services revised its childhood lead prevention rules lowering lead tolerance level standards detected in children resulting in the need for four (4) additional Investigations during the term of the Interlocal

Agreement thereby creating a shortfall in the funds authorized for payment to the HRHC in the amount of \$600.00; and

WHEREAS, said environmental lead investigations are essential for the health, welfare and safety of the citizens of Bayonne; and

WHEREAS, the City's Health Officer authorized said environmental lead investigations; and

WHEREAS, funds are certified as available in Accounts 7-01-27-330-0000-29 for CY2017 and 8-01-27-330-0000-029 for CY2018; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The actions of the City's Health Officer in authorizing the four (4) additional environmental lead inspections during the term of the Interlocal Agreement are hereby ratified and affirmed.

2. The amount of funds authorized for payment to the HRHC pursuant to the aforesaid Resolution 16-07-20-041 is hereby increased in the amount of \$600.00 making the total amount \$6,600.00.

3. The Mayor and City Clerk are hereby authorized to enter into an amendment to the aforesaid Interlocal Agreement with Hudson Regional Health Commission (re: Conducting Elevated Blood Lead EBL) Investigations increasing the amount of inspections to twelve (12) and increasing same to the amount of \$6,600.00.

4. Funds shall be charged to Accounts 7-01-27-330-0000-29 for CY2017 and 8-01-27-330-0000-029 for CY2018.

* * * * *

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

WHEREAS, the Municipal Council adopted Resolution No. 18-02-14-031 on February 14, 2018 concerning an Interlocal Agreement between the City of Bayonne and Hudson Regional Health Commission (re: Conducting Elevated Blood Lead EBL Investigations)" (the "Interlocal Agreement") for the period commencing March 1, 2018 and ending February 28, 2021 for an amount of \$600.00 for each environmental lead investigation, inclusive of clearance inspection and laboratory costs where warranted for a amount not to exceed \$5,000.00 or a total of eight (8) inspections whichever is less; and

WHEREAS, said environmental lead investigations are essential for the health, welfare and safety of the citizens of Bayonne; and

WHEREAS, the Mayor and City Clerk executed the Interlocal Agreement on March 20, 2018; and

WHEREAS, it is necessary to increase the amount of the Interlocal Agreement due to a revision in the New Jersey Department of Health and Senior Services' childhood lead prevention rules lowering lead tolerance level standards detected in children to an amount not to exceed \$17,500.00 for the term of the Interlocal Agreement; and

WHEREAS, funds are certified as available in Account #8-01-27-330-0000-29 for CY2018 and Health Department Accounts pending adoption of future budgets; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The actions of the Mayor and City Clerk in executing the aforesaid Interlocal Agreement with Hudson Regional Health Commission enter into an amendment to the aforesaid Interlocal Agreement with Hudson Regional Health Commission (re: Conducting Elevated Blood Lead EBL) for the period commencing March 1, 2018 and ending February 28, 2021 are hereby ratified and affirmed.

2. The Mayor and City Clerk are hereby authorized to execute an amendment to the Interlocal Agreement increasing same to a total amount not to exceed \$17,500.00 for the term of the Interlocal Agreement.

3. Funds shall be charged to Account #8-01-27-330-0000-29 for CY2018 and Health Department accounts pending adoption of future.

* * * * *

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

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

WHEREAS, the Bayonne Youth Center, 524 Kennedy Blvd., Bayonne, New Jersey 07002 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, the Bayonne Youth Center has requested and submitted a formal written application dated February 17, 2017 for said CDBG Grant Funds in the amount of \$41,500.00 for the purpose of providing the cost of interior repairs from AA-ABCO Construction, 47 Newman Street, Bayonne, NJ 07002; and

WHEREAS, the Assistant Director of Community Development has advised that the availability of said Community Development Block Grant Funds for the purpose of providing the cost of interior repairs from AA-ABCO Construction, 47 Newman Street, Bayonne, NJ 07002; and

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

RESOLVED, by the Municipal Council as follows:

- 1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Bayonne Youth Center, 524 Kennedy Blvd, Bayonne, New Jersey 07002 for the provision of providing the cost of interior repairs from AA-ABCO Construction, 47 Newman Street, Bayonne, NJ 07002 in the amount of \$41,500.00 for the period commencing September 1, 2017 and ending August 31, 2018.
- 2. Funds shall be charged to Account #CDBG-917

* * * * *

37. 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
Hudson Hospice Volunteers	6:00-10:00 PM 1081 Broadway February 28, 2019	RL: 9321 RL: 9322
Mt. Carmel Lyceum, Inc.	10:00 AM 39 East 22 nd Street April 7, 2019	RL: 9323
Blessed Miriam Teresa Demjanovich	11:00 PM 126 Broadway March 19, 2019	RL: 9324
PTA Philip G. Vroom School	6:00 – 10:00 PM 18 West 26 th Street November 30, 2018	RL: 9325

* * * * *

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

WHEREAS, pursuant to Resolution No. 18-18-15-071, the City Clerk advertised in the Jersey Journal on October 8, 2018 that sealed bids for Rock Salt for City Streets would be received on October 16, 2018; and

WHEREAS, pursuant to such advertisement, the following two (2) proposals were received from:

<u>Bidders:</u>	<u>5500 tons delivered</u>	<u>500 tons picked up</u>	<u>Total Bid Price</u>
The Detroit Salt Co. LLC 12841 Sanders St. Detroit, MI 48217	\$53.50	\$50.75	\$319,625.00
Atlantic Salt, Inc. 134 Middle Street Suite 210 Lowell, MA 01852	\$59.90	\$59.90	\$359,400.00

;and

WHEREAS, Amy Dellabella, Purchasing Agent and Gary Chmielewski, Director of Public Works, Parks and Recreation, have examined the bids or proposals and have determined that the bid of The Detroit Salt Co. LLC., 12841 Sanders St, Detroit, MI 48217, is a regular bid and is most advantageous to the City of Bayonne for Rock Salt for City Streets; and

WHEREAS, the Municipal Comptroller has filed a certification with the city clerk that funds are available in Account #PW-Snow 8-01-26-291-0000-030 2018 for CY2018 and #PW-Snow 9-01-16-291-0000-030 pending adoption of the CY 2019 budget; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The contract for Rock Salt for City Streets be awarded to:

The Detroit Salt Co. LLC., 12841 Sanders St, Detroit, MI 48217 for a total bid amount not to exceed \$319,625.00:
2. The contract be executed in the name of the City of Bayonne by the proper city officials.
3. Said sum be charged to Account #PW-Snow 8-01-26-291-0000-030 2018 for CY2018 and #PW-Snow 9-01-16-291-0000-030.

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

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

RESOLVED, that the budgetary transfers as set forth below pertaining to the CY 2018 appropriations be and the same are hereby authorized, and be it further

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

CURRENT FUND				
<u>No.</u>	<u>Account</u>	<u>Amount</u>	<u>Account</u>	<u>Amount</u>
1	PERS	51,200.00	Law Dept-S&W	13,000.
			Law Dept.-O.E.	5,000.
			Bus. Administration-O.E.	10,000.
			Finance – O.E.	10,000.
			Mun. Council—S&W	200.
			City Clerk-S&W	5,000.
			Tax Collector-S&W	5,000.
			Tax Assessor-S&W	3,000.
2	Parks & Playgrounds-S&W	55,000.00	Streets & Road Mtnce-O.E.	10,000.
	Building & Grounds-S&W	90,000.00	Other Public Works-S&W	32,000.
	Swimming Pool- S& W	15,000.00	Other Public Works-O.E.	5,000.
	Swimming Pool- O.E.	5,000.00	Maintenance of Parks-S&W	370,000.
	Streets&Maintenance-S&W	150,000.00	Maintenance of Parks-O.E.	10,000.
	Vehicle Maintenace-S&W	55,000.00	Vehicle Maintenance-O.E.	20,000.
	Office of the Mayor-S&W	35,000.00	Buildings &Grounds-O.E.	10,000.
	Fire Dept.-non-uniform-S&W	35,000.00		

	Board of Health-S&W	17,000.00		
3.	Municipal Court-S&W	20,000.00	Municipal Court-O.E.	20,000.
4.	Law Enforcement-Uniform-S& W	150,000.00	Law Enforcement-Uniform-O.E.	150,000.
5.	Solid Waste Collection	50,000.00	Solid Waste Disposal	31,000.

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

* * * * *

40. Council President Nadrowski 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 REAUTHORIZING AND DIRECTING THE PLANNING BOARD TO CONDUCT A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER CERTAIN PROPERTY LOCATED AT 276 PROSPECT AVE, WHICH PROPERTY IS IDENTIFIED AS BLOCK 407, LOTS 1, 2, 3 AND 4 AND BLOCK 408, LOTS 1 AND 2 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE 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, on March 16, 2005, the City of Bayonne (the “City”) Municipal Council adopted Resolution 05-03-16-048 authorizing and directing the Planning Board to (i) conduct investigations pursuant to N.J.S.A. 40A:12A-6 to determine whether certain scattered sites in locations throughout the City and described on the Tax Map of the City of Bayonne, State of New Jersey, satisfy the criteria to be designated as areas in need of redevelopment under N.J.S.A. 40A:12A-5 and (ii) prepare a redevelopment plan for the Study Areas; and

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Municipal Services has prepared a redevelopment plan for the Redevelopment Area titled “Scatter Site Redevelopment Plan” dated December 7, 2005 (the “Redevelopment Plan”); and

WHEREAS, the Planning Board passed a resolution adopting the findings of the Redevelopment Study and recommending to the City Council that the Study Areas be designated an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-6 (the “Revised Study Areas”); and

WHEREAS, the original study did not include the adjacent properties designated as Block 470 Lots 2, 3 and 4 on the Tax Map of the City of Bayonne, State of New Jersey, 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 276 Prospect Ave, which property is identified as Block 470, Lots 2, 3 and 4 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 expansion of the redevelopment area to include the adjacent Lots within the Study Area is potentially valuable for contributing to, serving, and protecting the public health, safety and welfare and for the promotion of smart growth within the City; and

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

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

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

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

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

Section 3. The Planning Board is hereby directed to study the property located at 276 Prospect Ave, which property is identified as Block 470, Lots 2, 3 and 4 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.

* * * * *

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY
DESIGNATING EOM 90 AVE E LLC AS REDEVELOPER FOR THE PROPERTY LOCATED AT 90-102 AVENUE E, WHICH ARE IDENTIFIED AS BLOCK 467, LOTS 8 & 9 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH EOM 90 AVE E, 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 (the “Municipal Council”) adopted Resolution No. 98-02-04-040, designating the entire City as an area in need of rehabilitation in accordance with *N.J.S.A. 40A:12A-14*; and

WHEREAS, on July 18, 2018, the Municipal Council directed the Planning Board, to prepare and review a redevelopment plan for the properties located at 90-102 Avenue E, which are identified as Block 467, Lots 8 & 9 as shown on the official tax map of the City of Bayonne (the “Property”) and make recommendations to the Municipal Council in accordance with the Redevelopment Law; and

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Administration has prepared a redevelopment plan for the Property titled “Redevelopment Plan Block 467, Lots 8 & 9 (90-102 Avenue E)”, dated September 14, 2018 (the “Redevelopment Plan”); and

WHEREAS, on September 19, 2018, the Planning Board reviewed the Redevelopment Plan and recommended the adoption of the Redevelopment Plan with revisions to the Municipal Council and concluded that said Redevelopment Plan is consistent with the Master Plan of the City of Bayonne; and

WHEREAS, upon receipt and review of the Planning Board's recommendations relating to the Redevelopment Plan, the Municipal Council desires to adopted 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 agreed with the Planning Board's recommendation and by **Ordinance 0-18-** on November 7, 2018, the Municipal Council adopted the Redevelopment Plan; and

WHEREAS, EOM 90 AVE E LLC with an office address of 693 Northumberland Rd, Teaneck, New Jersey 07666, (the "Redeveloper") wishes to develop the Redevelopment Area and use it for the purpose of implementing the Redevelopment Plan; and

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

WHEREAS, the Municipal Council desires to designate EOM 90 AVE E LLC as redeveloper of the Redevelopment Area and enter into a Redevelopment Agreement with the redeveloper, as provided for and in accordance with the provisions of the Redevelopment Law.

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

Section 1. The Municipal Council of the City of Bayonne hereby authorizes the execution of the "Redevelopment Agreement By and Between the City of Bayonne and EOM 90 AVE E LLC concerning the Redevelopment Area identified as Block 467, Lots 8 & 9 in the City of Bayonne, in such a form deemed advisable by the City Attorney, subject to any and all conditions contained herein and such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel to the City; and

Section 2. The Municipal Council, upon the full execution of the Redevelopment Agreement recognizes EOM 90 AVE E LLC as redeveloper of Block 467, Lots 8 & 9, in the City of Bayonne (the "Redeveloper") as provided for and in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law; and

Section 3. The Mayor and Clerk are hereby authorized to execute the Redevelopment Agreement, with such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel, on behalf of the City of Bayonne, acting as the redevelopment entity for the redevelopment of the Redevelopment Area by EOM 90 AVE E LLC.

Section 4. This Resolution shall take effect immediately.

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

* * * * *

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY
DESIGNATING 746 AVENUE E BAYONNE, LLC AS REDEVELOPER FOR THE PROPERTY
LOCATED AT 736 AVENUE E, 738 AVENUE E, AND 742 AVENUE E, WHICH ARE IDENTIFIED
AS BLOCK 393, LOTS 3, 4, & 5 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF
BAYONNE AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH
746 AVENUE E BAYONNE, LLC FOR THE REDEVELOPMENT OF SUCH PROPERTY IN
ACCORDANCE WITH THE REDEVELOPMENT PLAN (BEACON OIL SITE)

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

WHEREAS, on August 16, 2017, the Municipal Council directed the Planning Board, to prepare and review a redevelopment plan for the properties located at 736 Avenue E, 738 Avenue E, 742 Avenue E, which are identified as Block 393, Lots 3, 4, & 5 as shown on the

official tax map of the City of Bayonne (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 “Amendment to the scattered Site Redevelopment Plan For A Portion of the Plan Located at 736 - 742 Avenue E, Block 393, Lots 3, 4, & 5 Beacon Oil (Known as the Gulf Oil Site Lots 1,2,3,4,5)”, dated September 11, 2018 (the “Redevelopment Plan”); and

WHEREAS, on September 11, 2018, 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, upon receipt and review of the Planning Board’s recommendations relating to the Redevelopment Plan, the Municipal Council adopted 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 agreed with the Planning Board’s recommendation and by **Ordinance 0-18-** on November 7, 2018, the Municipal Council adopted the Redevelopment Plan; and

WHEREAS, 746 AVENUE E BAYONNE, LLC with an office address of 740 West Fingerboard Rd, Staten Island, NY 10305, (the “Redeveloper”) wishes to develop the Redevelopment Area and use it for the purpose of implementing the Redevelopment Plan; and

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

WHEREAS, the Municipal Council desires to designate 746 AVENUE E BAYONNE, LLC as redeveloper of the Redevelopment Area and enter into a Redevelopment Agreement with the redeveloper, as provided for and in accordance with the provisions of the Redevelopment Law.

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

Section 1. The Municipal Council of the City of Bayonne hereby authorizes the execution of the “Redevelopment Agreement By and Between the City of Bayonne and 746 AVENUE E BAYONNE, LLC concerning the Redevelopment Area identified as Block 393, Lots 3, 4, & 5 in the City of Bayonne, in such a form deemed advisable by the City Attorney, subject to any and all conditions contained herein and such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel to the City; and

Section 2. The Municipal Council, upon the full execution of the Redevelopment Agreement recognizes 746 AVENUE E BAYONNE, LLC as redeveloper of Block 393, Lots 3, 4, & 5, in the City of Bayonne (the “Redeveloper”) as provided for and in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law; and

Section 3. The Mayor and Clerk are hereby authorized to execute the Redevelopment Agreement, with such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel, on behalf of the City of Bayonne, acting as the redevelopment entity for the redevelopment of the Redevelopment Area by 746 AVENUE E BAYONNE, LLC.

Section 4. This Resolution shall take effect immediately.

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

* * * * *

43. 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
LOCATED AT 101- 143 EAST 22ND STREET, 102-120 EAST 22ND STREET, 103-115
EAST 21ST STREET, WHICH PROPERTY IS IDENTIFIED AS BLOCK 450 LOT 7 AND 8,

BLOCK 451 LOTS 1.01, 2.05 AND 2.03, BLOCK 457.01 LOTS 6, 7, 7.01, 8.02, 9, 10 AND BLOCK 457.02 LOTS 1, 2, 4, 7 AND 8 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE 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. (KEN'S MARINE)

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, pursuant to the Redevelopment Law, the Municipal Council adopted Resolution No. 17-08-16-76, to reopen and amend Scattered Site 14 of the Scattered Site Redevelopment Plan – Phase 2; and

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Municipal Services has prepared a redevelopment plan for the Redevelopment Area titled "Lehigh Realty aka Ken's Marine" dated March 13, 2018 (the "Redevelopment Plan"); and

WHEREAS, the original study and the Redevelopment Plan did not include the adjacent properties designated as Block 450 Lot 7 and 8, Block 451 Lots 1.01, 2.05 and 2.03, Block 457.01, 10, 9, , 8.02, 7, 7.01 and 6, and Block 457.02 1, 2, 4, 7 and 8 on the Tax Map of the City of Bayonne, State of New Jersey, 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 101- 143 East 22nd Street, 102-120 East 22nd Street and 103-115 East 21st Street, which property is identified as Block 450 Lot 7 and 8, Block 451 Lots 1.01, 2.05 and 2.03, Block 457.01, 10, 9, 8.02, 7, 7.01 and 6, and Block 457.02 1, 2, 4, 7 and 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 expansion of the redevelopment area to include the adjacent Lots within the Study Area is potentially valuable for contributing to, serving, and protecting the public health, safety and welfare and for the promotion of smart growth within the City; and

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

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

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

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

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

Section 3. The Planning Board is hereby directed to study the property located at 101- 143 East 22nd Street, 102-120 East 22nd Street and 103-115 East 21st Street, which property is identified as Block 450 Lot 7 and 8, Block 451 Lots 1.01, 2.05 and 2.03, Block 457.01, 10, 9, 8.02, 7, 7.01 and 6, and Block 457.02 1, 2, 4, 7 and 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.

* * * * *

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY
AUTHORIZING AND DIRECTING THE PLANNING BOARD TO CONDUCT A PRELIMINARY
INVESTIGATION TO DETERMINE WHETHER CERTAIN PROPERTY LOCATED AT 80 WEST
47TH STREET WHICH PROPERTY IS IDENTIFIED AS BLOCK 76, 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 ”) to conduct such an investigation to determine if certain properties located at 80 West 47th St , which property is identified as Block BLOCK 76 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 area known as 87 West 47th Street, which property is identified as BLOCK 76 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.

* * * * *

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING AND DIRECTING THE PLANNING BOARD TO REOPEN AND AMEND THE BOULEVARD GATEWAY REDEVELOPMENT PLAN 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, the Municipal Council of the City (the “Municipal Council”) adopted 98-02-04-040, which designated the entire City of Bayonne as an area in need of rehabilitation in accordance with the provisions of N.J.S.A. 40A:12A-14 of the Redevelopment Law; and

WHEREAS, the Municipal Council, adopted the Boulevard Gateway Redevelopment Plan (“Redevelopment Plan”) in 2003; and

WHEREAS, pursuant to the provisions of N.J.S.A. 40A:12A-7(e) of the Redevelopment Law, the City is permitted to amend a Redevelopment Plan; and

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

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

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

Section 1. The Planning Board of the City of Bayonne is hereby authorized and directed to reopen and prepare an amendment to the Redevelopment Plan in accordance with the Redevelopment Law, N.J.S.A. 40A:12A-1 et seq.

Section 2. The Planning Board shall transmit the Amended Redevelopment Plan to the Municipal Council for further consideration and action upon completion of same.
[577-017/00528140-]

Section 3. This Resolution shall take effect immediately.

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

* * * * *

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

RESOLUTION AUTHORIZING CORRECTION BY WAY OF DELETION OF AN INCONSISTENT PROVISION IN THE 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, ADOPTED MAY 16, 2018 PURSUANT TO ORDINANCE O-18-24, SO AS TO

GIVE EFFECT TO AND BE CONSISTENT WITH THE ACTIONS OF THE PLANNING BOARD

WHEREAS, pursuant to Ordinance O-18-24 adopted on May 16, 2018, effective June 4, 2018, the Municipal Council of the City of Bayonne adopted 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

WHEREAS, Section C (3) (c) located at Page 8 of the Redevelopment Plan provides that Curb Cuts "shall only be located on W. 32nd Street"; and

WHEREAS, Section 4 (e) located at Page 9 of the Redevelopment Plan provides "Vehicular access to parking structures is not permitted on W. 32nd Street"; and

WHEREAS, the foregoing provisions are inconsistent; and

WHEREAS, it was the intention of the Planning Board of the City of Bayonne to require off-street parking, accessible through W. 32nd Street, and the language prohibiting vehicular access to parking structures on W. 32nd Street was included in error and should be deleted in order to give effect to and be consistent with the actions of the Planning Board; now therefore be it

RESOLVED that the 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 is hereby corrected by deleting Section 4 (e) located at Page 9 of the Redevelopment Plan providing "Vehicular access to parking structures is not permitted on W. 32nd Street" so as to be consistent with Section C (3) (c) located at Page 8 of the Redevelopment Plan providing that Curb Cuts "shall only be located on W. 32nd Street."

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

* * * * *

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

WHEREAS, the City of Bayonne has entered into discussions with the Port Authority of New York and New Jersey for the lease of property located at the Peninsula at Bayonne Harbor to be used as a passenger ferry terminal; and

WHEREAS, the City of Bayonne and the Port Authority of New York and New Jersey have developed a term sheet, attached hereto as exhibit A, to be used as the basis for a lease agreement; and

WHEREAS, the City of Bayonne has named SeaStreak LLC, as the ferry operator of the ferry service to be operated from the leased property; and

WHEREAS, in order to increase the transportation opportunities available for residents and businesses within the City and to continue to promote the development of the Peninsula at Bayonne Harbor the creation of a passenger ferry terminal is necessary; and

WHEREAS, the Mayor and Municipal Council of the City of Bayonne desire to enter into an agreement with the Port Authority of New York and New Jersey for the lease of land.

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

Section 1. Permission is hereby granted to the Mayor or his designee to execute the term sheet dated September 5, 2018 with the Port Authority in order to permit the creation of a lease between the City of Bayonne and the Port Authority of New York and New Jersey.

Section 2. The Mayor or Special redevelopment counsel or their designee is permitted to negotiate a lease for property to be used as a passenger ferry terminal with the Port Authority of New York and New Jersey subject to final approval be resolution of the Municipal Council of the City of Bayonne.

Section 3. This Resolution shall take effect immediately.

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

* * * * *

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

WHEREAS, LEG-BP Bayonne Owner LLC requests a temporary license to permit entry upon and to use and occupy a portion of unimproved property located in the City consisting of an area designated as Bayonne Bay West and Bayonne Bay East located at the Peninsula at Bayonne Harbor designated as Block 800 Lot 1, Block 802 Lot 1, Block 830 Lot 1 and the Right of way for Memorial Boulevard and proposed M street , " (the "Licensed Area"), to be used on a temporary basis by LEG-BP Bayonne Owner LLC in connection with the development of the Maritime District (the "Project") for construction activities relating to the placement of underground utilities consisting of water, gas and sewer lines in connection with the Project and for no other purpose, subject to certain terms and conditions set forth in the License Agreement; and

WHEREAS, in order to ensure that water, gas and sewer services are maintained during the redevelopment of the Peninsula at Bayonne Harbor it is necessary to replace and expand sections of the existing utilities; and

WHEREAS, LEG-BP Bayonne Owner LLC, proposes to construct new water, gas and sewer lines to replace and upgrade the existing system at no cost to the City and the Project requires use of the City's property and right of way for the construction and staging activities, necessary for the Project; and

WHEREAS, in cases of emergency or for any reason within its sole discretion, the City reserves the right to terminate this license without notice and immediately and revocation, termination or expiration of the License shall not relieve LEG-BP Bayonne Owner LLC of any liabilities or obligations that shall have accrued prior to the effective date of such revocation, termination or expiration;

WHEREAS, LEG-BP Bayonne Owner LLC will be posting insurance to protect the City's interests and will defend and indemnify the City with respect to any loss or damage arising from the issuance of the License;

WHEREAS, LEG-BP Bayonne Owner LLC acknowledges the project design/ plans and any necessary engineering is subject to the approval of the City or it's designee; and

WHEREAS, upon completion of the project to the satisfaction of the City, LEG-BP Bayonne Owner LLC will dedicate the public improvements to the City.

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

1. Section 1. Permission is hereby granted to the Mayor or his designee to enter into a certain License Agreement upon terms and conditions acceptable to the Law Division with LEG-BP Bayonne Owner LLC on the condition that: 1) no cost or expense shall be borne by the City relating in any way to LEG-BP Bayonne Owner LLC's request for access and proposed scope of use; 2) LEG-BP Bayonne Owner LLC shall abide by any and all requirements of the City deemed necessary to protect the City's property and citizens; 3) proposed work at the Site is approved by the City's engineer at LEG-BP Bayonne Owner LLC 's expense ; 4) no permits will issue without a fully executed License Agreement; 5) valid permits to be issued by the City's Building Department prior to the start of any work, if required and not otherwise waived by City.

Section 2. This Resolution shall take effect immediately.

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

* * * * *

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING THE ADVERTISEMENT OF REQUEST FOR PROPOSALS FOR LOCAL CONCEPT DEVELOPMENT STUDY FOR THE PEDESTRIAN BRIDGE OVER ROUTE 440 BETWEEN THE 34TH STREET LIGHT RAIL STATION AND THE PENINSULA AT BAYONNE HARBOR

WHEREAS, the City of Bayonne has applied to the North Jersey Transportation Planning Authority ("NJTPA") for funding pursuant to the Local Capital Project Delivery Program for a concept development study for a Pedestrian Bridge to be constructed over NJ State Highway Route 440 between the existing 34th Street Light Rail Station and the Peninsula at Bayonne Harbor; and

WHEREAS, the City is in need of professional services for the preparation of a concept development study of the proposed Pedestrian Bridge as a prerequisite to the City's receipt of funding for design and engineering for said project; now, therefore be it

RESOLVED, that the Municipal Council hereby authorizes the advertisement of Requests for Proposals / Qualifications for professional services for preparation of a concept development study to evaluate the proposed Pedestrian Bridge over NJ State Highway Route 440 between the existing 34th Street Light Rail Station and the Peninsula at Bayonne Harbor, as a prerequisite to the City's receipt of funding approval by the NJTPA through the Local Capital Project Delivery Program; and

BE IT FURTHER RESOLVED that the Law Director shall comply with all federal, state and local laws, rules and regulations, as applicable under the Local Capital Project Delivery Program, or otherwise, in drafting and posting said advertisement for Requests for Proposals / Qualifications for professional services.

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

* * * * *

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

WHEREAS, Skanska Koch Inc. Kiewit Infrastructure Co. (JV), DBE Skanska Kiewit JV. (S/K JV) ("Skanska") on behalf of Port Authority of New York and New Jersey ("PANYNJ") requested a temporary license to permit entry upon and to use and occupy a portion of unimproved property located in the City consisting of an area designated as Bayonne Bay West located at the Peninsula at Bayonne Harbor designated as Block 830 Lot 1.05 , " (the "Licensed Area"), to be used on a temporary basis by Skanska in connection with the Bayonne Bridge Replacement of Main Span Roadway and Approach Structures, Contract Number: AKB-264.039, Job No. 012100 ("Project") for parking, staging and construction activities relating to the Project and for no other purpose, subject to certain terms and conditions set forth in the License Agreement attached hereto and made a part hereof; and

WHEREAS, the Bayonne Bridge, which was constructed by the PANYNJ and joins the City of Bayonne with the Borough of Staten Island, is a critical link in the northern metropolitan highway bypass system; and

WHEREAS, the PANYNJ is in the process of reconstructing the Bayonne Bridge to increase the vertical clearance and the Project requires use of the City's right of way for the construction and staging activities but for the limited purpose of laydown and storage of equipment and supplies and for manpower, necessary for the Project; and

WHEREAS, it was in the best interests of the citizens of the City of Bayonne to grant said permission to Skanska to access to the "Licensed Area" to be used on a temporary basis by Skanska in connection with the Project; and

WHEREAS, the Mayor executed said License Agreement with Skanska granting permission to Skanska to use the Licensed Area for the purposes stated above on October 23, 2018; and

WHEREAS, said Licensed Agreement was approved by the Law Department; and

WHEREAS, the permission granted by the City may be revoked at any time by the City, with or without cause, upon twenty (20) days' written notice to Skanska or may be terminated

at any time by the Skanska, without cause, upon forty-eight (48) hours' written notice to the City;

WHEREAS, in cases of emergency or for any reason within its sole discretion, the City reserves the right to terminate this license without notice and immediately and revocation, termination or expiration of the License shall not relieve Skanska of any liabilities or obligations that shall have accrued prior to the effective date of such revocation, termination or expiration; and

WHEREAS, Skanska will be posting insurance to protect the City's interests and will defend and indemnify the City with respect to any loss or damage arising from the issuance of the License;

WHEREAS, there is a fee for the License and Skanska shall pay to the City, monthly, \$5,000.00 in lieu of tax for the use of raw land;

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

1. The actions of the Mayor in executing the License Agreement attached hereto and made a part hereof granting Skanska permission use the Licensed Area on a temporary basis in connection with the Bayonne Bridge Replacement of Main Span Roadway and Approach Structures, Contract Number: AKB-264.039, Job No. 012100 for parking, staging and construction activities relating to the Project and for no other purpose, the following conditions:
2. No cost or expense shall be borne by the City relating in any way to Skanska's request for access and proposed scope of use;
3. Skanska shall pay the required monthly fee of \$5,000 starting October 1, 2018 for the Property; and
4. Skanska shall abide by any and all requirements of the City deemed necessary to protect the City's property and citizens

are hereby ratified and affirmed.

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

* * * * *

51. Council Member Perez moved the following resolution, seconded by Council Member Cotter, 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 34th Street Light Rail crosswalks.

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

* * * * *

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING AN ADMENMENT TO THE IN LIEU MINIMUM PAYMENT AGREEMENT BETWEEN THE CITY OF BAYONNE AND PLATTYKILL URBAN RENEWAL, LLC

WHEREAS, the Municipal Council of the City of Bayonne in accordance with the Limited-Dividend Nonprofit Housing Corporations or Associations Law, as amended, N.J.S.A. 55:16-1, et seq. (now repealed) (the "Limited-Dividend Law"), previously entered into the Tax Agreement with Plattykill Manor Assocs. (the "Sponsor") dated June 15, 1978, for the property located at 18-52 E. 12th Street, Block 268, Lot 2, Bayonne, New Jersey, (the "Project"); and

WHEREAS, the Tax Agreement was modified by a Settlement Agreement between the City and the Sponsor dated May 20, 2009 which was approved by Resolution dated March 18, 2009 which modified the calculation of the annual service charge; and

WHEREAS, PLATTYKILL URBAN RENEWAL, LLC, an urban renewal entity qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as

amended and supplemented, N.J.S.A. 40A:20-1, et seq. (the "LTTE Law") acquired the Project on April 18, 2014 subject to the Tax Agreement and Settlement Agreement; and

WHEREAS, Plattykill Urban Renewal, LLC has continued to abide by the terms of the Tax Agreement and Settlement Agreement and has made all payments due under the Tax Agreement and Settlement Agreement; and

WHEREAS, the Tax Agreement and Settlement Agreement remain in full force and effect as of the date of this Amendment; and

WHEREAS, the City reiterates its findings set forth in the recitals of the Tax Agreement regarding the benefits to the City of the Project's tax exemption and status as affordable housing and further finds that continuation of the tax exemption will benefit the City; and

WHEREAS, the City and the Entity have determined that it is in their mutual best interests to modify and amend the Tax Agreement and Settlement Agreement to provide for an extension of the in lieu payment to the City; and

WHEREAS, the Entity and the City accordingly desire to amend paragraphs 5 and 7 of the Tax Agreement to provide for an extension of an additional term of eighteen (18) months from the expiration date of November 1, 2018; and

WHEREAS, modifications or amendments to tax exemptions and financial agreements are authorized pursuant to N.J.S.A. 55:16-1, et seq., and N.J.S.A. 40A:20-1 et seq. subject to the mutual consent of the City and the Entity; and

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

Section 1. The tax exemption granted by the City under the Tax Agreement and Settlement Agreement is required for the Project's continued viability as a Section 8 housing project to provide low and moderate income housing in the City; and

Section 2. The Entity and the City agree that the Tax Agreement and Settlement Agreement shall be extended for an additional eighteen (18) month term from November 1, 2018 through May 1, 2020 consistent with the terms and provisions of the Limited-Dividend Law, LTTE Law and all applicable local, state and federal laws that may apply to the Project; and

Section 3. The Entity and the City agree that the Tax Agreement and Settlement Agreement shall be amended to provide that:

(i) The calculation of the minimum payment contained in Paragraph 6 of the Tax Agreement and as amended by the Settlement Agreement shall be the greater of (a) the sum of \$200,000 per year for the period effective November 1, 2018 through May 1, 2020 or (b) 30% of the net sum of subsidized tenants' shelter rent actually paid by the tenants excluding all forms of government subsidy or assistance paid to the property owner on behalf of tenants, less costs of utilities to owner, including fuel, electricity, gas, water and sewer charges.

(ii) In the event that HUD terminates the project based Section 8 Contract with the owner, for any resulting unsubsidized unit owner shall pay a proportionate in lieu payment for that unit equal to 15% of gross shelter rent for that unit less cost of utilities to owner including fuel, electricity, gas, water and sewer charges, provided however, that in no event shall the yearly minimum in lieu of payment to the City of Bayonne for the property be less than \$200,000 per year for the period effective November 1, 2018 through May 1, 2020.

(iii) Effective November 1, 2018 through May 1, 2020 the City may terminate the Tax Agreement in the event the Entity receives any housing code violation for the Project which violation is upheld by a final unappealable court ordered judgement; and

Section 4. The Entity and the City further agree that the Tax Agreement and Settlement Agreement shall be amended to provide the following language:

"The developer agrees to indemnify the City of Bayonne and hold it harmless in the event the extension of this agreement is found to be invalid or otherwise unenforceable by the New Jersey Division of Taxation, a Court of competent jurisdiction or supervising entity. This indemnity shall include responsibility for all consequential costs and damages including, but not limited to, legal fees and the Property Taxes otherwise

payable. In such instance the Property Taxes otherwise payable shall be a lien against the property."

Section 5. All other provisions of the aforesaid Tax Agreement and Settlement Agreement shall remain in full force and effect.

Section 6. The Mayor is hereby authorized to execute the amendment to the Agreement with PLATTYKILL URBAN RENEWAL, LLC in substantially the form attached hereto and subject to any further review, analysis or modifications that counsel may deem appropriate.

Section 7. Counsel is authorized to prepare, and the Mayor is hereby authorized to execute any additional documents that may be necessary to implement and carry out the intent of the Agreement.

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

Nays- Council Member LaPelusa.

* * * * *

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

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

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

WHEREAS, the Bayonne Economic Opportunity Foundation has requested and submitted a formal written application dated January 13, 2017 for said CDBG Grant Funds in the amount of \$31,620.00 for the purpose of providing the cost of asbestos abatement for the roof and ceiling of the former Holy Family located at 237-249 Avenue A from Lilich Corporation, 606 McBride Avenue, Woodland, NJ 07242; 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 asbestos abatement for the roof and ceiling of the former Holy Family located at 237-249 Avenue A from Lilich Corporation, 606 McBride Avenue, Woodland, NJ 07242 and

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

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Bayonne Economic Opportunity Foundation, 555 Kennedy Blvd, Bayonne, New Jersey 07002 for the provision of providing the cost of asbestos abatement for the roof and ceiling of the former Holy Family located at 237-249 Avenue A from Lilich Corporation, 606 McBride Avenue, Woodland, NJ 07242 in the amount of \$31,620.00 for the period commencing September 1, 2017 and ending August 31, 2018.

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

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

* * * * *

Council Member Cotter reclused himself for the introduction of the following ordinance and left the Council Chamber.

54. The Council as a who introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE 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 deleted in its entirety and replaced as follows:

CHAPTER 2 ADMINISTRATION

Editor's Note: The City of Bayonne adopted the Mayor-Council Plan C of the Optional Municipal Charter Law (Faulkner Act) (N.J.S.A. 40:69A-55 to N.J.S.A. 40:69A-59), which Statute was subsequently repealed by L. 1981, c.465, [N.J.S.A. 40:69A-208.1], which also provided that any municipality having adopted a Charter encompassing a Mayor-Council plan of government shall continue to be governed by the Charter and plan of government so adopted. The current Statute which governs the Mayor-Council Plan is N.J.S.A. 69A-31 et seq. This administrative chapter has been drafted in conformity with the Optional Charter Law and in many instances provisions have been restated. Other enabling laws relevant to this chapter are N.J.S.A. 2B: et seq., Municipal Court; N.J.S.A. 40:55D-69 et seq, Zoning Board of Adjustment; N.J.S.A. 40:55D-23 et seq, Planning Board. General authority to regulate the internal affairs of the City derives from N.J.S.A. 40:69A-29, 30.

Article 1 Municipal Council

2-1 ORGANIZATION AND POWERS OF THE MUNICIPAL COUNCIL.

2-1.1 Organization of the Municipal Council.

The Municipal Council shall consist of five (5) members, two (2) of whom shall be elected at large and three (3) of whom shall be elected by wards, one (1) for each of the three (3) wards in the City which have been established for the purpose. Councilmembers shall be elected for a term of four (4) years at a regular municipal election, the term to commence on the first day of July next following their election pursuant to the Charter. (1972 Code § 2-1.1)

2-1.2 Powers of Council.

- a. The legislative power of the City shall be exercised by the Council except as otherwise provided by general law. Pursuant to the Charter, the Council may in its discretion require any municipal officer to prepare and submit sworn statements regarding his official duties and the performance thereof, and the Council may otherwise investigate the conduct of any Department, Office or Agency of the City government.
- b. The Council may, by affirmative vote of a majority of its members present at the meeting, approve a consent agenda. The consent agenda may be comprised of one (1) or more resolutions and communications. The consent agenda shall be read by the City Clerk prior to adoption by title only. The Council may adopt the consent agenda in its entirety upon a roll call of the City Clerk. The consent agenda shall be deemed to have been adopted by affirmative vote of a majority of its members present at the meeting.
- c. Council Investigations. Pursuant to the Charter (N.J.S.A. 40:69A-37), the Council may in its discretion require a Municipal Officer to prepare and submit sworn statements regarding the performing of his official duties; and the Council may otherwise investigate the conduct of any Department, Office or Agency of the City government.

(1972 Code § 2-1.3; § 2-18.7)

Article 2 Mayor

2-2 POWERS AND DUTIES OF THE MAYOR.

2-2.1 Election; Term; Compensation.

The Mayor shall be elected by the voters of the City at a regular municipal election and shall serve for a term of four (4) years, beginning on the first day of July next following his election. (1972 Code § 2-2.1)

2-2.2 General Powers and Duties of Mayor.

The Mayor shall be the Chief Executive and Administrative Officer of the City. He shall:

- a. Enforce the Charter and ordinances of the City.
- b. Supervise all the departments of the City government.
- c. Require each department to make an annual report and such other reports of its work as he may deem desirable.
- d. Appoint all officers and employees for whose election or appointment no other provision is made by Charter or ordinance.

- e. From time to time make such recommendations for action by the Council as he may deem to be in the public interest.
- f. Report annually at the beginning of the year to the Council and the public on the work of the previous year and on the condition and requirements of the City government for the current year.
- g. The Mayor may, subject to law, direct any Municipal Department or Division to perform the work either in part or whole of any other Department or Division and, at the request of the Director of a Department, require an employee of another Department to perform services in the Department of the Director making such request.

(1972 Code § 2-2.2; Ord. No. O-11-14 § 1)

2-2.3 Appointment Powers of Mayor.

- a. The Mayor shall appoint the Director of each Department with the advice and consent of the Council. Each Department Head shall serve during the term of office of the Mayor appointing him and until the appointment and qualification of his successor.
- b. The Mayor may, in his discretion, remove any department head after giving him notice and an opportunity to be heard. Prior to removing a Department Head, the Mayor shall file written notice of his intention with the Council, and such removal shall become effective on the twentieth (20th) day after the filing of the notice unless the Council prior thereto adopts a resolution by a two-thirds (2/3) vote of the whole number of the Council disapproving the removal.
- c. The Mayor shall have such further appointing power with the advice and consent of the Council, or otherwise, as is provided by general law.
- d. Whenever a vacancy exists in any office required by the Charter or this chapter to be filled by the Mayor with the advice and consent of the Council, and there is no holdover incumbent, the Mayor may temporarily fill the vacancy (in the absence of any contrary provision in the Charter or ordinances) by appointing an acting officer, including the designation of himself as Acting Business Administrator in the event of a vacancy in that office. The appointee shall have all the functions, powers and duties of the office until it shall be filled permanently. Any such appointment shall terminate not later than ninety (90) days after the date of the appointment, unless the Council shall by resolution authorize one or more extensions of such period.

(1972 Code § 2-2.3)

2-2.4 Veto Power.

All ordinances which are adopted by the Council shall be submitted to the Mayor who shall, within ten (10) days after receiving an ordinance, either approve the ordinance by affixing his signature thereto or return it to the Council by delivering it to the City Clerk together with a statement setting forth his objections to the ordinance or to any item or part of it. No ordinance or any item or part thereof shall take effect without the Mayor's approval unless the Mayor fails to return an ordinance to the Council within ten (10) days after it has been presented to him, or unless Council, on reconsideration or after the third day following its return by the Mayor, shall, by a vote of two-thirds (2/3) of the members, resolve to override the Mayor's veto. (1972 Code § 2-2.4)

2-2.5 Acting Mayor.

As provided by the Charter (Section 3-12, N.J.S.A. 40:69A-42), the Mayor shall designate the Business Administrator, any other Department Head or the City Clerk to act as Mayor or whenever the Mayor shall be prevented, by absence from the City, disability or other cause, from attending to the duties of his office. During such time the person so designated by the Mayor shall possess all the rights, powers and duties of Mayor. Whenever the Mayor has been unable to attend to the duties of his office for a period of sixty (60) consecutive days for any of the above-stated reasons, an Acting Mayor shall be appointed by the Council who shall succeed to all the rights, powers and duties of the Mayor or the then-Acting Mayor. (1972 Code § 2-2.5)

2-2.6 Division of Community Development.

Within the Office of the Mayor there shall be a Division of Community Development, the head of which shall be the Division Head. The Division Head may also be the City Planner, and shall have at least five (5) years' experience in the supervision and administration of housing and redevelopment projects.

2-2.7 Division of Planning and Zoning.

Within the Office of the Mayor there shall be a Division of Planning and Zoning, the head of which shall be the City Planner or Assistant Planner. Under the direction and supervision of the City Planner or Assistant Planner, the Division shall:

- a. Have administrative oversight of the personnel employed to perform zoning and land use functions.
- b. Have authority, through the Zoning Officer, to perform all of the functions and duties of the Office of Zoning as required by Chapter 35 of the Revised General Ordinances of the City of Bayonne.
- c. Have authority to perform all of the functions and duties of the Division of Planning and Zoning as required by Chapter 33 of the Revised General Ordinances of the City of Bayonne and all other related planning functions.
- d. Supervise the administration of the planning and implementation of such community services, housing preservation and conservation and such other services and projects as may be funded by any source. The Division shall also supervise the administration of Zoning and Planning process, regulations and enforcement thereof.

2-2.8 Municipal Housing Liaison/RCA Administrator.

- a. Purpose. The purpose of this subsection is to create the administrative mechanisms needed for the execution of the City of Bayonne's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.
- b. Definitions. As used in this subsection, the following terms shall have the meanings indicated:

Administrative Agent shall mean the entity responsible for administering the affordability controls of some or all units in the affordable housing program for the City of Bayonne to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low- and moderate-income households.

MHL/RCA Administrator shall mean the employee charged by the Governing Body with the responsibility for oversight and administration of the affordable housing program for the City of Bayonne and any RCA it enters into.

- c. Establishment of MHL/RCA Administrator Position and Compensation; Powers and Duties.
 1. Establishment of Position of MHL/RCA Administrator. There is hereby established the position of MHL/RCA Administrator for City of Bayonne.
 2. Subject to the approval of the Council on Affordable Housing (COAH), the MHL/RCA Administrator shall be appointed by the Governing Body and may be a full or part time municipal employee. The City Planner or the Community Development Division Head may be the MHL/RCA Administrator.
 3. The MHL/RCA Administrator shall be responsible for oversight and administration of the municipality's affordable housing program and the administration of any RCA entered into by the City of Bayonne, including the following responsibilities which may not be contracted out:
 - (a) Serving as the City of Bayonne's primary point of contact for all inquiries, from the State, affordable housing providers, Administrative Agents, and interested households;
 - (b) Establishing an escrow account for the RCA funds and submitting to COAH a signed escrow agreement between the City of Bayonne, the bank and COAH for each RCA;
 - (c) Monitoring the status of all restricted units in the City of Bayonne's Fair Share Plan and any Project Plan for an RCA;
 - (d) Compiling, verifying and submitting semi-annual reports as required by COAH;

- (e) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
 - (f) Attending continuing education opportunities as offered or approved by COAH;
 - (g) If applicable, serving as the Administrative Agent for some or all of the restricted units in the City of Bayonne as described in paragraph f. below and any RCA's entered into by the City of Bayonne.
- d. Subject to approval by COAH, the City of Bayonne may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body, which entity shall have the responsibility of administering the affordable housing program of the City of Bayonne, except for those responsibilities which may not be contracted out pursuant to paragraph c. above. If the City of Bayonne contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the MHL/RCA Administrator shall supervise the contracting Administrative Agent.
- e. Compensation shall be fixed by the Governing Body at the time of the appointment of the MHL/RCA Administrator.
- f. Administrative powers and duties assigned to the MHL/RCA Administrator.
 - 1. Affirmative Marketing.
 - (a) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of the City of Bayonne and the provisions of N.J.A.C. 5:80-26.15; and
 - (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - 2. Household Certification.
 - (a) Providing written notification to each applicant as to the determination of eligibility or noneligibility;
 - (b) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in appendices J and K of N.J.A.C. 5.80-26.1 et seq.;
 - (c) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
 - (d) Employing the random selection process as provided in the Affirmative Marketing Plan of the City of Bayonne when referring households for certification to affordable units.
 - (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
 - (f) Employing the random selection process as provided in the Affirmative Marketing Plan of the City of Bayonne when referring households for certification to affordable units.
 - 3. Affordability Controls.
 - (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
 - (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as

appropriate;

- (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate County's register of deeds or County clerk's office after the termination of the affordability controls for each restricted unit;
- (d) Communicating with lenders regarding foreclosures; and
- (e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

4. Resale and Rental.

- (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
- (b) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or rental.

5. Processing Request From Unit Owners.

- (a) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
- (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems; and
- (c) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.

5. Enforcement.

- (a) Securing annually lists of all affordable housing units for which tax bills are mailed to absentee owners and notifying all such owners that they must either move back to their unit or sell it;
- (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
- (c) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;
- (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d) 4;
- (e) Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;
- (f) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls; and

(g) Providing annual reports to COAH as required.

7. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

Article 3 Administrative Organization

2-3 ORGANIZATION OF ADMINISTRATIVE FUNCTIONS.

2-3.1 Organization Generally.

The administrative functions, powers and duties of City shall be allocated and assigned among and within Departments, Boards, Bodies or Commissions established or constituted by this chapter as follows:

- a. Statutory Offices.
 1. City Clerk.
 2. Tax Assessor.
- b. Departments Established.
 1. Department of Administration.
 2. Department of Public Safety.
 3. Department of Municipal Services
 4. Department of Public Works and Parks.
 5. Department of Law.
- c. Municipal Court.
- d. Boards, Committees, Commissions.
 1. Zoning Board of Adjustment.
 2. Planning Board.
 3. Housing Authority.
 4. Environmental Commission.
 5. Board of Trustees of the Free Public Library and Cultural Center.
 6. Insurance Fund Commission.
 7. Board of Alcoholic Beverage Control.
 8. Rent Control Board.
 9. Ethical Standards Board.
 10. Office of Emergency Management.
 11. Reserved. (Ord. No. O-16-48)

2-3.2 Powers and Duties of Department Directors.

Under the supervision of the Mayor, each Department Director shall:

- a. Appoint subordinate officers and employees within their respective Departments and, with the approval of the Mayor, remove such officers and employees subject to the provisions of the New Jersey Statutes, Title 11A, Civil Service.
- b. Direct and supervise the work of the Department and its employees through the Divisions established by this chapter.
- c. Assign functions, powers and duties to subordinate officers and employees within the Department and modify such assignments as need appears.

- d. Delegate to Division Heads such of his powers as he may deem necessary for efficient administration.
- e. Report at least annually to the Mayor and Council in such form as shall be approved by the Business Administrator on the work of the Department during the preceding year.
- f. Certify the payroll for the Department and approve or disapprove for payment all claims relating to the Department for money due to any person.
- g. Designate any Division Head within the Department to act in his stead during his temporary absence from the City or his temporary disability, provided that such designation shall be in writing and filed with the City Clerk, City Treasurer and City Comptroller.

(1972 Code § 2-3.2)

2-3.3 Removal.

Pursuant to the Charter (N.J.S.A. 40:69A-37 and 43):

- a. The Mayor may in his discretion remove a Department Director after giving him notice and an opportunity to be heard. Prior to removing a Department Director, the Mayor shall file written notice of his intention with the Council. Such removal shall become effective on the twentieth (20th) day after the filing of the notice, unless the Council prior thereto adopts a resolution by a two-thirds (2/3) vote of the whole number of the Council disapproving the removal.
- b. The Council may for cause remove any Municipal Officer other than the Mayor or a member of the Council.
- c. The Council shall consider notices under paragraph a., above, and motions under paragraph b., above, only after notice and an opportunity to be heard are given to the affected Officer. The Clerk shall forthwith cause a copy of the notice or motion, as the case may be, together with a statement of the charges involved and notice of the time and place fixed for hearing, to be served personally or by registered mail upon the Officer affected. Hearing shall be held not less than ten (10) days nor more than fifteen (15) days after the date of such service. The hearing shall be open to the public.
- d. Pursuant to the Charter, Council may veto a removal under paragraph a., above, by a two-thirds (2/3) vote of the Council and may adopt or defect a motion under paragraph b., above, by a majority vote of the Council.

(1972 Code § 2-3.3)

Article 4 City Clerk

2-4 CITY CLERK; APPOINTMENT, FUNCTIONS AND DUTIES.

2-4.1 Appointment of City Clerk.

Pursuant to N.J.S.A. 40A:9-132, the Council shall appoint a City Clerk for a term of three (3) years as prescribed by law. Prior to his appointment, he shall have been qualified by training and experience to perform the duties of his office. Pursuant to N.J.S.A. 40A:9-133.9 et al., no person shall be appointed or reappointed as the City Clerk unless that person holds a Registered Municipal Clerk Certificate issued pursuant to N.J.S.A. 40A:9-133.3 or N.J.S.A. 40A:9-133.4. The City Clerk shall serve as Clerk of the Council and have such other functions, powers and duties as are provided by this chapter. (1972 Code § 2-1.4)

2-4.2 Clerk of Municipal Council and Committees.

The City Clerk shall serve as Clerk of the Council and as Secretary of any special legislative committees of the Council appointed pursuant to the Charter. He shall attend all meetings of the Council and of any such Committee when required by the Chairman thereof and shall keep the minutes of the proceedings of the Council and of such Committees. The minutes of each meeting of the Council shall be signed by the Officer presiding at the meeting and by the Clerk. (1972 Code § 2-1.5)

2-4.3 Custodian of Records.

The Clerk shall have custody of and shall safely keep all records, books and documents of the City, except those committed by Charter or ordinance to any other office. He shall, upon request and upon the payment of the fees prescribed by resolution of the Council for the use of

the City, furnish a certified copy of any paper in his custody under the Corporate Seal of the City. (1972 Code § 2-1.7)

2-4.4 Corporate Seal of the City.

The Clerk shall cause the Corporate Seal of the City to be affixed to instruments and writings when authorized by ordinance or resolution of the Council, or when necessary to exemplify any document on record in his Office, or to certify any act or paper which, from the records in his office, shall appear to have been a public act of the City or a public document. He shall not affix the seal or cause or permit it to be affixed to any other instrument or writing or other paper unless required by law or ordinance. (1972 Code § 2-1.8)

2-4.5 Formal Contracts and Leases.

The City Clerk, subject to the supervision of the Municipal Council, shall:

- a. Be the depository for and have custody of all formal contracts for work, labor, services, supplies, equipment and materials to which the City may be a party.
- b. Be the depository for and have custody of all performance bonds running to the City as obligee, or any other form of security given by a contractor, subdivision developer or other persons on account of work done or to be done in or for the City.
- c. Have custody of all leases of property owned by the City.

(1972 Code § 2-1.9)

2-4.6 Other Laws and Ordinances.

In addition to such other functions, powers and duties as may be prescribed by the Charter and ordinances, and subject to the supervision and direction of the Council, the City Clerk shall:

- a. Administer the provisions of City ordinances with reference to the licensing of occupations and activities for which licenses are required by law or ordinance to be obtained from the Clerk.
- b. Have such other, different and additional functions, powers and duties as may be prescribed by law or ordinance or delegated to him by the Council.

(1972 Code § 2-1.11; Ord. No. O-11-08 § 1)

2-4.7 Ordinances and Resolutions.

- a. The City Clerk shall prepare all ordinances and all resolutions proposed for action by the Municipal Council, except those that may be prepared by the Law Department, special counsel, or other departments, as circumstances warrant. The City Clerk shall provide the Law Department with a copy of all such proposed ordinances and resolutions in advance of council action for review and approval.
- b. The City Clerk shall record all ordinances and all resolutions of a permanent character in books to be provided for that purpose. After each ordinance he shall record and certify the proof of its publication as required by law. Each ordinance and resolution so recorded shall be signed by the Council President and the City Clerk, who shall attest that it was duly adopted on a date stated and, when so signed, the recorded copy shall be deemed to be a public record of the ordinance or resolution. Any omission by the City Clerk or the Council President to record, sign or certify as herein required shall not impair or affect the validity of any ordinance which has been duly adopted.
- c. At the close of each year the City Clerk, with the advice and assistance of the Law Director, shall bind, compile or codify all the ordinances and resolutions, or true copies thereof which remain in force and effect. The City Clerk shall also properly index the record books, compilation or codification of ordinances and resolutions.

(1972 Code § 2-1.6; Ord. No. 0-09-09 § 1; Ord. No. 0-09-28 § 2)

2-4.8 Administrative Regulations.

No rule or regulation made by any Department shall, except upon written approval of the Mayor, take effect until at least ten (10) days after it is filed with the City Clerk as required by the Charter. This limitation of time shall not apply to any order, rule or regulation which relates solely to the organization or internal management of the City Government. The City Clerk shall maintain a docket of all orders, rules and regulations filed in his office, which shall

show the name of the issuing Department, a brief description of the subject matter and the date of filing. At the close of each year the City Clerk shall, with the advice and assistance of the Law Director, compile, codify and bind all the orders, rules and regulations which remain in force and effect. The City Clerk may arrange for the printing and sale of this compilation within the limits of available appropriations. The Clerk shall maintain a current compilation of all rules and regulations which shall be available for public inspection in his office during business hours. (1972 Code § 2-1.10; § 2-18.8; Ord. No. 0-09-28 § 2)

2-4.9 Registrar of Vital Statistics.

The Registrar of Vital Statistics is hereby assigned to the Office of the City Clerk. The Registrar shall serve for an initial term of three (3) years and until his or her successor has been appointed and qualified. The Registrar shall maintain and administer vital statistics relating to marriages, births, and deaths in accordance with N.J.S.A. 26:8-1 et seq. (Ord. No. O-11-08 § 1)

2-4.10—2-4.15 Reserved.

2-4.16 Deputy City Clerk; Assistant City Clerk; Personnel.

There shall be a Deputy City Clerk or an Assistant City Clerk who shall perform the duties of the City Clerk at the direction of the City Clerk or in the absence or disability of the City Clerk. There shall be such other personnel in the Office of the City Clerk as are authorized by ordinance.

a. The City Clerk is authorized to select, from the employees of his or her office, a person he or she shall determine for the purpose, and to designate such person as Deputy City Clerk, a term of three (3) years, commencing January 1 of the year of appointment. The appointing authority shall be the City Clerk.

b. The Deputy City Clerk shall have the powers and perform all the duties of the Municipal Clerk during such times and for such specific periods as the Municipal Clerk shall be absent or disabled.

c. The Deputy City Clerk shall receive such compensation as is provided for the title Assistant City Clerk.

(1972 Code § 2-1.12; Ord. No. O-05-28 § 1)

Article 5 Department of Administration

2-5 DEPARTMENT OF ADMINISTRATION.

2-5.1 Department Generally.

There shall be a Department of Administration, the Director of which shall be the Business Administrator. The Department shall be administered through Divisions of Administration. The head of one of such divisions may also be designated as Assistant Administrator to act in the absence of the Business Administrator or to have such other functions, powers and duties as may be assigned by the Business Administrator. The Business Administrator need not be a resident of the City of Bayonne. (1972 Code § 2-4.1; Ord. No. O-16-05)

2-5.2 Division of Administration.

Within the Department of Administration there will be a Division of Administration. Under the direction and supervision of the Director, the Division shall:

- a. Prescribe and install uniform forms and procedures for budget preparation by all departments, and assist in the review and analysis of budget requests and in the preparation of the budget document.
- b. Administer the City's personnel program, including job classification, pay plan and other personnel policies, and maintain a complete system of personnel records of municipal officers and employees.
- c. Study, prepare and install methods and systems for administration of the various Departments.
- d. Manage and sell City property acquired through tax foreclosure or not needed for public use.

2-5.3 Division of U.C.C. and Building.

Within the Department of Administration there shall be a Division of U.C.C. and Building, the head of which shall be the Construction Official. Under the direction and supervision of the Construction Official, the Division shall also have administrative oversight of the personnel employed to perform building, construction code, subcode and zoning enforcement and administration. The Division shall, with the oversight of the Construction Official and through the appropriate Construction and Subcode Officials, issue all permits for construction and certificates of occupancy, perform all inspections and other duties required by the Uniform Construction Code and Chapter 15 of the Revised General Ordinances of the City of Bayonne, Section 15-1, the Uniform Construction Code and its Subcodes, and such other inspections or activities as may be necessary to comply with law, statute or regulation or to promote the goals of community development and housing preservation. The Division shall also, with the oversight of the Division Head and through the Zoning Officer, perform all of the functions and duties of the office of zoning as required by the Zoning Chapter of the Revised General Ordinances of the City of Bayonne.

2-5.4 Division of Grants Management Community Development Block Grant.

Within the Department of Administration there shall be a Division of Grants Management Community Development Block Grant. Under the supervision of the Director, the Division shall:

- a. Perform all of the functions and duties associated with implementation of Community Development Block Grant Programs and related grants.
- b. Monitor and administer the Community Development Block Grant Program.
- c. Manage all aspects of all grants received by the municipality.
- d. Coordinate applications for grants from the State and Federal Government and private sources.
- e. Handle all grant drawdowns, documentation and reporting in accordance with grant requirements.
- f. Oversight of all affordable housing initiatives and any other activities deemed by the Director to be related to community development.

2-5.5 Division of Human Resources.

Within the Department of Administration there shall be a Division of Human Resources whose head shall be the Personnel Officer. The Division shall:

- a. Administer the human resources function for all departments.
- b. Ensure compliance with civil service and other applicable regulations.
- c. Coordinate all hiring, termination and discipline functions with each department.
- d. Manage and oversee the municipal payroll.
- e. Manage and oversee all employee benefits.
- f. Provide for an employee assistance program.
- g. Manage all employee pre-placement testing, screenings, and physicals.

2-5.6 Division of Finance.

Within the Department of Administration there shall be a Division of Finance, which shall be under the administrative direction of the Chief Financial Officer. The Chief Financial Officer shall be responsible for the development of financial policies for recommendation to the

Mayor and shall, prior to this appointment, be qualified by training or experience in government finance and fiscal management.

2-5.7 Chief Financial Officer; Powers and Duties.

The Chief Financial Officer shall be appointed by the Mayor with the advice and consent of the Municipal Council for the term prescribed by law. The Chief Financial Officer may serve as the head of the Division of Finance as well as Municipal Treasurer or Municipal Comptroller. Through the Divisions of Accounts and Control, Treasury, and the Office of the Tax Collector, the Chief Financial Officer shall be responsible for the following:

- a. The accounting, pre-auditing and control of all City revenues and expenditures;
- b. The custody, receipt and disbursement of City funds;
- c. The safety and investment of the City investments;
- d. The management of the City's debts;
- e. The safeguarding of the City's financial interests;
- f. The assessment of a penalty charge of forty (\$40.00) dollars for any check issued to the City of Bayonne, or to any of its Departments or subdivisions, returned to the City uncollected for any reason;
- g. Payment quarterly to the Bayonne Urban Enterprise Zone Corporation based upon the amount billed for the Special Improvement District less the value of mixed-use residential exemptions;
- h. Report to the Council annually, at such time as the Council may require, on the nature and terms of outstanding leases, the rent reserved by each, and their respective expiration dates.

2-5.8 Division of Accounts and Control.

Within the Department of Administration there shall be a Division of Accounts and Control, the head of which shall be the City Comptroller. The Division shall:

- a. Develop, maintain and enforce a uniform system of accounts, including forms, standards and procedures for all Departments of the municipal government. Any uniform system of accounts shall include appropriate provision for such records and reports as may be prescribed or approved by the Chief Financial Officer for the determination of the cost of performance of each functional program or activity, measured in such work units as may be appropriate thereto; and for such data, records and reports as may be prescribed or approved by the Chief Financial Officer for the preparation and execution of a budget for the expenditure of public funds for capital purposes to give effect to general improvement programs.
- b. Maintain and operate the City's central bookkeeping and accounting records according to sound accounting principles and in accordance with the requirements of the Director of the State Division of Local Government.
- c. Audit all disbursements of the municipal government and of each of its Departments; pre-audit bills, claims and demands against the City, including payrolls, and require each Department Director to certify that materials, supplies or equipment have been received and accepted as specified and that services have been duly rendered.
- d. Control all expenditures to assure that budget appropriations are not exceeded and maintain such books and records required for the proper exercise of such budgetary control, including an encumbrance system of budget operation.
- e. Review each proposed expenditure and commitment to be made on behalf of any Department for conformity with State Law, the Charter and ordinance of the City and authorize only expenditures and commitments which conform with all the requirements of this chapter.
- f. Install a central payroll system and insure that it is operated and maintained in accordance with State requirements.

- g. Submit a monthly report of encumbrances, expenditures and unencumbered balances to the Council and Business Administrator, commencing with the adoption of the municipal budget.
- h. Undertake periodic audits and studies of various Departments to further assist the safeguarding and efficient use of municipal assets.
- i. Advise the Business Administrator and the Council of any need for budgetary transfers, amendments or emergency appropriations.
- j. Perform such other duties as may be assigned by the Chief Financial Officer or Director of Administration.

(1972 Code § 2-5.3; Ord. No. O-09-28 § 1; Ord. No. O-16-05)

2-5.9 Division of Treasury.

Within the Department of Administration there shall be a Division of Treasury, the head of which shall be the City Treasurer. He shall be appointed by the Director to serve for the term prescribed by law, and any vacancy shall be filled for the unexpired term only. The Division shall:

- a. Have custody of all investments and invested funds of the City or in its possession in a fiduciary capacity, except as otherwise provided by law, and keep such funds and municipal moneys not required for current operations safely invested or deposited in interest-bearing accounts as may be approved by Director of Administration.
- b. Make disbursements of municipal funds upon warrant of the Comptroller by an individual warrant check for each bill, claim, wage and salary payment.
- c. Keep a full account of all cash receipts and disbursements by the Division according to the system of accounts approved by the Director of Administration.
- d. Have the safekeeping of all bonds and notes of the City and the receipt and delivery of City bonds and notes for transfer, registration or exchange.
- e. Oversee the daily operation of the payroll function.
- f. Oversee the preparation and filing of all payroll tax reports.
- g. Ensure the timely payment of all municipal debt payments.
- h. Other duties as assigned by the Chief Financial Officer or the Director of Administration.

2-5.10 Disbursement of Municipal Funds.

Payment of claims certified and approved by the proper officers as herein provided shall be authorized by the Council at least once during each month of the calendar year. The Director of Administration shall submit a list of such claims to the City Clerk at least two (2) days before the time fixed for the meeting at which such claims are to be authorized for payment. The Director of Administration shall state at the foot of the list his recommendations with regard to the payment of the claims. When a claim is disapproved for payment by the Director of Administration, he shall state his reasons for disapproval. Payment of salaries to City Officers and employees shall be made by checks signed by the City Comptroller and City Treasurer. Payment of claims and other disbursements shall be on warrants signed by the Director of Administration, the Comptroller, the Treasurer and the Clerk. If there is a vacancy in the Office of the Director of Administration or during his disability or absence from the City, such warrants shall be signed by the Mayor in addition to the officers herein named, provided that the Director of Administration may direct that in the event of his disability or absence from the City, another City Official in his Department may be designated by him to sign such warrants on his behalf.

2-5.11 Division of Tax Collections.

Within the Department of Administration there shall be the Tax Collector, who shall be appointed by the Director of Administration to serve for the term prescribed by law. Pursuant to N.J.S.A. 40A:9-145.7, no person shall be appointed or reappointed as Tax Collector without first holding a Tax Collector's Certificate issued by the State of New Jersey. The Division shall:

- a. Perform the functions of a collector of taxes under general law including, but without limitation thereto, the preparation and mailing of tax bills, the enforcement of tax collections by tax sales and otherwise, and the maintenance of tax accounting records

in such manner as may be prescribed or approved pursuant to the Charter and this chapter.

- b. Receive and collect all current and delinquent real and personal property taxes, and charge and receive penalties and interest, pursuant to law.
- c. Make, or cause to be made, and certify searches for tax and other liens on real property as may be authorized by law, and charge and collect for the use of the city the fee required pursuant to law for any such search. The Tax Collector may appoint or designate one of the Division employees as Official Tax Searcher to perform these functions within the Division.
- d. Receive funds entrusted to or under the control of any Department and deposit all funds received by it in depositories authorized by the Council by resolution.
- e. Charge ten (\$10.00) dollars for the preparation of a duplicate tax bill, and fifty (\$50.00) dollars for the preparation of a duplicate certificate of redemption. The ten (\$10.00) dollar fee may be waived by the Director of Administration.
- f. Pursuant to N.J.S.A. 54:5-54, charge fifty (\$50.00) dollars for preparation of a redemption calculation requested by a property owner or property owner's agent after two (2) free redemption calculations have been provided in any one (1) calendar year. A request for a redemption calculation shall be made in writing to the Tax Collector.
- g. Pursuant to N.J.S.A. 54:5-97.1, charge fifty (\$50.00) dollars for preparation of a redemption calculation requested by a third party lien holder. Any request for a redemption calculation shall be made to the Tax Collector in writing and specify the date to be used for the calculation, which shall be the date of the notice. Neither the City Tax Collector nor the City of Bayonne shall be liable for an incorrect calculation. The fee paid to the City of Bayonne shall not become part of the lien and shall not be passed on to any party entitled to redeem under N.J.S.A. 54:5-54.
- h. The Tax Collector may write off any delinquency in the amount of ten (\$10.00) dollars or less.
- i. Perform other duties as assigned by the Chief Financial Officer or the Director of Administration.

2-5.12 Division of Purchasing.

Within the Department of Administration there shall be a Division of Purchasing, the head of which shall be the Purchasing Agent. (1972 Code § 2-4.3; Ord. No. O-16-05)

2-5.13 Procedures and Operation of the Division of Purchasing.

- a. Whenever it becomes necessary that any materials or supplies be purchased by a Department, the Head of the Department shall fill out a requisition slip stating the article required and the use for which it is required and requesting the Purchasing Agent to make the purchase. If the cost in aggregate of materials and/or supplies requested does not exceed the maximum amount permitted by N.J.S.A. 40A:11-3, the Purchasing Agent shall make the purchase of the same and deliver such articles to the Department Head. If the estimated cost of materials or supplies requested by the individual Department exceeds one thousand (\$1,000.00) dollars, the Purchasing Agent shall attempt to get three (3) quotations therefor and shall make the purchase on the basis of the most responsible quotation which is most advantageous to the City, price and other appropriate factors considered, and shall maintain a written record of attempts made and quotations obtained. The Purchasing Agent shall deliver one (1) copy of the order blank bearing the cost of the article or articles purchased to the Comptroller, one (1) copy to the Director of the Division of Administration, one (1) copy to the Department Director making the requisition, and one (1) copy shall be retained in his office. The copies shall be open at all times for public inspection.
- b. The Council shall, at intervals to be fixed by it, solicit proposals by public advertisements for the furnishing of all materials and supplies usually required by it or any Department under its control and shall award the contracts to the lowest responsible bidder. Such proposals shall be received and processed as hereinafter provided.
- c. If the purchase price of materials or supplies, either in the aggregate sum for all Departments for a full year or on an individual purchase for one Department exceeds the current public bidding threshold as specified under Local Public Contracts Law N.J.S.A. 40A:11-3 as may be amended by the State Legislature, the Purchasing Agent shall advise the Director of the Department requesting same and the Director shall

request the Council to authorize bids for the purchase. If the Council deems it necessary to make the purchase therefor, a resolution shall be adopted authorizing the City Clerk to advertise for bids. After bids are received and opened, the Council shall adopt a resolution awarding a contract to the lowest responsible bidder who shall comply with all the requirements prescribed by the Council. Bids shall be received and processed as hereinafter provided.

- d. Upon the execution of a contract, materials or supplies purchased shall be delivered to the Department which requested the purchase, and the receiving Department shall examine the materials and supplies to make certain they comply with the specifications.
- e. No purchase shall be made by the Purchasing Agent unless the amount remaining as a balance of an appropriation is sufficient to meet the cost, unless provision shall be made by the Council for the making of a further appropriation to meet the cost.
- f. All contracts needed to be drawn to carry out the terms and provisions of this section shall be prepared by the Department of Law. Resolutions authorizing the City Clerk to advertise for bids shall be prepared by the City Clerk at the written request of the Purchasing Agent for bids to be taken pursuant to paragraph b. of this subsection and at the written request of the requesting Director pursuant to paragraph c. of this subsection. Resolutions authorizing a contract following the receipt of bids shall be prepared by the City Clerk with the assistance of the Department of Law where necessary. All other resolutions will be prepared by the Department of Law or shall be approved by the Department of Law.
- h. The Purchasing Agent is hereby designated as the agent for the receipt of sealed bids and proposals advertised pursuant to this subsection unless provided otherwise by the Council in the resolution authorizing the advertisement. The Purchasing Agent, on the date and time for receiving bids, shall comply with the following procedure:
 - 1. Bids shall be received by the Purchasing Agent in the presence of the Law Director or his designee.
 - 2. Bids shall be received and opened pursuant to the Local Public Contracts Law. (N.J.S.A. 40A:11-1, et seq.)
 - 3. The Purchasing Agent shall forward all received bids to the appropriate Department and shall report in writing to the Council the items for which bids were solicited, number of bids received, names of bidders and bid prices.
 - 4. Upon receipt of the bids, the appropriate Department will review same to make certain they meet their specifications and then recommend to the Municipal Council whether and to whom a contract should be awarded or whether the bids should be rejected. In the case of bids for materials and supplies needed for several Departments or for all Departments, the Purchasing Agent with the assistance of the Directors and the Engineer will make the necessary recommendation to the Council.
- i. Insofar as N.J.S.A. 40A:11-36(1) only regulates the sale of the City's personal property not needed for public use if the estimated fair market value of the property to be sold is in excess of two thousand five hundred (\$2,500.00) dollars, if the Purchasing Agent should determine that the City would be best served by selling certain of the City's personal property not needed for public use (i.e., excess inventory, outdated, defective and/or irreparable equipment and/or material to be scrapped or junked) having an estimated fair market value of less than two thousand five hundred (\$2,500.00) dollars, then he shall place the personal property up for sale consistent with the following guidelines:
 - 1. In establishing the market value of a certain piece of personal property, the Purchasing Agent shall contact original suppliers, salvage operators and/or used equipment dealers and obtain a minimum of three (3) bids in writing. The request for bid shall contain, where applicable, the manufacturer's name, serial number, model number and a brief description of the property including its current operational status.
 - 2. Should an organization, person or entity from which a bid price is solicited, refuse to reply in writing and/or express no interest in the property offered, it shall be the responsibility of the Purchasing Agent, or his designee, to document the conversation, including company name, contact name, exact phone number and any and all comments made by the contact during said conversation as to the utility and/or value of the subject property. The Purchasing Agent's report of such a conversation shall be memorialized in

writing and shall be considered a bid, albeit negative. If the Purchasing Agent receives three (3) such negative bids, the property in question may be disposed of pursuant to paragraph h, 7. of this subsection.

3. Once three (3) written bids have been obtained, the bidder submitting the highest bid will be determined to be the successful bidder.
4. After a successful bidder has been determined by the Purchasing Agent, the Director of the appropriate Department shall request of the Municipal Council that a resolution approving of the sale be presented and passed at the next scheduled Municipal Council meeting. Copies of all bidder replies, the request for bid and all other pertinent information shall be included with the request to the Municipal Council.
5. Upon approval by the Municipal Council, the Purchasing Agent shall notify the successful bidder and the bidder shall have five (5) business days from the date of notice within which to tender a certified check, bank check or money order payable to the City of Bayonne in an amount equal to the successful bid amount.
6. Any and all property will be sold "AS IS" and "WHERE IS" with no guarantees, either expressed or implied, as to the operational suitability or nature of the property.
7. Upon payment to the City of Bayonne of the bid price, the successful bidder shall have five (5) business days thereafter to remove the personal property from City property. Should the successful bidder fail to remove the personal property within five (5) days of payment of the bid price, the bid shall be forfeited and the property shall be re-offered for bidding. This five (5) day time frame can be extended by the Purchasing Agent, in writing, for good cause.
8. In the event that a minimum of three (3) bidders have been contacted and they have each indicated in writing that the personal property being offered for sale has no resale value, then:
 - (a) If the property is operational and useful, the Director of the appropriate Department may offer it to another branch of the City government or to a not-for-profit charitable organization. It shall be the responsibility of the entity receiving the property to remove the property at its own cost and expense.
 - (b) If the property is defective and/or irreparable and no salvor has exhibited interest in same, the Director of the appropriate Department may dispose of the property through the City's recycling operation or arrangements can be made to have it disposed of at a landfill.
 - (c) In either event, if the property is under the aegis of the Director of Public Safety, then the Purchasing Agent shall first obtain written approval from the Public Safety Director that the property to be disposed of poses no security concerns. If the Director of Public Safety determines that security would be compromised by the disposal of property under paragraph h, 7(a) or (b), then the property must first be processed by the appropriate City employees and/or contractors to render it free of any such problems prior to disposal.
 - (d) In either event, the Director of the appropriate Department shall request of the Municipal Council that a resolution approving of the disposal be presented and passed at the next scheduled Municipal Council meeting. Copies of all bidder replies, Public Safety Director's written approval, if required, and any other pertinent information should be included with the request.

Any property to be disposed of pursuant to paragraph h,7(a) or (b) of this subsection must be removed from City property within twenty (20) days of the passing of the Municipal Council resolution approving same unless the time is extended in writing and for good cause, by the Purchasing Agent.

2-5.14 Office of the Tax Assessor.

Within the Department of Administration there shall be a Division of Tax Assessment, the head of which shall be the Municipal Tax Assessor. The Municipal Tax Assessor shall be

appointed by the Mayor with the advice and consent of the Council to serve for the term provided by law, and vacancies shall be filled for the unexpired term only. No person may be appointed Tax Assessor unless he holds a Tax Assessor Certificate provided for in N.J.S.A. 54:1-35.25 et seq.

A person who is reappointed to office after receiving a Tax Assessor Certificate and thereafter serving in office for four (4) consecutive years shall be entitled to tenure pursuant to N.J.S.A. 54:1-35.31.

The Division of Tax Assessment shall:

- a. Have, perform and discharge all the functions, powers and duties prescribed by law for a Municipal Assessor.
- b. Make assessments for benefits for local improvements and, for that purpose, have and exercise the powers and duties of a Board of Assessment for Local Improvement as provided by law.
- c. Maintain adequate assessment records of each separate parcel of real property assessed or exempted and establish and maintain such files, records and procedures as may be required for the valuation and assessment of personal property, pursuant to law.
- d. Maintain a current tax map of the City as a public record and cause to be recorded thereon all changes in ownership or character of the real property assessed, employing for that purpose the facilities of other Departments as provided by this chapter.
- e. Provide to the Hudson County Board of Taxation a complete listing of all property as listed in Chapter 10, Section 10-2, for the purposes of allowing a tax rate to be struck for the Special Improvement District.
- f. Provide to the Municipal Council a listing by street address and tax lot and block number of all properties listed in Chapter 10, Section 10-2, which are of a mixed residential and commercial use. This list should contain the amount of Special Improvement District taxes which relate to residential units within mixed use properties. The purpose of the listing is to conform to Chapter 10.
- g. Provide reports as required by the Chief Financial Officer.

Article 6 Department of Public Works and Parks

2-6 DEPARTMENT OF PUBLIC WORKS AND PARKS.

2-6.1 Department Generally.

There shall be a Department of Public Works and Parks, the head of which shall be the Director of Public Works and Parks. The Department shall:

- a. Be responsible for all matters relating to the construction, management, maintenance and operation of the physical properties of the City other than office supplies, furniture and equipment, and such recreation maintenance functions as are assigned to the Division of Parks.
- b. Provide all mechanical services required by any Department, Office or Agency of the City government, except as otherwise directed by the Mayor or Business Administrator.
- c. Superintend through Divisions or otherwise the following functions of the City: street department, street lighting, traffic signalization, municipal garage operations and municipal motor vehicle repair.
- d. Provide graffiti removal services. Graffiti shall mean any design, word or drawing caused by any material such as marker, ink, paint, chalk or indelible pen on a surface of a building, monument, plaque or on any inorganic material object without the owner's consent. Employees of the Department will remove graffiti from unpainted cement, brick, brickface or marble surfaces. They will not remove graffiti from painted surfaces, vinyl siding, wood surfaces or any surface that indicates loose brick, mortar or any sign of material weakness. There will be no charge for the removal of graffiti providing the owner of the property signs a release and indemnification agreement, approved by the Law Director, releasing the City of Bayonne from any and all liability.

2-6.2 Division of Parks.

Within the Department of Public Works and Parks there shall be a Division of Parks which shall:

- a. Administer and operate the City's parks, playgrounds and swimming pools and be responsible for the lighting of these facilities;
- b. Perform all of the functions of trimming, planting and caring for trees in the public way, but not on private property.
- c. Operate, maintain, repair, and provide services for City-owned property and buildings, including the Municipal Building.
- d. Operate the Division of Forestry and Landscaping, thereby promoting the health and maintenance of trees and greenery throughout the City.
- e. Under the direction of the Director of Public Works and Parks promulgate rules and regulations applicable to the operation and use of the City's parks, playgrounds and swimming pools. The rules and regulations applicable to the operation and use of each of the parks, playgrounds and swimming pools shall be prominently posted by way of a notice in or about the particular park, playground and/or swimming pool. Said notice shall set forth the applicable rules and regulations and shall advise the public that a violation of same may result in a fine not exceeding the maximum allowed by law within the discretion of the Municipal Court Judge consistent with Chapter 1, Section 1-5 of this Code.
- f. Any person, individual or organization filing an application for the use of any facility under the jurisdiction of the Department of Public Works and Parks, other than Don Ahern Veterans Memorial Stadium, shall provide the City of Bayonne evidence of general liability insurance coverage issued by an insurance company licensed to do business in the State of New Jersey, naming the City of Bayonne as an additional insured, in limits of at least one million (\$1,000,000.00) dollars per occurrence, and fifty thousand (\$50,000.00) dollars for property damage.

2-6.3 Division of Recreation.

Within the Department there shall be a Division of Recreation whose duty it shall be to:

- a. Plan and provide for a comprehensive recreation program for all citizens of the City of Bayonne.
- b. Administer and operate the City's senior and recreation centers.
- c. Support private recreation endeavors and those of the Bayonne Board of Education.
- d. Manage scheduling of municipal facilities including parks, fields and the municipal pool.
- e. Administer the municipal pool.
- f. Coordinate with the Department of Public Works and Parks for the proper maintenance and availability of all municipal facilities.
- g. Promote the Arts in Bayonne.
- h. Charge and collect fees for use of facilities as provided in Chapter 13, Swimming Pool, Docks, Don Ahern Veterans Memorial Stadium, Public Boat Ramp, Municipal Parks and Playgrounds and Bayonne Public Library and Bayonne Museum.

2-6.4 Division of Streets.

Within the Department of Public Works and Parks there shall be a Division of Streets, the head of which shall be the Superintendent. Under the direction and supervision of the Director, the Division shall:

- a. Maintain and repair all City streets, bridges, culverts and drains within the City.
- b. Construct and reconstruct streets, roads, bridges, culverts and drains; treat road surfaces and resurface streets and roads according to standards and schedules directed or approved by the Chief Engineer.

- c. Maintain all City streets in a clean and safe condition, free of obstructions and hazards, and remove snow and ice as required.
- d. Receive applications for and issue street opening permits.

(1972 Code § 2-7.3; Ord. No. 0-09-28 § 1)

2-6.5 Division of Automotive Maintenance.

Within the Department of Public Works and Parks there shall be a Division of Automotive Maintenance. Under the supervision and direction of the Director, the Division shall:

- a. Control the care, use and disposition of motor vehicles and mechanical equipment owned by the City, including fire apparatus and equipment, and for this purpose the Division shall:
 - 1. Operate or supervise the operation of a garage or garages for the storage, servicing, repair and maintenance of City-owned motor vehicles.
 - 2. Supervise any work done by contract for the storage, repair, servicing and maintenance of City-owned motor vehicles or equipment.
 - 3. Control the maintenance of motor vehicles owned by the City by maintaining individual vehicle records of mileage, costs of operation and maintenance, and replacement schedules.
- b. Establish standards and procedures for the control, use and care of all City-owned equipment, materials and supplies in the custody of the Department.

2-6.6 Division of Repair and Maintenance.

Within the Department of Public Works and Parks, there shall be a Division of Repair and Maintenance. Under the supervision of the Director, the Division shall:

- a. Control the care and maintenance of all municipal building and structures.
- b. Perform all building maintenance functions, including electrical, plumbing, mechanical, and carpentry repairs.
- c. Provide for energy efficient buildings.
- d. Perform routine painting of buildings and structures.
- e. Prepare an annual report on all municipal buildings attesting to the condition of each.

2-6.7 Division of Engineering.

Within the Department of Public Works and Parks, there shall be a Division of Engineering whose job it shall be to:

- a. Oversee all capital improvements to City property and facilities.
- b. Review and comment on all development applications.
- c. Design or cause to be designed all plans and specifications for capital improvements.
- d. Oversee all consulting engineers and their contracts.
- e. Maintain accurate records of all projects and review and approve all payment vouchers, changes orders and projects closeouts.
- f. Cooperate with the Department of Administration in managing all grants.

2-6.8 Signal Division.

Within the Department of Public Works and Parks, there shall be a Signal Division whose duties it shall be to:

- a. Install, repair and maintain fire alarms and traffic signals.

- b. Monitor street lighting systems in the community.
- c. Work with other Departments including the Traffic Safety Unit of the Police Division.

2-6.9 Division of Solid Waste & Recycling.

Within the Department of Public Works and Parks there shall be a Division of Solid Waste & Recycling. Under the supervision of the Director, the Division shall be responsible for the preparation of plans and specifications for solid waste removal and recycling collection and shall oversee and monitor the City's contracts for such services. The Division shall also prepare, administer, and coordinate programs for efficient and effective solid waste removal and recycling and shall insure that the City is in compliance with State and Federal requirements for solid waste collection and removal. (New; Ord. No. 0-09-28 § 1)

Article 7 Department of Public Safety

2-7 DEPARTMENT OF PUBLIC SAFETY.

2-7.1 Department Generally.

There shall be a Department of Public Safety, the head of which shall be the Director. (1972 Code § 2-8.1; Ord. No. O-15-10)

2-7.2 Personnel and Divisions.

Editor's Note: Throughout the City Code, references to Police Department have been retained and shall refer to the Police Division.

a. Police Division Personnel. The Police Division shall be organized in accordance with and subject to the provisions of Chapter 11, Police Department, of this Code. The head of the Police Division shall be the Chief of Police who, pursuant to N.J.S.A. 40A:14-118, shall be directly responsible to the Director of the Department of Public Safety for the efficiency and routine day to day operations thereof consistent with the mandates of N.J.S.A. 40A:14-118.

b. In addition to its other functions and duties, the Division of Police shall be responsible for traffic safety and lighting, including but not limited to:

1. Assessing problems of street traffic congestion, hazards and control and making recommendations for appropriate corrective measures.
2. Coordinating with the Municipal Council, other Municipal Departments and with State Officials to construct, install, repair and maintain traffic control signals and other electrically operated signals.
3. Coordinating with the Municipal Council, other Municipal Departments and with State Officials to install, repair and maintain street traffic signs and markers.
4. Monitoring street light outages.

c. Bureau of Communications. Within the Police Division there shall be a Bureau of Communications, the head of which shall be the Supervisor. The Bureau shall:

1. Operate, maintain and repair the police and fire signal and communications system.
2. Have all other functions, powers and duties assigned to it by the Director.

d. Parking Utility. The Director of Public Safety shall be directly responsible for the day to day operations of the Parking Utility.

e. Crossing Guards. The Director of Public Safety shall be directly responsible for the day to day coordination and deployment of Crossing Guards throughout the City of Bayonne.

2-7.3 Discipline.

The Director of the Department of Public Safety shall prepare and, with the approval of the Mayor, adopt rules and regulations for the control, disposition and discipline of the Department. Such rules may pertain to training, efficiency, the use and care of equipment and apparatus, and all other appropriate matters. The Director of the Department of Public Safety shall administer and enforce the rules, but he may delegate the administration and enforcement to the Division Heads within their respective jurisdictions. (1972 Code § 2-8.4; Ord. No. 0-09-28 § 1)

2-7.4 Fire Division.

Editor's Note: Throughout the City Code, references to Fire Department have been retained and shall refer to the Fire Division.

Within the Department of Public Safety there shall be a Fire Division, the head of which shall be the Fire Chief. The Fire Division shall be organized in accordance with and subject to the provisions of Chapter 12, Fire Rescue and Emergency Services [Fire Department], of these Revised General Ordinances. (1972 Code § 2-8A.2; Ord. No. 0-09-28 § 1)

2-7.5 Rules and Regulations.

The Director of the Public Safety shall prepare and, with the approval of the Mayor, adopt rules and regulations for the control, disposition and discipline of the Department. Such rules may pertain to training, efficiency, the use and care of equipment and apparatus, and all other appropriate matters. The Director of the Department shall administer and enforce the rules, but he may delegate the administration and enforcement to the Division Heads within their respective jurisdictions. (1972 Code § 2-8A-5; Ord. No. 0-09-28 § 1)

Article 8 Department of Municipal Services

2-8.1 Department Generally.

There shall be a Department of Municipal Services, the head of which shall be the Director of the Department of Municipal Services. He shall be appointed pursuant to the Charter and receive such compensation as shall be provided by ordinance.

2-8.1 Division of Health; Health Officer.

Within the Department of Municipal Services there shall be a Division of Health, the head of which shall be the Health Officer. The Health Officer shall be the holder of a Health Officer's license issued by the State Department of Health of New Jersey and shall have thorough education and training in public health theory and practice. Under the supervision of the Health Officer the Division shall:

- a. Have all the functions, powers, and duties of a local Board of Health under Title 26 of the New Jersey Statutes and Chapter 52 of the New Jersey Administrative Code, except that the Municipal Council shall have and exercise all local legislative powers under the statutes.
- b. Plan and administer a comprehensive public health program including, without limitation thereto, environmental sanitation, communicable disease control, child and adult health and health education, laboratory services, and all other services authorized by statute or ordinance.
- c. Administer and enforce local health ordinances and the licensing of dogs and cats.

2-8.2 Office on Aging.

Within the Department of Municipal Services there shall be an Office on Aging. Under the supervision of the Director, the Office shall serve the City's senior citizens as a source of information, outreach, and referral service. The primary objectives of the Office on Aging are to help older residents reach their fullest potential; to make them aware of their rights under the law; to make the public aware of problem areas of the frail elderly and to seek solutions to these problems; and to insure a lifelong continuum with a focus on program participation.

2-8.3 Water & Sewer Management.

Within the Department of Municipal Services there shall be a Division of Water & Sewer Management. Under the supervision of the Director, the Division shall manage and oversee all property, facilities and contracts previously owned by, leased to or otherwise previously controlled by the Bayonne Municipal Utilities Authority (which was dissolved effective December 31, 2016) including, but not limited to, the rights and obligations of the assumed by the City from The Bayonne Municipal Utilities Authority under the Bayonne Water and Wastewater Concession Agreement ("Concession Agreement"), dated December 20, 2012

between the Bayonne Municipal Utilities Authority and Bayonne Water Joint Venture, LLC, which agreement has a term of 40 years and provides for the day to day operation, maintenance of and capital improvements to the water and sewer systems and assets.

Under the supervision of the Director, the Division shall oversee, coordinate and manage the said Concession Agreement and other obligations of the City as successor in interest to the Bayonne Municipal Utilities Authority so as to honor the commitments arising therefrom and assure through the City's department and organizational structure that the services previously provided, coordinated and overseen by the Bayonne Municipal Utilities Authority, which services are necessary for the health, safety and welfare of the users of the system, are protected and carried out.

Article 9 Department of Law

2-9 DEPARTMENT OF LAW.

2-9.1 Department Generally.

There shall be a Department of Law, the head of which shall be the Director of the Department of Law, who shall be the Chief Legal Officer. He shall be appointed pursuant to the Charter and receive such compensation as shall be provided by ordinance. Prior to his appointment, he shall have been admitted to the practice of law in the State of New Jersey for at least five (5) years. (1972 Code § 2-6.1; Ord. No. O-16-05)

2-9.2 Professional Assistants.

The Director may appoint Assistant City Attorneys to serve during the term of Office of the Director appointing them and until their successors are appointed and qualify. (1972 Code § 2-6.2; Ord. No. O-09-28 § 1; Ord. No. O-16-05)

2-9.3 Powers and Duties Generally.

The Director of the Department of Law shall be the legal advisor to the Mayor, the Council and all Departments except as may be otherwise provided by the Charter. He shall prosecute and defend actions and proceedings by and against the City and its Departments. In furtherance of these general powers, and without limitation thereto, he shall:

- a. Advise the Council or its Committees or its City Officers, when requested, upon all legal questions arising in the conduct of City business.
- b. Prepare or revise ordinances when so requested by the Council or by a Committee.
- c. Give his opinion upon any legal matter or question submitted to him by the Council or any of its Committees or by any City Officer.
- d. Attend all Council meetings in their entirety for the purpose of giving the Council any legal advice requested by its members.
- e. Prepare all contracts and instruments when the City is a party and approve all bonds to be submitted to the City.
- f. Represent the City in all judicial proceedings brought against the City and, when authorized by the Municipal Council or other City authority, prepare and prosecute complaints against third parties.
- g. Immediately report the outcome of any litigation in which the City has an interest to the Council and to the City official having control of the subject matter of litigation.
- h. Annually report to the Council the condition of all pending litigation in which the City has an interest.
- i. Perform all legal services auxiliary to Council action in connection with the appropriating of property to public use.
- j. Supervise the investigation in all cases, including Worker's Compensation, and assume the direction and supervision of investigator for the legal department.
- k. Keep a complete record of all suits in which the City has an interest, stating the names of the parties, the nature of the action, the disposition of the case, or its condition if pending, and the briefs of counsel.

1. Provide legal council to the City's Insurance Fund Commission.

m. Have such other and different functions, powers and duties as may be provided by Charter or ordinance.

(1972 Code § 2-6.3; Ord. No. O-09-09 § 2; Ord. No. O-09-28 § 1; Ord. No. O-16-05)

2-9.4 Assistant City Attorneys.

The Assistant City Attorneys shall perform such duties as the Director of Law may direct or prescribe and, during the absence or disability of the Director of Law, one shall be designated to possess all the powers and perform all the duties of the Director of Law. In the event of the death or resignation of the Director of Law or of the occurrence of a vacancy in the Office for any other reason, one of the Assistant City Attorneys shall act as Director of Law until the office is duly filled pursuant to the Charter. (1972 Code § 2-6.4; Ord. No. O-09-28 § 1; Ord. No. O-16-05)

2-9.5 Prosecutor.

The Mayor, with the advice and consent of the Municipal Council, shall appoint one (1) or more Municipal Prosecutors for a term of one (1) year in accordance with the provisions of N.J.S.A. 2B:25-1 et seq. An Assistant City Attorney may be appointed as Prosecutor. (New; Ord. No. O-09-28 § 1; Ord. No. O-16-05)

2-9.6 Special Counsel.

Whenever he deems the interests of the City so require, the Director of Law may, with the approval of the Council, appoint Special Counsel to assist him in the preparation, trial or argument of such legal matters or proceedings as he may determine. If the Director of Law should be disqualified in any matter, the Mayor shall appoint Special Counsel, with the approval of the Municipal Council, to represent the City in the matter. (1972 Code § 2-6.5; Ord. No. O-09-28 § 1; Ord. No. O-16-05)

2-9.7 Records and Papers.

All papers, documents, memoranda, reports and other materials relating to the administration of the Department of Law shall be and remain the property of the City. Upon the termination of his service with the City, the Director of Law shall forthwith surrender to his successor all such property, together with a written consent to substitution of his successor in all legal actions and proceedings then pending to which the City is a party. The Assistant City Attorneys shall have a like duty and obligation upon the termination of their services with the City. (1972 Code § 2-6.6; Ord. No. O-09-28 § 1; Ord. No. O-16-05)

Article 10-12 Reserved

Article 13 Municipal Court

2-13 MUNICIPAL COURT.

2-13.1 Creation; Powers.

There shall be a Municipal Court in the City, pursuant to N.J.S.A. 2B:12-1 et seq., to be known as the Municipal Court of the City of Bayonne, Hudson County. The Municipal Court shall have a seal bearing the impress of the name of the Court.

The Municipal Court shall be held in the Municipal Building or such other place as the Council shall designate and shall exercise all the functions, powers, duties and jurisdiction conferred upon municipal courts by the provisions of N.J.S.A. 2B:12-16 et seq., or any other law. (1972 Code § 2-13.1)

2-13.2 Judge of the Municipal Court; Powers and Duties.

There shall be a Judge of the Municipal Court appointed by the Mayor with the advice and consent of Council, who shall serve for a term of three (3) years from the date of appointment and until a successor shall be appointed and qualified. The Municipal Judge shall have the qualifications and exercise all the functions, duties, powers and jurisdictions covered by N.J.S.A. 2B:12-7 and N.J.S.A. 2B:12-16 et seq., or by general law or ordinance or by the New Jersey Court Rules. (1972 Code § 2-13.2)

2-13.3 Municipal Court Administrator.

Pursuant to N.J.S.A. 2B:12-10, there shall be a Municipal Court Administrator who shall perform such functions and duties as shall be prescribed by law, the rules applicable to municipal courts and by the Municipal Judge. Prior to appointment, the Municipal Court Administrator shall possess a Municipal Court Clerk Certificate.

The duties of the Municipal Court Administrator shall include but not be limited to:

- a. Supervising office procedures and administrative functions of the Court, including the preparation of statistical, financial and progress reports related to the work of the Court, the establishment and maintenance of records and files, the procurement of

supplies and services for the Court and the methods of Court functioning, and the preparation of the budget for the Court operations.

- b. Supervising the work performed by the non-judicial staff, planning and overseeing the in-service training of staff members and giving suitable assignments and instructions to subordinate employees.
- c. Supervising the collection of fines and disbursements of funds.
- d. Such duties as are set forth in N.J.S.A. 2B:12-1 et seq.

(1972 Code § 2-13.2A)

2-13.4 Court Personnel.

There shall be personnel of the Municipal Court who, under the direction of the Municipal Court Administrator, shall:

- a. Perform the necessary clerical work in relation to appearances, waivers of trial, pleas of guilty, and payment of fines and costs in traffic violations.
- b. Keep proper records and entries of summonses, amounts of fines, and their classification in such books or other records and machines provided for this purpose, the names and addresses of persons fined and dates of payment.
- c. Prepare reports periodically concerning traffic violations and other cases, and perform all other duties which the Municipal Court Administrator shall from time to time prescribe, order and direct.

(1972 Code § 2-13.4)

2-13.5 Application Fee for Representation by Public Defender.

- a. Application Fee Established. Any person seeking representation by a Municipal Public Defender of the City of Bayonne shall pay an application fee of fifty (\$50.00) dollars to the Municipal Court of the City of Bayonne.
- b. Discretionary Waiver of Fee. The Municipal Court of the City of Bayonne may waive any required application fee, in whole or in part, if the Court determines, in its discretion, that the application fee represents an unreasonable burden on the person seeking representation.
- c. Failure to Pay Fee. Any person who fails to pay the required application fee, to the extent such fee is not waived in whole or in part pursuant to operation of paragraph b. above, shall not be represented by a Municipal Public Defender of the City of Bayonne.

(1972 Code § 2-13.5; Ord. No. 0-9-28 § 1)

Article 14 through 18 Reserved

2-14—2-18 RESERVED.

Article 17 Boards, Committees, Commissions, Authorities and Agencies

2-19 BOARD OF ALCOHOLIC BEVERAGE CONTROL.

2-19.1 Creation.

Pursuant to N.J.S.A. 33:1-5, there is hereby created a Board of Alcoholic Beverage Control, which Board shall exercise and perform all of the functions, powers and duties and rights to administer the provisions of Title 33 of the New Jersey Statutes in respect to the City of Bayonne and Chapter 6 of the Revised General Ordinances of the City of Bayonne. (1972 Code § 2-22.1)

2-19.2 Members; Terms; Vacancies.

The Board shall consist of three (3) persons, no more than two (2) of which shall be of the same political party, who shall be chosen and appointed by the Mayor with the advice and consent of the Municipal Council for terms of three (3) years. The term of each member shall be three (3) years. In case of a vacancy occurring before the expiration of any term, the appointment to fill such vacancy shall be for the unexpired term. Each member of the Board, upon his appointment, shall file with the Municipal Clerk, in duplicate, an acceptance of his appointment, one of which shall be retained by the Municipal Clerk and the other of which shall be transmitted by him to the Director of the Division of Alcoholic Beverage Control as hereinafter provided. (1972 Code § 2-22.2)

2-19.3 Secretary.

- a. The Board shall, with the approval of the Mayor and advice and consent of the Municipal Council, appoint a Secretary, who shall serve for a term of three (3) years from the date of his appointment and qualification and who shall receive a salary as shall be fixed by the Mayor.
- b. The Secretary shall attend all meetings of the Board, keep the minutes thereof and perform such other clerical duties as shall be assigned to him thereby.

(1972 Code § 2-22.3)

2-19.4 Notice of Appointments.

The Municipal Clerk shall, upon the appointment of the members of the Board, transmit to the Director of the Division of Alcoholic Beverage Control a certified copy of this section and of the resolutions appointing the members of the Board and a duplicate original certificate of acceptance by each of the members filed with him. (1972 Code § 2-22.4)

2-20 ZONING BOARD OF ADJUSTMENT.

The Zoning Board of Adjustment is created pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.*

2-21 PLANNING BOARD.

The Planning Board is created pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.*

*Editor's Note: See Chapter 33, Planning and Development Regulations for the Planning Board and Zoning Board of Adjustment.

2-22 BOARD OF TRUSTEES OF THE FREE PUBLIC LIBRARY AND CULTURAL CENTER.

2-22.1 Board Created.

There is hereby created a Board of Trustees of the Free Public Library and Cultural Center of Bayonne pursuant to N.J.S.A. 40:54-9 et seq. (1972 Code § 2-16B.1)

2-22.2 Members.

The Board shall be composed of seven (7) members. Two (2) of the members shall be the Mayor and Superintendent of Schools. The remaining five (5) members shall be appointed by the Mayor for a term of five (5) years, all of whom shall be residents of the City. (1972 Code § 2-16B.2)

2-22.3 Appointments.

Upon the expiration of the term of office of any Trustee, the Mayor shall appoint a citizen for a term of five (5) years. Vacancies occurring in the Board shall be filled for the unexpired term only. Terms of office of citizen appointments shall remain staggered so that one (1) term expires each year. (1972 Code § 2-16B.3)

2-22.4 Officers.

The Board shall elect from its members a President, Treasurer and Secretary, who shall hold their office for one (1) year and until their successor is elected and qualified. (1972 Code § 2-16B.4)

2-22.5 Powers and Duties.

The following shall apply.

- a. The members shall make and execute under their hands and seals a certificate setting forth their appointment and their organization and the names of the officers elected, such certificate to be recorded in the County Clerk's Office. They shall also cause to send to the Secretary of State such certificate to be filed of record.
- b. The Board shall have all the powers enunciated in N.J.S.A. 40:54-12.
- c. The Treasurer of the Board shall give bond in an amount to be fixed by the Mayor, payable to the City in its corporate name, conditioned for the faithful performance and discharge of his duties. The Board shall, by its Treasurer upon its warrant signed by the President, receive from the City Treasurer the money raised therein for library purposes as provided in N.J.S.A. 40:54-8.
- d. The Board shall annually make a report of its transactions, accounts and state and condition of the library to the City.

(1972 Code § 2-16B.5)

2-23 ENVIRONMENTAL COMMISSION.

2-23.1 Creation.

The City of Bayonne Environmental Commission is hereby established pursuant to N.J.S.A. 40:56A-1 to 40:56A-6. (1972 Code § 2-16A.1)

2-23.2 Members.

The Commission shall consist of seven (7) members appointed by the Mayor, one of whom shall also be a member of the Planning Board and all of whom shall be residents of the City. The members shall serve without compensation. The Mayor shall annually designate one of the members to serve as Chairman and Presiding Officer of the Commission. Members shall be appointed for terms of three (3) years and until the appointment and qualification of their successors.

The Mayor or Municipal Council may remove any member of the Commission for cause, on written charges served upon the member and after a hearing thereon at which the member shall be entitled to be heard in person or by counsel. A vacancy on the Commission occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

The Mayor may appoint two (2) alternate members, the alternate members shall be designated at the time of appointment as "Alternate #1" and "Alternate #2." The terms of the alternate members shall be for two (2) years. A vacancy occurring otherwise than by expiration of a term shall be filled by the Mayor for the unexpired term only.

An alternate member shall not be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest. An alternate member may, after public hearing, if it is requested, be removed by the Mayor or the Municipal Council for cause.

An alternate member may participate in discussions of the proceedings, but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate #1 shall vote first. (1972 Code § 2-16A.2)

2-23.3 Powers.

The Commission is established for the protection, development or use of natural resources, including water resources, located within the territorial mains of the City. The Commission shall have power to conduct research into the use and possible use of the open land areas of the City and may coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its purposes. It shall keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands, in order to obtain information on the proper use of such areas, and may from time to time recommend to the Planning Board, plans and programs for inclusion in the Master Plan and the development and use of such areas. (1972 Code § 2-16A.3)

2-23.4 Acquisitions.

The Commission may, subject to the approval of the Municipal Council, acquire property, both real and personal, in the name of the City, by gift, purchase, grant, bequest, devise or lease for any of its purposes and shall administer the same for such purposes subject to the terms of the conveyance or gift. Such an acquisition may be to acquire the fee or any lesser interest, development right, easement (including conservation easement), covenant or other contractual right (including a conveyance on conditions or with limitations or reversions), as may be necessary to acquire, maintain, improve, protect, limit the future use or otherwise conserve and properly utilize open spaces and other lands and water areas in the City. (1974 Code § 2-16A.4)

2-23.5 Records and Annual Report.

The Commission shall keep records of its meetings and activities and make an annual report to the Municipal Council. (1972 Code § 2-16A.5)

2-23.6 Appropriations.

The Commission may appoint such clerks and other employees as it may require, providing the same shall be within the limits of funds appropriated to it by the Municipal Council in the Municipal Council's discretion. (1972 Code § 2-16A.6)

2-23.7 Additional Powers.

The Environmental Commission shall have the power to study and make recommendations concerning open space preservation, water resource management, air pollution control, solid waste management, noise control, soil and landscape protection, environmental appearance, marine resources and protection of flora and fauna. (1972 Code § 2-16A.7; Ord. No. O-99-22.S1)

2-24 INSURANCE FUND COMMISSION.

2-24.1 Establishment of Insurance Fund.

There is hereby established an insurance fund pursuant to N.J.S.A. 40A:10-6, for the following purposes:

- a. To insure against any loss or damage however caused to any property, motor vehicles, equipment or apparatus owned by it, or owned by or under the control of any of its Departments, Boards, Agencies or Commissions;
- b. To insure against liability resulting from the use or operation of motor vehicles, equipment or apparatus owned by it, or owned by or under the control of any of its Departments, Boards, Agencies or Commissions;

c. To insure against liability for its negligence and that of its officers, employees and servants, whether or not compensated or part-time, who are authorized to perform any acts or services, but not including an independent contractor within the limitations of the of the "New Jersey Tort Claims Act" (N.J.S.A. 59:1-1, et seq.). (1972 Code § 2-20.1)

2-24.2 Insurance Fund Commission.

There is hereby established pursuant to N.J.S.A. 40A:10-8, an Insurance Fund Commission of three (3) Commissioners to be appointed by the Mayor who shall be Municipal Officials and may be members of the Municipal Council and who shall serve for a term of two (2) years or for the remainder of their term of Office, whichever is less, and until their successors shall have been duly appointed and qualified. The members of the Commission shall serve without compensation. (1972 Code § 2-20.2)

2-24.3 Secretary.

The Mayor shall appoint a person to serve as Secretary to the Insurance Commission. The Secretary shall serve at the pleasure of the Commission at a salary set by ordinance. (1972 Code § 2-20.3)

2-24.4 Powers and Authority.

Pursuant to N.J.S.A. 40A:10-10, the Commissioners shall have the following powers and authority.

- a. To employ necessary clerical assistants.
- b. To invest the Insurance Fund and all additions and accretions thereto in such securities as are authorized by the Local Fiscal Affairs Law, N.J.S.A. 40A:5-1, et seq., as they deem best suited for the purposes of this section.
- c. To adopt rules and regulations for the control and investment of the Insurance Fund.
- d. To keep on hand at all times sufficient money, or have the same invested in such securities as can be immediately sold for cash, for the payment of losses to any buildings or property of the local unit, or liability resulting from the operation of publicly owned motor vehicles, equipment or apparatus.
- e. To fix reasonable rates of premium for all insurance carried by the Insurance Fund and to effect all insurance in the Insurance Fund or with any insurance company or companies authorized to do business in this State.
- f. Premiums for insurance, whether carried in the Insurance Fund or placed with insurance companies, shall be paid to the Commission by the Board, Commission, Department, Committee or Officer having charge or control of the property insured.
- g. To place all insurance upon property owned or controlled by the City or any of its Departments, Boards, Agencies or Commissions.
- h. To entrust the daily operations of the Insurance Fund to the Secretary by regulation of the Commission and to require the submission of a report to the Commissioners at least once a month.
- i. To be the depository for and have custody of all official surety bonds furnished by or on account of any Officer or employee, except their own bonds which shall be placed in the custody of the Treasurer; of all insurance policies on or with respect to risks insured for the benefit of the City to protect it against any claim, demand or liability whatsoever.
- j. Worker's compensation matters shall be paid on an "as claims made" basis through a fund designated the "Worker's Compensation Insurance Reserve," which shall be administered by the Insurance Commission for the City of Bayonne, subject to the following:
 1. The Insurance Commission shall fully administer payment of investigation and litigation costs and of medical payments;
 2. The Insurance Commission shall administer payment of all permanent injury payments;
 3. The Insurance Commission shall provide an accounting of all transactions involving the Worker's Compensation Insurance Reserve on a monthly basis to the Municipal Council;
 4. The Worker's Compensation Insurance Reserve is separate and distinct from the Insurance Fund and the Insurance Commission's administration of the Reserve may be revoked at any time by the Municipal Council.

(1972 Code § 2-20.4; New)

2-25 BAYONNE PARKING UTILITY.

Note: Former Section 2-25, the Parking Authority of the City of Bayonne, containing portions of 1972 Code §§2-14.1-2-14.3 and Ordinance Nos. O-00-50, O-01-29 and O-04-17, was dissolved by Ordinance No. O-11-38, adopted December 14, 2011.

2-25.1 Establishment.

There is hereby created under the terms of this section a public utility for the purpose of managing its parking operations within the City of Bayonne, County of Hudson and State of New Jersey..

2-25.2 Official Name.

The name by which the Utility shall be known is "The Bayonne Parking Utility," and hereinafter the "Utility."

2-25.2 Operation.

The Bayonne Parking Utility shall be operated in accordance with statutes applicable thereto under the Local Budget Law, N.J.S.A. 40A:4-1 et seq. (40A:4-33 to 35 and 62) and the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (40A:2-45 to 48) and the regulations promulgated by the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The Director of Public Safety shall be directly responsible for the day to day operations of the Parking Utility.

2-25.2 Assumption of Obligations and Revenue of Former Authority.

Upon dissolution of the Bayonne Parking Authority, The Bayonne Parking Utility assumed all the obligations and receive all of the revenues arising from all contracts and service charges to provide parking services heretofore entered into or imposed by the Authority.

2-25.3 Functions.

It shall be the function of the Utility to budget and account for the parking operations undertaken by the City; to preserve, care for, lay out, construct, maintain, improve and operate lands, buildings, and facilities used for the provision of public parking and the enforcement of the City's laws and regulations concerning parking; to construct, reconstruct, alter, provide, renew and maintain buildings or other structures and equipment and provide for the care, custody and control thereof in the operation of the Utility; to raise money necessary to pay for the lands, rights or interest therein acquired for parking activities, and for improving and equipping the same; to pay or make provision for the payment of the reasonable expenses in each fiscal year of the Utility; to pay to those persons entitled thereto the interest and principal on notes and bonds of the Utility, and to deposit and accumulate reserve funds or reserves. (Ord. No. O-11-39 § 3)

2-25.4 Governing Regulations.

The Utility shall be governed by the applicable New Jersey Statutes and applicable provisions of the New Jersey Administrative Code, City ordinances and/or resolutions adopted by the City Council and by administrative directives.

2-25.5 Costs and Expenses.

All costs and expenses, direct or indirect, attributable or allocable to the operation of the Bayonne Parking Utility shall be charged to it, including debt service on obligations issued or to be issued on account of capital improvements heretofore or hereafter made to the parking system or streets, roads, sidewalks and points of ingress and egress within the City as part of the City's pedestrian and vehicular transportation network.

2-25.6 Acquisition of Property.

The Utility may, from time to time, acquire such real property as may be authorized by the City Council by duly adopted ordinances according to the laws of the State of New Jersey. (Ord. No. O-11-39 § 6)

2-25.7 Appointment of Certain Employees, Salaries and Compensation.

The Mayor shall have the full authority to appoint and employ all necessary employees for the Utility. Salaries of the employees will be in accordance with classification and salary ordinances duly adopted by the City Council. Portions of salaries of existing employees may be pro-rated based on the amount of time spent on parking operations compared to the employees' full time City responsibilities.

2-25.8 Utility Charges.

Consistent with N.J.S.A. 40A:2-45, the Utility shall be a self-liquidating entity and shall have the authority to charge and collect monies for the use of the utilities facilities whether they be user charges, rental fees, or lease payments, and to use these monies to defray the cost of acquisition of lands, buildings and facilities, rights and interests therein, to equip the facilities, to pay the Utility's current expenses and to pay the interest and principal on notes and bonds all in accordance with such duly adopted ordinances and/or resolutions of the City Council. The initial rates and fees shall be as currently on file with the Parking Authority.

2-26 HOUSING AUTHORITY.

2-26.1 Preamble.

There exist in the City unsanitary or unsafe dwelling accommodations, and persons of low income are forced to reside in such unsanitary or unsafe accommodations; and there is a shortage of safe or sanitary dwelling accommodations available at rents which persons of low

income can afford. Such persons are forced to occupy overcrowded and congested dwelling accommodations; and the aforesaid conditions cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals and welfare of the residents of the City and impair economic values, and those conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities. These areas in the City cannot be cleared, nor can the shortage of safe and sanitary dwellings for persons of low income be relieved through the operation of private enterprise, and the construction of housing projects for persons of low income (as defined in the Local Housing Authorities Law) would therefore not be competitive with private enterprise. The clearance, replanning and reconstruction of the areas in which unsanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations by any public body for persons of low income are public uses and purposes for which public money may be spent and private property acquired, and are governmental functions. It is in the public interest that work on projects for such purposes be commenced as soon as possible. (1972 Code § 2-15.1)

2-26.2 Creation.

Pursuant to N.J.S.A. 55:14A-4, the Housing Authority of the City of Bayonne, heretofore created and established pursuant to law, shall consist of seven (7) members, five (5) of whom shall be appointed by the Mayor with the advice and consent of the Municipal Council and one (1) by the Mayor. The seventh member of the Housing Authority shall be appointed by the Commissioner of the New Jersey Department of Community Affairs. The Commissioners shall hold office for a term of five (5) years and until their respective successors are appointed and have qualified, except that all vacancies shall be filled for the unexpired term. (1972 Code § 2-5.2)

2-26.3 Purposes.

- a. The Housing Authority for the City of Bayonne shall purchase, clear, replace and reconstruct areas in which unsanitary or unsafe housing conditions exist and shall construct on such cleared property, safe and sanitary dwelling accommodations for persons of low income.
- b. Acting as the Redevelopment Agency for slum clearance and urban redevelopment in the City for the purpose of carrying out the provisions of Chapter 300, Laws of 1949, State of New Jersey, the Housing Authority shall purchase and clear blighted areas and buildings and prepare such cleared areas for redevelopment by private enterprise or by public agencies and in conjunction therewith assist in the preparation of projects, approve redevelopment plans and advance projects so as to provide jobs and stimulate industry in the period of reconversion.

(1972 Code § 2-15.3)

2-27 REDEVELOPMENT ENTITY.

2-27.1 Dissolution of Bayonne Local Redevelopment Authority.

On August 14, 2013, pursuant to Ordinance No. O-13-22, the City of Bayonne dissolved the former Redevelopment Agency known as the Bayonne Local Redevelopment Authority and/or the Bayonne Local Redevelopment Agency (hereinafter "BLRA").

2-27.2 Designated Redevelopment Entity.

On August 14, 2013, pursuant to Ordinance No. O-13-22, the City designated itself as the "redevelopment entity" for the Redevelopment Areas and assumed the responsibility of implementing the redevelopment plans and carrying out the redevelopment projects set forth in the aforesaid Redevelopment Agreements. (Ord. No. O-13-22)

2-27.3 Transfer of Title to the BLRA Property and All Facilities.

Pursuant to Ordinance No. O-13-22, upon the effective date of said dissolution, all real and personal property, including but not limited to, the BLRA property, facilities, contracts, leases and agreements, including, but not limited to the Redevelopment Agreements, of the Authority and all monies and funds held by or for the Authority were transferred to and/or assumed by and became property of the City of Bayonne and all officers of the BLRA were directed and authorized to execute any documents or instruments necessary to transfer legal title to all real property, personal property, facilities, contracts, leases and agreements, including, but not limited to, Redevelopment Agreements, and monies and funds to the City of Bayonne,

2-27.4 Payment of All Creditors and Obligees.

Pursuant to Ordinance No. O-13-22, the City assumed all legal obligations to all existing and outstanding creditors and obligees of the Authority, including the BLRA Recourse Debt (but not the Non-Recourse Debt) subject to the specific terms and conditions of such obligations and what is known as the Subsidy Agreement. As such, the BLRA Recourse Debt became recourse debt of the City, payable by the City out of the first funds becoming legally available to the City, but if not otherwise available, then from the levy of ad valorem taxes upon

all the taxable real property located in the City all in accordance with the Subsidy Agreement. The City, however, did NOT assume any payment obligations of the Non-Recourse Debt; rather, the City replaced the Authority as "Issuer" of such Non-Recourse Debt, subject to the rights, responsibilities, obligations and limitations of "Issuer" under each bond resolution, project note resolution, loan agreement, bond, note or mortgage authorizing or evidencing such Non-Recourse Debt. The Non-Recourse Debt shall be NON-RECOURSE to the City and shall remain secured solely by the revenues, mortgages and other funds originally pledged to the holders of such Non-Recourse Debt at the time of issuance of such Non-Recourse Debt. THE CITY DOES NOT ASSUME THE RESPONSIBILITY FOR OR PAYMENT OF THE NON-RECOURSE DEBT. THE NON-RECOURSE DEBT SHALL REMAIN NON-RECOURSE TO THE CITY. THE CITY IS NOT NOW, NOR SHALL IT BE AT ANY TIME IN THE FUTURE, OBLIGATED TO PAY THE PRINCIPAL OF OR INTEREST DUE ON THE NON-RECOURSE DEBT, AND NEITHER THE FULL FAITH AND CREDIT NOR THE TAXING POWER OF THE CITY IS NOW OR AT ANY TIME IN THE FUTURE SHALL BE PLEDGED TO THE PAYMENT OF THE PRINCIPAL OF OR THE INTEREST DUE ON THE NON-RECOURSE DEBT. THE NON-RECOURSE DEBT IS NOT AND SHALL NOT BE IN ANY WAY A DEBT OR LIABILITY OF THE CITY AND DOES NOT AND SHALL NOT CREATE OR CONSTITUTE ANY INDEBTEDNESS, LIABILITY OR OBLIGATION OF THE CITY, LEGAL, MORAL OR OTHERWISE.

2-27.5 Assumption of Services Provided by the Authority.

Pursuant to Ordinance No. O-13-22, City became successor to the Authority on all contracts, leases, agreements, including but not limited to the Redevelopment Agreements, and other documents to which the BLRA was a party with all of the rights and obligations of the BLRA thereunder.

2-27.6 Effective Date of Dissolution.

The dissolution of the Authority took effect on August 14, 2013 simultaneously with the final adoption of Ordinance No. O-13-22

2-27.7 Nature of Obligations Assumed; Limitation on Liability.

Pursuant to Ordinance No. O-13-22, the City assumed the real and personal property, including but not limited to the BLRA property, facilities, contracts, leases and agreements, including, but not limited to the Redevelopment Agreements, of the BLRA, and the BLRA Recourse Debt, subject to the same terms, conditions, rights, responsibilities, obligations and limitations applicable to the BLRA, and such assumption by the City did not create, express or imply, any additional, extended, enhanced or modified obligation, liability, right or remedy of any party to any such contracts, leases and agreements, including but not limited to the Redevelopment Agreements, or holders of any BLRA Recourse Debt.

2-27.9 Approval of Local Finance Board; Filing.

Th dissolution of the BLRA was approved by the Local Finance Board in the Division of Local Government Services, Department of Community Affairs of the State of New Jersey (the "Local Finance Board") prior to final adoption in accordance with the requirements of N.J.S.A. 40A:5A-20 and Ordinance No. O-13-22 was filed with the Local Finance Board and with the Secretary of State of the State of New Jersey, in accordance with N.J.S.A. 40A:5A-20.

2-28 OFFICE OF EMERGENCY MANAGEMENT.

2-28.1 Findings and Purpose.

Because of the existing and increasing possibility of the occurrence of disasters and emergencies of unprecedented size and destructiveness resulting from enemy attack, sabotage or other hostile action, or from fire, flood, earthquake or other natural causes, and in order to insure the preparations of this City will be adequate to deal with such disasters, and generally to provide for the common defense and to protect the public peace, health and safety, and to preserve the lives and property of the people of this City it is hereby found and declared to be necessary:

- a. To create the Office of Emergency Management for the City.
- b. To create an Emergency Management Council.
- c. To provide for the rendering of mutual aid to other cities and municipalities within the State of New Jersey.

It is further declared to be the purpose of this section and the policy of the City, that all emergency management functions of this City be coordinated to the maximum extent with the comparable functions of the State government, including its various departments and agencies, of other cities and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of this City's manpower, resources and facilities for dealing with any disaster that may occur.

It is further declared to be the purpose of this section and the policy of this City, to organize its emergency management organization in conformity with N.J.S.A. App. A:9-40.1 et seq. (New)

2-28.2 Emergency Management Coordinator.

There shall be an Emergency Management Coordinator who shall head the Office of Emergency Management. (New; Ord. No. 0-09-28 § 1)

2-28.3 Deputy Coordinators of Emergency Management.

The Emergency Management Coordinator shall appoint such Deputy Coordinators of Emergency Management as are required in his judgment. At least one (1) such deputy shall be appointed from among the salaried officers or employees of the City. (New)

2-28.4 Duties of Emergency Management Coordinator.

The Emergency Management Coordinator shall be responsible for the planning, activating, coordinating, and the conduct of emergency management operations within the City. (New; Ord. No. 0-09-28 § 1)

2-28.5 Proclamation of State of Emergency; Powers of Director.

Whenever, in his opinion, a disaster has occurred or is imminent in the City, the Emergency Management Coordinator shall proclaim a State of local disaster emergency within the City. The Emergency Management Coordinator, in accordance with regulations promulgated by the State Director of Emergency Management, shall be empowered to issue and enforce such orders as may be necessary to implement and carry out emergency management operations and to protect the health, safety and resources of the residents of the City. (New; Ord. No. 0-09-28 § 1)

2-28.6 Aid in Time of Disaster.

No representative of the City shall request aid in time of disaster or emergency directly from noncontiguous municipalities nor shall the City send personnel or equipment into a disaster-stricken municipality unless and until such aid has been directed by the County Emergency Management Coordinator or his Deputy. Specific exemptions from the action of this section may be granted only by authority of the State Director of Emergency Management Coordinator. (New; Ord. No. 0-09-28 § 2)

2-28.7 Emergency Management Council.

The Emergency Management Council shall be composed of not more than fifteen (15) members, who shall be appointed by the Mayor and shall hold office at the will and pleasure of the Mayor. The Coordinator shall be a member and shall serve as Chairman of the Emergency Management Council. The Emergency Management Council shall perform such duties as required in accordance with N.J.S.A. Appendix A:9-41.6. (New; Ord. No. 0-09-28 § 1)

2-29 DISSOLUTION OF THE MUNICIPAL UTILITIES AUTHORITY.

2-29.1 Dissolution of the Municipal Utilities Authority.

On December 31, 2016, pursuant to Ordinance No. O-16-48, the City of Bayonne dissolved the former Bayonne Municipal Utilities Authority (hereinafter "BMUA"), an entity which had been created by the City of Bayonne in 1997 by Ordinance No. O-97-42.

2-29.2 Transfer of Title to All Facilities and Property.

Upon the effective date of the dissolution, December 31, 2016, all real and personal property, facilities and contracts of the Authority, and all monies and funds held by or for the Authority were deemed transferred to and become the property of the City.

2-29.3 Assumption of Contracts, Obligations and Services.

As noted above, as of the effective date of the dissolution of the BMUA the City took ownership and control of all property, facilities and contracts previously owned by, leased to or otherwise controlled by the BMUA. The City, moreover, expressly assumed all contracts and obligations of the BMUA in existence as of the date of dissolution set forth herein, including, but not limited to, the rights and obligations of the BMUA under the Bayonne Water and Wastewater Concession Agreement ("Concession Agreement"), dated December 20, 2012 between the Bayonne Municipal Utilities Authority and Bayonne Water Joint Venture, LLC, which agreement has a term of 40 years and provides for the day to day operation, maintenance of and capital improvements to the water and sewer systems and assets.

The City assumed the oversight, coordination and management of said Concession Agreement and other obligations of the BMUA so as to honor the commitments of the BMUA and assured through the City's department and organizational structure that the services previously provided, coordinated and overseen by the BMUA, which services are necessary for the health, safety and welfare of the users of the system, are protected and carried out.

2-29.4 Payment of All Creditors and Obligees.

The City, in accordance with N.J.S.A. 40A:2-1 et seq. and N.J.S.A. 40A:5A-20, upon the effective date of the dissolution of the BMUA

assumed all legal obligations to pay all existing and outstanding creditors and obligees of the BMUA. The City assumed the Outstanding Bonds of the Authority that remain unpaid as of the date dissolution and shall, as long as the Outstanding Bonds remain outstanding, perform all obligations of the BMUA under those outstanding Bonds or debts including the option to issue City debt in an amount necessary to defease (refund) any or all outstanding BMUA Debt. Simultaneous with the dissolution of the BMUA the City adopted a bond ordinance providing for the City to so adopt (assume payment of) all of the outstanding bond obligations of the BMUA.

2-30 FAIR HOUSING COMMITTEE.

2-30.1 Purpose and Establishment.

- a. Purpose. It is the intent of this section to regulate the development and management of low- and moderate-income housing units for compliance with the Fair Housing Act of 1985 (N.J.S. 52:27D-301 et seq.) and the Housing Element of the Master Plan and Fair Share Plan of the City of Bayonne.
- b. Establishment. In furtherance of this purpose, a Fair Housing Committee is hereby established for the purpose of implementing the purpose of this section. The Fair Housing Committee shall function in an advisory role to the City Council in matters pertaining to the expenditure of funds for the construction and rehabilitation of dwelling units for low- and moderate-income housing. The Fair Housing Committee shall also provide recommendations concerning the construction and rehabilitation of low- and moderate-income housing to the Planning Board and Zoning Board of Adjustment on applications for development, to the Bayonne Local Redevelopment Authority on request for proposals for the redevelopment of lands under their jurisdiction and other sundry powers and duties as more fully described herein.

(Ord. No. O-06-06 § 1)

2-30.2 Membership and Terms of Office.

- a. The Fair Housing Committee shall consist of the following nine (9) voting members:
 1. The Mayor of the City of Bayonne, or designee.
 2. The President of the Municipal Council of the City of Bayonne, or designee.
 3. A public member resident in the City of Bayonne with a demonstrated interest in affordable housing, who shall be appointed by the Mayor.
 4. A Class IV member of the Planning Board.
 5. The Division of Community Development Division Head.
 6. The Executive Director of the Bayonne Housing Authority.
 7. The City Planner.
 8. The Executive Director of the Bayonne Local Redevelopment Authority.
 9. The Business Administrator/CFO.
- b. The term of the Mayor and President of Municipal Council shall be his or her term of elected office. The term of the Head of Community Development Division, the BA/CFO, City Planner, Executive Director of the Bayonne Housing Authority and the Executive Director of the Bayonne Local Redevelopment Authority shall be coequal with their term of employment. The term for the Class IV member of the Planning Board shall be for one (1) year following the annual reorganization of the Planning Board. The term of office for the public member shall be for two (2) years.
- c. The adoption of this section shall not be construed to affect the term of any elected official or standing member of another board or committee.
- d. Compensation. Members of the Fair Housing Committee shall serve without compensation.
- e. Removal. Any public member may be removed by the Governing Body for cause or absence but only after public hearing if requested by the member and other due process proceedings. Any public member of the FHC who has been absent without excuse for three (3) successive regular meetings may be removed from office by the Governing Body after notice.
- f. Vacancies. If a vacancy shall occur otherwise than by expiration of term, it shall be filled for the unexpired term, only.
- g. Conflict. No member of the Fair Housing Committee shall be permitted to act on any matter in which he or she has either directly or indirectly any personal or financial interest. No member who is so disqualified may act on that particular matter, shall not continue to sit with the Committee on the hearing of such matter, nor shall participate in any discussion or decision.
- h. Reorganization. Yearly, the Fair Housing Committee shall organize by selecting from among its voting members a Chairman (or Chairwoman) and a Vice-Chairman (or Chairwoman). The FHC shall also select a Secretary who may or may not be a member of the FHC, or a municipal employee.

- i. Funding. The Municipal Council may make provisions in its budget and appropriate funds for the expenses of the Fair Housing Committee upon submission by the FHC of an annual budget request to the Office of the Mayor.
 - j. Staff. The Office of the Mayor may employ or assign at the request of the FHC such personnel or experts and other staff as the FHC deems necessary, provided such obligations do not exceed the municipal budgetary allocation available to the FHC for such use.
 - k. Quorum. Attendance by five (5) voting members shall constitute a quorum for the purpose of transacting the business of the Fair Housing Committee.
- (Ord. No. O-06-06 § 2; Ord. No. 0-09-28 § 2)

2-30.3 Duties and Powers of the Fair Housing Committee.

- a. The Fair Housing Committee shall have the duty to ensure, through its policies, actions and recommendations, that the City of Bayonne shall implement and meet its:
 - 1. Growth share obligation;
 - 2. Its goals for affordable housing;
 - 3. Other goals and objectives of the Master Plan as they relate to affordable housing; and
 - 4. The specific requirements for affordable housing of any governing redevelopment plan.
 - b. Bylaws. The Fair Housing Committee may establish bylaws for its policies, recommendations and procedures, provided that such bylaws are consistent with the Fair Housing Act of 1985 (N.J.S. 52:27D-301 et seq.) and the Housing Element of the Master Plan of the City of Bayonne.
 - c. Determination of Growth Share Percentage. The presumptive percentage of on-site construction of low- and moderate-income housing shall be set by the Growth Share Ordinance of the City of Bayonne.* The Fair Housing Committee may alter this percentage of low- and moderate-income housing units to be constructed on-site in order to effectuate the goals and objectives for economic development within the City, to provide for municipal or nonprofit housing corporation construction of low- and moderate-income housing, or to meet other goals of the City for the provision of affordable housing.
 - 1. For residential development, the Fair Housing Committee may reduce the required on-site growth share obligation to a minimum of twenty-five (25%) percent of the total growth share, may require that the entire obligation be construction on site, or some percentage in between these two (2) percentages. For the purposes of this section, "residential development" shall mean both a development that is entirely residential, or that includes both residential and nonresidential uses. Within designated redevelopment areas, the entire redevelopment area shall be considered when determining whether it constitutes a residential development, excepting the Maritime District of the Peninsula at Bayonne Harbor.
 - 2. For nonresidential development, the Fair Housing Committee may reduce the required off-site growth share obligation to a lesser percentage, including a reduction to no growth share obligation upon showing of good cause or hardship.
 - 3. A supermajority of affirmative votes shall be required for a reduction in the on-site or off-site obligation pursuant to subsection 2-30.4, Decisions of the Fair Housing Committee.
 - d. Ordinance Amendments. With the assistance of the Department of Law and Community Development, prepare amendments and additions to regulations pertaining to the provision of affordable housing, as it deems necessary or appropriate to implement the purposes of the certified Housing Element and Fair Share Plan. (Ord. No. O-16-05)
 - e. Use of Funds. Make recommendations to the Mayor and Municipal Council regarding how municipal funds or contributions in lieu of construction for affordable housing should be spent and propose priorities for such expenditures.
 - f. Marketing Plans. Review and approve all affirmative marketing plans submitted for approval by developers of low- and moderate-income housing, excepting the Bayonne Housing Authority.
 - g. Sales and Rentals. Review with the assistance of the Division of Community Development regulations pertaining to the sale, rental, resale and rerenting of affordable housing units not under the jurisdiction of the Bayonne Housing Authority.
- (Ord. No. O-06-06 § 3; Ord. No. 0-29-28 § 2)

*Editor's Note: The Growth Share Ordinance referred to herein is codified as Section 33-17.

2-30.4 Decisions of the Fair Housing Committee.

Decisions on matters before the Fair Housing Committee shall be by majority vote of those assembled, provided the assembly shall be a quorum, except that any vote to reduce the on-site affordable housing obligation to less than fifty (50%) percent of the total growth share obligation and any reduction in the off-site total growth share obligation for nonresidential development shall be by a two-thirds (2/3) affirmative vote, or at least three (3) members, whichever is greater. (Ord. No. O-06-06 § 4)

2-30.5 Submission of Affordable Housing Plan.

Every developer of low- and moderate-income housing units shall submit to the Fair Housing Committee a description of the procedures and methods to be used to insure that the required low- and moderate-income units are sold or rented only to low- and moderate-income households for a period in accordance with N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26, as they may be amended or superseded, and the Affirmative Marketing and Housing Affordability Controls Ordinance of the City of Bayonne. (Ord. No. O-06-06 § 5)

2-31—2-38 RESERVED.

2-39 ATTENDANCE POLICY FOR BOARDS, COMMITTEES, COMMISSIONS, AUTHORITIES AND AGENCIES.

2-39.1 Statement of Policy.

It is incumbent that the public receive adequate services from the various City boards, committees, commissions, authorities and other agencies. Accordingly, the Municipal Council finds that members of such boards should be encouraged to take their service seriously by actively participating in the discharge of their functions, and that the establishment of a mandatory attendance policy is in furtherance of this goal and in keeping with the public good. Pursuant to the authority granted by N.J.S.A. 40A:9-12.1, the Municipal Council hereby establishes the attendance policy set forth in this section. (Ord. No. O-10-28)

2-39.2 Unexcused Absences.

Any member of any municipal board, committee, commission, authority or other agency, whose members are appointed by the Mayor, either directly or with the consent of the Municipal Council or by the Municipal Council, who, without being excused by a majority of the authorized members of such body, fails to attend and participate at meetings of such body for a period of six (6) consecutive weeks, or for three (3) consecutive regular meetings, whichever shall be of longer duration, shall be removed from his position upon notification by resolution of such board, committee, commission, authority or other agency directed to the appointing authority. Such removal shall be effective upon the receipt of such resolution by the appointing authority. (Ord. No. O-10-28)

2-39.3 Refusal to Excuse.

Any such board, committee, commission, authority or other agency may refuse to excuse a member only with respect to those failures to attend and participate which are not due to legitimate illness. (Ord. No. O-10-28)

2-39.4 Member of the City Council.

If the appointment member who fails to attend such meetings as provided for in subsection 2-39.2 is also a member of the Municipal Council of the City, that member shall be subject to removal in the same manner as any other member, subject only to any statutory provision requiring that particular individual's membership on such body by virtue of his office. (Ord. No. O-10-28)

2-39.5 Inconsistent Provisions.

All ordinances and parts of this revision, or other ordinances which are inconsistent with the provisions of this section are hereby repealed to the extent of such inconsistency. (Ord. No. O-10-28)

Article 18 Policies and Procedures

2-40 BUDGET AND EXPENDITURE PROCEDURES.

- a. The budget shall be prepared by the Mayor with the assistance of the Business Administrator. During the month of June, the Mayor shall require all Department Heads to submit requests for appropriations for the ensuing budget year and to appear before the Mayor or the Business Administrator at public hearings on the requests, which shall be held during that month. On or before August 10, the Mayor shall submit his recommended budget to the Council, together with any explanatory statement he deems desirable.
- b. The Business Administrator, with the assistance of the Chief Financial Officer, shall prepare all estimates of nonproperty tax revenues anticipated for the support of each annual budget.
- c. The budget document shall be prepared in the form required by law for municipal budgets and in accordance with the Charter. There shall be appended to the budget a detailed analysis of all items of expenditure and revenue, which shall include a comparison of the total number of positions of each class and grade to be authorized by the budget and the actual number employed at the beginning and ending of the preceding budget period. So far as practicable, the analysis shall include appropriate statements of the cost of performance of functional programs and activities in terms of quantitative, countable units of work for operating and capital expenditures.

(1972 Code § 2-17; Ord. No. O-09-28 § 2)

2-41 INDEMNIFICATION OF PUBLIC EMPLOYEES. *

*Editor's Note: See Chapter 20 for Personnel Policies of the City of Bayonne.

- a. Indemnification. Pursuant to the authority granted by N.J.S.A. 59:10-4, and N.J.S.A. 40A:10-1, the City of Bayonne hereby agrees to defend against lawsuits and indemnify all public employees of the City, as defined in N.J.S.A. 59:1-3, which includes all officers, employees or servants whether or not compensated or part time who are authorized to perform any acts or services, and further agrees to indemnify any Municipal Department, Board, Agency or Commission, and any public employee thereof, for which insurance coverage has been heretofore furnished by the City of Bayonne.

(1972 Code 2-20.5)

2-42 RESTRICTIONS ON PAYMENT OF PROCEEDS OF FIRE INSURANCE TO INSURED; PROHIBITION.*

*Editor's Note: N.J.S.A. 17:36-8 et seq. provides for the payment of municipal liens and charges from proceeds of fire insurance policies.

2-42.1 Payment of Claims; Requirements.

No insurance company authorized to issue fire insurance policies in the State of New Jersey shall pay any claims in excess of two thousand five hundred (\$2,500.00) dollars, on any real property located in this City unless:

- a. The City issues to the insured an official certificate of search for municipal liens pursuant to N.J.S.A. 54:5-12, certifying that all taxes, assessments and other municipal liens and charges, levied and assessed and due and payable against the property covered by such insurance policy have been paid; and which certificate is submitted to the insurance company by the insured; or
- b. The City submits to the insurance company a certified copy of a resolution duly adopted by the Municipal Council approving an agreement between the City and the owner of the insured property, in which the owner agrees to pay in full all delinquent taxes, assessments and other municipal liens by installments pursuant to N.J.S.A. 54:5-19 or for the redemption of the tax sale lien by installment payments pursuant to Article 7 of Chapter 5 of Title 54 of the New Jersey Statutes (N.J.S.A. 54:5-65 to N.J.S.A. 54:5-76.) No such resolution approving such agreement shall be adopted unless the owner shall agree, in writing, to use the proceeds from the policy to restore or improve the fire damaged property.
- c. Upon receiving a certified copy of the aforesaid resolution, the insurance company is authorized to make full payment of the claim to the insured person.

(1972 Code § 25-1.1)

2-42.2 Alter Certificate of Search.

The official certificate of search required by subsection 2-42.1a. above, may be altered by the authorized official of the City in order to correct any errors or omissions or to add any municipal liens or related charges due and payable subsequent to the preparation of the original official certificate. (1972 Code § 25-1.2)

2-42.3 Insurance Company Authorized to Pay Charges, Liens.

If the insurance company does not receive an official certificate of search showing that all taxes, assessments and other municipal liens and charges have been fully paid or a certified copy of the resolution provided for in subsection 2-42.1, then the insurance company is authorized and required, prior to the payment of any claims for fire damages which are in excess of two thousand five hundred (\$2,500.00) dollars to the owner of property in this City, to pay to the City the amount of the liens appearing on the official certificate and such other recorded liens and related charges as may be certified to the insurance company. (1972 Code § 25-2.1)

2-42.4 Appeal on Lien or Charge; Insurance Company Action.

In the event an appeal is taken on the amount of any lien or charge, other than an appeal on the assessed valuation of the realty involved pursuant to N.J.S.A. 54:3-21, the insurance company shall withhold seventy-five (75%) percent of the full amount of the lien or charge being contested pending termination of all proceedings, at which time such monies and all interest accruing thereon at the rate paid on interest bearing accounts in banking institutions or savings and loan associations in this State shall be disbursed in accordance with the final order or judgment of the Court. (1972 Code § 25-2.2)

2-42.5 Claim on Proceeds of Fire Insurance Policy; Priority.

A claim of the City upon the proceeds of a fire insurance policy made by the City pursuant to N.J.S.A. 17:36-8, et seq. and of this section shall be paramount to any other claims on the proceeds except the claim of the holder of a mortgage on the fire damaged property where the

policy lists the mortgagee as a named insured. The claim of such mortgagee shall be paramount to the City's lien only to the extent of the amount due and owing on the mortgage. (1972 Code § 25-3)

2-42.6 Fire Insurance; Limitation of Liability.

- a. Insurance Company Obligation. Nothing in this section shall be construed to obligate the insurance company for any amount in excess of the value of the policy, nor shall the company be liable for payment of any liens not appearing on the official certificate of search or on any changes made thereon which had been submitted to the company.
- b. Authority of City. Nothing in this section shall be construed so as to affect the authority of the City to enforce the payment of a municipal lien under any other law of this State but shall be in addition to such other remedies.

(1972 Code §§ 25-4.1, 25-4.2)

2-42.7 Fire Insurance Policies; Subject to Provisions of Chapter.

All fire insurance policies covering real property in this City shall be subject to the provisions of this section as though fully set forth in each such policy of fire insurance. (1972 Code § 25-5)

2-42.8 Information Required in Report from the Division of Fire.

The Director of the Public Safety shall cause a written report to be issued and filed with the Tax Collector as to each fire occurring in this City containing the following information:

- a. Address of the property whereon the fire occurred.
- b. Name of the fire insurance company insuring the property if it can be ascertained.
- c. Approximate estimate of the cost of the damage to the realty, if it can be ascertained.

(1972 Code § 25-6.1; Ord. No. 0-09-28 § 2)

2-42.9 Report to Be Filed with Tax Collector.

The report shall be filed with the Tax Collector immediately after each fire no matter how much the amount of the damage caused by the fire. (1972 Code § 25-6.2)

2-42.10 Duty of Tax Collector.

Upon receipt of the report of the Department of Public Safety, the Tax Collector shall cause to be made an official search of all taxes, assessments and other municipal liens and charges and shall issue an official certificate of all such liens or charges which are due and payable. The Collector shall then submit the certificate to the insurance company involved. In the event the Department of Public Safety shall not be able to ascertain the name and address of the fire insurance company, it shall be the duty of the Tax Collector to ascertain such information. (1972 Code § 25-6.3; Ord. No. 0-09-28 § 2)

2-42.11 Supplemental Certificates.

The Tax Collector shall install a clerical system for the issuance of supplemental certificates and the submission of same to the insurance company setting forth on such supplemental certificates any additional taxes or other municipal charges which have become due and payable subsequent to the issuance of the original certificate. Supplemental certificates shall be issued immediately as each new charge becomes due and payable. (1972 Code § 25-6.4)

2-42.12 Notice of Fire; Municipal Action.

Upon receipt of the notice of a fire, the Tax Collector shall notify each Department and Division of the City charged with the duty of certifying municipal charges which are unpaid to the Tax Collector who shall include same on the official certificate of search. Such other Departments and Divisions are charged with the duty of installing clerical systems so that any charges which become due and payable on a fire damaged property subsequent to the original certification shall be submitted to the Tax Collector forthwith as such new charges become due. (1972 Code § 25-6.5)

2-43 MUTUAL AID AGREEMENT RELATING TO FIRE SERVICES.

2-43.1 Purpose.

The participating municipalities of East Newark, Guttenberg, Harrison, Hoboken, Jersey City, Kearny, North Bergen, Secaucus, Union City, Weehawken and West New York seek to enter into a Mutual Aid Agreement with the City of Bayonne for cooperative action during certain fire service emergencies.

The Municipal Council of the City of Bayonne and the Fire Division recognize the value of cooperative action during certain fire service emergencies and the mutual benefit of pooling available municipal resources during certain fire service emergency incidents. (Ord. No. 0-03-08; Ord. No. 0-09-28 § 2)

2-43.2 Authorization.

The Mayor of the City of Bayonne and the Bayonne Fire Division are authorized to enter into a Mutual Aid Agreement, relating to fire services, with the aforementioned participating municipalities within the County of Hudson. (Ord. No. O-03-08; Ord. No. 0-09-28 § 2)

2-44 COMPETITIVE NEGOTIATION FOR PROFESSIONAL SERVICE CONTRACTS.

2-44.1 Short Title.

Competitive Negotiation Ordinance. (Ord. No. O-06-16 § 1)

2-44.2 Purpose.

Whereas, this municipality has a strong commitment to open and fair competition; and

Whereas, qualification based, competitive, negotiation procedures help to ensure open and fair competition through published rules and decision making criteria;

Therefore, it is accordingly found and determined that the paramount public interest is served by requiring that the City award all contracts or agreements to outside consultants for the provision of professional services on the basis of competitive negotiation. (Ord. No. O-06-16 § 2)

2-44.3 Definitions.

- a. Professional services for purposes of this section shall mean, as defined at N.J.S.A. § 40A:11-2(6), services rendered or performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training. For purposes of this ordinance, however, professional services shall not include professional artistic services as defined at N.J.S.A. § 40A:11-2(6). Professional services shall include financial services or insurance services.

(Ord. No. O-06-16 § 3)

2-44.4 General Provisions.

- a. The municipality shall award all contracts or agreements for the provision of professional services on the basis of qualification based, competitive negotiation.
- b. Professional service contract requests for proposal shall be published by the posting of a public notice at least ten (10) days prior to the awarding of any contract for professional services.
- c. The public notice shall be:
1. Prominently posted in the public place reserved for Sunshine Law notices;
 2. Mailed, telephoned, telegrammed, or hand delivered to at least two (2) newspapers designated to receive such notices because they have the greatest likelihood of informing the public within the municipality, one (1) of which shall be the official newspaper of the municipality; and
 3. Filed with the Clerk of the municipality.
- d. The public notice shall, at minimum, include:
1. A description of the professional services needed, including, where appropriate, a description of tasks involved.
 2. Threshold qualification requirements setting the highest possible, minimum standards for qualifying to compete for the particular services and tasks involved.
 3. Notice that standardized submission requirements and selection criteria are on file and available at a stated location in the City.
 4. Deadline and place for all submissions.
- e. Standardized submission requirements shall include:
1. Names and roles of the individuals who will perform the task and a description of their experience with projects similar to the matter being advertised.
 2. References and record of success.
 3. Description of ability to provide the services in a timely fashion (including staffing, familiarity and location of key staff).
 4. Cost details, including the hourly rates of each of the individuals who will perform services and time estimates for each individual, all expenses, and, where appropriate, total cost of "not to exceed" amount.
- f. The selection criteria to be used in awarding a contract or agreement for professional services shall include:
1. Qualifications of the individuals who will perform the tasks and the amounts of their respective participation.
 2. Experience and references.
 3. Ability to perform the task in a timely fashion, including staffing and familiarity with subject matter.

4. Cost competitiveness.
 - g. All submissions shall be kept on file during the term of the related contract, and shall be public records after the deadline for the submission of proposals.
 - h. In the event that compliance with part or all of the requirements of this section is impracticable as regards a particular contract or agreement, the Municipal Council may waive part or all of the requirements by a majority vote of the full Council together with publication of a resolution setting forth with specificity the reasons such waiver is required.
- (Ord. No. O-06-16 § 4)

2-45 APPRENTICESHIPS AND PROJECT LABOR AGREEMENTS FOR CERTAIN CONSTRUCTION.

2-45.1 Definitions.

- a. Tax abated project shall mean a project with total construction costs, as certified by the City of Bayonne's Division of U.C.C. and Building, equal to or exceeding thirty (30) million dollars, exclusive of any land acquisition costs, for which the City has granted a tax abatement for a minimum period of ten (10) years pursuant to the Long Tax Exemption Law N.J.S.A. et seq. "Tax abated project" shall not mean any construction project that is being undertaken by a not for profit organization or which is more than fifty (50%) percent for affordable housing. Tax abated projects, and their appurtenant Project Labor Agreements, shall be approved on a project by project basis upon referral by the Mayor to the Municipal Council.
- b. Public construction projects shall mean any construction contract entered into by the City of Bayonne using public funds for which the total cost of the project will equal or exceed five million (\$5,000,000.00) dollars, as certified by the City of Bayonne's Division of U.C.C. and Building, exclusive of any land acquisition costs.
- c. Labor organization shall mean an organization which represents, for purposes of collective bargaining, employees involved in the performance of public works contracts and has the present ability to refer, provide or represent sufficient numbers of qualified employees to perform the contracted work and which has an apprenticeship program registered by the Bureau of Apprenticeship and Training of the U.S. Department of Labor and meeting the standards established by the Bureau or registered by a State apprenticeship agency recognized by the Bureau.
- d. Developer shall mean the recipient of a tax abatement for the awardee of a public construction contract for a public construction project.
- e. Project Labor Agreement shall mean a contract between a labor organization and the City of Bayonne and/or a developer containing, among other things, the requirements set forth in subsection 2-45.3 below.
- f. Best efforts shall mean that a developer must ensure that Bayonne residents participate in apprenticeship programs, by, demonstrating that he has done the following:
 1. Preconstruction Meeting. Ninety (90) days prior to the commencement of construction, the developer and the labor organization with which it has contracted, will meet with the City of Bayonne's Business Administrator or his designee, to present the developer's apprenticeship programs based upon its workforce needs, that will include the job description of the positions to be filled and the duration of the program.
 2. Notification by City Prior to Commencement of Construction. The Business Administrator or his designee shall notify the Bayonne Board of Education, and the Bayonne Housing Authority of the availability of the forthcoming apprenticeship programs and the contact information to be distributed to potential applicants.
 3. Advertisement. Sixty (60) days prior to the commencement of construction, the developer will advertise in two (2) newspapers regularly published and distributed in the City of Bayonne. The advertisement will solicit apprenticeship applications, describe the basic requirements for admission, describe the job training and set forth the range of salaries available.
 4. Job Fairs. The developer and the labor organization with which it has contracted, will hold at least two (2) job fairs to be held at a location to be provided by the City of Bayonne in order to explain the apprenticeship programs and solicit applications. The Business Administrator or his designee shall work with the Bayonne Board of Education to notify high school students of the job fairs and the Executive Director of the Bayonne Housing Authority to notify its residents.
 5. Rejected Applicants or Enrollees that Fail to Finish an Apprenticeship. The developer or its designee shall furnish the Business Administrator with a list of the names and contact information of all persons who were rejected for or failed to finish the program with the reasons for their rejections or failure to complete the program.

(Ord. No. O-08-17 § 1; Ord. No. O-09-28 § 2)

2-45.2 Project Labor Agreements Required for Certain Construction Contracts.

Tax abated projects as defined above and all requests for proposals, specifications and final contracts for public construction projects as defined above shall require the execution of a Project Labor Agreement which complies with the requirements of subsection 2-45.3 below if the Mayor determines, after taking into consideration the size and complexity of the project and by considering other criteria (such as the height of the buildings, the presence of elevators and the utilization of steel) that a Project Labor Agreement is appropriate. (Ord. No. O-08-17 § 1)

2-45.3 Requirements of Project Labor Agreements.

Each Project Labor Agreement executed, pursuant to the provisions of this section shall:

- a. Advance the interests of the City of Bayonne including the interests in cost, efficiency, quality, timeliness, skilled labor force, and safety;
- b. Contain guarantees against strikes, lock-outs, or other similar actions;
- c. Set forth effective, immediate, and mutually binding procedures for resolving jurisdictional and labor disputes arising before the completion of the work;
- d. Be made binding on all contractors and subcontractors on the project in all relevant documents;
- e. Require that each contractor and subcontractor working on the project have a local Federally registered program or apprenticeship equivalents as that term is used by the State of New Jersey either approved or funded by the New Jersey Department of Labor as of January 1, 2003.
- f. Require that twenty (20%) percent of the labor hours required under contracts in all trades and at all levels shall be performed by workers who have participated in a Federal or State approved apprenticeship program or who are apprenticeship equivalent as that term is used by the Department of Labor of the State of New Jersey. Apprenticeship equivalents shall be utilized to the extent permitted by the regulations and guidelines of the Department of Labor of the State of New Jersey. They shall be paid prevailing apprentice wages and shall have identical benefits pending their admission as full apprentices.
- g. Require that all apprentices be Bayonne residents, as certified by the applicable unions, unless it can be demonstrated that fulfilling this requirement is impossible after making best efforts to admit Bayonne residents into apprenticeship programs.
- h. Fully conform to all statutes, regulations and City ordinances regarding the implementation of set-aside goals for women and minority owned businesses, the obligation to comply with which shall be expressly provided for within the Project Labor Agreement.
- i. Include a publicly available plan regarding the shares of employment and apprenticeship positions in the project for minority group members, women and City residents which is in full conformance with the requirements of all applicable statutes, regulations, and City ordinances.
- j. Require the provision of resources needed to prepare the applicants for admission to and continuation in the apprenticeship program and provide that the resources will be made available jointly by the participating labor organizations and the City of community-based organizations selected by the City; and
- k. Require the developer, as explained in subsection 2-45.4 below, to provide reports delineating the amount and share of work done on the project by minority group members, women and City residents and the progression of minority members, women and City residents into apprentice and journey worker positions.
- l. All jobs funded with governmental funding (e.g., grants, loans, etc.) must be paid at prevailing wage.

(Ord. No. O-08-17 § III)

2-45.4 Compliance and Oversight.

- a. Preparatory Services. The Business Administrator or his designee shall supervise the development and operation of approved pre-apprenticeship programs that may be operated by private entities or governmentally established entities and shall retain authority to review and approve their curriculum and procedures for recruiting and selecting participants. The Business Administrator or his designee shall ensure that all approved pre-apprenticeship programs are operated in such a manner that successful graduates of the pre-apprenticeship programs will be equipped and eligible for entry into the apprenticeship programs of the Hudson County Building Trades Council and the Carpenters Union. The Business Administrator or his designee shall further ensure that the selected pre-apprentices are provided with support, including assistance with GED preparation, obtaining drivers license where appropriate, mentoring and other supportive services.
- b. Training and Monitoring. The Business Administrator or his designee shall monitor the training utilized to provide the pre-apprenticeship programs approved hereunder.
- c. Reports. All reports must be submitted to the City of Bayonne's Business Administrator by March 31, June 30, September 30 and December 31 of each year and shall provide the following information, certified and notarized:

1. The workforce employed during that quarter on public construction projects;
 2. The value of contracts and subcontracts covered by this section;
 3. The name, address, date of hire, gender, race, occupation classification, apprenticeship status, rate of pay and benefits provided to each of the employees of the contractor and subcontractor; and
 4. The number and percentage of hours worked by apprentices on contracts.
- d. Records. Contractors and subcontractors subject to this section shall maintain certified payroll records for all employees and shall preserve them for a period of three (3) years after completion of the public construction project or tax abated project, making such records available within ten (10) days of the submission of a written request.
- e. Site and Records Access. All contractors and subcontractors subject to this section shall permit appropriate access for representatives of the City and/or designees thereof to all work sites and to all applicable records of the contractor or subcontractor in order to monitor compliance with the provisions of this section.
- f. City Remedies. In the event the City determines that any developer has failed to comply with the provisions of this section, it shall avail itself of all legal remedies. Such remedies shall include all remedies available at law or in equity and all such remedies included in the specifications or contract, which may also include but not be limited to:
1. Suspending or terminating the contract;
 2. Debarring the contractor or subcontractor from eligibility for future City contracts;
 3. For public construction projects:
 - (a) Completing the contract and requiring the contractor or subcontractor to pay all damages and costs in utilizing a substitute contractor or subcontractor;
 - (b) Requiring the refunding of payments made by the City to the developer prior to the suspension or termination;
 - (c) Assessing a daily fine and other penalties payable to the City of Bayonne. Such fines and penalties shall be not less than three (3%) percent nor more than ten (10%) percent of the total price of the construction contract in question.
 4. For tax abated projects, an increase in the annual service charge of two (2%) percent for the remaining term of the tax abatement.

(Ord. No. O-08-17 § IV)

2-45.5 Enactment.

- a. All ordinances or portions of ordinances inconsistent herewith are hereby repealed to the extent of their inconsistency only.
- b. If any part of this section shall be declared to be invalid or inoperative, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this section.
- c. The City Clerk shall have this section codified and incorporated in the official copies of the City of Bayonne City Code.
- d. This section shall take effect upon passage, approval and publication as required by law.
- e. The City Clerk and the Corporation Counsel may change any chapter and subsection numbers if codification of this section reveals conflict between those numbers and the existing Code, in order to avoid confusion and possible accidental repealers of existing provisions.

(Ord. No. O-08-17 § V)

2-46—2-51 RESERVED.

Article 19 Fees for Municipal Services

2-52 FEES CHARGED BY SPECIFIC DEPARTMENTS OR DIVISIONS.

2-52.1 Fees for Special Services of Police Division.

- a. Fees Established. The following fees are hereby established for certain services extended and material distributed by the Bayonne Police Division:
 1. Searching fee for motor vehicle accident report, \$5.00; charge for photostats—first ten (10) pages, \$.50 per page; next ten (10) pages, \$.25 per page; any page thereafter, \$.10 each.
 2. Fees for copies as provided by New Jersey Statutes.
 3. Searching fee for all other reports and verification of same, \$5.00.
 4. Good conduct letter, plus fingerprint check, \$10.00; good conduct letter (name check only), \$5.00, except that no fee shall be charged where application is made by bona fide religious or charitable organizations.
 5. Viewing only of accident scene photographs, \$5.00.

6. Fingerprints for every licensee, agent, or servant, where fingerprints are required, \$10.00.
 7. Fees for permits to purchase firearms shall be governed by N.J.S.A. 2C:58-3.
 8. Black and white photograph print (8 x 10), \$7.50; color photograph print (8 x 10), \$15.00.
- b. Hours. Reviewing of reports, photostats of reports and viewing of accident photographs shall be conducted at the bureau of criminal identification at Police Headquarters, Mondays through Fridays, from 9:00 a.m. to 3:00 p.m.
 - c. Exceptions. No searching fee shall be charged if a report is not on file or if formally requested by any local, County, State or Federal Law Enforcement Agency or by Postal Authorities. The same exception shall be made for requests to view photographs of accidents.
 - d. Receipts. Receipts shall be issued for all moneys received for services extended and material distributed by the Police Division, as set forth in this subsection.
- (1972 Code §§ 2-19.1—2-19.4; Ord. No. 0-09-28 § 2; Ord. No. 0-12-02 § 1)

2-52.2 Fees for Marriage, Civil Union Certificates, and Ceremonies.

- a. Marriage certificates and civil union certificates may be obtained from the City Clerk's Office. The fee for such certificates is fifteen (\$15.00) dollars for each certificate. (Ord. No. 0-08-02 § 1; Ord. No. 0-12-02 § 1)
 - b. For marriage, civil union or domestic partnership ceremonies performed by the Mayor or a Municipal Court Judge, the fee shall be fifty (\$50.00) dollars for a ceremony involving a bona fide, current resident of the City of Bayonne and one hundred (\$100.00) dollars for a ceremony involving only nonresidents. (Ord. No. 0-16-54)
- (Ord. No. 0-08-02 § 1; Ord. No. 0-12-02 § 1; Ord. No. 0-16-54)

2-53 REIMBURSEMENT FOR EMERGENCY SERVICES.

2-53.1 Declaration of Purpose.

The City Council recognizes that the costs of emergency services have become a significant financial burden on the taxpayers of the City of Bayonne. These costs have been exacerbated by commercial activities which, through negligence or accident, have caused and continue to cause incidents which require an extraordinary emergency response. Overturned tractor trailers, commercial building collapses, failures to secure dangerous premises and other incidents cost the taxpayer thousands of dollars in wages, overtime, emergency supplies and other costs. Often these incidents are easily preventable.

The purpose of this section is to provide a mechanism to recover these costs from commercial entities, who contribute to the cause of such incidents, and who are better able to prevent such incidents in the first place. This section encourages commercial entities in Bayonne to employ safe business practices, and minimize the risks of accident and danger to residents of Bayonne and to Bayonne's emergency responders.

This section provides for the reimbursement of expenses incurred by the City of Bayonne during any incident involving a commercial building, property, structure or vehicle, or involving commercial activity, which is determined by any department, division, agency or authority of the City of Bayonne as requiring an emergency response.

(Ord. No. 0-11-15)

2-53.2 Definitions.

As used in this section:

Actor shall mean an individual, individuals, partnership or corporation.

Commercial activity shall mean any activity undertaken by a commercial entity.

Commercial entity shall mean any business entity, which is registered with the State of New Jersey, or in any other state, which conducts any activity related to its business purpose in any way, or which conducts any activity related to the derivation of income. It shall also include any person or entity which is not registered, but is conducting any business activity related to the derivation of income.

Commercial property shall be construed liberally, and includes any building, real property or structure that is used in any commercial sense, including but not limited to residential rental, industrial and commercial rental or use, and any other uses which are intended to derive income for the owner or owners of said building, property or structure.

Commercial vehicle shall mean any vehicle used for some commercial, industrial, or business use, including but not limited to commercial tractor-trailers, delivery trucks, delivery vans, commercial watercraft, or any other vehicles used for business, commercial or industrial purposes.

Extraordinary emergency response shall mean any response to an incident deemed necessary by any department, division, agency or authority of the City of Bayonne, including but not limited to the Police, Fire, Building, or Health Departments, to protect the health and welfare of the citizens of the City of Bayonne, said response including but not

limited to: hazardous materials incidents, clean up of an accident scene, instituting a fire watch, securing a dangerous condition until it is made safe, providing security at the site of a dangerous condition, rescue activity, the provision of medical assistance, or any other response.

Emergency services shall mean the City of Bayonne Police, Fire, Building, Health, or any department, division, agency or authority whose service was provided by the City during an emergency response.

Incident shall mean any accident, event, or happening which occurs involving a vehicle, property, building, structure, or any other place, requiring an extraordinary emergency response. Examples of such incidents as this section is intended to cover include, but are not limited to, building collapses, post fire services, vehicular accidents, hazardous materials leaks/spills, incidents causing an environmental threat, industrial accidents, and any other events which potentially threaten public health and welfare should they remain unaddressed.

(Ord. No. O-11-15)

2-53.3 Persons Responsible for Reimbursement.

The owner or owners of the commercial entity whose property, building, vehicle, or commercial activity is involved in an incident covered by this section shall be liable, jointly and severally, for the costs to the City of Bayonne for its extraordinary emergency response to the incident. If a commercial entity does not exist but the building, property, structure or vehicle was being used for commercial purposes as herein described, then the owner of said building, property, structure or vehicle shall be liable, jointly and severally, for the costs to the City of Bayonne for its extraordinary emergency response to the incident. If a commercial entity does not exist but an actor directly involved in the incident was at the time of the incident engaging in commercial activity than said actor shall be liable, jointly and severally, for the costs to the City of Bayonne for its extraordinary emergency response to the incident.

The costs of the extraordinary emergency response shall include;

- a. The reasonable wages, regular and overtime, of the agents, servants and employees of the City of Bayonne incurred during the extraordinary emergency response; and
- b. The costs of medical and hospital treatment for injuries incurred by the agents, servants and employees of the City of Bayonne during said response; and
- c. The expenses of any lawsuit, including but not limited to damages, costs and attorney's fees, brought against the City or any of its employees or agents, for conduct that occurred due to an extraordinary emergency response; and
- d. The expenses of any lawsuit, including but not limited to damages, costs and attorney's fees, brought against any actor, by the City, on behalf of itself or its employees or agents, for conduct that occurred due to an extraordinary emergency response; and
- e. Any additional costs incurred by the City of Bayonne during the extraordinary emergency response, including but not limited to the cost of materials used or expended in the response, the cost of vehicles and tools used or damaged during the response, the cost of contaminated or damaged equipment, and all other reasonable costs incurred during the response.

(Ord. No. O-11-15)

2-53.4 Enforcement.

- a. Record of Costs. Any City of Bayonne division or department responding to an emergency covered by this section shall keep a detailed record of the costs attributable thereto.
- b. Collection by City Corporation Counsel. The Law Division of the City of Bayonne is hereby authorized to collect the costs permitted pursuant to this section against the owner, commercial entity or actor engaged in commercial activity who is liable. The City Corporation Counsel or his designee shall submit a written invoice including the total costs incurred by each emergency services organization to the appropriate actor or actors with a written demand that those costs be paid.
Before bringing a civil action for recovery of those costs, the City Corporation Counsel or his designee shall mail written notice to the appropriate actor or actors informing them that, unless the total costs are paid within thirty (30) days after the date of the notice, the City Corporation Counsel or his designee may bring a civil action for that amount, plus any cost of suit, including but not limited to attorney's fees.
- c. Compromise of Claim. The City Corporation Counsel may compromise and settle any claim for costs permitted pursuant to this section in such amount in the discretion of the City Corporation Counsel as may appear appropriate and equitable under all of the circumstances.
- d. Crediting of Sums Recovered. Any recovery of costs shall be credited to the City of Bayonne General Fund for the purpose of replenishing the funds expended during the emergency response.

(Ord. No. O-11-15)

2-53.5 Violations and Penalties.

The actor liable pursuant to subsection 2-53.3 who fails to reimburse the City within thirty (30) days after the date of the notice pursuant to subsection 2-53.4b. shall be subject to a fine of not less than fifty (\$50.00) dollars or more than five hundred (\$500.00) dollars per day, for each and every day after the thirtieth day from the date of the notice until such time as reimbursement is made. (Ord. No. O-11-15)

2-53.6 Jurisdiction of Bayonne Municipal Court.

The City of Bayonne Municipal Court shall have jurisdiction to hear any violation of this section. The court may order restitution pursuant to any amount authorized by the Corporation Counsel pursuant to subsection 2-53.4b. and/or impose a fine authorized by subsection 2-53.5. (Ord. No. O-11-15)

2-53.7 Provisions Not to be Impaired.

Each provision of this section stands independent from all other provisions. Should any provision of this section be held unconstitutional or be superseded by any law, statute, ordinance or precedent, or for any other reason be held invalid, all other provisions shall remain in full force and effect.

Furthermore the provisions of this code supplement those of Section 19-9e,6 of the Revised General Ordinances. In case of a contradiction between the two (2) sections, the provisions of this Section 2-53 shall control. (Ord. No. O-11-15)

2-54 FISCAL YEAR.

- a. Pursuant to N.J.S.A. 40A:4-3.1; the City of Bayonne shall commence operating on a Calendar Fiscal Year beginning with Calendar Year 2012.
- b. This section shall take effect upon approval of the Local Finance Board application as required by law.

(Ord. No. O-11-22)

Section 2. Ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistency.

Section 3. This ordinance shall take effect after final passage, publication and other provisions in accordance with applicable law.

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

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 2, ADMINISTRATION," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, DECEMBER 19, 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 Gullace, LaPelusa, Perez and President Nadrowski.

Absent – Council Member Cotter.

* * * * *

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

November 7, 2018

Dear Council President Nadrowski
And Honorable Members of City Council

I hereby recommend the appointment of Thomas Cotter as Director of the Department of Public Works of the City of Bayonne effective November 12, 2018.

In conjunction with this appointment the City Clerk has been directed to add an accompanying item on the November 7, 2018 Council meeting agenda to be received and filed by the City Council.

Sincerely,
James M. Davis
Mayor
(signed)

BE IT RESOLVED, that the Municipal Council of the City of Bayonne hereby consents to and confirms the appointment of Thomas Cotter as Director of the Department of Public Work, effective Tuesday, November 13, 2018 at a salary of \$117,000.

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

Absent – Council Member Cotter.

Council Member Cotter re-entered the Council Chambers following the vote.

* * * * *

Prior to adjourning, John Cupo submitted his resume for the First Ward Council Member position.

* * * * *

At 8:39 P.M., Council President Nadrowski motion to adjourn, seconded by Council Member Perez, which motion was adopted.

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

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