

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, OCTOBER 16, 2019.

The Council met at 7:03 P.M.

The Council President Nadrowski announced: "I would like to advise all those present that notice of this regular meeting of the Municipal Council of the City of Bayonne of October 16th, 2019, 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 OCTOBER 11TH, 2019."

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 Carroll, Gullace, LaPelusa, Perez and President Nadrowski.

The Council President led the Pledge of Allegiance.

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01. The Clerk announced:

AN ORDINANCE ENTITLED, "BOND ORDINANCE PROVIDING FOR VARIOUS 2019 CAPITAL IMPROVEMENTS, BY AND IN THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY (THE "CITY"); APPROPRIATING \$7,750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$7,380,948 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COSTS THEREOF," which was introduced and passed a first reading at a meeting held September 25th, 2019, 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 16th, 2019 is now before the Council for its consideration and a public hearing.

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

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

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

The Clerk read the ordinance by title "BOND ORDINANCE PROVIDING FOR VARIOUS 2019 CAPITAL IMPROVEMENTS, BY AND IN THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY (THE "CITY"); APPROPRIATING \$7,750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$7,380,948 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COSTS THEREOF,"

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 in 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 Carroll, Gullace, LaPelusa, Perez and President Nadrowski.

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

WHEREAS, an ordinance entitled, "BOND ORDINANCE PROVIDING FOR VARIOUS 2019 CAPITAL IMPROVEMENTS, BY AND IN THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY (THE "CITY"); APPROPRIATING \$7,750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$7,380,948 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COSTS THEREOF," was introduced and passed a first reading at a meeting held August 21, 2019, 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 October 16, 2019 ; 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-19-56

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

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02. The Clerk announced:

AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE REDEVELOPMENT PLAN FOR BLOCK 441, LOT 10 TO INCLUDE A PORTION OF THE 25TH STREET ROW LOCATED AT 117 PROSPECT AVENUE WHICH PROPERTY IS IDENTIFIED AS BLOCK 441, LOT 10 ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE PURSUANT TO 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 25th, 2019, 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 16th, 2019 is now before the Council for its consideration and a public hearing.

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

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

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

The Clerk read the ordinance by title, "AN ORDINANCE AMENDING THE REDEVELOPMENT PLAN FOR BLOCK 441, LOT 10 TO INCLUDE A PORTION OF THE 25TH STREET ROW LOCATED AT 117 PROSPECT AVENUE WHICH PROPERTY IS IDENTIFIED AS BLOCK 441, LOT 10 ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE PURSUANT TO 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 in protest against or object to the ordinance or to its passage.

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

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

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

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

WHEREAS, an ordinance entitled, "AN ORDINANCE AMENDING THE REDEVELOPMENT PLAN FOR BLOCK 441, LOT 10 TO INCLUDE A PORTION OF THE 25TH STREET ROW LOCATED AT 117 PROSPECT AVENUE WHICH PROPERTY IS IDENTIFIED AS BLOCK 441, LOT 10 ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE PURSUANT TO 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 25th, 2019, 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 October 16th, 2019; 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-19-57

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

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03. 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 September 25th, 2019, 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 16th, 2019 is now before the Council for its consideration and a public hearing.

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

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

Yeas - Council Members Carroll, Gullace, LaPelusa, Perez
Abstain - 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"

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 in protest against or object to the resolution 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 Carroll, Gullace, LaPelusa, Perez and President Nadrowski.

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

WHEREAS, an ordinance entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC, 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 October 16th, 2019; 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-19-58

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

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04. 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 September 25th, 2019, 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 16th, 2019 is now before the Council for its consideration and a public hearing.

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

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

Yeas - Council Members Carroll, 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 in protest against or object to the resolution or to its passage.

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

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

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

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

WHEREAS, an ordinance entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC, 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 October 16th, 2019; 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-19-59

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

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05. The following member of the public spoke:

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06. Council Member Perez 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

168. Joseph Castlegrande, 35 Dodge Street
Beginning at a point on the North side of Dodge Street, 50 feet west of the north west corner of Orient and Dodge Street, and extending to a point 20 feet West thereof.

188. Barbara Close, 262 Prospect Avenue
Beginning at a point on the east side of Prospect Avenue, 131 feet southeast of the corner of Prospect Avenue and 32nd Street, and extending to a point 22 feet southerly thereof.

238. Ramona Coughlin, 16 East 45th Street
Beginning at a point on the south side of 45th Street, 200 feet east of the southeast corner of Broadway and 45th Street, and extending to a point 20 feet east thereof.

277. Nancy DePinto, 571 Avenue A
Beginning at a point on the west side of Avenue A, 117 feet north of the northwest corner of East 24th Street, and extending to a point 22 feet north thereof.

309. Lillian DiLorenzo, 166 West 10th Street
Beginning at a point on the south side of West 10th Street, 310 feet west of the southwest corner of Avenue A and West 10th Street, and extending to a point 20 feet west thereof.

335. Juan H. Acosta, 47 West 41st Street
Beginning at a point on the west side of 41st Street, 130 feet east of the northeast corner of West 41st Street and Avenue C, and extending to a point 20 feet east thereof.

382. Demiana Habashi, 11 West 39th Street
Beginning at a point on the north side of West 39th Street, 120 feet west of the northwest corner of 39th Street and Broadway, and extending to a point 18 feet west thereof.

389. Trillo Domingo, 87 West 12th Street
Beginning at a point on the north side of 12th Street, 256 feet east of the northeast corner of 12th Street and Kennedy Blvd., and extending to a point 18 feet east thereof.

394. Edward Zielenski, 252 Avenue B

Beginning at a point on the east side of Avenue B, 53 feet north of the northeast corner of 51st Street and Avenue B, and extending to a point 18 feet north thereof.

415. Marianne Abusakroun, for her daughter Youstina, 14 West 11th Street

Beginning at a point on the south side of 11th Street, 175 feet west of the southwest corner of 11th Street and Broadway, and extending to a point 18 feet west thereof.

416. Roman Gonzalez, 125 West 19th Street

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

ADD

058. John Damian, for his son Theodore, 20 West 18th Street

Beginning at a point on the south side of 18th Street, 254 feet west of the southwest corner of Broadway and 18th Street, and extending to a point 17 feet west thereof.

061. Marta Aponte, for her grandson, King B. Miller-Falicano, 19 West 24th St.

Beginning at a point on the north side of 24th Street, 239 feet west of the northwest corner of Broadway and 24th Street, and extending to a point 16 feet west thereof.

RELOCATE

047. Cinthya Melendez, for her son Emmanuel, from 92 West 17th Street to 65 West 16th Street

OLD LOCATION: Beginning at a point on the south side of 17th Street, 214 feet south of the southwest corner of 17th Street and Kennedy Blvd., and extending to a point 17 feet east thereof.

NEW LOCATION: Beginning at a point on the north side of 16th Street, 112 feet west of the northwest corner of Avenue C and West 16th Street, and extending to a point 17 feet west thereof.

145. Gerald Grimmeyer, from 21 Dodge Street to 51 Avenue E

OLD LOCATION: Beginning at a point on the south side of Dodge Street, 247 feet east of the southeast corner of Broadway and Dodge Street, and extending to a point 18 feet east thereof.

NEW LOCATION: Beginning at a point on the west side of East 12th Street, 85 feet south of the southeast corner of Avenue E and East 12th Street, and extending to a point 15 feet south thereof.

151. John Cassidy from 159 West 24th Street to 104 Broadway

OLD LOCATION: Beginning at a point on the north side of West 24th Street, 115 feet west of the northwest corner of West 24th Street and Avenue A, and extending to a point 18 feet west thereof.

NEW LOCATION: Beginning at a point on the east side of Broadway, 300 feet north of the northeast corner of Broadway and West 3rd Street, and extending to a point 16 feet north thereof.

Council Member Perez moved a resolution, seconded by Council Member Carroll, 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, November 6, 2019 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 LaPelusa, Carroll, Gullace, Perez and President Nadrowski.

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- 07.** The Council as a whole moved the following communication be received and filed, which motion was 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 Carroll, Gullace, LaPelusa, Perez and President Nadrowski

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

From MURUGAN RAMAIAH, filing notice of tort claim alleging property damage to his automobile on July 30, 2019, when a tree branch fell onto his car at the corner of East 53rd Street.

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

From LARISSA ELK, filing notice of tort claim alleging property damage to his automobile on September 5, 2019, when it was struck by a trash can throw by a sanitation worker.

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

From MARIA KOTOWSKI, filing notice of tort claim alleging personal injuries sustained from a fall on a concrete slab on Del Monte drive on June 30, 2019.

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- 11.** 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 Carroll, Gullace, LaPelusa, Perez and President Nadrowski

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

From Donna L. Mauer, Chief Financial Officer, reporting on vendor payments and recommending payment of same, and a resolution adopting the recommendation and ordering payment of claims.

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

DATE: October 3, 2019

TO: Donna Mauer, CFO
Madelene Medina, City Clerk

FROM: Janet Convery, Treasurer

Please be advised that a transfer to the Board of Ed was made on OCTOBER 3, 2019

\$ 5,755,311.00 CLAIMS & PAYROLL FOR OCTOBER 2019

Janet Convery
(signed)

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

BID REPORT
FOR THE MUNICIPAL COUNCIL

Date: 10/10/19

Ad Date: 09/28/19

Date bids accepted: 10/08/19 Attending: Amy Dellabella Purchasing Agent

Bid titled: ELEVATOR MAINTENANCE #2

<u>BIDDER(S) NAME</u>	<u>TTL ANNUAL CONTRACT PRICE</u>	<u>3YR TTL FOR CONTRACT TERM</u>
Standard Elevator 68 Union Avenue Clifton, NJ 07015	\$10,365.00	\$31,095.00

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, Q.P.A., RPPO
Purchasing Agent
(signed)

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

BID REPORT
FOR THE MUNICIPAL COUNCIL

Date: 10/10/19 Ad Date: 09/28/19 Resolution #19-08-21-050

Date bids accepted: 10/10/19 Attending: Amy Dellabella, Purchasing Agent

Bid titled: Snow Removal Services During Snow Emergency

NO BIDS RECEIVED

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, Q.P.A., RPPO
Purchasing Agent
(signed)

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

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

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

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- 17.** 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, September 25, 2019 be and the same are hereby approved.

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- 18.** 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, September 18, 2019, be and the same are hereby approved.

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- 19.** 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 \$ 30.60 drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of licenses Nos. 974-986 inclusive, 13 dog licenses, representing one dollar per license for the state fee, twenty cents per license for the state clinic and three dollars per license for non-spayed and non-neutered dogs

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- 20.** 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 Chief Financial Officer 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
39	44	WELLS FARGO HOME MORTGAGE	1,675.00
47	8	LERETA, LLC	2,863.82
47	8 C1504	RAGAN, ADAM K. & A. FILNOVA	1,733.89
88	14	89 w. 43 RD STREET, LLC	1,034.25
96	20	DREW SISK	858.15
157	39	ANTHONY CANTALE	3,664.00
365	22	MICHAEL CEDRO C/O MILLER MEYERSON & CARBO	2,119.00
Total:			13,948.11

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

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

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

WHEREAS, Integrated Technical Systems, Inc., 8 Capital Drive, Wallingford, CD 06492 provided the Director of Public Safety with a proposal and Service Agreement to supply said services for a one year period commencing July 23, 2019 and ending July 22, 2020 for an amount of \$16,699.00; and

WHEREAS, funds are certified as available in Account 9-05-20-104-0000-199 for CY2019 and 0-05-20-104-0000-199 for CY2020; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Treasurer be and is hereby authorized to issue a warrant in the amount of \$16,699.00 to Integrated Technical Systems, Inc., 8 Capital Drive, Wallingford, CD 06492 representing payment for the aforesaid annual parts and labor services contract for the Parking Utility's 12 Luke II Pay Stations located in the municipal parking lots for the one year period commencing July 23, 2019 and ending July 22, 2020.

2. Funds shall be chargeable to Account 9-05-20-104-0000-199 for CY2019 and 0-05-20-104-0000-199 for CY2020.

3. The Mayor and/or his designee is/are hereby authorized to execute the aforesaid Service Agreement with Integrated Technical Systems, Inc.

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22. 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, 2020 and ending December 31, 2020, for a total contract amount of \$2,678.40; 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 2020 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, 2020 and ending December 31, 2020, for a total contract amount of \$2,678.40 and said funds have been certified available in Account #PS-9/01-25-240-0000-029 pending adoption of the CY 2020 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 \$2,678.40 in payment for such services.

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

WHEREAS, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and county LEA's to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resilience; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for costs associated with the delivery, maintenance, fueling and upkeep of the property and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through the 1033 Program; now, therefore, be it

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

1. The Municipal Council does hereby authorize the enrollment in the 1033 Program for the period commencing January 1, 2020 through December 31, 2020.
2. The Municipal Council does hereby authorize the Public Safety Director and/or his designee to acquire items of non-controlled property designated "DEMIL A," which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the City of Bayonne Police Department.

3. The Municipal Council does hereby also authorize the Public Safety Director and/or his designee to acquire the following “DEMIL B through Q” property if it shall become available in the period of time for which this resolution authorizes: five (5) utility trucks and twelve (12) 5.56 millimeter rifles.

4. The City of Bayonne Police Department shall develop and implement a full training plan and policy for the maintenance and use of the acquired property.

5. The City of Bayonne Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request.

6. This resolution shall take effect immediately and shall be valid to authorize request to acquire “DEMIL A” property and “DEMIL B through Q” property that may be made available through the 1033 Program during the period of time for which this resolution authorized; with Program participation and all property request authorization terminating on December 31, 2020.

* * * * *

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

WHEREAS, FM Global offers fire grants to organizations working to combat fire including Fire departments and brigades, as well as national, state, regional, local and community organizations for funding to support a wide array of fire prevention, preparedness and control efforts, including pre-fire planning, fire prevention education/training and arson prevention/fire investigation; and

WHEREAS, FM Global has awarded the Bayonne Fire Department Three-thousand One-hundred Eighty 00/100 (\$3,180.00) Dollars to purchase fire prevention educational items (the “Grant”); and

WHEREAS, the Grant is funded at one-hundred percent (%100) with no local matching funds; now, therefore, be it

RESOLVED by the Municipal Counsel as follows:

The Mayor and/or his designee is/are hereby authorized to execute any and all documents and take any and all actions necessary to effectuate the receipt of the aforesaid award of Three-thousand One-hundred Eighty 00/100 (\$3,180.00) Dollars to purchase fire prevention educational items.

* * * * *

25. 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 to benefit the City’s low- and moderate-income families, or to aid in the prevention or elimination of slums and blight; and

WHEREAS, the Bayonne Family Community Center, 259 Avenue E, Bayonne, NJ, is a non-profit organization dedicated to assisting and to providing social services to low- and moderate-income families; and

WHEREAS, the Bayonne Economic Opportunity Foundation (the “BEOF”) is the administrator of the City’s Community Development Block Grant Program; and

WHEREAS, the Bayonne Family Community Center (the “BFCC”) operates a homeless shelter and childcare program at its facility located at 259 Avenue E, Bayonne, New Jersey (the “BFCC Facility”) dedicated to assisting and providing social services to low- and moderate-income families; and

WHEREAS, the BFCC submitted a formal written application for CDBG funds for the purpose of providing the cost of building renovations for the rehabilitation of the BFCC Facility that has serious code violations which are detrimental to public health and safety; and

WHEREAS, there was an urgent need to repair/replace three (3) existing heating/AC units servicing BFCC Facility to ensure proper heating during the upcoming winter months; and

WHEREAS, the building code official inspected the heating/AC units and confirmed that said repair/replacement was necessary; and

WHEREAS, a functioning heating unit is essential for the health, safety, and welfare of the employees and clients of the Bayonne Family Community Center; and

WHEREAS, R.A.C.H.S., LLC, 5 Piech Place Sayreville, NJ 08872 (the "Contractor") submitted a proposal to the BFCC for said repair/replacement of the heating/AC units (the "Work") dated October 15, 2019 in the the amounts of \$15,000.00 upon the installation of AC 1-6 unit; \$15,000.00 upon the installation of RTU 3-3 and RTU 2-1; and \$1,700.00 upon completion of inspections for a total amount of \$41,700.00; and

WHEREAS, due to exigent circumstances the City's CDBG Administrator authorized the Contractor to perform the Work prior to obtaining approval from this body; and

WHEREAS, funds were available in Account CDBG-1030; and

WHEREAS, due to exigent circumstances, the Mayor and City Clerk executed Agreement No. CY19-077 with Bayonne Family Community Center to provide CDBG funds in the amount of \$41,700.00 in order to cover the cost of the Work prior to obtaining approval from this body; now, therefore, be it

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

1. The actions of the Mayor and City Clerk in executing Agreement No. CY19-077 with the Bayonne Family Community Center for the amount of \$41,700.00 in order to provide CDBG funds for the repair/replacement of the three (3) heating/AC units pursuant to the proposal dated October 15, 2019 submitted by the Contractor are hereby ratified and affirmed.

2. The Municipal Treasurer is hereby authorized to issue warrants in the amounts of \$15,000.00; \$25,000.00 and \$1,700.00 for a total contract amount of \$41,700.00 pursuant to the Contractor's proposal to the Bayonne Community Family Center to cover the cost of the the repair/replacement of said heating/AC units upon completion and approval of the Work by the building code official.

3. Funds shall be charged to Account CDBG – 1030.

* * * * *

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

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENTS TO NEW HOOK ROAD-PHASE II PROJECT

NOW, THEREFORE BE IT RESOLVED, that Municipal County of the City of Bayonne formally approves the grant application for the above stated project, and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as LFIF-2020-Improvements to New Hook Road – PH-00019 to the New Jersey Department of Transportation on behalf of the City of Bayonne, and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Bayonne and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement

* * * * *

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

RESOLVED, that pursuant to and consistent with a State Training Fee Report dated October 1, 2019 by Richard Bielinski, Construction Official, the Municipal Treasurer is hereby authorized and directed to issue a warrant drawn to the order of the State of New Jersey, in the amount of \$29,933.00 representing payment of state surcharge fees on new construction and alterations collected during the third quarter of 2019; and be it further

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

RESOLVED, that this expense to be charged to Account - Trust Funds, State Training Fees with the Tax Collector, Account #T-12-56-839-0000-199.

* * * * *

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

Whereas the Bayonne Urban Enterprise Zone will be hosting the Bergen Point Fall Festival on October 19, 2019, and

Whereas this event requires cross agency cooperation in order to ensure their success,

now therefore, be it Resolved that the Bayonne Urban Enterprise Zone Coordinator is hereby authorized to undertake all necessary actions required to effectuate the purpose of hosting the aforementioned event

* * * * *

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

WHEREAS, on October 15, 2014 the City of Bayonne passed Resolution No. 14-10-15-059 authorizing an agreement with Atlantic, 400 Broadacres Drive, #250, Bloomfield, NJ 07003 for the supply of copiers, service and supply needs at a lease cost of \$4,275.00 per month (service and supplies to be billed separately) for an annual amount of \$51,300.00 under State Contract No. A14645; and

WHEREAS, the term of the agreement is due to expire November 25, 2019; and

WHEREAS, the City is in receipt of a proposal from Atlantic Tomorrow dated as of October 1, 2019 for a five (5) year period commencing November 26, 2019 and ending November 25, 2024 for a lease cost of \$5,565.00 per month (\$3,040.00 per month for equipment and \$2,525.00 per month for service) through State Contract #A40467; and

WHEREAS, funds are certified as available in Various Accounts for CY2019, and pending Budgetary Transfer #1 and future budgets; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and/or his designee is hereby authorized to enter into an agreement with Atlantic, 400 Broadacres Drive, #250, Bloomfield, NJ 07003 for copiers, service and supply needs for a five (5) year period commencing November 26, 2019 and ending November 25, 2024 pursuant to Atlantic's proposal dated as of October 1, 2019 through State Contract #A40467 for a lease cost of \$5,565.00 per month (\$3,040.00 per month for equipment and \$2,525.00 per month for service) through State Contract #40467.

2. Funds shall be charged to Various Accounts.

* * * * *

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

WHEREAS, pursuant to Municipal Council Resolution No. 18-01-17-051 adopted on January 17, 2018, the City entered into Agreement No. CY18-034 with Jacobs Engineering Group, Inc., 299 Madison Avenue, Morristown, New Jersey 07962 for professional engineering services on an on call basis for the period commencing January 1, 2018 and ending December 31, 2018 for an amount not to exceed \$10,000.00; and

WHEREAS, by way of Resolution No. 18-10-17-051 adopted on October 17, 2018 said Agreement No. CY18-034 was increased to an amount not to exceed \$40,000.00 to provide for additional work that was not anticipated at the time of the original contract award including Citywide traffic signal warrant studies and Planning Board reviews ("Additional Work"); and

WHEREAS, the City Planner has advised that it is again necessary to increase the contract in the additional amount not to exceed \$3,000.00, to cover outstanding invoices for said Additional Work performed through December 31, 2018, the end of the contract term; and

WHEREAS, funds are certified as available in Various Accounts; now, therefore, be it

1. The Mayor and City Clerk are hereby authorized to execute a second amendment to Agreement No. CY18-034 with Jacobs Engineering Group, Inc., 412 Mt. Kemble Avenue, Suite 100S, P.O. Box 1936, Morristown, New Jersey 07960-1936 (formerly 299 Madison Avenue, Morristown, New Jersey 07962) increasing same in an amount not to exceed \$3,000.00 to cover outstanding invoices for said Additional Work performed through December 31, 2018, the end of the contract term, making the total contract amount not to exceed \$43,000.00.

2. Funds shall be charged to Various Accounts.

3. All other terms of the contract shall remain the same.

* * * * *

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

WHEREAS, In 2020, the United States Bureau of the Census will count the country's more than 300 million residents; and

WHEREAS, Census 2020 will provide the nation, states counties and municipalities with the opportunity to learn the size and characteristics of their populations; and

WHEREAS, the Federal government uses census data to help determine the distribution of billions of dollars in aid to states and localities; and

WHEREAS, the Community Development Block Grant (CDBG) and funding for a variety of municipal programs depend directly on the size of Bayonne's population; and

WHEREAS, private industry relies on census information for marketing and investment purposes; and

WHEREAS, accurate census data is crucial for municipal planning during the decade following the population count; and

WHEREAS, it is essential that all residents of Bayonne respond to the 2020 census mailing on the internet, by telephone, or by mail; and

WHEREAS, all residents of our community should be informed of the important role that the census plays in determining their legislative representation at all levels of government

NOW THEREFORE, BE IT RESOLVED, that the Municipal Council of the City of Bayonne supports the effort to mobilize for Census 2020, endorses a partnership between the City of Bayonne and the Census Bureau, and calls upon all residents to support and participate in a complete count of Bayonne's populations

* * * * *

32. 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 Community Day Nursery, 591 Broadway, Bayonne, New Jersey 07002 is an organization which has among its objectives assisting persons of lower income households; and

WHEREAS, the Bayonne Community Day Nursery has requested and submitted a formal written application dated February 6, 2018 for said CDBG Grant Funds in the amount of \$39,500.00 for the purpose of providing the cost a roof replacement from Baran & Son Roofing, 108 West 7th Street, Bayonne, NJ; 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 a roof replacement from Baran & Son Roofing, 108 West 7th Street, Bayonne, NJ; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-995; 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 Community Day Nursery, 591 Broadway, Bayonne, New Jersey 07002 for the provision of providing the cost a roof replacement from Baran & Son Roofing, 108 West 7th Street, Bayonne, NJ in the amount of \$39,500 for the period commencing September 1, 2018 and ending August 31, 2019.

2. Funds shall be charged to Account #CDBG-995

* * * * *

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

RESOLVED, That the application of the below listed organizations for BINGO LICENSE be granted:

LICENSEE

LICENSE

Blessed Miriam Teresa Demjanovich

BL: 2425

* * * * *

34. 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

LICENSE

PS 14 PTO

RL: 9409
RL: 9410

Bayonne Feral Cat Foundation Inc.

RL: 9411
RL: 9412

Blessed Miriam Teresa Demjanovich

RL: 9413

* * * * *

35. 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 A LICENSE AGREEMENT WITH LEG-BP BAYONNE OWNER LLC FOR THE
INSTALLATION OF A SOUND WALL AND LANDSCAPED EARTHEN BERM AT THE PENINSULA
AT BAYONNE HARBOR (MOTBY)

WHEREAS, LEG-BP Bayonne Owner LLC is the owner and Redeveloper of Block 1180
Lots 1.01 and 1.02 commonly known as the Maritime District ("the Redevelopment Area"), and

WHEREAS, in connection with the development of the Redevelopment Area, LEG-BP
Bayonne Owner LLC is proposing to build and maintain a sound wall and earthen berm on
property owned by the City of Bayonne identified as Block 800, Lot 1, Block 801, Lot 1, Block
802 Lot 1 and Block 680, Lot 1 with the goal of the project to provide sound attenuation and in
fulfilment of the settlement and buffer agreements entered into between the City, Port
Authority of New York and New Jersey and various Redevelopers, and

WHEREAS, LEG-BP Bayonne Owner LLC has submitted a proposal for the creation and
maintenance of the sound wall and berm at no cost to the City, and

WHEREAS, the City recognizes the benefits of permitting LEG-BP Bayonne Owner LLC to construct and maintain the Sound Wall and Berm, and

WHEREAS, the adjacent property owners of the residential and commercial properties also recognize the benefits of the creation of a sound wall and earthen berm, and

WHEREAS, the City and LEG-BP Bayonne Owner LLC have reached an agreement as to the form of the license agreement as set forth in Exhibit A attached hereto and made part of this resolution, and

WHEREAS, the license agreement requires LEG-BP Bayonne Owner LLC to post 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.

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 enter into a License Agreement upon terms and conditions acceptable to the Town Attorney with LEG-BP Bayonne Owner LLC. similar to the form attached hereto as Exhibit A and on the condition that 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.

Section 2. This Resolution shall take effect immediately.

Summary

The prior settlement agreement with the residential developers and the Port Authority require the creation of a sound barrier before the Port Authority can use the property. LEG the developer of the old Ports America site has worked out an agreement with the Port Authority for the construction of the sound barrier.

The construction is at no cost to the city and the maintenance of the property is the responsibility of LEG and Port Authority.

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

* * * * *

36. 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 APPROVING AN AMENDMENT TO THE SETTLEMENT AGREEMENT AND RELEASE BETWEEN THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY, THE CITY OF BAYONNE, BAYONNE RESIDENTIAL LIMITED PARTNERSHIP AND BAYONNE BAY DEVELOPERS URBAN RENEWAL LLC (ATLANTIC REALTY)

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the "Act"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, in accordance with the criteria set forth in the Act, the City identified and designated the former Bayonne Military Ocean Terminal, known as the "Peninsula at Bayonne Harbor" (formerly Block 404, Lot 1 on the City's tax maps) (the "Peninsula") as an area in need of redevelopment; and

WHEREAS, on or about August 24, 2001 and pursuant to the Act, the City adopted a redevelopment plan for the Peninsula which plan was subsequently amended from time to time (as amended, the "Redevelopment Plan"); and

WHEREAS, pursuant to the Redevelopment Plan, the Peninsula was divided into multiple districts, including the Harbor Station, Bayonne Bay, Maritime, Landing, Loft, and Point districts; and

WHEREAS, the Bayonne Local Redevelopment Authority (the "BLRA") and Bayonne Bay Developers, L.L.C., thereafter known as Bayonne Residential Limited Partnership and Bayonne

Residential Urban Renewal, LLC (the “Entity”) entered into a Redevelopment Agreement dated November 29, 2006, with respect to certain property on the Peninsula (the “Original Redevelopment Agreement”); and

WHEREAS, on or about August 5, 2010, the City of Bayonne through the BLRA conveyed the Landing, Loft and Point districts to the Port Authority; and

WHEREAS, , the Entity filed a complaint (the “Complaint”) in the Superior Court of New Jersey, Law Division, Hudson County on August 5, 2010 bearing Docket Number HUD-C-45-12 against the BLRA which was later amended to assert claims against Port Authority and the City and which was consolidated with an action by the Plaintiff in Superior Court of New Jersey, Law Division, Hudson County against the BLRA and the City bearing Docket Number HUD-C-46-12 (the “Litigation”); and

WHEREAS, on August 14, 2013, the Bayonne City Council adopted Ordinance O-13-22 dissolving the BLRA pursuant to the Local Fiscal Control Law, N.J.S.A. 40:5120 and the City thereby became, as a matter of law, the successor-in-interest to BLRA and a defendant in the litigation; and

WHEREAS, recognizing the time, expense and risks associated with Litigation, the Parties agreed by way of compromise and settlement to amicably resolve the Litigation and any and all disputes between them, without any party to the Litigation admitting any liability whatsoever, and, in furtherance of such a compromise and settlement, on or about August 13, 2014, the parties to the Litigation entered into that certain “Tolling Agreement and Stipulation Regarding Pending Litigation” (the “Tolling Agreement”) which set forth the terms and conditions for the settlement of the Litigation; and

WHEREAS, in furtherance of the Tolling Agreement, the City, the Entity and the Port Authority negotiated a Settlement Agreement and Release, the form of which is on file with the City Clerk (the “Tri-Party Settlement Agreement”), the City and the Port Authority negotiated a Settlement Agreement and Release, the form of which is on file with the City Clerk (the “City/PA Settlement Agreement”) and the City and the Port Authority negotiated an Agreement Amending and Restating Certain Provisions of a Deed, the form of which is on file with the City Clerk (the “Port Authority Deed Amendment”) which together settle all aspects of the Litigation and the Claims, and releases each of the City, the Entity and the Port Authority from any liability arising therefrom; and

WHEREAS, on March 18, 2015 the Municipal council approved a Resolution Authorizing the Settlement of the litigation; and

WHEREAS, the City, the Entity and the Port Authority entered into a Settlement Agreement and Release dated as of March __, 2015 (“Original Agreement”); and

WHEREAS, the Original Agreement required the construction of a truck access road and sound attenuation wall by the Port Authority; and

WHEREAS, Port Authority and LEG-BP Bayonne Owner LLC (“LEG-BP”) have entered into an Exchange Agreement dated December 19, 2018 (the “Exchange Agreement”) pursuant to which, among other things, Port Authority and LEG-BP have agreed to an equal exchange of properties and for construction of the truck access road and sound attenuation wall; and

WHEREAS, Port Authority and LEG-BP wish to amend the Original Agreement to include the construction of a landscaped berm and to address the construction of the access road and maintenance issues; and

WHEREAS, the City, Entity and the Port Authority have reached an agreement for the amended terms as set forth in the attached “Amendment to Settlement Agreement and Release” which terms are hereby incorporated and made part of this Resolution.

NOW, THEREFORE, BE IT RESOLVED, BY THE MEMBERS OF CITY COUNCIL OF THE CITY OF BAYONNE:

Section 1. The Amendment to Settlement Agreement and Release in the form attached hereto is hereby approved and the Mayor is hereby authorized to execute the Amendment on behalf of the City subject to such additions, deletions, modifications or amendments deemed necessary by the Mayor in his discretion in consultation with counsel, which additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto, and to take all other necessary and appropriate action to effectuate the Amendment to Settlement Agreement and Release.

Section 2. The Mayor is further hereby authorized to take all steps necessary to negotiate any additional documents or agreements necessary in order to carry out the purposes of the Amendment to Settlement Agreement and Release.

Section 3. This resolution shall take effect immediately.

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

* * * * *

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

RESOLUTION OF THE CITY OF BAYONNE APPROVING AN AMENDMENT TO ROADWAY/RAIL PROPERTY BUFFER AND PROPERTY USE AGREEMENT BETWEEN THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY, THE CITY OF BAYONNE, 151 CENTRE STREET URBAN RENEWAL, LLC AND 275 CHOSIN FEW WAY URBAN RENEWAL, LLC (HARBOR STATION NORTH DEVELOPMENT)

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the "Act"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, in accordance with the criteria set forth in the Act, the City identified and designated the former Bayonne Military Ocean Terminal, known as the "Peninsula at Bayonne Harbor" (formerly Block 404, Lot 1 on the City's tax maps) (the "Peninsula") as an area in need of redevelopment; and

WHEREAS, on or about August 24, 2001 and pursuant to the Act, the City adopted a redevelopment plan for the Peninsula which plan was subsequently amended from time to time (as amended, the "Redevelopment Plan"); and

WHEREAS, pursuant to the Redevelopment Plan, the Peninsula was divided into multiple districts, including the Harbor Station, Bayonne Bay, Maritime, Landing, Loft, and Point districts; and

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

WHEREAS, on or about August 5, 2010, the City of Bayonne through the BLRA conveyed the Landing, Loft and Point districts to the Port Authority; and

WHEREAS, FIDELCO BAYONNE REALTY, LLC instituted litigation against the BLRA, the City and the Port Authority in the Superior Court of New Jersey, Chancery Division, Hudson County bearing Docket No. HUD-C-109-10 (the "Litigation"), which asserted, inter alia, that a sale of the Landing, Loft and Point districts by the BLRA to the Port Authority violated the Act and breached the Redevelopment Agreement (collectively, the "Claims");

WHEREAS, on August 14, 2013, the Bayonne City Council adopted Ordinance O-13-22 dissolving the BLRA pursuant to the Local Fiscal Control Law, N.J.S.A. 40:5120 and the City thereby became, as a matter of law, the successor-in-interest to BLRA and a defendant in the litigation; and

WHEREAS, recognizing the time, expense and risks associated with Litigation, the Parties agreed by way of compromise and settlement to amicably resolve the Litigation and any and all disputes between them, without any party to the Litigation admitting any liability whatsoever, and, in furtherance of such a compromise and settlement, on or about August 13, 2014, the parties to the Litigation entered into that certain "Tolling Agreement and Stipulation Regarding Pending Litigation" (the "Tolling Agreement") which set forth the terms and conditions for the settlement of the Litigation; and

WHEREAS, in furtherance of the Tolling Agreement, the City, FIDELCO BAYONNE REALTY, LLC and the Port Authority negotiated a Settlement Agreement and Release, the form of which is on file with the City Clerk (the "Tri-Party Settlement Agreement"), the City and the Port Authority negotiated a Settlement Agreement and Release, the form of which is on file with the City Clerk (the "City/PA Settlement Agreement") and the City and the Port Authority negotiated an Agreement Amending and Restating Certain Provisions of a Deed, the form of which is on file with the City Clerk (the "Port Authority Deed Amendment") which together settle all aspects of the Litigation and the Claims, and releases each of the City, FIDELCO BAYONNE REALTY, LLC and the Port Authority from any liability arising therefrom; and

WHEREAS, on December 10, 2014 the Municipal council approved a Resolution Authorizing the Settlement of the litigation; and

WHEREAS, the City, FIDELCO BAYONNE REALTY, LLC and the Port Authority entered into a Settlement Agreement and Release dated as of December 22, 2014 ("Original Agreement"); and

WHEREAS, the Original Agreement required the construction of a truck access road and sound attenuation wall by the Port Authority; and

WHEREAS, pursuant to Resolution 18-04-18-060 adopted on April 4, 2018, the City authorized execution of an amendment to the March 16, 2015, Redevelopment Agreement effectuating the transfer of all rights, duties and interests from FIDELCO BAYONNE REALTY LLC to CENTRE STREET REDEVELOPER LLC for a portion of the Property designated Block 600, Lot 1; Block 630, Lot 1; and Road B (in the resolution referenced as Block 600, Lots 1, 2 and 3 on the "Harbor Station North Preliminary and Final Major Subdivision Plan" last dated October 2, 2017 (the "Subdivision Plan")) consistent with Section 8.01(B) of the Redevelopment Agreement; and

WHEREAS, pursuant to Resolution 18-04-18-060 adopted on April 4, 2018, the City of Bayonne further authorized execution of an amendment to the March 16, 2015, Redevelopment Agreement effectuating the transfer of all rights, duties and interests from CENTRE STREET REDEVELOPER LLC to 151 CENTRE STREET URBAN RENEWAL LLC with respect to proposed Block 600, Lots 1 and 2 (formerly part of Block 600, Lot 1) only, consistent with Section 8.01(B) of the Redevelopment Agreement; and

WHEREAS, on December 19, 2018 the Municipal Council adopted a Resolution permitting 151 Centre Street Urban Renewal LLC to assign to 275 Chosin Few Way Urban Renewal, LLC (herein after the "Entities") all of its right, title, and interest in the Redevelopment Agreement with respect to Phase I, under the Redevelopment Agreement pertaining to Block 600, Lot 2 as referenced on the Harbor Station North Preliminary and Final Major Subdivision Plan approved by the Planning Board of the City of Bayonne, and filed in the Hudson County Register's Office on July 6, 2018 as Map No. 8-18; and

WHEREAS, Port Authority and LEG-BP Bayonne Owner LLC ("LEG-BP") have entered into an Exchange Agreement dated December 19, 2018 (the "Exchange Agreement") pursuant to which, among other things, Port Authority and LEG-BP have agreed to an equal exchange of properties for construction of the truck access road and sound attenuation wall; and

WHEREAS, Port Authority and LEG-BP wish to amend the Original Agreement to include the construction of a landscaped berm and to address the construction of the access road and maintenance issues; and

WHEREAS, the City, the Entities and the Port Authority have reached an agreement for the amended terms as set forth in the attached "AMENDMENT TO ROADWAY/RAIL PROPERTY BUFFER AND PROPERTY USE AGREEMENT" which terms are hereby incorporated and made part of this Resolution.

NOW, THEREFORE, BE IT RESOLVED, BY THE MEMBERS OF CITY COUNCIL OF THE CITY OF BAYONNE:

Section 1. The Amendment to Roadway/Rail Property Buffer And Property Use Agreement in the form attached hereto is hereby approved and the Mayor is hereby authorized to execute the Amendment on behalf of the City subject to such additions, deletions, modifications or amendments deemed necessary by the Mayor in his discretion in consultation with counsel, which additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto, and to take all other necessary and appropriate action to effectuate the Amendment to Roadway/Rail Property Buffer And Property Use Agreement.

Section 2. The Mayor is further hereby authorized to take all steps necessary to negotiate any additional documents or agreements necessary in order to carry out the purposes of the Amendment to Roadway/Rail Property Buffer And Property Use Agreement.

Section 3. This resolution shall take effect immediately.

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

* * * * *

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

RESOLUTION OF THE CITY OF BAYONNE APPROVING AN AMENDMENT TO SETTLEMENT AGREEMENT AND RELEASE BETWEEN THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY, THE CITY OF BAYONNE, CL CITYVIEW URBAN RENEWAL LLC, VERBENA BAYONNE URBAN RENEWAL LLC AND RS BAYONNE URBAN RENEWAL LLC (HARBOR POINT DEVELOPMENT)

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the “Act”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, in accordance with the criteria set forth in the Act, the City identified and designated the former Bayonne Military Ocean Terminal, known as the “Peninsula at Bayonne Harbor” (formerly Block 404, Lot 1 on the City’s tax maps) (the “Peninsula”) as an area in need of redevelopment; and

WHEREAS, on or about August 24, 2001 and pursuant to the Act, the City adopted a redevelopment plan for the Peninsula which plan was subsequently amended from time to time (as amended, the “Redevelopment Plan”); and

WHEREAS, pursuant to the Redevelopment Plan, the Peninsula was divided into multiple districts, including the Harbor Station, Bayonne Bay, Maritime, Landing, Loft, and Point districts; and

WHEREAS, on or about March 6, 2006, Bayonne Residential Limited Partnership and Bayonne Residential Urban Renewal, LLC (collectively, “BRLP”), through its predecessor TCR NJ/PA Acquisition Limited Partnership, was designated as the redeveloper for a portion of Bayonne Bay district; and

WHEREAS, on or about August 5, 2010, the City of Bayonne through the BLRA conveyed the Landing, Loft and Point districts to the Port Authority; and

WHEREAS, BRLP instituted litigation against the BLRA, the City and the Port Authority in the Superior Court of New Jersey, Chancery Division, Hudson County bearing Docket No. HUD-C-109-10 (the “Litigation”), which asserted, inter alia, that a sale of the Landing, Loft and Point districts by the BLRA to the Port Authority violated the Act and breached the Redevelopment Agreement (collectively, the “Claims”);

WHEREAS, on August 14, 2013, the Bayonne City Council adopted Ordinance O-13-22 dissolving the BLRA pursuant to the Local Fiscal Control Law, N.J.S.A. 40:5120 and the City thereby became, as a matter of law, the successor-in-interest to BLRA and a defendant in the litigation; and

WHEREAS, recognizing the time, expense and risks associated with Litigation, the Parties agreed by way of compromise and settlement to amicably resolve the Litigation and any and all disputes between them, without any party to the Litigation admitting any liability whatsoever, and, in furtherance of such a compromise and settlement, on or about August 13, 2014, the parties to the Litigation entered into that certain “Tolling Agreement and Stipulation Regarding Pending Litigation” (the “Tolling Agreement”) which set forth the terms and conditions for the settlement of the Litigation; and

WHEREAS, in furtherance of the Tolling Agreement, the City, BRLP and the Port Authority negotiated a Settlement Agreement and Release, the form of which is on file with the City Clerk (the “Tri-Party Settlement Agreement”), the City and the Port Authority negotiated a Settlement

Agreement and Release, the form of which is on file with the City Clerk (the “City/PA Settlement Agreement”) and the City and the Port Authority negotiated an Agreement Amending and Restating Certain Provisions of a Deed, the form of which is on file with the City Clerk (the “Port Authority Deed Amendment”) which together settle all aspects of the Litigation and the Claims, and releases each of the City, BRLP and the Port Authority from any liability arising therefrom; and

WHEREAS, on December 10, 2014 the Municipal council approved a Resolution Authorizing the Settlement of the litigation; and

WHEREAS, the City, BRLP and the Port Authority entered into a Settlement Agreement and Release dated as of December 22, 2014 (“Original Agreement”); and

WHEREAS, the Original Agreement required the construction of a truck access road and sound attenuation wall by the Port Authority; and

WHEREAS, on September 16, 2015 the Municipal Council of the City adopted Ordinance O-15-30 consenting to the sale by BRLP of the of the Property subject to the Original Agreement known as the Alexan Cityview to CL Cityview Urban Renewal LLC, RS Bayonne Urban Renewal LLC and Verbana Urban Renewal LLC (collectively the “Entity”); and

WHEREAS, Port Authority and LEG-BP Bayonne Owner LLC (“LEG-BP”) have entered into an Exchange Agreement dated December 19, 2018 (the “Exchange Agreement”) pursuant to which, among other things, Port Authority and LEG-BP have agreed to an equal exchange of properties for construction of the truck access road and sound attenuation wall; and

WHEREAS, Port Authority and LEG-BP wish to amend the Original Agreement to include the construction of a landscaped berm and to address the construction of the access road and maintenance issues; and

WHEREAS, the City, the Entity and the Port Authority have reached an agreement for the amended terms as set forth in the attached “Amendment to Settlement Agreement and Release” which terms are hereby incorporated and made part of this Resolution.
NOW, THEREFORE, BE IT RESOLVED, BY THE MEMBERS OF CITY COUNCIL OF THE CITY OF BAYONNE:

Section 1. The Amendment to Settlement Agreement and Release in the form attached hereto is hereby approved and the Mayor is hereby authorized to execute the Amendment on behalf of the City subject to such additions, deletions, modifications or amendments deemed necessary by the Mayor in his discretion in consultation with counsel, which additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto, and to take all other necessary and appropriate action to effectuate the Amendment to Settlement Agreement and Release.

Section 2. The Mayor is further hereby authorized to take all steps necessary to negotiate any additional documents or agreements necessary in order to carry out the purposes of the Amendment to Settlement Agreement and Release.

Section 3. This resolution shall take effect immediately.

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

* * * * *

39. 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 A LICENSE AGREEMENT WITH MAHALAXMI BAYONNE LLC AND COLUMBIA CONTAINER GROUP FOR THE USE OF BLOCK 715 LOT 1.4 AND LOTS 1.06 - 1.16 AT THE PENINSULA AT BAYONNE HARBOR FOR A TEMPORAY CHASSIS YARD

WHEREAS, Mahalaxmi Bayonne LLC and the City of Bayonne are the owners of Block 715 Lot 1.04 and Lots 1.06 to 1.16 (the “License Area”), and

WHEREAS, in connection with port operations at Global Terminal in Bayonne Columbia Container Group operates a chassis yard, and

WHEREAS, Columbia Container Group has submitted a proposal for the creation of a temporary chassis yard on the “license Area” at no cost to the City, and

WHEREAS, the City recognizes the benefits of permitting Columbia Container Group to construct and maintain the Chassis Yard, and

WHEREAS, the Mahalaxmi Bayonne LLC also recognizes the benefits of the creation of the chassis yard, and

WHEREAS, the City, Mahalaxmi Bayonne LLC and Columbia Container Group have reached an agreement as to the form of the license agreement as set forth in Exhibit A attached hereto and made part of this resolution, and

WHEREAS, the license agreement requires Columbia Container Group to post 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.

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 enter into a License Agreement upon terms and conditions acceptable to the Town Attorney with Columbia Container Group and Mahalaxmi Bayonne LLC similar to the form attached hereto as Exhibit A and on the condition that no cost or expense shall be borne by the City relating in any way to Columbia Container Group request for access and proposed scope of use.

Section 2. This Resolution shall take effect immediately.

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

* * * * *

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

WHEREAS, the city clerk, advertised in the Jersey Journal on September 28, 2019 that sealed bids for elevator maintenance in three municipal buildings would be received on October 8, 2019; and

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

Bidders	Annual Bid Amount	3 Year Amount
Standard Elevator 68 Union Avenue Clifton, NJ 07015	\$10,365.00	\$31,095.00

; and

WHEREAS, Amy Dellabella, R.P.P.O., Q.P.A. and Tommy Cotter, Director of Public Works and Parks have examined the bid or proposal and have determined that the bid of Standard Elevator is a regular bid and is most advantageous to the City of Bayonne for elevator maintenance in three municipal buildings; and

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

RESOLVED, that the contract for elevator maintenance in three municipal buildings be awarded to:

Standard Elevator
68 Union Avenue
Clifton, NJ 07015

for the following bid price: an amount not to exceed \$10,365.00 per year for a total not to exceed \$31,095.00 for a term of three (3) years commencing October 17, 2019 and ending October 16, 2022, and that the contract be executed in the name of the City of Bayonne by the proper city officials and that the said sum be charged to the following Accounts:

for CY2019: 9-01-26-310-0000-029 - \$1,197.81 (Municipal Building)
9-01-27-229-0000-199 - \$304.97 (Office on Aging 4th St.)
9-01-29-390-0000-028 - \$598.91 (Library);

for CY2020: 0-01-26-310-0000-029 - \$4,709.19 (Municipal Building)
0-01-27-229-0000-199 - \$1,199.03 (Office on Aging 4th St.)
0-01-29-390-0000-028 - \$2,354.73 (Library); and

for CY2020 – CY2022 pending adoption of future budgets.

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

* * * * *

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

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

- Block 41 Lot 17.01, 1062-1068 Broadway (TD Bank Successor by merger to Commerce Bank).

Whereas, the tax accessor of the City of Bayonne in consultation with the City's expert appraiser recommend this settlement;

Now therefore be it resolved as follows:

1. The above recitals are incorporated herein.
2. Tax Counsel for the City of Bayonne is authorized to enter into and execute stipulations of settlement on behalf of the City of Bayonne consistent with the terms provided on the attached scheduled A with respect to the outstanding appeals listed in that schedule for: Block 41 Lot 17.01, 1062-1068 Broadway (TD Bank Successor by merger to Commerce Bank).
3. The terms of such stipulation to provide for the resulting refund to be in form of credits.
4. The City's Tax Counsel, City Attorney, CFO, Treasurer and Tax Collector are authorized to take any action necessary to effectuate this resolution and the resulting judgement(s).
5. This Resolution shall take effect immediately

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

* * * * *

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

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

- Block 300.01 Lot 2, Avenue A & North Street (175 Avenue A Holdings, LLC).
- Block 300.01 Lot 3, Avenue A & North Street (175 Avenue A Holdings, LLC).

Whereas, the tax accessor of the City of Bayonne in consultation with the City's expert appraiser recommend this settlement;

Now therefore be it resolved as follows:

1. The above recitals are incorporated herein.
2. Tax Counsel for the City of Bayonne is authorized to enter into and execute stipulations of settlement on behalf of the City of Bayonne consistent with the terms provided on the attached scheduled A with respect to the outstanding appeals listed in that

schedule for: Block 300.01 Lot 2 & 3, Avenue A & North Street
(175 Avenue A Holdings, LLC).

3. The terms of such stipulation to provide for the resulting refund to be in form of credits.
4. The City's Tax Counsel, City Attorney, CFO, Treasurer and Tax Collector are authorized to take any action necessary to effectuate this resolution and the resulting judgement(s).
5. This Resolution shall take effect immediately

Yeas - Council Members Carroll, 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

AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE CITY
OF BAYONNE AND THE TOWN OF KEARNY, COUNTY OF HUDSON, STATE
OF NEW JERSEY FOR BUILDING DEPARTMENT PERMITTING AND INSPECTIONS
IN CONFLICT SITUATIONS

WHEREAS, good governance and strict ethical adherence befitting of public employees and their municipalities require that municipalities take affirmative action necessary to eliminate any conflict, real or perceived, or to avoid any appearance of impropriety in Building Department matters ("Conflict Situations"); and

WHEREAS, from time to time, Conflict Situations arise whereby it may be ethically challenging or inappropriate for members of municipalities' own Building Departments to review/approve Building applications, review/approve building plans, process and issue permits, and other official documentation and conduct inspections of real properties ("Building Department Services") in their respective jurisdictions that are owned or managed by certain municipal employees, elected officials and by other individuals to avoid any conflict, real or perceived or an appearance of impropriety; and

WHEREAS, the City of Bayonne and the Town of Kearny have negotiated, in good faith, a Shared Services Agreement to share Building Department Services in the event Conflict Situations arise for the period commencing January 1, 2020 and ending December 31, 2020 with automatic extensions renewable on an annual basis unless either party provides the other with ninety (90) days prior written notice;

WHEREAS, as and for , the mutual consideration for such Building Department Services mutually provided by each respective municipality to the other, the City of Bayonne and the Town of Kearny will each retain the revenue from permit fees from the permits that the respective municipality issues as the only compensation due to each other for providing Building Department Services; and

WHEREAS, pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., the City of Bayonne is authorized to enter into a shared services agreement with the Town of Kearny to mutually provide Building Department Services to each other in the event Conflict Situations arise; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

The Mayor and City Clerk are hereby authorized to enter into a Shared Services Agreement with the Town of Kearny to perform Building Department Services for each other in the event of Conflict Situations for the period commencing January 1, 2020 and ending December 31, 2020 in a form acceptable to the Law Department with automatic annual renewals upon approval by the Law Department, in consultation with the Construction Official.

Yeas - Council Members Carroll, 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 APPROVING THE CORRECTIVE ACTION PLAN FOR
THE CALENDAR YEAR ENDING DECEMBER 31, 2018

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, pursuant to Local Finance Notice CFO 97-16, all local government units must prepare and submit a Corrective Action Plan as part of the annual audit process; and

WHEREAS, the Corrective Action Plan shall cover all findings and recommendations, including state, federal and general or financial statement findings in the audit report; and

WHEREAS, the Chief Financial Officer shall prepare said Corrective Action Plan with the assistance from other officials affected by the audit recommendations; and

WHEREAS, the Corrective Action Plan is to be submitted to the Division of Local Government Services no later than sixty days from the receipt of the audit report.

NOW THEREFORE BE IT RESOLVED, by the Municipal Council of the City of Bayonne that the Corrective Action Plan attached hereto be and is hereby approved.

BE IT FURTHER RESOLVED, that the appropriate officials are directed to take the corrective actions listed therein, and that a copy of the Corrective Action Plan be maintained and available for inspection by the general public.

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

* * * * *

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

WHEREAS, the City is in need of program administrator for the Bayonne Police Department's off-duty or extra-duty program, now, therefore, be it

RESOLVED, the Municipal Council hereby authorizes the advertisement of Requests for Qualifications/Proposals for a Police Off Duty or Extra Duty Program Administrator for the period commencing January 1, 2020 and ending December 31, 2020 pursuant to the fair and open contracting provisions set forth in *N.J.S.A. 19:44A-20.4* and *N.J.S.A. 19:44A-20.5*.

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

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY DESIGNATING POST ROAD AFFORDABLE URBAN RENEWAL LLC AS REDEVELOPER OF THE PROPERTY LOCATED AT 549 AVENUE A, WHICH IS IDENTIFIED ON THE TAX MAPS OF THE CITY OF BAYONNE AS BLOCK 192, LOTS 27 AND THE PROPERTY LOCATED AT 535 AVENUE A, REAR, WHICH IS IDENTIFIED ON THE TAX MAPS OF THE CITY OF BAYONNE AS BLOCK 21, LOT 4.02 AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH POST ROAD AFFORDABLE URBAN RENEWAL LLC FOR THE REDEVELOPMENT OF SUCH PROPERTY

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, POST ROAD AFFORDABLE URBAN RENEWAL LLC with an office address of 11810 Grand Park Avenue, Suite 600, North Bethesda, MD 20852, (the "Redeveloper") wishes to develop the site by rehabilitating and renovating 250 existing low and moderate income housing units; 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 by way of the rehabilitation and renovation of 250 existing low and moderate income housing units; and

WHEREAS, the Municipal Council desires to designate POST ROAD AFFORDABLE URBAN RENEWAL 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 POST ROAD AFFORDABLE URBAN RENEWAL LLC concerning the Redevelopment Area identified as Block 192, Lot 27 and Block 21, Lot 4.02 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, condition upon the full execution of the Redevelopment Agreement recognizes 1 POST ROAD AFFORDABLE URBAN RENEWAL LLC as redeveloper of Block 192, Lot 27 and Block 21, Lot 4.02 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 POST ROAD AFFORDABLE URBAN RENEWAL LLC .

Section 4. This Resolution shall take effect immediately

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

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

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

Section 1. That the Revised General Ordinances of the City of Bayonne, Chapter 7, TRAFFIC, Subsection 7-37, Restrictive Parking For Residents With Disabilities, is hereby amended and supplemented as follows (Additions ****between asterisks and/or in bold****, deletions ~~(within brackets and/or struck through)~~):

7-37 RESTRICTIVE PARKING FOR RESIDENTS WITH DISABILITIES.

7-37.1 Procedures to Apply for a Restrictive Parking Zone.

- a. *Zones Authorized.* Pursuant to the provisions of N.J.S.A. 39:4-197.6, The Municipal Council may, by ordinance, designate restrictive parking zones for persons who have a mobility disability as defined in this section and who meet the other criteria set forth herein. These zones shall be established in front or near to the residence occupied by the handicapped person provided that such parking is not otherwise prohibited and does not interfere with the normal flow of traffic. A restrictive parking zone so designated shall be reserved for the exclusive use of the person and vehicle for whom a permit is issued pursuant to this section. No other person shall be permitted to park in these zones.
- b. *Requirements.*
 1. The applicant shall be in possession of a valid windshield placard or wheelchair symbol license plates issued by the New Jersey Motor Vehicle Commission for a

vehicle owned by the handicapped person, or by another occupant of the residence who is a member of the immediate family of the handicapped person.

2. A "mobility" disability is defined as a condition wherein a person has lost the use of one (1) or more lower limbs as a consequence of paralysis, amputation, or other permanent disability or who is permanently disabled so as to be unable to ambulate without the aid of an assisting device or whose ambulating is otherwise severely limited.

The City Health Officer { ~~, in consultation with the Review Panel,~~ } shall set objective standards within the parameters set forth herein.

3. Absent rare and truly extenuating circumstances as determined by the Municipal Council in consultation with the Public Safety Director, no restrictive parking zone will be established for a person who does not transport himself or herself as permitted under this section unless documentation is provided showing that the nondisabled driver resides in the same household as the disabled person. Documentation must be provided to the Public Safety Director detailing the extent of the disability. Additionally the disabled person must show a need to be transported at least three (3) days a week. No restrictive parking zone under this section will be established unless the applicant's disability is such that it would preclude the disabled person from waiting on the sidewalk until a nondisabled driver arrives with the car. A person whose disability otherwise qualifies under this section and who is under the age of fourteen (14) years will be presumed to be unable to wait alone on the sidewalk.

4. No restrictive parking zone may be established for any individual who has a functional driveway, garage, carport, or any other type of off-street parking within one hundred (100) feet of the perimeter of his or her residence.

5. In two or three-family residences containing a driveway, carport or garage not owned by the disabled driver but owned by a family member, it shall be presumed the disabled driver has access to such driveway, carport or ****garage and said status shall preclude the disabled driver from being granted a restrictive parking zone.****

6. Applicants must occupy their residence on a full-time basis.

7. Only one (1) restrictive parking zone will be granted per household. Related parties living in separate units in a two or three family residence are to be considered as being part of one household for the purpose of this ordinance.

8. All restrictive parking zones in effect prior to the adoption of this amendment shall remain in effect, pending annual reviews, until either:

- (a) The death of the applicant;
- (b) An improvement in the applicant's physical condition rendering the restricted parking zone unnecessary; or
- (c) The revocation of the restricted parking zone for just cause.

c. *Application Procedure.*

1. All applicants shall file a completed application on a form furnished by the Department of Public Safety and {forwarded, ****submitted**** to the Director of the {Department} ****Public Safety**** for review by {him or his} **the Director or the Director's** designee.

2. The application shall be accompanied by a medical evaluation form completed by a physician with a plenary license to practice medicine and surgery {in the State of New Jersey} and shall include a certification by the physician that the applicant has a mobility disability as described in {subsection 7-37.1b} ****herein****.

3. The Director of the Department of Public Safety shall verify the extent of the disability of the applicant or resident or his/her household by reviewing the physician's certification submitted with the application and by an independent evaluation {to} ****that shall be**** be conducted by {the City's physician at} the Bayonne Health Screening Clinic.

4. The Director of the Department of Public Safety, or {his} ****the Director's**** designee, shall ascertain whether all the credentials of the applicant and the location of the proposed parking space are consistent with applicable State statutes ****and city ordinances****.

5. The Director of the Department of Public Safety, or ~~{his}~~ ****the Director's designee****, shall ascertain whether or not the applicant or any member of the applicant's household has a functional driveway, garage carport, or any other type of off-street parking within one hundred (100) feet of the residence. If the applicant or member of the applicant's household has such parking available, the permit application shall be denied.
6. Upon receipt of medical verification of the need for a restricted parking zone from the ~~{City Health Officer}~~ ****Bayonne Health Screening Clinic****, and upon determining that the applicant meets all of the qualifications set forth in this ordinance, the Director of the Department of Public Safety shall recommend to the Municipal Council that the applicant be granted a restricted parking zone. The Municipal Council may, by ordinance, designate the location of the restricted parking zone as well as direct the Director of the Department of Public Safety, or his designee, to issue a permit placard in accordance with N.J.S.A. 39:4-197.7 to be displayed on the front dashboard of the vehicle and on the "Disabled Parking" sign to be installed at the designated location allowing that vehicle, and only that vehicle, to park in that restricted parking zone as per N.J.S.A. 39:4-197.7. In addition, a sticker issued by the Department of Public Safety bearing the permit number and license plate of the vehicle shall be affixed to and positioned so as to make it clearly visible on a vehicle window, other than the front windshield.
7. By July 1 of each year, the permit for each restricted parking zone must be renewed by the completion of a written application on a form to be mailed to all permit holders by the Department of Public Safety no later than May 1 of each year. The application for renewal must be accompanied by a certification completed by the permit holder's personal physician that the mobility disability of the permit holder, or the disability of the permit holder, or the qualifying household member, as outlined in paragraph c,2 above, still exists to the extent that such a restricted parking zone continues to be required. In addition, the applicant or qualifying household member may be required to be evaluated by ~~{the City Physician at}~~ the Bayonne Health Screening Clinic. ****The City reserves the right to revoke, remove or rescind a restrictive parking zone (a) upon death of the applicant or, (b) if it is determined that an applicant's condition has improved to the extent that it renders the restricted parking zone unnecessary, or (c) for other just cause.****
8. Upon receipt of the application and physician certification for permit renewal in every second year, a personal visit to the applicant's household and parking site shall be made by the Director of the Department of Public Safety, or his designee, to verify that the findings required by ~~{paragraphs d. and e.}~~ ****this ordinance**** still exist.
9. The initial application fee for a restricted parking zone for the disabled shall be fifty (\$50.00) dollars, payable as follows: ~~{ten} **forty** {(\$10.00)}~~ ****(\$40.00)**** dollars upon filing the application and ~~{forty} **ten** {(\$40.00)}~~ ****(\$10.00)**** dollars upon issuance of the permit. Each renewal of the permit annually, thereafter, shall be accompanied by a fee of ~~{ten} **twenty** {(\$10.00)}~~ ****twenty**** dollars. Automatically exempt from those permit fees would be any qualifying disabled persons whose income qualified them to be recipients of the State's Pharmaceutical Assistance for the Aged and Disabled (PAAD) or Lifeline Programs or any person receiving Federal Supplemental Security Income (SSI) benefits.
10. The Director of the Department of Public Safety or ~~{his}~~ ****the Director's**** designee shall notify a new applicant of the decision to recommend the issuance of the permit and restricted parking zone for action by the Municipal Council, or of a decision to deny the applicant, within ninety (90) days of the initial receipt of the completed application by the Department. Notification of the renewal or denial of an existing permit shall be made by September 1st of each year. Any and all denials shall set forth the reasons for the negative decision(s) and shall notify the applicant of his or her right to seek a review of the decision before the Review Panel. A letter requesting reconsideration must be received by the Director of Public Safety within thirty (30) days of the date of the notice of denial.

d. *Review Panel Established.*

1. A Review Panel shall be established consisting of ****three (3) persons: the Director of Law, or the Director's designee, the Director of Municipal Services, or the Director's designee) and a member of the Municipal Council.**** ~~{five (5) persons, the majority of whom should qualify as being disabled, themselves, to hear requests for review from applicants who feel they may have been unjustly denied a restrictive parking zone and permit during a normal initial or renewal application process. The members of the Review Panel shall be appointed by the Mayor for five (5) year terms, the terms to be staggered so that no more than two (2) members' terms expire in any one (1) year.}~~
2. The Review Panel shall meet on an as needed basis, but in no event less than once every six (6) months. Within twenty (20) days of receiving a request for review, the Panel shall notify the applicant of the time and place of the hearing on the application. The hearing shall be scheduled to take place no later than sixty (60) days following the date of notification to the applicant.
3. The Review Panel shall be empowered to review relevant data, interview the applicant, and conduct such other inquiries as they deem necessary.
4. It shall be the applicant's responsibility to provide the Review Panel and the ~~{examining physician}~~ ****Bayonne Health Screening Clinic**** with all documentation with regard to the mobility disability. The applicant may request, or the Review Panel may require, an independent evaluation by a physician ~~{; other than the City physician,}~~ selected by the Review Panel. The cost of such evaluation shall be borne by the applicant.
5. Within three (3) working days following the hearing, the Panel shall submit its written report to the Director of Public Safety asking him either to reconsider his position or concurring with the denial of the application. The Review Panel shall notify the Public Safety Director and the applicant of its decision. The Panel shall include in its report the specific factors relied upon in reaching that determination.
6. Within ten (10) days of receiving a report recommending for or against reconsideration, the Director of Public Safety shall transmit to the applicant and the City Council a final decision with respect to the application. In the event the Review Panel agrees with the initial decision by the Director of Public Safety to deny the application, the denial shall be deemed final and the applicant cannot reapply for a period of twelve (12) months from the date of the initial application unless the applicant demonstrates to the Review Panel a substantial and relevant change in the applicant's or qualifying household member's degree of disability or in their access to alternative off-street parking.

e. *Temporary Parking Placard.* Disabled Parking Placards shall be issued by the Department of Public Safety for use by persons with temporary disabilities for use in restricted parking spaces for the disabled on-street and in municipal, public and privately-owned parking facilities. Each placard shall also carry a space in which the actual driver's license expiration date shall be prominently displayed. A fee of four (\$4.00) dollars maximum will be required for the use of a placard to cover a six-month period. Use of the placard after the expiration date shown on its face shall be deemed a violation of this section.

f. *Notification of Change in Status.* All holders of restricted parking permits or temporary disability placards shall notify the Department of Public Safety within thirty (30) days of any change in the applicant's name, address, telephone number, vehicle ownership, or of an improvement in the applicant's physical condition. Failure to do so will be deemed a violation of this section and may result in revocation of the permit and zone or of the placard. Members of the household or the executor/executrix for permit or placard holders who have died shall be required to likewise notify the Department of Public Safety within thirty (30) days after the date of death. Failure to do so shall be considered a violation of this section.

g. *Establishment of Restrictive Parking Spaces.* The Municipal Council may by resolution authorize the establishment of restricted parking spaces for handicapped persons in front of schools, hospitals and other public buildings and in shopping and business districts pursuant to the provisions of N.J.S.A. 39:4-197.5.

- h. *Penalties for Violation.*
1. The following violations shall subject the violator to a fine of not less than two hundred (\$200.00) dollars nor more than five hundred (\$500.00) dollars for a first offense and not less than five hundred (\$500.00) dollars nor more than one thousand (\$1,000.00) dollars and up to ninety (90) days community service for each subsequent offense.
 - (a) Use of temporary disability placard by a person or persons other than the one whose driver's license appears on same; or
 - (b) Use of a "zone" permit by someone other than the applicant or qualifying household member after the applicant or qualifying disabled household member has died or moved away to a new address; or
 - (c) Use of placard or permit to park in restricted parking "spaces" when not transporting the applicant or a person with a valid New Jersey Disabled Person ID.
 2. For violations of this section other than those listed in paragraph h,1. above, a fine of not more than two hundred fifty (\$250.00) dollars shall be imposed for a first offense, and a fine of two hundred fifty (\$250.00) dollars and ninety (90) days community service for each subsequent offense.
 3. In addition to the penalties noted above, violation of paragraph f. of this subsection shall be grounds for revocation of the permit or placard. Willing misstatements or material omissions made in connection with the issuance or renewal of the application shall be grounds for denial or revocation and shall be grounds for criminal prosecution where appropriate.
 4. Misuse of a restricted parking zone may result in the revocation of the parking zone. "Misuse" of a restricted parking zone may include, but is not limited to, allowing an unauthorized vehicle to park in the restricted zone or the parking of the vehicle assigned to a designated restrictive parking zone in another non-designated space on the residential block of the permittee.
- i. The Police ~~{Department Director of Traffic}~~ ****Department's Handicapped Parking Enforcement Unit**** shall compile and keep a list of all authorized zones and spaces established pursuant to this section, the list shall be available for public review and inspection and a copy of same shall be furnished for that purpose to the Clerk of the City of Bayonne.
- j. ****As authorized under N.J.S.A. 39:4-179.9, the City of Bayonne has established a Handicapped Parking Enforcement Unit under the supervision of the Chief of Police and the members of said unit who have been properly trained shall have the full power and authority to issue warnings or summonses for violations of any provision of any law, regulation, ordinance or resolution pertaining to illegal parking in restricted parking spaces or zones for the handicapped.****
- ~~f. j.~~ ****k.**** This section shall take effect in the time and manner provided by law, provided that all existing restricted parking zones established prior to the effective date of this amended ordinance shall continue in effect. Review, renewal or revocation is affected pursuant to this section.

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, November 6, 2019 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 Carroll, Gullace, LaPelusa, Perez and President Nadrowski

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

AN ORDINANCE AUTHORIZING THE CITY OF BAYONNE TO ENTER INTO A LEASE WITH BAYONNE LITTLE LEAGUE AND BAYONNE CAL RIPKEN LEAGUE FOR THE USE OF PORTIONS OF BLOCK 392, LOTS 1, 2 & 3 (MORE COMMONLY KNOWN AS THE BAYONNE LITTLE LEAGUE SITE) AND BLOCK 474.02, LOT 1.01 (MORE COMMONLY KNOWN AS KNOWN AS THE CAL RIPKEN LEAGUE SITE) FOR YOUTH RECREATION BASEBALL AND SOFTBALL PURPOSES

WHEREAS, the City of Bayonne ("the City") is a Municipal Corporation of the State of New Jersey, with offices located at 630 Avenue C, Bayonne, New Jersey ; and

WHEREAS, the City is authorized to enter into lease agreements for nominal consideration with non-profit corporations or associations for the use of vacant lots and open spaces for gardening or recreation purposes pursuant to N.J.S.A. 40 A: 12-14(c) and N.J.S.A. 40 A:12-15f(j); and

WHEREAS, the City of Bayonne has long had a fruitful and symbiotic relationship with both Bayonne Little League and Bayonne Cal Ripken League; and

WHEREAS, both Bayonne Little League and Bayonne Cal Ripken League have long utilized City-owned property to conduct their programs (Bayonne Little League utilizing portions of Block 391, Lots 1, 2 & 3 and Cal Ripken Bayonne League utilizing Block 474.02, Lot 1.01) and develop Bayonne's youth baseball and softball players; and

WHEREAS, Bayonne Little League and Bayonne Cal Ripken League will be combining their efforts and facilities to operate under the aegis of one entity ("Bayonne Youth Baseball and Softball") for the 2020 baseball and softball seasons; and

WHEREAS, Bayonne Youth Baseball and Softball is hereby recognized as the City of Bayonne's recreation baseball and softball provider for the 2020 season; and

WHEREAS, the City of Bayonne ("the Lessor") is of the opinion that it is in the best interest of all concerned, especially our city's children, that Bayonne Little League and Bayonne Cal Ripken League, operating together as Bayonne Youth Baseball and Softball, continue to utilize City-owned property to operate their baseball and softball programs by way of a formal lease consistent with the mandates of both N.J.S.A. 40A:12-14(c) and N.J.S.A. 40 A:12-15f(j); and

WHEREAS, Bayonne Little League and Bayonne Cal Ripken League, operating together as Bayonne Youth Baseball and Softball ("the Lessee") understand that the properties leased to non-profit corporations or associations are to be used for recreational purposes only; and

WHEREAS, the lease term shall be for one (1) year beginning as of November 1, 2019 and ending October 31, 2020, subject to the City's right to terminate the lease at its convenience without cause by providing ninety (90) days prior notice; and

WHEREAS, the consideration for the lease shall be one dollar (\$1.00) a year and other good and valuable considerations;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Bayonne that the Mayor and Clerk are hereby authorized to enter into a lease agreement with Bayonne Little League and Bayonne Cal Ripken League, operating together as Bayonne Youth Baseball and Softball, for the term of one (1) year for the properties known as portions of Block 391, Lots 1, 2 & 3 and Block 474.02, Lot 1.01, for the consideration of \$1.00 and other good and valuable consideration, for the purpose of operating and maintaining a recreation baseball and softball for the children of the City of Bayonne, and upon such other terms which may be negotiated by and acceptable to the Law Director of the City of Bayonne; and, be it further

ORDAINED, that all Ordinances and parts of Ordinances inconsistent herewith are hereby repealed; and, be it further

ORDAINED, that this Ordinance shall take effect at the time and in the manner as provided by law.

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE AUTHORIZING THE CITY OF BAYONNE TO ENTER INTO A LEASE WITH BAYONNE LITTLE LEAGUE AND BAYONNE CAL RIPKEN LEAGUE FOR THE USE OF PORTIONS OF BLOCK 392, LOTS 1 & 2 (MORE COMMONLY KNOWN AS THE BAYONNE LITTLE

LEAGUE SITE) AND BLOCK 474.02, LOT 1.01 (MORE COMMONLY KNOWN AS THE CAL RIPKEN LEAGUE SITE) FOR YOUTH RECREATION BASEBALL AND SOFTBALL PURPOSES,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, November 6, 2019 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 Carroll, Gullace, LaPelusa, Perez and President Nadrowski

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49. Council President Nadrowski introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON APPROVING A FINANCIAL AGREEMENT WITH POST ROAD AFFORDABLE URBAN RENEWAL LLC.

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”) has designated the properties now known as Block 192, Lot 27, and Block 21, Lot 4.02 (the “Properties”) as an area in need of redevelopment pursuant to the provisions of the Redevelopment Law; and

WHEREAS, on October 16, 2019 this Municipal Council designated Post Road Affordable Urban Renewal LLC to serve as redeveloper of the Properties; and

WHEREAS, Post Road Affordable Urban Renewal LLC proposes to rehabilitate and renovate the Properties; and

WHEREAS, Post Road Affordable Urban Renewal LLC has applied to the Municipal Council for tax exemption pursuant to the New Jersey Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1 et. seq.* (the “Exemption Law”) with respect to the Project; and

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

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

WHEREAS, as part of its application for a tax exemption, Post Road Affordable Urban Renewal LLC has submitted a form of Financial Agreement (the “Financial Agreement”) providing for payments in lieu of taxes, a copy of which is attached to this Ordinance; and

WHEREAS, Post Road Affordable Urban Renewal LLC has presented to this body certain financial information, copies of which are attached as exhibits to this Ordinance; and

WHEREAS, the Municipal Council deems it to be in the best interest of the City to pass an Ordinance authorizing the City to enter into the proposed Financial Agreement with Post Road Affordable Urban Renewal LLC on the terms and conditions stated in the applicable form of Financial Agreement attached to this Ordinance;

NOW THEREFORE, be it ORDAINED that the Municipal Council of the City of Bayonne does hereby adopt the tax exemptions for Post Road Affordable Urban Renewal LLC as follows:

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

Section 2. The Mayor is hereby authorized to execute the Financial Agreement with Post Road Affordable Urban Renewal LLC in substantially the form attached hereto and subject to any further review, analysis or modifications that counsel may deem appropriate.

Section 3. During the term of the tax exemption with respect to Post Road Affordable Urban Renewal LLC there shall be paid to the City in lieu of any taxes to be paid on the improvements of the Project, an annual service charge determined as provided in the Financial Agreement.

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

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

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON APPROVING A FINANCIAL AGREEMENT WITH POST ROAD AFFORDABLE URBAN RENEWAL LLC," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, November 6, 2019 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 Carroll, Gullace, Perez and President Nadrowski
Nays - Council Member LaPelusa.

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

WHEREAS, pursuant to N.J.S.A. 10:4-12(a) the City of Bayonne's Municipal Council must conduct its meetings in open view of the public at all times, subject to the provisions of N.J.S.A. 10:4-12(b); and

WHEREAS, pursuant to N.J.S.A. 10:4-12(b)(7), the City of Bayonne's Municipal Council may exclude the public from that portion of a meeting wherein the City of Bayonne's Municipal Council discusses any pending or anticipated litigation or contract negotiation; and

WHEREAS, pursuant to N.J.S.A. 10:4-12(b)(5), the City of Bayonne's Municipal Council may exclude the public from that portion of a meeting wherein the City of Bayonne's Municipal Council discusses any matter that could adversely affect the public interest if discussion of such matters was disclosed; and

WHEREAS, it is now necessary to review certain options and the legal implications and ramifications thereof for the purpose of discussing pending and/or anticipated negotiations between the City of Bayonne and a property owner regarding the City's potential purchase of property within the City of Bayonne for public purposes; and

WHEREAS, the City of Bayonne's legal and negotiating positions and might be compromised by a public discussion of same at the current time; and

WHEREAS, the City of Bayonne's Municipal Council now deems it necessary to convene in a closed session in order to discuss the aforesaid matters and the legal and financial ramifications of same; and

WHEREAS, it is the intention of the City of Bayonne's Municipal Council to keep reasonably comprehensible minutes of this closed session meeting pursuant to N.J.S.A. 10:4-14 and to make said minutes available to the general public after the finalization of the issues involved; now, therefore, be it

RESOLVED, that the City of Bayonne's Municipal Council shall now recess to a private session in order to discuss the matters set forth above; and be it further

RESOLVED, that the City of Bayonne's Municipal Council shall reconvene to public session at the conclusion of the private session, but no action will be taken on the matters discussed during the private session.

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

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At 7:27 P.M., Council President Nadrowski motion to adjourn, seconded by Council Member Perez, which motion was adopted.

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

President – Sharon A. Nadrowski

Clerk – Madelene C. Medina