

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, MARCH 18, 2020.

The Council met at 7:14 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 March 18, 2020, 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 March 13, 2020."

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, "AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON AUTHORIZING THE VACATION OF A PORTION OF THE EAST 25TH STREET RIGHT OF WAY" which was introduced and passed a first reading at a meeting held March 20, 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 April 17, 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 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: "AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON AUTHORIZING THE VACATION OF A PORTION OF THE EAST 25TH STREET RIGHT OF WAY"

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 President Nadrowski, which was read by the Clerk and adopted.

WHEREAS, an ordinance entitled, "AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON AUTHORIZING THE VACATION OF A PORTION OF THE EAST 25TH STREET RIGHT OF WAY" was introduced and passed a first reading at a meeting held February 19, 2020, 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 March 18, 2020; 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-20-18.

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

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02. The Clerk announced:

AN ORDINANCE ENTILED, “BOND ORDINANCE PROVIDING FOR VARIOUS PEDESTRIAN BRIDGE, ROADWAY AND TRAFFIC CALMING IMPROVEMENTS, BY AND IN THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY (THE “CITY”); APPROPRIATING \$10,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$9,523,809 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 February 19, 2020, was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of March 18, 2020 is now before the Council for its consideration and a public hearing.

Council President Nadrowski 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 PEDESTRIAN BRIDGE, ROADWAY AND TRAFFIC CALMING IMPROVEMENTS, BY AND IN THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY (THE “CITY”); APPROPRIATING \$10,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$9,523,809 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 President Nadrowski, which was read by the Clerk and adopted.

WHEREAS, an ordinance entitled, “BOND ORDINANCE PROVIDING FOR VARIOUS PEDESTRIAN BRIDGE, ROADWAY AND TRAFFIC CALMING IMPROVEMENTS, BY AND IN THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY (THE “CITY”); APPROPRIATING \$10,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$9,523,809 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COSTS THEREOF” was introduced and passed a first reading at a meeting held February 19, 2020, 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 March 18, 2020; 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-20-19

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 35, ZONING REGULATIONS” which was introduced and passed a first reading at a meeting held February 19, 2020, was

published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of March 18, 2020 is now before the Council for its consideration and a public hearing.

The Council as a whole moved that the following resolution of second reading be adopted, which resolution was read and 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 35, ZONING REGULATIONS"

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

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

The Council as a whole moved a resolution for final passage, 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 35, ZONING REGULATIONS" was introduced and passed a first reading at a meeting held February 19, 2020, 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 March 18, 2020; 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-20-20.

Yeas - Council Members Carroll, Gullace, LaPelusa, 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 10, TAXATION AND SPECIAL IMPROVEMENT DISTRICTS" which was introduced and passed a first reading at a meeting held February 19, 2020, was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of March 18, 2020 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 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 10, TAXATION AND SPECIAL IMPROVEMENT DISTRICTS"

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 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 10, TAXATION AND SPECIAL IMPROVEMENT DISTRICTS" was introduced and passed a first reading at a meeting held February 19, 2020, 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 March 18, 2020; 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-20-21.

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

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05. 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 February 19, 2020, was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of March 18, 2020 is now before the Council for its consideration and a public hearing.

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

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

Yeas - Council Members 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 ordinance or to its passage.

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

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

Yeas - Council Members 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" was introduced and passed a first reading at a meeting held February 19, 2020, 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 March 18, 2020; 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-20-22.

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

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06. The Clerk announced:

AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC" which was introduced and passed a first reading at a meeting held February 19, 2020, was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of March 18, 2020 is now before the Council for its consideration and a public hearing.

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

WHEREAS, an ordinance entitled, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC" was introduced and passed a first reading at a meeting held February 19, 2020, 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 March 18, 2020; 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-20-23.

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

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07. The Clerk announced:

AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC" which was introduced and passed a first reading at a meeting held February 19, 2020, was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of March 18, 2020 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 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 ordinance or to its passage.

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

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

Yeas - Council Members 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” was introduced and passed a first reading at a meeting held February 19, 2020, 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 March 18, 2020; 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-20-24.

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

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08. The following members of the public spoke:

Mike Morris addressed the Council on the financial agreements proposed for introduction at this meeting.

Peter Franco addressed the Council on the subject of COVID-19 and restrictions.

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09. Council Member Perez introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 4, LICENSING, REGISTRATION AND BUSINESS REGULATIONS.

BE IT ORDAINED, by the Municipal Council of the City of Bayonne that Section 4-29 TOWING is deleted in its entirety and replaced as follows:

4-29 TOWING.

Notwithstanding the provisions of N.J.S.A. 39:4-56.6 or any other law, a municipality may regulate, by ordinance, the non-consensual removal of motor vehicles from private or public property by operators engaged in such practice, including, but not limited to, the fees charged for storage for such removal, notice requirements therefor, and the licensing of such operators.

4-29.1 Licenses.

- A. License Required. In compliance with N.J.S.A. 40:48-2.49, no person, persons, partnership or corporation shall engage in the business of operating wreckers, tow trucks or related recovery equipment for the purpose of non-consensual towing within the City of Bayonne without first obtaining a license as provided for herein.
- B. Application Procedure.

1. Applicants for a license under this section must meet all the qualifications set forth herein and shall file with the Municipal Clerk, in duplicate, a sworn application in writing, on a form furnished by the Clerk, which must contain the following information:
 - (a) The full name and address of the applicant. If the application is made by a corporation or a limited liability company, it shall state the names and addresses of the registered office and the name of the registered agent; if made by a partnership, the name and address of each partner.
 - (b) The year make and type of each tow truck and/or wrecker and piece of recovery equipment to be used in the towing service and, if applicable, its vehicle identification number, license plate number and the name of the registered owner.
 - (c) The address where tow vehicles and related equipment are regularly garaged and stored and the telephone number(s), which shall be in service and manned twenty-four (24) hours per day, seven (7) days per week.
 - (d) The address of the garage and storage area to which vehicles shall be towed and stored.
2. The application for a license shall be accompanied by certificates of insurance for the required coverage's set forth in Subsection 4-29.1C (2), issued by a company in good standing and certified to do business in the State of New Jersey. Prior to execution of the license by the City, each Licensee must provide policy endorsements pursuant to subsection 4-29.1D (3), naming the City as an additional insured, providing for primary and non-contributory coverage and providing for a written thirty (30) day Notice of Cancellation or Nonrenewal to be delivered by certified mail, return receipt requested, to the City of Bayonne and the Licensee thirty (30) days prior to cancellation or nonrenewal.
3. Each applicant shall execute an Indemnification/Hold Harmless Agreement in the form provided by the Municipal Clerk, which form shall be attached to the application for a license. The Licensee is required to defend, indemnify and hold harmless the City of Bayonne for liability from any and all obligations, liabilities, judgments, claims and demands for personal injuries and damages to property which may arise out of the performance of non-consensual towing exclusive of the negligent acts of the City of Bayonne. The Licensee shall defend, indemnify and save harmless the municipality from all actions at law for any infringements of patent rights of tools, equipment, apparatus or methods used by him.

C. Qualifications of Licensee.

1. Each Licensee shall meet the following standards and qualifications:
 - (a) The Licensee must have a garage and storage area located within the City of Bayonne. For purposes of this section, "storage area" is any lot, area or place, indoors or outdoors, wherein a minimum of twenty five (25) motor vehicles towed from the City of Bayonne can be placed and/or stored, which area is equipped with lighting, is surrounded entirely by a fence adequate for the protection of vehicles, and is in an area where storage of vehicles is a permitted use according to the Zoning Ordinance of the municipality in question, or where said use has been approved by the Zoning Board of Adjustment and/or the Planning Board for the City of Bayonne. No outdoor storage area is required.
 - (b) A person retrieving his vehicle shall be able to transact all business, including the pickup of the vehicle and payment of fees, at the same location. Said location shall have a clean public bathroom, a waiting room and access to a public or other phone. Vehicles shall be available for pickup at said location from 6 a.m. to 10 p.m., seven (7) days a week. During these hours, the towing office shall at all times be open and staffed. There shall be no additional charge if the vehicle being retrieved must be brought from another location, or the person retrieving the vehicle transported to the vehicle.
2. The Licensee must maintain the following insurance policies from companies rated "A-" by any of the major rating companies (i.e. Fitch, Moody's, Standard & Poor's, or A.M. Best) and approved by the Department of Banking and Insurance and authorized to do business in the State of New Jersey:
 - (a) Workers' compensation insurance, in accordance with the requirements of the law of the State of New Jersey;
 - (b) General liability insurance including environmental pollution liability coverage in an amount not less than one million (\$1,000,000) dollars single limit / two million (\$2,000,000) dollars combined limits to indemnify the municipality and the public against any loss due to injuries, accidents or damage of any nature or character whatsoever, when such damage is the result of any act or omission of the Licensee, his agents or employees, in the performance of or due to the execution of the work to be performed in connection with the license for non-consensual towing;

(c) Motor vehicle liability insurance with limits of not less than one million (\$1,000,000) dollars for each occurrence / two million (\$2,000,000) dollars aggregate, for the death of, or injury to, person(s) and damage to property.

(d) "On-Hook" coverage, either as an endorsement on the insurance required by (c) above or in the amount of one hundred thousand (\$100,000) dollars.

(e) Garage keepers primary liability insurance in an amount not less than one hundred thousand (\$100,000) dollars for any one (1) auto or two hundred fifty thousand (\$250,000) dollars for any one (1) loss.

(f) Umbrella coverage with a limit of two million (\$2,000,000) dollars per occurrence in excess over the liability and garage keepers liability required above.

(g) Licensee shall provide the City with policy endorsement(s) naming the City as an additional insured using these exact words: "The City of Bayonne and its officers, directors, agents and employees are additional insureds and are fully covered by the provisions of this policy of insurance." All of Licensee's insurance shall be primary and non-contributory and contain waivers of subrogation as well as a provision that the City be notified within 30 days of any notice of cancellation.

3. The Licensee must meet all the requirements incumbent of an operator of a towing company set forth in Title 39 of the New Jersey Revised Statutes, Motor Vehicle Rules and Regulations.

4. The Licensee must own or lease, and have in operation at all times, certain equipment which shall be available to timely respond to a location within the boundaries of the City of Bayonne when so dispatched by the Bayonne Police Department. All vehicles shall be properly and independently registered within the proper weight and class. Said equipment shall include:

(a) At least two (2) light duty tow trucks (up to 10,000 pounds)
(b) At least one (1) medium duty tow truck (up to 26,000 pounds)
(c) At least two (2) heavy duty tow trucks (A commercial manufactured truck with wrecker body. Minimum 26,001 pounds used to tow and recover commercial type vehicles over 26,000 GVW). Licensee may contract with a subcontractor for the provision of heavy-duty tow trucks, who shall be on call twenty-four (24) hours a day with such equipment.

(d) One (1) Hydraulic flatbed car carrier
(e) One (1) Crane rotator. Licensee may contract with a subcontractor for the provision of a crane rotator, who shall be on call twenty-four (24) hours a day with such equipment.

(f) In addition to the vehicles required in the preceding paragraphs, a flatbed trailer and truck (for the removal of heavily damaged trucks, buses, etc.) with a gross vehicle weight (GVW) of eighty thousand (80,000) pounds. Licensee may contract with a subcontractor for the provision of such equipment, who shall be on call twenty-four (24) hours a day.

(g) An air cushion recovery system with a minimum of two (2) air cushions. Licensee may contract with a subcontractor for the provision of such equipment, who shall be on call twenty-four (24) hours a day.

(h) A forklift for unloading cargo or cleaning up cargo spilled on the roadway with a minimum rating of seven thousand (7,000) pounds. Licensee may contract with a subcontractor for the provision of such equipment, who shall be on call twenty-four (24) hours a day.

(i) Equipment for jump starts, the changing of flat tires, and portable heavy-duty lighting.

(j) One (1) large broom and shovel in each vehicle.
(k) Steering wheel lock for towing vehicles from the rear.
(l) Tow-sling type tow bar to prevent any part of the crane metal from touching the towed vehicle.

(m) Safety flares for night work.
(n) All subcontractors referred to in this paragraph are subject to the same terms and conditions as a Licensee. All Licensees are required to provide a copy of any contracts or agreements with any subcontractors and to obtain and provide the required insurance endorsements, in favor of the City, set forth in Subsection 4-29.1 C (2) herein.

5. The name, address and phone number of Licensee shall be permanently affixed and conspicuously displayed on each vehicle listed in this section.

6. Licensee must have available twenty-four (24) hours a day, seven (7) days a week, including holidays, at least three (3) employees with commercial driver's licenses, and appropriate endorsements for operation of the equipment listed in subsection 4-29.1C (4), above. All operators shall wear a class 2 or class 3 reflective safety vest at all times while conducting towing and / or recovery operations.

7. Licensee must maintain a telephone number where the Licensee may be reached twenty-four (24) hours a day, seven (7) days a week.

8. Any person, company or corporation applying for a license under this Section must have maintained a towing business licensed in the State of New Jersey for a minimum period of three (3) years.

D. Investigation of Applicant: Denial or Issuance of License.

1. Upon receipt of an application for a towing license, the original shall be referred by the Municipal Clerk to the Police Chief, who shall cause to be made an investigation of the qualifications and facilities of the applicant. The Police Chief shall also investigate the driving record of the applicant and all persons employed by the applicant as drivers or operators of towing vehicles and, as he deems necessary for the protection of the public health, welfare and safety, the moral character of the applicant.

2. If, as a result of such investigation, the applicant's qualifications are found to be unsatisfactory, or if it is found that the issuance of a license to the applicant would present a danger to the public health, welfare or safety, the Police Chief shall indicate his disapproval on such application, and his reasons for said disapproval and shall return the application to the Municipal Clerk, who shall notify the applicant in writing that his, her or its application is disapproved, the reasons for said disapproval and the applicant's right to a hearing.

3. If, as a result of such investigation, the qualifications of the applicant are found to be satisfactory, and it is found that the issuance of a license to the applicant will not present a danger to the public health, welfare and safety, the Police Chief shall endorse his approval on the application, and return the application to the Municipal Clerk, who shall upon payment of the prescribed fee and receipt of insurance policy endorsements set forth in subsection 4-29.1C (2), execute and deliver to the applicant a license which shall be posted at his place of business for public inspection.

E. License Form.

1. Any license issued pursuant to this section shall contain the signature of the Municipal Clerk and the seal of the municipality and it shall show the name and address of the applicant, the date of issuance and the length of time it shall be operative.

2. The Municipal Clerk shall keep a record of all licenses issued and all complaints received, if any, concerning such Licensee. The Municipal Clerk shall send a copy of the license to the Bayonne Police Department for filing.

F. Duration of License, Annual Fee, Renewal.

1. Each license issued shall be for a term of up to three (3) years commencing on the date of issuance and terminating on December 31 of the third year or partial year after issuance. During the course of the contract, should any information change, such as vehicles, operators, contact information, etc., the Licensee shall notify the Police Chief or his designee, in writing, with seven (7) calendar days of the change.

2. The fee for a license shall be prorated according to the effective date of such license and based on the term fee of two thousand five hundred (\$2,500) dollars, which shall be paid to the Municipal Clerk.

3. Any Licensee who wishes to renew its license shall submit to the Municipal Clerk an application for renewal of license, together with the annual license fee, no less than thirty (30) days prior to the expiration date of the current license, which date shall be no later than December 1st of the third year or partial year following issuance of the license. The application for renewal shall be on the same form as the original application or other form prescribed by the City and shall be conspicuously marked "Renewal."

G. Licenses Nontransferable.

The Licensee shall not assign, transfer, convey, sublet or otherwise dispose of the license to any other person or legal entity. Violation of this provision shall constitute grounds for cancellation of the contract and revocation of the license.

H. Duties and Responsibilities of Licensee.

1. The Licensee shall be available twenty-four (24) hours a day, seven (7) days a week.

2. The Licensee, upon receiving a call for service from the Bayonne Police Department, must respond to the scene within twenty (20) minutes. If there is no response within twenty (20) minutes, the Bayonne Police Department may notify another licensed tower to respond to the scene and cancel the original tower. The Bayonne Police Department will have the discretion to lessen the twenty (20) minute time period in the event of exigent circumstances at the time of the incident. In the event another licensed tower is called under this subsection, neither the City nor the vehicle owner/operator will be responsible for any fees, costs or damages incurred or claimed by the tower originally called, who failed to respond in time, regardless of the circumstances for the failure to respond. If a Licensee is late or fails to respond three (3) times within a thirty (30) day period, said Licensee shall be left off the rotation

next proceeding its third late or missed tow, and shall not be eligible for a tow assignment during the entire week of said rotation.

3. Broken glass and debris shall be cleaned and removed by the operator of the wrecker / tow truck from the scene of an accident to which he is dispatched. If the operator does not remove the debris from the scene of the accident, he may be subject to a fine of not less than twenty-five (\$25.00) dollars nor more than fifty (\$50.00) dollars, as provided for by N.J.S.A. 39:4-56.8, and/or liability for breach of contract. Licensee shall not charge a fee for accident minor clean-up and disposal of debris.

4. Under appropriate circumstances, and with due consideration for safety, the Licensee shall transport the driver of the vehicle to be towed, at no additional cost to the owner of the vehicle, to the site to which the vehicle is to be towed or other point of safety within the City of Bayonne, at the discretion of the police officer at the scene.

5. Vehicles shall be towed and stored in a safe manner so as to prevent damage to such vehicles.

6. The Licensee shall be responsible for any valuables left in or on motor vehicles in its custody. The Licensee shall be responsible for making an inventory of valuables in the presence of the operator or owner and/or a police officer at the scene.

7. The mandated towing and service rates shall be posted in a conspicuous place at the Licensee's facility including in the office.

8. The Licensee shall provide the Bayonne Police Department with the following information on vehicles unclaimed over ten (10) days; the year, make, color, vehicle identification number, state of registration, registration number, name and address of owner (if available), and the Police Department case number for the incident resulting in the towing of the subject vehicle.

9. All wreckers/tow trucks used and employed in towing of vehicles shall be kept in a clean, good working condition.

10. The storage and sale of abandoned vehicles will be governed by the standards set forth in N.J.S.A. 39:10A-1 to N.J.S.A. 39:10A-7, and guidelines developed by the Bayonne Police Department.

11. All Licensees shall be required to comply at all times with all State and local laws.

12. Licensee shall, when performing under this license, follow the lawful directions of the officers of the Bayonne Police Department, agents or representatives of the City of Bayonne.

13. Upon request from the Bayonne Police Department, the Licensee shall remove abandoned truck trailers, roll-off dumpsters, or anything related thereto, from the public right-of-way or public property and store same at the Licensee's yard. The City of Bayonne shall be responsible for the reasonable disposal fees of the contents of the any such trailer, dumpster, or other related item.

14. All employees, agents or other persons operating a tow or related recovery vehicle on behalf of Licensee shall keep in their possession blank invoices or bills, which shall consist of a standard form provided by the Police Chief or his designee, placed on Licensee's letterhead setting forth the Licensee's name, business address and phone number. Prior to engaging in a tow, said employee, agent or other person shall prepare an invoice or bill, in duplicate, by carbon copy or otherwise, the original of which shall be furnished to the owner of the vehicle or such owner's authorized representative with the copy to be maintained by the Licensee. The invoice or bill shall contain the following information:

(a) The full name, address, business telephone number and, if maintained, the website or email address of the Licensee.

(b) The full name, address, phone number and email address, if available, of the employee, agent or other person operating the tow vehicle on behalf of Licensee.

(c) License plate number and issuing state of the tow vehicle utilized by or on behalf of the Licensee.

(d) The full name, address, phone number and email address, if available, of the registered owner of the vehicle to be towed.

(e) The full name, address, phone number and email address, if available, of the operator (if different from the registered owner) of the vehicle to be towed.

(f) Vehicle Identification Number (VIN) of the vehicle to be towed.

(g) License plate number and issuing state of the vehicle to be towed.

(h) The time that the tow operator arrived on scene and the time that the tow operator arrived back at the Licensee's facility.

(i) An itemized list of all services provided for which the towing company is charging and the charge for each service.

(j) Address of the place to where the vehicle will be towed and stored.

(k) Explanation of what steps are necessary for owner to retrieve the vehicle from the Licensee's storage yard including the times of operation, the type of payment accepted, and the credentials required to retrieve the vehicle.

(l) Upon completion of a tow, Licensee shall immediately submit to the Police Department, a copy of the final itemized invoice or bill setting forth the above information for each tow on the form mandated by the Police Chief or his designee. Failure to submit such final invoices or bills on the standardized form shall result in disqualification for eligibility for towing assignments until such time as Licensee agrees to utilize the standard form of invoice or bill.

15. The Licensee shall keep an accurate record of all rotation and private property towing. The record shall contain, at a minimum, an itemized list of charges, as well as pick-up

and drop-off locations. The record shall be kept and maintained for at least three (3) years and shall be available for inspection by the Police Chief and/or his designee.

16. No operator of a tower shall engage in cruising. Cruising is defined as the practice of operating a tower to and from a public highway or street at a slow rate of speed or in any other fashion calculated for the obvious purpose of soliciting business along the highway or street.

17. Unless otherwise directed by the police officer(s) or other emergency personnel on scene, including but not limited to employees of the City of Bayonne, Hudson County, State of New Jersey, Port Authority of NY & NJ, or other governmental agency, the owner or operator of the vehicle subject to tow shall have the right to direct and designate the location to which the vehicle shall be towed, except that no vehicle that has been rendered non-operational as the result of an accident, due to a lack of credentials such as insurance or registration, or otherwise, may be towed to or left on any public street or municipal lot.

In the event that such owner or operator of the vehicle subject to tow is incapacitated by reason of injuries or otherwise, and the owner's authorized agent is not immediately available, the Licensee shall tow the vehicle to the approved storage location designated on the Licensee's application for a tower's license and set forth on the invoice / bill provided to the owner or operator of the vehicle subject to tow.

No Licensee shall tow a vehicle to a place other than that which is designated by the owner or operator of the vehicle or to the approved off-street storage location designated by Licensee on its license application and set forth on the invoice / bill provided to the owner or operator of the vehicle subject to tow.

18. An operator of a tower shall not remove a motor vehicle involved in a motor vehicle accident unless such vehicle has been released by a duly authorized member of the Bayonne Police Department or other law enforcement agency on scene.

19. No Licensee shall refuse to render towing and storage services to a vehicle when duly summoned by the police or law enforcement agency, and no Licensee shall refuse to remove residual debris from the scene of an accident pursuant to a police directive made in the interest of public safety.

20. No person holding a license issued pursuant to this section shall use a shortwave radio (i.e. scanner) capable of operating on a frequency assigned by the Federal Communications Commission for fire, police, municipal or other governmental use.

21. As a condition of receiving a tower's license under this section, a Licensee shall, at a minimum, arrange to accept payment by Visa, MasterCard, American Express (without surcharges), cash and money order. Personal checks or other methods of payment shall be left to the discretion of the Licensee. The Licensee must provide an itemized receipt, including Licensee's name, address and telephone number, listing all fees charged. The payment options available shall be posted in a conspicuous place near the place of payment and shall be on the rate schedule required to be given to the owner or driver of vehicles. The wording and placement of the payment options shall be approved by the Police Chief and/or his designee.

22. Any violation of this ordinance shall be grounds for suspension or revocation after hearing pursuant to the procedures set forth herein.

I. Denial, Suspension or Revocation of Licenses.

1. Licenses issued under this section may be denied, suspended or revoked, or the Licensee may forfeit its eligibility for assignment in an upcoming rotation, as determined by the Police Chief, from time to time, for violations of any terms, conditions, procedures or requirements of this Section, violations of New Jersey State Laws including, but not limited to, laws governing Abandoned and Unclaimed Motor Vehicles set forth at N.J.S.A. 39:10A-1 *et seq.*, the Predatory Towing Prevention Act set forth at N.J.S.A. 56:13-7 *et seq.*, Administrative Regulations set forth N.J.A.C. 13:45A-31.1 to 31.10 and other rules and regulations promulgated by the Director of the Division of Consumer Affairs pursuant to N.J.S.A. 56:13-6 and N.J.S.A. 56:13-19, any false statements or representations contained in the Licensee's application submitted by Licensee, or for other good cause.

2. Notice of hearing for denial, suspension or revocation of a license shall be given in writing, setting forth the grounds of the complaint and the time and place of hearing. Such notice shall be served personally upon the Licensee or mailed by registered letter to the Licensee at his last known address at least five (5) days prior to the date set for the hearing.

3. In the event of a denial, suspension or revocation of a License, the Police Chief shall report his findings and reasons therefor to the Mayor and Council.

4. Forfeiture of eligibility for assignment in an upcoming rotation is *de minimus* and shall not be subject to hearing, although notice of such forfeiture and the reasons therefor shall be given to the Licensee in writing.

J. Appeal or Denial, Suspension or Revocation of Licenses.

1. Any Licensee aggrieved by the action of the Police Chief or the Municipal Clerk in the denial, suspension or revocation of an application for a license as provided in this section shall have the right of appeal to the Municipal Council. Such appeal shall be taken by filing with the

Municipal Council within fourteen (14) days after notice of the action has been mailed to the Licensee's business address as set forth in its application, a written statement setting forth fully all the facts why the action of the Police Chief or Municipal Clerk was improper. The Municipal Council shall set a time and place for hearing on such appeal and notice of such hearing shall be given to the Licensee in the same manner as it was notified for the hearing of suspension, revocation or denial of application as outlined above.

2. The decision and order of the Municipal Council on such appeal shall be final and conclusive.

(Ord. No. O-04-13 § 1)

4-29.2 Towing Activity.

A. Use of Towers; Rotational Shifts.

1. The Police Chief shall maintain a revolving list of licensed towers, in alphabetical order, to provide services pursuant to this Section where and as needed and shall instruct all on-duty officers to call the licensed towers on a rotational basis. One tower shall be assigned per rotational shift. Each rotational shift shall be for a period of one (1) week commencing every Friday at 12:01 a.m. and ending the following Thursday at 12:00 midnight. A Licensee may forfeit its turn in a rotation for violation of the provisions of this Section as provided for herein.
2. The Police Chief or his designee reserves the right, under extenuating or emergent circumstances, to deviate from the rotational list of Licensees due to a specific type of equipment and/or expertise required, or in the event of a large number of vehicles requiring towing, to contact more than one (1) licensed tower to respond to the scene. When possible, but at the discretion of the Police Chief or his designee, successive Licensees appearing on the rotational list shall be called.
3. Police or other emergency personnel on scene shall advise the owner or operator of a disabled vehicle, whenever feasible under traffic safety guidelines, that he or she has the right to call a tower of his or her own choosing and direct said tower to remove the damaged vehicle to a garage, storage area or other location of the owner or operator's choosing. Any such alternate tower must respond in a reasonable period of time as determined by the Police Officer or other emergency personnel on scene. Vehicles that have been rendered non-operational as the result of an accident, due to a lack of credentials such as insurance or registration, or otherwise, shall not be permitted to be left on public streets or in municipal lots.
4. In the absence of emergent or hazardous conditions, "reasonable time" shall be a period not in excess of twenty (20) minutes. The discretion of the Police Officer involved at the scene shall be controlling as to a determination of conditions requiring immediate removal of vehicles.
5. No individual owner or operator of a wrecker shall respond to the scene of an auto accident except upon notification by a Police Officer or his designee or upon request of the driver or owner of the vehicle involved.

B. Towing Rates, Storage and other Charges.

All Licensees shall be governed by the following fee schedule when providing towing or other related services pursuant to his Section:

1. The City of Bayonne herein adopts, in current form except as otherwise provided in this Section, the New Jersey State Police schedule of services and fees for non-consensual towing, storage and other charges, which have been approved by the Attorney General, as shall be updated from time to time. The New Jersey State Police Schedule is currently published by the Garden State Towing Association, Inc., on its website, www.gsta.org and will be provided to each Licensee by the Police Chief or his designee, to be effective upon delivery. Notwithstanding the fee schedule, Licensees shall not charge accident minor clean-up and disposal of debris or on-hook mileage fees.

2. All fees are chargeable once services are rendered. A copy of the tower's receipt shall be provided to a department representative immediately upon completion of every tow, regardless of whether the impounded vehicle is to be stored by the Bayonne Police Department or the tower.

3. Permissible hourly charges for services shall commence when the tower arrives at the scene and end when the tower arrives at the storage facility. The times of arrival on the scene and at the facility shall be noted on the invoice or bill required to be prepared by Licensee in accordance with this Section.

4. If the owner of an unattended vehicle appears on the scene and the vehicle does not need to be towed or impounded the Licensee shall not charge for the service call unless the vehicle has been hooked up to the tow truck. In the event the vehicle has been hooked up, the tower shall release the vehicle and be entitled to charge a decoupling fee as set forth in the adopted fee schedule.

5. On any occasion that the ranking officer on scene deems an incident to be a hazard or emergent in nature, said officer is empowered to direct the Licensee to respond to the scene

of said incident and to take the appropriate action to ensure the public safety and welfare. The owner/operator of the involved motor vehicle will be advised at the time of the incident that the motor vehicle will be impounded at the scene at police direction and stored until the appropriate payment for the directed services are paid to the Licensee.

6. Towing service to a location other than the Licensee's storage area, when requested by the motor vehicle owner or driver, shall be at a rate agreed upon by both the Licensee and motor vehicle owner or driver.

7. If an individual should respond to the location where the towed vehicle is being held with proper credentials for the release of the vehicle within two (2) hours of the tow, Licensee shall not charge a storage fee. A day shall be calculated as a calendar day or any part thereof in excess of the initial two (2) hours.

8. No vehicle shall be released from storage by the Licensee unless (a) proper owner and vehicle identification are shown by the party seeking release of a vehicle and (b) Licensee confirms with the Police Department that the vehicle can be released.

9. Fee cards and/or fee schedules conspicuously indicating the maximum rates for towing and storage of a vehicle within the municipality shall be kept in the possession of the drivers of all tow trucks/wreckers and, if possible, presented to the driver or owner of any vehicle to be towed prior to the rendering of services by the tower.

C. Towing Services to the Municipality.

1. All Licensees shall be obligated to tow and to make minor roadside service repairs to vehicles owned by the City of Bayonne and/or its related entities in the event they become disabled, without charge to the City if towed within the County of Hudson.

2. All Licensees shall be obligated to perform "Emergency Re-Locates" of motor vehicles, the movement of a vehicle from a street spot to a street spot, upon the determination by the Police Department that such a re-location is necessary to correct an emergency situation. The towing company may assess a fee of \$75.00, billable to the entity requesting the re-location.

3. Licensees shall be obligated to provide towing services at the police facilities containing impounded vehicles for the purpose of transferring and re-locating impounded vehicles and making blocked vehicles accessible, upon request and without charge to the City.

D. Payment.

All fees and charges billed by any Licensee shall be paid by the owner or operator or any person, firm or corporation claiming the right to possession of any vehicle towed and/or stored by the Licensee pursuant to the terms of this Section. The municipality shall not be liable for the payment of any sum to the Licensee which may be due on account of such towing or storage except as follows:

If any vehicle, which is towed by Licensee to the City's police pound or other location owned and maintained by the City, is retrieved no later than the fifteenth (15th) day after the tow, the Licensee shall be entitled to its full fee for towing and other compensable services. In the event such a vehicle is not retrieved by the fifteenth (15th) day, the Licensee shall be entitled to one-half of its fee for towing and other compensable services, regardless of when or if such vehicle is sold at auction, and without further payment.

The Licensee shall provide to the Police Chief or his designee an itemized report on the twentieth (20th) day of each month, setting forth all vehicles towed to the police pound or other location owned and maintained by the City of Bayonne, during the preceding month. For example, on February 20th, Licensee will provide a report reflecting all vehicles towed to the City from January 1st through January 31st. The Police Chief or his designee will confirm which vehicles were not retrieved by the fifteenth (15th) day after the tow, and the amount of fees due to Licensee. The City will use its best efforts to process payment of said fees by the end of the following month. Using the above example, by March 31. All charges and fees collected by the Police Department at the time of release, sale or retention of any vehicle for which the Licensee has been paid pursuant to this subsection shall be retained by the City.

E. Prohibited Activities.

1. The practice of cruising with a tow truck is forbidden. Furthermore, no Licensee or one acting on his behalf or for his benefit shall pay any remuneration to any third person not involved in the accident or to any Police Officer for information as to the location of any accident or soliciting the employment of the Licensees for any accident or soliciting the employment of the Licensees service, nor shall a Licensee or one acting on his behalf give any gratuities, fees, or other compensation or gifts to any members of the Police Department or any other City employee.

2. No solicitation for automobile repairs shall be made by a Licensee at the scene of an accident or within forty-eight (48) hours of the release of the automobile owner or operator from any hospital.

3. A Licensee shall have no connection, directly or indirectly, in any way, with the business of another Licensee.

4. No Licensee shall share storage facilities, office space, telephone or any other business facility or equipment with any other Licensee.

5. No Licensee shall rent or lease any facilities or equipment required herein from any other Licensee.

(Ord. No. O-04-13 § 1)

6. No Licensee shall engage in predatory towing practices in violation of the Predatory Towing Prevention Act, N.J.S.A. 56:13-7 *et seq.*, or other applicable law, code, rule or regulation.

4-29.3 Administration.

The Governing Body hereby designates the Bayonne Police Department generally and Police Chief in particular, as its agents to supervise the enforcement of the terms and provisions of this Section and the rules and regulations adopted hereunder. (Ord. No. O-04-13 § 1)

4-29.4 Applicability.

This Section shall not apply to towers not providing towing service for the Bayonne Police Department. (Ord. No. O-04-13 § 1)

4-29.5 Violations and Penalties.

Any person who shall violate any of the provisions of this section shall, upon conviction, be subject to the penalty provision set forth in Section 1-5 of the Revised General Ordinances of the City of Bayonne; and may be subject to imposition of penalties pursuant to N.J.S.A. 56:13-5.

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

BE IT RESOLVED, that an ordinance entitled “AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 4, LICENSING, REGISTRATION AND BUSINESS REGULATIONS,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, ** 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.

* * * * *

10. Council Member Perez introduced:

AN ORDINANCE AUTHORIZING THE ACQUISITION OF TEMPORARY CONSTRUCTION EASEMENTS AND PERMANENT UTILITY EASEMENTS BY THE CITY OF BAYONNE FOR THE CONSTRUCTION, USE AND MAINTENANCE OF A TWIN AQUEDUCT PIPELINE SYSTEM NECESSARY TO TRANSPORT POTABLE WATER UNDER THE HACKENSACK RIVER AND ON OVER AND/OR THROUGH LANDS LOCATED IN JERSEY CITY AND KEARNY, OWNED BY OTHER PERSONS, ENTITIES OR MUNICIPALITIES.

WHEREAS, Suez Water Environmental Services, Inc., (“SUEZ”) operates the drinking water distribution system which includes approximately 13 miles of aqueduct piping that conveys potable water from a gate house in North Arlington to Bayonne; and

WHEREAS, the portion of the aqueduct where it crosses the Hackensack River is leaking and must be replaced; and

WHEREAS, to mitigate the detrimental effects of the aging pipeline and to ensure continued, safe, reliable water service to the citizens of Bayonne, SUEZ plans to replace the two existing 30-inch diameter ductile iron water transmission mains, approximately 1,900 feet in length, with two new 24-inch polyethylene transmission mains across the Hackensack River (the “Aqueduct Improvements”); and

WHEREAS, the City of Bayonne must acquire temporary and permanent real property rights in, on, over and/or through various lands owned by other persons, entities or municipalities, as set forth in the attached Schedules “A” and “B” incorporated herein and made a part hereof, for purposes of the initial construction and installation of the Aqueduct Improvements and the continued operation, maintenance, inspection, repair, altering and replacing of the Aqueduct Improvements; and

WHEREAS, in order to acquire the temporary and permanent real property rights, the City of Bayonne will likely incur costs, for instance the fair market value of the easement or other mutually agreeable remuneration such as lost income, attorney review fees, etc.; and

WHEREAS, Jersey City Block 16001, Lot 2 is encumbered by the New Jersey Department of Environmental Protection’s Green Acres Program pursuant to which the City of Bayonne must submit an application to divert parkland and pay the fair market value of the temporary and

permanent easements proposed thereon in the approximate amount of \$72,767.55, as determined by Real Estate Appraisal Partnership of America, LLC, 241 Hudson Street, Hackensack, New Jersey and set forth in an Appraisal Report dated May 28, 2019; and

WHEREAS, on September 12, 2018, the Municipal Council adopted Bond Ordinance O-18-52 for the estimated maximum amount of \$11,700.00 to finance the Aqueduct Improvements including, but not limited to, construction, acquisition and installation of the Aqueduct Improvements including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction, inspection and contract administration and all work, materials, labor and appurtenances necessary therefor or incidental thereto; and

WHEREAS, the Municipal Council of the City of Bayonne agrees that acquisition of temporary and permanent easements set forth in Schedules “A” and “B”, in exchange for the fair market value or other mutually agreeable remuneration is necessary and appropriate in furtherance of the Aqueduct Improvements and further that such project is necessary to ensure continued, safe, reliable water service to the citizens of Bayonne and, as such, the preparation, execution and recording of easement agreements is appropriate.

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

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

Section 2. The temporary construction and permanent utility easements in Schedules “A” and “B”, to be acquired by the City of Bayonne, in form and substance as is approved by the Law Director, in furtherance of the Aqueduct Improvements necessary to ensure a continued safe, and reliable water supply to Bayonne, are hereby approved.

Section 3. The expenditure of funds under Bond Ordinance O-18-52 as necessary for acquisition of the easements in Schedules “A” and “B” is approved.

Section 4. The Mayor and the City Clerk are hereby authorized to execute easement agreements, in form and substance as is approved by the Law Director, which shall be recorded in the Hudson County Register’s Office and run with the lands, binding, benefitting and burdening, as the case may be, the successors and assigns of all parties to the easements in Schedules “A” and “B”.

Section 5. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 6. A copy of this Ordinance and executed easement agreements in favor of the City of Bayonne shall be available for public inspection at the office of the City Clerk during regular business hours.

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

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

BE IT RESOLVED, that an ordinance entitled “AN ORDINANCE AUTHORIZING THE ACQUISITION OF TEMPORARY CONSTRUCTION EASEMENTS AND PERMANENT UTILITY EASEMENTS BY THE CITY OF BAYONNE FOR THE CONSTRUCTION, USE AND MAINTENANCE OF A TWIN ACQUEDUCT PIPELINE SYSTEM NECESSARY TO TRANSPORT POTABLE WATER UNDER THE HACKENSACK RIVER AND OR OVER AND/OR THROUGH LANDS LOCATED IN JERSEY CITY AND KEARNY, OWNED BY OTHER PERSONS, ENTITIES OR MUNICIPALITIES,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, ** 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.

* * * * *

11. Council President Nadrowski introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON APPROVING A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND PLATTYKILL URBAN RENEWAL, LLC FOR THE PROPERTY LOCATED AT 18-52 EAST 12TH STREET, WHICH PROPERTY IS

IDENTIFIED AS BLOCK 268, LOT 2 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE

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

WHEREAS, the Municipal Council of the City (the "Municipal Council") adopted 9802-04-040, which designated the entire City of Bayonne as an area in need of rehabilitation in accordance with the provisions of *N.J.S.A. 40A:12A-14* of the Redevelopment Law; and

WHEREAS, Plattykill Urban Renewal, LLC (the "Entity") is the owner of certain property identified on the Tax Maps of the City as Block 268, Lot 2 (the "Property") as more particularly described by the metes and bounds description set forth in the application submitted by the Entity (the "Application"); and

WHEREAS, the Property is currently receiving a tax exemption pursuant to the New Jersey Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1 et. seq.* (the "Exemption Law") as the property operates as a 147 unit low and moderate income apartment complex; and

WHEREAS, the Entity has submitted an Application to the City for approval of an extension of the tax exemption for the Project pursuant to the Exemption Law, which Application is attached hereto as *Exhibit A*; and

WHEREAS, the Entity has applied to the City 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") and *N.J.S.A. 55:16-18* with respect to the Project; and

WHEREAS, under the terms of the proposed agreement the Entity will undertake the rehabilitation of each individual unit within the property to be completed within twenty four months of the effective date of the financial agreement; and

WHEREAS, under the terms of the proposed agreement the Entity will be required to maintain the low and moderate income units as a condition of the financial agreement; and

WHEREAS, the City Council finds that the requested tax exemptions will benefit the City and its inhabitants by furthering the improving the quality live of the projects residents and maintaining the affordability of the property, and that the benefits would substantially outweigh the costs, if any, associated with the tax exemptions;

WHEREAS, as part of its application for a tax exemption, the Entity 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, the Entity has presented to this body certain financial information, copies of which are attached as exhibits to this Ordinance; and

WHEREAS, the City 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 Plattykill 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 City Council of the City of Bayonne does hereby adopt the tax exemptions for Plattykill 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 Plattykill Urban Renewal, LLC in substantially the form attached hereto and subject to any further review, analysis or modifications that counsel may deem appropriate.

Section 3. During the term of the tax exemption with respect to Plattykill 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. The tax exemption grated is conditioned on the rehabilitation of the 147 units within the property and the maintenance of the low- and moderate-income designation of each unit.

Section 5. 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 a resolution, seconded by Council Member Gullace, 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 BY AND BETWEEN THE CITY OF BAYONNE AND PLATTYKILL URBAN RENEWAL, LLC FOR THE PROPERTY LOCATED AT 18-52 EAST 12TH STREET, WHICH PROPERTY IS IDENTIFIED AS BLOCK 268, LOT 2 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, April 15, 2020 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.

* * * * *

12. Council Member Perez introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON APPROVING A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND TFG 115-117 W 2nd STREET URBAN RENEWAL, LLC FOR THE PROPERTY LOCATED AT 115-117 WEST 2ND STREET, WHICH PROPERTY IS IDENTIFIED AS BLOCK 365, LOT 9 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE

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

WHEREAS, the Municipal Council of the City (the “Municipal Council”) adopted 9802-04-040, which designated the entire City of Bayonne as an area in need of rehabilitation in accordance with the provisions of *N.J.S.A. 40A:12A-14* of the Redevelopment Law; and

WHEREAS, TFG 115-117 W 2nd STREET URBAN RENEWAL, LLC (the “Entity”) is the owner of certain property identified on the Tax Maps of the City as Block 3653, Lot 9 (the “Property”) as more particularly described by the metes and bounds description set forth in the application submitted by the Entity (the “Application”); and

WHEREAS, on December 13, 2017, the City Council designated the Property as a non-condemnation area in need of redevelopment (the Redevelopment Area”).

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, on July 10, 2018, the City duly adopted an ordinance approving the redevelopment plan entitled “Redevelopment Plan Block 365, Lot 9” (the “Redevelopment Plan”);” (and as same may be further amended from time to time, the “Redevelopment Plan”) for the Redevelopment Area; and

WHEREAS, on September 12, 2018, the City Council designated the Entity as Redeveloper; and

WHEREAS, the proposed project to be undertaken on the Property consists of the construction of a residential structure containing twelve (12) for sale residential units and fourteen (14) parking spaces which will be subject to a condominium regime pursuant to the New Jersey Condominium Act, *N.J.S.A. 46:8B-1 et seq.* (the “Condominium Act”), as submitted to the City of Bayonne Planning Board (the “Project”); and

WHEREAS, the Entity has submitted an Application to the City for approval of an extension of the tax exemption for the Project pursuant to the Exemption Law, which Application is attached hereto as *Exhibit A*; and

WHEREAS, the Entity has applied to the City 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 City Council finds that the requested tax exemptions will benefit the City and its inhabitants by furthering the improving the quality live of the projects residents and maintaining the affordability of the property, and that the benefits would substantially outweigh the costs, if any, associated with the tax exemptions;

WHEREAS, the City 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, the Entity 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, the Entity has presented to this body certain financial information, copies of which are attached as exhibits to this Ordinance; and

WHEREAS, the City 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 TFG 115-117 W 2nd STREET 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 City Council of the City of Bayonne does hereby adopt the tax exemptions for TFG 115-117 W 2nd STREET 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 TFG 115-117 W 2nd STREET 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 TFG 115-117 W 2nd STREET 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 Member LaPelusa moved a resolution, seconded by Council President Nadrowski, which was read by the Clerk and adopted.

BE IT RESOLVED, that an ordinance entitled “AN ORDINANCE OF THE CITY OF BYAONNE, COUNTY OF HUDSON APPROVING A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND TFG 115-117 WEST 2ND STREET URBAN RENEWAL, LLC FOR THE PROPERTY LOCATED AT 115-117 WEST 2ND STREET, WHICH PROPERTY IS IDENTIFIED AS BLOCK 365, LOT 9 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE,,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, April 15, 2020 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.

* * * * *

13. Council Member LaPelusa introduced:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTET 16, RENT CONTROL

BE IT ORDAINED, by the Municipal Council of the City of Bayonne

Section 1. The Revised General Ordinances of the City of Bayonne, be and hereby amended and supplemented as follows (new material is underlined, deletions are in [brackets])

16-13 INTERPRETATION OF CHAPTER

First Paragraph – No changes.

- a. Delete existing language and replace with: “Chapter 16, Rent Control, its amendments and supplements, shall be retroactively extended as of January 01, 2020 for a one-year period commencing January 01, 2020 and ending December 31, 2020.”

Council Member LaPelusa 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 16, RENT CONTROL,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, April 15, 2020 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.

* * * * *

14. Council President Nadrowski introduced:

REFUNDING BOND ORDINANCE OF THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY (THE “CITY”) PROVIDING FOR (i) THE REFUNDING OF CERTAIN OUTSTANDING QUALIFIED GENERAL IMPROVEMENT BONDS, SERIES 2016 OF THE CITY DATED APRIL 19, 2016 TO PROVIDE DEBT SERVICE SAVINGS, AND (ii) AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$75,000,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE CITY TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR

WHEREAS, pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.*, as amended and supplemented (the “Local Bond Law”), the City of Bayonne, in the County of Hudson, State of New Jersey (the “City”), had previously issued \$66,000,000 aggregate principal amount of Qualified General Improvement Refunding Bonds, Series 2016 (Qualified Pursuant to the Provisions of the Municipal Qualified Bond Act, 1976 N.J. Laws c.38, as amended) on April 19, 2016 (the “Original General Bonds”); and

WHEREAS, outstanding Original General Bonds in the amount of \$54,655,000, maturing in the years 2027 through 2039 (the “Refunded General Bonds”) are currently subject to redemption, either in whole or in part, prior to their stated maturity; and

WHEREAS, the City Council has determined that the current interest rate environment would enable it to realize debt service savings for the City taxpayers by refunding all or a portion of the aforesaid Refunded General Bonds through the issuance of General Obligation Refunding Bonds in an aggregate principal amount not to exceed \$75,000,000 (the “Refunding Bonds”); and

WHEREAS, the City Council now desires to adopt this Refunding Bond Ordinance (the “Refunding Bond Ordinance”) authorizing the issuance of the Refunding Bonds in an aggregate principal amount not exceeding \$75,000,000, a portion of the sale proceeds of which shall be used to refund the Refunded General Bonds.

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. The refunding of all or a portion of the Refunded General Bonds is hereby authorized.

SECTION 2. In order to refund the Refunded General Bonds and to pay all related costs associated therewith, the City is hereby authorized to issue the Refunding Bonds in an aggregate principal amount not to exceed \$75,000,000, all in accordance with the requirements of N.J.S.A. 40A:2-51 *et seq.*, and appropriate the proceeds of such Refunding Bonds to such purpose described in Section 3 hereof. Such Refunding Bonds shall be designated as “General Obligation Refunding Bonds” with such series designation as may be necessary to identify such bonds.

SECTION 3. The purpose of the issuance of the Refunding Bonds is to achieve debt service savings by refunding all or a portion of the Refunded General Bonds.

SECTION 4. An aggregate amount not exceeding \$650,000 may be allocated from the aggregate principal amount of the Refunding Bonds to pay for items of expense listed and permitted under N.J.S.A. 40A:2-51(b), including, but not limited to, the aggregate allocated costs of issuance thereof, including underwriting, printing, credit enhancement or other insurance, advertising, accounting, financial, legal and other expenses in connection therewith.

SECTION 5. A certified copy of this Refunding Bond Ordinance has been filed with the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs prior to final adoption and enactment hereof.

SECTION 6. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the City Clerk and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this Refunding Bond Ordinance and the said bonds and notes authorized by this Refunding Bond Ordinance will be within all debt limitations prescribed by the Local Bond Law.

SECTION 7. The Chief Financial Officer of the City is hereby authorized and directed to determine all matters and terms in connection with the Refunding Bonds, all in consultation with the City bond counsel, the City municipal advisor and the City auditor, and the manual or facsimile signature of the Chief Financial Officer of the City upon any documents shall be conclusive as to all such determinations. The Mayor, the Chief Financial Officer of the City, the City Clerk and any other City official, officer or professional, including but not limited to, the City bond counsel, the City municipal advisor and the City auditor, are each hereby authorized and directed to execute and deliver such documents as are necessary to consummate the sale and closing of the Refunding Bonds, including the refunding report required to be filed pursuant to N.J.A.C 5:30-2.5, and to take such actions or refrain from such actions as are necessary for the issuance of the Refunding Bonds, in consultation with City bond counsel and the City auditor, and any and all actions taken heretofore with respect to the sale and issuance of the Refunding Bonds are hereby ratified and confirmed.

SECTION 8. This Refunding Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

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

BE IT RESOLVED, that an ordinance entitled “REFUNDING BOND ORDINANCE OF THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY (THE “CITY”) PROVIDIND FOR (I) THE REFUNDING OF CERTAIN OUTSTANDING QUALIFIED GENERAL IMPROVEMENTS BONDS, SERIES 2016 OF THE CITY DATED APRIL 19, 2016 AND SCHOOL REFUNDING BONDS, SERIES 2016 OF THE CITY DATED APRIL 16, 206 TO PROVIDE DEBT SERVICE SAVINGS, AND (II) AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$75,000,000 AGGREGATE PRINCIPAL AMOUTN OF GENERAL OBLIGATIONS REFUNDING BONDS OF THE CITY TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREOF ,” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, ** 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.

* * * * *

15. Council President Nadrowski introduced:

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

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

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

RESTRICTIVE PARKING ZONES

DELETE

002. Elsie Wroblewski, 9 West 17th Street
Beginning at a point of 199 feet north of the northwest corner of West 17th and Broadway, and extending to a point 17 feet west thereof.
068. Rosalie D'Alessandro, 146 West 29th Street
Beginning at a point of 106 feet east of the south east corner of Avenue A and 29th Street and extending to a point 22 feet east thereof.
104. Gloria Calienda, 162 West 32nd Street
Beginning at a point of 163 feet west of the south west corner of 32nd Street and Avenue A and extending to a point 18 feet west thereof.
149. Helen Lapinski, 48 West 30th Street
Beginning at a point 127 feet east of the south east corner of Avenue C and West 30th Street and extending to a point 22 feet east thereof.
190. Marion Paciullo, 32 East 5th Street
Beginning at a point of 106 feet east of the south east corner of Lord Avenue and East 5th Street and extending to a point 18 feet east thereof.
194. Elaine Fischer, 27 East 32nd Street
Beginning at a point of 364 feet west of the north east corner of Avenue E and East 32nd Street and extending to a point 17 feet west thereof.
330. Fletcher Robinson, 31 West 20th Street
Beginning at a point of 304 feet east of the north east corner of West 20th Street and Avenue C and extending to a point 22 feet east thereof.

RELOCATE

116. Thomas Kouveliotis, from 1009 Broadway to 871 Broadway
OLD LOCATION: Beginning at a point of 56 feet north of the northwest corner of Broadway and West 49th Street and extending to a point 16 feet north thereof.
NEW LOCATION: Beginning at a point of 70 feet south of the southwest corner of Broadway and 41st Street, and extending to a point 16 feet west thereof.
328. Mario Martinez, from 38 West 17th Street to 161 Newman Avenue
OLD LOCATION: Beginning at a point of 216 feet east of the southeast corner of 17th Street and Avenue C, and extending to a point 22 feet east thereof.
NEW LOCATION: Beginning at a point of 135 feet south of the southwest corner of Newman Avenue and West 7th Street, and extending to a point 15 feet south thereof.

Council President Nadrowski 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, April 15, 2020 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.

* * * * *

- 16.** 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.

* * * * *

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

From Brian M. Riehl, Esq. filing notice of tort claim on behalf of MARY GIBSON AND CHRYSTAL STEWART, alleging personal injuries sustained from a motor vehicles accident with a school bus on November 15, 2019.

* * * * *

18. The Council as a whole moved the following communication be received and filed, which motion was adopted.
From Tax Court of New Jersey, complaint in matter entitled, “RITE AID #149 vs. CITY OF BAYONNE.” (1097 Broadway-Block 31, Lot 17.01-Commercial)

* * * * *

19. 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

* * * * *

20. 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.

* * * * *

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

* * * * *

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

BID REPORT

Date: 02/25/20 Ad Date: 01/19/20 Date bids accepted: 02/25/20

Attending: Amy Dellabella, Nicolas DeCotiis, Engineer

Bid Titled: NEWARK WATERFRONT ACCESS PROJECT

	Base Bid	Alt A Total	Alt B Total	Alt C Total	Alt D total	Total Base +Alt A-D
Sparwick Contracting Inc. 21 Sunset Inn Road Lafayette, NJ 07848	\$901,150.00	\$528,650.00	\$437,465.00	\$331,100.00	\$918,35.00	3,121,730.
Grade Construction 110 Pennsylvania Ave Paterson, NJ 07503	1,251,058.97	\$212,001.33	\$454,402.26	\$354,571.41	\$916,405.05	3,188,439.02
WG marine-Emire-Wittich Brother Joint Venture 14 Grove St Middletown, NJ 07748	1,057,622.35	443,276.60	575,701.87	236,339.09	1,050,984.03	3,363,923.94

J E Hannon Inc.
t/a Bird Construction
105 Harbor Inn Rd.
Bayville, NJ 08721 \$1,089,510.00 290,335.00 453,625.00 474,400.00 839,412.25 3,146,282.25

Flanagan’s Contracting
Group Inc.
90 Old Camplaine Rd
Hillsborough, NJ 08844 \$705,063.00 231,160.00 341,060.00 504,600.00 609,889.00 2,391,772.00

Applied Landscape
Technologies
145 River Road
Montville, NJ 07045 \$1,594,600.00 216,085.00 530,850.00 206,700.00 1,180,530.00 3,728,765.00

* * * * *

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

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

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

* * * * *

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

RESOLVED, That the official minutes of the regular council meeting held Wednesday, February 19, 2020 be and the same are hereby approved.

* * * * *

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

RESOLVED, That the official minutes of the council caucus meeting held Wednesday, February 12, 2020, be and the same are hereby approved.

* * * * *

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

WHEREAS, the properties set forth below all carry overpayments on their property tax accounts in the amounts indicated; and

WHEREAS, these taxpayers have requested refunds of the overpayments indicated; and

WHEREAS, the 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
79	3	Salvatore Calcaterra	1,497.44
90	19	Nicholas Piccolo	2,223.00
114	2	NYNJ Home Solutions, LLC.	2,593.00

137	15 C0205	Estate of Harold Sklenar	409.58
163	22	Redsun LLC.	3,757.00
238	23	387 Ave C LLC.	11,981.57
239	20	Michael J. Petrosini & Krystle Norelli	369.00
260	1	FIG Capital Investments NJ13, LLC	2,340.17
323	2	FIG NJ18, LLC.	1,846.98
TOTAL			27,017.74

* * * * *

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

RESOLVED, That a warrant in the amount of \$ 112.20 drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of licenses Nos. 663-714 inclusive, 51 dog licenses, representing one dollar per license for the state fee, twenty cents per license for the state clinic and three dollars per license for non-spayed and non-neutered dogs.

* * * * *

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

WHEREAS, Joseph Cannarozzo, Inc., 24 East 31st Street, Bayonne, NJ 07002 (the “Contractor”) submitted an application for a Street Opening Permit in connection with work being performed at 55 Oak Street, and paid the permit fee in the amount of \$1,250.00 to the City of Bayonne; and

WHEREAS, the Contractor was issued a permit for said street opening on February 19, 2020; and

WHEREAS, the Contractor advised that said application was submitted in error and has requested a refund of the fee; and

WHEREAS, funds are certified as available in Account #0-01-55-220-0000-000; now, therefore, be it

RESOLVED, as follows:

1. The Municipal Council hereby authorizes reimbursement to Joseph Cannarozzo, Inc. in the amount of \$1,250.00.
2. Funds shall be charged to Account #0-01-55-220-0000-000.

* * * * *

29. 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 18 Scott brand self-contained breathing air packs, 40 air bottles, and associated equipment (“Breathing Apparatus”) for the Bayonne Fire Department; and

WHEREAS, New Jersey Fire Equipment Co., 119-131 Route 22 East, Green Brook, NJ 08812) is capable of supplying said Breathing Apparatus under NJ State Contract 17-FLEET-00819; and

WHEREAS, New Jersey Fire Equipment Co., 119-131 Route 22 East, Green Brook, NJ 08812 has provided the City with Quote #7209 dated October 31, 2019 for the amount of \$144,552.00; and

WHEREAS, funds are certified as available in Account #0-04-55-942-1956-994, pending adoption of the CY2020 budget; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Purchasing Agent of the City of Bayonne is hereby authorized to execute any and all documents necessary and take any and all actions to effectuate the purchase of the aforesaid Breathing Apparatus from New Jersey Fire Equipment Co., 119-131 Route 22 East, Green Brook, NJ 08812) is capable of supplying said Breathing Apparatus under NJ State Contract 17-FLEET-00819 for the amount of \$144,552.00.

2. Funds shall be chargeable to Account #0-04-55-942-1956-994.

* * * * *

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

BE IT RESOLVED, that a warrant be issued to the US Postal Service/Pitney Bowes in the amount of \$400.00 for postage used in the Public Library. Chargeable to Account No. 0-01-29-390-0000-022

* * * * *

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

WHEREAS, N.J.A.C. 7:26A-11.1 requires that each municipality designate one or more persons as Municipal Recycling Coordinate whose responsibilities include those set forth in the state regulations and in the municipal recycling ordinance required by said regulations; now, therefore, be it

Resolved, that Michael Tassone is hereby designated as a Municipal Recycling Coordinator pursuant to N.J.A.C. 7:26A-11.1

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

WHEREAS, Windmill Alliance, 141 Broadway, 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, Windmill Alliance operates a facility that houses disabled adults at 331 Broadway, Bayonne, New Jersey (the "Facility"); and

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

WHEREAS, there was an urgent need to replace the existing hot water boiler located at the Facility (the "Emergency Work"); and

WHEREAS, the building code official inspected the hot water boiler and confirmed that the Emergency Work was necessary; and

WHEREAS, a functioning hot water boiler is essential for the health, safety, and welfare of the disabled residents of the Facility; and

WHEREAS, J.P.'s Plumbing & Heating Corp., 116 Linnet Street, Bayonne, NJ 07002 (the "Contractor") submitted a proposal to Windmill Alliance for said Emergency Work dated February 28, 2020 (the "Proposal") for the amount of \$5,600.00; and

WHEREAS, due to exigent circumstances, the Executive Director of the BEOF in her capacity as the City's CDBG administrator, authorized the Emergency Work be performed by the Contractor pursuant to the Proposal prior to obtaining approval from this body; and

WHEREAS, funds were available in Account CDBG-1039; and

WHEREAS, due to exigent circumstances, the Mayor and City Clerk executed Agreement No. CY20-043 with Windmill Alliance to provide CDBG funds in the amount of \$5,600.00 in order to cover the cost of the Emergency 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. CY20-043 with Windmill Alliance for the amount of \$5,600.00 in order to provide CDBG funds for the replacement of the hot water boiler pursuant to the proposal dated February 28, 2020 submitted by the Contractor are hereby ratified and affirmed.
- 2. The Municipal Treasurer is hereby authorized to issue a warrant in the amount of \$5,600.00 pursuant to the Contractor’s proposal to Windmill Alliance to cover the cost of the replacement of said hot water boiler.
- 3. Funds shall be charged to Account CDBG – 1039.

* * * * *

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

WHEREAS, the Jewish Community Center has requested and submitted a formal written application dated February 2, 2019 for said CDBG Grant Funds in the amount of \$49,864.00 for the purpose of providing the cost of replacement of light fixtures to be completed by APK Electric Inc., 23 East 47th Street, Bayonne, NJ 07002 and

WHEREAS, the Assistant Director of Community Development has advised that the availability of said Community Development Block Grant Funds for the purpose of providing the cost of replacement of light fixtures to be completed by APK Electric Inc., 23 East 47th Street, Bayonne, NJ 07002; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG-996; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

- 1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Jewish Community Center, 1050 Kennedy Blvd, Jersey City, New Jersey 07002 for the provision of providing the cost of replacement of light fixtures to be completed by APK Electric Inc., 23 East 47th Street, Bayonne, NJ 07002 in the amount of \$49,864.00 for the period commencing September 1, 2019 and ending August 31, 2020.
- 2. Funds shall be charged to Account #CDBG-996

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

RESOLVED, authorizing the Mayor and City Council to dedicate 697 Avenue C Bayonne, New Jersey as Public Library Use and authorizes the submission of an application to the New Jersey Construction Act in the amount of \$2,000,000.00, and

BE IT FUTHER RESOLVED, that the City of Bayonne hereby certifies that permission has been granted to dedicate 697 Avenue C, Bayonne, New Jersey 07002 as public library on this meeting of March 18, 2020

* * * * *

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

WHEREAS, the City of Bayonne and the Bayonne Public Library hereby certify that permission has been granted for the apply for the project entitled the New Jersey Construction Bond Act in the amount of \$2,000,000.00, with a fifty (50%) match, now, therefore

BE IT RESOLVED, that the City of Bayonne hereby certifies to provide \$650,000.00 of the 50% match and the Bayonne Public Library will provide the remaining \$350,000.00 for this project to any awarded grant funding through the New Jersey Library Construction Bond Act grant program with

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

WHEREAS, the Benevolent and Protective Order of Elks of U.S.A, Bayonne NJ Elks Lodge #434, a New Jersey Non-Profit Organization (“Elks Club”), has requested permission to hold an event to be promoted as the **Bike Blessing** on Saturday, April 18, 2020 from 12:00 p.m. to 4:00 p.m. on Broadway between 16th and 17th Streets for the purposes of a Fundraiser Bike Blessing; and

WHEREAS, the Elks Club has requested that Broadway in between 16th and 17th Streets be closed to thru traffic for purposes of the event from 10:00 a.m. to 5:00 p.m. to allow for load-in and load-out activities; and

WHEREAS, the Elks Club has submitted an application for a License Agreement and has agreed to further coordinate with the Bayonne Police Department, Bayonne Fire Department, Bayonne Law Department, Department of Public Works, Division of Parks and any other City department, division or personnel as required to ensure the safety and welfare of the general public during the event; and

WHEREAS, it is the opinion of the members of the Municipal Council that it is important to support local community activities such as this and that this event will prove to be a desirous event for the citizens of the City; now, therefore, be it

RESOLVED, that the Mayor and City Clerk are hereby authorized to execute a License Agreement, in form and substance as is acceptable to the Law Director, allowing the Benevolent and Protective Order of Elks of U.S.A, Bayonne NJ Elks Lodge #434, a New Jersey Non-Profit Organization, to hold the **Bike Blessing** event on Saturday, April 18, 2020 from 12:00 p.m. to 4:00 p.m. and to close Broadway, in between 16th and 17th Streets, from 10:00 a.m. to 5:00 p.m. to allow for load-in and load-out activities; and be it further

RESOLVED, that the City shall waive the license fee in that the Benevolent and Protective Order of Elks of U.S.A, Bayonne NJ Elks Lodge #434 is a non-profit organization

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

WHEREAS, by way of Resolution No. 19-06-18-058 adopted by the Municipal Council on June 19, 2019, the City entered into a Shared Services Agreement with the Township of Weehawken for certified tax collector services (the “Share Services Agreement”) and naming Kenneth Bosotina, C.T.C., as tax collector of the City of Bayonne for the period commencing July 1, 2019 and ending December 31, 2019; and

WHEREAS, pursuant to the terms of the aforesaid Share Services Agreement, the City agreed to pay the Township of Weehawken for the provision of Tax Collector in the amount of \$39.42 per hour for a minimum of ten (10) hours per week; and

WHEREAS, Resolution No. 20-01-15-062 adopted on January 15, 2020 extended designation of Kenneth Bosotina, C.T.C., as tax collector and the Shared Services Agreement under the same terms and conditions through March 31, 2020; and

WHEREAS, the City and the Township of Weehawken are agreeable to extending said Shared Services Agreement through July 31, 2020 under the same terms and conditions as the existing Shared Services Agreement; now, therefore, be it

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

1. The Mayor and City Clerk are hereby authorized to sign any and all documents and take all actions necessary to extend said Share Services Agreement with the Township of Weehawken for the provision of Tax Collector for the period commencing April 1, 2020 through July 31, 2020 under the same terms and conditions of said Shared Services Agreement.
2. The City of Bayonne hereby extends the designation of Kenneth Bosotina, C.T.C., as the City’s certified tax collector through July 31, 2020.

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

WHEREAS, the primary goal of the Assistance to Firefighters Grant (AFG) is to meet the firefighting and emergency response needs of fire departments and nonaffiliated emergency medical service organizations; and

WHEREAS, since 2001, AFG has helped firefighters and other first responders obtain critically needed equipment, protective gear, emergency vehicles, training and other resources necessary for protecting the public and emergency personnel from fire and related hazards; and

WHEREAS, the Director of Public Safety has requested authorization to prepare and submit a grant application for the 2019 Assistance for Firefighters Grant Fund in the amount of \$1,000,000.00 to purchase an aerial ladder apparatus and fire department equipment; and

WHEREAS, the grant formula funds the proposed projects at approximately 90% federal funding with an approximate 10% local match, with the exact funding formula to be determined upon awarding of the grant; now, therefore, be it

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

1. The Director of Public Safety and/or his designee is/are hereby authorized to take any and all actions necessary to prepare and submit a grant application for grant funding from the 2019 Assistance for Firefighters Grant Fund in the amount of \$1,000,000.00 to purchase an aerial ladder apparatus and fire department equipment at approximately 90% federal funding with an approximate 10% local match, with the exact funding formula to be determined upon awarding of the grant.
2. The Mayor and City Clerk are hereby authorized to execute any and all documents necessary to effectuate the submission of the aforesaid grant application.

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

WHEREAS, the Bayonne Housing Authority (the “BHA”) was created pursuant to City Ordinance RGO 2-26 *et seq.*, as amended from time to time, consistent with the provisions of N.J.S.A. 40A:12A-17 *et seq.*, (formerly N.J.S.A. 55:14A-4); and

WHEREAS, pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 *et seq.* (the “Act”), the City of Bayonne (the “City”) is authorized to enter into a shared services agreement with the BHA, another “local unit” as defined under the Act; and

WHEREAS, the City and the BHA have determined that it would be more efficient, economical and in the best interests of the citizens of Bayonne to utilize the personnel and resources of the Bayonne Police Department (“BPD”) to provide specific supplemental services for the purpose of promoting a drug-and-crime free environment and to provide for the safety and protection of the residents in public housing developments; and

WHEREAS, BPD and BHA have identified and set forth various supplemental services to be provided in the Shared Services Agreement attached hereto; and

WHEREAS, BPD has successfully provided such services in the past on a yearly contractual basis; and

WHEREAS, the BPD and BHA desire to further formalize their past relationship in the form of the attached Shared Services Agreement, for a period of ten (10) years, subject to early termination by either party upon ninety (90) days written notice, at a cost of \$200,000 payable by BHA to BPD for the first year, subject to yearly review thereafter; and

WHEREAS, BHA estimates its cost savings resulting from the Shared Services Agreement to be approximately \$_____ during the first year; now, therefore, be it

RESOLVED

1. That the Mayor or his designee and the City Clerk are hereby authorized and directed to take all steps necessary to execute any and all documents to effect the Shared Services Agreement in substance and form as is attached to this Resolution, subject to modification and final approval by the Law Director, between the Bayonne Housing Authority and the City of Bayonne for specific supplemental services to be provided by the Bayonne Police Department to promote a drug-and-crime free environment and to provide for the safety and protection of the residents in public housing developments;

2. That the Shared Services Agreement shall be for a period of ten (10) years, subject to early termination by either party upon ninety (90) days written notice, at a cost of \$200,000 payable by the Bayonne Housing Authority to the City of Bayonne for the first year, subject to yearly review thereafter; and

3. That pursuant to N.J.S.A. 40A:65-4(b), the executed Shared Services Agreement shall be filed with the Division of Local Government Services in the Department of Community Affairs together with a copy of this Resolution and the Resolution adopted by the Bayonne Housing Authority.

* * * * *

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

WHEREAS, the City of Bayonne employs WILLIAM JASOLOWSKY as a fire fighter at 630 Avenue C, Bayonne, New Jersey; and

WHEREAS, WILLIAM JASOLOWSKY is an active member of the PFRS; and

WHEREAS, WILLIAM JASOLOWSKY has approximately 15 years of PFRS Service Credit and meets the minimum service credit requirement of at least 4 years of PFRS membership; and

WHEREAS, on July 24, 2014, WILLIAM JASOLOWSKY suffered an injury in the course of his employment and based on medical documentation supplied by professionals retained by the City of Bayonne, the City of Bayonne is of the opinion that WILLIAM JASOLOWSKY is significantly and permanently disabled and is no longer able to perform his assigned duties; and

WHEREAS, the City of Bayonne is unable to provide an alternative to the PFRS covered position with duties capable of being performed by said WILLIAM JASOLOWSKY; and

WHEREAS, the Business Administrator, Public Safety Director and Fire Chief have consented to the processing of the Involuntary Accidental Disability Retirement application for WILLIAM JASOLOWSKY; now, therefore, be it

RESOLVED, as follows:

1. That the Business Administrator, Public Safety Director and Fire Chief are hereby authorized to process an Involuntary Accidental Disability Retirement application for WILLIAM JASOLOWSKY.
2. Copies of this resolution shall be forwarded to all parties involved in this administrative action.

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

BE IT RESOLVED, That the City Clerk be and is hereby authorized to advertise for bids or Request for Proposals for Emergency Medical Services and Emergency Medical Dispatch Services.

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

BE IT RESOLVED, That the City Clerk be and is hereby authorized to advertise for bids for the 2020 Roadway Improvements

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

WHEREAS, LBB, LLC t/a Carvel 1252 ("Carvel"), has requested permission to maintain an ice cream / Italian ice, water ice or similar frozen dessert dispenser within the City's right-of-way, on the sidewalk in front of Carvel Ice Cream located at 478 Broadway; and

WHEREAS, it is the opinion of the members of the Municipal Council that it is important to support local businesses and granting said permission will prove economically beneficial to Carvel; and

WHEREAS, the City is agreeable to granting said permission to LBB, LLC t/a Carvel 1252 for the period commencing April 1, 2020, through October 31, 2020, between the hours of 10:00 a.m. and 10:00 p.m. for a License fee of \$100.00; now, therefore, be it

RESOLVED, that the Mayor and City Clerk are hereby authorized to execute a License Agreement, in form and substance as is acceptable to the Law Director, allowing LBB, LLC t/a Carvel 1252 to maintain an ice cream / Italian ice, water ice or similar frozen desert dispenser within the City’s right-of-way, on the sidewalk in front of Carvel Ice Cream located at 478 Broadway for the period commencing April 1, 2020, through October 31, 2020, between the hours of 10:00 a.m. and 10:00 p.m. for a License fee of \$100.00.

* * * * *

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

WHEREAS, T&J Hot Dog Grill, LLC, (“T&J”), has requested permission to maintain an ice cream / Italian ice, water ice or similar frozen desert dispenser within the City’s right-of-way, on the sidewalk in front of T&J’s Hot Dog Grill located at 538A Broadway; and

WHEREAS, it is the opinion of the members of the Municipal Council that it is important to support local businesses and granting said permission will prove economically beneficial to T&J; and

WHEREAS, the City is agreeable to granting said permission to T&J Hot Dog Grill, LLC, for the period commencing April 1, 2020, through October 31, 2020, between the hours of 10:00 a.m. and 10:00 p.m. for a License fee of \$100.00; now, therefore, be it

RESOLVED, that the Mayor and City Clerk are hereby authorized to execute a License Agreement, in form and substance as is acceptable to the Law Director, allowing T&J Hot Dog Grill, LLC to maintain an ice cream / Italian ice, water ice or similar frozen desert dispenser within the City’s right-of-way, on the sidewalk in front of T&J’s Hot Dog Grill located at 538A Broadway for the period commencing April 1, 2020, through October 31, 2020, between the hours of 10:00 a.m. and 10:00 p.m. for a License fee of \$100.00.

* * * * *

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

WHEREAS, pursuant to Resolution No. 18-12-18-047 adopted on December 18, 2018, the City entered into Agreement No. CY19-001 with Integrated Micro Systems, Inc., 74 Lee Avenue, Haledon, New Jersey 07508-1208 (“Integrated”) for information technology, computer systems and network administration and support services for the period commencing January 1, 2019, and ending December 31, 2019, for an amount not to exceed \$50,000.00 (the “Agreement”); and

WHEREAS, pursuant to Resolution No. 19-12-18-047 adopted on December 18, 2019, the Agreement was increased in the amount of \$20,000.00 to cover outstanding invoices for services provided through December 31, 2019, making the total contract amount not to exceed \$70,000.00; and

WHEREAS, the City advertised a Request for Proposals (“RFP”) for said information technology, computer systems and network administration and support services for the period commencing January 1, 2020, and ending December 31, 2020, pursuant to the Fair & Open Contracting Requirements pursuant to N.J.S.A.19:44A-20.4.5; and

WHEREAS, the City received multiple inquiries as to the specifics of the Scope of Services from various potential respondents to the City’s RFP; and

WHEREAS, the City is in the process of gathering the information necessary to respond to the inquiries; and

WHEREAS, Integrated continued to provide said services subsequent to the expiration date of the Agreement on a month-to-month basis, and the Chief Financial Officer authorized payment for said services for the months of January and February 2020; and

WHEREAS, Integrated is willing to continue to provide said services on a month-to-month basis through June 30, 2020, for a total amount not to exceed \$42,000.00 inclusive of the payment made for the months of January and February 2020 thereby making the total contract amount not to exceed \$112,000.00; and

WHEREAS, information technology, computer systems and network administration and support services are essential to the employees serving the citizens of the City; and

WHEREAS, funds are certified as available in account #0-01-27-330-0000-029 pending adoption of the CY2020 budget; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to take any and all actions and/or execute any and all documents necessary to extend Agreement No. CY19-001 with Integrated Micro Systems, Inc., on a month-to-month basis through June 20, 2020, pending the award of a new contract for information technology, computer systems and network administration and support services pursuant to the Fair & Open Contracting Requirements pursuant to N.J.S.A.19:44A-20.4.5 for an additional amount not to exceed \$42,000.00 inclusive of the payments made for the months of January and February 2020, thereby making the total contract amount not to exceed \$112,000.00.

2. The actions of the Chief Financial Officer in authorizing payment to Integrated for services provided for the months of January and February 2020, are hereby ratified and affirmed.

3. Funds shall be chargeable to Account #0-01-27-330-0000-029.

* * * * *

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

WHEREAS, pursuant to Resolution No. 18-12-18-071 adopted on December 18, 2018, the City entered into Agreement No. CY19-002 with Alpha Dog Solutions, Inc., 355 Union Avenue, Belleville, NJ 07109 ("Alpha Dog") for website design, management and maintenance services for the period commencing January 1, 2019, and ending December 31, 2019, for an amount not to exceed \$59,400.00 (the "Agreement"); and

WHEREAS, the City advertised a Request for Proposals ("RFP") for said website design, management and maintenance services for the period commencing January 1, 2020, and ending December 31, 2020, pursuant to the Fair & Open Contracting Requirements pursuant to N.J.S.A.19:44A-20.4.5; and

WHEREAS, the City received multiple inquiries as to the specifics of the Scope of Services from various potential respondents to the City's RFP; and

WHEREAS, the City is in the process of gathering the information necessary to respond to the inquiries; and

WHEREAS, Alpha Dog continued to provide said services subsequent to the expiration date of the Agreement on a month-to-month basis, and the Chief Financial Officer authorized payment for said services for the months of January, February, and March, 2020; and

WHEREAS, Alpha Dog is willing to continue to provide said services on a month-to-month basis through June 30, 2020, for a total amount not to exceed \$29,700.00 inclusive of payments made through March 2020, thereby making the total contract amount not to exceed \$89,100.00; and

WHEREAS, website design, management and maintenance services are essential to the serving the citizens of the City; and

WHEREAS, funds are certified as available in account #0-01-20-101-0000-028 pending adoption of the CY2020 budget; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to take any and all actions and/or execute any and all documents necessary to extend Agreement No. CY19-002 with Alpha Dog, on a month-to-month basis through June 20, 2020, pending the award of a new contract for website design, management and maintenance services pursuant to the Fair & Open Contracting Requirements pursuant to N.J.S.A.19:44A-20.4.5 for an additional amount not to exceed \$29,700.00 inclusive of payments made for the months of January, February, and March 2020, thereby making the total contract amount not to exceed \$89,100.00.

2. The actions of the Chief Financial Officer in authorizing payment to Alpha Dog for services provided for the months of January, February and March, 2020 are hereby ratified and affirmed.

3. Funds shall be chargeable to Account #0-01-20-101-0000-028.

* * * * *

47. 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

Blessed Miriam Teresa Demjanovich Parish RL: 9450
Rotary Club of Bayonne RL: 9451

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48. 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 BAYONNE EQUITIES B II, LLC AS REDEVELOPER OF THE PROPERTY LOCATED AT 9-11 WEST 12TH STREET AND 281-289 BROADWAY, WHICH PROPERTY IS IDENTIFIED AS BLOCK 264, LOTS 15, 16, 17 AND 18 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH BAYONNE EQUITIES B II, LLC FOR THE REDEVELOPMENT OF SUCH PROPERTY IN ACCORDANCE WITH THE REDEVELOPMENT PLAN

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

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

WHEREAS, on March 16, 2005, the City of Bayonne (the “City”) Municipal Council adopted Resolution 05-03-16-048 authorizing and directing the Planning Board to (i) conduct investigations pursuant to N.J.S.A. 40A:12A-6 to determine whether Block 264 lots 15, 16, 17 and 18 in the City and described on the Tax Map of the City of Bayonne, State of New Jersey, satisfy the criteria to be designated as areas in need of redevelopment under N.J.S.A. 40A:12A5 and (ii) prepare a redevelopment plan for the Study Areas; and

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Municipal Services in conjunction with Local and Planning Services of the Department of Community Affairs, has prepared a rehabilitation plan for the Rehabilitation Area titled “City of Bayonne 8th Street Station Rehabilitation Area Plan” dated February 3, 2015 (the “Rehabilitation Plan”); and

WHEREAS, on February 25, 2015, the Planning Board adopted a Resolution recommending the 8th Street Station Rehabilitation Area Plan to the Municipal Council and concluding that the Rehabilitation Plan is consistent with the Master Plan of the City of Bayonne (the “Resolution”); and

WHEREAS, on April 22, 2015, the Bayonne Municipal Council (the “Municipal Council”) adopted an Ordinance approving the 8th Street Station Rehabilitation Area Plan in order to effectuate a plan that is consistent with the goals and objectives of the City for the redevelopment of the Property; and

WHEREAS, the Municipal Council adopted a Resolution on February 14, 2018 authorizing the Planning Board of the City (the “Planning Board”) to reopen and amend the Rehabilitation Plan and to transmit its recommendations relating to the sites contained in the Rehabilitation Plan in order to expand the scope of the revitalization and redevelopment efforts in the City and make modifications to the Redevelopment Plan necessary to further the goals and objectives of the Master Plan; and

WHEREAS, on January 16 2019, the Bayonne Municipal Council (the “Municipal Council”) adopted an Ordinance approving the amendment to the 8th Street Station Rehabilitation Area Plan for Block 264 15, 16, 17 and 18 in order to effectuate a plan that is consistent with the goals and objectives of the City for the redevelopment of the Property

WHEREAS, BAYONNE EQUITIES B II, LLC, with an office address of 3119 Newtown Ave, Suite 302 Astoria, NY 11102, (the “Redeveloper”) wishes to develop the Redevelopment Area and use it for the purpose of implementing the Redevelopment Plan; and WHEREAS, the Redeveloper has requested that the Municipal Council, as a redevelopment entity, prepare a redevelopment agreement with the Redeveloper providing for the development of the Property in accordance with the Redevelopment Plan (the “Redevelopment Agreement”); and

WHEREAS, the Municipal Council desires to designate BAYONNE EQUITIES B II, 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 a Redevelopment Agreement by and between the City of Bayonne and BAYONNE EQUITIES B II, LLC concerning the Redevelopment Area identified as Block 264 Lots 1 15, 16, 17 and 18 in the City of Bayonne, in such a form deemed advisable by the City Attorney, subject to any and all conditions contained herein and such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel to the City; and

Section 2. The Municipal Council, upon the full execution of the Redevelopment Agreement, recognizes BAYONNE EQUITIES B II, LLC as redeveloper of Block 264, Lots 15, 16, 17 and 18, 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 BAYONNE EQUITIES B II, LLC.

Section 4. This Resolution shall take effect immediately.

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

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING AND DIRECTING THE PLANNING BOARD TO CONDUCT A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER CERTAIN PROPERTY LOCATED AT 471 BROADWAY, WHICH PROPERTY IS IDENTIFIED AS BLOCK 210, LOT 25.01, AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE WITHIN THE CITY CONSTITUTES A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 ET SEQ.* (RITE AID)

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

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

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

WHEREAS, the Mayor and Municipal Council consider it to be in the best interest of the City to have the Planning Board of the City (the "Planning Board") conduct such an investigation to determine if certain property located at 471 Broadway, which property is identified as Block 210, Lot 25.01, as shown on the official Tax Map of the City (the "Study Area"), constitute a non-condemnation "area in need of redevelopment," in accordance with the Redevelopment Law; and

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

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

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

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

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

Section 3. The Planning Board is hereby directed to study the area known as 471 Broadway, which property is identified as Block 210, Lot 25.01, on the City's Tax Maps; to develop a map reflecting the boundaries of the proposed non-condemnation redevelopment area; to provide public notice and conduct public hearings pursuant to *N.J.S.A. 40A:12A-6*; and to draft a report/Resolution to the Mayor and Municipal Council containing its findings.

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

Section 5. This Resolution shall take effect immediately.

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

* * * * *

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED REDEVELOPMENT AGREEMENT WITH 975 BROADWAY OWNER, LLC FOR THE PROPERTY LOCATED 957-965 BROADWAY AND 9-15 WEST 46TH STREET, WHICH IS IDENTIFIED AS BLOCK 77 LOTS 16, 17, 18, 19, 20, 21, 22, 23 AND 24 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE AND OF SUCH PROPERTY IN ACCORDANCE WITH THE REDEVELOPMENT PLAN (RESNICKS)

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

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

WHEREAS, on April 22, 2015, the City Council designated the Block 77, Lots 16 to 24 (the “Property”) as a non-condemnation area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, on August 19, 2015, the City Council adopted Ordinance No. O-15-25 approving a Redevelopment plan for the Property; and

WHEREAS, the City Council designated 975 Broadway Owner, LLC as redeveloper of the Property and authorized the negotiation and preparation of a redevelopment agreement; and

WHEREAS, on February 24, 2017, 975 Broadway Owner, LLC and the City entered a redevelopment agreement (the “Original Redevelopment Agreement”); and

WHEREAS, 975 Broadway Owner, LLC as Redeveloper under the terms of the Original Redevelopment Agreement has transferred ownership to 957 Broadway Urban Renewal, LLC; and

WHEREAS, the Original Redevelopment agreement required the upgrade of Dr. Morris Park as part of the Redevelopment project; and

WHEREAS, plans have now been developed for the reconstruction and upgrades to Dr. Morris Park; and

WHEREAS, the Redeveloper has requested that the Municipal Council, as a redevelopment entity, prepare an amended redevelopment agreement with the Redeveloper providing for the terms and conditions for the proposed Park upgrades and to reflect the transfer of the project to 957 Broadway Urban Renewal, LLC and to update the project schedule of the development of the Property in accordance with the Redevelopment Plan; and

WHEREAS, the Municipal Council reaffirms the designation of 957 Broadway Urban Renewal, LLC, as Redeveloper of the Redevelopment Area and authorizes the execution of an Amended 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 “Amended Redevelopment Agreement By and Between the City of Bayonne and 957 Broadway Urban Renewal, LLC, concerning the Redevelopment Area identified as Block 77, Lots 16-24 (now Lot 16.01) 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. This Resolution shall take effect immediately.

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

* * * * *

51. 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 DESIGNATING TFG 115-117 W 2ND STREET URBAN RENEWAL LLC AS REDEVELOPER AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH FOR THE PROPERTY LOCATED 115-117 W 2ND STREET, WHICH IS IDENTIFIED AS BLOCK 365 LOT 9, AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE AND OF SUCH PROPERTY IN ACCORDANCE WITH THE REDEVELOPMENT PLAN (CHRIS' CORNER)

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, the City Council designated the Block 365, Lot 9 (the "Property") as a non-condemnation area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, on July 10, 2018, the City Council adopted an Ordinance approving a Redevelopment plan for the Property; and

WHEREAS, the TFG 115-117 W 2nd Street Urban Renewal, LLC (the "Redeveloper") has requested that the Municipal Council, as a redevelopment entity, prepare a redevelopment agreement with the Redeveloper in accordance with the Redevelopment Plan; and

WHEREAS, the Municipal Council desires to designate TFG 115-117 W 2nd Street Urban Renewal, LLC, as Redeveloper of the Redevelopment Area and to authorize the execution of 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 TFG 115-117 W 2nd Street Urban Renewal, LLC, concerning the Redevelopment Area identified as Block 365, Lot 9 in the City of Bayonne, in such a form deemed advisable by the City Attorney, subject to any and all conditions contained herein and such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel to the City; and

Section 2. The Municipal Council, recognizes TFG 115-117 W 2nd Street Urban Renewal, LLC as redeveloper of the Property identified Block 365, Lot 9 in the City of Bayonne (the "Redeveloper") as provided for and in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law; and

Section 3. This Resolution shall take effect immediately.

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

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

RESOLVED, that the Appropriations Reserves transfers as set forth below pertaining to the CY2019 appropriations be and the same are hereby authorizing, and be it further

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

CURRENT FUND			
FROM		TO	
1. Tipping Costs – O.E.	87,000.00	Business Adminstration – O.E.	
50,000.00		Vehicle Maintenance	
		15,000.00	
		Public Health Services – O.E.	
		22,000.00	

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

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

TEMPORARY EMERGENCY	CY 2020-3		
CURRENT FUND			
Account#	Description	From	To
0-01-20-101-0000-011	Business Administration - S&W	147,000	483,000
0-01-20-101-0000-020	BUSINESS ADMIN. OE:	263,813	400,000
0-01-20-103-0000-022	Postage And Express Charges	23,625	45,000
0-01-20-105-0000-011	Human Resources - S&W	24,150	40,000
0-01-20-110-0000-011	Mayor's Office - S&W	74,813	130,000
0-01-20-110-0000-020	MAYOR'S OFFICE OE:	3,675	7,000
0-01-20-111-0000-011	Municipal Council - S&W	44,363	60,000
0-01-20-111-0000-020	MUNICIPAL COUNCIL OE:	1,050	2,000
0-01-20-113-0000-011	Water Sewer Division - S&W	56,438	60,000
0-01-20-120-0000-011	City Clerk - S&W	92,794	114,000
0-01-20-120-0000-020	CITY CLERK OE:	12,863	17,000
0-01-20-130-0000-011	Dept. of Finance - S&W	259,875	380,000
0-01-20-130-0000-020	DEPT. OF FINANCE OE:	22,313	37,000
0-01-20-135-0000-028	Audit Service-OtherProfessional Services	25,000	75,000
0-01-20-145-0000-011	Tax Collectors - S&W	71,663	90,000
0-01-20-150-0000-011	Tax Assessors - S&W	85,575	95,000
0-01-20-155-0000-011	Law Dept. - S&W	181,650	265,000
0-01-20-155-0000-020	LAW DEPT. OE:	11,813	20,000
0-01-20-156-0000-028	Law Dept. Contracts-Contractual Services	42,000	80,000
0-01-21-180-0000-020	PLANNING BOARD OE:	11,813	20,000

0-01-21-185-0000-020	ZONING BD. OF ADJUSTMENT OE:	7,350	14,000
0-01-22-200-0000-011	Planning & Zoning/CD - S&W	109,463	162,000
0-01-22-200-0000-020	PLANNING & ZONING/CD OE:	3,938	7,000
0-01-23-215-0000-020	GENERAL LIABILITY/WORKER'S COMPENSATION	656,250	1,000,000
0-01-23-220-0000-020	EMPLOYEE GROUP INS. OE:	3,924,375	6,000,000
0-01-23-221-0000-092	GROUP INSURANCE WAIVER	-	5,000
0-01-23-225-225A-020	UNEMPLOYMENT INSURANCE OE:	6,300	12,000
0-01-25-240-0000-010	POLICE DEPT. UNIFORM SW:	5,650,313	8,000,000
0-01-25-240-0000-020	POLICE DEPT. UNIFORM OE:	344,438	450,000
0-01-25-241-0000-011	Police Non Unifrom S&W	840,000	1,250,000
0-01-25-241-0000-020	POLICE NON-UNIFORM OE:	3,150	6,000
0-01-25-265-0000-011	Fire Dep.S&W	47,644	65,000
0-01-25-265-0000-020	FIRE DEPARTMENT OE:	119,438	220,000
0-01-25-266-0000-010	FIRE DEPT. UNIFORM PERSONNEL S&W SW:	5,404,869	7,200,000
0-01-25-275-0000-020	MUNICIPAL PROSECUTOR OE:	18,375	35,000
0-01-26-290-0000-010	STREETS & ROAD MTCE. SW:	239,138	275,000
0-01-26-290-0000-020	STREETS & ROAD MTCE. OE:	63,000	100,000
0-01-26-300-0000-011	Other Public Works-S&W	121,275	165,000
0-01-26-300-0000-020	OTHER PUBLIC WORKS OE:	78,750	150,000
0-01-26-310-0000-011	Buildings & Grounds-S&W	270,375	300,000
0-01-26-310-0000-020	BUILDINGS & GROUNDS OE:	98,438	140,000
0-01-26-315-0000-011	Vehicle MaintenanceS&W	165,900	245,000
0-01-26-315-0000-020	VECHILE MTCE. OE:	129,938	240,000
0-01-27-330-0000-011	Public Health Services-S&W	105,000	200,000
0-01-27-330-0000-020	PUBLIC HEALTH SERVICES OE:	86,989	150,000
0-01-27-365-0000-011	Wages And Salaries-Full Time	40,000	100,000
0-01-27-365-0000-199	Older American Program O.E	14,700	30,000
0-01-28-372-0000-020	PARKS & PLAYGROUNDS REC. OE:	35,438	50,000
0-01-28-375-0000-011	Park Maintenance-S&W	860,213	1,200,000
0-01-28-375-0000-020	PARK MAINTENANCE OE:	26,250	50,000
0-01-29-390-0000-029	Library -O.E	555,655	1,000,000
0-01-31-430-0000-020	GAS & ELECTRIC OE:	420,000	800,000
0-01-31-440-0000-020	TELEPHONE SERVICE OE:	38,063	70,000
0-01-31-447-0000-020	GASOLINE OE:	93,975	150,000
0-01-31-460-0000-020	OFFICE SERVICES	63,000	120,000

0-01-32-465-0000-020	SOLID WASTE COLLECTION OE:	723,188	1,350,000
0-01-33-464-0000-020	TIPPING COSTS OE:	1,103,813	2,100,000
0-01-36-471-0000-020	PERS OE:	649,353	1,200,000
0-01-36-472-0000-020	SOCIAL SECURITY OE:	531,563	1,000,000
0-01-36-474-0000-020	CONSOLIDATED P&F RET.SYSTEM OE:	5,250	20,000
0-01-36-475-0000-020	POLICE AND FIREMEN'S RETIREMENT SYSTEM O	3,392,110	6,000,000
0-01-36-476-0000-010	MUNICIPAL PENSION EMP/WIDOW SALARY SW:	7,350	28,000
0-01-43-490-0000-010	MUNICIPAL COURT SW:	270,900	450,000
0-01-43-495-0000-028	Public Defender O.E	21,263	35,000

UTILITY FUND

0-05-55-501-0000-199	PARKING UTILITY OE	42,000	80,000
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Yeas - Council Members Carroll, Gullace, LaPelusa, Perez and President Nadrowski.

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54. Council President Nadrowski introduced:

CALENDAR YEAR 2020
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Municipal Council of the City of Bayonne in the County of Hudson finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Municipal Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$1,099,010 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Municipal Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Municipal Council of the City of Bayonne, in the County of Hudson, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the City of Bayonne shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$3,846,535 and that the CY 2020 municipal budget for the City of Bayonne be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK, (N.J.S.A. 40A:4-45.14),” just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, ** 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.

* * * * *

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

WHEREAS, Resolution No. 18-04-18-002 adopted on April 18, 2018, authorized an Agreement with the Liberty Humane Society, 235 Jersey City Boulevard, Jersey City, NJ 07305 (“Liberty”) for the provision of animal control, collection and sheltering services (“Professional Animal Control Services”) for the period commencing as of May 15, 2018 and ending December 31, 2019 for a contract amount of \$7,075.00 per month for a total contract amount of \$137,962.50, but subsequent circumstances dictated a commencement date of June 21, 2018 for a total contract amount of \$129,708.50 pursuant to the Fair & Open Contracting Requirements pursuant to N.J.S.A.19:44A-20.4.5; and

WHEREAS, pursuant to said Resolution No. 18-04-18-002 the City entered into Agreement No. CY18-043 with Liberty; and

WHEREAS, the City’s Municipal Humane Law Enforcement Officers are in the process of revising the specifications for the advertisement of a Request for Proposals/Qualifications for Professional Animal Control Services to pursuant to the Fair & Open Contracting Requirements pursuant to N.J.S.A.19:44A-20.4.5; and

WHEREAS, Professional Animal Control Services are essential for the health, safety and welfare of the citizens of the City of Bayonne; and

WHEREAS, Liberty continued to provide said services subsequent to the expiration date of the Agreement on a month-to-month basis to date; and

WHEREAS, Liberty is willing to continue to provide said services on a month-to-month basis through June 30, 2020, for an amount of \$7,075.00 per month for a total additional amount not to exceed \$42,250.00, thereby making the total contract amount not to exceed \$172,158.30; and

WHEREAS, funds are certified as available in account #0-01-27-330-0000-029 pending adoption of the CY2020 budget; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to take any and all actions and/or execute any and all documents necessary to extend Agreement No. CY19-043 with Liberty, on a month-to-month basis through June 30, 2020, pending the award of a new contract for Professional Animal Control Services pursuant to the Fair & Open Contracting Requirements pursuant to N.J.S.A.19:44A-20.4.5 for an additional amount not to exceed \$42,450.00 payable at the rate of \$7,075.00 per month, thereby making the total contract amount not to exceed \$172,158.30.

2. Funds shall be chargeable to Account #0-01-27-330-0000-029.

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

* * * * *

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

WHEREAS, LTG Property Group, 520 Route 22 East, Bridgewater, NJ 08807 (the “Contractor”) is performing construction work at 151 Centre Street (the “Site”); and

WHEREAS, Encore Electric, LLC, is the sub-contractor performing electrical work at said Site (the “Sub-contractor”); and

WHEREAS, the Sub-contractor submitted an application for electrical work in connection with said construction work being performed at the Site, and was issued a permit for said electrical work on March 9, 2020; and

WHEREAS, the permit fee paid for said permit was of \$6,977.00; and

WHEREAS, the Contractor has advised that said application was submitted in error and has requested a refund of the fee; and

WHEREAS, funds are certified as available in Account Nos. T-12-56-813-0000-199 and T-12-56-829-0000-199; now, therefore, be it

RESOLVED, as follows:

1. The Municipal Council hereby authorizes reimbursement to LTG Property Group in the amount of \$6,977.00.

2. Funds shall be charged to Account Nos. T-12-56-813-0000-199 (\$6,975.00) and T-12-56-829-0000-199 (\$2.00).

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

* * * * *

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

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

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

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

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

WHEREAS, the City’s annual assessment for Calendar Year 2020 is \$25,944.00; and

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

WHEREAS, funds are certified as available in Account 0-01-27-330-0000-029 pending adoption of the CY2020 budget; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Municipal Council hereby authorizes the continued membership of the City of Bayonne in the Regional Health Commission of Hudson County for Calendar Year 2020 for an annual assessment of \$25,944.00 payable quarterly at the rate of \$6,486.00 per quarter.

2. Funds shall be chargeable to Account #0-01-27-330-0000-029.

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

* * * * *

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

WHEREAS, pursuant to Resolution No. 17-04-19-048 adopted on April 19, 2017, and Resolution No. 19-03-20-045 adopted on March 20, 2019 the City procured HVAC Services from In-Line Air Conditioning Co., Inc., 85 East 21st Street, Bayonne, NJ (the “Contractor”) through the Educational Services Commission of New Jersey Cooperative Pricing Agreement No. 65MCECCPS (the “Cooperative Pricing Agreement”) pursuant to N.J.S.A. 40A:11 – 10(a)(1) for a period from July 1, 2017, through May 31, 2019; and

WHEREAS, pursuant to Resolution Number 19-05-15-051 adopted on May 15, 2019, the City entered into a new contract, Agreement No. CY19-051, with the Contractor for the aforesaid HVAC Services for Various City Buildings including the South Harbor Fire Station from June 1, 2019, through March 31, 2020, for an amount not to exceed \$75,000.00, with two (2) one (1) year options to renew in the event the Contractor should be the successful bidder in March 2020 through the Educational Services Commission of New Jersey cooperative bid process; and

WHEREAS, the Representative Assembly of the Educational Services Commission of New Jersey approved the award of its HVAC Time and Material Bid #ESC NJ 19/20-23 to the Contractor for the period commencing March 18, 2020, through March 17, 2022; and

WHEREAS, funds are certified as available in account #0-01-26-310-0000-029 pending adoption of the CY2020 budget; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.5(e), the award of the contract shall be subject to the availability and appropriation of funds in the CY2021 temporary and permanent budgets in account #1-01-26-310-0000-029; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to take any and all actions and /or execute any and all documents necessary to exercise the first one (1) year option under Agreement No. CY19-051 with In-Line Air Conditioning Co., Inc., for the period commencing April 1, 2020, through March 31, 2021, at an amount not to exceed \$125,000.00.
2. Funds shall be chargeable to account #0-01-26-310-0000-029 for CY2020 and #1-01-26-310-0000-029 for CY2021.
3. Pursuant to N.J.A.C. 5:30-5.5(e), the award of the contract shall be subject to the availability and appropriation of funds in the CY2021 temporary and permanent budgets in account #1-01-26-310-0000-029.

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

* * * * *

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

March 17, 2020

Dear Council President Nadrowski
And Honorable Members of Council

I hereby recommend Melissa Mathews as Business Administrator of the City of Bayonne effective May 1, 2020.

In conjunction with this appointment the City Clerk has been directed to add an accompanying item on the March 18, 2020 Council meeting agenda to be received and filed by the City Council.

Sincerely,
James M. Davis
Mayor
(signed)

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

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

* * * * *

60. Council Member LaPelusa moved the following communication be received and filed,, seconded by Council President Nadrowski, which was read by the Clerk and adopted

March 17, 2020

Dear Council President Nadrowski
And Honorable Members of Council

I hereby appoint the following individuals to the Zoning Board of Adjustments of the City of Bayonne:

John R. Calcaterra (currently Alternate #1) to replace Jan Patrick Egan as a Regular Member for the balance of the latter's unexpired term ending December 31, 2023.

Jake Iapicca (currently Alternate #2) to replace John R. Calcaterra as Alternate #1 for the balance of the latter’s unexpired term ending December 31, 2021.

Antoney Azer (currently Alternate #3) to replace Jake Iapicca as Alternate #2 for the balance of the latter’s unexpired term ending December 31, 2021.

Ehab Gamal to replace Antoney Azer as Alternate #3 for the balance of the latter’s unexpired term ending December 31, 2021,

In conjunction with this appointment the City Clerk has been directed to add an accompanying item on the March 18, 2020 Council meeting agenda to be received and filed by the City Council.

Sincerely,
James M. Davis
Mayor
(signed)

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

* * * * *

- 61.** Council Member LaPelusa moved the following communication be received and filed, seconded by Council Member Perez, which was read by the Clerk and adopted
- BE IT RESOLVED, that the Municipal Council of the City of Bayonne hereby consents to and confirms the foregoing appointment.

March 17, 2020

Dear Council President Nadrowski
And Honorable Members of Council

I hereby appoint the following individuals to the Rent Control Board of the City of Bayonne:

David Watson	Term expiring on December 31, 2020
94 West 46 th Street	(Appointment as Member)

In conjunction with this appointment the City Clerk has been directed to add an accompanying item on the March 18, 2020 Council meeting agenda to be received and filed by the City Council.

Sincerely,
James M. Davis
Mayor
(signed)

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

* * * * *

- 62.** Council Member LaPelusa moved the following communication be received and filed, seconded by Council President Nadrowski which was read by the Clerk and adopted

March 17, 2020

Dear Council President Nadrowski
And Honorable Members of Council

I hereby appoint the following individuals to the Library Board of the City of Bayonne:

Vincent Pelote	Term expiring on December 31, 2020
9 Roosevelt Terrace	(Appointment as Member)
Ryan Blake	Term expiring on March 31, 2025
61 Evergreen Street	(Appointment as Member)

In conjunction with this appointment the City Clerk has been directed to add an accompanying item on the March 18, 2020 Council meeting agenda to be received and filed by the City Council.

Sincerely,
James M. Davis
Mayor
(signed)

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

* * * * *

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

WHEREAS, on July 19, 2017 the Municipal Council passed Resolution No. #17-07-19-053, authorizing an Agreement with Picerno Giordano Construction, LLC, 200 Market Street, Kenilworth, NJ 07033 for Improvements to Dennis P. Collins Park – Phase I for a total contract amount of \$1,719,675.00; and,

WHEREAS, pursuant to the aforesaid Resolution No. #17-07-19-053, the City of Bayonne entered into Agreement No. CY17-056 with Picerno-Giordano Construction, LLC for the aforesaid Improvements to Dennis P. Collins Park – Phase I for a total contract amount of \$1,716,675.00; and,

WHEREAS, the City is in receipt of Final Closeout Change Order No. #1 for final contract quantities and supplemental items, including reductions and increases in same due to actual field conditions encountered reflecting a total increase in the contract in the amount of \$225,802.60; and,

WHEREAS, the City Engineer reviewed, approved and recommended said Final Closeout Change Order #1 to the aforesaid Agreement No. CY17-056 with Picerno-Giordano Construction, LLC; and,

WHEREAS, due to exigent circumstances, and in order to complete the Project without undue delay, the Director of Public Works authorized the acceptance and execution of said Final Closeout Change Order #1; and,

WHEREAS, funds are certified as available in Account G-02-41-887-822A-199 (PORT AUTHORITY GRANT) now, therefore be it,

RESOLVED, by the Municipal Council as follows:

1. The actions of the Director of Public Works in authorizing and/or executing said Final Closeout Change Order #1 for the amount of \$225,802.60 to the aforesaid Agreement No. CY17-056 with Picerno-Giordano Construction, LLC increasing same in the total amount of \$225,802.60 due to the reasons as stated above, making the total contract amount \$1,942,477.60, are hereby ratified and affirmed.
2. Funds shall be chargeable to Account G-02-41-887-822A-199 (Port Authority Grant)
3. The Division of Finance is authorized and ordered to draw a warrant for the same.

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

* * * * *

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

WHEREAS, there currently exists a Federal, State and Municipal state of emergency; and

WHEREAS, it is in the public interest for the City of Bayonne's government to continue to conduct necessary business during these concurrent States of Emergency; and

WHEREAS, the Municipal Council and other Municipal Boards may have necessary legislative actions to undertake; and

WHEREAS, it is desire of this Municipal Council to ensure that the citizens of Bayonne continue to be served during this current State of Emergency; now, therefore, be it

RESOLVED, that the following actions are hereby authorized:

- The Municipal Council and other Boards shall practice "Social Distancing" as prescribed by the State of Emergency for all Board members as well as a members of the public. Any Council member, Board member, or any member of the public who refuses to comply with said directive shall be subject to removal from the meeting. Both the enforcement, and manner of enforcement of this provision is at the discretion of the Chairperson.
- The Municipal Council and other Boards are authorized to use any technologic, electronic or telephone means to allow Council and Board members to participate in authorizing meetings without being physically present.
- The Municipal Council and other Boards are authorized to use any technologic, electronic or telephone means to allow continued participation by the public at all public meetings.
- At the discretion of the Municipal Council President, Council Caucus meetings may be rescheduled for the day of the Council meeting at 5:30 pm or other such suitable time.

- The Chief Financial Officer is authorized to make required vendor payments in the event that a Municipal Council meeting is cancelled.

Be it further

RESOLVED, that the above provisions may be implemented in a future State of Emergency at the discretion of the Municipal Council President.

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

* * * * *

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

WHEREAS, pursuant to Resolution No. 17-11-08-039 adopted November 8, 2017, the City purchased software, hardware and equipment necessary to implement a parking management system for municipal parking lots pursuant to Quote # BAY1017 dated October 4, 2017 from NuPark Parking Management Systems, 912 Petaluma Drive, Cedar Park, TX 78613 (“NuPark”) at a cost of \$36,650 and obtained a one-year subscription for said software at a cost of \$28,125 through the National Cooperative Purchasing Alliance Contract Number 05-17 (the “Cooperative Purchasing Agreement”) pursuant to P.L. 2011, c 139; and

WHEREAS, the City is in need of continued subscription services for said software; and

WHEREAS, the City is in receipt of Invoice No. INV-009427 dated December 31, 2019, in the amount of \$29,500.00 from Passport Labs, Inc., 128 S. Tryon St., Ste. 2200, Charlotte, NJ 28202-5007, the successor in interest to NuPark, for the second-year subscription for said software through the Cooperative Purchasing Agreement; and

WHEREAS, pursuant to P.L. 2011, c 139 any contracting unit authorized to purchase goods, or to contract for services, may make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey, or within any other state, when available; and

WHEREAS, funds are certified as available in Account #0-05-55-501-0000-199 pending adoption of the CY2020 budget; now, therefore, be it

RESOLVED, as follows:

1. The Municipal Council hereby authorizes payment to Passport Labs, Inc., 128 S. Tryon St., Ste. 2200, Charlotte, NJ 28202-5007 in the amount of \$29,500.00 for the second-year software subscription pursuant to Passport Labs, Inc.’s Invoice INV-009427 dated December 31, 2019.

2. Funds shall be charged to Account #0-05-55-501-0000-199.

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

* * * * *

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

WHEREAS, the Director of Public Safety has established there is an urgent need for the procurement of ten (10) fully equipped Interceptor Patrol Vehicles to be used in various divisions within the Police Department (“Patrol Vehicles”); and

WHEREAS, pursuant to Resolution 17-07-22-069 adopted on July 22, 2017, establishing a procedure for the awarding of emergency contracts, the Director of Public Safety provided written certification to the Business Administrator, Purchasing Agent and Law Director of the need for the emergency procurement of the Patrol Vehicles, and the Business Administrator determined and confirmed that the existence of the emergency and the provisions for emergency contracting pursuant to N.J.S.A. 40A:11-6 were met; and

WHEREAS, the procurement of said Patrol Vehicles is essential for the health, safety and welfare of the citizens of the City of Bayonne; and

WHEREAS, pursuant to Resolution 14-11-12-036 adopted on November 12, 2014, the City joined the Cranford Police Cooperative Pricing System (ID# 47-CPCPS), pursuant to the provisions of the Public Contract Law, N.J.S.A. 40A:11-11(5); and

WHEREAS, Beyer Ford, 170 Ridgedale Avenue, Morristown, New Jersey 07960 is capable of supplying said Patrol Vehicles under the Cranford Police Cooperative Pricing System (ID# 47-CPCPS) through a Lease/Purchase Agreement; and

WHEREAS, Beyer Ford has provided the City with a quote for said Patrol Vehicles for the amount of \$443,217.75 through said Lease/Purchase Agreement; and

WHEREAS, funds are certified as available in Account No. Police Department – Other Expenses; now, therefore, be it

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

1. The Mayor and or his designee is/are hereby authorized to take any and all actions and/or execute any and all documents necessary to effect the procurement of ten (10) fully equipped Interceptor Patrol Vehicles to be used in various divisions within the Police Department from Beyer Ford, 170 Ridgedale Avenue, Morristown, NJ 07960 by way of a Lease/Purchase Agreement through the Cranford Police Cooperative Pricing System (ID#47-CPCPS) for an amount of \$443,217.75.

2. Funds shall be chargeable to Account Police Department – Other Expenses.

3. Written notification of the need for the emergency procurement of the aforesaid services shall remain on file with the Purchasing Agent.

4. The Purchasing Agent shall file an Emergency Procurement Report with the Director of the Division of Local Government Services within 30 days of the date this contract is issued pursuant to N.J.S.A. 19:44A-20.12.

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

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

* * * * *

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

AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE CITY OF BAYONNE AND THE TOWNSHIP OF WEEHAWKEN, COUNTY OF HUDSON, STATE OF NEW JERSEY FOR HEALTH OFFICER SERVICES AND APPOINTING VINCENT RIVELLI AS HEALTH OFFICER OF THE CITY OF BAYONNE PURSUANT TO SAID SHARED SERVICES AGREEMENT

WHEREAS, The City of Bayonne is in need of a licensed Health Officer;
and

WHEREAS, the Township of Weehawken and the City of Bayonne wish to enter into a Shared Services Agreement to share services and reduce costs by working together to provide Health Officer services for the City of Bayonne and the Township of Weehawken;
and

WHEREAS, the City of Bayonne has negotiated, in good faith, a Shared Services Agreement with the Township of Weehawken, a municipal corporation, to share the services of a Health Officer; and

WHEREAS, the City of Bayonne and the Township of Weehawken have agreed that the shared Health Officer shall provide said services for no more than 25 hours per week for both municipalities, on an as needed basis; and

WHEREAS, City of Bayonne and the Township of Weehawken have agreed that the shared Health Officer shall compensated in the amount of \$30,000.00 (\$15,000.00 per municipality) for the provision of Health Officer services as will be more particularly set forth in a Shared Services Agreement, a true copy of which shall be on file at the Office of the City Clerk and can be reviewed by the public during normal business hours; and

WHEREAS, the City of Bayonne and the Township of Weehawken have identified Vincent Rivelli as the individual who will serve in the capacity as Health Officer under this Shared Services Agreement;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the City of Bayonne that the Mayor and Clerk are hereby authorized to execute a Shared Services

Agreement with the Township of Weehawken upon such terms as may be acceptable to the Law Director; and

BE IT FURTHER RESOLVED, that Vincent Rivelli is hereby appointed as the City of Bayonne’s Health Officer for which he shall be paid the sum of \$15,000.00 consistent with and subject to the terms of the aforesaid Shared Services Agreement; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded by the Municipal Clerk to the Mayor, Administrator and Legal Counsel of the Township of Weehawken.

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

* * * * *

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

WHEREAS, the City of Bayonne may have an interest in purchasing the property, and the improvements thereon, located at 120-138 Broadway, more commonly known as the St. Andrew’s School and Convent, more particularly set forth on the revised Tax Maps of the City of Bayonne as Block 341, Lot 1.01; now therefore be it

RESOLVED, that the Law Director or his agent is hereby authorized to negotiate a Purchase, Sale and Redevelopment Agreement with the owners or contract purchasers of the property at 120-138 Broadway for the purchase of same, the terms of which shall be subject to approval by this Municipal Council by way of Ordinance.

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

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At 8:30 P.M. Council President Nadrowski motioned to adjourn, seconded by Council Member Perez, which motion was adopted.

President – Sharon A. Nadrowski

Clerk – Madelene C. Medina

