

REGULAR MEETING

OF THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, NEW JERSEY, HELD IN THE COUNCIL CHAMBER, MUNICIPAL BUILDING, 630 AVENUE C, ON WEDNESDAY, NOVEMBER 10TH, 2020.

The Council met at 7:09 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 NOVEMBER 10TH, 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 on November 6, 2020."

And NOTICE WAS HEREBY GIVEN that the Municipal Council of the City of Bayonne will conduct this meeting through VIRTUAL/REMOTE communication equipment in conformance with the directives of the Executive Orders of the State of New Jersey for the purpose of conducting City business.

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, LaPelusa, Perez and President Nadrowski.

Absent: Council Member Gullace

The Council President led the Pledge of Allegiance.

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01. The Clerk announced:

AN ORDINANCE ENTITLED, "AN ORDINANCE ADOPTING AN AMENDED AND RESTATED REDEVELOPMENT PLAN FOR SILK LOFTS REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED 122 AVENUE E, 124 AVENUE E, 126 AVENUE E, 126-1/2 AVENUE E, 128 AVENUE E, 130 AVENUE E, 132 AVENUE E, 134-136 AVENUE E, 138 AVENUE E, 140 AVENUE, 165 AVENUE E, 167 AVENUE E, 169 AVENUE E, 170-180 AVENUE E AND 157-163 AVENUE E, WHICH PROPERTY IS IDENTIFIED AS BLCOK 467, LOTS 17,18,19,20,21,22,23,24,25 & 26; Block 234, Lots 8.01,11,12 & 13 AND BLOCK 458, LOTS 1 & 1.01 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ," which was introduced and passed a first reading at a meeting held OCTOBER 21, 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 NOVEMBER 10, 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 President Nadrowski, which motion was adopted.

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

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

The Clerk read the resolution by title "AN ORDINANCE ADOPTING AN AMENDED AND RESTATED REDEVELOPMENT PLAN FOR SILK LOFTS REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED 122 AVENUE E, 124 AVENUE E, 126 AVENUE E, 126-1/2 AVENUE E, 128 AVENUE E, 130 AVENUE E, 132 AVENUE E, 134-136 AVENUE E, 138 AVENUE E, 140 AVENUE, 165 AVENUE E, 167 AVENUE E, 169 AVENUE E, 170-180 AVENUE E AND 157-163 AVENUE E, WHICH PROPERTY IS IDENTIFIED AS BLCOK 467, LOTS 17,18,19,20,21,22,23,24,25 & 26; Block 234, Lots 8.01,11,12 & 13 AND BLOCK 458, LOTS 1 & 1.01 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ,"

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

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

The Clerk made the following statement: "No protest against, objections to, or statements in favor of this resolution 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, 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 tabled until 12/16/20.

WHEREAS, an ordinance entitled, "AN ORDINANCE ADOPTING AN AMENDED AND RESTATED REDEVELOPMENT PLAN FOR SILK LOFTS REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED 122 AVENUE E, 124 AVENUE E, 126 AVENUE E, 126-1/2 AVENUE E, 128 AVENUE E, 130 AVENUE E, 132 AVENUE E, 134-136 AVENUE E, 138 AVENUE E, 140 AVENUE, 165 AVENUE E, 167 AVENUE E, 169 AVENUE E, 170-180 AVENUE E AND 157-163 AVENUE E, WHICH PROPERTY IS IDENTIFIED AS BLCOK 467, LOTS 17,18,19,20,21,22,23,24,25 & 26; Block 234, Lots 8.01,11,12 & 13 AND BLOCK 458, LOTS 1 & 1.01 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ," was introduced and passed a first reading at a meeting held OCTOBER 21, 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 NOVEMBER 10TH, 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-20-58

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

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02. The Clerk announced:

AN ORDINANCE ENTITLED, "AN ORDINANCE OF THE CITY OF BAYONNE, NEW JERSEY AMENDING THE GENERAL ORDINANCES OF THE CITY, CHAPTER 35, ZONING REGULATIONS, SECTION 5.2 ENTITLED R-1 SINGLE FAMILY RESIDENTIAL DISTRICT; SECTION 5.3 ENTITLED R-2 DETACHED/ATTACHED RESIDENTIAL DISTRICT; SECTION 5.4 ENTITLED R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT; SECTION 5.5 ENTITLED R-M HIGH DENSITY RESIDENTIAL DISTRICT; SECTION; SECTION 5.7 ENTITLED WR PLANNED WATERFRONT RECREATION DISTRICT; SECTION 5.10 ENTITLED CBD CENTRAL BUSINESS DISTRICT (BROADWAY CORRIDOR); SECTION 5.11 ENTITLED UPTOWN BUSINESS DISTRICT (BROADWAY CORRIDOR); SECTION 5.12 ENTITLED ORS OFFICE/RETAIL SERVICE DISTRICT (BROADWAY CORRIDOR); SECTION 5.16 ENTITLED IL-A AND IL-B LIGHT INDUSTRIAL DISTRICTS; SECTION 5.17 ENTITLED I-H HEAVY INDUSTRIAL DISTRICT," which was introduced and passed a first reading at a meeting held OCTOBER 21, 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 NOVEMBER 10TH, 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, LaPelusa, Perez and President Nadrowski.

The Clerk read the resolution by title, , "AN ORDINANCE OF THE CITY OF BAYONNE, NEW JERSEY AMENDING THE GENERAL ORDINANCES OF THE CITY, CHAPTER 35, ZONING

REGULATIONS, SECTION 5.2 ENTITLED R-1 SINGLE FAMILY RESIDENTIAL DISTRICT; SECTION 5.3 ENTITLED R-2 DETACHED/ATTACHED RESIDENTIAL DISTRICT; SECTION 5.4 ENTITLED R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT; SECTION 5.5 ENTITLED R-M HIGH DENSITY RESIDENTIAL DISTRICT; SECTION; SECTION 5.7 ENTITLED WR PLANNED WATERFRONT RECREATION DISTRICT; SECTION 5.10 ENTITLED CBD CENTRAL BUSINESS DISTRICT (BROADWAY CORRIDOR); SECTION 5.11 ENTITLED UPTOWN BUSINESS DISTRICT (BROADWAY CORRIDOR); SECTION 5.12 ENTITLED ORS OFFICE/RETAIL SERVICE DISTRICT (BROADWAY CORRIDOR); SECTION 5.16 ENTITLED IL-A AND IL-B LIGHT INDUSTRIAL DISTRICTS; SECTION 5.17 ENTITLED I-H HEAVY INDUSTRIAL DISTRICT,”

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

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

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

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

Yeas - Council Members Carroll, 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 OF THE CITY OF BAYONNE, NEW JERSEY AMENDING THE GENERAL ORDINANCES OF THE CITY, CHAPTER 35, ZONING REGULATIONS, SECTION 5.2 ENTITLED R-1 SINGLE FAMILY RESIDENTIAL DISTRICT; SECTION 5.3 ENTITLED R-2 DETACHED/ATTACHED RESIDENTIAL DISTRICT; SECTION 5.4 ENTITLED R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT; SECTION 5.5 ENTITLED R-M HIGH DENSITY RESIDENTIAL DISTRICT; SECTION; SECTION 5.7 ENTITLED WR PLANNED WATERFRONT RECREATION DISTRICT; SECTION 5.10 ENTITLED CBD CENTRAL BUSINESS DISTRICT (BROADWAY CORRIDOR); SECTION 5.11 ENTITLED UPTOWN BUSINESS DISTRICT (BROADWAY CORRIDOR); SECTION 5.12 ENTITLED ORS OFFICE/RETAIL SERVICE DISTRICT (BROADWAY CORRIDOR); SECTION 5.16 ENTITLED IL-A AND IL-B LIGHT INDUSTRIAL DISTRICTS; SECTION 5.17 ENTITLED I-H HEAVY INDUSTRIAL DISTRICT,” was introduced and passed a first reading at a meeting held OCTOBER 21, 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 NOVEMBER 10TH, 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-20-59.

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

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03. The following members of the public spoke:

Edward Grimes addressed the Council on the Crosswalk at 49th Street and Broadway & Post Office ADA elevator still not operating at 7:25 pm.

Council Member Gullace joined the meeting.

Jeffrey King questioned wheelchair accessibility throughout the city.

Jaime Van Silver addressed the Council on traffic at 49th Street and Broadway and the Post Office ADA elevator

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04. 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 SOUTH COVE DEVELOPMENT IV URBAN RENEWAL, LLC FOR THE PROPERTY LOCATED 191 LEFANTE WAY, WHICH PROPERTY IS IDENTIFIED AS BLOCK 412 LOT 2.03 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, SOUTH COVE DEVELOPMENT IV, LLC (the “Redeveloper”) is the owner of certain property identified on the Tax Maps of the City as Block 412 Lot 2.03, (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 Redeveloper intends to transfer all rights and obligation for the development of the Property to SOUTH COVE DEVELOPMENT IV URBAN RENEWAL, LLC (the “Entity”), and

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

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Municipal Services, prepared a redevelopment plan for the property located at 171-181 LeFante Way, 77-97 LeFante Way, 101-129 LeFante Way, 131-139 LeFante Way, and 191 LeFante Way, which properties are identified as Block 412, Lots 1.01, 2.01, 2.021, 2.022 and 2.03 (the “Property”) titled “South Cove Redevelopment Plan” dated February 14, 2017 (the “Redevelopment Plan”); and

WHEREAS, on May 17, 2017, the Municipal Council agreeing and concurring with the Planning Board’s recommendation, adopted Ordinance #O-17-20 adopting the Redevelopment Plan for the Property, and set forth their reasons on the record; and

WHEREAS, the proposed project to be undertaken on the Property consists of the construction of and substantial rehabilitation of approximately thirty-eight thousand square ft of retail and associated parking and infrastructure improvements (the “Project”); and

WHEREAS, the Entity has submitted an Application to the City for approval of a 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 and the Entity reviewed the request and adjusted the terms of the Financial Agreement, and

WHEREAS, the City Council finds that the requested tax exemptions will benefit the City and its inhabitants by furthering and improving the quality life, infrastructure improvements, providing economic opportunities to 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 SOUTH COVE DEVELOPMENT IV 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 to SOUTH COVE DEVELOPMENT IV 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 to SOUTH COVE DEVELOPMENT IV 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 SOUTH COVE DEVELOPMENT IV URBAN RENEWAL, LLC there shall be paid to the City in lieu of any taxes to be paid on the improvements of the Project, an annual service charge determined as provided in the Financial Agreement.

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

Council President Nadrowski moved a resolution, seconded by Council Member Carroll, 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 191 LAFANTE WAY URBAN RENEWAL, LLC FOR THE PROPERTY LOCATED AT 191 LAFANTE WAY, WHICH PROPERTY IS IDENTIFIED AS BLOCK 412, LOTS 2.03 AND 2.05 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, December 16, 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 Carroll, LaPelusa, Gullace, Perez and President Nadrowski.

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05. Council Members LaPelusa introduced:

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

E 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

073. Valeriy Levin, 20 East 18th Street
Beginning at a point 236 feet west of the south west corner of Broadway and West 18th Street and extending to a point 17 feet west thereof

260. John Szeffler, 119 West 20th Street
Beginning at a point 152 feet of the northwest corner of West 20th Street and Kennedy Boulevard and extending to a point 20 feet west thereof.

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 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, ** 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, LaPelusa, Gullace, Perez and President Nadrowski.

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06. The Council as a whole moved the following resolution 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.

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

From SHELLEY PHILLIPS filing notice of claim alleging property damage to her sidewalk at West 27th Street resulting from a fall tree on August 4, 2020.

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

From KAROL KRUCZYK filing notice of claim alleging property damage to his automobile by a sanitation worker dragging trash can at West 31st Street on September 2, 2020.

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

From Joseph D. Skillender, Jr. Esq., filing notice of claim on behalf of ALYCEA NIGHTINGALE alleging personal injury and property damage resulting from a motor vehicle accident including a vehicle being chased by the Bayonne Police Department on July 29, 2020.

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

From the Tax Court of New Jersey in the matter entitled, “PORTLAND PETROLEUM, INC. vs. the City of Bayonne.” (Industrial)

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

From the Tax Court of New Jersey in the matter entitled, “YES CHRIS DEVELOPMENT, LLC vs. the City of Bayonne.” (Commercial)

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

From the Tax Court of New Jersey in the matter entitled, “S & K ADIMOOLAM vs. the City of Bayonne.”

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

From the Tax Court of New Jersey in the matter entitled, “S & K ADIMOOLAM vs. the City of Bayonne.”

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

From the Tax Court of New Jersey in the matter entitled, “S & K ADIMOOLAM vs. the City of Bayonne.”

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

From the Tax Court of New Jersey in the matter entitled, “S & K ADIMOOLAM vs. the City of Bayonne.”

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

From the Tax Court of New Jersey in the matter entitled, “BAYONNE INDUSTRIES, INC. vs. the City of Bayonne.”

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

From the Tax Court of New Jersey in the matter entitled, “BAYONNE INDUSTRIES, INC. vs. the City of Bayonne.”

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

From the Tax Court of New Jersey in the matter entitled, “IMTT-PIPELINE LLC vs. the City of Bayonne.”

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- 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.

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- 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.

November 10, 2020
02:40 PM

Bayonne City
Bill List By Vendor Id

Page No: 1

P.O. Type: All Include Project Line Items: Yes Open: N Paid: N Void: N
Range: First to Last Rcvd: Y Held: Y Aprv: N
Format: Condensed Bid: Y State: Y Other: Y Exempt: Y

Vendor #	Name						
PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
ACHAR005 AC HARDWARE							
20-02778	10/22/20	DRILL BITS	Open	7.99	0.00		
20000746	11/10/20	Various Supplies	Open	34.24	0.00		
				42.23			
ACTION005 ACTION INTERPRETING LLC							
20-02835	11/03/20	SPANISH INTERPRETER - RENT BRD	Open	190.00	0.00		
AERIA005 AERIAL-RISE, LLC							
20-02568	09/25/20	Equipment Repair	Open	3,507.88	0.00		
ALICIO05 ALICIA LOSONCZY							
20000736	11/08/20	Reimb. for OOP Expenses	Open	210.00	0.00		
APSB005 APS BADGES & INSIGNIA LLC							
20-02546	10/05/20	HELMET FRONTS	Open	814.00	0.00		
20-02617	10/06/20	UNIFORM BADGES	Open	1,630.00	0.00		
20-02694	09/15/20	HELMET FRONTS AND BADGES	Open	963.00	0.00		
				3,407.00			
ATLAN065 ATLANTIC TACTICAL							
20-01689	10/09/20	GUNS ACADEMY TRAINING	Open	751.80	0.00		
20-02391	10/06/20	DUTY HOLSTERS	Open	1,929.45	0.00		
				2,681.25			
BAYON080 BAYONNE EXTERMINATING CO.							
20-02859	10/16/20	Mnthly Pest Ctrl LIBR Sep-Oct20	Open	278.20	0.00		
BAYON090 BAYONNE FAMILY COMMUNITY CENTE							
20-02888	11/07/20	B00A Emergency Assistance	Open	525.00	0.00		
CD-10365	09/11/20	GY21 CV Childcare Svcs PPE	Open	94,985.84	0.00		B
				95,510.84			
BAYON365 BAYONNE ECONOMIC OPPORTUNITY F							
20000285	04/21/20	Senior Nutrition Prog.CY2020	Open	37,930.80	0.00	C0-00039	C
CD-10319	12/06/19	CY2020 COBG Admin & Planning	Open	18,333.33	0.00		B
CD-10339	08/06/20	GY20 Sr. Transportation S&W	Open	3,512.66	0.00		B
CD-10340	08/06/20	GY20 Fair Housing Counseling	Open	5,727.76	0.00		B
CD-10342	08/06/20	GY20 Sr. Transportation Ins.	Open	329.77	0.00		B
CD-10360	09/11/20	GY21 CV Rental Assistance	Open	71,123.60	0.00		B
CD-10376	11/08/20	GY21 CV Admin & Planning	Open	10,593.82	0.00		B
				147,551.74			
BIBLIO05 BIBLIOTHECA + 3M							
20-02869	09/30/20	Subscriptions Oct'20-Oct'21	Open	2,235.17	0.00		
BOBSC005 BOB'S CARPET SERVICE							
20-02521	10/15/20	FLOORING	Open	1,433.75	0.00		

November 10, 2020
02:40 PM

Bayonne City
Bill List By Vendor Id

Page No: 2

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
BREWE005	BREWER ASSOCIATES								
		20-02834	11/03/20	Monthly Meter Reading	Open	75.00	0.00		
BSNSP005	BSN SPORTS INC								
		20-02641	06/04/20	DPW Supplies	Open	1,015.94	0.00		
BUYWI005	BUY WISE WHOLESALE AUTO PARTS								
		20000047	01/15/20	Auto Parts & Supplies	Open	10,916.79	0.00		B
CABLE020	CABLEVISION								
		20000709	10/16/20	Acct 07804030551014 Oct-Nov'20	Open	110.43	0.00		
		20000710	10/16/20	Acct 07804031398019 Oct-Nov'20	Open	224.94	0.00		
		20000711	10/16/20	Acct 07804032015018 Oct-Nov'20	Open	104.09	0.00		
		20000712	10/16/20	Acct 07804033378019 Oct-Nov'20	Open	134.94	0.00		
		20000713	10/16/20	Acct 07804033540014 Oct-Nov'20	Open	8.33	0.00		
		20000714	10/16/20	Acct 07804035999011 Oct-Nov'20	Open	139.88	0.00		
		20000715	10/16/20	Acct 07804036575026 Oct-Nov'20	Open	39.59	0.00		
		20000716	10/16/20	Acct 07804038553012 Oct-Nov'20	Open	100.39	0.00		
		20000717	10/16/20	Acct 07804039775011 Oct-Nov'20	Open	236.23	0.00		
		20000729	11/01/20	Acct 07804026567017 Nov'20	Open	24.36	0.00		
		20000730	11/01/20	Acct 07804026685017 Nov'20	Open	108.28	0.00		
		20000731	11/01/20	Acct 07804031452021 Nov'20	Open	26.16	0.00		
		20000732	11/01/20	Acct 07804031865018 Nov'20	Open	33.31	0.00		
		20000733	11/01/20	Acct 07804031897011 Nov'20	Open	11.45	0.00		
		20000734	11/01/20	Acct 07804039171011 Nov'20	Open	109.96	0.00		
		20000735	11/01/20	Acct 07804039744016 Nov'20	Open	126.43	0.00		
						1,538.77			
CAMPB015	CAMPBELL SUPPLY CO. INC.								
		20-02720	10/06/20	Repair Parts	Open	421.20	0.00		
		20-02804	10/12/20	Repair Parts	Open	53.60	0.00		
						474.80			
CAMPI005	RICHARD CAMPISANO								
		DE-10049	01/14/20	Developer Escrow Billing CY20	Open	2,450.00	0.00		
CDWGO005	CDW GOVERNMENT								
		20-01211	04/30/20	POWER ADAPTER/CABLE	Open	189.10	0.00		
		20-02637	10/14/20	UNIVERSAL DOCK- RAMOS	Open	236.32	0.00		
		20-02752	10/21/20	MICROSOFT LICENSES	Open	6,562.40	0.00		
		20-02798	10/30/20	LICENSES FOR IPADS	Open	520.00	0.00		
		20-02813	11/02/20	SCANNER	Open	475.51	0.00		
						7,983.33			
CENTR025	CENTRAL PAINT								
		20-02820	10/23/20	Painting Supplies	Open	82.74	0.00		
CERTI005	CERTIFIED PRODUCTS								
		20-02717	05/11/20	Repair Parts	Open	446.11	0.00		
CHAND005	CHANDELIER RESTAURANT								
		20-02865	11/02/20	Prisoner Meals Oct'20	Open	39.25	0.00		

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CMEAS005	CME ASSOCIATES								
		20000190	03/17/20	Municipal Engineer	Open	90,890.50	0.00	C0-00026	C
		DE-10048	01/14/20	Developer Escrow Billing CY20	Open	14,040.00	0.00		
						104,930.50			
COMM020	COMMUNITY DAY NURSERY								
		CD-10370	09/11/20	GY21 CV Childcare PPE	Open	5,852.33	0.00		B
CONT010	CONTINENTAL TRADING & HARDWARE								
		20-02816	10/20/20	Plumbing Supplies	Open	1,780.83	0.00		
COUNT015	COUNTY OF BERGEN								
		20-02878	10/07/20	FF1/FF2 TRAINING CLASS	Open	12,175.00	0.00		
CUST0005	CUSTOM BANDAG INC.								
		20-02723	10/09/20	Repair Parts	Open	613.40	0.00		
		20-02842	10/23/20	Repair Parts	Open	5,242.72	0.00		
						5,856.12			
DANIE035	DANIEL R. ERDAHL								
		20-02885	11/07/20	A Night on Broadway Oct. 9	Open	250.00	0.00		
DAVIS020	DRS. DAVIS								
		20-02889	11/07/20	BOOA Eye Program	Open	300.00	0.00		
DECOR005	RILEIGHS OUTDOOR DECOR								
		20-02837	11/03/20	Rileighs Outdoor Decor	Open	1,000.00	0.00		
		20-02838	11/03/20	Install Lights BUEZSID	Open	4,730.00	0.00		
		20-02839	11/03/20		Open	5,700.00	0.00		
						11,430.00			
DELTA010	DELTA STORAGE LLC								
		20-02856	11/04/20	Payment for Oct. 26,2020	Open	120.00	0.00		
DILLI005	DILLIN TIRE CO.								
		20-02805	10/23/20	Tire disposals Oct'20	Open	472.50	0.00		
EMBLE005	EMBLEM ENTERPRISES INC.								
		20-02771	10/06/20	BAYONNE POLICE PATCHES (500)	Open	732.19	0.00		
EMERG020	EMERGI-CLEAN INC.								
		20-02773	10/07/20	10/7/20 SERVICES, INV# 2020593	Open	285.00	0.00		
		20-02776	10/14/20	10/12/20 SERVICES	Open	285.00	0.00		
		20-02868	10/26/20	Decon Services 10/24/20	Open	342.00	0.00		
						912.00			
EOM51005	EOM 516 BROADWAY, LLC								
		DE-10063	11/09/20	Escrow Closeout - #962	Open	237.09	0.00		
EZPAS010	EZ PASS								
		20-02845	10/29/20	REPLENISH ACCT	Open	1,000.00	0.00		

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PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
FEDEX210 FEDEX							
20-02764	10/12/20	Coffey to Wyciskala	Open	35.50	0.00		
20000737	09/14/20	Acct 2530-1877-1 Fairview Ins.	Open	62.57	0.00		
				98.07			
FERRO005 VINCENT FERRONE							
20-02884	11/07/20	Outdoor Dining Oct. 22, 2020	Open	250.00	0.00		
GABRI010 GABRIELLI KENWORTH OF NJ LLC							
20-02721	10/02/20	Tank Brackets	Open	381.00	0.00		
GENER040 GENERAL PLUMBING SUPPLY							
20-02815	09/23/20	Plumbing Supplies	Open	627.56	0.00		
20-02817	10/21/20	Plumbing Supplies	Open	709.90	0.00		
				1,337.46			
GENER055 GENERAL SALES ADMINISTRATION							
20-02777	09/10/20	LIGHTHEAD & BRACKETS	Open	179.14	0.00		
GERBE015 GERBER LIFE INSURANCE CO.							
TR-10012	10/17/17	Stop Loss - Annual Premium	Open	63,000.00	0.00		
GOLDS005 GOLD'S CAR WASH, INC.							
20-02825	10/31/20	Car Washes DPW Sep-Oct'20	Open	26.00	0.00		
GRAIN005 GRAINGER							
20-02550	10/07/20	Wasp & Hornet Killer	Open	462.39	0.00		
20-02551	10/07/20	Allo Purpose Cleaner	Open	234.95	0.00		
20-02790	10/30/20	Janitorial Supplies	Open	549.83	0.00		
V0000303	10/14/20	Weatherproop Vibrating Horn	Open	119.79	0.00		
V0000347	10/14/20	Janitorial Supplies	Open	1,332.20	0.00		
V0000351	10/16/20	Janitorial Supplies	Open	370.56	0.00		
				3,069.72			
HITAC005 HITACHI VANTARA CORP.							
20-02847	11/04/20	7/1/20-12/31/20	Open	23,250.00	0.00	C0-00053	C
HUDSO110 HUDSON PLAZA MOTEL							
20-02892	11/07/20	BOOA Emergency Assistance	Open	498.00	0.00		
HUDSO135 HUDSON COUNTY IMPROVEMENT AUTH							
20000182	03/16/20	Solid Waste Mng.Plan CY2020	Open	454,398.34	0.00	C0-00032	C
HUDSO170 HUDSON DNA & DRUG TESTING, LLC							
20-02831	08/27/20	DOT URINE DRUG SCRNS Aug-Sep20	Open	780.00	0.00		
HUGHE005 Hughes & Finnerty P C							
20000158	03/09/20	M.Public Defender CY2020	Open	5,833.33	0.00	C0-00011	C
HYEPE005 HYE PETROLEUM							
20000726	09/15/20	Gasoline DPW 08/15-09/29/20	Open	289.95	0.00		

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PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type	
HYEP005 HYE PETROLEUM								
Continued								
20000727	08/15/20	Gasoline PD 07/30-09/21/20	Open	<u>176.21</u>	0.00			
				466.16				
IHARP005 I. HALPER PAPER & SUPPLIES, INC								
20-02767	10/19/20	COVID-19 SUPPLIES	Open	1,350.85	0.00			
20-02768	10/19/20	JANITORIAL SUPPLIES	Open	155.85	0.00			
20-02769	10/20/20	TRASH BAGS	Open	<u>98.25</u>	0.00			
				1,604.95				
INLIN005 IN-LINE AIR CONDITIONING								
20-02824	10/15/20	HVAC Repair Oct'20	Open	588.74	0.00	C0-00005	C	
INTEG010 INTEGRATED TECHNICAL SYSTEMS I								
20000745	11/09/20	Service/Warranty Agreement	Open	9,555.00	0.00			
INTEG015 INTEGRATED MICRO SYSTEMS								
20-02879	08/31/20	Monthly IT Service Fees Aug'20	Open	6,918.00	0.00	C0-00033	C	
20-02882	11/02/20	Monthly IT Service Fees Oct'20	Open	7,690.00	0.00	C0-00033	C	
20000721	10/12/20	IT Equipment-Covid, Court	Open	1,004.00	0.00	C0-00058	C	
20000722	10/12/20	Samsung TV Bldg.Dept.-Covid	Open	3,697.00	0.00	C0-00058	C	
20000723	10/12/20	IT Equipment-Covid	Open	579.00	0.00	C0-00058	C	
20000724	10/12/20	8 Laptops	Open	<u>5,704.00</u>	0.00	C0-00058	C	
				25,592.00				
INTER090 Interstate Waste Services								
20-02821	07/31/20	Rclg DemoScale 07/10-007/28/20	Open	725.92	0.00			
JACQU010 Jacqueline McNulty								
20-02818	10/20/20	Reimbsmt for Batteries	Open	70.21	0.00			
JERSE060 JERSEY JOURNAL								
20-02774	10/02/20	LEGAL ADVERTISEMENT	Open	354.77	0.00			
DE-10050	01/14/20	Developer Escrow Billing Cy20	Open	<u>59.00</u>	0.00			
				413.77				
JEWEL005 JEWEL ELECTRIC SUPPLY CO.								
20-02390	10/01/20	80W LED Flood Light	Open	1,512.00	0.00			
JEWIS005 JEWISH COMMUNITY CENTER OF BAY								
CD-10368	09/11/20	GY21 CV PE Supplies	Open	14,314.73	0.00		B	
JJPRI005 J&J PRINTING CO.								
20-02822	10/18/20	BUSINESS CARDS FOR F.O BOYLE	Open	70.00	0.00			
20-02833	11/03/20		Open	465.00	0.00			
V0000356	10/21/20	Business Cards & Other Printg.	Open	1,100.00	0.00			
V0000357	10/20/19	Fall Ball Event Tickets	Open	<u>70.00</u>	0.00			
				1,705.00				
JOHNP010 JOHN PORCARO								
20-02881	10/30/20	Reimbursements - JP	Open	444.99	0.00			

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JPMAN005	JPMONZO MUNICIPAL CONSULTING,L								
		20000024	01/10/20	Legislative update on Covid	Open	50.00	0.00		
KEITH005	KEITH BORRELLI								
		20-02886	11/07/20	Night On Broadway OCT. 9	Open	250.00	0.00		
KRIST015	KRISTEN BESSINGER								
		20-02772	10/20/20	CURTAIN RODS FOR FIRE DEPT.	Open	32.44	0.00		
		20-02828	10/27/20	OFFICE DECOR	Open	196.06	0.00		
		20-02894	11/05/20	FIRE DEPT. DECALS	Open	42.62	0.00		
						271.12			
LAWSO005	LAWSON PRODUCTS INC.								
		20-02806	10/22/20	Repair Supplies	Open	1,322.42	0.00		
LOWES005	LOWES								
		20-02823	10/22/20	SUPPLIES FOR SQUAD 5/ENGINE 7	Open	28.14	0.00		
MAMCO010	MAMCO								
		V0000328	10/14/20	Graffiti Buster	Open	344.00	0.00		
MARKW005	MARK WHITE, PH.D P.A								
		20-02827	10/14/20	PSYCH.EVALUATIONS FOR NEW F/F	Open	10,710.00	0.00		
MATRI010	MATRIX NEW WORLD ENGINEERING,I								
		20000027	01/11/20	Special Projects Engineer	Open	1,800.00	0.00		
		20000346	05/11/20	Ferry Terminal - Engineer Svcs	Open	2,730.00	0.00		
		20000428	06/15/20	2020 LSRP Services	Open	13,536.25	0.00	CO-00015	C
						18,066.25			
MEDIN005	JONATHAN MEDINA								
		20-02899	11/09/20	General Election Workers	Open	186.00	0.00		
MEDIN020	MICHAEL MEDINA								
		20-02900	11/09/20	General Election Worker	Open	186.00	0.00		
MGLPR005	MGL PRINTING SOLUTIONS								
		20-02037	10/07/20	Dog and Cat License Tags	Open	638.00	0.00		
MIDAT005	MID-ATLANTIC TRUCK CENTER								
		20-02719	10/06/20	Repair Parts	Open	67.45	0.00		
		20-02801	10/19/20	Tube Assembly	Open	35.84	0.00		
						103.29			
MILLE020	MILLENNIUM STRATEGIES LLC								
		20000110	02/13/20	Grant W.&Mng.Consulting CY2020	Open	5,500.00	0.00	CO-00020	C
MOBIL025	MOBILE TECH, INC.								
		20-02826	10/26/20	RADIO REPAIR	Open	558.00	0.00		
		20-02872	11/04/20	PORTABLE RADIO REPAIR	Open	607.50	0.00		
						1,165.50			

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MRMIL005	M & R MILLER AUTO GEAR						
20-02775	10/20/20	CAR SOAP/ FLASH LIGHT	Open	134.94	0.00		
20000046	01/15/20	Auto Parts & Supplies	Open	<u>1,411.55</u>	0.00		B
				1,546.49			
NAPAA005	NAPA AUTO PARTS						
20000048	01/15/20	Auto Parts & Supplies	Open	1,567.72	0.00		B
NEWSP005	NEWSPAPER MEDIA GROUP, LLC						
20-02840	11/03/20	Dine Out Ads-BPHARVEST-Outdoor	Open	846.00	0.00		
NJLM0005	NJLM						
20-02393	09/18/20	ANNUAL CONF (VIRTUAL) 11/16-20	Open	220.00	0.00		
OCLCF005	OCLC Inc.						
20-02866	11/01/20	Cataloging & Metadata Nov'20	Open	1,458.77	0.00		
20-02867	11/01/20	Cntnt Base Sbscpt Nov20-Oct21	Open	<u>3,397.80</u>	0.00		
				4,856.57			
ORLAN005	GEORGE ORLANDO						
20-02836	11/03/20	Bergen Point Festival	Open	250.00	0.00		
ORSIN005	ORSINI CUSTOM SCREEN PRINTING						
20-02765	10/16/20	MASKS-COVID-19	Open	2,375.00	0.00		
PALIS005	PALISADE EYE ASSOCIATES						
20-02890	11/07/20	BOOA Eye Program	Open	300.00	0.00		
PARSO005	PARSONS ENVIRONMENT & INFRASTR						
20-02722	10/05/20	Emissions Testing Fee Sep'20	Open	72.54	0.00		
20-02802	09/05/20	Emission Testing Fee Aug'20	Open	<u>72.54</u>	0.00		
				145.08			
PC000005	KRIVIT & KRIVIT P.C.						
20000180	03/12/20	Legal Ser&State Grant F CY2020	Open	10,000.00	0.00	c0-00013	C
PITNE005	PITNEY BOWES INC						
20-02862	10/15/20	LIBR Postage Meter Lease Q4'20	Open	174.00	0.00		
PORTA005	PORT AUTHORITY OF NY & NJ						
20000706	09/28/20	Acct 404112 Aug'20	Open	801.94	0.00		
PROAC010	PROACT, INC						
TR-10014	10/23/17	Prescription Benefit Plan	Open	288,980.90	0.00		
PSEG0005	PSE&G						
20000707	10/13/20	Acct 1301408301 09/04-10/06/20	Open	293.56	0.00		
20000708	10/15/20	Acct 7394366901 09/15-10/13/20	Open	60.63	0.00		
20000719	10/20/20	Acct 7458684208 09/18-10/16/20	Open	275.24	0.00		
20000720	10/22/20	Acct 7455992718 09/22-10/20/20	Open	<u>27.66</u>	0.00		
				657.09			

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PO #	PO Date Description					
RACH005	RACHLES/MICHELE'S OIL COMPANY					
20000279	04/15/20 Fuel Billing CY2020	Open	15,841.65	0.00		
READY005	READY REFRESH BY NESTLE					
20000718	10/13/20 Acct 0442720751 Sep-Oct'20	Open	239.51	0.00		
RICH030	RICHARD KILLMER					
20-02766	10/19/20 REIMBURSEMENT BIKES & DRONES	Open	126.22	0.00		
ROCHE015	J&P STUDIOS, LLC					
20-02829	10/23/20 PORTRAITS	Open	480.00	0.00		
ROSEG005	ROSEGATE VILLAGE CONDO ASSOCIA					
20000156	03/06/20 Municipal Reimb.for PSE&G 2020	Open	471.63	0.00		
RXEXP005	RX EXPRESS MARKETING INC					
20-02857	11/04/20 Advertising for Bags Hudackos	Open	468.00	0.00		
SACAL005	SACALIS FLORIST					
20-02871	09/11/20 911 MALTESE CROSS	Open	257.00	0.00		
SAFET015	SAFETY KLEEN CORP.					
20-02803	10/05/20 Parts Washer Solvent	Open	214.00	0.00		
SBPIN005	SBP INDUSTRIES					
20-02770	10/12/20 Backup Battery Replacement	Open	321.09	0.00		
SEEBU005	ROBERT SEEBURGER					
20-02896	11/04/20 T.V.S FOR A/V PROJECT	Open	1,033.07	0.00		
SIGNA005	SIGNAL CONTROL PRODUCTS					
V0000318	10/06/20 Traffic Signal Cable	Open	1,508.00	0.00		
SIRCH005	SIRCHIE FINGERPRINT LABORATORI					
20-02501	10/05/20 EVIDENCE SUPPLIES	Open	677.65	0.00		
SOCIE005	LIBERTY HUMANE SOCIETY					
20000242	04/06/20 Animal Control&shelter S.2020	Open	14,150.00	0.00	C0-00037	C
SPRIN015	SPRINT					
20000739	10/30/20 Acct 760119137, Sep-Oct'20	Open	54.12	0.00		
STAND005	STANDARD ELEVATOR CORP.					
20-02861	10/01/20 Mnty Elvtr Maint. LIBR Oct'20	Open	246.15	0.00		
STAPL010	STAPLES, INC.					
20-02639	10/17/20 Daily Appointment Books	Open	971.70	0.00		
V0000205	10/06/20 Hand Truck	Open	515.97	0.00		
V0000313	10/13/20 Staples Office Supplies	Open	229.70	0.00		
V0000348	10/07/20 Staples Office Supplies	Open	180.57	0.00		
			1,897.94			

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STEAD005	STEADFAST								
		20-02718	10/06/20	Repair Supplies	Open	276.32	0.00		
STEVE005	STEVENS JERSEY CITY FORD								
		20-02760	09/02/20	Repair Parts	Open	358.08	0.00		
		20-02800	10/16/20	Repair Parts	Open	52.94	0.00		
						411.02			
SUBUR010	SUBURBAN DISPOSAL, INC.								
		20000124	02/14/20	Solid Wast collection CY2020	Open	141,166.66	0.00	CO-00023	C
		20000137	02/21/20	Recycling Collection CY2020	Open	85,833.33	0.00	CO-00022	C
						226,999.99			
SURGI005	JERRY'S DRUG & SURGICAL								
		20-02887	11/07/20	BOOA Emergency Assistance	Open	119.00	0.00		
TERRE010	TERRE CO OF NEW JERSEY								
		20-00683	03/20/20	Field Mix & Top Soil	Open	2,254.56	0.00		
		20-01521	06/18/20	Roundup Weed Killer	Open	698.80	0.00		
		20-02355	10/13/20	Landscaping Supplies	Open	4,966.85	0.00		
						7,920.21			
TETHE005	TETHERVIEW, LLC								
		20000570	08/18/20	Hosting of City Meetings	Open	1,500.00	0.00	CO-00047	C
THEPI005	THE PIZZUTO GROUP INC.								
		20-02696	10/21/20	MASKS	Open	2,285.00	0.00		
TIMMOR05	TIMOTHY J.MORIARTY, ESQ.								
		20000115	02/13/20	Prof.Ser.as B.M.Prosecuter2020	Open	3,000.00	0.00	CO-00010	C
TREKB005	TREK BICYCLE STORE								
		20-01575	09/23/20	POLICE BICYCLES	Open	23,183.38	0.00		
TRIAD005	TRIAD ASSOCIATES								
		CD-10283	07/09/19	CDBG Admin & Planning Consult	Open	918.75	0.00		
TRINITAS	TRINITAS REGIONAL MEDICAL CENT								
		CD-10350	08/06/20	GY20 Addiction Counseling	Open	3,250.00	0.00		B
		CD-10351	08/06/20	GY20 Psychiatric Services	Open	3,250.00	0.00		B
						6,500.00			
TURN0005	TURN OUT FIRE & SAFETY INC								
		20-02844	10/21/20	FIREMEN UNIFORMS	Open	2,230.46	0.00		
ULTIM005	ULTIMATE AUDIO								
		20-02830	10/14/20	WINDOW TINT	Open	80.00	0.00		
UNITE110	UNITED SITE SERVICES								
		20-02819	10/01/20	Pt1 RR RY-330 Hook&9/11M Oct20	Open	468.01	0.00		
		20-02864	10/02/20	Ptb1 RR 330 Hook DPW Oct'20	Open	215.00	0.00		
						683.01			

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PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
UNLIM005 SPECS UNLIMITED							
20-02891	11/07/20	BOOA Eye Program	Open	855.00	0.00		
VERIZ005 VERIZON BUSINESS							
20000740	10/25/20	Acct 93282293 Sep-Oct'20	Open	317.10	0.00		
VERIZ020 VERIZON							
20-02863	10/15/20	Acct 750717365000190 Oct-Nov20	Open	19.65	0.00		
20000743	10/31/20	Acct 251285631000158 Nov'20	Open	183.72	0.00		
				203.37			
VERIZ075 VERIZON WIRELESS							
20-02873	10/23/20	Acct 242078130-00002 Sep-Oct20	Open	963.00	0.00		
20000728	11/06/20	Acct 685477848-00001 Sep-Oct20	Open	565.66	0.00		
20000741	10/23/20	Acct 642003467-00001 Sep-Oct20	Open	525.19	0.00		
20000744	11/01/20	Acct 286793355-00001 Oct'20	Open	613.26	0.00		
				2,667.11			
WALL0005 DANIEL WALL							
20-02877	10/26/20	Reimbursement Fire Protection	Open	91.00	0.00		
WALTE010 WALTER A. MCDERMOTT							
20000742	11/09/20	Cnsltg Fee A.McDermott-Phone	Open	9,266.22	0.00		
WBMA010 WB MASON CO. INC.							
19-03571	12/16/19	Office Supplies	Open	23.47	0.00		
20-00746	04/02/20	WBM Office Supplies	Open	65.61	0.00		
20-02436	09/29/20	WBM Office Supplies	Open	621.99	0.00		
20-02438	10/06/20	RAMOS SUPPLIES	Open	248.31	0.00		
20-02488	10/08/20	OFFICE SUPPLIES	Open	250.06	0.00		
20-02614	10/09/20	PARSLEY, CROSSING GUARDS,RAMOS	Open	99.74	0.00		
20-02616	10/09/20	Office Calendars	Open	182.54	0.00		
20-02638	10/15/20	OFFICE SUPPLIES	Open	105.67	0.00		
20-02640	10/15/20	Wall Calendars	Open	332.07	0.00		
20-02689	10/19/20	2021 Callendars	Open	65.44	0.00		
20-02691	10/19/20	Office Supplies	Open	302.29	0.00		
20-02708	10/21/20	WBM Office Supplies	Open	286.16	0.00		
20-02753	10/26/20	JUVI, BCI	Open	279.54	0.00		
				2,862.89			
WEBER005 OTTO WEBER							
20-02897	11/04/20	3 BUTTON REMOTE FOR MSU TRUCK	Open	34.34	0.00		
XEROX020 XEROX CORPORATION							
20-02860	10/01/20	Copiers w7845PT,W7225P,WC6655X	Open	527.73	0.00		
CD-10297	08/14/19	Base & Meter Charges	Open	642.95	0.00		
				1,170.68			
Total Purchase Orders: 221 Total P.O. Line Items: 0 Total List Amount: 1,721,316.27 Total Void Amount: 0.00							

Totals by Year-Fund							
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND	0-01	1,359,609.92	0.00	1,359,609.92	0.00	0.00	1,359,609.92
PARKING FUND	0-05	1,668.22	0.00	1,668.22	0.00	0.00	1,668.22
Year Total:		1,361,278.14	0.00	1,361,278.14	0.00	0.00	1,361,278.14
CURRENT FUND	9-01	93.47	0.00	93.47	0.00	0.00	93.47
GENERAL CAPITAL F	C-04	2,730.00	0.00	2,730.00	0.00	0.00	2,730.00
	C-06	9,555.00	0.00	9,555.00	0.00	0.00	9,555.00
Year Total:		12,285.00	0.00	12,285.00	0.00	0.00	12,285.00
FEDERAL AND STATE	G-02	68,450.80	23,183.38	91,634.18	0.00	0.00	91,634.18
CDBG	T-03	233,351.51	0.00	233,351.51	0.00	0.00	233,351.51
TRUST-OTHER	T-12	20,873.97	0.00	20,873.97	0.00	0.00	20,873.97
REDEVELOPMENT ESC	T-27	1,800.00	0.00	1,800.00	0.00	0.00	1,800.00
Year Total:		256,025.48	0.00	256,025.48	0.00	0.00	256,025.48
Total Of All Funds:		1,698,132.89	23,183.38	1,721,316.27	0.00	0.00	1,721,316.27

* * * * *

21. 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.

* * * * *

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

RESOLVED, That the official minutes of the regular council meeting held Wednesday, October 21, 2020 be and the same are hereby approved.

* * * * *

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

RESOLVED, That the official minutes of the council caucus meeting held Wednesday, October 14, 2020, be and the same are hereby approved.

* * * * *

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 special council meeting held Wednesday, October 7, 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 a warrant in the amount of \$ 7.80 drawn of the Bureau of Rabies Control, State Department of Health, Trenton, New Jersey, covering the issuance of licenses Nos. 778-781 inclusive, 4 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.

* * * * *

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
98	24	GARRY M. BRINK & ANNIE J. BRINK	2,981.75
239	20	MICHAEL PETROSINI & KRYSTLE N. PETROSINI	522.77
285	24	PETER NAKHLA	2,629.41
291	10	NASHAAT YOUSSEF & MONA MANSOUR	2,816.00
330	10	MICHAEL I. SCHNECK TRUSTEE FOR 155 BROADWAY LLC	19,582.54
416	3	JERSAM REALTY, LLC.	107,820.00
TOTAL			136,352.47

* * * * *

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

WHEREAS, the City of Bayonne Police Department has established a need for maintenance and support for its Police Public Safety Software, CAD-RMS-WDA Software, currently in use for the period commencing January 1, 2021 and ending December 31, 2021; and

WHEREAS, ProPhoenix Corporation, 502 Pleasant Valley Avenue, Suite 1, Moorestown, NJ

08057 has provided the City with an invoice for said maintenance and support for said CAD-RMS-WDA Software for the period commencing January 1, 2021 through December 31, 2021, for an amount of \$55,785.11; and

WHEREAS, the Director of Public Safety has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, bids need not be solicited for these services pursuant to the statutory guidelines of N.J.S.A. 40A:11-5(dd) insofar as said software maintenance and support services are proprietary in nature; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.(e) the award of the contract shall be subject to the availability and appropriation of funds in the CY 2021 temporary and permanent budgets in various accounts; and

WHEREAS, PropPhoenix Corporation has completed and submitted a "Business Entity Disclosure Certification for Non-Fair and Open Contracts" required Pursuant to N.J.S.A. 19:44A-20.8 which certifies that PropPhoenix Corporation has not made any reportable contributions to a political or candidate committee in the City of Bayonne in the previous one year, and that the contract will prohibit PropPhoenix Corporation from making any reportable contributions through the term of the contract; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and the City Clerk are hereby authorized to enter into a contract with PropPhoenix Corporation, 502 Pleasant Valley Avenue, Suite 1, Moorestown, NJ 08057 for continued maintenance and support for its Police Public Safety Software, CAD-RMS-WDA Software, for the period commencing January 1, 2021 and ending December 31, 2021 for the amount of \$55,785.11.

2. Funds shall be charged to various accounts subject to the availability and appropriation of funds in the CY 2021 temporary and permanent budgets

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

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

* * * * *

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

Whereas, the City of Bayonne desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for \$20,000.00 to carry out a project to provide inclusive recreational opportunities for teenagers and adults with disabilities as a part of Bayonne's recreational programming.

Be it therefore RESOLVED,

1) that the MAYOR AND COUNCIL OF THE CITY OF BAYONNE does hereby authorize the application for such a grant; and,

2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between THE CITY OF BAYONNE and the New Jersey Department of Community Affairs;

3) the MAYOR AND COUNCIL OF THE CITY OF BAYONNE authorizes the expenditure of the required 20% match for this grant opportunity.

* * * * *

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

WHEREAS, in order for the City to be certified to receive federal funding for construction projects through the Federal Aid Highway Program, the City was required to adopt Policies and Procedures and Standard Operating Procedures for Locally Administered Federal Aid Projects (“Policies and Procedures and SOP”); and

WHEREAS, the City did adopt said Policies and Procedures and SOP as required by the Federal Highway Administration by way of Resolution No. 19-05-15-053 adopted on May 15, 2019; and

WHEREAS, said Resolution No. 19-05-15-053, also authorized the City to submit a copy of the Policies and Procedures and SOP to the New Jersey Department of Transportation (the “NJDOT”) for final approval; and

WHEREAS, said Policies and Procedures and SOP adopted by the City required a three (3) year retention period for consultant procurement and executed contracts (“Consultant Procurement Documents”); and

WHEREAS, the City was advised that the NJDOT required a seven (7) year retention period for Consultant Procurement Documents; and

WHEREAS, in order to expedite the certification process, the Law Director authorized the Policies and Procedures and SOP be amended to conform to the seven (7) year retention period for Consultant Procurement Documents as required by the NJDOT prior to obtaining approval from this body; and

WHEREAS, on November 6, 2019 this Municipal Council passed Resolution No. 19-11-06-028 ratifying and affirming the action of the Law Director and adopting the revised Policies and Procedures and SOP for Locally Administered Federal Aid Projects; and

WHEREAS, City of Bayonne’s Policies and Procedures and SOP for Locally Administered Federal Aid Projects were again revised on August 27, 2020; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The actions of the Law Director in authorizing the revisions to the City of Bayonne’s Policies and Procedures and SOP for Locally Administered Federal Aid Projects dated August 27, 2020 are hereby ratified and affirmed.

2. The Municipal Council hereby adopts the revised Policies and Procedures and SOP for Locally Administered Federal Aid Projects dated August 27, 2020..

3. The revised City of Bayonne’s Policies and Procedures and SOP for Locally Administered Federal Aid Projects dated August 27, 2020 shall supersede those approved and adopted by the Municipal Council on May 15, 2019 pursuant to Resolution 19-05-15-053 and on November 6, 2019 pursuant to Resolution No. 19-11-06-028.

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

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

RESOVLED, That the Purchasing Agent is hereby authorizing to purchase 14 sets of structural firefighting turnout protective gear and 17 pairs of structural firefighting boots from SKYLANDS AREA FIRE EQUIPMENT AND TRAINING, LLC, Rivervale, NJ under State Contract #17-FLEET-00810 and 17-FLEET-00809 for the amount of \$43,412.52.

RESOLVED, that the above in chargeable under Capital Bond Ordinance O-19-56.

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

Granting 4 raffle licenses to qualified organizations.

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

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

WHEREAS, Open Text, Inc., c/o J.P. Morgan Lockbox, 24685 Network Place Chicago, IL 60673 has provided the City with an invoice for said services for the period commencing January 1, 2021 and ending December 31, 2021, for a total contract amount of \$5,331.86; and

WHEREAS, funds for said agreement have been certified as available in Account #PS-9/0-1-25-240-0000-029 pending adoption of the 2021 budget; and

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

RESOLVED, that the Mayor and his designee of the City of Bayonne are hereby authorized to enter into a service agreement with Open Text, Inc., c/o J.P. Morgan Lockbox, 24685 Network Place Chicago, IL 60673, for application software support services for Alchemy brand document-imaging software housed in the Police Department for a one year period commencing January 1, 2021 and ending December 31, 2021, for a total contract amount of \$5,331.86, and said funds have been certified available in Account #PS-9 0-1-25-240-0000-029 pending adoption of the 2021 budget; and be it further

RESOLVED, that the Municipal Treasurer be and is hereby authorized and directed to issue a warrant payable to Open Text, Inc.in the amount of \$5,331.86 in payment for such services.

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

* * * * *

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

RESOLUTION OF THE BAYONNE CITY COUNCIL ACCEPTING
THE BEST PRACTICES QUESTIONNAIRE

WHEREAS, Local Finance Notice 2020-20 dated September 22, 2020 directs that the City must complete the Inventory and return it to the Division of Local Government Service by November 3, 2020; and

WHEREAS, the Chief Financial Officer gathered the necessary information needed to complete the Best Practices inventory Questionnaire and have certified same; and

WHEREAS, the data collected by the Division of Local Government Services will be used to encourage municipalities to consider and embrace a range of best practices that will help improve financial accountability and transparency; and

WHEREAS, the results of this Best Practices Inventory Questionnaire will enable the Division of Local Government Services to determine how much aid will be allocated under the Consolidated Municipal Property Tax Relief Act and Energy Tax Receipt Act; and

WHEREAS, the Act requires the completed questionnaire to be an agenda item for discussion at a Municipal Council meeting and the Municipal Clerk to certify to such; and

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the City of Bayonne accepts the Best Practices Inventory Questionnaire as prepared by the Chief Financial Officer.

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

* * * * *

35. Council Member LaPelusa moved the following resolution, seconded by Council Member

Gullace which was read by the Clerk and adopted

WHEREAS, N.J.S.A 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the municipal budget when such item has been made available after the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount,

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the City of Bayonne, that the City requests the Director of the Division of Local Government Services to approve the insertion of the following items of revenue in the CY2020 Municipal Budget:

Grant Name	From	To
CY2020 HC Open Space Grant (Russell Golding Park Ph 2)	0.00	\$500,000.00

BE IT FURTHER RESOLVED, that a like sum be approved to be appropriated in the same budget,

Grant Name	From	To
CY2020 HC Open Space Grant (Russell Golding Park Ph 2)	0.00	\$500,000.00

BE IT FURTHER RESOLVED, that notification of these budget changes will be made by the Chief Financial Officer to the Director of the Division of Local Government Services through the electronic submission process.

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

* * * * *

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

WHEREAS, by way of Resolution No. 19-12-18-061 adopted by the Municipal Council on December 18, 2019, the City entered into Agreement No. CY20-009 with Chasan, Lamparella, Mallon & Cappuzzo, P.C., 300 Lighting Way, Suite 200, Secaucus, New Jersey for professional legal services in defense of the City in matters before the State Tax Court of the State of New Jersey, for the period commencing January 1, 2020 and ending December 31, 2020 for maximum contract amount not to exceed \$55,000.00; and

WHEREAS, the Chief Financial Officer has advised that, due to the Citywide Revaluation, more tax appeals were filed at the State Tax Court level than were anticipated at the time of the original contract award, and it is necessary to increase the aforesaid Contract No. CY20-009 in the amount of \$75,000.00, thereby making the total contract amount not to exceed \$130,000.00; and

WHEREAS, funds are certified as available in Account No. 0-01-20-156-0000-028; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to execute an amendment to the aforementioned Agreement No. CY20-009 with Chasan, Lamparella, Mallon & Cappuzzo, P.C., 300 Lighting Way, Suite 200, Secaucus, New Jersey increasing same in the amount of \$75,000.00, thereby making the total contract amount not to exceed \$130,000.00.
2. Funds shall be charged to Accounts 0-01-20-156-0000-0028.
3. All other terms of the contract shall remain the same.

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

* * * * *

37. Council Member LaPelusa moved the following resolution, seconded by Council President

Nadrowski which was read by the Clerk and adopted

WHEREAS, the City is in need of Human Resource Consulting Services to provide an overview and analysis of the City’s existing processes, protocols and procedures and to make recommendation to the City based on the results of the overview and analysis; now, therefore, be it

RESOLVED, the Municipal Council hereby authorizes the advertisement of Requests for Qualifications/Proposals for Human Resource Consulting Services to provide an overview and analysis of the City’s existing processes, protocols and procedures and to make recommendation to the City based on the results of said overview and analysis.

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

* * * * *

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

WHEREAS, the Bayonne Chapter of Unico National Foundation Inc. expended funds in the amount of \$34,775.00 in connection with a COVID-19 meal delivery program for seniors and the disadvantaged during quarantine/lockdown periods in April and May of 2020; and

WHEREAS, the Bayonne Chapter of Unico National Foundation, Inc. has provided to the City of Bayonne documentation evidencing the dates, number of meals and amounts expended and the City is satisfied with the proofs provided; and

WHEREAS, funds has been certified as available in the City’s Cares Act Account; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The CFO/Treasurer is hereby authorized to issue a warrant in the amount of \$34,775.00 payable to the Bayonne Chapter of Unico Foundation, Inc. as full reimbursement to same for expenditures made in furtherance of its COVID-19 meal delivery program for seniors and the disadvantaged during April and May of 2020.
2. Funds shall be charged to the City’s CARES Act Account.

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

* * * * *

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

WHEREAS, by way of Resolution No. 12-02-15-034 adopted by the Municipal Council on February 15, 2012, the City of Bayonne (the “City”) entered into an Access Agreement with PPG Industries, Inc. (“PPG”) for access to real property owned by the City comprised of Block 383, Lot 1, Lot 2, Lots 4-8; and Block 384, Lot 1 and Lot 2 and more commonly known as West 1st Street, Dennis Collins Park, Bayonne, New Jersey in the City of Bayonne, Hudson County, New Jersey (“Bayonne Property or “Site”) for the limited purpose of performing a soil and groundwater environmental investigation and performing court ordered environmental remediation work at said site, which agreement has since been amended; and

WHEREAS, in furtherance of said court ordered environmental remediation at the Site, the City of Bayonne is in need of professional environmental oversight services; and

WHEREAS, Pear Consulting, LLC, having its principal place of business at One Carnation Street, Glenwood, New Jersey 07418 is ready, willing and able to provide said services on an immediate basis; and

WHEREAS, Pear Consulting, LLC has provided the City with a proposed fee schedule, a copy of which is attached hereto as Schedule “A”, for said services retroactive to June 22, 2020; and

WHEREAS, the Business Administrator has determined and certified in writing that the value of the services will not exceed \$17,500.00; and,

WHEREAS, bids need not be solicited for these services pursuant to the statutory guidelines of N.J.S.A. 40A:11-4 insofar as the projected cost of said services will not exceed the bid threshold; and

WHEREAS, consistent with the terms of the Access Agreement and the court ordered remediation, all expenses, fees and costs attendant to said professional environmental oversight are to be borne by PPG and the City of Bayonne will bear no costs in connection with same; and

WHEREAS, Pear Consulting, LLC must complete and submit a "Business Entity Disclosure Certification for Non-Fair and Open Contracts" required Pursuant to N.J.S.A. 19:44A-20.8 which certifies that Pear Consulting, LLC has not made any reportable contributions to a political or candidate committee in the City of Bayonne in the previous one year, and that the contract will prohibit Pear Consulting, LLC from making any reportable contributions through the term of the contract; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and the City Clerk are hereby authorized to enter into a contract, in substance and form as is acceptable to the Law Director, with Pear Consulting, LLC, having its principal place of business at One Carnation Street, Glenwood, New Jersey 07418 for professional environmental oversight services in connection with matters attendant to the court ordered environmental remediation work at Dennis Collins Park; in an amount not to exceed \$17,500.00, without any cost to the City of Bayonne, all costs being borne by PPG; and

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

3. 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, LaPelusa, Gullace, Perez and President Nadrowski.

* * * * *

40. Council Member LaPelusa moved the following resolution, 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.

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

* * * * *

41. 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 12 AND 14 WEST 22ND STREET, WHICH PROPERTY IS IDENTIFIED AS BLOCK 210, LOTS 26 AND 27, 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.* AND DIRECTING AND AUTHORIZING THE PLANNING BOARD TO PREPARE THE REDEVELOPMENT PLAN FOR BLOCK 210 LOTS 25.01, 26 AND 27 (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 12 and 14 West 22nd Street, which property is identified as Block 210, Lots 26 and 27, 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 previously authorized and designated the adjoining properties (Block 210 Lot 25.01) as a non-condemnation area in need of redevelopment.

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

WHEREAS, the City directs the Planning Board to prepare a redevelopment plan for Block 210, Lots 25.01, 26, and 27 (the “Redevelopment Plan”); and

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

WHEREAS, the Municipal Council believes that the preparation of a Redevelopment Plan is in the best interests of the City for the redevelopment of the Block 210, Lots 25.01, 26, and 27.

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 (Block 210 Lots 26 and 27), 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 12 and 14 West 22nd Street, which property is identified as Block 210, Lot 26 and 27, 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. The Planning Board is also authorized and directed to prepare a Redevelopment Plan for Block 210 Lots 25.01, 26 and 27 in accordance with the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.*

Section 6. The Planning Board shall transmit the Redevelopment Plan to the Municipal Council for further consideration and action upon completion of same.

Section 7. This Resolution shall take effect immediately.

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

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

RESOLUTION OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING AND DIRECTING THE PLANNING BOARD TO CONDUCT A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER CERTAIN PROPERTY LOCATED AT 107 AVENUE F, WHICH PROPERTY IS IDENTIFIED AS BLOCK 456, LOT 7, AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE WITHIN THE CITY CONSTITUTES A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 ET SEQ.*

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

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

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

WHEREAS, 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 107 Avenue F, which property is identified as Block 456, Lot 7, 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, and

WHEREAS, the City previously authorized and designated adjoining properties as a non-condemnation area in need of redevelopment.

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

Section 1. The aforementioned recitals are incorporated herein as 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 107 Avenue F, which property is identified as Block 456, Lot 7, 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, LaPelusa, Gullace, Perez and President Nadrowski.

* * * * *

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

WHEREAS, by way of Resolution No. 19-12-18-059 adopted by the Municipal Council on December 18, 2019, the City entered into Agreement No. CY20-008 with Ruderman & Roth, LLC, 150 Morris Avenue, Suite 303, Springfield, New Jersey 07081 for professional legal services to conduct arbitration hearings, litigation before courts, negotiations and PERC hearings involving various unions and the City for the period commencing January 1, 2020 and ending December 31, 2020 for maximum contract amount not to exceed \$60,000.00; and

WHEREAS, the Chief Financial Officer has advised that it is necessary to increase the aforesaid Agreement No CY20-008 in the amount of \$25,000.00 to cover outstanding bills for September and estimated bills from October through December 2020, thereby making the total contract amount not to exceed \$85,000.00; and

WHEREAS, funds are certified as available in Account No. 0-01-20-156-0000-028; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to execute an amendment to the aforementioned Agreement No. CY20-008 with Ruderman & Roth, LLC, 150 Morris Avenue, Suite 303, Springfield, New Jersey 07081 for professional legal services to conduct arbitration hearings, litigation before courts, negotiations and PERC hearings involving various unions and the City increasing same in the amount of \$25,000.00, thereby making the total contract amount not to exceed \$85,000.00.

2. Funds shall be charged to Account No. 0-01-20-156-0000-028.

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

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

* * * * *

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

WHEREAS, Resolution 20-05-13-032 adopted May 13, 2020, authorized an Agreement with TetherView, 1000 Sanger Avenue, Oceanport, NJ 07757 ("TetherView") for the provision of remote web-hosting services for the City's various public meetings during the COVID-19 pandemic for an amount not to exceed \$15,000.00 pursuant to the quote received from Tetherview dated May 5, 2020; and

WHEREAS, Resolution No. 20-09-23-081 adopted September 23, 2020 authorized an increase to the aforesaid Agreement, thereby making the total contract amount not to exceed \$20,000.00; and

WHEREAS, the Chief Financial Officer has advised that it is necessary to increase the amount of said Agreement with TetherView an additional amount of \$7,000.00 due to the continued need for said web-hosting services through the end of Calendar Year 2020, thereby making the total contract amount not to exceed \$27,000.00; and

WHEREAS, pursuant to Executive Order No. 103, the Governor of the State of New Jersey concurrently invoked a State of Emergency under N.J.S.A. App.A.:9-33 *et seq.*, and a Public Health Emergency under N.J.S.A. 26:13-1 *et seq.*, in response to the coronavirus outbreak; and

WHEREAS, Executive Order No. 103 contemplates that the spread of Covid-19 would disrupt the timely delivery of goods and services necessary for the life, safety and health of the public; and

WHEREAS, Executive Order No. 103 further addresses the difficulty in procuring of goods and services by relaxing public contract laws at the State level; and

WHEREAS, Local Finance Notice 2020-06 provides that pursuant to N.J.S.A. 19:44A-20.12, emergency contracts awarded for purposes of coronavirus response are excepted from Pay-to-Play due to public exigency, and municipalities are not required to file an "emergency procurement report" with the State; and

WHEREAS, funds are certified as available in Account No. G-02-41-877-0000-199;

now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Chief Financial Officer and/or her designee is/are hereby authorized to take any and all actions and execute any and all documents necessary to increase the aforesaid Agreement with TetherView in the amount of \$7,000.00, thereby making the total contract amount not to exceed \$27,000.00.

2. Funds shall be charged to Account No. G-02-41-877-0000-199.

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

* * * * *

45. Council Member LaPelusa introduced:

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON APPROVING A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND 17 AVENUE E URBAN RENEWAL, LLC FOR THE PROPERTY LOCATED 9 AVENUE E, 13-15 AVENUE E AND 22-30 EAST 10TH STREET, WHICH PROPERTY IS IDENTIFIED AS BLOCK 278 LOT 2, 3 AND 4 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE (Bayonne Pool)

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, 17 Avenue E Urban Renewal, LLC (the "Redeveloper") is the owner of certain property identified on the Tax Maps of the City as Block 278 Lot 2, 3 and 4, (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 Redeveloper intends to transfer all rights and obligation for the development of the Property to 17 AVENUE E URBAN RENEWAL, LLC (the "Entity"), and

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

WHEREAS, the Property is located within an area in need of rehabilitation and all or a portion of the Property is within an Urban Enterprise Zone ("UEZ") in the City; and

WHEREAS, the Property is designated as an area in need of redevelopment; and

WHEREAS, by Ordinance O-19-47, on August 8, 2019, the City Council adopted a Redevelopment Plan for the Property as defined in *N.J.S.A. 40A:12A-1, et seq.*, (the "Redevelopment Plan"); and

WHEREAS, by Resolution adopted by the City Council, the Redeveloper (before becoming a qualified urban renewal entity) was designated to undertake the necessary development and construction of the Property in accordance with the Redevelopment Plan; and

WHEREAS, the proposed project to be undertaken on the Property consists of the construction of two (2) multi-family residential buildings containing seventy (70) residential apartments and seventy (70) on-site parking spaces, as well as related improvements, in accordance with the Redevelopment Plan and infrastructure improvements (the "Project"); and

WHEREAS, the Entity has submitted an Application to the City for approval of a 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 and the Entity reviewed the request and adjusted the terms of the Financial Agreement, and

WHEREAS, the City Council finds that the requested tax exemptions will benefit the City and its inhabitants by furthering and improving the quality life, infrastructure improvements, providing economic opportunities to 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 17 AVENUE E 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 to 17 AVENUE E 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 to 17 AVENUE E 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 17 AVENUE E 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 the following resolution, seconded by Council President Nadrowski which was read by the Clerk and adopted

BE IT RESOLVED, that an ordinance entitled “ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON APPROVING A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND 17 AVENUE E URBAN RENEWAL, LLC FOR THE PROPERTY LOCATED 9 AVENUE E, 13-15 AVENUE E AND 22-30 EAST 10TH STREET, WHICH PROPERTY IS IDENTIFIED AS BLOCK 278 LOT 2, 3 AND 4 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, December 16, 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 Carroll, LaPelusa, Gullace, Perez and President Nadrowski.

* * * * *

46. Council Member LaPelusa introduced:

CITY OF BAYONNE SMALL CELL WIRELESS ORDINANCE AN ORDINANCE TO PROVIDE FOR THE AMENDMENT OF CHAPTER 27 OF THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE WITH THE ADDITION OF A NEW SECTION ENTITLED "TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY" STATEMENT OF PURPOSE: The purpose of this Ordinance is to provide for reasonable regulations concerning the placement of small cell wireless facilities within the City, consistent with state and federal law through the implementation of a right-of-way approval and permitting procedure.

WHEREAS, the City of Bayonne ("City") is aware that the telecommunications industry is rapidly developing and there is a strong desire among telecommunications companies to look for areas within municipalities for the placement of small cell wireless facilities, herein known as "small cells," "5G towers" and "personal wireless service facilities" by accessing rights-of-way within municipalities; and

WHEREAS, the rights-of-way are municipal properties and provide a valuable resource to its citizens by permitting the public to travel freely over and across these designated properties without unreasonable encroachments or interference; and

WHEREAS, the City recognizes that the use of these properties must be managed carefully with the utmost consideration given to general welfare and best interest of its citizens; and

WHEREAS, the Federal Telecommunications Act (FTA) preserves a local government's ability to "manage the public rights-of-way...on a competitively neutral and non-discriminatory basis" (47 U.S.C. §253 (c)); and

WHEREAS, the FTA further preserves a local government's authority over the "placement construction and modification of personal wireless service facilities" (47 U.S.C. §332(c)(7)(A)); and

WHEREAS, the FTA makes it unlawful for a local government to prohibit or have the effect of prohibiting the provisions of personal wireless service (47 U.S.C. 332(c)(7)(B)(i)(II)); and

WHEREAS, the FTA provides that municipalities "shall not unreasonably discriminate among providers of functionally equivalent services" (47 U.S.C. §332(c)(7)(B)(i)(I)); and

WHEREAS, recent developments in wireless technology, specifically the development of 5G technology, involve the placement of small cells, cabinets and equipment in municipal rights of-way; and

WHEREAS, pursuant to N.J.S.A. 48:3-19 and N.J.S.A. 48:17-10 New Jersey municipalities must give consent before a small cell including a small antenna can be placed on existing poles or new poles erected within public rights-of-way; and 2

WHEREAS, the erection of new poles and ground level cabinets in the public right-of-way raises aesthetic and safety concerns including, but not limited to, concerns related to sight triangles and other safety related issues; aesthetic concerns and safety concerns associated with the use of roadways by the public such as the public's ability to pass and repass over same, and; the impact on the streetscape and character of residential neighborhoods; and

WHEREAS, pursuant to regulations adopted by the Federal Communications Commission ("FCC"), in order to ensure the safety of its citizens and preserve the aesthetic quality of the City, the City may impose regulations on related infrastructure including, but not limited to, small cells, all poles, antennas and cabinets located on municipal rights-of-way provided such aesthetic requirements and/or restrictions are: 1) reasonable; 2) no more burdensome than those applied to other types of infrastructure deployment; and 3) published in advanced; and

WHEREAS, the TCA further provides that municipalities may "require fair and reasonable compensation" from telecommunications providers for the use of the public right-of-way,

provided said compensation is applied on a “competitively neutral and nondiscriminatory basis” among providers, and if said compensation is “publicly disclosed”, 47 U.S.C. 253(c); and

WHEREAS, the FCC adopted an Order entitled “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment,” (FCC-18-133A or “Carr’s Order”), which was mostly upheld by the Ninth Circuit Court of Appeals on August 12, 2020; and

WHEREAS, in pertinent part, Carr’s Order 1) establishes safe harbors for fees that municipalities can charge for one-time event application processing as well as recurring fees for right-of-way access, which are presumed acceptable under TCA; 2) provides that one-time fees and recurring fees, or rates, above the safe harbor levels may be imposed, and are not considered an effective prohibition of service within the meaning of the TCA (47 U.S.C. 253(c)) provided such fees are a reasonable approximation of actual costs, and the costs themselves are objectively reasonable, and non-discriminatory; and 3) places 60 and 90 day shot clock time limits on the municipal decision making process for applications for the placement of small wireless facilities, the replacement of existing poles and the placement of new poles in the public right-of-way; and

WHEREAS, the City has determined the most efficient way to effectuate this process is to set forth clear standards in relation to the positioning of poles, cabinets and antennas for the benefit of its citizens and any utilities that use or seek to make use of Bayonne’s rights-of-way safely, and to require all technology companies seeking to use municipal rights-of way for the purpose of erecting telecommunication equipment apply for and be granted permits and, furthermore, pay the permitted fees, which may change from time to time, in accordance with legal thresholds established by the FCC, state and federal laws and court orders; and,

WHEREAS, the City has recommended that such additional provisions be mandatorily imposed within the City of Bayonne’s Revised General Ordinances (“RGO”) as part of the anticipated telecommunication development of municipal rights-of-way; and

WHEREAS, the current antenna code, RGO Chapter 35-26 Wireless Telecommunications Towers, Facilities and Antennas is intended to govern macro cell sites on rooftops and freestanding 3 towers and, thus, is insufficient to govern the unique circumstances and requirements of small cell facilities in the rights-of-way; and

WHEREAS, this Ordinance is limited to the installation of facilities in the public rightsof-way and shall have no effect on the installation of wireless telecommunications facilities and antennas on private lands pursuant to Zoning Section 35-26 Wireless Telecommunications Towers, Facilities and Antennas; and

WHEREAS, the FCC Broadband Deployment Advisory Committee (BDAC) formed a Model Code for Municipalities Working Group and, in July 2018, published a Model Code for Municipalities for Small Wireless Facilities deployments. This model code is compliant with the Telecommunications Act, and FCC declaratory rulings and orders issued in 2009, 2014 and 2018. Thus, a municipality that adopts this code substantially in its original form will be in compliance with Federal laws and FCC guidelines for cell site deployments; and

WHEREAS, this Ordinance utilizes the FCC Model Code for Municipalities template to ensure compliance with Federal law and FCC regulations; and

WHEREAS, the City acknowledges that there may already exist a number of small cell facilities in the public rights-of-way that were approved under terms and conditions that would not be in compliance with this proposed ordinance; and

WHEREAS, in the event of any inconsistencies between this Chapter and any agreements, licenses or franchises in existence, which govern said existing small cell facilities, the provisions of this Chapter shall control, and shall supersede and replace any conflicting terms in said agreements or licenses, and shall govern all future relationships between the City and parties in said licenses and agreements;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the City of Bayonne that the Revised General Ordinances be amended as follows: Chapter 27 of the Revised General Ordinances of the City of Bayonne is hereby amended, supplemented and revised and shall be titled “Chapter 27 Telecommunications Facilities in the Public Right-of-Way”, which shall read, in its entirety, as follows:

CHAPTER 27 – TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OFWAY

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This Chapter is titled the "Telecommunications Facilities in the Public Right-of-Way", and amends all applicable provisions of the City of Bayonne Revised General Ordinances, and any existing local laws, rules, orders, resolutions and ordinances relating to the subject matter of this Chapter. 27-1.2 Purpose. It is the intent of this Chapter 27 of the Revised General Ordinances to regulate the placement of telecommunications equipment, including poles, towers, antennas and other infrastructure located on Municipal Rights-of-Way. The placement of telecommunications equipment outside of the Municipal Right-of-Way shall be governed by Chapter 35 Zoning Regulations; section 35-26 Wireless Telecommunications Towers, Facilities and Antennas. It is furthermore intended that this Chapter shall control in the event of any inconsistency between the provisions of this Chapter and any existing agreements, licenses or franchises in existence and which govern existing Small Wireless Facilities in the Municipal Right-of-Way, and that the prevailing terms of this Chapter shall supersede and replace any conflicting terms in 5 said agreements or licenses, and shall govern all future relationships between the City and the applicable parties in said licenses and agreements. 27-1.3 Definitions. a. "Administrative Review" means ministerial review of an Application by the City relating to the review and issuance of a Permit, including review by the Construction Official, Zoning Officer, Director of Public Works, engineer, wireless consultants with knowledge beyond the expertise of City personnel, or other City staff or designees to determine whether the issuance of a Permit is in conformity with the applicable provisions of this Chapter. Administrative permit issuance is non-discretionary and based on whether an application is in conformity with the provisions of this Chapter, as well as any other applicable local, state and federal laws and regulations governing small cell deployment. This process does not involve the exercise of discretion. b. "Antenna" means communications equipment that transmits and/or receives over-the-air electromagnetic signals used in the provision of Wireless Services. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes. c. "Applicable Codes" means uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization to the extent such codes have been adopted by the City or otherwise are applicable in the jurisdiction. d. "Applicant" means a Person or entity who submits an Application under this Chapter. e. "Application" means a written request submitted by an Applicant to the City for a Permit (i) to locate or Collocate, or to modify, a Communications Facility underground or on any existing Support Structure, Pole, or Tower, or (ii) to construct, modify or Replace a new Support Structure, Pole or Tower or any other structure on which a Communications Facility will be Collocated. f. "City" means the City of Bayonne, or any agency, department, district, subdivision or any instrumentality thereof, including, but not limited to public utility districts, or municipal electric utilities. The term shall not include courts of the State having jurisdiction over the City or any entities that do not have zoning or permitting authority or jurisdiction. The City may hereinafter be referred to as the "City", "the City of Bayonne", "Bayonne" or "the City". g. "City Pole" means a Pole owned, managed or operated by or on behalf of the City. h. "Collocate" means to install, mount, maintain, modify, operate and/or replace a Communications Facility on an existing Support Structure, Pole, or Tower or any other structure capable of supporting such Communications Facility. "Collocation" has a corresponding meaning. The term does not include the installation of a new Utility Pole, Tower or Support Structure in the Public Right-of-Way. i. "Communications Facility" means, collectively, the equipment at a fixed location or locations that enables communication between user equipment and a communications 6 network, including: (i) radio transceivers, Antennas, coaxial, fiber-optic or other cabling, power supply (including backup battery), and comparable equipment, regardless of technological configuration; and (ii) all other equipment associated with any of the foregoing. A Communications Facility does not include the Pole, Tower or Support Structure to which the equipment is attached. j. "Communications Service Provider" means a cable operator, as defined in 47 U.S.C. §522(5), a provider of information service, as defined in 47 U.S.C. §153(24); or a provider of telecommunications service, as defined in 47 U.S.C. §153(53);

or provider of fixed wireless or other wireless services as defined in 47 U.S.C. §332(c)(7)(C)(i). k. "Contract for Professional Services" means a contract through which the City has entered into an arrangement with an individual, attorney consultant or firm for same to provide professional consulting services pursuant to this Chapter, said contract being in conformance with New Jersey Public Contracts Law, Pay-to-Play Laws and other applicable laws governing such contracts and agreements. l. "Decorative Pole" means a City Pole that is specially designed and placed for aesthetic purposes. m. "Deployable" means a portable, self-contained Wireless Facility that can be moved to a specified location or area and provide Wireless Services on a temporary or emergency basis such as a "cell on wheels" or "COW," "cell on light truck" or "COLT," tethered balloon, tethered drone or other unmanned device. n. "Designee" means the person appointed by the City from time to time who shall serve as the initial point-of-contact for the City for all matters concerning this Chapter, and who may be an official of the City or a person contracted for professional services. o. "Discretionary Review" means review of an Application by the City relating to the review and issuance of a Permit, that is other than an Administrative Review. Discretionary Review involves discretion on the part of the City (subject to any applicable limits on such discretion) in determining whether to issue a Permit and may be subject to one or more public hearings or meetings, including appearances before the planning board, zoning board of adjustment and referral to the Historic Preservation Commission for commentary and recommendations p. "Eligible Facilities Request" means an eligible facilities request as set forth in 47 C.F.R. Section 1.6100(b)(3), as may be amended from time to time. q. "FCC" means the Federal Communications Commission of the United States. r. "Fee" means a one-time, nonrecurring charge, whether a fixed amount or cost-based amount based on time and expense. s. "Historic Property" means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register maintained by the United States Secretary of the Interior (in accordance with Section VI.D.1.a.i-v of the 7 Nationwide Programmatic Agreement codified at 47 C.F.R. Part 1, Appendix C) or established pursuant to state historic preservation law. t. "Laws" means, collectively, any and all Federal, State, or local law, statute, common law, code, rule, regulation, order, or ordinance. u. "Occupant" means any occupant of the Public Right-of-Way, including any Wireless Provider, Wireless Infrastructure Provider, utility company, or public or private entity with a physical presence or right to maintain a physical presence on, under or across the Public Right-of-Way. v. "Ordinary Maintenance, Repair and Replacement" means (i) with respect to a Communications Facility and/or the associated Support Structure, Pole or Tower, inspections, testing, repair and modifications that maintain functional capacity, aesthetic and structural integrity, and (ii) with respect to a Communications Facility only, the replacement or upgrade of Antennas and/or other components of the Communications Facility (specifically, such as a swap out or addition of small cell Antennas and radio equipment as required by the Applicant), with Antennas and/or other components substantially similar, in color, aggregate size and other aesthetics to that previously permitted by the City (and/or consistent with the same height and volume limits for Wireless facilities under this Chapter), so long as the Support Structure, Pole, or Tower will structurally support, or prior to installation will be modified to support, the structural load. Modifications are limited to by the structural load analysis supplied by the Applicant to the City, and by the volume limits in Section 27-2.8 Design Standards. Modifications beyond the foregoing must be requested in writing by the Applicant and are subject to Discretionary Review by the City. w. "Permit" means a written authorization (in electronic or hard copy format) required by the City to initiate, continue, or complete installation of a Communications Facility, or an associated Support Structure, Pole, or Tower. x. "Person" means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including the City. y. "Pole" means a pole, such as a utility, lighting, traffic, or similar pole, made of wood, concrete, metal or other material, located or to be located within the Public Right of Way or Utility Easement. The term includes the vertical support structure for traffic lights but does not include a horizontal structure to which signal lights or other traffic control devices are attached unless the City grants a waiver for such pole. The term does not include electric transmission poles or structures. A Pole does not include a Tower or Support Structure. z. "Provider" means a Communications Service Provider or a Wireless Provider. aa. "Public Right of Way", "Public ROW" or "Municipal ROW" means the area on, below, or above property that has been designated for use as or is used for a public roadway, highway, street, sidewalk, alley or similar purpose, but not including a federal interstate 8 highway or other area not within the legal jurisdiction, or within the legal ownership or control of the municipality. bb. "Rate" means a recurring charge. cc. "Replace" or "Replacement" means, in connection with an existing Pole, Support Structure or Tower, or Communications Facility, as the case may be, to replace (or the replacement of) same with a new structure, similar in design, size and scale to the existing structure and in conformance with current City building code,

zoning provisions and other applicable regulations, in order to address limitations of, or change requirements applicable to, the existing structure to structurally support Collocation of a Communications Facility. In connection with replacement of a Pole or Tower to support Collocation of a Wireless Facility, similarity in size and scale shall be evaluated consistent with 47 C.F.R. 1.6100 (b)(7). dd. "Small Wireless Facility" means a Wireless Facility that meets both of the following qualifications: (i) each Wireless Provider's Antenna (including, without limitation, any strand-mounted Antenna) could fit within an enclosure of no more than three (3) cubic feet in volume; and (ii) all other wireless equipment associated with the facility is cumulatively no more than twenty eight (28) cubic feet in volume. The following types of associated, ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for connection of power and other services. The following additional parameters apply to Small Wireless Facilities: (i) Total height of Small Wireless Facility and supporting structure is less than 50 feet, or the Small Wireless Facility is mounted on structures no more than 10% taller than adjacent structures, or the Small Wireless Facility does not extend the existing structure to a height of greater than 50 feet or by more than 10% of the original height, whichever is greater. ee. "State" means the State of New Jersey. ff. "Support Structure" means a building, a billboard, a water tank or any other structure to which a Communications Facility is or may be attached. Support Structure does not include a Pole or a Tower. gg. "Tower" means any structure built for the sole or primary purpose of supporting a Wireless Facility, such as a self-supporting Tower, a monopole, a lattice Tower or a guyed Tower. Tower also includes a structure designed to conceal from the general public the Wireless Facility. A Tower does not include a Pole or a Support Structure. hh. "Utility Easement" means the area on, below, or above privately-owned property that has been designated for use as or is used for a specific utility purpose (such as for electric, cable or other utility purpose), and is evidenced by a recorded instrument in the public land records pursuant to a recorded plat, easement or right of way or is otherwise a legally enforceable easement, and does not include any portion of a Public Right of Way. 9 ii. "Wireless Facility" means a Communications Facility installed and/or operated by a Wireless Provider. The term does not include: (i) the Support Structure, Tower or Pole on, under, or within which the equipment is located or Collocated; or (ii) coaxial, fiberoptic or other cabling that is between Communications Facilities or Poles or that is otherwise not immediately adjacent to or directly associated with a particular Antenna. A Small Wireless Facility is one example of a Wireless Facility. jj. "Wireless Infrastructure Provider" means any Person, including a Person authorized to provide telecommunications service in the State, that builds or installs and/or operates Wireless Facilities or Poles, Towers or Support Structures on which Wireless Facilities are or are intended to be used for Collocation, but that is not a Wireless Services Provider. kk. "Wireless Provider" means a Wireless Infrastructure Provider or a Wireless Services Provider. ll. "Wireless Services" means any wireless services including, without limitation, personal wireless services as that term is defined in 47 U.S.C. § 332(c)(7)(C)(i), fixed wireless and other wireless services. mm. "Wireless Services Provider" means a Person who provides Wireless Services. Section 27-2 Governance of Deployment in the Public ROW 27-2.1 General Provisions of Agreement for Access to the Public ROW a. Applicability. Except as otherwise provided herein, the placement, installation, modification, replacement, repair and upgrade of any Communications Facilities, including Small Wireless Facilities, as well as the associated Poles, Towers or Support Structures, in the Public Right-of-Way shall be governed by this Chapter. b. Notice Prior to Any Non-Emergency Work. i. The City will appoint a Designee who will serve as the initial point of contact for the City for all matters pertaining to this Chapter. ii. No action, application, installation, upgrade, maintenance, repair, replacement or, modifications by Applicant contemplated by this Chapter shall be commenced without first giving notice to the City Designee. iii. This notice requirement pertains to all work, including ordinary maintenance, repairs, upgrades and like-for-like equipment swap outs. c. Municipal Agreement. Prior to receiving a Permit to install a Communications Facility in the Public ROW, each Applicant shall be required to enter into a Municipal Agreement (e.g., Right of Way Access Agreement, Pole Attachment Agreement, License Agreement) between the City and the Applicant, on terms and conditions substantially the same for all Applicants and existing Occupants of the Public ROW. The terms and conditions of such Municipal Agreement will include the following: 10 i. Fees and Rates. As consideration to the City for entering into the Municipal Agreement and also as a condition precedent for the issuance of any required permits and approvals to install the applicable Communications Facilities in the public right-of-way, the Applicant shall pay the required fees and rates as set forth in Schedule A of this Chapter, and which may be amended or modified from time to time per revision and modification to local, state and federal laws and regulations. Said fees shall include Application or One-Time fees and Recurring Right-of-Way Occupancy Rates. The Small Cell Permit Application Escrow, as described in Schedule A, shall be paid upon submission of an Application and shall be held in escrow and billed against actual incurred One-Time Fees and costs to process an Application, also as described below and

in Schedule A of this Chapter. If said Small Cell Permit Application Escrow is insufficient to cover incurred One-Time Fees as described below and in Schedule A, then Applicant shall submit an additional amount equal to the initial Small Cell Permit Application Escrow to be further billed against incurred One-Time Fees and costs. (a) Reasonable Approximation: All one-time event fees will be a reasonable approximation of objectively reasonable costs. (b) One Time Fees Apply to All Work: One-time fees and event fees apply to the initial installation of facilities as well as to any subsequent upgrade, replacement, modification or alteration of same, with each instance of an upgrade or repair being a separate project subject to One-Time Fees. Maintenance and repair work on an existing Communications Facility does not trigger any One Time Fees. A. Annual ROW Occupancy Rate shall be as specified in Schedule A of this Chapter and shall be paid within thirty (30) days of the issuance of the applicable Permit and annually thereafter, with payment being due on the anniversary of the first payment date for the balance of the Term. However, under no circumstances shall the Rate be remitted later than ninety (90) days after the full execution of the applicable Municipal Agreement between City and Applicant. B. Annual Attachment Rate, equal to an amount that represents a reasonable approximation of the objectively reasonable costs incurred by the City for the attachment of each Small Wireless Facility to City-owned structures in the Public Right-of-Way. This amount shall be paid within thirty (30) days of issuance of the applicable Permit(s) and annually thereafter. The annual rates in 27-2.1(c)(A) and (B) combined shall not exceed \$270 annually per Small Wireless Facility location. 11 C. All Fees and Rates will be applied in a non-discriminatory manner to all Communications Service Providers. D. Make-Ready Fee, shall be determined on a site-specific, engineering basis, for work reasonably necessary to make a particular City Pole suitable for attachment of the applicable Communications Facility shall be paid upon submission of the Application as more particularly described in Subsection 27-2.3 below. d. Other Terms. i. Term. Unless otherwise agreed to in writing by the City and Applicant, the Agreement term shall be ten (10) years. ii. Safety and Accessibility. The Applicant will demonstrate compliance with applicable safety and accessibility requirements, including those under Americans with Disabilities Act ("ADA"), OSHA and similar laws. iii. The Municipal Agreement shall include, as an appendix thereof, a schedule containing the location of all proposed Small Wireless Facilities in the Public Right-of-Way, which the City and Applicant may update as necessary without the need for additional review. Said locations shall be as specific as possible and shall include, but not be limited to, latitude, longitude, the nearest proximate address, cross streets as well as lot and block numbers, if available. Applicants shall also provide for inclusion in the Municipal Agreement information indicating the horizontal and approximate vertical location, relative to the boundaries of the Public ROW, of all equipment which it owns or over which it has control and which is located in any Public Right-of-Way. iv. Indemnification and Insurance Requirements. Insurance. The Applicant shall at all times maintain a commercial general liability insurance policy with a single amount of at least One Million Dollars (\$1,000,000.00) per occurrence and in the aggregate covering liability for any death, personal injury, property damage or other liability arising out of the construction and operation contemplated herein, and an excess liability policy (or "umbrella") policy in the amount of Five Million Dollars (\$5,000,000.00) per occurrence and in the aggregate. The Applicant may use any combination of primary and excess insurance to meet the total limits required. Such coverage shall be primary, non- contributory and shall contain a waiver of subrogation. Evidence of same shall be provided prior to the commencement of any work of any kind by the Applicant. Prior to the commencement of any work pursuant to this Agreement, the Applicant shall file with the City, a Certificate(s) of Insurance with any required endorsements evidencing the coverage provided by said liability and excess liability policies. The City shall notify Applicant within fifteen (15) days after the receipt of any claim or demand to the City, either by 12 suit or otherwise, made against the City on account of any of Applicant or its subcontractors, agents, employees, officers, servants, designees, guests and invitees, activities pursuant to the rights granted in this Agreement. Applicant shall notify the City Clerk within fifteen (15) days of receipt of any claim or demand of Applicant or its subcontractors, agents, employees, officer, servants, designees, guests or invitees by any aggrieved party for any work or action made pursuant to this Ordinance Indemnification. Applicant, its successors, assigns, contractors, sub-contractors, agents, servants, officers, employees, designees, guests and invitees, hereby indemnify, defend and hold harmless the City, its successors and assigns, elected officials, officers, employees, servants, contractors, designees and invitees from and against any and all personal injury and property damage claims, demands, suits, actions at law or equity or otherwise, or related judgments, arbitration determinations, damages, liabilities, decrees of any person(s) or entities claiming to be or being harmed as a result of Applicant's actions under this Agreement and costs in connection therewith except to the extent that such claims, demands, suits, or actions are the result of the negligence or willful misconduct of the City, its successors, assigns, elected officials, officers, employees, servants,

contractors, designees or invitees. This indemnification shall specifically include, but not be limited to, any and all costs, reasonable attorneys' fees, court costs and any other expenses that may be incurred by the City in connection with any and all claims, demands, suits, actions at law or equity or otherwise and/or arbitration proceedings which may arise in connection with Applicant's activities pursuant to the rights granted in this Agreement. This indemnification shall also specifically include that the City retains the right to choose its own defense counsel in regard to any action at law or equity pursuant to this section. v. Reliable 24/7 Emergency Notification Contact Information will be provided by the Applicant to the City and incorporated into the Agreement. vi. Additional Agreement Terms: Additional terms, such as for termination, assignment and sublicensing rights, shall be as negotiated between the Applicant and City. vii. Nondiscriminatory. Applications will be processed on a nondiscriminatory basis. 27-2.2 Permitted Communications Facility Uses/Administrative Review; Application a. Permitted Use. The following uses within the Public ROW shall be a permitted use, subject to the entering into of a Municipal Agreement between Applicant and City as set forth in Section 27-2.1(c) above, and Administrative Review and the issuance of a Permit as set forth in this Section 27-2.2. All such uses shall be in accordance with all other applicable provisions of this Chapter, including without limitation, those set forth in Section 27-2.5 below. (i) Collocation of a Small Wireless Facility. 13 (ii) Collocation that qualifies as an Eligible Facilities Request. (iii) Modification of a Pole, Tower or Support Structure or Replacement of a Pole, for Collocation of a Communications Facility that qualifies as an Eligible Facilities Request or involves a Small Wireless Facility that does not exceed the maximum limitations set forth in Subsection 27-2.3(c)(i)(A)(i) below. (iv) Construction of a new Pole or a monopole Tower (but no other type of Tower) to be used for Collocation of a Small Wireless Facility that does not exceed the maximum height and other applicable design standards set forth in this Chapter. (v) Construction of a Communications Facility, other than those set forth in subparagraphs (i), (ii) or (iii) in this Subsection 27-2.2(a), involving the installation of coaxial, fiber-optic or other cabling, that is installed underground (direct buried or in conduit) or aboveground between two or more Poles or a Pole and a Tower and/or Support Structure, and related equipment and appurtenances. (vi) Ordinary Maintenance, including any upgrade, repair, replacement, modification or alteration of a Communications Facility, with each upgrade, maintenance or repair being a separate instance subject to Administrative Review (vii) The City reserves and retains the right to subject any installation or modification contemplated in this section as well as in this Chapter to Discretionary Review subject to the 60 and 90 day Shot Clock guidelines of FCC-18-133A. This may include public hearings and zoning board of adjustment approval. The Shot Clock guidelines will be adhered to for Discretionary Reviews unless compelling and extraordinary circumstances suggest otherwise. (viii) All other installations, modifications and replacements not subject to Administrative Review and that do not qualify as a Permitted Use are subject to Discretionary Review under Chapter 35 Zoning Regulations, as described in Section 27-2.4 of this Chapter. b. Permit Required. No Person shall place any facility described in Subsection 27-2.2(a) above in the Public ROW without first filing an Application for same and obtaining a Permit thereof, except as otherwise expressly provided in this Chapter. c. Proprietary or Confidential Information in Application. The City shall make accepted Applications publicly available by reasonably available means such as a request pursuant to the Open Public Records Act ("OPRA"). Notwithstanding the foregoing, Applicant may designate portions of its Application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each portion of such materials accordingly, and the City shall treat the information as proprietary and confidential, subject to applicable State and local "freedom of information" or "sunshine" Laws and the City's determination that the Applicant's request for confidential or proprietary treatment of an Application material is reasonable. Confidential and proprietary information shall not include any information 14 which is by law, regulation, ordinance, OPRA procedure and regulations or this Chapter, open and available for public inspection, including proposed Communications Facilities' site locations. d. Administrative Review Application Requirements. The Application shall be made by the applicable Provider or its duly authorized representative and shall contain the following: (i) The Applicant's name, address, telephone number, and e-mail address, including emergency contact information for the Applicant. (ii) The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application. (iii) A general description of the proposed work and the purposes and intent of the proposed facility or facilities. The scope and detail of such description shall be appropriate to the nature and character of the physical work to be performed, with special emphasis on those matters likely to be affected or impacted by the physical work proposed. (iv) Detailed construction drawings regarding the proposed facility, as required by the Uniform Construction Code of the State of New Jersey, or as otherwise stated and required under applicable City ordinances. (v) Demonstration of compliance with RF health and safety measures, as established by the TCA and FCC, via an RF Health and Safety Report. Applicant may utilize the RF Safety Reports provided in connection with the Municipal Agreement, as described in Section 2.1(d)(iv), for its

applications for Administrative Review and Permit issuance. (vi) Applicant shall demonstrate compliance with the Section 27-2.8 Design Standards as they pertain to appearance, siting and height of the proposed Communications Facilities and their support poles, towers or other structures. (vii) To the extent the proposed facility involves Collocation on a Pole, Tower or Support Structure, a structural report performed by a qualified engineer evidencing that the Pole, Tower or Support Structure will structurally support the Collocation (or that the Pole, Tower or Support Structure will be modified to meet structural requirements) in accordance with Applicable Codes. e. Applicant shall demonstrate compliance with applicable environmental, historical and landmark laws, rules and regulations, including SHPO and NEPA approval, as needed or applicable, including obtaining any necessary permits and approvals from the appropriate local, state or federal department agency or other governing body. 15 f. Ordinary Maintenance, Repair and Replacement. Ordinary maintenance and repairs may require administrative review and be subject to the provisions of Section 27-2.1(b) and (c) of this Chapter, including notification to the City Designee of any proposed work, repairs, replacement and modification. This will include coordination with the City DPW and Police Department for necessary street closures and safety protocols, as well as the payment of any required fees required under Section 27-2.1(a) above. g. Information Updates. Any material change to information contained in an Application shall be submitted in writing to the City within thirty (30) days after the condition necessitating the change. h. Application Fees. Unless otherwise provided by applicable Laws, all Applications pursuant to this Chapter shall be accompanied by the Fees required under Subsection 27- 2.1(a) above. 27-2.3 Action on Administrative Review Applications a. Review of Applications for Administrative Review. (i) The City shall review the Application in light of its conformity with applicable provisions of this Chapter, and shall issue a Permit on nondiscriminatory terms and conditions, subject to the following requirements: (A) The City must act consistent with the following Shot Clock Dates: (i) Review of an Application to collocate a Small Wireless Facility using an existing structure: 60 days. (ii) Review of an Application to collocate a facility other than a Small Wireless Facility using an existing structure: 90 days. (iii) Review of an Application to deploy a Small Wireless Facility using a new structure: 90 days. (iv) Review of an Application to deploy a facility other than a Small Wireless Facility using a new structure: 150 days. (B) Tolling period: Unless a written agreement between the Applicant and the City provides otherwise, the tolling period for an Application (if any) is as set forth in paragraphs (1) through (3) of this section. (1) For an initial application to deploy Small Wireless Facilities, if the City notifies the Applicant on or before the 10th day after submission that the Application is materially incomplete, and clearly and specifically identifies the missing documents or information and the specific rule or regulation creating the obligation to submit such documents or information, the shot clock date calculation shall restart at zero on the date on which the Applicant submits all the documents and information identified by the City to render the Application complete. (2) For all other initial Applications, the tolling period shall be the number of days from-- (i) The day after the date when the City notifies the Applicant in writing that the Application is materially incomplete and clearly and specifically identifies the missing documents 16 or information that the Applicant must submit to render the Application complete and the specific rule or regulation creating this obligation; until (ii) The date when the Applicant submits all the documents and information identified by the siting authority to render the Application complete; (iii) But only if the notice pursuant to paragraph (B)(2)(i) of this section is effectuated on or before the 30th day after the date when the application was submitted; or (3) For resubmitted Applications following a notice of deficiency, the tolling period shall be the number of days from-- (i) The day after the date when the City notifies the Applicant in writing that the Applicant's supplemental submission was not sufficient to render the Application complete and clearly and specifically identifies the missing documents or information that need to be submitted based on the City's original request under paragraph (B)(1) or (2) of this section; until (ii) The date when the applicant submits all the documents and information identified by the City to render the Application complete; (iii) But only if the notice pursuant to paragraph (B)(3)(i) of this section is effectuated on or before the 10th day after the date when the Applicant makes a supplemental submission in response to the City's request under paragraph (B)(1) or (2) of this section. A. The City must advise the Applicant in writing of its final decision, and in the final decision document the basis for a denial, including referencing specific code provisions and/or regulations upon which the denial was based, including any federal law, or local or state laws and regulations, provided said local and state laws and regulations do not conflict with federal law. Denial may include lack of conformity with the City codes, ordinances and regulations, as well as local, state and federal environmental, landmark and historical regulations. A decision to deny an application shall be in writing and supported by clear evidence contained in a written record, publicly released, and sent to the applicant. The written decision, supported by such substantial evidence, shall constitute final action by the City. The review period or "shot clock" shall

run until the written decision, supported by substantial evidence, is released and sent to the Applicant contemporaneously. The subsequent review by the City shall be limited to the deficiencies cited in the original denial and any material changes to the Application made to cure any identified deficiencies. b. Undergrounding Provisions. The City shall administer undergrounding provisions in a non-discriminatory manner. It shall be the objective of the City and all Public ROW Occupants to minimize disruption or discontinuance of service of all kinds to consumers, through mutual obligation to coordinate and timely complete such projects. An Occupant, including the Applicant, as the case may be, shall comply with nondiscriminatory City undergrounding requirements that 1) are in place and published prior to the date of initial 17 filing of the Application, and 2) prohibit electric, telecommunications and cable providers from installing above-ground horizontal cables, Poles, or equivalent vertical structures in the Public ROW; and the City may require the removal of overhead cable and subsequently unused Poles. In areas where existing aerial utilities are being moved underground, Wireless Providers shall retain the right to remain in place, under their existing authorization, by buying out the ownership of the Pole(s), subject to the concurrence of the Pole owner and consent of the City (which consent may not be unreasonably withheld, conditioned or delayed) or, alternatively, the Wireless Provider may reasonably replace the existing Pole(s) or vertical structure locations for Antennas and accessory equipment, as a permitted use, within 50 feet of the prior location, unless a minimally greater distance is necessary for compelling public welfare. In neighborhoods or areas with existing underground utilities that do not have Small Wireless Facilities deployed as a permitted use, a new entrant Wireless Provider applying after utilities have been placed underground shall first seek existing vertical structure locations, if technically feasible for the wireless service to be deployed. To the degree such vertical structures are not available, and upon receiving an approved Permit, the Applicant shall be entitled to place Poles or vertical structures as necessary to provide the wireless service using vertical structures commensurate with other vertical structures in the neighboring underground utility area. In neighborhoods or areas with existing underground utilities that do have Small Wireless Facilities deployed as a permitted use, a new entrant Wireless Provider applying after utilities have been placed underground shall first seek existing vertical structure locations, if technically feasible for the wireless service to be deployed. To the degree such vertical structures are not available, and upon receiving an approved Permit, the Applicant shall be entitled to place Poles or vertical structures as necessary to provide the wireless service using vertical structures commensurate with other vertical structures of Wireless Providers in the neighboring underground utility area. In neighborhoods with underground utilities, whether being converted from overhead utilities or initially underground, microwireless devices, typically strand-mounted, shall be treated like other Small Wireless Facilities in the Public ROW, requiring permitted use status, and subject to non-recurring and recurring Fees and Rates. c. Effect of Permit. (i) Authority Granted; No Property Right or Other Interest Created. A Permit from the City authorizes an Applicant to undertake only certain activities in accordance with this Chapter, and does not create a property right or grant City to the Applicant to impinge upon the rights of others who may already have an interest in the Public ROW. (ii) Duration. Any Permit for construction issued under this Chapter shall be valid for a period of six (6) months after issuance, provided that the six (6) month period shall be extended for up to an additional six (6) months upon written request of the Applicant (made prior to the end of the initial six (6) month period if the failure to complete construction is delayed as a result of circumstances beyond the reasonable control of the Applicant. 18 d. Removal, Relocation or Modification of a Communications Facility in the ROW. (i) Notice. Within ninety (90) days following written notice from the City, a Provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any Communications Facility within the Public ROW whenever the City has determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the Public ROW, or pursuant to any redevelopment plan made pursuant to the Municipal Land Use Law contained in N.J.S.A. 40:55D, or any council resolution that approves any redevelopment plan for work that is performed by a private company other than the City. The City shall apply the same standards to all utilities in the Public ROW. (ii) Emergency Removal or Relocation of Facilities. The City retains the right and privilege to cut power to or move any Communications Facility located within the Public ROW of the City, as the City may determine to be necessary, appropriate or useful in response to any public welfare emergency, or safety emergency. If circumstances permit, the City shall notify the Provider and provide the Provider an opportunity to move its own facilities prior to cutting power to or removing the Communications Facility and in all cases shall notify the Provider after cutting power to or removing the Communications Facility as promptly as reasonably possible. (iii) Structural reconditioning, repair and replacement. From time to time, the City may paint, recondition, or otherwise improve or repair the City Poles in a substantial way ("Reconditioning Work"). The Provider shall reasonably cooperate with the City to carry out Reconditioning Work activities in a manner that minimizes interference with the

Provider's approved use of the facility. A. Prior to commencing Reconditioning Work, the City will use reasonable efforts to provide the Provider with at least sixty (60) days prior written notice. Upon receiving that notice, it shall be the Provider's sole responsibility to provide adequate measures to cover, remove, or otherwise protect the Provider's Communications Facility from the consequences of the Reconditioning Work, including but not limited to paint and debris fallout. The City reserves the right to require the Provider to remove all of the Provider's Communications Facility from the City Pole and surrounding premises during Reconditioning Work, provided the requirement to remove same is contained in the written notice required by this Subsection. All cost associated with the protection measures, including temporary removal, shall be the sole responsibility of the Provider. The City will provide the Provider with a date by which its equipment must be protected or removed. The Provider may request a modification of the City procedures for carrying out Reconditioning Work in order to reduce the interference with Provider's operation of its Communications Facility. If the City agrees to the modification, the Provider shall be responsible for all reasonable incremental cost related to the modification. B. If the City Poles need to be replaced ("Replacement Work"), the City shall provide Provider with at least sixty (60) days written notice to remove its Communications Facilities. The City shall also promptly notify Provider when the City Poles have been replaced and Provider may reinstall its equipment. During the Replacement Work, the Provider may maintain a temporary Communications Facility on the property, or after approval by City, on any land owned or controlled by City, in the vicinity of the property. If the property will not accommodate the Provider's temporary Communications Facility or if the parties cannot agree on a temporary location, the Provider, at its sole option, shall have the right to suspend the applicable permit, until the replacement Pole is installed, upon thirty (30) days written notice to the City. C. If the City Poles need to be repaired due to storm or other damage ("Repair Work"), the City shall notify the Provider to remove its Communications Facilities as soon as possible. In the event of an emergency, the City shall contact the Provider by telephone at its emergency contact of record upon or prior to removing the Provider's equipment. Once the City Poles have been replaced or repaired, the City will promptly notify the Provider that it can reinstall its equipment. During City Repair Work, the Provider may maintain a temporary Communications Facility on the property, or after approval by Provider, on any land owned or controlled by the City in the vicinity of the property. All cost associated with any removal or protection of Communications Facilities shall be the sole responsibility of the Provider, except to the extent caused by third-parties or the City. e. Attachment to City Poles in the Public ROW. (i) Make-Ready. For any attachment to City Poles in the Public ROW, the City shall provide a good faith estimate for any make-ready work necessary to enable the City Pole to support the proposed facility, including Replacement of the Pole if necessary, within sixty (60) days after receipt of a completed Application requesting attachment to the City Pole, unless a longer period is required in order to comply with New Jersey law, including, but not limited to, Local Public Contracts Law ("LPCL") and the New Jersey Local Unit Pay to Play. Make-ready work including any Pole Replacement shall be completed within one hundred and twenty (120) days of written acceptance of the good faith estimate by the Provider. City will make all reasonable estimates to complete the work within the stated timeframes. Such acceptance shall be signified by payment via check or other commercially reasonable and customary means specified by the City. If City does not indicate it is willing to perform the make-ready work within the sixty (60) days after receipt of a completed Application requesting attachment to the 20 City Pole, Applicant may perform the work itself consistent with City approval under this Chapter. 27-2.4 Applications Requiring Discretionary Review and Approval. a. Discretionary Review Required. All other uses not expressly set forth or referenced in Subsection 27-2.2(a) above shall require compliance with applicable City ordinance, including, but not limited to, Zoning Section 35-26 Wireless Telecommunications Towers, Facilities and Antennas and the district zoning regulations and any other applicable laws and ordinances of the City. 27-2.5 Other Public ROW Installation Requirements. a. General Principles. (i) The City shall have the power to establish reasonable and nondiscriminatory limitations on the placement of new or additional facilities within specific congested segments of the Public ROW if there is insufficient space to accommodate all of the requests of Applicants or other Persons to occupy and use the Public ROW. In making such decisions, the City shall to the extent possible accommodate all existing users and potential users (i.e. those who have submitted an Application to deploy facilities within the Public ROW) of the Public ROW, and shall be guided primarily by considerations of the public interest, the width and physical condition of the Public ROW, the time of year with respect to essential utilities, the protection of existing facilities in the Public ROW and established plans for public improvements and development projects which have been determined to be in the public's interest. (ii) If unused space is available on an Applicant's Pole, and Applicant is not under any agreement or arrangement to permit usage of excess space by another Communications Service

Provider or other entity, and the City approaches Applicant about its desire and intent to use such unused Pole space, then Applicant shall permit the City to use same at no cost to City.

Fewest Possible New Poles / Use of Existing Poles: Applicant shall use existing poles when possible for the placement of its Small Wireless Facilities and shall minimize the number of new proposed Poles in the right-of-way to the fewest possible to meet the coverage and capacity requirements.

(iii) Leasing of excess space in ducts, conduits and on a Pole is a matter between interested parties (subject to any applicable Pole Attachment regulations and any other applicable statutory, regulatory or contractual obligations); however, lessees or licensees of such physical facilities must still comply with the terms of this Chapter, unless otherwise expressly exempted by the City.

(iv) An Occupant of the Public ROW shall employ due care during the installation and maintenance process, and comply with all safety and Public ROW-protection requirements of applicable Federal, State and local Laws (and any generally applicable City guidelines, standards and practices), and any additional commonly accepted safety and Public ROW- protection standards, methods and devices (to the extent not inconsistent with applicable Laws). All facilities under the streets of the City shall be kept and maintained in a safe and well-ordered condition, and in good order and repair.

(A) Any permittee occupying any portion of the Public ROW shall erect a barrier around the perimeter of any excavation and provide any and all traffic-control devices, signs and lights appropriate to the level of complexity of the activity in order to protect, warn and guide the public (vehicular and pedestrian) through the work zone. The manner and use of these devices shall be described within a traffic- control plan in accordance with the Manual on Uniform Traffic Control Devices, and existing procedures, including the City Work Site Evaluation process by which the construction office refers proposed work to the police department in order to develop safety measures to safeguard pedestrian and vehicular traffic as well as property. In the event of any conflict between the provisions of this subsection and the Work Site Evaluation process, the Work Site Evaluation procedures shall control.

(B) Occupants of the Public ROW with open excavations awaiting final restoration shall maintain all devices until the City notifies the Occupant in writing that the City or the City's designated contractor is assuming responsibility for traffic control.

(C) Each Occupant shall designate a safety officer. The safety officer shall be responsible for safety-related issues affecting both the public and the Occupant's field employees and contractors for all job sites within the Public ROW.

(v) **Location of Existing Facilities.** (A) An Occupant of the Public ROW shall not place any fixtures or equipment where the same will interfere with any existing facility, and shall locate its lines and equipment in such a manner as not to interfere unnecessarily with the usual traffic patterns (vehicular or pedestrian) or with the rights or reasonable convenience of owners of property that abuts any Public ROW. (B) In the event that the City notifies the Occupant in advance that it is expressly interested in sharing the trenches or bores at a specific location area where construction is occurring, then the Occupant shall allow the City to place its infrastructure in the Occupant's trenches and bores as requested by the City. In these instances, the City will bear an incremental share of the costs of trenching, boring and the placement of conduit and infrastructure.

22 (C) Before beginning excavation in any Public ROW, an Occupant shall contact the regional notification center for subsurface installations (One-Number Locator Service) to determine possible conflicts.

(vi) (vii) **Abandonment of Facilities.** (A) Any Occupant of the Public ROW, including any Applicant, Wireless Provider or Wireless Infrastructure Provider, that intends to permanently discontinue use of any facilities within the Public ROW shall notify the City in writing within thirty (30) days prior to abandonment. Such notice shall describe the facilities for which the use is to be discontinued, and the date of discontinuance of use. Upon notification, at its discretion, the City will choose from the following options within 14 days or any other agreed upon option, and so notify the Occupant of its decision:

1. Abandon the facilities in place and the Occupant shall further convey full title and ownership of such abandoned facilities to the City. The Occupant is responsible for all obligations of the facilities, or other associated liabilities until the conveyance to the City is completed; or
2. The facilities shall be removed and the Occupant shall be liable for removing the facilities at its own cost. If an Occupant fails to remove facilities that the City requires it to remove, after ninety (90) days notice to the Occupant, the City may perform the work and shall be entitled to collect the cost from the Occupant its successors and/or assigns.

b. **Additional Requirements.** (i) **General.** All deployments of Communications Facilities in the Public ROW shall comply with the following:

- (A) Compliance with ADA and other applicable Federal, State and local Laws and standards.
- (B) Pedestrian and vehicular traffic and safety requirements established by the City.
- (C) Existing Public ROW occupancy or management ordinances, not otherwise inconsistent with this Chapter.

(ii) **Additional Permits.** In addition to obtaining a Permit for installation of a Communications Facility in the Public ROW, an Applicant must obtain the following additional permits and approvals, as well as provide notice where indicated:

1. Notification to City Designee for all work contemplated in this Chapter, pursuant to Section 27-2.1
- 23 2. Construction Permit (including building and electrical subcodes), per statutory fees established by uniform construction code regulations contained in N.J.A.C. 5:23.
3. Zoning Permit, as applicable, per this Chapter
4. Street Opening Permit,

if applicable, per City code Chapter 15 Streets and Sidewalks. 5. Telecommunications Consultation and Review performed by the City Designee or other such official of the city or professional contracted by the City, to include permit review, construction oversight for code and zoning compliance and post-installation inspection to ensure compliance with the technical specifications. 6. Engineering Review by an outside consultant, as needed 7. Discretionary Review: For Small Wireless Facilities applications not subject to Administrative Review pursuant to this Chapter. c. Existing Utility Easements in the Public Right of Way. (i) Applicants will work with the City engineer to coordinate and protect existing utilities in the Public ROW. (ii) Applicants will coordinate with the City engineer all public safety considerations prior to and during installation in the Public ROW to ensure public safety response in the case of gas line, water line or electric City disturbance. 27-2.6 Attachment to and Replacement of Decorative Poles. Notwithstanding anything to the contrary in this Chapter, the City may request that Applicant install a Small Wireless Facility on a new Decorative Pole, or Replace an existing Decorative Pole with a new Decorative Pole that is in keeping with the aesthetics of the existing Decorative Pole or the surrounding streetscape only upon satisfaction of the following additional requirements: (i) Issuance of a Permit under Subsection 27-2.2(a) above. (ii) The new Decorative Pole, Small Wireless Facilities attachment and/or the Replacement Decorative Pole is in keeping with the aesthetics of the Decorative Pole and surrounding streetscape in the judgement of the City. 27-2.7 Batch Applications. An Applicant seeking to construct, modify or replace a network of Communications Facilities may, at the Applicant's discretion and subject to the City's approval, batch Application requirements and file a consolidated Application and receive multiple permits or a single Permit for multiple Communications Facilities. The City's denial of any site or sites within a consolidated Application shall not affect other sites submitted in the same Application. The City shall grant a Permit(s) for any and all sites in a consolidated Application that it does not otherwise deny, subject to the requirements of this Section. 27-2.8 Design Standards. 24 All above-ground Communications Facilities in the Public ROW requiring Administrative Review only shall conform to the following non-discriminatory design guidelines generally applicable to all facilities in the Public ROW: (A) Siting and Design Requirements: 8. Pole Siting Standards. New Poles for use as support structures for Small Wireless Facilities shall conform to the following siting standards: a. Height. No Proposed Pole shall be taller than fifty (50) feet or 110% of the height of Poles in the surrounding streetscape, whichever is higher. b. Location, Safety and Aesthetics. No Proposed Pole shall be erected in the Right-of-Way unless it: i. Is approved pursuant to the provisions of this Chapter; ii. Replaces an Existing Pole; or iii. Does not inhibit any existing sight triangles or sight distances; and iv. Allows adequate room for the public to pass and repass across, along and through the Right-of-Way; and v. Is finished and/or painted and/or otherwise camouflaged, in conformance with best available stealth technology methods, so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties. vi. Is compliant with Chapter 15 Streets and Sidewalks of the City Code as well as any applicable local and state laws and regulations pertaining to the installation of utility poles in the right-of-way, including promulgated by the Board of Public Utilities requiring approval of proposed locations prior to installation. 9. Ground Level Cabinet Siting Standards. Ground level cabinets shall conform to the following siting standards: a. Ground level cabinets are prohibited in the Public Right-of-Way in residential zones and any future residential zones. b. Ground level cabinets are permitted in non-residential zones provided that such Ground Level Cabinet: c. Is less than twenty-eight (28) cubic feet in volume; and 25 d. Is finished and/or painted so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and e. Does not inhibit any existing sight triangles or sight distance; and f. Allows adequate room for the public to pass and repass across, along and through the Municipal Right-of-Way. 10. Pole Mounted Antenna and Pole Mounted Cabinet Siting Standards. 11. Pole mounted antennas are permitted on Existing Poles, provided that each pole mounted antenna: a. Does not exceed three (3) cubic feet in volume; and b. Is finished and/or painted and/or otherwise camouflaged, in conformance with best available stealth technology methods, so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and c. ; and d. Does not inhibit any sight triangles or sight distance; and e. Allows adequate room for the public to pass and repass across, along and through the Public Right-of-Way. f. Pole mounted cabinets are permitted on Existing Poles in all residential zones and non-residential zones provided that each pole mounted cabinet: i. Does not exceed sixteen (16) cubic feet; and ii. Is finished and/or painted and/or otherwise camouflaged, in conformance with best available stealth technology methods, so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and iii. Does not inhibit any sight triangles or sight distance; and iv. Allows adequate room for the public to pass and repass across the Public Right-of-Way. (B) Maximum Height Requirements. (i) Maximum Size of Permitted Use. Small Wireless Facilities, and

new, modified or Replacement Poles, Towers and Support Structures (subject to the further limitation for Replacement of Support Structures described in Subsection 27-1.2(aa) above) to be used for Collocation of Small Wireless Facilities may be placed in the Public Right of Way as a permitted use in accordance with this Subsection 27-2.2, subject to the following requirements. 26 A. Each new, modified or Replacement Pole, Tower or Support Structure installed in the Public ROW shall not exceed the greater of: 1. Five (5) feet above the tallest existing Pole, Tower or Support Structure not exceeding 50 feet in the Public ROW, in place as of the effective date of this Chapter, and located within 500 feet of the new proposed Pole, Support Structure; or ten (10') feet on utility distribution poles where required by the electrical utility separation requirements; or 2. Fifty (50) feet above ground level. B. Each modified or Replacement Pole, Tower, or Support Structure installed in the Public ROW shall not exceed the greater of: 1. five (5) feet above the height of the structure being modified or replaced in place as of the effective date of this Chapter; or ten (10) feet on utility distribution poles where required by the electrical utility separation requirements; or 2. the height limit under this Section 27-2.8(B)(i)(A) Section 27-3 Miscellaneous Terms 27-3.1 Preexisting Sites and Municipal Agreements. Any Communications Facilities in the Public Rights-of-Way existing at the time of the adoption of the provisions of this Chapter, whether or not a Municipal Agreement exists or is in force and effect with regard to same, shall be required to comply with the provisions of this Chapter. Any Municipal Agreements entered into between the City and any Provider regarding Communications Facilities in the Public Rights-of-Way shall be required to conform to the provisions and standards of this Chapter. To the extent the provisions of any existing Municipal Agreement conflict with this Chapter, said provisions shall be replaced and superseded by the applicable terms of this Chapter. 27-3.2 New Jersey One Call Prior to the start of any installation of Poles, Small Wireless Facilities or other Communications Facilities that requires excavation, Applicant shall contact New Jersey One Call at 811 at least three (3) full business days prior to the commencement of work. 27-3.3 "Dig Once" Requirements For all installations of Communications Facilities and Small Wireless Facilities that require the installation of above ground and underground communications and power cabling and conduit, along the Public ROW as well as utility easements and private property, the City's Department of Public Works or Construction Office may request that the project developer publicly offer to coordinate with Providers who operate, or have applied for facilities in the City through the Department of Public Works or other applicable department or agency to ensure the Public ROW 27 and any planned utility easements are adequate to accommodate the deployment of both aboveground and underground Communications Facilities. Specifically, planned utility easements should allow for an adequate number of huts, utility Poles and other structures, as well as belowground conduit, to adequately serve current and anticipated Communications Facilities. Access to easements should be provided to Providers on a non-discriminatory basis and at a reasonable cost, or pursuant to applicable Laws. 27-3.4 Violation of this Chapter: Violation of any of the provisions of this Chapter shall be a simple citation punishable with a civil penalty of \$500 for each violation which continues more than ten (10) days after written notice of such violation is provided to the Applicant. Each day, after such notice, that a violation occurs or is permitted to exist by the Applicant constitutes a separate offense. 27-3.5 Governance of Deployments Outside of the Public Right-of-Way. This section is intended to govern the installation, placement, maintenance, modification, upgrade and repair of Communications Facilities, including Small Wireless Facilities, in the Public Right-of-Way. The placement of telecommunications equipment outside of the Public Right-of-Way shall be governed by Chapter 35 Zoning Regulations Section 35-26 Wireless Telecommunications Towers, Facilities and Antennas, as well as by other applicable codes and ordinances of the City. 27-3.6 Waiver. The City Council, or other City person, agency or department with the authority to do so, may waive any provision or standard set forth in this Chapter where it is demonstrated that the strict enforcement of said standard: (i) Will prohibit or have the effect of prohibiting any telecommunications service pursuant to 47 U.S.C. 253(a); or (ii) Will prohibit or have the effect of prohibiting personal wireless service pursuant to 47 U.S.C. 332(c)(7)(B)(i)(II); or (iii) Will violate any requirement set forth in the FCC Order entitled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment," WT Docket No. 17-79; "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment," WC Docket No. 17-84; or (iv) Will prohibit, or have the effect of prohibiting, the ability of an entity to provide wireless service to any prospective customer within the City. 27-3.7 Wireless Consultant Contact Information As specified in section 27-2.1(b) herein, the City Designee shall be the initial point of contact for the City for all matters concerning this Chapter. 27-3.8 Effective Date. This Chapter shall take effect twenty (20) days after its adoption by the City Council. 28 Schedule A Schedule A One Time Fees* Rate* Frequency Note Small Cell Permit Application Escrow \$1000, per new installation or \$500 per modification or upgrade. To be held in escrow and billed against actual incurred costs per the below schedule of fees: Per install or upgrade Escrow to be used against incurred expenses. To be replenished as needed. Construction Permit Per Section 15-3.1 Per install or upgrade Building/electrical Zoning Permit, if applicable \$150. Per Section 33-4.1 Per install or

upgrade Structure/addition Street Opening Permit \$50. Per Section 25-1.3 Per street opening \$50 up to 100 ft² Telecommunications Consultation and Review by City Designee Hourly rate per agreement Per install or upgrade Up to 3 hours/site Engineering Review Per agreement schedule between the City and the City engineer or contracted engineering firm performing engineering services on behalf of the City City/Police Presence Per collective bargaining agreement between the City and the Bayonne Police Department personnel, established per ordinance During install or upgrade Traffic / safety Recurring Fees* ROW Access Fee (including attachment fee to City Pole, if applicable) \$270 Annual Access Rate Per small cell site *The fees described in this Schedule A are the fees in effect at the time of the adoption of this ordinance. All fees are subject to change as existing ordinances are amended and future ordinances adopted and future contracts and agreements entered into and effectuated by resolution. Any amendment, revision or addition to a City ordinance supersedes any prior inconsistent ordinances.

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

BE IT RESOLVED, that an ordinance entitled “AN ORDINANCE TO PROVIDE FOR THE AMENDMENT OF CHAPTER 27 OF THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE WITH THE ADOPTION OF A NEW SECTION ENTITLED, “TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT OF WAY”, just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, December 16, 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 Carroll, LaPelusa, Gullace, Perez and President Nadrowski.

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

WHEREAS, by way of Resolution No. 12-02-15-034 adopted by the Municipal Council on February 15, 2012, the City of Bayonne (the “City”) entered into an Access Agreement with PPG Industries, Inc. (“PPG”) for access to real property owned by the City comprised of Block 383, Lot 1, Lot 2, Lots 4-8; and Block 384, Lot 1 and Lot 2 and more commonly known as West 1st Street, Dennis Collins Park, Bayonne, New Jersey in the City of Bayonne, Hudson County, New Jersey (“Bayonne Property or “Site”) for the limited purpose of performing a soil and groundwater environmental investigation and performing court ordered environmental remediation work at said site, which agreement has been amended; and

WHEREAS, PPG has requested that, in contravention of applicable ordinances of the City of Bayonne, it be able to perform work on certain Federal Holidays (Veteran’s Day, Martin Luther King Day, Presidents’ Day, Memorial Day, Independence Day, Labor Day and Columbus Day) in order to expedite the court ordered remediation work; and

WHEREAS, this Municipal Council has carefully considered PPG’s request and agrees that expediting this remediation project is in the best interest of all involved stakeholders; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. PPG shall be permitted to perform work in furtherance of expediting the environmental remediation work to real property owned by the City comprised of Block 383, Lot 1, Lot 2, Lots 4-8; and Block 384, Lot 1 and Lot 2 and more commonly known as West 1st Street, Dennis Collins Park, Bayonne, New Jersey in the City of Bayonne, Hudson County, New Jersey on the following Federal Holidays: Veteran’s Day, Martin Luther King Day, Presidents’ Day, Independence Day, Labor Day and Columbus Day.

2. PPG shall not, however, be permitted to perform any work whatsoever in the vicinity of any veteran’s or war memorial site on either Veteran’s Day or Memorial Day.

3. All other terms and conditions of the aforesaid Access Agreement, as amended, shall remain the same.

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

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At 8:06 P.M., Council Member Perez motion to adjourn, seconded by Council Member LaPelusa, which motion was adopted.

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

President – Sharon A. Nadrowski

Clerk – Madelene C. Medina