

REGULAR MEETING

OF THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, NEW JERSEY, HELD IN THE COUNCIL CHAMBER, MUNICIPAL BUILDING, 630 AVENUE C, ON WEDNESDAY, MARCH 15, 2023.

The Council met at 7:03 P.M.

The Council President LaPelusa announced: "I would like to advise all those present that notice of this regular meeting of the Municipal Council of the City of Bayonne of MARCH 15, 2023, 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 MARCH 10, 2023."

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 Booker, Carroll, Perez, Weimmer and President LaPelusa.

The Council President led the Pledge of Allegiance.

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01. The Clerk announced:

AN ORDINANCE ENTITLED, "AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING THE CENTRAL CONSTABLE HOOK REDEVELOPMENT PLAN FOR PROPERTY IDENTIFIED AS BLOCK 465, LOT 9; BLOCK 466, LOTS 1, 2, 3 AND 4; AND BLOCK 478, LOTS 1 AND 1.01, AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE" was introduced and passed a first reading at a meeting held January 18, 2023, 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 February 15, 2023 where it was discovered that the ordinance was advertised incorrectly is now before the Council for its consideration and a public hearing at this meeting of March 15, 2023.

Council As a Whole moved and seconded that the following ordinance of second reading be adopted.

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

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

The Clerk read the resolution by title "AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING THE CENTRAL CONSTABLE HOOK REDEVELOPMENT PLAN FOR PROPERTY IDENTIFIED AS BLOCK 465, LOT 9; BLOCK 466, LOTS 1, 2, 3 AND 4; AND BLOCK 478, LOTS 1 AND 1.01, AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE"

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

The following person spoke: GAIL GODESKY – 828 KENNEDY BLVD.

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 Member Booker which motion was adopted.

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

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

WHEREAS, an ordinance entitled, "AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING THE CENTRAL CONSTABLE

HOOK REDEVELOPMENT PLAN FOR PROPERTY IDENTIFIED AS BLOCK 465, LOT 9; BLOCK 466, LOTS 1, 2, 3 AND 4; AND BLOCK 478, LOTS 1 AND 1.01, AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE” was introduced and passed a first reading at a meeting held January 18, 2023, 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 February 15, 2023; and

WHEREAS, the ordinance was published without the required hearing date, it is now necessary to reconsider final passage at this meeting of March 15, 2023, and

WHEREAS, said ordinance was given a second reading at this meeting of March 15, 2023; 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-23-09

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

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02. The Clerk announced:

AN ORDINANCE ENTITLED, “ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY APPROVING A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND TOGUS URBAN RENEWAL, LLC FOR THE PROPERTY IDENTIFIED AS BLOCK 332, LOT 3, BLOCK 360, LOT 2, BLOCK 390, LOTS 1 AND 2 (A.K.A. RG67), AND BLOCK 391, LOTS 1 AND 2” was introduced and passed a first reading at a meeting held JANUARY 25, 2023, and was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of MARCH 15, 2023 is now before the Council for its consideration and a public hearing.

Council As a Whole moved and seconded that the following ordinance of second reading be adopted.

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

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

The Clerk read the resolution by title, “ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY APPROVING A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND TOGUS URBAN RENEWAL, LLC FOR THE PROPERTY IDENTIFIED AS BLOCK 332, LOT 3, BLOCK 360, LOT 2, BLOCK 390, LOTS 1 AND 2 (A.K.A. RG67), AND BLOCK 391, LOTS 1 AND 2”

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.

The following person spoke: GAIL GODESKY – 828 KENNEDY BLVD.
MIKE HANLEY – NW FINANCIAL
BOB BENECKI – BENECKI ECONOMICS
COLIN EDWARDS – 38 WEST 19TH STREET

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

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

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

WHEREAS, an ordinance entitled, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY APPROVING A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND TOGUS URBAN RENEWAL, LLC FOR THE PROPERTY IDENTIFIED AS BLOCK 332, LOT 3, BLOCK 360, LOT 2, BLOCK 390, LOTS 1 AND 2 (A.K.A. RG67), AND BLOCK 391, LOTS 1 AND 2" was introduced and passed a first reading at a meeting held JANUARY 25, 2023, 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 FEBRUARY 15, 2023; and

WHEREAS, the ordinance was postponed to this meeting of March 15, 2023 for second reading and a public hearing, 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-23-10.

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa

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03. The Clerk announced:

AN ORDINANCE ENTITLED, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY, PROVIDING FOR THE SPECIAL ASSESSMENT OF THE COST OF CERTAIN IMPROVEMENTS ON THE PROPERTY IDENTIFIED AS BLOCK 332, LOT 3, BLOCK 360, LOT 2, BLOCK 390, LOTS 1 AND 2 (A.K.A. RG67), AND BLOCK 391, LOTS 1 AND 2" which and was introduced and pass a first reading at a meeting held JANUARY 25, 2023, and was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of March 15, 2023 is now before the Council for its consideration and a public hearing.

Council As a Whole moved and seconded that the following ordinance of second reading be adopted.

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

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

The Clerk read the resolution by title, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY, PROVIDING FOR THE SPECIAL ASSESSMENT OF THE COST OF CERTAIN IMPROVEMENTS ON THE PROPERTY IDENTIFIED AS BLOCK 332, LOT 3, BLOCK 360, LOT 2, BLOCK 390, LOTS 1 AND 2 (A.K.A. RG67), AND BLOCK 391, LOTS 1 AND 2"

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 Member Booker which motion was adopted.

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

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

WHEREAS, an ordinance entitled, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY, PROVIDING FOR THE SPECIAL ASSESSMENT OF THE COST OF CERTAIN IMPROVEMENTS ON THE PROPERTY IDENTIFIED AS BLOCK 332, LOT 3, BLOCK 360, LOT 2, BLOCK 390, LOTS 1 AND 2 (A.K.A. RG67), AND BLOCK 391, LOTS 1 AND 2" was introduced and passed a first reading at a meeting held JANUARY 25, 2023, 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 FEBRUARY 15, 2023; and

WHEREAS, the ordinance was postponed to this meeting of March 15, 2023 for second reading and a public hearing, 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-23-11

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

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04. The Clerk announced:

AN ORDINANCE ENTITLED, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY, AUTHORIZING THE GUARANTY OF NOT-TO-EXCEED \$65,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY GUARANTEED REDEVELOPMENT AREA BONDS" was introduced and passed a first reading at a meeting held JANUARY 25, 2023, and was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of March 15, 2023 is now before the Council for its consideration and a public hearing.

Council As a Whole moved and seconded that the following ordinance of second reading be adopted.

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

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

The Clerk read the resolution by title, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY, AUTHORIZING THE GUARANTY OF NOT-TO-EXCEED \$65,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY GUARANTEED REDEVELOPMENT AREA BONDS"

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 ordinance or its passage have been filed with me."

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

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

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

WHEREAS, an ordinance entitled, "ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY, AUTHORIZING THE GUARANTY OF NOT-TO-EXCEED \$65,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY GUARANTEED REDEVELOPMENT AREA BONDS" was introduced and passed a first reading at a meeting held JANUARY 25, 2023, 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 FEBRUARY 15, 2023; and

WHEREAS, the ordinance was postponed to this meeting of March 15, 2023 for second reading and a public hearing, 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-23-12.

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

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05. The Clerk announced:

AN ORDINANCE ENTITLED, "AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON ADOPTING AN AMENDED AND RESTATED REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED 69-71 NEW HOOK ROAD, BLOCK 416 LOTS 1 & 2 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE" which was introduced and passed a first reading at a meeting held FEBRUARY 15, 2023, was published in the Jersey Journal and posted on the bulletin board as required by law, with notice that it would be further considered for final passage following a public hearing at this meeting of MARCH 15, 2023 is now before the Council for its consideration and a public hearing.

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

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

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

The Clerk read the resolution by title, "AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON ADOPTING AN AMENDED AND RESTATED REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED 69-71 NEW HOOK ROAD, BLOCK 416 LOTS 1 & 2 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE"

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

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

Council President 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, COUNTY OF HUDSON ADOPTING AN AMENDED AND RESTATED REDEVELOPMENT PLAN FOR THE PROPERTY LOCATED 69-71 NEW HOOK ROAD, BLOCK 416 LOTS 1 & 2 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE" was introduced and passed a first reading at a meeting held FEBRUARY 15, 2023, and was published and posted as required by law, with notice that it would be considered for final passage following a public hearing at this meeting of MARCH 15, 2023; 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-23-13.

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

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06. The following persons spoke:

Gail Godesky-828 Kennedy Blvd addressed the Council on law flying helicopters and various traffic issues.

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07. Council President LaPelusa introduced:

CALENDAR YEAR 2023
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

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

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

WHEREAS, the Municipal Council of the City of Bayonne in the County of Hudson finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Municipal Council hereby determines that a 1% increase in the budget for said year, amounting to \$1,606,325 in excess of the increase in final appropriations otherwise permitted by the Local, Government Cap Law, is advisable and necessary; and,

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

NOW THEREFORE BE IT ORDAINED, by the Municipal Council of the City of Bayonne, in the County of Hudson, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the City of Bayonne shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$5,622,138 and that the CY 2023 municipal budget for the City of Bayonne be approved and adopted in accordance with this ordinance; and,

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

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

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

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

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, April 19, 2023 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 Booker, Carroll, Perez, Weimmer and President LaPelusa.

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08. Council President LaPelusa introduced:

AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY APPROVING A FINANCIAL AGREEMENT PURSUANT TO THE FIVE-YEAR TAX ABATEMENT FOR THE PROPERTY LOCATED AT 717-719 KENNEDY BLVD, WHICH IS IDENTIFIED AS BLOCK 169, LOT 25.01 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY

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, 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 or an area in need of redevelopment; and

WHEREAS, on February 4, 1998, by resolution No. 98-02-04-040 the entire City was designated as an area in need of rehabilitation pursuant to the Redevelopment Law; and

WHEREAS, pursuant to the Five-Year Exemption and Abatement Law, N.J.S.A. 40A:21-1 et seq. (the "Five Year Law") property located within an area in need of rehabilitation or redevelopment may qualify for short term tax exemptions; and

WHEREAS, on May 22, 2013, the Municipal Council adopted Ordinance No. O-13-15 authorizing tax exemptions for the construction of "multiple dwellings" (as defined in the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 et seq.) in the City as authorized under N.J.S.A. 40A:21-8 of the Five-Year Law; and

WHEREAS, Kennedy Boulevard Estates, LLC is the owner of a parcel of land located at BLOCK 169, LOT 25.01, (with a property address commonly known as "717-719 Kennedy Boulevard" which is also known as the "Project Area") on the official tax map of the City, and constructed or will cause to be constructed thereon certain real estate improvements consisting of residential development containing seven (7) residential units (the "Project"); and

WHEREAS, Kennedy Boulevard Estates, LLC has submitted an application to the City requesting a tax exemption and abatement under the Five-Year Law for itself of the residential use seeking a 5-year exemption agreement on the total assessment of the property; and

WHEREAS, the Municipal Council has determined that the authorization of a tax exemption for the aforesaid Project is in the best interest of the City and facilitates the goals of rehabilitation and productive use;

NOW THEREFORE BE IT ORDAINED, by the Municipal Council of the City of Bayonne, in the County of Hudson, New Jersey, as follows:

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

SECTION 2. The Municipal Council hereby approves an individual tax agreement for the exemption of real estate taxes on the parcel set forth above and any future sublots created by virtue of the development thereof in the Project Area allowing for a 5 Year exemption on the total assessment of each individual parcel substantially in the form attached to this Ordinance and shall calculate payments in lieu of taxes in accordance with the gross revenue basis and be in the form substantially as provided in EXHIBIT A also attached hereto. Each such agreement is intended to apply to the individual parcel involved for the five years following substantial completion of the property provided that the terms of the agreement are met and shall be executed with respect to each such parcel by the owner of that parcel following the effective date of this ordinance. The Mayor, in consultation with legal counsel to the City, is hereby authorized to execute each of these Tax Agreements, with such modifications or revisions deemed necessary by the Mayor, and to prepare, amend or execute any other agreements necessary to effectuate the Tax Agreement and this Ordinance.

SECTION 3. Within thirty (30) days of its execution, the City Clerk shall forward a copy of the Tax Agreement to the Director of the Division of Local Government Services in the Department of Community Affairs as prescribed by N.J.S.A. 40A:21-11(d).

SECTION 4. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

SECTION 5. This Ordinance shall take effect in accordance with all applicable laws.

Council President LaPelusa moved a resolution, seconded by Council Member Weimmer, 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, STATE OF NEW JERSEY APPROVING A FINANCIAL AGREEMENT PURSUANT TO THE FIVE YEAR TAX ABATEMENT FOR THE PROPERTY LOCATED AT 717-719 KENNEDY BLVD, WHICH IS IDENTIFIED AS BLOCK 169, LOT 25.01 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, April 19, 2023 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 Booker, Carroll, Perez, Weimmer and President LaPelusa.

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09. Council Member Perez introduced:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE
ADOPTING THE AMENDED AND RESTATED SUB-AREA PLAN FOR 8TH STREET
STATION REHABILITATION AREA, FOR THE PROPERTIES LOCATED AT 17-29
EVERGREEN STREET AND 219-223 ORIENT STREET AND DESIGNATED AS
BLOCK 306, LOTS, 1, 2, 3 AND 4 AND 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, pursuant to the Redevelopment Law, the City 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, in 2015, the City Council adopted an Ordinance approving a plan titled the “City of Bayonne, 8TH Street Station Rehabilitation Area Plan”, prepared by the Department of Community Affairs, Local Planning Services, dated March 9, 2015, revised April 24, 2015 (“Rehabilitation Plan”); and

WHEREAS, the Properties located at 17-29 Evergreen Street and 219-233 Orient Street and designated as Block 306, Lots 1, 2, 3 and 4 on the Official Tax Map of the City of Bayonne contain the Public Service Electric & Gas (“PSE&G”) Bergen Point 69kV Class H Substation (the “Property” or “Amended Rehabilitation Sub-Area”); and

WHEREAS, the substation on the Property is a critical piece of electrical infrastructure that takes direct high voltage at 69 kilovolts generated and steps down the voltage for distribution and use by customers for a large portion of the City; and

WHEREAS, the substation on the Property was first constructed in 1926 and has outlived its useful life and PSE&G is planning to reconstruct and upgrade the substation; and

WHEREAS, the Redevelopment Law permits municipalities to amend redevelopment and rehabilitation area plans from time to time within their discretion; and

WHEREAS, on December 14, 2022 the Municipal Council of the City of Bayonne (“Municipal Council”) adopted Resolution No. R-6 authorizing the Planning Board of the City (the “Planning Board”) to re-open the Rehabilitation Plan to consider amendments to the Plan and/or authorize preparation of subarea redevelopment plan/s for further consideration by the Municipal Council pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq (PSE&G Bergen Point 69kV Class H Substation property and other areas of the plan as warranted); and

WHEREAS, on March 14, 2023, the Planning Board adopted a resolution recommending an Amendment to the 8th Street Rehabilitation Plan for the Bergen Point Substation Redevelopment Plan – Sub-Area Plan Of The 8th Street Station Rehabilitation Area Plan (“Amended Rehabilitation Sub-Area Plan”) and concluding that the Amended Rehabilitation Sub-Area Plan is consistent with the Master Plan of the City of Bayonne (the “Resolution”); and

WHEREAS, upon receipt of the Planning Board’s Resolution and recommendations relating to the Amended Rehabilitation Sub-Area Plan, the Municipal Council believes that the adoption of the Amended Rehabilitation Sub-Area Plan is in the best interest of the City for the redevelopment of the Amended Rehabilitation Sub-Area.

NOW THERE, BE IT ORDAINED BY THE CITY 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 Amended Rehabilitation Sub-Area Plan, dated March 3, 2023, attached hereto as Exhibit A and made a part hereof, is hereby adopted pursuant to the terms of N.J.S.A. 40A:12A-7 of the Redevelopment Law. Further, the Amended Rehabilitation Plan shall amend, replace and supersede any prior plans with respect to Rehabilitation Area, except where the Amended Rehabilitation Plan specifically states otherwise.

Section 3. The zoning district map in the zoning ordinance of the City is hereby amended to include the “Rehabilitation Area” per the boundaries described in the Rehabilitation Plan and the provisions therein.

Section 4. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

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

Section 6. This Ordinance shall take effect in accordance with all applicable laws.

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

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE ADOPTING THE AMENDED AND RESTATED SUB-AREA PLAN FOR 8TH STREET REHABILITATION AREA FOR PROPERTY IDENTIFIED AS 17-29 EVERGREEN STREET, 219-223 ORIENT STREET WHICH IS KNOWN AS BLOCK 306, LOTS 1,2,3,4 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, April 19, 2023 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 Booker, Carroll, Perez, Weimmer and President LaPelusa.

* * * * *

10. Council President LaPelusa introduced:

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

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE OF THE CITY OF BAYONNE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES, CHAPTER 16, RENT CONTROL," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, April 19, 2023 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.

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§ 16-1.3. Construal of Provisions.

This Chapter being necessary for the welfare of the City and its inhabitants shall be liberally construed to effectuate the purpose thereof.

§ 16-1.4. Definitions.

As used hereinafter in this Chapter:

Annual Operating Expenses – Shall mean yearly expenses incurred by the landlord of the Dwelling for the following items: heating fuel; utilities; real estate taxes; insurance; payroll; janitorial services and materials; painting and decorating; ordinary and routine repairs and maintenance; and miscellaneous administrative expenses. Annual Operating Expenses for purposes of this Chapter shall not include: depreciation; mortgage interest and amortization; the cost of Major Capital Improvements or Individual Rental Unit Improvements; or expenses derived from any commercial or non-housing portions of the Dwelling. Where an Annual Operating Expense benefitted both a residential tenant(s) and commercial user(s), such Annual Operating Expense shall be apportioned accordingly between residential and commercial tenants to determine the amount of Annual Operating Expense attributable to residential use of a Dwelling for purposes of calculating allowable Hardship Surcharge under this Chapter.

Base Rent – Shall mean the monetary amount approved by the Board and properly noticed according to Section 16-4, which the Rent-Controlled Tenant is required to pay to the landlord for the use and enjoyment of their Covered Rental Unit and any Core Services, but not for the use and enjoyment of any Supplemental Services, for the Rent-Controlled Tenant's applicable rental term. Base Rent shall include subsequent Rent Increases as they become authorized pursuant to Section 16-4. Base Rent shall not include any of the Surcharges authorized pursuant to Section 16-5.

Board – Shall mean any rent control board, rent equity board, or other agency or official authorized to administer and decide matters regarding this Rent Control Chapter.

Consumer Price Index (CPI) – Shall mean the Consumer Price Index for All Urban Consumers, specifically for the "all items index, not seasonally adjusted" for the region of the United States of which Bayonne, New Jersey, is a part, published periodically by the Bureau of Labor Statistics, United States Department of Labor.

Consumer Price Index Percentage (CPI Percentage) – Shall mean the 12-month percent change of the Consumer Price Index.

Core Services – Shall mean Services for which no separate or identifiable periodic surcharge is paid by the Rent-Controlled Tenant and which are provided by a landlord to the Rent-Controlled Tenant either: (1) to use within their Covered Rental Unit or (2) to use outside of their Covered Rental Unit in the common areas of the Dwelling and its surrounding land, use of which is available to all tenants in the Dwelling.

Covered Rental Unit – Shall mean any Rental Unit: (1) designated as one that was subject to rent control pursuant to Ordinance No. O-73-06 and its progeny ordinances, and (2) which, as

Commented [ER7]: Deleted "Available for Rent to Tenants—Shall mean any dwelling fit for habitation as defined by the statutes, codes and ordinances in full force and effect in the State of New Jersey; County of Hudson, and City of Bayonne, and occupied or unoccupied, furnished or unfurnished and offered for rent."

Commented [ER8]: Updated old provision: "Operating Expenses shall mean expenses incurred by the landlord of the dwelling for the following items: heating fuel; utilities; real estate taxes; insurance; payroll; janitorial materials; painting and decorating; repairs and replacement; and miscellaneous administrative and operating expenses (tenanted). Proof that operating have been incurred during the calendar year from the date of the last valid increase and proof of payment in full shall be submitted. Operating expenses for purposes of this chapter shall not include depreciation or mortgage interest and amortization. All items of expenses and the amount of gross annual income shall be presented in affidavit form by the owner. In dwellings involving 50 or more housing spaces, the statement of expenses and annual income shall be certified by a certified public accountant if requested by the Board."

Commented [ER9]: Updated old provision: "Rent shall mean any payment by the 'tenant' which entitled him entitled him the peaceful and quiet enjoyment of the use and occupation of the unit of housing space for that time period. For all covered rental units, rents shall be subject to the provisions of this chapter to the same extent and on the same terms and conditions otherwise lawfully prescribed. This chapter shall permit any additional charges, no matter how set forth, paid by the tenant for the use of any service in connection with the housing space. This chapter shall permit late charges, whether termed a late rental fee or interest on rent paid late, but not in excess of \$35, if permitted by State law. This chapter shall also permit returned check fees of \$35, if permitted by State law."

Commented [ER10]: Changed the defined term from "Price Index" to "Consumer Price Index." Also updated the old provision: "Price Index shall mean the 'consumer price index' (all items) for the region of the United States of which Bayonne, New Jersey, is a part, published periodically by the Bureau of Labor Statistics, United States Department of Labor."

Commented [ER11]: New definition, not new concept. It was never defined in the old provisions.

Commented [ER12]: Brand new. This definition was added in light of the 4 Standard Place case where the tenant believed that were entitled to a rent reduction based on the elimination of access to a shelf that was in a storage closet on his apartment's floor. The Board wanted to make clear that only the elimination of certain core services will result in a rent reduction, not all reduction in services.

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of January XX, 2023, continues to house a tenant who has not vacated the Rental Unit or been legally evicted from the Rental Unit since June 30, 2011.

- Exempt from this Chapter are the following, which shall be defined as "Exempt Rental Units" for the purposes of this Chapter:
 - Rental Units occupied by persons whose rents are subsidized in whole in part by federal or state law or regulations, including, but not limited to:
 - Section 8 of the U.S. Housing Act of 1937
 - Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), as amended;
 - Section 811 of the National Affordable Housing Act of 1990 (P.L. 101-625) as amended by the Housing and Community Development Act of 1992 (P.L. 102-550), the Rescission Act (P.L. 104-19) the American Homeownership and Opportunity Act of 2000 (P.L. 106-569), and the Frank Melville Supportive Housing Act of 2010 (P.L. 111-374).
 - Rental Units permanently decontrolled pursuant to Section 16-9 of this Chapter.

Commented [ER13]: Updated from old provision: "Covered Rental Unit shall mean any dwelling covered by the provisions of this chapter."

Decision -- Shall mean any formal action taken by the Board or the Rent Control Office to resolve a matter that was brought to it.

Commented [ER14]: New definition, not a new concept.

Dwelling -- Shall mean any building, structure, trailer, land used as a trailer park rented, or land offered for rent to one or more tenants or family units.

- Exempt from this Chapter are the following, which shall be defined as "Exempt Dwellings" for the purposes of this Chapter:
 - Dwellings containing four or less Rental Units.
 - Motels.
 - Hotels.
 - Commercial and industrial space.
 - Dwellings owned or operated by the United States, the State of New Jersey, any political subdivision, agency, or instrumentality thereof, any municipality or any public housing authority.
 - Dwellings that are subject to Federal preemption by the United States Department of Housing and Urban Development pursuant to Federal law or regulation including, but not limited to 24 CFR 246 and 24 CFR 406, or are subject to state preemption pursuant to New Jersey State law or regulation.
 - Newly constructed Dwellings rented for the first time which have been approved by the Building Department of the City of Bayonne for a Certificate of Occupancy after November 1, 2011. The landlord of such newly constructed Dwellings may charge rent not subject to the

Commented [ER15]: Updated these two bullet points from the original ordinance which said: "Exempt from this chapter are the following dwellings: ...
(e) public housing developments,
(f) income based housing,
(g) units receiving State or Federal subsidies directly to the owner and/or where Federal preemption from local rent control is ordered by the United States Department of Housing and Urban Development pursuant to Federal law or regulation."

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rental constraints of this chapter.

Gross Annual Income – Shall mean the money derived from the Dwelling, including, but not limited to, funds resulting from usage of garages or washing machines, and any other funds collected as a result of extra surcharges imposed by the landlord. Gross Annual Income shall not include income derived from any commercial or non-housing portions of the Dwelling.

Commented [ER16]: New definition, not new concept. The second sentence was in the old Hardship Increase definition.

Individual Rental Unit Improvement ("IRUI") – Shall mean any renovation, preservation, replacement, or improvement work which substantially adds to the value, or life, of a single Covered Rental Unit, but does not include ordinary or routine repairs, or maintenance, done to the Covered Rental Unit. Individual Rental Unit Improvements shall include, but are not limited to, things in the nature of replacing major appliances like a stove or a refrigerator, replacing or installing fixtures, and installing cabinetry.

Commented [ER17]: New definition, not a new concept. Under the old chapter, a landlord was allowed to apply for a Major Capital Improvement Surcharge for an individual unit, but many other jurisdictions define a surcharge for an individual unit separate from a Major Capital Improvement.

Legal Eviction – Shall mean a landlord's recovered possession of a Rental Unit from a Court of law under one of the causes enumerated in State law pursuant to N.J.S.A. 2A:18-53 or N.J.S.A. 2A:18-61.1 et seq.

Commented [ER18]: Changed the define term from "Just Cause Eviction" to "Legal Eviction." Substance was not changed.

Major Capital Improvement ("MCI") – Shall mean any renovation, preservation, replacement, or improvement work which substantially adds to the value, or life, of the entire Dwelling or Covered Rental Units, but does not include ordinary or routine repairs, or maintenance. The work must benefit more than one Covered Rental Unit, not just a single Covered Rental Unit. Major Capital Improvements shall include, but are not limited to, things in the nature of installing or replacing a roof, boilers, HVAC systems or units, plumbing, electrical wiring, security systems, community laundry facilities, community recreation rooms or areas, or pools.

Commented [ER19]: Changed the define term from "Capital Improvement" to "Major Capital Improvement" to match the later defined provisions. Also added the second and third sentence to provide clarification for applicants regarding what constitutes a MCI.

Opinion – Shall mean the Board's written statement explaining a Resolution of the Board.

Rent-Controlled Tenant – Shall mean a tenant legally occupying a Covered Rental Unit.

Commented [ER20]: New definition, not a new concept.

Rental Unit – Shall mean: (1) the square feet of a Dwelling rented or offered for rent for residential purposes to one or more tenants or family unit, (2) fixtures contained within the designated square feet of the Dwelling, and (3) furnishings provided by the landlord for use within the designated square feet of the Dwelling.

Commented [ER21]: New definition, not a new concept.

Resolution – Shall mean a written document issued by the Board which decides a matter that was put before the Board.

Commented [ER23]: New definition, not a new concept.

Rooms – Shall mean bedrooms, living rooms, kitchens, and dining rooms. Any other area in a Covered Rental Unit is not considered a room for the purposes of this Chapter.

Commented [ER24]: New definition, not a new concept. (Adding this section was absolutely necessary because all of the formulas for surcharges use the number of rooms to calculate the amount of the surcharge, but there was no definition on what constituted a room.)

Services – Shall include, without limitation: repairs; decorating and maintenance; provision of light, heat, air conditioning, hot water, cold water, telephone, and elevator service; privileges for use of common kitchen, bath, or laundry facilities; privileges for use of common halls, corridors, stairs, rooms, yards, or other common areas; maid, linen, janitorial, garbage, or recycling services; privileges for the use of common parking facilities; and any other benefit, privilege, or shared use of facilities or fixtures granted to or permitted to be enjoyed by the

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tenant in connection with the tenant's use or occupancy of their Rental Unit.

Supplemental Services – Shall mean any Services for which the landlord and Rent-Controlled Tenant have agreed the Rent-Controlled Tenant will pay for a separate or specifically identifiable Surcharge.

Surcharge – Shall mean an additional charge, fee, or payment paid by a Rent-Controlled Tenant for something.

Total Approved Rent – Shall include Base Rent and all Surcharges authorized by this Chapter.

§ 16-2. RENT CONTROL

All rents for Covered Rental Units are hereby controlled at the Base Rent in effect for such Covered Rental Units at the time of adoption of this Chapter, and no rent increases or surcharges shall be hereinafter demanded or paid except as authorized by this Chapter.

All previously approved rent increases and surcharges in effect at the time of adoption of this Chapter shall remain in effect and subject to the provisions of this Chapter as if the existing rent increase or surcharge had been approved and effective under this current Chapter.

§ 16-3. RENT CONTROL BOARD AND RENT CONTROL OFFICE

§ 16-3.1. Board.

- a. Composition of the Board. There is hereby created a Rent Control Board ("Board") to administer this Chapter. The Board shall consist of seven Board Members: five core members and two alternate members.
- b. Appointment. Each Board Member shall be appointed by the Mayor with the consent of the Municipal Council.
- c. Oath. An appointed Board Member shall take the following oath: "I do solemnly swear (or affirm) that I am duly qualified, according to the constitution of this state, to exercise the duties of a Member of the Rent Control Board to which I have been appointed; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will, to the best of my ability, faithfully discharge the duties of Board Member. So help me God."
- d. Term of Office. Board Members shall serve for a term of three (3) years, and until their successors are appointed and qualified.
- e. Vacancy on Board. If a permanent vacancy should occur among the core members of the Board, then the Mayor, with consent of the Municipal Council, may appoint either of the alternate members or a new member to fill the unexpired term of the core member.
- f. Compensation. Board Members shall serve without compensation.
- g. Reimbursement for Reasonable Educational Expenses. Board Members shall be allowed reimbursement of reasonable expenses incurred to attend educational programs to maintain or obtain knowledge required to serve as an effective Board Member, which shall include, but is not limited to, attending conferences, lectures, or seminars on the topic of rent control. In order to qualify for reimbursement, Board Members

Commented [ER25]: Updated the old definition: "Services shall mean services or facilities provided by a landlord or required by law or by the terms of a lease to be provided by a landlord to a tenant in connection with the use and occupancy of any housing accommodation, including, without limitation: services, furniture, furnishings, and equipment; repairs, decorating and maintenance; provision of light, heat, air conditioning; hot water, cold water, telephone, and elevator service; kitchen, bath, and laundry facilities and privileges; use of halls, corridors, stairs, common rooms, yard and other common areas; maid service, linen service; janitor service, removal of refuse, parking facilities, and other benefit, privilege, or facility connected with the housing space. This chapter shall permit late charges, whether termed a late rental fee or interest on rent paid late, but not in excess of \$35, if permitted by State law. This Chapter shall also permit returned check fees of \$35, if permitted by State law."

Commented [ER26]: New definition, added for the same reason as "core services."

Commented [ER27]: New definition, not a new concept.

Commented [ER28]: New definition, not a new concept. This defined term was used by the Rent Control Office in all applications, but it was not defined anywhere.

Commented [ER29]: Updated old provision to remove redundancies:

"Establishment of rents between a landlord and tenant to whom this chapter is applicable shall hereafter be determined by the provisions of this chapter."

For a periodic tenant whose lease term shall be less than one year ("periodic lease"), or a tenant whose lease agreement is for one year or less, the tenant shall not suffer or be caused to pay any rent increase in any twelve-month period which exceeds the amounts set forth herein.

All rents for rental or housing spaces and services in dwellings to which this chapter is applicable are hereby controlled at the base rent level received as of January 11, 1973, if such dwelling was subject to requirements of this chapter, or the base rent level approved by the Rent Control Board in the event such dwelling was not subject to the requirements previously of this chapter, and no rental increase shall be hereinafter demanded or paid except as provided in this chapter.

All dwellings which were subject to the provisions of this chapter on November 1, 1986, shall remain subject to its provisions despite a reduction in the number of dwelling units due to structural alterations, change in use, conversion of units to condominium or co-op or other form of ownership, or for other reason, unless such dwelling becomes vacant and decontrolled pursuant to Section 16-8.

Commented [ER30]: Brand new. Added so that all the surcharges and increases from the previous chapter carry over uninterrupted.

Commented [ER31]: Brand new. Added to codify what was already being done in practice.

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must obtain prior approval from the Mayor and Council to attend the educational program, which approval shall indicate the Board Members permitted to attend, the particular educational program that will be reimbursed, and the amount up to which each Board Member will be reimbursed.

Commented [ER32]: Updated old provision, which said "They [Board Members] shall serve without compensation but shall be allowed reasonable expenses."

§ 16-3.2. Board Leadership.

- a. Chairperson of the Board. At the first Board meeting of the calendar year, the Board, by a majority vote of Core Members, shall elect from their number a Chairperson of the Board who shall preside at all of its meetings. The Chairperson of the Board shall hold office for one (1) year and until the first Board meeting of the subsequent calendar year. The Chairperson of the Board shall have the right to debate and vote on all questions before the Board. If the Board, at its first meeting of the calendar year, fails to elect a Chairperson of the Board, the Mayor shall appoint a Chairperson of the Board, and in that case, no confirmation by the Board shall be necessary. A Chairperson may be removed from their position by a majority vote of Core Members.
- b. Vice-Chairperson of the Board. At the first Board meeting of the calendar year, the Board, by a majority vote, shall elect from their number a Vice-Chairperson of the Board who shall preside at all of its meetings when the Chairperson of the Board does not preside. The Vice-Chairperson of the Board shall hold office for one (1) year and until the first Board meeting of the subsequent calendar year. The Vice-Chairperson of the Board shall have the right to debate and vote on all questions before the Board. If the Board, at its first meeting of the calendar year, fails to elect a Vice-Chairperson of the Board, the Mayor shall appoint a Vice-Chairperson of the Board, and in that case, no confirmation by the Board shall be necessary. A Vice-Chairperson may be removed from their position by a majority vote of Core Members.

Commented [ER33]: Brand new. Added to codify what was already being done in practice.

§ 16-3.3. Board Meetings and Board Activity.

- a. Quorum. A minimum of three Board Members must be in attendance in order for the Board to hold a meeting, or a hearing.
- b. Presence at Board Meetings. All Board Members shall be entitled to attend, and sit in on, any meeting of, or hearing before, the Board.
- c. Participation and Voting at Board Meetings. All five core members may participate and vote at any meeting of, or hearing before, the Board. Alternate members are generally non-participatory and non-voting, except when a core member is absent on the day that a matter is being determined or recuses themselves from a matter, in which case an alternate member who has attended the full hearing or hearings on a specific matter may participate, and vote on that matter, in lieu of the absent or recused core member.
- d. Formal Action. In order for any formal action to be taken by the Board, the majority of voting Board Members present must vote in the affirmative.

Commented [ER34]: Brand new. Added to codify what was already being done in practice.

Commented [ER35]: Updated old provision, which said "An alternate member shall be entitled to sit with, and participate as a member, in any meeting of or hearing before the Board. An alternate member who has attended the full hearing or hearings on a specific matter may participate in, and may vote upon, any determination made during the absence of qualification of any regular member."

§ 16-3.4. Disqualification of Member.

- a. No individual shall be permitted to serve as a core member or alternate member of the Board if the individual is a landlord or tenant subject to the provisions of this Chapter, or if the individual has an immediate family member who is a landlord or tenant subject to the provisions of this Chapter, or if the individual has a financial interest in a Dwelling subject to the provisions of this Chapter.
- b. A core member or alternate member of the Board shall recuse themselves from

Commented [ER36]: Brand new. Added to codify what was already being done in practice.

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participating in any way in any determinations, hearings, complaints, applications, or other matters brought before the Board or the Rent Control Office relating to a Dwelling in which the member resides, which includes that the member shall not speak on such matters at any Board meeting or hearing, shall not question or participate directly or indirectly in questioning a witness at a meeting or hearing, shall not speak with other Board members or the Rent Control Office about any matters from which they must recuse themselves, and may not vote on such matters.

Commented [ER37]: Updated old provision, which said: "No member of the Board shall be permitted to act on any matter in which that individual has, either directly or indirectly, any personal or financial interest."

§ 16-3.5. Powers and Duties.

The Board is hereby granted, and shall have and exercise, in addition to other powers herein granted, all the powers necessary and appropriate to carry out and execute the purposes of this Chapter, including but not limited to the following:

- a. To issue and promulgate such rules and regulations as it deems necessary to implement the purposes of this Chapter, which shall have the force of law until revised, repealed, or amended from time to time by the Board in the exercise of its discretion, providing that such rules or regulations are filed with the City Clerk.
- b. To hold hearings and adjudicate applications from landlords for Hardship Surcharges, Major Capital Improvement Surcharges, and Individual Rental Unit Improvement Surcharges, in accordance with the provisions of this Chapter.
- c. To hold hearings and adjudicate complaints from Rent-Controlled Tenants for invalid rent increases or invalid surcharges in accordance with the provisions of this Chapter.
- d. To hold hearings and adjudicate complaints from Rent-Controlled Tenants alleging that their landlord has failed to pay money owed according to a Board Decision in accordance with the provisions of this Chapter.
- e. To hold hearings and adjudicate applications from Rent-Controlled Tenants for reduced rent in accordance with the provisions of this Chapter.
- f. To hold hearings and adjudicate complaints brought *sua sponte* by the Board against a landlord to determine the validity of rent increases or surcharges.
- g. To hold hearings and adjudicate applications from landlords seeking exemption from this Chapter.
- h. To hold hearings and adjudicate complaints from tenants seeking a determination that an individual is a rent-controlled tenant.
- i. To inform the Rent Control Office of potential violations of Section 16-14.
- j. To issue subpoenas requiring the production of witnesses and documents, and to take testimony and swear in witnesses in the execution of the Board's powers and duties.
- k. To enact Resolutions and, if necessary, issue Opinions regarding the various or random applications and matters that may be submitted or brought before the Board from time to time for consideration or adjudication.

Commented [ER38]: Removed old subsection (b), which said: "To supply information and assistance to landlords and tenants to help them comply with the provisions of this chapter," because that is a power/duty reserved to the Rent Control Office due to their familiarity with the Rent Control chapter.

Commented [ER39]: Updated old provision, which said: "(c) To hold hearings and adjudicate applications from landlords for additional rental, hardship, and capital improvement in accordance with the provisions of this chapter."

(d) To hold hearings and adjudicate applications from tenants for reduced rental in accordance with the provisions of this chapter."

Commented [ER40]: Updated old provision, which said: "(f) To take appropriate legal action, including the filing of a civil or criminal complaint, against those individuals, partnerships or corporations failing to comply with the provisions of this chapter."

Commented [ER41]: Updated old provision, which said: "(h) To supply decisions or orders in writing or stated on the record of the Board's proceedings."

Commented [ER42]: Deleted old provision, which said: "(h) To supply decisions or orders in writing or stated on the record of the Board's proceedings," because the Rent Control Office will be handling deregulation, like they have been.

Commented [ER43]: Updated old provision, which said: "The Board shall give both landlord and tenant reasonable opportunity to be heard before making any determination except that the Board, in its discretion, may limit, in cases regarding multiple dwellings with one similar application, issue or complaint, repetitious testimony or ask that a spokesperson for those tenants be appointed."

[At all hearings pursuant to Section 16-3.5(b)-(f), the Board shall give both the landlord and the Rent-Controlled Tenant(s) reasonable opportunity to be heard before making any Decision, except that in cases regarding multiple Covered Rental Units with one similar application, issue, or complaint, the Board, in its discretion, may limit repetitious testimony or ask that a spokesperson for the affected Rent-Controlled Tenants be appointed by a majority of the affected Rent-Controlled Tenants looking to be heard by the Board.]

§ 16-3.6. Termination.

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Both core and alternate Board members may be removed from office by the Mayor, at the Mayor's discretion, upon written notice of a violation of duty arising out of the commission by the Board member of any of the following infractions: inefficiency, negligence of duties, or malfeasance.

Commented [ER44]: Updated old provision, which said: "Members may be removed for inefficiency, negligence of duties or malfeasance in office by the Mayor at his discretion upon notice to the member."

§ 16-3.7. Rent Control Office.

The Board shall have a Rent Control Office and such staff working in the Rent Control Office, including a Rent Regulation Officer and Rent Control Board Secretary, as may be necessary to perform the Board's functions and duties including, but not limited to:

Commented [ER45]: Updated to specify who was the staff working in the Office.

- a. To supply non-legal information and assistance to landlords and Rent-Controlled Tenants to help them comply with the provisions of this Chapter.
- b. To keep an accurate record of the procedures of the Board and enter the same upon the minutes.
- c. To create and amend applications, forms, and procedures necessary to implement the purposes of this Chapter.
- d. To receive all completed applications and complaints from landlords and Rent-Controlled Tenants and process the same for determination by the Board.
- e. To adjudicate Applications for CPI Increase and Applications for Permanent Decontrol in accordance with the provisions of this Chapter.
- f. To issue complaints and summonses when appropriate according to Section 16-14.

Commented [ER46]: Updated to specify that it was non-legal information and assistance that the Office is providing to landlords and tenants, because often, people are calling for legal information.

Commented [ER47]: Brand new. Added to reflect what has been already done in practice.

Commented [ER48]: Brand new. Added to reflect what has been already done in practice.

Commented [ER49]: Brand new. Added to establish a person that can enforce the Chapter.

§ 16-3.8. Yearly Rent-Controlled Tenant Registration.

On or before December 1 of every year, all landlords of a Dwelling that includes any Covered Rent Units must file a completed Registry of Rent-Controlled Tenants with the Rent Control Office. All landlords must provide the completed Registry of Rent-Controlled Tenants to all tenants listed in the Registry.

Commented [ER50]: Brand new. Added to create, and then maintain, a centralized system of all Rent-Controlled Tenants.

§ 16-4. PERMISSIBLE RENT INCREASES

§ 16-4.1. Consumer Price Index (CPI) Increase.

a. Application.

- i. For Rent-Controlled Tenants with a lease term of less than one year, a landlord may be allowed a CPI Increase in rent based on changes to the cost-of-living every year. A landlord shall be permitted to apply to the Office for a CPI Increase by submitting a complete and proper Application for CPI Increase to the Rent Control Office.
- ii. For Rent-Controlled Tenants with a lease term of one year or more, a landlord may be allowed a CPI Increase in rent based on changes to the cost-of-living at the expiration of every lease term. A landlord shall be permitted to apply to the Office for a CPI Increase by submitting an Application for CPI Increase to the Rent Control Office.

Commented [ER51]: Updated the old provision to make it much clearer, which said: "For covered rental units, at the expiration of a lease or at the termination of the lease term of a periodic tenant, a landlord shall be permitted a rental increase based on the "consumer price index" (CPI) formula.

For covered rental units, a landlord shall be permitted an annual rental increase, in accordance with the percentage allocated by the Bureau of Labor Statistics, however such amount shall not exceed 5.5% of the monthly rent. For a periodic tenant whose lease term shall be less than one year, that tenant shall not suffer or be caused to pay any rent increase in any twelve-month period which exceeds the percentage stated herein. Any CPI increase, pursuant to this section, shall take effect upon proper notice to the tenant as required by the laws of the State of New Jersey."

- b. Rent Control Office Review. The Rent Control Office shall review the Application for CPI Increase to determine if the application is complete and proper. Once the Rent Control Office has reviewed the Application for CPI Increase and determined that it is complete and proper, the Rent Control Office shall stamp the application to indicate that it is complete.
- c. Decision by the Rent Control Office. Within fifteen (15) days after the Rent Control

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Office stamped the completed Application for CPI Increase, the Rent Control Office shall decide whether to deny or approve of the Application for CPI Increase.

- i. If the Rent Control Office decides to approve the Application for CPI Increase, the Rent Control Office shall: (1) stamp the Application for CPI Increase to indicate that it is approved; (2) determine, and indicate on the approved Application for CPI Increase, the appropriate CPI Increase per Covered Rental Unit based on the last reported CPI Percentage two months prior to the date the Rent Control Office determined that the application for CPI was complete and proper pursuant to subsection c. If that CPI Percentage is greater than 5.5%, then the Rent Control Office shall cap the Covered Rental Unit's CPI Increase at 5.5% of the Covered Rental Unit's current Base Rent; (3) fix the date upon which the CPI Increase shall take effect, in accordance with State Statutes, which date shall be no sooner than one year from the expiration of the most recent CPI Increase; and (4) notify the landlord of the application's approved status by providing the landlord with an exact copy of the stamped approved application and a Notice of Approval of CPI Increase that indicates therein the amount of the approved CPI Increase for the Rent-Controlled Unit and the date that the CPI Increase is to take effect.
 - ii. If the Rent Control Office decides to deny the Application for CPI Increase, the Rent Control Office shall stamp the Application for CPI Increase to indicate that it is denied and provide a Notice of Denial to the landlord explaining the reason(s) for the denial. If an Application for CPI Increase is denied and the landlord is able to correct the issues that the Rent Control Office explained were the reasons for denial of the Application, the landlord may submit a new Application for CPI Increase that corrects the issues.
- d. Notice to Rent-Controlled Tenant(s) of Approved Application. Within ten (10) days after receipt by the landlord of a copy of the stamped approved Application for CPI Increase and a Notice of Approval of CPI Increase, the landlord shall, by registered or certified mail return receipt requested or by personal service with a sworn affidavit of service, notify the applicable Rent-Controlled Tenants of the Application for CPI Increase's approval by providing each Rent-Controlled Tenant subject to the CPI Increase with exact copies of both the stamped approved Application for CPI Increase and the Notice of Approval of CPI Increase.
- e. Notifying Rent Control Office After Notice of Approved Application Has Been Given. Within fourteen (14) days after the landlord has finished providing notice in accordance with Subsection e above, the landlord shall submit a Notice Log to the Rent Control Office confirming said notice has been provided to the Rent-Controlled Tenants.
- f. Collection of CPI Increase. A landlord shall not collect any CPI Increase from a Rent-Controlled Tenant, and a Rent-Controlled Tenant's obligation to pay an approved CPI Increase shall not accrue, until the effective date of the CPI Increase stated on the Notice of Approval of CPI Increase.
- g. Incorporation into Base Rent. Provided that the landlord's Notice Log indicates that the appropriate Rent-Controlled Tenant(s) has received the Notice of Approval of CPI Increase that is required by Subsection e above, the CPI Increase shall be deemed to be part of the Base Rent on the effective date of the CPI Increase stated in the Notice of Approval of CPI Increase.
- h. Withdrawal of Approval of CPI Increase. An approved CPI Increase may be declared

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void and ineffective where the Rent Control Office finds that the landlord has failed to comply with the provisions of either subsection e and/or subsection f.

- i. **Prohibition on Future Increases.** No landlord shall be permitted to apply for, or collect, a CPI Increase under this Chapter if the Board has determined pursuant to Section 16-7 that the landlord has not repaid invalid rents or surcharges due or owing to the Rent-Controlled Tenant(s) in accordance with a Board Resolution and/or related Opinion. Only when all such payments due and owing are paid in full may the landlord apply for, or collect, a CPI Increase.

Commented [ER52]: Fixed now. Added to establish much needed procedures that were lacking for the Rent Control to process CPI Applications.

§ 16-5. PERMISSIBLE SURCHARGES

§ 16-5.1. Hardship Surcharge.

- a. **Application.** For all Dwellings containing Covered Rental Units, a landlord may apply to the Board for a 12-month surcharge based on financial hardship experienced within a 12-month period ending one month before the filing of the Application for Hardship Surcharge, by submitting a complete and proper Application for Hardship Surcharge to the Rent Control Office. No documentation in support of the Application for Hardship Surcharge will be considered by the Board if it has not been submitted by the landlord with the Application for a Hardship Surcharge or is not submitted to the Rent Control Office before the Rent Control Office issues a Notice of Completed Application and Hearing pursuant to subsection c.
- b. **Calculation of Allowable Surcharge.**
 - i. Calculation of the Hardship Surcharge amount per Covered Rental Unit shall be predicated on the particular financial information and documentation in the landlord's Application for Hardship Surcharge relating to Gross Annual Income, Annual Operating Expenses, initial investment, and assessed fair market value of the property where the Dwelling is located and shall be based on the formula set forth in subsection ii below.
 - ii. To qualify for a hardship surcharge, the landlord must prove that the Dwelling meets a minimum threshold requirement, namely, having the Dwelling's Annual Operating Expenses exceed sixty (60) percent of the Dwelling's Gross Annual Income:

[Operating Expenses] must be greater than [Gross Annual Income × 0.60]

- iii. If the landlord meets the threshold set forth above in b(ii), then the amount of allowable monthly Hardship Surcharge per Covered Rental Unit shall be calculated using the two-step process:

Step 1: Calculate the total monthly Hardship Surcharge landlords can collect from all tenants.

$$\text{Total Monthly Hardship Surcharge} = \left(\frac{\left(\left(\frac{\text{Gross Annual Income} - \text{Operating Expenses}}{\text{Gross Annual Income}} \right) \times 100 \right) - 60\%}{12} \right) \times \text{Gross Annual Income}$$

Step 2: Calculate the monthly Hardship Surcharge Per Covered Rental Unit

$$\text{Monthly Hardship Surcharge Per Unit} = \left(\frac{\text{Total Monthly Hardship Surcharge}}{\text{Number of Total Rooms in Dwelling}} \right) \times \# \text{ of Rooms in the Unit}$$

Commented [ER54]: Brand new. Added to reflect what was already in the Hardship Application, but had not made its way to the ordinance.

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- iv. For purposes of calculating Hardship Surcharge pursuant to the formula set forth in subsection ii above, for Dwellings containing fifty (50) or more Rental Units, the Gross Annual Income and Annual Operating Expenses reported in the Application for Hardship Surcharge must be certified by a certified public accountant if requested by the Board. Any Hardship Surcharge approved by the Board shall be apportioned equally among each Rental Unit in the Dwelling, including Covered Rental Units and non-Covered Rental Units. However, only payment of Hardship Surcharge by Rent-Controlled Tenants is mandated by this Chapter.
- c. Rent Control Office Review. The Rent Control Office shall review the Application for Hardship Surcharge to determine if the application is complete and proper. Once the Rent Control Office has determined that the Application for Hardship Surcharge is complete and proper, the Rent Control Office shall: (1) stamp the application to indicate that it is complete, (2) set a hearing date for when the Application for Hardship Surcharge will be considered by the Board, and (3) notify the landlord of the Application's complete and proper status by providing the landlord with an exact copy of the stamped complete Application for Hardship Surcharge and a Notice of Completed Application and Hearing that has the hearing date indicated therein and includes language indicating that Rent-Controlled Tenants have a right to file an opposition to the Application for Hardship Surcharge.
- d. Notice to Rent-Controlled Tenants of Application. Within ten (10) days after receipt by the landlord of the stamped complete copy of the Application for Hardship Surcharge and Notice of Completed Application and Hearing, the landlord shall notify the Rent-Controlled Tenant of the application's complete and proper status by providing all Rent-Controlled Tenant in the Dwelling with exact copies of both by registered or certified mail return receipt requested or by personal service with a sworn affidavit of service.
- e. Informing the Rent Control Office that Tenant Notice Has Been Given. After notice has been given by the landlord to the Rent-Controlled Tenants pursuant to Subsection d above the landlord shall provide the Rent Control Office with a Notice Log to confirm that the notice required by Subsection d above has been sent to all Rent-Controlled Tenants in the Dwelling. Landlord must provide the Rent Control Office with this Notice Log no later than thirty (30) days prior to the hearing.
- f. Opposition to the Application. No later than twenty (20) days prior to the hearing date, the Rent-Controlled Tenants must submit written opposition, including copies of any and all supporting documentation, if any, to the Rent Control Office for the Board's consideration at the hearing. The Rent Control Office will make the written opposition available to the landlord for copying and inspection.
- g. List of Witnesses. No later than fourteen (14) days prior to the hearing date, both the landlord and the Rent-Controlled Tenants must provide the Rent Control Office with a list of all witnesses they plan to have testify at the hearing, if any. The Rent Control Office will make the landlord's and Rent-Controlled Tenants' list of witnesses available for copying and inspection.
- h. Hearing. Provided that the Rent Control Office has determined that the landlord's Notice Log indicates that all of the Rent-Controlled Tenants in the Dwelling have received satisfactory notice of the Application for Hardship Surcharge in accordance with Subsection d above, the Board may proceed to consider the merits of the

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Application on the date the matter is scheduled for hearing. At the hearing, the Board shall give both the landlord and the Rent-Controlled Tenants an opportunity to present their case, which shall consist of presenting evidence, calling witnesses, and the like. No submissions or evidence will be considered by the Board other than those provided to the Rent Control Office in accordance with Subsections f and g above. The only exception to this rule is when the Board, itself, requests specific additional submissions or evidence in order to reach a decision on the matter, which then, in order to be considered by the Board, must be provided to the Rent Control Office as directed by the Board.

- i. **Decision by Board.** Within sixty (60) days of the completion of the hearing for the Application for Hardship Surcharge, the Board shall determine whether to approve or deny the Application for Hardship Surcharge, enact a Resolution accordingly, and issue a written Opinion, if necessary. In the event that the Application for Hardship Surcharge indicates that the landlord is not receiving a fair net operating income, the Board shall approve the Application for Hardship Surcharge and adopt an appropriate Resolution, and where the Board may deem it necessary, issue an Opinion. The Rent Control Office shall then notify the landlord of the application's approved status by providing the landlord with: (1) an exact copy of the Board's Resolution and Opinion, if any, (2) a Notice of Approval of Application, which indicates therein the amount of the Hardship Surcharge and effective date of the Hardship Surcharge fixed by the Board in accordance with State Statutes, and (3) exact copy of the Application for Hardship Surcharge stamped to indicate that it has been approved. In the event the Application for Hardship Surcharge is denied, the Rent Control Office shall then notify the landlord of the application's denied status by providing the landlord with: (1) an exact copy of the Board's Resolution and Opinion, if any, and (2) a Notice of Denial of Application, which indicates therein the reasons for denial.
- j. **Notice to Rent-Controlled Tenants of Board's Decision.** Within ten (10) days after receipt by the landlord of copies of either the Board's Resolution and Opinion, if any, Notice of Approval of Application, and stamped approved copy of the Application for Hardship Surcharge, or the Board's Resolution and Opinion and Notice of Denial of Application, the landlord shall notify the Rent-Controlled Tenants of the Board's Decision by providing exact copies of the same to all Rent-Controlled Tenants in the Dwelling by registered or certified mail return receipt requested or by personal service with a sworn affidavit of service.
- k. **Notifying Rent Control Office After Notice Has Been Given.** Within fourteen (14) days after the landlord has finished providing notice in accordance with Subsection j above, the landlord shall submit an additional Notice Log to the Rent Control Office confirming said notice has been provided to the Rent-Controlled Tenants.
- l. **Lack of Incorporation into Base Rent.** No Hardship Surcharge allowed by the Board is to be deemed to be part of the Base Rent, nor shall any such Hardship Surcharges be used to calculate future CPI Increases.
- m. **Withdrawal of Approval of Hardship Surcharge.** An approved Hardship Surcharge may be declared void and ineffective where the Rent Control Office finds that the landlord has failed to comply with the provisions of either subsection j and/or subsection k.
- n. **Prohibition on Future Surcharges.** No landlord shall be permitted to apply for, or collect, a Hardship Surcharge under this Chapter if the Board has determined pursuant to Section 16-7 that the landlord has not repaid invalid rents or surcharges due or owing

Commented [ER55]: Brand new. Added to this new procedure to make the process smoother for the Rent Control Office and to help create a more equitable outcome for both the tenant and the landlord.

Commented [ER56]: Updated old provision which only gave the Board 30 days to render its decision.

Commented [ER57]: Brand new. Added as an additional step to make sure landlords are not charging tenants more than the Rent Control Board has approved. This scenario happens quite frequently.

Commented [ER58]: Changed "For purposes of subsequent rent increases, the amount of the increased rent shall be deemed the base rent" to what it is currently. The approved Hardship Surcharge will only last for one year and since its a surcharge, those are not a part of the Base Rent.

Commented [ER59]: Brand new. Added to reflect the reality that landlords are charging surcharges without providing proper notice to the tenants or the Board.

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to Rent-Controlled Tenant(s) in accordance with a Board Resolution and/or related Opinion. Only when all such payments due and owing are paid in full may the landlord apply for, or collect, a Hardship Surcharge.

Commented [ER60]: Brand new. This provision relates to Section 16-7. Will make more sense after Section 16-7 is explained.

§ 16-5.2. Major Capital Improvement Surcharge.

- a. Application. A landlord may apply to the Board for a surcharge based on the cost of conducting Major Capital Improvements within one year from the date of completion of the Major Capital Improvement work that is the subject of the application by submitting a complete and proper Application for a Major Capital Improvement Increase to the Rent Control Office. No increase shall be permitted for Major Capital Improvements completed more than 12 months prior to the date the Application is submitted to the Board unless the landlord establishes to the Board good cause for the landlord's delay in applying for the surcharge. The Application for a Major Capital Improvement Surcharge shall itemize each expense included as part of the landlord's cost of the Major Capital Improvement with sufficient detail for the Board to confirm that the expense was incurred specifically as part of the Major Capital Improvement work, and the landlord shall submit proofs of payment of each such expense that is included in the landlord's Application for a Major Capital Improvement Surcharge. No documentation in support of the Application for a Major Capital Improvement Surcharge will be considered by the Board if it has not been submitted by the landlord with the Application for a Major Capital Improvement Surcharge or is not submitted to the Rent Control Office before the Rent Control Office issues a Notice of Completed Application and Hearing pursuant to subsection b.
- b. Rent Control Office Review. The Rent Control Office shall review the Application for a Major Capital Improvement Surcharge to determine if the application is complete and proper. Once the Rent Control Office has reviewed the Application for a Major Capital Improvement Surcharge and determined that it is complete and proper, the Rent Control Office shall: (1) stamp the application indicating that it is complete, (2) set a hearing date for when the Application for a Major Capital Improvement Surcharge will be considered by the Board, and (3) and notify the landlord of the application's complete and proper status by providing the landlord with an exact copy of Application for a Major Capital Improvement Surcharge that is stamped complete and a Notice of Completed Application and Hearing that has the hearing date indicated therein and includes language indicating that Rent-Controlled Tenants have a right to file an opposition to the Application for Major Capital Improvement Surcharge.
- c. Notice to Rent-Controlled Tenants of Application. Within ten (10) days after receipt by the landlord of the stamped complete copy of the Application for a Major Capital Improvement Surcharge and Notice of Completed Application and Hearing, the landlord shall notify the Rent-Controlled Tenants of application's complete and proper status by providing the appropriate Rent-Controlled Tenants with exact copies of both by registered or certified mail return receipt requested or by personal service with a sworn affidavit of service.
- d. Informing the Rent Control Office that Tenant Notice Has Been Given. After notice has been given by the landlord to the Rent-Controlled Tenants pursuant to Subsection c above, the landlord shall provide the Rent Control Office with a Notice Log to confirm that the notice required by Subsection c above has been sent to all Rent-Controlled Tenants entitled to such notice. Landlord must provide the Rent Control Office with

Commented [ER61]: Deleted subsection (f) in old ordinance, which said:
(f) Nothing contained in this subsection shall be construed to prevent a landlord from making any modification, alteration, change of ownership or other action which would reduce the number of residential units in a particular dwelling* because it is no longer relevant to this new ordinance since whole buildings aren't subject to rent control, just individual rental units within a building and the provision related to the old Rent Control laws.

Commented [ER62]: Updated, nothing substantial that has been changed.

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- this Notice Log no later than thirty (30) days prior to the hearing.
- e. **Opposition to the Application.** No later than twenty (20) days prior to the hearing date, the Rent-Controlled Tenants must submit written opposition, including copies of any and all supporting documentation, if any, to the Rent Control Office for the Board's consideration at the hearing. The Rent Control Office will make the written opposition available to the landlord for copying and inspection.
 - f. **List of Witnesses.** No later than fourteen (14) days prior to the hearing date, both the landlord and the Rent-Controlled Tenants must provide the Rent Control Office with a list of all witnesses they plan to have testify at the hearing, if any. The Rent Control Office will make the landlord's and Rent-Controlled Tenants' list of witnesses available for copying and inspection.
 - g. **Hearing.** Provided that the Rent Control Office has determined that the landlord's Notice Log indicates that the appropriate Rent-Controlled Tenants have received satisfactory notice of the Application for a Major Capital Improvement Surcharge in accordance with Subsection c above, the Board may proceed to consider the merits of the Application on the date the matter is scheduled for hearing. At the hearing, the Board shall give both the landlord and the Rent-Controlled Tenants an opportunity to present their case, which shall consist of presenting evidence, calling witnesses, and the like. No submissions or evidence will be considered by the Board other than those provided to the Rent Control Office in accordance with Subsections e and f above. The only exception to this rule is when the Board, itself, requests specific additional submissions or evidence in order to reach a decision on the matter, which then, in order to be considered by the Board, must be provided to the Rent Control Office as directed by the Board.
 - h. **Decision by Board.** Decision by Board. Within sixty (60) days of the completion of a hearing for the Application for a Major Capital Improvement Surcharge, the Board shall determine whether to approve or deny the Application for Major Capital Improvement Surcharge, enact a Resolution accordingly, and issue a written Opinion, if necessary. The Rent Control Office shall then notify the landlord of the application's approved status by providing the landlord with (1) an exact copy of the Board's Resolution, (2) an exact copy of the Application for a Major Capital Improvement Surcharge that is stamped to indicate that it has been approved, and (3) a Notice of Approval of Application indicates therein the amount of the approved Major Capital Improvement Surcharge and effective date of the Major Capital Improvement Surcharge fixed by the Board in accordance with State Statutes. In the event the Application for a Major Capital Improvement Surcharge is denied, the Rent Control Office shall then notify the landlord of the application's denied status by providing the landlord with: (1) an exact copy of the Board's Resolution and Opinion, if any, and (2) a Notice of Denial of Application, which indicates therein the reasons for denial.
 - i. **Maximum Amount of Major Capital Improvement Surcharge Allowed.** The total amount of all Major Capital Improvement and Individual Rental Unit Improvement Surcharges charged against a Rent-Controlled Unit at any given time shall be no more than twenty (20) percent of the Rent-Controlled Unit's monthly Base Rent, and the Board shall adjust the amount of Major Capital Improvement Surcharge approved for any one Major Capital Improvement Application accordingly.
 - j. **Notice to Rent-Controlled Tenants of Board's Decision.** Within ten (10) days after receipt by the landlord of copies of either the Board's Resolution, Notice of Approval

Commented [ER63]: Brand new. Added in this new procedure to make the process smoother for the Rent Control Office and to help create a more equitable outcome for both the tenant and the landlord.

Commented [ER64]: Updated old provision which only gave the Board 30 days to render its decision.

Commented [ER65]: Changed from a 15% cap on an individual application to a cap on all MCI and IRLU surcharges that can be imposed.

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of Application, and stamped approved copy of the Application for a Major Capital Improvement Surcharge, or the Board's Resolution and Opinion and Notice of Denial of Application, the landlord shall notify the Rent-Controlled Tenants of the Board's Decision by providing them with exact copies of the same to all Rent-Controlled Tenants entitled to such notice by registered or certified mail return receipt requested or by personal service with a sworn affidavit of service.

- k. **Notifying Rent Control Office After Notice Has Been Given.** Within fourteen (14) days after the landlord has finished providing notice in accordance with Subsection j above, the landlord shall submit an additional Notice Log to the Rent Control Office confirming said notice has been provided to the Rent-Controlled Tenants.
- l. **Lack of Incorporation into Base Rent.** No Major Capital Improvement Surcharge allowed by the Board is to be deemed to be part of the Base Rent, nor shall any such Major Capital Improvement Surcharges be used to calculate future CPI Increases.
- m. **Withdrawal of Approval of a Major Capital Improvement Surcharge.** An approved Major Capital Improvement Surcharge may be declared void and ineffective where the Rent Control Office finds that the landlord has failed to comply with the provisions of either subsection j and/or subsection k.
- n. **Prohibition on Future Surcharges.** No landlord shall be permitted to apply for, or collect, a Major Capital Improvement Surcharge under this Chapter if the Board has determined pursuant to Section 16-7 that the landlord has not repaid invalid rents or surcharges due or owing to Rent-Controlled Tenant(s) in accordance with a Board Resolution and/or related Opinion. Only when all such payments due and owing are paid in full may the landlord apply for, or collect, a Major Capital Improvement Surcharge.

Commented [ER66]: Brand new. Added as an additional step to make sure landlords are not charging tenants more than the Rent Control Board has approved. This scenario happens quite frequently.

Commented [ER67]: Updated old provision, which stated: "If the increase is granted, it shall not be considered rental and calculated in cost of living increases" to just better reflect the newly defined terms.

Commented [ER68]: Brand new. Added to reflect the reality that landlords are charging surcharges without providing proper notice to the tenants or the Board.

§ 16-5.3. Individual Rental Unit Improvement Surcharge.

- a. **Application.** A landlord may apply to the Board for a surcharge based on the cost of conducting Individual Rental Unit Improvements within one year from the date of the application by submitting a complete and proper Application for an Individual Rental Unit Improvement Surcharge to the Rent Control Office. No increase shall be permitted for Individual Rental Unit Improvements completed more than 12 months prior to the date the Application is submitted to the Board unless the landlord establishes to the Board good cause for the landlord's delay in applying for the surcharge. The Application for an Individual Rental Unit Improvement Surcharge shall itemize each expense included as part of the landlord's cost of the Individual Rental Unit Improvement with sufficient detail for the Board to confirm that the expense was incurred specifically as part of the Individual Rental Unit Improvement work, and the landlord shall submit all proofs of payment of each such expense that is included in the landlord's Application for an Individual Rental Unit Improvement Surcharge. No documentation in support of the Application for an Individual Rental Unit Improvement Surcharge will be considered by the Board if it has not been submitted by the landlord with the Application for an Individual Rental Unit Improvement or is not submitted to the Rent Control Office before the Rent Control Office issues a Notice of Completed Application pursuant to subsection b.
- b. **Rent Control Office Review.** The Rent Control Office shall review the Application for an Individual Rental Unit Improvement Surcharge to determine if the application is complete and proper. Once the Rent Control Office has reviewed the Application for an

Commented [ER69]: Brand new. This provision relates to Section 16-7. Will make more sense after Section 16-7 is read.

Commented [ER70]: Deleted subsection (d) in old ordinance, which said:
"(d) Nothing contained in this subsection shall be construed to prevent a landlord from making any modification, alteration, change of ownership or other action which would reduce the number of residential units in a particular dwelling" because it is no longer relevant to this new ordinance since whole buildings aren't subject to rent control, just individual rental units within a building and the provision related to the old Rent Control laws."

Commented [ER71]: Brand new section, but now new in concept. Written to match MCL procedures identically.

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Individual Rental Unit Improvement Surcharge and determined that it is complete and proper, the Rent Control Office shall: (1) stamp the application to indicate that it is complete, (2) set a hearing date for when the Application for an Individual Rental Unit Improvement Surcharge will be considered by the Board, and (3) notify the landlord of the application's complete and proper status by providing the landlord with an exact copy of Application for an Individual Rental Unit Improvement Surcharge that is stamped complete and a Notice of Completed Application and Hearing that has the hearing date indicated therein and includes language indicating that the Rent-Controlled Tenant has a right to file an opposition to the Application for an Individual Rental Unit Improvement Surcharge.

- c. Notice to Rent-Controlled Tenant of Application. Within ten (10) days after receipt by the landlord of the stamped complete copy of the Application for an Individual Rental Unit Improvement Surcharge and Notice of Completed Application and Hearing, the landlord shall notify the Rent-Controlled Tenant of the application's complete and proper status by providing the Rent-Controlled Tenant(s) whose Covered Rental Unit is the subject of the Application for an Individual Rental Unit Improvement Surcharge with exact copies of both by registered or certified mail return receipt requested or by personal service with a sworn affidavit of service.
- d. Informing the Rent Control Office that Tenant Notice Has Been Given. After notice has been given by the landlord to the Rent-Controlled Tenant pursuant to Subsection c above the landlord shall provide the Rent Control Office with a Notice Log to confirm that the notice required by Subsection c above has been sent to the Rent-Controlled Tenants entitled to such notice. Landlord must provide the Rent Control Office with this Notice Log no later than thirty (30) days prior to the hearing.
- e. Opposition to the Application. No later than twenty (20) days prior to the hearing date, the Rent-Controlled Tenant must submit written opposition, including copies of any and all supporting documentation, if any, to the Rent Control Office for the Board's consideration at the hearing. The Rent Control Office will make the written opposition available to the landlord for copying and inspection.
- f. List of Witnesses. No later than fourteen (14) days prior to the hearing date, both the landlord and the Rent-Controlled Tenant must provide the Rent Control Office with a list of all witnesses they plan to have testify at the hearing, if any. The Rent Control Office will make the landlord's and Rent-Controlled Tenant's list of witnesses available for copying and inspection.
- g. Hearing. Provided that the Rent Control Office has determined that the landlord's Notice Log indicates that the Rent-Controlled Tenant has received satisfactory notice of the Application for an Individual Rental Unit Improvement Surcharge in accordance with Subsection c above, the Board may proceed to consider the merits of the Application on the date the matter is scheduled for hearing. At the hearing, the Board shall give both the landlord and the Rent-Controlled Tenant an opportunity to present their case, which shall consist of presenting evidence, calling witnesses, and the like. No submissions or evidence will be considered by the Board other than those provided to the Rent Control Office in accordance with Subsections e and f above. The only exception to this rule is when the Board, itself, requests specific additional submissions or evidence in order to reach a decision on the matter, which then, in order to be considered by the Board, must be provided to the Rent Control Office as directed by the Board.

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- h. **Decision by Board.** Within sixty (60) days of the completion of a hearing for the Application for an Individual Rental Unit Improvement Surcharge, the Board shall determine whether to approve or deny the Application for an Individual Rental Unit Improvement Surcharge, enact a Resolution accordingly, and issue a written Opinion, if necessary. The Rent Control Office shall then notify the landlord of the application's approved status by providing the landlord with: (1) an exact copy of the Board's Resolution, (2) an exact copy of the Application for an Individual Rental Unit Improvement Surcharge that is stamped to indicate that it has been approved, and (3) a Notice of Approval of Application which indicates therein the amount of the approved Individual Rental Unit Improvement Surcharge and effective date of the Individual Rental Unit Improvement Surcharge fixed by the Board in accordance with State Statutes. In the event the Application for an Individual Rental Unit Improvement Surcharge is denied, the Rent Control Office shall then notify the landlord of the application's denied status by providing the landlord with: (1) an exact copy of the Board's Resolution and Opinion, if any, and (2) a Notice of Denial of Application, which indicates therein the reasons for denial.
- i. **Maximum Amount of Individual Rental Unit Improvement Surcharge Allowed.** The total amount of all Major Capital Improvement and Individual Rental Unit Improvement Surcharges charged against a Rent-Controlled Unit at any given time shall be no more than twenty (20) percent of the Rent-Controlled Unit's monthly Base Rent, and the Board shall adjust the amount of Individual Rental Unit Improvement Surcharge approved for any one Individual Rental Unit Improvement Application accordingly.
- j. **Notice to Rent-Controlled Tenant of Board's Decision.** Within ten (10) days after receipt by the landlord of copies of either the Board's Resolution, Notice of Approval of Application, and stamped approved copy of the Application for an Individual Rental Unit Improvement Surcharge, or the Board's Resolution and Opinion and Notice of Denial of Application, the landlord shall notify the Rent-Controlled Tenant of the Board's decision by providing exact copies of the same to the Rent-Controlled Tenant by registered or certified mail return receipt requested or by personal service with a sworn affidavit of service.
- k. **Notifying Rent Control Office After Notice Has Been Given.** Within fourteen (14) days after the landlord has finished providing notice in accordance with Subsection j above, the landlord shall submit an additional Notice Log to the Rent Control Office confirming said notice has been provided to the Rent-Controlled Tenants.
- l. **Lack of Incorporation into Base Rent.** No Individual Rental Unit Improvement Surcharge allowed by the Board is to be deemed to be part of the Base Rent, nor shall any such Individual Rental Unit Improvement Surcharge be used to calculate future CPI Increases.
- m. **Withdrawal of Approval of an Individual Rental Unit Improvement Surcharge.** An approved Individual Rental Unit Improvement Surcharge may be declared void and ineffective where the Rent Control Office finds that the landlord has failed to comply with the provisions of either subsection j and/or subsection k.
- n. **Prohibition on Future Surcharges.** No landlord shall be permitted to apply for, or collect, an Individual Rental Unit Improvement Surcharge under this Chapter if the Board has determined pursuant to Section 16-7 that the landlord has not repaid invalid rents or surcharges due or owing to Rent-Controlled Tenant(s) in accordance with a Board Resolution and/or related Opinion. Only when all such payments due and owing

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are paid in full may the landlord apply for, or collect, an Individual Rental Unit Improvement Surcharge.

§ 16-5.4. Late Rent Surcharge.

Where not otherwise prohibited by State law, if a Rent-Controlled Tenant fails to pay their landlord the Total Approved Rent for the use and the occupancy of their Covered Rental Unit, this Chapter shall permit a landlord to charge the Rent-Controlled Tenant a Late Rent Surcharge, whether termed a late rental fee or interest on rent paid late, of no more than \$35.

§ 16-5.5. Returned Check Surcharge.

This chapter shall permit a landlord to charge a Rent-Controlled Tenant a Returned Check Surcharge of \$35, if not otherwise prohibited by State law.

§ 16-5.6. Supplemental Service Surcharge.

A landlord is unrestricted by this Chapter from increasing the Surcharge associated with a Supplemental Service.

§ 16-6. INVALID RENT INCREASES AND INVALID SURCHARGES

§ 16-6.1. Defining An Invalid Rent Increase And An Invalid Surcharge.

An invalid rent increase or an invalid surcharge is a rent increase or surcharge imposed by a landlord not in accordance with Section 16-4 Permissible Rent Increase or Section 16-5 Permissible Surcharges.

§ 16-6.2. Complaint for an Invalid Rent Increase or Invalid Surcharges by Rent-Controlled Tenant.

- a. Filing a Complaint. Any Rent-Controlled Tenant claiming that an invalid rent increase or an invalid surcharge has been imposed must file a complaint stating the provision of this Chapter alleged to have been violated by the landlord and the facts upon which the allegation is based with the Rent Control Office no later than eighteen (18) months after making the first payment of any alleged invalid rent or invalid surcharge increase. All documentation that the Rent-Control Tenant intends to rely upon in support of the complaint must be filed with the complaint. No documentation in support of the complaint will be considered by the Board if it has not been submitted with the complaint or is not submitted to the Rent Control Office before the Rent Control Office issues a Notice of Complaint and Hearing pursuant to subsection c.
- b. Failure to File a Timely Complaint. Failure to file a complaint within eighteen (18) months after making the first payment of any alleged invalid rent or invalid surcharge shall be deemed to mean that the Rent-Controlled Tenant agrees to the rent increase or surcharge, and as a result, the Board may find that a Rent-Controlled Tenant is barred from filing a complaint about the same rent increase or surcharge, and is deemed to have waived the right to object to the rent increase or surcharge, absent a showing by the Rent-Controlled Tenant of reasonable excuse for failing to timely file a complaint. So long as the Rent-Controlled Tenant files a complaint within the eighteen (18) month time period, any rent increase or surcharge payments made by the Rent-Controlled Tenant to the landlord within eighteen (18) months shall not be construed as an agreement by the Rent-Controlled Tenant to imposition of the increase or surcharge or

Commented [ER72]: Renamed new section, but not a new concept. This language was taken from the old definition of "Rent" and placed in a different section of the ordinance.

The old chapter defined "Rent" as "Rent shall mean... This chapter shall permit any additional charges, no matter how set forth, paid by the tenant for the use of any service in connection with the housing space. This chapter shall permit late charges, whether termed a late rental fee or interest on rent paid late, but not in excess of \$35, if permitted by State law. This chapter shall also permit returned check fees of \$35, if permitted by State law."

Commented [ER73]: Updated old provision to make invalid rent increases/surcharges be broader, which stated that:

"Any rental increase at a time other than at the expiration of a lease or termination of a periodic lease shall be void. Any rental increase in excess of that authorized by the provision of this chapter shall be void. Any rent increase imposed after January 11, 1973, to the extent that such increase is in excess of that which is permitted by this chapter is hereby declared to be null and void and such excess rent shall be refunded to the tenant by the landlord forthwith."

Commented [ER74]: Completely updated old provision, which stated:

"Any tenant claiming that an invalid increase in rent has been imposed must file a complaint regarding same with the Board within four months of the imposition of any alleged invalid rent increase. Proof of four consecutive months of rental payments shall be construed to be an agreed increase and not subject to the provisions of this chapter. A hearing shall then be conducted by the Board to determine the validity of such increase."

Big edits are changing the SOL from 4 months to 18 months and providing notice to all parties when the complaint is at different stages.

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- be deemed to be a waiver by the Rent-Controlled Tenant of their right to file a complaint alleging the invalidity of that rent increase or surcharge.
- c. Rent Control Office Review. Once the complaint has been filed with the Rent Control Office, the Rent Control Office shall determine whether the complaint is complete and proper, meaning whether the Rent-Controlled Tenant has sufficiently stated a claim against the landlord for violating a provision of this Chapter and provided sufficient evidence supporting the claim.
- i. If the Rent Control Office determines that the Rent-Controlled Tenant has not sufficiently stated a claim, then the Rent Control Office shall: (1) deny the complaint and stamp the complaint to indicate that it is denied, and (2) provide a Notice of Denial to the Rent-Controlled Tenant explaining the reason(s) for the denial.
 - ii. If the Rent Control Office determines that the Rent-Controlled Tenant has sufficiently stated a claim, the Rent Control Office shall: (1) stamp the complaint to indicate that it is complete, (2) set a hearing date for when the complaint will be considered by the Board, and (3) notify the Rent-Controlled Tenant and the landlord of the complaint's complete and proper status by providing the Rent-Controlled Tenant with an exact copy of the stamped complete complaint and by providing the landlord with an exact copy of both the stamped complete complaint and a Notice of Complaint and Hearing that has the hearing date indicated therein and includes language indicating to the landlord that they have a right to file an opposition to the complaint.
- d. Opposition to the Application. No later than twenty (20) days prior to the hearing date, the landlord must submit written opposition, including copies of any and all supporting documentation, if any, to the Rent Control Office for the Board's consideration at the hearing. The Rent Control Office will make the written opposition available to the Rent-Controlled Tenant for copying and inspection.
- e. List of Witnesses. No later than fourteen (14) days prior to the hearing date, both the landlord and the Rent-Controlled Tenant must provide the Rent Control Office with a list of all witnesses they plan to have testify at the hearing, if any. The Rent Control Office will make the landlord's and Rent-Controlled Tenant's list of witnesses available for copying and inspection.
- f. Hearing. At the hearing, the Board shall give both the landlord and the Rent-Controlled Tenant an opportunity to present their case, which shall consist of presenting evidence, calling witnesses, and the like. No submissions or evidence will be considered by the Board other than those provided to the Rent Control Office in accordance with Subsections d and e above. The only exception to this rule is when the Board, itself, requests specific additional submissions or evidence in order to reach a decision on the matter, which then, in order to be considered by the Board, must be provided to the Rent Control Office as directed by the Board.
- g. Decision by Board. Within sixty (60) days of the completion of a hearing for the complaint, the Board shall determine whether to approve or deny the complaint, enact a Resolution accordingly, and issue a written Opinion, if necessary. If the Board determines that the landlord imposed an invalid rent increase or surcharge on the Rent-Controlled Tenant, the Board shall deem that rent increase or surcharge void and order a refund to that particular tenant in accordance with any terms and deadline set by the Board. Where the evidence at the hearing establishes that the landlord has imposed a

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similar invalid rent increase or surcharge on other similarly situated Rent-Controlled Tenants in the Dwelling, the Board may find that the landlord must also issue a refund to the similarly situated Rent-Controlled Tenants in accordance with any appropriate terms and deadline the Board's determines, which shall then be included in the Board's Resolution and Opinion, if any.

- h. Notice to Rent-Controlled Tenant and Landlord of Board's Decision. After the Board has passed a Resolution determining the matter, the Rent Control Office shall notify the Rent-Controlled Tenant and the landlord of the Board's Decision by providing both the landlord and the Rent-Controlled Tenant with exact copies of: (1) the Board's Resolution, and Opinion, if any, (2) the Complaint stamped to indicate that it is approved or denied, and (3) a Notice of Approved, or Denied, Complaint.

§ 16-6.3. Sua Sponte Review of Invalid Rent Increase or Surcharge.

In the absence of the filing of a complaint pursuant to Section 16-6.2 above, upon receipt of reasonable evidence that a landlord has imposed an invalid rent increase or invalid surcharge, the Board may, within the purpose of this Chapter, bring its own Complaint against a landlord to determine the validity of such rent increase or surcharge, in which case the provisions and procedures of Section 16-6.2 (c) through (h) shall govern the manner for adjudicating the complaint.

Commented [ER75]: Updated the old provision, which states that:

"In the absence of the filing of any complaint by a tenant, the Board may, within the purpose of this chapter, and upon receipts of reasonable proof that a landlord has imposed an invalid rent increase, deem such rent increase void and order a refund to the tenant(s) forthwith."

§ 16-7. COMPLAINT ALLEGING LANDLORD HAS FAILED TO PAY MONEY OWED ACCORDING TO A BOARD DECISION

- a. Filing a Complaint. Where the landlord has not refunded money due or payable to a Rent-Controlled Tenant(s) according to a Resolution or written Opinion of the Board, the aggrieved Rent-Controlled Tenant(s) shall be permitted to file a complaint with the Board for the purpose of conducting a hearing to determine whether the landlord is in default of any the deadlines or terms set forth in the Resolution or Opinion.
- b. Rent Control Office Review. Once the complaint has been filed with the Rent Control Office, the Rent Control Office shall determine whether the complaint is complete and proper, meaning whether the Rent-Controlled Tenant has provided sufficient evidence supporting their claim that their landlord has failed to pay money owed according to a Board Decision.
- i. If the Rent Control Office determines that the Rent-Controlled Tenant has not sufficiently stated a claim, then the Rent Control Office will outright deny the Rent-Controlled Tenant complaint and provide a Notice of Denial to the Rent-Controlled Tenant explaining the reason(s) for the denial.
- ii. If the Rent Control Office determines that the Rent-Controlled Tenant has sufficiently stated a claim, the Rent Control Office shall: (1) stamp the complaint to indicate that it is complete, (2) set a hearing date for when the complaint will be considered by the Board, and (3) notify the Rent-Controlled Tenant of the complaint's complete and proper status by providing the Rent-Controlled Tenant with an exact copy of the stamped complete complaint and by providing the landlord with an exact copy of both the stamped complete complaint and a Notice of Complaint that has the hearing date indicated therein and includes language indicating to the landlord that they have a right to file an opposition to

Commented [ER76]: Brand new section. Added to allow tenants to reach out to the Board when landlord has not paid money owed to them.

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the complaint.

- c. Opposition to the Application. No later than twenty (20) days prior to the hearing date, the landlord must submit written opposition, including copies of any and all supporting documentation, if any, to the Rent Control Office for the Board's consideration at the hearing. The Rent Control Office will make the written opposition available to the complainant for copying and inspection.
- d. List of Witnesses. No later than fourteen (14) days prior to the hearing date, both the landlord and the Rent-Controlled Tenant must provide the Rent Control Office with a list of all witnesses they plan to have testify at the hearing, if any. The Rent Control Office will make the landlord's and complainant's list of witnesses available for copying and inspection.
- e. Hearing. At the hearing, the Board shall give both the landlord and the Rent-Controlled Tenant an opportunity to present their case, which shall consist of presenting evidence, calling witnesses, and the like. No submissions or evidence will be considered by the Board other than those provided to the Rent Control Office in accordance with Subsections c and d above. The only exception to this rule is when the Board, itself, requests specific additional submissions or evidence in order to reach a decision on the matter, which then, in order to be considered by the Board, must be provided to the Rent Control Office as directed by the Board.
- f. Decision by Board. Within sixty (60) days of the completion of a hearing for the complaint, the Board shall determine whether to approve or deny the complaint, enact a Resolution accordingly, and issue a written Opinion, if necessary. If the Board determines that the landlord owes the Rent-Controlled Tenant money according to a Board Decision, then the Board shall approve the complaint. If the Board determines that the landlord has paid all money owed to the Rent-Controlled Tenant, then the Board shall deny the complaint.
- g. Notice to Complainant and Landlord of Board's Decision. After the Board has passed a Resolution determining the matter, the Rent Control Office shall notify the Rent-Controlled Tenant and the landlord of the Board's Decision by providing the landlord and Rent-Controlled Tenant with exact copies of: (1) the Board's Resolution, and Opinion, if any, (2) the complaint stamped to indicate that it is approved or denied, and (3) a Notice of Approved, or Denied, Complaint.

§ 16-8. RENT REDUCTIONS BASED ON ELIMINATION OF CORE SERVICES

- a. Application. Any Rent-Controlled Tenant may apply to the Board for a decrease in Base Rent based on the material reduction, or elimination, of a Core Service by submitting an Application for Rent Reduction with the Rent Control Office, which identifies the Core Service that the Rent-Controlled Tenant contends has been materially reduced or eliminated, explains why and how the Core Service has been materially reduced or eliminated, and identifies the amount of rental decrease the Rent-Controlled Tenant contends is appropriate. An Application for Rent Reduction must be filed with the Rent Control no later than eighteen (18) months after the landlord materially reduces or eliminates the Core Service. All documentation that the Rent-Control Tenant intends to rely upon in support of the Application for Rent Reduction must be filed with the Application for Rent Reduction. No documentation in support of the Application for Rent Reduction will be considered by the Board if it has not been submitted with the Application for Rent Reduction or is not submitted to the Rent

Commented [ER77]: Updated from old provision, which stated that:

"Any tenant may seek a decrease in rent based on a reduction or elimination of service(s). Such tenant shall serve the landlord a copy of the application for rent reduction, the reason(s) tenant is seeking such reduction and the date of the hearing scheduled by the Board regarding said application by certified mail return receipt requested and/or by priority mail. Proof of such notice to landlord shall be filed with the Rent Control Board prior to the hearing for such decrease. No application will be acted upon unless such proof is provided."

If, upon completion of a hearing by the Board, it is determined that there has been a significant reduction in services formerly provided by the landlord, the Board may make an equitable reduction in the rental increase previously approved by such Board to compensate for the loss of such services. For purposes of subsequent rent increases, the reduced rent shall be deemed the base rent. Any rental decrease, pursuant to this chapter, shall take effect from the date of determination by the Board. If the Board's decision is retroactive then the landlord shall refund to the tenant any amounts he/she was not authorized to collect."

Key Changes:

- Made it clear that rent reduction was not for any services, but rather only for Core Services.
- Added a SOL period, which was not existent previously.
- Shifted the notice responsibility to the Rent Control Office instead of the tenant.

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- Control Office before the Rent Control Office issues a Notice of Completed Application for and Hearing pursuant to subsection c.
- b. **Failure to File a Timely Application.** Failure to file an Application for Rent Reduction within eighteen (18) months after the landlord materially reduces or eliminates the Core Service shall be deemed to mean that the Rent-Controlled Tenant agrees to the material reduction, or elimination, of that particular Core Service. As a result, the Board may find that a Rent-Controlled Tenant is barred from filing an Application for Rent Reduction, and is deemed to have waived the right to object to the reduction or elimination of that particular Core Service, absent a showing by the Rent-Controlled Tenant of reasonable excuse for failing to timely file an Application for Rent Reduction. So long as the Rent-Controlled Tenant files an Application for Rent Reduction within eighteen-months of the date that the landlord materially reduces or eliminates the Core Service, any Base Rent payments made by the Rent-Controlled Tenant to the landlord within the eighteen-month period shall not be construed to be an agreement by the Rent-Controlled Tenant to the reduction or elimination of the Core Service or a waiver of their right to file an Application for Rent Reduction based on the material reduction, or elimination, of that particular Core Service.
 - c. **Rent Control Office Review.** The Rent Control Office shall review the Application for Rent Reduction to determine if the application is complete and proper. Once the Rent Control Office has determined that the Application for Rent Reduction is complete and proper, the Rent Control Office shall: (1) stamp the application to indicate that it is complete, (2) set a hearing date for when the Application for Rent Reduction will be considered by the Board, and (3) notify the Rent-Controlled Tenant and the landlord of the application's complete and proper status by providing the Rent-Controlled Tenant with an exact copy of the stamped complete Application for Rent Reduction and by providing the landlord with an exact copy of both the stamped complete Application for Rent Reduction and a Notice of Completed Application and Hearing that has the hearing date indicated therein and includes language indicating to the landlord that they have a right to file an opposition to the Application for Rent Reduction.
 - d. **Opposition to the Application.** No later than twenty (20) days prior to the hearing date, the landlord must submit written opposition, including any and all supporting documentation, if any, to the Rent Control Office for the Board's consideration at the hearing. The Rent Control Office will make the written opposition available to the Rent-Controlled Tenant for copying and inspection.
 - e. **List of Witnesses.** No later than fourteen (14) days prior to the hearing date, both the landlord and the Rent-Controlled Tenant must provide the Rent Control Office with a list of all witnesses they plan to have testify at the hearing, if any. The Rent Control Office will make the landlord's and Rent-Controlled Tenant's list of witnesses available for copying and inspection.
 - f. **Hearing.** At the hearing, the Board shall give both the landlord and the Rent-Controlled Tenant an opportunity to present their case, which shall consist of presenting evidence, calling witnesses, and the like. No submissions or evidence will be considered by the Board other than those provided to the Rent Control Office in accordance with Subsections d and e above. The only exception to this rule is when the Board, itself, requests specific additional submissions or evidence in order to reach a decision on the matter, which then, in order to be considered by the Board, must be provided to the Rent Control Office as directed by the Board.

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- g. The Board's Decision. Within sixty (60) days of the completion of a hearing for the Application for Rent Reduction, the Board shall determine whether to approve or deny the Application for Rent Reduction, enact a Resolution accordingly, and issue a written Opinion, if necessary. If the Board determines that there has been a material reduction or elimination in Core Services formerly provided by the landlord, the Board shall equitably reduce the Rent-Controlled Tenant's Base Rent to reflect such reduction or elimination, accounting for any adjustments due to CPI Increases that were approved after the landlord materially reduced or eliminated the Core Services. Where the evidence at the hearing establishes that the landlord has imposed a similar reduction or elimination in Core Services on other similarly situated Rent-Controlled Tenants in the Dwelling, the Board may find that the landlord must also issue a refund to the similarly situated Rent-Controlled Tenants in accordance with any appropriate terms and deadline the Board's determines, which shall then be included in the Board's Resolution and Opinion, if any. Any rental reduction shall take effect from the date the Resolution is passed by the Board. If the Board's Resolution is retroactive, then the landlord shall refund to the Rent-Controlled Tenant(s) any amounts the landlord was not authorized to collect. The approved rent reduction shall be deemed to be the new Base Rent, including, but not limited to, for purposes of subsequent rent increases.
- h. Notice to Rent-Controlled Tenant and Landlord of Board's Decision. After the Board has passed a Resolution determining the matter, the Rent Control Office shall notify the Rent-Controlled Tenant and the landlord of the Board's Decision and provide the landlord and the Rent-Controlled Tenant with exact copies of: (1) the Board's Resolution, and Opinion, if any, (2) the Application for Rent Reduction stamped to indicate that it is approved, or denied, and (3) a Notice of Approved, or Denied, Application.

§ 16-9. PERMANENT DECONTROL

- a. Permanent Decontrol. A Covered Rental Unit may become forever decontrolled and no longer subject to the rental constraints of this Chapter as result of the voluntary vacancy or legal eviction of a Rent-Controlled Tenant from a Covered Rental Unit. Once a Covered Rental Unit becomes decontrolled, the tenant that used to occupy the unit is deemed to be a former Rent-Controlled Tenant.
- b. Application. In order to obtain the Permanent Decontrol of a Covered Rental Unit, a landlord must apply to the Board by submitting an Application for Permanent Decontrol to the Rent Control Office. In the Application for Permanent Decontrol, the landlord must provide the Board with proof of the vacancy. In the case of a voluntary vacancy, the landlord shall supply an affidavit from either the formerly vacated Rent-Controlled Tenant, the superintendent, the landlord, or the new tenant, attesting that the former tenant has vacated the Covered Rental Unit, or other proof that the Board deems sufficient to establish with a reasonable degree of certainty that the formerly vacated Rent-Controlled Tenant has permanently vacated the Covered Rental Unit. In the case of a legal eviction, the landlord shall supply the Board with a copy of the Court Order or other legal decree of the Court evicting the Rent-Controlled Tenant from the Covered Rental Unit. No documentation in support of the Application for Permanent Decontrol will be considered by the Board if it has not been submitted by the landlord with the Application for Permanent Decontrol or is not submitted to the Rent Control Office before the Rent Control Office issues a Notice of Completed Application and Hearing pursuant to subsection c.
- c. Rent Control Office Review. The Rent Control Office shall review the Application for

Commented [ER78]: Completely updated from old provision, which states that:

"Upon the vacancy or legal eviction of a tenant from a dwelling unit, said unit shall be forever decontrolled; that is to say that the rent for that apartment is no longer subject to the rental constraints of this chapter. Landlord shall notify the Rent Control Board that the covered rent unit has become vacant and upon notification said unit shall become immediately decontrolled. Upon the reletting of that apartment, the landlord may charge a rent not subject to the limitations of this chapter. Any dwelling unit which is vacant at the time of the passage of this chapter will no longer be subject to the constraints of rent control. Landlord shall notify the Rent Control Board of the vacancy of a dwelling unit and thereafter said unit shall be decontrolled."

The overhaul was due to landlords misrepresenting that a unit was vacant on their affidavit and then deal with the issue of invalid rent increase complaints several years later.

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Permanent Decontrol to determine if the application is complete and proper. Once the Rent Control Office has determined that the Application for Permanent Decontrol is complete and proper, the Rent Control Office shall: (1) stamp the application to indicate that it is complete and (2) notify the landlord of the application's complete and proper status by providing the landlord with an exact copy of the stamped complete Application for Permanent Decontrol and a Notice of Completed Application that includes language indicating to the allegedly former Rent-Controlled Tenant that they have a right to file an opposition to the Application for Permanent Decontrol and if they do not, that the Rental Unit will be deemed permanently decontrolled.

- d. Notice to Vacated Tenant of Application. Within ten (10) days after receipt by the landlord of the stamped complete copy of the Application Permanent Decontrol and Notice of Completed Application, the landlord shall provide the allegedly former Rent-Controlled Tenant with exact copies of both by registered or certified mail return receipt requested or by personal service with a sworn affidavit of service. In the event the landlord cannot reasonably locate the allegedly former Rent-Controlled Tenant, or the post-office cannot obtain the signature of the tenant on the return receipt, the landlord shall send the notice by regular mail to the tenant's last known address and set forth on their Notice Log the reasons why the landlord had to use regular mail.
- e. Informing the Rent Control Office that Tenant Notice Has Been Given. After notice has been given by the landlord to the allegedly former Rent-Controlled Tenant pursuant to Subsection d above, the landlord shall provide the Rent Control Office with a Notice Log to confirm that the notice required by Subsection d above has been sent to the allegedly former Rent-Controlled Tenant. The landlord must provide the Rent Control Office with this Notice Log within forty (40) days after landlord receives the stamped complete Application and the Notice of Application.
- f. Opposition to the Application. No later than fourteen days after being given notice shall Tenant file an opposition to landlord's Application for Permanent Decontrol.
- g. The Office's Decision. If, by the time that the Rent Control Office receives Landlord's Notice Log pursuant to section e above and the allegedly former Rent-Controlled Tenant fails to submit opposition to landlord's Application for Permanent Decontrol, the Rent Control Office shall approve landlord's Application for Permanent Decontrol so long as landlord has supplied the Office with the appropriate documentation in support of landlord's application.
- h. Notice of Rent Control Office's Decision. After the Rent Control has determined the matter, the Rent Control Office shall notify the landlord, and the tenant where opposition has been received pursuant to subsection f above, of the Rent Control Office's Decision on the Application for Permanent Decontrol by providing the landlord, and the tenant where opposition has been received pursuant to section f above, with exact copies of: (1) the Application for Permanent Decontrol stamped to indicate that it is approved, or denied, and (2) a Notice of Approval, or Denial.
- i. When Rental Unit Becomes Permanently Decontrol. The day that the Rent Control Office approves of the Application for Permanent Decontrol is when the Rental Unit is decontrolled.

§ 16-10. APPLICATION SEEKING EXEMPTION FROM CHAPTER 16 RENT CONTROL

- a. Application. Where a landlord reasonably believes that the landlord's property is being treated as a Dwelling rather than an Exempt Dwelling, or that a unit within an Exempt Dwelling is being treated as a Covered Rental Unit rather than an Exempt Rental Unit,

Commented [ER79]: Brand new, added in response to growing amount of Dwellings/Rental Units being exempt from Rent Control.

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the Landlord shall be permitted to file an Application for Exemption with the Board for the purpose of conducting a hearing to determine whether the dwelling or the unit should be deemed exempt from this Chapter.

- b. **Rent Control Office Review.** The Rent Control Office shall review the Application for Exemption to determine if the application is complete and proper. Once the Rent Control Office has determined that the Application for Exemption is complete and proper, the Rent Control Office shall: (1) stamp the application to indicate that it is complete, (2) set a hearing date for when the Application for Exemption will be considered by the Board, and (3) notify the Rent-Controlled Tenant(s) and the landlord of the application's complete and proper status by providing the Landlord with an exact copy of the stamped complete Application for Exemption and by providing the Rent-Controlled Tenant(s) with an exact copy of both the stamped complete Application for Exemption and a Notice of Completed Application and Hearing that has the hearing date indicated therein and includes language indicating to the Rent-Controlled Tenant(s) that they have a right to file an opposition to the Application for Exemption.
- c. **Opposition to the Application.** No later than twenty (20) days prior to the hearing date, the Rent-Controlled Tenant(s) must submit written opposition, including any and all supporting documentation, if any, to the Rent Control Office for the Board's consideration at the hearing. The Rent Control Office will make the written opposition available to the Rent-Controlled Tenant(s) for copying and inspection.
- d. **List of Witnesses.** No later than fourteen (14) days prior to the hearing date, both the landlord and the Rent-Controlled Tenant(s) must provide the Rent Control Office with a list of all witnesses they plan to have testify at the hearing, if any. The Rent Control Office will make the landlord's and Rent-Controlled Tenant's list of witnesses available for copying and inspection.
- e. **Hearing.** At the hearing, the Board shall give both the landlord and the Rent-Controlled Tenant(s) an opportunity to present their case, which shall consist of presenting evidence, calling witnesses, and the like. No submissions or evidence will be considered by the Board other than those provided to the Rent Control Office in accordance with Subsections c and d above. The only exception to this rule is when the Board, itself, requests specific additional submissions or evidence in order to reach a decision on the matter, which then, in order to be considered by the Board, must be provided to the Rent Control Office as directed by the Board.
- f. **The Board's Decision.** Within sixty (60) days of the completion of a hearing for the Application for Exemption, the Board shall determine whether to approve or deny the Application for Exemption, enact a Resolution accordingly, and issue an Opinion, if necessary. If the Board determines that the landlord's property should be exempt from the provisions of this Chapter, then the Board shall either permanently or temporarily approve the Application for Exemption. If the Board determines that the landlord's property is not exempt from the provisions of this Chapter, then the Board shall deny the Application for Exemption.
- g. **Notice to Rent-Controlled Tenant(s) and Landlord of Board's Decision.** After the Board has passed a Resolution determining the matter, the Rent Control Office shall notify the Rent-Controlled Tenant(s) and the landlord of the Board's Decision by providing the Rent-Controlled Tenant and the landlord with exact copies of: (1) the Board's Resolution, and Opinion, if any, (2) the Application for Exemption stamped to indicate

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that it is approved, or denied, and (3) a Notice of Approved, or Denied, Application.

§ 16-11. COMPLAINT SEEKING A DETERMINATION THAT AN INDIVIDUAL IS A RENT-CONTROLLED TENANT

- a. Filing a Complaint. Where an individual reasonably believes that they are a Rent-Controlled Tenant but have been treated as a tenant not subject to the provisions of this Chapter by either their landlord and/or the Rent Control Office/Board, the individual shall be permitted to file a complaint with the Board for the purpose of conducting a hearing to determine whether the individual is a Rent-Controlled Tenant.
- b. Rent Control Office Review. Once the complaint has been filed with the Rent Control Office, the Rent Control Office shall determine whether the complaint is complete and proper, meaning whether the complainant has provided sufficient evidence supporting the claim that they are a Rent-Controlled Tenant.
 - i. If the Rent Control Office determines that the complainant has not sufficiently stated a claim, then the Rent Control Office will outright deny the complainant's complaint and provide a Notice of Denial to the complainant explaining the reason(s) for the denial.
 - ii. If the Rent Control Office determines that the complainant has sufficiently stated a claim, the Rent Control Office shall: (1) stamp the complaint to indicate that it is complete, (2) set a hearing date for when the complaint will be considered by the Board, and (3) notify the complainant of the complaint's complete and proper status by providing the complainant with an exact copy of the stamped complete complaint and by providing the landlord with an exact copy of both the stamped complete complaint and a Notice of Complaint that has the hearing date indicated therein and includes language indicating to the landlord that they have a right to file an opposition to the complaint.
- c. Opposition to the Application. No later than twenty (20) days prior to the hearing date, the landlord must submit written opposition, including copies of any and all supporting documentation, if any, to the Rent Control Office for the Board's consideration at the hearing. The Rent Control Office will make the written opposition available to the complainant for copying and inspection.
- d. List of Witnesses. No later than fourteen (14) days prior to the hearing date, both the landlord and the complainant must provide the Rent Control Office with a list of all witnesses they plan to have testify at the hearing, if any. The Rent Control Office will make the landlord's and complainant's list of witnesses available for copying and inspection.
- e. Hearing. At the hearing, the Board shall give both the landlord and the complainant an opportunity to present their case, which shall consist of presenting evidence, calling witnesses, and the like. No submissions or evidence will be considered by the Board other than those provided to the Rent Control Office in accordance with Subsections c and d above. The only exception to this rule is when the Board, itself, requests specific additional submissions or evidence in order to reach a decision on the matter, which then, in order to be considered by the Board, must be provided to the Rent Control Office as directed by the Board.
- f. Decision by Board. Within sixty (60) days of the completion of a hearing for the complaint, the Board shall determine whether to approve or deny the complaint, enact a

Commented [IR00]: Brand new. Added as a result of the need to uniform the process for which tenants can file a complaint alleging that they are actually Rent-Controlled Tenants and have not been treated as such.

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- Resolution accordingly, and issue an Opinion, if necessary. If the Board determines that the complainant should be considered a Rent-Controlled Tenant, then the Board shall approve the complaint. If the Board determines that the complainant is not a Rent-Controlled Tenant, then the Board shall deny the complaint.
- g. Notice to Complainant and Landlord of Board's Decision. After the Board has passed a Resolution determining the matter, the Rent Control Office shall notify the complainant and the landlord of the Board's Decision by providing the complainant and the landlord with exact copies of: (1) the Board's Resolution, and Opinion, if any, (2) the complaint stamped to indicate that it is approved or denied, and (3) a Notice of Approved, or Denied, Complaint.

§ 16-12. APPEALS

All decisions of the Board and the Rent Control Office are final. Any landlord or Rent-Controlled Tenant wishing to appeal the decisions may do so to a court of competent jurisdiction according to law pursuant to its rules and procedures.

Commented [ER81]: Updated to fix minor wording issues. Old provision stated that:

"Both landlord and tenant may appeal the decisions of the Board. All decisions are final. Any landlord or tenant wishing to appeal the decisions of the Board may do so to a court of competent jurisdiction according to law pursuant to its rules and procedures."

Commented [ER82]: Changed from "Tax Collector of the City" to "City of Bayonne"

§ 16-13. FILING FEES

- a. There is hereby established the following schedule of fees for complaints and applications to the Board which fees shall be payable to the City of Bayonne.

Applications Submitted by Landlord	
Use	Fee
Application for CPI Increase	\$50 for 1-10 Covered Rental Units, \$100 for more than 10 Covered Rental Units
Application for Hardship Surcharge	\$100 per Application
Application for Major Capital Improvement Surcharge	\$100 per Application
Application for Individual Rental Unit Improvement	\$50 per Application
Application for Permanent Decontrol	\$25 per Rental Unit
Application Seeking Exemption from Chapter 16 Rent Control	\$25 per Rental Unit

Applications/Complaints Submitted by Rent-Controlled Tenant	
Use	Fee
Complaint for an Invalid Rent Increase or Invalid Surcharges	\$25 per Application
Complaint for Failure to Collect on the Board's Decision	\$5 per Application
Application for Rent Reduction	\$25 per Application
Complaint Seeking a Determination that an Individual is a Rent-Controlled Tenant	\$25 per Application

Commented [ER83]: Updated being increases the \$50 fee per rental unit to \$100 flat no matter the rental units being affected to accurately reflect the amount of work done for each application.

Commented [ER84]: Updated this provision, from old provision which stated:

"Landlord application for increased rental for capital improvement:

Filed in conjunction with application for annual rent increase-->

\$5 per affected unit in addition to fee for annual rent increase

Filed as separate application, \$10 per affected rental unit (minimum \$50 per application)"

Commented [ER85]: Brand new. Fee reflects the same for an Application for Permanent Decontrol

Commented [ER86]: Brand new. Reflects price already being charged to tenants for complaints.

- b. Where one of the applications/complaints submitted by a Rent-Controlled Tenant listed in subsection a is resolved by the Board in favor of the Rent-Controlled Tenant, the

DRAFT ORDINANCE → CONFIDENTIAL AND PRIVILEGED

application/complaint fee paid by the Rent-Controlled Tenant for the matter shall be assessed against the landlord as part of the relief granted by the Board in response to the matter.

Commented [ER87]: Brand new. Added to lessen the burden for tenants.

§ 16-14. VIOLATIONS AND PENALTIES

- a. No person shall engage in a reckless or intentional violation of any provision of this Chapter. Such a reckless or intentional violation may be punishable by a fine of not more than \$2,000. A violation affecting more than one leasehold shall be considered a separate violation as to each leasehold.
- b. No person shall make, or cause to be made, any misstatement of fact in any application, complaint, or other submission, to the Rent Control Office or the Board, or at any hearing of the Board. Any such misstatement may be punishable by a fine of not more than \$500 per misstatement.
- c. No person or entity shall, by their wrongful actions of harassment or otherwise, cause, or attempt to cause, a Covered Rental Unit to become vacant and permanently decontrolled pursuant to Section 16-9. Any person or entity engaging in such wrongful actions may be punishable by a fine of not more than \$2,000.

Commented [ER88]: Deleted Section 16-11 "Compliance" because it was determined to be repetitive and not necessary.

Commented [ER89]: Updated provision by adding "reckless" as a culpable mental state, not just "willful" like it was in the previous provision.

Commented [ER90]: Updated the fine from \$500 to \$2,000.

§ 16-15. SEVERABILITY

If any section, paragraph, clause, or provision of this Chapter is held invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Chapter which shall remain valid and enforceable.

Commented [ER91]: Brand new. Added to account for the continual complaints from tenants of landlords harassing them.

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

* * * * *

11. Council Member Weimmer introduced:

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

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

Section 1. That the Revised General Ordinances of the City of Bayonne, Chapter 7, TRAFFIC, Subsection 7-13.2 Parking Time Limited on Certain Streets During Certain Hours, is hereby amended and supplemented as follows (Additions **between asterisks and/or in bold**, deletions ~~within brackets and/or struck through~~):

<u>Name of Street</u>	<u>Sides</u>	<u>Time Limit</u>	<u>Locations</u>
*40 th Street	West	2 hours	Northwest corner of 40 th Street & Broadway extending 110 feet in a westerly direction
40 th Street	West	2 hours	Southwest corner of 40 th Street & Broadway extending 44 feet in a westerly direction

Council Member Weimmer moved to not introduced this ordinance as introduced, seconded by Council Member Booker, which was read by the Clerk and adopted.

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

* * * * *

12. Council President LaPelusa introduced:

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

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

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

RESTRICTIVE PARKING ZONES
ADD

- XXX. Florante Cruz, 64 West 16th Street
South side. beginning at a point 136 feet west of the southwest corner of Avenue C and West 16th Street, and extending to a point 15 feet west thereof.
- XXX. Andrzej Dawidowski, for his mother Wacława Skibniewska, 62 East 4th Street
South side, beginning at a point 194 feet east of the street east corner of Lexington Avenue and East 4th Street, and extending to a point 16 feet east thereof.
- XXX. Adam Czuba, 182 Orient Street
East side, beginning at a point 36 feet east of the northeast corner of Orient Street and Silver Street, and extending to a point 16 feet north thereof.

DELETE

006. Martina Hana, 53 Evergreen Street

North side, beginning at a point 181 feet east of the northeast corner of Evergreen Street and Orient Street and extending to a point 16 feet thereof

042. Cherylbeth Miedowski-Martin, 43 East 21st Street
21st Street North side, beginning at a point 171 feet west of the north west corner of Avenue E and 21st Street and extending to a point 22 feet west thereof.

061. Marta Aponte, 19 West 24th Street
North side, beginning at a point 239 feet west of the northwest corner of Broadway & 24th Street and extending to a point 16 feet west thereof.

085. Loretta Brady, 51 East 5th Street
East 5th Street North side, beginning at a point 89 feet east of the northeast corner of East 5th Street & Dodge Street and extending 22 feet easterly therefrom.

097. Craig Gaynor, 47 West 41st Street
North side, beginning at a point 114 feet east of the north west corner of Avenue C and 41st Street and extending to a point 17 feet east thereof.

112. Colleen Higgins, 105 Hobart Avenue
Hobart Avenue West side, beginning at a point 27 feet south of the southwest corner of Hobart Avenue & 4th Street and extending to a point 18 feet south thereof.

114. Oscar Gonzalez, 183 Prospect Avenue
Prospect Avenue West side, beginning at a point 35- feet south of the south west corner of 30th Street and Prospect Avenue and extending to a point 18 feet south thereof.

116. Thomas Kouveliotes, 871 Broadway
West side, beginning at a point 70 feet south of the south west corner of Broadway and 41st Street and extending to a point 16 feet south thereof.

149. Barbara LaBella, 168 West 49th Street
South side, beginning at a point 273 feet west of the southwest corner of Kennedy Boulevard and West 49th Street and extending to a point 17 feet west thereof.

181. Carmine Fiorino, 120 West 50th Street
South side, beginning at a point 115 feet west of the southwest corner of Avenue B and West 50th Street and extending to a point 16 feet west thereof.

183. Kathleen O'Keefe, 98 West 30th Street
West 30th Street South side, beginning at a point 80 feet east of the southeast corner of Kennedy Blvd. and West 30th Street and extending to a point 22 feet east thereof.

209. Patrick McKittrick, 47 East 34th Street
34th Street North side, beginning at a point 124 feet west of the northwest corner of Avenue E and 34th Street and extending 22 feet west thereof.

241. Thomas Cappadona, 26 West 27th Street
West 27th Street South side, beginning a point 384 feet east of the south east corner of Avenue C and extending to a point 20 feet east thereof.

244. Kathleen Bigg, 12 West 41st Street
West 41st Street South side, beginning a point 154 feet west of the southwest corner of Broadway and extending to a point 18 feet west thereof.

245. Bernadino Ortiz, 92 West 33rd Street
South side, beginning at a point 310 feet west of the southwest corner of Kennedy Blvd. & West 33rd Street and extending to a point 8 feet west thereof

315. Karry Mercer, 160 Avenue C
Avenue C East side, beginning at a point 72 feet north of the northeast corner of 5th Street and Avenue C and extending to a point 18 feet north thereof.

333. Melissa Redondo, 14 O'Brien Court
O'Brien Court South side beginning at a point 329 feet west of the northwest corner of O'Brien Court and Avenue A and extending to a point 18 feet west thereof.

353. Kenneth Beicht, 17 East 18th Street
East 18th Street North side, beginning at a point 168 feet east of the northeast corner of East 18th Street and Broadway and extending to a point 19 feet east thereof.

396. Maureen Devlin, 131 West 33rd Street
33rd Street North side, beginning at a point 133 feet west of the northwest corner of 33rd Street and Avenue A and extending to a point 18 feet west thereof.

402. Gemyana Hana, 313 Avenue A
West side, beginning at a point 133 feet south of the southwest corner of Pavonia Court and Avenue A and extending to a point 17 feet south thereof.

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

BE IT RESOLVED, that an ordinance entitled "AN ORDINANCE OF THE CITY OF BAYONNE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES, CHAPTER 7, TRAFFIC," just introduced, do now pass a first reading and that a meeting of this Council to be held Wednesday, April 19, 2023 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 Booker, Carroll, Perez, Weimmer and President LaPelusa.

* * * * *

13. 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.

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

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

From RAFIK TAWFIK filing notice of claim alleging damage to his automobile resulting from transformer fire on West 57th Street.

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

From STEPHANIE PETERS filing notice of claim alleging damage to her car tires when she struck a pothole on 63rd Street.

* * * * *

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

From VINCE SICARI, ESQ., filing a notice of claim on behalf of PHILIP J. CANCEL alleging injuries resulting from a fall near West 12th and Avenue C on January 29, 2023.

* * * * *

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

From OMARA VELAZQUEZ filing notice of claim alleging injuries sustained from a fall on the sidewalk at 412 Broadway on December 2, 2022.

* * * * *

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

From the Superior Court of New Jersey in the matter entitled “IRENE KOBRYN vs. LML SUPERMARKETS, INC., SHOPRITE OF BAYONNE, INSERRA SUPERMARKETS, CITY OF BAYONNE, et als”

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- 19.** 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 of “TUCKER LIMITED PARTNERSHIP vs. CITY OF BAYONNE.

* * * * *

- 20.** 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 “119-129 43RD STREET LLC vs. CITY OF BAYONNE.

* * * * *

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

From the Tax Court of New Jersey in the matter “812-818 AVENUE C ASSOCIATES vs. CITY OF BAYONNE.

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

From the Tax Court of New Jersey in the matter “HG REALTY LLC vs. CITY OF BAYONNE.

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

From the Tax Court of New Jersey in the matter “J.PAR REALTY LLC vs. CITY OF BAYONNE.

* * * * *

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

From the Tax Court of New Jersey in the matter “MICHAEL & DIANNE GALELLA vs. CITY OF BAYONNE.

* * * * *

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

From the Tax Court of New Jersey in the matter “BAYONNE PLAZA, LLC vs. CITY OF BAYONNE.

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

From the Tax Court of New Jersey in the matter “471 BROADWAY LLC vs. CITY OF BAYONNE.

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

From the Tax Court of New Jersey in the matter “SPG HOOK ROAD LLC by ABALINE PAPER PRODUCTS, subtenant vs. CITY OF BAYONNE.

* * * * *

- 28.** 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 “151 CENTRE ST URBAN RENEWAL LLC vs. CITY OF BAYONNE.

* * * * *

- 29.** 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 “275 CHOSIN FEW WAY URBAN RENEWAL LLC vs. CITY OF BAYONNE.

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- 30.** 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 “HOWARD WAREHOUSE, INC. vs. CITY OF BAYONNE.

* * * * *

- 31.** 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 “HOWARD WAREHOUSE, INC. vs. CITY OF BAYONNE.

* * * * *

- 32.** 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 “HOWARD REALTY, INC. vs. CITY OF BAYONNE.

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- 33.** 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 “CLIFTON BOULEVARD PROPERTY INC. vs. CITY OF BAYONNE.

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- 34.** 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 “JORDAN WAREHOUSE, INC. vs. CITY OF BAYONNE.

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- 35.** 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 “39 AVENUE C LLC vs. CITY OF BAYONNE.

* * * * *

- 36.** 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 “557-561 BROADWAY BAYONNE, LLC vs. CITY OF BAYONNE.

* * * * *

- 37.** 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 “92-94 WEST 34TH STREET LLC vs. CITY OF BAYONNE.

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- 38.** 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 “399 AVENUE C LLC vs. CITY OF BAYONNE.

* * * * *

- 39.** 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 “JP MORGAN CHASE BANK vs. CITY OF BAYONNE.

* * * * *

- 40.** 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 “PALOMONT LLC vs. CITY OF BAYONNE vs. CITY OF BAYONNE.

* * * * *

- 41.** 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 “RJG & ASSOCIATES LLC vs. CITY OF BAYONNE.

* * * * *

- 42.** 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 “S & M GROUP LLC vs. CITY OF BAYONNE.

* * * * *

- 43.** 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 PSE&G CO CORP. vs. CITY OF BAYONNE.

* * * * *

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

March 15, 2023
11:02 AM

Bayonne City
Purchase Order Listing 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: N Held: N Aprv: Y
Format: Condensed First Enc Date Range: First to 12/31/23 Bid: Y State: Y Other: Y Exempt: Y
Vendors: All Include Non-Budgeted: Y
Rcvd Batch Id Range: First to Last

Vendor #	Name							
PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type	
23RDS005	23RD ST. URE JOF AAI III, LLC							
23-00967	03/14/23	Refund of Redev. Escrow	Open	6,787.50	0.00			
ABDEL015	MARWAN ABDEL-RAHMAN							
23-00829	01/31/23	Arabic Interpreting Jan'23	Open	980.00	0.00			
23-00831	02/28/23	Arabic Interpreting Feb'23	Open	1,020.00	0.00			
				2,000.00				
ACHAR005	AC HARDWARE							
23-00775	01/03/23	SUPPLIES	Open	93.89	0.00			
ACTION005	ACTION INTERPRETING LLC							
23-00724	01/10/23	Mandarin Interp. 01/09/23	Open	360.00	0.00			
23-00725	01/10/23	Polish Interp. 01/09/23	Open	360.00	0.00			
23-00727	02/01/23	French Interp. 01/31/23	Open	240.00	0.00			
23-00728	02/01/23	Hindi Interp. 01/23/23	Open	360.00	0.00			
				1,320.00				
AERCO005	A.E.R. CONSULTING SERVICES LLC							
22-00542	02/28/23	REPLACEMENT MIC FOR ST# 2	Open	262.44	0.00			
22-03738	02/28/23	INSTALLATION REMOTE RADIOS	Open	2,400.00	0.00			
				2,662.44				
AGLIN005	AGL INHALATION THERAPY INC.							
23-00876	02/28/23	OXYGEN/HAZARDOUS MATERIAL	Open	162.84	0.00			
ALDIS005	A & L DISPOSAL, LLC							
23-00050	01/06/23	RECYCLING COLLECTION	Open	97,862.33	0.00		B	
23-00051	01/06/23	SOLID WASTE COLLECTION	Open	136,490.41	0.00		B	
				234,352.74				
ALLHA005	ALL HANDS FIRE EQUIPMENT LLC							
23-00707	02/28/23	HYDRA RAM CARRYING BAG	Open	83.99	0.00			
ALLPO015	ALL POINTS MOBILE MARINE, LLC							
23-00811	02/27/23	MARINE-1 INSPECTION/ACCIDENT	Open	300.00	0.00			
ALPHA005	ALPHA DOG SOLUTIONS, INC							
23-00025	01/05/23	WEBSITE MAINTENANCE SERVICES	Open	4,500.00	0.00		B	
AMADE010	PETE AMADEO							
23-00866	03/08/23		Open	27.70	0.00			
AMAZO010	AMAZON CAPITAL SERVICES							
23-00556	02/15/23	FINANCE OFFICE EQUIPMENT	Open	3,128.86	0.00			
23-00573	02/09/23	LITHIUM BATTERIES	Open	56.34	0.00			
23-00584	02/09/23	LITHIUM-ION BATTERY PACK	Open	316.92	0.00			

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Bayonne City
Purchase Order Listing By Vendor Id

Page No: 2

Vendor #	Name		Status	Amount	Void Amount	Contract	PO Type
PO #	PO Date	Description					
AMAZ0010	AMAZON CAPITAL SERVICES	Continued					
23-00599	02/08/23	Recreation Supplies	Open	315.22	0.00		
23-00600	02/09/23	Amazon Office Supplies	Open	927.02	0.00		
23-00626	02/15/23	SUPPLIES	Open	311.17	0.00		
23-00648	02/16/23	CORK BOARD FOR FIREPREVENTION	Open	31.80	0.00		
23-00719	02/22/23	Air Pur Clinic OOA Reception	Open	473.05	0.00		
23-00758	03/02/23	SAW BLADES	Open	111.91	0.00		
23-00765	03/01/23	GAS GADDY FOR MARINE-1	Open	355.29	0.00		
23-00770	03/01/23	LAMINATING POUCHES FOR MSU	Open	29.99	0.00		
23-00772	03/02/23	LUGGAGE TAGS & MAGNETIC STRIPS	Open	21.14	0.00		
23-00776	03/05/23	Amazon Office Supplies-Court	Open	259.22	0.00		
23-00806	03/02/23	410 X TONER TECH SERVICES	Open	395.90	0.00		
23-00819	03/01/23	Ping Pong Pack	Open	89.95	0.00		
23-00935	02/03/23	Amazon Office Supplies	Open	1,177.73	0.00		
23-00936	03/10/23	Amazon Office Supplies	Open	416.39	0.00		
23-00937	03/09/23	Amazon Copy Paper	Open	1,242.05	0.00		
				9,659.95			
APPRO005	APPROVED FIRE PROTECTION						
23-00752	02/14/23	ANNUAL FIRE EXTING. INSPECTION	Open	492.64	0.00		
APRUZ005	APRUZZESE, MCDERMOTT, MASTRO,						
22-00319	01/28/22	SPECIAL LABOR ATTORNEY SERVICE	Open	1,657.85	0.00		B
23-00024	01/05/23	LABOR & UNION LEGAL SERVICES	Open	4,120.25	0.00		B
				5,778.10			
ARAMA005	ARAMARK UNIFORM SERVICES						
23-00656	02/07/23	Uniform Rentals	Open	486.02	0.00		
23-00959	02/21/23	Uniform Rentals Feb'23	Open	1,944.08	0.00		
				2,430.10			
ATLAN065	ATLANTIC TACTICAL						
23-00821	02/17/23	21 BULLET RESISTANT VESTS	Open	28,341.60	0.00		
ATLAN070	ATLANTIC TOMORROWS OFFICE						
23-00890	03/08/23	STAPLES FOR COPIER	Open	108.00	0.00		
23-00979	03/14/23	Maintenance Contract	Open	857.13	0.00		
				965.13			
ATLAN095	ATLANTIC COUNTY HARLEY						
23-00135	03/07/23	4 Radio Box Kits	Open	5,812.04	0.00		
ATTMO005	AT&T MOBILITY						
23-00723	02/05/23	Acct 287305312118 Jan-Feb'23	Open	38.24	0.00		
BAKER015	BAKER & TAYLOR						
23-00633	01/25/23	BOOKS AND PUBLICATIONS	Open	4,432.75	0.00		
23-00634	01/25/23	BOOKS AND PUBLICATIONS	Open	3,087.39	0.00		
23-00717	08/23/22	BOOKS AND PUBLICATIONS	Open	250.03	0.00		
23-00730	02/02/23	BOOKS AND PUBLICATIONS	Open	66.12	0.00		
				7,836.29			

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Bayonne City
Purchase Order Listing By Vendor Id

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
BAYON080	BAYONNE EXTERMINATING CO.	23-00030	01/05/23	RODENT & PEST CONTROL SERVICES	Open	2,387.50	0.00		B
BAYON330	BAYONNE VETERINARY MEDICAL CEN	23-00645	12/27/22	OFFICE VISIT K 9 RANGER	Open	138.12	0.00		
		23-00892	03/02/23	K 9 THOR 03/02/23	Open	386.00	0.00		
		23-00893	03/02/23	K 9 RANGER	Open	393.00	0.00		
						917.12			
BAYON365	BAYONNE ECONOMIC OPPORTUNITY F	CD-10426	10/13/22	GY23 Fair Housing Program	Open	5,212.84	0.00		B
		CD-10429	10/13/22	GY23 Sr. Transportation S&W	Open	230.20	0.00		B
		CD-10432	10/13/22	GY23 Sr. Transportation Ins.	Open	448.58	0.00		B
		CD-10434	10/13/22	GY23 Headstart Security	Open	1,303.65	0.00		B
		CD-10449	02/10/23	CY2023 CDBG Admin	Open	18,333.33	0.00		B
						25,528.60			
BAYON450	BAYONNE CELL SHOP, LLC	23-00786	01/30/23	IT Supplies & Labor	Open	1,765.00	0.00		
BAYSH010	BAYSHORE FIRE & SAFETY LLC	23-00755	02/19/23	REFILL/TESTING FIRE EXTINGUISH	Open	474.00	0.00		
BESTN010	BEST MAIDS NJ LLC	23-00716	10/02/22	CLEANING SVC TRAFFIC Sep'22	Open	1,050.00	0.00		
BHPH0005	B&H PHOTO - VIDEO - PRO-AUDIO	23-00636	02/16/23	CD'S & SLEEVES	Open	371.25	0.00		
		23-00722	02/26/23	NIKON COOLPIX DIGITAL CAMERA	Open	1,593.90	0.00		
						1,965.15			
BISCH005	SUSAN BISCHOFF	23-00711	02/06/23	JAN 2023 RENT CONTROL MEETING	Open	175.00	0.00		
		23-00908	03/06/23	Shorthand PB 02/14/23,02/22/23	Open	700.00	0.00		
						875.00			
BOTTI010	MARK BOTTINO	23-00778	02/27/23	GARAGE DOOR REMOTES	Open	19.95	0.00		
BOYLE015	SEAN BOYLE	23-00911	03/08/23	REIMBURSEMENT FOR CALCULATOR	Open	16.49	0.00		
BRICK005	BRICK MARKERS USA	23-00867	02/28/23	Buddy Baseball Pavers 2023	Open	1,851.36	0.00		
BRIDG005	BRIDGE AWARDS & TROPHIES LLC	23-00800	01/07/23	Floor Hockey Uniform Jerseys	Open	2,598.75	0.00		
BRODI005	BRODIN STUDIOS INC	23-00879	02/21/23	BRONZE BADGE MOUNTED ON STAND	Open	3,916.52	0.00		
BURNS020	BURNS BROTHERS & MCCABE INC.	22-04140	02/14/23	ENGRAVED GRANITE BRICK	Open	365.00	0.00		

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BUYW005	BUY WISE WHOLESALE AUTO PARTS								
		22-00321	01/28/22	AUTO PARTS AND SUPPLIES FOR VM	Open	1,433.87	0.00	8	
		23-00034	01/06/23	VEHICLE PARTS AND SUPPLIES	Open	<u>6,941.19</u>	0.00	8	
						8,375.06			
CABLE020	CABLEVISION								
		23-00681	02/16/23	Acct 07804030551014 Jan-Feb'23	Open	194.98	0.00		
		23-00682	02/16/23	Acct 07804031398019 Feb-Mar'23	Open	224.94	0.00		
		23-00683	02/16/23	Acct 07804032015018 Feb-Mar'23	Open	104.19	0.00		
		23-00684	02/16/23	Acct 07804033378019 Feb-Mar'23	Open	134.94	0.00		
		23-00685	02/16/23	Acct 07804033540014 Feb-Mar'23	Open	8.34	0.00		
		23-00686	02/16/23	Acct 07804035999011 Feb-Mar'23	Open	139.88	0.00		
		23-00687	02/16/23	Acct 07804036575026 Feb-Mar'23	Open	28.69	0.00		
		23-00688	02/01/23	Acct 07804037621026 Feb'23	Open	288.26	0.00		
		23-00689	02/16/23	Acct 07804039775011 Feb-Mar'23	Open	286.23	0.00		
		23-00918	03/01/23	Acct 07804037621026 Mar'23	Open	<u>288.26</u>	0.00		
						1,698.71			
CABLE030	CABLEVISION								
		23-00919	03/01/23	Acct 52459 Mar'23	Open	3,466.99	0.00		
CAMPB015	CAMPBELL SUPPLY CO. INC.								
		23-00045	01/06/23	VEHICLE MAINTENANCE SUPPLIES	Open	2,147.85	0.00	8	
CAMP005	RICHARD CAMPISANO								
		23-00014	01/05/23	ZONING BOARD LEGAL SERVICES	Open	1,100.00	0.00	8	
		23-00022	01/05/23	PLANNING BOARD LEGAL SERVICES	Open	900.00	0.00	8	
		DE-10077	01/17/23	CY23 Developer's Escrow Bills	Open	<u>9,415.00</u>	0.00		
						11,415.00			
CENTR025	CENTRAL PAINT								
		23-00747	02/17/23	Museum	Open	252.69	0.00		
		23-00946	03/06/23	4th St Senior Ctr.	Open	<u>323.26</u>	0.00		
						575.95			
CHAND005	CHANDELIER RESTAURANT								
		23-00643	02/02/23	PRISONERS MEALS JANUARY 2023	Open	162.85	0.00		
		23-00809	02/27/23	PRISONERS MEALS FEBRUARY 2023	Open	<u>74.20</u>	0.00		
						237.05			
CHASA005	CHASAN, LEYNER & LAMPARELLO, P								
		22-00310	01/27/22	DEFENSE FOR STATE TAX COURT	Open	15,226.60	0.00	8	
CHASF005	CHAS F CONNOLLY DISTRIBUTING								
		23-00641	02/15/23	Bearing Assembly	Open	824.00	0.00		
CHIEF005	CHIEFS OF POLICE ASSOCIATION O								
		23-00837	03/06/23	2023 MEMBERSHIP DUES	Open	300.00	0.00		
CHURC015	CHURCH WORLD SERVICE								
		CD-10438	10/13/22	GY23 Refugee Employment	Open	171.62	0.00	8	

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CITY0015	CITY OF BAYONNE, CLAIMS ACCOUN	DE-10081	03/14/23	CY23 Closeouts	Open	12,491.33	0.00		
CITY0040	CITY OF BAYONNE CURRENT FUND	DE-10080	01/17/23	CY23 Developer's Escrow Bills	Open	129.30	0.00		
CLIPS005	PAPER CLIPS								
	22-02780	10/17/22		Custom Stamps	Open	156.83	0.00		
	22-03817	11/27/22		Signature Stamp	Open	38.24	0.00		
	23-00322	02/09/23		CUSTOM STAMP	Open	39.95	0.00		
	23-00605	03/07/23		Name Plate - Phillip Scott	Open	14.00	0.00		
	23-00637	02/27/23		CUSTOM STAMP (BCI)	Open	79.75	0.00		
	23-00665	03/07/23		2 Name Plates-B.Slaugh,J.Clave	Open	28.00	0.00		
						356.77			
CNEAS005	CME ASSOCIATES								
	23-00361	01/23/23		IN HOUSE ENGINEERING SERVICES	Open	36,734.00	0.00		B
	23-00969	03/14/23		Redevelopment Expenditures	Open	2,137.50	0.00		
	CD-10452	03/10/23		Holy Family Academy Rehab	Open	1,911.50	0.00		
	DE-10076	01/17/23		CY2023 Developer's Escrow	Open	62,570.50	0.00		
						103,353.50			
CRANE005	CRANEY INTERPRETING SERVICES								
	23-00902	03/01/23		Spanish Interpretations 030123	Open	180.00	0.00		
CREAT005	CREATIVE EDGE								
	23-00298	01/13/23		vacant Bldg Signs for Fire Pre	Open	975.00	0.00		
CUSTO005	CUSTOM BANDAG INC.								
	23-00032	01/05/23		TIRES FOR CITY VEHICLE FLEET	Open	2,304.16	0.00		B
DILLI005	DILLIN TIRE CO.								
	23-00949	02/10/23		Tire Recycling Feb'23	Open	75.00	0.00		
EASTC010	EAST COAST CATERING								
	23-00798	02/26/23		Special Needs Meet & Greet '23	Open	125.00	0.00		
EASTC015	East Coast Emergency Lighting,								
	23-00901	03/07/23		(2) REPLACEMENT CONTROL BOXES	Open	864.00	0.00		
EASTC020	EAST COAST TACTICAL LLC								
	22-03001	11/21/22		BALLESTIC SHIELDS	Open	7,710.00	0.00		
EMERG020	EMERGI-CLEAN INC.								
	23-00924	01/24/23		DECON SERVICES 01/24/23	Open	658.75	0.00		
ENVIR005	ENVIRONMENTAL LOGIC LLC								
	23-00963	03/08/22		Children's Room Superv. Feb'23	Open	4,275.00	0.00		
	23-00964	01/13/23		Children's Room Superv. Dec'22	Open	8,875.00	0.00		
						13,150.00			
EXOTI005	EXOTICS & AQUATICS LLC								
	23-00733	02/22/23		AWING REIMBURSEMENT	Open	3,100.00	0.00		

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EZPAS010	EZ PASS	23-00803	03/01/23	Acct 1000 0000 0659 2 Mar'23	Open	1,000.00	0.00		
FANWOOD005	FANWOOD CRUSHED STONE CO.	23-00950	01/31/23	HPM Green Jan'23	Open	400.00	0.00		
FEDEX210	FEDEX	23-00640	02/02/23	FREIGHT CHARGES FOR GRAINGER	Open	166.00	0.00		
FSTIR005	F & S TIRE CORP. INC.	23-00031	01/05/23	TIRES FOR CITY VEHICLE FLEET	Open	4,150.91	0.00		B
FUEL0005	MAJORA FUEL	23-00464	02/01/23	HEATING OIL FOR CITY BUILDINGS	Open	2,103.07	0.00		B
GABRI010	GABRIELLI KENWORTH OF NJ LLC	23-00744	02/06/23	Brakes & drums unit 111	Open	3,653.28	0.00		
GARDE005	GARDEN STATE HIGHWAY PRODUCTS,	22-04111	01/12/23	Traffic Products	Open	3,506.25	0.00		
GARDE015	GARDEN STATE OFFICE SYSTEMS	23-00826	02/21/23	Promptus 60046 Maint 4/23-3/24	Open	1,676.00	0.00		
GATES005	GATES FLAG & BANNER COMPANY I	23-00708	02/24/23	PLEATED FULL MOURNING FAN	Open	128.90	0.00		
GLOBA035	GLOBAL INDUSTRIAL EQUIP. CO.	23-00748	03/01/23	Soft Pull	Open	2,347.50	0.00		
GOLDS005	GOLD'S CAR WASH, INC.	23-00928	03/10/23		Open	10.00	0.00		
		23-00955	02/28/23	Car Washes DPW Feb'23	Open	32.00	0.00		
						42.00			
GRAIN005	GRAINGER	23-00033	01/06/23	JANITORIAL SUPPLIES	Open	61.32	0.00		B
GREEN035	GREEN LEAF PET RESORT & HOTEL	23-00824	02/19/23	BPD DOG RANGER 02/16-02/19/23	Open	240.00	0.00		
HERBE005	HERBERT'S ARMY & NAVY STORE	23-00769	02/17/23	UNIFORMS 2 NEW CROSSING GUARDS	Open	1,177.72	0.00		
HINT2005	CLARKE CATON HINTZ	23-00787	02/20/23	Architectual Services Jan'23	Open	3,100.00	0.00		
HUDS0125	HUDSON COUNTY REGISTER	CD-10389	03/15/21	Discharge of Mortgage	Open	26.00	0.00		
HUDS0135	HUDSON COUNTY IMPROVEMENT AUTH	23-00354	01/23/23	SOLID WASTE TIPPING FEES	Open	245,690.25	0.00		B

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HUGHE005	HUGHES & FINNERTY PC	23-00342	01/20/23	PUBLIC DEFENDER LEGAL FEES	Open	5,833.33	0.00		B
HYPE005	HVE PETROLEUM	22-03376	10/04/22	FUEL CHARGES	Open	190.48	0.00		B
		23-00820	03/02/23	FUEL CHARGES	Open	334.57	0.00		B
						525.05			
IHARP005	I. HALPER PAPER & SUPPLIES, INC	23-00718	02/14/23	JANITORIAL SUPPLIES	Open	626.90	0.00		
		23-00836	02/23/23	TRASH BAGS	Open	148.50	0.00		
						775.40			
INSER010	INSERRA SUPERMARKET STORES	23-00886	03/08/23		Open	153.79	0.00		
INTEG010	INTEGRATED TECHNICAL SYSTEMS I	23-00677	02/15/23	IRIS CONTRACT FOR T2 METERS	Open	845.00	0.00		B
		23-00968	03/14/23		Open	1,512.50	0.00		
						2,357.50			
INTEG015	INTEGRATED MICRO SYSTEMS	23-00612	02/01/23	IT SERVICE LABOR (JAN 2023)	Open	3,915.00	0.00		
		23-00676	02/16/23	SUBSCRIPTIONS	Open	1,357.00	0.00		
		23-00843	03/01/23	FEBRUARY SERVICE LABOR POLICE	Open	2,900.00	0.00		
		23-00844	03/01/23	february service labor	Open	3,480.00	0.00		
		23-00845	03/01/23	microsoft 365 business march	Open	1,300.00	0.00		
						12,952.00			
INTER090	Interstate Waste Services	23-00044	01/06/23	SOLID WASTE DISPOSAL	Open	579.84	0.00		B
INVES015	INVESTMENT TITLE LLC	CD-10333	03/15/20	Search Invoice	Open	294.00	0.00		
JANPRO05	JAN PRO OF NOTHERN NJ	23-00657	02/16/23	Strip & Wax Floors City Hall	Open	4,515.00	0.00		
JERSE060	JERSEY JOURNAL	23-00768	01/28/23	CORRECTION ON AUCTION VEHICLE	Open	54.20	0.00		
		23-00782	02/03/23	LEGAL ADVERTISEMENT	Open	103.41	0.00		
		23-00880	02/21/23	FEBRUARY 2023 CAR AUCTION	Open	148.36	0.00		
		DE-10079	01/17/23	CY23 Developer's Escrow Bills	Open	206.36	0.00		
						512.33			
JERSE095	JERSEY LIMO INC	23-00841	03/02/23	Emergency Transport	Open	81.02	0.00		
JERSE100	JERSEY ELEVATOR LLC	23-00658	12/29/22	Elevator Service CH Dec'22	Open	284.00	0.00		
		23-00659	02/01/23	Elevator Svc 00A/CH Jan-Frb'23	Open	1,235.20	0.00		
		23-00734	02/01/23	Elevator PM LIBR 2023	Open	738.45	0.00		B

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JERSE100	JERSEY ELEVATOR LLC	Continued				
23-00951	03/01/23 Elevator PM Mar'23	Open	617.60	0.00		
			2,875.25			
JEWEL005	JEWEL ELECTRIC SUPPLY CO.					
23-00548	02/08/23 MATERIALS AND SUPPLIES	Open	191.33	0.00		
JJPRI005	J&J PRINTING CO.					
23-00205	02/05/23 OFF DUTY VOUCHERS	Open	245.00	0.00		
23-00402	02/05/23 PUBLIC SAFETY ENVELOPES	Open	210.00	0.00		
23-00403	02/05/23 WARNING STICKERS	Open	245.00	0.00		
23-00705	02/05/23 ENVELOPES/FORM 8 PADS	Open	720.00	0.00		
23-00713	02/05/23 BUSINESS CARDS	Open	85.00	0.00		
23-00940	03/03/23 Green No Parking Signs	Open	360.00	0.00		
			1,865.00			
JOEJO005	JOE JOHNSON EQUIPMENT LLC					
23-00545	02/08/23 GLUTTON STREET VACUUM	Open	28,900.00	0.00		
JOHNS050	JOHNSON TRUCK ACCESSORIES, INC.					
22-03554	03/06/23 CREW CAB FOR F.D F150 TRUCK	Open	4,100.00	0.00		
JPMAN005	JPMANZO MUNICIPAL CONSULTING, L					
23-00838	03/06/23	Open	50.00	0.00		
KNOWB005	KNOWBUDDY RESOURCES					
23-00712	01/31/23 BOOKS AND PUBLICATIONS	Open	380.42	0.00		
LABCO005	LABCORP OF AMERICA HOLDING					
23-00878	02/25/23 Pre Emp Drug Testing Feb'22	Open	160.80	0.00		
LABRA005	LA BRANCHE BISTRO					
23-00587	02/08/23 MUSIC ON BWAY FROM 9-16 TO 1-8	Open	800.00	0.00		
LAGUA025	LAGUARDIA & ASSOCIATES					
23-00885	09/22/22 Light Out Beach Boys Concert	Open	4,916.67	0.00		
LANGU005	LANGUAGE LINE SERVICES					
23-00680	01/31/23 Phone Iterpretations Jan'23	Open	654.66	0.00		
LAWSO005	LAWSON PRODUCTS INC.					
23-00943	02/19/23 Shop Supplies	Open	1,254.90	0.00		
LEARN020	LEARNER PUBLISHING GROUP					
23-00913	03/08/23 BOOKS AND PUBLICATIONS	Open	251.89	0.00		
LOOKO005	LOOKOUT BOOKS					
23-00912	03/06/23 BOOKS AND PUBLICATIONS	Open	123.70	0.00		
LOWES005	LOWES					
23-00136	11/07/22	Open	951.76	0.00		

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MACKA005 MACKAY METERS INC.	23-00939 03/13/23 Meter Fees for Cy 2023	Open	10,273.30	0.00		B
MANUA005 LAWYERS DIARY & MANUAL	23-00720 02/10/23 2023 Lawyers Diaty-Court	Open	135.25	0.00		
MANUE005 MANUEL MARTINEZ	23-00801 02/22/23 Ability Day Pgm-Latin Dance	Open	75.00	0.00		
MARKS010 MARK SPORTSWEAR SCREEN PRINT	23-00870 02/27/23 56th St. SC Parade Shirts	Open	300.50	0.00		
	23-00871 02/27/23 Buddy Baseball Opening Day Bag	Open	770.00	0.00		
			1,070.50			
MATTY005 MATTY M. GANDEL	23-00726 10/27/22 ARBITRATION-MENA RAMOS	Open	2,215.00	0.00		
MCAA0010 NCAA OF NJ	23-00839 03/06/23	Open	50.00	0.00		
MCGLO005 JOHN MCGLOWE	23-00651 02/10/23 REIMBURSEMENT FOR BOTTLED H2O	Open	31.92	0.00		
MEDIA010 SMART APPLE MEDIA	23-00714 12/20/22 BOOKS AND PUBLICATIONS	Open	175.75	0.00		
MIDAT005 MID-ATLANTIC TRUCK CENTER	23-00796 03/03/23 thermostat for #371 garbage tr	Open	262.53	0.00		
MIDWE010 MIDWEST TAPE	23-00608 01/31/23 BOOKS AND PUBLICATIONS	Open	44.98	0.00		
	23-00632 02/06/23 BOOKS AND PUBLICATIONS	Open	149.93	0.00		
			194.91			
MILLE020 MILLENNIUM STRATEGIES LLC	23-00815 03/01/23 Grant Writing&Mngt Ser.2023	Open	11,000.00	0.00		B
MRMIL005 M & R MILLER AUTO GEAR	23-00358 01/23/23 VEHICLE MAINTENANCE PARTS	Open	4,920.51	0.00		B
NAFTO005 NAFTO	23-00812 02/26/23 BASIC FIELD TRAINING OFFICERS	Open	1,400.00	0.00		
NAPAA005 NAPA AUTO PARTS	23-00035 01/06/23 VEHICLE PARTS AND SUPPLIES	Open	2,979.99	0.00		B
	23-00750 02/15/23 SANITIZING CLEANER	Open	988.45	0.00		
			3,968.44			
NEWEG005 NEWEGG BUSINESS	23-00208 01/18/23 3 Monitors	Open	449.97	0.00		
	23-00575 02/10/23 IT EQUIPMENT FOR FIRE & CH	Open	4,671.89	0.00		
			5,121.86			

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NEWJE035	NEW JERSEY CLEAN COMMUNITIES C	23-00869	03/02/23	Kaitlyn McNulty - ACUA	Open	245.00	0.00		
NEWJE085	NEW JERSEY FIRE EQUIP CO.	23-00888	03/07/23	TOOL FOR SCBA REPAIRS	Open	78.00	0.00		
NEWJE175	NEW JERSEY STATE ASSOCIATION	23-00642	02/10/23	2023 MEMBERSHIP DUES R.Geisler	Open	275.00	0.00		
NEWJE235	NEW JERSEY DOOR WORKS LLC	23-00036	01/06/23	DOOR REPAIRS AND REPLACEMENT	Open	5,849.79	0.00		B
NJADV005	NJ ADVANCE MEDIA	23-00781	02/15/23	LEGAL ADVERTISEMENT	Open	1,751.20	0.00		
	DE-10078	01/17/23		CY23 Developer's Escrow Bills	Open	555.40	0.00		
						2,306.60			
NJCONFMA	NJ Conference of Mayors	23-00842	03/07/23	Mayors Conference Registration	Open	360.00	0.00		
NJDEP050	NJ DEPT OF HEALTH & SR SRVCS	23-00910	03/01/23	MONTHLY DOG REPORT Frb' 23	Open	103.20	0.00		
NJENV005	NJ ENVIRONMENTAL HEALTH ASSOC.	23-00846	01/24/23	Annual Membership Fee-TS	Open	50.00	0.00		
NJHUM005	NJ HUMANE SOCIETY, LLC	22-01417	04/28/22	TNR PROGRAM	Open	1,650.00	0.00		B
	23-00037	01/06/23		ANIMAL CONTROL & SHELTER SVS	Open	13,530.96	0.00		B
						15,180.96			
NJREP005	NJ REPORTERS AND INTERPRETORS	23-00721	02/05/23	Spanish Interp. Jan'23	Open	1,120.00	0.00		
NORTH125	NORTHERN TOOL & EQUIPMENT	22-01702	02/14/23	DPW Tools	Open	4,321.42	0.00		
NORTH155	NORTHERN TOOL & EQUIPMENT	23-00611	02/14/23	Roughnex Low-Profile Oil Drain	Open	359.99	0.00		
NORTH160	NORTHERN NJ PUBLIC HEALTH ASSO	23-00667	02/14/23	Association Membership Fee '23	Open	60.00	0.00		
NUGA005	NUG GAMES INC.	23-00736	10/18/22	CONTRACTUAL SERVICES	Open	415.00	0.00		
NWFIN005	NW FINANCIAL GROUP, LLC	22-00277	01/26/22	MUNIC DEBT FINANCIAL ADVISORY	Open	12,543.75	0.00		B
	23-00467	02/02/23		FINANCIAL ADVISORY SERVICES	Open	4,968.75	0.00		B
						17,512.50			
OCLCF005	OCLC Inc.	23-00387	01/25/23	CONTRACTUAL SERVICES	Open	1,558.62	0.00		B

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OFFIC005	NEW JERSEY PLANNING OFFICIALS								
		23-00732	02/14/23	Mandatory Training S. Contey	Open	85.00	0.00		
PABCO005	PABCO INDUSTRIES								
		23-00318	01/20/23	JANITORIAL SUPPLIES	Open	1,612.50	0.00		B
PALIS005	PALISADE EYE ASSOCIATES								
		23-00792	03/01/23	BOOA Eye Program	Open	448.00	0.00		
PARSO005	PARSONS ENVIRONMENT & INFRASTR								
		23-00654	02/05/23	NJ Emmissios Program Jan'23	Open	72.54	0.00		
		23-00953	03/05/23	NJ Emissions ProgramFeb'23	Open	72.54	0.00		
						145.08			
PC000005	KRIVIT & KRIVIT P.C.								
		23-00016	01/05/23	GRANT & FUNDING LEGAL SERVICES	Open	10,000.00	0.00		B
PICER005	PICERNO-GIORDANO CONSTRUCTION,								
		22-04109	03/06/23	Swings	Open	2,561.00	0.00		
PITNE005	PITNEY BOWES								
		23-00388	01/25/23	CONTRACTUAL SERVICES	Open	674.00	0.00		B
POWER005	POWER DMS INC								
		23-00616	11/29/22	POLICY & PROCEDURES	Open	4,428.26	0.00		
PSEG0005	PSEG								
		23-00690	02/13/23	Acct 1301408204 01/06-02/06/23	Open	4,857.01	0.00		
		23-00691	02/03/23	acct 1301408808 122922-012723	Open	196.44	0.00		
		23-00692	02/08/23	Acct 7140006407 01/07-02/06/23	Open	388.59	0.00		
		23-00694	02/13/23	Acct 7290827902 01/12-02/09/23	Open	149.06	0.00		
		23-00695	02/09/23	Acct 7392737708 01/10-02/07/23	Open	14.26	0.00		
		23-00696	02/13/23	Acct 7394124304 01/12-02/09/23	Open	22.51	0.00		
		23-00697	02/13/23	Acct 7397419208 01/12-02/09/23	Open	20.75	0.00		
		23-00698	02/08/23	Acct 7445172904 050722-020623	Open	58.61	0.00		
		23-00699	02/09/23	Acct 7458684208 01/10-02/07/23	Open	584.22	0.00		
		23-00700	02/08/23	Acct 7508489500 01/07-02/06/23	Open	28.85	0.00		
		23-00701	02/13/23	Acct 7518724618 01/12-02/09/23	Open	29.52	0.00		
		23-00702	02/10/23	Acct 7617068301 01/10-02/08/23	Open	68.51	0.00		
		23-00740	02/14/23	Acct 1301408107 120722-020723	Open	20,190.83	0.00		
		23-00741	02/14/23	Acct 1301408301 01/09-02/07/23	Open	181.59	0.00		
		23-00742	02/16/23	Acct 7394366901 01/18-02/14/23	Open	75.69	0.00		
		23-00788	02/24/23	Acct 7455992718 01/24-02/22/23	Open	11.04	0.00		
		23-00789	02/24/23	Acct 7617422202 01/24-02/22/23	Open	74.68	0.00		
		23-00790	02/24/23	Acct 7650889602 01/24-02/22/23	Open	297.10	0.00		
		23-00791	02/08/23	Temp X-mas Lights	Open	668.13	0.00		
		23-00813	01/11/23	Acct 7554686305 Jan'23	Open	113.66	0.00		
		23-00814	01/25/23	Acct 7645537000 122222-012323	Open	920.99	0.00		
		23-00852	03/01/23	Acct 1301408603 Feb'23	Open	28,947.81	0.00		
		23-00853	02/28/23	Acct 1301408905 01/09-02/07/23	Open	7,997.27	0.00		
		23-00854	02/27/23	Acct 7558809401 01/25-02/23/23	Open	18.41	0.00		

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PO #	PO Date	Description					
PSEG0005	PSE&G	Continued					
23-00922	03/01/23	Acct 1301409006 01/24-02/22/23	Open	<u>4,132.42</u>	0.00		
				70,047.95			
PUBLI125	PUBLIC WORKS ASSOCIATION OF NJ						
23-00660	01/01/23	2023 Membership J.Cotter,J.Can	Open	105.00	0.00		
QUALI015	QUALITY AUTO GLASS						
23-00942	02/08/23	292 Police	Open	368.30	0.00		
RACHL005	RACHLES/MICHELE'S OIL COMPANY						
23-00038	01/06/23	DIESEL FUEL SUPPLY	Open	19,584.49	0.00		B
23-00039	01/06/23	UNLEADED GASOLINE SUPPLY	Open	<u>29,125.65</u>	0.00		B
				48,710.14			
RAYAL005	RAY ALLEN MANUFACTURING LLC						
23-00629	03/01/23	SNARE POLE	Open	624.94	0.00		
23-00729	02/28/23	NEW K 9 TEAM	Open	<u>1,042.78</u>	0.00		
				1,667.72			
READY005	READY REFRESH BY NESTLE						
23-00848	02/10/23	Acct 0441205655 Jan-Feb'23	Open	135.92	0.00		
RELIA025	RELIABLE PAPER RECYCLING INC						
23-00954	02/28/23	Recycling February 2023	Open	673.65	0.00		
RESNI005	RESNICK'S HARDWARE						
23-00551	02/09/23	32" Gal Trash Can w/ Lid	Open	355.90	0.00		
23-00655	10/27/22	Morris Park Rededication	Open	<u>530.50</u>	0.00		
				886.40			
RJHLA005	RJH LAW ENFORCEMENT						
23-00961	03/07/23	ENFORCEMENT CONSULTMENT	Open	6,500.00	0.00		
ROBBI005	ROBBINS REEF YACHT CLUB						
23-00615	02/07/23	FUEL FOR FIRE BOAT	Open	1,057.94	0.00		
23-00630	01/02/23	Annual maintenance for boat	Open	2,500.00	0.00		
23-00631	01/02/23	Facility maintenace work hrs.	Open	<u>1,250.00</u>	0.00		
				4,807.94			
RUDROTH5	RUDERMAN & ROTH,LLC.						
22-00279	01/26/22	UNION/LABOR LEGAL SERVICES	Open	14,487.00	0.00		B
23-00017	01/05/23	UNION & LABOR LEGAL SERVICES	Open	<u>23,809.50</u>	0.00		B
				38,296.50			
RUSSE005	RUSSELL'S AUTO BODY						
23-00830	03/01/23	PAINT JOB UNIT 2003	Open	307.00	0.00		
23-00833	03/06/23		Open	<u>821.00</u>	0.00		
				1,128.00			
RUTGE070	RUTGERS, THE STATE UNIVERSITY						
23-00780	02/27/23	ON-LINE CLASSES	Open	344.00	0.00		

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PO #	PO Date Description					
RUTGE070	RUTGERS, THE STATE UNIVERSITY	Continued				
23-00864	03/08/23 Local Government in NJ	Open	<u>1,170.00</u>	0.00		
			1,514.00			
SCREE005	SCREEN SAVERS					
23-00810	02/27/23 IPAD PRO BATTERIES	Open	120.00	0.00		
SEANM005	SEAN MCCARRY					
23-00909	03/08/23 REIMBURSEMENT	Open	1,031.82	0.00		
SEEBU005	ROBERT SEEBURGER					
23-00735	02/22/23 REIMBURSEMENT FOR SUPPLIES	Open	7.96	0.00		
SEMAN005	ADAM SEMANCHICK					
23-00887	02/09/23 DJ Sr Valentines Luncheon	Open	150.00	0.00		
SHIIN005	SHI INTERNATIONAL CORP.					
23-00574	02/13/23 SAMSUNG GALAXY TAB	Open	1,125.06	0.00		
SIRCH005	SIRCHIE FINGERPRINT LABORATORY					
23-00627	02/21/23 SPIT HOODS	Open	119.46	0.00		
STAPL010	STAPLES, INC.					
22-02926	09/03/22 Desk Calendars & Planners	Open	155.91	0.00		
22-03593	11/08/22 Legal Size Pads	Open	246.45	0.00		
23-00434	01/28/23 OFFICE SUPPLIES	Open	120.48	0.00		
23-00663	02/16/23 Office Supplies	Open	427.64	0.00		
23-00785	02/27/23 Credit Erroneous Paymt 051822	Open	<u>455.71</u>	0.00		
			494.77			
STATE025	STATE CHEMICAL MFG. CO.					
23-00957	12/08/22 Janitorial supplis 4th St SC	open	2,681.00	0.00		
STATE090	STATE TOXICOLOGY LABORATORY					
23-00894	12/07/22 STATE TOX LABORATORY Dec'22	Open	855.00	0.00		
STEAD005	STEADFAST					
23-00749	02/08/23 Shop Repair Parts	open	663.62	0.00		
STEVE005	STEVENS JERSEY CITY FORD					
22-00316	01/28/22 PARTS & SUPPLIES FOR VEH MAINT	Open	160.60	0.00		B
23-00357	01/23/23 VEHICLE MAINTENANCE PARTS	Open	<u>1,138.13</u>	0.00		B
			1,298.73			
STHEN005	ST. HENRY'S PARISH CENTER					
22-02829	08/23/22	Open	1,000.00	0.00		B
STORR005	STORR TRACTOR CO					
23-00944	03/01/23 ID# 3006 & 3039	Open	512.34	0.00		
STREE005	STREET COP TRAINING					
23-00825	02/24/23 AUTO THEFT & VEHICLE CRIMES	Open	450.00	0.00		

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
SUNRA005	SUNRAY POWER OPCO V LLC	23-00847	03/01/23	Sunray Solar Power Feb'23	Open	3,320.40	0.00		
SUPRE020	SUPREME TOURS L.L.C.	23-00877	02/07/23	devils Night Buses	Open	2,400.00	0.00		
		23-00884	02/27/23	Paul Muicahy Buses	Open	<u>2,150.00</u>	0.00		
						4,550.00			
TEAML005	TEAM LIFE INC	23-00706	02/09/23	DEFIB PADS AND BATTERIES	Open	375.00	0.00		
TEAMW015	TEAM WILDERNESS	CD-10443	10/13/22	GY23 wilderness Program	Open	1,542.35	0.00		B
THEWA005	THE WATERFRONT PROJECT, INC.	CD-10364	09/11/20	GY21 CV Housing Counseling	Open	5,787.60	0.00		B
THOMS015	THOMSON REUTERS - WEST	23-00777	02/01/23	Westlaw Proflex Jan'23	Open	1,548.33	0.00		
TIMMOR05	TIMOTHY J.MORIARTY, ESQ.	23-00469	02/02/23	MUNICIPAL COURT PROSECUTOR FEE	Open	6,000.00	0.00		B
TOPDO005	TOP DOG TROPHIES	23-00883	01/20/23	Youth Football Trophies	Open	721.00	0.00		
TOPLI005	TOP LINE CONSTRUCTION CORP	22-00822	03/08/22	IMPROV TO E. 22ND ST & AVE J	Open	96,583.46	0.00		B
		22-02255	07/07/22	2022 ROADWAY IMPROVEMENTS	Open	<u>2,454.69</u>	0.00		B
						99,038.15			
TOWIN005	ADVANCED TOWING	23-00874	11/29/22	AUCTION 11/29/22	Open	450.00	0.00		
TOWIN020	TUMINO'S TOWING	23-00873	11/29/22	AUCTION 11/29/22	Open	1,350.00	0.00		
TRAIN025	Training specialties Inc	22-03526	02/16/23	FIRE HOSES	Open	6,875.77	0.00		
TRANS005	BORKER TRANSMISSIONS	23-00049	01/06/23	TRANSMISSION REPAIR SERVICES	Open	681.11	0.00		B
TREAS020	TREASURER - STATE OF NEW JERSE	23-00914	09/14/21	Tideland License & lease Fee	Open	100.00	0.00		
		23-00915	02/04/22	Tideland License & Lease Fee	Open	1,640.00	0.00		
		23-00916	12/19/22	Tideland License & Lease Fee	Open	1,681.00	0.00		
		23-00934	02/06/23	Tideland Licenese & lease Fee	Open	<u>7,400.00</u>	0.00		
						10,821.00			
TRIAD005	TRIAD ASSOCIATES	CD-10451	03/10/23	CY2023 CDBG Advisory Services	Open	2,875.00	0.00		B

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
TULPE005	TULPEHOCKEN SPRING WATER INC								
	23-00646	01/19/23	WATER DELIVERY	01/19/2023	Open	21.70	0.00		
	23-00647	01/31/23	MONTHLY EQUIPMENT RENT	Jan'23	Open	10.00	0.00		
	23-00896	02/16/23	WATER DELIVERY	02/16/23	Open	27.95	0.00		
	23-00897	03/08/23	MONTHLY EQUIPMENT RENT	Feb'23	Open	10.00	0.00		
						69.65			
TURN005	TURN OUT FIRE & SAFETY INC								
	23-00639	01/31/23	UNIFORMS		Open	2,146.98	0.00		
	23-00754	12/13/22	UNIFORMS		Open	2,648.99	0.00		
	23-00756	02/16/23	UNIFORM ORDERS		Open	1,475.00	0.00		
	23-00797	02/22/23	SHIRT ALTERATION FOR CH WEAVER		Open	10.00	0.00		
						6,280.97			
TYLIN005	T.Y.LIN INTERNATIONAL								
	22-02075	06/23/22	DEV STUDY FOR 440/34TH BRIDGE		Open	18,282.06	0.00		B
ULINE005	ULINE								
	23-00557	02/07/23	FINANCE CHAIRS		Open	4,817.69	0.00		
	23-00604	02/14/23	Office Equipment		Open	1,247.35	0.00		
	23-00628	02/13/23	BARRICADE TAPE		Open	210.05	0.00		
	23-00759	03/01/23	EQUIPMENT FOR NEW K 9 TEAM		Open	793.37	0.00		
	23-00766	03/01/23	FINANCE DESKS		Open	9,683.00	0.00		
						16,751.46			
ULTIM005	ULTIMATE AUDIO								
	23-00761	02/16/23	WINDOW TINT K9 UNIT & UNIT 92		Open	200.00	0.00		
UNITE100	UNITED STATES POSTAL SERVICE								
	23-00816	03/01/23			Open	10,000.00	0.00		
UNITE105	UNITED ROTARY BRUSH CORP.								
	23-00941	02/21/23	Sweeper #363,364 & 365		Open	3,938.23	0.00		
UNITE110	UNITED SITE SERVICES								
	23-00320	01/20/23	PORTABLE BATHROOM RENTAL		Open	845.48	0.00		B
	23-00804	02/17/23	Pt RR 330Hook-DPW/PD Feb-Mar23		Open	212.00	0.00		
						1,057.48			
VALTE005	VALTEC INDUSTRIES LLC								
	23-00550	02/07/23	Total Sol. - Graffiti wipes		Open	119.95	0.00		
VERAL005	V E RALPH & SON INC.								
	23-00463	02/27/23	HYDRANT TOOL BAG		Open	99.42	0.00		
VERIZ005	VERIZON BUSINESS								
	23-00784	02/25/23	Acct 93282293 Jan-Feb'23		Open	313.43	0.00		
VERIZ020	VERIZON								
	23-00592	01/31/23	Acct 251285631000158 Feb'23		Open	188.46	0.00		
	23-00738	01/31/23	Acct 250787710000125 Feb'23		Open	2,350.86	0.00		
	23-00764	02/15/23	Acct 750717365000190 Feb-Mar23		Open	19.65	0.00		
	23-00920	02/28/23	Acct 251285631000158 Mar'23		Open	193.98	0.00		

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Vendor #	Name							
PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type	
VERIZ020 VERIZON Continued								
23-00921	02/28/23	Acct 551468196000113 Feb'23	Open	1.20	0.00			
				2,754.15				
VERIZ045 VERIZON								
23-00709	02/06/23	Acct 151937649000114 Feb-Mar23	Open	159.99	0.00			
VERIZ075 VERIZON WIRELESS								
23-00704	01/25/23	Acct 382696480-00001 De22-Ja23	Open	1,794.57	0.00			
23-00710	02/01/23	Acct 682559572-00001 Jan'23	Open	2,092.63	0.00			
23-00739	02/01/23	Acct 286793355-00001 Jan'23	Open	773.56	0.00			
23-00849	02/23/23	Acct 642003467-00001 Jan-Feb23	Open	477.31	0.00			
23-00850	02/21/23	Acct 685477848-00001 Jan-Feb23	Open	828.76	0.00			
23-00851	02/23/23	Acct 786747072-00001 Jan-Feb23	Open	666.22	0.00			
23-00875	02/23/23	Acct 242078130-00002 Jan-Feb23	Open	1,043.02	0.00			
23-00898	02/23/23	Acct 242078130-00001 Jan-Feb23	Open	1,081.46	0.00			
23-00899	02/25/23	Acct 382696480-00001 Jan-Feb23	Open	1,902.52	0.00			
				10,660.05				
VINCE010 VINCENT PARLAVECHIO								
23-00779	02/27/23	PRIORITY MAIL REIMBURSEMENT	Open	17.50	0.00			
VITAL005 VITAL SIGNS								
23-00446	01/31/23	Holiday Banner Removal	Open	1,500.00	0.00			
23-00799	02/23/23	Buddy Baseball Poster	Open	95.00	0.00			
23-00808	02/22/23	COMMAND CENTER/DB DOORS @ HS	Open	804.75	0.00			
23-00895	02/28/23	Championship Banner Horace Man	Open	110.00	0.00			
				2,509.75				
WALLA010 WALLACE TEMPLE								
CD-10437	10/13/22	G23 WT CARES Program	Open	984.00	0.00		B	
WBMAS010 WB MASON CO. INC.								
22-03546	10/21/22	Election Supplies	Open	322.87	0.00			
22-03748	11/04/22	BOOA SUPPLY'S	Open	66.60	0.00			
23-00134	01/13/23	WBM Office Supplies	Open	576.71	0.00			
23-00364	01/25/23	WBM Office Supplies	Open	140.47	0.00			
23-00368	02/14/23	TRAFFIC LASER PRINTER	Open	2,718.00	0.00			
23-00437	02/08/23	OFFICE SUPPLIES	Open	405.58	0.00			
23-00439	02/10/23	OFFICE SUPPLIES	Open	2,740.79	0.00			
23-00494	02/06/23	WBM Office Supplies LIBR	Open	4,990.66	0.00			
23-00569	02/08/23	SUPPLIES	Open	312.50	0.00			
23-00576	02/13/23	TONER CARTRIDGE	Open	71.99	0.00			
23-00585	02/13/23	FINANCE OFFICE SUPPLIES	Open	1,124.06	0.00			
23-00591	02/10/23	Copy Paper	Open	1,519.60	0.00			
23-00606	02/16/23	WBM Office Supplies PAUT	Open	107.74	0.00			
23-00619	02/16/23	OFFICE SUPPLIES	Open	125.02	0.00			
23-00624	02/16/23	SUPPLIES	Open	243.99	0.00			
23-00625	02/16/23	SUPPLIES	Open	62.95	0.00			
23-00664	02/16/23	Color Ink cart. -Tracey	Open	363.96	0.00			
23-00666	02/16/23	Office Supplies for CLINIC	Open	419.57	0.00			
23-00679	04/27/22	ELECTIONS SUPPLIES	Open	455.71	0.00			
23-00693	02/22/23	Copy Paper	Open	1,519.60	0.00			

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PO #	PO Date Description					
WBMA010	WB MASON CO. INC.	Continued				
23-00818	03/06/23 WBM Copy Paper 03/06/23	Open	1,519.60	0.00		
23-00828	03/07/23 Storage Boxes	Open	27.98	0.00		
			19,835.95			
WEINE015	WEINER LAW GROUP LLP					
23-00649	01/31/23 Legal Assistance LIBR Jan'23	Open	4,766.14	0.00		
WESTM010	West Marine Pro					
23-00926	02/20/23 DOCK LINE ROPE	Open	150.36	0.00		
WILLI015	SHERWIN WILLIAMS					
23-00316	01/20/23 PAINTING SUPPLIES	Open	310.75	0.00		B
WISE0005	WISE OPTICAL CENTER					
23-00793	03/01/23 BOOA	Open	1,350.00	0.00		
WOJTK005	SUSAN WOJTKOWSKI					
23-00832	03/06/23	open	94.00	0.00		
XEROX020	XEROX CORPORATION					
23-00452	01/31/23 Contractual Services	Open	376.72	0.00		B
CD-10448	01/11/23 CY2023 CDBG Base & Meter Chgs	Open	494.38	0.00		
			871.10			
Total Purchase Orders: 384			Total P.O. Line Items: 0	Total List Amount: 1,436,320.38	Total Void Amount:	0.00

Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND	2-01	98,414.10	0.00	0.00	98,414.10
PARKING FUND	2-05	190.48	0.00	0.00	190.48
Year Total:		98,604.58	0.00	0.00	98,604.58
CURRENT FUND	3-01	939,423.33	0.00	0.00	939,423.33
PARKING FUND	3-05	4,777.40	0.00	0.00	4,777.40
Year Total:		944,200.73	0.00	0.00	944,200.73
GENERAL CAPITAL FUND	C-04	73,259.27	0.00	0.00	73,259.27
PARKING UTILITY CAPITAL FUND	C-06	10,273.30	0.00	0.00	10,273.30
Year Total:		83,532.57	0.00	0.00	83,532.57
FEDERAL AND STATE GRANT FUND	G-02	150,113.30	0.00	0.00	150,113.30
CDBG	T-03	39,615.05	0.00	0.00	39,615.05
TRUST-OTHER	T-12	111,225.95	0.00	0.00	111,225.95
DOG TRUST	T-13	103.20	0.00	0.00	103.20
REDEVELOPMENT ESCROW	T-27	8,925.00	0.00	0.00	8,925.00
Year Total:		159,869.20	0.00	0.00	159,869.20
Total of All Funds:		1,436,320.38	0.00	0.00	1,436,320.38

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

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

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

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

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

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

RESOLVED, That the official minutes of the regular council meeting held Wednesday, February 15, 2023 be and the same are hereby approved.

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

RESOLVED, That the official minutes of the council caucus meeting held Wednesday, February 8, 2023, be and the same are hereby approved.

* * * * *

48. 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
72	4	NICHOLAS D'ANNA	391.57
145	52	JOSE B.& CHRISTINE A. ALVAREZ	3,793.00
157	8.01	EDWARD & ANN REAVEN	5,608.00
244	5	CHARLES C. KANG	1,991.00
261	5	EVER E. RIVAS	3,204.00
267	9	JIMMY M. CASTRO	2,078.00
327	2	PROVIDENT BANK ISAOA	3,407.00
443	10	MARTHA VELASTEGUI	2,544.00
Toal:			23,026.57

* * * * *

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

WHEREAS, New Jersey Department of Environmental Protection administers grants to qualifying municipalities to provide and supplement existing recycling efforts throughout the State, and

WHEREAS, the New Jersey Department of Environmental Protection has authorized applications for the FY2020 Recycling Tonnage Grant Program, and

WHEREAS, the City of Bayonne is desirous of increasing programs and initiatives related to its existing recycling program for the benefit of the public, and

WHEREAS, the City of Bayonne has applied for and has been awarded a grant in the amount of \$133,677.63 from the State of New Jersey Department of Environmental Protection for the FY20 Recycling Tonnage Grant, and

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the City of Bayonne that the above referenced grant is hereby accepted and the Mayor is hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for the City of Bayonne.

- BE IT FURTHER RESOLVED, by the Municipal Council of the City of Bayonne that;
1. The City of Bayonne accepts \$133,677.63 State of New Jersey Department of Environmental Protection for the FY19 Recycling Tonnage Grant.
 2. The Division of Finance is hereby authorized to establish the proper accounts for these funds.

* * * * *

50. 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 approximately \$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.

Be it further RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith:

(signature)

James M. Davis
(type or print name)

Mayor
(title)

CERTIFICATION:
I, Madelene Medina, the Clerk of the City of Bayonne hereby certify that at a meeting of the Board of Directors / Governing Body held on August 17, 2022 the above RESOLUTION was duly adopted.

AFFIX GOV'T,
CORPORATE
OR _____
NOTARY SEAL (Signature of Secretary of the Board of Directors or Government Clerk)

* * * * *

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

WHEREAS, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support (LESO) 1033 program to make use of excess Department of Defense personal

property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

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

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

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

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

RESOLVED, by the Municipal Council of the City of Bayonne, State of New Jersey that the City of Bayonne Police Department is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate terminating on December 31st of the calendar year from January 1, 2023 to December 31, 2023; and be it further

RESOLVED, that the City of Bayonne Police Department is hereby authorized to acquire items of non-controlled property designated "DEMIL-A," which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the Bayonne Police Department, if it shall become available in the period of time for which this Resolution authorizes, based on the needs of the City of Bayonne Police Department without restriction; and

BE IT FURTHER RESOLVED, that the Bayonne Police Department is hereby authorized to acquire the following "DEMIL B through Q" property, if shall become available within the period of time for which this Resolution authorizes; and

BE IT FURTHER RESOLVED, that the property available through the Program "DEMIL A through Q" is attached hereto; and

BE IT FURTHER RESOLVED, that the Bayonne Police Department shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED, that the Bayonne Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately and shall be valid to authorize requests to acquire (1) "DEMIL A" property that may be made available through the 1033 Program and (2) "DEMILA B through Q" property both of which that may be made available through the 1033 Program during the time period for which this Resolution authorizes, with program participation and all property request authorization terminating on December 31, 2023.

* * * * *

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

WHEREAS, the Benevolent and Protective Order of Elks of U.S.A, Bayonne NJ Elks Lodge #434, a New Jersey Non-Profit Organization ("Elks Club"), has requested permission to hold an event to be promoted as the Bike Blessing on Saturday, April 15, 2023 from 12:00 p.m. to 4:00 p.m. on Broadway between 16th and 17th Streets; and

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

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

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

RESOLVED, that the Mayor and City Clerk are hereby authorized to execute a License Agreement, in form and substance as is acceptable to the Law Director, allowing the Benevolent and Protective Order of Elks of U.S.A, Bayonne NJ Elks Lodge #434, a New Jersey Non-Profit Organization, to hold the Bike Blessing event on Saturday, April 15, 2023 from 12:00 p.m. to 4:00 p.m. and to close Broadway, in between 16th and 17th Streets, from 10:00 a.m. to 5:00 p.m. to allow for load-in and load-out activities; and be it further

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

* * * * *

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

WHEREAS, Resolution No. 23-02-15-030 adopted by the Municipal Council on February 15, 2023 authorized an increase in Agreement No. CY22-027 with Anthony R. Suarez, Esq. c/o Werner Suarez, 2 University Plaza, Suite 230, Hackensack, NJ 07601 for professional legal services to represent the Bayonne Rent Control Board for the period commencing January 1, 2022 through December 31, 2022 for an amount not to exceed \$15,000.00 in the amount of \$35,211.67 to cover the cost of ordinance revisions and litigation that were not anticipated at the time of the original contract award, thereby making the total contract amount not to exceed \$50,211.67; and

WHEREAS, said Agreement No. CY22-027 was previously amended as stated above pursuant to Resolution 23-01-18-031 adopted by the Municipal Council on January 18, 2023 the adoption of Resolution No. 23-02-15-030 was not necessary; now, therefore, be it

RESOLVED, by the Municipal Council that Resolution No. 23-02-15-030 is hereby rescinded.

* * * * *

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

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The City Council of the City of Bayonne, County of Hudson, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the City Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the City Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Hudson;

NOW, THEREFORE, BE IT RESOLVED by the City of Bayonne, County of Hudson, State of New Jersey hereby recognizes the following:

1. The City Council does hereby authorize submission of a strategic plan for the Bayonne Municipal Alliance grant year July 1, 2023 to June 30, 2024 in the amount of:

DEDR	\$ 19,921.00
Cash Match	\$ 4,980.25
In-Kind	\$ 14,940.75
2. The City Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

* * * * *

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

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse (GCADA) established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey. In coordination with GCADA, the New Jersey Department of Human Services/Division on Mental Health and Addiction Services (DMHAS) has awarded a Youth Leadership Grant to the GCADA Municipal Alliance Program.

WHEREAS, The City Council of the City of Bayonne, County of Hudson, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the City Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the City Council has applied for DMHAS Youth Leadership funding through the Governor’s Council on Alcoholism and Drug Abuse through the County of Hudson.

NOW, THEREFORE, BE IT RESOLVED by the City of Bayonne, County of Hudson, State of New Jersey hereby recognizes the following:

1. The City Council does hereby authorize submission of an application for DMHAS Grant funding for the Bayonne Municipal Alliance for the Grant Term of 9/1/23 – 9/30/25 in the amount of:

DMHAS Grant Funding	\$ 7,222.00
---------------------	-------------
2. The City Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

* * * * *

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

WHEREAS, pursuant to Resolution No. 21-11-10-045 adopted on November 10, 2021, the City entered into Agreement No. CY22-006 with Matrix New World Engineering, 26 Columbia Turnpike, Florham Park, NJ 07932 (“Matrix”) for professional Licensed Site Remediation Professional (“LSRP”) services for the period commencing January 1, 2022 and ending December 31, 2022 for a total contract amount not to exceed \$62,500.00 pursuant to the Fair and Open process in accordance with the provisions of N.J.S.A. 19:44A-20.4 and 5; and

WHEREAS, the City of Bayonne advertised a Request for Qualifications/Proposals for the aforesaid professional services under the Fair & Open Contracting Requirements pursuant to N.J.S.A. 19:44A:20.4 and .5; and

WHEREAS, Matrix continued to provide the aforesaid LSRP services for the period commencing January 1, 2023 through March 15, 2023 pending the award of a new contract for said professional services; and

WHEREAS, it was necessary for the City to continue to receive said LSRP services from Matrix for the period commencing January 1, 2023 through March 15, 2023 in order to ensure uninterrupted LSRP services ("Additional LSRP Services") under the same terms and conditions pursuant to Agreement No. CY22-006 with Matrix pending the award of a new agreement for said LSRP services; and

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens of Bayonne to ensure said uninterrupted LSRP services; and

WHEREAS, the cost of said LSRP services does not exceed \$5,000.00; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.5(e), this increase in the amount of the contract award shall not exceed \$5,000.00 and shall be subject to the availability and appropriation of funds in the CY2023 budget in account #3-01-20-165-0000-020; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The actions of the Business Administrator in continuing to receiving said LSRP services for the period commencing January 1, 2023 through March 15, 2023 are hereby ratified and affirmed.

2. The Mayor and City Clerk are hereby authorized to execute an amendment to Agreement No. CY22-006 with Matrix New World Engineering, 26 Columbia Turnpike, Florham Park, NJ 07932 extending same for the period commencing January 1, 2023 through March 15, 2023 for an additional amount not to exceed \$5,000.00, thereby making the total contract amount not to exceed \$67,500.00.

3. Funds shall be chargeable to account #3-01-20-165-0000-020.

4. Pursuant to N.J.A.C. 5:30-5.5(e), this increase in the amount of the contract award shall not exceed \$5,000.00 and shall be subject to the availability and appropriation of funds in the CY2023 budget in account #3-01-20-165-0000-020.

* * * * *

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

WHEREAS, pursuant to Resolution No. 21-11-10-040 adopted on November 10, 2021, the City entered into Agreement No. CY22-005 with Matrix New World Engineering, 26 Columbia Turnpike, Florham Park, NJ 07932 ("Matrix") for professional environmental consulting services for the period commencing January 1, 2022 and ending December 31, 2022 for a total contract amount not to exceed \$25,000.00 pursuant to the Fair and Open process in accordance with the provisions of N.J.S.A. 19:44A-20.4 and 5; and

WHEREAS, the City of Bayonne advertised a Request for Qualifications/Proposals for the aforesaid professional services under the Fair & Open Contracting Requirements pursuant to N.J.S.A. 19:44A:20.4 and .5; and

WHEREAS, Matrix continued to provide the aforesaid professional environmental consulting services for the period commencing January 1, 2023 through March 15, 2023 pending the award of a new contract for said professional services; and

WHEREAS, it was necessary for the City to continue to receive said professional environmental consulting services from Matrix for the period commencing January 1, 2023 through March 15, 2023 in order to ensure uninterrupted professional environmental consulting services ("Additional Environmental Consulting Services") under the same terms and conditions pursuant to Agreement No. CY22-005 with Matrix pending the award of a new agreement for said professional environmental consulting services; and

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens of Bayonne to ensure said uninterrupted professional environmental consulting services; and

WHEREAS, the cost of said professional environmental consulting services does not exceed \$7,500.00; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.5(e), this increase in the amount of the contract increase in the amount of \$7,500.00 shall be subject to the availability and appropriation of funds in the CY2023 budget in account #3-01-20-165-0000-020; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The actions of the Business Administrator in continuing to receiving said professional environmental consulting services for the period commencing January 1, 2023 through March 15, 2023 are hereby ratified and affirmed.

2. The Mayor and City Clerk are hereby authorized to execute an amendment to Agreement No. CY22-005 with Matrix New World Engineering, 26 Columbia Turnpike, Florham Park, NJ 07932 extending same for the period commencing January 1, 2023 through March 15, 2023 for an additional amount not to exceed \$7,500.00, thereby making the total contract amount not to exceed \$32,500.00.

3. Funds shall be chargeable to account #3-01-20-165-0000-020.

4. Pursuant to N.J.A.C. 5:30-5.5(e), this increase in the amount of the contract award in an amount not to exceed \$7,500.00 shall be subject to the availability and appropriation of funds in the CY2023 budget in account #3-01-20-165-0000-020.

* * * * *

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

WHEREAS, Resolution No. 23-02-15-038 adopted by the Municipal Council on February 15, 2023 authorized Agreement No. CY22-037 with Integrated Micro Systems, Inc. to provide information technology, computer systems and network administration support services ("IT Support Services") for the period commencing January 1, 2022 through December 31, 2022 be extended through February 28, 2023; and

WHEREAS, it was anticipated that a new contract for Information Technology Maintenance, Support and Procurement Consulting Services would be awarded at the Municipal Council Meeting held on February 15, 2023 pursuant to the City's Solicitation for Proposals through the "Competitive Contracting Process" in accordance with *N.J.S.A. 40:A11-4.1 et. seq.* ("City's SFP"); and

WHEREAS, due to unforeseen circumstances, the new contract was not awarded at that time, and therefore, it is necessary to amend said Resolution No. 23-02-15-038 to authorize the extension of said Agreement No. CY22-037 through March 15, 2023 pending the award of a contract for said Information Technology Maintenance, Support and Procurement Consulting Services pursuant to the City's SFP; and

WHEREAS, it is anticipated that a new contract will be awarded at this Municipal Council meeting; now, therefore, be it

RESOLVED, by the Municipal Council that the aforesaid Resolution No. 23-02-15-038 is hereby amended as follows:

1. The Mayor and City Clerk are hereby authorized to execute an amendment to Agreement No. CY22-037 with Integrated Micro Systems, Inc., 74 Lee Avenue, Haledon, New Jersey 07508-1202 extending same for the period commencing January 1, 2023 through March 15, 2023 under the same terms and conditions for an additional amount not to exceed \$15,000.00, thereby making the total contract amount not to exceed \$81,700.00.

2. Funds shall be chargeable to account #3-01-31-460-0000-029.

3. Pursuant to N.J.A.C. 5:30-5.5(e), this increase in the amount of the contract award shall be subject to the availability and appropriation of funds in the CY2023 budget in account #3-01-31-460-0000-029.

4. The actions of the Business Administrator in continuing to receiving said IT Support Services from Integrated Micro Systems, Inc. for the period commencing January 1, 2023 through March 15, 2023 is hereby ratified and affirmed.

* * * * *

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

WHEREAS, Resolution No. 23-02-15-037 adopted by the Municipal Council on February 15, 2023 authorized an extension to Agreement No. CY22-038 with Integrated Micro Systems, Inc. for Information Technology Procurement Services for the period commencing January 1, 2022 through December 31, 2022 be extended same through February 28, 2023; and

WHEREAS, it was anticipated that a new contract for Information Technology Maintenance, Support and Procurement Consulting Services would be awarded at the Municipal Council Meeting held on February 15, 2023 pursuant to the City's Solicitation for Proposals through the "Competitive Contracting Process" in accordance with N.J.S.A. 40:A11-4.1 *et. seq.* ("City's SFP"); and

WHEREAS, due to unforeseen circumstances, the new contract was not awarded at that time, and therefore, it is necessary to amend said Resolution No. 23-02-15-037 to authorize the extension of said Agreement No. CY22-038 through March 15, 2023 pending the award of a contract for said Information Technology Maintenance, Support and Procurement Consulting Services pursuant to the City's SFP; and

WHEREAS, it is anticipated that a new contract will be awarded at this Municipal Council meeting; now, therefore, be it

RESOLVED, by the Municipal Council that the aforesaid Resolution No. 23-02-15-037 is hereby amended to reflect as follows:

1. The Mayor and City Clerk are hereby authorized to execute an amendment to Agreement No. CY22-038 with Integrated Micro Systems, Inc., 74 Lee Avenue, Haledon, New Jersey 07508-1202 extending same for the period commencing January 1, 2023 through March 15, 2023 under the same terms and conditions for an additional amount not to exceed \$15,000.00, thereby making the total contract amount not to exceed \$70,000.00.

2. Funds shall be chargeable to account #3-01-31-460-0000-029.

3. Pursuant to N.J.A.C. 5:30-5.5(e), this increase in the amount of the contract award shall be subject to the availability and appropriation of funds in the CY2023 budget in account #3-01-31-460-0000-029.

4. The actions of the Business Administrator in continuing to receive said Information Technology Procurement Services from Integrated Micro Systems, Inc. for the period commencing January 1, 2023 through March 15, 2023 is hereby ratified and affirmed.

* * * * *

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

WHEREAS, Resolution No. 23-02-15-054 adopted by the Municipal Council on February 15, 2023 authorized the Mayor and/or his designee to execute an agreement with Heartland Payment Systems, LLC ("Heartland") for Credit Card Processing Services commencing February 18, 2023 and ending December 31, 2023 with four (4) one (1) year options to renew commencing as of January 1, of each subsequent year at the City's sole discretion; and

WHEREAS, said Resolution No. 23-02-15-054 contained a scrivener's error insofar as the commencement date of the agreement should be "commencing as of the date that the Bayonne Parking Utility's credit card/electronic payment system is fully operational and implemented by Heartland"; now, therefore be it

RESOLVED, by the Municipal Council that the aforesaid Resolution No. 23-02-15-054 is hereby amended as follows:

1. The Mayor and/or his designee is hereby authorized to execute an agreement with Heartland Payment Systems, LLC for the aforesaid Credit Card Processing Services commencing as of the date that the Bayonne Parking Utility's credit card/electronic payment system is fully operational and implemented by Heartland and ending December 31, 2023 with four (4) one (1) year options to renew commencing as of January 1st of each subsequent year at the City's sole discretion pursuant to the fees set forth in the response of Heartland Payment Systems, LLC consistent with the fee schedule set forth in said response.

* * * * *

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

WHEREAS, in 2005 the NJDEP filed a suit known as *New Jersey Dept. of Env'tl Protection et al. v. Honeywell Int'l Inc. et al.* Civ. No. C-77-05 (Sup. Ct. Chancery, Hudson County, N.J.) (hereinafter the "Orphan Site Litigation") against Honeywell International Inc. ("Honeywell") and several other defendants alleging that such defendants were liable for the remediation of chromate chemical production waste ("CCPW") at various sites in and around Jersey City, New Jersey; and

WHEREAS, in September 2011, the Court in the Orphan Site Litigation entered a Consent Judgment pursuant to which remedial responsibility for various sites containing CCPW was allocated among the defendants; and

WHEREAS, pursuant to the Consent Judgment, Honeywell agreed to accept responsibility for the remediation of CCPW at a property known as the "Bayonne Sewage Pipeline, also known as Site 144" ("Site 144"); and

WHEREAS, a portion of Site 144 referred to as Pipeline Section A that is subject to remediation includes property owned by the City of Bayonne and identified as Block 217, Lot 37 on the tax map of the City of Bayonne, New Jersey (the "Property"); and

WHEREAS, a separate portion of Site 144 referred to as Pipeline Section A that is subject to remediation also includes property owned by the City of Bayonne and identified as West Shore Drive Right-of-Way between West 18th Street and West 19th Street (the "City's ROW"); and

WHEREAS, pursuant to Resolution No. 18-06-20-081 adopted by the Municipal Council on June 20, 2018, the Mayor and City Clerk executed a Deed Notice in connection with the aforesaid remediation activities at the Property dated September 19, 2019 and recorded in the Office of the Hudson County Register September 19, 2019 in Deed Book 9438, Pages 201-223; and

WHEREAS, pursuant to said Resolution No. 18-06-20-081, the Mayor and City Clerk also executed a Notice in Lieu of Deed Notice in connection with the City's ROW also dated September 19, 2019 recorded in the Office of the Hudson County Register on September 26, 2019 in Deed Book 9438, Pages 176-200.

WHEREAS, Honeywell has advised that it intends to propose to the New Jersey Department of Environmental Protection said Deed Notice be terminated based on the soil sample results indicating that no remedial action is required; and

WHEREAS, Honeywell has also advised that it intends to propose to the NJDEP that said Notice in Lieu of Deed Notice be terminated because a revised Notice in Lieu of Deed Notice for the City's ROW is required to accurately reflect the completed remedial actions; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

The Mayor and/or his designee is hereby authorized to take any and all actions and execute any and all documents necessary to effectuate the termination of the aforesaid Deed Notice and Notice in Lieu of Deed Notice.

* * * * *

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

WHEREAS, Resolution No. 23-02-15-036 adopted by the Municipal Council on February 15, 2023 authorized Agreement No. CY22-039 with Hoplite Communications, LLC, 197 Route 18, Suite 3000, East Brunswick, NJ 08816 ("Hoplite") for telecommunications consulting services in connection with the deployment of 5G technology and the City's communication

carriers and the anticipated 5G model (“Telecommunications Consulting Services”) for the period commencing January 1, 2022 and ending December 31, 2022 be extended for the period commencing January 1, 2023 through February 28, 2023 (“Extension Period”) at no additional cost; and

WHEREAS, said Resolution No. 23-02-15-036 also re-appointed Peter J. Lupo, Esq. of Hoplite as the City’s Telecommunications Consultant for said Extension Period; and

WHEREAS, it was anticipated that a new contract for Telecommunications Consulting Services would be awarded at the Municipal Council Meeting held on February 15, 2023 pursuant to the City’s Solicitation for Proposals through the “Competitive Contracting Process” in accordance with N.J.S.A. 40A:11-4.1 *et. seq.* (“City’s SFP”); and

WHEREAS, due to unforeseen circumstances, the new contract was not awarded at that time, and therefore, it is necessary to amend said Resolution No. 23-02-15-036 to authorize the extension of said Agreement No. CY22-039 through March 15, 2023 and to re-appoint Peter J. Lupo, Esq. of Hoplite as the City’s Telecommunications Consultant for said Extension Period pending the award of a contract for said Telecommunications Consulting Services and re-appointing a new Telecommunications Consultant pursuant to the City’s SFP; and

WHEREAS, it is anticipated that a new contract will be awarded and a Telecommunications Consultant will be appointed at this Municipal Council meeting; now, therefore, be it

RESOLVED, by the Municipal Council that the aforesaid Resolution No. 23-02-15-036 is hereby amended to read as follows:

1. The actions of the Business Administrator in continuing to receive said Telecommunications Consulting Services from Hoplite for the period commencing January 1, 2023 through March 15, 2023 are hereby ratified and affirmed.

2. The Mayor and City Clerk are hereby authorized to execute an amendment to Agreement No. CY22-039 with Hoplite for said Telecommunications Consulting Services extending same for the period commencing January 1, 2023 through March 15, 2023 under the same terms and conditions at no additional cost.

3. Peter J. Lupo, Esq. of Hoplite is hereby re-appointed as the City’s Telecommunications Consultant for the period commencing January 1, 2023 through March 15, 2023.

* * * * *

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

RESOLUTION OF THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING AND DIRECTING THE PLANNING BOARD OF THE CITY OF BAYONNE TO RE-OPEN AND CONSIDER AMENDMENTS TO THE “AMENDED AND RESTATED SCATTERED SITE REDEVELOPMENT PLAN, NJ TRANSIT 34TH STREET STATION, BLOCK 407, LOTS 1, 2 & 3, BLOCK 408, LOTS 1 & 2 DATED MARCH 5, 2019” (a/k/a AMENDED SCATTERED SITE REDEVELOPMENT PLAN)

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

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

WHEREAS, on April 10, 2019, the Municipal Council adopted Ordinance O-4 approving a plan titled the “Amended And Restated Scattered Site Redevelopment Plan, NJ Transit 34TH Street Station, Block 407, Lots 1, 2 & 3, Block 408, Lots 1 & 2, City of Bayonne, Hudson County, New Jersey” dated March 5, 2019 (“Redevelopment Plan”); and

WHEREAS, the Redevelopment Law permits municipalities to amend redevelopment and rehabilitation plans from time to time within their discretion; and

WHEREAS, the primary purpose of this directive is to reopen the Redevelopment Plan referenced herein in order to consider the addition of the East 32nd Street vehicular bridge, which is designated as Block 504, Lot 3 (and includes the existing right-of-way for New Jersey Transit and the 34th Street HBLRT Lot) on the official tax map of the City of Bayonne into the Redevelopment Plan and such other further amendments as may be deemed necessary and appropriate; 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”) re-open the Redevelopment Plan and consider further amendments thereto.

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

Section 1. The Planning Board is hereby directed to re-open the Redevelopment Plan, and to consider amendments thereto.

Section 2. The Planning Board is authorized to prepare amendments to the Redevelopment Plan.

Section 3. The results of the foregoing actions by the Planning Board shall be submitted to the Mayor and Municipal Council for review and approval in accordance with the provisions of the Redevelopment Law.

Section 4. This Resolution shall take effect immediately.

* * * * *

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

WHEREAS, under the American Rescue Plan, Treasury has addressed the importance of capital expenditures in the COVID-19 public health response. Treasury enumerates that improvements to, or construction of, emergency operations centers and acquisition of emergency response equipment (e.g., emergency response communication systems); are eligible, as long as they meet the standards for capital expenditures in section *Capital Expenditures* in *General Provisions: Other* of the SLFRF Final Rule; and

WHEREAS, the Director of Public Safety has established a need for the purchase of two (2) new servers and related equipment for the Public Safety Communications Center (“Computer Equipment”) to replace fourteen (14) year old, outdated, worn and unrepairable equipment; and

WHEREAS, PKA Technologies, Inc. (“PKA”), 3 Paragon Drive, Suite 205, Montvale, NJ 07645, a subsidiary Dell, Inc., is capable of providing said Computer Equipment through Dell, Inc. through State Contract M0483; and

WHEREAS, the Director of Public Safety is in receipt of two (2) quotes from PKA: one dated February 16, 2023 and one dated February 26, 2023 totaling \$57,937.77 to purchase said Computer Equipment from PKA through Dell, Inc.’s State Contract M0483; and

WHEREAS, funds are certified as available in Account – G-02-41-866-202-911; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Purchasing Agent and/or his/her designee(s) is/are hereby authorized to take any and all actions and execute any and all documents necessary to procure the aforesaid Computer Equipment from PKA Technologies, Inc., a subsidiary of Dell, Inc., through Dell Inc.’s State Contract No. M0483 pursuant to the two (2) quotes as stated above for a total amount of \$57,937.77.

2. Funds shall be chargeable to Account - G-02-41-866-202-911.

* * * * *

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

WHEREAS, Resolution No. 22-12-14-036 adopted by the Municipal Council on December 14, 2022 authorized the Mayor and City Clerk to enter into a contract with Prophoenix Corporation, 502 Pleasant Valley Avenue, Suite 1, Morristown, NJ 08057 for continued maintenance and support for its Police Public Safety Software, CAD-RMS-WDA Software, for the period commencing January 1, 2023 and ending December 31, 2023 for the amount of \$60,202.39 chargeable to Account #2-01-25-240-0000-028; and

WHEREAS, said Resolution No. 22-12-14-036 should have also reflected that the Police Department had also established a need for annual maintenance and support for its Safe Fleet Body Worn Camera Interface for said period; and

WHEREAS, said Resolution No. 22-12-14-036 contained a scrivener error insofar as the correct account that funds are to be chargeable to is #3-01-25-240-0000-028; now, therefore, be it

RESOLVED, by the Municipal Council that Resolution No. 22-12-14-036 is hereby amended to read as follows:

1. The Mayor and City Clerk are hereby authorized to enter into a contract with Prophoenix Corporation, 502 Pleasant Valley Avenue, Suite 1, Mooretown, NJ 08057 for continued maintenance and support for its Police Public Safety Software, CAD-RMS-WDA Software and annual maintenance and support for its Safe Fleet Body Worn Camera Interface for the period commencing January 1, 2023 and ending December 31, 2023 for the amount of \$60,202.39.

2. Funds shall be chargeable to Account #3-01-25-240-0000-028.

* * * * *

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

WHEREAS, by way of Resolution No. 20-09-23-040 adopted September 23, 2020 the City entered into Agreement No. CY20-095 with the Bayonne PAL Day Care Center, 550 Avenue A, Bayonne, NJ 07002 to provide Community Development Block Grant ("CDBG") COVID-19 funds in the amount of \$15,000.00 for the purpose of PPE supplies for after school program and summer camp childcare program, and

WHEREAS, the Municipal Council adopted Resolution No. 22-11-09-040 on November 9, 2022 authorized the Mayor and City Clerk to execute an amendment to said Agreement No. CY20-095 with the Bayonne PAL Day Care Center increasing same to provide additional CDBG COVID-19 funds in the amount of \$8,000.00 for the purpose of providing two more additional teachers for the after-school homework program, thereby making the total contract amount \$23,000.00; and

WHEREAS, in order to provide said additional CDBG-COVID-19 funds to the Bayonne PAL Day Care Center, it is necessary to extend the term of said Agreement No. CY20-095 through August 31, 2023 as the original term of said agreement expired August 31, 2021; now, therefore, be it

RESOLVED, by the Municipal Council that the aforesaid Resolution No. 22-11-09-040 is hereby amended to include that the Mayor and City Clerk are hereby authorized to execute an amendment to Agreement No. CY20-095 with the Bayonne PAL Day Care Center increasing same in the amount of \$8,000.00 utilizing CDBG-COVID-19 funds for the purpose of providing two more additional teachers for the after school homework program, thereby making the total contract amount \$23,000.00 and extending said agreement through August 31, 2023.

* * * * *

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

WHEREAS, the City of Bayonne Office of Emergency Management has been awarded FY22 Hazardous Materials Emergency Preparedness Grant (Sub-award 2022-1) in the amount of \$11,400.00 for the period of October 1, 2022 to September 30, 2023 from the New Jersey State Police Office of Emergency Management for hazardous materials training for local first responders ("Grant Funds"); and

WHEREAS, the City of Bayonne is required to formally accept these funds; now, therefore, be it

RESOLVED, by the Municipal Council that the Mayor and or his designee is/are authorized to take any and all actions and execute any and all documents necessary to effectuate the acceptance of the above referenced Grant Funds and expend said Grant Funds for hazardous materials training for local first responders as required.

* * * * *

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

WHEREAS, the New Jersey Office of Information Technology has announced the FY23 Next Generation 911 Grants Program aimed at providing funding to upgrade and replace the 911 Communication system to better serve citizens and the community, and

WHEREAS, the FY23 Next Generation 911 Grants Program was opened to applicants, counties and municipalities, that serve a population of 65,000 or more, based on the most recent Census Bureau statistics, and

WHEREAS, the City of Bayonne, as per the Census Bureau, serves a population of approximately 71,000 and has the adequate staffing requirements, per the grant specifications, and

WHEREAS, it is to the public benefit that the City of Bayonne invests in its 911 Communication infrastructure for the safety and wellbeing of all residents and visitors, and

WHEREAS, the City of Bayonne has applied for and has been awarded a grant in the amount of \$288,328.40 from the State of New Jersey Office of Emergency Telecommunications Services within the Office of Information Technology, and

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the City of Bayonne that the above referenced grant is hereby accepted and the Mayor is hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for the City of Bayonne.

BE IT FURTHER RESOLVED, by the Municipal Council of the City of Bayonne that;

1. The City of Bayonne accepts \$288,328.40 State of New Jersey Office of Emergency Telecommunications Services, a division of the Office of Information Technology.
2. The Division of Finance is hereby authorized to establish the proper accounts for these funds.

* * * * *

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

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

LICENSEE	LICENSE #
Trinity Parish Bergen Point	RL: 9540
	RL: 9541

* * * * *

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

WHEREAS, by way of Resolution No. 22-10-19-059 adopted by the Municipal Council on October 19, 2022, the City entered into Agreement No. CY23-007 with Anthony R. Suarez, Esq. c/o Werner Suarez, 2 University Plaza, Suite 230, Hackensack, NJ 07601 for professional legal services to represent the Bayonne Rent Control Board for the period commencing January 1, 2023 through December 31, 2023 for an amount not to exceed \$15,000.00 payable at an hourly rate of \$150.00 pursuant to the Fair and Open Process in accordance with the provisions set forth in N.J.S.A.19:44A-20.4 and 20.5; and

WHEREAS, the Law Director has advised that, due to additional legal services required by the City of Bayonne Rent Control Board, specifically ordinance revisions and litigation, that were not anticipated at the time of the original contract award ("Additional Legal Services") it is necessary to increase said Agreement No. CY23-007 in the amount of \$25,000.00 to cover the cost of said Additional Legal Services; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.5(e), the increase in this contract amount shall be subject to the availability and appropriation of funds in the CY2023 budget in Account #3-01-20-100-0000-028; 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. CY23-007 with Anthony R. Suarez, Esq. c/o Werner Suarez, 2 University Plaza, Suite 230, Hackensack, NJ 07601 increasing same in the amount of \$25,000.00 to cover the cost of said Additional Legal Services, thereby making the total contract amount not to exceed \$40,000.00.

2. The additional Funds shall be charged to Account #3-01-20-100-0000-028.

3. Pursuant to N.J.A.C. 5:30-5.5(e), the increase in this contract amount shall be subject to the availability and appropriation of funds in the CY2023 budget in Account 3-01-20-100-0000-028.

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

* * * * *

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

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Constable Hook Comprehensive Infrastructure Study Project

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Bayonne formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as *LTPF-2023-Constable Hook Comprehensive Infra-00059* to the New Jersey Department of Transportation on behalf of the City of Bayonne.

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

Certified as a true copy of the Resolution adopted by the Council
On this 15th day of March, 2023.

Clerk

My signature and the Clerk’s seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL _____
(Clerk) (Mayor)

* * * * *

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

AUTHORIZXING THE CITY OF BAYONNE TO APPLY FOR \$26,000.00 FROM THE NEW JERSEY URBAN ENTERPRISE ZONE AUTHORITY-ZONE ASSISTANCE FUND (ZAF) FOR THE BAYONNE URBAN ENTERPRISE ZONE BERGEN POINT FALL FESTIVAL

WHEREAS, The Urban Enterprise Zone Development Corporation of the City of Bayonne, has requested authorization to use \$26,000.00 for its project Bayonne UEZ-Bergen Point Fall Festival, and

WHEREAS, said Bayonne UEZ is requesting to use funds to cover for advertisement, entertainment, decoration and cleanup crew,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Municipal Council of the City of Bayonne that the proper officers be and hereby are authorized to submit an application to the New Jersey Urban Enterprise Zone Authority for anticipated Zone Assistance Fund (ZAF) in the amount of Twenty-Six Thousand (\$26,000.00) dollars. For the following Bayonne UEZ-Bergen Point Fall Festival. In accordance with all pertinent terms, conditions and requirements which may be established for such an application.

<u>Project</u>	<u>Amount Requested</u>
Bayonne UEZ-Bergen Point Fall Festival	\$26,000.00

BE IT FURTHER RESOLVED, pursuant to N.J.S.A. 52:27j-88© in order to utilize funds available for the project costs, the governing body must adopt a resolution approving said project costs and authorizing the submission of the application for the required funding; and that the application for funding for the project cost of Bayonne UEZ-Bergen Point Fall Festival. May be submitted to the URBAN ENTERPRISE ZONE AUTHORITY by the UEZ Coordinator, UEZ Administrator or the Chief Financial Officer.

* * * * *

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

AUTHORIZXING THE CITY OF BAYONNE TO APPLY FOR \$30,000.00 FROM THE NEW JERSEY URBAN ENTERPRISE ZONE AUTHORITY-ZONE ASSISTANCE FUND (ZAF) FOR THE BAYONNE URBAN ENTERPRISE ZONE CHRISTIMAS TREE LIGHTING

WHEREAS, The Urban Enterprise Zone Development Corporation of the City of Bayonne, has requested authorization to use \$30,000.00 for its project Bayonne UEZ-Christmas Tree Lighting, and

WHEREAS, said Bayonne UEZ is requesting to use funds to cover for advertisement, entertainment, decoration and cleanup crew,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Municipal Council of the City of Bayonne that the proper officers be and hereby are authorized to submit an application to the New Jersey Urban Enterprise Zone Authority for anticipated Zone Assistance Fund (ZAF) in the amount of Thirty Thousand (\$30,000.00) dollars. For the following Bayonne UEZ- Christmas Tree Lighting. In accordance with all pertinent terms, conditions and requirements which may be established for such an application.

<u>Project</u>	<u>Amount Requested</u>
Bayonne UEZ- Christmas Tree Lighting	\$30,000.00

BE IT FURTHER RESOLVED, pursuant to N.J.S.A. 52:27j-88© in order to utilize funds available for the project costs, the governing body must adopt a resolution approving said project costs and authorizing the submission of the application for the required funding; and that the application for funding for the project cost of Bayonne UEZ-Christmas Tree Lighting. May be submitted to the URBAN ENTERPRISE ZONE AUTHORITY by the UEZ Coordinator, UEZ Administrator or the Chief Financial Officer.

* * * * *

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

WHEREAS, the Director of Public Safety has established a need for the rental of a firearms range for use by the Bayonne Police Department to conduct State mandated training two (2) times per calendar year; and

WHEREAS, RTSP Union LLC, 2438 US Highway 22 E, Union, NJ 07083 is capable of providing said firearms range that meets the Bayonne Police Department's needs in connection with same for the CY2023 Calendar Year; and

WHEREAS, the cost of said rental of the aforesaid firearms range for the Police Department to conduct said State mandated training two (2) times per year as mandated by the State is \$32,000.00; and

WHEREAS, it is essential for the safety and welfare of the Bayonne Police Department and the citizens of the City of Bayonne that the Bayonne Police Department receive said training; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.5(e), the award of the contract shall be subject to the availability and appropriation of funds in the CY2023 temporary and permanent budgets in Account #3-01-25-240-0000-028; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Director of Public Safety and/or his designee is hereby authorized to take any and all actions and execute any and all documents necessary to facilitate the rental of said firearms range from RTSP Union LLC, 2438 US Highway 22 E, Union, NJ 07083 for the purpose of said State mandated training throughout Calendar Year 2023 for an amount of \$32,000.00.
2. Funds shall be chargeable to Account #3-01-25-240-0000-028.
3. Pursuant to N.J.A.C. 5:30-5.5(e), the award of the contract shall be subject to the availability and appropriation of funds in the CY2023 temporary and permanent budgets in Account #3-01-25-240-0000-028

* * * * *

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

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

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

WHEREAS, the Bayonne Economic Opportunity Foundation has requested and submitted a formal written application dated March 2, 2023 for said CDBG COVID-19

CDBG CV-1153 Funds in the amount of \$24,000 for the purpose senior transportation salary and fringe

WHEREAS, the Assistant Director of Community Development has advised that the availability of said Community Development Block Grant Funds for the purpose of senior transportation salary and fringe is limited to the amount of \$24,000.00; and

WHEREAS, said CDBG Funds are certified as available in Account CDBG CV-1153 now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Bayonne Economic Opportunity Foundation, 555 Kennedy Blvd, Bayonne, New Jersey 07002 for the provision of senior transportation salary and fringe in the amount of \$24,000.00 for the period commencing September 1, 2022 and ending August 31, 2023.

2. Funds shall be charged to Account #CDBG CV-1153

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

AUTHORIZING THE CITY OF BAYONNE TO APPLY FOR \$44,700.00 FROM THE NEW JERSEY URBAN ENTERPRISE ZONE AUTHORITY-ZONE ASSISTANCE FUND (ZAF) FOR THE BAYONNE URBAN ENTERPRISE ZONE BAYONNE BUSINESS-PHASE 1

WHEREAS, The Urban Enterprise Zone Development Corporation of the City of Bayonne, has requested authorization to use \$44,700.00 for its project Bayonne UEZ-Bayonne Business-Phase 1, and

WHEREAS, said Bayonne UEZ is requesting to use funds to promote, /highlight the UEZ business with the City with events and marketing advertisements throughout Calendar Year 2023.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Municipal Council of the City of Bayonne that the proper officers be and hereby are authorized to submit an application to the New Jersey Urban Enterprise Zone Authority for anticipated Zone Assistance Fund (ZAF) in the amount of Forty-four Thousand Seven Hundred (\$44,700.00) dollars. For the following Bayonne UEZ- Bayonne Business-Phase 1. In accordance with all pertinent terms, conditions and requirements which may be established for such an application.

<u>Project</u>	<u>Amount Requested</u>
Bayonne UEZ- Bayonne Business-Phase 1	\$44,700.00

BE IT FURTHER RESOLVED, pursuant to N.J.S.A. 52:27j-88© in order to utilize funds available for the project costs, the governing body must adopt a resolution approving said project costs and authorizing the submission of the application for the required funding; and that the application for funding for the project cost of Bayonne UEZ-Bayonne Business-Phase 1. May be submitted to the URBAN ENTERPRISE ZONE AUTHORITY by the UEZ Coordinator, UEZ Administrator or the Chief Financial Officer.

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

WHEREAS, by way of Resolution No. 20-09-23-039 adopted September 23, 2020 the City entered into Agreement No. CY20-083 with the Waterfront Project, Inc. 830 Bergen Avenue, Suite 4A, Jersey City, NJ 07306 to provide Community Development Block Grant ("CDBG") COVID-19 funds in the amount of \$45,000.00 for the purpose of providing a housing counseling and legal advocacy program COVID-19 expansion for the period commencing September 1, 2020 through August 31, 2021; and

WHEREAS, the Municipal Council adopted Resolution No. 22-10-19-040 on October 19, 2020 authorized the Mayor and City Clerk to execute an amendment to said Agreement No.

CY20-083 with the Waterfront Project, Inc. increasing same to provide additional CDBG COVID-19 funds in the amount of \$75,000.00 for the purpose of supporting the work of a housing counselor and a social worker to assist Bayonne residents facing housing instability as a result of the pandemic, thereby making the total contract amount \$120,000.00; and

WHEREAS, in order to provide said additional CDBG-COVID-19 funds to the Waterfront Project, Inc., it is necessary to extend the term of said Agreement No. CY20-083 through August 31, 2023 as the original term of said agreement expired August 31, 2021; now, therefore, be it

RESOLVED, by the Municipal Council that the aforesaid Resolution No. 22-10-19-040 is hereby amended to include that the Mayor and City Clerk are hereby authorized to execute an amendment to Agreement No. CY20-083 with the Waterfront Project, Inc. increasing same in the amount of \$75,000.00 utilizing CDBG-COVID-19 funds for the purpose of supporting the work of a housing counselor and a social worker to assist Bayonne residents facing housing instability as a result of the pandemic, thereby making the total contract amount \$120,000.00 and extending said agreement through August 31, 2023.

* * * * *

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

WHEREAS, Resolution No. 22-11-09-039 adopted by the Municipal Council November 9, 2022 authorized the Mayor and City Clerk to execute an amendment to Agreement No. CY20-080 with the Bayonne Youth Center, 524 Kennedy Blvd., Bayonne, NJ 07002 increasing same in the amount of \$72,000.00 utilizing Community Development Block Grant ("CDBG") COVID-19 funds; and

WHEREAS, said Resolution No. 22-11-09-039 contained several scrivener's errors; and

WHEREAS, it is necessary to amend said Resolution No. 22-11-09-039 to correct said scrivener's errors; and

WHEREAS, in order to provide the BYC with said additional CDBG COVID-19 funds in the amount of \$72,000.00, it is also necessary to amend said Resolution No. 22-11-09-039 to extend the term of said Agreement No. CY20-080 through August 31, 2023 as the original term of said agreement expired August 31, 2021; now, therefore, be it

RESOLVED, that Resolution No. 22-11-09-039 is hereby amended to read as follows:

WHEREAS, by way of Resolution No. 20-09-23-038 adopted September 23, 2020, the City entered into Agreement No. CY20-080 with the Bayonne Youth Center, 524 Kennedy Blvd., Bayonne, NJ 07002 (the "BYC") to provide CDBG COVID-19 funds in the amount of \$20,000.00 for the purpose of providing an after-school learning center for low- and moderate-income families for the period commencing September 1, 2020 through August 31, 2021; and

WHEREAS, pursuant to Resolution No. 21-06-16-033 adopted June 16, 2021 said Agreement No. CY20-080 was amended to include that said CDBG COVID-19 funds can be used for community outreach services; and

WHEREAS, pursuant to Resolution No. 21-12-15-070 adopted December 15, 2021 said Agreement No. CY20-080 was increased in the amount of \$14,000.00, thereby making the total contract amount \$34,000.00; and

WHEREAS, the BYC requested \$72,000.00 additional CDBG COVID-19 finding for the purpose of providing additional outreach initiatives as a result of the pandemic; and

WHEREAS, the City's CDBG administrator has advised that said CDBG COVID-19 funds are available in Account CDBG CV-1076; 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 Agreement No. CY20-080 with the Bayonne Youth Center increasing same in the amount of \$72,000.00 utilizing CDBG COVID-19 funds for the purpose of providing additional outreach initiatives as a result of the pandemic and extending same through August 31, 2023.

2. Funds shall be charged to Account CDBG CV 1076.

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

WHEREAS, the Municipal Council of the City of Bayonne (the “City”) adopted Resolution No. 23-01-18-039 on January 18, 2023 accepting \$477,478.75 in grant funds (inclusive of a 25% matching fund from the City of Bayonne) from the County of Hudson, Department of Health and Human Services, Area Agency on Aging (the “Agency”); and

WHEREAS, said Resolution No. 23-01-18-039 also authorized the Mayor and City Clerk to enter into an agreement with the Bayonne Economic Opportunity Foundation 555 Kennedy Boulevard, Bayonne New Jersey 07002 for the amount of \$455,169.96 of said grant funds for the purpose of continuing to provide a Nutritional Feeding Program for Senior Citizens for the period commencing January 1, 2023 through December 31, 2023 chargeable to Account #G-02-41-657-2023-199; and

WHEREAS, the City desires to amend said Resolution No. 23-01-18-039 to further outline/specify the apportionment of said Grant Funds being accepted from the Agency and the amount of said grant funds being provided to the BEOF to administer said Senior Nutrition Feeding Program stated therein; now, therefore, be it

RESOLVED, by the Municipal Council of the City of Bayonne that Resolution No. 23-01-18-039 is hereby amended to read as follows:

WHEREAS, the City of Bayonne has been awarded Title III Grant funds from the County of Hudson, Department of Health & Human Services, Hudson County Division of Aging through the Hudson County Division of Aging Services in the amount of \$381,983.00 allocated as follows: Congregate Nutrition - \$92,299.00; Home Delivered Meals - \$275,123.00; and State Weekend Home Delivered Meals - \$14,561.00 (“Grant Funds”); and

WHEREAS, said grant requires twenty-five (25%) matching funds from the City totaling \$95,299.00, thereby making the total amount of Grant Funds inclusive of the City of Bayonne’s twenty-five (25%) match \$477,478.75 (“Total Grant Funds”); and

WHEREAS, the City of Bayonne utilizes the Bayonne Economic Opportunity Foundation (the “BEOF”) 555 Kennedy Boulevard, Bayonne New Jersey to administer a Nutritional Feeding Program for Senior Citizens (the “Nutritional Feeding Program”) with said Grant Funds; and

WHEREAS, the City desires to utilize \$455,169.96 of said Total Grant Funds for the purpose of the Senior Nutritional Program for the period commencing January 1, 2023 through December 31, 2023; and

WHEREAS, it is necessary for the City of Bayonne to enter into a formal agreement with the BEOF for the administration of said Nutritional Feeding Program for the period commencing January 1, 2023 through December 31, 2023; and

WHEREAS, said Total Grant Funds are certified as available in Account #G-02-41-657-2023-199 pending adoption of this Resolution; now, therefore, be it

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

1. The City of Bayonne hereby accepts \$381,983.00 in Grant Funds allocated as stated above from the County of Hudson, Department of Health and Human Services, Area Agency on Aging.

2. The City hereby provides the twenty-five (25%) matching funds in the amount of \$95,495.75, thereby making the Total Grant Fund amount, inclusive of the City’s twenty-five (25%) match \$477,478.75.

2. The Mayor and City Clerk are hereby authorized to enter into an agreement with the Bayonne Economic Opportunity Foundation, 555 Kennedy Boulevard, Bayonne, New Jersey 07002 utilizing \$455,169.96 of said Total Grant Funds for the purpose of continuing to provide

a Nutritional Feeding Program for Senior Citizens for the period January 1, 2023 through December 31, 2023.

3. Funds shall be charged to account #G-02-41-777-2023-199.

* * * * *

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

NJCA LEAP CHALLENGE GRANT APPLICATION-HUDSON COUNTY

WHEREAS, the State of New Jersey has allocated \$150,000 within each county for a statewide total of \$3.15 million in Local Efficiency Achievement Program (LEAP) funds to promote innovation among peer local units across New Jersey, and

WHEREAS, the Department of Community Affairs, Division of Local Government Services (DLGS) administers the LEAP grant program, and

WHEREAS, the LEAP Challenge Grant exists to challenge municipalities and counties to collaborate on more extensive partnership and collaborations to produce efficiencies through shared services, and

WHEREAS, the County of Hudson and City of Bayonne, have determined to apply for a LEAP Challenge Grant through the State of New Jersey Local Efficiency Achievement Program in an amount not to exceed \$150,000, and

WHEREAS, the County of Hudson has agreed to be the lead agency in this program; and
WHEREAS, the State of New Jersey has made LEAP grants available to assist local units to study, develop and implement new shared services initiatives; and

WHEREAS, the purpose of the project submitted in this grant application is intended to provide benefits to the participant local units’ residents through the sharing of support services provided by local governments to community food pantries.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Bayonne that the City of Bayonne does hereby join with the County of Hudson in applying for a LEAP Challenge Grant to support undertaking this endeavor; and

BE IT FURTHER RESOLVED, by the Governing Body of the City of Bayonne that the Mayor or his designee is authorized to and directed to certify and make effective the intent of this authorizing resolution to join the County of Hudson in applying for the LEAP Challenge Grant.

CERTIFICATION

I, MADELENE C. MEDINA, Clerk of the City of Bayonne, in the County of Hudson, and the State of New Jersey do hereby Certify that the foregoing Resolution is a true copy of the Original Resolution duly passed and adopted by a majority of the full membership of the City of Bayonne at its meeting of MARCH 15, 2023.

Madelene C. Medina
City Clerk

* * * * *

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

WHEREAS, by way of Resolution No. 20-09-23-036 adopted September 23, 2020 the City entered into Agreement No. CY20-084 with the Bayonne Economic Opportunity Foundation, 555 Kennedy Blvd., Bayonne, NJ 07002 (the “BEOF”) to provide Community Development Block Grant (“CDBG”) COVID-19 funds in the amount of \$30,000.00 for the purpose of providing a

senior holiday grab'n'go program for the period commencing September 1, 2020 through August 31, 2021; and

WHEREAS, the Municipal Council adopted Resolution No. 22-10-19-033 on October 19, 2022 authorized the Mayor and City Clerk to execute an amendment to said Agreement No. CY20-084 with the BEOF increasing same to provide additional CDBG COVID-19 funds in the amount of \$11,600.00 for the purpose of providing a Thanksgiving grab'n'go service as a result of the pandemic thereby making the total contract amount \$41,600.00; and

WHEREAS, in order to provide said additional CDBG-COVID-19 funds to the BEOF, it is necessary to extend the term of said Agreement No. CY20-084 through August 31, 2023 as the original term of said agreement expired August 31, 2021; now, therefore, be it

RESOLVED, by the Municipal Council that the aforesaid Resolution No. 22-10-19-033 is hereby amended to include that the Mayor and City Clerk are hereby authorized to execute an amendment to Agreement No. CY20-084 with the BEOF increasing same in the amount of \$11,600.00 utilizing CDBG-COVID-19 funds for the purpose of providing a Thanksgiving grab'n'go service as a result of the pandemic thereby making the total contract amount \$41,600.00 and extending said agreement through August 31, 2023.

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

#3 TEMPORARY EMERGENCY APPROPRIATION CY 2023

WHEREAS, it is necessary to provide additional appropriations in the CY 2023 temporary budget to make available the funds necessary for the continuance of City services during the temporary budget; and

WHEREAS, no adequate provision has been made in the CY 2023 temporary budget for the aforesaid purpose, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose mentioned above; and

WHEREAS, the total temporary budget resolutions adopted in CY 2023 pursuant to the provisions of N.J.S.A. 40A:4-19,20, including this resolution totals:

Current Fund	\$ 60,141,181.20
Parking Utility	\$ 719,000.00

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the City of Bayonne (not less than two-thirds of all members therefore affirmatively concurring) that in accordance with the aforementioned statutes:

- 1.) An emergency temporary appropriation is hereby created for the purposes set forth in the attached schedule; and
- 2.) Said emergency temporary appropriation will be provided for in the CY 2023 Municipal Budget.

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

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

RESOLUTION OF THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH TOGUS URBAN RENEWAL, LLC FOR THE REDEVELOPMENT OF THE PROPERTY WHICH IS IDENTIFIED AS BLOCK 332, LOT 3; BLOCK 360, LOT 2; BLOCK 373, LOTS 1, 2, 13, 14 AND 15; BLOCK 390, LOTS 1 AND 2 (A/K/A RG67); BLOCK 391, LOTS 1 AND 2; AND BLOCK 511, LOTS 5 AND 6 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE IN ACCORDANCE WITH THE REDEVELOPMENT PLAN

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

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

WHEREAS, the Municipal Council by various resolutions designated Block 332, Lot 3; Block 360, Lot 2; Block 373, Lots 1, 2, 13, 14 and 15; Block 390, Lots 1 and 2, (a/k/a RG67); Block 391, Lots 1 and 2; and Block 511, Lots 5 and 6 as a non- condemnation area in need of redevelopment under the Redevelopment Law in accordance with the provisions of N.J.S.A. 40A:12A-6 of the Redevelopment Law (the "Redevelopment Area"); and

WHEREAS, the Municipal Council adopted a redevelopment plan for the Redevelopment Area entitled "Redevelopment Plan Texaco Redevelopment Area" prepared by the City of Bayonne, Office of Planning & Zoning, Department of Community Development, dated January 2004, as amended by the "Amended and Restated Redevelopment Plan, Texaco Redevelopment Area, City of Bayonne, Hudson County, New Jersey" prepared by City of Bayonne, Division of Planning & Zoning, Department of Municipal Services, dated September 16, 2015 adopted by Ordinance No. O-8, as further amended by the "Amended Redevelopment Plan, Texaco" prepared by City of Bayonne, Division of Planning & Zoning, Department of Municipal Services, dated May 15, 2019 adopted by Ordinance No. O-19-41, and as further amended by the "Amended Redevelopment Plan, Texaco Redevelopment Area" dated September 2020 prepared by CME Associates adopted on October 21, 2020 by Ordinance O-20-54 to incorporate a Film Studio District (collectively, the "Redevelopment Plan"); and

WHEREAS, by Resolution R-15 dated December 16, 2020, the Municipal Council designated Togus Urban Renewal, LLC as "redeveloper", as defined in the Redevelopment Law, of the Property to undertake the necessary development, redevelopment, and construction of a film studio, and additional principal and accessory uses complimentary to the principal film studio use in accordance with the Redevelopment Plan; and

WHEREAS, Togus Urban Renewal, LLC, a limited liability company of the State of Delaware authorized to do business in the State of New Jersey, with an office address of 750 Lexington Avenue, New York, New York 10022, (the "Redeveloper") wishes to develop the Redevelopment Area and use it for the purpose of implementing the Redevelopment Plan; and

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

WHEREAS, the Municipal Council desires to enter into a Redevelopment Agreement with the Redeveloper, as provided for and in accordance with the provisions of the Redevelopment Law.

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

Section 1. The Municipal Council of the City of Bayonne hereby authorizes the execution of the "Redevelopment Agreement By and Between the City of Bayonne and Togus Urban Renewal, LLC," concerning the Redevelopment Area identified as Block 332, Lot 3; Block 360, Lot 2; Block 373, Lots 1, 2, 13, 14 and 15; Block 390, Lots 1 and 2 (a/k/a RG67); Block 391, Lots 1 and 2; and Block 511, Lots 5 and 6 in the City of Bayonne, in such a form deemed advisable by the City Attorney, subject to any and all conditions contained herein and such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel to the City; and

Section 2. The Municipal Council, upon the full execution of the Redevelopment Agreement, recognizes Togus Urban Renewal, LLC as redeveloper of Block 332, Lot 3; Block 360,

Lot 2; Block 373, Lots 1, 2, 13, 14 and 15; Block 390, Lots 1 and 2 (a/k/a RG67); Block 391, Lots 1 and 2; and Block 511, Lots 5 and 6 in the City of Bayonne (the “Redeveloper”) as provided for and in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law; and

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

Section 4. This Resolution shall take effect immediately.

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

* * * * *

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

RESOLUTION OF THE CITY OF BAYONNE AUTHORIZING APPLICATION FOR A LOAN FROM THE NEW JERSEY INFRASTRUCTURE BANK FINANCING PROGRAM FOR LEAD SERVICE LINE REPLACEMENT

WHEREAS, the City of Bayonne has filed or is about to file an application with the New Jersey Department of Environmental Protection and the New Jersey Infrastructure Bank Financing Program for the Lead Service Line Replacement project; and

WHEREAS, Remington & Vernick Engineers, has been engaged by the City’s Water Sewer Operator pursuant to the New Jersey Water Supply Public — Private Contracting Act (N.J.S.A. 58:26-19 et seq.) and the New Jersey Wastewater Treatment Public (N.J.S.A. 58:27-19 et seq.) (the *Private Wastewater Act to serve as* Consulting Engineer to prosecute said applications on behalf of the City (who owns the water and sewer system); and

WHEREAS, the Mayor and Council wish to formally confirm the authority of John Armstrong P.E., City Water Sewer System Engineer to represent the City for the said purposes;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The above recitals are incorporated herein.
2. The City of Bayonne’s application to the New Jersey Department of Environmental Protection and the New Jersey Infrastructure Bank Financing Program for the Lead Service Line Replacement project is authorized and any prior actions taken with respect to such application by City officials, including Municipal Engineer John Armstrong, P.E. as well as by legal counsel representing the City of Bayonne are hereby fully ratified and confirmed as are the actions of those persons with respect to any applications filed before the date of this resolution.
3. From the date of this resolution forward, only the Mayor of the City of Bayonne, it’s Chief Financial Officer and/or its Business Administrator are authorized to file and execute loan applications and documentation for this or any other Infrastructure Bank Financing project. They are each empowered to execute any and all documents and take any and all actions with respect to the above referenced application and future applications as the designated agent(s) for the City of Bayonne in that regard.
4. This resolution shall take effect immediately.

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

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

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

SMZ Bayonne (2020-2022 tax years)

Block 50 Lot 2; 1127-1157 JF Kennedy Blvd.

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

Now therefore be it resolved as follows:

1. The above recitals are incorporated herein.
2. Tax Counsel for the City of Bayonne is authorized to enter into and execute Stipulation of Settlement on behalf of the City of Bayonne consistent with the terms provided on the attached Schedule A with respect to the outstanding appeals listed in that schedule for: Block 50 Lot 2; 1127-1157 JF Kennedy Blvd.
3. The terms of such Stipulation to provide for the resulting refund to be in the form of refunds.
4. The City's Tax Counsel, City Attorney, CFO, Treasurer and Tax Collector are authorized to take any action necessary to effectuate this resolution and the resulting judgment(s).
5. This resolution shall take effect immediately.

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

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

RESOLUTION OF THE CITY OF BAYONNE AUTHORIZING SIGNATURES FOR TREATMENT WORKS AND WATER EXTENSION DOCUMENTATION

WHEREAS, by way of Resolution 17-05-17-058, the Municipal Council authorized the Mayor, Clerk, Business Administrator, Law Director and/or the Superintendent of the Department of Public Works to execute any and all documents on behalf of the City of Bayonne, including, but not limited to, an NJDEP TWA-1 Application, an NJDEP WQM-003 Statement of Consent Form and/or an NJDEP WQM-006 Engineer's Report for Domestic Treatment Works Approval Application in furtherance of any and all sanitary sewer applications submitted to the State of New Jersey by developers in connection with redevelopment or other projects within the City of Bayonne; and

WHEREAS, the City's Water and Sewer systems are operated by Veolia North America (Veolia) under a long-term Concession Agreement between Water Capital Partners and the City of Bayonne pursuant to N.J.S.A. 58:26-19 et seq. and N.J.S.A. 58:27-19 et seq.; and

WHEREAS, as part of said agreement Veolia must provide a C-4 licensed Collection System C-4 licensed operator and a W-4 licensed Distribution System Operator; and

WHEREAS, the City also employs a Water and Sewer Utility Engineer; and

WHEREAS, it is desirable to also allow the above licensed W-4 operator and the City's Water and Sewer System Engineer to execute the aforementioned treatment works applications documents, and

WHEREAS, it is also desirable to also allow the above licensed C-4 operator and the City's Water and Sewer System Engineer to execute any needed water Extension Permit Applications;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Bayonne as follows:

1. The Mayor and/or his designee and Veolia North America's licensed C-4 Collection System operator and Distribution System W-4 licensed operator are hereby authorized as needed or required, to execute any and all documents on behalf of the City of Bayonne, including, but not limited to, an NJDEP TWA-1 Application, an NJDEP WQM-003

Statement of Consent Form and/or an NJDEP WQM-006 Engineer's Report for Domestic Treatment Works Approval Application in furtherance of any and all sanitary sewer applications submitted to the State of New Jersey by developers in connection with redevelopment or other projects within the City of Bayonne and Water Extension Permit documents.

2. In the Mayor and/or his designee is/are unavailable to do so, the Business Administrator, Law Director and/or the Superintendent of the Department of Public Works, and Director of Municipal Services are also empowered to do so.
3. This Resolution shall take effect immediately.

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY, AUTHORIZING THE USE OF COMMUNITY BLOCK DEVELOPMENT GRANT FUNDS TO ACQUIRE THE PROPERTY LOCATED AT 440 AVENUE C (BLOCK 225 LOT 46) NOT TO EXCEED TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000) TO INCLUDE THE CDBG ACCOUNT NUMBER (CDBG- 1152)

WHEREAS, the Community Development Block Grant (CDBG) Program was enacted, and signed on August 22 into law by President Gerald Ford, as the centerpiece of the Housing and Community Development Act of 1974; and,

WHEREAS, the CDBG program has as its primary objective "... the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income;" and,

WHEREAS, the CDBG program has considerable flexibility to allow communities to carry out activities that are tailored to their unique affordable housing and neighborhood revitalization needs; and,

WHEREAS, throughout its 42-year history, the CDBG program has been a partnership among the federal, state and local governments, business, and the nonprofit sector which carry out activities that improve the lives and neighborhoods of low- and moderate-income families; and,

WHEREAS, according to the Department of Housing and Urban Development (HUD), CDBG provided funds for thousands of activities, assisting persons and households through such activities as expanding homeownership activities, improving infrastructure such as roads, water and sewer systems, libraries, community centers, adult day care and child care scholarships for children of low and moderate-income families, homeless housing facilities, employment training, transportation services, public housing modernization and historic preservation; and,

WHEREAS, a CDBG-assisted activity must meet one of three national objectives: (1) benefiting low- and moderate-income persons, (2) aiding in the prevention or elimination of slums or blight, or (3) meeting a community development need having a particular urgency that a community is unable to finance on its own; and,

WHEREAS, pursuant to 24 CFR § 570.201 a public entity may purchase real property using CDBG funds to achieve the national objectives, and

WHEREAS, the property known as 440 AVENUE C, Bayonne, New Jersey, Block 225 Lot 46 on the official tax map of the City of Bayonne ("Property"), has been a privately owned park that has served the local community for many years, and

WHEREAS, the Property owners have indicated to the City their desires to abandon the recreational uses on the Property; and,

WHEREAS, the City wants the Property to remain a park for the enjoyment of the community; and,

WHEREAS, the Property owners have indicated their willingness to sell the Property to the City so that the Property can remain a park; and,

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

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The City's CDBG Administrator is hereby authorized to allocate the CDBG funds from CDBG Account-1152 in the amount not to exceed \$250,000 for the purpose of the City of Bayonne to purchase the property known as 440 AVENUE C, Bayonne, New Jersey, Block 225 Lot 46 on the official tax map of the City of Bayonne.

Section 3. The Mayor and/or his designee is/are hereby authorized to execute any and all documents necessary to effectuate the purpose of this resolution.

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY, AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF PLANNING, ZONING, AND DEVELOPMENT AND THE DIRECTOR OF THE LAW DEPARTMENT TO NEGOTIATE AND ENTER INTO A PURCHASE AND SALE AGREEMENT WITH THE PROPERTY OWNER FOR THE ACQUISITION OF THE PROPERTY LOCATED AT 440 AVENUE C (BLOCK 225 LOT 46).

WHEREAS, the Community Development Block Grant (CDBG) Program was enacted, and signed on August 22 into law by President Gerald Ford, as the centerpiece of the Housing and Community Development Act of 1974; and,

WHEREAS, the CDBG program has as its primary objective "... the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income;" and,

WHEREAS, the CDBG program has considerable flexibility to allow communities to carry out activities that are tailored to their unique affordable housing and neighborhood revitalization needs; and,

WHEREAS, throughout its 42-year history, the CDBG program has been a partnership among the federal, state and local governments, business, and the nonprofit sector which carry out activities that improve the lives and neighborhoods of low- and moderate-income families; and,

WHEREAS, according to the Department of Housing and Urban Development (HUD), CDBG provided funds for thousands of activities, assisting persons and households through such activities as expanding homeownership activities, improving infrastructure such as roads, water and sewer systems, libraries, community centers, adult day care and child care scholarships for children of low and moderate-income families, homeless housing facilities, employment training, transportation services, public housing modernization and historic preservation; and,

WHEREAS, a CDBG-assisted activity must meet one of three national objectives: (1) benefiting low- and moderate-income persons, (2) aiding in the prevention or elimination of slums or blight, or (3) meeting a community development need having a particular urgency that a community is unable to finance on its own; and,

WHEREAS, pursuant to 24 CFR § 570.201 a public entity may purchase real property using CDBG funds to achieve the national objectives, and

WHEREAS, the property known as 440 AVENUE C, Bayonne, New Jersey, Block 225 Lot

46 on the official tax map of the City of Bayonne ("Property"), has been a privately owned park that has served the local community for many years, and

WHEREAS, the Property owners have indicated to the City their desires to abandon the recreational uses on the Property; and,

WHEREAS, the City wants the Property to remain a park for the enjoyment of the community; and,

WHEREAS, the Property owners have indicated their willingness to sell the Property to the City so that the Property can remain a park; and,

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

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Municipal Council hereby authorizes the negotiation and preparation of a Purchase and Sale Agreement between the City and Jia Shao and Wei Zhao in such a form deemed advisable by the City Attorney or Special Redevelopment Counsel to the City, subject to any and all conditions contained herein, and such revisions as deemed advisable by the City Attorney or Special Redevelopment Counsel. Such Purchase and Sale Agreement shall be presented to the Municipal Council for approval prior to its execution.

Section 3. The Mayor and/or his designee is/are hereby authorized to execute any and all documents necessary to effectuate the purpose of this resolution.

Section 4. This Resolution shall take effect immediately.

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

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

A RESOLUTION REQUESTING PERMISSION FOR THE
DEDICATION BY RIDER FOR THE GIFTS & BEQUESTS TRUST
FUND FOR CONTRIBUTIONS TO THE BAYONNE POLICE
DEPARTMENT'S EXPLORERS PROGRAM.

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:5-29 allows for the acceptance of bequests, legacies and gifts; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Gifts & Bequests Trust Fund from contributions to the Bayonne Police Department's Explorers Program are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Bayonne, County of Hudson, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Gifts & Bequests Trust Fund (N.J.S.A. 40A:5-29) from contributions to the Bayonne Police Department's Explorers Program.
2. The Clerk of the City of Bayonne, County of Hudson is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

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

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR THE GIFTS & BEQUESTS TRUST FUND FOR CONTRIBUTIONS TO THE BAYONNE 9/11 MEMORIAL.

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:5-29 allows for the acceptance of bequests, legacies and gifts; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Gifts & Bequests Trust Fund from contributions to the Bayonne 9/11 Memorial are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Bayonne, County of Hudson, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Gifts & Bequests Trust Fund (N.J.S.A. 40A:5-29) from contributions to the Bayonne 9/11 Memorial.
2. The Clerk of the City of Bayonne, County of Hudson is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

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

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR THE GIFTS & BEQUESTS TRUST FUND FOR CONTRIBUTIONS TO THE BAYONNE POLICE DEPARTMENT'S L.E.A.D. PROGRAM (LAW ENFORCEMENT AGAINST DRUGS).

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:5-29 allows for the acceptance of bequests, legacies and gifts; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Gifts & Bequests Trust Fund from contributions to the Bayonne Police Department's L.E.A.D. Program are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Bayonne, County of Hudson, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Gifts & Bequests Trust Fund (N.J.S.A. 40A:5-29) from contributions to the Bayonne Police Department's L.E.A.D. Program (Law Enforcement Against Drugs).

2. The Clerk of the City of Bayonne, County of Hudson is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

* * * * *

92. Council Member Weimmer moved the following resolution, seconded by Council Member Booker which was read by the Clerk and adopted

WHEREAS, N.J.S.A. 40A:4-40 allows the Reserve for Uncollected Taxes, when approved by resolution of the governing body, to be calculated using a three (3) year average of prior years percentage of cash collections; and

WHEREAS, the tax collection rate has been reduced by the amount of tax appeals awarded and using last year’s reduced rate alone would increase the amount to be raised by taxation.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the City of Bayonne authorize the Chief Financial Officer to use a three (3) year average of 99.30% using the rates of prior cash collections of 99.68%, 98.77% and 99.47% for the calculation of the CY 2023 budget appropriation “Reserve for Uncollected Taxes.”

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

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

APPROPRIATION RESERVE TRANSFER #3

WHEREAS, the Comptroller is hereby authorized to make the following Calendar Year 2022 budgetary appropriation transfers in accordance with N.J.S.A 40A:4-59.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the City of Bayonne with at least two-thirds of the full membership of the Municipal Council concurring:

ACCOUNT	ACCOUNT DESCRIPTION	FROM	TO
2-01-25-265-0000-030	Fire OE	\$17,000.00	
2-01-26-315-0000-030	Vehicle Maintenance OE		\$17,000.00
	TOTAL:	\$17,000.00	\$17,000.00

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

* * * * *

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

RESOLUTION OF THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING AND DIRECTING THE PLANNING BOARD OF THE CITY OF BAYONNE TO RE-OPEN AND CONSIDER AN AMENDMENT TO THE 8TH STREET STATION REHABILITATION AREA PLAN

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

WHEREAS, pursuant to the Redevelopment Law, the City 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, in 2015, the City Council adopted an Ordinance approving a plan titled the “City of Bayonne, 8TH Street Station Rehabilitation Area Plan”, prepared by the Department of Community Affairs, Local Planning Services, dated March 9, 2015, revised April 24, 2015 and subsequently amended (“Rehabilitation Plan”); and

WHEREAS, the Redevelopment Law permits municipalities to amend redevelopment and rehabilitation areas from time to time within their discretion; 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”) re-open the Rehabilitation Plan and consider an amendment to include a certain property located at 218-220 Broadway, which is identified as Block 319, Lot 26 as shown on the official Tax Map of the City (the “Property”)(also known as the “Delta Gas Station”) for the 8th Street Station Rehabilitation Area; and

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

Section 1. The Planning Board is hereby directed to re-open the City of Bayonne 8th Street Station Rehabilitation Area Plan, and to consider an amendment thereto; and

Section 2. The Planning Board is authorized to prepare amendments to the City of Bayonne 8th Street Station Rehabilitation Area Plan, including sub-area rehabilitation plans within the 8th Street Station Rehabilitation Area as delineated therein; and

Section 3. The results of the foregoing actions by the Planning Board shall be submitted to the Mayor and City Council for review and approval in accordance with the provisions of the Redevelopment Law.

Section 4. This Resolution shall take effect immediately.

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

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

WHEREAS, pursuant to Resolution No. 22-07-20-048 adopted on July 20, 2022, the City entered into Agreement No. CY22-070 with McManimon, Scotland & Baumann, LLC, 75 Livingston Avenue, 2nd Floor, Roseland, NJ 07068 for professional legal services in connection with the City’s Water Sewer Utility and/or appearances on behalf of the City to assist or supplement the efforts of the Law Department in such other diverse municipal law matters as may be requested and/or approved by the City Law Director for the period commencing July 1, 2022 and ending December 31, 2022 for a contract amount not to exceed \$75,000.00 pursuant to the City’s Request for Proposals/Qualifications for Panel Counsel in accordance with the Fair and Open process (N.J.S.A. 19:44A-20.4 and .5); and

WHEREAS, the City of Bayonne advertised a Request for Qualifications/Proposals for said professional legal services for Panel Counsel services under the Fair & Open Contracting Requirements pursuant to N.J.S.A. 19:44A:20.4 and .5; and

WHEREAS, McManimon, Scotland & Baumann, LLC continued to provide the aforesaid professional legal services for the period commencing January 1, 2023 through present and is willing to continue to provide said professional legal services under the same terms and conditions through April 30, 2023 pending the award of a new contract for said professional legal services; and

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens of Bayonne to continue to receive said professional legal services from McManimon, Scotland & Baumann, LLC through April 30, 2023 pending the award of a new contract for said professional services; and

WHEREAS, it is anticipated that the cost of said professional legal services will not exceed \$30,000.00; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.5(e), this contract increases in the amount of \$30,000.00 shall be subject to the availability and appropriation of funds in the CY2023 budget in account #3-01-20-113-0000-029; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The actions of the Business Administrator in continuing to receive said professional legal services from McManimon, Scotland & Baumann, LLC for the period commencing January 1, 2023 through March 15, 2023 is hereby ratified and affirmed.

2. The Mayor and City Clerk are hereby authorized to execute an amendment to Agreement No. CY22-070 with McManimon, Scotland & Baumann, LLC, 75 Livingston Avenue, 2nd Floor, Roseland, NJ 07068 extending same for the period commencing January 1, 2023 through April 30, 2023 for an additional amount not to exceed \$30,000.00, thereby making the total contract amount not to exceed \$105,000.00.

3. Funds shall be chargeable to account #3-01-20-113-0000-029.

4. Pursuant to N.J.A.C. 5:30-5.5(e), this increase in the contract award in an amount not to exceed \$30,000.00 shall be subject to the availability and appropriation of funds in the CY2023 budget in account #3-01-20-113-0000-029.

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

* * * * *

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

WHEREAS, the City of Bayonne ("Bayonne") is the owner of real property comprised of Block 383, Lot 1, Lot 2, Lot 3, Lots 4-8, 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"); and

WHEREAS, PPG Industries, Inc. ("PPG") entered into (i) an Administrative Consent Order on July 19, 1990 with the New Jersey Department of Environmental Protection ("NJDEP"), and (ii) a Partial Consent Judgment Concerning PPG Sites, effective as of June 26, 2009, with the NJDEP, the Administrator of the New Jersey Spill Compensation Fund (the "Administrator"), and the City of Jersey City, pursuant to which PPG may have to perform certain activities on and in the Site; and

WHEREAS, PPG and Bayonne entered in an Access Agreement on January 1, 2020 so that PPG could conduct soil investigation and remediation work at the Site (the "Work"); and

WHEREAS, the Work under that Agreement is complete; and

WHEREAS, Resolution No. 23-02-15-032 adopted February 15, 2023 authorized the Mayor and City Clerk to execute an Access Agreement with PPG for the purpose of performing long term groundwater sampling and long term maintenance of the engineering controls in connection with the completion of said Work for the period commencing January 1, 2023 until PPG receives NJDEP notification that groundwater monitoring and long term soil maintenance is no longer required by PPG or PPG's obligations set forth under its remedial action permits are terminated, whichever is sooner; and

WHEREAS, PPG has advised that, pursuant to N.J.S.A. 58:108-13, the NJDEP is requiring, and has approved a Deed Notice as an institutional control for the Property and designated as Block 383, Lot 3, Block 383, Lot 4; Block 383 Lots 5, 6, 7 and 8; Block 384, Lots 1 and 2; Block 385, Lots 1 and 2; Block 385, Lots 3 and 6 on the tax map of the City of Bayonne, Hudson County, also referred to as the

“Property”); and

WHEREAS, said Deed Notice provides notice that the Property was remediated and that trace chromate chemical production waste may remain at the Property; and

WHEREAS, the NJDEP is also requiring, pursuant to N.J.S.A. 58:10B-13, and has approved a Notice in Lieu of Deed Notice (“NILODN”) as an institutional control for certain real property located within the Right-of-Way of a portion of West 1st Street, Bayonne, NJ, which Right of Way runs adjacent to and abuts the Property (the City’s “ROW”); and

WHEREAS, the NILODN provides notice that a portion of the ROW contains soil contamination at levels that do not allow for unrestricted use of the ROW; and

WHEREAS, the engineering controls required by the NILODN have been effectuated; now, therefore, be it

RESOLVED, by the Municipal Council that Resolution No. 23-02-15-032 is hereby amended to include the following:

1. The Mayor and City Clerk are also hereby authorized to execute a Deed Notice in connection with the Property and Notice in Lieu of Deed Notice in connection with the City’s ROW as required by the NJDEP.

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

* * * * *

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

RESOLUTION OF THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING AND DIRECTING THE MAYOR, CITY CLERK AND DIRECTOR OF LAW OF THE CITY OF BAYONNE TO EXECUTE THE OWNER’S CONSENT FORM FOR THE FILING OF A WATERFRONT DEVELOPMENT PERMIT WITH NJDEP BY ATLANTIC CEMENT REALTY, LLC AS CONDITIONAL REDEVELOPER OF THE PROPERTY IDENTIFIED AS BLOCK 481, LOTS 5.02 AND 5.04 ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE

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

WHEREAS, pursuant to the LRHL, 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, in 2020, the Municipal Council adopted a resolution authorizing and directing the Planning Board of the City of Bayonne (the “Planning Board”) to conduct a preliminary investigation to determine whether properties identified as Block 481, Lots 5.02 and 5.04 (the “Property”) constituted a non-condemnation area in need of redevelopment; and

WHEREAS, the City owns both Lot 5.02 and Lot 5.04, where Lot 5.02 consists of the upland areas, and Lot 5.04 constitutes the riparian areas (the “Project”); and

WHEREAS, on November 9, 2020, the Planning Board conducted a hearing and voted to recommend to the Council that the Property be designated a non-condemnation area in need of redevelopment and on November 9, 2020, adopted a resolution memorializing its recommendation; and

WHEREAS, on December 16, 2020, the Municipal Council adopted a resolution designating the Property as a non-condemnation area in need of redevelopment (“Redevelopment Area”) and authorized the Planning Board to prepare a redevelopment plan for the Redevelopment Area; and

WHEREAS, on March 9, 2021, the Planning Board prepared, reviewed and recommended that a redevelopment plan ("Redevelopment Plan") for the Redevelopment Area to the City Council, concluding that it was consistent with the Master Plan of the City; and

WHEREAS, on April 7, 2021, the City Council introduced the Redevelopment Plan; and

WHEREAS, on May 5, 2021, the City Council adopted the Redevelopment Plan for the subject Property; and

WHEREAS, Atlantic Cement Realty, LLC ("Atlantic Cement"), a Limited Liability Company of the State of New Jersey, with an office at 85 East 2nd Street, P.O. Box 1009, Bayonne, NJ 07002 is the owner of the Property and informed the City of its desire to redevelop the Property; and

WHEREAS, Atlantic Cement's proposal for the Redevelopment of the subject Property includes improvements within adjacent upland and riparian lands owned by the City of Bayonne; and

WHEREAS, on July 20, 2022, the Municipal Council adopted Resolution No. R-8 to conditionally designate Atlantic Cement as the Redeveloper of the Property and adjacent City-owned land, that the City consent to the filing of the site plan application, and that the City engage in the preparation and negotiation of a Redevelopment Agreement for the redevelopment of the subject Property and adjacent City-owned lands; and

WHEREAS, the Project provides for the construction of two (2) proposed piers to support operations at the Property, and a proposed mooring device, including a pier, to be located in the Commerce Street right-of-way; and

WHEREAS, NJDEP regulations require Atlantic Cement to obtain a NJDEP Waterfront Development Permit to construct the proposed piers and mooring device and the permit application requires written consent from the City as owner of the Property; and

WHEREAS, at this time, the Municipal Council wishes to authorize its consent to Atlantic Cement Realty, LLC to file a Waterfront Permit application with NJDEP via the execution of the application's Owner Consent Form; and

WHEREAS, at this time, the City's consent to the NJDEP Waterfront Development Permit application filing by Atlantic Cement shall not be deemed consent to the construction of improvements on any City-owned lands or property, it being understood that such consent is subject to the parties entering into a mutually agreeable Redevelopment Agreement to be approved by future action of the Municipal Council which provides for, among other things, appropriate compensation for the improvements on any City-owned lands or properties.

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

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

Section 2. The City is hereby authorized to execute an Owner's Consent Form for the filing of a Waterfront Development Permit application with NJDEP by Atlantic Cement Realty, LLC.

Section 3. Special Redevelopment Counsel for the City is hereby instructed to continue to engage in the preparation and negotiation of a Redevelopment Agreement by and between the City and Atlantic Cement Realty, LLC for the Redevelopment of the Property and if ultimately approved, the construction of improvements on adjacent City-owned lands and/or properties, such Redevelopment Agreement to be approved by this Municipal Council in its sole discretion.

Section 4. This Resolution shall take effect immediately.

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

* * * * *

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

RESOLUTION OF THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AUTHORIZING AND DIRECTING THE PLANNING BOARD OF THE CITY OF BAYONNE TO RE-OPEN AND CONSIDER AMENDMENTS TO THE "REDEVELOPMENT PLAN MARIST" FOR THE PROPERTY IDENTIFIED AS BLOCK 13, LOTS 1.01, 16, 17, 18 AND 18 B01

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

WHEREAS, on February 16, 2022, the Municipal Council adopted Ordinance O-5 approving a plan titled the "Redevelopment Plan Marist" for the property identified as Block 13, Lots 1.01, 16, 17, 18 and 18B01 ("Redevelopment Plan"); and

WHEREAS, the Redevelopment Law permits municipalities to amend redevelopment and rehabilitation plans from time to time within their discretion; and

WHEREAS, the primary purpose of this directive is to reopen the Redevelopment Plan referenced herein in order to provide for potential interim uses in the Redevelopment Plan and such other further amendments as may be deemed necessary and appropriate; 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") re-open the Redevelopment Plan and consider further amendments thereto.

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

Section 1. The Planning Board is hereby directed to re-open the Redevelopment Plan, and to consider amendments thereto.

Section 2. The Planning Board is authorized to prepare amendments to the Redevelopment Plan.

Section 3. The results of the foregoing actions by the Planning Board shall be submitted to the Mayor and Municipal Council for review and approval in accordance with the provisions of the Redevelopment Law.

Section 4. This Resolution shall take effect immediately.

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

* * * * *

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

WHEREAS, Resolution No. 23-02-15-039 adopted by the Municipal Council on February 15, 2023 authorized Agreement No. CY22-015 with Millennium Strategies LLC. to provide grant writing and consulting services for the period commencing January 1, 2022 through December 31, 2022 be extended through February 28, 2023; and

WHEREAS, it was anticipated that a new contract for Grant Writing and Consulting Services would be awarded at the Municipal Council Meeting held on February 15, 2023 pursuant to the City's Solicitation for Proposals through the "Competitive Contracting Process" in accordance with *N.J.S.A. 40:A11-4.1 et. seq.* ("City's SFP"); and

WHEREAS, due to unforeseen circumstances, the new contract was not awarded at that time, and therefore, it is necessary to amend said Resolution No. 23-02-15-039 to authorize the extension of said Agreement No. CY22-015 through March 15, 2023 pending the award of a contract for said Grant Writing and Consulting Services; and

WHEREAS, it is anticipated that a new contract will be awarded at this Municipal Council meeting; now, therefore, be it

RESOLVED, by the Municipal Council that the aforesaid Resolution No. 23-02-15-039 is hereby amended as follows:

1. The Mayor and City Clerk are hereby authorized to execute an amendment to Agreement No. CY22-015 with Millennium Strategies LLC., 6- Columbia Road, Suite 230, Morristown, New Jersey 07960 extending same for the period commencing January 1, 2023 through March 15, 2023 under the same terms and conditions for an additional amount not to exceed \$16,500.00, thereby making the total contract amount not to exceed \$82,500.00.

2. Funds shall be chargeable to account #3-01-20-101-0000-029.

3. Pursuant to N.J.A.C. 5:30-5.5(e), this increase in the amount of the contract award shall be subject to the availability and appropriation of funds in the CY2023 budget in account #3-01-20-101-0000-029.

4. The actions of the Business Administrator in continuing to receive said Grant Writing and Consulting Services from Millennium Strategies, LLC. for the period commencing January 1, 2023 through March 15, 2023 are hereby ratified and affirmed.

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

* * * * *

100. Council President 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 an Insurance Broker for Employee Health Benefits for the employees of the City of Bayonne during Calendar Year 2023; and

WHEREAS, the City advertised a Request for Qualifications/Proposals for the aforesaid Insurance Broker Services under the Fair & Open Contracting Requirements pursuant to N.J.S.A. 19:44A:20.4 and.5; and

WHEREAS, Brown & Brown Metro, LLC, 56 Livingston Ave., Roseland, NJ 07068 ("Brown & Brown" and/or the "Broker") submitted to the City of Bayonne a formal, written response to the City's Request for Qualifications/Proposals for said services; and

WHEREAS, the Brown & Brown is qualified, ready, willing and able to provide said Insurance Broker Services for the period commencing April 1, 2023 and ending December 31, 2023; and

WHEREAS, Broker will not be compensated by the City for broker services for its health, prescription and dental coverage; and

WHEREAS, broker compensation for health, prescription and dental coverage will be derived directly from the carriers and paid directly by the health, prescription and dental coverage carriers as fully disclosed to the City as soon as such information becomes available; and

WHEREAS, in no event should broker services for the contemplated contract exceed the amount paid to the City's previous broker for the term 2022. Broker will not impose any additional fees upon the City for the broker services provided; and

WHEREAS, the City desires to retain the services of Brown & Brown for the aforesaid Insurance Broker Services; and

WHEREAS, Brown & Brown has qualified pursuant to the Fair & Open Contracting Requirements pursuant to N.J.S.A.19:44A:20.4.5; and

WHEREAS, the Business Administrator of the City of Bayonne has provided a certification of extraordinary and unspecifiable services to the Municipal Council indicating the services to be provided by Brown & Brown are “unique, specialized and qualitative in nature requiring expertise, extensive training and a proven reputation in the field of said professional risk management services; now, therefore, be it

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute an agreement found to be acceptable by the Law Director, with Brown & Brown Metro, LLC, 56 Livingston Ave., Roseland, NJ 07068 for Insurance Broker Services for Employee Health Benefits for the employees of the City of Bayonne during Calendar Year 2023 for the period commencing April 1, 2023 and ending December 31, 2023 in a form acceptable to the Law Director.

2. Broker will not be compensated by the City for broker services for its health, prescription and dental coverage.

3. Broker compensation for health, prescription and dental coverage will be derived directly from the carriers and paid directly by the health, prescription and dental coverage carriers as fully disclosed to the City as soon as such information becomes available.

4. The certification of extraordinary unspecifiable services shall be kept on file with this Resolution.

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

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

* * * * *

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

WHEREAS, the City has a need to retain the services of a Professional Lead Based Paint Inspector for the period commencing March 16, 2023 and ending December 31, 2023; and

WHEREAS, the City of Bayonne advertised a Request for Qualifications/Proposals for the aforesaid professional services under the Fair & Open Contracting Requirements pursuant to N.J.S.A. 19:44A:20.4 and.5; and

WHEREAS, McCabe Environmental Services, LLC, 464 Valley Brook Road, Lyndhurst, NJ 07071, has submitted to the City of Bayonne a formal, written response to the City’s Request for Qualifications/Proposals for said services; and

WHEREAS, McCabe Environmental Services, LLC is ready, willing and able to perform said services for the period commencing March 16, 2023 and ending December 31, 2023 for an amount not to exceed \$20,000.00 payable pursuant to the fee schedule as set forth in the response to the City’s Request for Qualifications/Proposals; and

WHEREAS, this professional services contract was determined under the Fair & Open Contracting Requirements pursuant to N.J.S.A.19:44A-20.4.5; and

WHEREAS, this contract constitutes a “Professional Service” contract under the provisions of the Local Public Contracts Law because the service is a recognized profession, licensed and regulated by the State of New Jersey, and therefore, may be awarded without competitive bidding pursuant to N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contract Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, funds are certified as available in account CDBG-1146; now, therefore, be it

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute an agreement with McCabe Environmental Services, LLC, 464 Valley Brook Road, Lyndhurst, NJ 07071 for the aforementioned professional Lead Based Paint Inspection Services for the period commencing March 16, 2023 and ending December 31, 2023 for a total contract amount not to exceed \$20,000.00 payable at hourly rates as set forth in the response to the City's Request for Qualifications/Proposals.

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

3. Funds shall be chargeable to accounts CDBG-1146.

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

* * * * *

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

WHEREAS, the City has a need to retain the services of a professional Licensed Site Remediation Professional for the period commencing March 16, 2023 and ending December 31, 2023; and

WHEREAS, the City of Bayonne advertised a Request for Qualifications/Proposals for the aforesaid professional services under the Fair & Open Contracting Requirements pursuant to N.J.S.A. 19:44A:20.4 and .5; and

WHEREAS, Matrix New World Engineering, 26 Columbia Turnpike, Florham Park, NJ 07932, has submitted to the City of Bayonne a formal, written response to the City's Request for Qualifications/Proposals for said services; and

WHEREAS, Matrix New World Engineering is ready, willing and able to perform said services for the period commencing March 16, 2023 and ending December 31, 2023 for an amount not to exceed \$57,500.00 payable pursuant to the fee schedule as set forth in the response to the City's Request for Qualifications/Proposals; and

WHEREAS, this professional services contract was determined under the Fair & Open Contracting Requirements pursuant to N.J.S.A. 19:44A-20.4 and .5; and

WHEREAS, this contract constitutes a "Professional Service" contract under the provisions of the Local Public Contracts Law because the service is a recognized profession, licensed and regulated by the State of New Jersey, and therefore, may be awarded without competitive bidding pursuant to N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.5(e), the award of the contract shall be subject to the availability and appropriation of funds in the CY2023 temporary and permanent budgets in Account #3-01-20-165-0000-020; and

WHEREAS, the Local Public Contract Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; now, therefore, be it

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute an agreement with Matrix New World Engineering, 26 Columbia Turnpike, Florham Park, NJ 07932 for the aforementioned professional Licensed Site Remediation Professional services for the period commencing March 16, 2023 and ending December 31, 2023 for a total contract amount not to exceed \$57,500.00 payable at hourly rates as set forth in the response to the City's Request for Qualifications/Proposals.

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

3. Funds shall be chargeable to Account #3-01-20-165-0000-020.

4. Pursuant to N.J.A.C. 5:30-5.5(e), the award of the contract shall be subject to the availability and appropriation of funds in the CY2023 temporary and permanent budgets in Account #3-01-20-165-0000-020.

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

* * * * *

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

WHEREAS, the City has a need to retain the services of a professional Environmental Consultant in connection with various upcoming potential projects during CY2023; and

WHEREAS, the City of Bayonne advertised a Request for Qualifications/Proposals for the aforesaid professional services under the Fair & Open Contracting Requirements pursuant to N.J.S.A. 19:44A:20.4 and .5; and

WHEREAS, Matrix New World Engineering, 26 Columbia Turnpike, Florham Park, NJ 07932, has submitted to the City of Bayonne a formal, written response to the City's Request for Qualifications/Proposals for said services; and

WHEREAS, Matrix New World Engineering is ready, willing and able to perform said services for the period commencing March 16, 2023 and ending December 31, 2023 for an amount not to exceed \$17,500.00 payable pursuant to the fee schedule as set forth in the response to the City's Request for Qualifications/Proposals; and

WHEREAS, this professional services contract was determined under the Fair & Open Contracting Requirements pursuant to N.J.S.A.19:44A-20.4 and .5; and

WHEREAS, this contract constitutes a "Professional Service" contract under the provisions of the Local Public Contracts Law because the service is a recognized profession, licensed and regulated by the State of New Jersey, and therefore, may be awarded without competitive bidding pursuant to N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contract Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.5(e), the award of the contract shall be subject to the availability and appropriation of funds in the CY2023 temporary and permanent budgets in Account #3-01-20-165-0000-020; now, therefore, be it

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

1. The Mayor and the City Clerk are hereby authorized and directed to execute an agreement with Matrix New World Engineering, 26 Columbia Turnpike, Florham Park, NJ 07932 for the aforementioned professional Environmental Consultant services for the period commencing March 16, 2023 and ending December 31, 2023 for a total contract amount not to exceed \$17,500.00 payable at hourly rates as set forth in the response to the City's Request for Qualifications/Proposals.

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

3. Funds shall be chargeable to account #3-01-20-165-0000-020.

4. Pursuant to N.J.A.C. 5:30-5.5(e), the award of the contract shall be subject to the availability and appropriation of funds in the CY2023 temporary and permanent budgets in account #3-01-20-165-0000-020.

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

* * * * *

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

WHEREAS, pursuant to Resolution No. 22-12-14-070 adopted by the Municipal Council on December 14, 2022, the City of Bayonne advertised for 5G, Cellular and Other Telecommunications Consulting services ("5G Services") in accordance with the "Competitive Contracting Process" pursuant to N.J.S.A.40A:11-4.1 *et seq.*; and

WHEREAS, pursuant to said advertisement, one (1) response was received from:

Hoplite Communications, LLC
197 Route 18, Suite 300, East Brunswick, New Jersey 08816
Atlanta, GA 30326

; and

WHEREAS, the Purchasing Agent, Business Administrator and the Director of Planning, Zoning and Development have evaluated said responses and find same to be acceptable and advantageous to the City of Bayonne; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and/or his designee is hereby authorized to execute an agreement with Hoplite Communications, LLC for the aforesaid 5G, Cellular and Other Telecommunications Consulting services commencing March 16, 2023 and ending December 31, 2023 with four (4) one (1) year options to renew commencing as of January 1st of each subsequent year at the City's sole discretion payable pursuant to the fees set forth in the response of Hoplite Communications, LLC for an amount not to exceed \$75,000.00.
2. Peter J. Lupo, Esq. is hereby re-appointed as the City's Telecommunications Consultant for the period commencing March 16, 2023 through December 31, 2023.
3. This contract award shall be subject to the advertisement of a notice of said award on the City of Bayonne's official website for a period of forty-eight (48) hours.
4. The fees shall be payable from escrow accounts established by telecommunications providers.
5. A notice of this action shall be printed once in a newspaper of general circulation within the boundaries of the City of Bayonne

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

* * * * *

105.Council Member Booker moved the following resolution, seconded by Council Member Weimmer which was read by the Clerk and adopted

WHEREAS, pursuant to Resolution No. 22-12-14-069 adopted by the Municipal Council on December 14, 2022 the City of Bayonne advertised for a Grant Writer and Management Consultant Services ("Grant Services") in accordance with the "Competitive Contracting Process" pursuant to N.J.S.A.40A:11-4.1 *et seq.*; and

WHEREAS, pursuant to said advertisement, the City received three (3) responses.

WHEREAS, the Purchasing Agent, the Business Administrator and Law Director have evaluated said responses and find the response from Millennium Strategies LLC to be acceptable and the most advantageous to the City of Bayonne; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.5(e), the award of the contract shall be subject to the availability and appropriation of funds in the CY2023 temporary and permanent budgets in Account #3-01-20-101-0000-029; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and or his designee is hereby authorized to execute an agreement with Millennium Strategies LLC for the aforesaid Grant Writer and Management Consultant Services

commencing March 16, 2023 and ending December 31, 2023 for an amount of \$57,0000 with four (4) one (1) year options to renew commencing as of January 1st of each subsequent year at the City's sole discretion pursuant to the fees set forth in the response of Millennium Strategies LLC consistent with the fee schedule set forth in said response.

2. This contract award shall be subject to the advertisement of a Notice said award on the City of Bayonne's official website for a period of forty-eight (48) hours.

3. The fees shall be charged to account #3-01-20-101-0000-029.

4. Pursuant to N.J.A.C. 5:30-5.5(e), the award of the contract shall be subject to the availability and appropriation of funds in the CY2023 temporary and permanent budgets in Account #3-01-20-101-0000-029.

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

* * * * *

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

WHEREAS, pursuant to Resolution No. 22-12-14-071 adopted by the Municipal Council on December 14, 2022 the City of Bayonne advertised for Information Technology (IT) Maintenance, Support and Procurement Consulting Services ("IT Services") in accordance with the "Competitive Contracting Process" pursuant to N.J.S.A.40A:11-4.1 *et seq.*; and

WHEREAS, pursuant to said advertisement, the City received three (3) responses; and

WHEREAS, the Purchasing Agent, the Business Administrator and Information Technology Specialist have evaluated said responses and find the response from Integrated Micro Systems, Inc. to be acceptable and the most advantageous to the City of Bayonne as set forth in the competitive contracting report on file with the City Clerk; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.5(e), the award of the contract shall be subject to the availability and appropriation of funds in the CY2023 temporary and permanent budgets in Account #3-01-460-0000-029; now, therefore, be it

RESOLVED, by the Municipal Council as follows:

1. The Mayor and/or his designee is hereby authorized to execute an agreement with Integrated Microsystems, Inc. for the aforesaid Information Technology (IT) Maintenance, Support and Procurement Consulting Services commencing March 16, 2023 and ending December 31, 2023 for an amount of \$100,000.00 (\$50,000 for IT Maintenance and support consulting services and \$50,000 for IT procurement consulting services) with four (4) one (1) year options to renew commencing as of January 1st of each subsequent year at the City's sole discretion pursuant to the fees set forth in the response of Integrated Microsystems, Inc. consistent with the fee schedule set forth in said response.

2. This contract award shall be subject to the advertisement of a Notice of said award on the City of Bayonne's official website for a period of forty-eight (48) hours.

3. The fees shall be charged to account #3-01-460-0000-029.

4. Pursuant to N.J.A.C. 5:30-5.5(e), the award of the contract shall be subject to the availability and appropriation of funds in the CY2023 temporary and permanent budgets in Account #3-01-460-0000-029.

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

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

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

WHEREAS, pursuant to Resolution No. 22-03-16-072 adopted on March 16, 2022, the City entered into Agreement No. CY22-051 with Visual Computer Solutions, Inc. d/b/a Jobs4Blue, 440 U.S. Highway 9 South, Suite 3500, Freehold, NJ 07728-4232 (the "Contractor") for Police Extra Duty Administration Services for the period commencing March 1, 2022 through February 28, 2023 with a one (1) year option to renew at the City's sole discretion for a fee of eight (8%) percent payable by the Contractor to the City from proceeds paid to the Contractor by the City's vendors for said Police Extra Duty Administration Services; and

WHEREAS, the City desires to exercise its one (1) year option and continue to receive said Police Extra Duty Administration Services under the same terms and conditions as stated above; and

WHEREAS, Jobs4Blue has completed and submitted a Business Entity Disclosure Certification certifying that it has not made any reportable contributions to a political or candidate committee in the City of Bayonne in the one (1) year preceding March 1, 2023, and, furthermore, that the contract will prohibit Jobs4Blue from making any reportable contributions through the contract term in accordance with N.J.S.A. 19:44A; and

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

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

WHEREAS, N.J.S.A. 40A:11-2(7) provides that a contract for extraordinary and unspecifiable services may be awarded by a public entity upon certification that the services are unique, specialized, and qualitative in nature; and

RESOLVED, by the Municipal Council as follows:

1. The Mayor and City Clerk are hereby authorized to execute an amendment to Agreement No. CY22-051 with Visual Computer Solutions, Inc. d/b/a Jobs4Blue, 440 U.S. Highway 9 South, Suite 3500, Freehold NJ 07728-4232 for Police Extra Duty Administration Services for the period commencing March 1, 2023 through February 29, 2024 for a fee of eight (8%) percent payable by the Contractor to the City from proceeds paid to the Contractor by the City's vendors for said Police Extra Duty Administration Services.

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

3. The Extraordinary Unspecifiable Services Certification shall also be placed on file with this resolution.

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

Yeas - Council Members Booker, Carroll, Perez, Weimmer and President LaPelusa.

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At 9:12 P.M., Council Member Carroll motion to adjourn, second by Council Member Perez.

Yeas - Council Members Carroll, Booker, Weimmer, Perez and President LaPelusa.

President – Gary LaPelusa

Clerk – Madelene C. Medina