

MINUTES OF COUNCIL CAUCUS

CAUCUS MEETING OF THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON, NEW JERSEY, HELD IN THE COUNCIL CHAMBERS, 630 AVENUE C, ON WEDNESDAY, APRIL 10, 2024

Time of Meeting: 6:00 P.M.

The President announced: “I would like to advise all those present that notice of this Caucus Meeting of the Municipal Council of the City of Bayonne of April 10, 2024 , has been provided to the public in accordance with the provision of the Open Public Meetings Act of the State of New Jersey. Notice of time and place has been included in the annual notice of meetings, which was posted and filed with the Jersey Journal and the Star Ledger within the time required. An additional notice of time and place of the meeting was posted and filed with the city clerk and forwarded to the Jersey Journal and the Star Ledger by fax on April 8, 2024 .”

The following Council Members were present if an “X” appears, absent if an “A” appears:

Council Members: Booker X, Carroll X, Perez X, Weimmer X, President LaPelusa X

The Council reviewed the items submitted on the proposed agenda for its next regular meeting and at least one Council Member proposed that the items appearing on the attached agenda should be included on the agenda for the regular meeting, subject to the addition of any items the Council may entertain at the regular meeting which may not have been discussed at the Caucus.

As of 1:21 P.M./04-09-24

CITY OF BAYONNE
CITY COUNCIL
COUNCIL CAUCUS
APRIL 10, 2024

ORDINANCES, COMMUNICATIONS AND
ADMINISTRATION REQUESTS FOR COUNCIL MEETING AGENDA

ORDINANCES SCHEDULED FOR HEARING

- O-1
- AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 33, PLANNING AND DEVELOPMENT REGULATIONS AND CHAPTER 35, ZONING REGULATIONS **(Amending definitions to define Unlawful Residential Occupancy – single room occupancy)**
- O-2
- AN ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN ENTITLED, “455-461 AVENUE C REDEVELOPMENT PLAN” FOR THE PROPERTY LOCATED AT 455-461 AVENUE C, WHICH IS IDENTIFIED AS BLOCK 219, LOT 24.01 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.
- O-3
- AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY AMENDING ORDINANCE NO. O-23-52 APPROVING AN AMENDED AND RESTATED FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND 197 AVE. E URBAN RENEWAL LLC FOR THE PROPERTY LOCATED AT 197 AVENUE E, TO

CORRECT A SCRIVENER'S ERROR WHERE THE SUBJECT PROPERTY WAS INCORRECTLY IDENTIFIED AS BLOCK 221, LOT 12.02 AND THE CORRECT BLOCK/LOT IS BLOCK 221, LOT 12.01 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE"

O-4 AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY AMENDING ORDINANCE NO. O-23-59 AUTHORIZING THE EXECUTION OF AN ENCROACHMENT AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND 197 AVE. E URBAN RENEWAL LLC FOR THE PROPERTY LOCATED AT 197 AVENUE E, TO CORRECT A SCRIVENER'S ERROR WHERE THE SUBJECT PROPERTY WAS INCORRECTLY IDENTIFIED AS BLOCK 221, LOT 12.02 AND THE CORRECT BLOCK/LOT IS BLOCK 221, LOT 12.01 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE"

O-5 AN ORDINANCE OF THE CITY OF BAYONNE VACATING THOSE LANDS AND PREMISES KNOWN AS A PORTION OF MEMORIAL DRIVE NORTH, VETERANS MEMORIAL HIGHWAY AND HARBOR PLACE MORE PARTICULARLY DESCRIBED IN EXHIBIT A ATTACHED HERETO PURSUANT TO AND IN ACCORDANCE WITH N.J.S.A. 40:67-1, ET SEQ

O-6 AN ORDINANCE OF THE CITY OF BAYONNE VACATING THOSE LANDS AND PREMISES KNOWN AS ROAD "B" AND A PORTION OF MEMORIAL DRIVE NORTH (a/k/a Road "A-N"), MORE PARTICULARLY DESCRIBED IN EXHIBIT A ATTACHED HERETO PURSUANT TO N.J.S.A. 40:57-1 ET SEQ.

O-7 AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY TO AMEND A FINANCIAL AGREEMENT FOR LONG TERM TAX EXEMPTION BY THE ENTITLED, BAYONNE REDEVELOPERS RESIDENTIAL URBAN RENEWAL BLOCK 780 LLC WITH RESPECT TO BLOCK 722, LOT 1 AND BLOCK 790, LOT 1.01

O-8 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 33, PLANNING AND DEVELOPMENT REGULATIONS (**Amending Section 33-3.1.b Duties of a Zoning Officer**)

O-9 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 19, FIRE PREVENTION AND PROTECTION (**Amending Section 19-12, Fees and Penalties**)

O-10 AN ORDINANCE AMENDING ORDINANCE NO-0-23-55 ENTITLED "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC" TO CORRECT AN ERROR REGARDING THE SECTION AMENDED TO READ AS SECTION 7.27.1, CHAPTER 7, TRAFFIC (**U-turn prohibited-Entire length of Broadway**)

O-11 AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC. (**Restrictive Parking Zones-Add-1; Delete-2;Relocate 1**)
PUBLIC COMMENTS

Speakers are to sign the signup sheet prior to the meeting.

ORDINANCES PROPOSED FOR INTRODUCTION

O-12 AN 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 AVENUE E LOFTS URBAN RENEWAL LLC FOR THE PROPERTY LOCATED AT 196-200 AVENUE E, WHICH IS IDENTIFIED AS BLOCK 458, LOTS 7, 8 & 9 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE, and a resolution fixing Wednesday, May 15, 2024 at 6:00 P.M. and the Dorothy E. Harrington Council Chambers as the time and place for a public hearing and final passage.

O-13 AN 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 1207-1211 JFK BLVD. URBAN RENEWAL LLC FOR

THE PROPERTY LOCATED AT 1207-1211 J.F. KENNEDY BOULEVARD, WHICH IS IDENTIFIED AS BLOCK 24, LOTS 2 & 3 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY, and a resolution fixing Wednesday, May 15, 2024 at 6:00 P.M. and the Dorothy E. Harrington Council Chambers as the time and place for a public hearing and final passage.

- O-14 AN ORDINANCE AMENDING AND SUPPLEMENTING THE RECVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 7, TRAFFIC and a resolution fixing Wednesday, May 15, 2024 at 6:00 P.M. and the Dorothy E. Harrington Council Chambers as the time and place for a public hearing and final passage. **(Restrictive Parking Zones-Add-8; Delete-3)**

DELETE

081. Suzanne Balance – 83 Lexington Ave
155. Susanna Kryda – 403 Avenue E
186. Maria Beach – 733 Avenue A

ADD

009. Angelie Arias for Mason Brummer – 22 East 29th Street
018. Ricky McKinney – 156 West 30th Street
033. Mark Campbell – 67 West 48th Street
051. Juan Albizu – 496 Avenue A
054. George E. Robin – 87 Eat 21st Street
059. Leroy Rhodes – 97 West 19th Street
075. Barry Israel – 288 Avenue C
076. Margaret Lopresto – 616 Avenue C

COMMUNICATIONS

CONSENT AGENDA - Resolution ordering the following Communications to be received and filed:

- C-1 From ASSIMINA MORALES filing notice of claim on behalf of her son alleging injuries sustained during a wrestling match on January 6, 2024
- C-2 From Michael C. Kazer, Esq. filing notice of claim on behalf of MADELINE PROL alleging injuries sustained from a trip and fall crossing 38th Street between Broadway and Avenue E on March 2, 2024.
- C-3 From the Superior Court of New Jersey in the matter entitled, “KAREN SQUILLANTE vs. CITY OF BAYONNE, et als.
- C-4 From the Superior Court of New Jersey in the matter entitled, “LISA DECICCO vs. NJ TRANSIT, COACH USA, CITY OF BAYONNE, et als.
- C-5 From the Superior Court of New Jersey in the matter entitled, “GEORGE ANNESTINE vs SHOPRITE OF BAYONNE-26 STREET, CITY OF BAYONNE, et als.
- C-6 From the Tax Court of New Jersey in the matter entitled, RITE AID OF NEW JERSEY, INC. #149-02 vs. City of Bayonne.
- C-7 From the Tax Court of New Jersey in the matter entitled, ONE GARFIELD, LLC vs. City of Bayonne.
- C-8 From the Tax Court of New Jersey in the matter entitled, GOLDBRUN REALTY, LLC vs. City of Bayonne.
- C-9 From the Tax Court of New Jersey in the matter entitled, J & J BUILDERS, LLC vs. City of Bayonne
- C-10 From the Tax Court of New Jersey in the matter entitled, 1030 BROADWAY LLC vs. City of Bayonne
- C-11 From the Tax Court of New Jersey in the matter entitled, 569 REALTY MANAGEMENT LLC vs. City of Bayonne
- C-12 From the Tax Court of New Jersey in the matter entitled, CENTERPOINT PULASKI, LLC vs. City of Bayonne

- C-13 From the Tax Court of New Jersey in the matter entitled, SOUTH COVE DEVELOPMENT LLC by Stop & Shop Supermarket (tenant) vs. City of Bayonne
- C-14 From the Tax Court of New Jersey in the matter entitled, V & M BRANCATELLA ENTERPRISES LLC vs. City of Bayonne
- C-15 From the Tax Court of New Jersey in the matter entitled, LPM SERVICES, INC. vs. City of Bayonne
- C-16 From the Tax Court of New Jersey in the matter entitled, NJIND HOOK ROAD LLC vs. City of Bayonne
- C-17 From the Tax Court of New Jersey in the matter entitled, 8-10 E 21ST ST LLC vs. City of Bayonne
- C-18 From the Tax Court of New Jersey in the matter entitled, PALOMONT LLC vs. City of Bayonne
- C-19 From the Tax Court of New Jersey in the matter entitled, S & M GROUP LLC vs. City of Bayonne
- C-20 From the Tax Court of New Jersey in the matter entitled, ELECTRICAL MOTOR MAINTENANCE, INC. c/o Walgreens Company #15368, (tenant) vs. City of Bayonne
- C-21 From the Tax Court of New Jersey in the matter entitled, SCF REALTY III LLC vs. City of Bayonne
- C-22 From the Tax Court of New Jersey in the matter entitled, AVENUE C BAYONNE REALTY LLC vs. City of Bayonne
- C-23 From the Tax Court of New Jersey in the matter entitled, PSE&G CO CORP PROPERTIES vs. City of Bayonne
- C-24 From the Tax Court of New Jersey in the matter entitled, AIM DEVELOPMENT, LLC by M & t Bank (tenant) vs. City of Bayonne
- C-25 From the Tax Court of New Jersey in the matter entitled, 35-37 W 29TH ST HCPVI LLC vs. City of Bayonne
- C-26 From the Tax Court of New Jersey in the matter entitled, 180 BDWY HCPVI LLC vs. City of Bayonne
- C-27 From the Tax Court of New Jersey in the matter entitled, THE 106 WEST CO LLC vs. City of Bayonne
- C-28 From the Tax Court of New Jersey in the matter entitled, NATIONAL RETAIL PROPERTIES LC c/o Walgreens Company #-5463 (tenant) vs. City of Bayonne
- C-29 From the Tax Court of New Jersey in the matter entitled, B9 LEFANTE OWNER URBAN RENEW LLC vs. City of Bayonne
- C-30 From the Tax Court of New Jersey in the matter entitled, BAYVIEW JV LLC vs. City of Bayonne
- C-31 From the Tax Court of New Jersey in the matter entitled, LINNET ST REALTY LLC vs. City of Bayonne

OFFICERS' REPORTS

CONSENT AGENDA - Resolution ordering the following Officers' Reports to be received and filed and any resolution incorporated within them to be adopted:

- OR-1 From Donna L. Mauer, Chief Financial Officer, reporting on vendor payments and recommending payment of same, and a resolution adopting the recommendation and ordering payment of claims. **Finance**
- OR-2 Reserve space for the bid report for Improvements to Dennis P. Collins Park-Phase III

RESOLUTIONS

CONSENT AGENDA - Resolution ordering the following resolutions to be adopted:

- CR-1 Approving the minutes of the regular meeting held Wednesday March 13, 2024. **City Clerk**
- CR-2 Approving the minutes of the council caucus held Wednesday, March 6, 2024 **City Clerk**
- CR-3 Ordering warrants drawn to taxpayers representing refunds for overpayment of taxes. (9 properties) **Tax Collector**
- CR-4 Ratifying and affirming the Public Safety Director to apply a Federal Emergency Management Agency-Fire Prevention and Safety (FP&S) Grant program CY2023. The grant funds for the proposed projects with 95% federal funding and a 5% local match requirements.
- CR-5 Authorizing the purchase of handgun ammunition and duty under NJ State Contract #17-FLEET-00721 from EAGLE POINT GUN/TJ MORRIS & SONS, for the amount of \$36,691.48 and authorizing the municipal treasurer to issue a warrant for said amount for payment of same.
- CR-6 Ratifying and affirming the action of the Public Safety Director to apply for a FY 2023 Staffing for Adequate Fire and Emergency Response (SAFER) Grant. The grant formula funds the proposed hiring of firefighter at 100% federal funding with no local matching funds.
- CR-7 Authorizing the purchase of 24 Bullet Resistant Vests under State Contract SAFNJS1 from ATLANTIC TACTICAL, Somerset, NJ for the total amount of \$35,011.20 for use in the Police Department.
- CR-8 Ratifying and affirming the actions of the Mayor in executing a Remedial Action Permit Initial Application required by the New Jersey Department of Environmental Protection (“NJDEP”) in furtherance of remediation of chromate chemical production waste being performed by Honeywell International, Inc. (“Honeywell”) located property owned by the City of Bayonne identified as West Shore Drive Right-of-Way between West 18th Street and West 19th Street pursuant to a Consent Judgment entered into by Honeywell as a result of litigation known as NJDEP v. Honeywell, et al, Civ. No. C-77-05 and authorizing the Mayor and/or any other appropriate City official to take any and all actions and execute any and all documents necessary now and in the future necessary to effectuate said remediation.
- CR-9 Restating and add Roth IRA provision (optional) to the City’s existing deferred compensation 20-PD-Equitable-091720.
- CR-10 Authorizing the Director of Public Works to scrapped one (1) 30 CU YD Container which is no longer serviceable.
- CR-11 Authorizing the Mayor and City Clerk to accept the FY2024 RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES grant in the amount of \$20,000.00 from the New Jersey Department of Community Affairs, and certifying the availability of funds in the amount of \$4,000.00 for the required local match pursuant to the grant agreement.

- CR-12 Authorizing the Mayor and City Clerk to accept the FY2021 RECYCLING TONNAGE GRANT in the amount of \$99,192.43 from the Department of Environmental Protection.
- CR-13 Authorizing the Mayor and City Clerk to accept the FY2024 DISTRACTED DRIVING GRANT in the amount of \$10,500.00 from the New Jersey Department of Traffic & Highway Safety.
- CR-14 Authorizing the Law Director and/or Business Administrator to advertise for Special Planning Services.
- CR-15 Amending contract with BAYONNE CUSTOM FENCING COMPANY, LLC for fencing at various city locations to increase the amount not to exceed \$43,000.00
- CR-16 Granting 6 Raffle licenses to qualified organizations. **City Clerk**

END OF CONSENT AGENDA

- R-1 Approving agreement modifications to enable water and sewer system improvements. Specifically, four modifications to Bayonne's Concession Agreement with Bayonne Water Joint Venture LLC to allow its operator Veolia Water Contract Operations, USA, Inc. to carry out the following projects: (1) 10th Street Water and Sewer line Improvements; (2) Ingham Avenue Stormwater Discharge Pipe Improvements; (3) Top 7 . Lead Service Line Replacements; and (4) Oak Street Sanitary Pump Replacement. SEE: Attachments for executive summary and form of modification agreements.
- R-2 Authorizing the Mayor and City Clerk to execute an agreement with Remington & Vernick Engineers II, Inc., 2059 Springdale Road, Cherry Hill, NJ 08003 for professional engineering services for the Cottage Street Park Area Flood Mitigation Project for a lump sum fee of \$163,500 pursuant to the Fair and Open Process.
- R-3 Authorizing the execution of the Redevelopment Agreement by and between the City of Bayonne and Avenue E Lofts Urban Renewal LLC for the property located at 196-200 Avenue E, which is identified as Block 458, Lots 7, 8 & 9 as shown on the official tax map of the City.
- R-4 Authorizing the execution of the Redevelopment Agreement by and between the City of Bayonne and 1207-1211 JFK BLVD URBAN RENEWAL LLC for the property located at 1207-1211 J.F. Kennedy Blvd., which is identified as Block 24, Lots 2 & 3 as shown on the official tax map of the City.
- R-5 Authorizing and directing the Planning Board to conduct a Preliminary Investigation to determine whether 508 Avenue A, 510-514 Avenue A and 134-136 West 22nd Street, which is identified as Block 208, Lots 1.01, 4 and 35 constitutes an area in need of redevelopment.
- R-6 Authorizing and directing the Planning Board to conduct a Preliminary Investigation to determine whether 653-657 Avenue E, 47 East 41st Street and 659 Avenue, which is identified as Block 98, Lots 13, 14, & 15 constitutes an area in need of redevelopment.
- R-7 Acknowledging the change in ownership interest of BAYONNE EQUITIES BII URBAN RENEWAL LLC.
- R-8 Authorizing BAYVIEW transfer for minor subdivision and redevelopment agreement.
- R-9 Approving the settlement with (1) MCR 54 RT 440 LOT 6 LLC and the L GROUP, LLC vs. the City of Bayonne and City Council of the City of Bayonne and (2) the L GROUP, LLC vs. The City of Bayonne Zoning Board of Adjustment.
- R10 Reserve space authorizing the Mayor and City Clerk to execute an agreement with the successful respondent for the Phase 2 design of the 63rd street flood mitigation project.

- R-11 Reserve space to award a contract for animal control services for the period commencing May 1, 2024 through December 31, 2024 with four (4) one (1) year options to renew at the City’s sole discretion pursuant to the “Competitive Contracting” process.
- R-12 Reserve space for the awarding a contract for Improvements to Dennis P. Collins Park – Phase III
- R-13 Reserve space to award a contract for investment advisory services for a one year period commencing May 1, 2024 through April 30, 2024 with one (1) one (1) year option to renew to renew at the City’s sole discretion pursuant to the “Fair and Open” process.
- R-14 Authorizing the Municipal Council to go into closed session to discuss pending litigations.

ADDED AT THE CAUCUS

- ADD-1 Approving Emergency Temporary Appropriation #3 for CY 2024 Budget
- ADD-2 From the Hon. James M. Davis, Mayor re/appointing the following individuals to the HISTORIC PRESEVATION COMMISSION:

Jessica Driscoll	Term expiring on December 31, 2027
Lisa Glover	Term expiring on December 31, 2026
Jesse R. Wolleon	Term expiring on February 28, 2027
Gina Nowak	Term expiring on April 30, 2028
- ADD-3 Authorizing the Mayor and City Clerk to enter into an agreement with Hudson Milestone to provide the cost of renovations at 9-11 Gertrude St. from JCA Construction LLC. in an amount not to exceed \$212,597.00 for a one year period commencing September 1, 2023 and ending August 31, 2024.
- ADD-4 Authorizing an amendment to Agreement No. CY23-005 with McManimon, Scotland and Baumann, LLC for professional legal services in connection with the City’s Water Sewer Utility extending same for the period commencing as of January 1, 2024 through April 30, 2024 for an additional amount not to exceed \$75,000.00, thereby making the total contract amount not to exceed \$150,000.
- ADD-5 Authorizing the Mayor and City Clerk to an agreement with McManimon, Scotland & Baumann, LLC (MSB), 75 Livingston Avenue 2nd Fl., Roseland, NJ 07068 for professional legal services including, but not limited to, legal representation of the City in all matters 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 May 1, 2024 and ending December 31, 2024 for an amount not to exceed **\$75,000** payable at rates set forth in MSB’s response to the City’s Request for Qualifications/Proposals for Panel Counsel pursuant to the Fair and Open Process.
- ADD-6 Amending Resolution No 24-01-17-058 o reflect the correct Address, Block and Lots as 1-2.5 – 116 Avenue E. Block 467, Lots 10, 11, 12, 13 and 14.
- ADD-7 Space holder Honoring the BAYONNE COMMUNITY NEWS for its of dedication the City of Bayonne
- ADD-8 Reserve space for awarding a contract of architectural services,.