

# Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 11-686

Agenda No. 10.A

Approved: OCT 12 2011



**TITLE: RESOLUTION AUTHORIZING THE INSERTION OF SPECIAL ITEMS OF REVENUES AND APPROPRIATIONS IN THE CY 2011 MUNICIPAL BUDGET, PURSUANT TO N.J.S.A. 40A:4-87.**

COUNCIL  
the following resolution:

offered and moved adoption of

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

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

NOW THEREFORE, BE IT RESOLVED by the Municipal Council of the City of Jersey City, that the City requests the Director of the Division of Local Government Services to approve the insertion of the following items of revenue in the CY 2011 Municipal Budget:

	FROM	TO
Women, Infants & Children (WIC)	0	1,494,000
Senior's Farmers Market	0	3,000
GSPTF-Apple Tree House	0	575,000

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

	FROM	TO
Women, Infants & Children (WIC)	0	1,494,000
Senior's Farmers Market	0	3,000
GSPTF-Apple Tree House	0	575,000

BE IT FURTHER RESOLVED that notification of these budget changes will be made to the Director of the Division of Local Government Services on forms as prescribed by the aforementioned authority.

APPROVED: *Donna Mauer, CFO*

APPROVED AS TO LEGAL FORM

APPROVED: *[Signature]*  
Business Administrator

*[Signature]*  
Asst. Corporation Counsel

Certification Required

Not Required

APPROVED **9-0**

RECORD OF COUNCIL VOTE ON FINAL PASSAGE											
10/12/11											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			AHMAD	✓		
DONNELLY	✓			FULOP	✓			VELAZQUEZ	✓		
LOPEZ	✓			RICHARDSON	✓			BRENNAN, PRES	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.

*[Signature]*  
Peter M. Brennan, President of Council

*[Signature]*  
Robert Byrne, City Clerk

# Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 11-687  
 Agenda No. 10.B  
 Approved: OCT 12 2011



**TITLE: RESOLUTION OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DECLARING THE MONTH OF OCTOBER AS "COMMUNITY PLANNING MONTH"**

**WHEREAS**, New Jersey municipalities, counties, and regional planning entities continually face changes in their communities and natural environment, and

**WHEREAS**, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

**WHEREAS**, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

**WHEREAS**, the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

**WHEREAS**, the American Planning Association has designated the month of October as National Community Planning Month throughout the United States of America and its territories to highlight the contributions of sound planning and plan implementation, and

**WHEREAS**, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning and zoning boards and other citizen volunteers who have contributed their time and expertise to the improvement of Jersey City, New Jersey; and

**WHEREAS**, we recognize the many valuable contributions made by professional planners in Jersey City, New Jersey and extend our heartfelt thanks for the continued commitment to public service by these professionals;

**NOW, THEREFORE**, BE IT RESOLVED THAT, the month of October 2011 is hereby designated as **Community Planning Month** in Jersey City, New Jersey in conjunction with the celebration of National Community Planning Month.

APPROVED: *Carl J. Sestrich*  
 APPROVED: *Michael J. Kelly*  
Business Administrator

APPROVED AS TO LEGAL FORM  
*Paul Bellizzi*  
Asst. Corporation Counsel

Certification Required   
 Not Required

APPROVED 9-0

RECORD OF COUNCIL VOTE ON FINAL PASSAGE 10/12/11											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			AHMAD	✓		
DONNELLY	✓			FULOP	✓			VELAZQUEZ	✓		
LOPEZ	✓			RICHARDSON	✓			BRENNAN, PRES	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.  
*Peter M. Brennan*  
Peter M. Brennan, President of Council

*Robert Byrne*  
Robert Byrne, City Clerk

**RESOLUTION FACT SHEET**

**1. Full Title of Resolution:**

**RESOLUTION OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DECLARING THE MONTH OF OCTOBER AS "COMMUNITY PLANNING MONTH"**

**2. Name and Title of Person Initiating the Ordinance, etc.:**

Carl S. Czaplicki, Director, Department of Housing, Economic Development, and Commerce

**3. Concise Description of the Program, Project or Plan Proposed in the Resolution:**

Declares October Community Planning Month in Jersey City

**4. Reasons (Need) for the Proposed Program, Project, etc.:**

This resolution is the American Planning Association's suggested way to recognize the national call for more involved community planning

**5. Anticipated Benefits to the Community:**

Involving the communities in the planning for their neighborhoods provides better input from those who live and work in the neighborhood and is the best way to get buy-in to our efforts to bring about positive change in Jersey City.

**6. Cost of Proposed Plan, etc.:**

\$0.00.

**7. Date Proposed Plan will commence:**

Upon adoption.

**8. Anticipated Completion Date: N/A**

**9. Person Responsible for Coordinating Proposed Program, Project, etc.:**

Robert D. Cotter, Director, City Planning                      547-5050

**10. Additional Comments:**

I Certify that all the Facts Presented Herein are Accurate.

Robert D. Cotter  
Division Director

Sept 29, 2011  
Date

Carl Czaplicki  
Department Director Signature

9/29/11  
Date

# SUMMARY SHEET

## **RESOLUTION OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DECLARING THE MONTH OF OCTOBER AS COMMUNITY PLANNING MONTH**

Declares October Community Planning Month in Jersey City.

# Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 11-688  
 Agenda No. 10.C  
 Approved: OCT 12 2011



TITLE:

## Resolution Honoring Minister Thyson Thyquell Halley ON THE OCCASION OF HIS ORDINATION AS AN ELDER OF CHOSEN GENERATION MINISTRIES

**WHEREAS**, Thyson Thyquell Halley was born in Jersey City, New Jersey, to the late Aaron Halley and Patricia Holliday-Halley. At the age of two and a half, Thyson was diagnosed with spinal meningitis, an infection of the fluid and membranes around the brain and spinal cord. A doctor informed his parents that he would never move, talk, walk, or hear or move. His prayerful family turned to another doctor - Jesus; and

**WHEREAS**, Thyson T. Halley was determined to succeed and attended various schools to learn how to walk and speak. He was educated in the Jersey City Public School System and is a graduate of Governor Livingston High School located in Berkeley Heights, N.J. Thyson furthered his education at Camden County College in Blackwood N.J. majoring in Deaf Studies; and

**WHEREAS**, Thyson T. Halley accepted the Lord as his personal savior at an early age. During his youth, Thyson was very involved in Salem Baptist Church. While in college, Thyson joined Union Baptist Temple in Bridgeton, N.J. where he was very involved with His Hand Sign Language Ministries. Thyson interpreted Sunday services and taught sign language. He also instituted UBT Touch by Hands ministries, an outreach ministry for the deaf; and

**WHEREAS**, Thyson T. Halley joined Chosen Generation Ministries under the leadership of Elder Darrin Monroe on October 1, 2006. Thyson answered his call to preach the gospel in 2008 and was licensed on September 4, 2009; and

**WHEREAS**, Minister Thyson currently serves as the Pastor Chief Adjunct and Administrative Assistant. He also serves as the lead interpreter at the church and is a member of the Royal Priesthood, Single Ministry, Hospitably Ministry, Prison Ministry and the Brotherhood Ministry; and

**WHEREAS**, Minister Thyson is a concerned and active member of his community. He is a member of several professional and community organizations and is the recipient of many awards, honors and accolades; and

**WHEREAS**, Chosen Generation Ministries will host an ordination service on October 23, 2011, at which time Minister Halley will be elevated to the office of Elder. Church members, friends and family will gather together to honor Minister Halley, a dedicated spiritual leader.

**NOW, THEREFORE BE IT RESOLVED**, that the Municipal Council of the City of Jersey City, does hereby honor Minister Thyson Thyquell Halley on the occasion of his ordination as an Elder of Chosen Generation Ministries. We applaud his ministry and community service and wish him continued health and happiness.

G:\WP005\TOLONDA\RESOS\CHURCHES\Minister Thyson Thyquell Halley.wpd

APPROVED: \_\_\_\_\_

APPROVED AS TO LEGAL FORM

APPROVED: *Joe Lavello*  
 Business Administrator

*Paul Reddy*  
 Asst. Corporation Counsel

Certification Required

Not Required

APPROVED 9-0  
 10/12/11

RECORD OF COUNCIL VOTE ON FINAL PASSAGE											
				10/12/11							
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			AHMAD	✓		
DONNELLY	✓			FULOP	✓			VELAZQUEZ	✓		
LOPEZ	✓			RICHARDSON	✓			BRENNAN, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.

*Peter M. Brennan*  
 Peter M. Brennan, President of Council

*Robert Byrne*  
 Robert Byrne, City Clerk

# Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 11-689  
 Agenda No. 10.D  
 Approved: OCT 12 2011



TITLE: **RECOGNITION OF OCTOBER 22, 2011 AS  
 MAKE A DIFFERENCE DAY  
 IN JERSEY CITY**

WHEREAS, the City of Jersey City and the Municipal Council are proud to support *Make A Difference Day*, celebrated nationally on Saturday, October 22, 2011; and

WHEREAS, *Make A Difference Day* is an opportunity to encourage neighbors to help neighbors across the country through community volunteerism; and

WHEREAS, first started by USA WEEKEND Magazine, *Make A Difference Day* is celebrated on the fourth Saturday of every October. In cooperation with mayors across the country, and sponsored in partnership with the HandsOn Network, *Make A Difference Day* is the nation's largest annual day of volunteering, mobilizing millions of people nationwide. In 2008, three million people participated in the completion of thousands of projects in communities throughout the United States; and

WHEREAS, on *Make A Difference Day*, and every day, people are encouraged to offer assistance to those around them in need of aid. Whether old or young, a group or individual, the idea that everyone is able to make a difference is vital in creating a cohesive community; and

WHEREAS, in Jersey City, the '365 Days of Green' campaign works towards establishing a sustainable New Jersey designation that includes encouraging citizen stewardship of neighborhood parks and the 'Adopt-A-Lot Program' of developing community gardens on vacant land; and

WHEREAS, this year, all of our parks have been used extensively as the economy has kept more residents and families local. However, the improvement and maintenance budgets for the Division of Parks and Forestry have been drastically reduced and community groups have expressed more interest than ever before in developing community gardens enhancing the passive spaces within their parks; and

WHEREAS, the City of Jersey City and the Jersey City Parks Coalition hopes to build on this community interest beginning with the 2011 BIG DIG initiative on October 22<sup>nd</sup> - National Make A Difference Day, by planting 10,000+ flowering bulbs with volunteers throughout Jersey City's parks, open spaces and gateways. The Spring 2012 calliope of color would be the kick-off celebration of the Jersey City Parks Coalition's 2012 Spring Planting Days that would continue to forge a collaboration between the City of Jersey City and the Jersey City Parks Coalition, encouraging active participation of residents with the continued beautification of their local parks.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the City of Jersey City that:

1. Saturday, October 22, 2011 be recognized as *Make A Difference Day* in Jersey City; and
2. All residents are strongly urged to honor the spirit of this day by supporting their communities and neighbors through active volunteer work, including the 2011 BIG DIG initiative.

APPROVED: \_\_\_\_\_  
 APPROVED: *[Signature]*  
 Business Administrator

APPROVED AS TO LEGAL FORM  
*[Signature]*  
 Asst. Corporation Counsel

Certification Required   
 Not Required

APPROVED 9-0

RECORD OF COUNCIL VOTE ON FINAL PASSAGE											
10/12/11											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			AHMAD	✓		
DONNELLY	✓			FULOP	✓			VELAZQUEZ	✓		
LOPEZ	✓			RICHARDSON	✓			BRENNAN, PRES	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.

*[Signature]*  
 Peter M. Brennan, President of Council

*[Signature]*  
 Robert Byrne, City Clerk

# Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 11-690

Agenda No. 10.E

Approved: OCT 12 2011



**TITLE: RESOLUTION HONORING RETIRED JERSEY CITY POLICE CHIEF FRANK GAJEWSKI**  
**On the Occasion of His Induction into the Policing Hall of Fame at the**  
**Center for Evidence-Based Crime Policy at George Mason University**

**WHEREAS**, Frank Gajewski has 30 years experience working with the Jersey City Police Department (JCPD), starting as a patrol officer in 1972. He advanced through the ranks as a narcotics officer, as a commander of the Planning and Analysis Unit; and

**WHEREAS**, Frank Gajewski was the Commanding Officer of the Jersey City Police Department Planning and Research Bureau in the early 1990's. Gajewski managed a number of important police research projects including problem-oriented policing, crime displacement, community policing, and controlling drug markets. He initiated a series of partnerships with researchers at Rutgers University and the Police Foundation to advance policing in Jersey City and in the nation generally. The initial research efforts: the Jersey City Drug Market Analysis Project (DMAP) and the Jersey City Problem-Oriented Policing in Violent Crime Hot Spots Program were among the first in the nation to utilize computer crime mapping and employ hot spot policing; and

**WHEREAS**, after his appointment as Chief in June 2000, Chief Gajewski initiated grant projects which resulted in awards of more than \$20 million in funding from the United States Department of Justice and the State of New Jersey Division of Criminal Justice. These funds enabled the JCPD to hire approximately 100 new police officers, 100 civilian employees, purchase new computer equipment and a new fleet of district radio cars. Significant programs established through these grant awards included: the Jersey City Community Policing Program with officers assigned to specific area of responsibility on bicycle patrol; a Police Community Partnership Program; a School-Based Partnership; a pilot Domestic Violence Crisis Response Team; an Anti-Gang Initiative; a review of crime prevention in Public Housing and Comstat management meetings; and

**WHEREAS**, Chief Gajewski earned a Bachelor of Science degree in Criminal Justice from New Jersey City University and a Master's in Public Administration from Seton Hall University. He was a PhD student at Rutgers University. He is also a certified law enforcement planner and is a member of Pi Alpha Alpha (the National Honor Society for Public Affairs and Administration); and

**WHEREAS**, Chief Gajewski retired as Jersey City's Chief of Police in 2001; and

**WHEREAS**, retired Jersey City Police Chief Frank Gajewski was recently inducted into the Policing Hall of Fame at the Center for Evidence-Based Crime Policy at George Mason University. The Policing Hall of Fame recognizes innovative law enforcement practitioners who have been central to the implementation of a documented rigorous scientific evaluation and show a record of incorporating evidence-based practices in their organizations.

**NOW, THEREFORE BE IT RESOLVED**, that the Municipal Council of the City of Jersey City does hereby honor retired Jersey City Police Chief Frank Gajewski on the occasion of his induction into the Policing Hall of Fame at the Center for Evidence-Based Crime Policy at George Mason University.

G:\WPDOC\STOLONDA\RESOS\HONORINGPOLICE CHIEF FRANK GAJEWSKI.wpd

APPROVED: \_\_\_\_\_

APPROVED AS TO LEGAL FORM

APPROVED: *John L...*  
 Business Administrator

*Paul Reddy*  
 Asst. Corporation Counsel

Certification Required

Not Required

APPROVED 9-0

RECORD OF COUNCIL VOTE ON FINAL PASSAGE											
				10/12/11							
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			AHMAD	✓		
DONNELLY	✓			FULOP	✓			VELAZQUEZ	✓		
LOPEZ	✓			RICHARDSON	✓			BRENNAN, PRES	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.

*Peter M. Brennan*  
 Peter M. Brennan, President of Council

*Robert Byrne*  
 Robert Byrne, City Clerk

# Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 11-691

Agenda No. 10.F

Approved: OCT 12 2011

TITLE:



## **RESOLUTION TO APPLY FOR AND ACCEPT CHOICE SUBSIDY FOR WEST SIDE MANOR**

**WHEREAS**, the City of Jersey City desires to approve the development of fourteen (14) units of housing as outlined in Exhibit A for the development known as West Side Manor to be funded under New Jersey Housing and Mortgage Finance Agency's ("the Agency") Choices in Home Ownership Incentives Created For Everyone ("CHOICE") program; and

**WHEREAS**, the City of Jersey City recognizes that an affordable housing grant from the Agency for an amount not to exceed the maximum amount allowed in accordance with the CHOICE Subsidy is for the purpose of subsidizing the construction of home ownership, respectively; and

**WHEREAS**, the CHOICE Subsidy will, when applicable, benefit home buyers of the affordable units that will be restricted by the Agency using Uniform Housing Affordability Controls (UHAC) type restrictions with funds to be repaid solely to the Agency at the first unrestricted sale; and

**WHEREAS**, the CHOICE Subsidy will, when applicable benefit home buyers of the market units that will be restricted by the Agency using the CHOICE program and Subsidy restrictions, with funds to be repaid solely to the Agency at the first sale; and

**WHEREAS**, the City of Jersey City recognizes New Heights Ministries Urban and Community Development Corp. as the developer / sponsor for the development.

**BE IT THEREFORE RESOLVED**, that the City of Jersey City does hereby support the developer/sponsor's application for such grants from the Agency and acknowledges that the processing and expenditure of funds shall be in accordance with the terms of the CHOICE program and the Subsidy.

**BE IT FURTHER RESOLVED** that the persons whose names, title and signatures appear below are authorized by the City of Jersey City to implement this Resolution and that they or their successors in said titles are authorized to sign any documents necessary in connection therewith:

City Clerk File No. Res. 11-691

Agenda No. 10.F OCT 12 2011

TITLE:

**RESOLUTION TO APPLY FOR AND ACCEPT CHOICE SUBSIDY FOR WEST SIDE MANOR**

**EXHIBIT A**

Unit Type	Homeowner	Total
Low Income*	0	0
Moderate Income*	0	0
Middle Income		
Emerging Market Unit	14	14
Unsubsidized / Unrestricted Market		
<b>TOTAL</b>	<b>14</b>	<b>14</b>

\*These units will be designated as affordable units and will carry UHAC type income and resale restrictions.

APPROVED: *Carl Gasplina* <sup>*RB 10/12/11*</sup> APPROVED AS TO LEGAL FORM  
 APPROVED: *John Kelly* *Acq.* *Royal Reddy* Corporation Counsel  
 Business Administrator

Certification Required   
 Not Required  APPROVED 9-0

RECORD OF COUNCIL VOTE ON FINAL PASSAGE											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			AHMAD	✓		
DONNELLY	✓			FULOP	✓			VELAZQUEZ	✓		
LOPEZ	✓			RICHARDSON	✓			BRENNAN, PRES	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.

*Peter M. Brennan*  
 Peter M. Brennan, President of Council

*Robert Byrne*  
 Robert Byrne, City Clerk

# Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 11-692  
 Agenda No. 10.6  
 Approved: OCT 12 2011  
 TITLE:



## RESOLUTION OF THE CITY OF JERSEY CITY CONSENTING TO THE UNDERTAKING OF CERTAIN CAPITAL PROJECTS BY THE JERSEY CITY MUNICIPAL UTILITIES AUTHORITY

**WHEREAS**, the City of Jersey City (the "City") and the Jersey Municipal Utilities Authority (formerly the Jersey City Sewerage Authority) (the "Authority") have entered into a Service Contract with respect to the Sewer System on December 1, 1985, as amended by Amendment No. 1 to the Sewer Service Contract dated as of May 1, 2003 (collectively, the "Sewer Service Contract"); and

**WHEREAS**, Section 6 of the Sewer Service Contract, as amended, provides that the Authority may not issue debt obligations to finance capital projects concerning the Sewer System until those capital projects have been presented to and approved by resolution of the City Council as well as by certificate of the Mayor or his representative; and

**WHEREAS**, the City and the Authority have entered into that certain Amended and Restated Water Services Franchise and Service Agreement, dated as of September 30, 2005 (the "Water Service Contract"); and

**WHEREAS**, Section 402 of the Water Service Contract provides that the Authority may not issue debt obligations to finance capital projects concerning the Water System until those capital projects have been presented to and approved by resolution of the City Council as well as by certificate of the Mayor or his representative; and

**WHEREAS**, in consultation with the Authority's engineers and the Department of Environmental Protection, the Authority has determined that the capital projects outlined in Exhibit A, attached hereto and by this reference incorporated herein, are necessary and appropriate to continue the operations of the Sewer System and the operations of the Water System in proper order; and

**WHEREAS**, the Authority desires to obtain the approval of the City Council to undertake these capital projects,

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Jersey City as follows:

**Section 1.** Pursuant to the Sewer Service Contract, as amended, and the Water Service Contract, the City hereby consents to the undertaking of the capital projects delineated in Exhibit A, attached hereto, by the Authority.

**Section 2.** This resolution shall take effect immediately.

APPROVED: \_\_\_\_\_ APPROVED AS TO LEGAL FORM \_\_\_\_\_  
 APPROVED: [Signature] \_\_\_\_\_  
Business Administrator Corporation Counsel

Certification Required   
 Not Required

APPROVED 9-0

RECORD OF COUNCIL VOTE ON FINAL PASSAGE											
				10/12/11							
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			AHMAD	✓		
DONNELLY	✓			FULOP	✓			VELAZQUEZ	✓		
LOPEZ	✓			RICHARDSON	✓			BRENNAN, PRES	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.

[Signature]  
 Peter M. Brennan, President of Council

[Signature]  
 Robert Byrne, City Clerk

## **EXHIBIT A**

### **CAPITAL PROJECTS**

#### **Sewer Projects:**

- 1) Separation of common sewers at various locations within the System;
- 2) Regulator and outfall improvements;
- 3) Improvements to the West Side Sewer Plant;
- 4) Sewer improvements at various locations within the System, including Culver Avenue and Linden Avenue;
- 5) Acquisition of equipment; and
- 6) Engineering capital study of System.

#### **Water Projects:**

- 1) Improvements to Split Rock Dam;
- 2) Improvements to water mains and pipes within the System, including the 18<sup>th</sup> Street water main; and
- 3) Filter improvements at the Authority's water treatment plants.

JCMUA  
Permanent Financing  
Fall 2011

**Sewer Division**

7,200,000	Existing sewer notes
2,800,000	Regulator, outfall and west side pump station improvements
2,700,000	Malcolm Pirnie EPA sewer Assessment, stages 5-7
2,000,000	Sewer separation for 2011 and 2012
2,000,000	Trucks and equipment
1,005,799	Linden Ave. major repairs- Emergency reimbursement
550,000	Culver Ave. major repairs- Emergency reimbursement
1,953,037	Debt service reserve fund
<u>320,000</u>	Cost of Issuance and Underwriter ?
20,528,836	Total sewer division permanent financing

**Water Division**

5,500,000	Split Rock dam improvements
1,500,000	Existing water notes
800,000	Water treatment Plant Filter media
500,000	18th street soil disposal
810,000	Debt service reserve fund
<u>130,000</u>	Cost of Issuance and Underwriter?
9,240,000	Total water division permanent financing

**Additional items:**

New projects will require City Council approval

We are also refinancing our 2001 A-2 Sewer Revenue Bonds (\$7,000,000)  
with a projected Net PV savings of \$680,000

We will be issuing \$2.4 million NJEIT interim supplemental financing to complete  
north east interceptor cleaning

questions

- 1 If you need money payout over 5 years for sewer separations, do you issue notes?
- 2 Need reimbursement resolution for sewer separation
- 3 Need reimbursement resolution for Waterware outfall major repair/improvement

Estimate Principal and Interest payments over 20 years for \$21 million debt.

yr	princ	interest 4%	payment	debt bal
				21000000
1	706000	840000	1546000	20294000
2	734240	811760	1546000	19559760
3	763610	782390	1546000	18796150
4	794154	751846	1546000	18001996
5	825920	720080	1546000	17176076
6	858957	687043	1546000	16317119
7	893315	652685	1546000	15423804
8	929048	616952	1546000	14494756
9	966210	579790	1546000	13528547
10	1004858	541142	1546000	12523688
11	1045052	500948	1546000	11478636
12	1086855	459145	1546000	10391781
13	1130329	415671	1546000	9261453
14	1175542	370458	1546000	8085911
15	1222564	323436	1546000	6863347
16	1271466	274534	1546000	5591881
17	1322325	223675	1546000	4269556
18	1375218	170782	1546000	2894339
19	1430226	115774	1546000	1464112
20	1487436	58564	1546000	-23323
	21023323			

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SOURCES AND USES OF FUNDS

Jersey City Municipal Utilities Authority  
Sewer Revenue Refunding Bonds, Series 2011

Dated Date 10/01/2011  
Delivery Date 10/01/2011

Sources:

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Bond Proceeds:	
Par Amount	7,240,000.00

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7,240,000.00

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Uses:

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Refunding Escrow Deposits:	
Cash Deposit	0.78
SLGS Purchases	7,107,177.00
	<hr/>
	7,107,177.78

Delivery Date Expenses:	
Cost of Issuance	85,000.00
Underwriter's Discount	43,440.00
	<hr/>
	128,440.00

Other Uses of Funds:	
Additional Proceeds	4,382.22

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7,240,000.00

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SUMMARY OF REFUNDING RESULTS

Jersey City Municipal Utilities Authority  
Sewer Revenue Refunding Bonds, Series 2011

Dated Date	10/01/2011
Delivery Date	10/01/2011
Arbitrage yield	2.800480%
Escrow yield	
Bond Par Amount	7,240,000.00
True Interest Cost	2.926016%
Net Interest Cost	3.156045%
Average Coupon	2.819122%
Average Life	5.265
Par amount of refunded bonds	7,000,000.00
Average coupon of refunded bonds	5.200000%
Average life of refunded bonds	5.530
PV of prior debt to 10/01/2011 @ 2.800480%	7,916,088.23
Net PV Savings	680,470.45
Percentage savings of refunded bonds	9.721006%
Percentage savings of refunding bonds	9.398763%

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SUMMARY OF BONDS REFUNDED

Jersey City Municipal Utilities Authority  
Sewer Revenue Refunding Bonds, Series 2011

Bond	Maturity Date	Interest Rate	Par Amount	Call Date	Call Price
Sewer Revenue Bonds Series 2011 A-2 (AMT), AMT01A2:					
TERM21	07/15/2021	5.200%	7,000,000.00	10/31/2011	100.000
			7,000,000.00		

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SAVINGS

Jersey City Municipal Utilities Authority  
Sewer Revenue Refunding Bonds, Series 2011

Date	Prior Debt Service	Refunding Debt Service	Savings	Annual Savings	Present Value to 10/01/2011 @ 2.8004801%
01/15/2012	182,000.00	51,511.78	130,488.22		129,444.06
07/15/2012	757,000.00	824,155.00	-67,155.00	63,333.22	-65,697.70
01/15/2013	167,050.00	83,275.00	83,775.00		80,825.29
07/15/2013	772,050.00	778,275.00	-6,225.00	77,550.00	-5,922.88
01/15/2014	151,320.00	77,367.50	73,952.50		69,391.73
07/15/2014	786,320.00	782,367.50	3,952.50	77,905.00	3,657.53
01/15/2015	134,810.00	71,093.00	63,717.00		58,147.66
07/15/2015	804,810.00	791,093.00	13,717.00	77,434.00	12,345.17
01/15/2016	117,390.00	64,181.00	53,209.00		47,226.31
07/15/2016	822,390.00	794,181.00	28,209.00	81,418.00	24,691.51
01/15/2017	99,060.00	55,968.50	43,091.50		37,197.40
07/15/2017	839,060.00	800,968.50	38,091.50	81,183.00	32,427.25
01/15/2018	79,820.00	46,544.25	33,275.75		27,936.43
07/15/2018	859,820.00	811,544.25	48,275.75	81,551.50	39,969.90
01/15/2019	59,540.00	35,681.25	23,858.75		19,481.07
07/15/2019	879,540.00	825,681.25	53,858.75	77,717.50	43,369.29
01/15/2020	38,220.00	23,317.75	14,902.25		11,834.20
07/15/2020	903,220.00	838,317.75	64,902.25	79,804.50	50,828.57
01/15/2021	15,730.00	9,585.00	6,145.00		4,746.04
07/15/2021	620,730.00	549,585.00	71,145.00	77,290.00	54,189.42
	9,089,880.00	8,314,693.28	775,186.72	775,186.72	676,088.23

Savings Summary

PV of savings from cash flow	676,088.23
Plus: Refunding funds on hand	4,382.22
Net PV Savings	680,470.45

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BOND PRICING

Jersey City Municipal Utilities Authority  
Sewer Revenue Refunding Bonds, Series 2011

Bond Component	Maturity Date	Amount	Rate	Yield	Price
2011 Sewer Refunding Bonds:					
	07/15/2012	735,000	1.600%	1.600%	100.000
	07/15/2013	695,000	1.700%	1.700%	100.000
	07/15/2014	705,000	1.780%	1.780%	100.000
	07/15/2015	720,000	1.920%	1.920%	100.000
	07/15/2016	730,000	2.250%	2.250%	100.000
	07/15/2017	745,000	2.530%	2.530%	100.000
	07/15/2018	765,000	2.840%	2.840%	100.000
	07/15/2019	790,000	3.130%	3.130%	100.000
	07/15/2020	815,000	3.370%	3.370%	100.000
	07/15/2021	540,000	3.550%	3.550%	100.000
		7,240,000			

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Dated Date	10/01/2011	
Delivery Date	10/01/2011	
First Coupon	01/15/2012	
Par Amount	7,240,000.00	
Original Issue Discount		
Production	7,240,000.00	100.000000%
Underwriter's Discount	-43,440.00	-0.600000%
Purchase Price	7,196,560.00	99.400000%
Accrued Interest		
Net Proceeds	7,196,560.00	

PRIOR BOND DEBT SERVICE

Jersey City Municipal Utilities Authority  
Sewer Revenue Refunding Bonds, Series 2011

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
01/15/2012			182,000	182,000	
07/15/2012	575,000	5.200%	182,000	757,000	939,000
01/15/2013			167,050	167,050	
07/15/2013	605,000	5.200%	167,050	772,050	939,100
01/15/2014			151,320	151,320	
07/15/2014	635,000	5.200%	151,320	786,320	937,640
01/15/2015			134,810	134,810	
07/15/2015	670,000	5.200%	134,810	804,810	939,620
01/15/2016			117,390	117,390	
07/15/2016	705,000	5.200%	117,390	822,390	939,780
01/15/2017			99,060	99,060	
07/15/2017	740,000	5.200%	99,060	839,060	938,120
01/15/2018			79,820	79,820	
07/15/2018	780,000	5.200%	79,820	859,820	939,640
01/15/2019			59,540	59,540	
07/15/2019	820,000	5.200%	59,540	879,540	939,080
01/15/2020			38,220	38,220	
07/15/2020	865,000	5.200%	38,220	903,220	941,440
01/15/2021			15,730	15,730	
07/15/2021	605,000	5.200%	15,730	620,730	636,460
	7,000,000		2,089,880	9,089,880	9,089,880

**BOND DEBT SERVICE**

Jersey City Municipal Utilities Authority  
Sewer Revenue Refunding Bonds, Series 2011

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
01/15/2012			51,511.78	51,511.78	
07/15/2012	735,000	1.600%	89,155.00	824,155.00	875,666.78
01/15/2013			83,275.00	83,275.00	
07/15/2013	695,000	1.700%	83,275.00	778,275.00	861,550.00
01/15/2014			77,367.50	77,367.50	
07/15/2014	705,000	1.780%	77,367.50	782,367.50	859,735.00
01/15/2015			71,093.00	71,093.00	
07/15/2015	720,000	1.920%	71,093.00	791,093.00	862,186.00
01/15/2016			64,181.00	64,181.00	
07/15/2016	730,000	2.250%	64,181.00	794,181.00	858,362.00
01/15/2017			55,968.50	55,968.50	
07/15/2017	745,000	2.530%	55,968.50	800,968.50	856,937.00
01/15/2018			46,544.25	46,544.25	
07/15/2018	765,000	2.840%	46,544.25	811,544.25	858,088.50
01/15/2019			35,681.25	35,681.25	
07/15/2019	790,000	3.130%	35,681.25	825,681.25	861,362.50
01/15/2020			23,317.75	23,317.75	
07/15/2020	815,000	3.370%	23,317.75	838,317.75	861,635.50
01/15/2021			9,585.00	9,585.00	
07/15/2021	540,000	3.550%	9,585.00	549,585.00	559,170.00
	7,240,000		1,074,693.28	8,314,693.28	8,314,693.28

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ESCROW REQUIREMENTS

Jersey City Municipal Utilities Authority  
Sewer Revenue Refunding Bonds, Series 2011

Period Ending	Interest	Principal Redeemed	Total
10/31/2011	107,177.78	7,000,000.00	7,107,177.78
	107,177.78	7,000,000.00	7,107,177.78

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ESCROW DESCRIPTIONS

Jersey City Municipal Utilities Authority  
Sewer Revenue Refunding Bonds, Series 2011

Type of Security	Type of SLGS	Maturity Date	First Int Pmt Date	Par Amount	Rate
Oct 1, 2011:					
SLGS	Certificate	10/31/2011	10/31/2011	7,107,177	
				7,107,177	

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SLGS Summary

SLGS Rates File	22AUG11
Total Certificates of Indebtedness	7,107,177.00

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ESCROW COST

Jersey City Municipal Utilities Authority  
Sewer Revenue Refunding Bonds, Series 2011

Type of Security	Maturity Date	Par Amount	Rate	Total Cost
SLGS	10/31/2011	7,107,177		7,107,177.00
		7,107,177		7,107,177.00

Purchase Date	Cost of Securities	Cash Deposit	Total Escrow Cost
10/01/2011	7,107,177	0.78	7,107,177.78
	7,107,177	0.78	7,107,177.78

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ESCROW CASH FLOW

Jersey City Municipal Utilities Authority  
Sewer Revenue Refunding Bonds, Series 2011

Date	Principal	Net Escrow Receipts	Present Value to 10/01/2011 @ 0.00000000%
10/31/2011	7,107,177.00	7,107,177.00	7,107,177.00
	7,107,177.00	7,107,177.00	7,107,177.00

Escrow Cost Summary

Purchase date	10/01/2011
Purchase cost of securities	7,107,177.00
Target for yield calculation	7,107,177.00

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ESCROW SUFFICIENCY

Jersey City Municipal Utilities Authority  
Sewer Revenue Refunding Bonds, Series 2011

Date	Escrow Requirement	Net Escrow Receipts	Excess Receipts	Excess Balance
10/01/2011		0.78	0.78	0.78
10/31/2011	7,107,177.78	7,107,177.00	-0.78	
	7,107,177.78	7,107,177.78	0.00	

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SOURCES AND USES OF FUNDS

Jersey City Municipal Utilities Authority  
Water and Sewer Revenue Bonds Series 2011

Dated Date            10/01/2011  
Delivery Date        10/01/2011

Sources:	Water Revenue Bonds Series 2011	Sewer Revenue Bonds Series 2011	Total
<b>Bond Proceeds:</b>			
Par Amount	8,735,000.00	20,440,000.00	29,175,000.00
	<u>8,735,000.00</u>	<u>20,440,000.00</u>	<u>29,175,000.00</u>
<b>Uses:</b>			
<b>Project Fund Deposits:</b>			
Refunding of Outstanding Notes	1,500,000.00	7,200,000.00	8,700,000.00
Construction Fund	<u>6,400,000.00</u>	<u>11,300,000.00</u>	<u>17,700,000.00</u>
	7,900,000.00	18,500,000.00	26,400,000.00
<b>Other Fund Deposits:</b>			
Debt Service Reserve Fund	703,182.50	1,641,490.50	2,344,673.00
<b>Delivery Date Expenses:</b>			
Cost of Issuance	74,850.04	175,149.96	250,000.00
Underwriter's Discount	<u>52,410.00</u>	<u>122,640.00</u>	<u>175,050.00</u>
	127,260.04	297,789.96	425,050.00
<b>Other Uses of Funds:</b>			
Additional Proceeds	4,557.46	719.54	5,277.00
	<u>8,735,000.00</u>	<u>20,440,000.00</u>	<u>29,175,000.00</u>

**BOND SUMMARY STATISTICS**

Jersey City Municipal Utilities Authority  
Water and Sewer Revenue Bonds Series 2011

Dated Date	10/01/2011
Delivery Date	10/01/2011
Last Maturity	10/01/2031
Arbitrage Yield	4.107199%
True Interest Cost (TIC)	4.170774%
Net Interest Cost (NIC)	4.284346%
All-In TIC	4.262491%
Average Coupon	4.167494%
Average Life (years)	12.468
Duration of Issue (years)	9.653
Par Amount	29,175,000.00
Bond Proceeds	29,175,000.00
Total Interest	15,159,258.00
Net Interest	15,334,308.00
Total Debt Service	44,334,258.00
Maximum Annual Debt Service	2,343,295.00
Average Annual Debt Service	2,216,712.90
Underwriter's Fees (per \$1000)	
Average Takedown	
Other Fee	6.000000
Total Underwriter's Discount	6.000000
Bid Price	99.400000

Bond Component	Par Value	Price	Average Coupon	Average Life
2011 Sewer Bonds	20,440,000.00	100.000	4.167%	12.465
2011 Water Bonds	8,735,000.00	100.000	4.169%	12.476
	29,175,000.00			12.468

	TIC	All-In TIC	Arbitrage Yield
Par Value	29,175,000.00	29,175,000.00	29,175,000.00
+ Accrued Interest			
+ Premium (Discount)			
- Underwriter's Discount	-175,050.00	-175,050.00	
- Cost of Issuance Expense		-250,000.00	
- Other Amounts			
Target Value	28,999,950.00	28,749,950.00	29,175,000.00
Target Date	10/01/2011	10/01/2011	10/01/2011
Yield	4.170774%	4.262491%	4.107199%

**BOND PRICING**

Jersey City Municipal Utilities Authority  
Water and Sewer Revenue Bonds Series 2011

Bond Component	Maturity Date	Amount	Rate	Yield	Price
<b>2011 Water Bonds:</b>					
	10/01/2014	370,000	1.780%	1.780%	100.000
	10/01/2015	375,000	1.920%	1.920%	100.000
	10/01/2016	385,000	2.250%	2.250%	100.000
	10/01/2017	390,000	2.530%	2.530%	100.000
	10/01/2018	400,000	2.840%	2.840%	100.000
	10/01/2019	415,000	3.130%	3.130%	100.000
	10/01/2020	425,000	3.370%	3.370%	100.000
	10/01/2021	440,000	3.550%	3.550%	100.000
	10/01/2022	455,000	3.750%	3.750%	100.000
	10/01/2023	475,000	3.950%	3.950%	100.000
	10/01/2024	490,000	4.110%	4.110%	100.000
	10/01/2025	515,000	4.240%	4.240%	100.000
	10/01/2026	535,000	4.360%	4.360%	100.000
	10/01/2027	560,000	4.470%	4.470%	100.000
	10/01/2028	585,000	4.570%	4.570%	100.000
	10/01/2029	610,000	4.660%	4.660%	100.000
	10/01/2030	640,000	4.750%	4.750%	100.000
	10/01/2031	670,000	4.840%	4.840%	100.000
		<u>8,735,000</u>			
<b>2011 Sewer Bonds:</b>					
	10/01/2014	865,000	1.780%	1.780%	100.000
	10/01/2015	880,000	1.920%	1.920%	100.000
	10/01/2016	900,000	2.250%	2.250%	100.000
	10/01/2017	920,000	2.530%	2.530%	100.000
	10/01/2018	940,000	2.840%	2.840%	100.000
	10/01/2019	970,000	3.130%	3.130%	100.000
	10/01/2020	1,000,000	3.370%	3.370%	100.000
	10/01/2021	1,030,000	3.550%	3.550%	100.000
	10/01/2022	1,070,000	3.750%	3.750%	100.000
	10/01/2023	1,110,000	3.950%	3.950%	100.000
	10/01/2024	1,155,000	4.110%	4.110%	100.000
	10/01/2025	1,200,000	4.240%	4.240%	100.000
	10/01/2026	1,250,000	4.360%	4.360%	100.000
	10/01/2027	1,305,000	4.470%	4.470%	100.000
	10/01/2028	1,365,000	4.570%	4.570%	100.000
	10/01/2029	1,425,000	4.660%	4.660%	100.000
	10/01/2030	1,490,000	4.750%	4.750%	100.000
	10/01/2031	1,565,000	4.840%	4.840%	100.000
		<u>20,440,000</u>			
		<u>29,175,000</u>			

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BOND PRICING

Jersey City Municipal Utilities Authority  
Water and Sewer Revenue Bonds Series 2011

Dated Date	10/01/2011	
Delivery Date	10/01/2011	
First Coupon	04/01/2012	
Par Amount	29,175,000.00	
Original Issue Discount		
Production	29,175,000.00	100.000000%
Underwriter's Discount	-175,050.00	-0.600000%
Purchase Price	28,999,950.00	99.400000%
Accrued Interest		
Net Proceeds	28,999,950.00	

**BOND DEBT SERVICE**

Jersey City Municipal Utilities Authority  
Water and Sewer Revenue Bonds Series 2011

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
04/01/2012			552,177.75	552,177.75	
10/01/2012			552,177.75	552,177.75	1,104,355.50
04/01/2013			552,177.75	552,177.75	
10/01/2013			552,177.75	552,177.75	1,104,355.50
04/01/2014			552,177.75	552,177.75	
10/01/2014	1,235,000	1.780%	552,177.75	1,787,177.75	2,339,355.50
04/01/2015			541,186.25	541,186.25	
10/01/2015	1,255,000	1.920%	541,186.25	1,796,186.25	2,337,372.50
04/01/2016			529,138.25	529,138.25	
10/01/2016	1,285,000	2.250%	529,138.25	1,814,138.25	2,343,276.50
04/01/2017			514,682.00	514,682.00	
10/01/2017	1,310,000	2.530%	514,682.00	1,824,682.00	2,339,364.00
04/01/2018			498,110.50	498,110.50	
10/01/2018	1,340,000	2.840%	498,110.50	1,838,110.50	2,336,221.00
04/01/2019			479,082.50	479,082.50	
10/01/2019	1,385,000	3.130%	479,082.50	1,864,082.50	2,343,165.00
04/01/2020			457,407.25	457,407.25	
10/01/2020	1,425,000	3.370%	457,407.25	1,882,407.25	2,339,814.50
04/01/2021			433,396.00	433,396.00	
10/01/2021	1,470,000	3.550%	433,396.00	1,903,396.00	2,336,792.00
04/01/2022			407,303.50	407,303.50	
10/01/2022	1,525,000	3.750%	407,303.50	1,932,303.50	2,339,607.00
04/01/2023			378,709.75	378,709.75	
10/01/2023	1,585,000	3.950%	378,709.75	1,963,709.75	2,342,419.50
04/01/2024			347,406.00	347,406.00	
10/01/2024	1,645,000	4.110%	347,406.00	1,992,406.00	2,339,812.00
04/01/2025			313,601.25	313,601.25	
10/01/2025	1,715,000	4.240%	313,601.25	2,028,601.25	2,342,202.50
04/01/2026			277,243.25	277,243.25	
10/01/2026	1,785,000	4.360%	277,243.25	2,062,243.25	2,339,486.50
04/01/2027			238,330.25	238,330.25	
10/01/2027	1,865,000	4.470%	238,330.25	2,103,330.25	2,341,660.50
04/01/2028			196,647.50	196,647.50	
10/01/2028	1,950,000	4.570%	196,647.50	2,146,647.50	2,343,295.00
04/01/2029			152,090.00	152,090.00	
10/01/2029	2,035,000	4.660%	152,090.00	2,187,090.00	2,339,180.00
04/01/2030			104,674.50	104,674.50	
10/01/2030	2,130,000	4.750%	104,674.50	2,234,674.50	2,339,349.00
04/01/2031			54,087.00	54,087.00	
10/01/2031	2,235,000	4.840%	54,087.00	2,289,087.00	2,343,174.00
	29,175,000		15,159,258.00	44,334,258.00	44,334,258.00

BOND DEBT SERVICE

Jersey City Municipal Utilities Authority  
Water Revenue Bonds Series 2011

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
04/01/2012			165,377.00	165,377.00	
10/01/2012			165,377.00	165,377.00	330,754.00
04/01/2013			165,377.00	165,377.00	
10/01/2013			165,377.00	165,377.00	330,754.00
04/01/2014			165,377.00	165,377.00	
10/01/2014	370,000	1.780%	165,377.00	535,377.00	700,754.00
04/01/2015			162,084.00	162,084.00	
10/01/2015	375,000	1.920%	162,084.00	537,084.00	699,168.00
04/01/2016			158,484.00	158,484.00	
10/01/2016	385,000	2.250%	158,484.00	543,484.00	701,968.00
04/01/2017			154,152.75	154,152.75	
10/01/2017	390,000	2.530%	154,152.75	544,152.75	698,305.50
04/01/2018			149,219.25	149,219.25	
10/01/2018	400,000	2.840%	149,219.25	549,219.25	698,438.50
04/01/2019			143,539.25	143,539.25	
10/01/2019	415,000	3.130%	143,539.25	558,539.25	702,078.50
04/01/2020			137,044.50	137,044.50	
10/01/2020	425,000	3.370%	137,044.50	562,044.50	699,089.00
04/01/2021			129,883.25	129,883.25	
10/01/2021	440,000	3.550%	129,883.25	569,883.25	699,766.50
04/01/2022			122,073.25	122,073.25	
10/01/2022	455,000	3.750%	122,073.25	577,073.25	699,146.50
04/01/2023			113,542.00	113,542.00	
10/01/2023	475,000	3.950%	113,542.00	588,542.00	702,084.00
04/01/2024			104,160.75	104,160.75	
10/01/2024	490,000	4.110%	104,160.75	594,160.75	698,321.50
04/01/2025			94,091.25	94,091.25	
10/01/2025	515,000	4.240%	94,091.25	609,091.25	703,182.50
04/01/2026			83,173.25	83,173.25	
10/01/2026	535,000	4.360%	83,173.25	618,173.25	701,346.50
04/01/2027			71,510.25	71,510.25	
10/01/2027	560,000	4.470%	71,510.25	631,510.25	703,020.50
04/01/2028			58,994.25	58,994.25	
10/01/2028	585,000	4.570%	58,994.25	643,994.25	702,988.50
04/01/2029			45,627.00	45,627.00	
10/01/2029	610,000	4.660%	45,627.00	655,627.00	701,254.00
04/01/2030			31,414.00	31,414.00	
10/01/2030	640,000	4.750%	31,414.00	671,414.00	702,828.00
04/01/2031			16,214.00	16,214.00	
10/01/2031	670,000	4.840%	16,214.00	686,214.00	702,428.00
	8,735,000		4,542,676.00	13,277,676.00	13,277,676.00

**BOND DEBT SERVICE**

Jersey City Municipal Utilities Authority  
Sewer Revenue Bonds Series 2011

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
04/01/2012			386,800.75	386,800.75	
10/01/2012			386,800.75	386,800.75	773,601.50
04/01/2013			386,800.75	386,800.75	
10/01/2013			386,800.75	386,800.75	773,601.50
04/01/2014			386,800.75	386,800.75	
10/01/2014	865,000	1.780%	386,800.75	1,251,800.75	1,638,601.50
04/01/2015			379,102.25	379,102.25	
10/01/2015	880,000	1.920%	379,102.25	1,259,102.25	1,638,204.50
04/01/2016			370,654.25	370,654.25	
10/01/2016	900,000	2.250%	370,654.25	1,270,654.25	1,641,308.50
04/01/2017			360,529.25	360,529.25	
10/01/2017	920,000	2.530%	360,529.25	1,280,529.25	1,641,058.50
04/01/2018			348,891.25	348,891.25	
10/01/2018	940,000	2.840%	348,891.25	1,288,891.25	1,637,782.50
04/01/2019			335,543.25	335,543.25	
10/01/2019	970,000	3.130%	335,543.25	1,305,543.25	1,641,086.50
04/01/2020			320,362.75	320,362.75	
10/01/2020	1,000,000	3.370%	320,362.75	1,320,362.75	1,640,725.50
04/01/2021			303,512.75	303,512.75	
10/01/2021	1,030,000	3.550%	303,512.75	1,333,512.75	1,637,025.50
04/01/2022			285,230.25	285,230.25	
10/01/2022	1,070,000	3.750%	285,230.25	1,355,230.25	1,640,460.50
04/01/2023			265,167.75	265,167.75	
10/01/2023	1,110,000	3.950%	265,167.75	1,375,167.75	1,640,335.50
04/01/2024			243,245.25	243,245.25	
10/01/2024	1,155,000	4.110%	243,245.25	1,398,245.25	1,641,490.50
04/01/2025			219,510.00	219,510.00	
10/01/2025	1,200,000	4.240%	219,510.00	1,419,510.00	1,639,020.00
04/01/2026			194,070.00	194,070.00	
10/01/2026	1,250,000	4.360%	194,070.00	1,444,070.00	1,638,140.00
04/01/2027			166,820.00	166,820.00	
10/01/2027	1,305,000	4.470%	166,820.00	1,471,820.00	1,638,640.00
04/01/2028			137,653.25	137,653.25	
10/01/2028	1,365,000	4.570%	137,653.25	1,502,653.25	1,640,306.50
04/01/2029			106,463.00	106,463.00	
10/01/2029	1,425,000	4.660%	106,463.00	1,531,463.00	1,637,926.00
04/01/2030			73,260.50	73,260.50	
10/01/2030	1,490,000	4.750%	73,260.50	1,563,260.50	1,636,521.00
04/01/2031			37,873.00	37,873.00	
10/01/2031	1,565,000	4.840%	37,873.00	1,602,873.00	1,640,746.00
	20,440,000		10,616,582.00	31,056,582.00	31,056,582.00



# JERSEY CITY MUNICIPAL UTILITIES AUTHORITY

555 ROUTE #440 · JERSEY CITY, NEW JERSEY 07305 · TEL: (201) 432-1150 · FAX: (201) 432-1576

DANIEL F. BECHT, ESQ.  
EXECUTIVE DIRECTOR

JOHN D. FOLK, C.P.A.  
DIRECTOR OF FINANCE

## BOARD OF COMMISSIONERS

EILEEN GAUGHAN  
CHAIRPERSON

DONALD BROWN  
VICE CHAIRPERSON

WILLIAM MACCHI  
SECRETARY

LEWIS W. MATTHIAS  
TREASURER

WILLIAM CHOPEK, JR.  
COMMISSIONER

October 4, 2011

Mr. Peter Brennan  
City Council President  
280 Grove St.  
Jersey City, NJ 07302

Dear Council President and Council:

In advance of the October 12, 2011 Jersey City Council RESOLUTION OF THE CITY OF JERSEY CITY CONSENTING TO THE UNDERTAKING OF CERTAIN CAPITAL PROJECTS BY THE JERSEY CITY MUNICIPAL UTILITIES AUTHORITY, and pursuant to your questions at the last Council Caucus meeting, please see below our summary of Capital Projects for which we would like to issue bonds at the end of October 2011:

### Summary of JCMUA Capital Projects requiring the City of Jersey City Council's consent at the 10/12/11 meeting

The JCMUA is in the process of issuing permanent financing for several sewer and water capital projects. As part of the debt issuing process and according to our operations agreement with the City, the MUA needs Council approval for these 5 sewer and 3 water projects to be financed.

#### Sewer Projects

- 1) **Separation of common sewers at various locations within the System.** This is for the replacement of 4" to 6" pipes that gather sewerage from multiple houses before it enters the main street sewer. When multiple houses are connected to this small pipe, if the first house's sewer clogs, the remaining houses will have sewerage backups. The EPA has instructed us to make separate connections from each house to the main street sewer to correct this problem. The current work locations are sewers on Boyd Ave., Yale St, Clark St., Clerk St., and Romaine. Future locations include Summit Ave, Halliday St., Lafayette St., Bayside Ave. and Ocean Ave.
- 2) **Regulators and outfalls improvements.** At all the combined sewer pipe outfalls to the Hackensack and Hudson Rivers exists a regulator which controls discharge of rain water to the rivers. When there is dry weather, the regulators direct all the sewerage to our pumping stations to send it to Passaic Valley Sewerage Commissioners (PVSC) in Newark for processing. However, when it rains, our capacity to Newark is insufficient to handle all the storm water. The regulators then direct the water to the rivers, so the streets and sewers do not back up and flood. Having these regulators adjusted to the proper setting

- 3) and operating properly, can greatly affect the control of sewerage flows. Our sewer system has 21 regulators. 6 are in Ward A, 3 in Ward B, 4 in Ward C, 2 in Ward D, 5 in Ward E, and 1 in Ward F
- 4) **Improvements to the West Side Sewer Plant.** We recently completed improvements and upgrades to our Westside sewer plant (pump station.) One more improvement is the rehabilitation of a wet well. Due to the age of this pump station, frequent major necessary repairs can be expected.
- 5) **Sewer improvements at various locations within the System, including Culver Avenue and Linden Avenue.** We are also reimbursing the major repairs for Culver Ave. and Linden Ave. that were required after the sewer collapses earlier this year. These jobs are complete. The paving was completed last week. Homeowner claims are being handled through our insurance company.
- 6) **Acquisition of Equipment.** We are bonding for trucks and equipment. We plan to purchase a vac truck, camera truck, and two jetter trucks.
- 7) **Engineering capital study of System.** In accordance to our EPA decree, we hired the engineering firm of Malcolm Pirnie to prepare a sewer assessment of our entire sewer system. This will address every sewer in the City and will lead to recognition of the most important work needing completion

#### Water Projects

- 1) **Improvements to Split Rock Dam.** We need to perform structural improvements to Split Rock Dam. These improvements are at the dam overflow, and are related to dam safety. We have an ACO to begin construction by May 1, 2012.
- 2) **Improvements to water mains and pipes within the System, including the 18<sup>th</sup> Street water main.** We have a change order to remove contaminated dirt from our recent 18<sup>th</sup> street water pipe replacement. The pipe has been replaced, but the soil removed was more contaminated than previous test samples indicated. This is the pipe that feeds Newport, and had several breaks due to NJ Transit's light rail power distribution system. We are reviewing pursuing legal action to recoup these funds, since NJ Transit accepts no responsibility for the damage caused by stray electrical current from the light rail system.
- 3) **Filter improvements at the Authority's water treatment plants.** Over the past three years we have completed upgrades to the water treatment plant in Boonton. We have another improvement to replace the media (filters) in 8 filter chambers, which we will include in this financing.

In addition to the projects which need Council approval, we are also currently permanently financing outstanding water and sewer notes for projects that were previously approved. Another project which was previously approved by the Council is the completion of the cleaning of the Northeast Interceptor pipe. While performing this work, PCB's were found in the pipe, increasing the cost of the job. The original project and the additional work is being financed through the NJEIT. Finally, we will be completing a \$7 million refinancing that should result in about \$600,000 in savings. This refinancing does not require Council approval.

Below are projects to be completed over the next several years in connection with our EPA decree. These projects are not included in the current bonding, and do not require Council approval at this time. We will be addressing these again when we need Council approval to issue debt to perform this work.

Cuneo Place. We have almost completed the replacement of 200 feet of deteriorated sewer pipe. We completed this work using our own personnel and equipment.

Mina Drive (Country Village) Malcolm Pirnie has begun an engineering study for a complete sewer separation and regulator modification. This study will be completed by year end, with recommendations sent to the EPA by March 15, 2012.

Grand Street sewer major repair and rehabilitation. The twin 54" sewer from Communipaw Ave. to the Hudson River will be completely reconditioned. This pipe was identified as a major infrastructure item that needed improvement to prevent future collapse, and improve the storm capacity. This should help alleviate downtown flooding, but the extent of which it will is not easily determinable.

Pine St. Pump station. We will build a sewerage pump station at the end of Pine St, where it intersects with the light rail tracks. This has been a continual flooding problem due to the topology of the land and sewer pipe. This pump station will eliminate storm flooding at this location.

6th and 10<sup>th</sup> St. sewer cleaning and lining. This Pipe was determined to be poor physical condition. This work should prevent collapse, and improve the flow of sanitary and storm water.

Van Winkle Trunk Sewer. This is another sewer that is in poor condition. We will clean and line this sewer to prevent collapsing and increase the flow during storms.

Brown Place. We will be replacing the Brown Place sewer from Princeton Ave. to Garfield Ave. This sewer is in poor physical condition, and is likely to collapse if not replaced.

Duncan Ave. Outfall. This outfall pipe is currently deteriorated and its replacement should improve the storm drainage at Duncan Ave. and Truck 1&9.

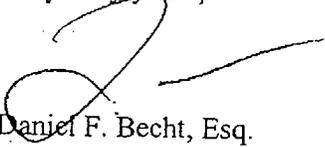
Sip Ave. Trunk Sewer. We will be replacing the Sip Ave. sewer from Freeman Ave. to the regulator at Rt. 1-9. The current pipe is undersized, and is in poor physical condition.

Grove St. at York. We are completing an engineering survey to modify the existing sewer pipes to better accommodate more storm water.

Sewer system telemetry installation. We are in the process of installing remote sensors throughout the sewer system to collect data to better determine the flows of rain water as it passes through the storm/combined sewers.

If you have any questions in advance of the October 10, 2011 Council Caucus Meeting, please feel free to contact me at (201) 432-1150.

Very truly yours,



Daniel F. Becht, Esq.  
Executive Director

CC: Ms. Kalimah Ahmad, Councilwoman –at- Large  
Mr. Ray Velazquez, Jr., Councilman –at- Large  
Mr. Michael Settalano, Ward A Councilman  
Mr. David Donnelly, Ward B Councilman  
Ms. Nidia Lopez, Ward C Councilwoman  
Mr. William Gaughan, Ward D Councilman  
Mr. Steven Fulop, Ward E Councilman  
Ms. Viola Richardson, Ward F Councilwoman

# Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 11-693  
 Agenda No. 10.H  
 Approved: OCT 12 2011



**TITLE:** RESOLUTION CONFIRMING THE SALE OF CITY OWNED PROPERTY NOT NEEDED FOR PUBLIC USE, HELD ON WEDNESDAY, OCTOBER 5, 2011.

COUNCIL \_\_\_\_\_ offered and moved adoption of the following resolution:

**WHEREAS**, on September 14, 2011, the Municipal Council of the City of Jersey City passed and adopted a resolution authorizing the sale of certain public lands not needed for public use, by public sale to the highest bidder in accordance with N.J.S.A. 40A:12-13; and,

**WHEREAS**, notice of said sale was duly published as required by Law; and,

**WHEREAS**, in pursuance to said resolution such public sale was held in the Real Estate Office, Room B-10 City Hall, 280 Grove Street, Jersey City, New Jersey on Wednesday, October 5, 2011 at ten o'clock in the forenoon, local time; and,

**NOW THEREFORE BE IT RESOLVED**, by the Municipal Council of the City of Jersey City that the said sale of the following property is ratified, subject to any conditions or terms effecting the sale or reversionary deed, as the case may be,

**BE IT FURTHER RESOLVED**, that the said contract of sale, and deed may be executed by the authorized officials of the City of Jersey City.

<u>BLOCK</u>	<u>LOT(S)</u>	<u>LOCATION</u>	<u>PURCHASER</u>	<u>PRICE</u>
1476	27	44 Arlington Avenue	46 Arlington Realty, LLC 675 Garfield Avenue Jersey City, N.J. 07305	\$8,000.00

APPROVED: *Ann Marie Miller* APPROVED AS TO LEGAL FORM  
 Ann Marie Miller, Real Estate Manager  
 APPROVED: *Michael J. Kelly* \_\_\_\_\_  
 Business Administrator Corporation Counsel

02011187

Certification Required   
 Not Required  APPROVED 9-0

RECORD OF COUNCIL VOTE ON FINAL PASSAGE 10/12/11											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			AHMAD	✓		
DONNELLY	✓			FULOP	✓			VELAZQUEZ	✓		
LOPEZ	✓			RICHARDSON	✓			BRENNAN, PRES	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.  
*Peter M. Brennan* Peter M. Brennan, President of Council  
*Robert Byrne* Robert Byrne, City Clerk

# Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 11-694

Agenda No. 10. I

Approved: OCT 12 2011

TITLE:

**RESOLUTION AUTHORIZING THE SALE OF CITY PROPERTY  
NOT NEEDED FOR PUBLIC USE.**



**COUNCIL**  
following resolution:

**offered and moved adoption of the**

**WHEREAS**, the City of Jersey City (hereinafter referred to as the "City") is the Owner of the following properties; and,

**WHEREAS**, said properties are not needed for public use; and,

**WHEREAS**, the City is authorizing to sell any such properties by public sale to the highest bidder pursuant to N.J.S.A. 40A:12-13 et seq; and,

**WHEREAS**, it is in the best interest of the City that a public auction be held for such properties;

**NOW THEREFORE BE IT RESOLVED**, by the Municipal Council of the City of Jersey City that:

1. The properties listed below are hereby offered for public sale to the highest bidder at no less than the minimum price set forth herein, subject to the conditions hereinafter as set forth in the terms and conditions of a contract of sale to be executed by the parties, at the **Real Estate Office, Room B-10, City Hall, 280 Grove Street, Jersey City, New Jersey on Thursday, November 3, 2011 at 10:00 A.M. Sharp.**
2. **Room B-10, City Hall, 280 Grove Street, Jersey City, New Jersey on Thursday, November 3, 2011 at 10:00 A.M. Sharp.**
3. The sale shall be conducted by the Department of Administration, Real Estate Office of the City of Jersey City or by persons designated by the Business Administrator.
4. The sale shall be made subject to:
  - (a) such state of facts which an accurate survey may disclose;
  - (b) easements and restrictions of records, if any;
  - (c) tenancies, leaseholds, and rights of persons in possession;
  - (d) all federal, state, county and municipal laws, statutes, codes, ordinances, rules and regulations affecting the property, its use and occupation;
  - (e) riparian rights or claims;
  - (f) Certificate of Occupancy issued by the Division of Building.
4. The properties herein described, or any part thereof, are sold "as is" and without any representation or warranty, either expressed or implied, as to their present condition.
  - (a) Prospective purchasers are put on notice that the City's records as to any code violations may not be accurate or up to date and the City expressly makes no representations as to such violations.
  - (b) Purchasers will be given an opportunity to inspect the property prior to the auction to ascertain the condition of the property.
  - (c) It shall not be grounds to nullify the contract of sale if the purchaser discovers or is notified of any code violations after the sale.

**TITLE: RESOLUTION AUTHORIZING THE SALE OF CITY-OWNED  
PROPERTY NOT NEEDED FOR PUBLIC USE**

5. In the event that the State of New Jersey or any upland owner shall have any rights or claims on the land being sold herein by reason of a riparian interest or otherwise are to be paid for and borne by the purchaser, in addition to the sale price which is bid for said property.
6. All prospective purchasers are put on notice to consult the Water and Sewerage Department for existing facilities.
7. The purchase price for such properties shall be paid by any of the following methods:
  - (a) By payment to the City of Jersey City in cash, money order, bank check or certified check the full purchase price immediately after the conclusion of the bidding for a specific property.
  - (b) By payment to the City of Jersey City immediately after the conclusion of the bidding for a specific property twenty (20%) percent of the minimum bid price by cash, money order, bank check or certified check.
  - (c) If the purchaser fails to pay the additional deposit required within ten (10) days from the sale date, the initial deposit will be automatically forfeited.
  - (d) The balance of the purchase price is to be paid by certified check, money order or bank check within two (2) months of the date of Confirmation of Sale.
  - (e) If the purchaser fails to pay the balance of the purchase price within two (2) month time limit, the sale to the purchaser is automatically canceled and the deposit shall be forfeited.
8. Purchaser may at its option arrange for a report on title before closing. Within thirty (30) days after the confirmation of sale by the governing body, purchaser shall notify the City in writing of any defects of title which may render title unmarketable. Marketable title is defined herein to mean title which a title company authorized to do business in the State of New Jersey is willing to insure at regular rates. Upon confirmation of such notice, the City shall refund purchaser's entire purchase price without interest and neither party shall have any further obligation or claim under this contract. If the purchaser fails to notify the City in accordance with this paragraph, purchaser shall be deemed to have waived all objections to title.
9. Upon delivery of deed, the purchaser shall be entitled to make payment to the City for all real property taxes.

**TITLE: RESOLUTION AUTHORIZING THE SALE OF CITY-OWNED  
PROPERTY NOT NEEDED FOR PUBLIC USE.**

10. If purchaser fails to pay the purchase price when due or within a time as extended or fails to comply with any term of this contract, the Division of Real Estate may at its option rescind the contract or sue purchaser for any damages accruing or both. The City's failure to exercise any right or power arising out of purchaser's breach of this contract, shall not be deemed a waiver.
11. The highest bid shall be made subject to acceptance or rejection by the governing body, but the acceptance or rejection therefore shall be made not later than the second regular meeting of the governing body following the sale, and if the governing body shall fail or refuse to accept or reject the highest bid as afore said, the said bid shall be deemed to have been rejected. The City also reserves the right to reject all bids where the highest bid is not accepted upon notice to the highest bidder and hearing thereto.
12. **PLEASE TAKE NOTICE** that no employee, agent, officer body or subordinate body has any authority to waive, modify or amend any of the conditions of sale without the express approval of the governing body of the City.
13. No commissions shall be paid to any agent, representative or broker or the successful purchaser of any of the properties listed for sale by the City.
14. The prices set forth as minimum herein are merely upset prices and do not constitute market value or future assessments.

## TITLE:

**RESOLUTION AUTHORIZING THE SALE OF CITY-OWNED  
PROPERTY NOT NEEDED FOR PUBLIC USE.**

15. The City shall execute a Contract of Sale with any successful bidder upon terms and conditions consistent herewith and upon any additional terms and conditions which are necessary to effectuate the purposes herein and to secure the best interests of the City of Jersey City and its citizens, provided that any additional terms and conditions shall not be inconsistent with the terms and conditions of this resolution.
16. Additional Conditions of Sale.
  - (a) No sale shall be made to any person nor shall said person be permitted to bid who, prior to such sale, has purchased the property being sold or any other property from the City and has breached any of the conditions and terms of the purchase of property from the City.
  - (b) No person who was the previous owner of the property to be sold be permitted to bid for said property if the property was acquired by the City by reason of the non-payment of taxes or other municipal charges by such prior owner.
  - (c) No person shall be permitted to bid for any property to be sold by the City if that person is delinquent in the payment of taxes or other municipal charges on any other property which such person shall own in the City.
  - (d) No sale shall be made to any person who owns other property in the City regarding which properties there exists violations of the Property Maintenance Code and/or Uniform Construction Code, which violations have not been corrected at the time of the sale.
  - (e) **PLEASE TAKE NOTICE** all bidders, whether they be the actual prospective purchasers or agents of or representatives of the actual prospective purchasers, shall submit an affidavit, under oath, setting forth the following:
    - (i) That the actual purchaser is not a person who has previously breached a contract for the purchase of property from the City.
    - (ii) That the actual prospective purchaser is not the former owner from whom the City acquired the property to be sold or any other property by reason of the non-payment of taxes or other municipal charges.
    - (iii) That the actual prospective purchaser is not the owner of any other property in the City who is delinquent in the payment of taxes or other municipal charges on said other property.
    - (iv) That the actual prospective purchaser is not the owner of any other properties in the City regarding which there exists Violations of the Property Maintenance Code and/of Uniform Construction Code, which violations have not been corrected at the time of the sale.
    - (v) Such affidavit shall contain the address and block and lot numbers of all the properties the prospective purchaser owns in the City.

TITLE:

**RESOLUTION AUTHORIZING THE SALE OF CITY-OWNED  
PROPERTY NOT NEEDED FOR PUBLIC USE.**

- (f) Such affidavit shall be submitted to the officer conducting the sale prior to the commencement of the public auction of the particular parcel in which the prospective bidder is interested. Failure to submit said affidavit shall disqualify a bidder from participating in the public auction.
- (g) No sale to the highest bidder shall be confirmed by the Municipal Council, in the event an investigation and/or inspection reveals that the purchaser is a person who falls within the categories listed in paragraph 19 sub-section (a) through (f).
- (h) In the event a sale is confirmed by the Municipal Council and after the sale has been confirmed by the Municipal Council, it is discovered that the purchaser is a person who falls within the categories set forth in paragraph 19 sub-section (a) through (f) of this resolution, then the purchaser is placed on notice that the said confirmation of sale shall be rescinded by the Municipal Council.

All offers to bid shall be in increments of no less than one thousand dollars (\$1,000.00).

**SEE RIDER ATTACHED**

TITLE:

**RESOLUTION AUTHORIZING THE SALE OF CITY PROPERTY  
NOT NEEDED FOR PUBLIC USE.**

**VACANT LAND**

**THE FOLLOWING PROPERTY IS OFFERED UPON THE CONDITION  
THAT THE PURCHASER SHALL CLEAN AND GRADE THE LOT,  
REPAIR THE SIDEWALK IF NECESSARY, ERECT A FENCE AROUND  
THAT PART OF THE PERIMETER OF THE LOT WHICH FRONTS  
ANY PUBLIC STREET WITH AN ADJACENT PROPERTY OWNER, IN  
WHICH CASE THE HEIGHT SHALL BE THE SAME AS THE FENCING  
ON THEIR PROPERTY BUT IN NO CASE LESS THAT THREE (3) FEET  
IN HEIGHT.**

BLOCK	LOT	LOCATION	DESCRIPTION	SIZE	MINIMUM BID
2000	10.A	249 ARLINGTON AVENUE (landlocked)	VACANT LAND	130.11x163.14TRI.	\$ 7,000.00

APPROVED: Ann Marie Miller APPROVED AS TO LEGAL FORM  
Ann Marie Miller, Real Estate Manager

APPROVED: John Kelly Corporation Counsel  
Business Administrator

Certification Required

Not Required

APPROVED 9-0

RECORD OF COUNCIL VOTE ON FINAL PASSAGE											
10/12/11											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			AHMAD	✓		
DONNELLY	✓			FULOP	✓			VELAZQUEZ	✓		
LOPEZ	✓			RICHARDSON	✓			BRENNAN, PRES	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.

Peter M. Brennan  
Peter M. Brennan, President of Council

Robert Byrne  
Robert Byrne, City Clerk

# Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 11-695  
 Agenda No. 10.J  
 Approved: OCT 12 2011



TITLE:

**RESOLUTION AUTHORIZING THE EXTENSION OF TIME  
 TO CLOSE TITLE ON PROPERTY SOLD AT A PUBLIC  
 AUCTION, BLOCK 1975 LOT 3 LOCATION 465 MARTIN  
 LUTHER KING DRIVE.**

**COUNCIL**  
**following resolution:**

**offered and moved adoption of the**

**WHEREAS**, on May 11, 2011, the Municipal Council of the City of Jersey City passed and adopted a resolution authorizing the sale of public lands not needed for public use, by public sale, to the highest bidder in accordance with N.J.S.A. 40A:12-13; and

**WHEREAS**, notice of the sale was duly published as required by Law; and

**WHEREAS**, the public sale was held in the Assembly Chamber, City Hall, 280 Grove Street, Jersey City, New Jersey on June 8, 2011 at ten o'clock in the forenoon, local time; and

**WHEREAS**, Block 1975 Lot 3 Location 465 Martin Luther King Drive was conditionally sold for \$5,000.00 to: Family Collective Day Care, Inc., 453 Martin Luther King Drive, Jersey City, New Jersey, 07305; and

**WHEREAS**, the Municipal Council of the City of Jersey City adopted a resolution confirming the sale on June 15, 2011; and

**WHEREAS**, the balance of the purchase price is due at closing required to occur on or before August 15, 2011; and

**WHEREAS**, attached is a letter from Philip Carrington requesting an extension of time to close from August 15, 2011 to December 8, 2011; and

**WHEREAS**, a date of closing may be extended for good cause.

**NOW THEREFORE BE IT RESOLVED**, by the Municipal Council of the City of Jersey City that an extension of time to close on Block 1975 Lot 3 Location 465 Martin Luther King Drive from August 15, 2011 to December 8, 2011 is hereby approved.

**BE IT FURTHER RESOLVED**, that if the purchaser fails to close on the above mentioned property by December 8, 2011, the sale shall be automatically canceled and the deposit forfeited.

APPROVED: Ann Marie Miller  
 Ann Marie Miller, Real Estate Manager

APPROVED AS TO LEGAL FORM

APPROVED: [Signature]  
 Business Administrator

[Signature]  
 Corporation Counsel

Certification Required

Not Required

APPROVED 9-0

0201 178

RECORD OF COUNCIL VOTE ON FINAL PASSAGE											
10/12/11											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			AHMAD	✓		
DONNELLY	✓			FULOP	✓			VELAZQUEZ	✓		
LOPEZ	✓			RICHARDSON	✓			BRENNAN, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.

Peter M. Brennan  
 Peter M. Brennan, President of Council

Robert Byrne  
 Robert Byrne, City Clerk



REMARKABLE MOSSI YOUTH COUNCIL

## FAMILY COLLECTIVE DAY CARE CENTER

JERSEY CITY BEST & MOST ACCOUNTABLE ABBOTT PRE SCHOOL CENTERS  
453 Martin Luther King Drive, Jersey City, NJ 07305. Tele: 201-333-8077 Fax: 201-333-8072

Philip Carrington Founder/CEO

September 27, 2011

Peggy Rausch  
City Of Jersey City  
Real Estate Office  
280 Grove Street  
Jersey City NJ 07302

**RE: BLOCK 1974 LOT 3 ADDRESS 465 MARTIN LUTHER KING DRIVE**

Dear Ms. Rausch,

On June 8, 2011, we made a deposit to purchase the property Block 1975 Lot 3, commonly known as 465 Martin Luther King Drive, with the agreement to pay the balance by August 8, 2011. Unfortunately we have been unable to keep that commitment. We are requesting an extension of time to pay the balance by December 8, 2011.

Thank you in advanced for your anticipated cooperation.

Sincerely,

Philip Carrington

# Resolution of the City of Jersey City, N.J.

City Clerk: File No. Res. 11-277

Agenda No. 10-J

Approved: MAY 11 2011

TITLE:

**RESOLUTION AUTHORIZING THE SALE OF CITY PROPERTY  
NOT NEEDED FOR PUBLIC USE.**



**COUNCIL**  
**following resolution:**

**offered and moved adoption of the**

**WHEREAS**, the City of Jersey City (hereinafter referred to as the "City") is the Owner of the following properties; and

**WHEREAS**, said properties are not needed for public use; and

**WHEREAS**, the City is authorizing to sell any such properties by public sale to the highest bidder pursuant to N.J.S.A. 40A:12-13 et seq; and,

**WHEREAS**, it is in the best interest of the City that a public auction be held for such properties.

**NOW THEREFORE BE IT RESOLVED**, by the Municipal Council of the City of Jersey City that:

1. The properties listed below are hereby offered for public sale to the highest bidder at no less than the minimum price set forth herein, subject to the conditions hereinafter as set forth and subject to the terms and conditions of a contract of sale to be executed by the parties, at the **Assembly Chamber, City Hall, 280 Grove Street, Jersey City, New Jersey on Wednesday, June 8, 2011 at 10:00 A.M. in the forenoon.**
2. The sale shall be conducted by the Department of Administration, Real Estate Office of the City of Jersey City or by persons designated by the Business Administrator.
3. The sale shall be made subject to:
  - (a) such state of facts which an accurate survey may disclose;
  - (b) easements and restrictions of record, if any;
  - (c) tenancies, leaseholds, and rights of persons in possession;
  - (d) all federal, state, county and municipal laws, statutes, codes, ordinances, rules and regulations affecting the property, its use and occupation;
  - (e) riparian rights or claims;
  - (f) Certificate of Occupancy issued by the Division of Building.
4. The properties herein described, or any part thereof, are sold "as is" and without any representation or warranty, either expressed or implied, as to their present condition.
  - (a) Prospective purchasers are put on notice that the City's records as to any code violations may not be accurate or up to date and the City expressly makes no representations as to such violations.
  - (b) Purchasers will be given an opportunity to inspect the property prior to the auction to ascertain the condition of the property.
  - (c) It shall not be grounds to nullify the contract of sale if the purchaser discovers or is notified of any code violations after the sale.

R.B.  
5-4-11

02011072

TITLE: **RESOLUTION AUTHORIZING THE SALE OF CITY-OWNED  
PROPERTY NOT NEEDED FOR PUBLIC USE**

5. In the event that the State of New Jersey or any upland owner shall have any rights or claims on the land being sold herein by reason of a riparian interest or otherwise, such claims are to be paid for and borne by the purchaser, in addition to the sale price which is bid for said property.
6. All prospective purchasers are put on notice to consult the Water and Sewerage Department for existing facilities.
7. The purchase price for such properties shall be paid by any of the following methods:
  - (a) By payment to the City of Jersey City in cash, money order, bank check or certified check the full purchase price immediately after the conclusion of the bidding for a specific property.
  - (b) By payment to the City of Jersey City immediately after the conclusion of the bidding for a specific property ten (10%) percent of the minimum bid price by cash, money order, bank check or certified check and ten (10%) of the difference between the purchase price and the minimum price within ten (10) days of the sale date by certified check or money order.
  - (c) If the purchaser fails to pay the additional deposit required within ten (10) days from the sale date, the initial deposit will be automatically forfeited.
  - (d) The balance of the purchase price is to be paid by certified check, money order or bank check within two (2) months of the date of Confirmation of Sale.
  - (e) If the purchaser fails to pay the balance of the purchase price within two (2) month time limit, the sale to the purchaser is automatically canceled and the deposit shall be forfeited.
8. Purchaser may at its option arrange for a report on title before closing. Within thirty (30) days after the confirmation of sale by the governing body, purchaser shall notify the City in writing of any defects of title which may render title unmarketable. Marketable title is defined herein to mean title which a title company authorized to do business in the State of New Jersey is willing to insure at regular rates. Upon confirmation of such notice, the City shall refund purchaser's entire purchase price without interest and neither party shall have any further obligation or claim under this contract. If the purchaser fails to notify the City in accordance with this paragraph, purchaser shall be deemed to have waived all objections to title.
9. Upon conveyance of deed and notice of termination:
  - (a) Upon delivery of deed, the purchaser shall be entitled to receive all rents and profits from the property and shall be liable for and make payment to the City for all real property taxes, water and sewerage charges, or other assessments against said properties;
  - (b) The purchaser may not use the property as a residence either for him/herself, until he or she has **both**
    - (I) repaired, altered or improved the property so that it complies with the Jersey City Property Maintenance Code and Construction Code and any applicable State and Federal Codes; and,
    - (II) obtained either a temporary or permanent Certificate of Occupancy by the City of Jersey City Construction Official.

TITLE:

**RESOLUTION AUTHORIZING THE SALE OF CITY-OWNED  
PROPERTY NOT NEEDED FOR PUBLIC USE.**

10. Upon the date of delivery of deed to the purchaser, risk of loss or damages to the property by fire, storm, burglary, vandalism or other casualty shall be assumed by the purchaser, who shall be completely responsible therefore without any claim against the City. The purchaser shall not be released, by reason of any such loss or damage to the property from any obligation hereunder and shall at his/her own expense properly repair and restore same, without limiting the obligations of the purchaser hereunder, the proceeds of any insurance coverage provided by the purchaser, shall be made available to the purchaser for such repair or restoration. Further, from the date of contract of the sale the purchaser shall release the City from and shall covenant and agree that the City shall not be liable for and shall indemnify and hold the City harmless against any loss or damage to property or injury to or death defect in the property to be conveyed or, arising from any neglect of the City or any construction or rehabilitation performed on the property prior to the date of delivery of deed.
11. If purchaser fails to pay the purchase price when due or within a time as extended or fails to comply with any term of this contract, the Division of Real Estate may at its option rescind the contract or sue purchaser for any damages accruing or both. The City's failure to exercise any right or power arising out of purchaser's breach of this contract, shall not be deemed a waiver.
12. The highest bid shall be made subject to acceptance or rejection by the governing body, but the acceptance or rejection therefore shall be made not later than the second regular meeting of the governing body following the sale, and if the governing body shall fail or refuse to accept or reject the highest bid as afore said, the said bid shall be deemed to have been rejected. The City also reserves the right to reject all bids where the highest bid is not accepted upon notice to the highest bidder and hearing thereto.
13. **PLEASE TAKE NOTICE** that no employee, agent, officer body or subordinate body has any authority to waive, modify or amend any of the conditions of sale without the express approval of the governing body of the City.
14. No commissions shall be paid to any agent, representative or broker or the successful purchaser of any of the properties listed for sale by the City.
15. The prices set forth as minimums herein are merely upset prices and do not constitute market value or future assessments.

TITLE:

**RESOLUTION AUTHORIZING THE SALE OF CITY-OWNED  
PROPERTY NOT NEEDED FOR PUBLIC USE.**

16. The purchaser shall not assign or transfer the Contract of Sale, or any interest therein without the prior approval of the Municipal Council of the City of Jersey City, and such approval to assign to transfer shall be deemed to be an approval of a subsequent assignment or transfer. Any assignment or transfer without the approval shall be void and shall constitute a default and breach. No assignment of the Contract of Sale or any interest therein shall be made to any person prohibited from purchasing property from the City pursuant to paragraph 19 of this Resolution and Chapter 9 of the Jersey City Code. In the event of approval of an assignment of a Contract of Sale, the assignee of said contract shall comply with all the conditions of sale required under the terms and conditions of the sale.
17. The City or its duly authorized agents and inspectors shall have the right at all reasonable times to enter upon the property and to examine and inspect the property to determine compliance with the Resolution and the Contract of Sale, or to enforce any remedies in the event of default.
18. The City shall execute a Contract of Sale with any successful bidder upon terms and conditions consistent herewith and upon any additional terms and conditions which are necessary to effectuate the purposes herein and to secure the best interests of the City of Jersey City and its citizens, provided that any additional terms and conditions shall not be inconsistent with the terms and conditions of this resolution.
19. Additional Conditions of Sale.
  - (a) No sale shall be made to any person nor shall said person be permitted to bid who, prior to such sale, has purchased the property being sold or any other property from the City and has breached any of the conditions and terms of the purchase of property from the City.
  - (b) No person who was the previous owner of the property to be sold shall be permitted to bid for said property if the property was acquired by the City by reason of the non-payment of taxes or other municipal charges by such prior owner.
  - (c) No person shall be permitted to bid for any property to be sold by the City if that person is delinquent in the payment of taxes or other municipal charges on any other property which such person shall own in the City.
  - (d) No sale shall be made to any person who owns other property in the City regarding which properties there exists violations of the Property Maintenance Code and/or Uniform Construction Code, which violations have not been corrected at the time of the sale.

TITLE:

**RESOLUTION AUTHORIZING THE SALE OF CITY-OWNED  
PROPERTY NOT NEEDED FOR PUBLIC USE.**

- (e) PLEASE TAKE NOTICE all bidders, whether they be the actual prospective purchasers or agents of or representatives of the actual prospective purchasers, shall submit an affidavit, under oath, setting forth the following:
- (i) That the actual purchaser is not a person who has previously breached a contract for the purchase of property from the City.
  - (ii) That the actual prospective purchaser is not the former owner from whom the City acquired the property to be sold or any other property by reason of the non-payment of taxes or other municipal charges.
  - (iii) That the actual prospective purchaser is not the owner of any other property in the City who is delinquent in the payment of taxes or other municipal charges on said other property.
  - (iv) That the actual prospective purchaser is not the owner of any other properties in the City for which there are Violations of the Property Maintenance Code and/or the Uniform Construction Code, which violations have not been corrected at the time of the sale.
  - (v) Such affidavit shall contain the address and block and lot numbers of all the properties the prospective purchaser owns in the City.
- (f) Such affidavit shall be submitted to the officer conducting the sale prior to the commencement of the public auction of the particular parcel in which the prospective bidder is interested. Failure to submit said affidavit shall disqualify a bidder from participating in the public auction.
- (g) No sale to the highest bidder shall be confirmed by the Municipal Council, in the event an investigation and/or inspection reveals that the purchaser is a person who falls within the categories listed in paragraph 19 sub-section (a) through (f).
- (h) In the event a sale is confirmed by the Municipal Council and after the sale has been confirmed by the Municipal Council, it is discovered that the purchaser is a person who falls within the categories set forth in paragraph 19 sub-section (a) through (f) of this resolution, then the purchaser is placed on notice that the said confirmation of sale shall be rescinded by the Municipal Council.

TITLE:

**RESOLUTION AUTHORIZING THE SALE OF CITY-OWNED  
PROPERTY NOT NEEDED FOR PUBLIC USE.**

20. The City of Jersey City conveys this property to buyer so long as buyer rehabilitates the property in compliance with the Uniform Construction Code and the Property Maintenance Code. The buyer shall demonstrate compliance with the Uniform Construction Code and the Property Maintenance Code by obtaining a Certificate of Occupancy from the Construction Official. The Construction Official may issue a temporary Certificate of Occupancy for portions of the building provided such portions are in substantial compliance with code standards. Securing a temporary Certificate of Occupancy shall not however, constitute compliance with the conditions of sale. Upon receiving a deed, listed below is the period of time in which a purchaser shall have to repair, alter and improve the property.

**1 Unit Building -- 360 Days ( 12 Months )**

**2-5 Unit Building -- 450 Days ( 15 Months )**

**6 or More Units or Special Purpose Building -- 540 Days ( 18 Months )**

The City Council will not under any circumstances grant an extension of the rehabilitation period listed above.

21. **PLEASE TAKE NOTICE** the buyer shall not sell, convey or otherwise transfer the above described property until the buyer has rehabilitated the property in compliance with the other conditions of sale contained in the resolution. If the buyer (1) fails to make the required repairs within the time allotted in Paragraph 20, (2) sells or attempts to sell the property before making the required repairs, or (3) refuses access to City Officials seeking to inspect the property, title to the property shall automatically revert to and become vested in the City of Jersey City. The City Council shall upon the buyer's completion of all the terms and conditions of sale adopt a resolution stating such fact and shall remove from the deed the restriction against alienation.
22. The City of Jersey City's right of reversion is hereby subordinated to the mortgage of the buyer's lender specifically as follows: A transfer of title to such mortgagee pursuant to the mortgage will not be considered a condition activating the City of Jersey City's right of reversion. The express intent being that prior to reversion of title to the City of Jersey City, the mortgagee shall have the right to assume the obligations and duties of buyer set forth in this deed including the buyer's duty to make the required repairs within the number of days as set forth in the Council resolution authorizing the sale of property at public auction. The assumption of the duties and obligations of the buyer by the mortgagee shall not extend the time period for completion of repairs. The mortgagee's right to assume the duties and obligations of the buyer shall arise upon a default under the mortgage and/or upon a default under the terms and conditions of the City Council resolution authorizing the sale of this property at public auction.
23. All offers to bid shall be in increments of no less than one thousand dollars (\$1,000.00).

**SEE RIDER ATTACHED**

TITLE:

## VACANT LAND

THE FOLLOWING PROPERTIES ARE OFFERED FOR SALE UPON THE CONDITION THAT THE PURCHASER SHALL CLEAN AND GRADE THE LOT, REPAIR THE SIDEWALK IF NECESSARY, ERECT A FENCE AROUND THAT PART OF THE PERIMETER OF THE LOT WHICH FRONTS ANY PUBLIC STREET WITH A MINIMUM HEIGHT OF SIX (6) FEET, EXCEPT WHEN ACQUIRED BY AN ADJACENT PROPERTY OWNER IN WHICH CASE, THE HEIGHT SHALL BE THE SAME AS THE FENCING ON THEIR PROPERTY, BUT IN NO CASE LESS THAN THREE (3) FEET IN HEIGHT. ( THESE PROPERTIES ARE NOT SUBJECT TO PARAGRAPH 21 IN THIS RESOLUTION).

BLOCK	LOT(S)	LOCATION	DESCRIPTION	SIZE	MINIMUM BID
1329	14.A	183 DWIGHT STREET	VACANT LAND	27.58 X 102.10	\$15,000.00
1329	15.A	181 DWIGHT STREET	VACANT LAND	27.58 X 102.10	\$15,000.00
1329	17.A	179.5 DWIGHT STREET	VACANT LAND	27.39 X 102.10	\$15,000.00
1475	51	10 BIDWELL AVENUE	VACANT LAND	25 X 100	\$15,000.00
1476	27	44 ARLINGTON AVENUE	VACANT LAND	25 X 88.19 IRR.	\$ 8,000.00
1924	41	29 ASTOR PLACE	VACANT LAND	25 X 95	\$ 8,000.00
1975	3	465 MARTIN LUTHER KING DR	VACANT LAND	18 X 54 IRR.	\$ 5,000.00
2060	24 a/k/a/ E, 15, 16	717 GRAND STREET	VACANT LAND	84.15 X 52.15 IRR.	\$15,000.00
2081	41 a/k/a 1, 2	652 GRAND STREET	VACANT LAND	51.60 X 71 IRR.	\$15,000.00

City Clerk File No. Res. 11-277

Agenda No. 10.J

TITLE:

**RESOLUTION AUTHORIZING THE SALE OF CITY PROPERTY  
NOT NEEDED FOR PUBLIC USE.**

APPROVED: Ann Marie Miller APPROVED AS TO LEGAL FORM  
 Ann Marie Miller, Real Estate Manager

APPROVED: [Signature] [Signature]  
 Business Administrator Corporation Counsel

Certification Required

Not Required

APPROVED 8-1

RECORD OF COUNCIL VOTE ON FINAL PASSAGE 5/11/11											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			AHMAD	✓		
DONNELLY	✓			FULOP		✓		VELAZQUEZ	✓		
LOPEZ	✓			RICHARDSON	✓			BRENNAN, PRES	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.

Peter M. Brennan  
 Peter M. Brennan, President of Council

Robert Byrne  
 Robert Byrne, City Clerk

# Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 11-358  
 Agenda No. 10.V  
 Approved: JUN 15 2011



TITLE: **RESOLUTION CONFIRMING THE SALE OF CITY OWNED PROPERTY NOT NEEDED FOR PUBLIC USE, HELD ON WEDNESDAY, JUNE 8, 2011.**

COUNCIL offered and moved adoption of the following resolution:

**WHEREAS**, on May 11, 2011, the Municipal Council of the City of Jersey City passed and adopted a resolution authorizing the sale of certain public lands not needed for public use, by public sale to the highest bidder in accordance with N.J.S.A. 40A:12-13; and,

**WHEREAS**, notice of said sale was duly published as required by Law; and,

**WHEREAS**, in pursuance to said resolution such public sale was held in the Assembly Chamber, City Hall, 280 Grove Street, Jersey City, New Jersey on Wednesday, June 8, 2011 at ten o'clock in the forenoon, local time; and,

**NOW THEREFORE BE IT RESOLVED**, by the Municipal Council of the City of Jersey City that the said sale of the following property is ratified, subject to any conditions or terms effecting the sale or reversionary deed, as the case may be,

**BE IT FURTHER RESOLVED**, that the said contract of sale, and deed may be executed by the authorized officials of the City of Jersey City.

<u>BLOCK</u>	<u>LOT(S)</u>	<u>LOCATION</u>	<u>PURCHASER</u>	<u>PRICE</u>
1329	14.A	183 Dwight Street	Akram Qaiser 200 Grand Street Jersey City, N.J. 07302	\$15,000.00
1329	15.A	181 Dwight Street	Akram Qaiser 200 Grand Street Jersey City, N.J. 07302	\$15,000.00
1329	17.A	179.5 Dwight Street	Akram Qaiser 200 Grand Street Jersey City, N.J. 07302	\$15,000.00
1475	51	10 Bidwell Avenue	Akram Qaiser 200 Grand Street Jersey City, N.J. 07302	\$15,000.00
1924	41	29 Astor Place	Cambridge Hilltop, LLC 192 Christopher Columbus Dr. Jersey City, N.J. 07302	\$21,000.00
1975	3	465 Martin Luther King Dr.	Family Collective Day Care, Inc. 453 Martin Luther King Dr. Jersey City, N.J. 07304	\$ 5,000.00
2060	24 a/k/a E, 15, 16	717 Grand Street	Mecca Realty Properties II 580 Marra Blvd. Jersey City, N.J. 07310	\$72,000.00
2081	41 a/k.a 1, 2	652 Grand Street	B.J. Power, LLC 59 South Glen Road Kinnelon, N.J. 07405	\$52,000.00

City Clerk File No. Res. 11-358

Agenda No. 10.V JUN 15 2011

TITLE:

RESOLUTION CONFIRMIN THE SALE OF CITY-OWNED  
PROPERTY NOT NEEDED FOR PUBLIC USE HELD ON  
WEDNESDAY, JUNE 8, 2011.

APPROVED: Ann Marie Miller  
Ann Marie Miller, Real Estate Manager

APPROVED AS TO LEGAL FORM

APPROVED: [Signature]  
Business Administrator

[Signature]  
Corporation Counsel

Certification Required

Not Required

APPROVED 7-0

RECORD OF COUNCIL VOTE ON FINAL PASSAGE											
				6/15/11							
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			AHMAD		ABSENT	
DONNELLY		ABSENT		FULOP	✓			VELAZQUEZ	✓		
LOPEZ	✓			RICHARDSON	✓			BRENNAN, PRES	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.

[Signature]  
Peter M. Brennan, President of Council

[Signature]  
Robert Byrne, City Clerk

# Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 11-696

Agenda No. 10.K

Approved: OCT 12 2011

TITLE:



**RESOLUTION OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY  
AUTHORIZING THE BUSINESS ADMINISTRATOR TO EXECUTE A PARTIAL  
RELEASE OF THE BLANKET MORTGAGE FOR CITY LINES PROPERTIES,  
LLC AND SUBSTITUTE AN INDIVIDUAL MORTGAGE FOR CERTAIN  
AFFORDABLE HOUSING UNITS AFFECTING PROPERTY KNOWN AS 1201-  
1207 SUMMIT AVENUE**

**COUNCIL**  
resolution:

offered and moved adoption of the following

**WHEREAS**, the properties located at 1201-1217 Summit Avenue were acquired to effectuate the construction of forty-five (45) residential condominium units and 2,332 square feet of commercial space on the ground floor of the project known as the Summit Heights of Jersey City Condominium; and

**WHEREAS**, on December 15, 2008, City Lines Properties, LLC (City Lines) executed a blanket mortgage with the City of Jersey City (City) in the amount of \$2,760,000.00, recorded on December 18, 2008 in the Hudson County Register's Office in Mortgage Book 17234 at page 1067; and

**WHEREAS**, the blanket mortgage to the City was to secure City Lines' obligation to construct and maintain 15 of the 45 residential condominium units as low/moderate affordable income housing for a minimum period of thirty (30) years; and

**WHEREAS**, the lots were consolidated and the property is now designated as Block 897, Lot 10 and the residential units have been sold to individual purchasers; and

**WHEREAS**, the City at the request of City Lines has agreed to release each unit from the Blanket Mortgage, provided that each individual unit owner executes an Affordable Housing Trust Fund Mortgage and/or New Construction Mortgage and Notes in the sum of \$133,333.00, in favor of the City and these documents are recorded with the Hudson County Register's Office and are substituted as a lien affecting the individual units; and

**WHEREAS**, the City has been provided with an Affordable Housing Trust Fund Second Mortgage in the amount of \$133,333.00 for Unit #212, executed by Elizabeth Castillo on December 23, 2010, and recorded on January 7, 2011 in Mortgage Book 17637, at page 771; and

**WHEREAS**, the Affordable Housing Trust Fund Second Mortgage maintains the affordability controls on Unit #212 for thirty (30) years.

**NOW THEREFORE, BE IT RESOLVED**, by the Municipal Council of the City of Jersey City that:

- 1.) The Mayor or Business Administrator is hereby authorized to execute a Partial Mortgage Discharge for City Lines Properties, LLC from the City's Blanket Mortgage subject to the recordation of the substitute Affordable Housing Trust Fund Second Mortgage in the amount of \$133,333.00 for Unit #212;

02011170

TITLE:

**RESOLUTION OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY AUTHORIZING THE BUSINESS ADMINISTRATOR TO EXECUTE A PARTIAL RELEASE OF THE BLANKET MORTGAGE FOR CITY LINES PROPERTIES, LLC AND SUBSTITUTE AN INDIVIDUAL MORTGAGE FOR CERTAIN AFFORDABLE HOUSING UNITS AFFECTING PROPERTY KNOWN AS 1201-1207 SUMMIT AVENUE**

- 2.) The Mayor or Business Administrator is authorized to execute any other documents appropriate or necessary to effectuate the purposes of the within resolution; and
- 3.) All documents shall be subject to approval by the Corporation Counsel.

IW/cw  
09/29/11

APPROVED: \_\_\_\_\_

APPROVED AS TO LEGAL FORM \_\_\_\_\_

APPROVED: *J. Kelly*  
Business Administrator

\_\_\_\_\_  
Corporation Counsel

Certification Required

Not Required

APPROVED 9-0

RECORD OF COUNCIL VOTE ON FINAL PASSAGE											
10/12/11											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			AHMAD	✓		
DONNELLY	✓			FULOP	✓			VELAZQUEZ	✓		
LOPEZ	✓			RICHARDSON	✓			BRENNAN, PRES	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.

*Peter M. Brennan*  
Peter M. Brennan, President of Council

*Robert Byrne*  
Robert Byrne, City Clerk

# Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 11-697  
 Agenda No. 10.L  
 Approved: OCT 12 2011



TITLE:

## RESOLUTION AUTHORIZING THE BUSINESS ADMINISTRATOR TO EXECUTE A DISCHARGE OF MORTGAGE AFFECTING 301 CLAREMONT AVENUE, JERSEY CITY A/K/A BLOCK 1780, LOT 37

**COUNCIL** resolution: \_\_\_\_\_ offered and moved adoption of the following resolution:

**WHEREAS**, on May 26, 2004, Regina Thomas (Borrower) executed a mortgage in favor of the City of Jersey City (City) to secure the City's loan to her in the amount of \$5,666.00 made under the HORP Program; and

**WHEREAS**, the loan was made for the purpose of making home improvements for a low or moderate income family and it self-amortizes over five (5) years provided the homeowner resides in the property and does not sell the property; and

**WHEREAS**, the mortgage affects property known as 301 Claremont Avenue, Jersey City, also known as Lot 37 in Block 1780; and

**WHEREAS**, five (5) years have passed since the loan was made and the City is obligated to execute a Discharge of Mortgage to remove the mortgage from the public record.

**NOW, THEREFORE, BE IT RESOLVED**, that the Business Administrator is authorized to execute a Discharge of Mortgage of Regina Thomas dated May 26, 2004, in the sum of \$5,666.00 affecting 301 Claremont Avenue, Jersey City, also known as Block 1780, Lot 37.

IW/cw  
09/28/11

APPROVED: \_\_\_\_\_

APPROVED AS TO LEGAL FORM

APPROVED: *[Signature]*  
Business Administrator

*[Signature]*  
Corporation Counsel

Certification Required

Not Required

0 2 0 1 1 7 4

APPROVED 9-0

RECORD OF COUNCIL VOTE ON FINAL PASSAGE											
10/12/11											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			AHMAD	✓		
DONNELLY	✓			FULOP	✓			VELAZQUEZ	✓		
LOPEZ	✓			RICHARDSON	✓			BRENNAN, PRES	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.

*[Signature]*  
Peter M. Brennan, President of Council

*[Signature]*  
Robert Byrne, City Clerk

# Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 11-698  
 Agenda No. 10.M  
 Approved: OCT 12 2011



TITLE:

**RESOLUTION AUTHORIZING THE BUSINESS ADMINISTRATOR  
 TO EXECUTE A DISCHARGE OF MORTGAGE AFFECTING  
 244 COLUMBIA AVENUE, JERSEY CITY A/K/A BLOCK 907, LOT 4**

**COUNCIL** offered and moved adoption of the following resolution:

**WHEREAS**, on June 13, 2002, Wiclawia and Ryszard Klimczuk (Borrowers) executed a mortgage in favor of the City of Jersey City (City) to secure the City's loan to them in the amount of \$2,750 made under the HORM Program; and

**WHEREAS**, the loan was made for the purpose of making home improvements for a low or moderate income family and it self-amortizes over five (5) years provided the homeowners reside in the property and do not sell the property; and

**WHEREAS**, the mortgage affects property known as 244 Columbia Avenue, Jersey City, also known as Lot 4 in Block 907; and

**WHEREAS**, five (5) years have passed since the loan was made and the City is obligated to execute a Discharge of Mortgage to remove the mortgage from the public record.

**NOW, THEREFORE, BE IT RESOLVED**, that the Business Administrator is authorized to execute a Discharge of Mortgage of Wiclawia and Ryszard Klimczuk dated June 13, 2002, in the sum of \$2,750 affecting 244 Columbia Avenue, Jersey City, also known as Block 907, Lot 4.

IW/cw  
10/3/11

APPROVED: \_\_\_\_\_  
 APPROVED: *[Signature]*  
 Business Administrator

APPROVED AS TO LEGAL FORM \_\_\_\_\_  
 \_\_\_\_\_  
 Corporation Counsel

02011173

Certification Required   
 Not Required

APPROVED 9-0

RECORD OF COUNCIL VOTE ON FINAL PASSAGE											
10/12/11											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			AHMAD	✓		
DONNELLY	✓			FULOP	✓			VELAZQUEZ	✓		
LOPEZ	✓			RICHARDSON	✓			BRENNAN, PRES	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.

*[Signature]*  
 Peter M. Brennan, President of Council

*[Signature]*  
 Robert Byrne, City Clerk

# Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 11-699

Agenda No. 10.N

Approved: OCT 12 2011

TITLE:



**RESOLUTION AUTHORIZING THE BUSINESS ADMINISTRATOR  
TO EXECUTE A DISCHARGE OF MORTGAGE AFFECTING  
95.5 ORIENT AVENUE, JERSEY CITY A/K/A BLOCK 1984, LOT W.69**

**COUNCIL** offered and moved adoption of the following resolution:

**WHEREAS**, on May 21, 2002, Irabell Hendon (Borrower) executed a mortgage in favor of the City of Jersey City (City) to secure the City's loan to her in the amount of \$199.50 made under the HORM Program; and

**WHEREAS**, the loan was made for the purpose of making home improvements for a low or moderate income family and it self-amortizes over five (5) years provided the homeowner resides in the property and does not sell the property; and

**WHEREAS**, the mortgage affects property known as 95.5 Orient Avenue, Jersey City, also known as Lot W.69 in Block 1984; and

**WHEREAS**, five (5) years have passed since the loan was made and the City is obligated to execute a Discharge of Mortgage to remove the mortgage from the public record.

**NOW, THEREFORE, BE IT RESOLVED**, that the Business Administrator is authorized to execute a Discharge of Mortgage of Irabell Hendon dated May 21, 2002, in the sum of \$199.50 affecting 95.5 Orient Avenue, Jersey City, also known as Block 1984, Lot W.69.

IW/cv  
10/3/11

APPROVED: \_\_\_\_\_

APPROVED AS TO LEGAL FORM

APPROVED: *J. Lally*  
Business Administrator

*[Signature]*  
Corporation Counsel

0 2 0 1 1 1 7 2

Certification Required   
Not Required

APPROVED 9-0

RECORD OF COUNCIL VOTE ON FINAL PASSAGE											
				10/12/11							
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			AHMAD	✓		
DONNELLY	✓			FULOP	✓			VELAZQUEZ	✓		
LOPEZ	✓			RICHARDSON	✓			BRENNAN, PRES	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.

*Peter M. Brennan*  
Peter M. Brennan, President of Council

*Robert Byrne*  
Robert Byrne, City Clerk

# Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 11-700  
 Agenda No. 10.0  
 Approved: OCT 12 2011



TITLE:

## RESOLUTION AUTHORIZING THE BUSINESS ADMINISTRATOR TO EXECUTE A DISCHARGE OF MORTGAGE AFFECTING 83 UNION STREET, JERSEY CITY A/K/A BLOCK 1970, LOT H

**COUNCIL** offered and moved adoption of the following resolution:

**WHEREAS**, on March 12, 2002, Sandra Johnson (Borrower) executed a mortgage in favor of the City of Jersey City (City) to secure the City's loan to her in the amount of \$7,500 made under the HORP Program; and

**WHEREAS**, the loan was made for the purpose of making home improvements for a low or moderate income family and it self-amortizes over five (5) years provided the homeowner resides in the property and does not sell the property; and

**WHEREAS**, the mortgage affects property known as 83 Union Street, Jersey City, also known as Lot H in Block 1970; and

**WHEREAS**, five (5) years have passed since the loan was made and the City is obligated to execute a Discharge of Mortgage to remove the mortgage from the public record.

**NOW, THEREFORE, BE IT RESOLVED**, that the Business Administrator is authorized to execute a Discharge of Mortgage of Sandra Johnson dated March 12, 2002, in the sum of \$7,500 affecting 83 Union Street, Jersey City, also known as Block 1970, Lot H.

IW/cw  
10/3/11

APPROVED: \_\_\_\_\_

APPROVED AS TO LEGAL FORM

APPROVED: \_\_\_\_\_

Business Administrator

Corporation Counsel

Certification Required

Not Required

02011171

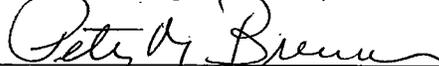
APPROVED 9-0

RECORD OF COUNCIL VOTE ON FINAL PASSAGE											
				10/12/11							
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			AHMAD	✓		
DONNELLY	✓			FULOP	✓			VELAZQUEZ	✓		
LOPEZ	✓			RICHARDSON	✓			BRENNAN, PRES	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.

  
 \_\_\_\_\_  
 Peter M. Brennan, President of Council

  
 \_\_\_\_\_  
 Robert Byrne, City Clerk

# Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 11-701  
 Agenda No. 10.P  
 Approved: OCT 12 2011



TITLE:

RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT OF INDEMNIFICATION  
 AND AUTHORIZING THE RISK MANAGER TO ISSUE A LETTER OF INSURANCE

COUNCIL OFFERED AND MOVED

ADOPTION OF THE FOLLOWING RESOLUTION:

WHEREAS, the week of October 9 to October 15, 2011 is National Fire Prevention Week;

WHEREAS, the Jersey City Fire Department presents displays and demonstrations to educate the public in fire prevention programs; and

WHEREAS, the Newport Mall and the Hudson Mall have the best facilities to reach the largest number of citizens; and

WHEREAS, the Newport Mall and the Hudson Mall require indemnification and letter of insurance from the City; and

WHEREAS, the agreement will specify the City's responsibilities to the owners of the facilities, including an indemnification and hold harmless clause in which the owner cannot be held liable for injuries received by participants in these programs or for damage to the facilities, so

THEREFORE BE IT RESOLVED by the Municipal Council of the City of Jersey City that,

APPROVED: *Armando Roman*  
 Armando Roman, Fire Director  
 Fire and Emergency Services

APPROVED: \_\_\_\_\_  
 APPROVED: *J. M. L...*  
 Business Administrator

APPROVED AS TO LEGAL FORM  
*Paul Reddy*  
 Asst. Corporation Counsel

Certification Required   
 Not Required

APPROVED 9-0

RECORD OF COUNCIL VOTE ON FINAL PASSAGE											
10/12/11											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			AHMAD	✓		
DONNELLY	✓			FULOP	✓			VELAZQUEZ	✓		
LOPEZ	✓			RICHARDSON	✓			BRENNAN, PRES	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.

*Peter M. Brennan* *Robert Byrne*  
 Peter M. Brennan, President of Council Robert Byrne, City Clerk

# Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 11-702

Agenda No. 10.0

Approved: OCT 12 2011



**TITLE: RESOLUTION AUTHORIZING THE EXTENSION OF TIME TO CLOSE TITLE ON PROPERTY SOLD AT PUBLIC AUCTION, BLOCK 1924 LOT 41 LOCATION 29 ASTOR PLACE.**

**COUNCIL offered and moved adoption of the following resolution:**

**WHEREAS**, on May 11, 2011, the Municipal Council of the City of Jersey City passed and adopted a resolution authorizing the sale of certain public lands not needed for public use, by public sale, to the highest bidder in accordance with N.J.S.A. 40A:12-13; and

**WHEREAS**, notice of said sale was duly published as required by Law; and

**WHEREAS**, the public sale was held in the Assembly Chamber, City Hall, 280 Grove Street, Jersey City, New Jersey on June 8, 2011 at ten o'clock in the forenoon, local time; and

**WHEREAS**, Block 1924 Lot 41, Location 29 Astor Place was conditionally sold for \$21,000.00, to: Cambridge Hilltop, LLC, 192 Christopher Columbus Drive, Jersey City, New Jersey 07302; and

**WHEREAS**, the Municipal Council of the City of Jersey City adopted a resolution confirming the sale on June 15, 2011; and

**WHEREAS**, the balance of the purchase price was due at closing required to occur on or before August 15, 2011; and

**WHEREAS**, attached is a letter from Robert T. Brescia, attorney for the purchaser, requesting an extension to close on the above mentioned property due to title problems; and

**WHEREAS**, a date of closing may be extended for good cause.

**NOW THEREFORE BE IT RESOLVED**, by the Municipal Council of the City of Jersey City that an extension of time, to close on Block 1924 Lot 41 Location 29 Astor Place from August 15, 2011 to December 15, 2011 is hereby approved.

**BE IT FURTHER RESOLVED**, that if the purchaser fails to close on the above mentioned property by December 15, 2011, the sale shall be automatically canceled and the deposit forfeited.

APPROVED: Ann Marie Miller  
Ann Marie Miller, Real Estate Manager

APPROVED AS TO LEGAL FORM

APPROVED: Jim Cell  
Business Administrator

[Signature]  
Corporation Counsel

0 2 0 1 1 1 7 7

Certification Required   
Not Required

APPROVED 9-0

RECORD OF COUNCIL VOTE ON FINAL PASSAGE											
				10/12/11							
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			AHMAD	✓		
DONNELLY	✓			FULOP	✓			VELAZQUEZ	✓		
LOPEZ	✓			RICHARDSON	✓			BRENNAN, PRES	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.

Peter M. Brennan  
Peter M. Brennan, President of Council

Robert Byrne  
Robert Byrne, City Clerk



**ROBERT T. BRESCIA**  
Attorney At Law

September 22, 2011

VIA FACSIMILE (201) 547-5711

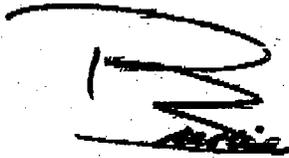
Jersey City Division Of Real Estate  
280 Grove St.  
Jersey City, New Jersey 07302  
Attention: Peggy

**RE: 29 Astor Place**  
Jersey City New Jersey

Dear Peggy:

The title binder previously forwarded to you under separate cover disclosed exceptions to be resolved by the seller prior to closing. Please have the exceptions addressed and extend the closing date.

Very truly yours,



**ROBERT T. BRESCIA**

RTB/rb  
cc: Arthur Pronti

Document3

591 Summit Avenue, Suite 600  
Jersey City, New Jersey 07306-2709

T: +1 (201) 656-1151 F: +1 (201) 656-3969  
E: robert.brescia@brescialaw.com W: www.brescialaw.com

# Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 11-703

Agenda No. 10.R

Approved: OCT 12 2011

TITLE:



**RESOLUTION TO AUTHORIZE SUBMISSION OF AN APPLICATION TO THE U.S. DEPARTMENT OF TRANSPORTATION 2011 NATIONAL INFRASTRUCTURE INVESTMENTS (TIGER III DISCRETIONARY GRANT PROGRAM) AND URGE THE U.S. DEPARTMENT OF TRANSPORTATION TO FUND THE JERSEY AVENUE EXTENSION PROJECT IN THE CITY OF JERSEY CITY, COUNTY OF HUDSON, STATE OF NEW JERSEY**

**COUNCIL** offered and moved adoption of the following resolution:

**WHEREAS**, the City of Jersey City is pursuing funding from the U.S. Department of Transportation 2011 National Infrastructure Investments (TIGER Discretionary Grant program) for the extension of Jersey Avenue over Mill Creek; and

**WHEREAS**, the City is requesting \$18,400,000 from the TIGER 3 Capital Grant Program; and

**WHEREAS**, the completion of this "missing link" would greatly improve traffic circulation and emergency vehicle access between the Jersey City Medical Center, Liberty State Park, and other Jersey City downtown neighborhoods; and

**WHEREAS**, this project will have a positive and long-term impact for the city by creating a safer transportation system, promoting economic competitiveness in the region, fostering livable, sustainable and healthy communities; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Municipal Council of the City of Jersey City, formally approves the application to the U.S. Department of Transportation for the above stated project and urge the United States Department of Transportation to approve this critically important project among the next TIGER Discretionary Grant Program; and

**BE IT FURTHER RESOLVED**, that the Mayor and/or Business Administrator, and Clerk of the City of Jersey City, County of Hudson, State of New Jersey are hereby authorized to submit the final application through Grants.gov by October 31, 2011 by 5:00 p.m. EDT.

**BE IT FURTHER RESOLVED**, that copy of this resolution be forwarded to the Honorable Ray LaHood, Secretary, United States Department of Transportation, 1200 New Jersey Ave SE, Washington, DC 20590.

TITLE:

**RESOLUTION TO AUTHORIZE SUBMISSION OF AN APPLICATION TO THE U.S. DEPARTMENT OF TRANSPORTATION 2011 NATIONAL INFRASTRUCTURE INVESTMENTS (TIGER III DISCRETIONARY GRANT PROGRAM) AND URGE THE U.S. DEPARTMENT OF TRANSPORTATION TO FUND THE JERSEY AVENUE EXTENSION PROJECT IN THE CITY OF JERSEY CITY, COUNTY OF HUDSON, STATE OF NEW JERSEY**

**BE IT FURTHER RESOLVED**, that the Mayor and/or Business Administrator, and Clerk of the City of Jersey City, County of Hudson, State of New Jersey are hereby authorized to sign the grant agreement on behalf of the City of Jersey City and that their signatures constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement and establish an account for the grant.

Certified as a true copy of the Resolution adopted by Council,

On this \_\_\_\_\_ day of \_\_\_\_\_, 2011

\_\_\_\_\_  
City 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.

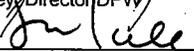
ATTEST and AFFIX SEAL

\_\_\_\_\_  
City Clerk  
Robert Byrne

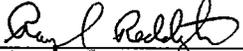
\_\_\_\_\_  
Presiding Officer  
Jerramiah T. Healy, Mayor of Jersey City

 10/5/11  
\_\_\_\_\_  
Chuck F. Lee, P.E. City Engineer

APPROVED:  10/5/11  
Rodney Hadley, Director DPW

APPROVED:   
John Kelly, Business Administrator

APPROVED AS TO LEGAL FORM

  
\_\_\_\_\_  
Asst. Corporation Counsel

Certification Required

Not Required

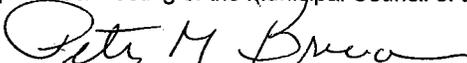
APPROVED 9-0

RECORD OF COUNCIL VOTE ON FINAL PASSAGE 10/12/11											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			AHMAD	✓		
DONNELLY	✓			FULOP	✓			VELAZQUEZ	✓		
LOPEZ	✓			RICHARDSON	✓			BRENNAN, PRES	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.

  
\_\_\_\_\_  
Peter M. Brennan, President of Council

  
\_\_\_\_\_  
Robert Byrne, City Clerk

**RESOLUTION FACT SHEET**

This summary sheet is to be attached to the front of any resolution, cooperation agreement or contract that is submitted for Council consideration. Incomplete or sketchy summary sheets will be returned with the resolution. The department, division or agency responsible for the overall implementation of the proposed project or program should provide a concise and accurate statement of facts.

**1. Full Title of Resolution Agreement:**

**RESOLUTION TO AUTHORIZE SUBMISSION OF AN APPLICATION TO THE U.S. DEPARTMENT OF TRANSPORTATION 2011 NATIONAL INFRASTRUCTURE INVESTMENTS (TIGER III DISCRETIONARY GRANT PROGRAM) AND URGE THE U.S. DEPARTMENT OF TRANSPORTATION TO FUND THE JERSEY AVENUE EXTENSION PROJECT IN THE CITY OF JERSEY CITY, COUNTY OF HUDSON, STATE OF NEW JERSEY**

**2. Name and Title of Person Initiating the Resolution:**

Chuck F. Lee, P.E. City Engineer

**3. Concise Description of the Program, Project or Plan Proposed in the Resolution:**

The USDOT issued federal announcement of funding availability for the 2011 Transportation Investment Generating Economic Recovery program (TIGER III). The City is pursuing funding to be used for the Jersey Avenue Extension project over Mill Creek.

**4. Reasons (Need) for the Proposed Program, project, etc:**

The Jersey Avenue Extension over Mill Creek has been in the study and planning stages for many years. Funding by the USDOT and award of a TIGER Discretionary Grant will make possible the critical improvements to the roadway and bridge over Mill Creek.

**5. Anticipated Benefits to the Community:**

The implementation of this program will incorporate many benefits to the local community, the state and national interest. The main objectives for award will be based on the TIGER III project and the ability to improve upon the existing transportation facilities, economic competitiveness, livability, environmental sustainability, safety and job-creation. The long overdue and critical improvement of transportation access and infrastructure improvements of the Jersey Avenue Extension over Mill Creek will succeed in the stabilization and economic growth of the area. Notably this will provide the creation of a direct emergency route from Liberty State Park to the state designated Trauma Center. It will allow for greater economic opportunity and interests to the City for the tourist destinations within Liberty State Park.

**6. Cost of Proposed Program, etc. (Indicate the dollar amount of City, State and Federal Funds to be used, as well as match and in-kind contributions):**

Total Engineer's Estimate: \$25,225,000.00  
Total Amount Requested: \$18,400,000.00  
Estimated Cost to City: \$6,825,000.00

**7. Date Proposed Program or Project will Commence:**

The USDOT ability to obligate funds for the TIGER Discretionary Grant expires September 30, 2013. The City will be notified upon approval of proposed project.

**8. Anticipated Completion Date:**

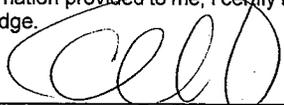
TBD :

**9. Person Responsible for Coordinating Proposed Program, Project, etc.:**

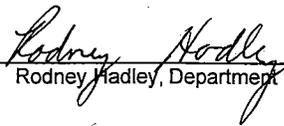
Chuck F. Lee                      201-547-4413                      \_\_\_\_\_  
NAME                                      TELEPHONE                                      EVENING

**10. Additional Comments:**

Based on the information provided to me, I certify that all the Facts Presented Herein are Accurate to the best of my knowledge.

  
Chuck F. Lee, Division Director

10/5/11  
Date

  
Rodney Hadley, Department Director

10/5/11  
Date

**United States Department of Transportation  
 Transportation Investment Generating Economic Recovery  
 TIGER 3 Pre-Application (GRANTS.gov)**

**Jersey Avenue Extension  
 Pre-Application**

**City of Jersey City,  
 Hudson County,  
 New Jersey**

**September 2011**

<b>Applicant Information</b>		
1	DUNS	831438275
2	Applicant Organization Name	City of Jersey City
3	Point of Contact First Name/M/Last Name	Chuck F. Lee, PE, City Engineer, City of Jersey City
4	Applicant Contact Street Address	575 Route 440
	Applicant Contact City	Jersey City
5	Applicant Contact State	New Jersey
6	Applicant Contact Zip	07305
7	Applicant Contact Business Phone Number	201-547-4413
8	Phone Extension	NA
9	Applicant Contact Business E-mail	CLee@jcnj.org
10	Eligible Category of the Applicant	Local Government
11	If other, describe your organization	NA
12	Co-Applicant Organization Name	NA
13	Co-Applicant Type	NA
<b>Project Information</b>		
1	Project Name	Jersey Avenue Extension
2	Project Description	The project includes the following: 1 - Construction/Extension of Jersey Avenue between Grand Street and Johnston Avenue/Audrey Zapp Drive into Liberty State Park 2 - Construction of a new bridge for vehicles, pedestrians and bicyclists over Mill Creek
3	Have you submitted a TIGER I or TIGER II application for this project in the past?	Yes/Different
4	Total Amount of TIGER funds requested	\$18,400,000
5	Total amount of non-Federal funds committed to the project	\$6,825,000
6	Total Project Cost	\$25,225,000
7	Cities Impacted by Proposed Project	Jersey City
8	Counties Impacted by Proposed Project	Hudson County
9	Is the Project Multimodal?	Yes - Vehicular, Pedestrian, Bicycle
10	Primary Project Type	Road & Bridge
11	Secondary Project Type	Bicycle & Pedestrian
12	Additional Project Type Information	NA

13	Is any segment of the project located in a census designated Urbanized Area?	Yes
14	Is any segment of this project located in an Economically Distressed Area as defined under 42 U.S.C.. 3161 301(a)?	Yes
15	Federal Wedge Rate Certification	Yes
16	NEPA Status	CE Expected
17	NEPA Comment	All clearances and permits required for the NEPA process are being obtained from the US Army Corps of Engineers, US Coast Guard, National Oceanic & Atmospheric Administration, NJ Department of Environmental Protection, NJ Department of Agriculture and the Hudson-Essex and Passaic Soil Conservation District.
18	Is this project funded with at least 20% in non-Federal funds?	Yes
19	Project Start Location Latitude	40.7165
20	Project Start Location Longitude	-74.0489
21	Project End Location Latitude	40.7099
22	Project End Location Longitude	-74.0520
23	Is the project included in the relevant STIP and TIP plans?	NA
24	If no, anticipated date of inclusion in relevant STIP and TIP plans is:	NA
25	Will the project require right of way acquisition before construction can begin?	No
26	If yes, anticipated date of acquisition is:	NA
27	Will this project require additional design before construction can begin?	Yes
28	If yes, anticipated date of design completion is:	September 10, 2012
29	Will this project require approval of any additional plans and/or certifications before construction can begin?	No
30	If yes, anticipated date of plans and/or certification approval(s):	NA
31	Will this project be ready for construction by 30 June 2013?	Yes
32	On what date will all segments of this project be ready for construction?	January 31, 2013
33	Primary Proposed Project State	New Jersey
34	Primary Congressional District	13
35-40	Additional Project States	NA
41-50	Add Additional Congressional Districts	NA
	20% matching funds comment	Jersey City will adopt a bond ordinance for their 20% share of the project cost or obtain funding from other sources.

number in the search field on the home page.

Donald W. Eiss,  
*Acting Chair, Trade Policy Staff Committee.*  
 [FR Doc. 2011-20481 Filed 8-11-11; 8:45 am]  
 BILLING CODE 3190-W1-P

**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary of Transportation**

[Docket No. DOT-OST-2011-0107]

**Notice of Funding Availability for the Department of Transportation's National Infrastructure Investments Under the Full-Year Continuing Appropriations, 2011; and Request for Comments**

**AGENCY:** Office of the Secretary of Transportation, DOT.

**ACTION:** Notice of Funding Availability, Request for Comments.

**SUMMARY:** This notice announces the availability of funding and requests proposals for the Department of Transportation's National Infrastructure Investments. In addition, this notice announces selection criteria and pre-application and application requirements for the National Infrastructure Investments.

On July 1, 2011 the Department of Transportation published an interim notice announcing the availability of funding for the Department of Transportation's National Infrastructure Investments, or "TIGER Discretionary Grants," project selection criteria and pre-application and application requirements for these grants. The interim notice also requested comments on the project selection criteria and pre-application and application requirements. The Department considered the comments that were submitted in accordance with the interim notice and decided to make no substantive revisions to the interim notice based on those comments. However, the Department has decided to make minor revisions to the interim notice, to provide additional information to potential applicants on the project readiness characteristics that the Department considers when evaluating an application (see section I(b) and Appendix C). The Department has also updated the point-of-contact information for program staff that should be contacted with any questions regarding the application process for these grants.

On April 15, 2011, the President signed the Full-Year Continuing

Appropriations, 2011 (Div. B of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Pub. L. 112-010, Apr. 15, 2011)) ("FY 2011 Continuing Appropriations Act"). The FY 2011 Continuing Appropriations Act appropriated \$526.944 million to be awarded by the Department of Transportation ("DOT") for National Infrastructure Investments. This appropriation is similar, but not identical to the appropriation for the Transportation Investment Generating Economic Recovery, or "TIGER Discretionary Grant", program authorized and implemented pursuant to the American Recovery and Reinvestment Act of 2009 (the "Recovery Act"), and the National Infrastructure Investments or "TIGER II Discretionary Grant" program under the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act for 2010 ("FY 2010 Appropriations Act"). Because of the similarity in program structure, DOT has referred to the grants for National Infrastructure Investments under the FY 2010 Appropriations Act as "TIGER II Discretionary Grants". Given that funds have now been appropriated for these similar programs in three separate statutes, DOT is referring to the grants for National Infrastructure Investments under the FY 2011 Continuing Appropriations Act simply as "TIGER Discretionary Grants." As with the TIGER and TIGER II programs, funds for the FY2011 TIGER program are to be awarded on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area or a region. Through this notice, DOT is soliciting applications for TIGER Discretionary Grants.

In the event that this solicitation does not result in the award and obligation of all available funds, DOT may decide to publish an additional solicitation(s).

**DATES:** Pre-applications must be submitted by October 3, 2011, at 5 p.m. EDT (the "Pre-Application Deadline"). Final applications must be submitted through Grants.gov by October 31, 2011, at 5 p.m. EDT (the "Application Deadline"). The DOT pre-application system will open on or before September 9, 2011, to allow prospective applicants to submit pre-applications. Subsequently, the Grants.gov "Apply" function will open on October 5, 2011, allowing applicants to submit applications. While applicants are encouraged to submit pre-applications in advance of the Pre-Application Deadline, pre-applications will not be reviewed until after the pre-application deadline. Similarly, while applicants

are encouraged to submit applications in advance of the Application Deadline, applications will not be evaluated, and awards will not be made, until after the Application Deadline.

**ADDRESSES:** Pre-applications must be submitted electronically to DOT and applications must be submitted electronically through Grants.gov. Only pre-applications received by DOT and applications received through Grants.gov will be deemed properly filed. Instructions for submitting pre-applications to DOT and applications through Grants.gov are included in Section VII (*Pre-Application and Application Cycle*).

**FOR FURTHER INFORMATION CONTACT:** For further information concerning this notice please contact the TIGER Discretionary Grant program staff via e-mail at [TIGERGrants@dot.gov](mailto:TIGERGrants@dot.gov), or call Howard Hill at 202-366-0301. A TDD is available for individuals who are deaf or hard of hearing at 202-366-3993. In addition, DOT will regularly post answers to questions and requests for clarifications on DOT's Web site at <http://www.dot.gov/TIGER>.

**SUPPLEMENTARY INFORMATION:** This notice is substantially similar to the Final notice published for the TIGER II Discretionary Grant program in the *Federal Register* on June 1, 2010. However, there are a few significant differences that applicants should be aware of. These differences are as follows:

1. Unlike the FY 2010 Appropriations Act, the FY 2011 Continuing Appropriations Act does not provide any funding for projects solely for the planning, preparation, or design of capital projects ("TIGER Planning Grants"); however these activities may be eligible to the extent that they are part of an overall construction project that receives TIGER Discretionary Grants funding.

2. As specified in section VI of this notice, any applicant that is applying for a TIGER TIFIA Payment must also submit a TIFIA letter of interest along with their application.

3. As specified in section VII(A) of this notice, eligible applicants may submit, as a lead applicant, no more than three applications for consideration. However, multistate applications will not count towards the lead applicant's three application limit. Additionally, applicants may be identified as a partnering agency on the application of another lead applicant and such an application will not count towards a partnering applicant's three application limit as a lead applicant.

Other than these differences, and minor edits made to conform the notice to the factual circumstances of this round of TIGER funding, there have been no material changes made to the notice. This final notice includes minor revisions to the interim notice, to provide additional information to potential applicants on the project readiness characteristics that the Department considers when evaluating an application (see section I(b) and Appendix C). The Department has also updated the point-of-contact information for program staff that should be contacted with any questions regarding the application process for these grants. Each section of this notice contains information and instructions relevant to the application process for these TIGER Discretionary Grants and prospective applicants should read this notice in its entirety so that they have the information they need to submit eligible and competitive applications.

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#### I. Background

##### *Recovery Act TIGER and Fiscal Year 2010 TIGER II Discretionary Grants*

On February 17, 2009, the President of the United States signed the Recovery Act, which appropriated \$1.5 billion of discretionary grant funds to be awarded by DOT for capital investments in surface transportation infrastructure. DOT has referred to these grants as Grants for Transportation Investment Generating Economic Recovery or "TIGER Discretionary Grants." DOT solicited applications for TIGER Discretionary Grants through a notice of funding availability published in the *Federal Register* on June 17, 2009 (an interim notice was published on May 18, 2009). Applications for TIGER Discretionary Grants were due on September 15, 2009 and DOT received over 1,400 applications with funding requests totaling almost \$60 billion. Funding for 51 projects totaling nearly

\$1.5 billion was announced on February 17, 2010.

On December 16, 2009, the President signed the FY 2010 Appropriations Act that appropriated \$600 million to DOT for National Infrastructure Investments using language that was similar, but not identical, to the language in the Recovery Act authorizing the TIGER Discretionary Grants. DOT has referred to those grants for National Infrastructure Investments as TIGER II Discretionary Grants.

The FY 2010 Appropriations Act permitted DOT to use an amount not to exceed \$35 million of the available TIGER II funds for projects that involved solely the planning, preparation, or design of Eligible Projects, and not their construction ("TIGER II Planning Grants"). The Recovery Act did not explicitly provide funding for similar activities under the TIGER Discretionary Grant program.

DOT solicited applications for TIGER II Discretionary Grants through a notice of funding availability published in the *Federal Register* on June 1, 2010 (an interim notice was published on April 26, 2010). Applications for TIGER II Discretionary Grants were due on August 23, 2010 and nearly 1,700 applications were received with funding requests totaling about \$21 billion. Funding awards for 42 capital projects totaling nearly \$557 million were announced on October 20, 2010. Grant announcements ranged from \$1.01 million to \$47.6 million for individual capital projects, with an average award size of approximately \$13.25 million; the median award amount was \$10.5 million. Additionally, funding for 33 planning projects totaling nearly \$28 million was announced on October 20, 2010. TIGER II Planning Grant announcements ranged from \$85 thousand to \$2.8 million for individual projects, with an average award size of approximately \$835 thousand; the median award size was \$720 thousand. Fourteen TIGER II Planning Grant recipients received HUD Sustainable Community Challenge Grants that were also announced on October 20, 2010. Projects were selected for funding based on their alignment with the selection criteria specified in the June 1, 2010, *Federal Register* notice for the TIGER II Discretionary Grant program.

On April 15, 2011, the President signed the FY 2011 Continuing Appropriations Act. This Act appropriated \$526.944 million to DOT for National Infrastructure Investments using language that is similar, but not identical to the language in the FY 2010 Appropriations Act authorizing the TIGER II Discretionary Grants. DOT is

referring to these grants for National Infrastructure Investments as TIGER Discretionary Grants.

The most significant difference between the 2010 and 2011 appropriations is that there is no funding available for TIGER Planning Grants in the 2011 Act.

Section 1101 of the FY 2011 Continuing Appropriations Act, Title I—General Provisions, states that the appropriations are for such amounts as may be necessary, at the level specified and under the authority and conditions provided in applicable appropriations Act for fiscal year 2010, for projects or activities for which appropriations, funds, or other authority were made available under the Consolidated Appropriations Act, 2010 (Pub. L. 111-117). Because of this general provision in the FY 2011 Continuing Appropriations Act, DOT is applying the authority and conditions outlined in the following section.

#### *FY 2011 TIGER Discretionary Grants*

Like the TIGER and TIGER II Discretionary Grants, this year's TIGER Discretionary Grants are for capital investments in surface transportation infrastructure and are to be awarded on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region. Key requirements of the TIGER Discretionary Grant program are summarized below, and material differences from the previous TIGER Discretionary Grant programs are highlighted.

"Eligible Applicants" for TIGER Discretionary Grants are State, local, and Tribal governments, including U.S. territories, Tribal governments, transit agencies, port authorities, metropolitan planning organizations (MPOs), other political subdivisions of State or local governments, and multi-State or multi-jurisdictional groups applying through a single lead applicant (for multi-jurisdictional groups, each member of the group, including the lead applicant, must be an otherwise eligible applicant as defined in this paragraph).

Projects that are eligible for TIGER Discretionary Grants under the FY 2011 Continuing Appropriations Act ("Eligible Projects") include, but are not limited to: (1) Highway or bridge projects eligible under title 23, United States Code; (2) public transportation projects eligible under chapter 53 of title 49, United States Code; (3) passenger and freight rail transportation projects; and (4) port infrastructure investments. Federal wage rate requirements included in subchapter IV of chapter 31 of title 40, United States Code, apply to all projects receiving funds. This

# Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 11-704

Agenda No. 10.S

Approved: OCT 12 2011



**TITLE: RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO HBC COMPANY, INC. FOR THE SUMMIT, PAVONIA & CENTRAL AVENUE INTERSECTION IMPROVEMENTS PROJECT NO. 10-016 FOR THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF ENGINEERING, TRAFFIC AND TRANSPORTATION.**

COUNCIL AS A WHOLE OFFERED AND MOVED ADOPTION OF THE FOLLOWING RESOLUTION:

**WHEREAS**, the City Purchasing Agent acting within his authority and in conformity with N.J.S.A. 40A:11-1 et Seq. has publicly advertised for bids for the **SUMMIT, PAVONIA & CENTRAL AVENUE INTERSECTION IMPROVEMENTS**, J.C. Project No. 10-016 for the Department of Public Works, Division of Engineering, Traffic and Transportation pursuant to construction plans and specifications and bids thereon; and

**WHEREAS**, pursuant to public advertisement, the City of Jersey City has received three (3) below listed bids, the lowest being that of HBC Company, Inc., 131 Washington Street, Lodi, NJ 07064 in the total base bid amount plus alternate "A" of Two Hundred Eleven Thousand Eight Hundred Forty Nine and Eighty Cents ( \$211,849.80); and

<u>BIDDERS</u>	<u>TOTAL BASE BID + ALT. "A" AMOUNT</u>
1. HBC Company, Inc., Lodi, N.J.	\$211,849.80
2. AJM Contractors, Inc., Clifton, N.J.	\$219,614.30
3. ORCHARD HOLDINGS,LLC, Manasquan, N.J.	\$254,888.50

**WHEREAS**, the City Purchasing Agent has certified that he considers said lowest bid to be fair and reasonable; and

**WHEREAS**, funds for this project are being provided through the State of New Jersey Department of Transportation in the amounts shown below in accordance with requirements of the Local Budget Law N.J.S.A. 40A:4-1 et seq; and

Account No. 02-213-40-127-314	P.O. #104416 NJDOT Grant	\$207,889.80
Account No. 04-215-55-859-991	P.O. #104418 Capital Acct: Police Hours	\$3,960.00
Account No. 02-213-40-127-314	P.O. #104417 NJDOT Grant 20% Contingency	<u>\$42,369.96</u>
<b>TOTAL ENCUMBRANCE</b>		<b>\$254,219.76</b>

TITLE:

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO HBC COMPANY, INC. FOR THE SUMMIT, PAVONIA & CENTRAL AVENUE INTERSECTION IMPROVEMENTS PROJECT NO. 10-016 FOR THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF ENGINEERING, TRAFFIC AND TRANSPORTATION.**

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the City of Jersey City that the said lowest bid of the aforementioned HBC Company, Inc. be accepted and that a contract be awarded to said company in the amount of \$211,849.80 and the City Purchasing Agent is directed to have such a contract drawn up and executed; and be it further

**RESOLVED**, that upon certification by an official or employee of the City authorized to attest that the contractor has complied with the construction plans and specifications in all respects, and the requirements of the contract met, then payment to the contractor shall be made in accordance with the provisions of the Local Fiscal Affairs Law, N.J.S.A. 40A:5-1 et. seq.; and be it further

*J.A. 20/6/11*  
**RESOLVED**, that the award of this contract shall be subject to the condition that the contractor provides satisfactory evidence of compliance with the Affirmative Action Amendments to the Law Against Discrimination, N.J.S.A. 10:5-31 et. seq.; and

**RESOLVED**, that the award of this contract shall be subject to the approval of the New Jersey Department of Transportation, Bureau of Local Aid-Newark; and

**RESOLVED**, that the Mayor or Business Administrator is hereby authorized to execute a contract on behalf of the City of Jersey City.

I Donna Mauer (Donna Mauer), as Chief Financial Officer, hereby certify that these funds are available for this expenditure in accordance with the Local Budget Law, N.J.S.A. 40A:4-1 et. seq.

Account No. 02-213-40-127-314	P.O. # <u>104416</u>	NJDOT Grant	\$207,889.80
Account No. 04-215-55-859-991	P.O. # <u>104418</u>	Capital Acct: Police Hours	\$3,960.00
Account No. 02-213-40-127-314	P.O. # <u>104417</u>	NJDOT Grant 20% Contingency	<u>\$42,369.96</u>
<b>TOTAL ENCUMBRANCE</b>			<b>\$254,219.76</b>

Approved: *Chuck F. Lee* 9/30/11  
Chuck F. Lee, P.E., City Engineer

APPROVED: *Rodney Hadley* 9/30/11 APPROVED AS TO LEGAL FORM  
RODNEY HADLEY, DIRECTOR, DPW

APPROVED: *Paul Kelly* Business Administrator  
*Ray Reddt* Asst. Corporation Counsel

Certification Required   
Not Required

APPROVED 9-0

RECORD OF COUNCIL VOTE ON FINAL PASSAGE 10/12/11											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			AHMAD	✓		
DONNELLY	✓			FULOP	✓			VELAZQUEZ	✓		
LOPEZ	✓			RICHARDSON	✓			BRENNAN, PRES	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.

*Peter M. Brennan*  
Peter M. Brennan, President of Council

*Robert Byrne*  
Robert Byrne, City Clerk

## RESOLUTION FACT SHEET

This summary sheet is to be attached to the front of any resolution, cooperation agreement or contract that is submitted for Council consideration. Incomplete or sketchy summary sheets will be returned with the resolution. The department, division or agency responsible for the overall implementation of the proposed project or program should provide a concise and accurate statement of facts.

**1. Full Title of Resolution Agreement:**

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO HBC COMPANY, INC. FOR THE SUMMIT, PAVONIA & CENTRAL AVENUE INTERSECTION IMPROVEMENTS PROJECT NO. 10-016 FOR THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF ENGINEERING, TRAFFIC AND TRANSPORTATION.**

**2. Name and Title of Person Initiating the Resolution:**

Andrew Lim, Project Manager.

**3. Concise Description of the Program, Project or Plan Proposed in the Resolution:**

Proposed Plan is for construction improvements at the Summit, Pavonia, and Central Avenue by installing new decorative cross walks, pedestrian countdown signals, handicapped curb ramps, signs, decorative benches, trash receptacles and trees.

Award a contract to the lowest bidder **HBC Company, Inc.** in the total base bid amount of \$211,849.80.

<u>LIST OF BIDDERS</u>	<u>BASE BID + ALT. "A"</u>
1. HBC Company, Inc., Lodi, N.J	\$211,849.80
2. AJM Contractors, Inc., Clifton, N.J.	\$219,614.30
3. ORCHARD HOLDINGS,LLC, Manasquan, N.J.	\$254,888.50

**4. Reasons (Need) for the Proposed Program, Project, etc:**

Award a contract to HBC Company, Inc. in a total base bid + Alt. "A" of \$211,849.80 to perform construction safety improvements at the Summit, Pavonia and Central Avenue intersection.

**5. Anticipated Benefits to the Community:**

The project will improve pedestrian and vehicular traffic flow and safety, improve culture venues for the community and future redevelopment.



**SUMMIT, PAVONIA & CENTRAL AVENUE INTERSECTION IMPROVEMENTS**

Jersey City Project No. 10-018  
September 1, 2011  
ENGINEER'S BID COMPARISON

ITEM No.	ITEM DESCRIPTION	ENGINEER'S COST ESTIMATE				ORCHARD HOLDINGS, LLC.				AJM CONTRACTORS, INC.				HBC COMPANY INC.									
		UNIT	QUANTITY	UNIT PRICE	TOTAL COSTS	UNIT	QUANTITY	UNIT PRICE	TOTAL COSTS	UNIT	QUANTITY	UNIT PRICE	TOTAL COSTS	UNIT	QUANTITY	UNIT PRICE	TOTAL COSTS						
1	CELLULAR PHONE SERVICE ALLOWANCE	LS	1	1,500.00	1,500.00	LS	1	1,500.00	1,500.00	LS	1	200.00	200.00	LS	1	200.00	200.00						
2	CONSTRUCTION IDENTIFICATION SIGN, 48"x48"	UN	1	750.00	750.00	UN	1	850.00	850.00	UN	1	900.00	900.00	UN	1	1,100.00	1,100.00						
3	CONSTRUCTION SIGNS	SF	88	60.00	5,280.00	SF	88	60.00	5,280.00	SF	88	15.00	1,320.00	SF	88	15.00	1,320.00						
4	BARRIERS	UN	34	225.00	7,650.00	UN	34	1,000.00	34,000.00	UN	34	50.00	1,700.00	UN	34	60.00	2,040.00						
5	BREAKAWAY BARRICADES	UN	8	300.00	2,400.00	UN	8	1,000.00	8,000.00	UN	8	100.00	800.00	UN	8	60.00	480.00						
6	TRAFFIC DIRECTOR, JERSEY CITY POLICE	HR	40	40.00	1,600.00	HR	40	40.00	1,600.00	HR	40	40.00	1,600.00	HR	40	40.00	1,600.00						
7	(OVERTIME RATE)	HR	8	57.50	460.00	HR	8	57.50	460.00	HR	8	57.50	460.00	HR	8	57.50	460.00						
8	TRAFFIC DIRECTOR, NIGHT-TIME, JERSEY CITY POLICE, (NIGHT DIFFERENTIAL)	HR	8	50.00	400.00	HR	8	50.00	400.00	HR	8	50.00	400.00	HR	8	50.00	400.00						
9	TRAFFIC DIRECTOR, JERSEY CITY POLICE, (OVERTIME RATE & NIGHT DIFFERENTIAL)	HR	8	67.50	540.00	HR	8	67.50	540.00	HR	8	67.50	540.00	HR	8	67.50	540.00						
10	TRAFFIC DIRECTOR, SUPERVISOR, JERSEY CITY POLICE	HR	8	50.00	400.00	HR	8	50.00	400.00	HR	8	50.00	400.00	HR	8	50.00	400.00						
11	TRAFFIC DIRECTOR, NIGHT-TIME, SUPERVISOR, JERSEY CITY POLICE	HR	8	60.00	480.00	HR	8	60.00	480.00	HR	8	60.00	480.00	HR	8	60.00	480.00						
12	TRAFFIC DIRECTOR, NIGHT-TIME, POLICE SUPERVISOR AND LEVEL	HR	8	10.00	80.00	HR	8	10.00	80.00	HR	8	10.00	80.00	HR	8	10.00	80.00						
13	CHARCOTE SIDEWALK, 6" THICK, CHARCOAL	SY	267	90.00	24,030.00	SY	267	100.00	26,700.00	SY	267	137.00	36,579.00	SY	267	70.00	18,690.00						
14	CAST IN PLACE, DETECTABLE WARNING SURFACE	SY	10	270.00	2,700.00	SY	10	235.00	2,350.00	SY	10	200.00	2,000.00	SY	10	350.00	3,500.00						
15	DECORATIVE CROSSWALK	SF	2534	15.00	38,010.00	SF	2534	17.75	44,978.50	SF	2534	15.20	38,516.80	SF	2534	17.00	43,078.00						
16	REGULATORY AND WARNING SIGN WITH THERMOPLASTIC, 4" WIDE	L'	1469	1.00	1,469.00	L'	1469	1.50	2,203.50	L'	1469	1.50	2,203.50	L'	1469	1.20	1,762.80						
17	VIDEO IMAGE DETECTOR, TYPE T CAMERA SYSTEM	SF	161	60.00	9,660.00	SF	161	40.00	6,440.00	SF	161	55.00	8,855.00	SF	161	50.00	8,050.00						
18	REMOVE EXISTING PEDESTRIAN HEADS	UN	5	6,000.00	30,000.00	UN	5	7,295.00	36,475.00	UN	5	6,000.00	30,000.00	UN	5	5,500.00	27,500.00						
19	PEDESTRIAN COUNT DOWN ASSEMBLY	UN	10	200.00	2,000.00	UN	10	150.00	1,500.00	UN	10	200.00	2,000.00	UN	10	200.00	2,000.00						
20	REMOVE EXISTING PEDESTRIAN PUSH BUTTONS	UN	10	1,100.00	11,000.00	UN	10	700.00	7,000.00	UN	10	700.00	7,000.00	UN	10	1,200.00	12,000.00						
21	REMOVE EXISTING PEDESTRIAN PUSH BUTTONS	UN	10	50.00	500.00	UN	10	60.00	600.00	UN	10	50.00	500.00	UN	10	100.00	1,000.00						
22	PEDESTRIAN PUSH BUTTONS	UN	10	300.00	3,000.00	UN	10	225.00	2,250.00	UN	10	200.00	2,000.00	UN	10	250.00	2,500.00						
23	TRAFFIC SIGNAL CONTROLLER	UN	1	15,000.00	15,000.00	UN	1	13,000.00	13,000.00	UN	1	20,000.00	20,000.00	UN	1	13,000.00	13,000.00						
24	8" x 20" CHARCOAL GRAY VERTICAL CURB	L'	256	20.00	5,120.00	L'	256	84.00	21,504.00	L'	256	61.00	15,616.00	L'	256	65.00	16,640.00						
25	BICYCLE SAFE GRATE, 21 3/4" x 47 3/4"	UN	5	1,000.00	5,000.00	UN	5	350.00	1,750.00	UN	5	300.00	1,500.00	UN	5	500.00	2,500.00						
26	RELOCATE AND RESET JUNCTION BOX	UN	3	3,000.00	9,000.00	UN	3	9,000.00	27,000.00	UN	3	3,000.00	9,000.00	UN	3	575.00	1,725.00						
27	HOT MIX ASPHALT PAVEMENT REPAIR, 12.5 INCH	TON	3.1	110.00	341.00	TON	3.1	195.00	604.50	TON	3.1	150.00	465.00	TON	3.1	300.00	930.00						
28	TRAFFIC MARKINGS, SYMBOLS, LONG LIFE THERMOPLASTIC	SF	160	3.50	560.00	SF	160	7.00	1,120.00	SF	160	6.10	976.00	SF	160	6.50	1,040.00						
29	SAW CUTTING, 10' OR LESS	L'	264	5.00	1,320.00	L'	264	5.30	1,405.20	L'	264	7.00	1,848.00	L'	264	6.50	1,716.00						
30	AUDIBLE PEDESTRIAN SIGNALS	UN	10	500.00	5,000.00	UN	10	600.00	6,000.00	UN	10	600.00	6,000.00	UN	10	650.00	6,500.00						
31	RESET WATER VALVE BOX (IF AND WHERE WHERE DIRECTED)	UN	2	500.00	1,000.00	UN	2	35.00	70.00	UN	2	50.00	100.00	UN	2	45.00	90.00						
32	RELOCATE WATER VALVE BOX (IF AND WHERE DIRECTED)	UN	2	1,500.00	3,000.00	UN	2	1,750.00	3,500.00	UN	2	200.00	400.00	UN	2	1,500.00	3,000.00						
33	RESET MANHOLE CASTING (IF AND WHERE DIRECTED)	UN	1	1,000.00	1,000.00	UN	1	1,750.00	1,750.00	UN	1	175.00	175.00	UN	1	450.00	450.00						
A1	DECORATIVE TRASH RECEPTACLE	UN	9	950.00	8,550.00	UN	9	1,600.00	14,400.00	UN	9	1,500.00	13,500.00	UN	9	1,500.00	13,500.00						
A2	6" LONG BENCH	UN	5	2,000.00	10,000.00	UN	5	2,500.00	12,500.00	UN	5	1,750.00	8,750.00	UN	5	2,200.00	11,000.00						
A3	TREE FRAME & GRATE, 5' x 5'	UN	5	2,000.00	10,000.00	UN	5	1,600.00	8,000.00	UN	5	1,000.00	5,000.00	UN	5	1,400.00	7,000.00						
A4	ACER RUBRUM KARIPOCK, RED MAPLE (RB), 4"-4 1/2" CAL.-16"-18" HT.	UN	6	800.00	4,800.00	UN	6	1,600.00	9,600.00	UN	6	700.00	4,200.00	UN	6	500.00	3,000.00						
					<b>227,200.00</b>						<b>254,855.50</b>						<b>219,614.30</b>						<b>211,849.80</b>



# STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE

**Taxpayer Name:** H.B.C. COMPANY, INC.

**Trade Name:**

**Address:** 131 WASHINGTON STREET  
LODI, NJ 07644

**Certificate Number:** 0561046

**Effective Date:** July 20, 1994

**Date of Issuance:** June 20, 2011

**For Office Use Only:**

20110620164511317

# **EEO/AFFIRMATIVE ACTION REQUIREMENTS CONSTRUCTION CONTRACTS**

Questions in reference to EEO/AA Requirements For Construction  
Contracts should be directed to:

Jeana F. Abuan  
Affirmative Action Officer, Public Agency Compliance Officer  
Department of Administration  
Office of Equal Opportunity/Affirmative action  
280 Grove Street Room-103  
Jersey City NJ 07302  
Tel. #201-547-4533  
Fax# 201-547-5088  
E-mail Address: [abuanJ@jcnj.org](mailto:abuanJ@jcnj.org)

## EXHIBIT B

### MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE N.J.S.A. 10:5-31 et seq., N.J.A.C. 17:27

#### CONSTRUCTION CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

When hiring or scheduling workers in each construction trade, the contractor or subcontractor agrees to make good faith efforts to employ minority and women workers in each construction trade consistent with the targeted employment goal prescribed by N.J.A.C. 17:27-7.2; provided, however, that the Division may, in its discretion, exempt a contractor or subcontractor from compliance with the good faith procedures prescribed by the following provisions, A, B and C, as long as the Division is satisfied that the contractor or subcontractor is employing workers provided by a union which provides evidence, in accordance with standards prescribed by the Division, that its percentage of active "card carrying" members who are minority and women workers is equal to or greater than the targeted employment goal established in accordance with N.J.A.C. 17:27-7.2.

## EXHIBIT B (Cont)

The contractor or subcontractor agrees that a good faith effort shall include compliance with the following procedures:

(A). If the contractor or subcontractor has a referral agreement or arrangement with a union for a construction trade, the contractor or subcontractor shall, within three business days of the contract award, seek assurances from the union that it will cooperate with the contractor or subcontractor as it fulfills its affirmative action obligations under this contract and in accordance with the rules promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et. seq., as supplemented and amended from time to time and the Americans with Disabilities Act. If the contractor or subcontractor is unable to obtain said assurances from the construction trade union at least five business days prior to the commencement of construction work, the contractor or subcontractor agrees to afford equal employment opportunities to minority and women workers directly, consistent with this chapter. If the contractor's or subcontractor's prior experience with a construction trade union, regardless of whether the union has provided said assurances, indicates a significant possibility that the trade union will not refer sufficient minority and women workers consistent with affording equal employment opportunities as specified in this chapter, the contractor or subcontractor agrees to be prepared to provide such opportunities to minority and women workers directly, consistent with this chapter, by complying with the procedures prescribed under (B) below; and the contractor or subcontractor further agrees to take said action immediately if it determines or is so notified by the Division that the union is not referring minority and women workers consistent with the equal employment opportunity goals set forth in this chapter.

(B). If good faith efforts to meet targeted employment goals have not or cannot be met for each construction trade by adhering to the procedures of (A) above, or if the contractor does not have a referral agreement or arrangement with a union for a construction trade, the contractor or subcontractor agrees to take the following actions:

(1). To notify the public agency compliance officer, the Division, and minority and women referral organizations listed by the Division pursuant to N.J.A.C. 17:27-5.3, of its workforce needs, and request referral of minority and women workers;

(2). To notify any minority and women workers who have been listed with it as awaiting available vacancies;

(3). Prior to commencement of work, to request that the local construction trade union refer minority and women workers to fill job openings, provided the contractor or subcontractor has a referral agreement or arrangement with a union for the construction trade;

(4). To leave standing requests for additional referral to minority and women workers with the local construction trade union, provided the contractor or subcontractor has a referral agreement or arrangement with a union for the construction trade, the State Training and Employment Service and other approved referral sources in the area;

(5). If it is necessary to lay off some of the workers in a given trade on the construction site, layoffs shall be conducted in compliance with the equal employment opportunity and non-discrimination standards set forth in this regulation, as well as with applicable Federal and State court decisions;

## EXHIBIT B (Cont)

(6). To adhere to the following procedure when minority and women workers apply or are referred to the contractor or subcontractor:

(i) If said individuals have never previously received any document or certification signifying a level of qualification lower than that required in order to perform the work of the construction trade, the contractor or subcontractor shall in good faith determine the qualifications of such individuals. The contractor or subcontractor shall hire or schedule those individuals who satisfy appropriate qualification standards in conformity with the equal employment opportunity and non-discrimination principles set forth in this chapter. However, a contractor or subcontractor shall determine that the individual at least possesses the requisite skills, and experience recognized by a union, apprentice program or a referral agency, provided the referral agency is acceptable to the Division. If necessary, the contractor or subcontractor shall hire or schedule minority and women workers who qualify as trainees pursuant to these rules. All of the requirements, however, are limited by the provisions of (C) below.

(ii). The name of any interested women or minority individual shall be maintained on a waiting list, and shall be considered for employment as described in paragraph (i) above, whenever vacancies occur. At the request of the Division, the contractor or subcontractor shall provide evidence of its good faith efforts to employ women and minorities from the list to fill vacancies.

(iii). If, for any reason, said contractor or subcontractor determines that a minority individual or a woman is not qualified or if the individual qualifies as an advanced trainee or apprentice, the contractor or subcontractor shall inform the individual in writing of the reasons for the determination, maintain a copy of the determination in its files, and send a copy to the public agency compliance officer and to the Division.

(7). To keep a complete and accurate record of all requests made for the referral of workers in any trade covered by the contract, on forms made available by the Division and submitted promptly to the Division upon request.

(C). The contractor or subcontractor agrees that nothing contained in (B) above shall preclude the contractor or subcontractor from complying with the union hiring hall or apprenticeship policies in any applicable collective bargaining agreement or union hiring hall arrangement, and, where required by custom or agreement, it shall send journeymen and trainees to the union for referral, or to the apprenticeship program for admission, pursuant to such agreement or arrangement. However, where the practices of a union or apprenticeship program will result in the exclusion of minorities and women or the failure to refer minorities and women consistent with the targeted county employment goal, the contractor or subcontractor shall consider for employment persons referred pursuant to (B) above without regard to such agreement or arrangement; provided further, however, that the contractor or subcontractor shall not be required to employ women and minority advanced trainees and trainees in numbers which result in the employment of advanced trainees and trainees as a percentage of the total workforce for the construction trade, which percentage significantly exceeds the apprentice to journey worker ratio specified in the applicable collective bargaining agreement, or in the absence of a collective bargaining agreement, exceeds the ratio established by practice in the area for said construction trade. Also, the contractor or subcontractor agrees that,

**EXHIBIT B (Cont)**

in implementing the procedures of (B) above it shall, where applicable, employ minority and women workers residing within the geographical jurisdiction of the union.

After notification of award, but prior to signing a construction contract, the contractor shall submit to the public agency compliance officer and the Division an initial project workforce report (Form AA 201) provided to the public agency by the Division for distribution to and completion by the contractor, in accordance with N.J.A.C. 17:27-7. The contractor also agrees to submit a copy of the Monthly Project Workforce Report once a month thereafter for the duration of this contract to the Division and to the public agency compliance officer.

The contractor agrees to cooperate with the public agency in the payment of budgeted funds, as is necessary, for on-the-job and/or off-the-job programs for outreach and training of minorities and women.

(D). The contractor and its subcontractors shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested by the Division from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

The undersigned vendor certifies on their company's receipt, knowledge and commitment to comply with:

**EXHIBIT B**  
**N.J.S.A. 10:5-31 and N.J.A.C. 17:27**  
**MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE**  
**Construction Contracts**  
**(Mandatory Affirmative Action Language)**

The undersigned vendor further agrees to furnish the required forms of evidence and understands that their contract/company's bid shall be rejected as non-responsive if said contractor fails to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27.

Representative's Name/Title (Print):  
Jerry Hoogendoorn, President  
Representative's Signature:  
Name of Company:  
HBC Company Inc  
Tel. No.: 973 774 472 Date: 8/16/11

**APPENDIX A**  
**AMERICANS WITH DISABILITIES ACT OF 1990**  
**Equal Opportunity for Individuals with Disability**

The contractor and the \_\_\_\_\_ of \_\_\_\_\_, (hereafter "owner") do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. §12101 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant there unto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the owner pursuant to this contract, the contractor agrees that the performance shall be in strict compliance with the Act. In the event that the contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the contractor shall defend the owner in any action or administrative proceeding commenced pursuant to this Act. The contractor shall indemnify, protect, and save harmless the owner, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages, of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The contractor shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the owner's grievance procedure, the contractor agrees to abide by any decision of the owner which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the owner, or if the owner incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the contractor shall satisfy and discharge the same at its own expense.

The owner shall, as soon as practicable after a claim has been made against it, give written notice thereof to the contractor along with full and complete particulars of the claim. If any action or administrative proceeding is brought against the owner or any of its agents, servants, and employees, the owner shall expeditiously forward or have forwarded to the contractor every demand, complaint, notice, summons, pleading, or other process received by the owner or its representatives.

It is expressly agreed and understood that any approval by the owner of the services provided by the contractor pursuant to this contract will not relieve the contractor of the obligation to comply with the Act and to defend, indemnify, protect, and save harmless the owner pursuant to this paragraph.

It is further agreed and understood that the owner assumes no obligation to indemnify or save harmless the contractor, its agents, servants, employees and subcontractors for any claim which may arise out of their performance of this Agreement. Furthermore, the contractor expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the contractor's obligations assumed in this Agreement, nor shall they be construed to relieve the contractor from any liability, nor preclude the owner from taking any other actions available to it under any other provisions of the Agreement or otherwise at law.

Representative's Name/Title Print: Jerry Hoogendoorn, President  
Representative's Signature: \_\_\_\_\_  
Name of Company: HBC Company Inc.  
Tel. No.: 913 177 4472 Date: 8/16/11

AFFIRMATIVE ACTION COMPLIANCE NOTICE  
N.J.S.A. 10:5-31 et seq. (P.L. 1975, c.127)  
N.J.A.C. 17:27

CONSTRUCTION CONTRACTS  
(INCLUDING PROFESSIONAL SERVICES)

This form is a summary of the contractor's requirement to comply with the requirements of N.J.S.A. 10:5-31 et seq. (P.L. 1975, c.127) and N.J.A.C. 17:27.

After notification of award, but prior to signing the contract, the contractor shall submit to the Public Agency Compliance Officer and the New Jersey Division of Contract Compliance and Equal Employment Opportunity in Public Contracts (Division), an Initial Project Workforce Report (Form AA201) provided to the public agency by the Division for distribution to and completion by the contractor, in accordance with N.J.A.C. 17:27-7.

The contractor shall also submit a copy of the Monthly Project Workforce Report once a month thereafter for the duration of the contract to the Division and to the Public Agency Compliance Officer. The contractor shall also cooperate with the public agency in the payment of budgeted funds, as is necessary, for on-the-job and/or off-the-job programs for outreach and training of minorities and women.

The contractor may obtain the Initial Project Workforce Report (AA201) from the public agency during normal business hours.

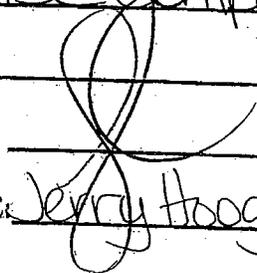
The undersigned vendor certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 et seq. (P.L. 1975, c.127) and N.J.A.C. 17:27 and agrees to furnish the required forms of evidence.

The undersigned vendor further understands that his/her bid shall be rejected as non-responsive if said contractor fails to comply with the requirements of N.J.S.A. 10:5-31 et seq. (P.L. 1975, c.127) and N.J.A.C. 17:27.

COMPANY:

HBC Company Inc

SIGNATURE:



DATE:

8/16/11

PRINT NAME:

Jerry Hoogendoorn

TITLE:

President

**STATE OF NEW JERSEY**  
**DIVISION OF CONTRACT COMPLIANCE**  
**EQUAL EMPLOYMENT OPPORTUNITY IN PUBLIC CONTRACTS**

FORM AA-201

Revised 10/03

**INITIAL PROJECT WORKFORCE REPORT CONSTRUCTION**

Official Use Only

Assignment

Code

READ INSTRUCTIONS ON THE BACK CAREFULLY BEFORE THE COMPLETION AND DISTRIBUTION OF THIS FORM.  
 PLEASE TYPE OR PRINT IN BLACK OR BLUE INK.

1. FID NUMBER	2. CONTRACTOR ID NUMBER	5. NAME AND ADDRESS OF PUBLIC AGENCY AWARDED CONTRACT	
3. NAME AND ADDRESS OF PRIME CONTRACTOR		CONTRACT NUMBER    DATE OF AWARD    DOLLAR AMOUNT OF AWARD	
(Name)		6. NAME AND ADDRESS OF PROJECT	
(Street Address)		7. PROJECT NUMBER	
(City)                      (State)                      (Zip Code)		COUNTY	
4. IS THIS COMPANY MINORITY OWNED [ ] OR WOMAN OWNED [ ]		8. IS THIS PROJECT COVERED BY A PROJECT LABOR AGREEMENT (PLA)? <input type="checkbox"/> YES <input type="checkbox"/> NO	

9. TRADE OR CRAFT	PROJECTED TOTAL EMPLOYEES				PROJECTED MINORITY EMPLOYEES				PROJECTED PHASE-IV DATE	PROJECTED COMPLETION DATE
	MALE		FEMALE		MALE		FEMALE			
	J	AP	J	AP	J	AP	J	AP		
1. ASBESTOS WORKER										
2. BRICKLAYER OR MASON										
3. CARPENTER										
4. ELECTRICIAN										
5. GLAZIER										
6. HVAC MECHANIC										
7. IRONWORKER										
8. OPERATING ENGINEER										
9. PAINTER										
10. PLUMBER										
11. ROOFER										
12. SHEET METAL WORKER										
13. SPRINKLER FITTER										
14. STEAMFITTER										
15. SURVEYOR										
16. TILER										
17. TRUCK DRIVER										
18. LABORER										
19. OTHER										
20. OTHER										

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

(Signature)

10. (Please Print Your Name)

(Title)

(Area Code)

(Telephone Number)

(Ext.)

(Date)

# STATE OF NEW JERSEY DIVISION OF CONTRACT COMPLIANCE

## FORM AA202

FORM AA-202  
REV. 5-01

*State Of New Jersey*  
Division Of Contract Compliance And  
Equal Employment Opportunity In Public Contracts

**MONTHLY PROJECT WORKFORCE REPORT - CONSTRUCTION**

READ INSTRUCTIONS ON BACK CAREFULLY BEFORE COMPLETING

3. FID or SS#

THIS FORM PLEASE TYPE OR PRINT IN BLACK OR BLUE INK

1. Name and address of Prime Contractor

2. Contractor ID #

4. Reporting Period

(NAME)

5. Public Agency Awarding Contract

Date of Award

(ADDRESS)

6. Name and Location of Project

County

7. Project ID#

(CITY)

(STATE)

(ZIP CODE)

8. CONTRACTOR NAME (LIST PRIME CONTRACTOR WITH SUBS FOLLOWING)	1. PROJECT OR WORK OR UNIT	2. TRADE OR CLASS	3. LOCATION (SEC. BEVERLY)	9. NUMBER OF EMPLOYEES										10. TOTAL		11. WORK HOURS				12. % OF WORKERS			13. CUAL WORKERS			14. COST % OF WH	
				A.	B.	C.	D.	E.	F.	HO. OF	TOTAL	A.	B.	% OF	% OF	TOTAL	REG.	TEMP.	% OF	% OF	REG.	TEMP.	% OF	% OF			
				TOTAL	BLACK	HISPANIC	AMERICAN	ASIAN	PACIFIC	INDIAN	OTHER	EMP.	REG.	TEMP.	WH	WH	WH	WH	WH	WH	WH	WH	WH				
			J AP																								
			J AP																								
			J AP																								
			J AP																								

17. COMPLETED BY (PRINT OR TYPE) I HEREBY CERTIFY THAT THE FOREGOING STATEMENTS ARE TRUE. I AM AWARE THAT IF ANY OF THE STATEMENTS ARE WILLFULLY FALSE, I AM SUBJECT TO PUNISHMENT.

(NAME)

(SIGNATURE)

(TITLE)

(AREA CODE) (TELEPHONE NUMBER)

(EXT.)

(DATE)

Minority/Woman Business Enterprise (MWBE)  
Questionnaire for Bidders

Jersey City Ordinance C-829 establishes a goal of awarding 20% of the dollar amount of total city procurement to minority and woman owned business enterprises.

To assist us in monitoring our achievement of this goal, please indicate below whether your company is or is not a minority owned and/or woman owned business, and return this form with your bid proposal.

Business Name : HBC Company Inc  
Address : 131 Washington St, Lodi NJ 07644  
Telephone No. : 973-777-4472  
Contact Name : Jerry Hoogendoorn

Please check applicable category:

Minority Owned Business (MBE)

Minority & Woman Owned Business (MWBE)

Woman Owned business (WBE)

Neither

Definitions

Minority Business Enterprise

Minority Business Enterprise means a business which is a sole proprietorship, partnership or corporation at least 51% of which is owned and controlled by persons who are African American, Hispanic, Asian American, American Indian or Alaskan native, defined as follows:

**African American:** a person having origins in any of the black racial groups of Africa.

**Hispanic:** a person of Mexican, Puerto Rican, Central or South American or other non-European Spanish culture or origin regardless of race.

**Asian:** a person having origins in any of the original peoples of the Far East, South East Asia, Indian subcontinent, Hawaii or the Pacific Islands.

**American Indian or Alaskan Native:** a person having origins in any of the original peoples of North America and who maintains cultural identification through tribal affiliation or community recognition.

Woman Business Enterprise

Woman Business Enterprise means a business which is a sole proprietorship, partnership or corporation at least 51% of which is owned and controlled by a woman or women.

Minority/Woman Business Enterprise (MWBE)  
Questionnaire for Bidders

Jersey City Ordinance C-829 establishes a goal of awarding 20% of the dollar amount of total city procurement to minority and woman owned business enterprises.

To assist us in monitoring our achievement of this goal, please indicate below whether your company is or is not a minority owned and/or woman owned business, and return this form with your bid proposal.

Business Name: HBC Company Inc  
Address: 131 Washington St, Lodi NJ  
Telephone No.: 973 777 4472  
Contact Name: Jerry Hoogendoorn

Please check applicable category:

- Minority Owned Business (MBE)       Minority & Woman Owned Business (MWBE)  
 Woman Owned business (WBE)       Neither

Definitions

Minority Business Enterprise

Minority Business Enterprise means a business which is a sole proprietorship, partnership or corporation at least 51% of which is owned and controlled by persons who are African American, Hispanic, Asian American, American Indian or Alaskan native, defined as follows:

African American: a person having origins in any of the black racial groups of Africa

Hispanic: a person of Mexican, Puerto Rican, Central or South American or other non-European Spanish culture or origin regardless of race.

Asian: a person having origins in any of the original peoples of the Far East, South East Asia, Indian subcontinent, Hawaii or the Pacific Islands.

American Indian or Alaskan Native: a person having origins in any of the original peoples of North America and who maintains cultural identification through tribal affiliation or community recognition.

Woman Business Enterprise

Woman Business Enterprise means a business which is a sole proprietorship, partnership or corporation at least 51% of which is owned and controlled by a woman or women.

Form MWB-3 Contractor's compliance plan to be submitted with bid document  
**CONTRACTOR: PROVIDE TWO (2) COMPLETED COPIES OF THIS FORM WITH YOUR PROPOSAL (or within 24 hours thereafter)**

**City of Jersey City  
 Department of Administration / Division of Equal Opportunity  
 Division of Equal Opportunity**

Project: JC-10-016 Int Improv # \_\_\_\_\_

Contractor: HBC Company Inc. Bid Amt. \$ 211,849.80

Please list what portions of the work, if any, you intend to sublet, the approximate value of same, and whether you anticipate subletting it to a minority or woman owned contractor, or neither.

Trade	Approx. \$ value	To minority or woman Business? check appropriate column		
		Minority	Woman	Neither
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX				
Line Striping	40,000			X

Receipt of this report by the City does not constitute acceptance by the City of minority business participation goals less than 20% or women business participation goals less than 5% unless specifically agreed to by the Division of Equal Opportunity.

CONTINUED ON NEXT PAGE

Form MWB-3 Contractor's compliance plan to be submitted with bid document  
**CONTRACTOR: PROVIDE TWO (2) COMPLETED COPIES OF THIS FORM WITH YOUR PROPOSAL** (or within 24 hours thereafter)

**City of Jersey City  
 Department of Administration / Division of Equal Opportunity  
 Division of Equal Opportunity**

Project: Pavonia/Summit Int. Impr. # 10-016

Contractor: HBC Company Inc. Bid Amt. \$ 211,849.80

Please list what portions of the work, if any, you intend to sublet, the approximate value of same, and whether you anticipate subletting it to a minority or woman owned contractor, or neither.

Trade:	Approx. \$ value	To minority or woman-Business? check appropriate column		
		Minority	Woman	Neither
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX				
Line Striping	40,000			X

Receipt of this report by the City does not constitute acceptance by the City of minority business participation goals less than 20% or women business participation goals less than 5% unless specifically agreed to by the Division of Equal Opportunity

CONTINUED ON NEXT PAGE

2. As to subcontracted trades mandated to be included in proposal pursuant to NJSA 40A:11-16, please list name of proposed subcontractor, trade, and whether minority, woman, or not

Trade	Contractor name & address	Approx \$ value	To minority or woman Business? check appropriate column		
			Min.	Wom.	Neither
XXXXXXXXXXXXXXXXXXXXXXXXXXXX					
Line Striping	Statewide Striping 409 Pomeroy Rd. Parsippany NJ	40,000			X
	No other subcontractors required.				

3. What is your policy and practice with respect to outreach and consideration of minority and woman owned vendors/contractors as contractors and/or suppliers?

HBC makes every effort to give WBE/MBE contractors and vendors the opportunity to bid and work on our projects.

Name of Contractor HBC Company Inc

by: Signature \_\_\_\_\_

Type or print name/title: Jerry Hoogendoorn

Tel: No. 973 777 4472 Date: 8/16/11

For City use:

Acceptable M/W business participation levels for this project: \_\_\_\_\_

by \_\_\_\_\_ Date: \_\_\_\_\_

MWB3 page 2 - Project JC-10-016 Intersection Improv.

2. As to subcontracted trades mandated to be included in proposal pursuant to NJSA 40A:11-16, please list name of proposed subcontractor, trade, and whether minority, woman, or not

Trade	Contractor name & address	Approx \$ value	To minority or woman Business? check appropriate column		
			Min.	Wom.	Neither
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX					
Line Striping Statewide	409 Pomeroy Rd Parsippany NJ	40,000			X

3. What is your policy and practice with respect to outreach and consideration of minority and woman-owned vendors/contractors as contractors and/or suppliers?

HBC makes every effort to give MBE/WBE contractors and vendors an opportunity to bid and work on all our projects

Name of Contractor HBC Company Inc

by: Signature \_\_\_\_\_

Type or print name/title: Jerry Hoogendoorn

Tel. No. 973 777 4472 Date: 8/16/11

For City use:

Acceptable M/W business participation levels for this project: \_\_\_\_\_

by \_\_\_\_\_ Date: \_\_\_\_\_

**SAMPLE LETTER TO THE UNION**

(CONTRACTOR'S LETTER HEAD)

Date:

Local Union: \_\_\_\_\_

Re: \_\_\_\_\_ Project, Jersey City, NJ

This company is about to enter into a contract with the City of Jersey City for the above project. A condition of the contract is compliance with the state approved affirmative action program, which requires that we make a good faith effort to use minority workers in each construction trade to the extent of \_\_\_\_% of the total work hours, and female workers to the extent of 6.9% of total work hours.

We are further required to submit a statement from an authorized union official, that the union will take such actions as may be necessary with respect to the referral and employment of minority group persons in order to enable this contractor to meet its obligations under the affirmative action plan.

We solicit your help and cooperation, by engaging in aggressive recruitment of minority workers, providing us with the statement requested, and advising whether the union will be able to fulfill our work force needs as indicated.

Very Truly Yours,

\_\_\_\_\_

**P.L. 2004, c. 57 (N.J.S.A. 52:32-44)**  
**MANDATORY BUSINESS REGISTRATION LANGUAGE**

**Construction Contracts**

P.L. 2004, c. 57 (Chapter 57) amends and supplements the business registration provisions of N.J.S.A. 52:32-44 which impose certain requirements upon a business competing for, or entering into a contract with a local contracting agency whose contracting activities are subject to the requirements of the Local Public Contracts Law (N.J.S.A. 40A:11-2).

**"New Jersey Business Registration Requirements"**

The contractor shall provide written notice to its subcontractors and suppliers of the responsibility to submit proof of business registration to the contractor. The requirement of proof of business registration extends down through all levels (tiers) of the project.

Before final payment on the contract is made by the contracting agency, the contractor shall submit an accurate list and the proof of business registration of each subcontractor or supplier used in the fulfillment of the contract, or shall attest that no subcontractors were used.

For the term of the contract, the contractor and each of its affiliates and a subcontractor and each of its affiliates [N.J.S.A. 52:32-44(g)(3)] shall collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act on all sales of tangible personal property delivered into this State, regardless of whether the tangible personal property is intended for a contract with a contracting agency.

A business organization that fails to provide a copy of a business registration as required pursuant to section 1 of P.L.2001, c.134 (C.52:32-44 et al.) or subsection e. or f. of section 92 of P.L.1977, c.110 (C.5:12-92), or that provides false business registration information under the requirements of either of those sections, shall be liable for a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration copy not properly provided under a contract with a contracting agency."

**STATE OF NEW JERSEY  
BUSINESS REGISTRATION CERTIFICATE  
FOR STATE AGENCY AND CASINO SERVICE CONTRACTOR**

DEPARTMENT OF TREASURY  
DIVISION OF REVENUE  
TRENTON, NJ

TAXPAYER NAME: TAX REGISTRATION TEST ACCOUNT

TAXPAYER IDENTIFICATION#: 970-097-3821000

ADDRESS: 847 ROEBLING AVE  
TRENTON, NJ 08611

TRADE NAME: CLT STRA

SEQUENCE NUMBER: 0101

ISSUANCE DATE: 07/14/04

*J.P. S. Tully*

This Certificate is NOT a registration or franchise. It must be prominently displayed at above address.

**STATE OF NEW JERSEY  
BUSINESS REGISTRATION CERTIFICATE**



Taxpayer Name: TAX REG TEST ACCOUNT

Trade Name:

Address: 847 ROEBLING AVE  
TRENTON, NJ 08611

Certificate Number: 1095907

Date of Issuance: October 14, 2004

For Office Use Only:  
20041014112823533

## ADDENDUM# 1

Date:

Project:

The following clarifications, amendments, additions, deletions, revisions and modifications are part of the Contract and change the original Bidding documents only in the manner and to the extent stated.

Please delete Article IV, Letter A of Minority and Women Business Participation in City Construction Contracts (found in the EEO/AA Requirement Section of the contract) and insert the following:

### **IV. Availability of minority/women businesses information**

- A. To assist the successful bidder in identifying prospective M/WB subcontractors for various areas of work included in the project, after notification that the City Council has awarded the contract but prior to the execution of the contract, the successful bidder should contact the M/WBE Director with regard to meeting the City's suggested participation levels of M/WB contractors in the specific disciplines involved in the project.

Identification and/or establishment of prospective subcontractors in various specialties by the M/WBE Director or any City employee are not to be construed as making any representation as to the qualification of any such contractor to perform the work. Such identification/establishment are made for the sole purpose of identifying minority and women owned businesses in the required areas of work. Determination of qualifications for the particular project remains the responsibility of the contractor. Nothing in these requirements is to be construed as changing in any way the provision that bidder will be required to establish to the satisfaction of the Architect (Engineer) the reliability and responsibility of the proposed subcontractors to furnish and perform the work, or as changing in any way other provisions of these specifications.

# MINORITY AND WOMEN BUSINESS PARTICIPATION IN CITY CONSTRUCTION CONTRACTS

City of Jersey City  
Department of Administration  
Division of Equal Opportunity

## Minority & Women Business Participation in City Construction Contracts

### I. Policy

The City of Jersey City has a policy of equal opportunity and nondiscrimination in public contracting based on race, national origin or gender. Further, the City's policy is to encourage increased participation of minority owned and women owned businesses in city contracts. This is in accordance with N.J.S.A. 10:5-32, which provides that public works contracts shall provide for equality in opportunity by any contractor engaged in a public works project.

The City has determined that a "responsible" bidder does not engage in unlawful race or gender discrimination in its awarding of subcontracts or the purchase of supplies used in construction, and does make reasonable efforts to solicit and award subcontracts to minority and female businesses.

### II. Purpose

The city has adopted regulations to assure that bidders receiving City construction contracts are not engaged in unlawful discrimination and make reasonable good faith efforts to include minority & women owned businesses as subcontractors. The intent and purpose of these procedures is not to require that a specific proportion of every contract be allocated to minority and women owned businesses, but to assure that they are included in the competitive process and have opportunities to participate in the city's publicly contracted projects. Pursuant to this policy, contractor is expected to include minority/women owned businesses in all formal or informal invitations to quote, etc., and to make every reasonable effort to provide subcontracting opportunities to qualified minority and woman owned businesses.

The purpose of the "participation levels" referred to herein is to help the city determine whether the contractor has met the requirements of nondiscrimination and of good faith efforts to make subcontracting opportunities available to minority and woman owned businesses. These regulations presume that contractors who have attained or exceeded the suggested participation levels for minority and female subcontractor participation on particular City construction contracts are not engaging in unlawful sex or racial discrimination and have engaged in reasonable efforts to involve minority and female subcontractors. A contractor who is unable to attain or exceed such levels may have its subcontracting practices examined by the city to determine if it is engaging in unlawful discrimination in subcontracting practices or has failed to engage in reasonable outreach efforts.

**MINORITY AND WOMEN BUSINESS PARTICIPATION  
IN CITY CONSTRUCTION CONTRACTS**

**III Suggested Participation Level for minority and woman owned subcontractors:**

- A. Suggested levels of participation for minority owned subcontractors and woman owned subcontractors are determined based on estimates of the dollar value of the work in the various disciplines which may be subcontracted and the availability of minority and woman owned prospective subcontractors in the applicable work areas as reflected in the "SAVI II" database maintained by the State of New Jersey, Department of Commerce & Economic Development, Division of Small, Women & Minority Businesses. The Office of the Minority & Women Business Enterprise Program maintains and updates a listing of minority and woman owned businesses (M/WB's) providing various categories of goods and services. Minority and/or women owned businesses (M/WB's) are those registered as such with the State of New Jersey, Department of Commerce & Economic Development, Division of Small, Women & Minority Businesses (SAVI II database). In addition, bona fide minority or woman owned businesses not so registered will be accepted as such pending completion of the registration process, on recommendation of the Director of Minority/Women Business Enterprise Development Program (M/WBE Director).
- B. In the event the contractor who is awarded the contract elects to perform in-house, with its own personnel and resources, parts of the job included in the subcontracting estimate, the participation levels will be adjusted accordingly.
- C. Suggested participation levels for this project are:
- Minority owned .....20% of total dollar amount of contract.
- Woman owned ..... 5% of dollar amount of contract

**IV. Availability of information/referral lists of minority/women businesses**

- A. To assist bidders in identifying prospective M/WB subcontractors in various areas of work included in the project, Purchasing Agent will deliver with bid packages lists of M/WB contractors in the specific disciplines involved in the project, prepared by the M/WBE Director.

Referrals of prospective subcontractors in various specialties by the MWBE Director or any City employee are not to be construed as making any representation as to the qualification of any such contractor to perform. Such referral lists are submitted for the sole purpose of identifying minority and woman owned businesses in the required areas of work. Determination of qualifications for the particular project remains the responsibility of the contractor. Nothing in these requirements are to be construed as changing in any way the provision

**MINORITY AND WOMEN BUSINESS PARTICIPATION  
IN CITY CONSTRUCTION CONTRACTS**

that "bidder will be required to establish to the satisfaction of the Architect (Engineer) the reliability and responsibility of the proposed subcontractors to furnish and perform the work . . .", or any other provision of these specifications.

**V. Bidders will submit with bid proposal:**

1. Plan for outreach to and utilization of minority and/or woman owned businesses as subcontractors, including bidder's anticipated participation level for M/WB's in each specialty, which parts of the contract bidder plans to subcontract, and which parts of the contract bidder anticipates subcontracting to M/WB's. (Form MWB-3)
2. As to subcontractors required to be submitted with the bid proposal pursuant to NJS A 40A:11-16, or any additional subcontractors requested for bid submission by the Architect/Engineer, bidder will indicate, on Form WMB-3, if any, are minority or woman owned, and what efforts were made to offer subcontracting opportunities to MWB's in these disciplines, including "solicitation list" of contractors solicited to quote on the job and "commitment lists" of those awarded or to be awarded subcontracts.
3. Bidders will provide a separate copy of items 1 and 2 above, which the Purchasing Agent will forward to the MWBE Director for review.

**VI. The following applies to the apparent lowest responsive bidder, or three lowest responsive bidders, after results of bid reception have been announced by the Purchasing Agent:**

- A. MWBE Director will review forms/information submitted by apparent lowest responsible bidder (or three lowest responsible bidders) as part of the bid/proposal, for compliance with nondiscrimination and minority/women business outreach requirements. These will be preliminary findings, subject to receipt and review of further information/documentation indicated below.
- B. MWBE Director may communicate with apparent lowest responsible bidder (or three lowest) requesting further information about subcontractors solicited and subcontractors engaged, and which if any are minority or woman owned, and if appropriate, offering assistance in identifying prospective minority/women subcontractors. (See Form MWB-5). Contractor will have one week to respond. If contractor fails to respond this may result in the bid being found non-responsive, on recommendation of the MWBE Director in consultation with the Corporation Counsel.

**MINORITY AND WOMEN BUSINESS PARTICIPATION  
IN CITY CONSTRUCTION CONTRACTS**

C. MWBE review will include

1. Verifying that proposed subcontractors listed as M/WB's are listed in the State of NJ SAVI II database or other recognized MWBE listings, e.g., New Jersey Transit, Port Authority, etc. If not, Director will attempt to ascertain whether said subcontractors are in fact minority and/or woman owned and controlled, and provide assistance to proposed subcontractors in registering with SAVI II. If MWBE Director has reason to believe the proposed subcontractor is not a bona fide minority or woman owned and operated business he/she will inform the bidding contractor and the city officials referred to in this section, and may require further verification.
2. Verifying whether bidder has achieved the suggested levels of MWB participation.
3. If not, reviewing the contractor's efforts as documented and the contractor's reasons for not achieving such levels

D. Findings/Recommendations as to compliance

1. If the bidder's MWB targeted participation levels are achieved, bidder will be presumed not to be engaging in unlawful racial and gender discrimination in the selection of subcontractors and suppliers and will be presumed to have engaged in reasonable outreach efforts.
2. If the participation levels are not achieved by the bidder, the MWBE director in consultation with the Corporation Counsel will review the contractor's outreach efforts and subcontracting practices to determine if it has engaged in reasonable efforts to provide subcontracting opportunities to minority & woman owned businesses, or if it has engaged or is engaging in unlawful race or sex discrimination.
3. If said review indicates that the bidder has made reasonable efforts to include minority businesses as subcontractors and suppliers and has not engaged in unlawful race and sex discrimination, the bidder will be in compliance with the requirements of these provisions.

**MINORITY AND WOMEN BUSINESS PARTICIPATION  
IN CITY CONSTRUCTION CONTRACTS**

4. If said review indicates that the bidder has failed to make reasonable efforts to provide opportunities to minority businesses as subcontractors and suppliers, or has engaged in unlawful race and sex discrimination, the bidder will be deemed not responsible under the provisions of these regulations and the provisions of the specifications. Such recommendation will be made by the MWBE director to the Purchasing Agent in consultation with the Corporation Counsel. Any bidder whose bid is rejected based on findings of discrimination may request and receive a hearing in accordance with applicable law (local, state and federal).
5. The review and recommendation process referred to in sections C and D should be completed within two weeks.

**VII. Awarding of contract**

- A. The contract will include a provision that Contractor will continue to comply with the provisions of the Minority/Women Business program requirements and the MWB participation levels agreed upon.
- B. The MWBE Director will monitor contractor's compliance. In the event that additional or other subcontracting awards become necessary during the course of the project, the MWBE Director will continue to assist in identification of prospective minority/women subcontractors as appropriate.

CHRIS CHRISTIE  
Governor

KIM GAUDAGNO  
Lt. Governor



ANDREW P. SIDAMON-ERISTO  
Acting State Treasurer

*State of New Jersey*

DEPARTMENT OF THE TREASURY  
DIVISION OF MINORITY AND WOMEN BUSINESS DEVELOPMENT  
P.O. BOX 026  
TRENTON, NJ 08625-034  
PHONE: 609-292-2146 FAX: 609-292-8764

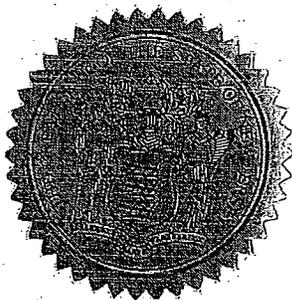
**APPROVED**  
*under the*

Small Business Set-Aside Act and Minority and Women Certification Program

This certificate acknowledges **HBC COMPANY INC** as a **Category 5** approved Small Business Enterprise that has met the criteria established by N.J.A.C. 17:13 and/or 17:14.

This registration will remain in effect for three years. Annually the business must submit, not more than 20 days prior to the anniversary of the registration notice, an annual verification statement in which it shall attest that there is no change in the ownership, revenue eligibility or control of that business.

If the business fails to submit the annual verification statement by the anniversary date, the registration will lapse and the business will be removed from the SAVI that lists registered small businesses. If the business seeks to be registered again, it will have to reapply and pay the \$100 application fee. In this case, a new application must be submitted prior the expiration date of this registration.



Certification Number: 51686-20

*Nina E. Moseley*  
Nina E. Moseley  
Senior Director

Issued: February 4, 2010

Expiration: February 3, 2013

# Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 11-705

Agenda No. 10.T

Approved: OCT 12 2011

TITLE:



**RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO GENERATOR EXCHANGE COMPANY FOR THE SUPPLY AND DELIVERY OF LIGHT AUTOMOTIVE PARTS FOR THE DEPARTMENT OF PUBLIC WORKS/DIVISION OF AUTOMOTIVE MAINTENANCE**

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**COUNCIL**

**OFFERED AND MOVED ADOPTION OF THE FOLLOWING RESOLUTION:**

**WHEREAS**, the City Purchasing Director acting within his authority and in conformity with N.J.S.A. 40A:11-1 et. seq. has publicly advertised for bids for the **Supply and Delivery of Light Automotive Equipment** to the City of Jersey City for the Department of Public Works, Division of Automotive Maintenance; and

**WHEREAS**, the contract is for one year from the date of award of contract and the City reserves the right to extend the contract for one additional one year term pursuant to specifications and bids thereon; and

**WHEREAS**, pursuant to public advertisement the City of Jersey City has received **Three (3) Bids**, the lowest responsive bid being that from **Generator Exchange, 667-669 Communipaw Ave., Jersey City, New Jersey 07304** in the total bid amount of **One Hundred Sixty Two Thousand, Six Hundred Eighty Four Dollars (\$162,684.50) and Fifty Cents**; and

**WHEREAS**, the sum of **One Hundred Sixty Two Thousand, Six Hundred Eighty Four Dollars (\$162,684.50) and Fifty Cents**, will be budgeted for the 2011 and 2012 temporary and permanent budgets subject to the approval of said budget by the Municipal Council; and

**WHEREAS**, the sum of **Forty Five Thousand Dollars (\$45,000.00)** is available in the 2011 permanent budget in account No. 01-201-26-315-210, Department of Public Works, Division of Automotive Maintenance; and

**WHEREAS**, the City Purchasing Director has certified that he considers said bids to be fair and reasonable; and

**WHEREAS**, these funds are available for this expenditure in accordance with requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et. seq.

Account Number:	Purchase Order	Temp. Encumbrancy
01-201-26-315-210	104397	\$45,000.00

**NOW, THEREFORE, BE IT RESOLVED**, by the Municipal Council of the City of Jersey City that the said bid of the aforementioned companies be accepted and that a contract be awarded to said company in the above amount, and the City's Purchasing Director is directed to have such a contract drawn up and executed; and be it further

(Continued on page 2)

TITLE:

**RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO GENERATOR EXCHANGE COMPANY FOR SUPPLY AND DELIVERING OF LIGHT AUTOMOTIVE PARTS FOR THE DEPARTMENT OF PUBLIC WORKS/AUTOMOTIVE MAINTENANCE**

**RESOLVED**, that upon certification by an official or employee of the City authorized to receive the material pursuant to the contract, that the same has been received and that the requirements of the contract met, then; payment to the contractor shall be made in accordance with the provisions of the Local Fiscal Affairs Law, N.J.S.A. 40A:5-1 et. seq; and be it further

*J.A.  
10/6/11*

**RESOLVED**, this contract shall be subject to the condition that the vendor/contractor provide satisfactory evidence of compliance with the Affirmative Action Amendments to the Law Against Discrimination, N.J.S.A. 10:5-31 et. seq.; and be it further

**RESOLVED**, that the Mayor or Business Administrator is hereby authorized to execute a contract on behalf of the City of Jersey City.

I, *Donna Mauer*, Donna Mauer, Chief Financial Officer, certify that there are sufficient funds available for payment of this above resolution in account No. 01-201-26-315-210

Account # 01-201-26-315-210 Purchase Order No. 104397 \$45,000.00 Temp. Enc.

*Peter Folgado*  
**PETER FOLGADO**  
DIRECTOR OF PURCHASING, RPPO, QPA

APPROVED: \_\_\_\_\_

APPROVED AS TO LEGAL FORM

APPROVED: *Julia Kelly*  
Business Administrator

*Paul Redelf*  
Corporation Counsel

Certification Required

Not Required

APPROVED 9-0

RECORD OF COUNCIL VOTE ON FINAL PASSAGE											
				10/12/11							
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			AHMAD	✓		
DONNELLY	✓			FULOP	✓			VELAZQUEZ	✓		
LOPEZ	✓			RICHARDSON	✓			BRENNAN, PRES	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.

*Peter M. Brennan*  
Peter M. Brennan, President of Council

*Robert Byrne*  
Robert Byrne, City Clerk

**RESOLUTION FACT SHEET**  
**OF BID RECEPTION**

**FULL TITLE OF RESOLUTION:**

**RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO GENERATOR EXCHANGE COMPANY FOR THE SUPPLY AND DELIVERY OF LIGHT AUTOMOTIVE PARTS FOR THE DEPARTMENT OF PUBLIC WORKS/DIVISION OF AUTOMOTIVE**

**PERSON AND DEPARTMENT REQUESTING BID RECEPTION:**

Rodney Hadley, Director, Department of Public Works

**PERSON RESPONSIBLE FOR CONDUCTING BID RECEPTION:**

Peter Folgado, Director, Division of Purchasing

**NUMBER OF PROPOSALS PICKED-UP:**

Six (6)

**DATE BIDS WERE PUBLICLY RECEIVED:**

June 2, 2011

**NUMBERS OF BIDS RECEIVED:**

Three (3)

**DESCRIBE THE PROGRAM OR PROJECT REQUIRING BIDS:**

Light Automotive Parts for the Department of Public Works/Division of Automotive

**BIDDER'S INFORMATION:**

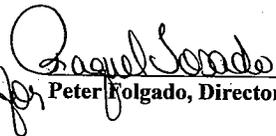
- A) COMPLETE NAME AND ADDRESS OF ALL BIDDERS
- B) BID RESULTS

	Grand Total Bid Price
1) Napa 976 Broadway Bayonne, NJ 07002	\$161,367.75 * Rejected Nonresponsive
2) Generator Exchange Co. 667-669 Communipaw Ave Jersey City, NJ 07304	\$162,684.50
3) Raphael Bus Sales, LLC 550 Old Stage Road East Brunswick, NJ 08816	\$169,470.10

**BID QUOTATION IS CONSIDERED TO BE FAIR AND REASONABLE:**

**I CERTIFY THAT ALL THE FACTS  
HAVE BEEN PRESENTED**

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
for Peter Folgado, Director of Purchasing, RPPO, QPA



## STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE

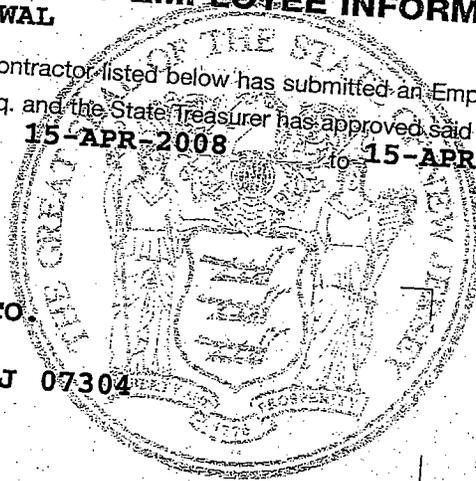
**Taxpayer Name:** GENERATOR EXCHANGE CO.  
**Trade Name:**  
**Address:** 667 669 COMMUNIPAW AV  
JERSEY CITY, NJ 07304  
**Certificate Number:** 0099843  
**Effective Date:**  
**Date of Issuance:** June 02, 2011

**For Office Use Only:**  
20110602091635211

Certification 16348

**CERTIFICATE OF EMPLOYEE INFORMATION REPORT  
RENEWAL**

This is to certify that the contractor listed below has submitted an Employee Information Report pursuant to N.J.A.C. 17:27-1.1 et seq. and the State Treasurer has approved said report. This approval will remain in effect for the period of **15-APR-2008** to **15-APR-2015**



**GENERATOR EXCHANGE CO.  
667 COMMUNIPAW AVE.  
JERSEY CITY**

**NJ 07304**



A handwritten signature in black ink, appearing to read "D. D. R.", written over a horizontal line.

Acting State Treasurer

# **EEO/AFFIRMATIVE ACTION REQUIREMENTS**

## **Goods, Professional Services and General Service Contracts**

Questions in reference to EEO/AA Requirements For Goods, Professional Services and General Service Contracts should be directed to:

Jean F. Abuan  
Affirmative Action Officer, Public Agency Compliance Officer  
Department of Administration  
Office of Equal Opportunity/Affirmative action  
280 Grove Street Room-103  
Jersey City NJ 07302  
Tel. #201-547-4533  
Fax# 201-547-5088  
E-mail Address: [abuanJ@jcnj.org](mailto:abuanJ@jcnj.org)

## EXHIBIT A

### MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE N.J.S.A. 10:5-36 et seq; N.J.A.C. 17:27

#### Goods, Professional Services and General Service Contracts

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age; race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity, or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-36 et seq., as amended and

## EXHIBIT A (continued)

### MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE N.J.S.A. 10:5-36 and N.J.A.C. 17:27

supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to afford equal employment opportunities to minority and women workers consistent with good-faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2, or Good faith efforts to meet targeted county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the targeted employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and conform with the applicable employment goals, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval  
Certificate of Employee Information Report  
Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

The undersigned vendor certifies on their company's receipt; knowledge and commitment to comply with:

EXHIBIT A  
N.J.S.A. 10:5-36 and N.J.A.C. 17:27  
MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE  
Goods, Professional Services and General Service Contracts  
(Mandatory Affirmative Action Language)

The undersigned vendor further agrees to furnish the required forms of evidence and understands that their contract/company's bid shall be rejected as non-responsive if said contractor fails to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27.

Representative's Name/Title (Print): JOHN MAURUS V.P.

Representative's Signature: John Maurus

Name of Company: GENERATOR EXCHANGE CO.

Tel. No.: 201-333-4398 Date: 5/27/11

**STATE OF NEW JERSEY**  
Division of Contract Compliance & Equal Employment Opportunity

**EMPLOYEE INFORMATION REPORT**

IMPORTANT-READ INSTRUCTIONS CAREFULLY BEFORE COMPLETING FORM. FAILURE TO PROPERLY COMPLETE THE ENTIRE FORM AND TO SUBMIT THE REQUIRED \$150.00 FEE MAY DELAY ISSUANCE OF YOUR CERTIFICATE. DO NOT SUBMIT EEO-1 REPORT FOR SECTION B, ITEM 11. For instructions on completing the form, go to: [http://www.state.nj.us/treasury/contract\\_compliance/pdf/aa302ins.pdf](http://www.state.nj.us/treasury/contract_compliance/pdf/aa302ins.pdf)

**SECTION A - COMPANY IDENTIFICATION**

1. FID. NO. OR SOCIAL SECURITY	2. TYPE OF BUSINESS <input type="checkbox"/> 1. MFG <input type="checkbox"/> 2. SERVICE <input type="checkbox"/> 3. WHOLESALE <input type="checkbox"/> 4. RETAIL <input type="checkbox"/> 5. OTHER	3. TOTAL NO. EMPLOYEES IN THE ENTIRE COMPANY
4. COMPANY NAME		
5. STREET	CITY	COUNTY      STATE      ZIP CODE
6. NAME OF PARENT OR AFFILIATED COMPANY (IF NONE, SO INDICATE)		CITY      STATE      ZIP CODE
7. CHECK ONE: IS THE COMPANY: <input type="checkbox"/> SINGLE-ESTABLISHMENT EMPLOYER <input type="checkbox"/> MULTI-ESTABLISHMENT EMPLOYER		
8. IF MULTI-ESTABLISHMENT EMPLOYER STATE THE NUMBER OF ESTABLISHMENTS IN NJ		
9. TOTAL NUMBER OF EMPLOYEES AT ESTABLISHMENT WHICH HAS BEEN AWARDED THE CONTRACT		
10. PUBLIC AGENCY AWARDED CONTRACT		
	CITY	COUNTY      STATE      ZIP CODE
Official Use Only	DATE RECEIVED	INAUG. DATE      ASSIGNED CERTIFICATION NUMBER

**SECTION B - EMPLOYMENT DATA**

11. Report all permanent, temporary and part-time employees ON YOUR OWN PAYROLL. Enter the appropriate figures on all lines and in all columns. Where there are no employees in a particular category, enter a zero. Include ALL employees, not just those in minority/non-minority categories, in columns 1, 2, & 3. **DO NOT SUBMIT AN EEO-1 REPORT.**

JOB CATEGORIES	ALL EMPLOYEES			PERMANENT MINORITY/NON-MINORITY EMPLOYEE BREAKDOWN										
	COL. 1 TOTAL (Cols. 2, & 3)	COL. 2 MALE	COL. 3 FEMALE	***** MALE *****					***** FEMALE *****					
				BLACK	HISPANIC	AMER. INDIAN	ASIAN	NON MIN.	BLACK	HISPANIC	AMER. INDIAN	ASIAN	NON MIN.	
Officials/Managers														
Professionals														
Technicians														
Sales Workers														
Office & Clerical														
Craftworkers (Skilled)														
Operatives (Semi-skilled)														
Laborers (Unskilled)														
Service Workers														
TOTAL														
Total employment From previous Report (if any)														
Temporary & Part-Time Employees	The data below shall NOT be included in the figures for the appropriate categories above.													

12. HOW WAS INFORMATION AS TO RACE OR ETHNIC GROUP IN SECTION B OBTAINED? <input type="checkbox"/> 1. Visual Survey <input type="checkbox"/> 2. Employment Record <input type="checkbox"/> 3. Other (Specify)	14. IS THIS THE FIRST Employee Information Report Submitted?  1. YES <input type="checkbox"/> 2. NO <input type="checkbox"/>	15. IF NO, DATE LAST REPORT SUBMITTED  MO.   DAY   YEAR
13. DATES OF PAYROLL PERIOD USED From: _____ To: _____		

**SECTION C - SIGNATURE AND IDENTIFICATION**

16. NAME OF PERSON COMPLETING FORM (Print or Type)	SIGNATURE	TITLE	DATE MO   DAY   YEAR
17. ADDRESS NO. & STREET	CITY	COUNTY	STATE    ZIP CODE    PHONE (AREA CODE, NO., EXTENSION)

STATE OF NEW JERSEY DEPARTMENT OF THE TREASURY  
 Division of Contract Compliance & Equal Employment Opportunity  
 VENDOR ACTIVITY SUMMARY REPORT

CERTIFICATE NO. 10348

NAME OF FACILITY: \_\_\_\_\_

DATE OF PAYROLL PERIOD USED: FROM \_\_\_\_\_ TO \_\_\_\_\_

TO 2/15/88 TO 2/15/88

NEW HIRES  PROMOTIONS  TRANSFERS  TERMINATIONS (CHECK (X) APPROPRIATE ACTIVITY)

Street \_\_\_\_\_

607 Commonwealth Ave CITY STEVENS County HANDS State NI zip Code 07304

CATEGORIES	MALE					FEMALE						
	Total	Black	Hispanic	Am. Indian	Asian	Non-Wh.	Total	Black	Hispanic	Am. Indian	Asian	Non-Wh.
OFFICIALS & MANAGERS	4											
PROFESSIONALS												
TECHNICIANS												
SALES WORKERS												
OFFICE & CLERICAL												
CRAFTWORKERS												
OPERATIVES												
LABORERS												
SERVICE WORKERS												
TOTAL	4											

I certify that the information on this Form is true and correct.

NAME OF PERSON COMPLETING FORM (Print or Type) \_\_\_\_\_  
 LAST FIRST MI SIGNATURE \_\_\_\_\_

ADDRESS (NO. & STREET) \_\_\_\_\_ (CITY) \_\_\_\_\_ (STATE) \_\_\_\_\_ (ZIP) \_\_\_\_\_

PHONE (AREA CODE, NO., EXTENSION) \_\_\_\_\_ DATE SUBMITTED 5/30/88

\*\*\*\*\*  
607 Commonwealth Ave  
STEVENS NJ 07304  
333 4398  
 \*\*\*\*\*

APPENDIX A  
AMERICANS WITH DISABILITIES ACT OF 1990  
Equal Opportunity for Individuals with Disability

The contractor and the V.P. of Generator Exchange Co. (hereafter "owner") do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. S121 01 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant there unto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the owner pursuant to this contract, the contractor agrees that the performance shall be in strict compliance with the Act. In the event that the contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the contractor shall defend the owner in any action or administrative proceeding commenced pursuant to this Act. The contractor shall indemnify, protect, and save harmless the owner, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages, of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The contractor shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the owner's grievance procedure, the contractor agrees to abide by any decision of the owner which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the owner, or if the owner incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the contractor shall satisfy and discharge the same at its own expense.

The owner shall, as soon as practicable after a claim has been made against it, give written notice thereof to the contractor along with full and complete particulars of the claim. If any action or administrative proceeding is brought against the owner or any of its agents, servants, and employees, the owner shall expeditiously forward or have forwarded to the contractor every demand, complaint, notice, summons, pleading, or other process received by the owner or its representatives.

It is expressly agreed and understood that any approval by the owner of the services provided by the contractor pursuant to this contract will not relieve the contractor of the obligation to comply with the Act and to defend, indemnify, protect, and save harmless the owner pursuant to this paragraph.

It is further agreed and understood that the owner assumes no obligation to indemnify or save harmless the contractor, its agents, servants, employees and subcontractors for any claim which may arise out of their performance of this Agreement. Furthermore, the contractor expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the contractor's obligations assumed in this Agreement, nor shall they be construed to relieve the contractor from any liability, nor preclude the owner from taking any other actions available to it under any other provisions of the Agreement or otherwise at law.

Representative's Name/Title (Print): JOHN MAURIS  
Representative's Signature: John Mauris  
Name of Company: Generator Exchange Co.  
Tel. No.: 201-333-4398 Date: 5/27/11

**Minority/Woman Business Enterprise (MWBE)  
Questionnaire for Bidders**

Jersey City Ordinance C-829 establishes a goal of awarding 20% of the dollar amount of total city procurement to minority and woman owned business enterprises.

To assist us in monitoring our achievement of this goal, please indicate below whether your company is or is not a minority owned and/or woman owned business, and return this form with your bid proposal:

Business Name: GENERATOR EXCHANGE CO.  
Address: 667 COMMUNIPAN AVE J.C. NJ 07304  
Telephone No.: 201-333-84398  
Contact Name: JOHN MAJLUS

Please check applicable category:

Minority Owned Business (MBE)

Minority & Woman Owned Business (MWBE)

Woman Owned business (WBE)

Neither

**Definitions**

**Minority Business Enterprise**

Minority Business Enterprise means a business which is a sole proprietorship, partnership or corporation at least 51% of which is owned and controlled by persons who are African American, Hispanic, Asian American, American Indian or Alaskan native, defined as follows:

**African American:** a person having origins in any of the black racial groups of Africa

**Hispanic:** a person of Mexican, Puerto Rican, Central or South American or other non-European Spanish culture or origin regardless of race.

**Asian:** a person having origins in any of the original peoples of the Far East, South East Asia, Indian subcontinent, Hawaii or the Pacific Islands.

**American Indian or Alaskan Native:** a person having origins in any of the original peoples of North America and who maintains cultural identification through tribal affiliation or community recognition.

**Woman Business Enterprise**

Woman Business Enterprise means a business which is a sole proprietorship, partnership or corporation at least 51% of which is owned and controlled by a woman or women.

**SCHEDULE OF PRICES**

For furnishing and delivering, to the City of Jersey City, Dept. of Public Works, Div. of Automotive Maintenance, in strict accordance with these specifications the items listed herein: **Light Automotive Parts & Equipment** with the listed part number or approved equal.

Prices to be quoted per Unit and Extended Amount

Item	Quantity	Make	Part Description	Part #	Unit Price	Extended Price
1.	200 ea.	Security Chain	17" Snow Traction Cables	SC1042	\$ 29.95	\$ 5990.00
2.	200 ea.	Security Chain	18" Snow Traction Cables	SZ429	\$ 34.95	\$ 6990.00
3.	200 ea.	Security Chain	16" Snow Traction Cables	SC1038	\$ 24.95	\$ 4990.00
4.	40 ea.	Johnson	30 lb. Cylinder Freon	R134A	\$ 125.00	\$ 5000.00
5.	20 ea.	Motorcraft	A/C Compressor Oem only	YCC151	\$ 209.00	\$ 4180.00
6.	200 ea.	Hastings	Air Filter	AF878	\$ 3.90	\$ 780.00
7.	100 ea.	Hastings	Air Filter	AF2397	\$ 25.09	\$ 2509.00
8.	100 ea.	Motorcraft	Alternator - 130 AMP	GL671	\$ 229.00	\$ 22900.00
9.	200 ea.	Dayco	Belt	5081260	\$ 21.78	\$ 4356.00
10.	200 sets	Raybestos severe duty	Brake Pad	ATD-748C	\$ 20.75	\$ 4150.00
11.	200 sets	Raybestos severe duty	Brake Pad	ATD-777M	\$ 29.56	\$ 5912.00
12.	200 sets	Raybestos severe duty	Brake Pad	ATD-931P	\$ 23.74	\$ 4748.00
13.	200 sets	Raybestos severe duty	Brake Pad	ATD-932P	\$ 21.57	\$ 4314.00
14.	200 ea.	Ac Delco only	Brake Rotor - Front No white boxed	18A1252	\$ 49.91	\$ 9982.00
15.	200 ea.	AC Delco only	Brake Rotor - Rear No white boxed	18A1254	\$ 39.04	\$ 7808.00
16.	75 ea.	Raybestos	Brake Shoe	791 PG	\$ 11.33	\$ 849.75
17.	200 ea.	Wagner	Bulbs	9004	\$ 2.49	\$ 498.00
18.	200 ea.	Wagner	Bulbs	9005	\$ 2.95	\$ 590.00
19.	200 ea.	Wagner	Bulbs	9006	\$ 2.95	\$ 590.00
20.	200 ea.	Wagner	Bulbs	9007	\$ 2.95	\$ 590.00
21.	150 ea.	Wagner	Bulbs	3057	\$ .45	\$ 67.50
22.	150 ea.	Wagner	Bulbs	3157	\$ .45	\$ 67.50

23.	150 ea.	Wagner	Bulbs	1157	\$ .17	\$ 25.50
24.	50 ea.	BWD	Ignition Coil	E232	\$ 13.90	\$ 695.00
25.	50 ea.	Airtex	Electric Fuel Pump	E2449S	\$ 107.87	\$ 5393.50
26.	75 ea.	Hastings	Fuel Filter	FF1114	\$ 13.90	\$ 1042.50
27.	100 ea.	Hastings	Fuel Filter	FF1145	\$ 24.90	\$ 2490.00
28.	100 ea.	Hastings	Fuel Filter	GF326	\$ 4.40	\$ 440.00
29.	100 ea.	Hastings	Fuel Filter	GF348	\$ 14.47	\$ 1447.00
30.	50 ea.	Dayco	Hose	72287	\$ 149.00	\$ 7450.00
31.	25 ea.	Spicer	Idler Arm	450-1043.B	\$ 8.59	\$ 214.75
32.	50 ea.	A - 1	Master Cylinder	10-2954	\$ 22.78	\$ 1139.00
33.	25 ea.	BWD	O2 SENSOR	OS2225	\$ 18.80	\$ 470.00
34.	250 ea.	Hastings	Oil Filter	LF558	\$ 9.90	\$ 2475.00
35.	250 ea.	Hastings	Oil Filter	LF107	\$ 2.48	\$ 620.00
36.	250 ea.	Hastings	Oil Filter	LF483	\$ 2.78	\$ 695.00
37.	250 ea.	Hastings	Oil Filter	LF110	\$ 2.55	\$ 637.50
38.	250 ea.	Hastings	Oil Filter	LF134	\$ 2.44	\$ 610.00
39.	250 ea.	Hastings	Oil Filter	LF299	\$ 6.55	\$ 1637.50
40.	25 ea.	Spicer	Pitman Arm	4451052.B	\$ 6.99	\$ 174.75
41.	50 ea.	Silla	Radiator	2610P	\$ 98.00	\$ 4900.00
42.	10 ea.	Dorman	Radiator Fan Motor	620-121	\$ 75.50	\$ 755.00
43.	250 ea.	Champion	Spark Plug	401	\$ .89	\$ 222.50
44.	100 ea.	Reliance	Starter	3218	\$ 38.80	\$ 3880.00
45.	50 ea.	A - 1	Steering Pump	20-298	\$ 22.50	\$ 1125.00
46.	25 ea.	A - 1	Steering Rack	22-276	\$ 69.90	\$ 1747.50
47.	50 ea.	Spicer	Tie Rod - Inner	401-1222B	\$ 5.95	\$ 297.50
48.	50 ea.	Spicer	Tie Rod - Outer	401-1930	\$ 24.40	\$ 1220.00
49.	50 ea.	A - 1	Water Pump	55-23134	\$ 15.95	\$ 797.50
50.	500 ea.	Anco	Wiper Blade	31-24	\$ 1.99	\$ 995.00
51.	50 ea.	A - 1	Wiper Motor	40-2010	\$ 22.48	\$ 1124.00
52.	50 ea.	Spicer	Stabilizer Link - Left	545-1117B	\$ 7.50	\$ 375.00
53.	50 ea.	Spicer	Stabilizer Link - Right	545-1118B	\$ 7.50	\$ 375.00

54.	50 ea.	A - 1	Caliper - Left	18-4841	\$ 27.90	\$ 1395. <sup>00</sup>
55.	50 ea.	A - 1	Caliper - Right	18-4840	\$ 27.90	\$ 1395. <sup>00</sup>
56.	25 ea.	Dorman	Intake Manifold	615-175	\$ 98.80	\$ 2470. <sup>00</sup>
57.	25 ea.	Edelmann	Power Steering Line	91970	\$ 27.60	\$ 690. <sup>00</sup>
58.	25 ea.	A - 1	Power Steering Pump	20-253	\$ 22.90	\$ 572. <sup>50</sup>
59.	25 ea.	Stant	Thermostat	13399	\$ 3.43	\$ 85. <sup>75</sup>
60.	200 ea.	Stant	Thermostat	13779	\$ 3.32	\$ 664. <sup>00</sup>
61.	25 ea.	Dorman	Radiator Reserve Tank	603-201	\$ 17.90	\$ 447. <sup>50</sup>
62.	50 ea.	Ford Oem only	Radiator Fan Unit	8W1Z8C607 B	\$ 149.00	\$ 7450. <sup>00</sup>
63.	300 ea.	Anco	Wiper Blades	31-18	\$ 1.99	\$ 597. <sup>00</sup>
64.	300 ea.	Anco	Wiper Blades	31-20	\$ 1.99	\$ 597. <sup>00</sup>
65.	300 ea.	Anco	Wiper Blades	31-22	\$ 1.99	\$ 597. <sup>00</sup>
66.	300 ea.	Anco	Wiper Blades	31-26	\$ 1.99	\$ 597. <sup>00</sup>
67.	300 ea.	Anco	Winter Wiper Blades	30-20	\$ 2.99	\$ 897. <sup>00</sup>
68.	300 ea.	Anco	Winter Wiper Blades	30-22	\$ 2.99	\$ 897. <sup>00</sup>
<b>GRAND TOTAL PRICE</b>					\$	<b>162,684.50</b>

ONE HUNDRED AND SIXTY TWO THOUSAND SIX HUNDRED AND EIGHTY FOUR DOLLARS AND FIFTY CENTS.  
 ( GRAND TOTAL PRICE -- IN WRITTEN WORDS ↑ )

All quotations must be typed or written in ink. Pencil quotations will automatically render the bid informal. This bid must be accompanied by a bond or certified check for Ten (10%) percent of the Total Amount Of Bid. Bond must be from some Surety Company authorized to do business in the State of New Jersey.	
<b>COMPANY NAME:</b> GENERATOR EXCHANGE CO	<b>CONTACT NAME:</b> JOHN MAURUS
<b>ADDRESS:</b> 667 COMMUNIPAW AVE JERSEY CITY NJ 07304	<b>ADDRESS:</b> 667 COMMUNIPAW AVE (201) 333-4398 JERSEY CITY NJ 07304

**Notes to Bidders**

1. The City will award this contract as an open-end contract. For all items specified the minimum quantity the City shall be obligated to order is zero (0).
2. The maximum quantities are stated above.
3. The extended price shall be the unit price multiplied by the quantity for each item.
4. The total bid amount shall be the summation of the extended prices.
5. The City reserves the right to make the Contract award on a lump sum basis or to make partial contract awards based on lowest unit prices. If the City determines to make a lump sum award, all Bid Proposals not containing prices for all items will be rejected. The Lump Sum awarded will be based on the Grand Total Price

# Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 11-706

Agenda No. 10.U

Approved: OCT 12 2011

TITLE:



## RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO GOLD TYPE BUSINESS MACHINES, INC.. FOR PROVIDING CCTV EQUIPMENT AND SERVICES TO THE JERSEY CITY POLICE DEPARTMENT AS AN EMERGENCY WITHOUT PUBLIC BIDDING

### COUNCIL OFFERED AND MOVED ADOPTION OF THE FOLLOWING RESOLUTION :

**WHEREAS**, in July 2011, the City opened a new public swimming pool at Johnston Avenue and Van Horne Street; and

**WHEREAS**, The Chief of Police toured the pool facility and was informed by the East District Commander of an increase in street gang members and activity at the facility; and

**WHEREAS**, the Chief of Police recognized that the facility was completely lacking in adequate security; and

**WHEREAS**, the Chief of Police observed the presence of gang members at the facility first hand; and

**WHEREAS**, the most expedient means of providing security was through the installation of CCTV cameras at both the new pool and at the existing Pavonia Avenue pool; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-6 which permits that a contract may be negotiated or awarded for a contracting unit without public advertising for bids and bidding therefor, notwithstanding that the contract price will exceed the bid threshold, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

**WHEREAS**, in the judgment of the Chief of Police, the lack of security at public pools created an emergency affecting public safety; and

**WHEREAS**, Gold Type Business Machines, Inc submitted a proposal for CCTV equipment and services which would immediate address the security concerns at the public pools; and

**WHEREAS**, the proposal submitted by Gold Type Business Machines, Inc. was in the amount of \$34,515.84; and

**WHEREAS**, the City Purchasing Agent has certified that he considers said proposal to be fair and reasonable; and

**WHEREAS**, there are sufficient funds in the following account

Acct NO. 16-290-55-000-800 Po# 104431 \$34,515.84

TITLE:

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO GOLD TYPE BUSINESS MACHINES, INC.. FOR PROVIDING CCTV EQUIPMENT AND SERVICES TO THE JERSEY CITY POLICE DEPARTMENT AS AN EMERGENCY WITHOUT PUBLIC BIDDING**

NOW , THEREFORE, BE IT RESOLVED, by the Municipal Council of the City of Jersey City that:

- 1) Pursuant to N.J.S.A. 40A;11-6 a contract to provide CCTV goods and services at public pools is awarded to Gold Type Business Machines, Inc.;
- 2) This contract is awarded without public bidding because the Police Chief has certified that the lack of security at the newly opened pool was a threat to public safety;
- 3) The total contract amount shall not exceed the sum of \$34,515.84
- 4) Subject to such modification as deemed necessary or appropriate by Corporation Counsel, the Mayor or Business Administrator is authorized to execute the agreement prepared by the Purchasing Agent;
- 5) This Agreement shall be subject to the condition that Gold Type Business Machines, Inc., provide satisfactory evidence of compliance with the Affirmative Action Amendments to the Law Against Discrimination, N.J.S.A. 10:5-31 *et seq.*
- 6) Upon certification by an official or employee of the City authorized to attest that the contractor has complied with specifications in all respects, and the requirements of the contract met, then payment to the contractor shall be made in accordance with the provisions of the Local Fiscal Affairs Law, N.J.S.A. 40A:5-1 *et seq.*;

I, Donna Mauer (Donna Mauer), Chief Financial Officer, certify that funds in the amount of \$34,515.84 are available in Acctt No.16-290-55-000-800

PO Number:

APPROVED: \_\_\_\_\_

APPROVED AS TO LEGAL FORM

APPROVED: [Signature]  
Asst Business Administrator

[Signature]  
Asst Corporation Counsel

Certification Required

Not Required

APPROVED 9-0

RECORD OF COUNCIL VOTE ON FINAL PASSAGE											
				10/12/11							
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			AHMAD	✓		
DONNELLY	✓			FULOP	✓			VELAZQUEZ	✓		
LOPEZ	✓			RICHARDSON	✓			BRENNAN, PRES	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.

[Signature]  
Peter M. Brennan, President of Council

[Signature]  
Robert Byrne, City Clerk



# JERSEY CITY POLICE DEPARTMENT

## OFFICE OF THE CHIEF

8 Erie Street – Jersey City, NJ 07302  
201-547-5301

### MEMORANDUM

TO: Patricia Vega, Purchasing  
FROM: Thomas Conroy, Chief of Police  
DATE: September 30, 2011  
SUBJECT: Emergency Installation of Cameras

---

In July of 2011, the City opened up a new public pool at Johnston Avenue and Van Horne Street. The East District Commander, Captain Joseph Connors, requested I tour the facility as it was lacking in security. Additionally, Officers noticed an increase in known gang members at the facility. This elevated their concern for resident's safety.

As requested, I toured the facility and concurred with Captain Connors' assessment that passive security measures were almost nonexistent. During my tour of the facility it was clearly evident that gang members were attempting to stake claim to areas around the pool. In one instance a gang member removed his shirt and turned his back toward me, clearly displaying a gang tattoo on his right shoulder blade.

In a time when we are operating at decreased manpower levels, I determined the best and most cost effective way to adjudicate the matter was to install a CCTV camera system immediately and clearly post its use. This would act as a passive deterrent to any potential criminal activity. Additionally I had a camera placed at the Pavonia Avenue pool, as the possibility existed that gang activity could potentially relocate there as they also had no security measures. The urgency of this situation precluded us from putting the installation out to bid.

As of the writing of this report, there have been no incidents at either pool. City residents have enjoyed both facilities confident in the knowledge that activity was being monitored by the Department.

CC: Joseph Iwuala

for Reso # 11-704  
# 10. V

NON COLLUSION AFFIDAVIT

STATE OF NEW JERSEY

CITY OF JERSEY CITY ss:

*[Handwritten signature]*

I certify that I am Vincent Crown CTO

Of the firm of Gold Type Business Machines Inc

the bidder making the proposal for the above named project, and that I executed the said proposal with full authority so to do; that said bidder has not, directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named project; and that all statements contained in said proposal and in this affidavit are true and correct, and made with full knowledge that the City of Jersey City relies upon the truth of the statements contained in said proposal and in the statements contained in this affidavit in awarding the contract for the said project.

I further warrant that no person or selling agency has been employed to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by (N.J.S.A.52: 34-25)

(Signature of respondent) *[Handwritten Signature]*

Print name Vincent Crown

SUBSCRIBED AND SWORN TO

BEFORE ME THIS DAY Oct 6, 2011

NOTARY PUBLIC OF

MY COMMISSION EXPIRES:

*[Handwritten Signature]*  
Monica K. Lewis  
an Attorney - At - Law of the State of New Jersey  
authorized to administer this oath  
pursuant to N.J.S.A. 41:2-1

**CERTIFICATION OF COMPLIANCE WITH THE CITY OF JERSEY CITY  
CONTRACTOR PAY-TO-PLAY REFORM ORDINANCE 08-128 ADOPTED  
ON SEPTEMBER 3, 2008**

**PART I - Vendor Affirmation**

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that Gold Type Business Machines Inc (name of business entity) has not made any reportable contributions in the \*\*one-year period preceding \_\_\_\_\_ (date City Council awards contract) that would be deemed to be violations of Section One of the City of Jersey City's Contractor Pay-to-Play Reform Ordinance 08-128 (attached hereto) and that would bar the award of this contract. I further certify that during the term of the contract Gold Type Business Machines Inc (name of business entity) will not make any reportable contributions in violation of Ordinance 08-128.

**PART II - Signature and Attestation:**

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law.

Name of Business Entity: Gold Type Business Machines Inc

Signed [Signature] Title: CFO

Print Name Vincent Craver Date: 11/5/11

Subscribed and sworn before me  
this 6 day of Oct, 2011.

My Commission expires:

[Signature]  
(Affiant)  
Vincent Craver CFO  
(Print name & title of affiant) (Corporate Seal)

Monica K. Lewis  
Monica K. Lewis  
an Attorney-At-Law of the State  
of New Jersey authorized to administer this  
Oath pursuant to NJSA A1:2-1

\*\*Pursuant to Section 2 of Ordinance 08-128, no contributions or solicitation of contributions made prior to the effective date Ordinance 08-128 (September 23, 2008) shall be deemed to be a violation of the Ordinance.

# C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

## Public Agency Instructions

This page provides guidance to public agencies entering into contracts with business entities that are required to file Political Contribution Disclosure forms with the agency. **It is not intended to be provided to contractors.** What follows are instructions on the use of form local units can provide to contractors that are required to disclose political contributions pursuant to N.J.S.A. 19:44A-20.26 (P.L. 2005, c. 271, s.2). Additional information on the process is available in Local Finance Notice 2006-1 ([www.nj.gov/dca/lgs/lfnslfnmenu.shtml](http://www.nj.gov/dca/lgs/lfnslfnmenu.shtml)).

1. The disclosure is required for all contracts in excess of \$17,500 that are not awarded pursuant to a "fair and open" process (N.J.S.A. 19:44A-20.7).
2. Due to the potential length of some contractor submissions, the public agency should consider allowing data to be submitted in electronic form (i.e., spreadsheet, pdf file, etc.). Submissions must be kept with the contract documents or in an appropriate computer file and be available for public access. **The form is worded to accept this alternate submission.** The text should be amended if electronic submission will not be allowed.
3. The submission must be received from the contractor and on file at least 10 days prior to award of the contract. Resolutions of award should reflect that the disclosure has been received and is on file.
4. The contractor must disclose contributions made to candidate and party committees covering a wide range of public agencies, including all public agencies that have elected officials in the county of the public agency, state legislative positions, and various state entities. The Division of Local Government Services recommends that contractors be provided a list of the affected agencies. This will assist contractors in determining the campaign and political committees of the officials and candidates affected by the disclosure.
  - a. The Division has prepared model disclosure forms for each county. They can be downloaded from the "County PCD Forms" link on the Pay-to-Play web site at [www.nj.gov/dca/lgs/p2p](http://www.nj.gov/dca/lgs/p2p). They will be updated from time-to-time as necessary.
  - b. A public agency using these forms should edit them to properly reflect the correct legislative district(s). As the forms are county-based, they list all legislative districts in each county. Districts that do not represent the public agency should be removed from the lists.
  - c. Some contractors may find it easier to provide a single list that covers all contributions, regardless of the county. These submissions are appropriate and should be accepted.
  - d. The form may be used "as-is", subject to edits as described herein.
  - e. The "Contractor Instructions" sheet is intended to be provided with the form. It is recommended that the Instructions and the form be printed on the same piece of paper. The form notes that the Instructions are printed on the back of the form; where that is not the case, the text should be edited accordingly.
  - f. The form is a Word document and can be edited to meet local needs, and posted for download on web sites, used as an e-mail attachment, or provided as a printed document.
5. It is recommended that the contractor also complete a "Stockholder Disclosure Certification." This will assist the local unit in its obligation to ensure that contractor did not make any prohibited contributions to the committees listed on the Business Entity Disclosure Certification in the 12 months prior to the contract. (See Local Finance Notice 2006-7 for additional information on this obligation) A sample Certification form is part of this package and the instruction to complete it is included in the Contractor Instructions. **NOTE: This section is not applicable to Boards of Education.**

# C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

## Contractor Instructions

Business entities (contractors) receiving contracts from a public agency that are NOT awarded pursuant to a "fair and open" process (defined at N.J.S.A. 19:44A-20.7) are subject to the provisions of P.L. 2005, c. 271, s.2 (N.J.S.A. 19:44A-20.26). This law provides that 10 days prior to the award of such a contract, the contractor shall disclose contributions to:

- any State, county, or municipal committee of a political party
- any legislative leadership committee
- any continuing political committee (a.k.a., political action committee)
- any candidate committee of a candidate for, or holder of, an elective office:
  - of the public entity awarding the contract
  - of that county in which that public entity is located
  - of another public entity within that county
  - or of a legislative district in which that public entity is located or, when the public entity is a county, of any legislative district which includes all or part of the county

The disclosure must list reportable contributions to any of the committees that exceed \$300 per election cycle that were made during the 12 months prior to award of the contract. See N.J.S.A. 19:44A-8 and 19:44A-16 for more details on reportable contributions.

N.J.S.A. 19:44A-20.26 itemizes the parties from whom contributions must be disclosed when a business entity is not a natural person. This includes the following:

- individuals with an "interest" ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit
- all principals, partners, officers, or directors of the business entity or their spouses
- any subsidiaries directly or indirectly controlled by the business entity
- IRS Code Section 527 New Jersey based organizations, directly or indirectly controlled by the business entity and filing as continuing political committees, (PACs).

When the business entity is a natural person, "a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity." [N.J.S.A. 19:44A-20.26(b)] The contributor must be listed on the disclosure.

Any business entity that fails to comply with the disclosure provisions shall be subject to a fine imposed by ELEC in an amount to be determined by the Commission which may be based upon the amount that the business entity failed to report.

The enclosed list of agencies is provided to assist the contractor in identifying those public agencies whose elected official and/or candidate campaign committees are affected by the disclosure requirement. It is the contractor's responsibility to identify the specific committees to which contributions may have been made and need to be disclosed. The disclosed information may exceed the minimum requirement.

The enclosed form, a content-consistent facsimile, or an electronic data file containing the required details (along with a signed cover sheet) may be used as the contractor's submission and is disclosable to the public under the Open Public Records Act.

The contractor must also complete the attached Stockholder Disclosure Certification. This will assist the agency in meeting its obligations under the law. **NOTE: This section does not apply to Board of Education contracts.**

N.J.S.A. 19:44A-3(s): "The term "legislative leadership committee" means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly or the Minority Leader of the General Assembly pursuant to section 16 of P.L. 1993, c. 65 (C.19:44A-10.1) for the purpose of receiving contributions and making expenditures."



**List of Agencies with Elected Officials Required for Political Contribution Disclosure**  
**N.J.S.A. 19:44A-20.26**

**County Name:**

State: Governor, and Legislative Leadership Committees

Legislative District #s:

State Senator and two members of the General Assembly per district.

**County:**

Freeholders

{County Executive}

County Clerk

Surrogate

Sheriff

Municipalities (Mayor and members of governing body, regardless of title):

**USERS SHOULD CREATE THEIR OWN FORM, OR DOWNLOAD  
FROM WWW.NJ.GOV/DCA/LGS/P2P A COUNTY-BASED,  
CUSTOMIZABLE FORM.**

**STOCKHOLDER DISCLOSURE CERTIFICATION**

Name of Business: Gold Type Business Machines Inc

I certify that the list below contains the names and home addresses of all stockholders holding 10% or more of the issued and outstanding stock of the undersigned.

OR

I certify that no one stockholder owns 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business organization:

- Partnership                       Corporation                       Sole Proprietorship  
 Limited Partnership               Limited Liability Corporation       Limited Liability Partnership  
 Subchapter S Corporation

Sign and notarize the form below, and, if necessary, complete the stockholder list below.

Stockholders:

Name: <u>Richard Picelli</u>	Name: <u>Patrick Collins</u>
Home Address: <u>71 Ridgely Rd Rutherford, NJ 07070</u>	Home Address: <u>780 Apple Ridge Rd Franklin Lakes, NJ 07417</u>
Name:	Name:
Home Address:	Home Address:
Name:	Name:
Home Address:	Home Address:

Subscribed and sworn before me this 6 day of October, 2011  
(Notary Public) Monica K. Lewis  
My Commission expires: an Attorney-At-Law of the State  
of New Jersey authorized to  
administer this oath pursuant  
to N.J.S.A 41:2-1

Vincent Cronin CFO  
(Affiant)  
(Print name & title of affiant)  
(Corporate Seal)

**BUSINESS ENTITY DISCLOSURE CERTIFICATION**

**FOR NON-FAIR AND OPEN CONTRACTS**

Required Pursuant To N.J.S.A. 19:44A-20.8

<NAME OF CONTRACTING AGENCY> *City of Jersey City*

**Part I – Vendor Affirmation**

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that the *Gold Type Business Machines* <name of business entity> has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract in the one year period preceding *(date of award scheduled for approval of the contract by the governing body)* to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the *City of Jersey City* <name of entity of elected officials> as defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r). *10/5/11*

Friends of Peter Brennan Election Fund	Gaughan Election Fund
Committee to Elect Willie Flood	The Election Fund of Steven Fulop
Election Fund of Radames Velazquez Jr.	Friends of Viola Richardson for Ward F
Friends of Michael Sottolano	
EFO David P. Donnelly J.C. Council 2010	Healy for Mayor 2013
Friends of Nidia R. Lopez	

**Part II – Ownership Disclosure Certification**

I certify that the list below contains the names and home addresses of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business entity:

- Partnership    
  Corporation    
  Sole Proprietorship    
  Subchapter S Corporation  
 Limited Partnership    
  Limited Liability Corporation    
  Limited Liability Partnership

Name of Stock or Shareholder	Home Address
<i>Richard Piccolli</i>	<i>71 Ridge Rd, Rutherford NJ 07070</i>
<i>Patrick Collins</i>	<i>780 Apple Ridge Rd, Franklin Lakes, NJ 07417</i>

**Part 3 – Signature and Attestation:**

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law.

Name of Business Entity: *Gold Type Business Machines Inc*

Signature of Affiant: *Vincent Crown* Title: *CFO*

Printed Name of Affiant: *VINCENT Crown* Date: *10/6/11*

Subscribed and sworn before me this *6* day of *October*, 2011.

My Commission expires: *an Atty-At-Law of the State of New Jersey authorized to administer this oath pursuant to NJSA 41:2-1*

*Monica R. Lewis*  
 (Witnessed or attested by)  
*Monica R. Lewis*  
 (Seal)

**BUSINESS ENTITY DISCLOSURE CERTIFICATION  
FOR NON-FAIR AND OPEN CONTRACTS**

Required Pursuant To N.J.S.A. 19:44A-20.8

<NAME OF CONTRACTING AGENCY>

City of Jersey City

The following is statutory text related to the terms and citations used in the Business Entity Disclosure Certification form.

**"Local Unit Pay-To-Play Law" (P.L. 2004, c.19, as amended by P.L. 2005, c.51)**

**19:44A-20.6 Certain contributions deemed as contributions by business entity.**

5. When a business entity is a natural person, a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity.

**19:44A-20.7 Definitions relative to certain campaign contributions.**

6. As used in sections 2 through 12 of this act:

"business entity" means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this State or of any other state or foreign jurisdiction;

"interest" means the ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit, as appropriate;

**Temporary and Executing**

12. Nothing contained in this act shall be construed as affecting the eligibility of any business entity to perform a public contract because that entity made a contribution to any committee during the one-year period immediately preceding the effective date of this act.

**The New Jersey Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.)**

**19:44A-3 Definitions.** In pertinent part...

p. The term "political party committee" means the State committee of a political party, as organized pursuant to R.S.19:5-4, any county committee of a political party, as organized pursuant to R.S.19:5-3, or any municipal committee of a political party, as organized pursuant to R.S.19:5-2.

q. The term "candidate committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) for the purpose of receiving contributions and making expenditures.

r. the term "joint candidates committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) by at least two candidates for the same elective public offices in the same election in a legislative district, county, municipality or school district, but not more candidates than the total number of the same elective public offices to be filled in that election, for the purpose of receiving contributions and making expenditures. For the purpose of this subsection: ...; the offices of member of the board of chosen freeholders and county executive shall be deemed to be the same elective public offices in a county; and the offices of mayor and member of the municipal governing body shall be deemed to be the same elective public offices in a municipality.

**19:44A-8 and 16 Contributions, expenditures, reports, requirements.**

*While the provisions of this section are too extensive to reprint here, the following is deemed to be the pertinent part affecting amounts of contributions:*

"The \$300 limit established in this subsection shall remain as stated in this subsection without further adjustment by the commission in the manner prescribed by section 22 of P.L.1993, c.65 (C.19:44A-7.2)

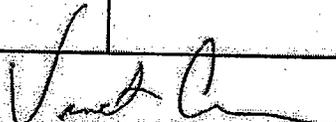
**PUBLIC DISCLOSURE INFORMATION**

Chapter 33 of the Public Laws of 1977 provides that no Corporation or Partnership shall be awarded any State, City, Municipal or Schools District contracts for the performance of any work or the furnishing of any materials or supplies, unless prior to the receipt of the bid or accompanying the bid of said corporation or partnership there is submitted a public disclosure information statement. The statement shall set forth the names and addresses of all stockholders in the corporation or partnership who own ten percent (10%) or more of its stock of any class, or of all individual partners in the partnership who own a ten percent (10%) or greater interest therein.

**STOCKHOLDERS:**

Name	Address	% owned
Richard Piccoli	71 Ridge Rd, Rutherford NJ 07070	82
Patrick Collins	780 Apple Ridge Rd Franklin Lakes, NJ 07417	18

SIGNATURE:

  
Vincent Cronan

TITLE:

CEO

SUBSCRIBED AND SWORN TO  
BEFORE ME THIS DAY

6

October

OF 20 11

(TYPE OR PRINT NAME OF AFFIANT UNDER SIGNATURE)

NOTARY PUBLIC OF

MY COMMISSION EXPIRES: 20

Monica B. Lewis  
Monica B. Lewis

an Attorney-at-Law of State of New Jersey authorized to administer

(NOTE: THIS FORM MUST BE COMPLETED, NOTARIZED AND RETURNED WITH THIS PROPOSAL).

This oath pursuant to NJSA 17:27

# Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 11-707

Agenda No. 10.V

Approved: OCT 12 2011

TITLE:



## RESOLUTION AUTHORIZING THE RENEWAL OF A CONTRACT WITH TRI SEASON LANDSCAPING , FOR FALL TREE PLANTING CITYWIDE FOR THE DEPARTMENT OF PUBLIC WORKS/ DIVISION OF PARKS MAINTENANCE

COUNCIL  
THE FOLLOWING RESOLUTION:

OFFERED AND MOVED ADOPTION OF

**WHEREAS**, Resolution No. 10-716, approved on October 13, 2010, awarded a one-year contract in the amount of \$23,000.00 to Tri Season Landscaping for Fall Tree Planting for the City of Jersey City (City), Department of Public Works / Division of Parks Maintenance; and

**WHEREAS**, the bid specifications provided the City with the option to renew the contract for one additional one-year period with the renewal contract price being the preceding year's contract price as adjusted according to the Federal Consumer Price Index published by the Bureau of Labor Statistics in the months of August 2010 to August 2011; and

**WHEREAS**, the contractor has been performing the services in an effective and efficient manner; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-15, the City desires to exercise the option and renew the contract for an additional one-year period effective as of October 14, 2011 and ending October 13, 2012; and

**WHEREAS**, the total cost of the contract renewal is \$23,874.00; and

**WHEREAS**, funds in the amount of \$15,874.00 are available in Parks Maintenance Operating Account No. 11-01-201-28-375-314 and funds in the amount of \$8,000.00 are available in Reserve Account for Tree Planting, account # 17-293-56-000-037.

**NOW, THEREFORE BE IT RESOLVED** by the Municipal Council of the City of Jersey City that:

- 1) The Mayor or Business Administrator is authorized to renew the agreement with Tri Season Landscaping for Fall Tree Planting for the Department of Public Works/Division of Parks Maintenance;
- 2) The renewal contract is for a one-year period effective as of October 14, 2011, and the total cost of the contract shall not exceed \$23,874.00;
- 3) Pursuant to N.J.A.C. 5:30-5.5(a), the continuation of the contract after the expenditure of funds encumbered in the 2011 calendar year temporary budget, shall be subject to the availability and appropriation of sufficient funds in the 2011 calendar year permanent budget and in the subsequent calendar year budget; and
- 4) The award of this contract shall be subject to the condition that the vendor provides satisfactory evidence of compliance with the Affirmative Action Amendments to the Law Against Discrimination, N.J.S.A. 10-5-31 et seq.

J.A.  
10/12/11  
(Continued on Page 2)

City Clerk File No. Res. 11-707

Agenda No. 10.V OCT 12 2011

TITLE:

**RESOLUTION AUTHORIZING THE RENEWAL OF A CONTRACT WITH TRI SEASON LANDSCAPING , FOR FALL TREE PLANTING CITYWIDE FOR THE DEPARTMENT OF PUBLIC WORKS/ DIVISION OF PARKS MAINTENANCE**

I, Donna Mauer Donna Mauer, as Chief Financial Officer, hereby certify that these funds are available for this expenditure in Parks Maintenance Operating Account No. 11-01-201-28-375-314 and in Reserve Account for Tree Planting, account # 17-293-56-000-037. for payment of the above resolution.

Requisition # 0155786 Purchase Order # 104403 (11-01-201-28-375-314)

Requisition # 0155785 Purchase Order # 104402 (17-293-56-000-037)

RWH/sb  
September 26, 2011

APPROVED: Rodney Hadley 10/3/11 APPROVED AS TO LEGAL FORM  
Rodney W. Hadley, Director, Department of Public Works

APPROVED: [Signature] Royal Reddy  
Business Administrator Ass't - Corporation Counsel

Certification Required

Not Required

APPROVED 9-0

RECORD OF COUNCIL VOTE ON FINAL PASSAGE											
				10/12/11							
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			AHMAD	✓		
DONNELLY	✓			FULOP	✓			VELAZQUEZ	✓		
LOPEZ	✓			RICHARDSON	✓			BRENNAN, PRES	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.

Peter M. Brennan  
Peter M. Brennan, President of Council

Robert Byrne  
Robert Byrne, City Clerk

This summary sheet is to be attached to the front of any ordinance, resolution, cooperation agreement or contract that is submitted for Council consideration. Incomplete or sketchy summary sheets will be returned with the resolution or ordinance. The Department, Division or Agency responsible for the overall implementation of the proposed project or program should provide a concise and accurate statement of facts.

**1. Full title of ordinance/resolution/cooperative agreement:**

Resolution authorizing a renewal with Tri Season Landscaping for Fall Tree Planting for the Department of Public Works, Division of Parks Maintenance.

**2. Name and title of person initiating ordinance/resolution, etc.:**

Rodney W. Hadley, Director of the Department of Public Works for the Division of Parks Maintenance.

**3. Concise description of program, project or plan proposed in the ordinance/resolution:**

Authorizing a renewal with Tri Season Landscaping for Fall Tree Planting for the Department of Public Works, Division of Parks Maintenance.

**4. Reasons (need) for the proposed program, project, etc.:**

To provide Fall Tree Planting for the Department of Public Works, Division of Parks Maintenance.

**5. Anticipated benefits to the community:**

To provide Fall Tree Planting for the Department of Public Works, Division of Parks Maintenance.

**6. Cost of proposed program, project, etc. (Indicate the dollar amount of City, State and Federal funds to be used, as well as match and in-kind contributions):**

The cost of this renewal is twenty three thousand eight hundred and seventy four dollars and zero cents (\$23,874.00)

**7. Date the proposed program, or project will commence:**

Upon adoption by The Jersey City Municipal Council.

**8. Anticipated completion date:**

October 13, 2012

**9. Person responsible for coordinating proposed program, project, etc.:**

Rodney Hadley, Director, Division of Parks Maintenance, Department of Public Works.

**10. Additional comments:**

Resolution proposed at the recommendation of the Parks Maintenance.

Based on the information provided to me, I certify that all the facts presented herein are accurate, to the best of my knowledge.

  
\_\_\_\_\_  
Signature of Department Director                      10/3/11  
Date

**CERTIFICATION OF RODNEY W. HADLEY**

I, Rodney W. Hadley, of full age, hereby certifies as follows:

1. I am the Director of the Department of Public Works for the City of Jersey City.
2. Resolution authorizing a renewal with Tri Season Landscaping for the Department of Public Works, Division of Parks Maintenance.
3. The total funds requested for this purpose is \$23,874.00.
4. The funds are available in Account No. **11-01-201-28-375-314 and 17-293-56-000-037.**
5. I certify that the foregoing statements are true. I am aware that if any of the forgoing statements made by me are willfully false, I am subject to legal action to the fullest extent of the law.

Dated: \_\_\_\_\_

10/3/11

  
\_\_\_\_\_  
Rodney W. Hadley  
Director of Department of Public Works

# CITY OF JERSEY CITY

Requisition #

0155785

Assigned PO #

104402

## Requisition

### Vendor

TRI SEASON LANDSCAPING  
& CONSTRUCTION, INC  
2560 US HIGHWAY 22 #345  
SCOTCH PLAINS NJ 07076  
TR558100

### Dept. Bill To

PARK MAINTENANCE  
575 RT. 440  
JERSEY CITY NJ 07305

### Dept. Ship To

575 RT. 440  
JERSEY CITY NJ 07305

### Contact Info

RODNEY HADLEY, DIRECTOR  
2015474401

Quantity	UOM	Description	Account	Unit Price	Total
1.00	REN	CONTRACT RENEWAL FALL TREE PLANTING	17-293-56-000-037	8,000.00	8,000.00

\*\*\* EXERCISING OPTION TO RENEW FOR ONE(1)  
ADDITIONAL YEAR

DURATION OF CONTRACT = 10/14/11 TO 10/13/12  
RENEWAL AMOUNT = \$23,874.00

#### NOTE:

8,000.00 WILL BE TAKEN FROM THE RESERVE ACCOUNT  
AND THE BALANCE OF \$15,874.00 WILL BE TAKEN FROM  
OPERATING ACCOUNT, DIFFERENT PO #

INITIAL RESO 10-716, APPROVED 10/13/10, PO 101420

PARTIAL PAYMENT VOUCHERS

Requisition Total 8,000.00

Req. Date: 10/03/2011

Requested By: BAIJNAUTHS

Buyer Id:

Approved By:

*Julinda Baynauths*

10/03/11

**This Is Not A Purchase Order**

# CITY OF JERSEY CITY

Requisition #

0155786

Assigned PO #

104403

## Requisition

### Vendor

TRI SEASON LANDSCAPING  
& CONSTRUCTION, INC  
2560 US HIGHWAY 22 #345  
SCOTCH PLAINS NJ 07076  
TR558100

### Dept. Bill To

PARK MAINTENANCE  
575 RT. 440  
JERSEY CITY NJ 07305

### Dept. Ship To

575 RT. 440  
JERSEY CITY NJ 07305

### Contact Info

RODNEY HADLEY, DIRECTOR  
2015474401

Quantity	UOM	Description	Account	Unit Price	Total
1.00	REN	CONTRACT RENEWAL FALL TREE PLANTING	01-201-28-375-314	15,874.00	15,874.00

\*\*\* EXERCISING OPTION TO RENEW FOR ONE(1)  
ADDITIONAL YEAR

DURATION OF CONTRACT = 10/14/11 TO 10/13/12  
RENEWAL AMOUNT = \$23,874.00

#### NOTE:

15,874.00 WILL BE TAKEN FROM OPERATING ACCOUNT AND  
THE BALANCE OF \$8,000.00 WILL BE TAKEN FROM  
RESERVE ACCOUNT FOR TREE PLANTING IN THE AMOUNT  
OF \$8,000.00 UNDER A DIFFERENT PO

INITIAL RESO 10-716 , APPROVED 10/13/10, PO 101420

PARTIAL PAYMENT VOUCHERS

Requisition Total 15,874.00

Req. Date: 10/03/2011

Requested By: BAIJNAUTHS

Buyer Id:

Approved By:

*Salvador Baynani*  
10/03/11

**This Is Not A Purchase Order**

# Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 10-716

Agenda No. 10.R

Approved: OCT 13 2010

TITLE:



**RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TRI SEASON  
LANDSCAPING, FOR FALL TREE PLANTING CITY WIDE FOR THE  
DEPARTMENT OF PUBLIC WORKS/DIVISION OF PARK MAINTENANCE**

**COUNCIL**

**OFFERED AND MOVED ADOPTION OF THE FOLLOWING RESOLUTION:**

**WHEREAS**, the Purchasing Director acting within his authority and in conformity with N.J.S.A. 40A:11-1 et. seq. has publicly advertised for bids to supply and deliver Fall Tree Planting City Wide for the Department of Public Works/Division of Park Maintenance; and

**WHEREAS**, pursuant to public advertisement the City of Jersey City has received Two (2) Bids, the lowest bid being that from Tri Season Landscaping, 2560 US Highway 22 #345, Scotch Plains New Jersey 07076, in the total bid amount of Twenty Three Thousand(\$23,000.00) Dollars; and

**WHEREAS**, the contract shall be for a period of one (1) year commencing the date of the award of the contract; and

**WHEREAS**, the City reserves the option to renew the contract for one (1) additional one (1) year term; and

**WHEREAS**, the entire amount of this contract will be reimbursed to the City of Jersey City through a grant from New Jersey Transit for a Reforestation Plan; and

**WHEREAS**, the sum of Twenty Three Thousand(\$23,000.00) Dollars; will be budgeted for the 2011, 2012, and 2013 temporary and permanent budget years subject to the approval of said budget by the Municipal Council; and

**WHEREAS**, the Purchasing Director has certified that he considers said bid to be fair and reasonable; and

**WHEREAS**, these funds are available for this expenditure in accordance with requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et. seq.

**Dept. of Public Works/Park Maintenance**  
**Acct. No. 17-293-56-000-037      P.O. No. 101420      Amount: \$23,000.00**

(Continued of page 2)

TITLE:

**RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TRI SEASON LANDSCAPING, FOR FALL TREE PLANTING CITY WIDE FOR THE DEPARTMENT OF PUBLIC WORKS/DIVISION OF PARK MAINTENANCE**

WHEREAS, the award of the contract shall be subject to the availability and appropriation of sufficient funds in the 2011, 2012, and 2013 temporary and permanent budget; and

WHEREAS, if funds are not available for the contract in the 2011, 2012 and 2013 temporary and permanent budgets; this award will be null and void.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the City of Jersey City that the said quotation of the aforementioned Tri Season Landscaping be accepted and that a contract be awarded to said company in the above amount and the Purchasing Director is directed to have such a contract drawn up and executed; and be it further

RESOLVED, that upon certification by an official or employee of the City authorized to receive the material pursuant to the contract, that the same has been received and that the requirements of the contract met, then; payment to the contractor shall be made in accordance with the provisions of the Local Fiscal Affairs Law, N.J.S.A. 40A:5-ET, seq; and be it further

J.A. 10/14/10  
RESOLVED, this contract shall be subject to the condition that the vendor/contractor provide satisfactory evidence of compliance with the Affirmative Action Amendments to the Law Against Discrimination, N.J.S.A. 10:5-31 et. seq.; and be it further

RESOLVED, that the Mayor or Business Administrator is hereby authorized to execute a contract on behalf of the City of Jersey City.

I, Donna Mauer, Donna Mauer, Chief Financial Officer, certify that there are sufficient funds available for payment of this above resolution in the Account shown below

Dept. of Public Works/Park Maintenance  
Acct. No. 17-293-56-000-037 P.O. No. 101420 Amount: \$23,000.00

APPROVED BY Peter Folgado  
Peter Folgado, Director, Purchasing

APPROVED: [Signature]  
Business Administrator

APPROVED AS TO LEGAL FORM  
[Signature]  
Assistant Corporation Counsel

Certification Required   
Not Required

APPROVED 8-0

RECORD OF COUNCIL VOTE ON FINAL PASSAGE 10/13/10											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			FLOOD		ABSENT	
DCONNELLY	✓			FULOP	✓			VELAZQUEZ	✓		
LOPEZ	✓			RICHARDSON	✓			BRENNAN, PRES	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.

Peter M. Brennan  
Peter M. Brennan, President of Council

Robert Byrne  
Robert Byrne, City Clerk



CITY OF

**JERSEY CITY**

CITY HALL · JERSEY CITY, N.J. 07302

(201) 547-5000

**DEPARTMENT OF PUBLIC WORKS  
PARK MAINTENANCE DIVISION**

575 ROUTE 440

JERSEY CITY, N.J. 07305

(201) 547-4449

August 1, 2011

Tri-Season Landscaping  
2560 U.S. Highway 22, #345  
Scotch Plains, New Jersey 07076  
**Attention: Mr Gordy Coretti**

**Subject: Renewal - Tree Planting City Wide**

Dear Mr. G. Coretti:

Your present contract for **Tree Planting City Wide** for the City of Jersey City Department of Public Works/Division of Park Maintenance is **due to expire on October 6, 2011**. The provisions of the contract allows the city to renew the contract with the price being the preceding year. The contract price will be adjusted according to the Federal Consumer Price Index published by the Bureau of Labor Statistics.

At this time the CPI numbers will not be available until August 16, 2011, and at that time we will be contacting the Bureau of Labor Statistics for that number. **Please confirm this renewal and terms in writing A.S.A.P. Also, attached are the EEO/Affirmative Action forms which need to be filled out and returned along with your conformation letter and Business Registration information**

If you have any questions please contact the Division of Park Maintenance and speak with Ms. Harley for assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Rodney Hadley", written over a horizontal line.

**Rodney Hadley, Director DPW/  
Division of Park Maintenance**

RH/eh

c: Silendra Bajnauth, Fiscal, Department of Public Works  
**file**

**Tri-Season Landscaping & Construction, Inc.**  
**2560 US Highway 22, #345**  
**Scotch Plains, NJ 07076**  
**Tel: (908) 322-9495**  
**Fax: (908) 322-9596**

August 10, 2011

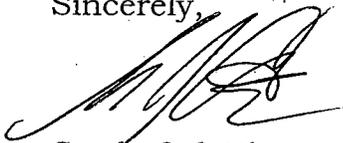
Attn: Rodney Hadley, Director  
Department of Public Works  
Park Maintenance Division  
575 Route 440  
Jersey City, NJ 07305

**RE: Renewal – Tree Planting City Wide**

Dear Mr. Hadley:

We are in receipt of your present contract for **Tree Planting City Wide** for the City of Jersey City Department of Public Works/Division of Park Maintenance. Please be advised that we are in agreement with the terms and conditions of the contract.

Sincerely,



Gordy Coletti  
Vice President

GC/bjv

Enclosures: EEO/Affirmative Action forms  
Copy of Builders Registration Certificate

2011 AUG 16 AM 5:01  
CITY OF JERSEY CITY  
DIV. PARK MAINTENANCE

RECEIVED

**EEO/AFFIRMATIVE  
ACTION  
REQUIREMENTS  
CONSTRUCTION CONTRACTS**

Questions in reference to EEO/AA Requirements For Construction  
Contracts should be directed to:

Jeana F. Abuan  
Affirmative Action Officer, Public Agency Compliance Officer  
Department of Administration  
Office of Equal Opportunity/Affirmative action  
280 Grove Street Room-103  
Jersey City NJ 07302  
Tel. #201-547- 4533  
Fax# 201-547-5088  
E-mail Address: abuanJ@cnj.org

CITY OF JERSEY CITY  
DEPARTMENT OF ADMINISTRATION

2011 AUG 16 AM 5:01

RECEIVED

**EXHIBIT B****MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE**  
N.J.S.A. 10:5-31 et seq., N.J.A.C. 17:27**CONSTRUCTION CONTRACTS**

\*During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

When hiring or scheduling workers in each construction trade, the contractor or subcontractor agrees to make good faith efforts to employ minority and women workers in each construction trade consistent with the targeted employment goal prescribed by N.J.A.C. 17:27-7.2; provided, however, that the Division may, in its discretion, exempt a contractor or subcontractor from compliance with the good faith procedures prescribed by the following provisions, A, B and C, as long as the Division is satisfied that the contractor or subcontractor is employing worker provided by a union which provides evidence, in accordance with standards prescribed by the Division, that its percentage of active "card carrying" members who are minority and women workers is equal to or greater than the targeted employment goal established in accordance with N.J.A.C. 17:27-7.2.

## EXHIBIT B (Cont)

The contractor or subcontractor agrees that a good faith effort shall include compliance with the following procedures:

(A). If the contractor or subcontractor has a referral agreement or arrangement with a union for a construction trade, the contractor or subcontractor shall, within three business days of the contract award, seek assurances from the union that it will cooperate with the contractor or subcontractor as it fulfills its affirmative action obligations under this contract and in accordance with the rules promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et. seq., as supplemented and amended from time to time and the Americans with Disabilities Act. If the contractor or subcontractor is unable to obtain said assurances from the construction trade union at least five business days prior to the commencement of construction work, the contractor or subcontractor agrees to afford equal employment opportunities to minority and women workers directly, consistent with this chapter. If the contractor's or subcontractor's prior experience with a construction trade union, regardless of whether the union has provided said assurances, indicates a significant possibility that the trade union will not refer sufficient minority and women workers consistent with affording equal employment opportunities as specified in this chapter, the contractor or subcontractor agrees to be prepared to provide such opportunities to minority and women workers directly, consistent with this chapter, by complying with the procedures prescribed under (B) below; and the contractor or subcontractor further agrees to take said action immediately if it determines or is so notified by the Division that the union is not referring minority and women workers consistent with the equal employment opportunity goals set forth in this chapter.

(B). If good faith efforts to meet targeted employment goals have not or cannot be met for each construction trade by adhering to the procedures of (A) above, or if the contractor does not have a referral agreement or arrangement with a union for a construction trade, the contractor or subcontractor agrees to take the following actions:

- (1). To notify the public agency compliance officer, the Division, and minority and women referral organizations listed by the Division pursuant to N.J.A.C. 17:27-5.3, of its workforce needs, and request referral of minority and women workers;
- (2). To notify any minority and women workers who have been listed with it as awaiting available vacancies;
- (3). Prior to commencement of work, to request that the local construction trade union refer minority and women workers to fill job openings, provided the contractor or subcontractor has a referral agreement or arrangement with a union for the construction trade;
- (4). To leave standing requests for additional referral to minority and women workers with the local construction trade union, provided the contractor or subcontractor has a referral agreement or arrangement with a union for the construction trade, the State Training and Employment Service and other approved referral sources in the area;
- (5). If it is necessary to lay off some of the workers in a given trade on the construction site, layoffs shall be conducted in compliance with the equal employment opportunity and non-discrimination standards set forth in this regulation, as well as with applicable Federal and State court decisions;

## EXHIBIT B (Cont)

(6). To adhere to the following procedure when minority and women workers apply or are referred to the contractor or subcontractor:

(i) If said individuals have never previously received any document or certification signifying a level of qualification lower than that required in order to perform the work of the construction trade, the contractor or subcontractor shall in good faith determine the qualifications of such individuals. The contractor or subcontractor shall hire or schedule those individuals who satisfy appropriate qualification standards in conformity with the equal employment opportunity and non-discrimination principles set forth in this chapter. However, a contractor or subcontractor shall determine that the individual at least possesses the requisite skills, and experience recognized by a union, apprentice program or a referral agency, provided the referral agency is acceptable to the Division. If necessary, the contractor or subcontractor shall hire or schedule minority and women workers who qualify as trainees pursuant to these rules. All of the requirements, however, are limited by the provisions of (C) below.

(ii). The name of any interested women or minority individual shall be maintained on a waiting list, and shall be considered for employment as described in paragraph (i) above, whenever vacancies occur. At the request of the Division, the contractor or subcontractor shall provide evidence of its good faith efforts to employ women and minorities from the list to fill vacancies.

(iii). If, for any reason, said contractor or subcontractor determines that a minority individual or a woman is not qualified or if the individual qualifies as an advanced trainee or apprentice, the contractor or subcontractor shall inform the individual in writing of the reasons for the determination, maintain a copy of the determination in its files, and send a copy to the public agency compliance officer and to the Division.

(7). To keep a complete and accurate record of all requests made for the referral of workers in any trade covered by the contract, on forms made available by the Division and submitted promptly to the Division upon request.

(C). The contractor or subcontractor agrees that nothing contained in (B) above shall preclude the contractor or subcontractor from complying with the union hiring hall or apprenticeship policies in any applicable collective bargaining agreement or union hiring hall arrangement, and, where required by custom or agreement, it shall send journeymen and trainees to the union for referral, or to the apprenticeship program for admission, pursuant to such agreement or arrangement. However, where the practices of a union or apprenticeship program will result in the exclusion of minorities and women or the failure to refer minorities and women consistent with the targeted county employment goal, the contractor or subcontractor shall consider for employment persons referred pursuant to (B) above without regard to such agreement or arrangement; provided further, however, that the contractor or subcontractor shall not be required to employ women and minority advanced trainees and trainees in numbers which result in the employment of advanced trainees and trainees as a percentage of the total workforce for the construction trade, which percentage significantly exceeds the apprentice to journey worker ratio specified in the applicable collective bargaining agreement, or in the absence of a collective bargaining agreement, exceeds the ratio established by practice in the area for said construction trade. Also, the contractor or subcontractor agrees that,

EXHIBIT B (Cont)

in implementing the procedures of (B) above it shall, where applicable, employ minority and women workers residing within the geographical jurisdiction of the union.

After notification of award, but prior to signing a construction contract, the contractor shall submit to the public agency compliance officer and the Division an initial project workforce report (Form AA 201) provided to the public agency by the Division for distribution to and completion by the contractor, in accordance with N.J.A.C. 17:27-7. The contractor also agrees to submit a copy of the Monthly Project Workforce Report once a month thereafter for the duration of this contract to the Division and to the public agency compliance officer.

The contractor agrees to cooperate with the public agency in the payment of budgeted funds, as is necessary, for on-the-job and/or off-the-job programs for outreach and training of minorities and women.

(D). The contractor and its subcontractors shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested by the Division from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

The undersigned vendor certifies on their company's receipt, knowledge and commitment to comply with:

EXHIBIT B  
N.J.S.A. 10:5-31 and N.J.A.C. 17:27  
MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE  
Construction Contracts  
(Mandatory Affirmative Action Language)

The undersigned vendor further agrees to furnish the required forms of evidence and understands that their contract/company's bid shall be rejected as non-responsive if said contractor fails to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27.

Representative's Name/Title (Print):

Carol Coletti Vice President

Representative's Signature:

[Signature]

Name of Company: TW SEASIDE LANDSCAPING

Tel. No.: 908-322-9495 Date: 8/11/11

Revised April 6, 2010

Minority/Women Business Participation  
In City Construction Contracts  
City of Jersey City  
Department of Administration  
Office of Equal Opportunity/Affirmative Action

## I Policy

The City of Jersey City has a policy of equal opportunity and nondiscrimination in public contracting based on race, national origin or gender. Further, the City's policy is to encourage increased participation of minority owned businesses in city contracts. This is in accordance with N.J.S.A. 10:5-32, which provides that public works contracts shall provide for equality in opportunity by any contractor engaged in a public works project.

The City has determined that a "responsible" bidder does not engage in unlawful race or gender discrimination in its awarding of subcontracts or the purchase of supplies used in construction, and does make reasonable efforts to solicit and award subcontracts to minority and female businesses.

## II Purpose

The city has adopted regulations to assure that bidders receiving City Constructions are not engaged in unlawful discrimination and make reasonable good faith to include persons of color and women owned businesses as subcontractors. The intent and purpose of these procedures is not to require that a specific proportion of every contract be allocated to minority and women owned businesses, but to assure that they are included in the competitive process and have opportunities to participate in the city's publicly contracted projects. Pursuant to this policy, contractor is expected to include minority/women owned businesses in all formal or informal invitations to quote, etc, and to make every reasonable effort to provide subcontracting opportunities to qualified minority and women owned businesses.

The purpose of the "participation levels" referred to herein is to help the city determine whether the contractor has met the requirements of nondiscrimination and of good faith efforts to make subcontracting opportunities available to minority and woman owned businesses. These regulations presume that contractors who have attained or exceeded the suggested participation levels for minority and female subcontractor participation on particular City construction contracts are not engaging in unlawful sex or racial discrimination and have engaged in reasonable efforts to involve minority and female subcontractors. A contractor who is unable to attain or exceed such levels may have its subcontracting practices examined by the city to determine if it is engaging in unlawful discrimination in subcontracting practices or has failed to engage in reasonable outreach efforts.

**III Suggested participation level for minority and women owned subcontractors:**

- A. Suggested levels of participation for minority owned subcontractors and women owned subcontractors are determined based on estimates of the dollar value of the work in the various disciplines which may be subcontracted and the availability of minority and woman owned prospective subcontractors in the applicable work areas as reflected in the "SAVI II" database maintained by the State of new Jersey, Department of Commerce & Economic Development, Division of Small, Women & Minority Businesses. The Office of the Minority & Women Business Enterprise Program maintains and updates a listing of minority and women owned businesses (M/WB's) providing various categories of goods and services. Minority and/ or women owned businesses (M/WB's) are those registered as such with the State of New Jersey, Department of Commerce & Economic Development, Division of Small, Women & Minority Businesses (SAVI II database). In addition, bona fide minority or women owned businesses that are not so registered will be accepted as such pending completion of the registration process, on recommendation of the Minority/ Women Business Enterprise Development Program (MWBE Director).
- B. In the event the contractor who is awarded the contract elects to perform in-house, with its own personnel and resources, parts of the job included in the subcontracting estimate, the participation levels will be adjusted accordingly.
- C. Suggested participation levels for this project are:
  - Minority Owned .....20% of total dollar amount of contract
  - Woman owned .....5% of dollar amount of contract

**IV Availability of information/referral lists of minority/women businesses**

- A. To assist the successful bidder in identifying prospective M/WB subcontractors for various areas of work included in the project, after notification that the City Council has awarded the contract but prior to the execution of the contract, the successful bidder should contact the M/WBE Director with regard to meeting the City's suggested participation levels of M/WB contractors in the specific disciplines involved in the project.

Identification and/or establishment of prospective subcontractors in various specialties by the M/WBE Director or any City employee are not to be construed as making any representation as to the qualification of any such contractor to perform. Such identification/establishment are made for the sole purpose of identifying minority and women owned businesses in the required areas of work.

Determination of qualifications for the particular project remains the responsibility of the contractor. Nothing in these requirements is to be construed as changing in any way the provision that "bidder will be required to establish to the satisfaction of the Architect (Engineer) the reliability and responsibility of the proposed subcontractors to furnish and perform the work . . .", or any other provision of these specifications.

**V. Bidders will submit with bid proposal:**

1. Plan for outreach to and utilization of minority and/or women owned businesses as subcontractors, including bidder's anticipated level for M/WB's in each specialty, which parts of the contract bidder plans to subcontract, and which parts of the contract bidder anticipates subcontracting to M/WB's (Form MWB-3)
2. As to subcontractors required to be submitted with the bid proposal pursuant to NJSA 40A:11-16, or any additional subcontractors requested for bid submission by the architect Engineer, bidder will indicate, on Form WMB-3, if any, are minority or woman owned, and what efforts were made to offer subcontracting opportunities to MWB's in these disciplines, including "solicitation list" of contractors solicited to quote on the job and "commitment lists" of those awarded or to be awarded subcontracts.
3. Bidders will provide a separate copy of items 1 and 2 above, which the Purchasing Agent will forward to the MWB director for review.

**VI. The following applies to the apparent lowest responsive bidder, or three lowest responsive bidders, after results of bid reception have been announced by the Purchasing Agent:**

- A. MWBE director will review forms/information submitted by apparent lowest responsible bidder ( or three lowest responsible bidders ) as part of the bid/proposal, for compliance with nondiscrimination and minority/ women business outreach requirements. These will be preliminary findings, subject to receipt and review of further information/documentation indicated below.
- B. MWBE Director may communicate with apparent lowest responsible bidder ( or three lowest ) requesting further information about subcontractors solicited and subcontractors engaged, and which if any are minority or woman owned, and if appropriate, offering assistance in identifying prospective minority/women subcontractors. (See Form MWB-5). Contractor will have one week to respond. If contractor fails to respond this may resulted in the bid being found non-responsive, on recommendation of the MWBE Director in consultation with the Corporation Counsel.

C. MWBE review will include

1. Verifying that proposed subcontractors listed as M/WB's are listed in the State of NJ SAVI II database or other recognized MWBE listings, e.g., New Jersey Transit, Port Authority, etc. If not, director will attempt to ascertain whether said subcontractors are in fact person of color and/or woman owned and controlled, and provide assistance to proposed subcontractors in registering with SAVI II If MWBE Director has reason to believe the proposed subcontractor is not a bona fide or woman owned and operated business he/she will inform the bidding contractor and the city officials referred to in this section, and may require further verification.
2. Verifying whether bidder has achieved the suggested levels of MWB participation.
3. If not, reviewing the contractor's efforts as documented and the contractor's reasons for not achieving such levels.

D. Findings/Recommendations as to compliance

1. If the bidder's MWB targeted participation levels are achieved, bidder will be presumed not to be engaging in unlawful racial and gender discrimination in the selection of subcontractors and suppliers and will be presumed to have engaged in reasonable outreach efforts.
2. If the participation levels are not achieved by the bidder, the MWBE director in consultation with the Corporation Counsel will review the contractor's outreach efforts and subcontracting practices to determine if it has engaged in reasonable efforts to provide subcontracting opportunities to minority owned businesses, or if it has engaged or is engaging in unlawful race or sex discrimination.
3. If said review indicates that the bidder has made reasonable efforts to include minority as subcontractors and suppliers and has not engaged in unlawful race and sex discrimination, the bidder will be in compliance with the requirements of these provisions.
4. If said review indicates that the bidder has failed to make reasonable efforts to provide opportunities to minority businesses as subcontractors and suppliers, has or has engaged in unlawful race and sex discrimination, the bidder will be deemed not responsible under the provisions of these regulations and the provisions of the specifications. Such recommendation will be made by the MWBE director to the Purchasing Agent in consultation with the Corporation Counsel. Any bidder whose bid is rejected based on finding of discrimination may request and receive a

hearing in accordance with applicable law (local, state and federal).

5. The review and recommendation process referred to in sections C and D should be completed within two weeks.

## **II Awarding of contract**

- A. The contract will include a provision that Contractor will continue to comply with the provisions of the Minority/Women Business Program requirements and the MWB participation levels agreed upon.
- B. The MWBE Director will monitor contractor's compliance. In the event that additional or other subcontracting awards become necessary during the course of the project, the MWBE Director will continue to assist in identification of prospective minority/women subcontractors as appropriate.

**APPENDIX A**  
**AMERICANS WITH DISABILITIES ACT OF 1990**  
**Equal Opportunity for Individuals with Disability**

The contractor and the \_\_\_\_\_ of \_\_\_\_\_, (hereafter "owner") do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. 5121 01 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant there unto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the owner pursuant to this contract, the contractor agrees that the performance shall be in strict compliance with the Act. In the event that the contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the contractor shall defend the owner in any action or administrative proceeding commenced pursuant to this Act. The contractor shall indemnify, protect, and save harmless the owner, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages, of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The contractor shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the owner's grievance procedure, the contractor agrees to abide by any decision of the owner which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the owner, or if the owner incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the contractor shall satisfy and discharge the same at its own expense.

The owner shall, as soon as practicable after a claim has been made against it, give written notice thereof to the contractor along with full and complete particulars of the claim. If any action or administrative proceeding is brought against the owner or any of its agents, servants, and employees, the owner shall expeditiously forward or have forwarded to the contractor every demand, complaint, notice, summons, pleading, or other process received by the owner or its representatives.

It is expressly agreed and understood that any approval by the owner of the services provided by the contractor pursuant to this contract will not relieve the contractor of the obligation to comply with the Act and to defend, indemnify, protect, and save harmless the owner pursuant to this paragraph.

It is further agreed and understood that the owner assumes no obligation to indemnify or save harmless the contractor, its agents, servants, employees and subcontractors for any claim which may arise out of their performance of this Agreement. Furthermore, the contractor expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the contractor's obligations assumed in this Agreement, nor shall they be construed to relieve the contractor from any liability, nor preclude the owner from taking any other actions available to it under any other provisions of the Agreement or otherwise at law.

Representative's Name/Title Print: GORDY COLETTI VICE PRESIDENT  
Representative's Signature: [Signature]  
Name of Company: MU SEASHORE LANDSCAPING  
Tel. No.: 908-322-9491 Date: 8/11/11

Minority/Woman Business Enterprise (MWBE)  
Questionnaire for Bidders

Jersey City Ordinance C-829 establishes a goal of awarding 20% of the dollar amount of total city procurement to minority and woman owned business enterprises.

To assist us in monitoring our achievement of this goal, please indicate below whether your company is or is not a minority owned and/or woman owned business, and return this form with your bid proposal.

Business Name : THE SEASON LANDSCAPE  
Address : 2560 US Hwy 72 # 345 Scotch Plains NJ 07076  
Telephone No. : 908-322-9495  
Contact Name : Candy Corbett

Please check applicable category :

Minority Owned Business (MBE)       Minority & Woman Owned Business (MWBE)  
 Woman Owned business (WBE)       Neither

**Definitions**

**Minority Business Enterprise**

Minority Business Enterprise means a business which is a sole proprietorship, partnership or corporation at least 51% of which is owned and controlled by persons who are African American, Hispanic, Asian American, American Indian or Alaskan native, defined as follows:

**African American:** a person having origins in any of the black racial groups of Africa

**Hispanic:** a person of Mexican, Puerto Rican, Central or South American or other non-European Spanish culture or origin regardless of race.

**Asian:** a person having origins in any of the original peoples of the Far East, South East Asia, Indian subcontinent, Hawaii or the Pacific Islands.

**American Indian or Alaskan Native:** a person having origins in any of the original peoples of North America and who maintains cultural identification through tribal affiliation or community recognition.

**Woman Business Enterprise**

Woman Business Enterprise means a business which is a sole proprietorship, partnership or corporation at least 51% of which is owned and controlled by a woman or women.

Minority/Woman Business Enterprise (MWBE)  
Questionnaire for Bidders

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To assist us in monitoring our achievement of this goal, please indicate below whether your company is or is not a minority owned and/or woman owned business, and return this form with your bid proposal.

Business Name :

THE SEASON LAND SCAPING

Address :

2860 US Hwy 22 #305 SCOTCH PLAINS NJ 07076

Telephone No. :

908-322-9495

Contact Name :

Corey Caetti

Please check applicable category :

Minority Owned Business (MBE)

Minority & Woman Owned Business (MWBE)

Woman Owned business (WBE)

Neither

**Definitions**

**Minority Business Enterprise**

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**Asian:** a person having origins in any of the original peoples of the Far East, South East Asia, Indian subcontinent, Hawaii or the Pacific Islands.

**American Indian or Alaskan Native:** a person having origins in any of the original peoples of North America and who maintains cultural identification through tribal affiliation or community recognition.

**Woman Business Enterprise**

Woman Business Enterprise means a business which is a sole proprietorship, partnership or corporation at least 51% of which is owned and controlled by a woman or women.

Form MWB-3 Contractor's compliance plan to be submitted with bid document  
 CONTRACTOR: PROVIDE TWO (2) COMPLETED COPIES OF THIS FORM WITH YOUR  
 PROPOSAL (or within 24 hours thereafter)

City of Jersey City  
 Department of Administration / Division of Equal Opportunity  
 Division of Equal Opportunity

Project: FALL TREE PLANTING # \_\_\_\_\_

Contractor: TU SEASON LANDSCAPE Bid Amt. \$ \_\_\_\_\_

Please list what portions of the work, if any, you intend to sublet, the approximate value of same, and whether you anticipate subletting it to a minority or woman owned contractor, or neither.

Trade	Approx. \$ value	To minority or woman Business? check appropriate column.		
		Minority	Wom-an	Neither
XXXXXXXXXXXXXXXXXXXXXXXXXXXX				

Receipt of this report by the City does not constitute acceptance by the City of minority business participation goals less than 20% or women business participation goals less than 5% unless specifically agreed to by the Division of Equal Opportunity

CONTINUED ON NEXT PAGE

Form MWB-3 Contractor's compliance plan to be submitted with bid document  
**CONTRACTOR: PROVIDE TWO (2) COMPLETED COPIES OF THIS FORM WITH YOUR PROPOSAL (or within 24 hours thereafter)**

**City of Jersey City  
 Department of Administration / Division of Equal Opportunity  
 Division of Equal Opportunity**

Project: FALL TREE PLANTING # \_\_\_\_\_

Contractor: THREE SEASONS LANDSCAPING Bid Amt. \$ \_\_\_\_\_

Please list what portions of the work, if any, you intend to sublet, the approximate value of same, and whether you anticipate subletting it to a minority or woman owned contractor, or neither:

Trade	Approx. \$ value	To minority or woman Business? check appropriate column		
		Minority	Wom-an	Neither
XXXXXXXXXXXXXXXXXXXXXXXXXXXX				

Receipt of this report by the City does not constitute acceptance by the City of minority business participation goals less than 20% or women business participation goals less than 5% unless specifically agreed to by the Division of Equal Opportunity

CONTINUED ON NEXT PAGE

MWB3 page 2 - Project Paul Tree Removal

2. As to subcontracted trades mandated to be included in proposal pursuant to NJSA 40A:11-16, please list name of proposed subcontractor, trade, and whether minority, woman, or not

Trade	Contractor name & address	Approx \$ value	To minority or woman Business? check appropriate column		
			Min.	Wom.	Neither
XXXXXXXXXXXXXXXXXXXXXXXXXXXX					

3. What is your policy and practice with respect to outreach and consideration of minority and woman owned vendors/contractors as contractors and/or suppliers?

\_\_\_\_\_

Name of Contractor \_\_\_\_\_  
 by: Signature [Signature]  
 Type or print name/title: Conroy Covert Vice President  
 Tel: No. 908-322-9895 Date: 5/1/11

For City use:  
 Acceptable M/W business participation levels for this project: \_\_\_\_\_  
 by \_\_\_\_\_ Date: \_\_\_\_\_

MWB3 page 2 - Project PAUL TREE PLANTING

2. As to subcontracted trades mandated to be included in proposal pursuant to NJSA 40A:11-16, please list name of proposed subcontractor, trade, and whether minority, woman, or not

Trade	Contractor name & address	Approx \$ value	To minority or woman Business? check appropriate column		
			Min.	Wom.	Neither
XXXXXXXXXXXXXXXXXXXXXXXXXXXX					

3. What is your policy and practice with respect to outreach and consideration of minority and woman owned vendors/contractors as contractors and/or suppliers?

\_\_\_\_\_

Name of Contractor

by: Signature [Signature]

Type or print name/title: Candy Covert

Tel: No. 908-322-9095 Date: 8/11/11

For City use:

Acceptable M/W business participation levels for this project: \_\_\_\_\_

by \_\_\_\_\_ Date: \_\_\_\_\_

STATE OF NEW JERSEY  
 DEPARTMENT OF THE TREASURY  
 DIVISION OF PUBLIC CONTRACTS EQUAL  
 EMPLOYMENT OPPORTUNITY COMPLIANCE

FORM A 201

STATE OF NEW JERSEY  
 DIVISION OF PUBLIC CONTRACTS  
 EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE

Official Use Only

Assignment

Code

Form No. 201

Part No. 1 of 2

**INITIAL PROJECT WORKFORCE REPORT - CONSTRUCTION**

For instructions on completing this form, go to: <http://www.state.nj.gov/eo/eocontracts/eocontracts.htm>

<b>1. CONTRACT NUMBER</b>	<b>2. CONTRACTOR NUMBER</b> 1314102526800	<b>3. NAME AND ADDRESS OF PUBLIC AGENCY AND SOURCE CONTRACT</b>	
<b>3. NAME AND ADDRESS OF PRIME CONTRACTOR</b> THE SEASON LANDSCAPING 2360 US Hwy 22 #345		Name: CITY OF JERSEY CITY Address: 575 RT 440 JERSEY CITY N.J. 07305	
<b>4. NAME AND ADDRESS OF PROJECT</b> SCOTT PLAINS N.A. 0216 LANSAPUS SITES		CONTRACT NUMBER: _____ DATE OF AWARD: _____ DOLLAR AMOUNT OF AWARD: _____	
<b>5. IS THIS COMPANY INDENTURE OWNED?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (INDENTURED)		<b>6. COUNTY</b> HUDSON	

<b>7. TRADE OR CRAFT</b>	<b>8. IS THE PROJECT COVERED BY A PRIOR LABOR AGREEMENT (Y/N)?</b>	<b>9. PROJECT NUMBER</b>
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TRADE OR CRAFT	PROTECTED CONTRACTS				PROTECTED UNIONS				PROTECTED PERCENTAGE	PROTECTED DATE
	F	M	J	APR	F	M	J	APR		
1. ASBESTOS WORKER										
2. BRICKLAYER OR MASON										
3. CARPENTER										
4. ELECTRICIAN										
5. GLAZIER										
6. HVAC MECHANIC										
7. IRONWORKER										
8. OPERATING ENGINEER										
9. PAINTER										
10. PLUMBER										
11. ROOFER										
12. SHEET METAL WORKER										
13. SPRINKLER FITTER										
14. STEAMFITTER										
15. SURVEYOR										
16. TILER										
17. TRUCK DRIVER										
18. LABORER			10				10			
19. OTHER			2							
20. OTHER										

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

*Carmy Curtin*  
 Vice President  
 908-322-9015  
 8/1/14

(Area Code) (Telephone Number) (City) (State)





## STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE

**Taxpayer Name:** TRI-SEASON LANDSCAPING & CONSTRUCTION INC.  
**Trade Name:**  
**Address:** 2260 SUNRISE COURT  
SCOTCH PLAINS, NJ 07076-1943  
**Certificate Number:** 0978158  
**Effective Date:** March 27, 2003  
**Date of Issuance:** July 18, 2011

**For Office Use Only:**  
20110718183524387

# Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 11-708

Agenda No. 10.W

Approved: OCT 12 2011

TITLE:



## RESOLUTION AUTHORIZING AN EXTENSION OF A CONTRACT ON A MONTH-TO-MONTH BASIS WITH FINCH FUEL OIL CO. FOR THE FURNISHING AND DELIVERING OF UNLEADED MID-GRADE GASOLINE AND DIESEL FUEL TO VARIOUS LOCATIONS

### COUNCIL OFFERED AND MOVED ADOPTION OF THE FOLLOWING RESOLUTION:

**WHEREAS**, Resolutions 08-569 and 08-568 approved on July 16, 2008 awarded a one (1) year contract in the amount of \$1,081,195.50 and \$450,749.00 respectively to Finch Fuel Oil Co., 648 Schuyler Avenue, Kearny, New Jersey 07032, for furnishing and delivering unleaded mid-grade gasoline and diesel fuel to the City of Jersey City (City); and

**WHEREAS**, the contract was for a one year term beginning on July 1, 2008 and ending on June 30, 2009; and

**WHEREAS**, the bid specifications included options to renew the contract for up to two (2) additional one (1) year periods at the request of the City in accordance with N.J.S.A. 40A:11-15; and

**WHEREAS**, the City is in the process of revising the bid specifications for furnishing and delivering unleaded mid grade gas and diesel fuel to various locations and expects to receive bids in October 2011; and

**WHEREAS**, N.J.S.A. 40A:11-15 authorizes the extension of a contract when a municipality has commenced rebidding prior to the time the contract expires; and

**WHEREAS**, it is necessary to extend the contract with Finch Fuel on a month-to-month basis not to exceed three (3) months effective as of October 1, 2011 and ending on December 31, 2011 while the City completes the bidding process for a new contract; and

**WHEREAS**, this contract extension increases the original contract amount by more than twenty (20) percent and N.J.A.C. 5:30-11.9 requires the adoption of a resolution authorizing all change orders in excess of twenty (20) percent;

1. Notice of this change order shall be published once in a newspaper of general circulation in the City of Jersey City as required by law.

**WHEREAS**, the total cost of the contract extension shall not exceed \$170,000.00; and

**WHEREAS**, funds in the amount of \$170,000.00 are available in Unclassified Operating Account No. 01-201-31-434-208, P.O. No. 102240 and 102239.

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the City of Jersey City that:

1. The Mayor or Business Administrator is authorized to extend the contract with Finch Fuel Oil Co. for furnishing and delivering unleaded mid-grade gasoline and diesel fuel to various locations.

(Continued on page 2)

TITLE:

**RESOLUTION AUTHORIZING AN EXTENSION OF A CONTRACT ON A MONTH-TO-MONTH BASIS WITH FINCH FUEL OIL CO. FOR THE FURNISHING AND DELIVERING OF UNLEADED MID-GRADE GASOLINE AND DIESEL FUEL TO VARIOUS LOCATIONS**

- 2. The contract will be extended on a month-to-month basis not to exceed three (3) months effective as of October 1, 2011 and ending on December 31, 2011.
- 3. The total cost of the contract extension shall not exceed \$170,000.00 for both unleaded mid grade gasoline and diesel fuel.

I, Donna Mauer Donna Mauer, Chief Financial Officer certify that funds are available for the payment of the above resolution in Unclassified Operating Account No. 01-201-31-434-208, PO 102240 and PO 102239.

*J.A. 10/6/11*

RWH/sb  
September 28, 2011

APPROVED: Rodney Hadley 10/05/11 APPROVED AS TO LEGAL FORM

APPROVED: [Signature] Rodney W. Hadley, Director, DPW  
[Signature] Corporation Counsel

Certification Required

Not Required

APPROVED 9-0

RECORD OF COUNCIL VOTE ON FINAL PASSAGE											
				10/12/11							
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			AHMAD	✓		
DONNELLY	✓			FULOP	✓			VELAZQUEZ	✓		
LOPEZ	✓			RICHARDSON	✓			BRENNAN, PRES	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.

[Signature]  
Peter M. Brennan, President of Council

[Signature]  
Robert Byrne, City Clerk

This summary sheet is to be attached to the front of any ordinance, resolution, cooperation agreement or contract that is submitted for Council consideration. Incomplete or sketchy summary sheets will be returned with the resolution or ordinance. The Department, Division or Agency responsible for the overall implementation of the proposed project or program should provide a concise and accurate statement of facts.

**1. Full title of ordinance/resolution/cooperative agreement:**

Resolution authorizing a contract extension with Finch Fuel for the furnishing and delivering of unleaded mid grade gasoline and diesel fuel for the Department of Public Works, Division of Administrative Services.

**2. Name and title of person initiating ordinance/resolution, etc.:**

Rodney W. Hadley, Director of the Department of Public Works for the Division of Administrative Services.

**3. Concise description of program, project or plan proposed in the ordinance/resolution:**

Resolution authorizing a contract extension with Finch Fuel for the furnishing and delivering of unleaded mid grade gasoline and diesel fuel for the Department of Public Works, Division of Administrative Services

**4. Reasons (need) for the proposed program, project, etc.:**

To furnish and deliver of unleaded mid grade gasoline and diesel fuel for the Department of Public Works, Division of Administrative Services

**5. Anticipated benefits to the community:**

To furnish and deliver of unleaded mid grade gasoline and diesel fuel for the Department of Public Works, Division of Administrative Services

**6. Cost of proposed program, project, etc. (Indicate the dollar amount of City, State and Federal funds to be used, as well as match and in-kind contributions):**

The cost of this extension is one hundred and seventy thousand and zero cents (\$170,000.00).

**7. Date the proposed program, or project will commence:**

Upon adoption by The Jersey City Municipal Council.

**8. Anticipated completion date:**

December 31, 2011.

**9. Person responsible for coordinating proposed program, project, etc.:**

Steve Miller, Director, Division of Administrative Services, Department of Public Works.

**10. Additional comments:**

Resolution proposed at the recommendation of the Administrative Services.

Based on the information provided to me, I certify that all the facts presented herein are accurate, to the best of my knowledge.

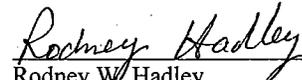
Rodney Hadley 10/05/11      10/05/11  
Signature of Department Director      Date

**CERTIFICATION OF RODNEY W. HADLEY**

I, Rodney W. Hadley, of full age, hereby certifies as follows:

1. I am the Director of the Department of Public Works for the City of Jersey City.
2. Resolution authorizing an extension with Finch Fuel to provide gasoline and diesel fuel for the Department of Public Works, Division of Administrative Services.
3. The total funds requested for this purpose is \$170,000.00.
4. The funds are available in Unclassified Operating Account Account No. **11-01-201-31-434-208**
5. I certify that the foregoing statements are true. I am aware that if any of the forgoing statements made by me are willfully false, I am subject to legal action to the fullest extent of the law.

Dated: 10/05/11

  
\_\_\_\_\_  
Rodney W. Hadley  
Director of Department of Public Works

# **EEO/AFFIRMATIVE ACTION REQUIREMENTS**

## **Goods, Professional Services and General Service Contracts**

Questions in reference to EEO/AA Requirements For Goods, Professional Services and General Service Contracts should be directed to:

**Jeana F. Abuan**  
**Affirmative Action Officer, Public Agency Compliance Officer**  
**Department of Administration**  
**Office of Equal Opportunity/Affirmative action**  
**280 Grove Street Room-103**  
**Jersey City NJ 07302**  
**Tel. #201-547- 4533**  
**Fax# 201-547-5088**  
**E-mail Address: [abuanJ@jcnj.org](mailto:abuanJ@jcnj.org)**

## EXHIBIT A

### MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE N.J.S.A. 10:5-36 et seq; N.J.A.C. 17:27

#### Goods, Professional Services and General Service Contracts

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity, or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

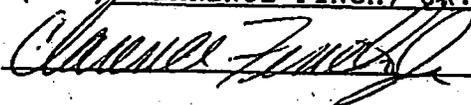
The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-36 et seq., as amended and

The undersigned vendor certifies on their company's receipt, knowledge and commitment to comply with:

EXHIBIT A  
N.J.S.A. 10:5-36 and N.J.A.C. 17:27  
MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE  
Goods, Professional Services and General Service Contracts  
(Mandatory Affirmative Action Language)

The undersigned vendor further agrees to furnish the required forms of evidence and understands that their contract/company's bid shall be rejected as non-responsive if said contractor fails to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27.

Representative's Name/Title (Print): CLARENCE FINCH, JR.

Representative's Signature: 

Name of Company: FINCH FUEL OIL CO., INC.

Tel. No.: 201-991-2370 Date: 9/23/11

**APPENDIX A**  
**AMERICANS WITH DISABILITIES ACT OF 1990**  
**Equal Opportunity for Individuals with Disability**

The contractor and the \_\_\_\_\_ of \_\_\_\_\_, (hereafter "owner") do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. S121 01 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant there unto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the owner pursuant to this contract, the contractor agrees that the performance shall be in strict compliance with the Act. In the event that the contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the contractor shall defend the owner in any action or administrative proceeding commenced pursuant to this Act. The contractor shall indemnify, protect, and save harmless the owner, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages, of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The contractor shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the owner's grievance procedure, the contractor agrees to abide by any decision of the owner which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the owner, or if the owner incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the contractor shall satisfy and discharge the same at its own expense.

The owner shall, as soon as practicable after a claim has been made against it, give written notice thereof to the contractor along with full and complete particulars of the claim. If any action or administrative proceeding is brought against the owner or any of its agents, servants, and employees, the owner shall expeditiously forward or have forwarded to the contractor every demand, complaint, notice, summons, pleading, or other process received by the owner or its representatives.

It is expressly agreed and understood that any approval by the owner of the services provided by the contractor pursuant to this contract will not relieve the contractor of the obligation to comply with the Act and to defend, indemnify, protect, and save harmless the owner pursuant to this paragraph.

It is further agreed and understood that the owner assumes no obligation to indemnify or save harmless the contractor, its agents, servants, employees and subcontractors for any claim which may arise out of their performance of this Agreement. Furthermore, the contractor expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the contractor's obligations assumed in this Agreement, nor shall they be construed to relieve the contractor from any liability, nor preclude the owner from taking any other actions available to it under any other provisions of the Agreement or otherwise at law.

Representative's Name/Title (Print): CLARENCE FINCH, JR. - PRESIDENT

Representative's Signature: 

Name of Company: FINCH FUEL OIL CO., INC.

Tel. No.: 201-991-2370 Date: 9/23/11

**Minority/Woman Business Enterprise (MWBE)  
Questionnaire for Bidders**

Jersey City Ordinance C-829 establishes a goal of awarding 20% of the dollar amount of total city procurement to minority and woman owned business enterprises.

To assist us in monitoring our achievement of this goal, please indicate below whether your company is or is not a minority owned and/or woman owned business, and return this form with your bid proposal:

Business Name: FINCH FUEL OIL CO., INC.

Address: 648 SCHUYLER AVENUE, KEARNY, NJ 07032

Telephone No. : 201-991-2370

Contact Name: CLARENCE FINCH, JR. or HELEN FINCH

Please check applicable category:

Minority Owned Business (MBE)

Minority & Woman Owned  
Business (MWBE)

Woman Owned business (WBE)

Neither

**Definitions**

**Minority Business Enterprise**

Minority Business Enterprise means a business which is a sole proprietorship, partnership or corporation at least 51% of which is owned and controlled by persons who are African American, Hispanic, Asian American, American Indian or Alaskan native, defined as follows:

**African American:** a person having origins in any of the black racial groups of Africa

**Hispanic:** a person of Mexican, Puerto Rican, Central or South American or other non-European Spanish culture or origin regardless of race.

**Asian:** a person having origins in any of the original peoples of the Far East, South East Asia, Indian subcontinent, Hawaii or the Pacific Islands.

**American Indian or Alaskan Native:** a person having origins in any of the original peoples of North America and who maintains cultural identification through tribal affiliation or community recognition.

**Woman Business Enterprise**

Woman Business Enterprise means a business which is a sole proprietorship, partnership or corporation at least 51% of which is owned and controlled by a woman or women.

**OFFICE OF EQUAL OPPORTUNITY/AFFIRMATIVE ACTION**

**Minority/Woman Business Enterprise (MWBE)  
Questionnaire for Bidders**

Jersey City Ordinance C-829 establishes a goal of awarding 20% of the dollar amount of total city procurement to minority and woman owned business enterprises.

To assist us in monitoring our achievement of this goal, please indicate below whether your company is or is not a minority owned and/or woman owned business, and return this form with your bid proposal.

Business Name: FINCH FUEL OIL CO., INC.

Address: 648 SCHUYLER AVENUE, KEARNY, NJ 07032

Telephone No. : 201-991-2370

Contact Name: CLARENCE FINCH, JR. or HELEN FINCH

Please check applicable category:

Minority Owned Business (MBE)

Minority & Woman Owned  
Business (MWBE)

Woman Owned business (WBE)

Neither

**Definitions**

**Minority Business Enterprise**

Minority Business Enterprise means a business which is a sole proprietorship, partnership or corporation at least 51% of which is owned and controlled by persons who are African American, Hispanic, Asian American, American Indian or Alaskan native, defined as follows:

**African American:** a person having origins in any of the black racial groups of Africa

**Hispanic:** a person of Mexican, Puerto Rican, Central or South American or other non-European Spanish culture or origin regardless of race.

**Asian:** a person having origins in any of the original peoples of the Far East, South East Asia, Indian subcontinent, Hawaii or the Pacific Islands.

**American Indian or Alaskan Native:** a person having origins in any of the original peoples of North America and who maintains cultural identification through tribal affiliation or community recognition.

**Woman Business Enterprise**

Woman Business Enterprise means a business which is a sole proprietorship, partnership or corporation at least 51% of which is owned and controlled by a woman or women.

**DIVISION OF PURCHASING COPY**

STATE OF NEW JERSEY  
BUSINESS REGISTRATION CERTIFICATE  
FOR STATE AGENCY AND CASINO SERVICE CONTRACTORS

DEPARTMENT OF TREASURY/  
DIVISION OF REVENUE  
PO BOX 252  
TRENTON, N J 08648-0252

TAXPAYER NAME:

FINCH FUEL OIL CO., INC.

TRADE NAME:

TAXPAYER IDENTIFICATION#:

222-375-820/000

SEQUENCE NUMBER:

0463850

ADDRESS:

648 SCHUYLER AVE  
KEARNY NJ 07032

ISSUANCE DATE:

08/14/02

EFFECTIVE DATE:

09/16/81

FORM-BRC(08-01)

*J.P. S. Tully*  
Acting Director

This Certificate is NOT assignable or transferable. It must be conspicuously displayed at above address.



## STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE

**Taxpayer Name:** FINCH FUEL OIL CO., INC.

**Trade Name:**

**Address:** 648 SCHUYLER AVE  
KEARNY, NJ 07032-4242

**Certificate Number:** 0463850

**Effective Date:** September 16, 1981

**Date of Issuance:** September 28, 2011

**For Office Use Only:**

20110928094329812

Certification 8122

**CERTIFICATE OF EMPLOYEE INFORMATION REPORT  
RENEWAL**

This is to certify that the contractor listed below has submitted an Employee Information Report pursuant to N.J.A.C. 17:27-1.1 et seq. and the State Treasurer has approved said report. This approval will remain in effect for the period of **15-MAY-2005** to **15-MAY-2012**

FINCH FUEL OIL CO., INC.  
648 SCHUYLER AVE.  
KEARNY NJ 07031



A handwritten signature in cursive script, appearing to read "John P. Lawrence".

State Treasurer

# Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 11-709

Agenda No. 10.X

Approved: OCT 12 2011

TITLE:



**RESOLUTION AUTHORIZING THE CITY OF JERSEY CITY TO SETTLE THE FORECLOSURE MATTER S UNDER DOCKET NOS.: F-45068-09 AND F-51672-09 FOR \$66,000 AND DISCHARGE THE MORTGAGE AND AFFORDABILITY CONTROLS AFFECTING THE PROPERTY AT 464-466 PACIFIC AVENUE**

**COUNCIL  
FOLLOWING RESOLUTION:**

**OFFERED AND MOVED ADOPTION OF THE**

**WHEREAS**, Edgar and Irma Hernandez (Hernandez) are the owners of a two family residential property located at Block 2098, Lot 26, and more commonly known by the street address of 464-466 Pacific Avenue (Property); and

**WHEREAS**, Hernandez received \$66,000.00 from the City of Jersey City (City) on February 1, 1995 towards the purchase of the Property (City's loan); and

**WHEREAS**, the City's loan self-amortized only if the homeowner resided in one unit and rented the second unit to a low and moderate income household for a period of twenty (20) years; and

**WHEREAS**, the City's loan was recorded as a second mortgage subordinate to the first purchase money mortgage of United Jersey Bank (First Purchase Money Mortgage); and

**WHEREAS**, in addition, the property is subject to an Affordable Housing Agreement (Agreement) executed on January 9, 1995 between the City and J.P. Affordable Housing Holding Co., Inc., recorded on February 14, 1995 in Book 4829, page 235, which ensures that the property remains affordable to a low and moderate income household for a minimum period of twenty (20) years; and

**WHEREAS**, on May 4, 2006, Hernandez refinanced the First Purchase Money Mortgage with Montgomery Mortgage Capital Corporation in the amount of \$165,000, which was subsequently assigned to Wells Fargo Bank, N.A.(Wells Fargo loan);

**WHEREAS**, a second loan was executed by Hernandez on September 14, 2006 with Bank of America for \$100,000 (Bank of America loan); and

**WHEREAS**, neither the Wells Fargo nor Bank of America loans were approved by the City in violation of the terms of the City's loan and the Agreement; and

**WHEREAS**, in 2009, Hernandez defaulted on the Wells Fargo and Bank of America loans; and

**WHEREAS**, Wells Fargo Bank and Bank of America initiated foreclosure actions against Hernandez under Docket Nos.:F-45068-09 and F-51672-09; and

**WHEREAS**, the complaints named the City as a defendant because of the City's second mortgage dated February 1, 1995 with Hernandez; and

**WHEREAS**, the City filed an answer contesting the priority and validity of both loans; and

**WHEREAS**, the City proposed a settlement whereby the City would be repaid the \$66,000, the full amount of the loan and in exchange the City would release the Property from the affordability controls and discharge the repayment mortgage; and

TITLE:

**RESOLUTION AUTHORIZING THE CITY OF JERSEY CITY TO SETTLE THE FORECLOSURE MATTERS UNDER DOCKET NOS.: F-45068-09 AND F-51672-09 FOR \$66,000 AND DISCHARGE THE MORTGAGE AND AFFORDABILITY CONTROLS AFFECTING THE PROPERTY AT 464-466 PACIFIC AVENUE**

**WHEREAS**, pursuant to the Agreement, the terms, restrictions and covenants terminate twenty years from the date of the Agreement unless a greater or lesser period of time is approved by the City; and

**WHEREAS**, the lenders have agreed to pay the City \$66,000 to settle the matter; and

**WHEREAS**, since only four years remain before the affordability controls expire, it is in the best interests of the City to settle the matter and accept the \$66,000 which will be deposited into the City's Affordable Housing Trust Account and used for future affordable housing for Jersey City residents.

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the City of Jersey City that:

1. The Corporation Counsel be authorized to settle this lawsuit for the sum of \$66,000.
2. The check issued to the City in the amount of \$66,000 will be deposited into the City's Affordable Housing Trust Account.
3. The Business Administrator is authorized to execute a discharge and release of the mortgage dated February 1, 1995 and the City's Affordable Housing Agreement dated January 9, 1995 and any other documents appropriate or necessary to effectuate the purposes of the within settlement.

IW/cw  
10/4/11

APPROVED: \_\_\_\_\_  
APPROVED: \_\_\_\_\_  
Business Administrator

APPROVED AS TO LEGAL FORM \_\_\_\_\_  
Corporation Counsel

Certification Required   
Not Required

APPROVED 9-0

RECORD OF COUNCIL VOTE ON FINAL PASSAGE 10/12/11											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			AHMAD	✓		
DONNELLY	✓			FULOP	✓			VELAZQUEZ	✓		
LOPEZ	✓			RICHARDSON	✓			BRENNAN, PRES	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.

\_\_\_\_\_  
Peter M. Brennan, President of Council

\_\_\_\_\_  
Robert Byrne, City Clerk

City of

# JERSEY CITY

Law Department  
280 Grove Street  
Jersey City, N.J. 07302

Fax (201) 547-5230  
(201) 547-5229

---

October 4, 2011

President and Members of the Municipal Council  
City Hall-280 Grove Street  
Jersey City, NJ 07302

**Re: Wells Fargo Bank v. Edgar and Irma Hernandez, et al.**  
**Docket No.: F-45068-09**  
**Bank of America v. Edgar and Irma Hernandez, et al.**  
**Docket No.: F-51672-09**  
**Property: 464-466 Pacific Avenue, Jersey City, NJ**

Dear President and Members of the Municipal Council:

The purpose of this letter is to explain the proposed settlement in the above referenced matters. Edgar and Irma Hernandez (Hernandez) are the owners of the two-family residential property located at 464-466 Pacific Avenue, Jersey City, NJ ("Property"). In 2009, Wells Fargo Bank and the Bank of America initiated foreclosure proceedings against the owners. The City of Jersey City ("City") was named as a defendant in the complaints because of a Repayment Mortgage dated February 1, 1995 executed with Hernandez in the amount of \$66,000. The Property was also subject to an Affordable Housing Agreement (Agreement) executed on January 9, 1995 between the City and J.P. Affordable Housing Holding Co., Inc. to ensure that the Property remains affordable to low and moderate income household for a period of twenty (20) years. Wells Fargo Bank and the Bank of America have agreed to pay the City the full loan amount of \$66,000 to settle the matters.

On February 1, 1995, Hernandez executed the Repayment Mortgage with the City requiring that the unit remain affordable for twenty (20) years. The City's loan was recorded as a second mortgage subordinate to the first purchase money mortgage of United Jersey Bank (First Purchase Money Mortgage).

On May 4, 2006, Hernandez refinanced the first purchase money mortgage for a loan with Montgomery Mortgage Capital Corporation (Montgomery mortgage) in the amount of \$165,000. A second loan was executed by Hernandez on September 14, 2006 with Bank of America for \$100,000 in violation of the terms of the Agreement. Neither mortgage was executed with the knowledge or approval of the City.

In 2009, Hernandez defaulted on the Lenders' mortgages. Wells Fargo Bank took an assignment of the Montgomery mortgage and initiated a foreclosure action against Hernandez and the City. Shortly thereafter, Bank of America filed a second foreclosure action against Hernandez. The City filed an answer in both proceedings contesting the priority and validity of the Hernandez's mortgages with Wells Fargo and Bank of America.

Under the settlement, if the Lenders pay the City the sum of \$66,000, the City will release the affordability controls in the Agreement and discharge the Repayment Mortgage, allowing the Lenders to proceed with the foreclosure of the Property.

The Lenders have agreed to pay the City \$66,000 in exchange for the City's execution of a discharge of mortgage and release of restrictions. Only four (4) years remain before the affordability controls expire; therefore, it is in the best interests of the City to settle the matter and accept the \$66,000. The monies will be deposited into the City's Affordable Housing Trust Account to fund future affordable housing for Jersey City residents as part of the City's Affordable Housing Spending Plan.

Very truly yours,

**WILLIAM C. MATSIKLOUDIS**  
**CORPORATION COUNSEL**

  
ITZA WILSON  
Assistant Corporation Counsel

IW/cw

cc: William C. Matsikoudis, Corp. Counsel  
Joanne Monahan, 1<sup>st</sup> Assistant Corporation Counsel  
John Kelly, Business Administrator  
Darice Toon, Director, DCD  
Joshua R. Elias, Esq.

# Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 11-710  
Agenda No. 10.Y  
Approved: OCT 12 2011



**TITLE:** RESOLUTION AUTHORIZING THE CITY OF JERSEY CITY TO SETTLE THE FORECLOSURE MATTER UNDER DOCKET NO.: F-33356-10 FOR \$61,661.92 AND DISCHARGE THE AFFORDABILITY CONTROLS AFFECTING THE PROPERTY AT 452-452A PACIFIC AVENUE

**COUNCIL OFFERED AND MOVED ADOPTION OF THE FOLLOWING RESOLUTION:**

**WHEREAS**, Marie Day (Day) is the owner of a two-family residential property located at Block 2092, Lot 40, and more commonly known by the street address of 452-452A Pacific Avenue (Property); and

**WHEREAS**, on February 12, 1994, Day executed a First Time Home Buyer contract for State HOME program funds in the amount of \$60,000 with the City of Jersey City (City) towards the purchase of the Property (City's contract); and

**WHEREAS**, on June 23, 1994, Day executed a repayment mortgage with the State of New Jersey Department of Community Affairs, Division of Housing ("State Loan"); and

**WHEREAS**, the State's loan was recorded as a second mortgage subordinate to a private lender's first purchase money mortgage; and

**WHEREAS**, in addition, the property is subject to an Affordable Housing Agreement (Agreement) executed on May 18, 1994 between the City and J.P. Affordable Housing Holding Co., Inc., recorded on May 25, 1994 in Book 4731, page 088, which ensures that the property remains affordable to a low and moderate income household for a minimum period of twenty (20) years; and

**WHEREAS**, on August 23, 2007, Day refinanced the First Purchase Money Mortgage with Tribeca Lending Corporation for the sum of \$150,000, which was subsequently assigned to Huntington National Bank, as Trustee for Franklin Mortgage Asset Trust 2009-A (Refinanced Mortgage); and

**WHEREAS**, by refinancing with an additional \$90,000, without the approval from the City or the State, Day breached the covenants in the Agreement and specifically, N.J.A.C. 5:80-26.8; and

**WHEREAS**, in 2009, Day defaulted on the refinanced mortgage; and

**WHEREAS**, on June 25, 2010, Huntington initiated a foreclosure action against Day under Docket No.:F-33356-10; and

**WHEREAS**, the complaint named the City as a defendant because of the City's Agreement dated May 18, 1994; and

**WHEREAS**, the City filed an answer contesting Huntington's right to foreclose on the property and to void the mortgage because N.J.A.C. 5:80-26.8 prohibits a mortgage that exceeds 95 percent of the maximum allowable resale price of the unit during the restricted period; and

**WHEREAS**, because the State's repayment mortgage failed to include the loan amount, the parties relied on the City's contract as secondary evidence of the loan amount to Ms. Day; and

**WHEREAS**, the City proposed as settlement that Huntington pay at least, the full loan amount as evidenced in the City's contract, and in exchange the City would release the deed restrictions in the Agreement and the State would discharge the Repayment Mortgage; and

**WHEREAS**, pursuant to the City's Agreement, the terms, restrictions and covenants terminate twenty years from the date of the Agreement unless a greater or lesser period of time is approved by the City; and

TITLE:

**RESOLUTION AUTHORIZING THE CITY OF JERSEY CITY TO SETTLE THE FORECLOSURE MATTER UNDER DOCKET NO.: F-33356-10 FOR \$61,661.92 AND DISCHARGE THE AFFORDABILITY CONTROLS AFFECTING THE PROPERTY AT 452-452A PACIFIC AVENUE**

WHEREAS, the lender has offered to pay \$61,661.92 to settle the case; and

WHEREAS, the State has approved of this settlement; and

WHEREAS, the funds will be deposited in the State's HOME funds account.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the City of Jersey City that:

1. On behalf of the State of New Jersey and with its approval, the City of Jersey City is hereby authorized to settle this lawsuit for the sum of \$61,661.92.
2. The Business Administrator is authorized to execute a release of the City's Affordable Housing Agreement dated May 18, 1994 and any other documents appropriate or necessary to effectuate the purposes of the within settlement.

IW/cw  
10/4/11

APPROVED: \_\_\_\_\_

APPROVED AS TO LEGAL FORM \_\_\_\_\_

APPROVED: \_\_\_\_\_

Business Administrator

Corporation Counsel

Certification Required

Not Required

APPROVED 9-0  
10/12/11

RECORD OF COUNCIL VOTE ON FINAL PASSAGE											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			AHMAD	✓		
DONNELLY	✓			FULOP	✓			VELAZQUEZ	✓		
LOPEZ	✓			RICHARDSON	✓			BRENNAN, PRES	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.

*Peter M. Brennan*  
Peter M. Brennan, President of Council

*Robert Byrne*  
Robert Byrne, City Clerk

City of

# JERSEY CITY

Law Department  
280 Grove Street  
Jersey City, N.J. 07302

Fax (201) 547-5230  
(201) 547-5229

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October 4, 2011

President and Members of the Municipal Council  
City Hall-280 Grove Street  
Jersey City, NJ 07302

**Re: Huntington National Bank v. Marie Day, et al.**  
**Docket No.: F-33356-10**  
**Property: 452-452A Pacific Avenue, Jersey City, NJ**

Dear President and Members of the Municipal Council:

Huntington National Bank ("Huntington") has agreed to pay the City of Jersey City (City) \$61,661.92 to settle the above matter. The purpose of this letter is to explain the proposed settlement.

Marie Day (Day) is the owner of a two-family residential property located at 452-452A Pacific Avenue (Property). In 2010, Huntington initiated a foreclosure action against Day. The City was named as a defendant in the complaint because of an Affordable Housing Agreement executed on May 18, 1994 between the City and J.P. Affordable Housing Holding Co., Inc., to ensure that the Property remains affordable to a low and moderate income household for a period of twenty (20) years.

On February 12, 1994, Day executed a First Time Home Buyer contract for State HOME Program funds in the amount of \$60,000 with the City towards the purchase of the Property (City's contract). On June 23, 1994, Day executed a repayment mortgage with the State of New

Jersey Department of Community Affairs, Division of Housing ("State Loan"), which was recorded as a second mortgage subordinate to a private lender's first purchase money mortgage.

On August 23, 2007, Day refinanced the first purchase money mortgage for a loan with Tribeca Lending Corporation (Tribeca mortgage) in the amount of \$150,000. The Tribeca mortgage was not executed with the knowledge or approval of the City. Further, by refinancing for an additional \$90,000, Day breached the covenants in the Agreement. In addition, N.J.A.C. 5:80-26.8 prohibits a mortgage on an affordable housing unit that exceeds 95 percent of the maximum allowable resale price for the unit during the restricted period.

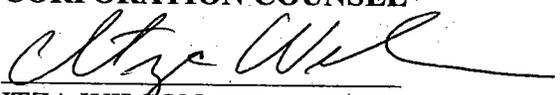
In 2009, Day defaulted on Tribeca's refinanced mortgage. Huntington National Bank, as Trustee for Franklin Mortgage Asset Trust 2009-A took an assignment of the Tribeca mortgage and initiated a foreclosure action against Day and the City. The City filed an answer contesting the priority and validity of Huntington's mortgage and sought to void the mortgage pursuant to N.J.A.C. 5:80-26.8.

Under the settlement, if Huntington pays the full loan amount as evidenced in the City's contract, the City will release the deed restrictions in the Agreement and the State will discharge the Repayment Mortgage, allowing Huntington to proceed with the foreclosure of the Property. Huntington offered to pay \$61,661.92 to settle the case. The State has approved of this settlement.

Since only three years remain before the affordability controls expire, it is in the best interest of the City to approve the settlement. The monies will be deposited in the State's HOME funds account to fund future affordable housing.

Very truly yours,

**WILLIAM C. MATSIKLOUDIS**  
**CORPORATION COUNSEL**

  
ITZA WILSON  
Assistant Corporation Counsel

IW/cw

- cc: William C. Matsikoudis, Corp. Counsel  
Joanne Monahan, 1<sup>st</sup> Assistant Corporation Counsel  
John Kelly, Business Administrator  
Darice Toon, Director, DCD  
Hugh Keffer, Esq.  
Robert N. Wright, Department of Community Affairs

# Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 11-711

Agenda No. 10 .Z

Approved: OCT 12 2011

TITLE:



## RESOLUTION AUTHORIZING SETTLEMENT OF THE RELOCATION ASSISTANCE CLAIM OF LIBERTY STORAGE, LLC AND APPROVING AND AUTHORIZING THE INITIAL INSTALLMENT PAYMENT BY CITY OF JERSEY

**COUNCIL** offered and moved adoption of the following resolution:

**WHEREAS**, the City of Jersey City acquired property known on the City Tax map as Block 1510, Lots 29, X.1 & Y, and Block 1505.05, Lot D.1, and more commonly known by the street address of 13-15 Linden Avenue, consisting of approximately 20 acres of land [Property]; and

**WHEREAS**, the City intends to construct a new public works facility on the Property to replace the existing public works facility located on the west side of Route 440; and

**WHEREAS**, Liberty Storage, LLC, an owner of a portion of the Property and the operator of a self storage facility is entitled to payment by the City for the reasonable costs of relocation of its business in accordance with state and federal law; and

**WHEREAS**, the City requires that the Property, especially with respect to certain outside storage units utilized by Liberty Storage as part of its business, be vacated and removed in order to permit the City to go forward with plans for construction on the Property; and

**WHEREAS**, City and Liberty Storage have arrived at a negotiated agreement, embodied in a form of Consent Order for judgment on relocation assistance, to be entered in the condemnation proceeding instituted by the City, a true copy of the proposed Consent Order being attached hereto as Exhibit A, and

**WHEREAS**, the terms negotiated between the City and Liberty Storage are fair and reasonable, and beneficial to the City in affording it the opportunity to settle the claim by Liberty Storage and insure site access can be timely obtained, to avoid interfering with construction by the City on the Property; and

**WHEREAS**, the provisions of the Consent Order require a total payment of \$750,000, out of which \$200,000 must be paid on or before October 25, 2011 to avoid further delay by Liberty Storage in moving the storage units from the outside of its premises, and the main storage in the warehouse as well, and

**WHEREAS**, sufficient funds are available for the payment of the settlement in Account # 04-215-55-886-990, and will be made payable to John J. Curley, Esq., Counsel to the City of Jersey City, who will disburse in accordance with the Consent Order.

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the City of Jersey City that:

1. The City of Jersey City does hereby authorize and approve settlement with Liberty Storage, LLC in accordance with the terms of the Consent Order for judgment on relocation assistance attached hereto as Exhibit A and counsel for the City is authorized to execute on behalf of the City and submit to the court for filing, the Consent Order in the form attached hereto.

2. The initial payment of \$200,000 of the total settlement sum of \$750,000 is hereby authorized and approved and a check payable to Liberty Storage, LLC shall be issued in said amount to be paid through counsel for the City John J. Curley, Esq. prior to October 25, 2011.

City Clerk File No. Res. 11-711

Agenda No. 10.Z OCT 12 2011

TITLE:

**RESOLUTION AUTHORIZING SETTLEMENT OF THE RELOCATION ASSISTANCE CLAIM OF LIBERTY STORAGE, LLC AND APPROVING AND AUTHORIZING INITIAL INSTALLMENT OF SETTLEMENT PAYMENT BY CITY OF JERSEY**

3. In the event that upon further review the attached Consent Order requires minor modification as determined as being necessary or appropriate by Corporation Counsel, all such modifications are hereby deemed approved.

WCM/he  
10/11/11

P.O. # 104500 *Donna Mauer*

APPROVED: \_\_\_\_\_  
APPROVED: \_\_\_\_\_  
Business Administrator

APPROVED AS TO LEGAL FORM \_\_\_\_\_  
Corporation Counsel

Certification Required

Not Required

APPROVED 9-0

RECORD OF COUNCIL VOTE ON FINAL PASSAGE											
											10/12/11
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			AHMAD	✓		
DONNELLY	✓			FULOP	✓			VELAZQUEZ	✓		
LOPEZ	✓			RICHARDSON	✓			BRENNAN, PRES	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.

*Peter M. Brennan*  
Peter M. Brennan, President of Council

*Robert Byrne*  
Robert Byrne, City Clerk

Draft: 9/26/2011 7:13 PM

McKIRDY & RISKIN, PA  
136 South Street  
P.O. Box 2379  
Morristown, New Jersey 07962-2379  
Telephone: 973-539-8900 / Fax: 973-984-5529

Attorneys for Defendants,  
Liberty Storage, LLC & Sterling Capital, LLC

<p>CITY OF JERSEY CITY, a Municipal Corporation of New Jersey,</p> <p style="text-align: right;">Plaintiff,</p> <p>vs.</p> <p>LIBERTY STORAGE, LLC, A New Jersey Limited Liability Company; STERLING CAPITAL, LLC, A New Jersey Limited Liability Company; et al.</p> <p style="text-align: right;">Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: HUDSON COUNTY</p> <p>Docket No. HUD-L-5422-09</p> <p style="text-align: center;">Civil Action</p> <p style="text-align: center;">CONSENT ORDER FOR JUDGMENT ON RELOCATION ASSISTANCE</p>
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This matter having been opened to the Court by way of submission of the within Consent Order by the parties; John J. Curley, Esq. (John J. Curley, LLC), appearing on behalf of Plaintiff, City of Jersey City, and Thomas M. Olson, Esq. (McKirdy & Riskin, PA), appearing on behalf of Defendant Liberty Storage, LLC; and it further appearing that the City of Jersey City and Liberty Storage, LLC, have amicably resolved their differences with regard to relocation assistance issues on the terms set forth in the within Consent Order; and it further appearing that application

for approvals for the relocation facility located at Edward Hart Drive in the City of Jersey City (the "Edward Hart Drive Site") are scheduled before the planning board on October 11, 2011 and that the City will act with all due diligence to expedite the issuance of permits; and it further appearing that the parties have identified those portions of the subject property for which possession is required on or before December 31, 2011 (the "December 31, 2011 Possession Area") and those portions of the subject property which are not immediately necessary for the construction of plaintiff's project and which may continue to be occupied by defendant until completion of the Edward Hart Drive Site (the "Possession Retained Area"), such areas being identified on the map annexed hereto as Exhibit "A"; and it further appearing that the parties have settled the total dollar amount of relocation assistance to which defendant is entitled in full settlement and satisfaction of all claims for relocation assistance and have provided for installment payments so as to facilitate defendant's ability to complete the relocation contemplated herein; and good cause appearing for the entry of the within Order;

IT IS on this \_\_\_\_ day of September, 2011

ORDERED:

1. The within settlement is subject to approval by the City Council of the City of Jersey City. Approval of the within settlement will be presented for consideration at the meeting of the City Council on October 12, 2011 (the "City Approval Date").

2. Defendant shall cause (a) the contents of outside storage units and (b) all stored personal property located on the land (including, without limitation, all boats, vehicles, and equipment) located within the "December 31, 2011 Possession Area" as shown on the annexed Exhibit A to be completely vacated and removed on or before December 31, 2011.

3. The outside storage units themselves shall be abandoned in place. Prior to taking possession of the "December 31, 2011 Possession Area", plaintiff shall install adequate security fencing with a barbed wire cap to secure the "Possession Retained Area" as shown on Exhibit A. The December 31, 2011 date shall be extended one day for each day City approval is extended beyond the City Approval Date and one day for each day payment of the Initial Payment, as hereinafter defined, is extended beyond the Initial Payment Due Date, as hereinafter defined.

4. In the event of defendant's unexcused failure to comply with the foregoing requirement, such failure shall be deemed a breach of the within settlement agreement and the plaintiff may take possession of the December 31, 2011 Possession Area and in such event the amount established herein as relocation assistance shall be reduced by the plaintiff's reasonable cost to relocate or remove any remaining contents of the outside storage units and any remaining stored personal property in the December 31, 2011 Possession Area.

5. Notwithstanding anything herein to the contrary, plaintiff shall only guarantee reasonable access to the loading dock to the self storage building until March 31, 2012, regardless of whether defendant has completed its relocation from the "Possession Retained Area" on or before that date.

6. Defendant agrees to empty and abandon all outside storage units within the Possession Retained Area on or before March 31, 2012. In the event of defendant's unexcused failure to comply with the foregoing requirement, Plaintiff may take possession of the outside storage units within the Possession Retained Area, and in such event the amount established herein as relocation assistance shall be reduced by the Plaintiff's reasonable cost to relocate or remove any remaining contents of the outside storage units in the Possession Retained Area.

7. The amount of relocation assistance to which defendant is entitled is fixed in the total amount of Seven Hundred Fifty Thousand (\$750,000.00) Dollars. Relocation assistance shall be payable as follows: (a) \$200,000.00 (the "Initial Payment") within fourteen (14) days of the City Approval ("the Initial Payment Due Date"); (b) Five Hundred Fifty Thousand (\$550,000.00) payable within thirty (30) days of the completion of defendant's relocation from the entirety of the subject property. Payments aforesaid shall be payable to Liberty Storage, LLC, through its attorneys McKirdy & Riskin, PA, c/o Thomas Olson, Esq., 136 South Street, P.O. Box 2379, Morristown, New Jersey 07962-2379. The foregoing amounts are in full and final settlement of any and all claims of any nature which defendant may have for relocation assistance.

8. Plaintiff shall take all necessary, proper, and reasonable steps to expedite the issuance of approvals and permits to facilitate completion of the Edward Hart Drive Site.

9. Upon completion of the relocation as provided herein and performance of both parties in accordance with the terms of the within Order the pending relocation appeal before the Office of Administrative Law under OAL Docket No: CAF11255-2010N shall be dismissed.

10. A copy of this Order shall be served on all counsel within five (5) days of the date of entry herein.

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HON. MAURICE J. GALLIPOLI, A.J.S.C.

We hereby consent to the form  
and entry of the within Order.

John J. Curley, LLC

McKirdy & Riskin, P.A.

{0319.1000.00039444.DOCX }

Attorney for Plaintiff  
City of Jersey City

Attorneys for Defendant  
Liberty Storage, LLC

By \_\_\_\_\_  
JOHN J. CURLEY, ESQ.

By \_\_\_\_\_  
THOMAS M. OLSON, ESQ.

EXHIBIT A

