

CITY OF JERSEY CITY

280 Grove Street
Jersey City, New Jersey 07302



Robert Byrne, R.M.C., City Clerk
Sean J. Gallagher, R.M.C., Deputy City Clerk
Tolonda Griffin-Ross, Deputy City Clerk



Peter M. Brennan, Council President
Viola Richardson, Councilperson-at-Large
Rolando Lavarro, Jr., Councilperson-at-Large
Michael J. Sottolano, Councilperson, Ward A
David P. Donnelly, Councilperson, Ward B
Nidia R. Lopez, Councilperson, Ward C
William A. Gaughan, Councilperson, Ward D
Steve Fulop, Councilperson, Ward E
Michele Massey, Councilperson, Ward F

Agenda Regular Meeting of the Municipal Council Wednesday, January 25, 2012 at 6:00 p.m.

Please note: The next caucus meeting of Council is scheduled for Monday, February 6, 2012 at **5:30 p.m.** in the Efrain Rosario Memorial Caucus Room, City Hall.

The next regular meeting of Council is scheduled for Wednesday, February 8, 2012 at **6:00 p.m.** in the Anna Cucci Memorial Council Chambers, City Hall. A pre-meeting caucus may be held in the Efrain Rosario Memorial Caucus Room, City Hall.

1. (a) **INVOCATION:**
- (b) **ROLL CALL:**
- (c) **SALUTE TO THE FLAG:**
- (d) **STATEMENT IN COMPLIANCE WITH SUNSHINE LAW:**

City Clerk Robert Byrne stated on behalf of Peter M. Brennan, Council President. "In accordance with the New Jersey P.L. 1975, Chapter 231 of the Open Public Meetings Act (Sunshine Law), adequate notice of this meeting was provided by mail and/or fax to The Jersey Journal and The Reporter. Additionally, the **annual notice** was posted on the bulletin board, first floor of City Hall and filed in the Office of the City Clerk on Wednesday, December 14, 2011, indicating the schedule of Meetings and Caucuses of the Jersey City Municipal Council for the calendar year 2012.

The Agenda of this meeting was disseminated on **Thursday, January 19, 2012 at 4:00 p.m.** to the Municipal Council, Mayor and Business Administrator of Jersey City. It was similarly disseminated to The Jersey City Reporter and The Jersey Journal.

2. **Bid Reception: None**

****CONSENT AGENDA**

All items listed on the meeting calendar with an asterisk (or asterisks) are considered routine by the municipal council and will be enacted by one motion (and roll call) without separate discussion of each item. If discussion is desired on any item and permitted by the council, that item will be considered separately.

Consent Agenda adopted by Ordinance J-636 and supplemented by Ordinance C-248.

Please understand that all documents listed in the consent agenda are available for public perusal at this meeting.

***3.**

ORDINANCE HEARING

FIRST READING

**CITY CLERK
FILE**

- a. Ordinance of the Municipal Council of the City of Jersey City adopting height amendments to the Ninth Street II Study Area Redevelopment Plan. Ord. 12-009
- b. Ordinance of the Municipal Council of the City of Jersey City accepting a dedication of certain land and improvements located within the Marion Works Office/Residential District. Ord. 12-010
- c. Ordinance authorizing the execution of a deed notice imposing deed restrictions on a property known as Block 2081, Lot A1.99 also known as 73-85 Bishop Street. Ord. 12-011
- d. An ordinance supplementing Chapter 332 (Vehicles and Traffic) Article III (Parking, Standing and Stopping) of the Jersey City Code amending section 332-24 (Parking Prohibited Certain Hours) amending the no parking school days from 8:00 a. m. to 4:00 p.m. to 7:00 a.m. to 4:00 p.m. on the west side of Huron Avenue at the entrance to the Golden Door Charter School. Ord. 12-012
- e. An ordinance supplementing Chapter 332 (Vehicles and Traffic) of the Jersey City Code amending Article VII (Metered Parking) Section 332-48 (Designation of Parking Spaces) designating the east side of Liberty Avenue from Newark Avenue to Van Winkle as metered parking. Ord. 12-013

*4.

ORDINANCE HEARING

SECOND READING

**CITY CLERK
FILE**

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| Introduced-7-0-2-
Lopez and
Brennan:
abstained | a. Ordinance amending Chapter 157 (Entertainment and Dance Licenses) of the Jersey City Code. | Ord. 12-001
Intro. 01/11/12 |
| Introduced-9-0- | b. Ordinance of the Municipal Council of the City of Jersey City adopting amendments to Article V of the Land Development Ordinance (Chapter 345) pertaining to entertainment. | Ord. 12-002
Intro. 01/11/12 |
| Introduced-9-0- | c. Ordinance of the Municipal Council of the City of Jersey City adopting an amendment to the zoning map expanding the Restaurant Overlay Zone. | Ord. 12-003
Intro. 01/11/12 |
| Introduced-9-0- | d. Ordinance of the Municipal Council of the City of Jersey City adopting amendments to the Land Development Ordinance pertaining to the Commercial Automotive District. | Ord. 12-004
Intro. 01/11/12 |
| Introduced-9-0- | e. An ordinance dedicating that the intersection of Maple Street and Halladay Street also be known as Joseph A. Webb Place. | Ord. 12-005
Intro. 01/11/12 |
| Introduced-9-0- | f. An ordinance dedicating that Van Horne Street between Maple Street and Johnston Avenue also be known as Allen Nile Dunbar, Sr. Way. | Ord. 12-006
Intro. 01/11/12 |
| Introduced-5-3-1-
Sottolano,
Gaughan and
Brennan: nay;
Massey:
abstained | g. Ordinance amending Chapter 3 (Administration of Government) Article II (Council) of the Jersey City Code establishing the Office of Council President Pro Tem. | Ord. 12-007
Intro. 01/11/12 |

**** 5.**

PUBLIC REQUEST FOR HEARING

1. William Dorrity, 3060 Kennedy Boulevard, Jersey City
2. Jerry DiCicco, Jersey City
3. Mark Razzoli, Jersey City
4. Yvonne Balcer, Jersey City

NOTE: THE FOLLOWING ARE AVAILABLE UPON REQUEST FROM THE OFFICE OF THE CITY CLERK

****6. PETITIONS AND COMMUNICATIONS**

- a. Letter dated January 5, 2012 from Gary Greulich, Section Chief, Bureau of Northern Field Operations, State of New Jersey, Department of Environmental Protection to Wallace Scruggs, Whitlock Mills, LP. re: Progress Report, 160 Lafayette Street, Jersey City.
- b. State of New Jersey, Department of Environmental Protection permit dated January 5, 2012 from Kimberly Kerkuska, Principal Environmental Specialist to Texas Eastern Transportation re: Various sites.
- c. Minutes of the Employees' Retirement System of Jersey City meeting held on December 21, 2011.
- d. Agenda of the Regular Meeting of the Employee's Retirement System of Jersey City held on Wednesday, January 18, 2012.
- e. Letter dated January 6, 2012 from Yacoub E. Yacoub, Bureau Chief for the State of New Jersey Department of Environmental Protection to Jeffrey Gerlinger, 380-382 Marin Boulevard, LLC re: No Further Action Letter w/requirements Duke's Auto Repair and 380-382 Marin Boulevard, Jersey City.
- f. Letter dated January 4, 2012 from Stephen Maybury, Chief, Department of Environmental Protection to Frank DeSantis, Jersey City re: No Further Action Letter w/requirements for biennial certification, 550B Duncan Avenue, LLC, 480 Duncan Avenue, Jersey City.
- g. Minutes of the regular session of the Jersey City Municipal Utilities Authority held December 29, 2011.
- h. Letter dated January 11, 2011 from Jesse Manning, Project Manger, Peak Environmental, Inc. to Robert Byrne, City Clerk re: Remedial Action Protectiveness Biennial Certification form Ground water, Central Bay Realty, 115 Amity Street, Jersey City.
- i. Letter dated January 13, 2012 from Jenny Bertram, Environmental Scientist II, Brockerhoff Environmental Services, LLC to Robert Byrne, City Clerk re: Receptor Evaluation Report, Genes Auto Service, 440 Tonnelle Avenue, Jersey City.
- j. Letter dated January 6, 2012 from John F. King, Supervising Environmental Specialist, Bureau of Urban Growth and Redevelopment, State of New Jersey, to George McLachian, Texas Eastern Transmission, LP, Jersey City re: Authorization for Freshwater Wetlands General Permit, Block 1500, Lot 40, Jersey City.

01/25/12

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****6. PETITIONS AND COMMUNICATIONS**

- k. Rockaway Valley Regional Sewerage Authority minutes of a board meeting held December 1, 2011.
- l. Central Avenue SID Management Corp, dated 2011 Heights Newsletter.
- m. The Quill from the Municipal Clerk's Association of New Jersey, Inc. dated January 2012.
- n. Letter dated January 11, 2012 from Yacoub E. Yacoub, Bureau Chief for the State of New Jersey Department of Environmental Protection to Rose Wagner, Jersey City Development Corp. re: Notice of Intent to Terminate, Wilkinson Bayview Affordable Housing Project, Jersey City.
- o. Letter dated January 11, 2012 from Gary Greulich, Section Chief, Bureau of Northern Field Operations, State of New Jersey, Department of Environmental Protection to Rreef America Reit II re: Notice of Deficiency, 100 Harbor Drive (Warehouse), Jersey City.
- p. Letter dated January 11, 2012 from Marcia . Karrow, Executive Director, New Jersey Meadowlands Commission to Jerramiah T. Healy, Mayor re: 2011 Annual Report.
- q. Email dated January 12, 2012 from William Dorrity, Jersey City to Robert Byrne, City Clerk re: Security concerns.
- r. Email dated January 12, 2012 from William Dorrity, Jersey City to Robert Byrne, City Clerk re: Security concerns.
- s. Letter dated January 10, 2012 from William J. Hague, Director, Remediation Engineering and Construction, Honeywell International to Honorable Robert G. Torricelli, Office of the Special Master re: SA-6 North Work Plan for In-Situ Treatment of Chromium Impacted Soils, Jersey City.

NOTE: THE FOLLOWING ARE AVAILABLE UPON REQUEST FROM THE OFFICE OF THE CITY CLERK

****7. OFFICERS COMMUNICATIONS**

- a. Memo dated January 12, 2012 from Darice Toon, Director to Robert Byrne, City Clerk re: Draft FY2012 Annual Action Plan.
- b. Memo dated January 10, 2012 from Al Cameron, HEDC to Maureen Cosgrove, Tax Collector re: Morgan Street Developers Urban Renewal Co, LLC.
- c. Memo dated January 18, 2012 from Donna Mauer, CFO to President and Members of the Municipal Council re: TY 2010 Corrective Action Plan.

NOTE: THE FOLLOWING ARE AVAILABLE UPON REQUEST FROM THE OFFICE OF THE CITY CLERK

****8. REPORT OF DIRECTORS**

- a. Letter dated January 17, 2012 from Jerramiah T. Healy, Mayor to President and Members of the Municipal Council re: Reappointing Kelly Austin, of Jersey City, to serve as a Full-Time Judge of the Jersey City Municipal Court. Ms. Austin's term will expire on January 24, 2015.
- b. Letter dated January 19, 2012 from William Matsikoudis, Corporation Counsel to Council President and Members of the Municipal Council re: Council Presidency.

****9. CLAIMS**

- A. City Clerk
- B. Tax Assessor
- C. Department of Administration
- D. Department of H.E.D.& C
- E. Department of Health & Human Services
- F. Department of Law
- G. Department of Police
- H. Department of Fire and Emergency Services
- I. Department of Public Works
- J. Department of Recreation

****10. RESOLUTIONS****CITY CLERK
FILE #**

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| a. | Resolution adopting the CY 2012 Cash Management Plan for the City of Jersey City. | Res. 12-036 |
| b. | Resolution approving the Corrective Action Plan for the transition year ending December 31, 2010. | Res. 12-037 |
| c. | Resolution authorizing a refund/credit of \$177,995.72 and reduction in assessment to settle tax appeals filed by the owners of various properties. | Res. 12-038 |
| d. | Resolution authorizing a second extension of time to close title on property sold at public auction, Block 1309, Lot E.8 location: 250 Martin Luther King Drive. | Res. 12-039 |
| e. | Resolution authorizing the extension of time to complete the conditions of sale affecting Block 574, Lot B location: 666 Summit Avenue. | Res. 12-040 |
| f. | Resolution of the Municipal Council of the City of Jersey City authorizing the use of affordable Housing Trust Funds (AHTF) for the repayment of various affordable housing projects. | Res. 12-041 |
| g. | Resolution of the Municipal Council of the City of Jersey City in support of the Historic Paulus Hook Association application for design & renovation of Paulus Hook four corners park from the Hudson County Open Space Trust Fund. | Res. 12-042 |
| h. | Resolution confirming the re-appointment of Jeana Abuan as the Public Agency Compliance Officer for the City of Jersey City. | Res. 12-043 |
| i. | Resolution re-appointing Kelly Austin as a Full-Time Judge of the Jersey City Municipal Court. | Res. 12-044 |
| j. | Resolution honoring Eliu Rivera. | Res. 12-045 |
| k. | Resolution authorizing a license agreement with the Jersey City Reservoir Preservation Alliance, Inc. granting permission to enter onto the city owner property known as Reservoir #3, also known as Block 835, Lot S. | Res. 12-046 |
| l. | Resolution consenting to the release of PKG Associates, LLC's Performance and Surety Bonds for 50 Columbus Drive. | Res. 12-047 |
| m. | Resolution rejecting all bids received by the City of Jersey City on December 8, 2011 for a contract to provide irrigation systems at various city owned facilities for the Department of Public Works, Division of Parks Maintenance. | Res. 12-048 |

****10. RESOLUTIONS****CITY CLERK
FILE #**

- n. Resolution of the Municipal Council of the City of Jersey City authorizing the acceptance of grant award and the execution of a grant agreement with the American Society for the Prevention of Cruelty to Animals (ASPCA). Res. 12-049
- o. Resolution authorizing the Hudson Regional Health Commission to enforce the local health ordinance in Jersey City pursuant to the County Environmental Health Act. Res. 12-050
- p. Resolution authorizing an agreement with Horizon Health Center, Inc. to provide services related to the treatment and control of Sexually Transmitted Diseases on behalf of the City of Jersey City and assume the city's state grant to be awarded for such purposes. Res. 12-051
- q. Resolution authorizing the award of contract to Air Brake and Equipment for maintenance and repair for heavy duty vehicles, Class 5 or higher over 15,000lb GVWR pursuant to state contract for the Division of Automotive Services. Res. 12-052
- r. Resolution authorizing the award of contract to Zoland Corporation for maintenance and repair for heavy duty vehicles, Class 5 or higher over 15,000lb GVWR under state contract for the Division of Automotive Services. Res. 12-053
- s. Resolution authorizing the renewal of a contract with General Plumbing Supply, Inc. for furnishing and delivering plumbing supplies to the Department of Public Works, Division of Buildings and Street Maintenance. Res. 12-054
- t. Resolution authorizing the award of contract to Sherwin Williams to provide paint and related supplies under state contract for the Department of Public Works, Division of Buildings and Street Maintenance. Res. 12-055
- u. Resolution authorizing the award of contract to Metuchen Center, Inc. to furnish and deliver uniforms for the Department of Public Works. Res. 12-056
- v. Resolution authorizing the award of contract to AAA Emergency Supply, for delivery and supply of firefighter protective clothing and equipment under state contract for the Department of Fire Headquarters. Res. 12-057

****10. RESOLUTIONS****CITY CLERK
FILE #**

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| w. | Resolution authorizing the award of contract to Verizon for providing services in connection with E-911 Circuits for the Jersey City Police Department under state contract. | Res. 12-058 |
| x. | Resolution authorizing a professional services agreement with Adams, Rehmann & Heggan Associates, Inc. T/A Civil Solution to perform digital tax map maintenance. | Res. 12-059 |
| y. | Resolution amending a professional services contract with Malcolm Pirnie, Inc. in connection with environmental consulting at 15 Linden Avenue the site for the new Municipal Services Complex, Project No.2009-029, for the Department of Public Works, Division of Architecture. | Res. 12-060 |
| z. | Resolution amending a professional services agreement with John Curley, Esq. to represent the city in condemnation matters relating to the acquisition of the 6 th Street Embankment. | Res. 12-061 |
| z1. | Resolution authorizing an agreement with Sam Schwartz Engineering as an extraordinary unspecifiable service to provide professional planning services. | Res. 12-062 |
| z2. | Resolution authorizing an agreement between the City of Jersey City and Horizon Dental Healthcare Services of New Jersey, Inc. for a period of two (2) years, January 1, 2012 through December 31, 2013 to provide an Open Dental Insurance Plan for eligible city employees as an extraordinary unspecifiable services (EUS). | Res. 12-063 |
| z3. | Resolution authorizing an agreement between the City of Jersey City and Horizon Dental Choice (dba Horizon Healthcare Services, Inc) for a period of two (2) years, January 1, 2012 through December 31, 2013 to provide an Closed Dental Insurance Plan for eligible city employees as an extraordinary unspecifiable services (EUS). | Res. 12-064 |
| z4. | Resolution awarding a contract to Reliastar Life Insurance Company to provide Stop Gap Insurance for employees and retirees as an extraordinary unspecifiable service. | Res. 12-065 |
| z5. | Resolution authorizing an extraordinary unspecifiable services contract with NW Financial Group, LLC. to provide financial advisory services. | Res. 12-066 |
| z6. | Resolution authorizing an extraordinary unspecifiable services contract with Muller Bohlin Associates, Inc. to provide grant services to the city. | Res. 12-067 |

****10. RESOLUTIONS**

**CITY CLERK
FILE #**

- z7. Resolution authorizing an extraordinary unspecifiable services agreement with PFM Asset Management, LLC. to provide assistance in determining arbitrage liability. Res. 12-068
- z8. Resolution authorizing the execution of a mortgage subordination agreement affecting property known as 366-368 Halladay Street a/k/a Block 2076, Lot 49. Res. 12-069
- z9. Resolution authorizing the settlement of the lawsuit of Danielle Pinkney against the City of Jersey City under civil action Docket No. 00-1049. Res. 12-070
- z10. Resolution authorizing the Business Administrator to execute deed restrictions on resale and refinancing of affordable housing property located at 103 Bayview Avenue, Block 1312, Lot 82 and Block 1312, Lot 84. Res. 12-071
- z11. Resolution authorizing the Business Administrator to execute a partial release of mortgage property located at 103 Bayview Avenue, Block 1312, Lot 82 and Block 1312, Lot 84. Res. 12-072
- z12. Resolution authorizing an emergency temporary appropriation. Res. 12-073
- z13. Resolution awarding a contract to APS Contracting, Inc. for the West District Police Precinct, Project No. 2007-002 for the Department of Public Works, Division of Architecture. Res. 12-074

11. DEFERRED OR TABLED AGENDA AS OF JANUARY 25, 2012

- a. Ordinance #09-119 Ordinance redesignating "Gregory Park Plaza" to "Marin Boulevard" also known as "Metropolis Towers Plaza". Tabled-9-0- after the close of the public hearing at the 11/24/09 meeting on motion by Councilperson Fulop, seconded by Councilperson Donnelly.
- b. Ordinance #10-002 An ordinance supplementing Chapter 332 (Vehicles and Traffic) of the Jersey City Code Article VII (Metered Parking) amending the hours for the monthly permit parking zone from (6:00 a.m. to 7:00 p.m.) to (6:00 a.m. to 5:00 p.m.) and supplementing Article VIII (Permit Parking Zones) establishing a Four (4) hour residential parking permit for city residents; establishing 500 feet as the minimum distance a vehicle must be moved to reactivate the Two (2) hour parking provision; provide for the City Clerk to administer daily visitors parking permits; establish guidelines for the placement of the Vehicle Immobilization Device (Boot) and establish guidelines as to when the fee for the Vehicle Immobilization Device (Boot) shall be refunded by the Jersey City Parking Authority. Tabled-8-0- prior to the close of the public hearing at the 01/27/10 meeting on motion by Councilperson Gaughan, seconded by Councilperson Sottolano; Councilperson Vega: absent.
- c. Ordinance #10-140 Ordinance amending the Jersey City Code to: 1) Require the use of compostable plastic, recyclable paper and/or reusable checkout bags by stores located in the City of Jersey City; and 2) Provide penalties for violations. Tabled-8-0- after the close of the public hearing at the 11/10/10 meeting on a motion by Brennan, seconded by Gaughan; Donnelly: absent.
- d. Ordinance #10-157 An ordinance to 1) Transfer the Division of Architecture and Engineering (Including Traffic and Transportation) from the Department of Public Works to the Department of Administration; 2) Repeal Chapter 3 (Administration of Government) Article IX (Department of Public Works) of the Jersey City Municipal Code; and 3) Authorize an agreement with the Jersey City Incinerator Authority (JCIA), whereby the JCIA will assume the duties of the Department of Public Works. Tabled-8-0- prior to the public hearing at the 11/23/10 meeting on a motion by Brennan, seconded by Richardson; Flood: absent.
- e. Ordinance #11-028 An ordinance authorizing the City to lease on-street parking spaces in the Christopher Columbus Drive permit parking zone from the Jersey City Parking Authority. Tabled-9-0- after the close of the public hearing at the 03/23/11 meeting on a motion by Brennan, seconded by Velazquez.
- f. Ordinance # 11-038 Ordinance of the Municipal Council adopting amendments to the Summit and Fairmount Redevelopment Plan adding an acquisition list. Tabled-9-0- after the close of the public hearing at the 04/13/11 meeting on a motion by Richardson, seconded by Sottolano.
- g. Ordinance #11-050 Ordinance amending Chapter 175 (Food Handling Establishments) Article II (Itinerant Eating and Drinking Establishments) Section 8 (Itinerant Establishments) and Chapter 160 (Fees and Charges) of the Jersey City Municipal Code. Tabled-8-1- after the close of the public hearing at the 05/11/11 meeting on a motion by Fulop, seconded by Richardson; Brennan: nay.

11. DEFERRED OR TABLED AGENDA AS OF JANUARY 25, 2012

- h. Ordinance #11-055 Ordinance of the Municipal Council of the City of Jersey City adopting amendments to the Jersey Avenue Tenth Street Redevelopment Plan to amend the Boundary Map. Tabled-8-0- after the close of the public hearing at the 05/11/11 meeting on a motion by Brennan, seconded by Donnelly; Velazquez: absent.
- i. Ordinance #11-080 Ordinance dedicating that the waterfront walkway between Sussex Street and the Southern Terminus also be known as "Sp. Marlon P. Jackson Walk". Tabled-7-0- prior to the close of the public hearing at the 08/10/11 meeting on a motion by Brennan, seconded by Donnelly; and Gaughan and Ahmad: absent.
- j. Ordinance #11-125 An ordinance amending Chapter 319 (Towers and Towing) to permit private towers to provide tow pound services to the City of Jersey City. Tabled-9-0- prior to the close of the public hearing at the 10/26/11 meeting on a motion by Richardson, seconded by Gaughan.
- k. Ordinance #11-136 Ordinance amending Chapter 175 (Food Handling Establishments) Article II (Itinerant Eating and Drinking Establishments) Section 8 (Itinerant Establishments) and Chapter 160 (Fees and Charges) of the Jersey City Municipal Code. Tabled-9-0- prior to the close of the public hearing at the 11/09/11 meeting on a motion by Sottolano, seconded by Fulop.
- l. Ordinance #11-137 An ordinance supplementing Chapter 332 (Vehicles and Traffic) Article VII (Metered Parking) amending Section 332-57 (On-Street Permit Parking Zones) designating on-street permit parking for Itinerant vendor trucks, on the north side of Columbus Drive beginning 35 feet east of Marin Boulevard and extending 40 feet easterly and on the east side of Hudson Street beginning at the Light Rail Crossing and extending north to Second Street 6:00 a.m. to 9:00 p.m., Monday through Friday, except holidays. Tabled-9-0- prior to the close of the public hearing at the 11/09/11 meeting on a motion by Sottolano, seconded by Fulop.
- m. Ordinance #11-142 An Ordinance amending Chapter 319 (Towers and Towing) to permit private towers to provide tow pound services to the City of Jersey City. Tabled-8-0- prior to the close of the public hearing at the 11/22/11 meeting on a motion by Richardson, seconded by Brennan.
- n. Ordinance #11-151 Ordinance amending Chapter 175 (Food Handling Establishments) Article II (Itinerant Eating and Drinking Establishments) Section 8 (Itinerant Establishments) and Chapter 160 (Fees and Charges) of the Jersey City Municipal Code. Tabled-8-0- prior to the close of the public hearing at the 12/14/11 meeting on a motion by Richardson, seconded by Donnelly.