

The action taken by the municipal council at the Regular Meeting held on July 14, 2010 at 10:00 a.m. is listed below. The minutes, as recorded in the minute book, are available for perusal and approval. Unless council advises the City Clerk to the contrary, these minutes will be considered approved by the municipal council.


Robert Byrne, City Clerk

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
Willie L. Flood, Councilperson-at-Large
Mariano Vega 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
Viola Richardson, Councilperson, Ward F

Minutes of the Regular Meeting of the Municipal Council Wednesday, July 14, 2010 at 10:00 a.m.

Please Note: The next caucus meeting of Council is scheduled for Monday, August 2, 2010 at 10:00 a.m. in the Efrain Rosario Memorial Caucus Room, City Hall.

The next regular meeting of Council is scheduled for Wednesday, August 4, 2010 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.

REGULAR MEETING STARTED: 10:37 a.m.

1. (a) **INVOCATION:**
- (b) **ROLL CALL:**

At 10:37 a.m. nine (9) members were present.

- (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 Jersey City 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 16, 2009, indicating the schedule of Meetings and Caucuses of the Jersey City Municipal Council for the calendar year 2010.

The Agenda of this meeting was disseminated on **Thursday, July 8, 2010 at 4:00 p.m.** to the Municipal Council, Mayor and Business Administrator of Jersey City. It was similarly disseminated to The Jersey Journal, The Jersey City Reporter.

2. **Reception Bid: None**

****CONSENT AGENDA****

All items listed on the meeting calendar with 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**

- | | | | |
|---|----|--|-------------|
| Introduced-9-0- | a. | An ordinance authorizing the City of Jersey City to revert to a Calendar Fiscal Year from a State Fiscal Year. | Ord. 10-089 |
| Introduced-9-0- | b. | Ordinance authorizing the imposition of environmental deed restrictions on Hamilton Park, Block 283.1, Lot1. | Ord. 10-090 |
| Introduced-7-2-
Lopez and
Richardson: nay | c. | Ordinance abolishing the Ellis Island Commission | Ord. 10-091 |
| Withdrawn | d. | Ordinance abolishing the Human Rights Commission. | Ord. 10-092 |
| Withdrawn | e. | Ordinance abolishing the Municipal Drug & Alcohol Abuse Alliance. | Ord. 10-093 |
| Introduced-7-2-
Lopez and
Richardson: nay | f. | Ordinance abolishing the Municipal Port Authority. | Ord. 10-094 |
| Withdrawn | g. | Ordinance abolishing the Tourist Commission. | Ord. 10-095 |
| Introduced-9-0- | h. | A franchise ordinance granting permission to 110 First Street Urban Renewal Associates, LLC to construct a landscaped yard planted entrance area extending approximately 44' within the public right of way for the length of the residential tower on First Street, Lot West A in Block 109. | Ord. 10-096 |
| Introduced-9-0- | i. | A franchise ordinance granting permission to John Hajjar its successors and assigns to install and maintain an elevated canopy along the south side of Grand Street at 631-635 Grand Street a/k/a Lot 18 in Block 2058. | Ord. 10-097 |
| Introduced-8-0-1-
Richardson:
abstained | j. | Ordinance authorizing the City of Jersey City to execute a five (5) year lease with Rand Parking, Inc. for parking spaces located at Journal Square Plaza II. | Ord. 10-098 |
| Introduced-9-0- | k. | Ordinance dedicating that Jewett Avenue between Monticello Avenue and Bergen Avenue also be known as Bobby L. Jackson Way. | Ord. 10-099 |
| Introduced-9-0- | l. | Ordinance authorizing the execution of an easement agreement between the City of Jersey City and the Port Authority Trans Hudson Corporation (PATH) permitting PATH to install and maintain security improvements at Exchange Place and install new concrete pavement in front of the PATH Station located at the easternly end of Christopher Columbus Drive. | Ord. 10-100 |

07/14/10

***3.**

ORDINANCE HEARING

FIRST READING

**CITY CLERK
FILE**

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|-----------------|---|-------------|
| Introduced-9-0- | m. Ordinance amending Chapter 263 (Retail and Commercial Premises) Article I (Attendants on Duty) adding Secaucus Road between Central Avenue and Summit Avenue. | Ord. 10-101 |
| Introduced-9-0- | n. Ordinance authorizing the conveyance of 117-119 Bostwick Avenue to the Community Asset Preservation Alliance of Jersey City, Inc., to effectuate the rehabilitation of 13 units of low and moderate income rental housing. | Ord. 10-102 |

07/14/10

*4.

ORDINANCE HEARING

SECOND READING

**CITY CLERK
FILE**

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|---|----|--|--------------------------------|
| Adopted-9-0- | a. | Ordinance of the Municipal Council of the City of Jersey City adopting amendments to the Claremont Redevelopment Plan permitting recreation and entertainment uses. | Ord. 10-082
Intro. 06/23/10 |
| Adopted-9-0- | b. | Ordinance authorizing the execution of a rights of way use agreement between the City of Jersey City and Lexent Metro Connect, LLC to permit the installation of Fiber Optic cabling through existing innerducts located in existing underground conduits within certain public rights of way for purposes of providing telecommunication services. | Ord. 10-083
Intro. 06/23/10 |
| Adopted-9-0- | c. | Ordinance removing the affordability restrictions from: 1) A deed dated December 31, 1986 and 2) A correctory deed dated August 26, 1987 concerning Block 1986, Lot 5-A also known as 240 Bergen Avenue owned by Fairmount Housing Corporation. | Ord. 10-084
Intro. 06/23/10 |
| Adopted-6-1-2-
Gaughan: nay;
Richardson and
Flood: abstained | d. | An ordinance of the City of Jersey City, in the County of Hudson, New Jersey, providing for the acquisition by the city of real property in the city and appropriating \$7,700,000, therefor, and providing for the issuance of \$7,647,000 in general improvement bonds or notes of the City of Jersey City to finance the same.(Sixth Street Embankment) | Ord. 10-085
Intro. 06/23/10 |
| Adopted-8-1-
Gaughan: nay | e. | Ordinance dedicating that Coles Street between 10 th Street and 13 th Street also be known as Moishe's Way. | Ord. 10-086
Intro. 06/23/10 |
| Tabled-6-0-
after the close of
the public
hearing on a
motion by
Richardson
seconded by
Vega; Lopez,
Fulop and
Brennan: absent | f. | Ordinance adopting and codifying Chapter 332, Vehicles and Traffic of the Jersey City Municipal Code and repealing Chapter 26, Vehicles and Traffic. | Ord. 10-087
Intro. 06/23/10 |
| Adopted-9-0- | g. | Ordinance dedicating that Dales Avenue between Logan Avenue and Broadway also be known as Pastor Erwin Lanier, Sr. Drive. | Ord. 10-088
Intro. 06/23/10 |

07/14/10

**** 5.**

PUBLIC REQUEST FOR HEARING

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| Did not speak | 1. William Dorrity, 3060 Kennedy Boulevard, Jersey City |
| Did not speak | 2. Ed Hussey, 3060 Kennedy Boulevard, Jersey City |
| Did not speak | 3. Christine Bamberger, Jersey City |
| Spoke | 4. Mark Welsh, Jersey City |
| Spoke | 5. Kwame R. Daughtry, Jersey City |
| Spoke | 6. Sam Pesin, Jersey City |
| Spoke | 7. Richard Ryals, Jersey City |
| Did not speak | 8. James Adams, Jersey City |
| Spoke | 9. Daoud David Williams, Jersey City |
| Spoke | 10. John Seborowski, Sr., Jersey City |
| Did not speak | 11. Catherine Grimm, Jersey City |
| Spoke | 12. John Moreland, 376 Bergen Avenue, Jersey City |
| Spoke | 13. Andrew Hubsch, Jersey City |
| Did not speak | 14. Telissa Dowling, Jersey City |
| Did not speak | 15. Clarence Jones, Jersey City |
| Spoke | 16. Terry Dehere, Jersey City |
| Spoke | 17. Matt Schapiro, 260 9 th Street, Jersey City |
| Did not speak | 18. Steve Pinkney, Jersey City |
| Spoke | 19. Kanpilal Sharma, Jersey City |
| Spoke | 20. Erik-Andrews Nilsson, Jersey City |
| Did not speak | 21. Adela Rohena, Jersey City |
| Did not speak | 22. Narciso Castillo, Jersey City |
| Did not speak | 23. Alfonso Daniels, Jersey City |
| Did not speak | 24. John J. Hallanan, Jr., 111 Gifford Avenue, Jersey City |
| Spoke | 25. Pete Klapper, Jersey City |

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PUBLIC REQUEST FOR HEARING

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|-------|------------------------------------|
| Spoke | 26. Luz Figueroa, Jersey City |
| Spoke | 27. Vianca Morales, Jersey City |
| Spoke | 28. Migdalia Santiago, Jersey City |
| Spoke | 29. Kirsten Greene, Jersey City |

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

****6. PETITIONS AND COMMUNICATIONS**

- a. Minutes of the regular board meeting of the Jersey City Incinerator Authority Board of Commissioners held May 25, 2010.
- b. Letter dated June 18, 2010 from James S. Simpson, Commissioner, Department of Transportation to Jerramiah T. Healy, Mayor re: Accepting application for NJDOT Municipal Aid, Bikeway, Centers of Place, Safe Street to Transit and Transit Programs.
- c. Letter dated June 21, 2010 from Gary Greulich, Section Chief, Bureau of Northern Field Operations, State of New Jersey, Department of Environmental Protection to Al Hamm, NJ Department of Transportation, Bureau of Environmental Services re: Notice of Deficiency, Rte 1&9, Jersey City.
- d. Biennial Certification Monitoring Report form for a Deed Notice & Engineering Control, New Jersey City University, 251 West Side Avenue, Jersey City.
- e. Biennial Certification Monitoring Report form for a Deed Notice & Engineering Control, New Jersey City University, 275 West Side Avenue, Jersey City.
- f. Notice dated June 24, 2010 from Donna Mauer, Chief Financial Officer, City of Jersey City to Robert Byrne, City Clerk re: Site Preparation Escrow Account.
- g. Letter dated June 23, 2010 from Marsha Boutin, Legal Assistant, Gluck Walrath, LLP to Patricia Parkin McNamara, Executive Secretary, Local Finance Board re: City of Jersey City in the County of Hudson, New Jersey, Local Finance Board Application - Approval in connection with previous filings for capital authorizations.
- h. Letter dated June 23, 2010 from Grandview Tenants Association to President and Members of the Municipal Council re: Uniformed Security.
- i. NJ Transit Public Hearing Notice of meetings to be held at various locations.
- j. Letter dated June 24, 2010 from Kristy Gillespie, EIT, Environmental Scientist for Kleinfelder to Robert Byrne, City Clerk re: Biennial Certification Monitoring Report for a ground water classification exception area, 579 Marin Boulevard, Jersey City.

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

****6. PETITIONS AND COMMUNICATIONS**

- k. Letter dated June 17, 2010 from Kenneth Kloo, Administrator, Office of Brownfield Reuse for the State of New Jersey, Department of Environmental Protection to Matthew Lusky, Jersey City re: One 550 gallon #2 heating oil underground storage tank system, 18 Stegman Street, Jersey City.
- l. Letter dated June 23, 2010 from Patricia M. Beringer, Paralegal, Capehart Scatchard, Attorneys at Law to Cheryl A. Ryan, Administrator, Tax Court of New Jersey re: Consolidated Rail Corp., Class II Taxes, Norfolk Southern Railroad Co.
- m. Letter dated June 23, 2010 from Patricia M. Beringer, Paralegal, Capehart Scatchard, Attorneys at Law to Cheryl A. Ryan, Administrator, Tax Court of New Jersey re: Norfolk Southern Railroad Company - Class II Taxes,
- n. Letter dated June 25, 2010 from Frederick Worstell, P.E., President, Dresdner Robin to Robert Byrne, City Clerk re: Freshwater Wetlands General Permit No. 7 Application, Block 2154.3, Lot 65, Jersey City.
- o. Letter dated June 21, 2010 from Shepard S. Winckler, Senior Project Manager, Advantage Environmental Consultants, LLC., to Robert Byrne, City Clerk re: 1 Colony Road, Jersey City.
- p. Letter dated June 23, 2010 from Jeffrey W. Anderson, CHMM, Vice President, Atlantic Environmental Solutions, Inc., to Joseph Scott, Liberty Health System, Inc., re: Response Action Outcome, 377 Jersey Avenue, Jersey City.
- q. Application 10-040 dated June 24, 2010 from Albert J. Cupo, Jersey City to Robert Byrne, City Clerk re: Municipal Public Service.
- r. Letter dated June 24, 2010 from Ronald T. Corcory, Assistant Director for the State of New Jersey Department of Environmental Protection, Enforcement & Assignment Element Child Care/Educational Facility Unit to Kelvin Hosein, K&G Kindercare re: NJDEP Child Care Facility Approval Letter, 370 1st Street, Jersey City.
- s. Letter dated June 23, 2010 from Kristofer B. Chiesa, Esq., Cureton Clark to Robert Byrne, City Clerk re: Public Safety Communication Project, Jersey City Modernfold Styles, Inc. v. Landmark Building System, LLC.

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****6. PETITIONS AND COMMUNICATIONS**

- t. Permit notice dated May 25, 2010 from Kimberly Kerkuska, Senior Geologist, State of New Jersey, Department of Environmental Protection, Division of Land Use Regulation to Bayfront Redevelopment, LLC re: Waterfront Development IP Upland, Block 1290.1, Lots 2A, 2D, 2E, 16A.99, Jersey City.
- u. Letter dated June 28, 2010 from Frank Rivellini, Francis J. DeVito, P.A. Counsellors at Law to Donald Kenny, Hudson County Board of Taxation re: Misiuta, Donata & Brenner, Marc, Block 249, Lot 12, 208 7th Street, Unit 21, Jersey City.
- v. Letter dated June 25, 2010 from Alberto G. Santos, Clerk, Board of Chosen Freeholders to Robert Byrne, City Clerk re: Resolution approved by the Board of Chosen Freeholders of Hudson County held June 24, 2010.
 - 1. Bond ordinance providing for the 14th Street Viaduct Replacement Project, by and in the County of Hudson, State of New Jersey, appropriating \$58,650,00 therefor (Including a grant expected to be received in the amount of \$58,600,00) and authorizing the issuance of \$58,650,000 bonds or notes of the County to finance part of the cost thereof.
 - 2. Rescinding the reserved handicap parking space at 510 John Kennedy Boulevard, Bayonne for Marina M, Ezzat.
- w. Letter dated June 22, 2010 from Ronald T. Corcory, Assistant Director for the State of New Jersey Department of Environmental Protection, Enforcement & Assignment Element Child Care/Educational Facility Unit to Shelcy Kulangara, St. Elizabeth Child Care Center re: NJDEP Child Care Facility Approval Letter, 129 Garrison Avenue, 110 Romaine Avenue and 859 ½ Pavonia Avenue, Jersey City.
- x. Letter from Joe Sacko, Asst. District Manager, Williams Gas Pipeline to Robert Byrne, City Clerk re: Transco Pipeline Overview. (Cc's sent to Hadley, Kierce and Lee)
- y. Letter dated June 23, 2010 from David Diaz, Executive Director for Central Avenue Special Improvement District to Robert Byrne, Clerk re: CASID Approved FYB July 1, 2010 - June 30, 2011.
- z. Application 10-041 dated June 29, 2010 from Roseanna Petruzzelli, Jersey City to Robert Byrne, City Clerk re: Municipal Public Service.

07/14/10

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****6. PETITIONS AND COMMUNICATIONS**

- z1. Application 10-042 dated June 29, 2010 from Larry Eccleston, Jersey City to Robert Byrne, City Clerk re: Municipal Public Service.
- z2. Letter dated June 28, 2010 from Kelly Higgins, Bond Manager, K. Hovnanian Homes to Robert Byrne, City Clerk re: Crescent Court, 8" water main loop at 2nd Street and Merseles Street, Jersey City.
- z3. Letter dated June 22, 2010 from Kenneth Kloo, Administrator, Office of Brownfield Reuse for the State of New Jersey, Department of Environmental Protection to David Weiss, Gardner Properties, LLC re: One 2,000 gallon #2 heating oil underground storage tank system, 9-11 Gardner Avenue, Jersey City.
- z4. Letter dated June 28, 2010 from Alberto G. Santos, Clerk, Board of Chosen Freeholders to Robert Byrne, City Clerk re: Resolution approved by the Board of Chosen Freeholders of Hudson County held June 24, 2010.
 - 1. Resolution authorizing the use of a portion of Kennedy Boulevard and Lincoln Park in Jersey City for the 15th Annual Caribbean Carnival Parade, Saturday, July 24, 2010.
- z5. Letter dated June 29, 2010 from Steve Barnett, Connell Foley, LLP Attorneys at Law to Robert Byrne, City Clerk re: WA Residential Urban Renewal Company.
- z6. Application 10-043 dated June 25, 2010 from Carla E. Smith, Jersey City to Robert Byrne, City Clerk re: Municipal Public Service.
- z7. Application 10-044 dated June 30, 2010 from Helen Davis, Jersey City to Robert Byrne, City Clerk re: Municipal Public Service.
- z8. Letter dated June 29, 2010 from Yacoub E. Yacoub, Bureau Chief for the State of New Jersey Department of Environmental Protection to Julian Sanders, Jersey City re: No Further Action Letter, 550 gallon underground storage tank, 23 Bidwell Avenue, Jersey City.
- z9. Letter dated June 24, 2010 from Haiyesh Shah, State of New Jersey, Department of Environmental Protection to Frank DeSantis, Jay Dee Trucking re: Approval, June 15, 2010 gas vent #8 Sampling & Analysis Report, PJP Landfill Site, Rte. 1&9 south side, 550 Duncan Avenue Jersey City.

