

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

City Clerk File No. Res. 10-130

Agenda No. 10.A

Approved: MAR 10 2010

TITLE:



## RESOLUTION AUTHORIZING AN EMERGENCY TEMPORARY APPROPRIATION

**COUNCIL**

**offered and moved**

**adoption of the following resolution:**

WHEREAS, it is necessary to provide an additional appropriation in the Fiscal Year 2010 temporary budget to make available the money necessary for the continuance of City services during the temporary budget period, and

WHEREAS, no adequate provision has been made in the Fiscal Year 2010 temporary budget for the aforesaid purpose, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose mentioned above, and

WHEREAS, the total temporary budget resolutions adopted in Fiscal Year 2010 pursuant to the provisions of N.J.S.A. 40A:4-19,20, including this resolution, totals \$450,619,734.

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

1. An emergency temporary appropriation is hereby created for:

	FROM	TO
20-100 ADMINISTRATORS OFFICE OE	60,000	73,000
20-101 MANAGEMENT & BUDGET OE	273,700	274,500
20-145 TAX COLLECTOR OE	108,000	148,000
28-375 PARK MAINTENANCE OE	408,075	410,075
26-291 BUILDING & STREET MAINTENANCE OE	1,041,675	1,068,225
26-315 AUTOMOTIVE SERVICES OE	2,016,425	2,038,425
20-175 NEIGHBORHOOD IMPROVEMENT OE	8,200	8,800
30-415 ACCUMULATED ABSENCES	6,500,000	8,404,000
36-478 JC EMPLOYEE RETIREMENT	4,213,985	5,655,937
SAMHSA- TOWN HALL MEETINGS GRANT	0	500
NJDOT- NEWARK AVE. PHASE 3 SIDE STREETS	0	1,020,000

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## RESOLUTION AUTHORIZING AN EMERGENCY TEMPORARY APPROPRIATION

2. Said emergency temporary appropriation will be provided for in the Fiscal Year 2010 Municipal Budget.

APPROVED: *Angela Murray* CFO APPROVED AS TO LEGAL FORM  
 APPROVED: *Gregory J. Korman* Business Administrator CORPORATION COUNSEL

Certification Required

Not Required

APPROVED 7-1

RECORD OF COUNCIL VOTE ON FINAL PASSAGE											
				3/10/10							
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			FLOOD		ABSENT	
DONNELLY	✓			FULOP		✓		VEGA	✓		
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. 10-131

Agenda No. 10.B

Approved: MAR 10 2010

TITLE:



**RESOLUTION RESCINDING RESOLUTION 10-094 APPROVED ON FEBRUARY 10, 2010 AUTHORIZING THE CITY OF JERSEY CITY TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE JERSEY CITY MUNICIPAL UTILITIES AUTHORITY FOR THE PERFORMANCE OF SERVICES FOR ONE ANOTHER**

COUNCIL offered and moved adoption of the following resolution:

**WHEREAS**, Resolution 10-094 approved on February 10, 2010 authorized the Jersey City Municipal Utilities Authority (JCMUA) and the City of Jersey City (City) to enter into a Shared Services Agreement pursuant to the Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq; and

**WHEREAS**, the Shared Services Agreement would permit the City and the JCMUA to utilize the expertise of each others employees to perform services related to budget and fiscal affairs matters; and

**WHEREAS**, the City and the JCMUA no longer desire to proceed with a Shared Services Agreement.

**NOW, THEREFORE, Be It Resolved** by the Municipal Council of the City of Jersey City that Resolution 10-094 approved on February 10, 2010 and authorizing a Shared Services Agreement between the City of Jersey City and the Jersey City Municipal Utilities Authority is hereby rescinded.

RR  
2-10-10

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

APPROVED: *Gregory P. ...* Business Administrator *...* Corporation Counsel

2010028

Certification Required   
Not Required

APPROVED 8-0

RECORD OF COUNCIL VOTE ON FINAL PASSAGE								3/10/10			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			FLOOD	ABSENT		
DONNELLY	✓			FULOP	✓			VEGA			
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. 10-132  
Agenda No. 10.C  
Approved: MAR 10 2010  
TITLE:



**RESOLUTION AUTHORIZING PAYMENT OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ("EPA") THE SUM OF \$236,000 FOR RESPONSE RECOVERY SERVICES AT THE SITE LOCATED BETWEEN GRAND AND AETNA STREETS, JERSEY CITY, NEW JERSEY**

**COUNCIL AS A WHOLE  
FOLLOWING RESOLUTION**

**OFFERED AND MOVED ADOPTION OF THE**

**WHEREAS**, under the United States Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §9601, et seq. ("CERCLA"), the U.S. Environmental Protection Agency ("EPA") is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment and for preventing further contamination from occurring and for cleaning up any contamination that has already occurred; and

**WHEREAS**, the 15.8-acre tract located at the foot of Jersey Avenue at Aetna Street in Jersey City, New Jersey sometimes known as "Turnpike Dump Site #5" (the "Site"), has historically been used for un-permitted land fill operations since at least the 1940's; and

**WHEREAS**, the City is the owner of the tract called "Turnpike Dump Site #5;" and

**WHEREAS**, in 1991, the EPA was called upon to assist local and State emergency response action to extinguish a large tire fire, for which the City of Jersey City (the "City") paid a portion of the costs thereof in the sum of \$179,809.59; and

**WHEREAS**, in the years 2006 through 2007 at Jersey City's request, the EPA conducted removal activity, including the removal of approximately 400 drums containing hazardous substances (the "removal action"); and

**WHEREAS**, on August 14, 2008, the EPA demanded from the City reimbursement of its costs for its 2006-2007 removal action at the Site in the sum of at least \$1,064,281.25; and

**WHEREAS**, being the owner of the Site, under 42 U.S.C. §9607 (a) the City is potentially liable (a "PRP" or Potentially Responsible Party) for all costs (including interest) incurred by the EPA for its 2006-2007 removal action, which costs, with interest, have grown to \$1,180,036.00 ; and

**WHEREAS**, the EPA agreed to accept from the City, twenty percent (20%) of its costs, in the sum of \$236,000.00, as full payment for its 2006-2007 removal action with a contract to be prepared by the EPA with a covenant not to sue the City and with contribution protection provided against any suit from any other person or entity regarding the 2005-2007 removal action at the Site.

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

1. The Mayor or Business Administrator be authorized to enter into a contract with the EPA setting the amount that the City is obligated to pay the EPA at \$236,000.00 in consideration of the EPA's covenant not to sue the City or to permit any third-party suit regarding the 2006-2007 removal action at the Site and subject to such modifications as are deemed necessary or appropriate by Corporation Counsel.
2. By March 12, 2010, the Mayor, Business Administrator or Corporation Counsel shall inform the EPA in writing of its intent to pay the EPA as described in the foregoing paragraph.

City Clerk File No. Res. 10-132

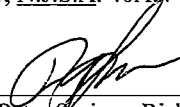
Agenda No. 10.C

TITLE: **MAR 1 0 2010**


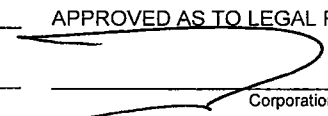
**RESOLUTION AUTHORIZING PAYMENT OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ("EPA") THE SUM OF \$236,000 FOR RESPONSE RECOVERY SERVICES AT THE SITE LOCATED BETWEEN GRAND AND AETNA STREETS, JERSEY CITY, NEW JERSEY**

- 3. The sum of \$236,000.000 shall be paid to the EPA from Account #10-14-298-56-000-855 upon the execution of the contract described in paragraph 1 herein.
- 4. A copy of the contract shall be available for public inspection at the Office of the City Clerk.
- 5. That the Mayor or Business Administrator are hereby authorized to take such other actions as may be deemed necessary to effectuate the purposes of the contract described in paragraph 1 herein.

I, Peter Soriero, as Risk Manager, 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.

  
 \_\_\_\_\_  
 Peter Soriero, Risk Manager

JDOD/cw  
03/02/10

APPROVED:  APPROVED AS TO LEGAL FORM   
 Business Administrator Corporation Counsel

Certification Required

Not Required

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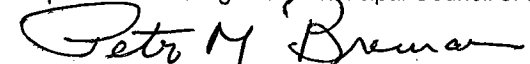
APPROVED 8-0

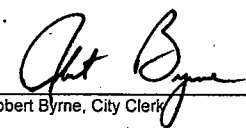
RECORD OF COUNCIL VOTE ON FINAL PASSAGE											
3/10/10											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			VEGA	✓		
DONNELLY	✓			FULOP	✓			FLOOD	ABSENT		
LOPEZ	✓			RICHARDSON	✓			BRENNAN, PRES	✓		

✓ 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. 10-133

Agenda No. 10.D

Approved: MAR 10 2010



TITLE:

**RESOLUTION AUTHORIZING THE BUSINESS ADMINISTRATOR TO DISCHARGE THE MORTGAGE AFFECTING THE PROPERTY KNOWN AS 723 GRAND STREET WITH THE URBAN LEAGUE OF HUDSON COUNTY**

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

**WHEREAS**, the City of Jersey City (City) entered into a second mortgage agreement with the Urban League of Hudson County (ULHC) on June 17, 1997 for a loan of up to \$943,000.00 for the rehabilitation as affordable housing of a building located at Block 2060, Lot A, also known as 723 Grand Street in Jersey City, which mortgage was recorded on October 28, 1999 in Mortgage Book 7229 at page 277; and

**WHEREAS**, Resolution 03-628 approved on August 13, 2003 authorized the execution of a mortgage modification agreement with ULHC changing the loan amount stated in the mortgage recorded on October 28, 1999 in Mortgage Book 7229 at page 277 from \$943,000.00 to \$458,846.47; and

**WHEREAS**, the balance of the loan has been canceled; and

**WHEREAS**, ULHC determined that it was unable to pursue development of the property and sold the property to Starting Points of Hudson County; and

**WHEREAS**, ULHC was required to repay the City \$354,580.65 for the federal HOME funds previously advanced to ULHC; and

**WHEREAS**, the City by its Division of Community Development has verified that in 2009, ULHC repaid the City the sum of \$354,580.65 which was re-deposited into the City's federal HOME funds account; and

**WHEREAS**, the City is obligated to execute a Discharge of Mortgage to remove the original mortgage from the public record.

**NOW, THEREFORE, BE IT RESOLVED**, that the Business Administrator is authorized to execute a Discharge of the Mortgage for the Urban League of Hudson County dated June 17, 1997 in the sum of \$943,000 affecting 723 Grand Street, Jersey City, also known as Lot A in Block 2060.

3-2-10  
IW/jn

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

APPROVED AS TO LEGAL FORM

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

Business Administrator

Corporation Counsel

Certification Required

Not Required

**APPROVED 8-0**

RECORD OF COUNCIL VOTE ON FINAL PASSAGE											
				3/10/10							
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			FLOOD		ABSENT	
DONNELLY	✓			FULOP	✓			VEGA	✓		
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. 10-134

Agenda No. 10.E

Approved: MAR 10 2010

TITLE:



## RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH JERSEY CITY COMMUNITY HOUSING, INC. TO ENTER ONTO THE CITY OWNED PROPERTY KNOWN AS 90 VIRGINIA AVENUE

**WHEREAS**, the City of Jersey City (City) owns real property known as 90 Virginia Avenue a/k/a Block 1978, Lot 41.99 (Property); and

**WHEREAS**, Jersey City Community Housing, Inc. (JCCH) is a nonprofit corporation that constructs affordable housing units; and

**WHEREAS**, Ordinance 09-128 approved on January 13, 2010 authorized the execution of a Development Agreement with JCCH and the conveyance of the Property to JCCH so that it can construct fourteen (14) units of affordable residential condominium units; and

**WHEREAS**, the City executed the Development Agreement with JCCH on February 9, 2010; and

**WHEREAS**, JCCH is in the process of finalizing the funding for the project and pursuant to Ordinance 09-128 the Property will be transferred to JCCH when the project funding is complete; and

**WHEREAS**, Resolution 09-827 approved on October 14, 2009 authorized a ninety (90) day License Agreement so that JCCH could enter the Property for the purpose of securing it, performing soil testing and other due diligence before the Property is transferred to JCCH; and

**WHEREAS**, JCCH is requesting another License Agreement for the same purposes for sixty (60) days; and

**WHEREAS**, JCCH agrees to execute the License Agreement attached hereto.

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

1. JCCH, its contractors, and agents are authorized to enter onto the Property for the purpose of performing the activities described in the License Agreement attached hereto;
2. Subject to such modifications as may be deemed necessary or appropriate by Corporation Counsel, the Mayor or Business Administrator is authorized to execute the License Agreement attached hereto; and

TITLE: **MAR 1 0 2010**

**RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH JERSEY CITY COMMUNITY HOUSING, INC. TO ENTER ONTO THE CITY OWNED PROPERTY KNOWN AS 90 VIRGINIA AVENUE**

- 3. The term of this License Agreement shall be for sixty (60) days effective as of the date that City officials execute the License Agreement.

RR  
3-3-10

APPROVED: \_\_\_\_\_ APPROVED AS TO LEGAL FORM \_\_\_\_\_  
 APPROVED: Gregory Roman \_\_\_\_\_  
Business Administrator Corporation Counsel

10029

Certification Required   
 Not Required

**APPROVED 8-0**  
**3/10/10**

RECORD OF COUNCIL VOTE ON FINAL PASSAGE											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			VEGA	✓		
DONNELLY	✓			FULOP	✓			FLOOD	ABSENT		
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

## LICENSE AGREEMENT

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2010 between the City of Jersey City, a municipal corporation of the State of New Jersey (hereinafter referred to as "City" or Licensor") and Jersey City Community Housing Corporation (hereinafter referred to as "Licensee"), whose address is 152 Central Avenue, Jersey City, New Jersey 07307.

By this Agreement the City grants permission to the Licensee to enter onto property owned by the City which is located at 90 Virginia Avenue a/k/a Block 1978, Lot 41.99 (hereinafter referred to as the "premises"). The City will be transferring the premises to the Licensee in the near future for the purpose of constructing 14 affordable residential condominium units. Licensee, and/or its contractors or agents, are permitted to enter the premises for the purposes described in this Agreement and subject to the terms and conditions of this Agreement which are set forth below.

1. The term of this License is for a period of sixty (60) days effective as of the date this Agreement is executed by City officials.
2. The Licensee shall be permitted to use the premises for the following activities:
  - (a) securing the premises;
  - (b) performing environmental testing of the building and soil; and
  - (c) perform such other acts of due diligence necessary before the City transfers the premises to the Licensee.

Use of the premises for activities other than those listed above are permitted only upon the review and written approval of the City Engineer.

3. The permission hereby granted for use of the premises may be revoked at any time by the City with or without cause, by the City's Manager of Real Estate giving five (5) days written notice to the Licensee. Revocation shall not relieve the Licensee of any liabilities or obligations which stem from its use of the premises which occurred on or prior to the date of revocation.
4. Any damage to property owned by or under the jurisdiction of the City resulting from or in any way arising out of the use of the premises by the Licensee will be repaired by the Licensee at its own cost and expense. If the Licensee fails to make such repairs within a reasonable time after being requested to do so, the City shall have the right to make such repairs and the Licensee agrees to reimburse the City for all costs and expenses thereof.

