

Ordinance of the City of Jersey City, N.J.

File No. Ord. 21-028
Agenda No. 3.1 (1st Reading)
Agenda No. 4.1 (2nd Reading and Final Passage)



AN ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY, AS TENANT, TO EXTEND FOR ONE YEAR A LEASE WITH 18 ASH STREET REALTY, AS LANDLORD, FOR SPACE LOCATED AT 46 STATE STREET JERSEY CITY.

COUNCIL AS A WHOLE offered and moved adoption of the following ordinance:

Whereas, the City of Jersey City (City) needed storage space for equipment used by the City's Division of Fire and Emergency Services-; and

Whereas, Ordinance 11-015, adopted on February 9, 2011, authorized a five year lease agreement with 18 Ash Street Realty, LLC ("Landlord") to lease to the City approximately 6,000 square feet of space located at 46 State Street, Jersey City; and

Whereas, the lease term began on January 1, 2011; and

Whereas, the lease provided the City with options to extend the lease for up to two additional one year terms which the City exercised; and

Whereas, the City continued to need storage space for the Fire Division's equipment -and Ordinance 18-005, adopted on February 14, 2018, authorized a one year extension of the lease effective January 1, 2018; and

Whereas, the City continued to need storage space for the Fire Division's equipment -and Ordinance 19-007, adopted on February 14, 2019, authorized a one year extension of the lease effective January 1, 2019; and

Whereas, the City continued to need storage space for the Fire Division's equipment -and Ordinance 19-007, adopted on February 14, 2019, authorized a one year extension of the lease effective January 1, 2020; and

Whereas, the City continues to need storage space for the Fire Division's equipment and desires to extend the lease for one additional year effective as of January 1, 2021 and the Landlord agrees to this lease extension; and

Whereas, the monthly base rent will be \$6,250.00 or \$75,000.00 annually plus the sum of \$8,948.00 which is approximately forty percent of the 2021 real property taxes for the building at 46 State Street; and

Whereas, the total monthly rent including the property tax payment will be \$6,996.00; and

Whereas, funds in the amount of \$83,950.48 are available in Account no. 17-289-56-000-002, PO #140265; and

Whereas, N.J.S.A. 40A:12-5 provides that a municipality may by ordinance, acquire property by lease;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JERSEY CITY AS FOLLOWS:

1. Subject to such modifications as may be deemed necessary or appropriate by Corporation Counsel, the Mayor or Business Administrator is authorized to execute the attached Lease Agreement Extension with 18 Ash Street Realty, LLC for space at 46 State Street;

APPROVED AS TO LEGAL FORM

Business Administrator

Corporation Counsel

An Ordinance Authorizing The City of Jersey City, as Tenant, to Extend For One year A Lease with 18 Ash Street Realty, as Landlord, For Space Located at 46 State Street Jersey City.

2. The term of the Lease Agreement Extension is one year effective as of January 1, 2021 and ending on December 31, 2021; and

3. The total annual rent shall not exceed \$83,950.48 which shall be paid in twelve equal payments of \$6,996.00 which shall be payable on the first of the month.

An Ordinance Authorizing The City of Jersey City, as Tenant, to Extend For One year A Lease with 18 Ash Street Realty, as Landlord, For Space Located at 46 State Street Jersey City.

RECORD OF COUNCIL VOTE ON INTRODUCTION – Apr 28 2021						
RIDLEY	AYE	SALEH	AYE	LAVARRO	AYE	9-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	ROBINSON	AYE	WATTERMAN, PRES	AYE	

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING – May 13 2021						
RIDLEY	AYE	SALEH	AYE	LAVARRO	AYE	9-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	ROBINSON	AYE	WATTERMAN, PRES.	AYE	


RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY –						
RIDLEY		SALEH		LAVARRO		
PRINZ-AREY		SOLOMON		RIVERA		
BOGGIANO		ROBINSON		WATTERMAN, PRES.		

RECORD OF FINAL COUNCIL VOTE – May 13 2021						
RIDLEY	AYE	SALEH	AYE	LAVARRO	AYE	9-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	ROBINSON	AYE	WATTERMAN, PRES.	AYE	


Adopted on first reading of the Council of Jersey City, N.J. on Apr 28 2021

Adopted on second and final reading after hearing on May 13 2021


This is to certify that the foregoing Ordinance was adopted
by the Municipal Council at its meeting on May 13 2021



City Clerk



Joyce E. Watterman, President of Council
Approved: May 13 2021



Steven M. Fulop, Mayor
Date to Mayor: May 14 2021
Approved: May 14 2021

An Ordinance Authorizing The City of Jersey City, as Tenant, to Extend For One year A Lease with 18 Ash Street Realty, as Landlord, For Space Located at 46 State Street Jersey City.

FACT SHEET -

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the ordinance.

Project Manager

Steven McGill, Chief of Department, Fire	201-5474239	sjmcgill@njcps.org
Division	Division of Fire and Emergency Services	

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 1:00 p.m.)

Purpose

The lease of this building is necessary to store and secure the vehicles and equipment because space is not available in the current city buildings.

Cost (Identify all sources and amounts)

17-289-56-000-002	\$83,950.48	PO140265
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Contract term (include all)

one year

ATTACHMENTS:

Fire Headquarters Lease Extension 2021.22 Lease Agrmt Extension PO 140265 - 18 Ast St Realty - Fire Headquarters
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Approved by	Status:
Kelley Costigan, tba	Approved - Jan 22 2021
Tawana Moody, tba	None
William O'Donnell, tba	Approved - Jan 22 2021
John McKinney, Attorney	None
Peter Baker, Corporation Counsel	None
Amy Forman, Attorney	None
Nick Strasser, Attorney	None
Norma Garcia, Attorney	None
Ray Reddington, Attorney	Approved - Feb 04 2021
Jeremy Jacobsen, Attorney	None
Sapana Shah, Attorney	None
Elizabeth Barna, Assistant Corporation Counsel	None
Jeana Abuan, Public Agency Compliance Officer	Approved - Feb 04 2021
Soraya Hebron, Diversity and Inclusion	Approved - Feb 08 2021
Raquel Tosado, Assistant Purchasing Agent	None
Patricia Vega, Assistant Purchasing Agent	None
Patrice Lambert, Purchasing	Approved - Feb 22 2021
Elizabeth Castillo, Chief Financial Officer	Approved - Feb 23 2021
John Metro, Acting Business Administrator	Approved - Mar 03 2021

18 Ash Street Realty

44-46 State Street
Jersey City, NJ 07304

Phone (201) 432-4500

Fax (201) 432-4951

January 12, 2021

Fire Headquarters
465 Marin Boulevard
Jersey City, NJ 07302
Attn: Mr. Henry N. DiGuilio, Deputy Chief

RE: Property Address - 46 State Street, Jersey City, NJ

Gentlemen,

As per our discussion we proposed a one year extension for the above referenced property at a rate of \$6,250 per month.

The taxes will remain at 40% of the total taxes which is approximately \$2,237.62 a quarter.

Please contact my office if you have any questions.

Sincerely,

18 ASH STREET REALTY

Peter J. Gargiulo

Peter J. Gargiulo
Managing Member

LEASE AGREEMENT EXTENSION

This Lease Agreement Extension made this _____ day of _____, 2021 between the City of Jersey City, City Hall, 280 Grove Street, Jersey City, New Jersey, a municipal corporation of the State of New Jersey ("City" or "Tenant"), and 18 Ash Street, LLC, having an address at 18 Ash Street, Jersey City, New Jersey ("Landlord").

WHEREAS, the City needed storage space for equipment used by the City's Fire and Emergency Services Unit; and

WHEREAS, Ordinance 11-015, adopted on February 9, 2011, authorized a five year lease agreement with the Landlord to lease to the City approximately 6,000 square feet of space located at 46 State Street, Jersey City for a term beginning on January 1, 2011 and ending on December 31, 2015; and

WHEREAS, the lease provided the City with options to extend the lease for up to two additional one year terms which the City exercised; and

WHEREAS, the City continued to need storage space for the Fire Department's equipment and Ordinance 18-005, adopted on February 14, 2018, authorized a one year extension of the lease effective January 1, 2018; and

WHEREAS, the City continued to need storage space for the Fire Department's equipment and Ordinance 19-007, adopted on February 14, 2019, authorized a one year extension of the lease effective January 1, 2019; and

WHEREAS, the City Continued to need storage space for the Fire Department's equipment and Ordinance ~~19-007~~, adopted ~~on February 14, 2019~~, authorized a one year extension of the lease effective January 1, 2020; and

WHEREAS, the City continues to need storage space for the Fire Department's equipment and desires to extend the lease for one additional year effective as of January 1, 2021 and the Landlord agrees to this lease extension; and

WHEREAS, the monthly base rent will be \$6,250.00 or \$75,000.00 annually plus the sum of \$8,950.48 which is approximately forty percent of the 2021 real property taxes for the building at 46 State Street; and

WHEREAS, the total monthly rent including the property tax payment will be \$6,996.00.

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth herein, the parties agree as follows:

- 1) The City's Lease Agreement with the Landlord is extended for one year effective as of January 1, 2021 and ending on December 31, 2021.
- 2) The total annual rent is \$83,950.8 and shall be payable in 12 equal installments of \$6,996.00 payable on the first day of each month.
- 3) All other terms, covenants, conditions, rights and liabilities of the parties as set forth in the Lease Agreement dated January 1, 2011 shall remain in full force and effect.

IN WITNESS WHEREOF, the City of Jersey City, by its Mayor or Business Administrator and 18 Ash Street, LLC by an authorized representative, have executed this Lease Agreement Extension and affixed their corporate seals thereto the day, month and year first above written.

City of Jersey City

Attest: _____
Robert Byrne
City Clerk

Brian Platt
Business Administrator

18 Ash Street, LLC

Witness: _____

RR
12-20-19



CITY OF JERSEY CITY
394 CENTRAL AVE.
3RD FLOOR
JERSEY CITY NJ 07307
PURCHASE ORDER & VOUCHER

PURCHASE ORDER NUMBER
140265

THIS NUMBER MUST APPEAR ON ALL INVOICES,
CORRESPONDENCE, SHIPPING PAPERS AND
PACKAGES.

CHECK NO. _____
CHECK DATE _____
VOUCHER NO. _____
VENDOR INV.# _____

REQUISITION # 0195811
BUYER ORDINANCE

DATE	VENDOR NO.
02/22/2021	EI183701

VENDOR INFORMATION


18 ASH ST. REALTY LLC
44-46 STATE STREET

JERSEY CITY NJ 07304

DELIVER TO
FIRE HEADQUARTERS
465 MARIN BLVD.

JERSEY CITY NJ 07302

BILL TO
FIRE HEADQUARTERS
465 MARIN BLVD.
JERSEY CITY NJ 07302

QUANTITY	UNIT	DESCRIPTION	ACCOUNT NUMBER	UNIT PRICE	EXTENDED PRICE
1.00	EA	STATE STREET ONE YEAR LEASE FOR 46 STATE STREET JANUARY 1, 2021 - DECEMBER 31, 2021 AMOUNT OF LEASE: \$83950.48 PAYMENTS MADE QUARTERLY PPV'S ORDINANCE: _____ APPROVED: _____ 	17-289-56-000-002	83,950.48	83,950.48

TAX EXEMPTION NO. 22-6002013

PO Total 83,950.48

CLAIMANT'S CERTIFICATION AND DECLARATION

I do solemnly declare and certify under the penalties of the law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any persons within the knowledge of this claimant in connection with the above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one.

X

VENDOR SIGN HERE

OFFICIAL POSITION

DATE

Original Copy

OFFICER'S OR EMPLOYEE'S CERTIFICATION

Having knowledge of the facts in the course of regular procedures, I certify that the materials and supplies have been received or the services rendered; said certification is based on delivery slips acknowledged by a principal official or employee or other reasonable procedures.

TITLE OR POSITION

DATE

APPROVED BY THE PURCHASING AGENT

DATE

APPROVED BY ACCOUNTS & CONTROL

DATE

Appendix
Revised Contract Language for BRC Compliance

Goods and Services Contracts (including purchase orders)

N.J.S.A. 52:32-44 imposes the following requirements on contractors and all subcontractors that knowingly provide goods or perform services for a contractor fulfilling this contract:

- 1) the contractor shall provide written notice to its subcontractors to submit proof of business registration to the contractor;
- 2) prior to receipt of final payment from a contracting agency, a contractor must submit to the contracting agency an accurate list of all subcontractors or attest that none was used;
- 3) during the term of this contract, the contractor and its affiliates shall collect and remit, and shall notify all subcontractors and their affiliates that they must collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act, (N.J.S.A. 54:32B-1 et seq.) on all sales of tangible personal property delivered into this State.

A contractor, subcontractor or supplier who fails to provide proof of business registration or provides false business registration information shall be liable to a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration not properly provided or maintained under a contract with a contracting agency. Information on the law and its requirements is available by calling (609) 292-9292.

Construction Contracts (including public works related purchase orders)

N.J.S.A. 52:32-44 imposes the following requirements on contractors and all subcontractors that knowingly provide goods or perform services for a contractor fulfilling this contract:

- 1) the contractor shall provide written notice to its subcontractors and suppliers to submit proof of business registration to the contractor;
- 2) subcontractors through all tiers of a project must provide written notice to their subcontractors and suppliers to submit proof of business registration and subcontractors shall collect such proofs of business registration and maintain them on file;
- 3) prior to receipt of final payment from a contracting agency, a contractor must submit to the contracting agency an accurate list of all subcontractors and suppliers or attest that none was used; and,
- 4) during the term of this contract, the contractor and its affiliates shall collect and remit, and shall notify all subcontractors and their affiliates that they must collect and remit, to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act, (N.J.S.A. 54:32B-1 et seq.) on all sales of tangible personal property delivered into this State.

A contractor, subcontractor or supplier who fails to provide proof of business registration or provides false business registration information shall be liable to a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration copy not properly provided or maintained under a contract with a contracting agency. Information on the law and its requirements are available by calling (609) 292-9292.