

MEETING OF FEBRUARY 3, 2016

MINUTES OF A MEETING OF THE COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY, HELD IN THE COUNCIL CHAMBERS, CITY HALL, HOBOKEN, NEW JERSEY, WEDNESDAY, FEBRUARY 3, 2016 AT 7:00 PM

Council President opened the meeting at 7:16 P.M. and stated, "I would like to advise all those present that notice of this meeting has been provided to the public in accordance with the provisions of the Open Public Meetings Act, and that notice was published in the Jersey Journal and on the City website, copies were provided in the Hoboken Reporter, The Record, The Newark Star-Ledger and also placed on the bulletin board in the lobby of City Hall. If any Councilperson or member of the public believes that this meeting or any portion thereof, is in violation of the Open Public Meetings Act, they are requested to so advise the City Council and City Clerk at this time, or at the time of the believed violation, in accordance with **N.J.S.A. 10:4-17**. Written objections, if any shall be made in writing to the City Clerk."

Then the Clerk called the Roll: Council persons Bhalla, De Fusco, Doyle, Fisher, Giattino, Mello, Ramos, Jr. Russo and President Giattino

Absent: Cunningham

RESOLUTIONS

16-101

---Councilwoman Fisher

RESOLUTION GRANTING RON CUCCHIARO, ESQ. OF WEINER LESNIAK SETTLEMENT AUTHORITY IN THE MATTER KNOWN AS SMITH ET AL. V. COH ET AL. (DOCKET NO. HUD-L-5005-13) IN AN AMOUNT UP TO THE AMOUNT SUGGESTED BY RON CUCCHIARO TO ALYSIA PROKO IN THE JANUARY 22, 2016 EMAIL

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 1 - ABSTAIN: 1

---Yeas: Council persons Bhalla, DeFusco, Doyle, Fisher, Mello, Russo and President Giattino

---Nays: None.

---Absent: Cunningham

---Abstain: Ramos

SECOND READING/PUBLIC HEARING AND FINAL VOTE

ORDINANCE APPROVING THE TERMS OF THE ATTACHED SANDY DISASTER RELIEF GRANT – HISTORIC PRESERVATION EASEMENT AGREEMENT BETWEEN THE CITY OF HOBOKEN AND THE TRUSTEES OF THE FREE PUBLIC LIBRARY OF THE CITY OF HOBOKEN AS GRANTORS AND NEW JERSEY HISTORIC TRUST AS GRANTEE FOR THE USE OF 500 PARK AVENUE, HOBOKEN, NEW JERSEY (BLOCK 167, LOT 24) (sponsored by Councilwoman Giattino and Councilman Mello) (Z-393)

No other person present desiring to be heard and no written protests or objections received, President Giattino asked for a motion to close the hearing.

President Giattino moved that the hearing be closed.

---Motion duly seconded by President Giattino

---Adopted by the following vote: YEAS: 8 – NAYS: 0 – ABSENT: 1

---Yeas: Council persons Bhalla, DeFusco, Doyle, Fisher, Giattino, Mello, Ramos, Russo and President Giattino

---Nays: None.
---Absent: Cunningham

President Giattino then instructed the City Clerk to call the Final Vote for the above Ordinance.

---Motion duly seconded by Councilman Mello
---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1
---Yeas: Council persons Bhalla, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino
---Nays: None.
---Absent: Cunningham

AN ORDINANCE AMENDING CHAPTER 141A ENTITLED “PARKING PERMITS” AND CHAPTER 190 ENTITLED “VEHICLES AND TRAFFIC” TO AMEND VARIOUS PARKING AND TRAFFIC CIRCULATION REGULATIONS (sponsored by President Giattino and Councilman DeFusco) (Z-394)

The speakers who spoke: Patricia Waiters.

No other person present desiring to be heard and no written protests or objections received, President Giattino asked for a motion to close the hearing.

President Giattino moved that the hearing be closed.

---Motion duly seconded by President Giattino
---Adopted by the following vote: YEAS: 8 – NAYS: 0 – ABSENT: 1
---Yeas: Council persons Bhalla, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino
---Nays: None.
---Absent: Cunningham

President Giattino then instructed the City Clerk to call the Final Vote for the above Ordinance.

---Motion duly seconded by Councilman De Fusco
---Adopted by the following vote: YEAS: 7 – NAYS: 1 - ABSENT: 1
---Yeas: Council persons Bhalla, DeFusco, Doyle, Fisher, Mello, Ramos and President Giattino
---Nays: Russo
---Absent: Cunningham

ORDINANCE TO AMEND CHAPTER 59A, ENTITLED “DEPARTMENT OF PUBLIC SAFETY,” SECTION 48 ENTITLED “TERM OF APPOINTMENT, FIREARMS, SUPERVISION” TO AMEND THE APPOINTMENT REQUIREMENTS FOR SPECIAL LAW ENFORCEMENT OFFICERS (sponsored by Councilman Mello and Councilman Cunningham) (Z-395)

The speakers who spoke: Patricia Waiters.

No other person present desiring to be heard and no written protests or objections received, President Giattino asked for a motion to close the hearing.

President Giattino moved that the hearing be closed.

---Motion duly seconded by Councilman Mello
---Adopted by the following vote: YEAS: 8 – NAYS: 0 – ABSENT: 1
---Yeas: Council persons Bhalla, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino
---Nays: None.
---Absent: Cunningham

President Giattino then instructed the City Clerk to call the Final Vote for the above Ordinance.

---Motion duly seconded by Councilman Bhalla
---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1
---Yeas: Council persons Bhalla, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino
---Nays: None.
---Absent: Cunningham

PUBLIC COMMENTS

The speakers who spoke: Patricia Waiters, Benedeto Cecala, Danielle Cecela, Rebecca Cowan, John Grogorio, Dan Tumpson, Mary Ondrejka, Hany Ahmed, Chris Carbine.

PETITIONS AND COMMUNICATION

16-102

Declaration of Emergency to the City of Hoboken from the Office of Emergency Management dated January 23, 2016 at 8:00 AM

Received and filed.

16-103

APPLICATION FOR MISCELLANEOUS LICENSES

Vendor-----2 items
Parking Facility-----6 items

---Councilman Mello moved that the licenses be issued.
---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1
---Yeas: Council persons Bhalla, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino
---Nays: None.
---Absent: Cunningham

16-104

CLAIMS

Total for this agenda **\$2,001,600.23**

--Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1
---Yeas: Council persons Bhalla, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino
---Nays: None.
---Absent: Cunningham

16-105

PAYROLL

For the two week period starting December 31, 2015 – January 13, 2016

Regular Payroll	O/T Pay	Other Pay
\$1,617,925.40	\$89,294.02	\$352,477.93
Total	\$2,059,687.35	

Final Payment for Fire Vacation Payout

Other Pay \$571,193.98 **Total** \$571,193.98

---Motion duly seconded by Councilman
 ---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1
 ---Yeas: Council persons Bhalla, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino
 ---Nays: None.
 ---Absent: Cunningham

PUBLIC COMMENTS ON RESOLUTIONS

The speakers who spoke: John Grogorio comments on resolution #7, Jim Vance comments on resolution #7, Janine Bugar comments on resolution #7, Aneesha Buchandani comments on resolution #7

CONSENT AGENDA – 4, 6, 8, 9, 11, 12, 14, 16, 17, 18, 19, & 21

---Adopted by the following vote: YEAS: 8 – NAYS: 0 (1) - ABSENT: 1 - ABSTAIN: 1
 ---Yeas: Council persons Bhalla, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino
 ---Nays: Giattino on 17
 ---Absent: Cunningham
 ---Abstain: Fisher on resolution #21

Consent Agenda defined: All items listed with an asterisk (*) are considered to be routine business by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a council member or citizen so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda.

Pulled from the agenda for discussion: 5, 7, 10, 13, 15, 20
 Removed by Administration:

RESOLUTIONS

16-106

---By Councilman Bhalla

RESOLUTION IN SUPPORT OF NATIONAL AFRICAN HISTORY MONTH 2016

WHEREAS, in February 1926, Dr. Carter G. Woodson, a noted African American author and scholar, began what was then called Negro History Week to educate non-black Americans about Black American culture and history and to engender pride among African Americans; and

WHEREAS, Dr. Woodson chose the month of February for the celebration because the month marks the birthdays of President Abraham Lincoln, who signed the Emancipation Proclamation ending slavery, and Frederick Douglass, the noted African American abolitionist; and

WHEREAS, an additional reason why Dr. Woodson chose the month of February for this important event was that the National Association for the Advancement of Colored People, the nation's oldest civil rights organization, was founded in February 1909; and

WHEREAS, in 1972, Negro History Week became Black History Week, and in 1976, the nation's bicentennial, Black History Week became Black History Month with the purpose of honoring the contribution African Americans have made to all walks of American life and to recall important milestones in black history;

WHEREAS, Black History Month is also known as National African American History Month.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HOBOKEN that it declares its support for National African American History Month in February of 2016.

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

---Absent: Cunningham

16-106

---By Councilman Mello

RESOLUTION SPONSORING FOUR (4) INDIVIDUALS AS POTENTIAL FUTURE CLASS II SPECIAL LAW ENFORCEMENT OFFICERS TO GO TO THE CLASS 2 ESSEX COUNTY POLICE ACADEMY AND AUTHORIZING THE APPOINTING AUTHORITY TO CONDITIONALLY PROMISE EACH OF THE FOUR (4) EMPLOYMENT BY THE CITY OF HOBOKEN AS SPECIAL CLASS 2 OFFICERS, IF THEY GRADUATE THE CLASS 2 ACADEMY THAT BEGINS ON FEBRUARY 6, 2016, AT THE ESSEX COUNTY POLICE ACADEMY

WHEREAS, N.J.S.A. 40A:14-146.10 permits municipalities to appoint certain classes of special law enforcement officers; and

WHEREAS, Chapter 59 of the Code of the City of Hoboken establishes the position of Class II Special Law Enforcement Officer; and

WHEREAS, the City of Hoboken wishes to sponsor the following individuals to go to the Class II Essex County Police Academy for training as Class II Special Law Enforcement Officers:

- 1) Jesse Castellano
- 2) Dakota Dimone
- 3) Corey Rooney
- 4) Michael Tilton

WHEREAS, a resolution from the City Council of the City of Hoboken is necessary to sponsor these Class II Special Law Enforcement Officers so they may attend a police academy to obtain the training, education and certification needed for this position; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hoboken that the following individuals are hereby sponsored by the City of Hoboken for the Essex County Special Class II Law Enforcement Officer Police Academy, and conditionally promised employment as Special Class II Law Enforcement Officer by the City of Hoboken, if they graduate from the Essex County Police Academy:

- 1) Jesse Castellano
- 2) Dakota Dimone
- 3) Corey Rooney
- 4) Michael Tilton

BE IT FURTHER RESOLVED that these appointees are hereby sponsored by the City of Hoboken to attend the Essex County Police Academy in Cedar Grove, New Jersey:

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None

---Absent: Cunningham

16-108

---By Councilman Bhalla

RESOLUTION TO APPROVE A LICENSE AGREEMENT BETWEEN THE CITY OF HOBOKEN AND ALEXANDER REKEDA, OWNER OF BLOCK 179 LOT 16 (a/k/a 333 Park Avenue), FOR USE AND MAINTENANCE OF A PORTION OF THE PUBLIC RIGHT OF WAY ADJACENT TO SAID PROPERTY

WHEREAS, the City of Hoboken requires property owners to maintain the public right-of-way adjacent to their property, including but not limited to sidewalks, stairs, stoops, fences, areaways, trees and other landscaping; and

WHEREAS, the City of Hoboken encourages property owners to landscape and otherwise improve said right-of-way to enhance the urban landscape; and

WHEREAS, the City of Hoboken and the City Council, by resolution, provides for the issuance of license agreements for the aforementioned purpose; and

WHEREAS, the applicant desires to receive and the City of Hoboken agrees to grant to Alexander Rekada, owner of Block 179 Lot 16, more commonly known as 333 Park Avenue, Hoboken, such a license.

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

- 1) Approval of the attached License Agreement between the City of Hoboken and Alexander Rekada, owner of Block 179 Lot 16, more commonly known as 333 Park Avenue, shall be subject and limited to the details and specifications included in the attached Application, and James S. McNeight, P.C. architecture drawing sheet A-2 dated 10/02/2015;
- 2) The Mayor or her agent is hereby authorized to enter into the attached agreement; and
- 3) This resolution shall become effective immediately upon adoption.

---Motion duly seconded by President Giattino

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None

---Absent: Cunningham

16-109

---Councilman Bhalla

RESOLUTION TO APPROVE A LICENSE AGREEMENT BETWEEN THE CITY OF HOBOKEN AND MONROE 113 REALTY LLC, OWNER OF BLOCK 28 LOTS 7-11(a/k/a 113-121 Monroe Street), FOR USE AND MAINTENANCE OF A PORTION OF THE PUBLIC RIGHT OF WAY ADJACENT TO SAID PROPERTY

WHEREAS, the City of Hoboken requires property owners to maintain the public right-of-way adjacent to their property, including but not limited to sidewalks, stairs, stoops, fences, areaways, trees and other landscaping; and

WHEREAS, the City of Hoboken encourages property owners to landscape and otherwise improve said right-of-way to enhance the urban landscape; and

WHEREAS, the City of Hoboken and the City Council, by resolution, provides for the issuance of license agreements for the aforementioned purpose; and

WHEREAS, the applicant desires to receive and the City of Hoboken agrees to grant to Monroe 113 Realty LLC, owner of Block 28 Lots 7-11, more commonly known as 113-121 Monroe Street, Hoboken, represented by Gary Mezzatesta, such a license.

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

- 1) Approval of the attached License Agreement between the City of Hoboken and Monroe 113 Realty LLC, owner of Block 28 Lots 7-11, more commonly known as 113-121 Monroe Street, shall be subject and limited to the details and specifications included in the attached Application, All County Surveying location survey, and Minervini Vandermark Architecture drawing sheets F-1, F-2 and F-3 dated 01/13/2016;
- 2) The Mayor or her agent is hereby authorized to enter into the attached agreement; and
- 3) This resolution shall become effective immediately up adoption.

---Motion duly seconded by Councilman Mello

---**FAILED** by the following vote: YEAS: 4 – NAYS: 4 - ABSENT: 1

---Yeas: Council persons DeFusco, Doyle, Ramos, and President Giattino

---Nays: Bhalla, Fisher, Mello, Russo

---Absent: Cunningham

16-110

---Councilwoman Fisher

RESOLUTION FURTHER AMENDING THE PROFESSIONAL SERVICE CONTRACT WITH EI ASSOCIATES FOR PROFESSIONAL ENGINEERING SERVICE TO THE CITY OF HOBOKEN FOR THE BACKUP GENERATORS PROJECT FOR A TERM TO EXPIRE OCTOBER 31, 2016, BUT WITH AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$71,400.00, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$221,530.00

WHEREAS, service to the City as General Electrical Engineer is a professional service as defined by N.J.S.A. 40A:11-1 et seq. and as such, is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and,

WHEREAS, in 8/2013 the City of Hoboken was made aware of potential power related issues at city properties, and thereafter obtained four (4) quotes, on an emergency basis, for the Professional Services, of which EI Associates responded to with the most advantageous proposal, and was awarded a contract, and thereafter on an annual basis EI Associates has

submitted proposals in response to the City's RFP's for annual engineering services, in accordance with the State and Local Fair and Open Process; and,

WHEREAS, the EI Associates generator contract was previously amended to extend the term and increase the contract amount in 4/2015 and 7/2015, and the City now seeks to further amend the contract through 10/31/2016 and increase the not to exceed amount by \$71,400.00, as set forth in the attached three EI Associates proposals, for a total not to exceed amount of \$221,530.00; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$71,400.00 for the Backup Generator Project site is available as follows: \$71,400.00 is available in the following appropriations C-04-60-708-110 in the City's capital CY2016 budget; and I further certify that these accounts are available and appropriate for said expenditures; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose.

Signed: _____, George DeStefano, CFO

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

- A. This resolution amends the award of the contract to EI Associates for professional engineering services, in an increased amount of Seventy One Thousand Four Hundred Dollars (\$71,400.00) for a total contract amount of \$221,530.00, in accordance with the three proposals, attached hereto.
- B. This resolution amends the expiration date of the contract until October 31, 2016.
- C. If the contract amendment, as provided by the City of Hoboken, is not executed by the vendor within 21 days of execution of this award, the City may cancel this award and rebid the project.
- D. Any change orders required shall be subject to formal City Council authorization, and the City shall not be held liable for any amounts above the within contracted amounts unless/until same is authorized and appropriated by formal resolution of the City Council.

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken authorizes the Mayor to enter into the herein described contract amendment with EI Associates; and,

BE IT FURTHER RESOLVED that the City Clerk shall publish this resolution in the City's official newspapers immediately; and,

BE IT FURTHER RESOLVED that this resolution shall take effect immediately as allowed by law.

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None

---Absent: Cunningham

16-111

---Councilman Doyle

**RESOLUTION TO AUTHORIZE EXECUTION OF THE ATTACHED AGREEMENT
BETWEEN THE COUNTY OF HUDSON AND THE CITY OF HOBOKEN REGARDING
FIRST STREET RAINGARDEN AND BIOSWALE INSTALLATION AND MAINTENANCE**

WHEREAS, the City wishes to enter into the attached Agreement with the County of Hudson; and

WHEREAS, the Agreement serves as an access and maintenance agreement in favor of the City's proposed raingarden and bioswale on First Street upon the County right of way; and,

WHEREAS, certification of funds are not required for this resolution.

NOW THEREFORE, BE IT RESOLVED, that the City is authorized to enter into the attached Agreement with County of Hudson, and take any and all other action to effectuate the Agreement, and the terms thereunder; and,

BE IT FURTHER RESOLVED the City Clerk shall publish this resolution as required by law and keep a copy of the resulting contract on file in accordance with N.J.S.A. 40A:11-1 et seq.; and,

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer and Corporation Counsel for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None

---Absent: Cunningham

16-112

---Councilman Doyle

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH FERRAIOLI, WIELKOTZ, CERULLO & CUVA FOR GENERAL MUNICIPAL AUDITING SERVICES FROM JANUARY 1, 2016 TO DECEMBER 31, 2016 IN AN AMOUNT NOT TO EXCEED \$120,500.00

***WHEREAS**, the City put out an RFP for CY2016 auditing services, pursuant to Article I of Chapter 20A of the Hoboken City Code and the State's fair and open process requirements, which the firm responded to; and,*

WHEREAS, said service is a professional service as defined by N.J.S.A. 40A:11-1 et seq. and as such, is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and,

***WHEREAS, Ferraioli, Wielkatz, Cerullo & Cuva** is hereby required to continue to abide by the "pay-to-play" requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 et seq. of the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates; and,*

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that each of the following accounts in the CY2016 temporary appropriations has the amount of money herein listed for purposes of this contract:

- 6-01-20-135-020 \$85,000
- 6-01-20-130-040 \$21,500

- 6-01-20-112-030 \$2,500
- C-04-60-711-370 \$11,500

and, I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2016 temporary appropriation; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with **Ferraioli, Wielkotz, Cerullo & Cuva** to represent the City as 2016 City Auditor be awarded, for a term to commence January 1, 2016 and expire December 31, 2016, for a total not to exceed amount of One Hundred Twenty Thousand Five Hundred Dollars (\$120,500.00); and

BE IT FURTHER RESOLVED, the contract shall expressly state that said firm shall be obligated to provide prompt written notice to the City when its invoicing reaches 80% of the not to exceed amount, if the firm believes additional funds will be necessary, and the City shall have no liability for payment of funds in excess of the not to exceed amount; and

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of the contractor; and

BE IT FURTHER RESOLVED the City Clerk shall publish this resolution as required by law and keep a copy of the resulting contract on file in accordance with N.J.S.A. 40A:11-1 et seq.; and,

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer and Corporation Counsel for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

---Absent: Cunningham

16-113

---Councilwoman Fisher

THIS RESOLUTION AMENDS AND EXTENDS THE AWARD OF A CONTRACT TO ACACIA FINANCIAL FOR THE PROVISIONS OF FINANCIAL CONSULTING SERVICES FOR THE CITY IN ACCORDANCE WITH THE SPECIFICATIONS IN THE COMPETITIVE CONTRACTING RFP AND THE PRIOR CONTRACT RESOLUTIONS WITH AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$32,500.00 AND FOR A PERIOD TO EXTEND THROUGH FEBRUARY 3, 2017

WHEREAS, on August 15, 2012, the City authorized a pool of financial advisors who were acceptable for contracting with the City, based on proposals submitted in response to a competitive contracting RFP at that time;

WHEREAS, in February of 2013, the City contracted with Acacia Financial for financial advisor services, pursuant to the aforementioned pool, and thereafter extended the contract in April of 2014 and again in February 2015; and,

WHEREAS, in accordance with competitive contracting law, the City may contract with Acacia Financial for up to five years, and, therefore, in accordance therewith, the City wishes to further extend its contract with Acacia for an additional \$32,500.00, and for an extended term to expire upon completion of this project, but in no event later than February 3, 2017, in accordance with the attached project proposal from Acacia Financial dated January 22, 2016; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$32,500.00 is available in the following appropriations: \$5,000.00 from P-30-60-114-200, \$27,500.00 in C-04-60-710-400, in the CY2016 temporary appropriation and capital budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2016 budget.

Signed: _____, George DeStefano, CFO

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Hoboken as follows:

- A. This resolution amends the contract to Acacia Financial, for an additional project based assignment which shall expire upon completion of the project, but in no event later than February 3, 2017.
- B. The contract amount shall be increased in an amount not to exceed \$32,500.00.
- C. The Mayor or her designee is hereby authorized to take the necessary steps to enter into an amendment to the contract, as redefined by this resolution, and any other steps necessary to effectuate this resolution.
- D. This resolution shall be posted and published in accordance with all applicable laws, and shall take effect immediately upon passage.

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 8 – NAYS: 0 – ABSENT: 1

---Yeas: Council persons Bhalla, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

---Absent: Cunningham

16-114

---Councilwoman Fisher

RESOLUTION AWARDING A CONTRACT TO NEW JERSEY FIRE EQUIPMENT CO. TO PURCHASE FORTY EIGHT (48) SCOTT AIR-PAK CYLINDERS FOR THE HOBOKEN FIRE DEPARTMENT IN ACCORDANCE WITH NJ STATE CONTRACT T0790/A80961 IN THE TOTAL AMOUNT NOT TO EXCEED \$57,216.00

WHEREAS, the City of Hoboken requires Scott Air-Pak cylinders for the Fire Department; and,

WHEREAS, the Administration intends to use New Jersey Fire Equipment Co. using their NJ state contract #T0790/A80961, for said goods and provisions; and,

WHEREAS, in accordance with the direction of the Administration, the City Council is asked to award a contract to purchase Scott Air-Pak cylinders for the Fire Department to New Jersey Fire Equipment Co. for a not to exceed total contract amount of Fifty Seven Thousand Two Hundred Sixteen Dollars (\$57,216.00), for goods and services as described in the attached proposal from New Jersey Fire Equipment Co. dated January 12, 2016; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$57,216.00 is available in the following appropriations: G-02-25-115-012 and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance for this purpose.

Signed: _____,
George DeStefano, CFO

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that a contract with the below listed vendor is awarded for an amount not to exceed Fifty Seven

Thousand Two Hundred Sixteen Dollars (\$57,216.00), for goods and services as described in the attached proposal from New Jersey Fire Equipment Co. dated January 12, 2016; and,

The above recitals are incorporated herein as though fully set forth at length.

The terms of the attached proposal shall govern the contract, and no changes may be made without the prior written consent of both parties.

Any change orders which shall become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.

This agreement shall be subject to a standard non-appropriation clause in favor of the City of Hoboken

The Council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.

The agreement for the above referenced goods and/or services is awarded to the following:

New Jersey Fire Equipment Co.
119-131 Route 22 east
Green Brook, NJ 08812

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 8 – NAYS: 0 – ABSENT: 1

---Yeas: Council persons Bhalla, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

---Absent: Cunningham

16-115

---Councilwoman Fisher

RESOLUTION AWARDING A PROFESSIONAL SERVICE CONTRACT TO BOSWELL ENGINEERING FOR CITY ENGINEER (ON-CALL) IN AN AMOUNT NOT TO EXCEED FORTY THOUSAND DOLLARS (\$40,000.00) FOR A ONE YEAR TERM TO COMMENCE JANUARY 1, 2016 AND EXPIRE DECEMBER 31, 2016

WHEREAS, the City of Hoboken published RFP's for general municipal engineering services; and,

WHEREAS, the Administration evaluated the proposal provided in response to said RFP, and the Administration thereafter determined that Boswell Engineering qualified as a pool engineer to provide the City with the most effective and efficient City Engineering services for the 2016 calendar year; and,

WHEREAS, in accordance with the direction of the Administration, the City Council is now asked to award a contract to Boswell Engineering for the City's General Engineering On-Call services for a total contract amount of Forty Thousand Dollars (\$40,000.00), with a one (1) year term to commence on January 1, 2016 and expire December 31, 2016; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$40,000.00 is available in the following line: 6-01-31-461-000 of the CY2016 temporary appropriation; and I further certify that this commitment together with all previously

made commitments and payments does not exceed the funds available in said appropriation for the CY2016 temporary appropriations; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that a contract with the below listed vendor is awarded for an amount not to exceed Forty Thousand Dollars (\$40,000.00), with a one (1) year term to commence on January 1, 2016, and expire December 31, 2016, for services as General Municipal Engineer On Call, as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the RFP and Boswell's responsive proposal shall govern the contract, and no changes may be made without the prior written consent of both parties.
3. The Administration shall be entitled, under this award, to utilize the firm on an as needed basis, for any projects which require engineering assistance. This award is not project based, and the contract amounts hereunder are a retainer only, and no actual amount of work is suggested or implied.
4. Any change orders which shall become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
5. The Council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
6. The Mayor, or her designee is hereby authorized to execute an agreement, for the above referenced goods and/or services based upon the following information:

Boswell Engineering
South Hackensack, New Jersey

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

---Absent: Cunningham

16-116

---Councilwoman Fisher

RESOLUTION AWARDING A CHANGE ORDER TO THE CONTRACT TO ABSOLUTE FIRE PROTECTION TO PURCHASE ONE (1) FIRE APPARATUS (E-ONE CYCLONE II), AS CHANGE ORDER NUMBER 2, IN AN INCREASED AMOUNT NOT TO EXCEED \$10,373.00 (=1.76% INCREASE) FOR A TOTAL NOT TO EXCEED AMOUNT OF \$602,844.00

WHEREAS, the City of Hoboken requires additional unforeseen goods and services under the contract to purchase one (1) Fire Apparatus (e-One Cyclone II) from Absolute Fire Protection; and,

WHEREAS, the Administration intends to continue to use Absolute Fire Protection for said services and provisions; and,

WHEREAS, in accordance with the direction of the Administration, the City Council is asked to award a change order (#2) to the contract to purchase one (1) Fire Apparatus (E-One Cyclone II) to Absolute Fire Protection for a total increase in the contract amount by Ten Thousand Three Hundred Seventy Nine Dollars (\$10,379.00), for a total not to exceed amount of Six Hundred Two Thousand Eight Hundred Forty Four Dollars (**\$602,844.00**) of which the change order (#2) to the contract shall be for purchases and modifications in accordance with the proposal provided by the vendor, attached hereto; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$10,379.00 is available in the following appropriations: C-04-60-715-212 in the CY2016 budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2016; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that a change order, known as Change Order #2, be authorized for the contract to purchase one (1) Fire Apparatus (E-One Cyclone II) to Absolute Fire Protection for a total increase in the contract amount by Ten Thousand Three Hundred Seventy Nine Dollars (\$10,379.00), for a total not to exceed amount of Six Hundred Two Thousand Eight Hundred Forty Four Dollars (**\$602,844.00**) of which the change order (#2) to the contract shall be for purchases and modifications in accordance with the proposal provided by the vendor and attached hereto; and,

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the referenced proposals shall govern the contract, and no changes may be made without the prior written consent of both parties.
3. Any change orders which shall become necessary hereafter shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
4. The Council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
5. Said change order is authorized for the above referenced goods and/or services to the following vendor:

Absolute Fire Protection
P.O. Box 497
2800 Hamilton Boulevard
South Plainfield, NJ 07080-0497

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

---Absent: Cunningham

16-117

---Councilwoman Fisher

RESOLUTION AWARDING A PROFESSIONAL SERVICE CONTRACT TO EXCEL ENVIRONMENTAL FOR CITY ENVIRONMENTAL ENGINEERING SERVICES FOR BLOCK 9, LOT 7 AND BLOCK 10, LOTS 1-7, (COMMONLY KNOWN AS 88 MARSHALL STREET AND 51 MARSHALL STREET) IN AN AMOUNT NOT TO EXCEED TWENTY TWO THOUSAND ONE HUNDRED THIRTY FIVE DOLLARS (\$22,135.00) FOR A ONE YEAR TERM TO COMMENCE FEBRUARY 3, 2016 AND EXPIRE FEBRUARY 2, 2017

WHEREAS, the City of Hoboken published RFP's for general municipal engineering, and related services, including environmental engineering services; and,

WHEREAS, the Administration evaluated the proposals provided in response to said RFP, and the Administration thereafter determined that Excel Environmental qualified as a pool LSRP firm to provide the City with the most effective and efficient City engineering (including environmental) services for the 2016 calendar year; and,

WHEREAS, in accordance with the direction of the Administration, the City Council is now asked to award a contract to Excel Environmental for the City's environmental engineering services for **Block 9, Lot 7 and Block 10, Lots 1-7** for a total contract amount of Twenty Two Thousand One Hundred Thirty Five Dollars (\$22,135.00), with a one (1) year term to commence on February 3, 2016 and expire February 2, 2017, in accordance with the present proposal of Excel Environmental as well as the CY2016 general engineering (and environmental) RFP and their responsive proposal; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$22,135.00 is available in the following capital appropriation C-04-60-711-120 of the City's capital funds; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the City's budget; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, **George DeStefano, CFO**

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that a contract with the below listed vendor is awarded for the City's environmental engineering services for Block 9, Lot 7 and Block 10, Lots 1-7 for a total contract amount of Twenty Two Thousand One Hundred Thirty Five Dollars (\$22,135.00), with a one (1) year term to commence on February 3, 2016 and expire February 2, 2017, in accordance with the present proposal of Excel Environmental as well as the CY2016 general engineering (and environmental) RFP and their responsive proposal, as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the RFP and Excel Environmental's responsive proposal shall govern the contract, and no changes may be made without the prior written consent of both parties.
3. Any change orders which shall become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
4. The Council hereby authorizes the Mayor, or her designee to execute any and all documents

and take any and all actions necessary to complete and realize the intent and purpose of this resolution.

5. The Mayor, or her designee is hereby authorized to execute an agreement, for the above referenced goods and/or services based upon the following information:

Excel Environmental
111 North Center Drive
North Brunswick, NJ 08902

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None

---Absent: Cunningham

16-118

---Councilwoman Fisher

RESOLUTION AWARDING A PROFESSIONAL SERVICE CONTRACT TO T&M ASSOCIATES FOR POLICE DEPARTMENT HVAC SYSTEM ENGINEERING ASSESSMENT IN AN AMOUNT NOT TO EXCEED EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS (\$18,500.00) FOR A ONE YEAR TERM TO COMMENCE FEBRUARY 4, 2016 AND EXPIRE FEBRUARY 3, 2017

WHEREAS, the City of Hoboken published its annual CY2016 RFP for general municipal engineering services; and,

WHEREAS, the Administration evaluated the proposal provided in response to said RFP, and the Administration thereafter determined that T&M Associates qualified as a pool engineer to provide the City with the most effective and efficient Mechanical Engineering services for the 2016 calendar year; and,

WHEREAS, in accordance with the direction of the Administration, the City Council is now asked to award a contract to T&M Associates for the Police Department HVAC System Assessment services for a total contract amount of Eighteen Thousand Five Hundred Dollars (\$18,500.00), with a one (1) year term to commence on February 4, 2016 and expire February 3, 2017; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$18,500.00 is available in the following line: 6-01-31-461-000 of the CY2016 temporary appropriation; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2016 temporary appropriations; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that a contract with the below listed vendor is awarded for an amount not to exceed Eighteen Thousand Five Hundred Dollars (\$18,500.00), with a one (1) year term to commence on February 4, 2016, and expire February 3, 2017, for Police Department HVAC System Engineering Assessment services, as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the RFP and T&M's responsive proposal shall govern the contract, and no changes may be made without the prior written consent of both parties.
3. Any change orders which shall become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
4. The Council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
5. The Mayor, or her designee is hereby authorized to execute an agreement, for the above referenced goods and/or services based upon the following information:

T&M Associates
Middletown, New Jersey

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None

---Absent: Cunningham

16-119

---Councilwoman Fisher

RESOLUTION AUTHORIZING THE REFUND OF TAX APPEALS STATE TAX COURT (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$33,652.35)

WHEREAS, an overpayment of taxes has been made on property listed below; and

WHEREAS, Sharon Curran, Collector of Revenue recommends that the refund be made;

NOW, THEREFORE, BE IT RESOLVED, that a warrant be drawn on the City Treasury made payable to the following totaling \$33,652.35

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
Zipp & Tannenbaum Trust Acct.	214/1.01	301-311 Washington St	2011	\$9,242.00
280 Raritan Center Parkway Edison, NJ 08837				
Zipp & Tannenbaum Trust Acct.	214/1.01	301-311 Washington St	2012	\$9,500.00

280 Raritan Center Parkway
Edison, NJ 08837

Zipp & Tannenbaum

Trust Acct. 214/1.01 301-311 Washington St 2013 \$9,596.00
280 Raritan Center Parkway
Edison, NJ 08837

McKirdy &

Riskin, P.A. 216/19.03 535 Washington St 2015 \$2,514.96
136 South Street
P.O. Box 2379
Morristown, NJ 07962-2379

McKirdy &

Riskin, P.A. 214.01/36 56 Third St 2015 \$2,799.39
136 South Street
P.O. Box 2379
Morristown, NJ 07962-2379

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 7 – NAYS: 1 - ABSENT: 1

---Yeas: Council persons Bhalla, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: Giattino

---Absent: Cunningham

16-120

---Councilwoman Fisher

**RESOLUTION AUTHORIZING THE CANCELLATION OF OVER BILLED 1ST & 2ND
QUARTERS OF 2016 FROM THE TAX DUPLICATE**

WHEREAS, an overbill of taxes has been made on properties listed below; and

WHEREAS, Sal Bonaccorsi, Tax Assessor recommends the cancelation;

**NOW, THEREFORE, BE IT RESOLVED, that the following overbills be canceled from
the 2016 Tax Duplicate.**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
RB HOLDINGS 2 CORP.	34/24	122 PARK AVE	1&2/16	\$20,904.86

98 ADAMS ST

Meeting of February 3, 2016

LLC C/O	18/25	98 ADAMS ST	1&2/16	\$ 3,199.84
PUMP HOUSE 128 LLC	25/17	128 HARRISON ST	1&2/16	\$16,425.84
VASUMATI MODY	28/12	123 MONROE ST	1&2/16	\$ 9,870.47
117 WILLOW AVE LLC	34/10	117 WILLOW AVE	1&2/16	\$ 7,250.51
MONROE 302 LLC	47/32	302 MONROE ST	1&2/16	\$ 9,066.58
618 MADISON ST HOB LLC	75/23	618 MADISON ST	1&2/16	\$ 3,022.45
GRAND HOLDING LLC	85/15.02	720 GRAND ST	1&2/16	\$ 5,988.00
GRAND 715 RE LLC	152/2	715 GRAND ST	1&2/16	\$25,748.40
316 PARK CORP.	166/31	316 PARK AVE.	1&2/16	\$ 6,791.14
926 GARDEN ST CONDO ASSOC.	184/31	926 GARDEN ST	1&2/16	\$ 8,418.38
801 WILLOW AVE ASSOCS LLC	170/1/C0001	801 WILLOW AVE	1&2/16	\$17,020.89

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None

---Absent: Cunningham

16-121

---Councilwoman Fisher

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$10,226.07)

WHEREAS, an overpayment of taxes has been made on property listed below: and

Meeting of February 3, 2016

WHEREAS, Sharon Curran, Collector of Revenue recommends that refunds be made;

NOW, THEREFORE, BE IT RESOLVED, that a warrant be drawn on the City Treasury made payable to the following totaling **\$10,226.07**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Stephen Dudas & Sara Marcello 1114 Hudson Street #7 Hoboken, NJ 07030	243/23/C0007	1114 Hudson Street	3&4/15	\$3,363.76
Vasumati Mody 334 Bloomfield Street #2 Hoboken, NJ 07030	77/20	624 Adams Street	3/15	\$1,000.00
Skyfin Properties, LLC 314 Colfax Avenue Clifton, NJ 07013-1794	193/22/C0005	635 Garden Street	4/15	\$ 843.28
108 Jefferson LLC 75 Jackson Street PH#D Hoboken, NJ 07030	29/29	108 Jefferson Street	3&4/15	\$5,019.03

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None

---Absent: Cunningham

16-122

---Councilman Doyle

**RESOLUTION TO ADOPT THE MINUTES OF THE MEETINGS OF THE CITY COUNCIL
DATED: REGULAR MEETING OF DECEMBER 16, 2015**

RESOLVED, that filed minutes for the Hoboken City Council **Regular and Special meeting
of December 16, 2015** have been reviewed and approved by the Governing Body.

---Motion duly seconded by President Giattino

---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 1 - ABSTAIN: 1

---Yeas: Council persons Bhalla, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

---Absent: Cunningham

---Abstain: Fisher

ORDINANCES

Introduction and First Reading

16-123

Z-396

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, ESTABLISHING A SELF INSURANCE PLAN AND FUND FOR EMPLOYEE HEALTH BENEFITS AND CREATING A BOARD OF FUND COMMISSIONERS AS REQUIRED BY LAW, WHICH SHALL HEREAFTER BE KNOWN AS HOBOKEN CODE CHAPTER 43

WHEREAS, the City Council of the City of Hoboken (the “City”) has determined that providing for a partially self-funded health insurance program for its employees will be an efficient and cost effective method of providing such benefits to its employees; and

WHEREAS, such a program is authorized by N.J.S.A. 40A:10-6e; and

WHEREAS, as part of the establishment of such a program it is required by N.J.S.A. 40A:10-8 that a board of fund commissioners be created to oversee the safe and proper administration of such a fund;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the City Council of the City of Hoboken, County of Hudson, State of New Jersey, as follows:

SECTION ONE (additions noted in underline, deletions noted in ~~striketrough~~) – Establishment of Chapter (underline not required):

Hoboken Code Chapter 43, entitled “Self-Insurance Plan and Fund”

43-1: Establishment of Plan and Fund.

There is hereby established a partially self-funded health insurance plan for City employees to be known as the “City of Hoboken Self-Funded Insurance Plan” (the “Plan”). There is further established in accordance with the provisions of N.J.S.A. 40A:10-6, *et seq.* an insurance fund to be known as the “City of Hoboken Self-Insurance Fund” (the “Fund”). The Plan and the Fund shall be operated and maintained in accordance with the terms of: (i) N.J.S.A. 40A:10-6, *et seq.*; (ii) this Ordinance, the agreement between the City and its Third-Party Administrator (“TPA”), any final non-appealable directives issued by a governmental agency with respect to the Plan (collectively, the “Plan Documents”); and (iii) the rules and regulations promulgated by the Department of Community Affairs.

43-2: Establishment of Fund Commission.

There is hereby established in accordance with the requirements of N.J.S.A. 40A:10-8, a Fund Commission (the “Commission”) consisting of three officials of the City together with a secretary of the Commission to be appointed by the Mayor. The Commissioners shall hold office for two (2) years or for the remainder of their term as officials, whichever is less, and until their successors shall have been duly appointed and qualified. The Secretary shall serve at the pleasure of the Commission. The Commissioners shall serve without compensation. The compensation of the secretary, if any, shall be established and authorized by the City Council. Vacancies occurring on the commission shall be filled for the unexpired term. The Commissioners shall forthwith after appointment

organize for the ensuing year by electing a Chairperson from among their membership.

43-3: Powers and Authority of Commission.

In order to maintain the efficient, professional and actuarially sound operation of the fund, the City will contract with a qualified TPA to assist the City and the Commission in the proper design and administration of the Plan. Subject to consultation and review by the Mayor, the Commissioners shall have the power and duty to oversee the TPA, adopt rules and regulations for the control and investment of the Fund, assure that the Fund has sufficient funds for payment of losses and claims, invest assets of the Fund in accordance with the City's established investment policy and as provided by law, and assure the proper operation of the Plan and the Fund consistent with their purpose. The Commission shall have the authority to authorize and effectuate the payment of Fund-related claims, prior to the approval of such Fund-related claims on the City's official claims list where necessary, and the Chairperson shall be designated as the Certifying and Approving Officer for the Fund-related claims, pursuant to N.J.S.A. 40A:5-17a(1). The Commission shall take such other action as is necessary to effectuate the Fund and administer the contract with the TPA regarding the Fund, and shall report the payment of Fund-related claims to the City Council within a reasonable period of time following the accrual of said Fund-related claims.

43-4: Purpose of the Fund.

The purpose of the Fund is to hold, manage and distribute in accordance with the Plan Documents. The Fund exists to pay healthcare claims and related expenses covered by the Plan and the Fund shall not be used for any other purpose.

43-5: Reserve for Claims.

The Commissioners and the TPA shall cause the Fund to achieve a reasonable reserve of up to one (1) year of healthcare claims payments to assure that sufficient assets are available to continue to pay all claims and expenses in a high claims year.

43-6: Plan Requirements – Administration of Claims.

Healthcare claims shall be administered and paid, after review, by the TPA in accordance with the TPA administration contract. The TPA shall assure that all City employees covered by the Plan are fully informed as to the proper procedure for submitting healthcare claims and that all notices required by law with respect to the Plan are promptly provided to the plan participants.

43-7: Plan Requirements – Additional and Excess Coverage.

The City, directly or through the TPA, shall arrange for the purchase of "Stop Loss" or "Excess" coverage in order to provide ascertainable limits to the liability of the Fund. Such coverage shall include, but need not be limited to, coverage for catastrophic illness for plan participants, aggregate coverage (below catastrophic coverage) to assure that the Plan's risk level is capped at a maximum amount as established by the City in consultation with the Commissioners and the TPA, and run-out coverage to allow healthcare claims incurred during the plan year to be paid out for a period of three months after the end of the plan year. The Plan shall also include a requirement that the City shall, directly or through the TPA, contract for Liability Insurance pursuant to the Employee Retirement Income Security Act of 1974 ("ERISA"), which shall include responsibility for handling all second level appeals.

43-8: Appeals.

Appeals from denial of healthcare claims shall, in the first instance, be reviewed by the TPA. In considering appeals, any relevant supplemental information provided by the plan participant or the service provider shall be considered. Second level appeals shall be handled by a third party retained to review appeals on an independent basis according to the Plan Documents. In order to assure that the Plan is consistently, fairly and equitably administered, no member of the City Council shall be involved in the approval or denial of individual healthcare claims which in all cases shall be determined by the terms of the Plan.

43-9: Annual Review; Open Enrollment Period.

The Commission shall annually, in consultation with the City Council and coordination with its TPA and other professional consultants, review and evaluate the Plan and shall evaluate the Plan in comparison to current plan designs at least annually; and, said review will occur prior to the open enrollment period.

43-10: Continuation of Fund; Termination.

The Fund shall continue from year to year without lapse until the self-fund insurance plan is terminated by formal action of the City Council. In the event of such a termination, after payment of all claims and expenses of the Plan, any fund balance remaining shall revert to the City's general fund.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION THREE: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION FOUR: EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and publication as provided by law.

SECTION FIVE: CODIFICATION

This ordinance shall be a part of the Code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code.

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

President Giattino moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **February 17, 2016 at 7:00 PM.**

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

---Absent: Cunningham

NEW BUSINESS

Councilman DeFusco comments and thanks the Public Safety and Environmental Services for their services when the snow storm hit and thanks for their prompt communication.

Also wanted to commented on the loss of the young man and a need for a state of the art current camera to help our Public Safety and look forward to the public safety sub-committee and we have a Special meeting on Monday on Washington Street, the shuttle stop during the storm, wasn't plowed, working with Director Morgan on a solution for a better pick-up and shuttle fees that go out of town.

Councilwoman Fisher comments on the 2nd ward snow removal, and got a number of emails regarding the shuttle location and the other issues. I would also like to explore a handicap parking and moving due to street cleaning one day/week and it's challenging and would like to understand more on helping our handicap folks in town, would like to discuss this more and do whatever we can for those in need.

BA Wiest comments that they are public meetings and people are allowed to attend and this ordinance is to comply with the state statute for a separate insurance fund and following the rules.

Councilman Russo comments on the introduced ordinance this evening, is it possible for Council members to sit on the commission or send a liaison and echo some of the council colleagues for the city employees and public safety members and thank them for their services during the storm and also thank Director Pellegrini for taking care of the heat at the Multi-service Center and apologize to Chief Ferrante on classifications on the incidents recently in Hoboken and increase our officers in the city and as the city population increases, so does safety, we need to have an entire array of cameras and have our police properly funded.

Councilman Doyle comments on respond to Mr. Grogorio, spoke to Director Pellegrini and the Mayor and to answer the question on the 9-11 memorial, decisions are being made and tests are being made and hopefully get that on the fast track and regards to the recent incidents the past 5-7 days and it's a sensitive area to look into.

Councilman Ramos comments and would like to echo his colleagues, the post office and his neighbors who shoveled the corners, and I am concerned on the waterfront access and I don't mind big brother watching, the last council meeting we spoke about the Hoboken University Medical Center and reneged on their part with taking our insurance with our retirees and employees, if we can inquire upon that in the next few weeks, there was a resolution pulled tonight and more curious when the ground breaking would take place and would like firm dates and hold people accountable for not holding those timelines and also looking for those new cameras being installed at the Housing Authority which will give full access to our Police Department.

Councilman Bhalla comments the Rebuild by Design are moving forward, there were 5 designs and there was a process where feedback was given, the state will now come and present us with 3 options, at least 2 could be new concepts raised by the community and a very interesting process and ask all community members stay involved in the process and stay active and it's 238 Million to protect the city from coastal flooding, regarding the cameras along the waterfront, there are some issues to consider, if you want a state of the art cameras, it's a great reason, but do have concerns of officers watching this surveillance all the time, there is a privacy concern that I have, not taking positions and hope they are identified at the meeting, there has been a lot incidents recently but we are safer than ever before and have reduced crime in every category thanks to Chief Ferrante and the Police Department and the leadership of superior officers.

Councilman Mello comments that there will be a public safety meeting on Friday and have the Director of the Housing Authority to attend as well and discuss numerous issues and the new cameras on the HHA property will be good and would hope not to see any more deaths along the waterfront

Council President comments on having some issues being watched 24/7 and it is a slippery slope but it is important to prevent people on going into the water and ask why at the meeting and we need to think about and if we need more cameras instead of assuming one thing, it was a tragedy, 340 Garden hasn't had the driveway striping and there has been emails between the property owner and the city if we can look into it.

At 10:02 PM meeting adjourned of the Governing Body on a motion by Council duly seconded by the Council members.

Council President Giattino then adjourned the meeting at 10:02 PM.

PRESIDENT OF THE COUNCIL

CITY CLERK