

MEETING OF MARCH 16, 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, MARCH 16, 2016 AT 7:00 PM

Council President opened the meeting at 7:17 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, Doyle, Cunningham, Fisher, Giattino, Ramos, Russo, and President Giattino

Absent: DeFusco, Mello

RESOLUTIONS

16-186

---By President Giattino

RESOLUTION AUTHORIZING AN EXTENSION OF THE AMENDED AND RESTATED PILOT AGREEMENT WITH JEFFERSON ADAMS REHAB COMPANY RELATING TO THE CLOCK TOWERS PROJECT WITHIN THE CITY OF HOBOKEN

WHEREAS, Jefferson Adams Rehab Company is a New Jersey limited partnership (the "**Entity**") subject to the Limited-Dividend Nonprofit Housing Corporations or Associations Act, *N.J.S.A. 55:16-1 et seq.* (the "**Limited-Dividend Law**"), and owns and operates a housing project located at 300 Adams Street in the City (the "**Property**") consisting of 173 residential units, 68 of which receive project-based Section 8 housing assistance and 16 of which receive housing vouchers from the New Jersey Department of Community Affairs, and generally known as "Clock Towers" (the "**Project**"); and

WHEREAS, on December 19, 1974, the City of Hoboken (the "**City**") entered into an In Lieu Tax Payment Agreement to provide payments in lieu of taxes with respect to the Property and the Project under the Limited-Dividend Law, which agreement was amended on or about December 2000 pursuant to an Amended and Restated PILOT Agreement (the "**PILOT Agreement**"); and

WHEREAS, pursuant to the terms of the PILOT Agreement, the tax exemption on the Project was originally scheduled to terminate after 40 years on or about March 26, 2015; and

WHEREAS, the Limited-Dividend Law permits tax exemptions and payments in lieu of taxes for a term of up to 50 years; and

WHEREAS, the Entity has requested an extension of the PILOT Agreement for an additional 10 years as permitted under the Limited-Dividend Law; and

WHEREAS, the City previously granted the Project temporary extensions of the PILOT Agreement for a total of 12 months, terminating on or around March 25, 2016, as the City permitted the Entity to apply for additional vouchers while negotiating the terms of a full extension; and

WHEREAS, the City has determined that it is in the best interests of the residents of the Project and the City to grant a temporary extension of the PILOT Agreement for an additional 3 month period in order to finalize the terms of a potential amendment to the PILOT Agreement that would satisfy the City's conditions to a full extension under the Limited-Dividend Law.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, County of Hudson and State of New Jersey, that the temporary extension of the PILOT Agreement for another period of only 3 months is hereby granted in order to finalize the terms and conditions to a full extension under the Limited-Dividend Law, and under what terms.

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: YEAS: 7 – NAYS: 0 ABSENT: 2

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

---Nays: None.

---Absent: DeFusco, Mello

ORDINANCES

Introduction and First Reading

16-187

Z-407

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) (Z-407)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 0.0% unless authorized by ordinance to increase it to 3.5% over the previous years final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the City Council of the City of Hoboken in the County of Hudson finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous years final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the City Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$3,079,804.49 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the City Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final

appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Hoboken, in the County of Hudson, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the City of Hoboken shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$3,079,804.49, and that the CY 2016 municipal budget for the City of Hoboken be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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 **April 6, 2016 at 7:00 PM**.

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 2

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

---Nays: None.

SECOND READING/PUBLIC HEARING AND FINAL VOTE

AN ORDINANCE AUTHORIZING THE GRANTING OF AN EASEMENT APPERTENANT FOR CERTAIN MUNICIPAL LANDS BEING (PART OF) BLOCK 43, LOTS 34 AND 35 TO THE NON-PROFIT, SECTION 501(C) 3 EXEMPT ENTITY HOBOKEN WORLD WAR VETERANS' HOLDING CORP. (ON BEHALF OF THE AMERICAN LEGION POST 107, HOBOKEN) COMMONLY KNOWN AS THE AMERICAN LEGION, IN EXCHANGE FOR CERTAIN CONSIDERATION AND RESTRICTIONS ON THE USE OF THE EASEMENT, WHICH RESTRICTIONS AND USE SHALL BE IN THE PUBLIC INTEREST **(Z-402) (sponsored by President Giattino and Councilman Doyle)**

The speakers who spoke: John Carey, Mark Villimar, James Vance

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: 7 – NAYS: 0 - ABSENT: 2

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

---Nays: None.
---Absent: DeFusco, Mello

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

---Motion duly seconded by Councilman Doyle
---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 2
---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Ramos, Russo and President Giattino
---Nays: None.

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN AUTHORIZING THE ACQUISITION OF THE REAL PROPERTY KNOWN AND DESIGNATED AS BLOCK 102, LOT 1 ON THE CITY OF HOBOKEN TAX MAPS BY EXERCISE OF EMINENT DOMAIN (Z-403) (sponsored by Councilman Doyle and Councilman Russo)

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 Doyle
---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 2
---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Ramos, Russo and President Giattino
---Nays: None.
---Absent: DeFusco, Mello

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

---Motion duly seconded by Councilman Russo
---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 2
---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Ramos, Russo and President Giattino
---Nays: None.
---Absent: DeFusco, Mello

ORDINANCE TO AMEND CHAPTER 59A, ENTITLED “DEPARTMENT OF PUBLIC SAFETY,” SECTION 4 ENTITLED “COMPENSATION, HOURS OF DUTY, UNIFORM” TO INCORPORATE A REIMBURSEMENT PROCEDURE FOR COSTS ASSOCIATED WITH SLEO’S WHO TERMINATE THEIR EMPLOYMENT WITHIN THEIR FIRST TWO YEARS OF APPOINTMENT (Z-404) (sponsored by Councilman Mello and Councilwoman Fisher) (PULLED/CARRIED APRIL 20, 2016)

BOND ORDINANCE AUTHORIZING THE ACQUISITION OF EQUIPMENT FOR THE FIRE DEPARTMENT IN THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$800,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$665,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE

**FOREGOING (Z-405) (sponsored by Councilwoman Fisher and Councilman Mello)
(CARRIED TO APRIL 2, 2016 CCM)**

**AN ORDINANCE TO AMEND HOBOKEN CITY CODE SECTION 93-2 AND 93-3
REGARDING THE LICENSING OF DOGS (Z-406) (Councilman Mello and Councilwoman
Fisher)**

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: 7 – NAYS: 0 - ABSENT: 2
---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Ramos, Russo and President Giattino
---Nays: None.
---Absent: DeFusco, Mello

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

---Motion duly seconded by Councilwoman Fisher
---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 2
---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Ramos, Russo and President Giattino
---Nays: None.
---Absent: DeFusco, Mello

PUBLIC COMMENTS

The speakers who spoke: Christine Adair, Hany Ahmed, Perry Belfiore.

PETITIONS AND COMMUNICATIONS

16-188

Proclamation from Mayor Zimmer and City Council in celebration of Women’s History Month.

Received and Filed.

16-189

APPLICATION FOR MISCELLANEOUS LICENSES

Raffle----- 1 item

---Councilman Russo moved that the licenses be granted.
---Adopted by the following vote: YEAS: 7 – NAYS: 0

---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Ramos, Russo and President Giattino
---Nays: None.
---Absent: DeFusco, Mello

REPORTS FROM CITY OFFICERS

16-190

Memo from the Director of Finance, Linda Landolfi, notifying of bids received for the sale of Bond Anticipation Note.

Received and Filed.

16-190A

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of February 2016 **\$32,384,648.78 (Abatement Totals -\$5,301.46)**

Received and Filed.

16-191

A report from Municipal Court indicating receipts for the month of February 2016 as **\$383,734.13**

Received and filed.

16-192

---By Councilwoman Fisher

CLAIMS

Total for this agenda **\$2,599,178.66**

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 7 – NAYS: 1 - ABSENT: 2

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

---Nays: Giattino 16-00634

---Absent: DeFusco, Mello

16-293

---By Councilwoman Fisher

PAYROLL

For the two week period starting February 11 – February 24, 2016

Regular Payroll	O/T Pay	Other Pay
\$1,631,404.10	\$70,946.09	\$122,127.56

Total \$1,824,477.75

---Motion duly seconded by Councilman Russo
---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 2
---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Ramos, Russo and President Giattino
---Nays: None.
---Absent: DeFusco, Mello

PUBLIC COMMENTS ON RESOLUTIONS

CONSENT AGENDA – 6-8, 10-12, 14-20

---Motion duly seconded by Councilman Russo
---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 2
---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Ramos, Russo and President Giattino
---Nays: None.
---Absent: DeFusco, Mello

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: 4, 5 & 9
Removed by Administration: 13

RESOLUTIONS

16-194

---By Councilwoman Fisher

INTRODUCTION TO THE CY 2016 BUDGET

---Motion duly seconded by Councilman Bhalla
---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 2
---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Ramos, Russo and President Giattino
---Nays: None.
---Absent: DeFusco, Mello

16-195

---By Councilwoman Fisher

RESOLUTION AUTHORIZES TEMPORARY APPROPRIATIONS FOR THE CY 2016

WHEREAS, temporary appropriations for calendar year 2016 were previously made pursuant to N.J.S.A. 40A:4-19; and

WHEREAS, N.J.S.A. 40A:4-19.1 provides for additional temporary appropriations when budget dates have been extended; and

WHEREAS, the New Jersey Division of Local Government Services has extended the deadline for the adoption of the calendar year 2016 budget;

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the City of Hoboken *affirmative vote of the majority of the full membership required*), that additional temporary appropriations totaling \$18,138,057.67 for the current fund and \$1,633,311.69 for the parking utility be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records:

SEE DETAIL ATTACHED

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 2

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

---Nays: None.

---Absent: DeFusco, Mello

16-196

---By Councilman Russo

RESOLUTION TO ENTER INTO A TEMPORARY EXTENSION OF THE CITY'S CONTRACT WITH WASTE MANAGEMENT FOR THE PROVISIONS OF RECYCLING AND PROCESSING SERVICES IN ACCORDANCE WITH THE ATTACHED TEMPORARY EXTENSION AGREEMENT TO COMMENCE IMMEDIATELY AND CONTINUE UNTIL A NEW CONTRACT IS AWARDED VIA PUBLIC BID, OR FOR 90 DAYS, WHICHEVER IS LESS, FOR AN AMOUNT OF \$29.50 PER TONNAGE, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$54,000.00

WHEREAS, Waste Management was previously awarded a contract for recycling services pursuant to Bid specifications for Bid No. 11-04, via City Council April 6, 2011 Resolution appointing Waste Management Recycling of New Jersey, LLC based on their bid proposal dated March 15, 2011.; and,

WHEREAS, the City now seeks to temporarily extends said contract, via the attached temporary extension agreement, until such time as the City enters into a new contract via a public bid, but in no event longer than ninety (90) days; and,

WHEREAS, the per tonnage rate is set at \$29.50 based on the \$75.00 processing fee minus the value of commodities hauled (calculated under the OMB Northeast Index), for the term of the temporary extension, thus the contract shall be subject to a total not to exceed amount of \$54,000.00; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$54,000.00 is available in the following appropriations: [REDACTED] in 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 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 by the City Council of the City of Hoboken as follows:

- A. This resolution exercises the City's option to extend the contract for the goods and services specified in in the attached temporary extension agreement, for up to an additional 90 days, to commence March 7, 2016.
- B. If the contract, 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 contract. The contract shall commence on May 1, 2015.
- C. The contract shall be in accordance with the terms of the specifications and the vendor's corresponding bid proposal documents, but with adjustments per tonnage rate of \$29.50 based on the OMB Northeast Index, on a monthly basis.
- D. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor or her agent is hereby authorized to enter into said Agreement with the vendor for said purchase and sale.
- E. This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 2

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

---Nays: None.

---Absent: DeFusco, Mello

16-197

---By Councilwoman Fisher & Councilman Russo

RESOLUTION AWARDING A CHANGE ORDER TO THE CONTRACT TO GREENSCAPE LANDSCAPE CONTRACTORS, INC. FOR CITY HALL DRAINAGE AND LANDSCAPE IMPROVEMENT PROJECT (BID 15 – 08), AS CHANGE ORDER NUMBER 1, IN AN INCREASED AMOUNT NOT TO EXCEED \$1,300.00 (=0.5% INCREASE) FOR A TOTAL NOT TO EXCEED AMOUNT OF \$274,642.50

WHEREAS, the City of Hoboken requires additional unforeseen goods and services under the contract for City Hall Drainage and Landscape Improvement project; and,

WHEREAS, the Administration intends to continue to use Greenscape Landscape Contractors, Inc. 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 (#1) to the contract for City Hall Drainage and Landscape Improvement project to Greenscape Landscape Contractors, Inc. for a total increase in the contract amount by One Thousand Three Hundred Dollars (\$1,300.00), for a total not to exceed amount of Two Hundred Seventy Four Thousand Six Hundred Forty Two Dollars and Fifty Cents (\$274,642.50) of which the change order (#1) to the contract shall be for purchases and installation in accordance with the Boswell Engineering Change Order Request, dated 2/4/2016; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$1,300.00 is available in the following appropriation _____ in the CY2016 temporary 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 budget or the capital/trust funds; 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 (#1) to the contract for City Hall Drainage and Landscape Improvement to Greenscape Landscape Contractors, Inc. for a total increase in the contract amount by One Thousand Three Hundred Dollars (\$1,300.00), for a total not to exceed amount of Two Hundred Seventy Four Thousand Six Hundred Forty Two Dollars and Fifty Cents (**\$274,642.50**) of which the change order (#1) to the contract shall be for purchases and installation in accordance with the Boswell Engineering Change Order Request, dated 2/4/2016, as follows:

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. 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:

Greenscape Landscape Contractors, Inc.
733 Willow Grove Ave., Glenside, PA

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 2

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

---Nays: None.

---Absent: DeFusco, Mello

16-198

---By Councilwoman Fisher

AUTHORIZATION FOR THE CITY OF HOBOKEN TO ENTER INTO A PARTNERSHIP WITH STEVENS INSTITUTE OF TECHNOLOGY BASED ON THE ATTACHED PROPOSAL OF STEVENS FOR GREEN INFRASTRUCTURE MONITORING FOR MONITORING WATER QUANTITY GOING INTO THE CISTERNS AND RAIN GARDENS AROUND CITY HALL

WHEREAS, that the City Council of the City of Hoboken (the "City") hereby approves a partnership with Stevens Institute of Technology based on the attached proposal from Stevens for green infrastructure monitoring for monitoring water quantity going into the cisterns and rain gardens around City Hall; and

WHEREAS, the City's costs associated with this partnership and project amount to \$11,000.00 per the Stevens proposal 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 \$11,000.00 is available in the following appropriation G-02-20-105-SJ2 in the CY2016 temporary 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 budget or the capital/trust funds; 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 the Mayor is hereby authorized to execute said agreement, and the City's Administration and Corporation Counsel are directed to take any and all action necessary to effectuate the terms of the Agreement.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be forwarded to all parties in the administration of this action and this resolution shall take effect immediately.

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 2

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

---Nays: None.

---Absent: DeFusco, Mello

16-199

---By Councilwoman Fisher

RESOLUTION AMENDING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT TO USA ENVIRO FOR DESIGN AND CONSTRUCTION OVERSIGHT TO THE CITY OF HOBOKEN FOR THE PROPOSED BOATHOUSE AT 1601 PARK AVENUE AND LSRP SERVICES AT THE MULTISERVICE CENTER IN AN AMOUNT NOT TO EXCEED \$26,410.00 FOR THE MSC AND \$363.00 FOR THE BOATHOUSE, FOR A NEW TERM TO EXPIRE MARCH 15, 2017

WHEREAS, the City of Hoboken previously awarded a contract for professional services for the design and maintenance of the construction of the proposed Hoboken Cove Boathouse and LSRP services at the Multiservice Center, as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the City's Purchasing Agent previously determined and certified in writing that the value of the services, combined with all other services of this vendor over a twelve month period, will exceed \$17,500.00 ; and,

WHEREAS, the anticipated term of this contract is project based, terminating upon completion, but in no event greater than one (1) year from the date of this amendment, March 15, 2017; and

WHEREAS, USA Environmental submitted a proposal dated 3/4/16 for the amended scope of work at the Cove in the amount of \$363.00, and a proposal dated 2/29/16 for the amended scope of

work at the MSC in the amount of \$26,410.00, for a total increase in the not to exceed amount by \$26,773.00; and

WHEREAS, USA Environmental previously completed and submitted a Business Entity Disclosure Certification which certifies that the vendor has not made any reportable contributions to a political or candidate committee in the City of Hoboken in the previous one year, and that the contract will prohibit the vendor from making any reportable contributions through the term of the contract, and has submitted a Business Registration Certificate, a Stockholder Disclosure Statement, and all necessary EEOC forms, prior to consideration of this resolution; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$363.00 is available in the following appropriations 6-01-20-160-002, and \$26,410.00 is available in the following appropriation _____, both in the City's CY2016 temporary appropriation; and I further certify that these commitments together with all previously made commitments do not exceed the appropriated balance available for these purposes.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED (*a majority of the full council voting in the affirmative*) that the City Council of the City of Hoboken authorizes the Mayor to enter into an amended contract with USA Environmental, as described herein, for the services described in their attached 3/4/16 and 2/29/16 proposals, for a term to expire upon completion of the project, but in no event later than March 15, 2017, and for an increased amount not to exceed \$26,773.00 to be broken down by project as further described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification, Stockholder Disclosure Certification, all other accompanying business and contract compliance documentation, and the Determination of Value be placed on file with this resolution; 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, subject to the following conditions:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of USA Enviro's 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 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 Mayor, or her designee is hereby authorized to execute an agreement, for the above referenced goods and/or services based upon the following information:

USA Environmental Management, Inc.
344 West State Street
Trenton, NJ 08618

---Motion duly seconded by Councilman Doyle
---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 2
---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Ramos, Russo and President Giattino
---Nays: None.
---Absent: DeFusco, Mello

16-200

---By Councilwoman Fisher

RESOLUTION AWARDING A PROFESSIONAL SERVICE CONTRACT TO EI ASSOCIATES FOR CITY ENGINEER (ON-CALL) IN AN AMOUNT NOT TO EXCEED TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) 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 EI Associates 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 EI Associates for the City's General Engineering On-Call services for a total contract amount of Twenty Five Thousand Dollars (\$25,000.00), 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 \$25,000.00 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 Twenty Five Thousand Dollars (\$25,000.00), 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 EI Associates' 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:

EI Associates
8 Ridgedale Ave
Cedar Knolls, NJ 07927

---Motion duly seconded by Councilman Russo
---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 2
---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Ramos, Russo and President Giattino
---Nays: None.
---Absent: DeFusco, Mello

16-201

---By Councilwoman Fisher

A RESOLUTION TO LAPSE APPROPRIATION RESERVE TO SNOW REMOVAL TRUST

BE IT RESOLVED, by the Governing Body of the City of Hoboken, County of Hudson, New Jersey (*an affirmative vote of 2/3 of the full membership required*), that the following 2015 appropriation reserve balance be lapsed to the Snow Removal Trust pursuant to N.J.S.A. 40A:4-62.1.

Account Description	Account #	Balance to Lapse
Snow Removal	5-01-26-291-040	\$28,000.00

---Motion duly seconded by Councilman Russo
---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 2
---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Ramos, Russo and President Giattino
---Nays: None.
---Absent: DeFusco, Mello

16-202

---By Councilwoman Fisher

RESOLUTION TO APPLY FOR AND ACCEPT A GRANT FROM THE HUDSON COUNTY OPEN SPACE, RECREATION, AND HISTORIC PRESERVATION TRUST FUND IN THE AMOUNT OF \$350,000.00 FOR IMPROVEMENTS TO AND PRESERVATION OF HOBOKEN CITY HALL

WHEREAS, the Hudson County Open Space, Recreation, and Historic Preservation Trust Fund ("County Trust Fund"), provides matching grants to municipal governments and to nonprofit organizations who are sponsored by their local municipality for assistance in the development or redevelopment of historical capital projects and/or historical rehabilitation plans; and,

WHEREAS, the *City of Hoboken* desires to further the public interest by obtaining a matching grant of \$350,000.00 from the County Trust Fund to fund the following project: *Improvements and Preservation at Hoboken City Hall*; and,

WHEREAS, the governing body has reviewed the County Trust Fund Program Statement, and the Trust Fund Historic Preservation application and instructions and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and,

WHEREAS, the County of Hudson shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$350,000.00 is available in the following appropriation C-04-60-711-320 in the CY2016 temporary budget and/or capital account; 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 budget or the capital/trust funds; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Hudson for the above named project and ensure its completion on or about the project contract expiration date.

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

1. That the Mayor or her designee is hereby authorized to submit the above completed project application to the County by the deadline, as established by the County, and accept any award which results therefrom and execute any and all documentation required to effectuate same; and,
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, *the Mayor of the City of Hoboken* has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,
3. That *the City Council of the City of Hoboken* is committed to providing a match for the project in the amount of \$350,000.00; and,
4. That only those historical works identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement.
5. That *the City of Hoboken* agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,

6. That this resolution shall take effect immediately.

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 2

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

---Nays: None.

---Absent: DeFusco, Mello

16-203

---By Councilman Russo

RESOLUTION AWARDING A NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT TO DEMETRI SARANTITIS ARCHITECTS FOR PROFESSIONAL DESIGN SERVICES FOR THE 9/11 MEMORIAL TO THE CITY OF HOBOKEN FOR ONE YEAR (MARCH 17, 2016 – MARCH 16, 2017) WITH A NOT TO EXCEED AMOUNT OF EIGHTY FOUR THOUSAND SEVEN HUNDRED DOLLARS (\$84,700.00)

WHEREAS, service to the City as Professional Architect is a professional service subject to the fair and open process and exempt from public bidding, and this award is authorized as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the City's Purchasing Agent has determined and certified in writing that the value of the services, combined with all other services of this vendor over a twelve month period, will exceed \$17,5000.00; and

WHEREAS, the anticipated term of this contract is project based, terminating upon completion, but in no event greater than one (1) year, which expires March 16, 2017; and

WHEREAS, the City now seeks to contract with Demetri Sarantitis Architects for professional design services for the 9/11 Memorial in an amount not to exceed \$84,700.00 per their March 10, 2016 Proposal; and

WHEREAS, the firm of Demetri Sarantitis Architects is hereby required 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, Demetri Sarantitis Architects has completed and submitted a Business Entity Disclosure Certification which certifies that the vendor has not made any reportable contributions to a political or candidate committee in the City of Hoboken in the previous one year, and that the contract will prohibit the vendor from making any reportable contributions through the term of the contract, and has submitted a Business Registration Certificate, a Stockholder Disclosure Statement, and all necessary EEOC forms, prior to consideration of this resolution; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$84,700.00 is available in the following appropriations: \$48,292.12 from T-03-40-000-015 and \$36,407.88 from 6-01-31-461-000 in 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 appropriation and 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, (*a majority of the full council voting affirmatively*) that a contract with Demetri Sarantitis Architects for the 9/11 Memorial in an amount not to exceed \$84,700.00 per their March 10, 2016 Proposal and for a term to expire upon completion but in no event later than March 16, 2017.

BE IT FURTHER RESOLVED, the contract shall expressly state that said firm shall be obligated to provide prompt 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 vendor ; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification, Stockholder Disclosure Certification, all other accompanying business and contract compliance documentation, and the Determination of Value be placed on file with this resolution; 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, subject to the following conditions:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of Demetri Sarantitis Architects's Proposal dated March 10, 2016 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:

Demetri Sarantitis Architects
120 Walker Street
6th Floor East
New York, NY 10013

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 2

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

---Nays: None.

---Absent: DeFusco, Mello

16-204

---By Councilman Cunningham

RESOLUTION TO REFUND HANDICAPPED PARKING APPLICATION FEE TO APPLICANT DOMENICA FAVUZZI IN THE AMOUNT OF \$125.00 EACH

WHEREAS, The Subcommittee for Handicapped Parking denied approval of the application of the below listed individual.

NOW, THEREFOR, BE IT RESOLVED, by the Council of the City of Hoboken, that a warrant be drawn on the City Treasury to the order of the following name for the sum so stated, as reimbursement for the handicapped parking application fee the individual submitted:

NAME ADDRESS	AMOUNT
Domenica Favuzzi 820 Garden Street	\$125.00

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer, Corporation Counsel, and the CFO for action, including a warrant for payment to the above mentioned individual, 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 Bhalla
---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 2
---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Ramos, Russo and President Giattino
---Nays: None.
---Absent: DeFusco, Mello

16-205

---By Councilwoman Fisher

**RESOLUTION AUTHORIZING THE REFUND OF TAX APPEALS STATE TAX COURT
(PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT
OF \$2,934.12)**

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 \$2,934.12

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
Jacobus & Associates, LLC Trustee for Smith, Justin Gregory 201 Littleton Road, 1st Floor Morris Plains, NJ 07950	163/13	1124 Willow Ave	2015	\$2,934.12

---Motion duly seconded by Councilman Russo
---Adopted by the following vote: YEAS: 6 – NAYS: 1 - ABSENT: 2
---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo
---Nays: Giattino
---Absent: DeFusco

16-206

---By Councilwoman Fisher

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$24,024.90)

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

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 **\$24,024.90**

NAME	BL/LT/UNIT	PROPERTY	QTR/YEAR	AMOUNT
Able Title Agency, LLC 50 Harrison Street, Suite 216 Hoboken, NJ 07030	18/5/C0006	63 Jefferson Street	3/14	\$1,259.09
Corelogic P.O. Box 961250 Fort Worth, TX 76161 Attn: Refund Department	168/18/C000A	257 Seventh Street	1&2/15	\$4,281.86
Corelogic P.O. Box 961250 Fort Worth, TX 76161 Attn: Refund Department	168/18/C000B	257 Seventh Street	1&2/15	\$2,215.54
Mortgage Service Center 95 Methodist Hill Drive, Suite 400 Rochester, NY 14623	15/35/C003C	2-4-6 Paterson Ave	4/15	\$1,922.65
Daniel & Maria Johnson 222 Grand Street #1E Hoboken, NJ 07030	41/10.02/ C001E	222 Grand Street	3/14	\$ 475.67
Victor Hotel, LLC c/o UFVS Mgmt Co. 287 Bowman Avenue Purchase, NY 10577	222/1	77 Hudson Street	3/15	\$10,217.34
Colonial Savings 2626 West Freeway, Dept#057 Fort Worth, TX 76113	109/1.01/C0326	1200 Grand Street	3/15	\$ 736.41
Nationstar Mortgage 1 Corelogic Drive Westlake, TX 76262	84/3/C0001	725 Jefferson St	3/14	\$2,916.34

---Motion duly seconded by Councilman Russo
---Adopted by the following vote: YEAS: 6 – NAYS: 1 - ABSENT: 2
---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo
---Nays: Giattino
---Absent: DeFusco

16-207

---By Councilman Doyle

**RESOLUTION TO ADOPT THE MINUTES OF THE MEETINGS OF THE CITY COUNCIL
DATED: REGULAR MEETING OF JANUARY 20, 2016**

RESOLVED, that filed minutes for the Hoboken City Council **Regular and Special meeting of January 20, 2016** have been reviewed and approved by the Governing Body.

---Motion duly seconded by Councilwoman Fisher
---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 2
---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Ramos, Russo and President Giattino
---Nays: None.
---Absent: DeFusco, Mello

16-208

---By Councilman Doyle

**RESOLUTION TO ADOPT THE MINUTES OF THE MEETINGS OF THE CITY COUNCIL
DATED: REGULAR AND SPECIAL MEETING OF FEBRUARY 3, 2016**

RESOLVED, that filed minutes for the Hoboken City Council **Regular and Special meeting of February 3, 2016** have been reviewed and approved by the Governing Body.

---Motion duly seconded by Councilwoman Fisher
---Adopted by the following vote: YEAS: 6 – NAYS: 0 - ABSENT: 2 - ABSTAIN: 1
---Yeas: Council persons Bhalla, Doyle, Fisher, Ramos, Russo and President Giattino
---Nays: None.
---Absent: DeFusco, Mello
---Abstain: Cunningham

16-209

---By Councilman Doyle

**RESOLUTION TO ADOPT THE MINUTES OF THE MEETINGS OF THE CITY COUNCIL
DATED: SPECIAL MEETING OF FEBRUARY 8, 2016**

RESOLVED, that filed minutes for the Hoboken City Council **Special meeting of February 8, 2016** have been reviewed and approved by the Governing Body.

---Motion duly seconded by Councilwoman Fisher
---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 2
---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Ramos, Russo and President Giattino
---Nays: None.

---Absent: DeFusco, Mello

ORDINANCES

Introduction and First Reading

16-210
Z- 408

AN ORDINANCE TO REVOKE HOBOKEN CITY CODE SECTION 115-10 ENTITLED DEMOLITION OF BUILDINGS

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DO HEREBY ORDAIN AS
FOLLOWS:

Section 1: The following amendments shall be made to Hoboken Code Sections 115-10 (additions notated in underline and deletions notated in ~~striketrough~~):

~~§ 115-10 Demolition of buildings.~~

~~A.~~ It shall be the duty of any person engaged in the demolition of any building, structure, commercial space or apartment in the City of Hoboken, public, private, commercial or otherwise, to first secure written permission from the Health Officer or authorized agent before the commencement of such demolition.

~~B.~~ No person or agency shall issue any permit for the purposes of demolition unless written prior approval is issued by the Health Officer or authorized agent.

~~C.~~ The Health Officer is authorized to promulgate rules and orders as may be necessary to ensure that a public health nuisance does not occur.

~~D.~~ The Health Officer may cause an order stopping the demolition of any building, structure, commercial space or apartment if, in his judgment, a public health nuisance is occurring or may occur.

~~E.~~ Inspection of demolition sites.

~~(1)~~ The Health Officer or authorized agent shall be permitted to examine and inspect any building, structure, commercial space or apartment as often as it deems necessary, before, during or after demolition occurs to ensure that any demolition complies with this section and permits which have been issued.

~~(2)~~ No person shall obstruct or hinder or cause to obstruct or hinder the Health Officer or his authorized agent from examining and inspecting all areas and adjacent areas of demolition sites.

~~F.~~ Violations and penalties.

~~(1)~~ Any person violating any provision of this section shall, upon conviction thereof before the municipal court, be subject to a fine not less than \$50 and not exceeding \$1,000 or to imprisonment for a period not exceeding 90 days or both.

~~(2) Each day that a violation occurs is a separate and distinct offense.~~

Section 2: This ordinance shall be part of the General Code of the City of Hoboken as though codified and fully set forth therein.

Section 3: The City Clerk shall have this ordinance codified and incorporated in the official copies of the Hoboken code. All ordinance and parts of ordinances inconsistent herewith are hereby repealed.

Section 4: This ordinance shall take effect as provided by law.

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 **April 6, 2016 at 7:00 PM.**

--Motion duly seconded by Councilman Ramos

--Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 2

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

--Nays: None.

--Absent: DeFusco, Mello

16-211

Z- 409

AN ORDINANCE TO AMEND HOBOKEN CITY CODE: 1. SECTION 179A-18 ENTITLED: SECTION 179A-18 -- TAXICAB EQUIPMENT AND MAINTENANCE; INSPECTION AND INSPECTION LICENSES; AND, 2. SECTION 180A-15 ENTITLED: SECTION 180A-15 -- VEHICLE EQUIPMENT AND MAINTENANCE

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DO HEREBY ORDAIN AS FOLLOWS:

Section 1: The following amendments shall be made to Hoboken Code Sections 179A-18 (additions notated in underline and deletions notated in ~~strike through~~):

Section 179A-18: Taxicab Equipment and Maintenance ; Inspection and Inspection Licenses

A. These rules and regulations shall be promulgated to ensure the provision of safe transportation and shall specify such safety equipment and regulatory devices as the Director deems necessary.

B. When a vehicle has met the standards established by the Division of Taxi and Limousine Licensing, the Division of Taxi and Limousine Licensing shall issue an inspection license to that effect. The inspection license shall be conspicuously displayed in each taxicab as to be readily seen by the passenger.

C. Every vehicle operating under this chapter shall be kept in a clean and sanitary condition according to the rules and regulations promulgated by the Division of Taxi and Limousine Licensing, including but not limited to:

(1) The exterior of every vehicle operating under this chapter shall be kept in safe and clean conditions.

(2) Every vehicle operating under this chapter shall be free from dents, missing parts and other exterior damage or wear which creates an unsightly appearance.

(3) Every vehicle operating under this chapter shall have interior and upholstery which is kept safe and clean and free from broken, missing or worn parts.

(4) Every taxicab shall be equipped with interior light of sufficient candlepower to illuminate its interior after sundown. In no case shall the bulb be less than six candlepower.

(5) Taxicabs shall be equipped with roof lights which shall be in operation whenever the taxicabs are in operation. The roof lights shall be lighted when the taxicabs are vacant and extinguished when occupied. Roof lights shall have a dark background so as to be distinguished in the daylight hours.

(6) Vehicles used as taxicabs need not be new, but they shall be required to pass inspection by the New Jersey State Motor Vehicle Commission and shall also be required to pass an annual inspection by the Division of Taxi and Limousine Licensing.

(7) Replacement vehicles used as taxicabs shall be of a four-door model.

(8) Taxicab vehicle age requirements.

(a) Any taxicab vehicles licensed by the City of Hoboken at the time of adoption of this amendment, and any vehicle which is handicapped-accessible regardless of when first licensed by the City of Hoboken, shall be no greater than ~~10~~ eleven (11) model years old.

(b) Any taxicab vehicle not licensed by the City of Hoboken at the time of adoption of this amendment, except handicapped vehicles which are subject to Subsection **C(8)(a)** regardless of when first licensed by the City of Hoboken, may be up to ~~eight~~ nine (9) model years old if hybrid/green. The City shall not license any nonhybrid/nongreen taxicab vehicles never before licensed by the City.

(c) Any taxicab vehicle operated in the City of Hoboken which is six model years old or greater shall be inspected annually at the time of license renewal and may be inspected by order of the Director upon any written complaint regarding the maintenance of the vehicle, both of which inspections shall be conducted by and at the cost of the City of Hoboken.

[1] In any event when a taxicab vehicle fails the initial inspection, the license owner shall be entitled to a thirty-day opportunity to cure, during which period the vehicle may continue to be operated under the City of Hoboken license; except that, in cases where the inspector determines in writing that the reason(s) for failure create(s) a substantial risk to the public health and safety, the vehicle may not be operated under the City of Hoboken license until/unless the health and safety issue is cured.

[2] At the expiration of the cure period, or at any time during the cure period upon written request of the license owner, the vehicle shall be reinspected by the City of Hoboken at the sole cost and expense of the license owner.

[a] If the license owner fails to provide the vehicle for reinspection at the expiration of the cure period, or by the close of City business the next business day following the expiration of the cure period when such day falls on a weekend or holiday, the license shall be automatically revoked and the vehicle shall be listed as a vehicle not approved for use under any City of Hoboken license in the future. Under such circumstances, all City of Hoboken insignia shall be returned to the City of Hoboken within 48 hours of the expiration of the cure period, or the license owner shall be charged a penalty of \$100 per violation, with each day constituting a new and separate violation.

[b] If the vehicle is reinspected within the cure period and the vehicle fails reinspection, the license shall be revoked, subject to a hearing as provided for in this chapter, and the vehicle shall be listed as a vehicle not approved for use under any City of Hoboken license in the future. Under such circumstances, all City of Hoboken insignia shall be returned to the City of Hoboken within 48 hours of the expiration of the cure period, or the license owner shall be charged a penalty of \$100 per violation, with each day constituting a new and separate violation.

[c] If the vehicle is reinspected within the cure period and the vehicle passes reinspection, the license shall remain in good standing, subject to compliance with all other rules and regulations, and the vehicle shall remain in good standing to be used under any City of Hoboken license, subject to compliance with all other rules and regulations.

Section 180A-15: Vehicle Equipment and Maintenance

A. No license shall be issued until said limousine has been thoroughly inspected, pursuant to state and local inspection requirements, and found to be in a safe condition for the transportation of passengers and of good appearance.

B. Every vehicle operating under this chapter shall be periodically inspected, at such intervals as the Division of Taxi and Limousine Licensing may direct, to ensure the continued maintenance of safe operating conditions.

C. Every vehicle operating under this chapter shall be kept in a clean and sanitary condition in accordance with the rules and regulations promulgated by the Division of Taxi and Limousine Licensing.

D. Any vehicle on the streets of the City of Hoboken in violation of this section may be removed from the streets by the Hoboken Police Department. If the vehicle is not returned to service in accordance with the provisions of this section within 90 days, the Division of Taxi and Limousine Licensing may suspend or, after a hearing, revoke the limousine license.

E. Color scheme of limousine. A limousine may be of any color other than one that will represent a taxi/hack (yellow).

F. Vehicles used as a limousine shall be of a four-door model and shall not be more than ~~six~~ seven (7) years old. Thereafter, said vehicle must be replaced.

G. Upon written request, the Division of Taxi and Limousine Licensing may permit a vehicle smaller than a four-door model or more than six years old to be licensed. Such a request shall only be granted where the vehicle is a classic, antique, vintage or otherwise unusual and rare automobile. Furthermore, such requests shall only be granted where the vehicle in question is capable of safely performing the tasks for which it is licensed.

Section 2: This ordinance shall be part of the General Code of the City of Hoboken as though codified and fully set forth therein.

Section 3: The City Clerk shall have this ordinance codified and incorporated in the official copies of the Hoboken code. All ordinance and parts of ordinances inconsistent herewith are hereby repealed.

Section 4: This ordinance shall take effect as provided by law.

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 **April 6, 2016 at 7:00 PM.**

---Motion duly seconded by Councilman Ramos

---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 2

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

---Nays: None.

---Absent: DeFusco, Mello

16-212

Z- 410

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 192 OF THE CODE OF THE CITY OF HOBOKEN ENTITLED (PARKING FOR PERSONS WITH DISABILITIES) APPROVAL RE: PRIVATE PARKING SPACES FOR PERSONS WITH DISABILITIES

WHEREAS, The Subcommittee for Handicapped Parking denied approval of the application of the below listed individual.

NOW, THEREFOR, BE IT RESOLVED, by the Council of the City of Hoboken, that a warrant be drawn on the City Treasury to the order of the following name for the sum so stated, as reimbursement for the handicapped parking application fee the individual submitted:

NAME	ADDRESS	AMOUNT
Domenica Favuzzi	820 Garden Street	\$125.00

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer, Corporation Counsel, and the CFO for action, including a warrant for payment to the above mentioned individual, 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.

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 **April 6, 2016 at 7:00 PM.**

---Motion duly seconded by Councilman Ramos

---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 2

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

---Nays: None.

---Absent: D

eFusco, Mello

NEW BUSINESS

16-213

---By President Giattino

RESOLUTION REIMBURSING ZONING APPLICATION FEES TO THE AMERICAN LEGION HOBOKEN LODGE

WHEREAS, the property commonly known as Block 143, Lot 4 submitted a Zoning Board of Adjustment application, with the costs of application fees thereupon totaling \$2,000.00, for application to construct an addition to the current American Legion building to increase the number of residential units available to low income and homeless Hudson County veterans; and,

WHEREAS, the City of Hoboken traditionally does not waive zoning fees, but may waive zoning application fees for non-profit projects which are in the public interest when the underlying land is owned by the City, and a portion of the property in the American Legion application is land at Block 43, Lots 34 and 35, which are City owned but are included in the project under a currently pending easement agreement, and, under no circumstances does the City waive escrow fees; and,

WHEREAS, the application fee is \$2000.00, which is calculated from the Fee Schedule in the zoning code:

Minor Site Plan - \$500

2 "D" Variances – First \$500 – additional \$250 = \$750

4 "C" Variances - First \$300 – additional \$150 = \$750.

NOW THEREFORE BE IT RESOLVED, the City Council authorizes reimbursement to the American Legion, as applicant to the Zoning Board of Adjustment for the project on Block 43, Lot 4, the zoning application fees for which waiver is allowed based upon the public interest, in the amount of \$2000.00, but no waiver of the escrow fee shall be allowed; and,

BE IT FURTHER RESOLVED, the check submitted to the Zoning and Planning Office by American Legion may be returned to American Legion, if not yet cashed, or a warrant may be drawn against the City Treasury in the amount of \$2000.00 in favor of the American Legion if same has already been cashed, and this resolution shall constitute City Council authorization of any claim arising thereupon.

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 2

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

---Nays: None.

---Absent: DeFusco, Mello

NEW BUSINESS (CONT'D)

Councilwoman Fisher comments on 14th & 15th Hudson, on the east side, and cross wires going anywhere, the telephones on Hudson St., also another concern on drones and had 4-5 residents complaining about it and concerned that they were distracting the crane operator.

Director Pellegrini commented that he sent an email and is waiting on their response
Chief Ferrante comments when you see the drones please call 201-420-2100 and there should have legislation this year.

Councilwoman Fisher comments to please come to the Budget workshops and reads the public notice.

- MONDAY, MARCH 21, 2016 – to commence at 6:30PM:
 - Community Development
 - Department of Health and Human Services
 - Department of Environmental Services
- MONDAY, APRIL 4, 2016 – to commence at 6:30PM:
 - Department of Public Safety (Police)
 - Department of Public Safety (Fire)
 - Department of Administration
- MONDAY, APRIL 11, 2016 – to commence at 6:30PM:
 - Office of Corporation Counsel
 - Department of Transportation

Councilman Russo comments and thanks to Councilwoman Fisher and Councilman Bhalla on looking at the minimum wage increase in the Finance Committee and hopefully move forward on looking at this goal, thanks Director Forbes at the 7th and Jackson site and hopefully we will have more answers on that and two questions, back in Thanksgiving when we had a major water main break and we were talking about a \$15 Million water system and do we expect to see changes in that amount.

BA Wiest comments that that amount was based on prioritized projects and it comes out about \$15 Million and if you include Washington St. comes out to about \$18 Million from Suez Water Councilman Ramos comments that he would like to take a look at the CEM Study,

Councilman Russo comments that he's getting approached by restaurants on Washington St., what is the process for permanent structures at the outdoor cafes.
Interim assistant Corporation Counsel comments.

Councilman Doyle commented on thanking everyone passing the funding for the design for the 9/11 Memorial and thank Director Pellegrini for pushing this along and hopefully get it done by this Fall.

Councilman Ramos commented on a program for technical training and work with the Hoboken Housing authority and engage in a private partnership and we would like to see more non-profit utilized and engaged with the Hoboken Housing Authority and integrate from both communities and there were some concerns with the summer programs and outside residents don't get the flyers and hopefully help the children in the Housing Authority

Councilman Ramos commented about Jackson Street to vote on this tonight and other items and not seeing it on the agenda this Friday was disheartening and why it wasn't on and hopefully it will be placed on the next city council meeting.

Councilman Bhalla commented and thanks to the Hoboken Police and Fire Department on Leprechaun Day and unfortunate for the two (2) officers who got hurt and the Police Department is trying to look at the Quality of Life in the City and identify strategies to mitigate the adverse events on this day

Councilman Cunningham comments and give appreciation to Director Morgan on the traffic calming devices at 8th and Park and 9th and Madison and look at a possible Senior Shuttle, also at the North End of town had inquiries on 3rd parties who sit in traffic at 495 and is there a way to look at the light at South Marginal Road and it tends to back the traffic up to a mile and a conversation with the

County Engineer or any access and thank the applicants for the Western Edge and is being reviewed by the Administration and hopefully have something for the Post office site.

Director Morgan commented that they planned on a pilot but one of his drivers was hospitalized

Councilman Doyle commented that we should look at the easement that was granted to the Post Office on River Road where the sidewalk on the south side of the building was ceded to parking for cars, and he said he was curious to see if, during the Post Office Redevelopment process, that could be rectified and the sidewalk returned to City public use.

Councilman Bhalla commented that there will be a sidewalk on the southside

Councilman Cunningham commented that we will talk about it much further down the road.

Council President commented on slide #5 on the budget, the municipal taxes with Hoboken being #2, the Western Edge, North End the Post Office could get us to #1 and if we can get an update.

Councilman Ramos commented if Director Forbes can get us an updated memo on all the redevelopment in the City and thank the Directors on the presentation.

At 9:46 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 9:46 PM

PRESIDENT OF THE COUNCIL

CITY CLERK