

**MEETING OF MARCH 2, 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 2, 2016 AT 7:00 PM**

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Council President opened the meeting at 7:12 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, DeFusco, Doyle, Cunningham, Fisher, Giattino, Mello, Ramos, Russo and President Giattino

**RESOLUTIONS**

**16-158**

---By Councilwoman Fisher

**RESOLUTION GRANTING FLORIO KENNY & RAVAL SETTLEMENT AUTHORITY IN THE WORKERS COMPENSATION MATTER KNOWN AS YL V. COH ET AL. (CLAIM NO.: X26555) IN AN AMOUNT UP TO THE AMOUNT SUGGESTED BY KEITH KANDEL TO ALYSIA PROKO IN THE FEBRUARY 12, 2016 EMAIL**

**WHEREAS**, the City of Hoboken is currently involved in a workers compensation claim with Plaintiff YL (**CLAIM NO.: X26555**); and,

**WHEREAS**, Florio Kenny & Raval has represented the City's legal interests in that matter, and has recommended a monetary amount for settlement of the matter by way of a February 12, 2016 email from Keith Kandel to Alysia Proko; and,

**WHEREAS**, after legal guidance from Florio Kenny & Raval, the City Council finds its suggested monetary settlement amount to be reasonable, and in the best interest of the City.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Hoboken, that Florio Kenny & Raval is hereby authorized to settle the matter of the workers compensation claim with Plaintiff YL (**CLAIM NO.: X26555**) in an amount up to the monetary amount suggested by Keith Kandel to Alysia Proko by the February 12, 2016 email.

The speaker who spoke: Patricia Waiters

---Motion duly seconded by Councilman Russo  
---Adopted by the following vote: YEAS: 9 – NAYS: 0  
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
---Nays: None.

**SECOND READING/PUBLIC HEARING AND FINAL VOTE**

AN ORDINANCE TO AMEND HOBOKEN CITY CODE SECTION 93-2 AND 93-3 REGARDING THE LICENSING OF DOGS **(Z-397) (sponsored by Councilman Mello and Councilman Cunningham) (GONE BACK TO 1<sup>ST</sup> READING) \***

ORDINANCE AMENDING BOND ORDINANCE Z-361 OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY **(Z-398)**

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

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

---Motion duly seconded by Councilman Cunningham  
---Adopted by the following vote: YEAS: 9 – NAYS: 0  
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
---Nays: None.

ORDINANCE APPROVING THE TERMS OF THE ATTACHED LEASE AGREEMENT BETWEEN THE CITY OF HOBOKEN AS LESSOR AND THE TRUSTEES OF THE FREE PUBLIC LIBRARY OF THE CITY OF HOBOKEN AS LESSEE FOR THE USE OF PROPERTY IN THE MULTISERVICE CENTER **(Z-399)**

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

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

**AN ORDINANCE AMENDING CHAPTER 179A ENTITLED “TAXI CABS”, CHAPTER 190 ENTITLED “VEHICLES AND TRAFFIC”, AND CHAPTER 192 ENTITLED “PARKING FOR HANDICAPPED” TO AMEND VARIOUS CURBSIDE PARKING REGULATIONS (Z-400)**

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 DeFusco  
---Adopted by the following vote: YEAS: 9 – NAYS: 0  
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
---Nays: None.

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

---Motion duly seconded by Councilman Ramos  
---Adopted by the following vote: YEAS: 9 – NAYS: 0  
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
---Nays: None.

**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 (Z-401)**

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 DeFusco  
---Adopted by the following vote: YEAS: 9 – NAYS: 0  
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos. Russo and President Giattino  
---Nays: None.

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

---Motion duly seconded by Councilman Ramos  
---Adopted by the following vote: YEAS: 9 – NAYS: 0  
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
---Nays: None.

### **PUBLIC COMMENTS**

The speakers who spoke: Lionel Lynch represents Taxi Drivers throughout the state, Ahrah Israel, Abbas Abbas, Rosemarie Orosco, Patricia Waiters.

### **PETITIONS AND COMMUNICATION**

#### **16-159**

Communication from Mayor Dawn Zimmer appointing Susan Murcko to the Hoboken Library Board.

Received and Filed.

#### **16-160**

### **APPLICATION FOR MISCELLANEOUS LICENSES**

Parking Facilities-----1 item  
Raffle-----2 items

---Councilman Russo moved that the licenses be issued.  
---Adopted by the following vote: YEAS: 9 – NAYS: 0  
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
---Nays: None.

### **REPORTS FROM CITY OFFICERS**

None for this meeting

**16-161**

---By Councilwoman Fisher

**CLAIMS**

Total for this agenda **\$1,081,186.48**

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 9 – NAYS: 0

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

Nays: None.

**Councilman Russo comments on claim #16-00175 ASL Productions, LLC  
Rod Weber from ASL Productions comments**

**16-162**

---By Councilwoman Fisher

**PAYROLL**

**For the two week period starting January 28th – February 10, 2016**

<b>Regular Payroll</b>	<b>O/T Pay</b>	<b>Other Pay</b>
\$1,627,255.82	\$59,202.69	\$74,725.10
	<b>Total</b>	
	\$1,761,183.61	

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 9 – NAYS: 0

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

---Nays: None.

**PUBLIC COMMENTS ON RESOLUTIONS**

The speakers who spoke: Mark Villamar, James Vance.

**CONSENT AGENDA –4, 6, 7, 9-11, 13, 16, 18-20**

---Adopted by the following vote: YEAS: 9 – NAYS: 0

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

---Nays: None.

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, 8, 14, 15 & 17

Removed by Administration:

**RESOLUTIONS (CONT'D)**

**16-163**

---By Councilwoman Fisher

**RESOLUTION TO ESTABLISH A 2016 TEMPORARY CAPITAL BUDGET**

**Whereas,** The City of Hoboken desires to establish the 2016 Temporary Capital Budget of the City by inserting therein various capital projects pursuant to N.J.A.C. 5:30-4.3(b)2;

**Now Therefore, Be It Resolved,** by the Council of the City of Hoboken as follows:

**Section 1.** The 2016 Temporary Capital Budget of the City of Hoboken is hereby established by the adoption of the schedule to read as follows:

Temporary Capital Budget of the City of Hoboken

County of Hudson, New Jersey

Projects Scheduled for 2016

Method of Financing

Project	Est Costs	Grants & Other Funds	Budget Appropriation	Capital Imp. Fund	Bonds
Fire Rescue Pumper	\$450,000.00	\$100,000.00		\$17,500.00	\$332,500.00
1500 GPM Attack Pumper	\$350,000.00			\$17,500.00	\$332,500.00

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: YEAS: 9 – NAYS: 0

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

---Nays: None.

**16-164**

---By Councilman DeFusco

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPAL BOARD  
PROPERTY OWNERSHIP CONSENT FORM FOR THE AMERICAN LEGION POST 107  
ZONING BOARD OF ADJUSTMENT APPLICATION**

**Whereas**, the American Legion Post 107, located at 308 Second Street in Hoboken is proposing a five story mixed-use building, featuring residential units and organizational meeting space, and will need Zoning Board of Adjustment approval for associated variances; and

**Whereas**, the American Legion Post 107 was awarded six project-based vouchers for the proposed development, which will include six residential units for homeless veterans; and

**Whereas**, the American Legion Post 107 proposed building plan requires 900 square feet, or .02 acres, of the adjacent eastward parcels, Block 43, Lots 34 and 35 to support minimum building code requirements for two sets of staircases and an elevator; and

**Whereas**, Block 43, Lots 34 and 35 are owned by the City of Hoboken and are currently operated as a municipal parking lot for 15 vehicles; and

**Whereas**, the City of Hoboken, as the property owner for Block 43, Lots 34 and 35, will have to execute a Municipal Board Property Ownership Consent Form for the American Legion to have an application heard before the Zoning Board of Adjustment in which the applicant does not own the entire subject property, which the City Council herein wishes to authorize.

**Now Therefore, Be It Resolved**, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute the Municipal Board Property Ownership Consent Form on behalf of American Legion Post 107 for 450 s.f. (each) of Lots 34 and 35 of Block 43, which is owned in fee simple by the City, **and be it –**

**Further Resolved**, that the American Legion Post will have direct permission from the City of Hoboken to have their application heard at an upcoming Zoning Board of Adjustment meeting using a portion of City property for the proposed 5-story development, **and be it –**

**Further resolved**, neither the execution of this owner consent nor the City's authorization of the American Legion Post 107 or its agents to access the area is intended to, nor shall it be deemed to, constitute the City's acceptance of the taking of the land at issue by any means, whether property rights or quantum meruit, and the American Legion Post 107 shall be required to take any property rights it seeks in the land by formal legal agreement with the City in accordance with all applicable laws.

---Motion duly seconded by Councilwoman Fisher

---Adopted by the following vote: YEAS: 9 – NAYS: 0

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

---Nays: None.

**16-165**

---By Councilwoman Fisher

**RESOLUTION AUTHORIZING THE ACCEPTANCE OF A \$15,000.00 GRANT FROM THE NEW JERSEY DEP FOR PREPARATION OF A MUNICIPAL PUBLIC ACCESS PLAN**

**WHEREAS**, the New Jersey DEP has announced that it approved the City of Hoboken's grant application for preparation of a municipal public access plan, in the amount of \$15,000.00, with no City match; and

**WHEREAS**, certification of funds is not required for this resolution.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken, that the City of Hoboken formally approves the acceptance of the grant for the above stated project in the amount of \$15,000.00 with no City match.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Hoboken, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 9 – NAYS: 0

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

---Nays: None.

**16-166**

---By Councilwoman Fisher

**RESOLUTION TO AUTHORIZE A GRANT APPLICATION FOR RECYCLING TONNAGE GRANT CY 2016**

**WHEREAS**, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, A resolution authorizing this municipality to apply for the 2016 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent

of the City of Hoboken to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Hoboken that the City of Hoboken hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates the Director of Environmental Services to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

--Motion duly seconded by Councilman Russo

--Adopted by the following vote: YEAS: 9 – NAYS: 0

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

--Nays: None.

**16-167**

---By Councilman Doyle

**RESOLUTION AWARDING AN EXTENSION TO THE PROFESSIONAL SERVICE CONTRACT TO BANISCH ASSOCIATES INC FOR GREEN ACRES DIVERSION MANAGER SERVICES FOR AN ADDITIONAL TERM TO COMMENCE AUGUST 7, 2015 AND EXPIRE MARCH 2, 2017, WITH NO CHANGE IN THE NOT TO EXCEED AMOUNT**

**WHEREAS**, the City of Hoboken published RFP's for green acres diversion manager in CY2014; and,

**WHEREAS**, the Administration evaluated the proposal provided in response to said RFP, and the Administration has determined that Banisch Associates Inc. can provide the City with the most effective and efficient Green Acres Diversion Manager services, in accordance with their proposal dated July 10, 2014; and,

**WHEREAS**, in accordance with the direction of the Administration, the City Council awarded a contract to Banisch Associates Inc. for the Green Acres Diversion Manager services, in accordance with their proposal dated July 10, 2014, at a cost of Forty Five Thousand Fifty Dollars (\$45,050.00) for a one year term to commence August 7, 2014 and expire August 6, 2015, and the City now seeks to amend that contract to extend it until March 2, 2017, with no change in the terms or the contract amount; and,

**WHEREAS**, certification of funds is not required for this resolution.

**NOW, THEREFORE, BE IT RESOLVED**, (*a majority of the full council voting affirmatively*) by the City Council of the City of Hoboken that the contract with the below listed vendor is amended for Green Acres Diversion Manager Services, for an additional term to expire March 2, 2017, with no change in the contract amount, and with the additional contract terms as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of Banisch Associates Inc. proposal and the City's RFP 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, and the contract and any amendment thereto shall be subject to a non-appropriation clause in favor of the City.
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:

Banisch Associates Inc.  
 111 Main Street  
 Flemington, New Jersey 08822

Director Forbes comments and gives an overview of the resolution.

---Motion duly seconded by President Giattino  
 ---Adopted by the following vote: YEAS: 9 – NAYS: 0  
 ---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
 ---Nays: None.

**16-168**

---By Councilwoman Fisher

**RESOLUTION TO LAPSE APPROPRIATION RESERVE (N.J.S.A. 40A:4-29) TO THE SELF INSURANCE 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 Self-Insurance Trust established pursuant to N.J.S.A. 40A:10-1.

<u>Account Description</u>	<u>Account #</u>	<u>Balance to Lapse</u>
Group Health	5-01-30-400-029	\$650,000.00

---Motion duly seconded by Councilman Russo  
 ---Adopted by the following vote: YEAS: 9 – NAYS: 0  
 ---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
 ---Nays: None.

**16-169**

---By Councilman Mello

**RESOLUTION AWARDING A PROFESSIONAL SERVICE CONTRACT TO EXCEL ENVIRONMENTAL FOR CITY ENVIRONMENTAL ENGINEERING SERVICES FOR PRELIMINARY ASSESSMENT AND SITE INVESTIGATION OF BLOCKS 9 AND 10 IN AN AMOUNT NOT TO EXCEED NINETEEN THOUSAND NINE HUNDRED NINETEEN DOLLARS (\$19,919.00) FOR A ONE YEAR TERM TO COMMENCE MARCH 3, 2016 AND EXPIRE MARCH 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 preliminary assessment and site investigation of Blocks 9 and 10 in an amount not to exceed Nineteen Thousand Nine Hundred Nineteen Dollars (\$19,919.00) for a one year term to commence March 3, 2016 and expire March 2, 2017, in accordance with the present proposal of Excel Environmental dated 1/27/16, 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 \$19,919.00 is available in the following appropriation C-04-60-711-120; 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 preliminary assessment and site investigation of Blocks 9 and 10 in an amount not to exceed Nineteen Thousand Nine Hundred Nineteen Dollars (\$19,919.00) for a one year term to commence March 3, 2016 and expire March 2, 2017, in accordance with the present proposal of Excel Environmental dated 1/27/16, 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 Ramos

---Adopted by the following vote: YEAS: 9 – NAYS: 0

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

---Nays: None.

**16-170**

---By Councilwoman Fisher

**RESOLUTION AWARDING A SERVICE CONTRACT TO J. FLETCHER CREAMER FOR TEST PIT EXCAVATION ON WASHINGTON STREET FOR WASHINGTON STREET REDESIGN IN AN AMOUNT NOT TO EXCEED THIRTY NINE THOUSAND EIGHT HUNDRED DOLLARS (\$39,800.00) WITH A PROJECT BASED TERM TO EXPIRE UPON COMPLETION BUT IN NO EVENT FOR MORE THAN A ONE YEAR TERM TO COMMENCE MARCH 3, 2016 AND EXPIRE MARCH 2, 2017**

**WHEREAS**, the City of Hoboken requested quotes for test pit excavation services from three different potential vendors; and,

**WHEREAS**, the Administration, with the assistance of the City's project engineer, T&M Associates, evaluated the quotes provided, and the Administration thereafter determined that J. Fletcher Creamer offered the best quote for said services; and,

**WHEREAS**, in accordance with the direction of the Administration, the City Council is now asked to award a contract to J. Fletcher Creamer for the City's test pit excavation on Washington Street for the Washington Street Redesign in an amount not to exceed Thirty Nine Thousand Eight Hundred Dollars (\$39,800.00) with a project based term to expire upon completion of the project, but in no event for more than a one year term to commence March 3, 2016 and expire March 2, 2017, in accordance with the present proposal of J. Fletcher Cramer; and,

**WHEREAS**, certification of funds is available as follows:

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$39,800.00 is available in the following appropriation C-04-60-71-222; 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 the City hereby awards a contract to J. Fletcher Creamer for the City's test pit excavation on Washington Street for the Washington Street Redesign in an amount not to exceed Thirty Nine Thousand Eight Hundred Dollars (\$39,800.00) with a project based term to expire upon completion of the project, but in no event for more than a one year term to commence March 3, 2016 and expire March 2, 2017, in accordance with the present proposal of J. Fletcher Creamer, as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the J. Fletcher Creamer quote 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 to the vendor: J. Fletcher Creamer.

---Motion duly seconded by Councilman DeFusco

---Adopted by the following vote: YEAS: 9 – NAYS: 0

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

---Nays: None.

**16-171**

---By Councilman Doyle

**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 upon adoption.

The speakers who spoke; James Vance.

---Motion duly seconded by Councilman Ramos

---Adopted by the following vote: YEAS: 6 – NAYS: 2 - ABSTAIN: 1

---Yeas: Council persons Cunningham, DeFusco, Doyle, Mello, Ramos and Russo

---Nays: Bhalla, Fisher

---Abstain: Giattino

**16-172**

---By Councilwoman Fisher

**RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH MCGUIRE ASSOCIATES LLC AS GENERAL REAL ESTATE APPRAISER FOR THE CITY OF HOBOKEN FOR THE 2016 CALENDAR YEAR FOR A TOTAL NOT TO EXCEED AMOUNT OF \$93,500.00**

**WHEREAS**, service to the City as Real Estate Appraiser 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**, the City of Hoboken published a Request for Proposals for the Professional Services of Real Estate Appraiser in accordance with the City's Request for Proposals, in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which McGuire Associates LLC responded to, and for which the Administration's Evaluation Committee determined McGuire Associates to be an acceptable choice for the position, cost and other factors considered; and,

**WHEREAS**, *McGuire Associates LLC 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**, certification of funds is available as follows:

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$24,000.00 is available in the following appropriation account 6-01-20-150-030 in the CY2016 temporary appropriations, and I will immediately upon adoption of the CY2016 certify an appropriation of the remaining \$69,500.00 in the CY2016 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; 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 be awarded and entered into with McGuire Associates LLC to represent the City as General Real Estate Appraiser, in accordance with the scope of work detailed in the RFP, for the 2016 Calendar Year, for a total not to exceed amount of Ninety Three Thousand Five Hundred Dollars (\$93,500.00); and

**BE IT FURTHER RESOLVED**, that the contract shall be for Real Estate Appraisal services in accordance with the City's Request for Proposals, McGuire Associate's proposal, and the contract shall be for general services as directed by the Administration and Tax Assessor; and,

**BE IT FURTHER RESOLVED**, the contract shall include the following term: McGuire Associates LLC shall be paid the Ninety Three Thousand Five Hundred Dollars (\$93,500.00) in equal monthly installments for the twelve (12) calendar months in CY2016 for all services rendered, and these are the only charges for services allowable under this agreement, and charges for other fees and costs may be allowable upon prior written approval of the Administration, but must be clearly identified and described in full in the appropriate monthly invoice; 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 McGuire Associates LLC; 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: 9 – NAYS: 0

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

---Nays: None.

**16-173**

---By Councilman Mello

**RESOLUTION TO AWARD A CONTRACT WITH SUBURBAN ENGINEERING CONSULTANTS FOR CONSTRUCTION INSPECTION OF BLOCK 12 SOUTHWEST PARK CONSTRUCTION WITH AN AMOUNT NOT TO EXCEED \$270,215.00**

**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 SUBURBAN CONSULTING ENGINEERS INC. qualified as a pool engineering firm 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 SUBURBAN CONSULTING ENGINEERS INC. for the City's engineering services for construction and administrative oversight on the Southwest Park in an amount not to exceed Two Hundred Seventy Thousand Two Hundred Fifty Dollars (\$270,215.00) for a one year term to commence March 3, 2016 and expire March 2, 2017, in accordance with the present proposal of SUBURBAN CONSULTING ENGINEERS INC. dated 2/17/16, as well as the CY2016 general engineering 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 \$270,215.00 is available in the following appropriation C-04-60-715-311; 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 SUBURBAN CONSULTING ENGINEERS INC. for the City's engineering services for construction and administrative oversight on the Southwest Park in an amount not to exceed Two Hundred Seventy Thousand Two Hundred Fifty Dollars (\$270,215.00) for a one year term to commence March 3, 2016 and expire March 2, 2017, in accordance with the present proposal of SUBURBAN CONSULTING ENGINEERS INC. dated 2/17/16, as well as the CY2016 general engineering 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 SUBURBAN CONSULTING ENGINEERS INC.' s responsive proposal shall govern the contract, except that the administrative terms of the 2/17 proposal, as well as any other term in said proposal which is in conflict with the RFP, shall be unenforceable against the City, 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:

**SUBURBAN CONSULTING ENGINEERS INC.**

---Motion duly seconded by Councilman Ramos

---Adopted by the following vote: YEAS: 9 – NAYS: 0

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

---Nays: None

~~15.\* RESOLUTION TO AUTHORIZE A CONTRACT FOR THE PROFESSIONAL SERVICES OF MASER CONSULTING AS PROFESSIONAL PLANNERS/ENGINEERS TO THE CITY OF HOBOKEN FOR THE SYNCHRO SOUTHWEST HOBOKEN STUDY TO COMMENCE MARCH 3, 2016 AND EXPIRE MARCH 2, 2017, WITH A NOT TO EXCEED AMOUNT OF \$80,500.00 (submitted by administration) (REMOVED BY COUNCIL)~~

**Councilman Mello motions to Remove the above resolution and seconded by Councilman Cunningham**

**Councilman Bhalla left the table at 9:26 PM**

**Councilman Bhalla returned the table at 9:28 PM**

**16-174**

---By Councilwoman Fisher

**RESOLUTION AMENDING THE PROFESSIONAL SERVICE CONTRACT TO BOSWELL ENGINEERING FOR CITY ENGINEER FOR SIDEWALK REHABILITATION IN AN INCREASED AMOUNT NOT TO EXCEED FOUR THOUSAND SEVEN HUNDRED SEVENTY SIX DOLLARS (\$4,776.00) FOR A TOTAL NOT TO EXCEED AMOUNT OF \$17,876.00 WITH NO CHANGE IN THE CONTRACT TERM**

**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 and City Council included Boswell Engineering on the CY2014 and CY2015 and CY2016 annual list of Pool Engineers from which the City may choose for independent engineering projects throughout the year, and the Administration previously awarded a contract for said services, and has now determined that Boswell Engineering can continue to provide the City with the most effective and efficient City Engineering services for the ongoing Sidewalk Rehabilitation Project, in accordance with their attached proposal dated February 10, 2016; and,

**WHEREAS**, in accordance with the direction of the Administration, the City Council is asked to amend the award of a contract to Boswell for said services, in accordance with their attached proposal dated February 10, 2016, for an increase in the total contract amount by Four Thousand Seven Hundred Seventy Six Dollars (\$4,776.00), with the same term; and,

**WHEREAS**, certification of funds is available as follows:

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$4,776.00 is available in the following appropriation \_\_\_\_\_ 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 temporary 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 the contract to Boswell Engineering to provide the City with services for the ongoing Sidewalk Rehabilitation Project, in accordance with their attached proposal dated February 10, 2016, with the same term and with the additional contract terms as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of Boswell's attached 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:

Boswell Engineering  
South Hackensack, New Jersey

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 9 – NAYS: 0

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

---Nays: None

**16-175**

---By Councilman Russo

**RESOLUTION AWARDING A NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT TO DEPP GLASS FOR GLASS ENGINEERING ANALYSIS SERVICES FOR THE 9/11 MEMORIAL TO THE CITY OF HOBOKEN FOR ONE YEAR (MARCH 3, 2016 – MARCH 2, 2017) OR UNTIL THE PROJECT IS DONE, WHICHEVER OCCURS FIRST, WITH A NOT TO EXCEED AMOUNT OF TWENTY SIX THOUSAND EIGHT HUNDRED DOLLARS (\$26,800.00)**

**WHEREAS**, service to the City as glass engineering, testing, analysis and consulting is a professional service subject to the non-fair and open contract process 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 2, 2017; and

**WHEREAS**, the City now seeks to contract with Depp Glass for said services per their February 1, 2016 Proposal; and

*WHEREAS, the entity of Depp Glass 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,** Depp Glass 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 \$26,800.00 is available in the following appropriations: \_\_\_\_\_ 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 Depp Glass for glass engineering, testing, analysis, reporting and consulting services be, and is hereby, awarded, in an amount not to exceed \$26,800.00.

**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 Depp Glass's 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 to the following vendor: Depp Glass.

---Motion duly seconded by Councilman Doyle

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

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

---Nays: None.

---Absent: Bhalla

**16-176**

---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 \$121,243.84)**

**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 \$121,243.84**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
Michael I. Schneck, Trustee	77/33	605 Jefferson St	2009	\$8,663.55
For Metro West Homes Corp. 301 South Livingston Avenue, Suite 105 Livingston, NJ 07039				
Michael I. Schneck, Trustee	77/33	605 Jefferson St	2010	\$9,157.85
For Metro West Homes Corp. 301 South Livingston Avenue, Suite 105 Livingston, NJ 07039				

Michael I.  
Schneck, Trustee            77/33            605 Jefferson St            2011    \$8,918.53  
For Metro West Homes Corp.  
301 South Livingston Avenue, Suite 105  
Livingston, NJ 07039

Michael I.  
Schneck, Trustee            77/33            605 Jefferson St            2012    \$9,167.50  
For Metro West Homes Corp.  
301 South Livingston Avenue, Suite 105  
Livingston, NJ 07039

Michael I.  
Schneck, Trustee            77/33            605 Jefferson St            2013    \$9,260.14  
For Metro West Homes Corp.  
301 South Livingston Avenue, Suite 105  
Livingston, NJ 07039

Stavitsky &  
Associates LLC            94/1            900-1022 Madison St            2014    \$25,089.95  
350 Passaic Avenue  
Fairfield, NJ 07004

Stavitsky &  
Associates LLC            94/1            900-1022 Madison St            2015    \$41,272.29  
350 Passaic Avenue  
Fairfield, NJ 07004

Burke &  
Associates LLC            259/1            River Road            2015    \$ 9,714.03  
Trust Account  
235 Hudson Street, Comm Unit  
Hoboken, NJ 07030

---Motion duly seconded by Councilman De Fusco  
---Adopted by the following vote: YEAS: 8 – NAYS: 1  
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo  
---Nays: Giattino

**16-177**

---By Councilwoman Fisher

**RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$28,345.39)**

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 \$28,345.39

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Fabienne & Timothy Dawson 715 Grand Street #2A Hoboken, NJ 07030	152/2/C002A	715 Grand Street	4/15	\$9,675.61
Garry Tow & Elizabeth Freeman 555 First Street Hoboken, NJ 07030	16/21/C000B	555 First Street	2/15	\$2,942.39
Sveta Gajria & Ranjanben Patel 1500 Hudson Street #7V Hoboken, NJ 07030	268.01/3/C007V	1500 Hudson Street	3&4/15	\$5,848.22
Green Tree c/o Corelogic 1 Corelogic Drive Westlake, TX 76262	43/12/C001R	221 Clinton Street	3/15	\$1,490.84
Nieves Serrano 99 Park Avenue #4B Hoboken, NJ 07030	176/7.01/C04-B	209-215 First St/99 Park	1/16	\$2,499.62
MB Financial Bank 1 Corelogic Drive DFW 1-3 Refunds Westlake, TX 76262	66/24/C002B	518 Monroe Street	1/15	\$1,650.41
Corelogic (Refund Dept) 1 Corelogic Drive Westlake, TX 76262	34/37	116 Park Avenue	1/16	\$14.97
Sebastien Millet 206 Tenth Street #2 Hoboken, NJ 07030	185/44/C0002	206 Tenth Street	4/15&1/16	\$4,223.33

---Motion duly seconded by Councilman DeFusco

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

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo

---Nays: Giattino

16-178

---By Councilman Doyle

**RESOLUTION TO ADOPT THE MINUTES OF THE MEETINGS OF THE CITY COUNCIL  
DATED: REGULAR MEETING OF JANUARY 4, 2016**

**RESOLVED**, that filed minutes for the Hoboken City Council **Regular and Special meeting of January 4, 2016** have been reviewed and approved by the Governing Body.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 9 – NAYS: 0

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

---Nays: None

**ORDINANCES**

Introduction and First Reading

16-179

**Z-402**

**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**

WHEREAS, the Mayor and Council of the City of Hoboken have determined that it is in the public interest to grant an easement to a certain tract of City-owned land designated as Block 43 Lots 34 and 35, which is not otherwise needed for public use, in order to: grant access to a portion of each lot to the American Legion for the purpose of the building of certain low income United States Veteran residential units, which are in the public interest and which aid in providing a necessary public benefit; and

WHEREAS, \_\_\_\_\_, commonly known as the American Legion, who are owners of record of Block 43, Lot 4, have requested said easement of portions of the said Block 43, Lots 34 and 35 from the City in exchange for certain consideration and rights, restrictions, and limitations in the land and upon the easement which shall be given to the City in exchange for said access; and

WHEREAS, the City Council of the City has determined that the land to be subject to the easement is of equivalent value to the public benefit for which same is to be exchanged, and same will confer added benefit on the City by virtue of the added affordable housing and the added benefit of the use of the land for such affordable housing and for the housing and shelter of the City's veterans; and

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

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

**Section 1:**

1. The Mayor, Clerk and Attorney are hereby authorized to execute all such documents as are necessary to grant the attached easement to the said \_\_\_\_\_, the following parcels currently owned by the City, in accordance with the attached (a) Easement Agreement, (b) Deed of Easement, and (c) this Ordinance:

**CITY OWNED PARCEL (CONSISTING OF A PORTION OF BLOCK 43 LOT 34 AND BLOCK 43 LOT 35) TO BE SO EASED:**

BEGINNING at a point in a common line of Block 43 Lots 34 & 35 said point being the following two (2) courses and distances feet from the intersection of the northerly right-of-way Second Street with the westerly right-of-way line of Willow Avenue (65 feet wide);

- a.) Along Second Street, North 77 degrees 17 minutes 07 seconds West, a distance of 82.00 feet to a point therein; thence,
- b.) Passing through Lot 35 North 12 degrees 42 minutes 53 seconds East, a distance of 25.00 feet; thence,
  1. Along the common line, North 77 degrees 17 minutes 07 seconds West, a distance of 18.00 to a point in line of Block 43, Lot 4; thence
  2. Along Lot 4, North 12 degrees 42 minutes 53 seconds East, a distance of 25.00 feet to a common corner of Block 43, Lots 33 and 34; thence ,
  3. Along a common line of Lots 33 and 34, South 77 degrees 17 minutes 07 seconds East, a distance of 18.00 feet to a point therein; thence
  4. Passing through Lot 34, South 12 degrees 42 minutes 53 seconds West, a distance of 25.00 feet to the point and place of BEGINNING.

Containing 450 S.F. or 0.010 Acres

-and-

BEGINNING at a point in the northerly right-of-way line of Second Street, said point being North 77 degrees 17 minutes 07 seconds West, a distance of 82.00 feet from the intersection of Second Street with the westerly right-of-way line of Willow Avenue (65 feet wide); thence

1. Along Second Street, North 77 degrees 17 minutes 07 seconds West, a distance of 18.00 feet to a point therein; thence,
2. Along the common line of Lots 4 and 35, North 12 degrees 42 minutes 53 seconds East, a distance of 25.00 feet to a point therein; thence
3. Along a common line of Block 43 Lots 34 and 35, South 77 degrees 17 minutes 07 seconds East, a distance of 18.00 feet to a point therein; thence
4. Passing through Lot 35, South 12 degrees 42 minutes 53 seconds West, a distance of 25.00 feet to the point and place of BEGINNING.

Containing 450 S.F. or 0.010 Acres

**PROPERTY RIGHTS RECEIVED BY CITY IN EXCHANGE FOR SAID EASEMENT (CITY'S RIGHT OF CANCELLATION OF EASEMENT AND REVERSION OF PROPERTY):**

The parcels to be so eased by the City shall only become subject to the easement agreement upon receipt of a deed of easement which grants the land subject to the following, as more specifically described in the Agreement and Deed attached hereto:

1. Grantee(s) shall construct on the Property the American Legion Building Extension as more specifically described in Exhibit B attached hereto.
2. Within six (6) months after the Property is eased to Grantee(s), Grantee(s) shall enter into a contract with a qualified construction company/contractor for the construction of the American Legion building extension described in paragraph 1 above and shall provide proof of financing satisfactory to the City.
3. Grantee(s) shall complete the pouring of the foundation or basement of the building extension described in paragraph 1 within (12) months after the date the Easement is granted to the Grantee(s).
4. Grantee(s) shall have “substantially completed” the building extension on the Property within 18 months after the date the Easement is granted to the Buyer(s). “Substantially complete” is defined as the stage in progress in building the extension when the entire building is sufficiently complete so that the Grantee(s) and his/her patrons can fully occupy and utilize the building for residential purposes, including, but not limited to completion of all plumbing work and HVAC installation.
5. Grantee(s) shall for a period of not less than the term of the Easement, and any extension thereto, utilize the property as described in Exhibit B, or a hereinafter rehabilitated version of same, for the purpose of residential housing of low income and/or homeless United States Veterans.

This ordinance shall become effective twenty (20) days after final passage, adoption and publication according to law and the authorization of execution of documents described herein shall not commence until such effective date.

**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 **March 16, 2016 at 7:00 PM.**

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: YEAS: 9 – NAYS: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, 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**

**Purpose Statement.** The purpose of this Ordinance is to authorize the Mayor and Council of the City of Hoboken to acquire the subject property known as Block 102, Lot 1 on the City of Hoboken Tax Map by eminent domain, pursuant to applicable provisions of the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq. and the Eminent Domain Act, N.J.S.A. 20:3-1, et seq.

**WHEREAS,** the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq. provides that New Jersey municipalities may acquire property needed for public purposes; and

**WHEREAS,** the Mayor and Council of the City of Hoboken ("the City") desires to exercise its powers pursuant to the Eminent Domain Act, N.J.S.A. 20:3-1, et seq., to acquire the subject property known and designated on the City of Hoboken Tax Maps as Block 102, Lot 1 ("the subject property") in the City of Hoboken; and

**WHEREAS,** the acquisition of the subject property by the City perfects operative terms of the Settlement Agreement dated May 8, 2013 in the matter captioned and docketed in the Superior Court of New Jersey, Hudson County, Law Division as Ursa Development Group, LLC et al v. City of Hoboken et al, Docket No. HUD-L-6449-11 ("the Settlement Agreement"); and

**WHEREAS,** the title owner of record of the subject property consented to the City's exercise of its eminent domain power to acquire the subject property for zero (\$0.00) consideration as required pursuant to the Settlement Agreement, and shall not oppose or otherwise object to said taking of the subject property in accordance with the terms of the Settlement Agreement; and

**WHEREAS,** the City wishes to formally authorize the acquisition of the subject property as required pursuant to N.J.S.A. 40A:12-1, et seq. and shall institute eminent domain proceedings pursuant to N.J.S.A. 20:3-1, et seq. upon adoption of this Ordinance.

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

**Section 1. City Authorization to Acquire Land by Exercise of Eminent Domain Power.**

Pursuant to provisions of the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., the City of Hoboken is hereby authorized to acquire the subject property hereinafter described by exercise of eminent domain pursuant to the Eminent Domain Act, N.J.S.A. 20:3-1, et seq.:

Tax Block 102, Lot 1, City of Hoboken, County of Hudson, State of New Jersey, as described on the attached Exhibit A, legal description.

**Section 2. Authority of Agents.**

The Mayor, City Clerk, Engineer, Corporation Legal Counsel, Special Legal Counsel, and any and all such other officials, employees and agents of the City, specifically including, but not limited to professional appraisers, environmental experts, consulting engineers, surveyors and similar

professionals as are appropriate, are hereby authorized and directed to prepare and execute such documents and to perform all other acts necessary to effectuate the purchase and acquisition of title and possession of the subject property (including but not limited to action to gain necessary access to the subject property for related purposes, and the Mayor, Council and City Clerk are hereby authorized and directed to execute any and all documents necessary for said acquisition of the subject property, including and not limited to execution of a purchase agreement and any necessary amendments thereto. Furthermore, any and all documents previously executed by the Mayor, Council and Clerk, and any and all such other officials, employees and agents of the City, necessary for the acquisition are hereby ratified.

**Section 3. Cost of Acquisition.**

In accordance with the requirements of the Settlement Agreement, there shall be zero (\$0.00) consideration paid for the City taking of the subject property.

**Section 4. Severability.**

If any section, subsection, clause or phrase of this Ordinance is for any reason held to unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance; which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared severable.

**Section 5. Repealer.**

All existing ordinances and/or parts thereof which are inconsistent with the terms of this Ordinance, are to the extent of such inconsistency, repealed.

**Section 6. Effect.**

This Ordinance shall take effect in the time and manner as prescribed 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 **March 16, 2016 at 7:00 PM.**

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 9 – NAYS: 0

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

---Nays: None.

**16-181**

**Z-404**

**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**

**WHEREAS**, the City of Hoboken utilizes Special Law Enforcement Officers in accordance with Hoboken Code Section 59A-48; and,

**WHEREAS**, the costs associated with training, clothing, and equipping SLEO's is an additional burden on the Department of Public Safety which is not offset in those cases where the SLEO's terminate their employment in the first two years after appointment, and the City's expenditure should be reimbursable in those instances where the SLEO does not give the City the benefit of continued employment beyond the training period.

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

**SECTION ONE (additions noted in underline, deletions noted in ~~striketrough~~):**

§ 59A-49 Compensation; hours of duty; uniform.

A. Class I Special Law Enforcement Officers, if any, shall be compensated ~~at a minimum rate of \$12.50 an hour and a maximum rate of \$15 an hour and shall not receive any benefits.~~ In accordance with the then current salary ordinance.

B. Class II Special Law Enforcement Officers, if any, shall be compensated ~~at a minimum rate of \$15 \$20 an hour and a maximum rate of \$18 \$25 an hour and shall not receive any benefits.~~ In accordance with the then current salary ordinance.

C. Special law enforcement officers shall work part-time and shall not exceed ~~20~~ 24 hours per week except during periods of emergency and will be assigned at the direction of the Chief of Police.

D. The special law enforcement officer shall wear the appropriate uniform of the day as directed by the Chief of Police, which shall include: hat, badge, name tag, Hoboken Police Division uniform patch and insignia issued by the Police Training Commission which clearly indicates the officer's status as a Class I or Class II Special Law Enforcement Officer.

E. Each special law enforcement officer accepts the following obligations as a condition of their acceptance of appointment to the position:

1. Each special law enforcement officer shall be responsible for any and all costs of all their Class II training as well as the costs of any uniform(s) and or equipment fee(s) associated with their Class II position in any of the following instances, which shall be reimbursed from any outstanding payroll funds of the special law enforcement officer, and thereafter by complaint to the courts requesting reimbursement by garnishment of future wages:

a. In any case where a special law enforcement officer terminates their employment with the City of Hoboken before the termination of their initial appointment period;  
or,

b. If the special law enforcement officer is reappointed after the initial term and thereafter terminates their employment with the City less than two years from the date of their initial appointment.

**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, and shall be implemented with the first group of SLEO2 candidates that are sponsored to the police academy by the City of Hoboken, after adoption of this ordinance.

### **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 **March 16, 2016 at 7:00 PM.**

---Motion duly seconded by Councilwoman Fisher

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

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

---Nays: Ramos

**16-182**  
**Z-405**

**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**

**BE IT ORDAINED** by the City Council of the City of Hoboken, County of Hudson, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

**Section 1.** The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the City of Hoboken, County of Hudson, New Jersey ("City").

**Section 2.** It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is \$800,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$665,000;
- (c) an appropriation in the amount of \$100,000 for the purposes stated in Section 7 hereof is hereby appropriated from the City's HAZMAT Account; and
- (d) a down payment in the amount of \$35,000 for the purposes stated in Section 7 hereof is currently available in the City's Capital Improvement Fund in accordance with the requirements of Section 11 of the Local Bond Law, *N.J.S.A. 40A:2-11*.

**Section 3.** The sum of \$665,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$35,000, which amount represents the required down payment, and the sum of \$100,000 available in the City's HAZMAT Account, is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

**Section 4.** The issuance of negotiable bonds of the City in an amount not to exceed \$665,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

**Section 5.** In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$665,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

**Section 6.** The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, *N.J.S.A. 40A:2-20*, shall not exceed the sum of \$100,000.

**Section 7.** The improvement hereby authorized and the purposes for which said obligations are to be issued; the estimated cost of said purposes; the amount of down payment for said purposes; the maximum amount obligations to be issued for said purposes and the period of usefulness of said purposes within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimat ed Total Cost</u>	<u>Down Payme nt</u>	<u>Grants/ Other Funds</u>	<u>Amount of Obligatio ns</u>	<u>Period of Usefuln ess</u>
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<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Grants/Other Funds</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Acquisition of Equipment for the Fire Department including, but not limited to, a Fire Rescue Pumper and a 1500 GPM Attack Pumper, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$800,000	\$35,000	\$100,000	\$665,000	10 years

**Section 8.** Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

**Section 9.** The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A. 40A:2-10*, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, *N.J.S.A. 40A:2-43*, is increased by this Bond Ordinance by \$665,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

**Section 10.** The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the City shall levy *ad valorem* taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

**Section 11.** The applicable Capital Budget of the City is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

**Section 12.** The City hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

**Section 13.** The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Ogden, Utah Service Center of the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

**Section 14.** The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

**Section 15.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 16.** In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

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 **March 16, 2016 at 7:00 PM.**

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 9 – NAYS: 0

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

---Nays: None.

**16-183**  
**Z-406**

**AN ORDINANCE TO AMEND HOBOKEN CITY CODE SECTION 93-2 AND 93-3  
REGARDING THE LICENSING OF DOGS**

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

**Section 1:** The following amendments shall be made to Hoboken Code Sections 93-2 and 93-3 (additions notated in underline and deletions notated in ~~striketrough~~):

**§ 93-2 Licensing requirements.**

A. It shall be a violation of this chapter for any person who:

(1) Owns, keeps or harbors any dog of licensing age within the City; and

(2) Fails to obtain, in the first instance for each registered dog annually and thereafter for three year periods for each registered dog, in the month of May ~~January~~, a licensing tag for each dog so owned, kept or harbored; and

(3) Fails to securely place upon such dog a dog collar or harness with said licensing tag affixed thereto.

B. It shall be a violation of this chapter for the owner of any newly acquired dog of licensing age, or any dog which attains licensing age, to not make application for a licensing tag for such dog within 10 days after such dog becomes of licensing age.

C. Guide dogs shall be licensed and registered in accordance with this chapter; however, they shall not be subject to the fee provisions of § 93-3.

**§ 93-3 License fees.**

A. Any person applying for the licensing tag pursuant to § 93-2, shall pay a fee of:

(1) For each dog that is not spayed or neutered: ~~\$15~~ \$14 for an annual license, and \$42 for a three year license.

(2) For each dog that is spayed or neutered: ~~\$18~~ \$10 for an annual license, and \$30 for a three year license.

B. All licenses, licensing tags, and renewals shall expire on the last day of May ~~January~~ in each year.

C. The City shall assess a late fee of \$10 for each dog license renewal application filed after the license has expired.

**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 **March 16, 2016 at 7:00 PM.**

---Motion duly seconded by Councilwoman Fisher

---Adopted by the following vote: YEAS: 9 – NAYS: 0

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

---Nays: None.

Councilman Mello has left the meeting at 9:34 PM.

## NEW BUSINESS

Councilman DeFusco comments on the bike lanes on Washington Street and some concerns from the public. Also, pay attention on use variance along Washington St. and it's pushing businesses out of the city and work with the sub-committee. A quick update on the shuttle buses, the community feedback has died down, met with 77 River St., there's a lot of dialogue and they are against shuttle buses parked in front of their building and finally like to remember somebody, former Freeholder Maurice Fitzgibbons, passed away 4-5 yrs. ago and was a Freeholder for 14 years and was Chair of the State's Cultural Affairs committee. I would like to see if we can get a memorial under the Viaduct and spoke to a few members of the Council and community and recognize his services.

Councilman Bhalla comments that it's a Quality of Life issue.

Councilwoman Fisher comments that there will be a Finance sub-committee next week and have a draft budget for the 2<sup>nd</sup> meeting in March. She asks all Councilmembers what they would like to see placed in their budget and what the goal is such as Councilman Ramos's request for Environmental Services cleaning machines, come up with a list and circulate and get feedback as soon as possible so we can work with the Directors and Administration. I am excited for it and hope for the best, feel like there's a need for a Syncro study for every corner in Hoboken with all this different shift in the demographics and we need to look at a number of things, we need to think about these things, a holistic plan or pedestrian safety.

Councilman Russo comments would like an update on 7<sup>th</sup> and Jackson St., the Pino site, both schools at the Monroe Center has concerns.

Director Forbes comments that we are pushing them to get a response back so we can get the financial agreement and redevelopment agreement finalized, there are 5 phases for the Monroe Center, there's a sister agreement that needs to be incorporated in this agreement and get it finalized.

Councilman Russo comments, see if we can see it on the 6<sup>th</sup> of April and e-mail the things outstanding for Bijou and Hershey so we can finalize the agreement, the 2 schools are being held up on a Certificate of Occupancy, is there anything the City can do.

Director Forbes comments that she will let the attorney – Joanne Boss know we are currently negotiating with both of the schools.

Councilman Russo comments on pothole on 12<sup>th</sup> St. b/w Grand and Clinton Streets and put it on the list for Pothole Killer and the status of jackets for the Football Team and what is the plan for Leprechaun day.

Director Pellegrini comments that Pothole Killer will be coming back on Monday and urge the public to use 311 notifications.

Chief Ferrante comments that there will be 200 police with help from Westfield, North Bergen, the county and Port Authority, about 50 outside police, gave warnings to the bars and worried about the NJ Transit strike the following week. This will be a large operation and we have budgeted this already with the County, there's an 8-12 hour period, we have an overtime rate about \$86,000.00 and pay \$25,000 to outside utility on top of Parking Utility and Environmental services costing around \$200,000.00. The city is taking a toll on it, this needs to be looked at.

Councilwoman Fisher comments on the NJ Transit site, will there be recommendations to communicate to the public on what alternatives to take, there will be press releases out from NJ Transit.

Councilman Ramos comments.

Councilman Russo comments on Jersey City implementing a \$15 min. wage and would like to look at the exact same thing for our employees across the board and jump on this.

Councilman Doyle comments on Councilwoman Fisher's point regarding a build out analysis, it was funded a few years ago, had a Zoning Master committee meeting and conclude there were some misunderstandings what the scope of it, what the population will be, what impact of it to the schools and police, and see if we like this picture and will be pushing this and will need additional funding. I will talk to Director Forbes about it, the last two planning board meetings I had to look into the ordinances and if there are any proposed fixes and whether it falls into the comprehensive list or a smaller list we can tackle those. Today there was an e-mail out regarding the tenant advocate, there will be 3 sessions, on St. Patrick's day, the 31<sup>st</sup> of March and April 14<sup>th</sup>, tenants and landlords can come in and ask for advice regarding local ordinances, rent control, rent calculations and call in advanced to make an appointment, it's information to assistant tenants, the phone number is 973-874-5545 and Andrew Sobel is the attorney to speak with, Last point, March 10<sup>th</sup>, 124 Grand St., from 7-9 PM a meeting regarding the SW Redevelopment process, open house and give your input.

Councilman Bhalla comments weather this will benefit landlords or tenants?

Council President comments and reads the press release from Juan Melli and comments that it's a bit vague and what are we paying this attorney how much an hour?

Councilman Ramos comments and would like to reiterate what Councilman DeFusco and have it at the next Council meeting and name the Viaduct after Mr. Fitzgibbons, the Environmental Services meeting, there will be a 5 year plan, what will this encompass?

Director Pellegrini comments that the plan will build up the hockey rink, Stevens will help on the process for us and show us what it's going to look like, there will be additional space for basketball, soccer, gymnastics and space for Hockey, it's a long-term plan, right now it's a conceptional plan.

Councilman Ramos comments there isn't much space for Adult Basketball team and soccer and let's find a revenue source to fund it and would like to work with you and the Library will be utilizing the conference room, and struggle to have meetings with constituents and have private conversation, if that space can be utilized for council members and make us more effective and please keep that in mind and lastly the hospital, the treatment of our city employees and thank Director Wiest for the language, we negotiated with the hospital on their employee parking from \$45/mo. up to \$65/mo. and if Corporation Counsel can see if we can negotiate with them again, just food for thought since some of our municipal parking lots is around \$250/mo.

Director Pellegrini comments that the Chief of Police was also interested in this space.

Councilwoman Fisher comments to Director Pellegrini about the kid population in town has increased and spoke with President Giattino about a child who wasn't allowed to play baseball since it's full, so if it's possible to also look into this.

Councilman Bhalla comments if Corporation Counsel can provide what the city's legal options and agrees with Councilman Ramos, that there is no meeting space throughout town and there is no office, so if there is any possibly for a shared space so councilmembers can meet with their

constituents, the \$15/min. wage suggested by Jersey City, and would love to co-sponsor with Councilman Russo and replicate it like other municipalities. Regarding the budget and agree with the wish list on what we want out and due to healthcare rising there could be a 2-3% tax increase and look how we can cut costs and we always get slammed by Hudson County and do not want the municipal tax burden. The NJ Transit strike is very concerning, its assuring to see that the Mayor and Police Chief are working on it, but this is a state issue and commuters are going to be impacted on a massive level and lastly the lights at Church Sq. park?

Director Pellegrini comments that two are having issues near the dog run and hopefully have it resolved.

Councilman Cunningham comments on the lights on Adams b/w 13<sup>th</sup> and 14<sup>th</sup> and add 916 Garage and if we can look at it because it's breaking all the time and thank Vijay to get the list on e-mail updates on when it breaks down and see the level of frustration and we need to step up on fixing this garage or get rid of it and speak about it next week and add the 900 block of Park, the constituents are East Indian community requested a parking and transportation, most residents are seniors and see if we can get a senior shuttle or hop bus on a daily basis, it's been over 8 months and nothing has been done. I would like to see a potential stop sign on 8<sup>th</sup> and park and also consider a bell for bikes ordinance, the 2<sup>nd</sup> coffee meeting with a cup will meet at Stacks on March 10<sup>th</sup> from 6-7:30 PM and commend the Chief for rolling out this program and encourage folks to go and speak to the Mayor and Police Department. The engagement is mutual beneficial, tried to have a meeting regarding the Western Edge but we need this pre-submission form to get started on this project.

Director Pellegrini comments that he will get a time frame for the lights in Church Square Park.

Council President comments that she does believe it's a state law to have a bell on your bike, also you don't need a warrant study near a school, but any feedback will be appreciated. Also, working on issuing driveway parking permits, Director Morgan knows all the details and will address it at the next Parking and Transportation sub-committee.

At 10:25 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 10:25 PM

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PRESIDENT OF THE COUNCIL

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CITY CLERK