

MEETING OF APRIL 20, 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, APRIL 20, 2016 AT 7:00 PM

Council President opened the meeting at 7:09 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, Jr. Russo and President Giattino

Council President comments that she will suspend the agenda and go to the Budget Hearing #6A

Council President and seconded by The Governing Body to go into Closed Session

CLOSED SESSION (CONT'D)

16-253

---By President Giattino

RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUANT TO N.J.S.A. 10:4-12(B)(7) AND ATTORNEY CLIENT PRIVILEGE WITH RON CUCCHIARO, ESQ. AND JOSEPH MARAZITI, ESQ. TO DISCUSS THE STATUS OF PENDING LAND USE AND REDEVELOPMENT MATTERS

WHEREAS, the Council of the City of Hoboken is authorized to go into closed executive session for the reasons set forth in the Open Public Meetings Act, including without limitation N.J.S.A. 10:4-12(b)(7) and for matters falling within attorney client privilege (for legal guidance on the status of pending legal matters); and

WHEREAS, one of the reasons to go into closed session is to receive advice from legal counsel, Ron Cucchiaro, Esq. and Joseph Maraziti, Esq., which is subject to attorney client privilege and which is offered regarding pending legal matters of the types listed herein; and,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken that it enter into closed session for the herein said purposes; and,

BE IT FURTHER RESOLVED that when the need for confidentiality no longer exists the

discussions had therein will be made available to the public.

At 7:18 PM the Governing Body entered into Closed Session.

At 7:19 PM Special Counsels Joseph Maraziti from Maraziti, Falcon and Healy came into the Closed Session to continue their brief to the City Council.

Ron Cucchiaro has left the meeting at 7:38 PM

Councilwoman Fisher had to recuse herself at 7:47 PM

At 8:00 PM Special Counsels Joseph Maraziti have no further business and have left the Closed Session Meeting.

At 8:00 PM the Governing Body on a motion by Council duly seconded by the Council

The City Clerk then adjourned the special meeting at 8:00 PM

The City Clerk then reopened the regular meeting at 8:04 PM

RESOLUTION

16-254

---By Councilwoman Fisher

RESOLUTION AUTHORIZING SETTLEMENT OF TAX APPEAL

WHEREAS, there are certain tax appeals pending in the New Jersey Tax Court entitled Ball Park, LLC v. City of Hoboken under Docket Nos. 007592-2009, 008399-2010, 003315-2011 and 006825-2015; and

WHEREAS, the aforementioned tax appeals were set for trial before the Honorable Mary Siobhan Brennan, J.T.C., at which time settlement discussions occurred with Special Counsel for the City and the City's Tax Expert, and with the Taxpayer, Taxpayer's Counsel and Taxpayer's Tax Expert and with the Tax Court Judge; and

WHEREAS, there has been a proposal of settlement submitted to resolve and conclude said tax appeals; and

WHEREAS, the Tax Assessor for the City of Hoboken recommends settlement of the matters as set forth herein after discussion with Special Counsel and the City's Tax Expert.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, County of Hudson and State of New Jersey, that Special counsel for the City of Hoboken be and is hereby authorized to execute, on behalf of the City, a Stipulation of Settlement with the plaintiff as to the tax appeals pending in the New Jersey Tax Court, Docket Nos. 007592-2009, 008399-2010, 003315-2011 and 006825-2015 for property located at Block 100, Lot 1 (copies of which Stipulations of Settlement are annexed hereto and made a part hereof) under the following terms;

<u>TAX YEAR</u>	<u>ORIGINAL ASSESSMENT</u>	<u>PROPOSED ASSESSMENT</u>
2009	\$ 5,600,000	\$ 4,800,000
2010	\$ 5,600,000	\$ 4,600,000
2011	\$ 5,600,000	\$ 4,250,000
2012	\$ 5,600,000	\$ 4,250,000
2013	\$ 5,600,000	\$ 4,250,000
2015	\$16,075,000	\$16,075,000

BE IT FURTHER RESOLVED that the Tax Assessor of the City of Hoboken is hereby authorized to adjust the tax records of the City of Hoboken in accordance with the Stipulation of Settlement; and

BE IT FURTHER RESOLVED that the Tax Collector of the City of Hoboken is hereby authorized to forthwith issue a tax refund pursuant to the terms of the Stipulation of Settlement upon receipt of a Judgment; and

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Abstain: Bhalla

16-255

---By Councilwoman Fisher

RESOLUTION GRANTING FLORIO KENNY & RAVAL SETTLEMENT AUTHORITY IN \ THE WORKERS COMPENSATION MATTER KNOWN AS JC V. CITY OF HOBOKEN CLAIM NOS.: X45185 & X59472 IN AN AMOUNT UP TO THE AMOUNT SUGGESTED BY DENNIS LALOIA TO ALYSIA PROKO IN HIS APRIL 1, 2016 EMAIL

WHEREAS, the City of Hoboken is currently involved in a workers compensation claim with Plaintiff JC (**Claim Nos.: X45185 & X59472**); 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 an April 1, 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 JC (Claim Nos.: X45185 & X59472) in an amount up to the monetary amount suggested by way of a April 1, 2016 email from Keith Kandel to Alysia Proko.

---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.

RESOLUTION TO AUTHORIZE EXECUTION OF THE ATTACHED DEVELOPER'S AGREEMENT BETWEEN THE CITY OF HOBOKEN AND ADVANCE AT HOBOKEN, LLC
(submitted by administration) (PULLED)

ORDINANCES

Introduction and First Reading

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) (GONE BACK TO 1ST READING)

RESOLUTIONS (CONT'D)

16-256

---By Councilwoman Fisher

RESOLUTION AUTHORIZING THE CY 2016 MUNICIPAL BUDGET TO BE READ BY TITLE ONLY

BE IT RESOLVED, that the City Council of the City of Hoboken, in the County of Hudson, by majority vote of the full membership, does hereby determine that the CY 2016 Municipal Budget shall be read by its title only, and we further declare that the conditions set forth in N.J.S.A. 40A:4-8(1A & 1B) of said section have been met.

---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.

PUBLIC HEARING ON THE CALENDAR YEAR 2016 MUNICIPAL BUDGET

The speaker who spoke: Cheryl Fallick.

PUBLIC COMMENTS

The speakers who spoke: Patricia Waiters, Dan Tumpson, Mary Ondrejka, Cheryl Fallick, Elizabeth Adams, Franz Paetzold, Hany Ahmed.

PETITIONS AND COMMUNICATIONS

APPLICATION FOR MISCELLANEOUS LICENSES

16-257

Vendor----- 1 item
Raffle----- 2 items

---Councilman Russo moved that the license be granted.
---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

16-258

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of March 2016 **\$2,148,842.75 (Abatement Totals –\$75,092.43)**

Received and filed.

16-259

A report from Municipal Court indicating receipts for the month of March 2016 as **\$472,473.08**

Received and filed.

16-260

---By Councilwoman Fisher

CLAIMS

Total for this agenda **\$3,277,813.21**

---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
Councilman Russo comments 16-01488 – Ponte condemnation and 16-00988 software maintenance
15-01595 – pot hole patching services

Councilman Cunningham comments on DMR Architects in the North End
Director Forbes comments and responds

16-261

---By Councilwoman Fisher

PAYROLL

For the two week period starting March 10 – March 23, 2016

Regular Payroll	O/T Pay	Other Pay
\$1,641,550.62	\$48, 678.68	\$71,745.20
Total	\$1,761,974.50	

---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.

PUBLIC COMMENTS ON RESOLUTIONS

The speakers who spoke: Cheryl Fallick comments on resolution #14 & 29

Councilman DeFusco has left the meeting at 8:49 PM
Councilman DeFusco has returned to the meeting at 8:51 PM

CONSENT AGENDA – 7-9, 12, 14-16, 19-23

---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: 10, 13, 17, 18
Removed by Administration: 6 & 11

RESOLUTIONS (CONT'D)

16-262

---By Councilwoman Fisher

RESOLUTION PROCLAIMING APRIL 29, 2016 AS “ARBOR DAY” IN THE CITY OF HOBOKEN

WHEREAS, the last Friday in April has traditionally been proclaimed Arbor Day by The Arbor Day Foundation and will continue to be so proclaimed in 2016; and

WHEREAS, J. Sterling Morton organized the first Arbor Day in 1872 in Nebraska as a special day encouraging the planting of trees, during which over one million trees were planted across the state; and

WHEREAS, Arbor Day has been observed in the State of New Jersey since 1884 and in other cities, states, and countries around the world; and

WHEREAS, trees reduce the erosion of precious topsoil, reduce heating and cooling costs for buildings, moderate the temperature, clean the air, produce oxygen, provide habitat for wildlife and are a renewable resource providing humans with paper, building materials, fuel, and many other products; and

WHEREAS, trees in the City of Hoboken increase property values, enhance the economic vitality of business areas, and beautify the community; and

WHEREAS, the City of Hoboken, through its Mayor and City Council, desires to continue to support Arbor Day and the National Arbor Day Foundation’s tree planting programs.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HOBOKEN that it declares April 29, 2016 as “Arbor Day” in the City of Hoboken, New Jersey, and urges all citizens to support efforts to care for trees and woodlands and to plant trees for the well-being of present and future generations.

---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.

16-263

---By Councilwoman Fisher

THIS RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GIFT, BEQUEST, OR DONATION FROM A PRIVATE INDIVIDUAL INTO THE NAME OF THE CITY OF HOBOKEN

WHEREAS, Lou’s Landscaping & Design Inc., has offered to gift, bequest or donate certain real property and services, as more specifically described in the attachment hereto, to the City of Hoboken, which has a cash value of approximately \$3,900.00; and,

WHEREAS, Mayor and Council wish to acknowledge and thank the generosity of the organization; and,

WHEREAS, N.J.S.A. 40A:12-5 and N.J.S.A. 40A:5-29, as well as Hoboken Ordinance Z-392, authorize the City to accept bequests, legacies, donations and gifts; and,

WHEREAS, the City Council, upon report of value of the donation by the Administration, as attached hereto, as well as confirmation by the Business Administrator that the donor is aware that no special treatment can, or will, result to said entity as a result of this donation to the local government, may by Resolution accept such a donation

WHEREAS, the reasons for the donation are as follows:

- Community Arbor Day Service Project April 29, 2016.
- 3 trees will be planted by Brandt School
- 3 trees will be planted at Wallace School at 11th street between Willow & Clinton.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the above described donation is hereby accepted by the City from Lou's Landscaping & Design Inc., as more specifically described in the attached document; and said donation is subject to no conditions or limitations by the donor, except that the property should be the property of the City of Hoboken for public use for the remainder of the useful life of said property.

---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.

16-264

---By Councilwoman Fisher

RESOLUTION AWARDING AN EMERGENCY SERVICE CONTRACT TO J. FLETCHER CREAMER & SON, INC. FOR SNOW REMOVAL 1/26/16-1/28/16 IN AN AMOUNT NOT TO EXCEED THIRTY TWO THOUSAND THIRTY DOLLARS (\$32,030.00)

WHEREAS, the City of Hoboken required snow removal services on an emergency basis on 1/26/2016 through 1/28/2016, and sought out the services of the state authorized emergency provider, J. Fletcher Creamer & Son, Inc.; and,

WHEREAS, the services were performed by J. Fletcher Creamer & Son, Inc. in accordance with their attached invoice, and were thereafter paid by authorization of the claim by this City Council; and,

WHEREAS, in accordance with the direction of the Administration, the City Council is now asked to retroactively authorize the emergency award of a contract to J. Fletcher Creamer & Son, Inc. for said services in an amount not to exceed Thirty Two Thousand Thirty Dollars (\$32,030.00); and,

WHEREAS, certification of funds is not required for this resolution, as the City Council already authorized and thereby appropriated the funding for this invoice.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the City hereby retroactively authorizes the award of an emergency contract to J. Fletcher Creamer & Son, Inc. in accordance with their attached invoice in an amount not to exceed Thirty Two Thousand Thirty Dollars (\$32,030.00), as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the J. Fletcher Creamer & Son, Inc. quote shall govern the contract, and no changes may be made without the prior written consent of both parties.
3. 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.
4. 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 & Son, Inc..

---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.

16-265

---By Councilman Mello

RESOLUTION TO AUTHORIZE A CONTRACT FOR THE PROFESSIONAL SERVICES OF FEDERAL APPRAISAL AND CONSULTING AS PROFESSIONAL APPRAISAL CONSULTANTS TO THE CITY OF HOBOKEN FOR THE JEFFERSON STREET SCHOOL, PHASE IV LAND, PHASE V LAND, AND JACKSON STREET LAND TO COMMENCE APRIL 21, 2016 AND EXPIRE APRIL 20, 2017, WITH A NOT TO EXCEED AMOUNT OF \$11,500.00

WHEREAS, service to the City as Professional 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 published RFP's for an annual pool of appraisers in accordance with the Fair and Open Process which Federal Appraisal and Consulting responded to, and the City thereafter authorized Federal Appraisal and Consulting as a CY2016 City of Hoboken pool professional by City Council resolution; and,

WHEREAS, the City now seeks to contract with Federal Appraisal and Consulting for appraisal services in an amount not to exceed \$11,500.00, for the JEFFERSON STREET SCHOOL, PHASE IV LAND, PHASE V LAND, AND JACKSON STREET LAND, in accordance with their April 11, 2016 proposal; and,

WHEREAS, *the firm of Federal Appraisal and Consulting 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,*

NOW THEREFORE, BE IT RESOLVED, that a contract with Federal Appraisal and

Consulting for planning and engineering services be, and is hereby, awarded, in an amount not to exceed \$11,500.00, for the JEFFERSON STREET SCHOOL, PHASE IV LAND, PHASE V LAND, AND JACKSON STREET LAND, in accordance with their April 11, 2016 proposal, for a one year term to commence April 21, 2016 and expire April 20, 2017; and

BE IT FURTHER RESOLVED, that the terms of the subsequent contract, this resolution, and Federal Appraisal and Consulting's April 11, 2016 proposal, the CY2016 RFP for appraisers, and Federal Appraisal and Consulting's response proposal to the City's CY2016 RFP shall govern the contract, except that the "Business Terms" of the April 11, 2016 proposal are hereby rejected, and the business and administrative terms of the City's CY2016 RFP shall govern the administrative terms and conditions of this contract; and,

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 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 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.

16-266

---By Councilwoman Fisher

RESOLUTION CONFIRMS AN EMERGENCY CONTRACT AWARDED TO ARTESIAN DESIGN GROUP FOR ICE AND SNOW REMOVAL DUE TO EXCESSIVE ICE AND SNOW BUILDUP ON THE CITY'S RIGHTS OF WAY IN THE WAKE OF THE SNOW EMERGENCIES DECLARED UNDER THE STATE OF NEW JERSEY STATE OF EMERGENCY FOR JANUARY 2016, IN AN AMOUNT NOT TO EXCEED \$84, 985.00 FOR GOODS TO BE PROVIDED IMMEDIATELY WITH PAYMENT UPON CONFIRMATION OF THE CONTRACT BY THE COUNCIL

WHEREAS, the City of Hoboken was faced with an emergency situation which had the potential to create serious risks to the safety, health and welfare of the general public, specifically,

the significant ice and snow buildup on public rights of way during the snow/ice emergency which occurred during the month of January 2016; and,

WHEREAS, the Administration consulted and negotiated with the single source vendor of snow and ice removal; and,

WHEREAS, in accordance with the direction of the City Business Administrator, the City Administration awarded an emergency contract to Artesian Design Group, Inc. for said services following the State of Emergency in January 2016, and the Council now seeks to ratify the award of the contract to Artesian Design Group, Inc. for a total contract amount of Eighty Four Thousand Nine Hundred Eighty Five Dollars (\$84,985.00), for services to be provided expeditiously upon authorization to proceed from the Business Administrator, with payments to be made thereafter upon proper compliance with the applicable emergency sections of the state statutes; and,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the emergency contract with the below listed vendor is authorized and ratified for an amount not to exceed Eighty Four Thousand Nine Hundred Eighty Five Dollars (\$84,985.00) as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the attached cost sheet 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. This resolution is for the services listed on the cost sheet, and shall not be for any continuous contracting with this contractor beyond what was done during the snow/ice emergency in January 2016.
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:

Artesian Design Group, Inc.
117 Peter Street
Union City, New Jersey 07087

---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.

16-267

---By Councilman DeFusco

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACT WITH MASER CONSULTING AS PROFESSIONAL PLANNERS/ENGINEERS TO THE CITY OF HOBOKEN FOR THE POST OFFICE REDEVELOPMENT PLAN THAT COMMENCED MAY 22, 2014 TO REFLECT ADDITIONAL TRAFFIC AND PARKING ANALYSIS IN AN AMOUNT NOT TO EXCEED \$6,000.00, AS WELL AS AN EXTENSION OF

THE CONTRACT EXPIRATION DATE FROM MAY 21, 2015 TO APRIL 20, 2017

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

WHEREAS, the City published RFP's for an annual pool of engineers in accordance with the Fair and Open Process which Maser Consulting responded to, and the City thereafter authorized Maser Consulting as a CY2016 City of Hoboken pool engineer by City Council resolution dated 1/20/16; and,

WHEREAS, the City now seeks to amend its contract with Maser Consulting for planning and consultation in an amount not to exceed \$6,000.00, for the POST OFFICE REDEVELOPMENT PLAN, in accordance with their March 28, 2016 proposal; and,

WHEREAS, the firm of Maser Consulting 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,

NOW THEREFORE, BE IT RESOLVED, that a contract with Maser Consulting for planning services be, and is hereby, amended, in an amount not to exceed \$6,000.00, for the POST OFFICE REDEVELOPMENT PLAN, in accordance with their March 28 2016 proposal, for a one year term to expire April 20, 2017; and

BE IT FURTHER RESOLVED, that the terms of the subsequent contract, this resolution, and Maser Consulting's March 28, 2016 proposal, the CY2016 RFP for Engineers, and Maser's response proposal to the City's CY2016 RFP for Engineers shall govern the contract, except that the "Business Terms" found on pages 6-8 of the March 28, 2016 proposal are hereby rejected, and the business and administrative terms of the City's CY2016 RFP for Engineers shall govern the administrative terms and conditions of this contract; and,

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 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 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.

16-268

---By Councilwoman Fisher

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH MILLENIUM STRATEGIES AS GRANT WRITING SERVICE PROVIDER TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2016 AND EXPIRE DECEMBER 31, 2016 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$40,000.00

WHEREAS, service to the City for Grant Writing Services is subject to the competitive contracting process, which the City was authorized to utilize, to exempt the contract 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 Grant Writing Services for CY2016 in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Millennium Strategies responded to; and,

WHEREAS, the evaluation committee has determined that Millennium Strategies offers the best option of all the proposals submitted, cost and other factors considered, and therefore advises a contract be entered into with the vendor; and,

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

NOW THEREFORE, BE IT RESOLVED, that a contract with Millennium Strategies to represent the City as Grant Writers be awarded, for a term to commence January 1, 2016 and expire December 31, 2016, for a total not to exceed amount of Forty Thousand Dollars (\$40,000.00); and

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

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

16-269

---By Councilwoman Fisher

RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON www.GOVDEALS.com, (AN ONLINE AUCTION WEBSITE)

Whereas, the City of Hoboken has determined that surplus items including but not limited to: City owned vehicles and other miscellaneous equipment; and

Whereas, the State of New Jersey permits the sale of surplus property no longer needed for public use through the use of an online auction service, pursuant to the Local Unit Electronic Technology Pilot Program and Study Act, P.L. 2001, c.30; and

Whereas, the City of Hoboken has the property listed in Schedule A, attached to this Resolution and desires to sell this property online through www.govdeals.com.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby authorizes the Administration to post an offer to sell each of the items listed on schedule A, via the auction website as follows:

Online Auction Site: www.govdeals.com
Start Date: (see Schedule A)
End Date: (see Schedule A)
Auction Fees: 7.5% of the winning bid amount, paid through proceeds of the sale.
Shipping: All shipping arrangements and shipping costs are the responsibility of the buyer. Item pickup on location: Municipal Garage, 256 Observer Hwy, Hoboken, New Jersey 07030.
Possession: Within ten (10) business days (excluding holidays) of winning bid and at pickup location.
Other Terms: All items are being sold “as is, where is; no warranties expressed or implied.” Payment by the bidder must be submitted to the City of Hoboken within five (5) business days (excluding holidays) of winning the bid. Pickup of items auctioned must be made within ten (10) business days (excluding holidays) of winning bid unless other arrangements have been made prior.
Minimum Bid: The minimum bid/reserve is listed in Schedule A for each of the items to be auctioned.

BE IT FURTHER RESOLVED, the Council authorizes the Administration to take action in accordance with this approval.

---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.

16-270

---By Councilwoman Fisher

RESOLUTION TO REFUND SEASONAL MOBILE FOOD VENDOR HEALTH DEPARTMENT LICENSE FEE TO APPLICANT THE ANGRY CRAB IN THE AMOUNT OF \$300.00

WHEREAS, the Health Department has requested the reimbursement of a previously submitted \$300.00 license fee for a seasonal mobile food vendor health department license.

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 mobile food vendor application fee the individual submitted:

NAME	ADDRESS	AMOUNT
The Angry Crab	2 Hope Street Jersey City NJ 07307	\$300.00

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 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.

16-271

---By Councilwoman Fisher

RESOLUTION AWARDING A CONTRACT TO FIRST DUE TRAINING AND SAFETY CONSULTANTS FOR THE PROVISIONS OF PETZL PERSONAL SAFETY ESCAPE SYSTEM (2016 MODEL OR BETTER) AND GEMTOR MODEL 541NYCL CLASS 2 HARNESS (2016 MODEL OR BETTER) PROVIDER FOR THE HOBOKEN FIRE DEPARTMENT IN ACCORDANCE WITH THE CITY'S BID NO. 16-12 IN THE TOTAL NOT TO EXCEED AMOUNT OF \$74,716.08

WHEREAS, bids were received for the provisions of a PETZL Personal Safety Escape System (2016 model or better) and Gemtor Model 541NYCL Class 2 Harness (2016 model or better) Provider for the Hoboken Fire Department , as specified in Bid Number 16 - 12; and,

WHEREAS, four (4) bids were received,

<u>VENDOR</u>	<u>TOTAL BID</u>
1. First Due Training and Safety Consultants 301 South Street, Brielle, NJ 08730	\$74,716.08
2. All Hands Fire Equipment & Training P.O. Box 1245, Wall, NJ 07719	\$78,996.00
3. Fire Ground Technologies P.O. Box 534, Pompton Plains, NJ 07444	\$86,348.00
4. Continental Fire & Safety, Inc. 2740 Kuser Road, Hamilton, NJ 08691	\$89,868.00

WHEREAS, pursuant to the recommendation of the Purchasing Department (attached hereto) the City wishes to award the contract for the goods and services specified in Bid No. 16 - 12, and First Due Training and Safety Consultants submitted the lowest responsible, and responsive bid; and,

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

- A. This resolution awards a contract to First Due Training and Safety Consultants for Bid No. 16 - 12, in the total amount of Seventy Four Thousand Seven Hundred Sixteen Dollars and Eight Cents (\$74,716.08) for PETZL Personal Safety Escape System (2016 model or better) and Gemtor Model 541NYCL Class 2 Harness (2016 model or better) Provider for the Hoboken Fire Department ; and said contract shall be to First Due Training and Safety Consultants in accordance with the specifications as set forth in Bid No. 16 - 12.
- 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 project.
- C. The contract shall be in accordance with the terms of the specifications and the vendor's corresponding bid proposal documents. The City accepts the following exceptions; PETZL Nomex Kevlar deployment bag will be provided free of charge as part of the system.
- D. Any change orders required shall be subject to formal City Council authorization, and the City shall not be held liable for any amounts above the within contracted amounts unless/until same is authorized and appropriated by formal resolution of the City Council.
- E. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor or her agent is hereby authorized to enter into an Agreement with the vendor for said purchase and sale.
- F. This resolution shall take effect immediately upon passage.

The speaker who spoke: Chief Peskens.

---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.

16-272

---By Councilman Doyle

RESOLUTION EXTENDING THE PROFESSIONAL SERVICE CONTRACT WITH SHIRLEY BISHOP FOR CITY AFFORDABLE HOUSING PLANNER WITH NO INCREASE IN THE NOT TO EXCEED AMOUNT FOR A ONE YEAR TERM EXTENSION TO EXPIRE MAY 6, 2017

WHEREAS, the City of Hoboken published RFP's for Affordable Housing Planner, and related services; and,

WHEREAS, the Administration evaluated the proposal provided in response to said RFP, and the Administration thereafter determined that Shirley Bishop could provide the City with the most effective and efficient Affordable Housing Planning services for the 2015 calendar year, and the City now wishes to continue said services for one additional year; and,

WHEREAS, in accordance with the direction of the Administration, the City Council is now asked to extend the contract to Shirley Bishop for the City's Affordable Housing Planning services through May 6, 2017, with no change in the not to exceed amount; and,

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

NOW, THEREFORE, BE IT RESOLVED, (a majority of the full Council concurring in the affirmative) by the City Council of the City of Hoboken that the contract with the below listed vendor is extended with no change in the not to exceed amount for one (1) year to terminate May 6, 2017, for services as Affordable Housing Planner, as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the RFP and Shirley Bishop's responsive proposal shall govern the contract, and no changes may be made without the prior written consent of both parties.
3. The Administration shall be entitled, under this award, to utilize the firm on an as needed basis, for any projects which require Affordable Housing planning 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:

Shirley M. Bishop, P.P., LLC
100 Overlook Center, Floor 2
Princeton, NJ 08540

---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.

:

16-273

---By Councilwoman Fisher

AUTHORIZING THE CITY OF HOBOKEN TO ACCEPT AND QUALIFY RESPONSES TO ISSUED REQUEST FOR QUALIFICATIONS FOR GRANT WRITING CONSULTING SERVICE PROFESSIONALS FROM JANUARY 1, 2016 THROUGH DECEMBER 31, 2016

WHEREAS, service to the City for Grant Writing Services is subject to the competitive contracting process, which the City was authorized to utilize, to exempt the contract 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 Grant Writing Services for CY2016 in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Millennium Strategies responded to; and,

WHEREAS, the evaluation committee has determined that Millennium Strategies offers the best option of all the proposals submitted, cost and other factors considered, and therefore advises a contract be entered into with the vendor; and,

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

NOW THEREFORE, BE IT RESOLVED, that a contract with Millennium Strategies to represent the City as Grant Writers be awarded, for a term to commence January 1, 2016 and expire December 31, 2016, for a total not to exceed amount of Forty Thousand Dollars (\$40,000.00); and

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

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

16-274

---By Councilwoman Fisher

**RESOLUTION AUTHORIZING THE CLOSURE OF A BANK ACCOUNT AT THE
RECOMMENDATION OF THE DEPARTMENT OF REVENUE AND FINANCE**

WHEREAS, The Department of Revenue and Finance of the City of Hoboken has recommended the closure of the following Bank Account which is dormant:

City of Hoboken Municipal Court

#2059900810

NOW, THEREFORE, BE IT RESOLVED, that the Department of Revenue & Finance be and is hereby authorized to close the aforementioned bank account and to execute any and all documents necessary for the closure of said accounts; and be it further

RESOLVED, that Investors Bank, which administers the account noted above, shall be furnished with a certified copy of this resolution.

---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.

16-275

---By Councilwoman Fisher

RESOLUTION AUTHORIZING THE CITY'S TAX COLLECTOR TO TRANSFER 2014 REAL ESTATE TAX CREDITS BALANCE TO OPERATIONS

WHEREAS, various credits and/or overpayments appear on the Tax Collector's records For Fiscal Year 2014 as of December 31, 2014; and

WHEREAS, the Tax Collector of the City of Hoboken wishes to transfer these credit balances to operations with the intent to maintain an efficient bookkeeping of the tax accounting records; and

WHEREAS, the Tax Collector deems that it is in the best interest of the City of Hoboken that these balances be transferred to operations; and

BE IT FURTHER RESOLVED, by the Municipal Council of the City of Hoboken, that these funds shall be made available by the city treasurer on a legitimate claim for these credits or overpayments.

SEE ATTACHED SCHEDULE

---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.

16-276

---By Councilwoman Fisher

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$12,060.91)

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Corelogic 1 Corelogis Dr Westlake, TX 76262	268.01/3/C00C1	1500 Hudson St	2/16	\$1,553.14

WellsFargo Rets	89/12/C0P62	501 Ninth Street	1/16	\$ 112.28
1 Home Campus MAC-F2302-035				
Des Moines, IA 50328				
John W. Gomez	268.01/2/C005C	1500 Washington St	3&4/15	\$3,898.55
1500 Washington Street #5C				
Hoboken, NJ 07030				
Joseph Stanczyk	253/4	1207 Park Avenue	3/15	\$4,761.03
1207 Park Avenue				
Hoboken, NJ 07030				
Max Title Agency, LLC	268.01/2/C011V	1500 Washington St	4/15	\$1,735.91
70 S Orange Avenue, Ste 225				
Livingston, NJ 07039				

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

16-277

---By Councilman Doyle

**RESOLUTION TO ADOPT THE MINUTES OF THE MEETINGS OF THE CITY COUNCIL
 DATED: REGULAR & SPECIAL MEETING OF MARCH 2, 2016**

BE IT RESOLVED, that the attached Meeting Minutes for the City of Hoboken’s Regular and Special of the City Council of **March 2, 2016** have been reviewed by the Governing Body, and are hereby approved by the Governing Body, and said Meeting Minutes shall now be made public, except to the extent said minutes include closed execution session discussions, which shall remain confidential until the need for confidentiality no longer exists, at which point the matters discussed therein will be made available to the public in accordance with applicable law.

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

ORDINANCES

Introduction and First Reading

16-278
Z-411

AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ESTABLISHING A SCHEDULE OF CLASSIFICATIONS AND ALLOCATIONS OF TITLE FOR THE MENTIONED POSITIONS IN THE CITY OF HOBOKEN

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DO ORDAIN AS FOLLOWS;

1. The Alphabetical List of Titles, City of Hoboken, set forth in City Code to which this Ordinance is an amendment and supplement shall be, and the same is hereby, amended and supplemented so that the titles, salaries and ranges contained herein shall be amended as follows on the attached list, which is incorporated by reference. The remainder of the Alphabetical List of Titles, City of Hoboken, set forth in the City Code shall remain unchanged as a result of this Ordinance.
2. If the Alphabetical List of Titles, City of Hoboken, herein set forth contains any position or positions which are not enumerated in the Plan for the Standardization of Municipal Class Titles, which is a part of the Code to which this Ordinance is an amendment, then in that event, the duties of the said position or positions shall be those which pertain to the particular position and positions set forth in any other ordinance adopted and now in force and effect in any statute of the State of New Jersey.
3. The provisions of this Ordinance shall in no way affect the tenure or Civil Service status of any employees presently employed by the City of Hoboken in any of the various positions set forth in the Alphabetical List of Titles, City of Hoboken.
4. The Alphabetical List of Titles referred to herein as well as the salary ranges for all positions in the City shall be on file in the Office of the City Clerk.
5. All ordinances or parts of ordinances inconsistent herewith are herewith repealed.
6. This ordinance shall take effect as provided by law.

Title	Minimum	Maximum
Assistant Data Processing Coordinator	\$20,000.00	\$55,000.00
Code Enforcement Officer - Trainee (part time)	\$13.00	\$15.00
Executive Secretary	\$59,000.00	\$81,000.00
Secretary	\$56,000.00	\$78,000.00

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 **May 4, 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.

16-279
Z-412

AN ORDINANCE AMENDING CHAPTER §44 (LAND USE PROCEDURES) UPDATING APPENDICES AND FORMS

WHEREAS, the application form, checklists and fee schedule associated with applications for development before the Planning Board and Zoning Board of Adjustment are reviewed periodically to assure that the documents required, the format for submission, and the application and escrow fees remain current, and

WHEREAS, the City of Hoboken wishes to maintain the currency of these forms to assure the highest level of efficiency and functionality possible,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hoboken, County of Hudson, State of New Jersey, that Chapter 44 of the Administrative Code of the City of Hoboken shall be amended as follows:

Chapter 44 Appendices:

The following attachments, adopted by and made a part of Chapter 44, are deleted in full and hereby updated with the following versions, as attached hereto:

Appendix A:

- 1) Planning Board & Board of Adjustment Application for Development
- 2) Checklist for Subdivision Application
- 3) Checklist for Site Plan Application
- 4) Checklist for Variance Application
- 5) Checklist for Conditional Use and Wireless Telecommunications Site Plan Applications

Appendix B:

- 1) Planning Board & Board of Adjustment Fee Schedule

SECTION THREE: 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 FOUR: 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 effect 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 FIVE: EFFECTIVE DATE

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

President Giattino moved that the ordinance pass its first reading as read and be laid off the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **May 4, 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.

RESOLUTIONS (CONT'D)

16-280

---By Councilman Doyle

RESOLUTION OF THE CITY OF HOBOKEN REFERRING THE PROPOSED ORDINANCE Z-412 ENTITLED “AN ORDINANCE AMENDING CHAPTER §44 (LAND USE PROCEDURES) UPDATING APPENDICES AND FORMS” TO THE CITY OF HOBOKEN PLANNING BOARD IN ACCORDANCE WITH THE MUNICIPAL LAND USE LAW, N.J.S.A. 40:55D-26

WHEREAS, pursuant to the Municipal Land Use Law, the City Council shall refer all ordinances to amend the zoning code and related municipal regulations to the Planning Board prior to final adoption of same; and

WHEREAS, on April 20, 2016 the City Council considered an ordinance (Z-412) entitled “AN ORDINANCE AMENDING CHAPTER §44 (LAND USE PROCEDURES) UPDATING APPENDICES AND FORMS” on first reading, which the City Council, in accordance with N.J.S.A. 40:55D-26, now wishes to refer to the Planning Board prior to the City Council’s final consideration of same.

NOW, THEREFORE, it is hereby resolved by the City Council as follows:

1. The City Council hereby refers the proposed ordinance “AN ORDINANCE AMENDING CHAPTER §44 (LAND USE PROCEDURES) UPDATING APPENDICES AND FORMS” which is on file at the municipal offices of the City of Hoboken, and incorporated herein as if set forth in full, to the City of Hoboken Planning Board for review and recommendation in accordance with N.J.S.A. 40:55D-26.
2. The City of Hoboken Planning Board shall generate a report within thirty five (35) days after this referral containing its recommendation regarding the proposed ordinance.
3. City Staff and consultants are hereby authorized and directed to take all actions to implement this Resolution as are necessary or appropriate to accomplish its goals and intent.
4. 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 **May 4, 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

AN ORDINANCE REQUIRING THE HOBOKEN CITY COUNCIL TO CONTRIBUTE A SPECIFIC PERCENTAGE OF THE PREMIUMS FOR THEIR HEALTH INSURANCE BENEFITS

WHEREAS, pursuant to the Faulkner Act, specifically, *N.J.S.A. 40:69A-180(c)*, the compensation of the Hoboken City Council (Council) is to be established by the City Council by Ordinance; and,

WHEREAS, the Council has the authority to amend the compensation for its membership at any time it sees fit; and,

WHEREAS, the term “compensation” includes benefits such as paid health, dental, vision and prescription insurance; and,

WHEREAS, pursuant to the City’s employee handbook, the City makes available medical, dental, vision and prescription insurance coverage to each member of the City Council, but further reserves the right to change the terms and conditions of its insurance plans at any time; and,

WHEREAS, the City presently makes available to members of the Council a insurance buy-out in lieu of receiving insurance benefits; and,

WHEREAS, the Council recognizes that there has been a significant tax increase on the residents of Hoboken, and citizens in general are experiencing significant tax increases in their respective communities, and the Council, therefore, believes that the members of the Hoboken City Council accepting health insurance from the City should contribute at the maximum percentage of premiums authorized under Title 78 of the New Jersey State Statutes to help pay for this benefit; and,

WHEREAS, the pension and benefit bill adopted by the State of New Jersey as P.L. 2011, c.78 became effective June 28, 2011, and said bill requires public employees to contribute up to 35% of the health insurance premiums to their health care insurance costs, with a phase in period of four years; and,

WHEREAS, the City Council would like to set clear standards for the Council’s required contributions to their health care costs, in conformity with the new state legislation regarding maximum contribution.

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

Section One:

- A. Any member of the Hoboken City Council who chooses to receive paid medical, dental, vision, or prescription insurance benefits from the City of Hoboken shall contribute the maximum percentage of the monthly premiums authorized by Title 78 of the New Jersey Statutes. The amount of contribution to be paid by City Council members for health care benefits coverage for the Council Members and any dependents shall be 35% of the total premiums.
- B. Any Council Member in office on the date of which the contribution requirements herein commence shall pay this percentage commencing on the first day of the first month following the effective date of this Ordinance.

- C. Any Council Member not in office on the date of which the contribution requirements herein commence shall pay the total amount of the contribution immediately upon commencement of said benefit(s).
- D. Commencing immediately upon adoption of this Ordinance, the City shall not offer any insurance buy-out program or any similar type of program for City Council Members in lieu of receiving medical benefits.
- E. This ordinance shall become effective immediately upon passage and publication as provided by law.

Section Two: Repeal of Inconsistent Provisions

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

This Ordinance shall also supersede any inconsistent provisions contained in any resolution or ordinance previously adopted by the Hoboken City Council, including, but not limited to, the portion of the Employee Handbook adopted by resolution of the Hoboken City Council on October 15, 2003 which addresses this City Council Member Benefits.

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 upon passage and publication as provided by law. Contributions to healthcare premiums will be due and applicable from all Council members who are currently taking healthcare benefits from the City of Hoboken, as of the next premium due date following the passage and publication 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.

---Motion duly seconded by Councilman Russo

---**TABLED** by the following vote: YEAS: 8 – NAYS: 1

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

---Nays: President Giattino

Councilman Bhalla comments and would like to table this ordinance and seconded by Councilman Russo

NEW BUSINESS

16-282

---By Councilman Doyle

RESOLUTION AWARDING A NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT TO NEW JERSEY ELEVATOR INSPECTION AGENCY FOR ELEVATOR SUB-CODE SERVICES TO THE CITY OF HOBOKEN FOR ONE YEAR (APRIL 21, 2016 – APRIL 20, 2017) WITH NO NOT TO EXCEED AMOUNT, BUT WITH A PAYMENT STRUCTURE OF 30% OF FEES COLLECTED FOR THE SERVICE BEING MAINTAINED BY THE CITY AND 70% OF FEES COLLECTED BEING PAID TO THE VENDOR (EMERGENCY RESOLUTION)

WHEREAS, service to the City as Licensed Elevator Subcode Inspector is a professional service, which is hereto awarded 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 the twelve month term, will exceed \$17,500.00; and

WHEREAS, the term of this contract is one (1) year, which expires April 20, 2017; and

WHEREAS, the City therefore seeks to contract, as a non-fair and open contract, with New Jersey Elevator Inspection Agency for the licensed elevator sub-code services of Carlos Rodrigues charged as no upfront cost to the City, but an income sharing of 30% of all fees collected for inspections being the City's and 70% of all fees collected for inspections going to the vendor, per their attached Proposal; and

***WHEREAS**, the vendor 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, New Jersey Elevator Inspection Agency 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 not required for this award.

NOW THEREFORE, BE IT RESOLVED, (a majority of the full council voting affirmatively) that a contract with New Jersey Elevator Inspection Agency for the licensed elevator sub-code services of Carlos Rodrigues charged as no upfront cost to the City, but an income sharing of 30% of all fees collected for inspections being the City's and 70% of all fees collected for inspections going to the vendor, per their attached Proposal, for a one year term to expire April 20, 2017.

BE IT FURTHER RESOLVED, the contract shall expressly state that said firm shall be obligated to provide prompt notice to the City of any fees payable to the vendor, via a proper invoice, which shall be submitted in no event later than thirty days from receipt of the service; 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 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.
3. 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:

New Jersey Elevator Inspection Agency
30 Amherst Place
Livingston, NJ 07039

---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.

NEW BUSINESS (CONT'D)

Councilman DeFusco comments on the shuttle pick up and thanked Director Morgan and the sub-committee for Transportation and Parking, making it safe and modernizing for those who live downtown. Also, in conversation with NJ Transit to use their bus terminal as a drop off point permitting private vehicles to drop off there, the status of NJ Railyards which will take some time and take a couple of years for the Redevelopment Plan. We should look at a Chelsea Market at the NJ Transit and see if we can use creative ideas for small business and revisit this in a future council meetings.

Councilman Bhalla comments if this could be looked into Councilman Mello's sub-committee

Councilman Mello comments absolutely.

Councilman Ramos comments that we should look at all our redevelopment plans.

Councilman DeFusco comments on cigarette butts abound and having cleaner streets and lead by example and the fire inspection at Pier 13 and why now to address this case and if someone can provide the memo on what's going on.

BA Wiest comments that he would defer to Acting Corp. Counsel.

Acting Corp. Counsel comments that the Fire Dept. had some concerns for public safety.

Councilman DeFusco comments on two women punched on Washington St. and 3rd and Monroe Streets.

Chief Ferrante comments that there were a lot of incidents this past weekend, those were not aggravated assault and look back at the reports and let you know.

Councilman DeFusco comments on the Historic Preservation Board, R-1 Preservation district and reuse these beautiful buildings, one is being done on 1st and 2nd, but it's not across the city though.

Councilwoman Fisher comments on and follow-up with Councilman DeFusco's comments, we are seeing current three story properties on the lower end on Garden, Bloomfield and Park. 333 Park is an example, when can we revisit it, there are new council members now, do we have effectively the up zone giving more flexibility and density on their lot, but do we have the ability to downzone or do we face legal issues, it's worth looking into. On April 27th from 1:00 – 7:00PM Stevens is having their annual innovation expo, there's over 700 Stevens alumni and they are purchased by Venture Capitalists aimed mostly at the Biomedical field. The Rebuild by Design open sessions which were well attended, have a lot of good feedback and a lot of good ideas, the DEP came better prepared with concepts and made the community better, some design more consistent and the project is moving forward and next month, there will be actual models and show how water will flow at the various alternatives. The Hoboken Family Alliance had a meet and greet at the High School, a great connection with care providers and families to connect together in the community.

Councilman Russo comments on a few e-mails specifically about cross walks and lack of being painted right at the Monroe Center and it seems to be a general issue, need to figure out a schedule and have them repainted. The residents of Columbus Gardens, the residents on 8th and 9th Street (front end parking) and extending the pavements to the parking base and if they could have those spaces but they are city property and if they are city property we need to fix those pot holes. Loading zones across from the Monroe Center so trucks can get into their loading docks and there's cars parked across the street and look into it.

Council President comments on more detail.

Director Morgan comments and responds on overtime and why there was overtime, and also the loading zones at the Monroe Center.

Councilman Mello comments.

Councilman Doyle comments in May we've been told.

Councilman Russo comments on the redevelopment zone at 7th and Jackson pertaining to the park and the gym and where we are in the plans and get an email update, the issue of permanent structure at the Blue Eyes café, but there are some outstanding such as approvals through construction and zoning and the contract law and how the Council needs to act on a city owned property, what's the vote tally for the Council's obligation? Also, who's structure does that become, if the vendor paid for it, or is it city structure and finally, the Metrostop light rail side, if we can reach out to the residents of that building and if NJ Transit should maintain it since it's their property.

BA Wiest comments that he doesn't think so and we have looked at this in the past.

Councilman Doyle comments on the zoning changes and how frustrating and its more complicated than its being presented, there's two issue, the aesthetic to our city, the nice 3 story block like 7th and Park, but regardless any changes to the ordinance it was always 40 Ft., but if you want to keep that historic character and you would have to drop it 40 ft. by block or designate them historically which we are looking into, but talking about 70% of the city is historic and it would be a big litigation issue and now people are willing to buy a 1.2 Million and after they are done they spend 3 Million on the property and since we are abandoning the first floors and letting the public know not to rent out their basements/1st floors the 2nd part of it is the notion that the Council is the judge of historic character, who is to judge my artistic taste if I wanted a red tiled building or glass/steel building, the purpose is to have good architecture in 2015.

Councilman Russo comments due to the change of the ordinance which takes away the ground floor and we do not allow them to recoup that ground floor on another level we are reducing the value of that building and no one could live in the ground floor, to go back and revert back to the zoning change, it needs to go back to the base flood elevation change.

Councilwoman Fisher comments on before the zoning ordinance, stories, 40 ft. increase 1/3 of density.

Councilman Doyle comments that there will be a committee meeting next week and Councilman DeFusco would like to participate in the meeting. On Mother's Day, is the HoHa Classic 5K run, it's May 8th, Sunday morning and register at HoHa.net.

Councilman Ramos comments and has questions on the Multiservice Center 5 year plan, the movie night at the Housing Authority, the roller rink, did the study for environmental and when is construction for it?

BA Wiest commented that they cancelled the bid for the rink and use that space for something else and we did some environmental work to know what we would like to proceed on it, we spoke on 1st and Jackson Street and when can that be torn down and would like an update.

BA Wiest commented that there were discussion with the property owner and there are federal liens and the IRS and the city is restrained on this agreement.

Councilman Ramos commented the train tracks and the status of the SW Bid, the MOU with the HHA and HPD and any update on MOU.

BA Wiest commented that there were two (2) bids, we need the authorization from the state of NJ and award it at the next meeting.

Chief Ferrante comments that we have been working on this since 2014, the housing authority waived it and their Corp. Counsel needs to coordinate with the City's Corp. Counsel.

Councilwoman Fisher comments.

Councilman Ramos comments on the mural paintings, 14 seems a bit too much, we could use a painting by 1600 Park Ave and the viaduct, there's a lot of graffiti on the eastern and western side of the wall, water main improvements, we may be around 100 Million range and look into getting a plan and bond, there's a pilot program on Sinatra Drive, HHA maintenance needs for apartments and see if they could contact the city housing to take their maintenance calls is that possible and 91 Monroe St, looks like it's falling over.

BA Wiest comments that he would look into it.

Councilwoman Fisher comments on the Sinatra Pilot and why is it ok there?

Director Morgan comments that it's for Earth day for three day to remove the parked cars.

Councilman Bhalla comments on this past Saturday was the opening of Little League honoring Maria Pepe back in 1972 to allow her to play little league baseball with boys, it was a very nice event, and it was also opening day for softball where they walked at Mama Johnson Field and maybe in the future combine the girls' softball with the Little League, and Sunday is the Hoboken Arts and Music Festival.

Councilman Cunningham comments on some issues, there was an item this evening regarding Trader Joes but it was not ready, it's 14th and Willow, if we want Trader Joes to come to Hoboken, we need to look at the pedestrian and safety around that area. The agreement will provide parking on a limited basis and we should seriously consider especially with trucks coming and going at Trader Joes. Thanks Director Morgan for the senior shuttle and when will the new changes take effect, what is going on with Marginal Road and extending that traffic light so it doesn't back up to 495 and Kennedy Blvd?

Director Morgan commented that we will get a city employee who has the proper license and try to start it tomorrow/Friday to see if we need to make any adjustments on their routes, put a phone call to them but they will start construction at the 495 viaduct which could complicate things.

Councilman Cunningham comments on the school vehicles and reach out to Director Callighy and they should park in their parking lot and speak to Director Pellegrini for the dog run underneath the Viaduct, what he plans to do and reach out to the county, and the decorative lighting at the upper ground buildings and they are being reviewed by Special Counsel and hopefully look at the Western Edge Plan, there were some legal issues sorted out and hopefully process it.

Councilman Mello commented.

Council President commented on the 901 Bloomfield Appeal will be heard on May 18th and comments on abandoned bicycles and 603 Bloomfield doesn't have a fence.

Chief Ferrante comments if it looks abandoned it is treated like trash it's documented and sent to the trash.

At 10:43 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 10:43 PM

PRESIDENT OF THE COUNCIL

CITY CLERK