

MEETING OF MAY 18, 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, MAY 18, 2016 AT 7:00 PM

Council President opened the meeting at 7:11 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, Mello, Ramos, Russo and President Giattino

Absent: Fisher

Council Presentation comments that she will suspend the agenda for two (2) proclamations one from Mayor Dawn Zimmer to United Decorated and the 2nd one for the month of April

Council President comments that there's a presentation from the Liberty Humane Society.

A PRESENTATION FROM THE LIBERTY HUMANE SOCIETY

SECOND READING/PUBLIC HEARING AND FINAL VOTE

AN ORDINANCE AMENDING CHAPTER 190 ENTITLED "VEHICLES AND TRAFFIC" TO AMEND VARIOUS CURBSIDE PARKING AND LOADING REGULATIONS (**Z-414**) (**sponsored by Councilman DeFusco and Councilman Cunningham**)

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: 8 – NAYS: 0 – ABSENT - 1

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

---Nays: None.

---Absent: Fisher

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: 8 – NAYS: 0 - ABSENT: 1

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

---Nays: None.

---Absent: Fisher

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-415)**
(sponsored by Councilman Mello and Councilman Ramos)

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

President Giattino moved that the hearing be closed.

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

---Absent: Fisher

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: 8 – NAYS: 0 - ABSENT: 1

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

---Nays: None.

---Absent: Fisher

BOND ORDINANCE AUTHORIZING THE MILLING, REPAVING AND REHABILITATION OF WASHINGTON STREET IN THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$12,000,000 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 \$11,400,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING **(Z-416)**
(sponsored by Councilwoman Fisher and Councilman DeFusco) (CARRIED TO THE NEXT COUNCIL MEETING – 6-1-16)

PUBLIC COMMENTS

The speakers who spoke: Andrew Impasato, Patricia Waiters, Ronald Bautista, Peter Kim, Chris Adair, Rosalyn Della Cruz, Nicole Della Cruz.

PETITIONS AND COMMUNICATIONS

16-313

Proclamation from Mayor Dawn Zimmer for United Decorators being in business for over 117 years in the City of Hoboken.

Received and Filed.

Proclamation from the City Council proclaiming the month of April 2016 as National Donate Life Blue and Green Day or "Donate Life" month.

Received and Filed.

16-314

APPLICATION FOR MISCELLANEOUS LICENSES

Vendor----- 1 item
Raffle----- 1 item

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

REPORTS FROM CITY OFFICERS

16-315

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of April 2016 **\$24,437,143.22 (Abatement Totals –\$350,319.00)**

Received and Filed.

16-316

A report from Municipal Court indicating receipts for the month of April 2016 as **\$436,903.61**

Received and Filed.

16-317

CLAIMS

---By President Giattino

Total for this agenda **\$2,071,569.63**

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

16-318

PAYROLL

---By President Giattino

For the two week period starting April 21 – May 4, 2016

Regular Payroll	O/T Pay	Other Pay
\$1,638,963.97 1,550.62	\$50,187.63	\$85,147.79
Total	\$1,774,299.39	

---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Mello, Ramos, Russo and President Giattino
---Nays:

---Absent: Fisher

PUBLIC COMMENTS ON RESOLUTIONS

The speakers who spoke: Patricia Waiters, James Vance, Melissa Blanco, Joseph Branco

CONSENT AGENDA – 2, 4, 6, 8 - 16

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

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

---Nays: Giattino on Resolution #14, and #15

---Absent: Fisher

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: 1, 3, 5, & 7

Removed by Administration:

RESOLUTIONS

16-319

---By Councilman DeFusco

THIS RESOLUTION APPOINTS HOVIE TO THE HOBOKEN HOUSING AUTHORITY FOR AN ADDITIONAL (5) FIVE YEAR TERM WHICH WILL EXPIRE ON MAY 3, 2021

WHEREAS, pursuant to the Code of the City of Hoboken 38-1, the City of Hoboken has established a Housing Authority; and

WHEREAS, the Code of the City of Hoboken 38-2 provides for seven (7) members to serve on the Hoboken Housing Authority Board; and

WHEREAS, New Jersey law gives authority to the City Council to appoint (5) five members serving on the Hoboken Housing Authority Board; and

WHEREAS, there is currently an expired position on the Hoboken Housing Authority Board, due to the expiration of the prior term of Robert Davis, expired on May 3, 2016, and the Council wishes to appoint a commissioner to said expired position, for a term which shall commence immediately and shall expire on May 3, 2021; and

WHEREAS, the City Council wishes to appoint Hovie Forman, Hoboken, New Jersey 07030 to said position.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken hereby appoint Hovie Forman, to serve as a member of the Hoboken Housing Authority in the recently expired seat of Commissioner Robert Davis, for a new five (5) year term, which shall commence immediately upon oath, and shall expire on May 3, 2021.

The speaker who spoke: Hovie Forman

---Motion duly seconded by Councilman Mello

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

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

---Nays: None
---Absent: Fisher

Motion by Councilman DeFusco and seconded by Councilman Mello to nominate Hovie Forman for the commissioner's seat.

Motion by Councilman Russo and seconded by Councilman Ramos to nominate Patricia Waiters for the commissioner's seat.

Motion by Councilman Ramos and seconded by Councilman Russo to nominate Joseph Branco.

16-320

---By Councilman DeFusco

RESOLUTION AWARDING A CONTRACT TO PARKMOBILE FOR SERVICE OF A PAY BY-PHONE PARKING SYSTEM IN ACCORDANCE WITH THEIR NJPA COOPERATIVE CONTRACT IN THE TOTAL AMOUNT NOT TO EXCEED ZERO DOLLARS OF CITY FUNDS

WHEREAS, N.J.S.A. 40A:11-5 permits municipalities to award public contracts without public bidding when the vendor is an approved state contractor or part of an approved national cooperative, and ParkMobile has been approved as an NCPA National Cooperative Purchasing Alliance contractor, which cooperative the City is a part of; and,

WHEREAS, the City seeks to commence pay by phone service for city parking; and

WHEREAS, pursuant to the recommendation of the Purchasing Department, which is attached hereto, the City wishes to contract for the services and related goods under ParkMobile's NCPA contract, under the contract attached hereto; and

WHEREAS, certification of funds is not required as part of this contract, as ZERO city funds shall be expended.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Hoboken that the below-listed vendor is authorized to provide the services and related goods described in the attached contract, which shall at all times remain in accordance with ParkMobile's NCPA contract, for a total not to exceed amount of ZERO Dollars (**\$0.00**) of city funds, as follows:

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 the attached contract with ParkMobile and take all other actions necessary to complete and realize the intent and purpose of this Resolution.
3. The contract for said goods and/or services shall be based upon the following information:

ParkMobile LLC
1100 Spring Street NW, Suite 200
Atlanta, Georgia 30309

---Motion duly seconded by President Giattino

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

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

---Nays: None
---Absent: Fisher

---By Councilman Bhalla

A RESOLUTION TO CONTINUE THE OPERATION OF A PILOT MULTI-USE PATH ON SINATRA DRIVE

WHEREAS, Chapter 190 of the General Code of the City of Hoboken establishes the rules and regulations associated with circulation and parking within City borders; and,

WHEREAS, the Hudson River Waterfront Walkway (HRWW) is envisioned as a continuous 18.5 mile multi-use waterfront corridor for public use from Bayonne to the George Washington Bridge; and,

WHEREAS, while the requirement to construct the walkway is triggered by development activities along the waterfront properties, which has resulted in certain “gaps” in the existence of the walkway, major sections of the HRWW have been completed in recent years, including the connection at Weehawken Cove, the reconstruction of Sinatra Park, and a segment adjacent to Stevens Institute of Technology property; and,

WHEREAS, the last major uncompleted segment of the HRWW in Hoboken is along a section of industrial waterfront owned by Union Dry Dock, where only a very narrow sidewalk is overwhelmed by thousands of people per day enjoying the waterfront; and,

WHEREAS, because of major sidewalk congestion, waterfront users are often pushed out into an active vehicular travel lane which creates hazardous, uncomfortable, and undesirable conditions for these users; and,

WHEREAS, a pilot project was conducted on Earth Day weekend 2016 that involved the temporary conversion of the east side parking lane of Sinatra Drive adjacent to Union Dry Dock into an approximately 10 foot wide, physically-protected multi-use path; and,

WHEREAS, 72 percent of 373 respondents to a survey conducted during Earth Day weekend expressed their desire to make the pilot multi-use path on Sinatra Drive permanent; and,

WHEREAS, making the pilot multi-use path permanent is to be considered only a first step in a larger process to make Sinatra Drive a more complete street and does not preclude the incorporation of further design changes to the corridor near Union Dry Dock; and,

WHEREAS, May is National Bike Month, and extending the operation of a pilot multi-use path on Sinatra Drive to bridge Hoboken’s final gap in its waterfront multi-use path builds on the city’s status as a Bike Friendly Community.

NOW, THEREFORE, BE IT RESOLVED, beginning May 20, 2016, the pilot program implementing a physically protected multi-use path on the east side of Sinatra Drive adjacent to Union Dry Dock shall recommence immediately and shall continue until the earlier of September 30, 2016 or the date upon which action is taken on a proposed ordinance entitled, “AN ORDINANCE AMENDING CHAPTER 190 ENTITLED “VEHICLES AND TRAFFIC” TO CREATE A NEW ARTICLE TITLED XXXVI: MULTI-USE PATHS”, and it is rejected or becomes effective (i.e., approval by the Mayor), in substantially similar form as follows:

- A. No stopping or standing shall be permitted at any time on the east side of Sinatra Drive beginning at the southerly curblineline of Frank Sinatra Drive North and continuing 1,090 feet southerly therefrom.
- B. No Stopping or Standing signage that is compliant with Manual of Uniform Traffic Control Devices (MUTCD) standards shall be clearly posted at both endpoints of the Sinatra Drive Multi-Use Path.
- C. Physical barricades shall be installed along the edge of the parking lane line approximately 10 feet laterally from the eastern curblineline of Sinatra Drive from the southerly curblineline of Frank Sinatra Drive North and continuing 1,090 southerly to prevent motor vehicles from accessing the Sinatra Drive Multi-Use Path.

- D. The Sinatra Drive Multi-Use Path shall be for the exclusive use of pedestrians, human-powered vehicles, and low-speed electric vehicles that cannot exceed 15 miles per hour.
- E. A user who is operating a human-powered or low-speed electric vehicle upon the Sinatra Drive Multi-Use Path shall yield to the right-of-way to any pedestrian.
- F. All users of the Sinatra Drive Multi-Use Path shall:
 - 1. Travel at a rate of speed which is reasonable and prudent under the conditions at the point of operation, taking into account the amount and character of pedestrian traffic, grade and width of path, and condition of surface;
 - 2. Obey all instructions of any traffic control device, warning sign, or pavement marking applicable to use of the multi-use path, unless otherwise directed by a police officer, including, without limitation: speed limit, stop, yield, caution, warning and dismount signs;
 - 3. Exercise due care and caution to avoid colliding with any other users;
 - 4. Refrain from entering any portion of the multi-use path when it is flooding or contains standing water;
 - 5. Travel as near to the right of the path as is safe, except as may be appropriate while preparing to make or making turning movements, or while overtaking or passing another user traveling in the same direction;
 - 6. Pass other users on the left and only when it can be done safely, returning to the right only when safely clear of the user being passed;
 - 7. Give an audible warning signal (e.g. voice, bell, or mechanical signaling device) and/or provide a minimum of three (3) feet passing distance between themselves and another user before passing another user; and
 - 8. Remove themselves and any equipment off of the multi-use path when stopping, standing, or parking.
- G. No person, other than authorized maintenance and public safety officials including those authorized by the Director of Transportation and Parking or the Director of Environmental Services to conduct street sweeping, plow snow, or carry out other forms of infrastructure maintenance, shall operate, use or place any vehicle or device with an attached motor or power unit that may exceed 15 miles per hour, whether or not it is in operation, upon the Sinatra Drive Multi-Use Path.

BE IT FURTHER RESOLVED, an area extending 10ft. out from the easterly curblineline of Sinatra Drive, beginning at the southerly curblineline of Frank Sinatra Drive North and extending 1,090 feet southerly therefrom shall be dedicated for human-powered transport only.

---Motion duly seconded by Councilman Doyle

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

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

---Nays: None.

---Absent: Fisher

16-322

---By President Giattino

RESOLUTION AWARDDING A CONTRACT TO CHAS S WINNER INC. TO PURCHASE TWO (2) VEHICLES FOR THE HOBOKEN POLICE DEPARTMENT IN ACCORDANCE WITH NJ STATE CONTRACT T2776/88728 IN THE TOTAL AMOUNT NOT TO EXCEED \$74,015.00

WHEREAS, the City of Hoboken requires two (2) vehicles for the Police Department; and,

WHEREAS, the Administration intends to use Chas S Winner Inc. using their NJ state contract #T2776/88728, for said goods and provisions; and,

WHEREAS, in accordance with the direction of the Administration, the City Council is

asked to award a contract for two (2) vehicles to Chas S Winner Inc. for a total not to exceed contract amount of Seventy Four Thousand Fifteen Dollars (\$74,015.00), for goods and services as described in the attached proposal from Chas S Winner Inc. dated May 10, 2016 and,

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 a total not to exceed Seventy Four Thousand Fifteen Dollars (\$74,015.00), for goods and services as described in the attached proposal from Chas S Winner Inc. dated May 10, 2016, as follows:

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

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

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

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

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

Chas S Winner Inc.
DBA Winner Ford
250 Berlin Road
Cherry Hills, NJ 08034

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 9 - NAYS: 0 - ABSENT: 1

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

---Nays: Defusco, Ramos, Russo

---Absent: Fisher

16-323

---By President Giattino

RESOLUTION TO APPROVE A PILOT PROGRAM, UNDER HOBOKEN CODE SECTION 168-51D, FOR EXTENDED HOURS AT PROPERLY LICENSED SIDEWALK CAFES

WHEREAS, the City of Hoboken's restaurants are typically slower in the summer months and the weather lends itself to outdoor dining: and,

WHEREAS, extending the hours of operations of sidewalk cafes during summer months will allow for an extra hour of outdoor dining for residents and visitors; and

WHEREAS, this Pilot program will be a way to determine if extended hours in summer months is beneficial to the community and businesses.

NOW THEREFORE, BE IT RESOLVED that the City Council hereby continues to authorize operating hours from 8AM until 11:00PM for properly licensed sidewalk cafes, pursuant to Hoboken Code Section 168-51D, on all dates in June except those expressly listed below which shall be authorized for extended hours as described herein.

BE IT FURTHER RESOLVED that the City Council hereby authorizes extended operating hours from 8AM until 12:00AM (midnight), without any change in the hours of service

of alcoholic beverages, under Hoboken Code Section 168-51D, for properly licensed sidewalk cafes on the following dates:

June 2rd , 3rd , 4th , 9th , 10th , 11th , 16th , 17th , 18th , 23rd , 24th , and 25th of 2016

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer and the City Clerk 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 pilot shall take effect immediately, and shall terminate on June 26, 2016.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: Defusco

---Absent: Fisher

16-324

---By Councilman Mello

RESOLUTION TO AMEND THE AWARD OF THE CONTRACT TO STARR WHITEHOUSE FOR THE PROVISIONS OF DESIGN, PERMITTING AND CONSTRUCTION OVERSIGHT FOR BLOCK 12 FOR THE CITY IN ACCORDANCE WITH THE CURRENT CONTRACT, WITH NO CHANGE IN THE EXPIRATION DATE, BUT WITH AN INCREASE IN THE AMOUNT NOT TO EXCEED AMOUNT BY \$108,600.00, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$675,792.00

WHEREAS, the City previously awarded and thereafter amended a design, permitting and construction oversight contract to Starr Whitehouse for Block 12, for a total actual not to exceed amount of \$567,192.00 through December 31, 2015, in accordance with applicable Local Public Contract and Pay to Play laws; and,

WHEREAS, the City now seeks to amend the total contract amount an additional \$108,600.00 in accordance with the attached April 22, 2016 proposal, for a new total contract amount of \$675,792.00; and,

WHEREAS, the contractor shall be required to continue to abide by the City and State Pay to Play laws and all related contract compliance laws; and,

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

- A. This resolution amends the contract to Starr Whitehouse, for an additional \$108,600.00 (for services as described in the attached April 22, 2016 proposal of Starr Whitehouse); and, aside from the change in contract amount and change in services, the remainder of the terms shall be in accordance with the original agreement and all attachments thereto; to the extent that the attached June 24, 2015 proposal seeks to amend any terms other than the contract amount and scope of services, including but not limited to administrative terms, same shall be rejected.
- B. The Mayor or her designee is hereby authorized to take the necessary steps to enter into an amendment to the contract, as redefined by this resolution, and any other steps necessary to effectuate this resolution.
- C. This resolution shall be posted and published in accordance with all applicable laws, and shall take effect immediately upon passage.

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

---Motion duly seconded by Councilman Doyle

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

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

---Nays: None.

---Absent: Fisher

16-325

---By Councilman Mello

RESOLUTION AWARDING A CONTRACT TO FLANAGAN’S CONSTRUCTING GROUP, INC. FOR THE PROVISIONS OF HOBOKEN SOUTHWEST BLOCK 12 PARK IN ACCORDANCE WITH THE CITY’S BID NO. 16-03 IN THE TOTAL NOT TO EXCEED AMOUNT OF \$4,907,567.50

WHEREAS, bids were received for Hoboken Southwest Block 12 Park project, as specified in Bid Number 16 - 03; and,

WHEREAS, two (2) bids were received, the being:

<u>VENDOR</u>	<u>TOTAL BID PRICE</u>
1. Flanagan’s Contracting Group, Inc. 90 Old Camplain Road Hillsborough, NJ 08844	\$4,907,567.50
2. Justinian Builders, Inc. 338 7 th Street, Ground Floor Jersey City, NJ 07302	\$5,376,474.65

WHEREAS, pursuant to the recommendation of the City Architect (attached hereto) the City wishes to contract for the services specified in Bid No. 16 - 03, and Flanagan’s Contracting Group, Inc. submitted the lowest, responsible, and responsive bid in the amount of \$4,907,567.50; and,

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

- A. This resolution awards a contract, in a form supplied by the City to the contractor and engineer, to Flanagan's Contracting Group, Inc. for Bid No. 16 - 03, in the total amount of Four Million Nine Hundred Seven Thousand Five Hundred Sixty Seven Dollars and Fifty Cents (\$4,907,567.50) for Hoboken Southwest Bock 12 Park Project; and said contract shall be to Flanagan's Contracting Group, Inc. in accordance with the specifications as set forth in Bid No. 16 - 03.
- 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. No exceptions were noted in the City's Architect's recommendations; therefore, none will be accepted in performing obligations under the bid.
- 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. Bid No. 16-03, and the contract entered into thereunder, is subject to the liquidated damages clause, the performance bond, and the environmental bond obligations defined within the language of the bid documents, and the contract awarded herein under Bid No. 16-03 shall be subject to said obligations as well.
- F. The Mayor or her authorized agent is hereby sanctioned to enter into the herein awarded contract with the vendor for said purchase pursuant to Bid No. 16-03.
- G. Prior to execution of the contract awarded and defined hereunder, and within twenty (20) days of adoption of this resolution, the City of Hoboken shall provide a copy of this resolution along with the bid specifications, the bid proposal of Flanagan's Constructing Group, Inc., and a draft of the City's form contract to the Office of the State Comptroller of the State of New Jersey for review. The Mayor's authority to execute the agreement hereunder shall not be initiated until the Office of the State Comptroller acknowledges receipt of same.
- H. This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Doyle

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

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

---Nays: Defusco, Ramos, Russo

---Absent: Fisher

16-326

---By Councilman Doyle

RESOLUTION TO AUTHORIZE THE CITY OF HOBOKEN TO ENTER INTO THE ATTACHED AGREEMENT WITH CAREPOINT HEALTH REGARDING IN HOSPITAL PHYSICIAN SERVICES

WHEREAS, the City previously awarded and thereafter amended a design, permitting and construction oversight contract to Starr Whitehouse for Block 12, for a total actual not to exceed amount of \$567,192.00 through December 31, 2015, in accordance with applicable Local Public Contract and Pay to Play laws; and,

WHEREAS, the City now seeks to amend the total contract amount an additional \$108,600.00 in accordance with the attached April 22, 2016 proposal, for a new total contract amount of \$675,792.00; and,

WHEREAS, the contractor shall be required to continue to abide by the City and State Pay to Play laws and all related contract compliance laws; and,

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

- A. This resolution amends the contract to Starr Whitehouse, for an additional \$108,600.00 (for services as described in the attached April 22, 2016 proposal of Starr Whitehouse); and, aside from the change in contract amount and change in services, the remainder of the terms shall be in accordance with the original agreement and all attachments thereto; to the extent that the attached June 24, 2015 proposal seeks to amend any terms other than the contract amount and scope of services, including but not limited to administrative terms, same shall be rejected.
- B. The Mayor or her designee is hereby authorized to take the necessary steps to enter into an amendment to the contract, as redefined by this resolution, and any other steps necessary to effectuate this resolution.
- C. This resolution shall be posted and published in accordance with all applicable laws, and shall take effect immediately upon passage.

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

---Motion duly seconded by Councilman Russo

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

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

---Nays: Defusco, Ramos, Russo

---Absent: Fisher

16-327

---By President Giattino

RESOLUTION AWARDING CHANGE ORDERS TO THE CONTRACT OF DEE-EN ELECTRICAL CONTRACTING FOR THE MULTI SERVICE CENTER, FIRE HOUSES, POLICE DEPARTMENT AND AMBULANCE CORP BUILDING ELECTRICAL UPGRADES AS CHANGE ORDER NUMBERS GEN-8 & GEN-9 IN AN INCREASED AMOUNT OF \$23,955.75, FOR A NEW, TOTAL NOT-TO-EXCEED AMOUNT OF \$1,154,319.97 (CONSTITUTING A NEW TOTAL CHANGE OF 10.7% FROM THE ORIGINAL CONTRACT AMOUNT)

WHEREAS, the City of Hoboken requires additional change orders for electrical work being performed under the contract for the Electrical Generator Upgrades, which was originally awarded to Dee-En Electrical Contracting (“Dee-En”) for \$1,042,600.00; and,

WHEREAS, the Administration is using Dee-En for said services and provisions; and,

WHEREAS, in accordance with the direction of the Administration, the City Council is asked to award change orders GEN-8 and GEN-9 to the contract for said services to Dee-En, for an increase in the contract amount by Twenty Three Thousand Nine Hundred Fifty-Five Dollars and Seventy Five Cents (\$23,955.75), for a new, total not-to-exceed amount of **\$1,154,319.97** for work in accordance with Dee-En’s Change Order Requests dated 4/14/16 and 4/28/16 (attached hereto); and,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that change orders GEN-8 and GEN-9 to the contract for said services to Dee-En, for an increase in the contract amount by Twenty Three Thousand Nine Hundred Fifty-Five Dollars and Seventy Five Cents (\$23,955.75), for a new, total not-to-exceed amount of \$1,154,319.97 for work in accordance with Dee-En’s Change Order Requests dated 4/14/16 and 4/28/16 (attached hereto); and,

BE IT FURTHER RESOLVED, that the time of completion of the contract be extended by 62 days; and,

1. The above recitals are incorporated herein as though fully set forth at length.
2. Any further change orders which shall become necessary hereafter shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
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 based upon the information herein.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Fisher

16-328

---By Councilman Doyle

RESOLUTION AWARDING A CHANGE ORDER TO THE CONTRACT TO LET IT GROW, INC. FOR CITYWIDE WAYFINDING AND FIRST STREET STREETSCAPE REVITALIZATION PROJECT (BID 15 – 30), AS CHANGE ORDER NUMBER 1, IN AN INCREASED AMOUNT NOT TO EXCEED \$50,000.00 (=4.6% INCREASE) FOR A TOTAL NOT TO EXCEED AMOUNT OF \$1,137,128.65

WHEREAS, the City of Hoboken requires additional unforeseen goods and services under the contract for Citywide Wayfinding and First Street Streetscape Revitalization project; and,

WHEREAS, the Administration intends to continue to use Let It Grow, Inc. for said services and provisions; and,

WHEREAS, in accordance with the direction of the Administration, the City Council is asked to award a change order (#1) to the contract for Citywide Wayfinding and First Street Streetscape Revitalization to Let It Grow, Inc. for a total increase in the contract amount by Fifty Thousand Dollars (\$50,000.00), for a total not to exceed amount of One Million One Hundred Thirty Seven Thousand One Hundred Twenty Eight Dollars and Sixty Five Cents (**\$1,137,128.65**) of which the change order (#1) to the contract shall be for purchases and installation in accordance with the T & M Associates Change Order Request, dated April 14,2016; and,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that a change order (#1) to the contract for Citywide Wayfinding and First Street Streetscape Revitalization project to Let It Grow, Inc. for a total increase in the contract amount by Fifty Thousand Dollars (\$50,000.00), for a total not to exceed amount of One Million One Hundred Thirty Seven Thousand One Hundred Twenty Eight Dollars and Sixty Five Cents (**\$1,137,128.65**) of which the change order (#1) to the contract shall be for purchases and installation in accordance with the T & M Associates Change Order Request, dated April 14,2016, be and is hereby authorized as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the referenced 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 hereafter shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
4. The Council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
5. The Mayor, or her designee is hereby authorized to execute an agreement, for the above referenced goods and/or services based upon the following information:

Let It Grow, Inc.
River Edge, NJ 07661

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None

---Absent: Fisher

16-329

---By Councilman Doyle

RESOLUTION TO APPROVE A LICENSE AGREEMENT BETWEEN THE CITY OF HOBOKEN AND THE CATHOLIC COMMUNITY OF SAINTS PETER & PAUL, OWNER OF BLOCK 215.01 LOT 15 (a/k/a 404 Hudson 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 The Catholic Community of Saints Peter & Paul, owner of Block 215.01 Lot 15, more commonly known as 404 Hudson Street, Hoboken, represented by Msgr. Robert Meyer, 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 The Catholic Community of Saints Peter & Paul, owner of Block 215.01 Lot 15, more commonly known as 404 Hudson Street, shall be subject and limited to the details and specifications included in the attached Application and Daniel Kopec Architects drawing sheets G1.00, G1.01, G1.02, A1.01 and A1.02 dated 03/10/2016;

- 2) The Mayor or her agent is hereby authorized to enter into the attached agreement; and
- 3) This resolution shall become effective immediately up adoption.

---Motion duly seconded by Councilman Russo

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

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

---Nays: None.

---Absent: Fisher

16-330

---By Councilman Doyle

RESOLUTION TO APPROVE A LICENSE AGREEMENT BETWEEN THE CITY OF HOBOKEN AND HOBOKEN LUXURY LLC, OWNER OF BLOCK 195 LOT 1.02 (a/k/a 803 Garden 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 Hoboken Luxury LLC, owner of Block 195 Lot 1.02, more commonly known as 803 Garden Street, Hoboken, represented by Nawar Malas, 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 Hoboken Luxury LLC, owner of Block 195 Lot 1.02, more commonly known as 803 Garden Street, shall be subject and limited to the details and specifications included in the attached Application, Caulfield Associates Survey and Marios Lachanaris, Architect drawing sheet 1 of 1 dated 05/10/2016;
- 2) The Mayor or her agent is hereby authorized to enter into the attached agreement; and
- 3) This resolution shall become effective immediately up adoption.

---Motion duly seconded by President Giattino

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

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

---Nays: None.

---Absent: Fisher

16-331

---By Councilman Doyle

RESOLUTION TO APPROVE A LICENSE AGREEMENT BETWEEN THE CITY OF HOBOKEN AND 529 MADISON LLC, OWNER OF BLOCK 68 LOT 13 (a/k/a 529 Madison 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 529 Madison LLC, owner of Block 68 Lot 13, more commonly known as 529 Madison Street, Hoboken, represented by Alan Ozarow, 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 529 Madison LLC, owner of Block 68 Lot 13, more commonly known as 529 Madison Street, shall be subject and limited to the details and specifications included in the attached Application and George Weiner, RA drawings sheet A-1 dated 04/03/2016;
- 2) The Mayor or her agent is hereby authorized to enter into the attached agreement; and
- 3) This resolution shall become effective immediately up adoption.

---Motion duly seconded by President Giattino

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

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

---Nays: None.

---Absent: Fisher

16-332

---By Councilman Doyle

RESOLUTION AUTHORIZING THE REFUND OF TAX APPEALS STATE TAX COURT (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$10,391.25)

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 \$10,391.25

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
Schneck Law Group LLC 301 South Livingston Avenue, Suite 105 Livingston, NJ 07039	187/11	153 First St	2009	\$3,366.75
Schneck Law Group LLC 301 South Livingston Avenue, Suite 105 Livingston, NJ 07039	187/11	153 First St	2010	\$3,558.75
Schneck Law Group LLC 301 South Livingston Avenue, Suite 105 Livingston, NJ 07039	187/11	153 First St	2011	\$3,465.75

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

16-333

---By Councilman Doyle

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$782.00)

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 \$782.00

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Chase OH4-7326 Attn: Tax recovery Dept. CC#013602 P.O. Box 24695 Columbus, OH 43224-9935	181/31	926 Garden St	4/15	\$782.00

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

16-334

---By Councilman Doyle

**RESOLUTION TO ADOPT THE MINUTES OF THE MEETINGS OF THE CITY COUNCIL
DATED: REGULAR & SPECIAL MEETING OF APRIL 6, 2016**

BE IT RESOLVED, that the attached Meeting Minutes for the City of Hoboken's Regular and Special of the City Council of **April 6, 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 Cunningham

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

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

---Nays: President Giattino

---Absent: Fisher

ORDINANCES

Introduction and First Reading

16-335

Z-417

**AN ORDINANCE AMENDING HOBOKEN CODE SECTION 192-1(C) TO DEFINE
THE REQUIREMENTS AND TERMS OF MEMBERS OF THE SUBCOMMITTEE
ON HANDICAPPED PARKING**

WHEREAS, the City wishes to properly define the terms of and requirements for appoint to the members of the Subcommittee on Handicapped Parking.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hoboken, County of Hudson, State of New Jersey as follows (deletions noted by ~~striketrough~~, additions noted by underline):

Section One:

§ 192-1

Restricted parking zones in front of or near residences of handicapped drivers.

...

C. There is hereby created a subcommittee of the Transportation and Parking Committee of the Council to be called the "Subcommittee on Handicapped Parking."

1. The Subcommittee shall consist of three members, one of which shall be the Chairman of the Transportation and Parking Committee or his designated agent. The two remaining members shall be citizens and/or employees of the City of Hoboken nominated and appointed by a majority vote of the members of the Transportation and Parking Committee. Any member, other than the Chairman of the Transportation and Parking Committee, who sits as a member of the Subcommittee or his designee, shall be required to submit a Citizen Service Act application to the City Clerk prior to the date of appointment in order to be

considered for said appointment. All appointments to the Subcommittee, except the Chairman of the Transportation and Parking Committee, shall be for a term of four (4) years, or until a successor is appointed and qualified. The initial terms of the members currently in office as of the date of adoption of this Ordinance shall terminate on December 31, 2016 for the most senior member, and December 31, 2017 for the next most senior member. The Chairman of the Transportation and Parking Committee, or his designee, shall serve only for the term of his Chairmanship on the Committee. Any member may be removed for cause by a majority vote of the members of the Transportation Subcommittee, subject to proper notice and an opportunity to be heard.

2. It shall be the duty of the Subcommittee on Handicapped Parking to review every application for the establishment of a restricted parking zone for compliance or noncompliance with the provisions of this chapter.

...

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.

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 **JUNE 1, 2016 at 7:00 PM.**

---Motion duly seconded by Councilman Cunningham

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

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

---Nays:

---Absent: Fisher

16-336

Z-418

AN ORDINANCE OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, APPROPRIATING THE SUM OF \$107,500 IN FUNDS FROM THE CAPITAL IMPROVEMENT FUND TO PROVIDE FOR THE CONTINUED HISTORIC PRESERVATION, RESTORATION AND REHABILITATION OF THE HOBOKEN PUBLIC LIBRARY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. There is hereby appropriated the sum of \$107,500 ("Appropriation") from the Capital Improvement Fund of the City of Hoboken, County of Hudson, New Jersey ("City"), which Appropriation represents the final portion of the City's agreed upon match of certain funds received by the Board of Trustees of the Hoboken Public Library from a New Jersey Historic Trust Capital Preservation Grant from the Garden State Historic Preservation Trust Fund, to pay a portion of the costs of the continued historic preservation, restoration and rehabilitation of the Hoboken Public Library as part of Phase I of the Hoboken Public Library's ongoing historic preservation program, all as is currently described and as shall be hereafter described and set forth in the plans and specifications of the Board of Trustees of the Hoboken Public Library and provided to the office of the City Business Administrator.

Section 2. It is hereby determined and stated that the preservation, restoration and rehabilitation measures and improvements set forth in Section 1 hereof are general capital improvements and not a current expense.

Section 3. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith.

Section 4. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect after final adoption and publication as required 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 **JUNE 1, 2016 at 7:00 PM.**

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

16-337
Z-419

AN ORDINANCE AMENDING CHAPTER 190 ENTITLED “VEHICLES AND TRAFFIC” TO CREATE A NEW ARTICLE TITLED XXXVI: MULTI-USE PATHS (sponsored by Councilman Bhalla and Councilman Doyle)

WHEREAS, Chapter 190 of the General Code of the City of Hoboken establishes the rules and regulations associated with circulation and parking within City borders; and,

WHEREAS, the Hudson River Waterfront Walkway (HRWW) is envisioned as a continuous 18.5 mile multi-use waterfront corridor from Bayonne to the George Washington Bridge; and,

WHEREAS, while the requirement to construct the walkway is triggered by development activities along the waterfront properties, which has resulted in certain “gaps” in the existence of the walkway, major sections of the HRWW have been completed in recent years, including the connection at Weehawken Cove, the reconstruction of Sinatra Park, and a segment adjacent to Stevens Institute of Technology property; and,

WHEREAS, the last major uncompleted segment of the HRWW in Hoboken is along a section of industrial waterfront owned by Union Dry Dock, where only a very narrow sidewalk is overwhelmed by thousands of people per day enjoying the waterfront; and,

WHEREAS, because of major sidewalk congestion, waterfront users are often pushed out into an active vehicular travel lane which creates hazardous, uncomfortable, and undesirable conditions for these users; and,

WHEREAS, a pilot project was conducted on Earth Day weekend 2016 that involved the temporary conversion of the east side parking lane of Sinatra Drive adjacent to Union Dry Dock into an approximately 10ft wide physically protected multi-use path; and,

WHEREAS, 72 percent of 373 respondents to a survey conducted during Earth Day weekend expressed their desire to make the pilot multi-use path on Sinatra Drive permanent; and,

WHEREAS, making the pilot multi-use path permanent is to be considered only a first step in a larger process to make Sinatra Drive a more complete street and does not preclude the incorporation of further design changes to the corridor near Union Dry Dock; and,

WHEREAS, May is National Bike Month, and extending the pilot multi-use path on Sinatra Drive to bridge Hoboken’s final gap in its waterfront multi-use path builds on the city’s status as a Bike Friendly Community.

NOW, THEREFORE, the City Council of the City of Hoboken does hereby Ordain as follows (additions noted in underline, deletions noted in strikethrough):

SECTION ONE: CREATION OF A NEW ARTICLE TO HOBOKEN CODE CHAPTER 190

§ 190-6. No stopping or standing.

B. Stopping or standing prohibited at any time. In accordance with the provisions of this subsection, no person shall stop or stand a vehicle at any time upon any of the following described streets or parts thereof:

Name of Street	Side	Location
<u>Sinatra Drive</u>	<u>East</u>	<u>Beginning at the southerly curbline of Frank Sinatra Drive North and extending 1,090 feet southerly therefrom</u>

Article XXXVI: Multi-Use Paths.

§ 190-60. Definitions.

Human-powered: movement accomplished or propelled by human power, such as walking, running, or by any vehicle or device which is designed and equipped to be propelled by human power, without any assistance by a motor or power unit (e.g. bicycle, baby stroller, roller skates, kick scooter, skateboard).

Low-speed electrical vehicle: any vehicle propelled by an electric motor that cannot exceed 15 miles per hour on its own or with human-powered assistance (e.g. electric bicycles, electric scooters, segways, electric skateboards, or other personal transportation devices).

Multi-use path: a soft or hard-surfaced path that may be physically separated from motorized vehicular traffic by an open space or barrier, which has been designated, or designed and designated by the City for public use as transportation or recreation for a range of users using human-powered or low-speed electric vehicles.

Pedestrian: a person who is walking, jogging, or running on the multi-use path.

User: any person who is traveling on or is otherwise lawfully using a multi-use path, as provided in this ordinance.

§ 190-61. Multi-use path locations designed.

<u>Name of Street</u>	<u>Times</u>	<u>Sides</u>	<u>Location</u>
<u>Sinatra Drive</u>	<u>24 hours</u>	<u>East</u>	<u>Beginning at the southerly curbline of Frank Sinatra Drive North and extending 1,090 feet southerly therefrom</u>

§ 190-62. Use of multi-use path.

- A. Multi-use paths are for the exclusive use of pedestrians, human-powered vehicles and low-speed electric vehicles.
- B. A user who is operating a human-powered or low-speed electric vehicle upon a multi-use path shall yield the right-of-way to any pedestrian.
- C. All users of multi-use paths shall:
 - 1) Travel at a rate of speed which is reasonable and prudent under the conditions at the point of operation, taking into account the amount and character of pedestrian traffic, grade and width of path, and condition of surface;
 - 2) Obey all instructions of any traffic control device, warning sign, or pavement marking applicable to use of the multi-use path, unless otherwise directed by a police officer, including, without limitation: speed limit, stop, yield, caution, warning and dismount signs;
 - 3) Exercise due care and caution to avoid colliding with any other users;
 - 4) Refrain from entering any portion of the multi-use path when it is flooding or contains standing water;
 - 5) Travel as near to the right of the path as is safe, except as may be appropriate while preparing to make or making turning movements, or while overtaking or passing another user traveling in the same direction;
 - 6) Pass other users on the left and only when it can be done safely, returning to the right portion of the path only when safely clear of the user being passed;
 - 7) Give an audible warning signal (e.g. voice, bell, or mechanical signaling device) and/or provide a minimum of three (3) feet passing distance between themselves and another user before passing another user; and,
 - 8) Remove themselves and any equipment off of the multi-use path when stopping, standing, or parking.

§ 190-63. Prohibitions.

No person, other than authorized maintenance and public safety officials including those authorized by the Director of Environmental Services or the Director of Transportation and Parking to plow snow, conduct street sweeping, or carry out other forms of infrastructure maintenance, shall operate, use or place any vehicle or device with an attached motor or power unit that may exceed 15 miles per hour, whether or not it is in operation, upon a multi-use path.

§ 190-64. Penalties.

In the event that any individual violates the terms of this Article XXXVI he shall be subject to a fine in Municipal Court in an amount of not less than \$100 and not more than \$500 for the first offense and not less than \$200 and not more than \$2,000 per violation for any subsequent offenses.

§ 190-65. Enforcement.

This Article XXXVI shall be enforced by any Code Enforcement Officer, Parking Enforcement Officer, and/or the Hoboken Police Department.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

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

President Giattino moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **JUNE 1, 2016 at 7:00 PM.**

---Motion duly seconded by Councilman Doyle

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

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

---Nays: None

---Absent: Fisher

NEW BUSINESS

Councilman DeFusco comments on the parking situation in Hoboken and the issues raised by the Parking Dude and the committee has been addressing the frustration process, Park Mobile started in Amsterdam and has gone global just like NYC, approving this app could help us bond for the next meeting and appreciate Andrew the Parking Dude with his comments. In regards to Rail yard redevelopment plan, very excited to hear, the interim cost agreement may be presented to the sub-

committee before the June 15th meeting, the importance of space in my neighborhood is essential and us as a council and see that use to move forward and looking forward working with Councilman Mello, Russo and Doyle and get the Mayor's recommendation and all of us can't wait to see the innovative uses and thank Chief Ferrante for handling the fire in town, the services was top notch and if the City could help the victims in the building, we are all support of small businesses and now we are dealing with a situation with the Eureka building which is an event space and urge the Council sub-committee and define what an event space is and need to act now due to our dated zoning code and would hate to see this business shut down, so she has my full support.

Councilman Ramos comments on the interim use at Warrington Plaza and if we need to look at Councilman DeFusco's theory, do we need to look at the Redevelopment Plan and Reexamination Plan.

Councilman DeFusco comments that he would defer to Corporation Counsel and doesn't think reopening the Redevelopment Plan would affect the residents and happy to move it forward for the wider picture and hopefully get a memorandum from Corporation Counsel.

Corporation Counsel comments that each plan needs to be opened depending on the location and if you need a thorough explanation we would be happy to sit down and speak to you further about this.

Councilman Cunningham comments that it's not just the folks of the 1st ward for the use of Warrington Plaza but throughout the city, there will be police promotions on Monday, May 24th at noon, the public is invited, no update on western edge post office, waiting on the final application for the Western Edge when Director Forbes comes back on Tuesday and hopefully have an interim cost agreement for it, waiting for an engineering study for the post office and provide an update at the next council meeting, the Parking dude app and encourage everyone to look at this app and hope the new parking app can integrate and address some of the parking issues in town and create efficiencies whether it's street cleaning or mother nature, this weekend is the Irish festival from 12-6PM lots of fun and games and encourage the Council members to attend, also regarding data we need an update on Corner Cars and if the administration can provide some updates and if Mr. Morgan can let us know.

Councilman Ramos comments that he did request this data from Morgan and he would get the update next week and have Director Morgan to email the council.

Councilman Mello comments and thanks Councilman DeFusco with the work he's been done and see if we can change the underline law which is a state law and in London and Lisbon right now it's about 2 AM and I think we can make this happen in Hoboken.

Councilman Russo comments on the support with Karen at Fuse which is the event space and look forward working with you and get it done, the corner of 5th and Madison, is there any update that pertains to that building? Any update on the paving in the 3rd Ward, around 8th and 9th Street, we seem to neglect paving those streets, any way we can use the pothole killer or fix it permanently and the 7th and Jackson Pilot payment, the project that's underway.

BA Wiest comments that he would look into it before the next meeting.

Council President comments.

Councilman Bhalla comments and has concern with the pilot agreement itself, the impact to the school district, the rateables not being diverted to the school district and to the city and the other impact, how this will increase school density and how will this be addressed from a school board perspective.

Councilman Russo comments that the Financial analyst will get information to answer those questions.

Councilman Mello comments that the big discussion but the schools are cut out and we are speaking to our attorney and financial analyst and we can tweak it and present some options, we have talked about probable impact or what we need to do on a year to year basis and we are aware of this and do not want this impact to happen in a minimal way.

Councilman Doyle comments that it would be great at our next Community Development sub-committee we should meet and we are advocating for this 7th St. project and can understand your position and you're comfortable with this.

Councilman Ramos comments on Director Pellegrini regarding the multi-service center update and do you need a revenue stream, an update from the Housing Authority Meeting but there will be some cleaning dates in the future and urge the residents to help but for the entire complex of the Housing Authority and the last issue is the Newark St. in front of CVS, there has been many complaints such as flooding, what are we doing to remedy the situation.

Director Pellegrini comments and updates the Governing body about building a multi-complex over the hockey rink, some suggestions – batting cages, gymnastics, basketball court, a multi-use space, we are working with Stevens who will do a study and work with us simultaneously, so what we want to do is resurface the hockey rink, renovate and still can be used as space for the community.

Councilman Mello commented if all the members of the Governing Body to give him his availability Councilman DeFusco commented that there will be new drainage on each end of the cobblestone street way and that should be resolved and it's being covered by Hudson County and second the concern.

Councilman Bhalla commented that they started today.

Councilman Ramos commented that the County is collaborating with Maser Engineering and they both have looked at the Jackson Street and hopefully alleviate the situation but one concern about cobblestones are high heels.

Council President comments on cobblestones, a resident suggested to cobblestone around 5th and Willow Streets and see if the Library could help or even have the cobblestones around Church Square Park since so many residents go there, what is going on at 701 Bloomfield St. and has had complaints about garbage, the next council meeting will start at 8:30 and there will be a hearing starting at 7:00-8:30 PM.

At 9:31 PM meeting adjourned of the Governing Body on a motion by Council duly seconded by the Council members.

Council President Giattino then adjourned the meeting at 9:31 PM

PRESIDENT OF THE COUNCIL

CITY CLERK