

MEETING OF MAY 4, 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 4, 2016 AT 7:00 PM

Council President opened the meeting at 7:03 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, Mello, Ramos, Russo and President Giattino

Council President comments that there's a presentation from All Saint's Fourth Graders regarding their action research project – composting

Council President comments that there will be a public hearing for CDBG

**ALL SAINTS FOURTH GRADERS PRESENTATION TO THE CITY COUNCIL
REGARDING THEIR ACTION RESEARCH PROJECT - COMPOSTING**

CDBG PUBLIC HEARING

16-287

---By Councilwoman Fisher

RESOLUTION ADOPTING AN ANNUAL ACTION PLAN FOR THE 2016 PROGRAM YEAR FOR LOCAL IMPLEMENTATION OF THE U.S.DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) CONSOLIDATED PLAN PROCESS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

WHEREAS, the City of Hoboken currently operates as an Entitlement Grantee through the US Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) program; and

WHEREAS, Entitlement Grantees are required to adopt a 5-Year Consolidated Plan which coordinates all elements of community development including housing, public facility development and public services into a single plan and an Annual Action Plan which serves as the annual application for CDBG Entitlement funds, and

WHEREAS, the City prepared and adopted, in May of 2015, a 5-Year Consolidated Plan for Housing and Community Development for Program Years 2015 through 2019, which was done in accordance with HUD rules and regulations governing the Consolidated Plan; and

WHEREAS, the City has prepared an Annual Action Plan for Program Year 2016 which provides a concise summary of the actions, activities, and the specific federal and non-federal resources that will be used to address the priority needs and specific goals identified by the Consolidated Plan, and

WHEREAS, the Annual Action Plan for Program Year 2016 was developed in consultation with City of Hoboken residents and has been available for review and comment by the public in accordance with the City of Hoboken's Citizen Participation Plan, and

WHEREAS, the City's Department of Community Development will be submitting the Annual Action Plan to HUD for review and approval on or before May 15, 2016.

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

1. The Annual Action Plan for the 2016 Program Year, attached as "Exhibit A" is adopted for the City of Hoboken as an Entitlement Grantee for the CDBG Program.
2. City of Hoboken Department of Community Development staff are hereby authorized to take all administrative actions to submit the Annual Action Plan for the 2016 Program Year to HUD for CDBG Entitlement Grantee funding approval.
3. This Resolution shall be effective immediately.

The speakers who spoke: Tara Casazza, Aaron Lewit, Keith Jackson, Carolyn Yuhas, Jacklyn Cherubini, Moss Allen, Karen Romans, Katherine Zeller.

---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

16-288

---By Councilwoman Fisher

RESOLUTION TO AMEND THE CY 2016 BUDGET

---Motion duly seconded by President 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:

16-289

---By Councilwoman Fisher

RESOLUTION TO ADOPT THE CY 2016 AMENDED BUDGET

---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.

16-290

---By Councilwoman Fisher

**RESOLUTION CANCELING GRANT BALANCES
(To be considered if resolution #3 is adopted)**

WHEREAS, there exist various grant receivable and grant reserves which should be removed from the books; and

WHEREAS, the Mayor and City Council wish to cancel said balance;

BE IT RESOLVED, by the Governing Body of the City of Hoboken. County of Hudson, New Jersey that the following grant balances be and are hereby cancelled:

Grant Receivable - Drunk Driving Enforcement \$7,300.47
Grant Reserve – Drunk Driving Enforcement \$7,300.47

BE IT FURTHER RESOLVED, that one certified copy of this resolution be filed with the Director, Division of Local Government Services.

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

SECOND READING/PUBLIC HEARING AND FINAL VOTE

AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ESTABLISHING A SCHEDULE OF CLASSIFICATIONS AND ALLOCATIONS OF TITLE FOR THE MENTIONED POSITIONS IN THE CITY OF HOBOKEN (sponsored by Councilwoman Fisher and Councilman Doyle) (Z-411)

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

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

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

AN ORDINANCE AMENDING CHAPTER §44 (LAND USE PROCEDURES) UPDATING APPENDICES AND FORMS (sponsored by Councilwoman Fisher and Councilman Russo) (Z-412)

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

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

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

PUBLIC COMMENTS

The speakers who spoke: Rosemary Orozco, Hany Ahmed

PETITIONS AND COMMUNICATIONS

16-291

Communication from Mayor Zimmer appointing LaTrenda Ross to the Hoboken Housing Authority.

Received and Filed.

126-292

Communication from Mayor Zimmer appointing Andrew Holloway, Katherine Fritz, Michael Tennaro to the Hoboken Green Team & Ken Missbrenner as an 1st Alternate to the Hoboken Shade Tree Commissioner.

Received and Filed.

16-293

APPLICATON FOR MISCELLENOUS LICENSES

Vendor----- 4 items

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

Councilman Mello comments and thanks Jean Rodriguez for her services and congratulates LaTrenda Ross as the Mayor’s appointee to the Housing Authority.

Councilman Ramos comments and thanks Jean Rodriguez for her services and congratulates LaTrenda Ross as the Mayor’s appointee to the Housing Authority.

16-294

---By Councilwoman Fisher

CLAIMS

Total for this agenda **\$4,730,653.75**

---Motion duly seconded by Councilman Russo
---Adopted by the following vote: YEAS: 9 – NAYS: 0 - ABSTAIN: 1
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino
---Nays: None
---Abstain: Bhalla 16-00103

Council President comments on 1 Claim for Claim #15-04336 Delayed Enrollment SVS Purchase

16-295

---By Councilwoman Fisher

PAYROLL

For the two week period starting April 7 – April 20, 2016

Regular Payroll	O/T Pay	Other Pay
\$1,629,507.03	\$70,185.92	\$102,620.53
Total	\$1,802,313.48	

ADDITIONAL PAYROLL

Regular Payroll	O/T Pay	Other Pay
(\$636.46)	\$70,185.92	\$102,620.53
Total	\$1,802,313.48	

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

Councilman Russo comments on Fire Dept. overtime
BA Wiest comments that it was for velocity training and a fire at 333 Clinton St.
Chief Peskens comments on the total hours and battalion chiefs on vacations for 96 Hours and 28 hours for Easter Sunday
Councilman Russo comments on group life insurance for \$9,000
BA Wiest comments

PUBLIC COMMENTS ON RESOLUTIONS

No comments on resolutions

CONSENT AGENDA – 5, 7-12, 14 -17

---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: 6
Removed by Administration: 13

RESOLUTIONS (CONT'D)

16-296

---By Councilwoman Fisher

RESOLUTION AWARDING A CONTRACT TO RFS COMMERCIAL, INC. TO PURCHASE FURNITURE FOR THE HOBOKEN FIRE DEPARTMENT IN ACCORDANCE WITH NJPA COOPERATIVE CONTRACT # NJPA #031715-KII IN THE TOTAL AMOUNT NOT TO EXCEED \$64,540.39

WHEREAS, the City of Hoboken received a proposal from RFS Commercial, Inc. on July 29,2015 to replace the carpet at the Hoboken Pole and Fire Department, this portion of the job was erroneously omitted from the original contract; and,

WHEREAS, the Administration intends to continue to use RFS Commercial, 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/Final) to the contract to replace the carpet at the Hoboken Police and Fire department for a total increase in the contract amount by Eight Thousand Forty Nine Dollars (\$8,049.00), for a total not to exceed amount of Fifty Six Thousand Three Hundred Twenty Nine and Five Cents (\$56,329.05) of which the change order (#1/Final) to the contract shall be for purchases and installation in accordance with the attached proposal, dated July 29,2015; and,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that a change order (#1/Final) to the contract to replace carpet at the Hoboken Police and Fire department for a total increase in the contract amount by Eight Thousand Forty Nine Dollars (\$8,049.00), for a total not to exceed amount of Fifty Six Thousand Three Hundred Twenty Nine and Five Cents (\$56,329.05) of which the change order (#1/Final) to the contract shall be for purchases and installation in accordance with the attached proposal, dated July 29,2015; as follows:

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

RFS COMMERCIAL, INC.
280 N. MIDLAND AVENUE
BUILDING M, POSTAL UNIT 220
SADDLEBROOK, NJ 07663

---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.

16-297

---By Councilwoman Fisher

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT WITH USA ENVIRONMENTAL FOR DESIGN AND CONSTRUCTION OVERSIGHT TO THE CITY OF HOBOKEN FOR THE PROPOSED TEMPORARY BOATHOUSE AT 1601 PARK AVENUE THAT COMMENCED DECEMBER 3, 2015 TO REFLECT ADDITIONAL LSRP WORK IN AN AMOUNT NOT TO EXCEED \$4,160.00

WHEREAS, service to the City as Professional 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 Council awarded a non-fair and open professional services contract to USA Environmental on December 2, 2015 for design and construction oversight for the temporary Hoboken Cove Boathouse at 1601 Park Avenue; and,

WHEREAS, the City now seeks to amend its contract with USA Environmental for design and construction oversight to the City of Hoboken in an amount not to exceed \$4,160.00, for the proposed Temporary Boathouse at 1601 Park Avenue, in accordance with their April 22, 2016 proposal; and,

***WHEREAS**, the firm of USA Environmental 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 USA Environmental for design and construction oversight services be, and is hereby, amended, in an amount not to exceed \$4,160.00, for the Temporary Boathouse at 1601 Park Avenue, in accordance with their April 22, 2016 proposal; and

BE IT FURTHER RESOLVED, that the terms of the subsequent contract, this resolution, and USA Environmental’s April 22, 2016 proposal, and USA Environmental’s original proposal and contract shall govern the contract, and the business and administrative terms of the City 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 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.

16-298

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH MARAZITI FALCON AS SPECIAL LEGAL COUNSEL- REVIEW OF THE BASF CONTRACT AND RELATED ENVIRONMENTAL DOCUMENTS IN A NOT TO EXCEED AMOUNT OF FIFTEEN THOUSAND DOLLARS (\$15,000.00) FOR A TERM TO COMMENCE MAY 5, 2016 AND EXPIRE MAY 4, 2017

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel – Redevelopment and Environmental in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Maraziti Falcon responded to, and the City’s evaluation committee has determined that this firm’s proposal was one of the top proposals provided, cost and other factors considered; and,

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

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$15,000.00 will be available in the following appropriation C-04-60-711-120 in the temporary CY2016 appropriation; and I further certify that this commitment together with all previously made commitments and payments will not exceed the funds available in said appropriation for the CY2016 temporary appropriation; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with Maraziti Falcon to represent the City as Special Legal Counsel- Review BASF Contract and related Environmental Documents be awarded, for a term to commence May 5, 2016 and expire May 4, 2017, for a total not to exceed amount of **fifteen thousand dollars (\$15,000.00)**; and

BE IT FURTHER RESOLVED, the contract shall include the following term: Maraziti Falcon shall be paid maximum hourly rates of \$190.00/hour for attorneys when charged to the City, \$225.00/hour for attorneys when such fees are paid solely by private parties through reimbursement agreements, \$50.00/hour for paralegals, and \$20/hour for support staff for services rendered, these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

BE IT FURTHER RESOLVED, this contract shall cover both outstanding and new litigation of redevelopment matters, and new matters will be assigned to the firm as they become available and the City Administration determines the firm’s services are appropriate for any

particular matter; this contract shall not be for a sum certain but rather, a retainer, the matters on which to be retained shall be determined as the need arises at the sole discretion of the City; and, this contract is not a guarantee of availability of services or assignment; 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 Maraziti Falcon; 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 RESOLVED, that this resolution shall take effect immediately upon passage.

---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.

16-299

---By Councilman Russo

RESOLUTION TO APPROVE A LICENSE AGREEMENT BETWEEN THE CITY OF HOBOKEN AND FGAM LLC, OWNER OF BLOCK 85 LOTS 14 and 15.05-15.08 (a/k/a 726 Grand 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 FGAM LLC, owner of Block 85 Lots 14 and 15.05-15.08, more commonly known as 726 Grand Street, Hoboken, represented by Mark Galorenzo, 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 FGAM LLC, owner of Block 85 Lots 14 and 15.05-15.08, more commonly known as 726 Grand Street, shall be subject and limited to the details and specifications included in the attached Application, Minervini Vandermark Architecture drawing F-1 and F-2 dated 04/25/2016 showing ROW encroachments;
- 2) The Mayor or her agent is hereby authorized to enter into the attached agreement; and
- 3) This resolution shall become effective immediately upon adoption.

---Motion duly seconded by Councilman Doyle

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

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

---Nays: None.

---Abstain: President Giattino

16-300

---By Councilwoman Fisher

RESOLUTION AWARDING A CONTRACT TO ABSOLUTE FIRE PROTECTION TO PURCHASE ONE (1) FIRE APPARATUS (E-ONE TYPHOON URBAN INTERFACE PUMPER) FOR HOBOKEN FIRE DEPARTMENT IN ACCORDANCE WITH HOUSTON-GALVESTON AREA COUNCIL (H-GAC) COOPERATIVE PURCHASING CONTRACT # FS12-15 HC07 IN THE TOTAL AMOUNT NOT TO EXCEED \$430,345.00

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 Absolute Fire Protection has been approved for an H-GAC Cooperative Contract # FS12-15 HC07, which cooperative the City is a part of; and,

WHEREAS, the City requires one (1) fire apparatus (E-One Typhoon Urban Interface Pumper) for Hoboken Fire Department (as described in the attached proposal, which shall become part of the contract); 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 H-GAC Cooperative Purchasing Contract # FS12-15 HC07 ; and

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 H-GAC Cooperative Purchasing contract, for a total not to exceed amount of Four Hundred Thirty Thousand Three Hundred Forty Five Dollars (\$430,345.00), 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 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, voucher and/or purchase order for the above mentioned goods and/or services based upon the attached proposal, and the following information:

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

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

16-301

---By Councilwoman Fisher

RESOLUTION AWARDING A CONTRACT TO ABSOLUTE FIRE PROTECTION TO PURCHASE ONE (1) FIRE APPARATUS (E-ONE TYPHOON) FOR HOBOKEN FIRE DEPARTMENT IN ACCORDANCE WITH HOUSTON-GALVESTON AREA COUNCIL (H-GAC) COOPERATIVE PURCHASING CONTRACT # FS12-15 HC04 IN THE TOTAL AMOUNT NOT TO EXCEED \$347,232.00

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 Absolute Fire Protection has been approved for an H-GAC Cooperative Contract # FS12-15 HC04, which cooperative the City is a part of; and,

WHEREAS, the City requires one (1) fire apparatus (E-One Typhoon) for Hoboken Fire Department (as described in the attached proposal, which shall become part of the contract); 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 H-GAC Cooperative Purchasing Contract # FS12-15 HC04; and

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 H-GAC Cooperative Purchasing contract, for a total not to exceed amount of Three Hundred Forty Seven Thousand Two Hundred Thirty Two Dollars (\$347,232.00), 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 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, voucher and/or purchase order for the above mentioned goods and/or services based upon the attached proposal, and the following information:

Absolute Fire Protection
P.O. Box 497

2800 Hamilton Boulevard
South Plainfield, NJ 07080-0497

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

16-302

---By Councilwoman Fisher

RESOLUTION AWARDING A CHANGE ORDER 1 (FINAL) TO THE CONTRACT TO RFS COMMERCIAL, INC. TO REPLACE THE CARPET AT THE HOBOKEN POLICE AND FIRE DEPARTMENT, AS CHANGE ORDER NUMBER 1 (FINAL), IN AN INCREASED AMOUNT NOT TO EXCEED \$8,049.00 (17.0% INCREASE) FOR A TOTAL NOT TO EXCEED AMOUNT OF \$56,329.05

WHEREAS, the City of Hoboken received a proposal from RFS Commercial, Inc. on July 29,2015 to replace the carpet at the Hoboken Pole and Fire Department, this portion of the job was erroneously omitted from the original contract; and,

WHEREAS, the Administration intends to continue to use RFS Commercial, 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/Final) to the contract to replace the carpet at the Hoboken Police and Fire department for a total increase in the contract amount by Eight Thousand Forty Nine Dollars (\$8,049.00), for a total not to exceed amount of Fifty Six Thousand Three Hundred Twenty Nine and Five Cents (\$56,329.05) of which the change order (#1/Final) to the contract shall be for purchases and installation in accordance with the attached proposal, dated July 29,2015; and,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that a change order (#1/Final) to the contract to replace carpet at the Hoboken Police and Fire department for a total increase in the contract amount by Eight Thousand Forty Nine Dollars (\$8,049.00), for a total not to exceed amount of Fifty Six Thousand Three Hundred Twenty Nine and Five Cents (\$56,329.05) of which the change order (#1/Final) to the contract shall be for purchases and installation in accordance with the attached proposal, dated July 29,2015; as follows:

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

RFS COMMERCIAL, INC.
280 N. MIDLAND AVENUE
BUILDING M, POSTAL UNIT 220
SADDLEBROOK, NJ 07663

---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.

16-303

---By Councilwoman Fisher

RESOLUTION AWARDS AN EMERGENCY CONTRACT TO JERSEY ELEVATOR FOR A NEW CONTROLLER AT ELEVATOR #1 @ 330 CLINTON STREET, IN AN AMOUNT NOT TO EXCEED \$47,734.00 (PREVAILING WAGE COMPLIANT) FOR GOODS AND SERVICE TO BE PROVIDED IMMEDIATELY UPON APPROVAL BY THE COUNCIL

WHEREAS, the City of Hoboken is faced with an emergency situation which has the potential to create serious risks to the safety, health and welfare of the general public, specifically, the elevator in the municipal garage at 330 Clinton Street is out of service; and,

WHEREAS, the Administration consulted and negotiated with the single source vendor of elevator parts and service; and,

WHEREAS, in accordance with the direction of the City Business Administrator, the City Administration hereby seeks to award an emergency contract to Jersey Elevator for said services as an emergency contract, and the Council is asked to authorize and ratify the award of the contract for a total contract amount not to exceed Forty Seven Thousand Seven Hundred Thirty Four Dollars (\$47,734.00), 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 a total contract amount not to exceed Forty Seven Thousand Seven Hundred Thirty Four Dollars (\$47,734.00), 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 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 this specific proposal and this

specific job.

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:

Jersey Elevator
657 Line Road
Aberdeen, NJ 07747

---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.

16-304

---By Councilman Russo

RESOLUTION AUTHORIZING ST. ANN'S CHURCH TO CONDUCT ITS 106TH ANNUAL FESTIVAL

WHEREAS, St. Ann's Church has requested permission to conduct its annual Feast in Honor of St. Ann from Friday, July 22nd through Tuesday, July 26th, 2016; and

WHEREAS, St. Ann's Church has indicated on the attached agenda and its requirements to successfully conduct the Feast as follows:

1. To have a procession with the Statue of St. Ann through the streets of Hoboken
2. To erect a bandstand at the corner of 7th and Jefferson Streets and one in their courtyard
3. To have electrical illumination and decorations in the Church area
4. To erect concession stands for vendors of food, novelties, games & rides in the Church area
5. To have music and entertainment on the bandstands
6. To close streets to traffic as outlined in the attached diagram, on the following days and hours:

Friday, July 22nd from 6:00 pm through 11:00 pm
Saturday, July 23rd from 1:00 pm through 11:00 pm
Sunday, July 24th from 11:00 am through 11:00 pm
Monday, July 25th from 6:00pm through 11:00 pm
Tuesday, July 26th from 11:00 am to 11:00 pm

7. To have rides on Madison Street – between 7th and 8th Streets
8. To have the streets cleared of all vehicles, per enclosed diagram, from Thursday, July 21st at 9:00 am through Wednesday, July 27th at 8:00 pm so that we may do the following:

Put trailers into place
Erect rides
Set-up vendor booths
Clean up after festival

9. To have 7th Street, from Madison Street to Jefferson Street, closed from 11:00 am on Thursday, July 21, through 12:00 pm on Wednesday, July 27th, in the interest of public safety.
10. To place the festival banners on city poles along Washington Street
11. To clear the street in the alcove in front of the Citadel Condominiums at the corner of 7th & Jefferson Streets on Thursday, July 21st at 9:00 am in order for the bandstand to be erected

RESOLVED, that the Council for the City of Hoboken agrees to allow St. Ann's Church permission to conduct its 104th annual Feast in honor of St. Ann in accordance with the Whereas clauses herein, subject to St. Ann's Church providing the City Administration with (1) a Certificate of Insurance in the amount of at least \$1,000,000.00 per occurrence, naming the City of Hoboken and its officers, agents, and elected officials as additional insured and including a thirty (30) day notice of cancellation to the City of Hoboken c/o Corporation Counsel, and (2) a fully executed Indemnity and Hold Harmless Agreement in favor of the City, the substance of which shall be approved by the Corporation Counsel. These documents shall be **conditions precedent** to the City's approval of the within Agenda and any action taken by the City thereunder.

---Motion duly seconded by Councilman Fisher

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

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

---Nays: None.

16-305

---By Councilwoman Fisher

RESOLUTION AUTHORIZING A \$575,000.00 GRANT FROM NATIONAL RECREATION AND PARK ASSOCIATION AND ACCEPTANCE IF GRANTED

WHEREAS, the National Recreation and Park Association is making funding available through its "Great Urban Park Campaign", and

WHEREAS, the City of Hoboken is planning to ask for a \$575,000 grant to be used toward construction of Southwest Park, and

WHEREAS, no local match is required, and therefore certification of funds is not required for this resolution, and,

WHEREAS, NRPA's Great Urban Parks Campaign demonstrates the effectiveness of green infrastructure to positively affect environmental change in underserved low-income communities and communities of color, and the Great Urban Parks Campaign seeks three key objectives:

- 1) Increased public access to recreational opportunities and access to nature via parks in underserved low-income communities and communities of color
- 2) Improved environmental quality and increased hazard mitigation by reducing flooding, improving the site's ability to hold and retain storm water, improving water quality, improving wildlife habitat, and increasing biodiversity
- 3) A community engaged in improving environmental quality through green infrastructure solutions to storm water management

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

1. That the Mayor or her designee is hereby authorized to submit a grant application and accept and execute a grant agreement, in accordance with the terms herein for a zero dollar City match; and,
2. That *the City of Hoboken* agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,
3. 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.

16-306

---By Councilwoman Fisher

RESOLUTION TO APPLY FOR AND ACCEPT A GRANT FROM NJ FUTURE IN THE AMOUNT OF \$17,000.00 WITH NO CITY MATCH

WHEREAS, NJ Future is making funding available for its Build It Green grant or “BIG” Competition.

WHEREAS, the City of Hoboken will be applying for \$17,000 to create an operations and maintenance guide for its green infrastructure projects.

WHEREAS, no local match is required, and therefore certification of funds is not required for this resolution, and,

WHEREAS, The BIG Competition will provide technical assistance and engineering support services to selected New Jersey cities and/or utilities to design innovative, financeable projects that reduce combined sewer outflows (CSOs) while also making neighborhoods and downtowns better places to live, work and invest, and up to three New Jersey cities and/or utilities will be selected for participation through the BIG Competition; and Awardees will receive:

1. Tailored technical assistance from re:focus partners, a leading design+finance firm with a track record of developing integrated infrastructure solutions that align public funds and leverage private investments for cities and utilities around the world,
2. Engineering services (valued at approximately \$17,000 per awardee) to support the development of project funding applications.

All New Jersey CSO cities and/or utilities are encouraged to apply. Cities and utilities from the same coverage area are encouraged to work together to submit one joint application.

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

1. That the Mayor or her designee is hereby authorized to submit a grant application and accept and execute a grant agreement, in accordance with the terms herein for a zero dollar City match; and,
2. That *the City of Hoboken* agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,
3. 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.

16-307

---By Councilman Doyle

**RESOLUTION TO ADOPT THE MINUTES OF THE MEETINGS OF THE CITY COUNCIL
DATED: REGULAR & SPECIAL MEETING OF MARCH 16, 2016**

BE IT RESOLVED, that the attached Meeting Minutes for the City of Hoboken’s Regular and Special of the City Council of **March 16, 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: 9 – NAYS: 0
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino
---Nays: None.

ORDINANCES

Introduction and First Reading

16-308

Z-414

**AN ORDINANCE AMENDING CHAPTER 190 ENTITLED “VEHICLES AND TRAFFIC” TO
AMEND VARIOUS CURBSIDE PARKING AND LOADING REGULATIONS”**

LOADING REGULATIONS

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, adding loading zones adjacent to commercial and mixed-use properties on Clinton Street between Fourteenth and Fifteenth Streets and Ninth Street between Jackson and Monroe Streets will help facilitate orderly loading and unloading of goods and materials.

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: AMENDMENTS TO HOBOKEN CODE CHAPTER 190

§ 190-11. Loading zones designated.

The locations described are hereby designated as Loading Zones. No person shall park a vehicle in said location during the times indicated other than for the loading or unloading of goods and materials for a time limit of 20 minutes.

Name of Street	Times	Sides	Location
<u>Clinton Street</u>	<u>8:00 a.m. to 6:00 p.m. Monday through Friday</u>	<u>East</u>	<u>Beginning at a point 50 feet south of the southerly curbline of Fifteenth Street and extending 40 feet southerly therefrom</u>
<u>Ninth Street</u>	<u>8:00 a.m. to 6:00 p.m. Monday through Friday</u>	<u>North</u>	<u>Beginning at a point 35 feet east of the easterly curbline of Jackson Street and extending 40 feet easterly therefrom</u>

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 **May 18, 2016 at 7:00 PM.**

--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.

16-309
Z-415

ORDINANCE TO AMEND CHAPTER 59A, ENTITLED “DEPARTMENT OF PUBLIC SAFETY,” SECTION 4 ENTITLED “COMPENSATION, HOURS OF DUTY, UNIFORM” TO INCORPORATE A REIMBURSEMENT PROCEDURE FOR COSTS ASSOCIATED WITH SLEO’S WHO TERMINATE THEIR EMPLOYMENT WITHIN THEIR FIRST TWO YEARS OF APPOINTMENT

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

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

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

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

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

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

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

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

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

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

1. If a Class II Special Law Enforcement officer resigns or refuses reappointment after serving less than 30 days with the City of Hoboken and, within 120 days of that resignation, accepts an appointment to another county or municipal law enforcement agency, the police department of an educational institution pursuant to P.L.1970, c. 211 (C.18A:6-4.2 et seq.), a State law enforcement agency or the New Jersey Transit Police Department pursuant to section 2 of P.L.1989, c. 291 (C.27:25-15.1), that officer shall be liable to the City of Hoboken for the total certified costs incurred by the former employer in examining, hiring, and training him or her.
2. If a Class II Special Law Enforcement Officer resigns or refuses reappointment after serving at least 30 days but no more than two (2) years with the City of Hoboken and, within 120 days of that resignation, accepts an appointment to another county or municipal law enforcement agency, the police department of an educational institution pursuant to P.L.1970, c. 211 (C.18A:6-4.2 et seq.), a State law enforcement agency or the New Jersey Transit Police Department pursuant to section 2 of P.L.1989, c. 291 (C.27:25-15.1), that officer shall be liable to the City of Hoboken for one-half the total certified costs incurred by the former employer in examining, hiring, and training him or her.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and publication as provided by law, and shall be implemented with the first group of SLEO2 candidates that are sponsored to the police academy by the City of Hoboken, after adoption of this ordinance.

SECTION FIVE: CODIFICATION

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

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

President Giattino moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **May 18, 2016 at 7:00 PM.**

---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.

16-310
Z-416

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

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

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

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

- (a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is \$12,000,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$11,400,000; and

(c) a down payment in the amount of \$600,000 for the purposes stated in Section 7 hereof is currently available in the City's Capital Improvement Fund in accordance with the requirements of Section 11 of the Local Bond Law, *N.J.S.A. 40A:2-11*.

Section 3. The sum of \$11,400,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$600,000, which amount represents the required down payment, is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$11,400,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$11,400,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, *N.J.S.A. 40A:2-20*, shall not exceed the sum of \$4,000,000.

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

<u>Purpose/Improvement</u>	<u>Estimat ed Total Cost</u>	<u>Down Payme nt</u>	<u>Amount of Obligatio ns</u>	<u>Period of Usefuln ess</u>
A. Milling, Repaving and Rehabilitation of Washington Street including, but not limited to, Roadway Reconstruction, Curbing and Storm Drainage and the Installation of New Traffic Signals, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$12,000,000	\$600,000	\$11,400,000	10 years

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

Section 9. The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A. 40A:2-10*, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the

Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, *N.J.S.A. 40A:2-43*, is increased by this Bond Ordinance by \$11,400,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

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

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

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

Section 13. The City hereby covenants as follows:

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

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

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

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

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

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

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

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

President Giattino moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **May 18, 2016 at 7:00 PM.**

---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.

NEW BUSINESS

Councilman Ramos comments on bids for the South West Park work and what the turnaround time would be and hopefully that we can award that contract before the next meeting, asked about Madison St. by Observer Highway, it was a three (3) phase plan and potholes on Monroe and Newark & Observer Highway.

BA Wiest comments

Director Morgan comments on speaking with Maser and include the recommendation.

Councilman Bhalla comments on the pilot on Earth Day along River Road in front of the Union Dry Dock property as a shared bike path and there was a survey done and it was very popular and would like to introduce an ordinance at the next meeting and place that in Councilman DeFusco's sub-committee in final form and get the support of the Council. Also commented that there's a non-profit in Hoboken called Hoboken Public Education Foundation that is and raising awareness and helping raise private funds for the public schools and how they can make the public schools better; They are holding a fundraiser on Thurs. May 19, 2016 at the W Hotel.

Councilman Russo comments

Director Pellegrini comments that the new date for the Arts and Music Festival for June 29th.

Councilman DeFusco comments on why the Arts and Music Festival was cancelled.

Director Pellegrini commented that the headliner was not going to attend and the weather was bad with 80% rain and it wasn't beneficial to the vendors, the key was the headliner.

Councilman Bhalla commented on getting folks in town to register to vote for the Presidential and School Board election.

Councilman Cunningham comments that the Western Edge Redevelopment process, a property owner was in with the Administration last week to discuss the proposed plan and there were some changes made and hopefully the committee can meet with the owner and next Thursday, there will be a community development committee meeting to consolidate the PSE&G substation at Marshall and move it north of Shop Rite. The post office committee, Maser is doing the parking and traffic study and there will be a conference call on the 11th on the engineer and get some feedback. There was a notification that came out from the Shade Tree Commission, and recommend to Director Pellegrini north of 13th Street, and see if we can do anything with the trees around that area and

have some other suggestions as well, the 5th annual Irish Cultural Festival will be Sat. May 21 from 12-6 PM, lots of Irish music and vendors located at Sinatra Park.

Councilman Mello comments on thanking his colleagues for delaying the Housing Authority resolution, there is only one seat is up that we can vote on, and ask to distribute the applications to the Governing Body, the wider the net we can cast the better. It's good to hear about the PSE&G substation transfer is being considered, the southern community development committee has a major say for the one on Marshall Street.

Councilman DeFusco comments on the Parking and Transportation committee, the pay by phone app was discussed, the transaction fees and hopefully get a recommendation at the next council meeting, and there's another sub-committee next week, and discussing parking meters throughout the city and feed to the mobile app, met with a bunch of owners from Newark St. and pedestrian safety and working with the County and also look at the traffic on Observer Highway whether it's working or individualized concerns, he would like to thank the Fire Chief, one year anniversary at 76 Bloomfield and he was able to inspect the panel and get a new panel through HUD, 911 memorial, spoke to Director Pellegrini and know that a number of folks have been working on this and move forward on this, the design completion should be done and finally talking about rate-ables and commercial use for Hoboken, and discuss what the community needs are, and discuss use variances, expanding commercial districts in the Western Edge but we may need to wait for the Master Plan and see if there's any funding.

Councilwoman Fisher comments on the Monroe project, went to the school board meeting last night and the school board represents about 20% of the taxes for the city and there were not many folks who attended the meeting and encourage folks to attend the school board meeting, and hopefully ask the County to have their meeting in Council Chambers. There was an Affordable sub-committee meeting and discussed about a manual for folks who want to get on the list and secure an affordable unit and this manual would help. Attended the Stevens Senior Design Expo, if you get a chance to go next year, please go and see what they are able to create and lastly about noise complaints, this relates to a business in the North End and is making noise after 11:00 PM but would like to solve this issue, and it's not an option on 311, trying to figure out how to direct people.

Councilman Russo comments on the bike racks outside of Acme and ShopRite in town and the tree pits narrow the walkway, follow-up with painting on bike lanes and cross walks.

BA Wiest comments

Director Morgan comments that the County has started to do crosswalks and they started on Newark and we have a team for package A & B, anything other than that, please email.

Councilman Russo comments on any more issues on BeneCard and infants vaccinations. Thanks BA Wiest for MetroStop building and NJ Transit and 3rd and Madison St and finally the issue of Blue Eyes Sinatra café and explain the Green Acres easement.

BA Wiest comments that we had to modify a document and will speak with the insurance broker tomorrow.

Acting Corporation Counsel comments that the bid approval, easements, plans needs to be approved by Green Acres and received approval for the structure from them.

Councilman Doyle comments on the Tuesday, May 10th the CDBG sub-committee will be meeting and on May 8th, Mother's Day, the HOHA Classic 5 mile race, it starts and finishes at Pier A park, there's a 1 mile fun run, you can register or go at 604 Washington to Fleet Feet.

Council President comments on the Acme Sign is once again illuminated at night, and she received several complaints from the Cast Iron; and on repaving, PSE&G will be starting next Monday, primarily Clinton to Garden, 6th up to 11th area and it's all online. Health insurance ordinance will go into committee, the next council meeting, considering a resolution to extend sidewalk café and do a pilot in June, maybe Thurs.to Sunday nights to 11, and Happy Mother's Day.

At 10:14 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 10:14 PM

PRESIDENT OF THE COUNCIL

CITY CLERK