

MEETING OF JUNE 15, 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,
JUNE 15, 2016 AT 7:00 PM

Council President opened the meeting at 7:07 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, Fisher, Giattino, Mello, Ramos, Russo and President Giattino

Absent: ~~Cunningham~~ (arrived at 7:09 PM)

At 7:09 PM Council President comments that the meeting will be suspended due to a vigil outside of City Hall and will return at 7:45 PM

The Governing Body reconvened at 7:56 PM for the regular council meeting.

RESOLUTIONS

16-368

---By President Giattino

**RESOLUTION GRANTING FLORIO KENNY & RAVAL SETTLEMENT
AUTHORITY IN THE GENERAL LIABILITY MATTER KNOWN AS GAGILANO V
CITY OF HOBOKEN D/O/L: JULY 20, 2012; CLAIM NO. 001150877 IN AN
AMOUNT UP TO THE AMOUNT SUGGESTED BY DENNIS LALOIA TO ALYSIA
PROKO IN HIS MAY 19, 2016 EMAIL**

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

WHEREAS, the City seeks to settle the tort claim litigation known as **GAGILANO V CITY OF HOBOKEN D/O/L: JULY 20, 2012; CLAIM NO. 001150877**; and

WHEREAS, one of the reasons to go into closed session is to receive advice from legal counsel, which is subject to attorney client privilege and which is offered regarding pending settlements of the type listed herein; and,

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

BE IT FURTHER RESOLVED that when the need for confidentiality no longer exists the decisions made therein will be made available to the public.

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 5 – NAYS: 0 - ABSENT: 2 PRESENT: 1 - ABSTAIN: 1

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

---Nays: None.

---Absent: DeFusco, Russo

---Present: Cunningham
---Abstain: Mello

Councilman DeFusco, Russo returned to the meeting at 7:55 PM

SECOND READING/PUBLIC HEARING AND FINAL VOTE

No 2nd Readings for this meeting

PUBLIC COMMENTS

The speakers who spoke: Allen Kratz, Cheryl Fallick, Leslie Florio, David Dening, Gloria Suarez, Hovie Forman, Hany Ahmed

PETITIONS AND COMMUNICATIONS

16-369

LICENSES FOR MISCELLANEOUS LICENSES

Vendor (mobile truck) 1 item

---Councilwoman Fisher moved that the licenses be granted
---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.

REPORTS FROM CITY OFFICERS

16-370

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of May 2016 **\$19,739,611.56 (Abatement Totals –\$762,111.05)**

Received and Filed.

16-371

A report from Municipal Court indicating receipts for the month of May 2016 as **\$449,638.42**

Received and Filed.

16-372

--- By Councilwoman Fisher

CLAIMS

Total for this agenda **\$3,599,577.81 -853.08 = \$3,598,724.73**

---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.

Council President would like to pull PO# 16-01947 for the amount of \$853.08 – Weiner and Lesniak

16-373

---By Councilman Russo

PAYROLL

For the two week period starting May 19– June 1, 2016

Regular Payroll	O/T Pay	Other Pay
\$1,639,444.56	\$68,819.17	\$253,196.42

Total \$1,961,460.15

---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.

PUBLIC COMMENTS ON RESOLUTIONS

The speaker who spoke: Cheryl Fallick comments on resolution 14, 24, 28, 32, 38

CONSENT AGENDA – 6, 7, 9-11, 13, 15-27, 29, 31, 33, 35-37, 39-44

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

---Yea: 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: 8, 12, 14, 28, 30, 32, 34, 38

Removed by Administration:

RESOLUTIONS (CONT'D)

16-374

---By Councilman Doyle

RESOLUTION TO AUTHORIZE ACCEPTANCE OF REQUEST FOR ENFORCEMENT OF MOTOR VEHICLE AND TRAFFIC REGULATIONS ON CERTAIN PRIVATE STREETS WITHIN MAXWELL PLACE CONDOMINIUM COMPLEX

WHEREAS, the Maxwell Place Condominium Association, Inc. (“Association”) has requested via correspondence to the City Clerk dated June 8, 2016 that the City of Hoboken exercise enforcement powers on private streets as set forth in the Amended and Restated Developers Agreement between the City of Hoboken and P.T. Maxwell LLC and Maxwell Place Condominium Association and City of Hoboken Planning Board with respect to the area commonly known as Sinatra Drive North between Sinatra Drive and 12th Street under the control of the Association pursuant to N.J.S.A. 39:5A-1 (“Title 39”); and

WHEREAS, this request is in accordance with the multiple Planning Board approvals in and, this matter;

NOW THEREFORE, BE IT RESOLVED, that the City is authorized to accept this request for Title 39 enforcement; and,

BE IT FURTHER RESOLVED the City Clerk shall publish this resolution as required by law and keep a copy of the resulting contract on file in accordance with N.J.S.A. 40A:11-1 et seq.; and,

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer and Corporation Counsel for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

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

---Motion duly seconded by Councilman Russo

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

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

---Nays: None

Abstain: Fisher

16-375

---By Councilman Doyle

RESOLUTION TO AUTHORIZE EXECUTION OF THE ATTACHED AMENDED AND RESTATED DEVELOPER'S AGREEMENT BETWEEN THE CITY OF HOBOKEN AND P.T. MAXWELL, LLC AND MAXWELL PLACE CONDOMINIUM ASSOCIATION AND THE CITY OF HOBOKEN PLANNING BOARD

WHEREAS, the City wishes to enter into the attached Amended and Restated Developer's Agreement with P.T. Maxwell, LLC and Maxwell Place Condominium Association and the City of Hoboken Planning Board; and

WHEREAS, the Amended and Restated Developer's Agreement serves as the agreement between the parties regarding the development of the property in accordance with the Planning Board approvals; and,

NOW THEREFORE, BE IT RESOLVED, that the City is authorized to enter into the attached Agreement with P.T. Maxwell, LLC and Maxwell Place Condominium Association and the City of Hoboken Planning Board, and take any and all other action to effectuate the Agreement, and the terms thereunder; and,

BE IT FURTHER RESOLVED the City Clerk shall publish this resolution as required by law and keep a copy of the resulting contract on file in accordance with N.J.S.A. 40A:11-1 et seq.; and,

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer and Corporation Counsel for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

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

---Motion duly seconded by Councilman Russo

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

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

---Nays: None.

---Abstain: Fisher

16-376

---By Councilman DeFusco

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOBOKEN AUTHORIZING EXECUTION OF A CONSENT TO ASSIGNMENT OF THE “PHASE I LEASE AND DEVELOPMENT AGREEMENT AMONG THE CITY OF HOBOKEN AND THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY AND BLOCK A SOUTH WATERFRONT DEVELOPMENT, L.L.C.” TO 111 RIVER REALTY, L.L.C., AN AFFILIATE OF MACK-CALI REALTY CORPORATION

WHEREAS, on or about September 29, 2000, the City of Hoboken entered into a “Phase I Lease and Development Agreement among the City of Hoboken, New Jersey and The Port Authority of New York and New Jersey and Block A South Waterfront Development, L.L.C.” (the Agreement”); and

WHEREAS, the Agreement provides for the development of property located at 111 River Street, and designated as Block 231.2, Lots 1 and 2 on the City of Hoboken Tax Map, (“Property”) whereby the Property was leased by the Port Authority to the City of Hoboken which then leased to Block A South Waterfront Development, L.L.C. (“Developer”); and

WHEREAS, the terms of the Agreement permit the Developer’s interest to be assigned to an Affiliate (as defined in the agreement) of an Institutional Investor (as defined in the Agreement) without obtaining additional consent from either the City of Hoboken or the Port Authority; and

WHEREAS, the interest of the Developer was previously assigned to Hub Hoboken Properties LLC (which subsequently merged into Hub Properties Trust) on August 11, 2009, which assignment was consented to by the City of Hoboken; and

WHEREAS, 111 River L.L.C., (“Purchaser”) a New Jersey limited liability company which is an Affiliate (as that term is defined in the Agreement) of Mack-Cali Realty Corporation, a real estate investment trust (which meets the definition of an Institutional Investor) seeks to purchase the interest of the Developer in the Agreement; and

WHEREAS, pursuant to the terms of the Agreement, because the proposed Purchaser is an Affiliate of an Institutional Investor, the consent of the City of Hoboken is not required prior to assignment of the Developer’s interest in the Agreement, however in an abundance of caution the Purchaser has requested that the City and Port Authority provide their consent to the assignment; and

WHEREAS, the Purchaser has requested that the City of Hoboken and the Port Authority execute an “Assignment of Lease with Assumption and Consent” whereby the City would consent to the assignment of the Developer’s Interest in the Agreement to the Purchaser, which assignment is permitted pursuant to section 17.1 of the Agreement (a copy of the Assignment of Lease and Assumption and Consent” is attached to this Resolution as Exhibit A); and

WHEREAS, the Governing Body has further determined that it is in the best interest of the City of Hoboken to execute the Consent to Assignment in the form attached to this Resolution.

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

1. Upon reimbursement of the City’s professional fees related to the review of the proposed Assignment, the City Council hereby authorizes the Mayor to execute the proposed “Assignment of Lease with Assumption and Consent” in the form attached hereto as Exhibit A or in a form substantially similar thereto, on behalf of the City of Hoboken.

2. The City Council hereby authorizes and directs the City of Hoboken's staff and professional consultants to take any administrative action to implement this Resolution as may be necessary and appropriate to effectuate its purpose and intent.
3. This Resolution shall take effect immediately.

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

16-377

---By Councilman Mello

RESOLUTION AWARDING A CONTRACT TO ASCAPE LANDSCAPING CONSTRUCTION CORPORATION FOR THE PROVISIONS OF 2016 (SPRING) STREET TREE PLANTING AND WELL ENLARGEMENT PROJECT IN ACCORDANCE WITH THE PROVISIONS OF CITY'S BID NO. 16-14 (RE-BID) IN THE TOTAL NOT TO EXCEED AMOUNT OF \$24,050.00

WHEREAS, bids were received for 2016 (Spring) Street Tree Planting and Well Enlargement project, as specified in Bid Number 16 – 14 (Re-Bid); and,

WHEREAS, four (4) bids were received, the lowest three (3) being:

<u>VENDOR</u>	<u>TOTAL BID</u>
1. Ascape Landscaping Construction Corporation 634 Route 303 Blauvelt, NY 10913	\$24,050.00
2. Louis Landscaping & Design Wayne, NJ 07470	\$24,350.00
3. Pat Scanlan Landscaping, Inc. New City, NY 10950	\$28,660.00

WHEREAS, pursuant to the recommendation of the Purchasing Department, which is attached hereto, the City wishes to contract for the services specified in Bid No. 16 – 14(Re-Bid), and Ascape Landscaping Construction Corporation submitted the lowest, responsible and responsive bid in the amount of \$24,050.00; and,

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

- A. This resolution awards a contract to Ascape Landscaping Construction Corporation for Bid No. 16 – 14 (Re-Bid), in the total amount of Twenty Four Thousand Fifty Dollars (\$24,050.00) for 2016 (Spring) Street Tree Planting and Well Enlargement Project; and said contract shall be to Ascape Landscaping Construction Corporation, in accordance with the specifications as set forth in Bid No. 16 – 14 (Re-Bid).
- 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 bid

proposal; 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. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor or her agent is hereby authorized to enter into an Agreement with the vendor for said purchase and sale.
- F. This resolution shall take effect immediately upon passage.

---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.

16-378

---By Councilman Mello

RESOLUTION AWARDING A CHANGE ORDER TO THE CONTRACT TO SHI INTERNATIONAL CORPORATION FOR PUBLIC SAFETY RECORDS MANAGEMENT SOFTWARE FOR THE POLICE DEPARTMENT , AS CHANGE ORDER NUMBER 1, IN AN INCREASED AMOUNT NOT TO EXCEED \$738.39 (=0.330% INCREASE) FOR A TOTAL NOT TO EXCEED AMOUNT OF \$226,685.73

WHEREAS, the City of Hoboken requires software for the Police Department, and an additional unforeseen cost for the goods and services, which represents a 0.33% correction to the pricing, for the Public Safety Records Management Software; and,

WHEREAS, the Administration intends to authorize this corrected amount to SHI International Corporation 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 Public Safety Records Management Software for the Police Department to SHI International Corporation for a total increase in the contract amount by Seven Hundred Thirty Eight Dollars and Thirty Nine Cents (**\$738.39**) of which the change order (#1) to the contract shall be for the 0.33% upcharge; and,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that a change order (#1) to the contract for the purchase of Public Safety Record Management Software for the Police Department to SHI International Corporation for a total increase in the contract amount by Seven Hundred Thirty Eight Dollars and Thirty Nine Cents (**\$738.39**), for a total not to exceed amount of Two Hundred Twenty Six Thousand Six Hundred Eighty Five and Seven Three Cents (**\$226,685.73**) of which the change order (#1) to the contract shall be for 0.33% upcharge to the third and final installment to SHI International Corporation , 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:

SHI International Corporation
290 Division Avenue
Somerset, NJ 08873

---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.

16-379

---By Councilman Mello

RESOLUTION AWARDING A CONTRACT TO FEEDING OUR CHILDREN, INC. FOR THE PROVISIONS OF 2016 SUMMER FOOD SERVICE PROGRAM IN ACCORDANCE WITH THE PROVISIONS OF CITY'S BID NO. 16-15 IN THE TOTAL NOT TO EXCEED AMOUNT OF \$46,551.12

WHEREAS, bids were received for 2016 Summer Food Service Program, as specified in Bid Number 16 – 15; and,

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

<u>VENDOR</u>	<u>TOTAL BID</u>	
1. Feeding Our Children, Inc. 749 Westside Avenue Jersey City, NJ 07306	Unit price	- \$ 2.29
	Total bid Price	- \$46,551.12
2. Nu-Way Concessionaires 339-345 Bergen Avenue Kearny, NJ 07032	Unit price	- \$ 2.48
	Total bid price	- \$50,413.44

WHEREAS, pursuant to the recommendation of the Purchasing Department, which is attached hereto, the City wishes to contract for the services specified in Bid No. 16 – 15, and Feeding Our Children, Inc. submitted the lowest, responsible and responsive bid in the amount of \$46,551.12; and,

WHEREAS, to the extent an interested party submitted notice of alleged informalities in the Feeding Our Children, Inc. bid, the City hereby waives any and all such formalities as follows: (1) the City waives any alleged informality in the sanitary inspection documentation provided since same was updated with the newest sanitary inspection license upon receipt of same from the municipality; (2) the city waives the alleged informality in the failure to include the agency and number on the disclosure of lobby form since same was implied from the form being submitted to the city (as agency) for the specific bid (number) as part of the overall packet; (3) the city waives any alleged informality in the use of the container since said container is entirely consistent with the container requirements defined by the State.

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

1. This resolution awards a contract to Feeding Our Children, Inc. for Bid No. 16 – 15, in the total amount of Forty Six Thousand Five Hundred Fifty One Dollars and Twelve Cents (\$46,551.12) for 2016 Summer Food Service Program; and said contract shall be to Feeding Our Children, Inc., in accordance with the specifications as set forth in Bid No. 16 – 15.
2. 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.
3. 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 bid proposal; therefore, none will be accepted in performing obligations under the bid.
4. 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.
5. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor or her agent is hereby authorized to enter into an Agreement with the vendor for said purchase and sale.

This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilwoman Fisher

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

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

---Nays: None.

16-380

---By Councilman Mello

RESOLUTION AWARDS AN EMERGENCY CONTRACT TO REGGIO CONSTRUCTION INC. FOR STRUCTURAL REPAIRS TO THE MULTISERVICE CENTER ASPHALT RINK, IN AN AMOUNT NOT TO EXCEED \$36,475.00 (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 Multiservice Center asphalt rink is structurally unsound and required immediate repair; and,

WHEREAS, the Administration requested quotes from known contractors, and consulted with the single lowest quoted vendor, Reggio Construction Inc.; and,

WHEREAS, in accordance with the direction of the City Business Administrator, the City Administration hereby seeks to award an emergency contract to Reggio Construction Inc. 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 Thirty Six Thousand Four Hundred Seventy Five Dollars (\$36,475.00), 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 Thirty Six Thousand Four Hundred Seventy Five Dollars (\$36,475.00), 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:

Reggio Construction Inc.

---Motion duly seconded by Councilman Ramos

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

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

---Nays: None.

16-381

---By Councilman Mello

RESOLUTION EXERCISING THE CITY'S OPTION TO EXTEND THE CONTRACT TO ABSOLUTE FIRE PROTECTION COMPANY, INC FOR THE PROVISIONS OF MAINTENANCE SERVICES FOR FIRE APPARATUS IN ACCORDANCE WITH THE CITY'S BID NO. 15 - 12 FOR AN ADDITIONAL ONE YEAR IN THE TOTAL NOT TO EXCEED AMOUNT OF \$50,300.00 TO COMMENCE MAY 21, 2016 AND EXPIRE ON MAY 19, 2017

WHEREAS, proposals were received for Bid Number 15 - 12 for the provisions of maintenance services for fire apparatus and the contract was, thereafter, awarded to Absolute Fire Protection Company, Inc and the City now seeks to exercise one of its options to extend the contract; and,

WHEREAS, pursuant to the recommendation of the Purchasing Department the City entered into a one (1) year contract with Absolute Fire Protection Company, Inc, which is set to expire on May 20, 2016, and the City now wishes to exercise one of its options to extend the contract for the goods and services specified in Bid No. 15 - 12 for an additional one year term, to commence May 21, 2016, and further maintains its rights to exercise the additional two (2) one year options to extend at the sole discretion of the City; and,

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

- A. This resolution exercises the City's option to extend the contract for the goods and services specified in Bid No. 15 - 12, for an additional one year term, to commence May 21, 2016, and further maintain the City's rights to the additional two (2) one year options to extend at the sole discretion of the City.
- B. The City exercises this one year option to extend in the total amount of Fifty Thousand Three Hundred Dollars (\$50,300.00), in year one (1), with all options to extend and all funds thereunder subject to non-appropriation of funds and extension at the sole discretion of the City.
- C. If the contract, as provided by the City of Hoboken, is not executed by the vendor within 21 days of execution of this award, the City may cancel this award and rebid the contract. The contract term shall hereby be extended to May 19, 2017
- D. The contract shall be in accordance with the terms of the specifications and the vendor's corresponding bid proposal documents. No exceptions were noted, so none will be allowable under the contract.
- E. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor or her agent is hereby authorized to enter into an Agreement with the vendor for said purchase and sale.
- F. This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

16-382

---By Councilman DeFusco

RESOLUTION AWARDING A CONTRACT TO AMANO MCGANN, INC TO PURCHASE PROPRIETARY PARKING METERS AND COMPUTER HARDWARE FOR HPU PAYSTATION UPGRADE FOR A NOT TO EXCEED AMOUNT OF \$1, 518, 300.00

WHEREAS, N.J.S.A. 40A:11-5 (dd) allows municipalities to award public contracts without public bidding for “[t]he provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software, except that this provision shall not be utilized to acquire or upgrade non-proprietary hardware or to acquire or update non-proprietary software;” and,

WHEREAS, the Hoboken Parking Utility requires additional provisions for parking meters and payment processing for pay stations which are, and must be, consistent with the previously purchased proprietary software from Amano McGann, Inc., making the purchase fall within the (dd) propriety exemption to bidding; and,

WHEREAS, the Administration intends to use Amano McGann, Inc for said additional services and provisions; and,

WHEREAS, in accordance with the direction of the Administration, the City Council is asked to award a contract for said services and provisions for a total contract amount of One Million

Five Hundred Eighteen Thousand Three Hundred Dollars (**\$1,518,300.00**), for goods and services as described in the attached proposal from Amano McGann, Inc; 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 an amount not to exceed One Million Five Hundred Eighteen Thousand Three Hundred Dollars (**\$1,518,300.00**), for goods and services as described in the attached proposal from Amano McGann, Inc; and,

1. The above recitals are incorporated herein as though fully set forth at length.
2. 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.
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. This agreement shall be subject to a standard non-appropriation clause in favor of the City of Hoboken
5. The Council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
6. The Mayor, or her designee is hereby authorized to execute an agreement, for the above referenced goods and/or services based upon the following information:

Amano McGann, Inc.
140 Harrison Avenue
Roseland, NJ 07068

---Motion duly seconded by President Giattino

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

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

---Nays: Cunningham, Ramos

16-383

---By Councilman Doyle

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH HOBOKEN DAY CARE 100

WHEREAS, the Board of Directors of Hoboken Day Care 100 located at 124 Grand Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, an application for City of Hoboken Community Development Block Grant funds to facilitate the "Hoboken Day Care 100" program within the City of Hoboken; and

WHEREAS, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$15,000.00 out of available City of Hoboken Community Development Block Grant funds for Hoboken Day Care 100 to operate said program within the City of Hoboken.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement; and,

BE IT FURTHER RESOLVED that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and Hoboken Day Care 100, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

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

16-384

---By Councilman Doyle

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH BOYS & GIRLS CLUBS OF HUDSON COUNTY (HOBOKEN UNIT)

Whereas, the Board of Directors of the Boys & Girls Clubs of Hudson County (Hoboken Unit), located at 123 Jefferson Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, an application for City of Hoboken Community Development Block Grant funds to facilitate the “Triple Play Healthy Habits” program within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$5,000.00 out of available City of Hoboken Community Development Block Grant funds for the Boys and Girls Clubs of Hudson County (Hoboken Unit) to operate said program within the City of Hoboken.

Now Therefore Be It Resolved, that the Council of the City of Hoboken hereby approve the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement; and,

Be It Further Resolved that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and the Boys & Girls Clubs of Hudson County (Hoboken Unit), and the City Clerk is hereby authorized to attest same and to affix the City Seal.

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

16-385

---By Councilman Doyle

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH GARDEN STATE EPISCOPAL COMMUNITY DEVELOPMENT CORPORATION

WHEREAS, the Board of Directors of the Garden State Episcopal Community Development Corporation located at 514 Newark Avenue, Jersey City, NJ 07306, has submitted to the City of

Hoboken, an application for City of Hoboken Community Development Block Grant funds to facilitate “Homeless Street Outreach” within the City of Hoboken; and

WHEREAS, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$20,000.00 out of available City of Hoboken Community Development Block Grant funds for Garden State Episcopal Community Development Corporation to operate said program within the City of Hoboken.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement; and,

BE IT FURTHER RESOLVED that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and Garden State Episcopal Community Development Corporation, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilwoman Fisher

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

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

---Nays: None.

16-386

---By Councilman Doyle

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUBRECIPIENT CDBG GRANT FUNDING AGREEMENT WITH HOB’ART COOPERATIVE GALLERY

WHEREAS, the Board of Directors of the Hob’Art Cooperative Gallery located at 720 Monroe Street, E208, Hoboken, NJ 07030, has submitted to the City of Hoboken, an application for City of Hoboken Community Development Block Grant funds to facilitate the “Hob’Art: Bringing Art to the Homeless and Veterans” project within the City of Hoboken; and

WHEREAS, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$9,000.00 out of available City of Hoboken Community Development Block Grant funds for Hob’Art Cooperative Gallery for public facilities and improvements within the City of Hoboken.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement; and,

BE IT FURTHER RESOLVED, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and Hob’Art Cooperative Gallery, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilwoman Fisher

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

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

---Nays: None.

16-387

---By Councilman Doyle

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUBRECIPIENT CDBG GRANT FUNDING AGREEMENT WITH URBAN RENEWAL CORPORATION

WHEREAS, the Board of Directors of the Urban Renewal Corporation located at 53 South Hackensack Avenue, Kearny, NJ 07032, has submitted to the City of Hoboken, an application for City of Hoboken Community Development Block Grant funds to facilitate the “URC Warming and Cooling Center HVAC” project within the City of Hoboken; and

WHEREAS, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$165,000.00 out of available City of Hoboken Community Development Block Grant funds for the Urban Renewal Corporation for public facilities and improvements within the City of Hoboken.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement; and,

BE IT FURTHER RESOLVED, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and the Urban Renewal Corporation, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilwoman Fisher

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

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

---Nays: None.

16-388

---By Councilman Doyle

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH COMMUNITIES OF FAITH FOR HOUSING D/B/A “HOBOKEN SHELTER”

WHEREAS, the Board of Directors of the Communities of Faith for Housing d/b/a “Hoboken Shelter” located at 300 Bloomfield Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, an application for City of Hoboken Community Development Block Grant funds to facilitate “Rent and Utilities” within the City of Hoboken; and

WHEREAS, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$45,000.00 out of available City of Hoboken Community Development Block Grant funds for Hoboken Shelter to operate said program within the City of Hoboken.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement; and

BE IT FURTHER RESOLVED that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and Hoboken Shelter, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilwoman Fisher

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

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

---Nays: None.

16-389

---By Councilman Doyle

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH HOBOKEN FAMILY PLANNING, INC.

WHEREAS, the Board of Directors of Hoboken Family Planning, Inc. located at 124 Grand Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, an application for City of Hoboken Community Development Block Grant funds to facilitate the “Family Planning Services for City of Hoboken” program within the City of Hoboken; and

WHEREAS, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$10,000.00 out of available City of Hoboken Community Development Block Grant funds for Hoboken Family Planning, Inc. to operate said program within the City of Hoboken.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement; and,

BE IT FURTHER RESOLVED that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and Hoboken Family Planning, Inc., and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilwoman Fisher

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

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

---Nays: None.

16-390

---By Councilman Doyle

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH ALL SAINTS COMMUNITY SERVICE & DEVELOPMENT CORPORATION

WHEREAS, the Board of Directors of All Saints Community Service & Development Corporation located at 601 Jackson Street, Hoboken, NJ 07030, has submitted to the City of

Hoboken, an application for City of Hoboken Community Development Block Grant funds to facilitate the “Investing in Children Program” within the City of Hoboken; and

WHEREAS, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$25,000.00 out of available City of Hoboken Community Development Block Grant funds for All Saints Community Service & Development Corporation to operate said program within the City of Hoboken.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement; and,

BE IT FURTHER RESOLVED that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and All Saints Community Service & Development Corporation, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilwoman Fisher

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

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

---Nays: None.

16-391

---By Councilman Doyle

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH HOPES COMMUNITY ACTION PARTNERSHIP INC.

WHEREAS, the Board of Directors of the HOPES Community Action Partnership Inc. located at 301 Garden Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, an application for City of Hoboken Community Development Block Grant funds to facilitate the “HOPES Early Childhood Program” within the City of Hoboken; and

WHEREAS, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$10,000.00 out of available City of Hoboken Community Development Block Grant funds for HOPES Community Action Partnership Inc. to operate said program within the City of Hoboken; and,

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement,

AND BE IT FURTHER RESOLVED, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and HOPES Community Action Partnership Inc., and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilwoman Fisher

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

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

---Nays: None.

16-392

---By Councilman Doyle

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH THE WATERFRONT PROJECT, INC

WHEREAS, the Board of Directors of The Waterfront Project, Inc. located at 404 Hudson Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, an application for City of Hoboken Community Development Block Grant funds to facilitate the “Housing Counseling and Legal Advocacy Program” within the City of Hoboken; and

WHEREAS, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$4,422.50 out of available City of Hoboken Community Development Block Grant funds for The Waterfront Project, Inc. to operate said program within the City of Hoboken.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement; and,

BE IT FURTHER RESOLVED, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and The Waterfront Project, Inc., and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilwoman Fisher

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

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

---Nays: None.

16-393

---By Councilman Doyle

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH HUDSON PRIDE CONNECTIONS CENTER

WHEREAS, the Board of Directors of Hudson Pride Connections Center located at 32 Jones Street, Jersey City, NJ 07087, has submitted to the City of Hoboken, an application for City of Hoboken Community Development Block Grant funds to facilitate the “YouthConnect” within the City of Hoboken; and

WHEREAS, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$2,500.00 out of available City of Hoboken Community Development Block Grant funds for Hudson Pride Connections Center to operate said program within the City of Hoboken; and,

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement; and,

BE IT FURTHER RESOLVED that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and Hudson Pride Connections Center, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---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

16-394

---By Councilman Doyle

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUBRECIPIENT CDBG GRANT FUNDING AGREEMENT WITH HOUSING AUTHORITY OF THE CITY OF HOBOKEN

WHEREAS, the Board of Directors of the Housing Authority of the City of Hoboken located at 400 Harrison Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, an application for City of Hoboken Community Development Block Grant funds to facilitate the “Elevator Modernization at Various Hoboken Housing Authority Sites” within the City of Hoboken; and

WHEREAS, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$740,627.50 out of available City of Hoboken Community Development Block Grant funds for the Housing Authority of the City of Hoboken for public facilities and improvements within the City of Hoboken; and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement; and

BE IT FURTHER RESOLVED, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and the Housing Authority of the City of Hoboken, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---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

16-395

---By Councilman Doyle

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUBRECIPIENT CDBG GRANT FUNDING AGREEMENT WITH TRUE MENTORS, INC.

WHEREAS, the Board of Directors of TRUE Mentors, Inc., located at 123 Jefferson Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, an application for City of Hoboken Community Development Block Grant funds to facilitate the “TRUE Mentors’ Mentoring and Clubs Expansion” program within the City of Hoboken; and

WHEREAS, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$10,000.00 out of available City of Hoboken Community Development Block Grant funds for TRUE Mentors, Inc. to operate said program within the City of Hoboken.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement; and,

BE IT FURTHER RESOLVED that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and TRUE Mentors, Inc., and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---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

16-396

---By Councilmen Doyle & Russo

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

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

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

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

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

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

WHEREAS, the City previously granted the Project temporary extensions of the PILOT Agreement for a total of 15 months, terminating on or around June 25, 2016, as the City permitted the Entity to apply for additional vouchers while negotiating the terms of a full extension; and

WHEREAS, the City has determined that it is in the best interests of the residents of the Project and the City to grant an extension of the PILOT Agreement for a full term of 50 years as permitted under the Limited-Dividend Law; and

WHEREAS, the City has negotiated the terms of a full extension of the PILOT Agreement subject to certain terms and conditions that will help protect housing affordability for Hoboken residents and wishes to authorize the execution of same.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, County of Hudson and State of New Jersey, that the Entity is hereby granted a full extension of the PILOT Agreement for 50 years (March 26, 2025) subject to the terms and conditions of Second Amended and Restated PILOT Agreement in the form attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute the Second Amended and Restated PILOT Agreement in the form attached hereto as Exhibit A, with such amendments, revisions and changes as may be required in the Mayor's reasonable discretion, in consultation with the City professionals.

---Motion duly seconded by President Giattino

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

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

---Nays: None.

16-397

---By Councilwoman Fisher

RESOLUTION AUTHORIZING USE OF THE COMPETITIVE CONTRACTING PROCESS FOR CREDIT CARD PROCESSING SERVICE FOR THE CITY OF HOBOKEN FOR UP TO FIVE (5) YEARS

WHEREAS, the City of Hoboken seeks to contract for credit card processing services, in accordance with the competitive contracting laws, for up to five (5) years; and

WHEREAS, under the Local Public Contracts Law, N.J.S.A. 40A:11-4.1, competitive contracting may be used by local contracting units in lieu of the standard public bidding process for procurement of specialized goods and services where the price exceeds the threshold, and said procedure is considered to be fair and open, as well as efficient in obtaining the best services for the City, cost and other factors considered, when approved by the NJ DCA pursuant to N.J.S.A. 40A:11-4.1k; and

WHEREAS, the NJ DCA approved the use of competitive contracting for credit card processing services in the attached letter dated December 1, 2014;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that, the competitive contracting process, as described and allowed in N.J.S.A. 40A:11-4.1k, shall be initiated by the Purchasing Agent/Business Administrator for the purpose of receiving proposals for credit card processing service for the City of Hoboken for a period up to five (5) years.

---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.

16-398

---By President Giattino

AUTHORIZATION FOR THE CITY OF HOBOKEN TO ENTER INTO A REVISED LICENSE AGREEMENT FOR BIKE SHARE STATIONS WITH COUNTY OF HUDSON ACCORDING TO THE TERMS OF THE ATTACHED AMENDMENT TO LICENSE AGREEMENT

WHEREAS, that the City Council of the City of Hoboken (the “City”) approved a license agreement with the County of Hudson (“County”) for bike share stations; and

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

NOW THEREFORE BE IT RESOLVED, that the Mayor is hereby authorized to execute the attached Amendment to License Agreement with the County, and the City’s Administration and Corporation Counsel are directed to take any and all action necessary to effectuate the terms of the Agreement; and,

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

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: Mello

16-399

---By Councilman DeFusco

RESOLUTION REIMBURSING FEES FOR A FILM PERMIT AND RELATED NO PARKING SIGNS ISSUED TO SWEET GENIUS IN THE AMOUNT OF \$103.14 FOR NO PARKING SIGNS AND \$700.00 FOR THE FILM PERMIT

WHEREAS, Sweet Genius requested and paid for a film permit for the City of Hoboken, as well as accompanying no parking signs relating to the film permit; and,

WHEREAS, due to a conflict by the City in the City's activity schedule, Sweet Genius was foreclosed from utilizing their film permit on the date and time they requested and obtained the permit for; and,

WHEREAS, the no parking signs which were requested by Sweet Genius were in direct relation to their utilization of the film permit, so those also need to be reimbursed as a result of the conflict by the City.

NOW THEREFORE BE IT RESOLVED, the City Council authorizes reimbursement of the fees for the film permit (\$700.00) and the no parking signs (\$103.14) to Sweet Genius, and directs the City's CFO to issue a warrant against the City Treasury in favor of Sweet Genius, and no additional authorization of claim is required to said issuance.

---Motion duly seconded by Councilman Ramos

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

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

---Nays: Mello

16-400

---By Councilman Mello

RESOLUTION OF THE CITY OF HOBOKEN AUTHORIZING THE EXECUTION OF AN INTERIM COST AND CONDITIONAL DESIGNATION AGREEMENT WITH LCOR RAIL STATION HOBOKEN REDEVELOPMENT, LLC INCLUDING PROVISIONS FOR AN ESCROW DEPOSIT TO DEFRAY THE CITY'S COSTS INCURRED IN THE NEGOTIATION OF A REDEVELOPMENT AGREEMENT

WHEREAS (#1), the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the "Act"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS (#2), the City desires that a portion of the land located within the City in an area which has been determined to be an area in need of redevelopment in accordance with the Act, also known as Block 229, Lots 1, and 2, and Block 139, Lots 1.1, 1.2, 1.3, 3, and 4 on the Tax Map of the City of Hoboken, more commonly known as Hoboken Yards (the "Project Site"), be redeveloped in accordance with the Hoboken Yard Redevelopment Plan, dated October 2014 and adopted December 2014 (the "Redevelopment Plan"); and

WHEREAS (#3), NJ Transit Corporation ("NJ Transit") is the current owner of the Project Site; and

WHEREAS (#4) the Redevelopment Plan provides that "any prospective redeveloper seeking designation by the City as a redeveloper of any property which is included in this Redevelopment Plan and is owned by NJ Transit must have entered into, and provided the City with a complete copy of, a binding acquisition agreement between the prospective redeveloper and NJ Transit for the subject property, which acquisition agreement shall govern the coordination and implementation of site preparation, relocation, demolition and construction on the subject property in accordance with" the Redevelopment Plan; and

WHEREAS (#5), LCOR has entered into and has provided the City with a complete copy of a Master Development Agreement, entitled "Master Development Agreement Between NJ Transit

Corp., As Owner, And LCOR Hoboken Rail Station Development LLC, As Master Developer”, (the “Master Development Agreement”) dated October 26, 2005, which has been amended from time to time, with the most recent amendment dated March 18, 2016; and

WHEREAS (#6), pursuant to Section 2.2 of the Master Development Agreement, LCOR “shall have the exclusive right and obligation, at its sole cost and expense, to conduct Private Development” at the Project Site; and

WHEREAS (#7), pursuant to Section 6.1 of the Master Development Agreement LCOR and NJ Transit shall enter into agreements for either the sale or the ground lease of each of the parcels comprising the Project Site; and

WHEREAS (#8) LCOR submitted a Pre-Submission Form to the City of Hoboken in February 2016, seeking to be designated as the Redeveloper of the Project Site (the “Pre-Submission Form”); and

WHEREAS (#9), the Master Development Agreement, as amended on March 18, 2016, provides the executed authorization of New Jersey Transit to submit the Pre-Submission Form to the City; and

WHEREAS (#10), LCOR has also submitted a Description of the Project, containing supplemental information regarding the proposed uses of the Project Site (the “Supplemental Information”), as well as the Master Development Agreement, Exhibits to the Master Development Agreement; and Amendments to the Master Redevelopment Agreement; (collectively, the “Master Development Agreement Package”, which are on file in the office of the City of Hoboken Director of Community Development.); and

WHEREAS (#11), the Pre-Submission Form, the Supplemental Information, and the Master Development Agreement Package are collectively referred to herein as the “Proposal”; and

WHEREAS (#12), the Proposal provides for the development and/or redevelopment of nine (9) distinct sites along the Hoboken Rail Yards, including four (4) residential/mixed-use sites, and five (5) sites composed of office and commercial space. The Proposal provides for an estimated 1,536,000 square feet of office space, 30,000 square feet of accelerator space, 583,000 square feet of residential space, 129,000 square feet of commercial space, and 23,000 square feet of indoor public space, with 977 parking spaces; acknowledgement that parks/plazas/open space, sustainability, and flood protection requirements will be met; 10% of the dwelling units will be affordable; size and percentage of 3 bedroom units will meet the requirements; and

WHEREAS (#13), the Proposal calls for the conceptual redevelopment of approximately 10.2 acres, consisting of Sites #1 – 8/8A and contemplates the execution of subsequent more detailed redevelopment agreements for each individual phase, which will identify specific details of each particular Site/phase, including, but not limited to (i) specific uses and square footage for each site; (ii) location of common areas, public areas and mechanical spaces; (iii) details of indoor public space/accelerator space/open space requirements, as applicable; (iv) FAR compliance calculations in compliance with the Hoboken Yards Redevelopment Plan with dimensions, height and setbacks shown; (v) architectural and LEED details for the Site for proposed density bonus purposes; (vi) loading areas, facades, access to parking roadway amenities, visual corridors, access to buildings by pedestrians to comply with flood designs, shadow analysis for that Site; (vii) Proposed features for sustainability, flood damage prevention, storm water and Rebuild by Design coordination; (viii) Transportation Demand Management for the particular Site, including transit, bike lanes and parking, car and bike sharing. (“Subsequent Redevelopment Agreements”); and

WHEREAS (#14), Sites 8 and 8A are both located over the proposed bus terminal and must, therefore, be approved and developed together and must both be the subject of one Subsequent Redevelopment Agreement; and

WHEREAS (#15), Prior to the negotiation of the Subsequent Redevelopment Agreements, the City and LCOR desire to negotiate an “Overarching Redevelopment Agreement” to provide for the identification of certain overarching issues that relate to the redevelopment of the entire Project Site, as set forth herein ; and

WHEREAS (#16), as part of separate negotiations leading to a separate agreement not part of the Overarching Redevelopment Agreement, the City also desires to identify and encourage interim uses of the Terminal and Warrington Plaza, which are authorized by and acceptable to New Jersey Transit; and

WHEREAS (#17), the City shall, during the Interim Period of one-hundred and ninety five (195) days, negotiate exclusively with LCOR with regard to the Proposal for the redevelopment of the Project Site; and

WHEREAS (#18), the City requires that LCOR pay the reasonable costs incurred by the City associated with the review of the Proposal, the negotiation and drafting of an Overarching Redevelopment Agreement, the evaluation of certain issues that relate to the entire Project, and all other costs and expenses related to this matter prior to the execution of an Overarching Redevelopment Agreement, should such an Agreement ultimately be executed, or the determination by the parties that such an Agreement cannot be executed, should that result occur; and

WHEREAS (#19), negotiations between the City and LCOR regarding the Overarching Redevelopment Agreement shall address a number of issues to refine the description and issues set forth in the Proposal, including but not limited to the following:

- (i). phasing of the redevelopment of the various Sites and improvements related thereto;
- (ii). required traffic analysis;
- (iii). phasing of roadway improvements;
- (iv). circulation plans throughout the redevelopment plan area, especially at Hudson Place;
- (v). proposed improvements to the Terminal in coordination with redevelopment phasing and as approved by New Jersey Transit;
- (vi). hotel use and other uses to be incorporated into the phasing plan;
- (vii). residential unit sizes;
- (viii). Master Development Agreement between NJ Transit and LCOR regarding issue with Site 7 and how residential/parking will be phased and eventually considered based on the necessity to relocate the MOW building;
- (ix). transit service capacity availability for redevelopment;
- (x). Transportation Demand Management planning;
- (xi). historic preservation plans and phasing;
- (xii). environmental remediation to be completed;
- (xiii). Rebuild By Design coordination;
- (xiv). exclusion of private development air rights over active transportation facilities;
- (xv). identification of Common Site wide infrastructure issues;
- (xvi). submittal to the City of environmental, and certain other reports and studies.

WHEREAS (#20), accordingly, the City has prepared a form of Interim Cost and Conditional Designation Agreement, a copy of which is attached hereto as **Exhibit A**, whereby LCOR would pay the reasonable costs incurred by the City in reviewing and evaluating the Proposal, negotiating and

drafting an Overarching Redevelopment Agreement (should a Redevelopment Agreement ultimately be executed), and all other costs and expenses related to this matter, prior to either the execution of a Redevelopment Agreement or a determination by the City that a Redevelopment Agreement cannot be executed, as the case may be; and

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

1. The Mayor is hereby authorized to execute an Interim Cost and Conditional Designation Agreement between the City of Hoboken and LCOR, in a form substantially as that attached hereto as **Exhibit A**.

2. Staff and consultants to the City are hereby authorized and directed to take all other administrative actions to implement this Resolution as are necessary and appropriate to accomplish its goals and intent.

3. This Resolution shall be effective 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.

16-401

---By Councilman DeFusco

RESOLUTION TO AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE SAFE ROUTES TO SCHOOLS PROGRAM

WHEREAS, the objectives of the 2016 Safe Routes to Schools Program (the “Program”) include enabling children, including those with disabilities, to walk and bicycle to school, and to make walking and bicycling to school a safer and more appealing transportation alternative; and

WHEREAS, the Program is being administered by the New Jersey Department of Transportation; and

WHEREAS, grant fund awards averaging \$300,000.00 are available, and no municipal matching funds are required; and

WHEREAS, the attached grant application describes the terms and conditions of applying for the grant funding; and

WHEREAS, the Administration wishes to apply for these grant funds;

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

A. The City Council of the City of Hoboken hereby accepts the terms of the grant funding and authorizes the electronic submission of the grant application identified as **SRS-I-**

2016-Hoboken City-00061 to the New Jersey Department of Transportation on behalf of the City of Hoboken; and,

- B. The project is located on municipal property and the City of Hoboken will assume maintenance responsibility over all improvements completed with grant funding awarded under the 2016 Safe Routes to School program; and,
- C. In accordance with 23 CFR 635.105(a) (4) the City of Hoboken is designating Stephen Marks as the responsible person in charge for this program. Stephen Marks is a full-time employee of the City of Hoboken in the role of Municipal Manager and will be the responsible person in charge for the proposed Federal-aid construction project.
- D. 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.

Councilman Mello motions to table resolution #34 and seconded by Councilman Russo.

RESOLUTION AUTHORIZING USE OF THE COMPETITIVE CONTRACTING PROCESS FOR PRECONSTRUCTION SERVICES CONSULTING FOR A MULTI-STORY SPORTS FACILITY PURSUANT TO N.J.S.A. 40A11-4.1M FOR THE CITY OF HOBOKEN FOR UP TO FIVE (5) YEARS (sponsored by Councilman Mello and President Giattino)

16-402

---By Councilwoman Fisher

AUTHORIZING THE CITY OF HOBOKEN TO PARTICIPATE IN THE STATE LOCAL COOPERATIVE HOUSING INSPECTION PROGRAM FOR THE JULY 1, 2016 TO JUNE 30, 2017 TERM (STATE FISCAL YEAR), ACCEPTING THE \$72,000.00 GRANT FROM THE PROGRAM AND AUTHORIZING THE MAYOR TO ACT AS THE AUTHORIZED AGENT FOR THE DURATION OF THE PROGRAM

WHEREAS, the City of Hoboken has been approved by the State of New Jersey Department of Community Affairs for participation in the program known as “State Local Cooperative Housing Inspection Program” which would provide the City of Hoboken with \$72,000.00 to effectuate proper housing inspections of multiple family dwellings, hotels and motels within the City limits; and,

WHEREAS, the City Council of the City of Hoboken finds it advantageous for the City to accept participation into this program to help effectuate proper inspections of the numerous multiple family dwellings within the City.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the City is authorized to participate in the State of New Jersey State Local Cooperative Housing Inspection Program for the term commencing July 1, 2016 and terminating June 30, 2017;

BE IT FURTHER RESOLVED, the City of Hoboken accepts the \$72,000.00 allocated grant for participation in the program; and,

BE IT FURTHER RESOLVED, that the Mayor, or her designee, is hereby authorized on behalf of the City of Hoboken to:

1. Execute and furnish any documentation necessary to effectuate the City's participation in this program and funding for participation in this program;
2. Act as authorized agent and correspondent for the City of Hoboken; and,
3. Execute necessary contracts, as needed, to have the funding awarded.

---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.

16-403

---By Councilwoman Fisher

RESOLUTION AWARDING A CLOSE OUT / FINAL CHANGE ORDER TO THE PROFESSIONAL SERVICE CONTRACT OF BOSWELL ENGINEERING FOR CITY ENGINEER (ON-CALL) IN AN INCREASED AMOUNT NOT TO EXCEED \$22,530.00, FOR A TOTAL NOT TO EXCEED AMOUNT OF ONE HUNDRED THIRTY THREE THOUSAND FIVE HUNDRED AND THIRTY DOLLARS (133,530.00) WHICH SHALL CLOSE OUT THE CY2015 CONTRACT

WHEREAS, the City of Hoboken published RFP's for general municipal engineering services; and,

WHEREAS, the Administration evaluated the proposal provided in response to said RFP, and the Administration thereafter determined that Boswell Engineering qualified as a pool engineer to provide the City with the most effective and efficient City Engineering services for the 2016 calendar year; and,

WHEREAS, in accordance with the direction of the Administration, the City Council awarded a contract to Boswell Engineering for the City's General Engineering On-Call services for CY2015, for a total contract amount of One Hundred Eleven Thousand Dollars (\$111,000.00), with a one (1) year term to commence on January 1, 2015 and expire December 31, 2015; and,

WHEREAS, the City now seeks to close out that contract and provide for a final change order with an increase in the not to exceed amount by \$22,530.00, for a total not to exceed amount of \$133,530.00; and,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that a final change order / close of the contract with the below listed vendor is awarded for an amount not

to exceed One Hundred Eleven Thousand Dollars (\$111,000.00), with an increase in the not to exceed amount by \$22,530.00, for a total not to exceed amount of \$133,530.00, for services as General Municipal Engineer On Call CY2015, as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the RFP and Boswell's responsive proposal shall govern the change order / close out, and no further changes may be made without the prior written consent of both parties.
3. The Administration shall be entitled, under this award, to utilize the firm on an as needed basis, for any projects which require engineering assistance. This award is not project based, and the contract amounts hereunder are a retainer only, and no actual amount of work is suggested or implied.
4. Any change orders which shall become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
5. The Council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
6. The Mayor, or her designee is hereby authorized to execute an agreement, for the above referenced goods and/or services based upon the following information:

Boswell Engineering
South Hackensack, New Jersey

---Motion duly seconded by Councilman Russo

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

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

---Nays: None.

16-404

---By President Giattino

RESOLUTION AUTHORIZING THE HOBOKEN ITALIAN FESTIVAL, INC. TO CONDUCT ITS 90th ANNUAL FEAST IN HONOR OF MADONNA DEI MARTIRI

WHEREAS, The Hoboken Italian Festival, Inc., with offices at 332 Adams Street, Hoboken has requested permission to conduct their annual Feast in honor of their patron saint, Madonna Dei Martiri for four consecutive days starting on Thursday, September 8, 2016 through and inclusive to Sunday, September 11, 2016 on Sinatra Drive and Sinatra Park, and

WHEREAS, Hoboken Italian Festival, Inc. has indicated its agenda and requirement to successfully conduct the feast;

- (1) To solicit contributions from the general public, to be used solely to pay part of the expenses and religious contributions.
- (2) To have a procession with the statue of "Madonna Dei Martiri" – "Mother of Martyrs" through the streets of Hoboken.
- (3) To install electric lights on Sinatra Drive from the corner of Fourth Street and River Street up to the Union Dry Dock Property.
- (4) To erect a bandstand in Sinatra Park to hold nightly concerts between Thursday, September 8, 2016 through Sunday, September 11, 2016. The hours of live music will be limited to the following schedule: Thursday, September 8th from 5:00 pm to 10:00 pm,

Friday, September 9th from 5:00 pm to 11:00 pm, Saturday, September 10th from 12:00 noon to 11:00 pm and Sunday, September 11th from 12:00 noon to 10:00 pm. Recorded music will be permitted at moderate levels and speakers positioned not to disturb area residents and will be discontinued at 11:00 pm. The bandstand will be directed in a northern direction in an effort to minimize the noise levels in the southern waterfront residential areas.

- (5) To erect concession stands and trucks on Sinatra Drive, for vendors of food, novelties, games and rides.
- (6) To hold a raffle to be drawn on Sunday, September 11th, 2016, as well as a nightly 50/50 raffle.
- (7) To have a procession through sections of Hoboken which is led by the feast committee, the guest of honor, the band, the statue of the saint and the members of the society and devotees on Saturday, September 10th, 2016 to begin at 10:00 am. The rain date is Sunday, September 11th, 2016.
- (8) On Saturday, September 10th, 2016 at about 9:00 pm to shoot a special pyrotechnic fireworks show on the riverfront at Pier A Park, subject to the approval of the U.S. Coast Guard and local Fire Permits.
- (9) To maintain one lane of traffic with a minimum of 16 feet for travel when streets are to be open to traffic.
- (10) Beginning on Wednesday, September 7th, 2016 4:00 PM through and inclusive of Sunday, September 11th, 2016 12:00 Midnight parking will be prohibited on the following streets to set up and break down of bandstand and concession stands, as well as clean up of the area:
 - a. Sinatra Drive (both sides) from 3rd Street to 9th Street,
 - b. 5th Street (both sides) from River Street to Sinatra Drive.
- (11) Parking will be prohibited on Saturday, September 10th, 2016 on 3rd Street (both sides) between Madison Street and Jefferson Street, as well as 112 Willow Ave.
- (12) Parking will be prohibited from Thursday September 8th, 2016 8:00 AM through Monday September 12th, 2016 5:00 PM in front (Adams Street) and along side (4th Street – south side only) the property of the Hoboken Italian Festival Inc. (332 Adams Street).
- (13) Vehicular traffic shall be denied travel in and upon the herein locations on the following days and hours by means of physical barriers to be provided by the Signal & Traffic Division:
Wednesday, September 7th, 2016 from 6 PM to 9 PM
Thursday, September 8th, 2016 from 10 AM to 12:00 Midnight
Friday, September 9th, 2016 from 3:00 PM to 12:00 Midnight
Saturday September 10th, 2016 from 10:00 AM to 12:00 Midnight
Sunday September 11th, 2016 from 10:00 AM to 12:00 Midnight

The Signal & Traffic Division shall notify motorists of this regulation by the posting of temporary/emergency no parking signs.

The Police Department shall enforce this regulation.

WHEREAS, The City Council of the City of Hoboken endorses this program provided the Hoboken Italian Festival, Inc. secure all the necessary permits, licenses and insurance in a form to be approved by Corporation Counsel;

NOW THEREFORE, BE IT RESOLVED, The City Council hereby grants permission to the Hoboken Italian Festival, Inc. to conduct its feast and fireworks display on the above dates and wishes them success for a happy event subject to the applicant's compliance with all requirements regarding permits, licenses and insurance and further subject to the approval of the U.S. Coast Guard.

---Motion duly seconded by Councilman Bhalla
---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.

16-405

---By President Giattino

RESOLUTION TO EXTEND 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, the June Pilot program determined the extended hours in summer months to be 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 30th , July 1st , 2nd , 7th , 8th , 9th , 14th , 15th , 16th , 21st , 22nd , 23rd , 28th , 29th , 30th , August 4th , 5th , 6th , 11th , 12th , 13 , 18^h , 19th , 20th , 25th , 26th , 27th , September 1st , 2rd , and 3rd 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 Doyle
---**ADOPTED AS AMENDED** by the following vote: YEAS: 6 – NAYS: 3
---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Ramos and President Giattino
---Nays: DeFusco, Mello, Russo

16-406

---By Councilwoman Fisher

RESOLUTION INSERTING A SPECIAL ITEM OF REVENUE INTO THE CY-2016 MUNICIPAL BUDGET – MUNICIPAL COURT ALCOHOL EDUCATION REHABILITATION ENFORCEMENT CY 2016

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of Appropriation for an equal amount, and

WHEREAS, the City of Hoboken has received notice of an award of \$2,477.69 from State of New Jersey, Administrative Office of the Courts and wishes to amend its CY 2016 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director Of the Division of Local Government Services to approve the insertion of an item of Revenue in the budget of the year CY 2016 in the sum of.....\$2,477.69 This is now available as revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated
With Prior Written Consent of the Director of the
Division of Local Government Services:

State and Federal Revenues Off-set with
Appropriations:

State Alcohol Ed Rehab DWI \$2,477.69

NOW, THEREFORE, BE IT RESOLVED that the like sum of \$2,477.69 be and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from CAPS
State and Federal Programs Off-Set by
Revenues:

State Alcohol Ed Rehab DWI
Other Expenses \$2,477.69

NOW, THEREFORE, BE IT RESOLVED that the City Clerk will forward a certified copy of this resolution electronically to the Director of Local Government Services for approval.

---Motion duly seconded by Councilman Russo

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

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

---Nays: None.

16-407

---By Councilman DeFusco

RESOLUTION TO REFUND HANDICAPPED PARKING APPLICATION FEE TO APPLICANT PATRICIA LOMBARDI IN THE AMOUNT OF \$125.00

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

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

NAME	ADDRESS	AMOUNT
Patricia Lombardi	723 Adams Street	\$125.00

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer, Corporation Counsel, and the CFO for action, including a warrant for payment to the above mentioned individual, in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

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

---Motion duly seconded by Councilman Ramos

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

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

---Nays: None.

16-408

---By Councilwoman Fisher

RESOLUTION AUTHORIZING THE REFUND OF TAX APPEALS STATE TAX COURT (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$274,643.50)

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 \$274,643.50

<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	100/1	1017-1031 Jefferson St	2009	\$35,912.00
Schneck Law Group LLC 301 South Livingston Avenue, Suite 105 Livingston, NJ 07039	100/1	1017-1031 Jefferson St	2010	\$47,450.00
Schneck Law Group LLC 301 South Livingston Avenue, Suite 105 Livingston, NJ 07039	100/1	1017-1031 Jefferson St	2011	\$62,383.50
Schneck Law Group LLC 301 South Livingston Avenue, Suite 105 Livingston, NJ 07039	100/1	1017-1031 Jefferson St	2012	\$64,125.00
Schneck Law Group LLC 301 South Livingston Avenue, Suite 105 Livingston, NJ 07039	100/1	1017-1031 Jefferson St	2013	\$64,773.00

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

16-409

---By Councilwoman Fisher

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS (PAYABLE TO THE INDIVIDUAL LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$4,430.00)

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 **\$4,430.00**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Steven Fahmie 37 Bridge Street, Apt. 5C Brooklyn, NY 11201	252/1	220 Eleventh St	1/16	\$4,430.00

---Motion duly seconded by Councilman Russo
---Adopted by the following vote: YEAS: 9 – NAYS: 0

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

16-410

---By Councilman Doyle

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

BE IT RESOLVED, that the attached Meeting Minutes for the City of Hoboken's Regular meeting of the City Council of **May 4, 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 Councilwoman Fisher
---Adopted by the following vote: YEAS: 9 – NAYS: 0
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino
---Nays: None.

16-411

---By Councilman Mello

**RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT BETWEEN THE CITY OF
HOBOKEN AND STEVENS INSTITUTE OF TECHNOLOGY FOR OPERATION OF THE
CY2016 HOBOKEN JUNIOR POLICE ACADEMY PURSUANT TO THE ATTACHED
AGREEMENT**

WHEREAS, the City of Hoboken wishes to conduct its annual Hoboken Junior Police Academy; and,

WHEREAS, the purpose of the Academy will be to teach, instruct, and develop the interests and skills in conflict resolution, law enforcement, physical fitness and police training of individuals between the ages of 12 years old and 15 years old; and,

WHEREAS, Stevens Institute owns educational and athletic facilities located in Hoboken, New Jersey; and,

WHEREAS, Stevens Institute is willing to make these facilities available to the City of Hoboken for the purpose of operating the CY2016 Junior Police Academy, pursuant to the attached agreement.

NOW THEREFORE BE IT RESOLVED, the City Council of the City of Hoboken hereby authorizes the Administration to contract with Stevens Institute for said services, in accordance with the attached agreement, and further authorizes the Mayor or her

designee to execute and effectuate the attached or one substantially similar without any substantive changes.

---Motion duly seconded by President Giattino

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

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

---Nays: None.

ORDINANCES

Introduction and First Reading

16-412

Z-420

BOND ORDINANCE AUTHORIZING THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$2,890,000 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 \$2,745,500; 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 \$2,890,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$2,745,500; and
- (c) a down payment in the amount of \$144,500 for the purposes stated in Section 7 hereof is currently available in the City's Capital Improvement Fund accordance with the requirements of Section 11 of the Local Bond Law, *N.J.S.A. 40A:2-11*.

Section 3. The sum of \$2,745,500, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$144,500, 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 \$2,745,500 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 \$2,745,500 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 \$300,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose 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. Acquisition of Various Capital Equipment for the City including, but not limited to, Furniture, Pick-Up Trucks, Utility Vehicles and Sidewalk Sweepers, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$435,000	\$21,750	\$413,250	5 years
B. Renovations and Improvements to Various City Buildings and Grounds including, but not limited to, Park Improvements, 911 Memorial, Municipal Garage, Fire Department and City Hall, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	2,175,000	108,750	2,066,250	15 years
C. Acquisition of Various Heavy Equipment for the City including, but not limited to, a Snow-Melter and Machinery for the Municipal Garage, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	280,000	14,000	266,000	15 years
Total	\$2,890,000	\$144,500	\$2,745,500	

Section 8. The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 13.49 years.

Section 9. 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 10. 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 \$2,745,500 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. 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 12. 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 13. 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 14. 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 15. 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 16. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 17. 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 **JULY 6, 2016 at 7:00 PM.**

---Motion duly seconded by Councilman Doyle

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

YEAS: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, and President Giattino

NAYS: Russo

16-413
Z-421

AN ORDINANCE AMENDING HOBOKEN CODE CHAPTER 115 TO INCLUDE REGULATIONS FOR THE SANITATION AND UPKEEP OF PRIVATELY OWNED AND OPERATED PORT-O-JOHNS WITHIN CITY BOUNDARIES (sponsored by Councilman Mello and Councilwoman Giattino)

WHEREAS, the City wishes to create regulations for port-a-john sanitation and maintenance within the City of Hoboken in order to reduce the health issues associated with uncleanliness, unsanitary, odorous conditions which result from the lack of regulations of private port-a-johns, including but not limited to failure to regularly sanitize.

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 ~~strike through~~, additions noted by underline):

Section One:

§ 115-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADULTERATION or ADULTERATED

When used in connection with foods, drugs, cosmetics, or devices, these terms shall have the meanings respectively ascribed to them in N.J.S.A. 24:5-8 to 24:5-11.1.

APPROVED

Food or drink, a source of food or drink, a method, a device or a piece of equipment meeting requirements of the Board of Health and the State Department of Health or as per law.

AUTHORIZED AGENT

A licensed Sanitary First Grade Inspector or public health investigator.

BOARD OF HEALTH

The Hoboken Board of Health.

CITY

The City of Hoboken.

CLEANERS

Any place, premises, building, part of building, cellar or basement or room or establishment used therein for the purpose of washing, dry cleaning or drying of clothing, linens or any other type of wash both on or off the premises.

COSMETIC

The term cosmetic shall have the meaning ascribed to it by N.J.S.A. 24:1-1.

COSMETIC PLANT OR ESTABLISHMENT

Any place, premises, building, cellar or basement, apartment or room occupied or used therein for the having, holding, collection handling, production, processing, mixing, compounding, manufacture, packing, storage, distribution or sale of: (1) articles used (for or as cosmetics) for or intended to be rubbed, poured, sprinkled or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness or altering the appearance and, (2) articles intended for use as a component of any such article, except that such term shall not include soap.

DESIGNEE

Any person so deemed by the Health Officer.

DEVICE

The term device shall have the meaning ascribed to it by N.J.S.A. 24:1-1.

DRUG

The term drug shall have the meaning ascribed to it by N.J.S.A. 24:1-1.

DRUG PLANT OR ESTABLISHMENT

Any place, premises, building, part of building, cellar or basement, apartment or room occupied or used therein for having, holding, collection, handling, production, processing, mixing, compounding, manufacture, packing, storage, distribution or sale of:

A.

Articles used (for or as drugs) for or intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animal, or

B.

Articles (other than food) used or intended to affect the structure or any function of the body of man or other animal, or

C.

Articles intended for use as a component of any article specified in Subsection [A](#) or [B](#).

[EMPLOYEE](#)

Any person who handles any food, drug or cosmetics, or device or article used for food, drugs, cosmetics, or device used in the having, holding, collection, handling, production, preparation, processing, manufacture, packing, storage, distribution of food, drugs or cosmetics.

[EQUIPMENT](#)

Any mechanical apparatus or contrivance or parts thereof used in the production, processing, preparation, compounding, mixing, bottling, manufacture, packing, storage or distribution of food, drugs, devices or cosmetics.

[FOOD](#)

Any raw, cooked or processed edible substances, water, ice, beverages or ingredient used or intended for use or for sale in whole or in part for human consumption.

[HEALTH CLUB/SPA](#)

Any place, premises, building, part of building, cellar or basement or room or establishment that is designated therein for indoor sports, exercise or physical education.

[HEALTH OFFICER](#)

The legally designated Health Officer of the City of Hoboken.

[LAUNDRY](#)

Any place, building, part of building, cellar or basement or room, or establishment used therein for the purpose of washing, cleaning and/or drying articles of clothing, linens or any other type of wash.

[MISBRANDED](#)

The term misbranded, when used in connection with food, drugs, cosmetics or devices, shall have the meaning ascribed to it by N.J.S.A. 24:5-16 to N.J.S.A. 24:5-18.1.

[MOBILE RETAIL FOOD ESTABLISHMENT](#)

The definitions in N.J.A.C. 8:24-1.3, "Definitions." Shall have the meaning as defined in N.J.A.C. 8:24-1.5, and shall include "mobile retail motorized food vendor" and "mobile retail non-motorized food vendor," as defined in Chapter [147](#) of the Hoboken City Code.

[NUISANCE](#)

Any condition, or cause which may produce noise, offensive odor or any condition which may be an annoyance, a hazard, or a detriment to human health.

[ORDER or RULE](#)

Any directive of the Health Officer.

[PERSON](#)

Includes an individual, firm, corporation, association, society, partnership and their agents or employees.

[PORT-O-JOHN](#)

Any privately owned and/or operated portable toilet, including without limitation outhouses, porta potties, and/or portable chemical toilets. Whenever a privately owned and/or operated port-o-john is placed upon a construction site, which site is subject to oversight by the

Construction Code Official, within the City of Hoboken, both the Health Officer and the Construction Code Official shall be authorized agents for the enforcement of the regulations in this Chapter 115 regarding the port-o-john(s) at said construction site.

RECREATIONAL BATHING PLACE

The definition in N.J.A.C. 8:26 et seq.

RETAIL COSMETIC ESTABLISHMENT

Any place, premises, building, part of building, cellar or basement, apartment or room occupied or used therein for providing services to the public for cleansing, beautifying, promoting attractiveness or altering appearance, and promoting comfort. These shall include, but shall not be limited to: barber shops, hair salons, nail salons, beauty parlors, beauty salons, and tanning salons.

RETAIL FOOD ESTABLISHMENT

The definitions in N.J.A.C. 8:24-1.3, "Definitions."

§ 115-2 Inspections.

The Health Officer or his authorized agent hereby has the authority to conduct inspections of all establishments delineated in §§ 128-1, 128-5 and 128-8 hereof, any privately owned or operated port-a-john within City limits, all drug and cosmetic establishments as well as all taverns, bars, cocktail lounges, dance clubs and any retail food establishment as defined in N.J.A.C. 8:24-1.3 and any similar establishment where food is prepared for retail sale or service on the premises or elsewhere, in any other retail eating or drinking establishment or operation where food or drink is served, handled or provided for the public with or without charge to ensure the following. Such is not an exclusive list and the Health Officer or his authorized agent may inspect all the above establishments or facilities for other defects he might reasonably believe might impact on public health. The Health Officer or his authorized agent may inspect for compliance with the following:

A.

Every foundation, floor, wall, ceiling and roof shall be weathertight, watertight, safe, clean, sanitary and in good repair.

B.

Every window, door and basement shall be weathertight, watertight and kept in a clean sanitary way and in good repair.

C.

All parts of the establishment shall be kept in a rodentproof and insectproof condition. Effective control measures shall be utilized to minimize and eliminate the presence of insects, rodents and other vermin.

D.

All toilet facilities, showers and baths shall be kept in a clean, sanitary way and in good working condition. The above facilities shall be kept odor- and nuisance-free.

E.

Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free of defects, leaks and obstructions.

F.

Hand-washing facilities shall have an adequate supply of hand-washing soap and sanitary towels or approved hand-drying device. Use of common towels is prohibited. Where disposable towels are used, waste receptacles shall be located conveniently near hand-washing facilities.

G.

All showers and baths shall have hot and cold running water. Hot water shall be at a temperature of 120° F.

H.

All equipment used within establishments shall be maintained in good repair and kept in a safe, clean and sanitary way.

I.

All chemicals shall be clearly marked and stored in areas designated by the Health Officer or his authorized agent.

J.

All parts of the establishment, equipment and its premises shall be kept neat, clean, free of odors and nuisances and in good working condition.

K.

All equipment shall be stored in a clean, safe and nuisance-free manner.

L.

All parts of the establishment shall be properly ventilated according to the New Jersey Uniform Construction Code.[\[1\]](#)

[\[1\]](#)

Editor's Note: See Ch. [86](#), Construction Codes, Uniform.

M.

Establishments shall have health and safety notices, which the Health Officer deems necessary, to be conspicuously posted in areas designated by the Health Officer or his authorized agent.

N.

Any other requirement deemed necessary by the Health Officer in view of the operation of the establishment shall be met.

O.

Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods.

P.

All garbage and rubbish and refuse shall be kept in leak proof, nonabsorbent containers constructed of durable metal, or other approved types of materials which do not leak and which do not absorb liquids.

Q.

Adequate lockers within dressing rooms or other suitable facilities shall be provided and used for the storage of employees' coats, clothing and personal belongings.

R.

Laundered cloths and napkins shall be stored in clean, neat and protected place until used.

S.

All storage places used for the storage of utensils or equipment shall be kept neat, clean, and in good repair and in a sanitary way.

T.

All outside areas of establishments and facilities delineated in § [115-2](#) of this chapter shall be kept clean, in good repair and nuisance free.

U.

All used or soiled linens, cloths, and towels shall be stored in a leak proof container with a securely fastened lid.

V.

All port-a-johns shall, in addition to any other applicable section of 115-8, be professionally sanitized at least once per week.

The remainder of this chapter remains unchanged.

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

---Motion duly seconded by Councilman Doyle

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

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

---Nays: None.

16-414

Z-422

ORDINANCE APPROVING THE TERMS OF THE ATTACHED DEED OF PUBLIC ACCESS EASEMENT AGREEMENT BETWEEN THE MAXWELL PLACE CONDOMINIUM ASSOCIATION, INC. AS GRANTOR AND THE CITY OF HOBOKEN AS GRANTEE FOR THE USE OF THE PRIVATE ROADWAYS, ON-STREET PARKING SPACES AND SIDEWALKS LOCATED ON MAXWELL LANE; 11TH STREET BETWEEN SINATRA

DRIVE NORTH AND HUDSON STREET; AND SINATRA DRIVE NORTH BETWEEN 12TH STREET AND FRANK SINATRA DRIVE (BLOCK 261.07, LOT 1)

WHEREAS, the Maxwell Place Condominium Association, Inc. (“Association”) owns property which contains private roadways known as Maxwell Lane; 11th Street between Sinatra Drive North and Hudson Street; and Sinatra Drive North between 12th Street and Frank Sinatra Drive, Hoboken, New Jersey, Block 261.07, Lot 1 (hereinafter referred to as the “Property”); and

WHEREAS, the Grantee wishes to obtain a recorded easement over the Property, and the Grantors wish to provide said easement and the Grantors and Grantee have negotiated a deed of public access agreement for the aforementioned Property (easement attached hereto); and

WHEREAS, the City Council, hereby acknowledges the necessity of the said easement, and therefore approves of the easement by way of the within City Ordinance which shall be recorded by the Grantor as soon as practicable after adoption as herein described, and required by law; and

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

SECTION ONE:

- 1) Approval of the attached Deed of Public Access Easement between the City of Hoboken and Maxwell Place Condominium Association, Inc. by the City Council; and
- 2) The Mayor or her agent is hereby authorized to take any and all actions necessary to enter into the attached easement, or one similar in substance and form; and

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 on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **JULY 6, 2016 at 7:00 PM.**

---Motion duly seconded by President Giattino

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

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

---Nays: None.

---Abstain: Fisher

NEW BUSINESS

Councilman Mello comments on handicapped spots and whether it is state law to reserve handicapped spots and reconfirm that this is legal and also thinks that we need to update the signage, it is confusing and if we can legally change it and great job by the City holding the vigil for the tragedy that occurred in Orlando this past weekend.

Councilman Cunningham comments on the Western Edge, the Interim Cost Agreement will be in the first meeting of July, the other project, the post office project, the parking circulation study was completed last week and update the committee sometime next week.

Councilman Doyle comments on Councilman DeFusco's comment, a need for a commitment if we add more public space, we need to fund the proper maintenance for these additional parks, not sure if Director Pellegrini has the man power to keep the parks clean, so if we increase these parks going forward, whether its recreation or relaxation and we will need to allocate funds for this and look into the process just like NYC Park's commission and approach it with a public and private perspective Councilman Mello comments that we really need to look into this and if we can consider into a County Park and it could be used by non-Hoboken residents.

Councilman Russo comments on the open space tax and at some point, there's not going to be enough space to build a park, and also how do we acquire the space and how do we get the park space Councilman Russo comments on a specific area in town that was damaged and will provide the location off line, the 2nd is the bike racks specifically outside of the ACME, the way they are placed on the block, it narrows the path if we can move that bike rack and the Council's role as we address these issues what occurred down in Orlando, Florida, it's time we do it again asking our legislatures both on state and federal level, there's no need for all that fire power for an individual and hopefully if Councilman DeFusco could sponsor and would be more than happy to sponsor it.

Councilman Ramos comments on Mothers against Drunk Driving started at a local level and then it got nationally recognized, and that's a way to start, we need to look into it ourselves and there's got to be a starting point somewhere.

Councilman Ramos comments and asked Director Pellegrini on the mystery tree removal on Jackson Street and please contact Eric and have the tree replaced, June 30th, the Transportation Committee to discuss the Southwest part of town and have some updates being made, the Housing Authority adopted a 2 year plan and look forward working with them.

Director Pellegrini comments and we will replace it.

Councilman DeFusco comments 126 Bloomfield Street, a number of neighbors were displaced due to the demolition and thank BA Wiest for providing temporary housing and where are we in the process, there needs to be some communication happening and it's kind of hit or miss, and a little disappointed that a confidential memo was not provided so I know when I can let my neighbors, this conversation regarding food and businesses and I like to see small businesses succeed, we need to update the zoning map, we need to get the Master Plan codified and we want all the businesses succeed, what's stopping us on the 500 ft. rule.

BA Wiest comments that it's best to provide for you tomorrow.

Councilwoman Fisher comments that she abstained on all the Maxwell Place resolutions and ordinance and I have conflict and wanted people know, Elysian Park, a shout out to Director Pellegrini and received a ton of feedback, had some issues with some broken trees and he was responsive to it and identified a couple additional areas where there are a few holes, we have a Starbucks just wants to throw their trash on the sidewalks and they don't have a storage space, so it's in the way for the public and Director Pellegrini is looking at them and Starbucks does get fined, Cheryl Fallick asked to give a shout out for the Hoboken Fair Housing Association next Tues, June 23rd at 606 Garden Street from 7:00-9:30 and two points, the conservancy idea, as a follow-up for a few people in the 2nd Ward and they would like to do something in Elysian Park and follow-up with Councilman DeFusco's master plan, the idea is to get a fresh look forward of what is driving the growth of the community and getting a current understanding, it should include land use changes and when is the build out analysis.

Councilman Doyle comments that they will be starting this Fall to update the Master Plan and this will be in Director Forbe's department

Councilman Bhalla comments on the Build Out analysis and it is an issue of development, what are the impacts of development such as transportation, schools and etc, and the build out analysis is important, as far as the Orlando tragedy, it's very sad, I'm very scared of how powerful the gun lobbyists and it will take a lot of courage to face this.

Council President comments on asking for a stop sign on 4th and Bloomfield and also a school slow sign on 15th St. and traffic enforcement officers thought it would be a good addition at 14th st. and next Monday at 7:30 there will be a Special meeting regarding 7th and Jackson Street it will be closed session and there will be a public portion.

At 11:13 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 11:13 PM

PRESIDENT OF THE COUNCIL

CITY CLERK