

MEETING OF APRIL 2, 2014

**MINUTES OF A MEETING OF THE COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY, HELD IN
THE COUNCIL CHAMBERS, CITY HALL, HOBOKEN, NEW JERSEY, WEDNESDAY, APRIL 2, 2014
AT 7:00 PM**

President Giattino opened the meeting at 7:00 PM 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 Meeting Act, and that notice 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, Castellano, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino

Council President comments that she will suspend the agenda for Mayor Zimmer to present a proclamation for the City Clerk James J. Farina.

Council President comments that there will be a presentation tonight.

**PROCLAMATION FROM MAYOR DAWN ZIMMER TO THE CITY CLERK JAMES J. FARINA FOR 30
YEARS OF SERVICE TO THE CITY OF HOBOKEN**

Received and Filed.

**Corporation Counsel has suspended the agenda for resolution #22 and reads the resolution to the
Governing Body**

RESOLUTION

14-201

By President Giattino

**RESOLUTION GRANTING KEITH KANDEL, ESQ. OF FLORIO KENNY SETTLEMENT
AUTHORITY IN THE MATTER OF M.C.'S WORKER'S COMPENSATION LITIGATION
(WC890940132) IN AN AMOUNT UP TO THE AMOUNT SUGGESTED BY KEITH KANDEL
TO MELLISSA LONGO IN A MARCH 20TH EMAIL**

WHEREAS, the City of Hoboken is currently involved in a worker's compensation claim with Plaintiff M.C. (WC89094013); and,

WHEREAS, Keith Kandel, Esq. of Florio Kenny has represented the City's legal interests in that matter, and has recommended a monetary amount for settlement of the matter by way of a March 20th email from Keith Kandel to Mellissa Longo; and,

WHEREAS, after legal guidance from Mr. Kandel, the City Council finds his suggested monetary settlement amount to be reasonable, and in the best interest of the City.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that Keith Kandel, Esq. of Florio Kenny is hereby authorized to settle the matter of M.C.'s worker's compensation claim (WC890940132) in an amount up to the monetary amount suggested by Keith Kandel to Mellissa Longo by his March 20th email.

---Motion duly seconded by Councilman Bhalla

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

---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino

---Nays: None.

ORDINANCES

SECOND READING/PUBLIC HEARING AND FINAL VOTE

AN ORDINANCE AMENDING §133 (NOISE CONTROL) REGARDING PENALTY FOR VIOLATIONS **(Z-281)(sponsored by Councilwoman Giattino and Councilman Doyle) (WAITING ON APPROVAL FROM DEPARTMENT OF ENVIRONMENTAL PROTECTION)**

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK **(N.J.S.A. 40A: 4-45.14) (sponsored by Councilman Bhalla and Councilman Cunningham) (Z-287) (CARRY TO THE APRIL 23 BUDGET HEARING)**

AN ORDINANCE AMENDING CHAPTER §44 (LAND USE PROCEDURES) UPDATING AND CONSOLIDATING THE PROCESSES AND PROCEDURES FOR LAND USE BOARDS **(sponsored by Councilman Doyle and Councilman Russo) (Z-288) (WAITING ON RECOMMENDATIONS FROM THE PLANNING BOARD AND CARRIED TO THE APRIL 16, 2014 CCM)**

AN ORDINANCE TO AMEND CHAPTER 179A ENTITLED "TAXICABS" TO PROVIDE FOR HANDICAPPED ACCESSIBLE TAXICAB LICENSES (sponsored by Councilman Cunningham and Councilman Bhalla) **(Z-289)**

The speaker who spoke: Kristen Keenan.

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

President Giattino moved that the hearing be closed.

---Motion duly seconded by Councilman Cunningham

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

---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo, President Giattino

---Nays: None.

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

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

AN ORDINANCE AMENDING chapter 190 entitled “vehicles and traffic” TO AMEND PARKING REGULATIONS RELATING TO RESTRICTED PARKING FOR OFFICIAL BUSINESS VEHICLES (sponsored by Councilman Cunningham and Councilman Bhalla) **(Z-290) Carried to the April 19, 2014 Meeting.**

The speaker who spoke: Perry Belfiore.

Councilman Cunningham comments and would like to carry this ordinance (Z-290) to the next meeting

14-202

Mayor Dawn Zimmer making two (2) reappointments to the Shade Tree Commission.

Received and Filed.

14-203

Proclamation from Mayor Dawn Zimmer honoring his 30th Anniversary as City Clerk of the City of Hoboken.

Received and Filed

14-204

APPLICATION FOR MISCELLANEOUS LICENSES

Vendors-----3 Items

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

14-205

---By Councilman Bhalla

CLAIMS

Total for this agenda **\$3,007,531.34**

---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 8 – NAYS: 2 - ABSENT:1
---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mello, Occhipinti, Russo and President Giattino
---Nays: Castellano (13-03667 – Block 112) and Russo
---Absent: Mason

14-206

---By Councilman Bhalla

PAYROLL

For the two week period starting February 27, 2014 – March 12, 2014

Regular Payroll	O/T Pay	Other Pay
\$1,584,448.64	\$160,463.91	\$60,856.98

Total \$1,805,769.53

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

PUBLIC COMMENTS FOR RESOLUTIONS

The speakers who spoke Kyle Enger.

CONSENT AGENDA – 3, 5, 8, 9, 11, 15, 17, 18, 19, 20, 21

Pulled from the agenda for discussion: 6, 10, 12, 13, 14
Removed by Administration: 7, 16

Councilwoman Mason has left the table at 8:35 PM
Councilwoman Mason returned to the table at 8:45 PM

RESOLUTIONS

14-207

---By Councilman Bhalla

RESOLUTION REJECTING A BID FOR THE PROVISIONS OF THE PARK LANDSCAPE MAINTENANCE PROVIDER, OTHERWISE KNOWN AS BID NO. 14-03, IN ACCORDANCE WITH N.J.S.A. 40A:11-13.2(D)

WHEREAS, proposals were received for the provisions of the Park Landscape Maintenance Provider, as specified in Bid Number 14-03; and,

WHEREAS, six (6) proposals were received; and,

WHEREAS, the Administration has decided to substantially revise the specifications for the goods or services; and,

WHEREAS, as a result, the Purchasing Agent recommends that the City Council of the City of Hoboken reject all bid submissions for the provision under Bid No. 14-03, pursuant to N.J.S.A. 40A:11-13.2(d).

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Hoboken hereby rejects all bid proposals submitted for the provision under Bid No. 14-03, pursuant to N.J.S.A. 40A:11-13.2(d); and,

BE IT FURTHER RESOLVED that the City Council authorizes the Administration to take any and all steps necessary to properly revise and rebid, and, thereafter, contract for the provisions necessary for the Park Landscape Maintenance Provider Services.

---Motion duly seconded by Councilman Cunningham

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

---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino

---Nays: None.

14-208

---By Councilman Bhalla

RESOLUTION TO APPROVE A "LICENSE AGREEMENT" BETWEEN THE CITY OF HOBOKEN AND 121 HARRISON REALTY, LLC, AS THE OWNER OF BLOCK 26 LOTS 13-16 (a/k/a 121-127 Harrison Street), FOR USE AND MAINTENANCE OF A PORTION OF THE PUBLIC RIGHT OF WAY ADJACENT TO SAID PROPERTY

WHEREAS, the City of Hoboken requires property owners to maintain the public right-of-way adjacent to their property, including but not limited to sidewalks, stairs, stoops, fences, areaways, trees and other landscaping; and

WHEREAS, the City of Hoboken encourages property owners to landscape and otherwise improve said right-of-way to enhance the urban landscape; and

WHEREAS, the City of Hoboken and the City Council, by resolution, provides for the issuance of license agreements for the aforementioned purpose; and

WHEREAS, the City of Hoboken desires to grant to 121 Harrison Realty, LLC, owner of Block 26 Lots 13-16, more commonly known as 121-127 Harrison Street, Hoboken, such a license, by and through its authorized agent, Kyle Enger.

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

- 1) Approval of the attached "License Agreement" between the City of Hoboken and 121 Harrison Realty, LLC, owner of Block 26 Lots 13-16, more commonly known as 121-127 Harrison Street, shall be subject and limited to the specifications included in Exhibit "A" (Property survey revised 02/24/2014 to show metes and bounds of proposed encroachment);
- 2) The Mayor or her agent is hereby authorized to enter into the attached agreement; and
- 3) This resolution shall become effective immediately upon adoption.

The speakers who spoke: Barret Elward, Kyle Enger.

--Motion duly seconded by Councilman Cunningham

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

--Yeas: Council persons Castellano, Cunningham, Doyle, Mason, Mello, Russo and President Giattino

--Nays: Occhipinti

--Abstain: Bhalla

14-209

---By Councilman Bhalla

RESOLUTION AWARDING A PROFESSIONAL SERVICE CONTRACT TO BOSWELL ENGINEERING TO PERFORM A COMPREHENSIVE CIRCULATION STUDY IN AN AMOUNT NOT TO EXCEED THIRTEEN THOUSAND DOLLARS (\$13,000.00)

WHEREAS, the City of Hoboken published requests for proposals ("RFPs") for general municipal engineering services; and

WHEREAS, the Administration evaluated the proposals provided in response to said RFP, and the Administration has determined that Boswell Engineering was one of four general municipal engineering firms that were qualified for General Engineering Services for the City during the January 1, 2014 through December 31, 2014 period; and

WHEREAS, in accordance with the direction of the Administration, the City Council is asked to award a contract to Boswell Engineering for Boswell Engineering to perform a comprehensive circulation study on Clinton Street between Eleventh Street and Fourteenth Street and on Twelfth Street between Clinton Street and Willow Street to improve traffic movement in the area, as detailed on the proposal from Boswell Engineering which is attached hereto, for a total contract amount of Thirteen Thousand Dollars (\$13,000.00);

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$13,000.00 is available in the following appropriation 4-01-31-461-000 in the CY2014 temporary

appropriations; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said temporary appropriation for the CY2014; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, **George DeStefano, CFO**

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that a contract with the below-listed vendor is awarded for an amount not to exceed Thirteen Thousand Dollars (\$13,000.00) for a comprehensive circulation study on Clinton Street between Eleventh Street and Fourteenth Street and on Twelfth Street between Clinton Street and Willow Street, in accordance with the attached proposal and with the additional contract terms as follows:

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

**Boswell Engineering
330 Phillips Avenue
South Hackensack, New Jersey 07602**

---Motion duly seconded by Councilman Cunningham

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

---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mello, Occhipinti, Russo and President Giattino

---Nays: Mason

14-210

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH SEDITA, CAMPISANO & CAMPISANO, LLC AS SPECIAL LEGAL COUNSEL-ENVIRONMENTAL LAW TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2014 AND EXPIRE DECEMBER 31, 2014 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$50,000.00

WHEREAS, service to the City as Special Counsel–Environmental Law is a professional service as defined by N.J.S.A. 40A:11-1, et seq. and as such, is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and,

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel-Environmental Law in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Sedita, Campisano & Campisano, LLC responded to; and,

WHEREAS, the evaluation committee has determined that Sedita, Campisano & Campisano, LLC offers the best option of all the proposals submitted, cost and other factors considered, and therefore advises a contract be entered into with Sedita, Campisano & Campisano, LLC, and,

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

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$50,000.00 is available in the following appropriation C-04-60-711-120; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for CY2014; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with Sedita, Campisano & Campisano, LLC to represent the City as Special Legal Counsel-Environmental Law be awarded, for a term to commence January 1, 2014 and expire December 31, 2014, for a total not to exceed amount of Fifty Thousand Dollars (\$50,000.00); and

BE IT FURTHER RESOLVED, the contract shall include the following term: Sedita, Campisano & Campisano, LLC shall be paid maximum hourly rates of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20.00/hour for support staff for services rendered, these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

BE IT FURTHER RESOLVED, new litigation and legal matters will be assigned to the firm as they become available and the City Administration determines the firm's services are appropriate for any particular matter; this contract shall not be for a sum certain but rather, a retainer, the matters on which to be retained shall be determined as the need arises at the sole discretion of the City; and, this contract is not a guarantee of availability of services or assignment; and,

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

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

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

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

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

---Motion duly seconded by Councilman Cunningham

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

---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino

---Nays: None.

14-211

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE ADMINISTRATION TO APPLY FOR A GRANT FROM THE 2014 GREEN COMMUNITIES PROGRAM OF THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Administration wishes to apply for a grant in the amount of \$3,000.00 from the 2014 Green Communities Program administered by the New Jersey Department of Environmental Protection; and

WHEREAS, the purpose of the grant is to provide assistance to communities to create a Community Forestry Management Plan, and the grant requires a 50% municipal match; and

WHEREAS, the award information, copies of which are attached, describes the terms and conditions of the grant funding;

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$1,500.00 is available in the following appropriation 4-01-26-293-046 in the CY2014 temporary appropriations; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said temporary appropriation for the CY2014; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

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

A. This resolution authorizes the submission of the attached grant application to the 2014 Green Communities Program; and

B. 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, Castellano, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino

---Nays: None.

14-212

---By Councilman Bhalla

RESOLUTION AUTHORIZING SUBMISSION OF APPLICATION TO DEPARTMENT OF AGRICULTURE FOR 2014 SUMMER FOOD SERVICE PROGRAM FUNDS

WHEREAS, the City of Hoboken has, each summer, been the sponsor of a summer food service program for the youth of the City; and

WHEREAS, the State of New Jersey, Department of Agriculture has once again invited the City of Hoboken to submit an application for funding for the 2014 Summer Food Service Program; and,

WHEREAS, no City match is required as part of this application or underlying program.

NOW THEREFORE, BE IT RESOLVED, that the City of Hoboken will submit an application for such funds; 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 submit such application to the Department of Agriculture;
2. Furnish such documents as may be required;
3. Act as authorized correspondent of the City of Hoboken;
4. Publish and review bid documents in accordance with the DOA requirements; and,
5. Execute necessary contracts, if funding is awarded.

--Motion duly seconded by Councilman Cunningham

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

--Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino

--Nays: None.

14-213

--By Councilman Bhalla

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACT WITH GERRY KROVATIN, ESQ. OF KROVATIN & KLINGEMAN AS SPECIAL LEGAL COUNSEL-SANDY RELIEF GOVERNMENT FUNDING INVESTIGATION RELATED MATTER TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 22, 2014 AND EXPIRE JANUARY 21, 2015 FOR AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$20,000.00, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$37,000.00

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

WHEREAS, the City previously entered into a contract with the firm of Krovatin & Klingeman for said services, which, at the time fell below the fair and open threshold; and,

WHEREAS, the City now needs to increase the not to exceed amount above the originally approved amount, and Gerry Krovatin, Esq., has special expertise and intricate knowledge of the

below listed legal matter, and has general specialized knowledge of such as the type the City hereby requests representation in, specifically government investigative matters; and,

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

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$20,000.00 is available in the following appropriations 4-01-20-156-020 in the CY2014 temporary appropriation; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2014 budget.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, (a majority of the full council concurring) that a contract with Krovatin & Klingeman, for the services of Gerry Krovatin, Esq. to represent the City as Special Legal Counsel-Sandy Relief Government Funding Related Matters be amended, for a term to commence January 22, 2014 and expire January 21, 2015, with an increase in the not to exceed amount of Twenty Thousand Dollars (\$20,000.00), for a total not to exceed amount of Thirty Seven Thousand (\$37,000.00) Dollars; and

BE IT FURTHER RESOLVED, the contract shall include the original terms, except where revised herein, including without limitation the hourly rates authorized under the original resolution; and

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

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

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

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

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: Castellano, Mason

Councilman Bhalla has left the table at 9:39 PM

Councilman Bhalla has returned to the table at 9:43 PM

14-214

---By Councilman Bhalla

RESOLUTION AUTHORIZING PUBLIC BIDDING AND PUBLIC NOTICE OF A LEASE FOR THE BUILDING AND PATIO AREAS COMMONLY KNOWN AS SINATRA PARK CAFÉ PURSUANT TO N.J.S.A. 40A:12-14 AND THE TERMS HEREIN

WHEREAS, the City of Hoboken finds that the building and patio areas within Sinatra Park commonly known as Sinatra Park Café are not needed for a public use and desires to lease Sinatra Park Café; and

WHEREAS, the City Council hereby intends to authorize public bidding and public notice for the lease of Sinatra Park Café pursuant to N.J.S.A. 40A:12-14 and the conditions set forth herein.

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

A. The Mayor and the Administration are hereby authorized to place public notices pursuant to the Local Land and Buildings Law for the public bidding of a lease of the Sinatra Park Café, which bid shall include the following conditions:

1. The Sinatra Park Café is situated within Green Acres-funded parkland that is governed by the New Jersey Department of Environmental Protection (the "NJDEP") and bound by regulations promulgated by the NJDEP. The terms and conditions contained in any subsequent lease agreement between the City of Hoboken and the successful bidder will be subject to any language, terms or conditions required by the NJDEP.

2. The initial term of the lease shall be for five (5) years, with the option to extend the lease, at the City's sole discretion and with prior approval by the NJDEP, on a year-to-year basis for no longer than five (5) years, for a total leasehold of ten (10) years.

3. A security deposit equal to three (3) months' rent must be included with the bid package.

4. The minimum bid for these specifications will be \$60,000.00 annual lease amount, which shall be payable in twelve (12) equal monthly payments of \$5,000.00 per month.

5. Such other conditions as the Administration deems necessary to protect the City's interests adequately in the lease agreement.

B. The City Council reserves the right to reject all bids for any reason permitted by law, including, but not limited to, failure of the highest bidder to meet the requirements set forth in this resolution and/or the bid specifications.

C. 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, Castellano, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino
--Nays: None.

14-215

---By Councilman Bhalla

RESOLUTION RESCINDING A PRIOR RESOLUTION AUTHORIZING THE ADMINISTRATION TO ACCEPT A GRANT AWARD OF \$105,000.00 FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY'S FY2013 PORT SECURITY GRANT PROGRAM

WHEREAS, pursuant to Resolution 13-483, a copy of which is attached, the City Council authorized the Administration to accept a grant award of \$105,000.00 from the U.S. Department of Homeland Security's (the "DHS") FY 2013 Port Security Grant Program, which provided funding for a police officer and a K9; and

WHEREAS, the grant which include a DHS share of \$105,000.00, and a matching cost by the City in the amount of \$35,000.00 for a total project cost of \$140,000.00; and,

WHEREAS, the City's Chief Financial Officer certified that there were sufficient City funds available in a particular budget line item for the City's matching cost from this grant; and

WHEREAS, the Administration has determined that it does not wish to accept these grant funds.

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

- A. This resolution rescinds Resolution 13-483.
- B. This resolution declines the grant from the DHS FY 2013 Port Security Grant Program, and the Mayor or her agent is duly hereby authorized to take any and all action to refuse the grant award, including, but not limited to, unappropriating the matching grant funds of \$35,000.00.
- C. This resolution shall take effect immediately upon passage.

--Motion duly seconded by Councilman Cunningham

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

--Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino

--Nays: None.

--Absent: Bhalla

14-216

---By Councilman Cunningham

RESOLUTION AUTHORIZES AN ASSIGNMENT AND AMENDMENT TO THE CONTRACT WITH METRIC PARKING TO ASSIGN THE CONTRACT FROM METRIC PARKING TO AMANO MCGANN, AND TO AUTHORIZE PURCHASE OF THE PROVISIONS OF GOODS AND SERVICES FOR THE SUPPORT AND MAINTENANCE OF THE PREVIOUSLY ACQUIRED AUTOMATED PAY

STATIONS, WHICH CONSTITUTES PROPRIETARY SOFTWARE, IN AN AMOUNT NOT TO EXCEED \$152,875.00 FOR GOODS TO BE PROVIDED WITHIN NINETY DAYS OF EXECUTION OF CONTRACT

WHEREAS, the City of Hoboken entered into a contract with Metric Parking pursuant to a public bid (Bid No. 10-18), by resolution July 20, 2011, and thereafter obtained the pay stations, which constitutes proprietary software in accordance with the Local Public Contract Law; and,

WHEREAS, by letter dated March 28, 2014, Metric Parking advised that all future operations relating to Metric's outstanding contracts shall be assigned to Amano McGann, and the City now wishes to formally assign the July 20, 2011 contract to Amano McGann to ensure continued support and maintenance of the proprietary software which the City utilizes; and,

WHEREAS, the City now requires the purchase of additional provisions of goods and services for the support and maintenance of that proprietary software, which is only available from Amano McGann, and which procurement is exempt from bidding pursuant to N.J.S.A. 40A:11-5(dd); and,

WHEREAS, the City received proposals for all the necessary goods and service for the support and maintenance of the software, which totals \$152,875.00, and the City accepts the purchase prices of the goods and services which is attached as part of the 3/17/2014 proposal; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$152,875.00 is available in the following appropriation P-30-60-100-200 in the bond ordinance; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2014 budget; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the contract with the below listed vendor is authorized and ratified for an amount not to exceed One Hundred Fifty Two Thousand Eight Hundred Seventy Five Dollars (**\$152,875.00**) as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The Metric contract is hereby assigned formally and entirely to Amano McGann, and the assignment shall be executed by all three parties prior to the purchases herein being authorized by this Council.
3. The terms of the attached proposal, to the extent not inconsistent with the original contract shall govern this amendment to the contract, and no additional changes may be made without the prior written consent of both parties.
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:

Amano McGann Inc.
140 Harrison Avenue
Roseland, New Jersey 07068

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

14-217

---By Councilman Cunningham

RESOLUTION AUTHORIZES A CONTRACT TO AMANO MCGANN, INC. FOR THE PROVISIONS OF GOODS AND SERVICES FOR THE SUPPORT AND MAINTENANCE OF PREVIOUSLY ACQUIRED AUTOMATED GARAGE PARKING SYSTEMS, WHICH CONSTITUTES PROPRIETARY SOFTWARE, IN AN AMOUNT NOT TO EXCEED \$175,500.00 FOR GOODS TO BE PROVIDED WITHIN NINETY DAYS OF EXECUTION OF CONTRACT

WHEREAS, the City of Hoboken entered into a lease assignment for the lease to purchase of Amano McGann proprietary automated garage parking systems in 2008; and,

WHEREAS, the City now requires the purchase of additional provisions of goods and services for the support and maintenance of that proprietary software, which is only available from Amano McGann, and which procurement is exempt from bidding pursuant to N.J.S.A. 40A:11-5(dd); and,

WHEREAS, the City received proposals for all the necessary goods and service for the support and maintenance of the software, which totals \$175,500.00, and the City accepts the purchase prices of the goods and services, but expressly rejects the Purchase Agreement and Terms and Conditions attached to the invoices; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$175,500.00 is available in the following appropriation P-30-60-999-400 in the CY2014 temporary appropriations; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2014 budget; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the contract with the below listed vendor is authorized and ratified for an amount not to exceed One Hundred Seventy Five Thousand Five Hundred Dollars (**\$175,500.00**) as follows:

7. The above recitals are incorporated herein as though fully set forth at length.
8. The terms of the attached proposal (NOT including the vendor's form contract or the attached document entitled "Terms and Conditions", which is REJECTED in its entirety) shall govern the contract, and no changes may be made without the prior written consent of both parties.
9. 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.
10. 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.

11. 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, New Jersey 07068

---Motion duly seconded by Councilman Mello

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

---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino

---Nays: None.

14-218

---By Councilman Bhalla

THIS RESOLUTION AMENDS AND EXTENDS THE AWARD OF A CONTRACT TO CALI CARTING, INC. FOR THE PROVISIONS OF SOLID WASTE REMOVAL SERVICES FOR THE CITY IN ACCORDANCE WITH THE SPECIFICATIONS IN BID NUMBER 10-30, PURSUANT TO N.J.S.A. 40A:11-15, FOR AN ADDITIONAL ONE MONTH PERIOD, THROUGH APRIL 30, 2014, WITH AN INCREASE IN THE CONTRACT AMOUNT OF \$130,515.00, WHICH REPRESENTS A ONE MONTH ADDITIONAL PAYMENT PLUS THE STATUTORILY ALLOWED CPI INCREASE

WHEREAS, Cali Carting was awarded the City's solid waste contract, in accordance with the scope of work specified in Bid Number 10-30; and,

WHEREAS, that contract award expired on March 31, 2014, and the City currently has a solid waste bid outstanding which has not yet been awarded; and,

WHEREAS, pursuant to N.J.S.A. 40A:11-15, the City requires the services of Cali Carting for an additional one month period, which requires a one month extension to their existing contract for a one month payment of \$130,515.00, representing the monthly costs during the original term of the contract plus the statutorily allowed CPI increase.

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

A. This resolution amends the contract to Cali Carting, Inc., for one additional months, through April 30, 2014, in an increased amount not to exceed \$130,515.00 which represents the monthly costs under the original contract, plus the statutorily allowed CPI increase, for the continued and uninterrupted provision of solid waste removal in accordance with the specifications set forth in Bid No. 10-30.

B. The Mayor or her designee is hereby authorized to take the necessary steps to enter into an amendment to the contract, pursuant to Bid No. 10-30 as redefined by this resolution, and any other steps necessary to effectuate this resolution.

C. This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Mello

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

---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino
---Nays: None.

14-219

---By Councilman Bhalla

THIS RESOLUTION AMENDS AND EXTENDS THE AWARD OF A CONTRACT TO ACACIA FINANCIAL FOR THE PROVISIONS OF FINANCIAL CONSULTING SERVICES FOR THE CITY IN ACCORDANCE WITH THE SPECIFICATIONS IN THE COMPETITIVE CONTRACTING RFP AND THE AWARD RESOLUTION, FOR THE CITY'S UPCOMING BANS, WHICH SHALL BE AN ADDITIONAL PROJECT-BASED RETENTION THAT SHALL END IN NO EVENT LATER THAN AUGUST 15, 2015, WITH A NOT TO EXCEED AMOUNT OF \$25,000.00 FOR THIS PROJECT

WHEREAS, on August 15, 2012, the City authorized a pool of financial advisors who were acceptable for contracting with the City, based on proposals submitted in response to a competitive contracting RFP at that time;

WHEREAS, in February of 2013, the City contracted with Acacia Financial for financial advisor services, pursuant to the aforementioned pool, for the HPU bond refinancing transaction; and,

WHEREAS, in accordance with competitive contracting law, the City may contract with Acacia Financial for up to three years, and, therefore, in accordance therewith, the City wishes to extend its contract with Acacia for an additional project, the financial analysis of the City's upcoming BANS, for an additional \$25,000.00, and for an extended term to expire upon completion of this project, but in no event later than August 15, 2015, in accordance with the attached project proposal from Acacia Financial dated March 27, 2014; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$25,000.00 is available in the following appropriations: \$5,000.00 from 4-01-55-901-014, \$5,000.00 in 4-01-20-130-040, \$7,500.00 in C-04-60-709-400, and \$7,500 in C-04-60-710-400, in the CY2014 temporary appropriation and capital budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2014 budget.

Signed: _____, George DeStefano, CFO

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

- A. This resolution amends the contract to Acacia Financial, for an additional project based assignment of the City's upcoming BANS, which shall expire upon completion of the project, but in no event later than August 15, 2015.
- B. The contract amount shall be increased in an amount not to exceed \$25,000.00 which represents the project costs for the City's upcoming BANS services.
- C. The Mayor or her designee is hereby authorized to take the necessary steps to enter into an amendment to the contract, as redefined by this resolution, and any other steps necessary to effectuate this resolution.

D. This resolution shall be posted and published in accordance with all applicable laws, and shall take effect immediately upon passage.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 6 – NAYS: 3

---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mello and President Giattino

---Nays: Mason, Occhipinti, Russo

14-220

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS

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 Treasurer made payable to the following totaling **\$ 15,304.29**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Marchese, John 128 Adams Street #4 Hoboken, NJ 07030	30/15/C0004	128 Adams St.	1/14	\$2,828.42
Cappello, Kajsa 734 Adams Street #2A Hoboken, NJ 07030	84/14/C00G2	730-732 Adams St.	1/14	\$ 160.74
CitiMortgage, Inc. P.O. Box 23689 Rochester, NY 14692	168/34/C0002	606 Park Ave.	4/13	\$2,183.12
LT National Title Services 89 Hudson Street, 4 th Fl Hoboken, NJ 07030	189/4/C0001	209 Garden Street	1/14	\$1,799.25
Pelaez, Jonathan 222 Madison Street #3L Hoboken, NJ 07030	38/20/C003L	222 Madison Street	4/13	\$1,029.77
Herve Grosse & Olivia Jan 405 Jefferson Street #4 Hoboken, NJ 07030	60/3/C0004	405 Jefferson Street	1/14	\$2,175.90
Kelly, Mary 925 Bloomfield Street Hoboken, NJ 07030	208/6	925 Bloomfield St	1/14	\$2,842.02

**Vivek Singh
64 Madison Street #4
Hoboken, NJ 07030**

16/37/C0004

64 Madison Street 4/10

\$2,285.07 Excel 3

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

14-221

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE REFUND OF TAX APPEALS STATE TAX COURT

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 Treasurer made payable to the following totaling \$3,704.06

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
Ventura, Miesowitz, Keough & Warner 783 Springfield Avenue Summit, NJ 07901	221/19/C0004	1022 Hudson St	2013	\$3,704.06

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

14-222

---By Councilman Bhalla

RESOLUTION AUTHORIZING A REFUND OF A VETERAN DEDUCTION

RESOLVED, BY THE COUNCIL OF THE CITY OF HOBOKEN; that

WHEREAS, the following applied for a Veterans deduction for the tax year 2013 and year taxes have been paid;

THEREFORE BE IT RESOLVED, that a check be drawn to the order of the following:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER</u>	<u>AMOUNT OF REFUND & ISSUE TO</u>
82	3	C0202	\$250.00

**CHRISTOPHER L. PADURANO
705-707 MONROE STREET #202
HOBOKEN, NJ 07030**

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

14-223

---By President Giattino

RESOLUTION TO ADOPT THE MINUTES OF THE MEETINGS OF THE CITY DATED REGULAR MEETING OF JANUARY 7, 2014, SPECIAL MEETING OF JANUARY 7, 2014, SPECIAL MEETING OF JANUARY 22, AND SPECIAL MEETING OF FEBRUARY 5, 2014 AND REGULAR MEETING OF FEBRUARY 5, 2014 (HAS BEEN REVIEWED AND APPROVED TO LEGAL FORM AND CONTENT)

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

14-224

---By President Giattino

CLOSED SESSION

RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUAN TO N.J.S.A. 10:4-12 AND ATTORNEY CLIENT PRIVILEGE RELATING TO A POTENTIAL WAIVER OF ATTORNEY CLIENT PRIVILEGE RELATING TO COMMUNICATIONS BETWEEN MAYOR ZIMMER AND THE CITY'S SPECIAL COUNSEL, JOSEPH MARAZITI, ESQ.

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, and to discuss matters subject to attorney client privilege; and

WHEREAS, one of these reasons to go into closed session is to receive advise from legal counsel, which is subject to attorney client privilege; 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 to advance the status of the litigation (specifically the Matter of Belfiore), and,

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

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

---Motion duly seconded by Councilman Bhalla

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

---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino

---Nays: None.

14-224A

---By President Giattino

RESOLUTION TO GIVE THE MAYOR AUTHORITY TO WAIVE, WITHOUT FURTHER COUNCIL AUTHORIZATIONS, ANY ATTORNEY CLIENT PRIVILEGE ASSOCIATED WITH OR IN CONNECTION WITH ANY COMMUNICATIONS WITH JOSEPH MARAZITI, ESQ. TO THE EXTENT NECESSARY FOR JOSEPH MARAZITI, ESQ. TO RESPOND TO INTERVIEW QUESTIONS IN CONNECTION WITH EITHER THE US ATTORNEY INVESTIGATION OR THE INVESTIGATION BEING CONDUCTED BY THE JOINT LEGISLATIVE COMMITTEE AND/OR THE MAYOR TO COMPLY WITH THE FEDERAL SUBPOENAS ISSUED RELATING TO THE SANDY RELIEF FUNDING INVESTIGATION

WHEREAS, the City has been, or may in the future be, requested to provide information, testimony and documentary evidence relating to the Sandy Relief Funding Investigation from both the U.S. Attorney's Office and the Joint Legislative Committee, and it is the duty and obligation, both as part of individual oaths of office and general ethics, of the City and its' officers to provide the information necessary to ensure complete disclosure and compliance with all requests of the investigations; and,

WHEREAS, as a result of the ethical duties and individual oaths of City officers to provide open, candid and complete disclosure in these investigations, the Mayor needs the ability to provide, through herself and through Joseph Maraziti, Esq., information and testimony which would otherwise be subject to attorney client privilege; and,

WHEREAS, the City Council has considered the potential results of a waiver of the attorney client privilege of the confidential communications of Joseph Maraziti, Esq., and has determined that the Mayor should have the authority, as necessary, to waive the privilege on behalf of the City for each communication, and to further give authority to the Mayor to take any and all action necessary to effectuate waiver of the attorney client privilege is in the City's best interest; however, this waiver is limited to Joseph Maraziti, Esq.'s communications, and shall not, under any circumstances, be considered a general waiver of the privilege for any other attorneys and/or their documents and/or communications.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken hereby authorizes the Mayor to, in her sole discretion and without further Council authorizations, waive the attorney client privilege, pursuant to N.J.R.E. 504 and any other law, whether statutory or common, with regards to any communications with Joseph Maraziti, Esq., to the extent necessary for either the Mayor or Joseph Maraziti, Esq. to respond to interview questions in connection with either the U.S. Attorney investigation or the investigation being conducted by the Joint Legislative Committee, and/or to ensure compliance with the federal subpoenas, whether testimonial or documentary, issued relating to the Sandy Relief Funding Investigation; and,

BE IT FURTHER RESOLVED, the City Council hereby give the Mayor express authority to expressly waive the attorney client privilege with regards to said communications with Joseph Maraziti, Esq., and/or take action which would constitute a waiver of said communications, to the extent necessary for either the Mayor or Joseph Maraziti, Esq. to respond to interview questions in connection with either the U.S. Attorney investigation or the investigation being conducted by the Joint Legislative Committee, and/or to ensure compliance with the federal subpoenas, whether testimonial or documentary, issued relating to the Sandy Relief Funding Investigation; and,

BE IT FURTHER RESOLVED, this authorization for the Mayor to waive, is specific to the allowances described herein, is limited to said communication with Joseph Maraziti, Esq., and may not, under any circumstances, be implied to provide for a general waiver or general authorization for the Mayor to waive attorney client privilege regarding other attorneys; 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 Bhalla
- Adopted by the following vote: YEAS: 7 – NAYS: 1 - PRESENT: 1
- Yeas: Council persons Bhalla, Cunningham, Doyle, Mello, Occhipinti, Russo and President Giattino
- Nays: Mason
- Present: Castellano

ORDINANCES

Introduction and First Reading

14-225
Z-291

AN ORDINANCE AMENDING CHAPTER 39 ENTITLED “DEPARTMENT OF HUMAN SERVICES” TO AMEND PARK AND RECREATION FEES UNDER **§ 39-8.1**

WHEREAS, § 39-8.1 needs to be updated to include all currently available parks for rental; and,

WHEREAS, the Administration has determined that most organizations renting parks as non-profits obtain fees from their participants, and the City’s waiver of all fees, under such circumstances, is unnecessary and should be changed to a reduced fee from that paid by for profits groups.

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

SECTION ONE: AMENDMENTS TO HOBOKEN CODE § 39-8.1

§ 39-8.1 Fees.

The following rental fees shall be imposed for use of the following City properties:

Rental Fee

Sinatra Park Soccer Field	\$125/hour
1500 Park	\$125/hour
<u>1600 Park</u>	<u>\$125/hour</u>
Maxwell Field	\$125/hour
Multi Service Center Gym (for sporting events)	\$125/hour

Rental Fee	Business Entities	Individuals only)	(residents	Minimum Hours
Sinatra Cafe	Park \$125/hour	\$50/hour		3

If the individual or entity seeking use of the aforementioned fields, café or gymnasium is a nonprofit organization, the foregoing fees shall be ~~waived~~ reduced to \$50.00 per hour, but in any event the user must supply an insurance rider indemnification. The individual or entity agrees to clean the field, café or gymnasium at his or her own cost and expense at the end of the rental period. Use of Sinatra Park Cafe shall include use of the structure and the patio; however, no cooking equipment shall be supplied by the City or brought in by the individual or entity renting the space. The following utilities shall be made available at Sinatra Park Cafe upon request: electricity, heat and water.

Registration Fees

Registration fees for all recreation programs are as follows:

Applicant Type	Applicant Status	Registration Fee
Child/Student/Adolescent	Resident	\$25 per program
	Nonresident	\$35 per program
Adult	Resident	\$60 to \$100 per program based on actual costs
	Nonresident	\$60 to \$100 per program based on actual costs plus \$10 per program for nonresident administrative fees

The Director of the Division of Health and Human Services shall determine, in his or her sole discretion, the adult recreation fees per program per year, within the limits set herein. The fee determination shall be based on actual costs per person per program. The Director’s determined fee for each adult program shall be set in writing and delivered to the City Council prior to the Director and the Recreation Department accepting annual registrations for said program and shall be amended on not less than an annual basis.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

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

President Giattino moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **April 19, 2014** at 7:00 PM.

---Motion duly seconded by Councilman Bhalla

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

---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino

---Nays: None.

14-226
Z-292

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 192 OF THE CODE OF THE CITY OF HOBOKEN ENTITLED (PARKING FOR HANDICAPPED) Approval Re: 527 Park Avenue, and 216 Tenth Street

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

Section 1:

Handicapped Parking

Section 192-4 is hereby amended to add the following restricted handicapped parking spaces:

Anthony Morales 527 Park Avenue: eastside of Park Avenue, beginning at a point of 285 feet north of the northerly curblineline of Fifth Street and extending 22 feet northerly therefrom.

Peter Dapas 216 Tenth Street: north side of 10th Street, beginning at a point of 133 feet west of the westerly curblineline of Park Avenue and extending 22 feet westerly therefrom.

Section 2: This ordinance shall be part of the General Code of the City of Hoboken as though codified and fully set forth therein.

Section 3: The City Clerk shall have this ordinance codified and incorporated in the official copies of the Hoboken code. All ordinance and parts of ordinances inconsistent herewith are hereby repealed.

Section 4: This ordinance shall take effect as provided by law.

President Giattino moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **April 19, 2014** at 7:00 PM.

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

Councilwoman Mason left the table at 10:05 PM
 Councilwoman Mason returned to the table at 10:08 PM

14-227
Z-293

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

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

1. The Alphabetical List of Titles, City of Hoboken, set forth in City Code to which this Ordinance is an amendment and supplement shall be, and the same is hereby, amended and supplemented so that the titles, salaries and ranges contained herein shall be amended as follows on the attached list, which is incorporated by reference. The remainder of the Alphabetical List of Titles, City of Hoboken, set forth in the City Code shall remain unchanged as a result of this Ordinance.
2. The attached list of titles shall permanently be removed from the City’s Schedule of Classifications.
3. The provisions of this Ordinance shall in no way affect the tenure or Civil Service status of any employees presently employed by the City of Hoboken in any of the various positions set forth in the Alphabetical List of Titles, City of Hoboken.
4. The Alphabetical List of Titles referred to herein as well as the salary ranges for all positions in the City shall be on file in the Office of the City Clerk.
5. All ordinances or parts of ordinances inconsistent herewith are herewith repealed.
6. This ordinance shall take effect as provided by law.

Title	Minimum	Maximum Eff 1-1-2014
Deputy Municipal Manager	eliminate	eliminate
Municipal Manager	\$75,000	\$137,500

President Giattino moved that the ordinance pass its first reading as read and be laid off the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **April 19, 2014** at 7:00 PM.

---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 5 – NAYS: 4
---Yeas: Council persons Bhalla, Cunningham, Doyle, Mello and President Giattino
---Nays: Castellano, Mason, Occhipinti, Russo

14-228
Z-294

**AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ESTABLISHING A
SCHEDULE OF CLASSIFICATIONS AND ALLOCATIONS OF TITLE FOR THE MENTIONED
POSITIONS IN THE CITY OF HOBOKEN (THE ELIMINATION OF JOB TITLES)**

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

1. The Alphabetical List of Titles, City of Hoboken, set forth in City Code to which this Ordinance is an amendment and supplement shall be, and the same is hereby, amended and supplemented so that the titles, salaries and ranges contained herein shall be amended as follows on the attached list, which is incorporated by reference. The remainder of the Alphabetical List of Titles, City of Hoboken, set forth in the City Code shall remain unchanged as a result of this Ordinance.
2. The attached list of titles shall permanently be removed from the City's Schedule of Classifications.
3. The provisions of this Ordinance shall in no way affect the tenure or Civil Service status of any employees presently employed by the City of Hoboken in any of the various positions set forth in the Alphabetical List of Titles, City of Hoboken.
4. The Alphabetical List of Titles referred to herein as well as the salary ranges for all positions in the City shall be on file in the Office of the City Clerk.
5. All ordinances or parts of ordinances inconsistent herewith are herewith repealed.
6. This ordinance shall take effect as provided by law.

Titles To Be Removed - No Longer in Use
Agency Aide
Agency Aide P/T
Animal Control Officer
Assessing Clerk
Assistant City Attorney (Zoning)
Assistant City Clerk
Assistant Library Director
Assistant Superintendent, Water/Sewer
Assistant Zoning Officer P/T
Building Service Supervisor
Chief Field Rep. Property Improvement
Community Library Assistant
Coord. of Housing/Neigh. Preservation
Cost Estimator Property Improvement
Cultural Affairs Coordinator
Fire Alarm Operator
Librarian
Librarian P/T
Library Assistant
Library Assistant P/T
Library Associate
Library Page
Library Trainee
Park Maintenance Repairer
Permit Clerk
Police Photographer/ID Officer
Police Records Clerk
Police Records Clerk, Typing
Principal Assessing Clerk
Principal Clerk
Principal Clerk Stenographer
Principal Clerk Typist
Principal Legal Stenographer
Principal Librarian
Principal Library Assistant
Principal Payroll Clerk
Principal Tax Clerk
Public Defender
Rec. Leader Arts & Crafts P/T
Rec. Supervisor Cultural Services
Recreation Maintenance Worker
Right to Know Project Specialist
Sanitary Inspector
Sanitary Inspector - 1st Class License
Sanitary Inspector P/T
Sanitary Worker
Senior Clerk
Senior Clerk - Licensing
Senior Clerk Stenographer
Senior Clerk Stenographer 2
Senior Clerk Typist
Senior Guard Public Property
Senior Librarian
Senior Library Assistant
Senior Program Develop. Specialist
Senior Tax Clerk, Typing
Senior Traffic Signal Electrician
Stable Worker
Stock Clerk
Supervising Laborer
Tax Clerk
Timekeeper
Transportation Supervisor
Treasurer
Water & Sewer Superintendent

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 **April 19, 2014** at 7:00 PM.

---Motion duly seconded by Councilman Cunningham

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

---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino

---Nays: None.

NEW BUSINESS

Council President would like to add an agenda to amend the next city council meeting

RESOLUTIONS (CONT'D)



14-229

---By President Giattino

AN AMENDMENT TO THE CITY CALENDAR FOR JANUARY 2014 THROUGH DECEMBER 2014 CHANGING THE MEETING FROM MONDAY, APRIL 14, 2014 TO WEDNESDAY, APRIL 16, 2014

RESOLVED, that the following dates and times listed below are adopted as the official meeting dates of the Hoboken City Council for January 2014 through December 2014, and be it further

RESOLVED, that in accordance with N.J.S.A. 10:4-8(d) and 10:4-18 (Open Public Meetings Act), within seven (7) days of passage of this Resolution, the City Clerk shall (a) prominently post this Resolution in at least one location at City Hall reserved for similar announcements; (b) mail, telephone, telegram or hand deliver this Resolution to all of the official newspapers of the City of Hoboken; and (c) maintain a copy of this Resolution in the Office of the City Clerk; and, be it further

RESOLVED, that this Resolution be advertised in two of the City's official newspapers within (7) days of passage.

**CITY COUNCIL MEETINGS, COUNCIL CHAMBERS, CITY HALL,
94 WASHINGTON STREET, HOBOKEN, NJ**

*Tuesday	January 7, 2014	7 PM	Wednesday	July 9, 2014	7 PM
Wednesday	January 22, 2014	7 PM			
Wednesday	February 5, 2014	7 PM	Wednesday	August 6, 2014	7 PM
Wednesday	February 19, 2014	7 PM			
Wednesday	March 5, 2014	7 PM	Wednesday	September 3, 2014	7 PM
Wednesday	March 19, 2014	7 PM	Wednesday	September 17, 2014	7 PM
Wednesday	April 2, 2014	7 PM	Wednesday	October 1, 2014	7 PM
Wednesday	April 16, 2014	7 PM	Wednesday	October 15, 2014	7 PM
Wednesday	May 7, 2014	7 PM	Wednesday	November 5, 2014	7 PM
Wednesday	May 21, 2014	7 PM	**** Monday	November 17, 2014	7 PM

***Tuesday	June 3, 2014	7 PM	Wednesday	December 3, 2014	7 PM
Wednesday	June 18, 2014	7 PM	*****Tuesday	December 16, 2014	7 PM

* Reorganization meeting

*** Moved due to Shavuot

**** Moved due to the New Jersey League of Municipality **November 18-20, 2014**

***** Moved due to Chanukah

All information pertaining to the Council agenda may be obtained from the City Clerk, during regular business hours, prior to each Council meeting and also, on the City's website = <http://www.hobokennj.org>.

By order of City Council resolution adopted April 2, 2014

James J. Farina
City Clerk

--Motion duly seconded by Councilman Bhalla

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

--Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino

--Nays: None.

NEW BUSINESS (CONT'D)

Councilwoman Castellano comments on respecting each other on the city council table.

Councilwoman Mason comments on the status of Monarch Shipyard, 1300 Park

Corporation Counsel comments that she will provide a status at every city council meeting

Corporation Counsel comments

BA comments that he will provide a status report.

Councilwoman Mason comments on a tractor traitor which took out a bunch of cars on 13th Street

Councilman Cunningham comments that there was a resolution passed tonight about a traffic study at 13th and Willow and 13th and Clinton, it's clearly a problem and lucky nobody was killed, hopefully the study will make the area safer and also looking at the entrance by Fox Hill to have a traffic study there to slow things down.

Councilwoman Mason comments on the issue of the Bijou Property closing 15th Street which has added traffic and would need a sign/notice or a police officer Councilman Mello comments.

Councilman Russo comments on the property across from Metro Stop and keeping that area clean and asking the owner of the property to maintain it, this needs to be maintained daily, the parking in the 3rd ward, the Pino site, asked the developer to look at other options and finally the Cheer Dynamics for Hoboken, the seniors are national champions and congratulate the Seniors and the Juniors

Councilman Doyle comments about the shooting of Dustin Freidland, the HOHA classic will be May 11 race, there is a donation option for the Friedland family and you don't have to run to contribute. The race proceeds will go to the Jubilee Center, the race is designated charity May 11th and the website is HOHA.net

Councilman Occhipinti comments about the road conditions and pavings in the City and asked the BA to speed up the process and not wait for final day to adopt the budget, license agreements and recommend to go back to easements which hold more legal value and ask the BA to bring in professionals from the city to answer any questions from the Council

Councilman Occhipinti comments that Hoboken Grace Church is looking for volunteers on April 12th at Mama Johnson Field and also Hoboken Volunteers will work with the City on Earth day and clean up debris at 3rd St. and Jackson and looking for volunteers on April 26th and build the community garden out.

Councilman Mello comments about the property on Harrison St. and look at the piece of property adjacent to Jackson St. to potentially double the size of the pocket park size and highly utilize it, the Jackson St. hopefully get a park there.

Councilman Cunningham, next Thur. at 7 PM Transportation and Parking from 7-8 and Community Dvlpt. 5-6 and improve conditions uptown and lastly congratulate Jimmy Farina 6+ years and it has been a pleasure working with him and serving with honor and distinction man.

Councilman Bhalla comments and thanks Jimmy on 30 years, the Rev. and Finance subcommittee will be meeting tomorrow at 6 PM, any amendments to the budget please contact him, a planning board meeting last night and it was an application for a site plan approval for Toll Brothers between Washington and Hudson 14th and 15th St., there will be a 3rd loading dock and a traffic study was conducted

Councilman Bhalla comments that there's a big issue with pets and dog runs for that area

Councilman Russo comments requests all documents from the committee meetings and email is fine

Councilwoman Mason comments and make sure the setbacks are alright.

Council President comments and congratulates Jimmy Farina on 30 years and let the family and friends of Andrew Jarzick that everyone's thought and prayers are with him.

At 10:33 P.M. the Governing Body on a motion by Council duly seconded by the Councilman Doyle moved to close the meeting.

Council President President Giattino then adjourned the meeting at 10:33 P.M.

PRESIDENT OF THE COUNCIL

CITY CLERK