

**MEETING OF APRIL 23, 2014**

**MINUTES OF A SPECIAL MEETING OF THE COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY,  
HELD IN THE COUNCIL CHAMBERS, CITY HALL, HOBOKEN, NEW JERSEY, WEDNESDAY, APRIL  
23, 2014 AT 7:00 PM**

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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."

The Clerk then called the Roll: Council persons Castellano, Doyle, Mello, Occhipinti, Russo and Council President Giattino

Absent: Bhalla, Cunningham, Mason

Council President reads advertisement:

**14-248**

Thursday, April 17, 2014

**Via Hand Delivery**

City Clerk James Farina  
94 Washington Street  
Hoboken, New Jersey 07030

Dear City Clerk Farina:

Please be advised that as the Council President of the City of Hoboken, I hereby call a Special Meeting of the Governing Body, as resolved by the Council as a whole for Wednesday, April 23, 2014 to commence at 7:00PM in the City Council Chambers, 94 Washington Street, First Floor, Hoboken, New Jersey, for the following purposes:

**1. 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)**

**1. RESOLUTION AUTHORIZING THE CY 2014 MUNICIPAL BUDGET TO BE READ BY TITLE ONLY (submitted by City Clerk's office)**

**PUBLIC HEARING ON THE CALENDAR YEAR 2014 MUNICIPAL BUDGET**

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2. RESOLUTION TO AMEND BUDGET **(submitted by administration)**
  
3. RESOLUTION TO RESCIND A SERVICE CONTRACT WITH BIKE THE GREENWAY AS BIKE SHARE SERVICE OPERATOR TO THE CITY OF HOBOKEN, AS WELL AS THE CITY OF JERSEY CITY AND THE TOWNSHIP OF WEEHAWKEN **(submitted by administration)**
  
4. RESOLUTION TO AUTHORIZE A SERVICE CONTRACT WITH NJ BIKESHARE, LLC/dba BIKE THE SKYLINE AS BIKE SHARE SERVICE OPERATOR TO THE CITY OF HOBOKEN, AS WELL AS THE CITY OF JERSEY CITY AND THE TOWNSHIP OF WEEHAWKEN, IN ACCORDANCE WITH THE UNDERLYING SHARED SERVICE AGREEMENT FOR BIKE SHARE SERVICES BETWEEN THE THREE MUNICIPALITIES, FOR A FIVE-YEAR TERM, WITH A CITY COMMISSION OF 10% PROFIT SHARE PAYABLE TO THE THREE MUNICIPALITIES AFTER CAPITAL EXPENDITURES HAVE BEEN RECOUPED **(submitted by administration)**
  
5. RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS FOR THE CALENDAR YEAR 2014 BUDGET **(submitted by administration)**
  
6. RESOLUTION AWARDING A CONTRACT TO MILLENNIUM COMMUNICATIONS GROUP INC TO PURCHASE WATERFRONT SURVEILLANCE EQUIPMENT IN ACCORDANCE WITH STATE CONTRACT M-7000/A83083 IN THE TOTAL AMOUNT OF \$177,023.98 **(submitted by administration)**
  
7. RESOLUTION IN SUPPORT OF OBTAINING A SECURITY CAMERA NETWORK ON HOBOKEN'S WATERFRONT **(sponsored by Councilwoman Castellano and Councilman Russo)**

Action **may** be taken at this meeting, and other subjects may be discussed or acted upon. Please ensure the City Council Members are noticed of this Special Meeting. Also, please publicly notice this Special Meeting as required by the Open Public Meetings Act **N.J.S.A. 10:4-6.**

Very truly yours,

//s//

Jen Giattino  
Council President

**Council President announces to the public that the Governing Body is entering into Closed Session**

**ORDINANCES**

**SECOND READING/PUBLIC HEARING AND FINAL VOTE**

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) (Z-287) (sponsored by Councilman Bhalla and Councilman Cunningham) (carried to May 7, 2014 city council meeting)

### RESOLUTIONS

RESOLUTION AUTHORIZING THE CY 2014 MUNICIPAL BUDGET TO BE READ BY TITLE ONLY

**BE IT RESOLVED**, by the City Council of the City of Hoboken, in the County of Hudson, (*by majority vote of the full membership*) hereby determine that the **CY 2014 Municipal Budget**, shall be read by its title and we further declare that all the conditions set forth in **N.J.S.A. 40A:4-8(1A & 1B)** have been met.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 6 – NAYS: 0 - ABSENT: 3

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

---Nays: None.

---Absent: Bhalla, Mason, Cunningham

### PUBLIC HEARING ON THE CALENDAR YEAR 2014 MUNICIPAL BUDGET

**No Speakers**

### PUBLIC COMMENTS

**No Speakers**

### RESOLUTIONS(CONTINUED)

#### 14-250

---By Councilman Mello

**RESOLUTION TO RESCIND A SERVICE CONTRACT WITH BIKE THE GREENWAY AS BIKE SHARE SERVICE OPERATOR TO THE CITY OF HOBOKEN, AS WELL AS THE CITY OF JERSEY CITY AND THE TOWNSHIP OF WEEHAWKEN**

**WHEREAS**, on February 19, 2014, by way of Resolution Number 18, the City awarded a contract to Bike the Greenway (Bike the Skyline) for services of bike share provider to the City of Hoboken, along with the City of Jersey City and the Township of Weehawken, in accordance with a Competitive Contracting RFP and Bike the Skyline proposal; and,

**WHEREAS**, the City, along with the other two municipalities, thereafter determined that the parties would renegotiate some terms of the agreement, and would clarify and enhance other terms from what was originally written in the RFP and proposal; and,

**WHEREAS**, as a result, the City Council is hereby called upon to review the final contract terms and authorize execution of same in place of the original contract award of February 19, 2014; and,

**WHEREAS**, as a result, the City Council hereby rescinds the award of Resolution Number 18 of February 19, 2014, and directs the Administration to take the appropriate action to effectuate this rescission.

**NOW THEREFORE BE IT RESOLVED as follows:**

- A. This resolution rescinds the award of a Bike the Skyline bike sharing contract which was authorized by the City Council's Resolution #18 of February 19, 2014, for the reasons stated herein; and,
- B. The City Council requests the Administration to take the appropriate action to effectuate this Resolution; and,
- C. This resolution shall take effect immediately upon passage.

---Motion duly seconded by President Giattino

---Adopted by the following vote: YEAS: 6 – NAYS: 0 - ABSENT: 3

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

---Nays: None.

---Absent: Bhalla, Mason, Cunningham.

**14-251**

---By Councilman Mello

**RESOLUTION TO AUTHORIZE A SERVICE CONTRACT WITH NJ BIKESHARE, LLC/dba BIKE THE SKYLINE AS BIKE SHARE SERVICE OPERATOR TO THE CITY OF HOBOKEN, AS WELL AS THE CITY OF JERSEY CITY AND THE TOWNSHIP OF WEEHAWKEN, IN ACCORDANCE WITH THE UNDERLYING SHARED SERVICE AGREEMENT FOR BIKE SHARE SERVICES BETWEEN THE THREE MUNICIPALITIES, FOR A FIVE-YEAR TERM, WITH A CITY COMMISSION OF 10% PROFIT SHARE PAYABLE TO THE THREE MUNICIPALITIES AFTER CAPITAL EXPENDITURES HAVE BEEN RECOUPED**

**WHEREAS**, Jersey City, Hoboken, and Weehawken jointly solicited Requests for Proposals from qualified contractors or organizations to implement, operate, maintain and publicize a successful and financially self-sustaining on-demand regional bicycle sharing system in Hoboken, Jersey City, and Weehawken with a proposed launch date of March 1, 2014; 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; and

**WHEREAS**, the City of Hoboken independently evaluated all the RFP submissions, and then combined evaluation results with Jersey City and Weehawken, to determine the most effective and efficient vendor for the shared service program; and,

**WHEREAS**, on February 19, 2014, by way of Resolution Number 18, the City awarded a contract to Bike the Greenway (Bike the Skyline) for services of bike share provider to the City of Hoboken, along with the City of Jersey City and the Township of Weehawken, in accordance with a Competitive Contracting RFP and Bike the Skyline proposal; and,

**WHEREAS**, the City, along with the other two municipalities, thereafter determined that the parties would renegotiate some terms of the agreement, and would clarify and enhance other terms from what was originally written in the RFP and proposal; and,

**WHEREAS**, as a result, the City Council is hereby called upon to review the final contract terms, attached hereto, and authorize execution of same in place of the original contract award of February 19, 2014; and,

***WHEREAS**, Bike the Skyline is hereby required to continue to abide by the “pay-to-play” requirements of State law as well as 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 not necessary for this contract.

**NOW THEREFORE, BE IT RESOLVED**, that the attached quad-partied contract with NJ Bikeshare LLC / dba Bike the Skyline be entered into, to provide the City with bike share services, for a five (5) year term; and,

**BE IT FURTHER RESOLVED**, that the City’s authorization of this contract award and the execution of the agreement by the City shall only be effective so long as (1) a formal, valid New Jersey Business Registration Certificate is in effect for the vendor, under the business name or d/b/a of “Bike the Skyline”, (2) the vendor maintains any and all insurances required under the RFP in the name of the business entity “Bike the Skyline”, (3) the quad-partied contract has been properly executed by all parties, and (4) if any party shall attempt to assign, extinguish their obligations thereunder, or terminate the agreement, whether with or without cause, the City of Hoboken shall have an immediate automatic right to terminate their obligations under this agreement without recourse; furthermore, any attempt to amend the agreement must be in writing and properly executed by all parties to the original agreement;

**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, including, but not limited to, execution of the quad-parties agreement authorized hereunder; and,

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

---Motion duly seconded by President Giattino

---Adopted by the following vote: YEAS: 6 – NAYS: 0 - ABSENT: 3

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

---Nays: None.

---Absent: Bhalla, Mason, Cunningham

**14-252**

---Councilmen Mello, Doyle

**RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS FOR THE CALENDAR YEAR 2014 BUDGET**

**WHEREAS**, an emergent condition has arisen in that the City of Hoboken is expected to enter into contracts, commitments or payments prior to the adoption of the 2014 budget and no adequate provision has been made in the 2014 temporary budget for the aforesaid purposes, and

**WHEREAS**, N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose, and

**WHEREAS**, the total emergency temporary appropriation authorized by resolutions in 2014, pursuant to the provisions of N.J.S.A. 40A:4-20, including this resolution, total \$928,954.00 (Nine Hundred Twenty-Eight Thousand Nine Hundred Fifty-Four Dollars and No Cents.)

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken, County of Hudson, State of New Jersey (*not less than two-thirds of all the members thereof affirmatively concurring*) that in accordance with the provisions of N.J.S.A. 40A:4-20 :

- 1) Emergency temporary appropriations be and the same are hereby made in the amount of \$123,954.00 as follows:

Public and Private Programs Offset  
By Revenues

U.S. Department of Homeland  
Security - PANYNJ 2010 Port Security: \$123,954.00

- 2) Said emergency temporary appropriations will be provided for in the 2014 budget
- 3) That the City Clerk shall file one certified copy of this resolution with the Director of the Division of Local Government Services.

---Motion duly seconded by President Giattino

---Adopted by the following vote: YEAS: 6 – NAYS: 0 - ABSENT: 3

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

---Nays: None.

---Absent: Bhalla, Mason, Cunningham

**14-253**

---By Councilman Mello

**RESOLUTION AWARDING A CONTRACT TO MILLENNIUM COMMUNICATIONS GROUP INC TO PURCHASE WATERFRONT SURVEILLANCE EQUIPMENT IN ACCORDANCE WITH STATE CONTRACT M-7000/A83083 IN THE TOTAL AMOUNT OF \$177,023.98**

**WHEREAS**, the City of Hoboken requires security surveillance products and installation;  
and,

**WHEREAS**, the Administration intends to use Millennium Communications Group Inc.,  
under their state contract M7000/A83083 for said services and provisions; and,

**WHEREAS**, in accordance with the direction of the Administration, the City Council is asked  
to award a contract for Hoboken security surveillance (rv1jm5712/rv15712) supplies and installation  
to Millennium Communications Group Inc. for a total contract amount of One Hundred Seventy  
Seven Thousand Twenty Three Dollars and Ninety Eight Cents (**\$177,023.98**) of which the contract  
shall be for purchases and installation in accordance with the April 7, 2014 proposals of Millennium  
Communications Group Inc.; and,

**WHEREAS**, certification of funds is available as follows:

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$53,069.98 is available in the following appropriation T-04-40-000-029 in the CY2014 budget; and I further certify that \$123,954.00 is available in the following appropriation G-02-25-114-001 in the CY2014 budget; 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 or the capital funds; 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 One Hundred Seventy  
Seven Thousand Twenty Three Dollars and Ninety Eight Cents (**\$177,023.98**) of which the contract  
shall be for purchases and installation in accordance with the April 7, 2014 proposals of Millennium  
Communication Group Inc., as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the attached 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 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:

Millennium Communications Group Inc.  
11 Melanie Lane  
East Hanover, New Jersey 07936

---Motion duly seconded by President Giattino

---Adopted by the following vote: YEAS: 6 – NAYS: 0 - ABSENT: 3

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

---Nays: None.

---Absent: Bhalla, Mason, Cunningham

**14-253**

---By Councilwoman Castellano

**RESOLUTION IN SUPPORT OF OBTAINING A SECURITY CAMERA NETWORK ON HOBOKEN'S WATERFRONT**

**WHEREAS**, the City Council has learned that the City's network of security cameras on the waterfront is currently not operational; and

**WHEREAS**, pursuant to a prior resolution, a copy of which is attached, the City Council authorized the Administration to apply for the 2010 Port Security Grant Program; and

**WHEREAS**, the City Council supports the Administration to act expeditiously to obtain grant funds if readily available or, in the alternative, to find sufficient funding elsewhere in the budget to obtain an operational security camera network on the waterfront; and

**WHEREAS**, the City Council advises the Administration that it is prepared to work together to ensure there is an operational security camera network on the waterfront.

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

1. The City Council expresses its support for obtaining an operational network of security cameras on the waterfront; and
2. The City Council expresses its belief that the safety of Hoboken's residents is paramount and represents a worthy investment of public resources, and urges the Administration to work with it to locate sufficient funds to improve the City's public safety infrastructure; and
3. The City Council requests that the Director of Public Safety keep it regularly apprised of the City's efforts to accomplish the goals set forth in this Resolution and advise the City Council if they can be of assistance; and
4. The City Clerk shall deliver a certified copy of this Resolution to the Mayor and Director of Public Safety.

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 6 – NAYS: 0 - ABSENT: 3

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

---Nays: None.

---Absent: Bhalla, Mason, Cunningham

At 7:49 P.M. the Governing Body on a motion by Council duly seconded by the Council

Council President President Giattino then adjourned the meeting at 7:49 P.M.

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PRESIDENT OF THE COUNCIL

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CITY CLERK