

MEETING OF AUGUST 7, 2013

MINUTES OF A REGULAR MEETING OF THE COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY, HELD IN THE COUNCIL CHAMBERS, CITY HALL, HOBOKEN, NEW JERSEY, WEDNESDAY, AUGUST 7, 2013 AT 6:30 PM

President Cunningham opened the meeting at 7:19 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, 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

Then the Clerk called the Roll: Council persons Bhalla, Castellano, Giattino, Mason, Mello, Occhipinti, Russo and Cunningham

Council President comments and gives an overview of the meeting this evening.
Council President comments that he will suspend the meeting for Mayor Zimmer to give a presentation regarding Hoboken resiliency and readiness plan.

HOBOKEN RESILIENCY & READINESS PLAN PRESENTATION BY MAYOR ZIMMER

Council President comments that they will have to suspend the agenda and enter into Closed Session to hear resolution #1-5
Corporation Counsel comments and suggests that the Governing Body go back into Closed Session
Councilman Russo comments
Council President comments

Councilwoman Castellano motions and seconded by the Councilman Bhalla to enter into Closed Session

CLOSED SESSION

~~Councilwoman Giattino motions and seconded by the Councilman Bhalla to enter into Closed Session~~

To vote to enter into Closed Session:

YAY: Council persons Bhalla, Giattino, Mello and Council President

NO: Castellano, Mason, Occhipinti, Russo

FAILED to go into Closed Session based on no quorum vote

Council President comments that he will suspend the agenda to go into Public Portion

Councilwoman Mason has left the meeting at 7:39 PM

Councilwoman Mason has returned to the meeting at 7:44 PM

PUBLIC PORTION

All regular business concluded the following members of the public spoke at the "Public Portion" of the meeting: Jamie Figueroa, Kayela Colon, Carmelo Garcia, Patricia Waiters, Deborah Morrissette, Yvette Myles, Daniel Rivera, Pamela Lupo, Sigby Cheatham, Mary Ondrejka, Dan Tumpson, Thomas Molta, Barbara Reyes, Cheryl Fallick, Franz Paetzold, Michelle Lasaine.

CLOSED SESSION

Councilwoman Giattino motions and seconded by the Councilman Bhalla to enter into Closed Session

To vote to enter into Closed Session:

YEAS: Council persons Bhalla, Castellano, Giattino, Mello, Occhipinti Russo and Council President

NAYS: Mason

At 8:34P.M. The Governing Body entered into a closed session.

*******JUMP TO SPECIAL MEETING MINUTES*******

At 9:30 P.M. The Governing has come out of closed session.

Council President comments that he will suspend the meeting and hear first five (5) resolutions

SECOND READING/PUBLIC HEARING AND FINAL VOTE

**BOND ORDINANCE AUTHORIZING THE REHABILITATION AND RECONSTRUCITON OF PIER "A" IN THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$2,500,000 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 AMOUNT OF UP TO \$2,375,000; MAKING CERTAIN DETERMINATIONS AND CONVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTIONS WITH THE FOREGOING (Z-235)
(sponsored by Councilwoman Giattino & Councilman Bhalla)
(Carried to the next city council meeting – Sept. 17, 2013)**

Councilman Russo comments and recommends a resolution for the next meeting

Director Pellegrini comments

AN ORDINANCE TO AMEND AMENDING CHAPTER 190 ENTITLED "VEHICLES AND TRAFFIC" TO AMEND PARKING REGULATIONS RELATING TO LOADING ZONES (Z-245)

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

President Cunningham moved that the hearing be closed.

---Motion duly seconded by Councilman Mello

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

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

---Nays: None

President Cunningham 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: 8 – NAYS: 0

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

---Nays: None

AN ORDINANCE TO AMEND TO CHAPTER 179A ENTITLED "TAXICABS" TO AMEND THE MILEAGE/AGE REQUIREMENTS UNDER § 179-18 (C)(8) AND FARES UNDER § 179-20 (sponsored by Councilman Mello) (Z-246)

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

President Cunningham moved that the hearing be closed.

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

President Cunningham 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: 8 – NAYS: 0

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

---Nays: None.

13-368

APPLICATION FOR MISCELLANEOUS LICENSES

Vendors

1 ITEM

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

13-369

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of July 2013 **\$15,864,054.89 (Abatement Totals – \$17,558.94)**

Received and Filed.

13-370

A report from Municipal Court indicating receipts for the month of July 2013 as **\$440,247.16**

Received and Filed.

13-371

A report from the Municipal Tax Collector Sharon Curran for Affidavit of tax bill mailing

Received and Filed.

13-372

---By Councilwoman Giattino

CLAIMS

Total for this agenda **\$6,803,376.89**

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 6 – NAYS: 2 - ABSENT: - PRESENT: ABSTAIN: 2

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

---Nays: Castellano 12-03351, 13-03021, 13-03010, 13-02612, 13-03041, 13-01113, 13-01314, 13-02862, 13-03013, 13-03008, 13-03009, 13-03011, 13-03012, 13-03033- Boswell Engineering. 13-00137, 13-01959, 13-02042 Buzak, 13-00126 – Condon, Mason, Mello 13-02575 - \$24,484.88 and 13-02585 - \$97,612.83 (total- \$122,097.71) and Russo

---Abstain: Mason on 13-02608, 13-00129,13-00133, 13-00140, 12-04468, Bhalla on Florio Perucci and Steinhardt -C2-5012 - \$51.48 , 13-00143 - \$669.19

Councilwoman Castellano comments on Boswell invoices

BA Wiest comments on Boswell invoices and other items on the Claims

Councilman Mello comments on PSE&G invoices

13-373

---By Councilman Bhalla

PAYROLL

For the two week period starting July 4, 2013 – July 17, 2013

Regular Payroll	O/T Pay	Other Pay
\$1,513,167.14	\$137,286.20	\$106,941.63

Total \$1,757,394.97

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: Mason (O/T)

13-373A

---By Councilman Bhalla

PAYROLL – Hoboken Fire clothing allowance

For the period on July 12, 2013

Other Pay \$142,800.00

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: Mason (O/T)

PUBLIC PORTION ON RESOLUTIONS

The persons who spoke John Cassessa resolution #5, Sigby Cheatham reso. #7, Deborah Morrissette comments reso. #7, Yvette Myles comments reso. #7, Daniel Rivera reso. #7, Patricia Waiters reso. #2, 3, 7, 8, 11 & 14, Jamie Figueroa reso. #7

CONSENT AGENDA – 8, 12, 13, 14, 19, 21, 22, 24-28 & 32

Pulled from the agenda for discussion: 1-7, 9-11, 15-20, 23, 29, 30, 31, 33, 34

Removed by Administration: 6

RESOLUTIONS

*******SUSPENDED FROM THE COUNCIL PRESIDENT *******

13-374

---By Councilwoman Giattino

RESOLUTION GRANTING RON BERTUTTI, ESQ. OF WEINER LESNIAK SETTLEMENT AUTHORITY IN THE MATTER OF CITY OF HOBOKEN V. PETACCIO (HUD-L-3104-10) IN AN AMOUNT UP TO THE AMOUNT SUGGESTED BY RON BERTUTTI TO MELLISSA LONGO IN HIS EMAIL DATED AUGUST 6, 2013

WHEREAS, the City of Hoboken is currently involved in civil litigation with Petaccio; and,

WHEREAS, Ron Bertutti, Esq. of Weiner Lesniak has represented the City's legal interests in that matter, and has recommended a monetary amount for settlement of the matter by way of an email from him to Mellissa Longo dated August 6, 2013; and,

WHEREAS, after legal guidance from Mr. Bertutti, the City Council finds her 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 Ron Bertutti, Esq. of Weiner Lesniak is hereby authorized to settle the matter of the City's civil claim against Petaccio in an amount down to the monetary amount suggested by Ron Bertutti to Mellissa Longo in his e-mail dated August 6, 2013.

---Motion duly seconded by President Cunningham

---Adopted by the following vote: YEAS: 6 – NAYS: 1

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

---Nays: President Cunningham

---Absent: Mason

Councilwoman Mason has recused herself for the above resolution.

13-375

---By Councilwoman Giattino

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACT WITH SEDITA CAMPISANO & CAMPISANO AS SPECIAL LEGAL COUNSEL-LAND USE AND ENVIRONMENTAL LAW TO THE CITY OF HOBOKEN TO EXTEND THE EXPIRATION DATE FROM JULY 24, 2013 TO DECEMBER 31, 2013, AND TO INCREASE THE NOT TO EXCEED AMOUNT BY \$55,000.00 (\$25,000 FOR OPEN SPACE / \$30,000 FOR GENERAL ENVIRONMENTAL) FOR A TOTAL NOT TO EXCEED AMOUNT OF \$105,000.00

WHEREAS, service to the City as Special Counsel – Land Use and 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 awarded a contract to Sedita Campisano & Campisano in accordance with all applicable procurement and pay to play laws and regulations, which it now seeks

Meeting of August 7, 2013

to amend due to the firm's specialized knowledge of the outstanding land use and environmental matter the firm is addressing on behalf of the City; and,

WHEREAS, Sedita Campisano & Campisano 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 \$25,000.00 is available in the following appropriation C-04-60-711-120 in the CY2013 budget; and I further certify that \$30,000.00 is available in the following appropriation 30120156020 in the CY2013 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 CY2013; 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 an amended contract with Sedita Campisano & Campisano to represent the City as Special Legal Counsel-Land Use and Environmental Law be awarded, for a an amended term to expire December 31, 2013, and for an increase in the not to exceed amount by Fifty Five Thousand Dollars (\$55,000.00), of which \$25,000 shall be for open space and \$30,000 shall be for general environmental law, for a total not to exceed amount of One Hundred Five Thousand Dollars (\$105,000.00); and

BE IT FURTHER RESOLVED, the contract shall include the following term: Sedita Campisano & Campisano shall be paid maximum hourly rates of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20/hour for support staff for services rendered, these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

BE IT FURTHER RESOLVED, 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; 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 Bhalla

---**FAILED** by the following vote: YEAS: 4 NAYS: 4

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

---Nays: Castellano, Mason, Occhipinti, Russo

13-376

---By Councilwoman Giattino

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACT WITH MARAZITI FALCON HEALEY AS SPECIAL LEGAL COUNSEL-OUTSTANDING LITIGATION TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2013 AND EXPIRE DECEMBER 31, 2013 FOR AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$85,000 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$203,500.00

WHEREAS, service to the City as Special Counsel –Outstanding Litigation 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 in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Maraziti Falcon Healey responded to in both 2012 and 2013, and having performed the function of special counsel on outstanding litigation matters over the past year, Maraziti Falcon Healey has specialized knowledge and special skills which are necessary for the proper and effective continuation of representation in those outstanding matters, all of which resulted in Maraziti Falcon Healey being awarded a Special Counsel contract for outstanding litigation in the 2013 calendar year, which the City now seeks to amend to increase the not to exceed amount and to add an additional outstanding matter known as the SJP Block B Redevelopment Project Issues; and,

WHEREAS, *Maraziti Falcon Healey 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 \$85,000.00 is available in the following appropriation 30120156020 in the CY2013 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 CY2013; 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 an amended contract with **Maraziti Falcon**

Healey to represent the City as Special Legal Counsel- Outstanding Litigation be awarded, for a term to commence January 1, 2013 and expire December 31, 2013, for an increased not to exceed amount of Eighty Five Thousand Dollars (\$85,000.00), for a total not to exceed amount of Two Hundred Three Thousand Five Hundred Dollars (\$203,500.00); and

BE IT FURTHER RESOLVED, the contract shall include the following term: **Maraziti Falcon Healey** shall be paid maximum hourly rates of \$190.00/hour for attorneys, \$50.00/hour for paralegals, and \$20/hour for support staff for services rendered, these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

BE IT FURTHER RESOLVED, this contract shall cover both outstanding and new litigation/legal matters, and 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 **Maraziti Falcon Healey**; 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.

Councilwoman Mason motions to amend and seconded by Councilwoman Castellano to AMEND the resolution

---Motion duly seconded by Councilman Bhalla

---**ADOPTEDAS AMENDED** Voted by the following vote: YEAS: 7 – NAYS: 1

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

---Nays: Russo

13-377

---By Councilwoman Giattino

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACT WITH VOGEL CHAIT COLLINS AS SPECIAL LEGAL COUNSEL- OUTSTANDING LITIGATION TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2013 AND EXPIRE DECEMBER 31, 2013 FOR AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$20,000.00, WHICH RESULTS IN A TOTAL NOT TO EXCEED AMOUNT OF \$60,000.00

WHEREAS, service to the City as Special Counsel –Outstanding Litigation 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 a Request for Quotations/Qualifications for the Professional Service of Special Legal Counsel in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Vogel Chait Collins responded to in 2012, and having performed the function of special counsel on outstanding litigation matters over the past year, Vogel Chait Collins has specialized knowledge and special skills which are necessary for the proper and effective continuation of representation in those outstanding matters; and,

WHEREAS, *Vogel Chait Collins 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 \$20,000.00 is available in the following appropriation 30120156020 in the temporary CY2013 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 CY2013; 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 the contract with Vogel Chait Collins to represent the City as Special Legal Counsel- Outstanding Litigation be amended, for a term to commence January 1, 2013 and expire December 31, 2013, for an increase in the not to exceed amount by Twenty Thousand Dollars (\$20,000.00), for a total not to exceed amount of Sixty Thousand Dollars (\$60,000.00); and

BE IT FURTHER RESOLVED, the contract shall include the following term: Vogel Chait Collins shall be paid maximum hourly rates of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20/hour for support staff for services rendered, these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

BE IT FURTHER RESOLVED, the remainder of the contract terms shall remain unchanged; 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 Vogel Chait Collins; 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.

Councilwoman Mason motions to amend and seconded by Councilman Occhipinti to AMEND the resolution

---Motion duly seconded by Councilman Bhalla

---**Adopted AS AMENDED YEAS: 8 – NAYS: 0**

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

Nays: None.

13-377

---By Councilwoman Giattino

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACT WITH EDWARD BUZAK, ESQ. AS SPECIAL LEGAL COUNSEL- LAND USE TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2013 AND EXPIRE DECEMBER 31, 2013 FOR AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$50,000.00, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$85,000.00

WHEREAS, service to the City as Special Counsel –Land Use 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 previously awarded a contract to Edward Buzak, Esq. to represent the City as Land Use Counsel; and,

WHEREAS, the City now seek to amend Edward Buzak’s contract to increase the not to exceed amount by \$50,000.00, of which \$50,000.00 shall be paid the Special Counsel budget for litigation and general land use legal counsel; and,

***WHEREAS**, the funds shall be used to represent the City in the filing litigations Docket Nos. HUD-C-168-09, HUD-L4095-12 and P&A 08003-18775, \$50,000 Corporation Counsel 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 30120156020 in the CY2013 budget; and I further certify that these commitments together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2013; 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 the contract with Edward Buzak, Esq. to represent the City as Special Legal Counsel- Land Use be amended, for a term to commence January 1, 2013 and expire December 31, 2013, and for an increase in the not to exceed amount by Fifty Thousand Dollars (\$50,000.00), which results in a total not to exceed amount of Eighty Five Thousand Dollars (\$123,500.00); and

BE IT FURTHER RESOLVED, the contract shall include the following term: Edward Buzak, Esq. shall be paid maximum hourly rates of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20/hour for support staff for services rendered, these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

BE IT FURTHER RESOLVED, this contract shall cover both outstanding and new litigation/legal matters, and 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 Edward Buzak, Esq.; 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 Bhalla

--As **AMENDED -FAILED** by the following vote: YEAS: 4 NAYS: 4

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

--Nays: Castellano, Mason, Occhipinti, Russo

Councilman Occhipinti comments and would like a recommendation to place it on the next city council meeting

Corporation Counsel comments and said to come and revisit this resolution

Councilman Bhalla motions to amend and seconded by Councilwoman Giattino to AMEND the resolution

Motion duly seconded by Councilwoman Giattino

Meeting of August 7, 2013

---The Vote on the **AMENDED** resolution by the following vote: YEAS: 5 NAYS: 4
---Yeas: Council persons Bhalla, Giattino, Mello, Occhipinti and President Cunningham
---Nays: Castellano, Mason, Russo

RESOLUTION #6 (WITHDRAWN AND MOVED TO SUB-COMMITTEE)

Councilman Bhalla comments there was a sub-committee this past Friday

13-379

---By Councilman Occhipinti

THIS RESOLUTION APPOINTS BARBARA REYES TO THE HOBOKEN HOUSING AUTHORITY FOR A (5) FIVE YEAR TERM WHICH WILL EXPIRE ON MAY 3, 2018

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

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

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

WHEREAS, there is currently a vacant position on the Hoboken Housing Authority Board, , and the new commissioner's term shall commence immediately and shall expire on May 3, 2018; and

WHEREAS, the City Council wishes to appoint Barbara Reyes of 311 Harrison Street, Hoboken, New Jersey 07030 to the position.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken hereby appoints Barbara Reyes, of **311 Harrison Street, Hoboken, New Jersey**, to serve as a member of the Hoboken Housing Authority for the five (5) year term, which commences immediately upon oath, and expires on May 3, 2018.

---Motion duly seconded by Councilwoman Mason
---**FAILED** by the following vote: YEAS: 4 NAYS: 4
---Yeas: Council persons Castellano, Mason, Occhipinti, Russo
---Nays: Bhalla, Giattino, Mello and President Cunningham

13-380

---By Councilwoman Giattino

RESOLUTION AUTHORIZING APPLICATION FOR A NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS CHILDREN WITH SPECIAL NEEDS GRANT IN THE ESTIMATED AMOUNT OF \$20,000.00

WHEREAS, the City of Hoboken desires to apply for and obtain a grant from the New Jersey Department of Community Affairs, in an amount not to exceed \$20,000.00, to carry out a project to provide children with special needs living in Hoboken with adapted recreational programming.

BE IT THEREFORE RESOLVED, that the City of Hoboken does hereby authorize the application for such a grant; and, recognizes and accepts that the Department may offer lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the City of Hoboken and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

--Motion duly seconded by Councilman Bhalla

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

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

Nays: None.

Resolution # 9 withdrawn. Council President comments and would like to schedule something next week and the for the next city council Special meeting next Thurs.

Council Vice President comments that he would like to suspend the agenda and seconded by Councilwoman Castellano to hear the Emergency resolution # 34 since we have reps. from the Hoboken Charter School

Resolution authorizing the execution of a memorandum of understanding with Public Service Electric & Gas (PSE&G) regarding the former gas works site (**submitted by Administration**)
(CARRIED TO A DATE CERTAIN)

13-381

--By Councilman Bhalla

RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO ENTER INTO THE ATTACHED AGREEMENT BY AND BETWEEN THE CITY HOBOKEN AND STEVENS REGARDING USE OF STEVENS PROPERTY FOR A HOBOKEN POLICE DEPARTMENT JUNIOR POLICE ACADEMY

WHEREAS, the Administration of the City of Hoboken has negotiated with Stevens to allow the Hoboken Police Department use of Stevens property for its annual Junior Police Academy; and,

WHEREAS, the terms under which the parties agree to allow said use of Stevens property is described in full in the attached agreement.

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

1. The City Council hereby accepts the Agreement, as attached hereto, or an agreement substantially similar without any substantive changes; and,
2. The City Council hereby authorizes the Mayor and her Administration to notify Stevens of the Council's authorization of this Agreement and acceptance of all the terms and

obligations therein.

3. The Mayor, her Administration and Corporation Counsel are hereby authorized to proceed to execute and finalize said Agreement, or one substantially similar with no substantive changes, expeditiously, and to take any and all steps necessary to effectuate the Agreement.

---Motion duly seconded by Councilwoman Giattino

---Adopted by the following vote: YEAS: 7 – NAYS: 0 -ABSENT: 1:

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

---Nays: None

---Absent: Mason

13-381

---By Councilman Mello

RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO ENTER INTO THE ATTACHED ACCESS AGREEMENT BY AND BETWEEN THE CITY HOBOKEN AND UNION STONE CLEANING AND RESTORATION INC. REGARDING TEMPORARY NONEXCLUSIVE ACCESS TO 215 HUDSON STREET PARKING GARAGE ROOF

WHEREAS, the Administration of the City of Hoboken has negotiated with Union Stone Cleaning and Restoration Inc. to allow the business access to the garage roof at 215 Hudson Street, on behalf of Applied Housing, 205 Hudson Street, so that Union Stone Cleaning and Restoration Inc. may perform façade caulking of the 205 Hudson Street building; and,

WHEREAS, the terms under which the parties agree to allow said access is described in full in the attached agreement.

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

4. The City Council hereby accepts the Agreement, as attached hereto, or an agreement substantially similar without any substantive changes; and,
5. The City Council hereby authorizes the Mayor and her Administration to notify Union Stone Cleaning and Restoration Inc. of the Council's authorization of this Agreement and acceptance of all the terms and obligations therein.
6. The Mayor, her Administration and Corporation Counsel are hereby authorized to proceed to execute and finalize said Agreement, or one substantially similar with no substantive changes, expeditiously, and to take any and all steps necessary to effectuate the Agreement.

---Motion duly seconded by Councilman Bhalla

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

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

Nays: None.

13-383

---By Councilwoman Giattino

RESOLUTION AUTHORIZING USE OF THE COMPETITIVE CONTRACTING PROCESS FOR GRANT WRITING SERVICES FOR THE CITY OF HOBOKEN FOR A TWO YEAR PERIOD

WHEREAS, the City of Hoboken needs to secure the assistance of grant writing specialists to provide grant writing services for the City; and

WHEREAS, the cost of these services will exceed the City's quote threshold; 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

WHEREAS, the City meets the criteria of Local Public Contracts Law N.J.S.A. 40a:11-4.1 which allows the use of a methodology to rank and evaluate proposals received to not only secure the best price but the best service to suit the City's needs.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that the Competitive Contract Process, as described and allowed in N.J.S.A. 40A:11-4.1 shall be initiated by the Purchasing Agent/Business Administrator for the purpose of receiving proposals for grant writing services for the City, pursuant to the local public contracts law.

---Motion duly seconded by Councilman Bhalla

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

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

Nays: None.

13-384

---By Councilman Bhalla

RESOLUTION AWARDING PROCOMM SYSTEM INC. A CONTRACT UNDER THEIR STATE CONTRACT NO. 83931 FOR WIRELESS 4.9 GHZ LICENSED MICROWAVE NETWORK FOR THE FIRE DEPARTMENT ALERTING SYSTEM IN AN AMOUNT NOT TO EXCEED \$66,607.00

WHEREAS, the City of Hoboken requires a wireless 4.9 GHz Licensed Microwave Network for the Firehouse Alerting System; and,

WHEREAS, the Administration intends to use Procomm System Inc. under their state contract #83931, 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 a wireless 4.9 GHz Licensed Microwave Network for the Firehouse Alerting System to Procomm System Inc. for a total contract amount of Sixty Six Thousand Six Hundred Seven Dollars (**\$66,607.00**), for goods and services as described in the attached proposal of Procomm System Inc. dated July 17, 2013; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$66,607.00 is available in the following appropriation 3-01-55-901-014 in the CY2013 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 CY2013 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 Sixty Six Thousand Six Hundred Seven Dollars (**\$66,607.00**) for a wireless 4.9 GHz Licensed Microwave Network for the Firehouse Alerting System, as follows:

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

Procomm Systems Inc.
823 Uniontown Road
Phillipsburg, NJ 08865

--Motion duly seconded by Councilwoman Giattino

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

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

Nays: None.

13-385

--By Councilman Mello

RESOLUTION AWARDED RUG & FLOOR STORE INC. A CONTRACT UNDER THEIR STATE CONTRACT NO. A81751 FOR FLOORING SUPPLY AND INSTALLATION AT THE HOBOKEN PARKING UTILITY IN AN AMOUNT NOT TO EXCEED \$29,900.00

WHEREAS, the City of Hoboken requires new flooring supplies and installation at the Hoboken Parking Utility (94 Washington Street – Basement Floor); and,

WHEREAS, the Administration intends to use Rug & Floor Store Inc, under their state contract #A81751, 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 the flooring supplies and installation to Rug & Floor Store Inc for a total contract amount of Twenty Nine Thousand Nine Hundred Dollars (**\$29,900.00**), for goods and services as described in the attached proposal of Rug & Floor Store Inc. dated July 22, 2013; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$29,900.00 IS available in the following appropriation 3-31-55-540-200 in the CY2013 HPU Capital 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 CY2013 HPU Capital 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 a contract with the below listed vendor is awarded for an amount not to exceed Twenty Nine Thousand Nine Hundred Dollars (**\$29,900.00**) for goods and services of flooring in the HPU (94 Washington Street, Basement), as follows:

6. The above recitals are incorporated herein as though fully set forth at length.
7. The terms of the attached proposal shall govern the contract, and no changes may be made without the prior written consent of both parties.
8. 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.
9. 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.
10. 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:

Rug & Floor Store Inc.
280 N. Midland Avenue
Bldg. M
Postal Unit #220
Saddle Brook, New Jersey 07663

--Motion duly seconded by Councilman Bhalla

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

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

Nays: None.

13-386

--By Councilwoman Giattino

RESOLUTION TO AUTHORIZE AN EMERGENCY PROFESSIONAL SERVICE CONTRACT WITH EI ASSOCIATES AS GENERAL ELECTRICAL ENGINEER FOR THE CITY OF HOBOKEN FOR THE ENGINEERING SERVICES REQUIRED FOR

EMERGENCY BACK-UP GENERATORS IN CITY BUILDINGS, FOR A MAXIMUM ONE YEAR TERM, AND FOR A TOTAL NOT TO EXCEED AMOUNT OF \$75,400.00

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

WHEREAS, the City of Hoboken was recently made aware of potential power related issues that may occurring during the impending hurricane season, and thereafter obtained four (4) quotes, on an emergency basis, for the Professional Services, of which EI Associates responded to with the most advantageous proposal; and,

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

WHEREAS, certification of funds for insurance premiums is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$75,400.00 is available in the following appropriation account 3-01-55-901-014 in the CY2013 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 CY2013 budget; and I further certify that the funds being appropriate are intended for the purposes herein appropriated.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with **EI Associates** to represent the City as General Electrical Engineers, in accordance with the scope of work detailed in their August 6, 2013 proposal, attached hereto, including without limitation, the design and production of sealed drawings and technical bidding specifications, administration of the bidding phase of the project, and construction oversight during the construction phase of the project; the maximum term shall be one year from the date of award; the total proposed amount was Fifty Four Thousand Dollars (\$54,000.00), and there shall be an owner’s allowance on Twenty Thousand Dollars (\$20,000.00), which results in a total not to exceed amount of Seventy Five Thousand Four Hundred Dollars (\$75,400.00); and

BE IT FURTHER RESOLVED, the contract shall include the following term: **EI Associates** shall be paid the Thirty Seven Thousand Dollars (\$37,800.00) for Engineering, Design and Bidding Services as follows: 50% shall be payable within 30 days of execution of the contract, and 50% shall be payable upon receipt of the final bid documents; **EI Associates** shall be paid the Seventeen Thousand Six Hundred Dollars (\$17,600.00) for Engineering Construction Services as follows: 33.3% shall be payable within 30 days of notice of start of construction from the vendor, 33.3% shall be payable when the vendor advises the City in writing that the project is substantially complete, and 33.4% shall be payable within 30 days of receipt of notice from the vendor of construction close out; and these are the only charges for services allowable under this agreement, and charges for other fees and costs may be allowable upon prior written approval of the Business Administrator, but must be clearly identified and described in full in an invoice demonstrating proper approvals; 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 **EI Associates**; 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.

Council President comments on including the Ambulance Corp. on the resolution

BA Wiest comments

Councilman Occhipinti comments

Councilwoman Mason has left the table at 11:58 PM

Councilwoman Mason has returned to the table at 12:07 AM

Councilwoman Mason motions to amend and seconded by Councilwoman Castellano to add the Hoboken Ambulance Corp. in the resolution

---Motion duly seconded by Councilwoman Castellano

---**ADOPTED AS AMENDED** Voted by the following vote: YEAS: 8 – NAYS: 0

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

---Nays: None.

13-387

---By Councilwoman Giattino

RESOLUTION AWARDING A CONTRACT TO RICH PICERNO BUILDERS LLC FOR THE PROVISIONS OF THE ELYSIAN PARK IMPROVEMENTS IN ACCORDANCE WITH THE CITY'S BID NO. 13-06 IN THE TOTAL AMOUNT OF \$907,805.00

WHEREAS, proposals were received for the Elysian Park Improvement Bid No. 13-06and,

WHEREAS, Seven (7) bid proposal was received, the lowest three being:

<u>VENDOR</u>	<u>BASE</u>	<u>ALT. A</u>
V&K Construction Inc.	\$898,300.00	No Response
Rich Picerno Builders LLC	\$907,850.00	\$29,000.00
Let It Grow Inc.	\$984,566.50	\$28,123.00

WHEREAS, pursuant to the recommendation of the City's Purchasing Agent and City Engineer, the City finds that V&K Construction failed to submit a responsive bid for failure to provide a proposal for Alternate A; therefore, the City shall award the contract to Rich Picerno Builders LLC which provided the lowest RESPONSIVE bid.

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$907,805.00 is available in the following appropriation _____ in the 2013 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 CY2013; 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 awards a contract to Rich Picerno Builders LLC for the Elysian Park Improvements Bid No. 13-06, in the total amount of Nine Hundred Seven Thousand Eight Hundred Fifty Dollars (\$907,850.00).
- B. If the contract, as provided by the City of Hoboken, is not executed by the vendor within 21 days of award, whether due to the vendor's failure to provide the licensure and/or the sample, then this award shall lapse and the City of Hoboken shall have the right to rebid the project.
- C. The contract shall be in accordance with the terms of the specifications and the vendor's corresponding bid proposal documents. No exceptions were noted in the City Purchasing Agent's recommendation; therefore, none will be accepted in performing obligations under the bid.
- D. Any and all changes orders which may become necessary under this contract shall be at the sole discretion of the City Council, and shall be subject to the appropriation of necessary funds.
- 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 contractor, subject to the conditions of this award.
- F. This resolution shall take effect immediately upon passage.

--Motion duly seconded by Councilman Bhalla

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

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

Nays: None.

13-388

--By Councilwoman Giattino

THIS RESOLUTION AWARDS A CONTRACT TO KOMPAN, THROUGH ITS STATE OF NEW JERSEY CONTRACT NUMBER 12-X-22409 AND US COMMUNITIES CONTRACT NUMBER 110171, FOR THE STEVENS PLAYGROUND EQUIPMENT, DELIVERY AND INSTALLATION IN AN AMOUNT NOT TO EXCEED ONE HUNDRED TWENTY THOUSAND ONE HUNDRED SIXTY SEVEN THOUSAND DOLLARS AND TWENTY ONE CENTS (\$120,167.21)

WHEREAS, N.J.S.A. 40A:11-5 allows municipalities to award public contracts without public bidding when the vendor is an approved state contractor, and Kompan has been approved as a State Contractor pursuant to Contract Number 12-X-22409 as well as the federal purchasing contract under US Communities Contract Number 110171; and,

WHEREAS, the City of Hoboken's Parks Department is in need of playground equipment, delivery and installation for Stevens Park, as described in Kompan's 7/29/13 proposals, attached hereto; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$120,167.21 is available in the following appropriation _____ in the CY2013 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 CY2013 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 below listed vendor is authorized to provide the playground equipment, delivery and installation for Stevens Park, as described in its July 29, 2013 proposal, attached hereto, for an amount not to exceed those listed in its contract with the State of New Jersey and its proposal, and for a total not to exceed amount of **ONE HUNDRED TWENTY THOUSAND ONE HUNDRED SIXTY SEVEN THOUSAND DOLLARS AND TWENTY ONE CENTS (\$120,167.21)**, subject to the following conditions:

11. The above recitals are incorporated herein as thought fully set forth at length.
12. The Mayor, or her designee is hereby authorized to execute an agreement, in accordance with the terms and conditions of the state contract and the proposal attached hereto, for the above references goods and/or services based upon the following information:

Kompan
930 Broadway
Tacoma WA 98402
(State of New Jersey Contract 12-X-22409)

--Motion duly seconded by Councilman Bhalla

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

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

Nays: None.

13-389

--By Councilwoman Giattino

RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO ENTER INTO THE ATTACHED SETTLEMENT AGREEMENT BY AND BETWEEN THE CITY HOBOKEN AND SHIPYARD ASSOCIATES REGARDING SHIPYARD ASSOCIATES ESCROW APPEAL

WHEREAS, the Administration of the City of Hoboken has negotiated with Shipyard Associates to resolve the claims and monetary issues underlying the Shipyard Associates escrow appeal against the City; and,

WHEREAS, the terms under which the parties agree to settle the matter are fully expressed in the attached agreement, and are in the best interest of the City.

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

7. The City Council hereby authorizes execution of the Agreement, as attached hereto, or an agreement substantially similar without any substantive changes; and,
8. The City Council hereby authorizes the Mayor and her Administration to notify Shipyard Associates of the Council's authorization of this Agreement and acceptance of all the terms and obligations therein.
9. The Mayor, her Administration and Corporation Counsel are hereby authorized to proceed to execute and finalize said Agreement, or one substantially similar with no substantive changes, expeditiously, and to take any and all steps necessary to effectuate the Agreement.

--Motion duly seconded by Councilman Bhalla

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

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

Nays: None.

13-390

--By Councilwoman Giattino

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACT WITH VINCENT LAPAGLIA AS SPECIAL LEGAL COUNSEL- TAX APPEALS TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2013 AND EXPIRE DECEMBER 31, 2013 FOR AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$60,000.00 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$96,000

WHEREAS, service to the City as Special Counsel –Tax Appeals 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 previously contracted with Vincent LaPaglia, Esq. for Special Counsel- Tax Appeals; and,

WHEREAS, the City now wishes to amend said contract to increase the annual not to exceed amount; and,

WHEREAS, Vincent Lapaglia 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 \$60,000.00 is available in the following appropriation 3-01-20-150-030 in the CY2013 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 CY2013; 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 the contract with Vincent Lapaglia to represent the City as Special Legal Counsel- Tax Appeal be amended, for a term to commence January 1, 2013 and expire December 31, 2013, for an increase in the not to exceed amount by Sixty Thousand Dollars (\$60,000.00), for a total not to exceed amount of Ninety Six Thousand Dollars (\$96,000.00); and

BE IT FURTHER RESOLVED, the contract shall include the following term: Vincent Lapaglia shall receive an hourly rate for all Tax Court Appeals of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20.00/hour for support staff. These are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

BE IT FURTHER RESOLVED, this contract shall cover both outstanding and new litigation/legal matters, and new litigation and legal matters will be assigned as they become available and the City Administrator 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 and work is done by the firm thereunder, 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 Vincent Lapaglia; 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 Bhalla
---Adopted by the following vote: YEAS: 6 – NAYS: 0 -ABSENT: 2
---Yeas: Council persons Bhalla, Castellano, Giattino, Mello, Occhipinti, and Cunningham
---Nays: None.
---Absent: Mason, Russo

Councilwoman Mason comments that she needs to recuse herself on this resolution
Councilman Occhipinti comments
BA Wiest comments

13-391

---By Councilwoman Giattino

Inserting a Special Item of Revenue into the CY 2013 Municipal Budget

SUMMER FOOD SERVICE PROGRAM CY 2013

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 \$41,384.86 from Department of Agriculture State of New Jersey wishes to amend its CY 2012 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 2012 in the sum of.....\$41,384.86
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:
 Summer Food Program

NOW, THEREFORE, BE IT RESOLVED that the like sum of: \$41,384.86
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:
 Summer Food Program
 Other Expenses \$32,652.40

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval

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

CA22.* Resolution inserting a Special item of Revenue into the CY 2013 Municipal Budget – Comprehensive Program for the elderly Home Support & Adult Care – CY 2013 3rd and 4th quarters **(in the sum of \$64,602.00) (submitted by Finance Department)**

13-392
 ---By Councilwoman Giattino

Inserting a Special Item of Revenue into the CY 2013 Municipal Budget

COMPREHENSIVE PROGRAM FOR THE ELDERLY
Home Support & Adult Day Care CY 2013 3rd and 4th QUARTERS

WHEREAS, N.J.S. 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 \$64,602.00 from the County of Hudson and Department of Health & Human Services and wishes it CY 2013 Budget to include this amount as a 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 2013 in the sum of.....\$64,602.00
 Which is now available as a revenue from:

Miscellaneous Revenues:
 Special Items of General Revenue Anticipated
 with Prior Written Consent of the Director of the
 Division of Local Government Services:
 Hudson County Revenues Off-set with

Appropriations:
Home Support & Adult Day Care \$64,602.00

NOW, THEREFORE, BE IT RESOLVED that the like sum of.....\$64,602.00
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:
Hudson County Revenues Off-set with
Home Support & Adult Day Care \$64,602.00

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk forward two certified copies of
this resolution to the Director of Local Government Services for approval.

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

13-393

--By Councilwoman Giattino

Inserting a Special Item of Revenue into the CY 2013 Municipal Budget

GARDEN STATE PRESERVATION TRUST CY 2013

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 a loan award of
\$200,000.00 with a matching grant of \$400,000.00 for a total award of \$600,000.00 from Department
of Environmental Protection and wishes to amend its CY 2013 Budget to include the grant 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 2013 in the sum of.....\$400,000.00
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:

Elysian Park Develop \$400,000.00

NOW, THEREFORE, BE IT RESOLVED that the like sum of: \$400,000.00

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:

Elysian Park Develop \$400,000.00

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

13-394

---By Councilman Russo

RESOLVED, that filed minutes for the Hoboken City Council Special meeting of March 6, 2013, Regular meeting of March 6, 2013, Special meeting of March 20, 2013, regular meeting of April 3, 2013, Special meeting of April 10, 2013 and April 17, 2013, regular meeting of April 17, 2013, Special meeting of May 1, 2013, regular meeting of May 1, 2013 and Special meeting May 15, 2013 and regular meeting of May 15, 2013 have been reviewed and approved as to legal form and content.

---Motion duly seconded by Councilwoman Castellano

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

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

---Nays: Mason

13-395

---By Councilwoman Giattino

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 **\$8,878.78**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Brian H. Kappock 232 Madison St Hoboken, NJ 07030	17/50/C0001	504 Observer Hwy	2/13	\$ 2,308.50
Daley, Aaron & J. 84-Adams St #2E Hoboken, NJ 07030	18/30/C00P7	78-88 Adams St	2/13	\$ 118.75
Allison, Jessica 20 Exchange Place #507 New York, NY 10005	91/1.02/C0201	812 Grand St	3/12	\$ 1,915.01
306 Hudson Street LLC 62A Fourth Street Hoboken, NJ 07030	214.01/32	306 Hudson St	1/13	\$ 3,384.38
Chase Att: Chase Refund Dept P O Box 961227 Ft. Worth, TX 76161-0227	238/12/C0008	933 Hudson St	3/11	\$ 1,008.45 Excel III
Manderoli, D. 1025 Maxwell Lane #909 Hoboken, NJ 07030	261.04/1/CP015	1025 Maxwell Lane	2/13	\$ 143.69

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None

13-396

---By Councilwoman Giattino

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 refunds be made;

NOW THEREFORE BE IT RESOLVED, that a warrant be drawn on the City Treasurer made payable to the following totaling **\$ 92,161.86**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
Schneck Law Group LLC 301 South Livingston Ave Suite 105	34/7	109-111 Willow Ave	2009	\$ 3,294.93

Livingston, NJ 07039

Schneck Law Group LLC 34/7 109-111 Willow Ave 2010 \$ 3,482.83
301 South Livingston Ave
Suite 105
Livingston, NJ 07039

Schneck Law Group LLC 34/7 109-111 Willow Ave 2011 \$ 3,391.81
301 South Livingston Ave
Suite 105
Livingston, NJ 07039

Schneck Law Group LLC 34/7 109-111 Willow Ave 2012 \$ 3,486.50
301 South Livingston Ave
Suite 105
Livingston, NJ 07039

Schneck Law Group LLC 34/7 109-111 Willow Ave 2013 \$ 3,521.73
301 South Livingston Ave
Suite 105
Livingston, NJ 07039

Zipp & Tannenbaum, LLC 73/1 600 Jackson/
Attorney at Law 601 Harrison 2008 \$ 5,366.25
166 Gatzmer Ave
Jamesburg, NJ 08831

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

13-397

---By Councilwoman Giattino

RESOLUTION CANCELLING THE BILLING ON BLOCK 225 LOT 3 QUALIFIERS BLDG & LOT

WHEREAS, the property commonly known as Block 225, Lot 3 has gone from billing pursuant to a PILOT Program to being taxable in accordance with conventional tax laws as of January 1, 2013.

WHEREAS, the qualifiers BLDG & LOT, which existed while the property was subject to the PILOT Program, are no longer applicable and, therefore, no longer exist as of the date of this Resolution, as per the Tax Assessor; all billing for the property is now simply taxable under Block 225 Lot 3.

NOW THEREFORE BE IT RESOLVED, the Tax Collector shall hereby cancel billing for Block 225 Lot 3 Qual.# BLDG, with a common address: 224-232 River/235 Hudson which had 1st Q \$79,714.50 and 2nd Q \$79,714.50 both paid, as well as Block 225, Lot 3, Qual# LOT, with same address which had 1st Q \$29,914.32 and 2nd Q \$29,914.32 both paid.

BE IT FURTHER RESOLVED, the above Qualifiers on Block 225 Lot 3 have been and are hereby deleted from the 2013 Tax Duplicate; and, the full year billing for 2013 is now under billed under Block 225, Lot 3; and, payment credits for the above two (2) qualifiers are hereby applied to Block 225 Lot 3 billing under the conventional tax system, in the amount of \$109,628.82.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None

13-398

---By Councilwoman Giattino

**RESOLUTION AUTHORIZING THE REFUND OF OVER BILLED
3RD & 4TH QUARTERS OF 2013 FROM THE TAX DUPLICATE**

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 appearing on the attached list totaling **\$ 17,478.52**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
503 MONROE LLC P O BOX 6237 HOBOKEN, NJ 07030	67/2	503 MONROE ST	3&4/13	\$ 49.50
CUBE SMART, LP 460 E SWEDES FORD ROAD SUITE 3000 WAYNE, PA 19087	150/3	1032-1040 GRAND ST	3&4/13	\$6,405.00
YANG, MONICA, & G. 1128 ABBOTT BLVD FORT LEE, NJ 07024	202/35/C000G	300 WASHINGTON ST	3&4/13	\$1,258.35
RUSSO, RALPH & J. DE JESUS 304 W NORTHFIELD ROAD LIVINGSTON, NJ 07039	202/35/C0001	300 WASHINGTON ST	3&4/13	\$ 894.91
WELLS FARGO HOME MORT. 1 HOME CAMPUS DES MOINES, IA 50328	202/35/C0002	300 WASHINGTON ST	3&4/13	\$ 795.26
CORELOGIC 1 CORELOGIC DRIVE	202/35/C0003	300 WASHINGTON ST	3&4/13	\$ 773.67

WESTLAKE, TX 76262

WELLS FARGO

HOME MORT. 202/35/C0004 300 WASHINGTON ST 3&4/13 \$ 873.95
1 HOME CAMPUS
DES MOINES, IA 50328

CORELOGIC 202/35/C0005 300 WASHINGTON ST 3&4/13 \$1,486.17
1 CORELOGIC DRIVE
WESTLAKE, TX 76262

CORELOGIC 202/35/C0006 300 WASHINGTON ST 3&4/13 \$ 778.95
1 CORELOGIC DRIVE
WESTLAKE, TX 76262

CORELOGIC 202/35/C0007 300 WASHINGTON ST 3&4/13 \$ 743.09
1 CORELOGIC DRIVE
WESTLAKE, TX 76262

LAND AMERICA/
LERETA 202/35/C0007 300 WASHINGTON ST 3&4/13 \$ 743.08
P O BOX 1499
COVINA, CA 91722

WELLS FARGO
HOME MORT. 202/35/C0008 300 WASHINGTON ST 3&4/13 \$1,491.45
1 HOME CAMPUS
DES MOINES, IA 50328

300 WASHINGTON ST 202/35/ T01 300 WASHINGTON ST 3&4/13 \$1,185.14
CONDO ASSOC
7800 RIVER ROAD
NORTH BERGEN, NJ 07047

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None

13-399

---By Councilman Giattino

**RESOLUTION AUTHORIZING THE CLOSURE OF A BANK ACCOUNT AT THE
RECOMMENDATION OF THE DEPARTMENT OF REVENUE AND FINANCE**

WHEREAS, The Department of Revenue and Finance of the City of Hoboken has recommended the
closure of the following Bank Account which have been dormant:

City of Hoboken TD Bank Parking Utility Operating Acct #3982550044

NOW, THEREFORE, BE IT RESOLVED, that the Department of Revenue & Finance be and is hereby authorized to close the aforementioned bank account and to execute any and all documents necessary for the closure of said accounts; and be it further

RESOLVED, that the TD Bank, which administer the accounts noted above shall be furnished with a certified copy of this resolution.

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 6 – NAYS: 0 ABSENT: 2

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

---Nays: None.

---Absent: Mason, Russo

Council President comments to vote on both resolution #29 & #30

13-400

---By Councilwoman Giattino

RESOLUTION AUTHORIZING THE CLOSURE OF A BANK ACCOUNT AT THE RECOMMENDATION OF THE DEPARTMENT OF REVENUE AND FINANCE

WHEREAS, The Department of Revenue and Finance of the City of Hoboken has recommended the closure of the following Bank Account which have been dormant:

City of Hoboken Capital One Parking Utility	#4144010800
City of Hoboken Capital One Budget Escrow	#4144013085
City of Hoboken Parking Utility	#4144010750

NOW, THEREFORE, BE IT RESOLVED, that the Department of Revenue & Finance be and is hereby authorized to close the aforementioned bank account and to execute any and all documents necessary for the closure of said accounts; and be it further

RESOLVED, that the Capital One Bank, which administer the accounts noted above shall be furnished with a certified copy of this resolution.

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 6 – NAYS: 0 -ABSENT: 2

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

---Nays: None.

---Absent: Mason, Russo

13-401

---By Councilwoman Giattino

RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO ENTER INTO THE ATTACHED MUNICIPAL PUBLIC UTILITY RIGHT OF WAY AGREEMENT BY AND BETWEEN THE CITY HOBOKEN AND SUNESYS

WHEREAS, the Administration of the City of Hoboken has negotiated with Sunesyes, a utility corporation, to allow the utility to use the previously granted public utility easements within the City of Hoboken; and,

WHEREAS, the terms under which the parties agree to the Right of Way use are fully expressed in the attached agreement, and are in the best interest of the City.

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

10. The City Council hereby authorizes execution of the Agreement, as attached hereto, or an agreement substantially similar without any substantive changes; and,
11. The City Council hereby authorizes the Mayor and her Administration to notify Sunesys of the Council's authorization of this Agreement and acceptance of all the terms and obligations therein.
12. The Mayor, her Administration and Corporation Counsel are hereby authorized to proceed to execute and finalize said Agreement, or one substantially similar with no substantive changes, expeditiously, and to take any and all steps necessary to effectuate the Agreement.

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 7 – NAYS: 0 ABSENT: 1

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

---Nays: None.

---Absent: Castellano

Rep. from Sunesys Bob comments

Councilwoman Mason has returned to the meeting at 12:44 PM

Councilman Russo has returned to the meeting at 12:45 PM

Councilwoman Castellano has left the meeting at 12:45 PM

13-402

---By Councilwoman Giattino

RESOLUTION AUTHORIZING APPLICATION FOR A SUSTAINABLE JERSEY GRANT IN THE ESTIMATED AMOUNT OF \$2,000.00

WHEREAS, Sustainable Jersey is accepting applications for the Sustainable Jersey Small Grants program to provide funding for New Jersey municipalities participating in the Sustainable Jersey program to implement projects that help towns make progress toward a sustainable future and help towns gain points needed for Sustainable Jersey certification; and

WHEREAS, the City of Hoboken Green Team has several educational and demonstration projects planned to improve the quality of life in a sustainable way, each of which assists the City of Hoboken in the pursuit of points through the Sustainable Jersey Program; and

WHEREAS, the City of Hoboken is currently a Bronze Certified Community through the Sustainable Jersey Program and is currently pursuing Silver Certification; and

WHEREAS the City of Hoboken desires to apply for and obtain a grant from Sustainable Jersey for approximately \$2,000.00 to support general operating and direct expenses for the City of Hoboken Green Team for such projects and programs as the Green Fair, educational materials and activities, and other demonstration projects.

NOW THEREFORE BE IT RESOLVED, that the City of Hoboken does hereby authorize the application for such a grant; and, recognizes and accepts that Sustainable Jersey may offer lesser or greater amount and therefore, upon receipt of the grant agreement from Sustainable Jersey, does further authorize the execution of such grant agreement; and also, upon receipt of the fully executed agreement from Sustainable Jersey, does further authorize the expenditure of funds pursuant to the terms of the agreement between the City of Hoboken and Sustainable Jersey.

BE IT FURTHER RESOLVED, the Council authorizes the Administration to take action in accordance with this approval.

--Motion duly seconded by Councilman Bhalla

--Adopted by the following vote: YEAS: 5 NAYS: 3

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

--Nays: Castellano, Occhipinti, Russo

13-403

--By Councilwoman Giattino

RESOLUTION APPROVING A CONTRACT WITH BEYER FORD D/B/A BEYER FLEET FOR THE PURCHASE AND INSTALLATION OF EMERGENCY LIGHTS FOR MUNICIPAL VEHICLES FOR THE CITY OF HOBOKEN IN THE TOTAL AMOUNT OF \$22,945.00 PURSUANT TO STATE CONTRACT

WHEREAS, the City of Hoboken hereby awards a contract to Beyer Ford for the purchase and installation of five (5) sets of emergency lights for City vehicles, pursuant to Beyer Ford's state contract (A81334), which renders the sales exempt from public bidding; and

WHEREAS, the City Council is called upon to award the contract to Beyer Ford in the total amount of \$22,945.00; and

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$22,945.00 is available in the following appropriation 3-01-55-901-014 in the CY2013 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 CY2013 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, that the City Council does hereby authorize a contract to Beyer Ford d/b/a Beyer Fleet in the amount of Twenty Two Thousand Nine Hundred Forty Five Dollars and Zero Cents (\$22,945.00) for the five (5) sets of emergency lights for City vehicles, pursuant to Beyer Ford's state contract (A81334), as more

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

13-404

---By Councilwoman Giattino

RESOLUTION APPROVING THE FRIENDS OF HOBOKEN CHARTER SCHOOL'S REQUEST FOR A CONSTRUCTION NOISE WAIVER AND MITIGATION PLAN IN ACCORDANCE WITH HOBOKEN CODE SECTION 133-9(C)

WHEREAS, according to the City of Hoboken's Code § 133-9(C), "[a]ll construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 8:00 a.m. on weekdays or at any time during weekends and federal holidays. Work crews may be on site between 7:00 a.m. and 8:00 a.m. to do preparatory work, but no motorized equipment, including but not limited to pile drivers, jackhammers, riveters, stone breakers, cranes, earthmoving equipment, compressors, saws and cutting equipment, and any other such equipment that is plainly audible beyond the real property line, shall be operated before 8:00 a.m. Work may take place after hours and on weekends only with express authorization from the approving Board and only after a noise mitigation plan has been submitted to that Board"; and,

WHEREAS, on August 6, 2013, Elissa Brachfeld, President of The Friends of Hoboken Charter School, the 501(c)(3) charitable organization that supports Hoboken Charter School, Inc., forwarded a letter to the Honorable Mayor Dawn Zimmer, requesting a construction noise waiver in accordance with Hoboken Code § 133-9(C) to perform construction activities from 7:00 a.m. to 8:00 a.m. and after 6:00 p.m. on weekdays and on Saturdays and Sundays between August 2013 and September 2013; and,

WHEREAS, as a result of The Friends of Hoboken Charter School's request for a waiver of the prohibition on construction activities from 7:00 a.m. and 8:00 a.m. and after 6:00 p.m. on weekdays and on Saturdays and Sundays, the City Council of the City of Hoboken, as the Redevelopment Agency which originally granted approval of this construction, has the obligation to consider the request for a construction noise waiver for Saturday work pursuant to Hoboken Code § 133-9(C); and,

WHEREAS, the City Council, is deemed with the task of considering the within waiver request, is authorized to add conditions to any grant of the waiver based on its finding and investigation of the request, if the City Council believes such conditions are necessary and proper to protect the quality of life and/or the safety, health and general welfare of the residents and visitors of the City of Hoboken.

WHEREAS, in order for the Charter School to be finished in time for students to attend the school when it begins as scheduled;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that the Council hereby accepts receipt of The Friends of Hoboken Charter School's request for a construction noise waiver and accompanying noise mitigation plan; and,

BE IT FURTHER RESOLVED, that the City Council approves The Friends of Hoboken Charter School's request for a construction noise waiver for construction by Brawn Construction, the general contractor, at Block 218, Lot 4, commonly known as 713 Washington Street, Hoboken, as follows:

1. The contractor herein may conduct construction activity, in addition to the City's codified hours, on weekdays from 7:00 a.m. to 8:00 a.m. and 6:00 p.m. to 12:00 a.m. and on Saturdays and Sundays from 9:00 a.m. until 9:00 p.m. from August 8, 2013 through September 2013, subject to the following conditions:

a. By utilizing the within waiver, both the contractor and property owner agree to indemnify and hold the City of Hoboken and its officers, employees and agents harmless from any and all claims which relate in any way to this waiver, whether in law or at equity, whether in tort, contract or otherwise.

b. Any and all work done on weekdays from 7:00 a.m. to 8:00 a.m. and 6:00 p.m. to 12:00 a.m. and on Saturdays and Sundays from 9:00 a.m. to 9:00 p.m. in accordance with this waiver shall in all other ways comply with the City Code and any and all county, state or federal laws. This waiver shall not be intended to waive any other requirements of the City's Noise Ordinance or any other sections of the City Code.

c. Only interior construction work will be done on weekdays from 7:00 a.m. to 8:00 a.m. and 6:00 p.m. to 12:00 a.m. and on Saturdays and Sundays from 9:00 a.m. to 9:00 p.m. to mitigate potential noise. Such interior construction work will consist of plumbing, electrical, drywall, installation of doors and windows, trim work, hardware installation, painting, flooring, etc. All exterior work will be done during regularly-permitted construction hours, which is 8:00 a.m. to 6:00 p.m. on weekdays pursuant to Hoboken Code 133-9(C). No exterior work will be done from on weekdays from 7:00 a.m. to 8:00 a.m. and 6:00 p.m. to 12:00 a.m. and on Saturdays and Sundays.

BE IT FURTHER RESOLVED, this resolution shall be effective immediately upon adoption.

The speakers who spoke: Harold Berloe, Rep. Hoboken Charter School,

---Adopted **AS AMENDED** by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 1

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

---Nays: None.

---Absent: Castellano

Councilwoman Mason has left the table at 11:58 PM

ORDINANCES

Introduction and First Reading

13-405

Z-247

AN ORDINANCE TO AMEND CHAPTER 184 ENTITLED "TOWING" TO AMEND THE PROCEDURAL ASPECTS OF THE ROTATIONAL SYSTEM

WHEREAS, the City has determined that the initial pilot of the rotational system has been successful, but procedural changes are necessary to effectuate the best results for the system; and,

WHEREAS, the City has determined that monthly rotational changes would likely be more efficient, and easier for the towing licensees to accommodate, than the currently adopted system.

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

§ 184-9 Rotating system for summoning licensed towers.

A.

Separate and distinct lists shall be maintained for heavy-duty tows and light-duty tows.

B. With regards to Heavy Tows:

1. The City shall, by lottery, determine the numerical placement of each licensee on the ~~annual~~ heavy duty towing list, at the time of approval of the annual heavy duty towing licenses.
2. On the first day of each month, at 6:00am, the licensee at the top of the list from the previous month shall be placed at the bottom of the list. The next licensee on the list not summonsed for the prior call ~~at the top of the list~~ shall be summoned first for each call. If any licensee summonsed refuses to provide the service, can only provide partial service, or fails to present on the scene summonsed to within 15 minutes of the call, the next licensee on the list shall be called. ~~Each individual listed in Subsection E shall maintain his or her own list and perform this procedure independent of all other individuals listed therein.~~
3. ~~C-~~The City shall begin ~~at the top of the monthly~~ with the next tower on the monthly list not contacted in accordance with Subsection B.1. for each service call.
4. ~~D-~~The specific procedural details of the rotating system for summoning licensees shall be developed by, and amended, as necessary, at the discretion of the Director. The procedure and any amendments thereto shall be in writing and shall be made available to the public upon request.
5. ~~E-~~Licensees shall be summoned by a software program to be determined by the Director, which shall electronically summons the next appropriate tower on the list. In the event the electronic system is incapacitated, or an emergency parking situation is deemed to exist.
Licensees may only be summoned by the Chief of Police, or his authorized agent, the Director, or his authorized agent, the Mayor, or his authorized agent, the Director of Public Safety, or his authorized agent, and the Chief of the Office of Emergency Management.
6. Examples of Procedures for License Call Order:

<u>Call Number</u>	<u>Tower Called</u>	<u>Backup Called</u>	<u>Backup Called</u>	<u>Backup Called</u>
<u>One</u>	<u>HD License No.</u>	<u>License No. 2</u>	<u>n/a</u>	<u>n/a</u>

	<u>1</u> <u>Failed to show</u> <u>w/i 15 minutes</u>	<u>Effectuated Call</u>		
<u>Two</u>	<u>HD License No.</u> <u>3</u> <u>Declined</u>	<u>HD License No.</u> <u>4</u> <u>Failed to show</u> <u>w/i 15 minutes</u>	<u>HD License No.</u> <u>1</u> <u>Effectuated Call</u>	<u>n/a</u>
<u>Three</u>	<u>HD License No.</u> <u>2</u> <u>Effectuated Call</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
<u>Four</u>	<u>HD License No.</u> <u>3</u> <u>Effectuated Call</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>

C. With regards to Light Tows:

7. The City shall, by lottery, determine the numerical placement of each licensee on the light duty towing list, at the time of approval of the annual light duty towing licenses.
8. On the first day of each week, which shall begin on Monday at 6:00am, the licensee at the top of the list from the previous week, known as the weekly primary tower, shall be placed at the bottom of the list. The next licensee on the list shall be known as the primary tower for said week, and shall be summoned first for each call. The second licensee on the list for any given week shall be known as the weekly backup tower, the third on the list for any given week shall be known as the secondary backup tower, and the fourth on the list for any given week shall be known as the tertiary backup tower.

a. Example:

<u>Week</u>	<u>Primary Tower</u>	<u>Backup Tower</u>	<u>Secondary Backup</u>	<u>Tertiary Backup</u>
<u>One</u>	<u>LD License No.</u> <u>1</u>	<u>LD License No.</u> <u>2</u>	<u>LD License No.</u> <u>3</u>	<u>LD License No.</u> <u>4</u>
<u>Two</u>	<u>LD License No.</u> <u>2</u>	<u>LD License No.</u> <u>3</u>	<u>LD License No.</u> <u>4</u>	<u>LD License No.</u> <u>1</u>
<u>Three</u>	<u>LD License No.</u> <u>3</u>	<u>LD License No.</u> <u>4</u>	<u>LD License No.</u> <u>1</u>	<u>LD License No.</u> <u>2</u>
<u>Four</u>	<u>LD License No.</u>	<u>LD License No.</u>	<u>LD License No.</u>	<u>LD License No.</u>

	<u>4</u>	<u>1</u>	<u>2</u>	<u>3</u>
<u>Five</u>	<u>repeat/return to Week One</u>			

9. If the weekly primary tower refuses to provide the service, can only provide partial service, or fails to present on the scene summoned to within 15 minutes of the call, the next licensee on the list, who shall be known as the weekly backup tower, shall be called. If any licensee, other than the weekly primary tower is summoned and refuses to provide the service, can only provide partial service, or fails to present on the scene summoned to within 20 minutes of the call, the next licensee on the list shall be called.
10. The specific procedural details of the rotating system for summoning licensees shall be developed by, and amended, as necessary, at the discretion of the Director. The procedure and any amendments thereto shall be in writing and shall be made available to the public upon request.
11. Licensees shall be summoned by a software program to be determined by the Director, which shall electronically summons the next appropriate tower on the list. In the event the electronic system is incapacitated, or an emergency parking situation is deemed to exist, Licensees may only be summoned by the Chief of Police, or his authorized agent, the Director, or his authorized agent, the Mayor, or his authorized agent, the Director of Public Safety, or his authorized agent, and the Chief of the Office of Emergency Management.
12. The weekly primary tower for light duty tows shall be required to maintain two (2) light duty tow trucks within the City's boundaries at all times, without exception. Failure to comply with this section shall be grounds for suspension and/or revocation of the light duty towing license in accordance with § 184-13. Weekly backup towers shall not be subject to this section.
13. Failure of the weekly primary tower to effectuate calls shall subject the towing license to the following, which shall be in addition to any other penalties discussed in this Chapter:
- a. A written warning for the first failure; and,
 - b. Loss of the remainder of the week at issue for the second failure; and,
 - c. Revocation of license and inability to reapply for a City of Hoboken towing license for a period of three (3) years.
14. Examples of Procedures for License Call Order:

<u>Call Number</u>	<u>Tower Called</u>	<u>Backup Called</u>	<u>Backup Called</u>	<u>Backup Called</u>
<u>Week One / Call</u>	<u>License No. 1</u>	<u>License No. 2</u>	<u>n/a</u>	<u>n/a</u>

<u>One</u>	<u>Failed to show w/i 15 minutes</u>	<u>Effectuated Call</u>		
<u>Week One/ Call Two</u>	<u>License No. 1 Declined</u>	<u>License No. 2 Failed to show w/i 20 minutes</u>	<u>License No. 3 Effectuated Call</u>	<u>n/a</u>
<u>Week One/ Call Three</u>	<u>License No. 1 Effectuated Call</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
<u>Week One/ Call Four</u>	<u>License No. 1 Effectuated Call</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>

D. Parking Emergencies

1. Any situation which, at the discretion of the Director of Transportation and Parking, the Director of Public Safety, the Director of the Office of Emergency Management, or the Chief of Police, creates a hazard to the health, safety or general welfare of the public as a result of the parking circumstances within the City, or any portion of the City shall be considered a Parking Emergencies. Such Parking Emergencies shall only be called by the Director of Transportation and Parking, the Director of Public Safety, the Director of the Office of Emergency Management or the Chief of Police. The calling of a Parking Emergency shall not constitute a general emergency in accordance with general emergency procedure.
2. Upon the calling of a Parking Emergency within the City, or any portion thereof, the Director of Transportation and Parking, or his authorized designee, shall have the discretion to interrupt the towing rotation of either/or the light duty towing licenses and/or towing heavy duty towing licenses during the period of the Parking Emergency.
3. Upon termination of the Parking Emergency, which shall be at the sole discretion of the Director of Transportation and Parking, or his authorized designee, the towing rotational system shall be reinitiated at the same rotational position as was in effect at the initiation of the Parking Emergency.

SECTION TWO: EXPRESS REPEAL OF CERTAIN SECTIONS

As part of this Ordinance the following Sections of this Chapter 184 are **repealed in their entirety**:

- i. Section 184-5(A)(8)
- ii. Section 184-9(D)
- iii. Section 184-11(o)

SECTION THREE: 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 FOUR: 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 FIVE: EFFECTIVE DATE

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

SECTION SIX: 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 Cunningham 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 **September 3, 2013** at 7:00 PM.

--Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 5 NAYS: 3

---Yeas: Council persons Bhalla, Giattino, Mason, Mello and Cunningham

---Nays: Castellano, Occhipinti, Russo

13-406

Z-248

BOND ORDINANCE AUTHORIZING THE ACQUISITION OF EMERGENCY BACK-UP ELECTRICAL GENERATORS AND A HIGH WATER VEHICLE FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$965,000 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 \$916,750; 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 \$965,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$916,750; and
- (c) a down payment in the amount of \$48,250 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, *N.J.S.A. 40A:2-11*.

Section 3. The sum of \$916,750, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$48,250, 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 \$916,750 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 \$916,750 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 \$125,000.

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>Estimate d Total Cost</u>	<u>Down Payme nt</u>	<u>Amount of Obligations</u>	<u>Period of Usefuln ess</u>
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<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Acquisition and Installation of Emergency Back-Up Electrical Generators for Various City Buildings, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$919,000	\$45,950	\$873,050	15 years
B. Acquisition of High Wheel Vehicle for the Department of Emergency Management, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	46,000	2,300	43,700	5 years

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 14.52 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 \$916,750 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 Cunningham 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 **September 3, 2013** at 7:00 PM.

--Motion duly seconded by Councilman Bhalla

--Adopted by the following vote: YEAS: 5 NAYS: 3

--Yeas: Council persons Bhalla, Giattino, Mason, Mello and Cunningham

--Nays: Castellano, Occhipinti, Russo

13-407
Z-249

AN ORDINANCE TO AMEND CHAPTER 110 ENTITLED "GARBAGE RUBBISH AND LITTER" TO AMEND THE TIMEFRAME FOR PLACING REFUSE RECEPTACLES AT CURB FOR COLLECTION

WHEREAS, the City has determined that presently codified time for placing refuse receptacles is significantly late, which has created difficulty for some residents and businesses within the City; and,

WHEREAS, the City has determined that an earlier time allowance is necessary to accommodate resident and business schedules, with the exception of addresses directly on Washington Street where earlier placement will have a significant negative effect on the substantial pedestrian traffic during that time frame.

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

§ 110-25 Storage of refuse receptacles.

Refuse receptacles shall be stored only in areas designated for storage between collections. They shall be placed adjacent to the curb in front of the premises or other area designated for collection no earlier than 7:30 p.m., except for addresses directly on Washington Street which shall place the receptacles no earlier than 9:00 p.m., and no later than 12:00 midnight on the day before collection and shall be promptly returned to the storage area upon collection. Refuse receptacles shall not be stored on the sidewalk in front of buildings or houses between collections.

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 Cunningham 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 **September 3, 2013** at 7:00 PM.

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

NEW BUSINESS

BA Wiest comments that he will provide more info. for the bond ordinance
Councilman Occhipinti comments for the pool at the Boys and Girls club not being voted on
Councilman Occhipinti commented on the settled contract for the Union and wants to know the status
BA Wiest comments that there's another schedule to meet with the employees and supervisors group and meet in parallel and then move forward
Council President comments on a Closed Session to speak on this matter

Councilman Mello comments and echo with Councilman Occhipinti concerns on the Union negotiations with the City employees

Council President comments on a community meeting regarding 1200 Clinton, and thank Mr. Stephen Marks and get something on the calendar

Councilwoman Giattino comments on the issues with the Rue Building locking the gates

Councilman Bhalla comments on congratulating Police Officers Peck and Giacobelli and thanking the retired officers for their services to the community

BA Wiest comments that he apologizes for not notifying the Governing Body for the promotions for the two (2) police officers last week

Councilman Russo comments on Public Storage on Adams b/w 8th and 9th and need to find a solution

Councilman Russo would like to know the illegal sale of alcohol at the Sky Club building

Councilman Mello comments that it is alarming and it has heard it twice a year about this issue

Councilman Bhalla comments

Councilman Russo comments

BA Wiest comments

Councilman Mello comments

Councilman Russo comments

Councilwoman Mason comments that on Thurs., August 15, for the Willow Ave. Park at 12th and thank Congressman Sires and Senator Bob Menendez to address the helicopter issue and hopefully come up with some resolution and if we can look at 12th and Washington light, especially the light going east, what is going on 13th and Garden and have cones since people park so close to the corner, the utility post in light of hurricanes ex. 14th and Hudson, falling wires, if we can some how getting the poles replaced before there's a problem

BA Wiest comments on hopefully a report from Mr. Pomante from Boswell Engineering

Councilwoman Castellano comments on the past promotions and if someone could be designated for the future so that they can be notified.

Councilwoman Castellano comments and thanks Mr. James Farina on a curbside wedding that the City Clerk conducted

Councilwoman Castellano commented on an item on the agenda that was not added at the meeting and would like the governing body to vote on the resolution and seconded by Councilman Russo

~~35.* Resolution regarding the New Jersey Supreme Court's Decision in Kane Properties, LLC v. City of Hoboken finding the City's Corporation Counsel had a conflict of interest (sponsored by Councilwoman Castellano and Councilman Russo)~~

Corporation Counsel comments and advised and be guided to discuss anymore about Kane Properties, LLC v. City of Hoboken because it could breach attorney client privilege

Council President comments why this resolution did not placed on the agenda
Corporation Counsel comments and advises that this resolution should not be placed on the agenda

City Clerk comments that the meeting was not officially adjourned but no

At 1:30 A.M. the Governing Body on a motion by Councilwoman Giattino duly seconded by the Governing Body

Council President Cunningham then adjourned the meeting at 1:30 A.M.

Quorum to put a Temp. chair to take action on any other business.

PRESIDENT OF THE COUNCIL

CITY CLERK