

MEETING OF FEBRUARY 5, 2014

**MINUTES OF A MEETING OF THE COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY,
HELD IN THE COUNCIL CHAMBERS, CITY HALL, HOBOKEN, NEW JERSEY, WEDNESDAY,
FEBRUARY 5, 2014 AT 7:00 PM**

President Giattino opened the meeting at 7:06 PM. and stated, "I would like to advise all those present that notice of this meeting has been provided to the public in accordance with the provisions of the Open Public Meeting Act, and that notice published in the Jersey Journal and on the City website, copies were provided in the Hoboken Reporter, The Record, The Newark Star-Ledger and also placed on the bulletin board in the lobby of City Hall. If any Councilperson or member of the public believes that this meeting, or any portion thereof, is in violation of the Open Public Meetings Act, they are requested to so advise the City Council and City Clerk at this time, or at the time of the believed violation, in accordance with N.J.S.A. 10:4-17. Written objections, if any shall be made in writing to the City Clerk.

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

SECOND READING/PUBLIC HEARING AND FINAL VOTE

AN ORDINANCE TO AMEND ARTICLE VIII OF CHAPTER 168 ENTITLED "ROAD OPENING PERMITS" TO MOVE THE PERMIT ENFORCEMENT OF THE ARTICLE TO THE DEPARTMENT OF TRANSPORTATION AND PARKING, AND TO MAKE OTHER MINOR REVISIONS TO THE PERMIT REQUIREMENTS (Z-277)

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

President Giattino moved that the hearing be closed.

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

*****NOTE: ORDINANCES Z-278 AND Z-279 BACK TO 1ST READING**

AN ORDINANCE APPROVING THE TERMS OF THE ATTACHED LEASE AGREEMENT BETWEEN THE CITY OF HOBOKEN AND NORTH HUDSON COMMUNITY ACTION CORPORATION FOR THE USE OF A UNIT IN THE CITY'S MULTISERVICE CENTER (Z-280)

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 Giattino moved that the hearing be closed.

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

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

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

PUBLIC COMMENTS

The speakers who spoke: Franz Paetzold, Dominick Russo, Elizabeth Adams, Professor Jonathan Wharton.

14-97

APPLICATION FOR MISCELLANEOUS LICENSES

Vendor----- 1 item
Raffles-----1 item
Parking Facilities-----1 item

---Councilman Cunningham moved that the licenses be granted.
---Adopted by the following vote: YEAS: 9 – NAYS: 0
---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino
---Nays: None.

14-98

---By Councilman Bhalla

CLAIMS

Total for this agenda **\$1,483,236.94**

Councilwoman Castellano comments on PO# 14-00116 for the amount of \$12,997.77
BA Wiest comments
Councilwoman Castellano comments on the dissolution of the Hospital Authority
BA Wiest comments there needs to be a step with the Local Finance Board
Councilwoman Mason comments on PO# 14-00116 for the amount of \$12,997.77
Councilman Russo comments
Councilwoman Mason comments
Councilman Doyle comments
Councilman Bhalla comments
Councilman Doyle comments on that he feels he is in no way required to recuse himself for the payment for Okin, Hollander & Deluca LLP in the amount of \$12,997.77
Councilman Occhipinti comments on Lou's Landscaping & Design Inc for \$28,000.00 and \$5,687.50
BA Wiest comments
Director Pellegrini comments
Councilman Cunningham comments on PO# 14-00357 for Cheer Dynamics for \$3,912.00 and PO #14-00361 for the amount of \$9,725.00 and PO 14-00362 for the amount of \$2,695.00
Council President comments
Director Pellegrini comments
Councilman Cunningham comments
BA Wiest comments
Councilman Mello comments
Councilman Russo comments
Councilman Occhipinti comments
Councilman Cunningham comments

---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 8 – NAYS: 4 - ABSTAIN:2
---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mason, Mello, Occhipinti and President Giattino
---Nays: Castelleano (13-05069 ,14-00116), Mason (13-05069, 13-05131, 14-00061, 14-00116), Occhipinti(13-05069) and Russo
---Abstain: Mason (13-00129, 13-00140), Bhalla(13-05069)

14-99

---By Councilman Bhalla

PAYROLL

For the two week period starting January 2, 2014 – January 15, 2014

Regular Payroll	O/T Pay	Other Pay
\$1,588,191.01	\$75,217.67	\$148,345.91

Total \$1,811,754.59

ADJUSTED PAYROLL

For the End of Year Correction payments January 21, 2014

Regular Payroll	O/T Pay	Other Pay
(\$59,708.54)	\$0.00	\$6,028.68

Total (\$53,679.86)

For the Municipal Retro payments January 21, 2014

Regular Payroll	O/T Pay	Other Pay
\$0.00	\$0.00	\$1,240,081.78

Total \$1,240,081.78

For the Senior Citizen Retro payments January 21, 2014

Regular Payroll	O/T Pay	Other Pay
\$0.00	\$0.00	\$35,255.23

Total \$35,255.23

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 9 – NAYS: 1

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

---Nays: Mason (O/T)

BA Wiest comments on the Adjusted Payroll

PUBLIC PORTION ON RESOLUTIONS

The speakers who spoke: Elizabeth Adams comments on resolution #6.

CONSENT AGENDA –7-13 15, 16, 17, 18 AND 20

Pulled from the agenda for discussion: 3- 6, 14 & 19

Removed by Administration:

RESOLUTIONS

14-100

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE EXECUTION OF A CONSENT ORDER TO PAY FUNDS OUT OF COURT IN CONNECTION WITH THE CONDEMNATION ACTION ENTITLED CITY OF HOBOKEN V. PONTE EQUITIES, INC., DOCKET NO. L-4095-12

WHEREAS, on October 23, 2012, Ponte Equities brought a motion seeking the release of \$2,937,000.00 from the funds deposited with the Court in connection with the condemnation action entitled City of Hoboken v. Ponte Equities, Inc., et al., Docket No. L-4095-12; and

WHEREAS, the City of Hoboken objected to the release of the funds as requested by Ponte Equities in light of anticipated costs to be incurred by the City of Hoboken for the remediation of the property that is the subject of the condemnation action and argued that only \$2,342,367.68 may be released; and

WHEREAS, on November 8, 2013, the Court ordered the release of \$2,391,367.68 to Ponte Equities and directed the parties to review the estimated costs for remediation in an attempt to settle the issue of the amount of funds to remain in escrow; and

WHEREAS, the parties have agreed that an additional \$310,550.00 may be released to Ponte and \$5,032.32 may be released to Hoboken, leaving \$230,050.00 in escrow for site remediation subject to the terms and conditions specifically set forth in a certain Consent Order to Pay Funds Out of Court; and

WHEREAS, the City of Hoboken desires to authorize the execution of a certain Consent Order to Pay Funds Out of Court.

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

1. The City Council hereby approves the terms and conditions of a Consent Order to Pay Funds Out of Court in connection with the condemnation action entitled City of Hoboken v. Ponte Equities, Inc., et al., Docket No. L-4095-12.

2. Tiena Cofoni, Esq. of The Buzak Law Group, LLC, Special Counsel for the City of Hoboken, is hereby authorized to execute said Consent Order and together with all other appropriate officers and employees is hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution. The City hereby authorizes and approves any non-substantive modifications to the Consent Order as may be recommended and approved by counsel for the City prior to execution.

3. This Resolution shall take effect immediately.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: Castellano

---Absent: Mason

14-101

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH MILLENNIUM STRATEGIES AS GRANT WRITING SERVICE PROVIDER TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2014 AND EXPIRE DECEMBER 31, 2015 (TWO YEARS) FOR A TOTAL NOT TO EXCEED AMOUNT OF \$40,000.00 PER YEAR (\$80,000) IN ACCORDANCE WITH THE COMPETITIVE CONTRACTING REQUIREMENTS OF STATE LAW

WHEREAS, service to the City as Grant Writing Services is subject to the competitive contracting process, which the City was authorized to utilize, to exempt the contract from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and,

WHEREAS, the City of Hoboken published a Competitive Contracting Request for Proposals for the Grant Writing Services for CY2014 in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Millennium Strategies responded to; and,

WHEREAS, the evaluation committee has determined that Millennium Strategies offers the best option of all the proposals submitted, cost and other factors considered, and therefore advises a contract be entered into with the vendor; and,

***WHEREAS**, the vendor 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 \$9,000.00 is available in the following appropriation 4-01-20-116-021 and \$1,000.00 is available in the following appropriation 4-01-20-112-030 in the temporary CY2014 budget; and I further certify that I will immediately review the CY2014 budget to determine whether the additional \$30,000.00 balance is available and appropriated in the following appropriation 4-01-20-116-021 in the CY2014 budget upon adoption of said budget; and I further certify that I will immediately review the CY2015 budget to determine whether the additional \$40,000.00 balance is available and appropriated in the following appropriation 5-01-20-116-021 in the CY2015 budget upon adoption of said budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2014 temporary appropriation; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with Millennium Strategies to represent the City as Grant Writers be awarded, for a term to commence January 1, 2014 and expire December 31, 2015, two (2) years, for a total not to exceed amount of Forty Thousand Dollars (\$40,000.00), of which \$10,000.00 shall heretofore be appropriated, with the remaining \$30,000.00 for CY2014 and \$40,000.00 for CY2015 not herein appropriated subject to proper and adequate appropriation by the City of Hoboken as part of its CY2014 and CY2015 budgets, without recourse in law or in equity upon any failure of the City of Hoboken to properly and adequately appropriate said funds; 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 the vendor; and

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

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to

Mayor Dawn Zimmer and Corporation Counsel for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

14-102

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH TOMPKINS, MCGUIRE, WACHENFELD & BARRY, LLP FOR THE SERVICES OF WILLIAM B. MCGUIRE, ESQ. AS SPECIAL LEGAL COUNSEL-INSURANCE RELATED MATTERS TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2014 AND EXPIRE DECEMBER 31, 2014 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$17,000.00

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

WHEREAS, the services, being under the fair and open threshold, are not subject to the fair and open process; and,

WHEREAS, William B. McGuire, Esq. , however, has special expertise and intricate knowledge of the below listed legal matters such as the type the City requests representation in, specifically insurance related matters; and,

WHEREAS, *William B. McGuire, Esq. , and the firm of Tompkin, McGuire, Wachenfeld & Barry ARE thereby exempt from the fair and open process for those insurance related matters the City will retain them for, due to the contract being under the threshold as well as their special knowledge and expertise, and they are hereby required to continue to abide by the “pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 et seq. of the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates; and,*

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$17,000.00 is available in the following appropriations 4-01-20-156-020 in the CY2014 temporary appropriation; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2014 budget.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with Tompkins, McGuire, Wachenfeld & Barry LLC for the services of William B. McGuire, Esq. to represent the City as Special Legal Counsel-Insurance Related Matters be awarded, for a term to commence January 1, 2014 and expire December 31, 2014, for a total not to exceed amount of Seventeen Thousand

(\$17,000.00) Dollars; and

BE IT FURTHER RESOLVED, the contract shall include the terms of retention, including but not limited to hourly rates, as described in the attached letter of proposed retention from Mr. McGuire; and

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

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

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

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

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None

14-103

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE A CONTRACT WITH FORMAN HOLT ELIADES & YOUNGMAN FOR SERVICES AS SPECIAL LEGAL COUNSEL TO THE CITY OF HOBOKEN FOR CY2014 BANKRUPTCY COUNSEL IN A NOT TO EXCEED AMOUNT OF \$7,500.00 AND FOR A TERM OF JANUARY 1, 2014 THROUGH DECEMBER 31, 2014

WHEREAS, the City sought proposals for the professional service of legal counsel in bankruptcy matters, in accordance with the City fair and open guidelines as well as the state fair and open guidelines, and Forman Holt Eliades & Youngman responded; and,

WHEREAS, the City now wishes to contract for Forman Holt Eliades & Youngman's professional service as special counsel CY2014 Bankruptcy Counsel, from January 1, 2014 through December 31, 2014, for a not to exceed amount of Seven Thousand Five Hundred Dollars (\$7,500.00); and,

WHEREAS, *Forman Holt Eliades & Youngman 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 \$7,500.00 is available in the following appropriations 4-01-20-156-020 in the CY2014 temporary appropriation; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the temporary CY2014 appropriation.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED that the contract with Forman Holt Eliades & Youngman to represent the City as Special Legal Counsel Bankruptcy be heretofore awarded to terminate on December 31, 2014, and for a not to exceed amount of Seven Thousand Five Hundred Dollars (\$7,500.00); 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 Forman Holt Eliades & Youngman; 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 for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

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

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 5 – NAYS: 4

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

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

14-104

---President Giattino

RESOLUTION APPOINTING THE FOLLOWING LIST OF INDIVIDUALS AS MEMBERS TO THE CITY OF HOBOKEN RENT LEVELING ADJUSTMENT BOARD

WHEREAS, pursuant to the Code of the City of Hoboken, §155-18, the City of Hoboken has established a Rent Leveling Adjustment Board; and,

WHEREAS, seven members of the Board are appointed by the Mayor for the term of the Mayor, with the advice and consent of counsel, ; and,

WHEREAS, due to the new term of the Mayor, commencing 1/1/2014, there are seven vacancies on the Board which the Mayor wishes to appoint members to; and,

WHEREAS, the City has followed the process contemplated by the “Citizens Service Act,” in that applications for the position were publicly sought and reviewed, and the following list of appointees timely submitted their applications to the Clerk of the City of Hoboken;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken hereby consents to the Mayor’s appointments of the following individuals to serve as described below on the City of Hoboken Rent Leveling Adjustment Board, for the terms described below:

Appointee Name	Current Member	Title	Commencement	Expiration	Term
Cheryl Fallick	vacant	Regular Member	Jan. 22, 2014	Dec. 31, 2017	Four Years
Lutricia Alexander	vacant	Regular Member	Jan. 22, 2014	Dec. 31, 2017	Four Years
Michael Mastropasqua	vacant	Regular Member	Jan. 22, 2014	Dec. 31, 2017	Four Years
Michael Lenz	vacant	Regular Member	Jan. 22, 2014	Dec. 31, 2017	Four Years
Rosemary Orozco	vacant	Regular Member	Jan. 22, 2014	Dec. 31, 2017	Four Years

---Motion duly seconded by Councilman Doyle

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

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

---Nays: None.

14-105

---President Giattino

RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO APPLY FOR AND THEREAFTER ENTER INTO THE ATTACHED NEW JERSEY ECONOMIC DEVELOPMENT GRANT FOR STREETScape REVITALIZATION OF THE STRONGER NJ NEIGHBORHOOD AND COMMUNITY REVITALIZATION (NCR) PROGRAM , WITH NO CASH MATCH REQUIRED BY THE CITY

WHEREAS, the City of Hoboken wishes to make an application for a Streetscape Revitalization Grant from the New Jersey Economic Development NCR Program, in the amount of \$919,373.00 with no monetary City match; and

WHEREAS, certification of funds is not required for submission of this application.

NOW THEREFORE, BE IT RESOLVED, that the City Council authorizes the City of Hoboken to apply for the Streetscape Revitalization Grant with the New Jersey Department of Economic Development through the Stronger NJ Neighborhood and Community Revitalization Program for an amount up to \$919,373.00 grant with no monetary City match; and

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

1. Execute and submit said application to the NJ DED;
2. Furnish such documents as may be required;
3. Act as authorized correspondent of the City of Hoboken;
4. Execute said grant agreement, when and if approved, so long as no monetary City match is thereby required as a condition of receiving said grant.

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

14-106

---Councilman Bhalla

AUTHORIZING THE CITY OF HOBOKEN TO ACCEPT AND QUALIFY RESPONSES TO ISSUED REQUESTS FOR QUALIFICATION FOR PROFESSIONAL SERVICE FOR LSRP SERVICES FROM JANUARY 1, 2014 THROUGH DECEMBER 31, 2014

WHEREAS, it is necessary for the City of Hoboken to engage, from time-to-time, the services of a qualified firm and/or professional to provide LSRP services to the City of Hoboken; and,

WHEREAS, N.J.S.A. 19:44A-20.1 et seq., commonly known as the State “Pay to Play” Law took effect on January 1, 2006, which the qualified firms comply with, and the City has fully complied with the “fair and open” process set forth under N.J.S.A. 19:44A-20.1 et. seq. and its local code, by issuing a Request for Qualifications for LSRP services pursuant to the fair and open process; and,

WHEREAS, the City’s review team has determined that the below listed respondents to the RFQ provide the City with the best options for efficient and effective LSRP services during CY2014, and are each qualified to be considered by the City Administration, if and when the Administration finds it necessary, to engage the services of such respondent;

NOW, THEREFORE, BE IT RESOLVED by the City of Hoboken that the below listed respondents be and are hereby deemed qualified to be contracted for LSRP services for the City during the January 1, 2014 through December 31, 2014 period: Excel Environmental Resources

- a. T&M Associates
- b. Remington & Vernick
- c. Boswell Engineering

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

14-107

---Councilman Bhalla

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH EXCEL ENVIRONMENTAL AS LSRP TO THE CITY OF HOBOKEN TO COMMENCE JANUARY

1, 2014 AND EXPIRE DECEMBER 31, 2014 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$40,000.00

WHEREAS, service to the City as Licensed Site Remediation Professional (LSRP) 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 Qualifications for the Professional Services of LSRP in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Excel Environmental responded to; and,

WHEREAS, the evaluation committee has determined that Excel Environmental offers the best option of all the proposals submitted, cost and other factors considered, and therefore advises a contract be entered into with Excel Environmental for a one (1) year term with a not to exceed amount of Forty Thousand (\$40,000.00) Dollars for the services described in the CY2014 RFP; and,

WHEREAS, *Excel Environmental 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 \$10,000.00 is available in the following appropriation 4-01-31-461-000 in the temporary CY2014 budget; and I further certify that I will immediately review the CY2014 budget to determine whether the additional \$30,000.00 balance is available and appropriated in the following appropriation 4-01-31-461-000 in the CY2014 budget upon adoption of said budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2014 temporary appropriation; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with Excel Environmental to represent the City as LSRP be awarded, for a term to commence January 1, 2014 and expire December 31, 2014, for a total not to exceed amount of Forty Thousand Dollars (\$40,000.00), of which \$10,000.00 shall heretofore be appropriated, with the remaining \$30,000.00 for CY2014 not herein appropriated subject to proper and adequate appropriation by the City of Hoboken as part of its CY2014 budget, without recourse in law or in equity upon any failure of the City of Hoboken to properly and adequately appropriate said funds; and

BE IT FURTHER RESOLVED, the contract shall refer to and include by reference the RFQ and **Excel Environmental** 's responses, as well as the attached memorandum of Stephen Marks, for purposes of describing the terms and obligation of the agreement with regards to scope of work, hourly wages, and allowable fees and charges; 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 **Excel Environmental**; and

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

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

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

14-108

---By Councilman Bhalla

RESOLUTION APPOINTING SEVEN INDIVIDUALS AS CLASS II SPECIAL LAW ENFORCEMENT OFFICERS FOR THE CITY OF HOBOKEN

WHEREAS, N.J.S.A. 40A:14-146.10 permits municipalities to appoint certain classes of special law enforcement officers; and

WHEREAS, Chapter 59 of the Code of the City of Hoboken establishes the position of Class II Special Law Enforcement Officer; and

WHEREAS, the City of Hoboken wishes to appoint the following individuals as Class II Special Law Enforcement Officers: (i) Brian Kapp; (ii) Sam Sukool; (iii) Timothy Kealy; (iv) James Dillon; (v) Jordan Descafano; (vi) Jonathan Rodriguez; and (vii) Jonathan Sabatini; and

WHEREAS, a resolution from the City Council of the City of Hoboken is necessary to sponsor these Class II Special Law Enforcement Officers so they may attend a police academy to obtain the training, education and certification needed for this position;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hoboken that the following individuals are hereby appointed Class II Special Law Enforcement Officers for the City of Hoboken: (i) Brian Kapp; (ii) Sam Sukool; (iii) Timothy Kealy; (iv) James Dillon; (v) Jordan Descafano; (vi) Jonathan Rodriguez; and (vii) Jonathan Sabatini; and

BE IT FURTHER RESOLVED that these appointees are hereby sponsored by the City of Hoboken to attend the Essex County Police Academy in Cedar Grove, New Jersey.

---Motion duly seconded by Councilman Cunningham

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

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

14-109

---By Councilman Mello

RESOLUTION APPOINTING TWO CURRENT CLASS II SPECIAL LAW ENFORCEMENT OFFICERS AS POLICE OFFICERS FOR THE CITY OF HOBOKEN'S POLICE DEPARTMENT

WHEREAS, N.J.S.A. 40A:14-146.10 permits municipalities to appoint certain classes of special law enforcement officers; and

WHEREAS, Chapter 59 of the Code of the City of Hoboken establishes the position of Class II Special Law Enforcement Officer; and

WHEREAS, pursuant to a previous resolution, the City appointed Anthony Rutkowski and Tyrone Huggins as Class II Special Law Enforcement Officers and sponsored both to attend the Essex County Police Academy in Cedar Grove, New Jersey; and

WHEREAS, the City now wishes to appoint Anthony Rutkowski and Tyrone Huggins as police officers for the City's Police Department for the purpose of completing the training required by the New Jersey Police Training Commission;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hoboken that Anthony Rutkowski and Tyrone Huggins are appointed as police officers for the Hoboken Police Department; and

BE IT FURTHER RESOLVED that these appointees are hereby sponsored by the City of Hoboken to attend the Essex County Community College Police Academy.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

14-110

---By Councilman Bhalla

A RESOLUTION TO LAPSE APPROPRIATION RESERVE TO SNOW REMOVAL TRUST

BE IT RESOLVED, by the Governing Body of the City of Hoboken, County of Hudson, New Jersey that the following 2013 appropriation reserve balance be lapsed to the Snow Removal Trust pursuant to N.J.S.A. 40A:4-62.1.

<u>Account Description</u>	<u>Account #</u>	<u>Balance to Lapse</u>
Snow Removal	3-01-26-291-040	\$50,000.00

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

14-111

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE AN AMENDMENT FOR THE PROFESSIONAL SERVICE CONTRACT WITH APPRAISAL SYSTEMS INC. AS REVALUATION REAL ESTATE APPRAISAL SERVICES TO THE CITY OF HOBOKEN TO INCREASE THE NOT TO EXCEED AMOUNT BY +\$17,380.00 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$683,060.00

WHEREAS, service to the City for Revaluation Real Estate Appraisal Services 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 Competitive Contracting Request for Proposals for the Professional Services of Revaluation Real Estate Appraisal Services in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Appraisal Systems Inc. responded to; and,

WHEREAS, the evaluation committee determined that Appraisal Systems Inc. offers the best option of all the proposals submitted, cost and other factors considered, and therefore advises a contract be entered into with Appraisal Systems Inc.; and,

WHEREAS, the City is now required to amend the original contract because (1) the actual line counts are slightly different than the estimates included by the City in the RFP, and (2) the City is required to make additional payments for the contractor's work on the Chapter 91 packet preparation, distribution and analysis which result from the City's rent control ordinance; and,

WHEREAS, Appraisal Systems Inc. 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 \$17,380.00 is available in the following appropriation 2012 Special Emergency Tax Revaluation Account (3-01-55-901-015); and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that an amendment to the contract with Appraisal Systems Inc. to represent the City for Revaluation Real Estate Appraisal Services be awarded, for the same term, but with an increase in the not to exceed amount by +\$17,380.00 for a total not to

exceed amount of Six Hundred Eighty Three Thousand Sixty Dollars (\$683,060.00); and

BE IT FURTHER RESOLVED, the contract shall include the following change in terms (all previous terms not herein discussed shall remain unchanged as a result of this amendment): (1) the line counts shall heretofore be in accordance with the attached line count table, and (2) the contract shall heretofore include the preparation of, distribution of, and analysis of the Chapter 91 packets as a result of the City's rent control ordinance, in accordance with the document attached hereto; 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 Appraisal Systems Inc.; and

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

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

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

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 5 – NAYS: 4

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

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

14-112

---By Councilman Bhalla

RESOLUTION AMENDING THE RULES OF PROCEDURE FOR THE CITY COUNCIL OF THE CITY OF HOBOKEN

WHEREAS, the City Council of the City of Hoboken is granted the exclusive authority to adopt rules of procedure for its own internal governance, pursuant to the Faulkner Act, N.J.S.A. 40:69A-36(f); and,

WHEREAS, the City Council last adopted rules of procedure on January 22, 2014; and

WHEREAS, the City Council wishes to amend those rules of procedure for its internal governance to revise the day that the City Council meeting agenda and the documents in the City Council meeting package will be completed;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOBOKEN, that the following rules of procedure are hereby adopted for the government of this City Council and the prior rules of procedure repealed.

RULE I

Regular Meetings: The Council shall hold regular meetings in accordance with an annual schedule to be adopted at the Council's re-organizational meeting. Generally, meetings shall be held on the first and third Wednesdays of each month at 7:00 P.M., subject to summer schedules, holidays, and conflicting City events. Council meetings shall ordinarily be held in the Council Chambers at Hoboken City Hall, except that the Council President or a majority of Council members may, in writing, call a meeting to be held in any other suitable public place within the City of Hoboken that is accessible to the public and in accordance with state statutes. The provisions of the Open Public Meetings Act shall govern the procedures and conduct of all regular meetings. Robert's Rules of Order shall be followed at regular meetings to the extent that they do not conflict with these Rules of Procedure. The Council may also establish that it will hold regular caucus or workshop sessions, provided, however, that any such sessions comply with the Open Public Meetings Act. All regular meetings shall end no later than 12:00 A.M., except for situations when there is emergent City business that must be addressed and a majority of the Council members present has voted in the affirmative to continue the meeting after 12:00 A.M.

RULE II

Special and Emergency Meetings: The Mayor may call a special or emergency meeting of the Council by notice to the Council President and the Clerk. In the notice the Mayor shall designate the purpose of the special or emergency meeting, and no other business may be considered. A special or emergency meeting may be held in any suitable place within the City of Hoboken that is accessible to the public. A special or emergency meeting may also be called by the written request of a majority of Council members to the Council President, the Clerk and the Mayor. The written request shall designate the purpose of the special or emergency meeting, and no other business shall be considered. Whenever an emergency meeting is called, the Clerk shall immediately notify, by the most expedient means possible, all Council members, the Mayor, the Corporation Counsel, the Business Administrator, and all Directors of the date, time, location, and agenda of the meeting to the extent known. Only those matters permitted by law may be considered at an emergency meeting. The provisions of the Open Public Meetings Act shall govern the procedures and conduct of special and emergency meetings. Robert's Rules of Order shall be followed at special and emergency meetings to the extent that they do not conflict with these rules of procedure. All special and emergency meetings shall end no later than 12:00 A.M., except for situations when there is emergent City business that must be addressed and a majority of the Council members present has voted in the affirmative to continue the meeting after 12:00 A.M.

RULE III

Agenda: The City Clerk shall prepare a typewritten meeting agenda, according to the order of business set forth in these Rules of Procedure. The City Clerk shall provide a copy of the agenda to the Council President for his or her review and approval on the Wednesday preceding each regular Wednesday Council meeting. All reports, communications, resolutions, ordinances, contract documents, or other matters to be submitted to the Council, whether by Council members or the Administration, shall be delivered to the City Clerk by 4:00 P.M. on the Thursday preceding each regular Wednesday Council meeting (the "Submission Deadline."), so long as the same relates to matters already included in the agenda previously submitted to the Council President. The City Clerk shall immediately date and time-stamp each original submission. The City Clerk shall provide a copy of the Council package to the Council President for his or her review and approval on the Thursday preceding each regular Wednesday Council meeting. The City Clerk shall then provide the agenda and Council package to each member of the Council, the Mayor, the Corporation Counsel, the Business Administrator, and all Directors as far in advance of the meeting as time for preparation will permit. Normally, delivery of the agenda and Council package shall be effectuated by forwarding via electronic mail no later than 4:00 P.M. on the Friday prior to a Wednesday meeting. Any Council Member who wishes to obtain a hard copy of the Council package shall advise the Clerk in writing,

and, in such circumstances, delivery of the Council package shall be effectuated by forwarding the documents via regular mail no later than 4:00 P.M. on the Friday prior to a Wednesday meeting. When necessary in exceptional circumstances, the Clerk may effectuate delivery of the agenda via hand delivery. Regular meetings held on a day other than Wednesday shall also follow the time frames set forth in this rule to the extent possible.

Urgent Matters:

After the Submission Deadline, no matters shall be presented to the Council except those of an urgent nature. A matter shall be considered urgent in nature if the Council's failure to consider the matter at the next regularly scheduled meeting of the Council would have an adverse consequence upon the City, or any agency or employee thereof.

If urgent matters are submitted after the Submission Deadline by the Administration, facts must be presented in writing establishing the nature of the urgency, in compliance with the foregoing definitional criteria, and the matter must be approved as urgent in writing by the Mayor before presentation to the Council. If urgent matters are submitted by Council members after the Submission Deadline, facts must be presented in writing by the Council member establishing the nature of the urgency, in compliance with the foregoing definitional criteria, and the matter must be approved as urgent either by the President or by a vote of the majority of the council present at the meeting.

Public Access to Documents:

Copies of the agenda and all supporting documents shall be promptly placed on the City's website, www.hobokennj.gov, in compliance with the Chapter 25 of the Code of the City of Hoboken, "Electronic Accessibility of Public Information," and shall be made available to the public through the Clerk's office as soon as practicable. Agendas for special and emergency meetings shall be prepared and distributed in compliance with this Rule to the extent practicable under the circumstances.

The provisions of the Open Public Meetings Act shall govern the conduct, agenda, and procedures for all meetings. As described above, the Council may consider and act upon urgent matters at a regular meeting even if the matter was not listed on the agenda. All ordinances and resolutions, however, must be introduced in written or typewritten form, and copies provided to each member of the City Council, the City Clerk as soon as practicable, and reviewed by the Corporation Counsel. The Mayor, Council President or a majority of the Council present at the meeting must have determined that the matter is of an urgent nature in accordance with this Rule before the City Council may take any action on any such ordinance or resolution. The City Clerk shall assist in providing sufficient written copies during any meeting as necessary to comply with this Rule.

RULE IV

The Presiding Officer - Election and Duties: The presiding officer of the Council shall be the President, who shall be elected at the re-organizational meeting and shall hold office for a period of one (1) year. At the re-organizational meeting the Vice President of the Council shall also be elected and shall hold office for a period of one (1) year. In the President's absence, the Vice President of the Council shall preside over the Council. In the absence of both the President and Vice President, a presiding officer shall be elected by a majority of the Council members present.

The President shall assume the chair of the presiding officer immediately after his or her election, and shall thereafter determine the seating arrangements for the remainder of the Council. The presiding officer shall preserve strict order and decorum at all meetings of the Council. The presiding officer shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. The President may vote on all questions, and his or her name will be called last.

RULE V

Minutes: Minutes of all meetings of the City Council, including closed sessions, shall be taken by the City Clerk in the format and manner required by law. These minutes shall promptly be presented to the Council in resolution form and approved by a majority vote of the City Council. Written communications from the Mayor or any member of the Council, upon request, shall be placed in the minutes without the necessity for a vote, however, no other written communications shall be placed in the minutes unless approved by motion.

RULE VI

Call to Order: The President shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Council to order. In the absence of the President, the Vice President shall call the Council to order. Upon the arrival of the President, the Vice President shall immediately relinquish the chair upon the conclusion of the business immediately before the Council.

RULE VII

Roll Call: Before proceeding with the business of the Council, the City Clerk or the Deputy City Clerk shall call the roll of the members, and the names of those present shall be entered on the minutes.

RULE VIII

Quorum: A majority of the whole number of members of the Council shall constitute a quorum, but no ordinance shall be adopted by the Council without the affirmative vote of the majority of the full membership of the Council, unless a supermajority is required for adoption of a particular ordinance, in which case the vote shall be that required by law.

RULE IX

Order of Business: All meetings of the Council shall be open to the public promptly at the hour set for each meeting, the members of the Council shall take their regular stations in the Council Chambers, and the business of the Council shall be taken up for consideration and disposed in the following order:

1. Reading of Open Public Meetings Act notice
2. Flag salute
3. Roll call
4. Ordinances – 2nd Reading
5. Public Portion
6. Reports, petitions and communications from the Mayor
7. Miscellaneous Licenses
8. Claims
9. Payroll
10. Resolutions
11. Ordinances – 1st Reading
12. New business
13. Adjournment

In accordance with the Open Public Meetings Act, the Council by resolution may go into closed executive session at any time during the meeting for the purposes provided by law.

The presiding officer, at his or her discretion, shall retain the authority to deviate from the regular order of business as necessary for the efficient conduct of the meeting, subject to override by majority vote of the Council.

RULE X

Rules of Debate:

(a) Rights of Presiding Officer. The presiding officer may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed upon all members and shall

not be deprived of any of the rights and privileges of a Council member due to his or her status as presiding officer.

(b) Getting the Floor. Every member desiring to speak shall address the chair, and upon recognition by the presiding officer shall confine statements to the question under debate, avoiding all personal references and indecorous language.

(c) Interruption. Upon being recognized by the chair, a member shall not be interrupted when speaking except to call a point of order or as otherwise provided herein. A point of order may only be called to bring to the attention of the presiding officer a violation of these Rules. If a member, while speaking, is interrupted by a point of order, the member shall cease speaking until the presiding officer determines the point of order. A point of order shall be decided by the presiding officer upon consultation with the Corporation Counsel where necessary. A point of order is not subject to debate, and may not be reconsidered.

(d) Privilege of Opening or Closing Debate. The Council member moving the adoption of an ordinance or resolution shall have the privilege of opening the debate at his/her discretion, and the Council President shall have the privilege of closing the debate at his/her discretion.

(e) Discussion During Vote. Upon any roll call there shall be no discussion or explanation given by any member voting, and the member shall vote aye, nay, present or abstain, unless the member shall first receive special permission

from the Council to explain the member's vote or to refrain from casting the member's vote. No motions or amendments may be offered after the Council President has called a vote.

(f) Limiting Debate Period. The presiding officer shall retain the power to limit the length of debate on any agenda item, including claims and payroll, provided, however, that Council members shall be allowed a minimum of five (5) minutes each to speak on any particular question under debate.

RULE XI

Method of Voting: The vote upon every motion, resolution or ordinance shall be taken by roll call and the results of the vote shall be entered upon the minutes. In addition to voting yea or nay, a Council member may abstain or vote "present," which has the effect of an abstention. A Council member may not give statements, raise questions, or provide any other commentary other than casting a vote in accordance with this rule. Where a Council member violates this rule, disrupts the flow of a roll call, or otherwise fails to cast a vote in accordance with this rule within a reasonable period of time after being called to vote, the Council President shall have the discretion to direct the Clerk continue the roll call to the next Council member.

The roll call shall be taken in alphabetical order of the members present except that the presiding officer shall vote last. Two or more resolutions may be placed on a consent agenda, and approved by a single roll call vote of the Council, provided that no member of the Council nor any member of the public wishes to be heard on any resolution listed on the consent agenda.

RULE XII

Manner in Which the Public May Address the Council – Speaker's List: Any member of the public desiring to address the Council shall sign either the list of speakers who wish to speak on a particular agenda item, and/or shall sign the list of speakers wishing to address the Council during the Public Portion period. The two lists referred to in this rule shall be prepared by the City Clerk and placed in a convenient place in the City Council Chambers for the convenience of those individuals desiring to speak. Copies of the agenda will be placed nearby. When called upon from the speakers list or to testify as part of a public hearing and be sworn in unless otherwise informed, a member of the public shall approach the rail and microphone, speak clearly, identify themselves by name; first and last spelling if requested. They shall then state whether they are a

Hoboken resident, Hoboken business owner, or other interested party wanting to be heard. In addition, a member of the public may add their name in advance to the list of speakers on either of the two lists referred to in this rule, by contacting the City Clerk's office the day of or the day before the meeting during business hours, to request to be placed on either or both list(s) of speakers.

RULE XIII

Manner in Which the Public May Address the Council - Time Limits:

- (a) At the start of the Consent Agenda, a speaker may speak for either (a) a total of five (5) minutes where the speaker wishes to address only 1 item on the Consent Agenda; or (b) a total of 7 minutes where a speaker wishes to address more than one item on the Consent Agenda. In either instance, the speaker shall specify with the City Clerk on which of the speaker's list they wish to be placed on. Under no circumstances can a speaker spend more than five minutes on a single resolution.
- (b) A speaker may speak for no more than five (5) minutes on any single ordinance for 2nd reading.
- (c) A speaker may address the City Council on any subject relevant to the affairs and interests of the City of Hoboken during the Public Portion on the agenda. Any speaker addressing the Council during this period will be limited to five (5) minutes unless the presiding officer, in his or her discretion, decides that more time should be allotted to the speaker;
- (d) In the interest of attending to other business of the City in a timely manner, the presiding officer shall have the right to adjourn the Public Portion after one (1) hour, subject to an override by a majority of Council Members. In the event the Public Portion is adjourned under these circumstances, it shall resume on the agenda after the completion of votes of ordinances on 1st reading, and before New Business;
- (e) The City Clerk or Deputy City Clerk will monitor each speaker's time and inform the presiding officer when the speaker has used up the allotted time, at which time the speaker addressing the Council will immediately yield the floor. Whenever possible, the speaker shall be given a warning one minute prior to the expiration of his or her time.
- (f) If the speaker addressing the Council questions the Council concerning City matters, such questions will not be addressed until after the duration of the speaker's time, unless the Council President at his/her discretion, or upon the request of a Council member, requests an opportunity to address the question posed by the speaker. Only in such event, the time taken in answering the speaker's question will not count against the speaker's time. Upon the conclusion of the speaker's time, a Council member may comment on the subject under discussion upon being recognized by the presiding officer.
- (f) The rules governing the time allotted to the persons addressing the City Council may be relaxed at the discretion of the presiding officer or by a majority vote of the Council members present.

RULE XIV

Manner in Which the Mayor May Participate in Meetings: If the Mayor wishes to participate in any meeting of the City Council, he/she shall, if practicable, notify the President of said intention advance of the meeting. After the Roll Call, if the Mayor so requests, he/she shall be granted ten (10) minutes to address the Council with respect to any matter relevant to the affairs and business of the City. In addition, prior to the Council debate on each agenda item, the President shall ask the Mayor if he/she wishes to speak with respect to that agenda item. If he/she chooses to do so, the Mayor shall be entitled to address the Council on that agenda item for five (5) minutes.

RULE XV

Decorum

- (a) By Council Members. While the Council is in session, the members must preserve order and decorum and a member shall neither by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its presiding officer except as otherwise herein provided.
- (b) Members of the Public. Any person making impertinent or slanderous remarks or who shall become disruptive while addressing the Council or while present in the Council Chambers shall be

forthwith, by the presiding officer, barred from further audience before the Council, unless permission to continue be granted by a majority vote of the Council.

RULE XVI

Enforcement of Decorum: The Chief of Police, or such member or members of the Police Department as the Chief may designate, shall be the Sergeant-at-Arms of the Council meeting. The Sergeant-at-Arms shall carry out all appropriate orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at any Council meeting.

RULE XVII

Persons Authorized to be within the Council rail: No persons, except Council members, the City Clerk and/or Deputy City Clerk, and authorized City officers, shall be permitted within the rail in front of the Council Chamber without the express permission of the Presiding Officer.

RULE XVIII

Committee of the Whole and Subcommittees: The Committee of the Whole shall consist of the full nine members of the Council. All standing subcommittees shall consist of at least three Council members. The Council President shall appoint all subcommittee members unless otherwise ordered by the Council. The following standing subcommittees are hereby established:

1. Revenue and Finance
2. Community Development
3. Parking and Transportation
4. Health and Human Services/Environmental Services
5. Zoning Ordinance Update/Master Plan
6. Public Safety.

The Council retains the right to establish additional, special subcommittees as required for the efficient operation of the Council. The Council President shall appoint all subcommittee members and the chair of each subcommittee, and shall serve as an ex-officio member of each subcommittee. The Council President shall have the right in his or her sole discretion to remove a member from any subcommittee, including special subcommittees, except that a majority of the whole membership of the Council may override the President's decision to remove a member from any regular or special subcommittee.

The Committee of the Whole is chaired by the Council President, who has sole authority to call a meeting of the Committee, which shall be noticed for purposes of the Open Public Meetings Act as a special meeting. However, no formal action shall be taken at any meeting of the Committee of the Whole.

Matters may be referred to subcommittees either by the presiding officer or by a vote of the majority of the Council present at the meeting.

Nothing hereinabove stated shall be construed so as to invest the membership of said subcommittees with any of the executive or administrative powers of the several City Departments, which are now vested in the Mayor and the Directors of the several City Departments, pursuant to the provisions of Chapter 210, Laws of 1950, and the amendments and supplements thereto.

RULE XIX

Reports of Subcommittees: It shall be the duty of each subcommittee chair, or another subcommittee member selected by the subcommittee chair, at each City Council meeting, to provide a report of the subcommittee's activities, if any, since the last meeting at which such a report was given. The report, which may be oral or in writing, shall include a statement of how many meetings were held, who attended, a brief description of the matters that were discussed, and such recommendations to the Council relating to the matters considered by the subcommittee that have been decided upon by the members of the subcommittee. If the recommendations are not supported by all members of the

subcommittee, the dissenting member shall be provided an opportunity to present his or her views after the subcommittee chair has completed presenting the report.

RULE XX

Claims against the City: No account or other demand against the City shall be allowed until it has been considered and reported to the Council. In the event Council Members wish to receive additional information, have questions or require clarification regarding any claim, they shall, to the extent practicable, make a written request for same to the Business Administrator or his/her designee in writing, detailing the additional information, question or clarification requested with as much specificity as possible, no later than the close of business the day prior to the Meeting at which the claim is scheduled to be considered.

RULE XXI

Ordinances, Resolutions, Motions and Contract Documents:

(a) Preparation of Ordinances. All ordinances shall be prepared by the Corporation Counsel's office, and thereafter approved as to form and legality by the Hoboken Corporation Counsel. The Corporation Counsel's office shall, in a timely manner, provide all necessary legal guidance and assistance to any member of the Council seeking to introduce an ordinance.

(b) Sponsorship of Ordinances and Time for Submission to City Council. Each ordinance must be sponsored by at least one member of the City Council, whose name shall be affixed thereon, and seconded by at least one other member of the City Council, prior to formal introduction and first reading.

(c) Resolutions. All resolutions must be sponsored by a member of the City Council, whose name shall be affixed thereon, and seconded by at least one other member of the City Council, prior to introduction.

(d) Other Matters and Subjects. Other matters and subjects must be read at the regular Council Meeting prior to the introduction of Resolutions and Ordinances.

RULE XXII

Reports and Resolutions to be filed with City Clerk: All reports and resolutions shall be filed with the City Clerk and entered on the minutes.

RULE XXIII

Adjournment: A motion to adjourn shall always be in order and decided without debate.

RULE XXIV

Certification of Passage of Ordinance over Mayor's veto:

Whenever an ordinance has been vetoed by the Mayor and is passed by the Council over such veto in the manner provided by law, the City Clerk shall append to such ordinances a certification in substantially the following form:

"I hereby certify that the above ordinance was passed by the Council of the city of Hoboken on the _____ day of _____ was vetoed by the Mayor of the City, and was passed over the said veto on the _____ day of _____.

DATED:

City Clerk

RULE XXV

Attendance by and Interaction with City Officials:

The City Clerk or the Deputy City Clerk, the Corporation Council or his/her designee and the Business Administrator or his/her designee shall be required to attend all meetings of the City Council unless excused by the Council President. Subject to the limitations set forth by law and below, the President may ask the Mayor or his/her designee to consider a request that other Directors and/or City employees attend Council meetings to the extent the President believes such attendance would be helpful to assist the Council in its legislative responsibilities with respect to the matters on the meeting agenda. As expressly provided in N.J.S.A 40:69A-37.1, the Council shall deal

with employees of the department of administration and other administrative departments solely through the mayor or his/her designee. All contact with the employees, and all actions and communications concerning the administration of the government and the provision of municipal services shall be through the Mayor or his/her designee, except as otherwise provided by law. The Council may, in accordance with applicable law, conduct inquiries into any act or problem of the administration of the municipality. Any Council member may, at any time, require a report on any aspect of the government of the municipality by making a written request to the mayor. The council may, by a majority vote of the whole number of its members, require the Mayor or his/her designee to appear before the council sitting as a committee of the whole, and to bring before the Council those records and reports, and officials and employees of the municipality as the Council may determine necessary to ensure clarification of the matter under study. The Council may further, by a majority of the whole number of its members, designate any number of its members as an ad hoc committee to consult with the Mayor or his/her designee to study any matter and to report to the Council thereon. As it is the expressed intent of the Mayor-Council plan of government to confer on the Council general legislative powers, the Council may exercise such investigative powers as are germane to the exercise of its legislative powers, but shall retain for the Mayor full control over the municipal administration and over the administration of municipal services.

RULE XXVI

Amendment of Rules of Procedure: No amendment to these Rules of Procedure shall be adopted unless it receives a vote of the majority of the full membership of the City Council. Any such amendment shall not take effect until the second regular meeting following adoption of the amendment.

--Motion duly seconded by Councilman Cunningham

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

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

--Nays: Russo

14-113

--By Councilman Bhalla

RESOLUTION CONFIRMING THE CITY OF HOBOKEN'S SUPPORT OF THE HOBOKEN VOLUNTEER AMBULANCE CORPS BY VIRTUE OF A SIX (6) MONTH TOTAL CONTRIBUTION OF TWENTY THOUSAND (\$20,000.00) DOLLARS

WHEREAS, the City Council desires to support the Hoboken Volunteer Ambulance Corps (the "HVAC"); and

WHEREAS, the City has the financial ability to make payment for the initial six (6) months of support through its temporary appropriation and, therefore, consents to providing Twenty Thousand Dollars (\$20,000.00) to the HVAC, and the City will consider the remainder of the available support and any City support of the HVAC for its insurance coverage after the final adoption of the City's annual budget; 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 **4-01-25-260-020** in the temporary CY2014 budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2014; 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 Twenty Thousand Dollars (\$20,000.00), as a contribution for operating expenses, will be disbursed to the Hoboken Volunteer Ambulance Corps at this time, and any additional support obligations or insurance contributions shall be considered after final adoption of the annual municipal budget.

This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

14-114

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS

WHEREAS, an overpayment of taxes has been made on property listed below: and

WHEREAS, Sharon Curran, Collector of Revenue recommends that refunds be made;

NOW THEREFORE BE IT RESOLVED, that a warrant be drawn on the City Treasurer made payable to the following totaling **\$6,604.48**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
McCune, Thomas & Kara 109 Grand St Apt 206 Hoboken, NJ 07030	32/3/C0206	105-111 Grand St	4/13	\$ 4,058.52
Corey, Daniel & Heather 1032 Willow Ave #2 Hoboken, NJ 07030	162/10.01/C0005	1030-1032 Willow Ave	4/13	\$ 1,204.23
Cortes & Hay, Inc 110 Main St P O Box 44 Flemington, NJ 08822	173/13/C075B	257 Twelfth St	3/12	\$ 1,341.73

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

14-115

---By Councilman Bhalla

**RESOLUTION AUTHORIZING THE CITY'S TAX COLLECTOR TO TRANSFER
 2011, 2012 AND 2013 REAL ESTATE TAX CREDITS BALANCE TO OPERATIONS**

WHEREAS, various credits and/or overpayments appear on the Tax Collector's records for Fiscal Year 2011 AND 2012 AND 2013 as of Dec 31, 2013; and

WHEREAS, the Tax Collector of the City of Hoboken wishes to transfer these credit balances to operations with the intent to maintain an efficient bookkeeping of the tax accounting records; and

WHEREAS, the Tax Collector deems that it is in the best interest of the City of Hoboken that these balances be transferred to operations; and

BE IT FURTHER RESOLVED, by the Municipal Council of the City of Hoboken, that these funds shall be made available by the city treasurer on a legitimate claim for these credits or overpayments.

SEE ATTACHED SCHEDULE

Block	Lot	Qual	Name	Overpymnt	QTR
2011					
52	16		BENTEY, THOMAS	2,242.88	3RD
254	10	C0P17	GALLOIS, BERNARD & HUONG DO	238.59	4TH
261.03	1	CP023	BLAKE, BRIAN A & JEANINE	224.84	3RD & 4TH
2012					
2	5	C010D	SCHNEIDER, KAYKO	2,316.32	3RD & 4TH
2	5	CUL43	SCHNEIDER, KAYKO	121.98	3RD
8	1	C011A	YAN, RUI & XIAOXI ZHANG	3,270.38	2ND & 3RD
18	30	C0P17	BULLRICH, IGNACIO & ANA ALONSO	173.29	1ST
21	7.1		313 JEFFERSON TRUST LLC	6,931.50	1ST & 2ND

21	7.02	C003C	OPFERKUCH, KEITH	1,267.31	2ND
22	4	C002A	STELLA, ADAM & KATHERINE HANCE	1,789.48	2ND
28	16	C004S	PLESNITZER, MICHAEL	1,532.01	3RD
34	13	C0008	LOSQUADRO, JACQUELYN	1,213.01	1ST
36	1	C002E	BANSAL, A & S SINGH & P JANDIAL	2,416.33	3RD
36	1	C002H	KELLS, RYAN	1,512.49	4TH
36	24	C0008	SINGER, ROBERT & CHRISTOPHER SPOUST	1,415.61	4TH
68	4	C0005	GABOR, JEREMY	2,234.58	3RD
69	17		534 ADAMS LLC	386.48	2ND
70	24	C002R	VACCARO, JOSEPH A	1,427.11	3RD
84	14	C00G3	GROSSHANDLER, JEFFREY, JANET & MICHAEL	121.97	4TH
91	1.02	C0205	KUITWAARD, JENNIFER	2,321.19	3RD
91	1.02	C0214	PENNA, MINA & MITCHELL WELTZ	1,976.00	3RD
91	1.02	C0421	DEREVJANIK, JAN	1,505.17	3RD
91	1.02	CP058	PENNA, MINA & MITCHELL WELTZ	121.98	3RD
91	1.02	CP065	KUITWAARD, JENNIFER	151.25	3RD
114	11	C0403	YAN, MELISSA & DAVID CHAN	1,333.16	2ND
115	9.01	C0204	SHEEHAN, DANIEL & ANNA M BUTLER	1,859.95	2ND
159	20.02	C04-C	LITTELL, ANDREW	1,062.83	2ND
162	1	C-P-9	POLING, LAURA	146.37	3RD
170	2	C004S	WANG, JENNY & THOMPSON, JEFFREY	1,463.70	3RD
170	16	C0002	SUN, JIWON & SIM, DAEHYUK	1,170.96	4TH
188	9.1		REDBRIDGE HOMES	1,118.29	1ST
192	21	C0002	MILLET, ALEXANDRE & CHRISTIAN	1,249.98	1ST
213.01	11	C003A	MISCHCHENKO, YEVGEN & GARCIU, LUDMILA	1,890.61	3RD
214.01	34	C0004	DEC, LISA MARIE	1,597.87	3RD

223	10.01	C001A	COHEN, MATTHEW & KARA	1,843.84	3RD
238	11	C0003	D'AURIA, DONNA & PATRICK	1,709.77	1ST
249	32		NEMET-NEJAT, MURAT & KAREN RHEA	3,990.24	1ST
254	16	C001A	KNISPEL, BRIAN	1,341.73	3RD
255	2	C0601	DUNNE, BRIAN	2,707.85	3RD
255	2	C0P-9	BURBA, ANDRE & MOLLY	147.59	3RD
261.03	1	C0604	HUNT, CLIFTON BOWIE	2,733.32	2ND
261.03	1	CP023	BLAKE, BRIAN A & JEANINE	115.52	2ND
261.03	1	CP125	MERCALDO, MICHAEL	231.05	1ST & 2ND
261.03	1	CP150	PT MAXWELL LLC C/O TOLL BROTHERS	243.95	3RD & 4TH
261.03	1	CP318	PT MAXWELL LLC C/O TOLL BROTHERS	243.95	3RD & 4TH
261.03	1	CP353	FARAG, MARC MINA & MARIANNE	121.98	3RD
261.04	1	C1006	CONOVER, JOHN	2,561.48	3RD
268.01	3	C002M	KIM, SU YOUNG	2,134.56	3RD
269.02	1	C0302	GIAMMANCO, MARGARITA	2,000.00	4TH
269.02	1	C0309	BERGER, STEFANIE	785.32	4TH
269.02	1	C1106	RISING CAPITAL MANAGEMENT, LLC	2,031.81	4TH
2013					
17	15	C003B	WIJAYA, ARIE S	1,078.24	3RD
21	1	C003G	AHARON, JONATHAN & LIAT	1,520.01	3RD
27	4	C0P10	MAO, YI & JUN WANG	121.15	3RD
33	7		115 CLINTON ST LLC	1,484.37	1ST
48	8	C0001	DOSHI, AMEET & KIMBERLY OMALLY	2,244.91	3RD
48	18	C004L	SHELLEY, STEVE	2,161.25	3RD
48	18	C004R	SHELLEY, STEVE	2,161.25	3RD

58	4	C004A	D'SOUZA, ANTHONY & SELENE	1,926.28	3RD
79	15	C0P-2	MC GINNIS, JOSEPH & LEIGHANN	242.30	3RD & 4TH
82	11	C0505	GUO, FANG	2,035.32	3RD
82	11	C0P31	GUO, FANG	121.15	3RD
83	13	C0P01	STELLA, JONATHON & RUSSO, CAROL	115.15	3RD
84	14	C00G3	GROSSHANDLER, JEFFREY, JANET & MICHAEL	479.80	1,2,3&4
86	1	C0507	KALRA, DEEPTI	90.70	1ST
102	25		BLOCK 102 DEVEL LLC	1,484.38	3RD
102	26		BLOCK 102 DEVEL LLC	1,484.38	3RD
102	27		BLOCK 102 DEVEL LLC	4,453.13	3RD
102	30		BLOCK 102 DEVEL LLC	4,453.13	3RD
122	23.01		1400 CLINTON OWNER, LLC	18.30	4TH
122	27		1400 CLINTON OWNER, LLC	3.05	4TH
159	4	C002A	STEAD, PHILIP	1,870.56	3RD
171	38		DE PINTO, ANNA	4,802.25	2ND
177	24		TULLY, BRIAN	3,749.65	4TH
178	13	C0001	GOTTMAH, JOHN G	2,553.13	1ST
183	17	C003R	FIEBERT, ANDREW	819.37	1ST
188	20	C004D	CHIANG, TIMOTHY YIP M & JACEY LEE K	1,778.88	1ST
192	6	C0004	DELMAN, SCOTT C	1,476.07	1ST
201	10	C0W-1	TROMBINO, BRIAN & STEPHANIE DOLCE	1,573.74	3RD
202	11.01	C0001	NOVAK, LUKE	1,659.76	3RD
218	20.01		420 MADISON ST LLC	5,607.34	1ST & 2ND
261.03	1	C0528	FLORIO, DALE & LESLIE	1,938.00	1ST
261.03	1	CP150	PT MAXWELL LLC C/O TOLL BROTHERS	361.05	2,3 & 4TH
261.03	1	CP318	PT MAXWELL LLC C/O TOLL BROTHERS	361.05	2,3 & 4TH

262.03	1	C1003	MARTIN, PHILIPPE & MARGARET CARGIOL	4,240.25	3RD
268.01	1	C007I	BRESLIN, MICHAEL J	2,363.64	3RD
268.01	2	C009A	PETROSINI, JUSTIN & MICHLYN	2,023.50	1ST
268.01	2	C009C	LASALLE, ANDREW	1,674.38	1ST
268.01	3	C002E	DESIRAJU, BRINDA	2,907.60	3RD
269.02	1	C1106	RISING CAPTIAL MANAGEMENT, LLC	4,063.63	1ST & 2ND
TOTAL				145,545.22	

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

14-116

---By Councilman Bhalla

A RESOLUTION REQUESTING PERMISSION TO ESTABLISH A DEDICATED TRUST BY RIDER FOR UNEMPLOYMENT COMPENSATION INSURANCE

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, the City of Hoboken reimburses the State of New Jersey for actual unemployment compensation claims paid (such claims not being subject to reasonable estimate) and retains a portion of its employees’ state unemployment insurance tax withholdings for the purpose of supplementing the annual budget appropriation for unemployment compensation insurance; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the unemployment compensation insurance are hereby anticipated as revenues and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Hoboken. County of Hudson, New Jersey as follows:

1.The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures for Unemployment Compensation Insurance; and

2.The Clerk of the City of Hoboken, County of Hudson is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

14-117

---By Councilman Cunningham

THIS RESOLUTION APPROVES THE LICENSE APPLICATIONS OF THE BELOW LISTED LIGHT AND HEAVY TOWING SUPPLY COMPANIES FOR A TERM TO COMMENCE AT 1200H ON FEBRUARY 6, 2014 AND TERMINATE AT 1200H ON DECEMBER 31, 2014

WHEREAS, the City Code, at Chapter 184, allows the City to authorizes both heavy and light duty towing licenses to qualified, responsive applicants; and,

WHEREAS, the City of Hoboken has received responsive applications from the following towing service providers who have certified to their qualifications in their applications:

Provider	Heavy Tow License	Light Tow License
Johns Main Auto Body 1445 Union Turnpike North Bergen, NJ 07047	Yes	Yes
Mile Square Towing, LLC 1520-1530 Jefferson Street Hoboken, NJ 07030	No	Yes
New Jersey Towing 309 5 th Street Union City, NJ 07087	No	Yes

WHEREAS, the grant of each above listed license shall be at all times subject to the obligations and regulations found in the Hoboken City Code, as well as any and all state and federal regulations applicable to such services; and,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the above listed towing service providers be provided with heavy and/or light duty towing licenses for a period to commence at 1200H on February 6, 2014 and terminate at 1200H on December 31, 2014, subject to the following:

- a) The licenses granted herein are at all times subject to all applicable local, state and federal laws, including without limitation Chapter 184.
- b) If any of the information provided during the application process is found to be untruthful or false, or shall become false during the course of the license, the license granted may be summarily revoked.
- c) All licensees shall maintain compliance with all applicable affirmative action laws, rules and regulations during the period of the license, and shall indemnify the City of Hoboken for any damages, costs and fees resulting from alleged violations.

--Motion duly seconded by Councilman Bhalla

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

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

--Nays: Mason, Occhipinti and Russo

14-118

--By Councilman Bhalla

RESOLUTION TO AUTHORIZE EXECUTION OF THE ATTACHED PARTNERSHIP AGREEMENT WITH RUTGERS COOPERATIVE EXTENSION FOR THE GREEN INFRASTRUCTURE PROJECT (RAIN GARDEN PROJECT) FOR A TOTAL NOT TO EXCEED AMOUNT OF \$5,500.00

WHEREAS, the City wishes to enter into a partnership agreement with Rutgers Cooperative Extension, a not for profit educational entity, for consultation, analysis and assistance with the City's Green Infrastructure Project, in accordance with the attached partnership agreement; and

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$5,500.00 is available in the following appropriation G-02-20-105-SJ2 in the temporary CY2014 budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2014; 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 is authorized to enter into the attached partnership agreement with **Rutgers Cooperative Extension** which provides for a City contribution of a total not to exceed amount of Five Thousand Five Hundred Dollars (\$5,500.00); and

BE IT FURTHER RESOLVED, the contribution amount shall not be increased except in the sole discretion of the City, if funds have been appropriated for such increase; and

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

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

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

ORDINANCES

14-119

Z-281

AN ORDINANCE AMENDING §133 (NOISE CONTROL) REGARDING PENALTY FOR VIOLATIONS

WHEREAS, On February 16, 2011, the City of Hoboken adopted Ordinance No. Z-84, which Ordinance amended Chapter 133 “Noise Control” of the Hoboken City Code; and

WHEREAS, the City of Hoboken, Mayor and Council, wish to amend the penalty provisions for violations of Chapter 133 “Noise Control” of the Hoboken City Code.

NOW THEREFORE, be it ordained by the City Council of the City of Hoboken, County of Hudson, State of New Jersey, as follows:

SECTION ONE: AMENDMENTS

Chapter 133, Zoning, of the Code of the City of Hoboken is hereby amended as follows; deletions to the current ordinance are noted in striketrough, additions to the current ordinance are noted in underline.

CHAPTER 133. NOISE CONTROL

133-11(B) Any person who violates any provision of this ordinance shall be subject to a civil penalty for each offense of not more than ~~\$3,000.~~ \$2,000. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.

133-11(E) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a non-minor violation the violator shall be notified that if the violation is not immediately corrected a NOPA with a civil penalty of no more than ~~\$3000~~ \$2,000 will be issued. If a non-minor violation is immediately corrected a NOV without a civil penalty shall still be issued to document the violation. If the violation occurs again (within 12 months of the initial violation) a NOPA shall be issued regardless of whether the violation is immediately corrected or not.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court

of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

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

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

---Motion duly seconded by Councilman Doyle

Adopted by the following vote: YEAS: 5 – NAYS: 4

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

Nays: Castellano, Mason, Occhipinti, Russo

14-120

Z-282

AN ORDINANCE TO AMEND CHAPTER 190 ENTITLED "VEHICLE AND TRAFFIC" TO MAKE NECESSARY ALTERATIONS TO THE TRAFFIC, BUS AND PARKING REGULATIONS ON WILLOW AVENUE BETWEEN 13TH STREET AND 16TH STREET

WHEREAS, the City has determined that the parking and transportation regulations on Willow Avenue between 13th and 16th Streets must be amended to be congruent with the changes being made in that area due to the County's viaduct constructional changes.

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

SECTION ONE: AMENDMENTS TO CHAPTER 190

190-13 Bus Stops Designated

The locations described are hereby designated as bus stops. No vehicle other than an omnibus picking up or discharging passengers shall be permitted to occupy said location between the hours indicated.

H. Willow Avenue (H.C. Rd. No. 675) northbound on the easterly side at:

Street/Location	Hours/Days	190-29.8 Time Limit Parking Locations and fees
Fourteenth Street and Fifteenth Street (mid-block), beginning at the northerly curbline of Fourteenth Street and extending 248 feet northerly therefrom	All	In accordance with the provisions of this Article XVII, no person shall park or stand a vehicle for longer than the time limit
<u>Fourteenth Street beginning at a point of 40 feet south of the southerly curbline of Fifteenth Street and extending 100 feet southerly therefrom.</u>	<u>All</u>	

posted upon any of the herein described streets or parts of streets, subject only to the exceptions and conditions in § 190-29.9:

Willow Avenue from Thirteenth Street to Sixteenth Street	Both	9:00 a.m. to 9:00 p.m./ 2.0 hours	\$0.25/15 min.
<u>Willow Avenue from Fifteenth Street to Sixteenth Street</u>	<u>east</u>	<u>9:00 a.m. to 9:00 p.m./ 2.0 hours</u>	<u>\$0.25/15 min.</u>
<u>Willow Avenue from Thirteenth Street to Fourteenth Street</u>	<u>east</u>	<u>9:00 a.m. to 9:00 p.m./ 2.0 hours</u>	<u>\$0.25/15 min.</u>
<u>Willow Avenue from Thirteenth Street to Sixteenth Street</u>	<u>west</u>	<u>9:00 a.m. to 9:00 p.m./ 2.0 hours</u>	<u>\$0.25/15 min.</u>

190-6 No Stopping or Standing

B. Stopping or Standing prohibited at any time. In accordance with the provisions of this sub section, no person shall stop or stand a vehicle at any time upon any of the following described streets or parts of streets:

Name of street	Side	Limits
<u>Willow Avenue</u>	<u>east</u>	<u>beginning at a point of 140 feet south of the southerly curbline of 15th street and extending to the northerly curbline of 14th street</u>

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

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

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

--Motion duly seconded by Councilman Bhalla

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

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

--Nays: Occhipinti

14-121
Z-283

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

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

1. The Alphabetical List of Titles, City of Hoboken, set forth in City Code to which this Ordinance is an amendment and supplement shall be, and the same is hereby, amended and supplemented so that the titles, salaries and ranges contained herein shall be amended as follows on the attached list, which is incorporated by reference. The remainder of the Alphabetical List of Titles, City of Hoboken, set forth in the City Code shall remain unchanged as a result of this Ordinance.

2. If the Alphabetical List of Titles, City of Hoboken, herein set forth contains any position or positions which are not enumerated in the Plan for the Standardization of Municipal Class Titles, which is a part of the Code to which this Ordinance is an amendment, then in that event, the duties of the said position or positions shall be those which pertain to the particular position and positions set forth in any other ordinance adopted and now in force and effect in any statute of the State of New Jersey.
3. The provisions of this Ordinance shall in no way affect the tenure or Civil Service status of any employees presently employed by the City of Hoboken in any of the various positions set forth in the Alphabetical List of Titles, City of Hoboken.
4. The Alphabetical List of Titles referred to herein as well as the base salary ranges for all positions in the City shall be on file in the Office of the City Clerk.
5. All ordinances or parts of ordinances inconsistent herewith are herewith repealed.
6. This ordinance shall take effect as provided by law.

Title	Minimum	Maximum Eff 1-1-2014
PT Telecommunicator Police/Fire Per Diem	\$18.00/hour	\$20.00/hour
Court Appearance Fee SLEO II	\$60.00	\$60.00
Environmental Services Director	\$75,000	\$137,500
Finance Director	\$75,000	\$137,500
Deputy Municipal Administrator	\$75,000	\$137,500

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

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 5 – NAYS: 4

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

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

14-122
Z-284

AN ORDINANCE APPROVING THE TERMS OF THE ATTACHED LEASE AGREEMENT BETWEEN THE CITY OF HOBOKEN FAMILY PLANNING FOR THE USE OF A UNIT IN THE CITY'S MULTISERVICE CENTER

WHEREAS, the City owns space within its property known as the Multi Service Center located at 124 Grand Street, Hoboken, New Jersey (hereinafter referred to as the "Property"); and

WHEREAS, the City wishes to allow Hoboken Family Planning Inc. to utilize the vacant space, as it has done in the past, exclusively for non-profit medical services, and the City (as landlord) and Hoboken Family Planning Inc. (as tenant) have negotiated a lease agreement for the aforementioned use (attached hereto); and

WHEREAS, the City Council, hereby acknowledges the necessity of the said lease agreement, and therefore approves of the lease agreement by way of the within City ordinance, which approval is not subject to public bidding, as the tenant and it's proposed use are non-profit and in the public interest; and

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

SECTION ONE:

- 1) Approval of the attached Lease Agreement between the City of Hoboken and Hoboken Family Planning Inc. is granted by the City Council; and
- 2)The Mayor or her agent is hereby authorized to enter into the attached lease agreement, or one similar in substance and form; and

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

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

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

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

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

---Nays: None.

NEW BUSINESS

Councilman Castellano comments on the duties for the titled position.

Councilwoman Mason comments on grants and a run-down from the Lenox Consulting and their work.

Stephen Marks comments the funding availability is time sensitive and is on a first come, first served basis.

Councilwoman Mason comments and would like an Excel Spreadsheet and how many we put in requests for and which ones we got back and Lenox is not the only group that submitted right?

Stephen Marks comments on block grants and we do some of the grants internally

Councilwoman Mason comments about her letter that she distributed to the Corporation Counsel and also the Governing Body in writing and has significant concern with Mr. Krovatin and the conflict of interest with this city and who he is representing and the conflict with Mrs. Renna who used to work in the Christie Administration and not ask for this to be changed and understand that there was a letter sent out today and hopefully Ms. Longo could inform us that the two parties agreed that this is ok

Corporation Counsel comments that a letter was sent out earlier and asked the Deputy Clerk to make a copy for Councilwoman Mason and will respond in writing

Councilman Russo comments on public storage

BA Wiest comments and made a suggestion to the Police Department to look into it, the City has nothing in place to control that, the Zoning Officer has sent folks to the boards.

Councilman Russo comments on drafts for changing of hours of operation and if there are any strict rules on making these changes due to 3:00 AM and a Tractor Trailer is operating.

Councilman Russo comments on the West End Park the Pino property

Stephen Marks comments on that Director Forbes is not available

Councilman Mello comments that there will be a sub-committee meeting and place it on the agenda.

Councilman Doyle comments and commends Scott Katz and Council President for the efforts of the Super Bowl and congratulate Councilwoman Giattino on her move back to her home.

Councilman Doyle comments that the Shade Tree Commission is looking for Applicants.

Councilman Occhipinti comments about the Governor's office for the 2nd round for

Sandy funding, and comments on 20/20 vision, if we can have that discussion in committee and miss out the next round of funding for a resolution of need.

Councilman Occhipinti comments on the 1st St. Corridor and if the County is looped in and that road needs paving and hopefully have it on the budget and lastly, there will be a Chili Cook off for the Hoboken Volunteers and it benefits the Jubilee Center and you can go to HobokenVolunteers.com, the event is Sunday Feb. 23, 2014 and the night before is the HO-HA Snowball.

Stephen Marks comments that we did speak to Freeholder Romano.

Councilman Cunningham comments that there will be a community meeting at Carpe Diem on Tuesday, Feb. 11th at 7 PM and review the projects at the North end of town and related to the Viaduct and look into a pilot program at 12th and Clinton and 12th Willow and maybe place a left hand turn, we will have a meeting this week for the Transportation and Parking, maybe Tues. the 11th and talk about these projects related to the County.

Council President comments that its really nice to be at home. The Reval: if you had a hearing, you should be hearing the outcome of the hearing and the Tax Assessor will sign off on the entire Reval.

BA Wiest comments that the list will be submitted to the County and once they finish with the results they will send out letters for those who had a hearing and whether there was a change made on their property and expect that to happen this month.

Councilwoman Castellano comments to provide applications for the Shade Tree Commission or any board that has any opening.

At 9:45 P.M. the Governing Body on a motion by Council duly seconded by the Councilman Doyle

Council President Giattino then adjourned the meeting at 9:45 P.M.

PRESIDENT OF THE COUNCIL

CITY CLERK