

MEETING OF FEBRUARY 19, 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 19, 2014 AT 7:00 PM
*THE COUNCIL OF THE CITY OF HOBOKEN***

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

Absent: ~~Mason~~ (see below)

SECOND READING/PUBLIC HEARING AND FINAL VOTE

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

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 (sponsored by Councilman Cunningham and seconded by Councilman Bhalla) (Z-282)

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

President Giattino moved that the hearing be closed.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None

---Absent: Mason

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: 8 – NAYS: 0 – ABSENT: 1
--Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino
--Nays: None
--Absent: Mason

Director Morgan comments and gives an overview of the ordinance

*******Councilwoman Mason arrives to the meeting at 7:13 PM*******

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 (sponsored by Councilman Bhalla and seconded by Councilman Cunningham) (Z-283)

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

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

Motion to amend the resolution by Council President and seconded by Councilman Mello and Councilman Bhalla

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

- Councilman Russo comments**
- Director Pellegrini comments**
- Councilman Bhalla comments**
- Councilman Russo comments**
- Councilman Mello comments**
- Assistant Corporation Counsel comments**
- Councilman Bhalla comments**

Councilman Occhipinti comments
Councilwoman Castellano comments
Councilman Mello comments
BA Wiest comments
Council President comments

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 (**Z-284**)

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

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.

The speakers who spoke: Katherine Vallero, Mary Ondrejka, Cheryl Fallick, Domenick Russo, Patricia Waiters, Franz Paetzold, Elizabeth Adams, Robert Ette, James Waiters.

14-123

Communication from Mayor Dawn Zimmer to the City Council regarding Regional Bike Share System, Amendment to Open Space Bond Ordinance and Microgrid/Greener by Design.

Communication from Mayor Dawn Zimmer regarding Hoboken's historical flooding challenges.

Received and Filed.

14-124

APPLICATION FOR MISCELLANEOUS LICENSES

Raffles-----1 item
 Parking Facilities-----1 item
 Vendor-----1 item
 Taxi Operators-----4 items
 Limo Operators 6 items

---Councilman Bhalla granted 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.

14-125

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of January 2014 **\$12,552,769.58 (Abatement Totals – \$10,394.30)**

Received and Filed.

14-126

A report from Municipal Court indicating receipts for the month of January 2014 as **\$412,036.61**

Received and filed

14-127

---By Councilman

CLAIMS

Total for this agenda **\$1,555,780.62.**

---Motion duly seconded by Councilman
 ---Adopted by the following vote: YEAS: 8 – NAYS: 4 - ABSTAIN:1
 ---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mason, Mello, Occhipinti and President Giattino
 ---Nays: Castelleano (13-03667, 13-02361, 13-03825, 13-03796, 13-00137, 14-00536, 14-00063, 14-00160), Mason (13-03825, 13-02361, 13-03796, 14-00064, 14-00063, 14-00160, 14-00161), Occhipinti (13-03825) and Russo
 ---Abstain: Mason (14-00123, 14-004442, 14-00226)

Councilman Occhipinti comments 13-03825 – Mayor Zimmer reimb. 2013- FEMA Comm. Awards

14-128

---By Councilman

PAYROLL

For the two week period starting January 16, 2014 – January 29, 2014

Regular Payroll	O/T Pay	Other Pay
\$1,591,928.01	\$71,605.72	\$85, 481.94

Total \$1,749,015.67

---Motion duly seconded by Councilman

---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

PUBLIC PORTION ON RESOLUTIONS

No speakers.

CONSENT AGENDA – 3, 8, 13-20

Pulled from the agenda for discussion: 4, 6, 9, 10, 11, 12, 21

Removed by Administration: 2, 5 & 7

RESOLUTIONS

14-129

---By Councilman

RESOLUTION TO EXTEND THE CONTRACT WITH PROFESSIONAL SYSTEMS ENGINEERING, LLC FOR VOICE DATA CONSULTANT SERVICES FOR AN ADDITIONAL ONE-YEAR TERM AND AMEND THE CONTRACT FOR A NOT TO EXCEED AMOUNT OF \$77,500.00

WHEREAS, the City advertised Requests For Proposals for Voice Data Consultant Professional Engineering Services; and,

WHEREAS, Professional Systems Engineering, LLC responded to the City's RFP with a proposal which was evaluated by the Evaluation Committee as the best proposal to advance the City's purposes, including but not limited to cost effectiveness; and,

WHEREAS, the Council awarded a contract to Professional Systems Engineering, LLC for a one-year term as the City's Voice Data Consultants with a not to exceed amount of \$71,500.00; and,

WHEREAS, the Administration wishes to extend the contract with Professional Systems Engineering, LLC that commenced on August 15, 2012 and expired on August 14, 2013 for a one-year period; and

WHEREAS, the Administration also wishes to amend the contract for an additional amount of \$6,000.00, which is less than twenty percent (20%) of the original appropriation, to provide additional specifications for data network cabling, pursuant to the attached memorandum dated January 29, 2014; and

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$6,000.00 is available in the following appropriation C-04-60-711-320 in the temporary CY2014 appropriations; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2014; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED that the contract with Professional Systems Engineering, LLC for Voice Data Consultant Services the City of Hoboken be hereby extended for a one (1) year period and amended for an additional amount of \$6,000.00 to provide additional specifications for data network cabling, with a not to exceed amount of Seventy Seven Thousand Five Hundred Dollars (\$77,500.00) pursuant to the City's RFP, the proposal of Professional Systems Engineering LLC, the memorandum dated January 29, 2014 and such other terms and conditions which may be added to the agreement which seek to further enhance the City's interests, as the Administration authorizes; 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 contractor; 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

---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.

14-130

---By Councilman

THIS RESOLUTION AMENDS AN EMERGENCY CONTRACT AWARDED TO THOMPSON CONSULTING FOR DEBRIS MONITORING AND PUBLIC ASSISTANCE IN THE WAKE OF HURRICANE SANDY WITH NO CHANGE IN THE

**NOT TO EXCEED AMOUNT, AND FOR AN AMENDED EXPIRATION DATE OF
JULY 31, 2014**

WHEREAS, the City of Hoboken was faced with an emergency situation which has the potential to create serious risks to the safety, health and welfare of the general public, specifically, the debris remaining throughout the City and the financial hardships of the local government which resulted from Hurricane Sandy; and,

WHEREAS, the Administration consulted and negotiated with two (2) consulting firms, and thereafter entered into an emergency contract for said services in accordance with N.J.S.A. 40A:11-6 and Hoboken Code § 60-11; and,

WHEREAS, thereafter the City sought proposal for said services, under emergent circumstances and time constraints, and received two proposals which were evaluated according to the general requirements of competitive contracting within the New Jersey statutes and regulations, and awarded a contract to Thompson Consulting which was for Two Hundred Fifty Four Thousand One Hundred Fifty Two Dollars (\$254,152.00), and an expiration date of February 12, 2013, which was thereafter extended by Resolution of the Council until April 16, 2013, which was thereafter extended to June 30, 2013, and finally extended to October 31, 2013; and,

WHEREAS, in accordance with the direction of the City Business Administrator, the City Council seeks to further amend the contract, **with no change to the not to exceed amount, but with an amended expiration date of July 31, 2014**; and,

WHEREAS, additional certification of funds is unnecessary, as the not to exceed amount remains unchanged.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the amendment to the emergency contract with the below listed vendor is authorized and ratified for **an unchanged amount not to exceed Two Hundred Fifty Four Thousand One Hundred Fifty Two Dollars (\$254,152.00) and an amended termination date of July 31, 2014**, subject to the following conditions:

1. The above recitals are incorporated herein as though fully set forth at length.
2. Any change orders which shall become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
3. The Council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
4. The Mayor, or her designee is hereby authorized to execute an agreement, for the above referenced goods and/or services based upon the following information:

Thompson Consulting Services
951 Market Promenade Avenue
Suite 2101
Lake Mary, Florida 32746

--Motion duly seconded by Councilman

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

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

--Nays: Castellano, Mason, Russo

14-131

---By Councilman

RESOLUTION TO AUTHORIZE A SERVICE CONTRACT WITH GREENER BY DESIGN, LLC FOR GRANT WRITING SERVICES TO COMMENCE ON FEBRUARY 15, 2014 AND EXPIRE FEBRUARY 14, 2015 FOR A NOT TO EXCEED AMOUNT OF \$40,000.00

WHEREAS, providing grant writing services to the City is a service subject to the competitive contracting requirements of state law; and,

WHEREAS, the City of Hoboken published a Request for Proposals for the Services in accordance with the state competitive contracting process and Hoboken Ordinance #DR-154, and Greener by Design, LLC was one of two firms deemed qualified to provide grant writing services, pursuant to a City Council resolution dated January 22, 2014; and

WHEREAS, Greener by Design, LLC has specific expertise to provide services for the Hazard Mitigation Grant Program (HMGP) Energy Allocation Initiative and Hoboken Micro-Grid Design; and

WHEREAS, the Administration, therefore, advises a contract be entered into with Greener by Design, LLC for a one (1) year term for a not to exceed amount of \$40,000.00; and,

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

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$10,000.00 is available in the following appropriation 4-01-20-112-020 in the temporary CY2014 appropriations, and that I will confirm the availability of the remaining \$30,000.00 upon the adoption of the final 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 a contract shall be entered with Greener by Design, LLC to provide the City with grant writing services for a term to commence February 15, 2014 and expire February 14, 2015; and

BE IT FURTHER RESOLVED, the contract shall refer to and include by reference the RFP and Greener by Design, LLC's responses, for purposes of describing the terms and obligation of the agreement with regards to scope of work, and other terms; 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

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

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

---Nays: Occhipinti, Russo

14-132

---By Councilman

CA 8.* RESOLUTION AUTHORIZING CHANGE ORDER #1 ON BEHALF OF MAX ADAMO CONSTRUCTION INC. FOR ADDITIONAL ELECTRICAL / LIGHTING WORK ON PIER C PARK REHABILITATION FOR THE CITY OF HOBOKEN IN AN INCREASED AMOUNT OF \$34,125.00 (A 11.26% INCREASE) (submitted by administration)

---Motion duly seconded by Councilman

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

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

---Nays: Mason

14-133

---By Councilman

RESOLUTION TO AUTHORIZE AN EXTENSION OF THE PROFESSIONAL SERVICE CONTRACT WITH GLUCK WALRATH AS SPECIAL LEGAL COUNSEL- MUNICIPAL HOSPITAL AUTHORITY DISSOLUTION AND BOND/IRS COUNSEL REGARDING HOSPITAL DISSOLUTION TO THE CITY OF HOBOKEN TO EXTEND THE EXPIRATION DATE TO OCTOBER 15, 2014 WITH AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$15,000.00 (submitted by administration)

WHEREAS, service to the City as Special Counsel – Municipal Hospital Authority Dissolution and Bond/IRS Counsel for the Hospital Dissolution 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 Administration has determined that Gluck Walrath, LLP can continue to provide the City with the most diligent legal representation in the following matters: Dissolution of the Municipal Hospital Authority, Representation in the Bond/IRS matter therein related, and all other necessary and proper related wrap up legal representation; and,

WHEREAS, *the City wishes to extend the professional service contract for an additional year, with a \$15,000.00 increase in the not to exceed amount; and,*

WHEREAS, *Gluck Walrath 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 \$15,000.00 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 the contract with Gluck Walrath to represent the City as Special Legal Counsel-Municipal Hospital Authority Dissolution and Bond/IRS Counsel Regarding Same be amended, for a term to expire October 15, 2014, with an increase in the not to exceed amount by Fifteen Thousand Dollars (\$15,000.00); and

BE IT FURTHER RESOLVED, the maximum hourly rate for said services shall continue to be \$150.00 per hour for attorneys; and,

BE IT FURTHER RESOLVED, that the contract shall cover only the matter expressly stated above, and any invoice on the matters listed above shall be provided to the City separate and apart from any other future matters which Gluck Walrath represents the City in; 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-1 et seq. of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of Gluck Walrath; 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 a certified copy of this resolution shall be provided to the Division of Local Government Services – Local Finance Board immediately; and,

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

--Motion duly seconded by Councilman

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

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

--Nays: Castellano, Mason, Russo

14-136

---By Councilman

**RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT
MCMANIMON SCOTLAND BAUMAN AS SPECIAL LEGAL COUNSEL-
REDEVELOPMENT TO THE CITY OF HOBOKEN FOR CY2014 TO COMMENCE
JANUARY 1, 2014 AND TO EXPIRE DECEMBER 31, 2014 FOR A NOT TO EXCEED
AMOUNT OF \$28,000.00 (submitted by administration)**

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

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which McManimon Scotland Bauman responded to, and the City’s evaluation committee has determined that this firm’s proposal was one of the top two proposals provided; and,

WHEREAS, McManimon Scotland Bauman 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 \$18,500.00 is available in the following appropriation 4-01-21-181-036 in the temporary CY2014 budget; and I further certify that I will immediately review the CY2014 budget to determine whether the additional \$9,500.00 balance is available and appropriated in the following appropriation 4-01-21-181-036 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 McManimon Scotland

Bauman to represent the City as Special Legal Counsel- Redevelopment CY 2014 be awarded, for a term to commence January 1, 2014 and expire December 31, 2014, for a total not to exceed amount of Twenty Eight Thousand Dollars (\$28,000.00); of which \$18,500.00 shall heretofore be appropriated, with the remaining \$9,500.00 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 in its CY2014 budget; and

BE IT FURTHER RESOLVED, the contract shall include the following term: McManimon Scotland Bauman shall be paid maximum hourly rates of \$150.00/hour for attorneys when charged to the City, \$325.00/hour for attorneys when charged to a party other than the City, \$50.00/hour for paralegals when charged to the City, \$180/hour for paralegals when charged to a party other than the City, and these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

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

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

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

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

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

---Nays: None

---Absent: Castellano

Director Forbes comments SW and Neuman Leather

14-137

---By Councilman

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACT WITH MARAZITI FALCON HEALEY AS SPECIAL LEGAL COUNSEL- REDEVELOPMENT TO THE CITY OF HOBOKEN FOR CY2014 TO COMMENCE JANUARY 1, 2014 AND TO BE AMENDED TO EXPIRE DECEMBER 31, 2014 FOR AN INCREASE IN THE TOTAL NOT TO EXCEED AMOUNT BY \$54,501.00 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$72,000.00

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

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Maraziti Falcon Healey responded to, and the City’s evaluation committee has determined that this firm’s proposal was one of the top two proposals provided; and,

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

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$54,501.00 is available in the following appropriation 4-01-21-181-036 in the temporary CY2014 appropriations; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2014; 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 **Maraziti Falcon Healey** to represent the City as Special Legal Counsel- Redevelopment CY 2014 be amended, for a term to commence January 1, 2014 and expire December 31, 2014, for a total not to exceed amount of Seventy Two Thousand Dollars (\$72,000.00); and

BE IT FURTHER RESOLVED, the contract shall include the following term: **Maraziti Falcon Healey** shall be paid maximum hourly rates of \$190.00/hour for attorneys when charged to the City, \$225.00/hour for attorneys when charged to a party other than the City, \$50.00/hour for paralegals, and \$20/hour for support staff for services rendered, these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

BE IT FURTHER RESOLVED, this contract shall cover both outstanding and new redevelopment matters, and new matters will be assigned to the firm as they become

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

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

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

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

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

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

--Motion duly seconded by Councilman

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

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

--Nays: Castellano

14-138

--By Councilman

RESOLUTION TO AUTHORIZE SUBMISSION OF A GRANT APPLICATION TO THE COUNTY OF HUDSON FOR FUNDS FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY'S HAZARD MITIGATION GRANT PROGRAM

WHEREAS, the County of Hudson has received \$1,727,098.00 in funds from the U.S. Department of Homeland Security Federal Emergency Management Agency's Hazard Mitigation Grant Program; and

WHEREAS, the attached correspondence describes the terms and conditions of applying for the grant funding, which includes municipal acceptance of 10% matching funds provided by the City for the project; and,

WHEREAS, the Administration wishes to apply for these grant funds that will be used to install natural gas-fed emergency backup generators within the City; and,

WHEREAS, the City Council accepts the terms of the grant funding and authorizes the Administration to submit the attached application to the County of Hudson's Office of

Emergency Management for funds from the U.S. Department of Homeland Security Federal Emergency Management Agency's Hazard Mitigation Grant Program.

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

A. This resolution authorizes the submission of the attached application to the County of Hudson's Office of Emergency Management for funds from the U.S. Department of Homeland Security Federal Emergency Management Agency's Hazard Mitigation Grant Program; and

B. This resolution shall take effect immediately upon passage.

--Motion duly seconded by Councilman

--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.

14-139

---By Councilman

RESOLUTION TO AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION TO THE NATIONAL FISH & WILDLIFE FOUNDATION'S HURRICANE SANDY COASTAL RESILIENCY COMPETITIVE GRANTS PROGRAM 2013

WHEREAS, the Administration wishes to apply for grant funds from the National Fish & Wildlife Foundation's Hurricane Sandy Coastal Resiliency Competitive Grants Program 2013, funds the City intends to use to incorporate green infrastructure features into the design of public open space at Block 12 in southwest Hoboken, which is the first of a multi-phase initiative to build resiliency to coastal flooding; and

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

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

A. This resolution authorizes the submission of the attached application to the National Fish & Wildlife Foundation's Hurricane Sandy Coastal Resiliency Competitive Grants Program 2013; and

B. This resolution shall take effect immediately upon passage.

--Motion duly seconded by Councilman

--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.

14-140

---By Councilman

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

WHEREAS, The Subcommittee for Handicapped Parking denied approval;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hoboken, that a warrant be drawn on the City Treasury to the order of the following sum opposite the name, as reimbursement for handicapped parking fees:

NAME	ADDRESS	AMOUNT
Linda Morgan	1241 Garden Street	\$125.00

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, Corporation Counsel, and the CFO for action, including a warrant for payment to the above mentioned individual, in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

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

--Motion duly seconded by Councilman

---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.

14-141

---By Councilman

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH LITE DEPALMA GREENBERG FOR THE SERVICES OF VICTOR AFANADOR ESQ. AS SPECIAL LEGAL COUNSEL-GENERAL LITIGATION TO THE CITY OF HOBOKEN TO COMMENCE FEBRUARY 1, 2014 AND EXPIRE JANUARY 31, 2015 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$20,000.00

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

WHEREAS, the City provided for a Special Counsel – General Litigation RFP in accordance with the Fair and Open Process, which Lite DePalma Greenberg responded to, and the City now seeks to contract with the firm for General Litigation services; and,

WHEREAS, *Victor Afanador, Esq. , and the firm of Lite DePalma Greenberg are hereby required to abide by the “pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 et seq. of the Administrative Code of the*

City of Hoboken as well as the Affirmative Action laws and policies under which the City operates; and,

WHEREAS, certification of funds is available as follows:

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

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with **Lite DePalma Greenberg** for the services of **Victor Afanador, Esq.** to represent the City as Special Legal Counsel-General Litigation be awarded, for a term to commence February 1, 2014 and expire January 31, 2015, for a total not to exceed amount of **Twenty Thousand** Dollars (\$20,000.00); 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

---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.

CA18.*RESOLUTION TO AUTHORIZE AN AWARD FOR A BIKE SHARING PROGRAM WITH JERSEY CITY AND WEEHAWKEN TOWNSHIP SHARED SERVICE AGREEMENT (submitted by administration)

--Motion duly seconded by Councilman

---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.

14-143

---By Councilman

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS(PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$6,562.67)

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 **\$ 6,562.67**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Herve Grosse & Olivia Jan 405 Jefferson Street #4 Hoboken, NJ 07030	60/3/C0004	405 Jefferson St	4/13	\$ 3,262.84
Michael Devita 901 Madison St #2D Hoboken, NJ 07030	95/1/C0P-2	901-909 Madison St	4/13	\$ 121.15
Cortes & Hay, Inc. 110 Main Street Flemington, NJ 08822	185/6.01	1007 Park Avenue	1/14	\$ 3,178.68

---Motion duly seconded by Councilman

---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.

14-144

---By Councilman

RESOLUTION TO ADOPT THE MINUTES THE MEETINGS OF THE CITY COUNCIL OF THE CITY OF HOBOKEN DATED: REGULAR MEETING OF DECEMBER 18, 2013 (HAS BEEN REVIEWED AND APPROVED AS TO LEGAL FORM AND CONTENT

RESOLVED, that filed minutes for the Hoboken City Council **Regular meetings** of **December 18, 2013** have been reviewed and approved as to legal form and content.

---Motion duly seconded by Councilman

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

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

14-145

---By Councilman

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH SCHENCK PRICE SMITH & KING, LLP FOR THE SERVICES OF KATE GILFILLAN, ESQ. AS SPECIAL LEGAL COUNSEL-OPRA LITIGATION (Mason v. City of Hoboken) TO THE CITY OF HOBOKEN TO COMMENCE FEBRUARY 10, 2014 AND EXPIRE FEBRUARY 9, 2015 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$20,000.00

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, Kate Gilfillian, Esq. , however, has special expertise and intricate knowledge of the specialized legal area of OPRA litigation, which is the type of matters the City requests immediate legal representation in, and the firm responded to the City's RFP for 2014 General Litigation, which this type of matter would fall under; and,

***WHEREAS**, Kate Gilfillian, Esq. , and the firm of Schenck Price Smith & King, LLP are thereby in compliance with the fair and open process for those OPRA litigation matters the City will retain them for, and they are hereby required to abide by the "pay-to-play" requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 et seq. of the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates; and,*

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

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with Schenck Price Smith & King, LLP for the services of Kate Gilfillian, Esq. to represent the City as Special Legal Counsel-OPRA Litigation Matters be awarded, for a term to commence February 10, 2014 and expire February 9, 2015, for a total not to exceed amount of **Twenty Thousand** Dollars (\$20,000.00) 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 _____; 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

---Adopted by the following vote: YEAS: 4 – NAYS: 3 ABSENT: 1 – ABSTAIN: 1

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

---Nays: Castellano, Occhipinti, Russo

---Absent: Mason

---Abstain: Bhalla

Councilwoman Mason has recused herself

Councilman Russo comments

Councilman Occhipinti comments

Councilman Doyle comments

Councilwoman Mason comments

Councilman Russo comments

Councilwoman Castellano comments

Councilman Bhalla comments

Council President comments

Councilman Occhipinti comments

Assistant Corporation Counsel comments

Councilman Mello comments

Councilman Cunningham comments

Councilman Russo comments

Patricia Waiters comments

ORDINANCES

14-146

Z-285

AN ORDINANCE TO AMEND § 128-5 ENTITLED “BUSINESS LICENSES; FEES” AND CHAPTER 147 ENTITLED “MOBILE FOOD VENDORS”

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 § 128-5 Business Licenses; Fees

A. Food Businesses.

Business	Fee (annual unless otherwise noted)
Bakery (retail)	\$150
Bakery (wholesale, vehicle)	\$250
Butcher (retail)	\$125
Butcher (wholesale)	\$200
Confectionery, retail	\$100
Confectionery, wholesale	\$200
Eating and drinking (take-out)	\$150
Farmers market participant	\$10/day <u>125</u>
Fish market	\$125
Frozen ices, ice cream, (retail)	\$150
Frozen ices, ice cream, (wholesale)	\$200
Frozen ices, ice cream, yogurt (mobile truck only, not to exceed five feet long)	\$175
Fruit and vegetable store (retail)	\$150
Fruit and vegetable truck (peddler truck not to exceed 15 feet long)	\$150
Fruit and vegetable (wholesale)	\$200
Grocery (retail)	\$125
Grocery, deli (retail)	\$125
Grocery, milk (retail)	\$125
Grocery, vehicle (wholesale)	\$250
Milk (store)	\$125
Milk, vehicle (wholesale)	\$75
Restaurants (seating capacity fewer than 25)	\$125
Restaurants (seating capacity 26-50)	\$250
Restaurants (seating capacity 51-100)	\$350
Restaurants (seating capacity over 100)	\$500
Small market (mini-market)	\$250
Supermarkets under 20,000 square feet	\$600
Supermarkets over 20,000 square feet	\$1,250
Vending machines (food and drink)	\$35/per machine
Vendor (mobile retail nonmotorized food vendor)	\$150

Business	Fee (annual unless otherwise noted)
Vendor (mobile retail motorized food vendor)	See § 147-8A
Vendor, mobile vehicle (not to exceed 15 feet) (Mobile vendors and hot dog pushcarts not to exceed a total of 50 licenses)	\$500
<u>Vendor, mobile retail, seasonal*</u>	<u>\$300</u>
<u>Vendor, temporary, not pre-packaged (street fairs, festivals, special events) (one permit for any consecutive period up to and including 7 days)</u>	<u>\$100</u>
<u>Vendor, temporary, pre-packaged (street fairs, festivals, special events) (one permit for any consecutive period up to and including 7 days)</u>	<u>\$25</u>
Wholesale food distribution	\$250

*Vendor, mobile retail, seasonal shall be defined as motorized and/or non-motorized retail food vendors, operating at a fixed location for a period, not to exceed six (6) consecutive months; fixed locations shall not be on any public street, public right of way, or sidewalk; these licenses are subject to prior approval of the Hoboken Health Officer, who may deny a license for failure to comply with any applicable health code.

B. Nonfood businesses.

This section remains unchanged

SECTION TWO: AMENDMENTS TO CHAPTER 147

§ 147-3 Definitions

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

MOBILE RETAIL FOOD VENDOR

Any movable restaurant or retail food establishment in or on which food and beverage are transported, stored, or prepared for retail sale or given away at temporary locations. The term "mobile retail vendor" shall include and incorporate the term "mobile retail food vendors," as defined in § 115-1. Only the following mobile units shall be ~~allowed~~ authorized to obtain an annual "mobile retail food vendor license" to stop and stand on public property, public rights of way and/or public streets and sidewalks, within the City limits ~~for use as a mobile retail food vendor,~~ none of which shall exceed 35 feet in length:

A. **MOBILE RETAIL MOTORIZED FOOD VENDOR** — A food establishment that is located upon a motorized vehicle where food or beverage is cooked, prepared and served for individual portion service. Such food vendors comply with this chapter and all requirements of this chapter, as well as any other applicable section of this Code. Shall also be known as "mobile retail food vendors."

B. **MOBILE RETAIL NONMOTORIZED FOOD VENDOR** — Movable, nonmotorized unit (~~i.e., e.g.,~~ pushcart) where food or beverage is transported, stored, or prepared for retail sale or given away at temporary locations.

C. MOBILE RETAIL PRE-PACKAGED FOOD VENDORS — A food establishment that is located upon a motorized vehicle where pre-packaged food or beverage is served for individual portion service. Mobile retail pre-packaged food vendors shall be subject to Chapter [146](#), and shall be exempt from the regulations of this chapter.

SECTION THREE: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION FOUR: SEVERABILITY

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

SECTION FIVE: EFFECTIVE DATE

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

SECTION SIX: CODIFICATION

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

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

--Motion duly seconded by Councilman

---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.

14-147
Z-286

**ORDINANCE FURTHER AMENDING ORDINANCE Z-94 OF THE CITY OF
HOBOKEN, COUNTY OF HUDSON, NEW JERSEY**

BACKGROUND

WHEREAS, on March 16, 2011, the City of Hoboken, County of Hudson, New Jersey ("City"), duly and finally adopted Bond Ordinance Z-94 ("Bond Ordinance"), authorizing the Acquisition of Various Parcels of Land and Other Related Expenses in and for the City ("Prior Improvements"); and

WHEREAS, on May 2, 2012, the City duly and finally adopted Ordinance Z-179, which amended Section 3(a) of the Bond Ordinance to reflect the proper lot and block numbers being acquired; and

WHEREAS, the City is desirous of further amending the Bond Ordinance to increase the amount of proceeds of the obligations authorized which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided for in Section 20 of the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law").

BE IT ORDAINED, by the City Council of the City of Hoboken, County of Hudson, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, as follows:

Section 1. Section 6(d) of the Bond Ordinance is hereby amended and restated in its entirety to provide as follows:

"(d). An aggregate amount not exceeding \$3,000,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law, *N.J.S.A.* 40A:2-20, is included in the estimated cost indicated herein for the several improvements or purposes. "

Section 2. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the regulations promulgated by the Local Finance Board showing full detail the amended capital budget and capital improvement program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, are on file with the City Clerk and available for public inspection.

Section 3. All other parts of the Bond Ordinance not amended hereby shall remain in full force and effect.

Section 4. All bonds or bond anticipation notes heretofore issued and now outstanding pursuant to the Bond Ordinance, and any moneys expended or any expenses incurred pursuant to appropriations made by the Bond Ordinance, if any, shall be accounted and deemed to have been issued, expended or incurred pursuant to this ordinance.

Section 5. In accordance with the Local Bond Law, this ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

--Motion duly seconded by Councilman

---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.

CLOSED SESSION

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

Council President announces to the public that the Governing Body is entering into Closed Session for 25 minutes (City Clerk's office has no document to authorize to go into Closed session, this was a verbal authorization).

To vote to enter into Closed Session:

PRESENT: Council persons Bhalla, Castellano, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and Council President

ABSENT: None

At 10:38 P.M. The Governing Body entered into a closed session.

Assistant Corporation Counsel

BA Wiest

Tax Assessor Sal Bonaccorsi

Tax Assessor gives an overview to the City Council regarding resolution #10 & #11

10.* RESOLUTION AUTHORIZING SETTLEMENT OF TAX APPEAL (A & P REAL PROPERTY, LLC V. CITY OF HOBOKEN) (submitted by Special Counsel)

--Motion duly seconded by Councilman

---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.

RESOLUTION AUTHORIZING SETTLEMENT OF TAX APPEAL (METROPOLITAN V. CITY OF HOBOKEN) (submitted by Special Counsel)

---Motion duly seconded by Councilman

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

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

---Nays:

**** At 10:54 P.M. the Tax Assessor Sal Bonaccorsi**

<http://www.capehart.com/Attorneys/Ian-G-Zolty.shtml> has left the table due to no other business during Closed Session **

At 10:54 P.M. the Governing Body on a motion by Council duly seconded by the Governing Body comes out of Closed Session

Council President reopens the meeting to the public at 10:54 PM

NEW BUSINESS

Councilman Castellano comments that May 1st is the deadline to appeal

Councilwoman Mason comments and thanks Director Morgan because the Mason Civic League celebrated the opening for Schnakenburg's and the residents wanted to talk about parking, Ms. Waiters mentioned about a ticket refund and whether those tickets are being refunded

BA Wiest comments that the decision is up to the Director on those refunds and see if there's anything out there

Councilwoman Mason comments on the benches and trees at Elysian Park and will follow up

Councilwoman Castellano comments on what the ordinance/resolution

Councilman Cunningham comments the resolution/ordinance was around 2007/2008

Councilwoman Mason comments that she went to the Sandy Hearings

Councilman Russo comments on the status of public storage unloading at night

BA Wiest comments that he has researched on the hours of operation ordinances

Councilman Russo comments on the senior permits for the seniors who can't get to the Transportation and Parking physically, is there an opportunity to do it by mail

Councilman Cunningham comments that there should be another Transportation and Parking sub-committee meeting next week

Councilman Russo comments on the Fire Dept. and where the status is on O/T issues in the HFD

BA Wiest comments that he did speak to the Mayor and Director Tooke, but the Mayor has not made a final decision but this is the first time that the HFD has filled the Table of Organization

Councilman Russo comments on multiple committee meetings at the former Pino site and there are still some concerns for the final look of the park and it is moving forward

Councilman Russo comments on two (2) issues, the policy set for the agenda, the internal policies has changed and sticking to those rules and tonight there were amendments to this agenda, so why are making those changes if we can't adhere to them so there are no surprises, last the shape of the city and the snow removal

Councilman Doyle comments that the Shade Tree Commission is looking to fill those three (3) vacancies and there will be recommendations for the Mayor to make those appointments, and would ask the Council to let their people know Also this Saturday night, from 7:00-11:30 PM for the HOHA Classic

Councilman Occhipinti comments on the snow removal and the towing of cars

BA Wiest comments that there has been a lot of snow on and off which presented a challenge for the City communicating to the public

Councilman Occhipinti comments on PSE & G and their energy strong plan and it is time for an update, the Harrison St. substation and would like an update also with United Water for the city's infrastructure, is the audit complete

BA Wiest comments that the water master plan has not been complete from United Water.

Councilman Russo comments about wheeling water through the City and are we being properly charged

Councilman Occhipinti comments that the City of Hoboken is suing the Boys and Girls Club and would like an information and be briefed on it
Councilman Occhipinti comments to put on the next Transp. and Parking for licensing for regular taxis and take handicap residents, currently there's no policy put in place.

Councilman Occhipinti comments on the Chili cookout on Sunday at 2:00PM

Councilman Mello comments on the snow removal and reached out to NJ Transit for who's responsibility for the ramp and was happy to see that Director Pellegrini hired a contractor to help out and did some great work at Connor School and responded quickly.

Councilman Cunningham comments on snow removal was very challenging but the City did a pretty good job, it's not just the city, it's the County and mother nature was unpredictable, there was a TAP meeting regarding Observer Highway and Newark St. redesign and also Washington Street redesign and some is on the website and the Council should inform to their constituents, we have completed the first community meeting and the next drop in will be in April and will publicized and hopefully with a plan sometime this summer, last week we had community meeting at Carpe Diem regarding the construction and appreciates the presence of Hudson Regional Health, the County and PSE & G, the big issues were the conditions of the Roads, lastly thank Cheryl Fallick, Dan Tumpson, Mary Ondrejka and the Fair Share Housing group by exposing the abuse of VBM, does not affect my views on Rent Control in Hoboken

Councilman Bhalla comments on the 2014 budget which is around the corner as Chair of the Rev. and Finance sub-committee and prepare meetings, it is the Administration's intention to introduce the budget at the next meeting at March 5th and hopefully pass it on introduction and then organize appropriate budget workshops and secondly, received a copy from Mayor Zimmer regarding the Hoboken Housing Authority Vision 20/20 plan there's an outstanding balance of \$317,000 that has not been paid to the City for their services

BA Wiest comments that there is an agreement with the City and Housing Authority for law enforcement services and the City tracks the staff's hours and hopefully get the matter settled.

Councilman Russo comments

Councilman Bhalla is concerned that this is a contractual obligation

Councilman Mello comments that he asks if the Council can help and reach out to the Chair of the HHA.

Council President comments that tomorrow at City 4-7 PM for , 7:30 the CERT Team Graduation will be taking place and wanted to thank Andrew Sobal who helped 3 Seniors pro bono and was able to find them a home

At 11:48 P.M. the Governing Body on a motion by Council duly seconded by the Councilman Doyle

Council President Giattino then adjourned the meeting at 11:48 P.M.

PRESIDENT OF THE COUNCIL

CITY CLERK