

MEETING OF JANUARY 22, 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,
JANUARY 22, 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.

RESOLUTIONS (CONT'D)

14-48

---By Councilman Bhalla

THIS RESOLUTION AUTHORIZES TEMPORARY APPROPRIATIONS FOR THE CALENDAR YEAR 2014

WHEREAS, N.J.S.A. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the calendar year 2014 budget, temporary appropriation should be made for the purpose and amounts required in the manner and time therein provided; and

WHEREAS, Twenty Six and two five percent (26.25%) of the total appropriations of the current fund in the calendar year 2013 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund, and public assistance in said calendar year 2013 budget is \$25,680,953.49; and

WHEREAS, temporary appropriations for the current fund, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund, and public assistance, were approved by this governing body on January 7, 2014, in the amount of \$24,221,641.25; and

WHEREAS, there are additional commitments to be made prior to the adoption of the 2014 budget;

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the City of Hoboken that the following appropriation for the current fund be made bringing the total current fund temporary appropriations to \$24,271,641.25 excluding debt service;

	Account#	Additional Appropriation
Master Plan	01-31-463-000	\$50,000.00

BE IT FURTHER RESOLVED that a certified copy of this resolution be transmitted to the Chief Financial Officer for his/her records:

---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.

SECOND READING/PUBLIC HEARING AND FINAL VOTE

ORDINANCE OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, CANCELLING \$300,000 OF AN UNFUNDED EMERGENCY APPROPRIATION BALANCE HERETOFORE ADOPTED TO PROVIDE FOR THE COSTS ASSOCIATED WITH A REAL PROPERTY REVALUATION PROJECT AUTHORIZED BY ORDINANCE Z-204 **(Z-272)**

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, President Giattino
---Nays: None.

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

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

AN ORDINANCE TO AMEND CHAPTER 4 ENTITLED “DEPARTMENT OF COMMUNITY ADMINISTRATION” AND CHAPTER 20 ENTITLED “COMMUNITY DEVELOPMENT” TO MOVE THE ZONING OFFICE FROM ADMINISTRATION TO COMMUNITY DEVELOPMENT **(sponsored by Councilman Bhalla and seconded by Councilwoman Giattino) (Z-273)**

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, President Giattino
---Nays: None.

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

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

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

AN ORDINANCE TO MAKE A CORRECTIVE AMENDMENT TO ORDINANCE Z-258 ENTITLED "AN ORDINANCE TO APPROVE AND AUTHORIZE THE USE OF THE ATTACHED MAPS IN ACCORDANCE WITH N.J.S.A. 2C:35-7 AND N.J.S.A. 39:4-50 (Z-274)

(sponsored by Councilman Bhalla and seconded by Councilwoman Giattino)

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, President Giattino
---Nays: None.

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

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

AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ESTABLISHING A SCHEDULE OF CLASSIFICATIONS AND ALLOCATIONS OF TITLE FOR THE MENTIONED POSITIONS IN THE CITY OF HOBOKEN **(sponsored by Councilman Bhalla and seconded by Councilwoman Giattino) (Z-275)**

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, President Giattino
---Nays: None.

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

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

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

BA Wiest comments that there is a slight amendment for the salary ordinance for this line item:

Confidential Aide Assistant to the Mayor	\$28,840	\$71,500	\$78,000
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AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 155 ENTITLED “RENT CONTROL” (Z-276) (sponsored by Councilman Giattino and Councilman Bhalla)

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

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

The speakers who spoke: Elizabeth Adams - Ordinance #5, Patricia Waiters - Ordinance #5.

President Giattino comments and gives an overview of the ordinance.

PUBLIC COMMENTS

The speakers who spoke: Phil Cohen, Patricia Waiters, David Liebler, Sandra Smith, Domenick Russo, Nick Petrozzelli, Barbara Reyes, Richard Blohm, Perry Belfiore, Michelle Lessane, Carmelo Garcia, Fran Paetzold, Hany Ahmed.

Councilmen Occhipinti and Russo have left the table at 8:59 PM
 Councilman Russo has returned to the table at 9:01 PM
 Councilman Occhipinti has returned to the table at 9:04 PM

14-49

Communication from Mayor Dawn Zimmer appointing Amanda Roberts to the Library Board.

Received and Filed.

14-50

Proclamation from Mayor Dawn Zimmer proclaiming that January 11th is Human Trafficking Awareness Day.

Received and Filed.

14-51

Proclamation from Mayor Dawn Zimmer recognizing February as African-American History Month.

Received and Filed.

14-52

Proclamation from Mayor Dawn Zimmer proclaiming January 17, 2014 the March on Washington Street Program.

Received and Filed.

14-53

Communication from Mayor Dawn Zimmer regarding the Hoboken Flood Resiliency Plan.

Received and Filed.

14-54

---By Councilman Bhalla

APPLICATION FOR MISCELLANEOUS LICENSES

Vendors License-----	2
Raffles-----	1
Poker Night-----	1
Parking Facilities-----	6
Non-Food Vehicle-----	1
Taxi Operators Licenses-----	14
Limo Operators Licenses-----	6

---Councilman Cunningham Bhalla 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.

14-55

An Annual Report from the Tax Collector's January 1, 2013 to December 31, 2013

Received and filed

14-56

---By Councilman Bhalla

CLAIMS

Total for this agenda **\$5,497,758.05**

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 9 – NAYS: 2 -ABSTAIN: 1

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

---Nays: Castelleano (13-05115), Mason (13-00126, 13-00137, 13-0052)

---Abstain: Mason (14-00191, 13-02840, 13-0560, 13-00129, 13-00133, 13-00142, 13-03994, 13-05044, ~~13-04882~~)

Councilwoman Mason comments

BA Wiest comments on (13-04882) for \$325.00 Academy Buses

BA Wiest comments on (13-04882) for Standard and Poors bus tours for that purpose

14-57

---By Councilman Bhalla

PAYROLL

For the two week period starting December 19, 2013 – January 1, 2014

Regular Payroll	O/T Pay	Other Pay
\$1,549,940.75	\$96,073.15	\$125, 696.29

Total \$1,771,710.19

PAYROLL (RETRO FOR FIRE DIVISON)

For the two week period starting December 19, 2013 – January 1, 2014

Other Pay	\$780,781.76	Total	\$780,781.76
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---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)

PUBLIC PORTION ON RESOLUTIONS

The speaker who spoke: Patricia Waiters comments on resolution #11 and #13

CONSENT AGENDA –8- 12, 14, 17, 18, 19, 21, 24, 31, 34, 35, 39, 42

Pulled from the agenda for discussion: 13, 15, 16, 20, 22, 23, 25, 26-30, 32, 33, 38, 40, & 44
Removed by Administration: 7, 36, 37, 41 & 43

RESOLUTIONS (CONTINUED)

14-58

---By Councilman Bhalla

CONSENTING TO THE APPOINTMENT OF SOLOMON STEPLIGHT AS THE DIRECTOR OF FINANCE TO THE CITY OF HOBOKEN FOR THE TERM OF THE MAYOR

WHEREAS, Hoboken City Code § 5-5 allows the Mayor to appoint the Director of Finance, upon advice and consent of the City Council; and

WHEREAS, the Mayor has appointed Solomon Steplight to the position of Director of Finance, and hereby requests the consent of the City Council based on Mr. Steplight's qualifications; and

WHEREAS, the term of appointment is for the term of the Mayor, or until a successor is qualified and appointed; and

WHEREAS, the City Council agrees with the Mayor's appointment of Solomon Steplight as Director of Finance.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken hereby consents to and authorizes the appointment of Solomon Steplight as Director of Finance for the City of Hoboken, for the term of the Mayor or until a successor is qualified and appointed, pursuant to §5-5 of the Code of the City of Hoboken; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Mayor expeditiously.

---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 8 – NAYS: 0 -PRESENT: 1
---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mello, Occhipinti, Russo and President Giattino

---Nays: None.
---Present: Mason

14-59

---By Councilman Mello

CONSENTING TO THE APPOINTMENT OF JOHN MORGAN AS THE DIRECTOR OF PARKING AND TRANSPORTATION TO THE CITY OF HOBOKEN FOR THE TERM OF THE MAYOR

WHEREAS, Hoboken City Code § 64A-2 allows the Mayor to appoint the Director of Parking and Transportation, upon advice and consent of the City Council; and

WHEREAS, the Mayor has appointed John Morgan to the position of Director of Parking and Transportation, and hereby requests the consent of the City Council based on Mr. Morgan's qualifications; and

WHEREAS, the term of appointment is for the term of the Mayor, or until a successor is qualified and appointed; and

WHEREAS, the City Council agrees with the Mayor's appointment of John Morgan as Director of Parking and Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken hereby consents to and authorizes the appointment of John Morgan as Director of Parking and Transportation for the City of Hoboken, for the term of the Mayor or until a successor is qualified and appointed, pursuant to §64A-2 of the Code of the City of Hoboken; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Mayor expeditiously.

---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.

14-60

---By Councilman Bhalla

RESOLUTION DESIGNATING JANUARY 11 AS HUMAN TRAFFICKING AWARENESS DAY

WHEREAS, human trafficking is a borderless crime against individuals that violates the most basic human rights and deprives victims of every shred of personal freedom; and

WHEREAS, human trafficking occurs when a person is recruited, harbored, obtained, or exported through force, fraud, or coercion for the purposes of sexual or labor exploitation, involuntary servitude, and other types of mental and physical abuse; and

WHEREAS, human traffickers target impoverished and marginalized children, women and men, isolating them from society and supportive networks

and exploiting them for personal and monetary gain; and

WHEREAS, human trafficking is the fastest growing criminal enterprise in the world today, and is tied with arms smuggling as the second largest international criminal industry, falling only behind the illicit drug trade; and

WHEREAS, the United Nations' International Labor Organization has estimated that at least 12.3 million adults and children worldwide are currently in forced labor, bonded labor, or forced prostitution; and it is estimated that more people are now harmed by human trafficking worldwide than have been at any other point in human history. Approximately 80% of the victims are women and girls, and 50% are younger than age 18; and

WHEREAS, many victims trafficked into the U.S. do not speak or understand English and are unable to communicate to seek rescue. Under U.S. law, any person under 18 involved in the commercial sex industry is considered a human trafficking victim, and victims include U.S. citizens and documented immigrants; and

WHEREAS, New Jersey is a prime location for human trafficking because it is a major national and international transportation corridor and a culturally diverse state; and

WHEREAS, human trafficking is modern-day slavery, a practice that is in direct opposition to the fundamental principles of liberty and human rights upon which our nation was founded; and

WHEREAS, on February 1, 1865, President Abraham Lincoln signed the 13th Amendment to the United States Constitution. Once ratified, it officially outlawed slavery and involuntary servitude except as punishment for a crime; and

WHEREAS, Although the federal government and the State of New Jersey have enacted laws to prosecute human traffickers and protect the victims of human trafficking, traffickers use techniques to keep their victims enslaved that severely limit self-reporting and that require broad public awareness of human trafficking issues for enforcement and prevention to occur; and

WHEREAS, the New Jersey State Constitution declares that all persons are by nature free and independent and have certain natural and unalienable rights; and

WHEREAS, the people of New Jersey, regardless of political persuasion, creed, race, or national origin, stand together with the global community to protect the fundamental freedoms and rights of all persons, to fight the proliferation of human trafficking in all of its forms, and to assist survivors of modern day slavery; and

WHEREAS, the County of Hudson stands committed to protecting human rights and individual freedom by eliminating human trafficking; and

WHEREAS, the County of Hudson is resolved to support the goals and ideals of observing a National Day of Human Trafficking Awareness on January 11 of each year and to support all efforts by individuals, businesses, organizations, and governing bodies to raise awareness of and opposition to human trafficking; and

WHEREAS, the Board commends the work of the NJ Coalition Against Human Trafficking for its statewide efforts to end human trafficking through education,

advocacy, and assistance to survivors and to increase coordination and visibility of New Jersey's commitment to end human trafficking.

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Hudson that:

The Board does hereby recognize January 11 of each year as Human Trafficking Awareness Day in the County of Hudson with the goal of achieving the following:

- A. to raise awareness about the signs and consequences of human trafficking;
- B. to promote opposition to human trafficking in all of its forms; and
- C. to encourage support for the survivors of human trafficking throughout the State of New Jersey and across the world to put an end to this criminal activity and restore

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.

14-61

---By Councilman Doyle

RESOLUTION IN SUPPORT OF NATIONAL AFRICAN AMERICAN HISTORY MONTH 2014

WHEREAS, in February 1926, Dr. Carter G. Woodson, a noted African American author and scholar, began what was then called Negro History Week to educate non-black Americans about Black American culture and history and to engender pride among African Americans; and

WHEREAS, Dr. Woodson chose the month of February for the celebration because the month marks the birthdays of President Abraham Lincoln, who signed the Emancipation Proclamation ending slavery, and Frederick Douglass, the noted African American abolitionist; and

WHEREAS, an additional reason why Dr. Woodson chose the month of February for this important event was that the National Association for the Advancement of Colored People, the nation's oldest civil rights organization, was founded in February 1909; and

WHEREAS, in 1972, Negro History Week became Black History Week, and in 1976, the nation's bicentennial, Black History Week became Black History Month with the purpose of honoring the contribution African Americans have made to all walks of American life and to recall important milestones in black history;

WHEREAS, Black History Month is also known as National African American History Month.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HOBOKEN that it declares its support for National African American History Month 2014.

---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.

14-62

--By Councilman Bhalla

APPOINTING STEVEN BAUMAN AS BOARD MEMBER TO THE HOBOKEN ALCOHOL BEVERAGE CONTROL BOARD FOR A THREE YEAR TERM TO EXPIRE ON JUNE 30, 2016

WHEREAS, N.J.S.A. 33:1-1 et seq., and Chapter 9 of the Code of the City of Hoboken establishes the City's Alcohol Beverage Control Board; and

WHEREAS, N.J.S.A. 33:1-5 and Section 9-2 of the Code of the City of Hoboken provide for appointment of Hoboken Alcohol Beverage Control Board Members by the Mayor, subject to Governing Body advice and consent; and

WHEREAS, the current term of Commissioner Colin Tobias expired on June 30, 2013, and the Mayor wishes to appoint Steven Bauman for the remainder of the three (3) year term which began July 1, 2013 and expires on June 30, 2016; and

WHEREAS, the Governing Body agrees with the Mayor's appointment of Steve Bauman as Alcohol Beverage Board Commissioner.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken hereby consents to and authorizes the appointment of Steven Bauman as a Hoboken Alcohol Beverage Control Board Member, for the remainder of the term beginning July 1, 2013 and expiring June 30, 2016, pursuant to §9-2 of the Code of the City of Hoboken and N.J.S.A. 33:1-5; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Hoboken Alcohol Beverage Control Board Secretary expeditiously.

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

14-63

---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 June 12, 2012; and

WHEREAS, the City Council wishes to amend those rules of procedure for its internal governance to allow for an ending time for all City Council meetings as indicated in the last sentences of Rule I and Rule II, respectively;

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., all 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: 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.") The City Clerk shall immediately date and time-stamp each original submission. Thereafter, 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 the agenda 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 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 agenda shall advise the Clerk in writing, and, in such circumstances, delivery of the agenda 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
5. Environmental Services
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: 5 – NAYS: 4

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

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

14-64

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH VOGEL CHAIT COLLINS AS SPECIAL LEGAL COUNSEL- OUTSTANDING LITIGATION TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2014 AND EXPIRE DECEMBER 31, 2014 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$20,000.00

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

WHEREAS, the City of Hoboken published 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 Vogel Chait Collins responded to in 2012, and having performed the function of special counsel on outstanding litigation matters over the past year, Vogel Chait Collins has specialized knowledge and special skills which are necessary for the

proper and effective continuation of representation in the continuing outstanding matter known as Ursa Litigation; and,

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

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$10,000.00 is available in the following appropriation 40120156020 in the temporary CY2014 budget; and I further certify that I will immediately review the CY2014 budget to determine whether the additional \$10,000.00 balance is available and appropriated in the following appropriation 40120156020 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 Vogel Chait Collins to represent the City as Special Legal Counsel- Outstanding Litigation (Ursa) be awarded, for a term to commence January 1, 2014 and expire December 31, 2014, for a total not to exceed amount of Twenty Thousand Dollars (\$20,000.00), of which Ten Thousand Dollars is hereby appropriated, and the remaining \$10,000.00 not herein appropriated is 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: Vogel Chait Collins shall be paid maximum hourly rates of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20/hour for support staff for services rendered, these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

BE IT FURTHER RESOLVED, this contract shall cover outstanding litigation only, in the matter of Ursa; 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 Vogel Chait Collins; and

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

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

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

---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.

14-65

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACT WITH MARAZITI FALCON HEALEY AS SPECIAL LEGAL COUNSEL- OUTSTANDING LITIGATION TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2013 AND EXPIRE DECEMBER 31, 2013 FOR AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$3358.27 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$276,858.27

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

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Maraziti Falcon Healey responded to in both 2012 and 2013, and having performed the function of special counsel on outstanding litigation matters over the past year, Maraziti Falcon Healey has specialized knowledge and special skills which are necessary for the proper and effective continuation of representation in those outstanding matters, all of which resulted in Maraziti Falcon Healey being awarded a Special Counsel contract for outstanding litigation in the 2013 calendar year; 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 \$3358.27 is available in the following appropriation 30120156020 in the CY2013 budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2013; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that an amended contract with **Maraziti Falcon Healey** to represent the City as Special Legal Counsel- Outstanding Litigation be

awarded, for a term to commence January 1, 2013 and expire December 31, 2013, for an increased not to exceed amount of Three Thousand Three Hundred Fifty Eight Dollars and Twenty Seven Cents (\$70,000.00), for a total not to exceed amount of \$276,858.27, which shall represent a close out and final payment on this contract; and

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

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

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

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

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

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

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: Castellano

14-66

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH LITE DEPALMA GREENBERG AS SPECIAL LEGAL COUNSEL- RENT CONTROL LITIGATION TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2014 AND EXPIRE DECEMBER 31, 2014 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$141,500.00

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

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel-Rent Control Litigation in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Lite Depalma Greenberg responded to; and,

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

***WHEREAS**, Lite Depalma Greenberg 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 \$43,500.00 is available in the following appropriation 40120156020 in the temporary CY2014 budget; and I further certify that I will immediately review the CY2014 budget to determine whether the additional \$98,000.00 balance is available and appropriated in the following appropriation 40120156020 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 Lite Depalma Greenberg to represent the City as Special Legal Counsel- Rent Control Litigation be awarded, for a term to commence January 1, 2014 and expire December 31, 2014, for a total not to exceed amount of One Hundred Thirty One Thousand Five Hundred Dollars (\$141,500.00), of which \$43,500.00 shall heretofore be appropriated, with the remaining \$98,000.00 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: Lite Depalma Greenberg shall be paid maximum hourly rates of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20/hour for support staff for services rendered, these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

BE IT FURTHER RESOLVED, this contract shall cover both outstanding and new litigation/legal matters, and new litigation and legal matters will be assigned to the firm as they become available and the City Administration determines the firm’s services are appropriate for any particular matter; this contract shall not be for a sum certain but rather, a retainer, the matters

on which to be retained shall be determined as the need arises at the sole discretion of the City; and, this contract is not a guarantee of availability of services or assignment; and,

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

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

14-67

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH FLORIO KENNY AS SPECIAL LEGAL COUNSEL- RENT LEVELING BOARD ATTORNEY AND RELATED LITIGATION TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2014 AND EXPIRE DECEMBER 31, 2014 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$15,000.00

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

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel-Rent Leveling Board Attorney in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Florio Kenny responded to; and,

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

WHEREAS, *Florio Kenny 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 appropriation 40120156020 in the temporary CY2014 appropriations; and I further certify that I will immediately review the CY2014 budget to determine whether the additional \$7,500.00 balance is available and appropriated in the following appropriation 40120156020 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 Florio Kenny to represent the City as Special Legal Counsel- Rent Leveling Board Attorney and Related Litigation be awarded, for a term to commence January 1, 2014 and expire December 31, 2014, for a total not to exceed amount of Fifteen Thousand Dollars (\$15,000.00), of which \$7,500.00 shall heretofore be appropriated, with the remaining \$7,500.00 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: Florio Kenny shall be paid \$300.00/meeting, which shall be *all inclusive* of all work in preparation for and subsequent to each meeting, and a maximum hourly rate of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20.00/hour for support staff for any related litigation assigned by the City, and done on behalf of the City, outside of that work done as part of the board meeting rate, as defined above. 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, any new litigation, legal matters, and other board meetings 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 Florio Kenny; 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.

14-68

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH VINCENT LAPAGLIA AS SPECIAL LEGAL COUNSEL- TAX APPEALS AND RELATED LITIGATION TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2014 AND EXPIRE DECEMBER 31, 2014 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$92,000.00

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

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel-Tax Appeals in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Vincent Lapaglia responded to; and,

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

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

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$30,667.00 is available in the following appropriation _____ in the temporary CY2014 budget; and I further certify that I will immediately review the CY2014 budget to determine whether the additional \$61,333.00 balance is available and appropriated in the following appropriation _____ 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 Vincent Lapaglia to represent the City as Special Legal Counsel- Tax Appeal and Related Litigation be awarded, for a term to commence January 1, 2014 and expire December 31, 2014, for a total not to exceed amount of Ninety Two Thousand Dollars (\$92,000.00), of which \$30,667.00 shall heretofore be appropriated, with the remaining \$61,333.00 not herein appropriated is 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: Vincent Lapaglia shall receive an hourly rate for all Tax Court Appeals of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20.00/hour for support staff, with an annual maximum not to exceed amount of \$48,000.00 going toward the county tax board appeals and \$48,000.00 going towards State Tax Appeals. These are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

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

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

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

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

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

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: Mason

14-69

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH WEINER LESNIAK AS SPECIAL LEGAL COUNSEL- LABOR AND EMPLOYMENT TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2014 AND EXPIRE DECEMBER 31, 2014 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$120,000.00

WHEREAS, service to the City as Special Counsel –Labor and Employment 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-Labor and Employment in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Weiner Lesniak responded to; and,

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

WHEREAS, *Weiner Lesniak 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 \$40,000.00 is available in the following appropriation 40120156020 in the temporary CY2014 budget; and I further certify that I will immediately review the CY2014 budget to determine whether the additional \$80,000.00 balance is available and appropriated in the following appropriation 40120156020 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 Weiner Lesniak to represent the City as Special Legal Counsel- Labor and Employment be awarded, for a term to commence January 1, 2014 and expire December 31, 2014, for a total not to exceed amount of One Hundred Twenty Thousand Dollars (\$120,000.00) of which \$40,000.00 shall heretofore be appropriated, with the remaining \$80,000.00 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
; and

BE IT FURTHER RESOLVED, the contract shall include the following term: Weiner Lesniak shall be paid maximum hourly rates of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20/hour for support staff for services rendered, these are the only charges for

services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

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

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

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of Weiner Lesniak; 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: 8 – NAYS: 0 - ABSTAIN: 1

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

----Nays: None

---Abstain: Mason

14-70

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACT WITH MARAZITI FALCON HEALEY AS SPECIAL LEGAL COUNSEL- REDEVELOPMENT TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2013 AND EXPIRE DECEMBER 31, 2013 FOR AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$1,570.00 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$41,570.00

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 in 2013, and having performed the function of special counsel on outstanding litigation matters over the past year, Maraziti Falcon Healey has specialized knowledge and special skills which are necessary for the proper and effective continuation of representation in those outstanding matters, all of which resulted in Maraziti Falcon Healey being awarded a Special Counsel contract for redevelopment in the 2013 calendar year; 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 \$1,570.00 is available in the following appropriation 3-01-21-181-036 in the CY2013 budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2013; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that an amended contract with **Maraziti Falcon Healey** to represent the City as Special Legal Counsel- Redevelopment be awarded, for a term to commence January 1, 2013 and expire December 31, 2013, for an increased not to exceed amount of One Thousand Five Hundred Seventy Dollars (\$1,570.00), for a total not to exceed amount of \$41,570.00, which shall represent a close out and final payment on this contract; and

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

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

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

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

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

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

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

14-71

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH MARAZITI FALCON HEALEY AS SPECIAL LEGAL COUNSEL- OUTSTANDING AND GENERAL LITIGATION TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2014 AND EXPIRE DECEMBER 31, 2014 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$240,000.00

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

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Maraziti Falcon Healey responded to in both 2012 and 2013, and further submitted 2014 proposals in response to the City's RFP's for litigation, and having performed the function of special counsel on outstanding litigation matters over the past year, Maraziti Falcon Healey has specialized knowledge and special skills which are necessary for the proper and effective continuation of representation in those outstanding matters; 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 \$60,000.00 is available in the following appropriation 40120156020 in the temporary CY2014 budget; and I further certify that I will immediately review the CY2014 budget to determine whether the additional \$180,000.00 balance is available and appropriated in the following appropriation 40120156020 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 **Maraziti Falcon Healey** to represent the City as Special Legal Counsel- Outstanding Litigation be awarded, for a term to commence January 1, 2014 and expire December 31, 2014, for a total not to exceed amount of Two Hundred Forty Dollars (\$240,000.00); of which \$60,000.00 shall heretofore be appropriated, with the remaining \$180,000.00 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
and

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

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

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

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

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

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

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

---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.

Corporation Counsel comments that she will provide a memo and see if a Closed Session should be called for the next meeting

14-72

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH WILLIAM B. MCGUIRE, ESQ. OF TOMPKINS, MCGUIRE, WACHENFELD & BARRY, LLP 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 is 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 it 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 \$17,000.00 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 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.

The above resolution was PULLED NO ACTION TAKEN.

14-73

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH PARKER MCKAY AS SPECIAL LEGAL COUNSEL- BOND COUNSEL TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2014 AND EXPIRE DECEMBER 31, 2014 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$15,000.00

WHEREAS, service to the City as Special Counsel –Bond 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 of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel-Bond Counsel in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Parker McKay responded to; and,

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

***WHEREAS**, Parker McKay 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 appropriation 40120156020 in the temporary CY2014 budget; and I further certify that I will immediately review the CY2014 budget to determine whether the additional \$7,500.00 balance is available and appropriated in the following appropriation 40120156020 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 Parker McKay to represent the City as Special Legal Counsel- Bond Counsel be awarded, for a term to commence January 1, 2014 and expire December 31, 2014, for a total not to exceed amount of Fifteen Thousand Dollars (\$15,000.00), of which \$7,500.00 shall heretofore be appropriated, with the remaining \$7,500.00 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: Parker McKay shall be paid maximum hourly rates of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20/hour for support staff for services rendered, these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

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

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

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of Parker McKay; 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: 8 – NAYS: 1

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

---Nays: Mason

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE THE CITY OF HOBOKEN TO PARTICPATE IN AND BE AN ACTIVE MUNICIPALITY OF THE NORTH HUDSON REGIONAL COUNCIL OF MAYORS

WHEREAS, individual municipalities of the North Hudson Area lack the size and scope to qualify for many programs available from State and Federal agencies; and

WHEREAS, the municipalities of Guttenberg, Hoboken, Kearny, North Bergen, Secaucus, Union City, Weehawken and West New York (the "Municipalities") have joined, pursuant to N.J.S.A. 40:48-22, in forming and participating in the North Hudson Regional Council of Mayors (the "Council") for the common purpose of operating meals programs for seniors financed in part by a federal grant funneled through the State of New Jersey (the "State") and the County of Hudson; and

WHEREAS, the Council was incorporated in 1973 as a non-profit entity to act as an administrative agent for State and Federal funded programs and to operate as a liaison between State, Federal and local governments and promote regionalization of municipal services; and

WHEREAS, the State has requested that those of the eight Municipalities that cannot locate their original resolution authorizing the creation of the Council and/or their participation therein adopt a resolution authorizing the same *nunc pro tunc*; and

WHEREAS, the City of Hoboken wishes to authorize the creation of the Council and the City's participation therein *nunc pro tunc*,

NOW, THEREFORE, BE IT RESOLVED, that the City of Hoboken hereby ratifies the creation of the Council and the City's participation therein *nunc pro tunc*.

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.

14-75

---By Councilman Bhalla

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH FERRAIOLI, WIELKOTZ, CERULLO & CUVA FOR GENERAL MUNICIPAL AUDITING SERVICES FROM JANUARY 1, 2014 TO DECEMBER 31, 2014 IN AN AMOUNT NOT TO EXCEED \$120,000.00

WHEREAS, the City put out an RFP for CY2014 auditing services, pursuant to Article I of Chapter 20A of the Hoboken City Code and the State's fair and open process requirements, which responded to; and,

WHEREAS, Ferraioli, Wielkatz, Cerullo & Cuva is hereby required to abide by the "pay-to-play" requirements of the Hoboken Public Contracting Reform Ordinance, #DR-154 (codified as §20A-11 et seq. of the Code of the City of Hoboken); and,

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

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$85,000.00 is available in the following appropriation 40120135020 and \$10,000.00 is available in the following appropriation 40120130020 the temporary CY2014 budget; and I further certify that I will immediately review the CY2014 budget to determine whether the additional \$25,000.00 balance is available and appropriated in the following appropriation 40120130020 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 Ferraioli, Wielkotz, Cerullo & Cuva to represent the City as 2014 City Auditor be awarded, for a term to commence January 1, 2014 and expire December 31, 2014, for a total not to exceed amount of One Hundred Twenty Thousand Dollars (\$120,000.00), of which \$95,000.00 shall heretofore be appropriated, with the remaining \$25,000.00 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 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 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 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

14-76

---By Councilman Bhalla

RESOLUTION AWARDING A CONTRACT TO MAGIC TOUCH CORPORATION FOR THE PROVISIONS OF ONE YEAR OF PLUMBING SERVICES IN ACCORDANCE WITH THE CITY'S BID NO. 14-02 IN THE TOTAL AMOUNT OF \$74,890.00

WHEREAS, proposals were received for Bid Number 14-02 for the provisions one year of plumbing services for the City of Hoboken; and,

WHEREAS, four (4) bid proposals was received, of which the Purchasing Agent advised all are responsive, being:

- | | |
|--|---|
| 1. Magic Touch Construction Co., Inc.
Keyport, NJ 07735 | Bid Price: \$74,890.00
Mark-Up: 10% |
| 2. Jac Mechanical Services
Hamburg, NJ 07419 | Bid Price: \$83,800.00
Mark-Up: 20% |
| 3. William J. Guarini, Inc.
Jersey City, NJ 07307 | Bid Price: \$98,800.00
Mark-Up: 8% |
| 4. GMH Association of America
Trenton, NJ 08638 | Bid Price: \$104,500.00
Mark-Up: 25% |

WHEREAS, pursuant to the recommendation of the Purchasing Department (attached hereto) the City wishes to contract for the goods and services specified in Bid No. 14-02, and Magic Touch Company submitted a responsible, and responsive bid for the unit and markup price, upon receipt of the executed copy of the proposal page, which has been adequately received; 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 4-01-28-377-046 in the temporary CY2014 budget; and I further certify that I will immediately review the CY2014 budget to determine whether the additional \$64,890.00 balance is available and appropriated in the following appropriation 4-01-28-377-046 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 by the City Council of the City of Hoboken as follows:

- A. This resolution awards a contract to Magic Touch Corporation for Bid No. 14-02, in the total amount of Seventy Four Thousand Eight Hundred Ninety Dollars (\$74,890.00) of which \$10,000.00 shall heretofore be appropriated, with the remaining \$64,890.00 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
- B. If the contract, as provided by the City of Hoboken, is not executed by the vendor within 21 days of execution of this award, the City may cancel this award and rebid the contract.
- C. The contract shall be in accordance with the terms of the specifications and the vendor's corresponding bid proposal documents. No exceptions were noted in the Purchasing Agent's recommendation; therefore, none will be accepted in performing obligations under the bid.
- D. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor or her agent is hereby authorized to enter into an Agreement with the vendor for said purchase and sale.
- E. 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.

14-77

---By Councilman Bhalla

AUTHORIZING THE CITY OF HOBOKEN TO ACCEPT AND QUALIFY RESPONSES TO ISSUED REQUESTS FOR QUALIFICATION FOR GENERAL MUNICIPAL ENGINEERS 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 Professional Services as General Municipal Engineers; 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; and,

WHEREAS, the City has fully complied with the "fair and open" process set forth under N.J.S.A. 19:44A-20.1 et. seq., by issuing a Request for Qualifications for General Municipal Engineers; and,

WHEREAS, the City is in receipt of responses to the issued RFQ; 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 engineering 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 General Engineering Services for the City during the January 1, 2014 through December 31, 2014 period:

- 1. T&M Associates
- 2. Boswell Engineering

3. Maser Consulting PA
4. Remington Vernick & Arango

---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.

14-78

---By Councilman Bhalla

AUTHORIZING THE CITY OF HOBOKEN TO ACCEPT AND QUALIFY RESPONSES TO ISSUED REQUESTS FOR QUALIFICATION FOR COMPETITIVE CONTRACTING FOR GRANT WRITING 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 grant writing 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 grant writing services pursuant to the competitive contracting 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 grant writing 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 grant writing services for the City during the January 1, 2014 through December 31, 2014 period:

1. Millenium Strategies
2. Greener By Design

---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.

Councilwoman Mason has left the table at 10:52 PM
Councilwoman Mason has returned to the table at 10: 57 PM

14-79

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH HOLT MORGAN RUSSELL ARCHITECTS AS ARCHITECTS FOR THE HISTORIC PRESERVATION PLAN FOR CITY HALL FOR THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2014 AND EXPIRE DECEMBER 31, 2014 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$48,750.00

WHEREAS, service to the City as Project Architect 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, are subject to the fair and open process, for which an RFP was published, which Holt Morgan Russell submitted a proposal in response to, which the City has determined by evaluation to be the most effective and efficient proposal for said services; and,

WHEREAS, *Holt Morgan Russell is hereby required to continuously 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 \$37,500.00 is available in the following appropriations G-02-201-05-HT3 and that \$12,500.00 is available in the following appropriation G-02-201-05-HM3 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 Holt Morgan Russell to represent the City as Project Architect for the Historic Preservation Plan for City Hall be awarded, for a term to commence January 1, 2014 and expire December 31, 2014, for a total not to exceed amount of Forty Eight Thousand Seven Hundred Fifty Dollars (\$48,750.00); and

BE IT FURTHER RESOLVED, the contract shall include the terms of retention, as described in the RFP and Holt Morgan Russell's corresponding proposal; 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.

14-80

---By Councilman Bhalla

**RESOLUTION AUTHORIZING CHANGE ORDER #1 (FINAL) ON BEHALF OF
SZ CONSTRUCTION FOR ADDITIONAL WORK ON THE MULTI SERVICE
CENTER CONSTRUCTION PROJECT FOR THE CITY OF HOBOKEN IN THE
AMOUNT OF \$34,221.00**

WHEREAS, the City of Hoboken previously appropriated funds totaling \$473,000.00 for
SZ Construction for the Multiservice Center Construction Project for the City of Hoboken; and

WHEREAS, this represents the first and final change order, which will, upon approval,
constitute final closeout of the project; and

WHEREAS, the City's Architect, by letter dated December 27, 2013, has reviewed the
final product and invoiced work and takes no exception to the calculations included in Change
Order #1 in the amount of \$34,221.00, which equals a Seven and 2/10 Percent (7.2%) increase in
the contract amount; and

WHEREAS, certification of funds is available as follows:

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby
certify that \$34,221.00 is available in the following appropriation
_____ in the CY2014 temporary appropriation; 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 Council does hereby approve
Change Order #1 (FINAL) for the Multi Service Center Construction Project for the City of
Hoboken in favor of SZ Construction in the total amount of Thirty Four Thousand Two Hundred
Twenty One Dollars (\$34,221.00) which equals a Seven and 2/10 Percent (7.2%) increase in the
contract amount.

---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.

14-81

---By Councilman Bhalla

BY THIS RESOLUTION THE HOBOKEN CITY COUNCIL AUTHORIZES A FINANCIAL GUARANTEE TO PRESERVE THE “MEALS ON WHEELS” PROGRAM OF THE NORTH HUDSON REGIONAL COUNCIL OF MAYORS

WHEREAS, Hoboken participates in the “Meals on Wheels” and other community service programs administered through the North Hudson Regional Council of Mayors (NHRCM); and

WHEREAS, funding for these programs has not kept pace with the costs thereof, as a result of which the member municipalities must make up the deficit in some manner if these programs are to continue; and

WHEREAS, Hoboken wishes to try and keep these programs alive; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$56,692. is available in the following appropriation 4-01-23-222-020 in the CY2014 temporary appropriations; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said temporary appropriation for the CY2014; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the City Council that, subject to the adoption of like resolutions by all other municipalities in the NHRCM, the City of Hoboken shall agree to contribute it's proportionate share of the cost of the Meals on Wheels program; and

BE IT FURTHER RESOLVED that the amount to be provided by the City of Hoboken, for CY2014 shall be in the amount of \$45,500.00 (\$11,375.00 per quarter) for Meals on Wheels and \$11,192.00 (\$2,798.25 per quarter) for Nutrition Supplement; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute, attest, seal and deliver such documents as are necessary and appropriate to carry out the purposes and intent of this Resolution, in form satisfactory to the Corporation Counsel.

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.

14-82

---By Councilman Bhalla

RESOLUTION AWARDING A ONE (1) YEAR CONTRACT TO HORIZON BLUE CROSS BLUE SHIELD OF NEW JERSEY FOR THE PROVISION OF EMPLOYEE MEDICAL, PRESCRIPTION DRUG, AND DENTAL INSURANCE

WHEREAS, the City of Hoboken is contractually required to provide medical, prescription drug, and dental insurance benefits to certain of its employees and retirees; and,

WHEREAS, the City of Hoboken is desirous of continuing said coverage in accordance with its current contractual obligations; and,

WHEREAS, prior to entering into any contract to obtain insurance, the City shall secure full and open competition among insurers; and,

WHEREAS, pursuant to Section 20A-30 of the City Code, no provider of insurance to the City shall pay to any insurance consulting service provider to the City, or to any other third party, any form of compensation, including but not limited to commissions, fees, incentives, bonuses, rebates or any other thing of value, in consideration of obtaining the City's insurance; and,

WHEREAS, pursuant to Section 20A-33 of the City Code, the City's insurance broker obtained quotations for medical insurance from six (6) providers, obtained quotations for prescription drug insurance from four (4) providers, obtained quotations for dental insurance from four (4) providers, and obtained pricing from the State Health Benefits Plan; and,

WHEREAS, the Administration has determined that the proposals of Horizon Blue Cross/Blue Shield for coverage as currently provided are the most advantageous to the City; and,

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

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$3,362,170.74 is available in the following appropriation account 4-01-30-400-030 in the temporary CY2014 appropriations; 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 appropriations; and I further certify that I will review the availability of funds for the remaining \$16,810,853.67 upon adoption of the final CY2014 budget (\$15,129,768.30) and upon adoption of temporary CY2015 appropriations (\$1,681,085.37) and will prepare a certificate of available funds for the remaining balances and file same with the original resolution, or advise the Business Administrator in writing if the City Council fails to appropriate the necessary funds in the final CY2014 budget and/or the temporary CY2015 appropriations.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that the Administration is hereby authorized to enter into a one (1) year contract with Horizon Blue Cross Blue Shield of New Jersey, to commence February 1, 2014 and expire January 31, 2015, at a cost of \$20,173,024.41 (based upon the current employee and retiree census), comprised of \$14,231,758.08 for medical coverage; \$5,425,981.53 for prescription coverage; and, \$515,284.80 for dental coverage; and,

BE IT FURTHER RESOLVED, that the within award and authorization are in the amount of \$3,362,170.74, unconditionally, which is the amount available within the CY2014 temporary appropriations (2 months), and the remaining amounts shall be contingent upon the availability of funds in the adopted CY2014 annual budget (9 additional months for a total of 11 months) and the temporary CY2015 appropriations (1 month).

---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.

14-83

---By Councilman Bhalla

RESOLUTION AWARDING A PROFESSIONAL SERVICE CONTRACT TO BOSWELL ENGINEERING FOR CITY ENGINEER FOR FINALIZATION OF THE OBSERVER NEWARK REHABILITATION IN AN AMOUNT NOT TO EXCEED TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) FOR A ONE YEAR TERM TO COMMENCE JANUARY 1, 2014 AND EXPIRE DECEMBER 31, 2014

WHEREAS, the City of Hoboken published RFP's for general municipal engineering services; and,

WHEREAS, the Administration evaluated the proposal provided in response to said RFP, and the Administration has determined that Boswell Engineering can provide the City with the most effective and efficient City Engineering services for the 2014 calendar year for finalization of the Observer Newark Rehabilitation Project, in accordance with their attached proposal; and,

WHEREAS, in accordance with the direction of the Administration, the City Council is asked to award a contract to Boswell for the City's Engineering 2014 Observer Newark Rehabilitation Project for a total contract amount of Twenty Five Dollars (\$25,000.00), with a one (1) year term to commence on January 1, 2014; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$25,000 is available in the following appropriation 4-01-31-461-000 in the CY2014 temporary appropriations; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said temporary appropriation for the CY2014; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that a contract with the below listed vendor is awarded for an amount not to exceed Twenty Five Thousand Dollars (\$25,000.00), with a one (1) year term to commence on January 1, 2014, for services as Municipal Engineer for finalization of the Observer Newark Rehabilitation Project, in accordance with the attached proposal, and will the additional contract terms as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of Boswell's attached proposal shall govern the contract, and no changes may be made without the prior written consent of both parties.
3. Any change orders which shall become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.

4. The Council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
5. The Mayor, or her designee is hereby authorized to execute an agreement, for the above referenced goods and/or services based upon the following information:

Boswell Engineering
South Hackensack, New Jersey

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: Mason

14-84

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO ENTER INTO THE ATTACHED ANIMAL CONTROL CONTRACT BY AND BETWEEN THE CITY HOBOKEN AND LIBERTY HUMANE

WHEREAS, the City of Hoboken has a longstanding relationship with Liberty Humane for Animal Control Services, which the City now wishes to enter into the attached two year contract; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$17,750.00 is available in the following appropriation _____ in the temporary CY2014 appropriation; and I further certify that I will immediately review the CY2014 budget to determine whether the additional \$53,250.00 balance is available and appropriated in the following appropriation _____ 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 \$71,000.00 balance is available and appropriated in the following appropriation _____ 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

WHEREAS, the terms of the Animal Control contract are laid out in the Agreement, *attached hereto*, and the City Council is now called upon to either accept or reject the terms of the Agreement.

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

1. The City Council hereby accepts the Animal Control Agreement, as attached hereto or an agreement substantially similar without any substantive changes; and,
2. The City Council hereby authorizes the Mayor and her Administration to notify Liberty Humane of the Council's authorization of this Agreement.
3. The Mayor, her Administration and Corporation Counsel are hereby authorized to

proceed to execute and finalize said Agreement, or one substantially similar with no substantive changes, expeditiously, and to take any and all steps necessary to effectuate the Agreement.

---Motion duly seconded by 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.

14-85

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE THE CITY OF HOBOKEN TO ENTER INTO AN INTERLOCAL AGREEMENT AMONG THE N.J. OFFICE OF HOMELAND SECURITY AND PREPAREDNESS, THE DIVISION OF FIRE SAFETY WITHIN THE N.J. DEPARTMENT OF COMMUNITY AFFAIRS, THE NEW JERSEY TASK FORCE ONE WITHIN THE N.J. OFFICE OF EMERGENCY MANAGEMENT THE URBAN AREA SECURITY INITIATIVE EXECUTIVE COMMITTEE AND VARIOUS EMERGENCY RESPONSE AGENCIES WITHIN THE URBAN AREA SECURITY INITIATIVE AREA

WHEREAS, the N.J. Office of Homeland Security and Preparedness and the City of Hoboken wish to encourage inter-governmental cooperation and planning regarding their common interests in providing effective emergency management services; and

WHEREAS, N.J.S.A. 40:48-5 authorizes a municipality to contract with any public or private entity for the provision of any service which the municipality itself could provide directly; and

WHEREAS, N.J.S.A. 40A:65-4 allows municipalities enter into an agreement with other municipalities to provide or receive any service that each municipality participating in the agreement is empowered to provide or receive within its own jurisdiction; and

***WHEREAS**, the City of Hoboken wishes to enter into the Memorandum of Understanding among the N.J. Office of Homeland Security and Preparedness, the Division of Fire Safety within the N.J. Department of Community Affairs, the New Jersey Task Force One within the N.J. Office of Emergency Management, the Urban Area Security Initiative (the "UASI") Executive Committee and various emergency response agencies within the UASI region, which includes the core Cities of Jersey City and Newark and the contiguous counties of Bergen, Essex, Hudson, Morris, Middlesex, Passaic and Union (the "Memorandum of Understanding"); and a copy of the Memorandum of Understanding is attached hereto;*

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the Mayor is permitted to enter into the Memorandum of Understanding, a copy of which is attached hereto.

---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.

14-86

---By Councilman Bhalla

RESOLUTION TO APPROVE A "LICENSE AGREEMENT" BETWEEN THE CITY OF HOBOKEN AND THE OWNER OF BLOCK 205 LOT 11 (a/k/a 619 Bloomfield Street) FOR USE AND MAINTENANCE OF A PORTION OF THE PUBLIC RIGHT OF WAY ADJACENT TO SAID PROPERTY

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

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

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

WHEREAS, the City of Hoboken desires to grant to Ami Rosenberg, owner of Block 205 Lot 11, more commonly known as 619 Bloomfield Street, Hoboken, such a license.

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

- 1) Approval of the attached "License Agreement" between the City of Hoboken and Ami Rosenberg, owner of Block 205 Lot 11, more commonly known as 619 Bloomfield Street, shall be subject and limited to the specifications included in Exhibit "A" (Studio One architectural drawings dated 01/07/2013);
- 2)The Mayor or her agent is hereby authorized to enter into the attached agreement; and
- 3)This resolution shall become effective immediately up adoption.

---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.

14-87

---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 \$ 13,416.84

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Ponte Equities, Inc 268 West St New York, NY 10013	12/15	64 Jackson St	4/13	\$ 635.60
Cohen, Adam D 503 Monroe St #3 Hoboken, NJ 07030	67/2/C0003	503 Monroe St	4/13	\$ 3,660.49
Frick, Joseph Jr & Amy E Brook 933 Willow Ave #5A Hoboken, NJ 07030	171/16/C05-A	933 Willow Ave	4/13	\$ 167.93
Moss, Andrew & Liana 92 Garden St Hoboken, NJ 07030	176/5	92 Garden St	4/13	\$ 3,598.50
Jones, Mark 1314 Hudson St #12 Hoboken, NJ 07030	245/11/C0012	1314 Hudson St	4/13	\$ 2,483.57
O'Brien, John 164 Fifth St #1 Hoboken, NJ 07030	192/2	164 Fifth St	4/13	\$ 2,870.75

---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.

14-88

---By Councilman Bhalla

RESOLVED, that filed minutes for the Hoboken City Council **Regular meetings of December 4, 2013** have been reviewed and approved as to legal form and content.

---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 7 – NAYS: 1 -ABSTAIN: 1
---Yeas: Council persons Bhalla, Castellano, Cunningham, Mello, Occhipinti, Russo and President Giattino
---Nays: Mason
---Abstain: Doyle

14-89

---By Councilman Bhalla

RESOLUTION IN SUPPORT OF DR. MARTIN LUTHER KING, JR. DAY 2014

WHEREAS, Dr. Martin Luther King, Jr. changed our nation forever through his leadership, service, and clarity of vision; and

WHEREAS, Dr. King devoted his life to strengthening the content of the American character and called on our nation to live up to its founding principles of life, liberty and the pursuit of happiness for all its citizens; and

WHEREAS, through his determination, spirit and resolve, Dr. King helped lift souls and lead one of the greatest movements for equality and freedom in history; and

WHEREAS, the City Council wishes to honor the lasting legacy of this great American, remember the ideals for which he fought and recommit ourselves to ensuring that our country's promise extends to all Americans across the great land; and

WHEREAS, as we observe Dr. King's birthday and the national holiday recognizing his birthday, the City Council encourages all Americans to celebrate his memory by performing acts of kindness through service to others.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HOBOKEN that it declares its support for Dr. Martin Luther King Jr. Day 2014.

---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

14-90
Z-277

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.

WHEREAS, the City has determined that it is more effective and efficient to have the City's Road Opening Permits overseen and enforced by the Department of Transportation and Parking, and to make other minor amendments to the road opening requirements and procedures.

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 ARTICLE VIII OF CHAPTER 168

[§ 168-56 Scope.](#)

The following are the rules and regulations, including fees, which shall govern road opening permits within the City of Hoboken.

[§ 168-57 Permit required; violations and penalties.](#)

[A.](#)

No person, firm, corporation, public utility, authority or municipality will hereinafter tear up, open, remove, construct, reconstruct, tunnel, bore, probe, obstruct, or excavate any portion of any road, street, curb, sidewalk, utility, facility, or any portion thereof, in the City of Hoboken (City), owned, maintained or controlled by the City as part of the City's infrastructure system, for the purpose whatsoever, without first making application for, and receiving, a permit thereof, signed in the name of the City by the Director (hereinafter "Director") of the ~~Department of Environmental Services~~ Department of Transportation and Parking (hereinafter "~~Environmental Services~~DTP").

B.

Any road, street, curb, sidewalk, bridge, utility, facility, structure under the jurisdiction of the City that is obstructed, opened, removed, constructed, reconstructed, tunneled, bored, probed, excavated, damaged or destroyed without prior approval of ~~Environmental Services~~ DTP will result in a fine, and repairs shall be made by the applicant to the satisfaction of ~~Environmental Services~~ DTP.

§ 168-58 Application for permit; emergency waiver; fees; denial and revocation of permit.

A.

An application for a road opening permit should allow ~~seven~~ ten (10) business days for review (with exceptions to emergencies) by ~~Environmental Services~~ DTP or its authorized agent(s). Applicants should state the name, address, phone contact of the applicant, the name, address, phone contact of the property owner(s), the name, address, email address, twenty-four-hour phone contact of the contractor(s)/subcontractor(s) performing work, with the name of the City road to be opened [with notation to cross streets and immediately adjacent street address(es)], the nature of work to be performed and anticipated start and completion dates. The permit application shall be accompanied by three copies of a reasonably accurate sketch or plans, as well as a traffic control plan, certificate of liability insurance (in accordance with § 168-63, Insurance required), Zoning Board approval, Planning Board approval, and/or county or state approval, as applicable. ~~Environmental Services~~ DTP reserves the right to require plans or drawings to be drawn by a licensed professional engineer. Where the road opening permit involves a site plan or a subdivision plan approved by the City Planning Board or City Zoning Board, a copy of the approved site plan or subdivision plan will be submitted with the application. The permittee will comply with this article and the regulations herein and laws related to the proposed work and any other data as may be reasonably required by ~~Environmental Services~~ DTP or its authorized agent(s). All construction shall be governed by the current edition of the New Jersey Department of Transportation (NJDOT) Standard Specifications for Roads and Bridge Construction, latest edition, and any amendments thereto. Permits are valid for ~~one year~~ ninety (90) days from date of issue unless otherwise noted. The validity of the permit may be extended, in the City's sole discretion, if so requested, in writing, by the applicant prior to its expiration period thereof, for such additional periods as requested by the applicant. ~~Environmental Services~~ DTP may, in its sole discretion, approve the extension subject to conditions and/or limitations or deny the extension and declare said permit to be null and void upon expiration of the term of the original permit. A permit fee payment shall be in the form of a check or money order payable to the "City of Hoboken," or in the form of a valid credit card. No cash will be accepted.

B.

In the event of an emergency, the advanced filing period may be waived, but all submissions must be received no more than twenty-four (24) hours from the time of opening or an additional fee of \$100.00 per day will be assessed on the project. Any event in which a structure, sewer, water main, conduit or utility, in, under or over any road, street, sidewalk, breaks, bursts or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual, the person, company or utility owning or controlling such structure, sewer, water main, conduit or utility shall constitute an emergency, which shall allow for road opening without first applying for and obtaining a permit hereunder. Any individual attempting to utilize the emergency waiver provision shall immediately take proper emergency measures to secure or remedy the dangerous conditions for the protection of property, life, health and safety of individuals, and ~~Environmental Services~~ DTP must be notified immediately of the occurrence. In the event that the ~~Environmental Services~~ DTP office is closed (after hours, weekends and

holidays), a written notice shall be directed to the Hoboken Police Department and by fax copy to the ~~Environmental Services DTP~~ office stating the nature of said emergency and the individual's utilization of the waiver provision hereunder. ~~However- Furthermore~~, such person owning or controlling such facility, structure or utility ~~will apply for a permit not later than the next business day and~~ will not proceed with the permanent repairs and inspection without first obtaining a permit hereunder.

C.

The City will charge the permittee according to the Fee Schedule, ~~as attached at Schedule 1 of Chapter 168.~~

The permittee, to whom a permit has been issued, will not perform any work other than that for which the permit provides, and all applicable fees have been paid. A separate permit will be required for each and every opening. The applicant will sign the permit application and will be bound by all obligations of the permit and this article and will be referred to as the "permittee." A permit may not be transferred ~~except upon written consent of the Director of Environmental Services DTP.~~

D.

If the application for a permit, or any extension thereof, is denied, ~~Environmental Services DTP~~ will send the applicant a written notification of the denial, and will state the reason of denial. Any permit issued under this article may be revoked at any time by ~~Environmental Services DTP~~ for work conducted outside of the submitted permit area, work plans and/or failure to comply with this article and conditions of the permit application. ~~Environmental Services DTP~~ also reserves the right to stop work for failure to comply with this article and/or ~~to~~ may order the completion of sufficient work to ensure the safety of individuals and vehicular traffic.

§ 168-59 Performance and maintenance guaranties: temporary no-parking signs.

A.

All permittees [excluding public utilities, their registered and authorized contractor(s)/subcontractor(s), agents or contractor(s)/subcontractor(s) of county, state or federal agencies] will deposit a guarantee of credit with the ~~Department of Environmental Services DTP~~ in the form of a bond, or note of certified funds, acceptable to ~~Environmental Services DTP~~. One year after final restoration of work, pending the approval of ~~Environmental Services DTP~~, the guarantee will be released, with exception to newly paved roads, where the bond must be for ~~two~~ four (4) years. However, should ~~Environmental Services DTP~~, upon final inspection, determine that the construction and/or reconstruction done under the permit was unsatisfactory, and/or otherwise in violation of the approved plans or conditions attached to the permit, and should the permittee, upon receipt of written notice of deficiencies, fail to remedy same within 30 days, then the City shall deduct from the permittee's guarantee all expenses incurred by the City in performing the necessary repairs to remediate same.

B.

~~Environmental Services DTP~~ shall have the right to perform borings in the pavement, cut cores in the pavement or to perform other investigations as deemed necessary to confirm that the provisions of the road opening permit have been satisfied. Upon a finding that the permittee failed to satisfy the provisions of the permit and/or this article, the cost of such investigation and all rehabilitation and/or remediation costs shall be billed to the permittee.

C.

~~Environmental Services DTP~~ may require an extended maintenance period in excess of one year and an additional maintenance guarantee, depending upon the nature of the work involved. This additional obligation shall be noticed to the permittee at the time of approval of the application and shall be released upon completion of the work and acceptance of the work by ~~Environmental Services DTP~~ or its authorized agent(s).

D.

When a maintenance bond is posted, it will be executed by the permittee as principal and a surety company licensed to do business in the State of New Jersey as surety.

E.

The release of the guarantee will also be conditioned upon the permittee restoring the surface and any damage to the streets abutting the work site, and those streets which had sustained damage through the use of construction equipment, and vehicles.

F.

For utility main construction, other or additional conditions may be prescribed by the City. Plans for such projects must have the approval of ~~Environmental Services~~ DTP and the City Engineer's office before a permit may be issued.

G.

If the work involves the temporary displacement or loss of on-street parking, then the permittee shall be required to provide proof of purchase of temporary no-parking signs to the extent that both the proposed work area and the days and hours planned are properly reserved and demarcated. If temporary parking signs are obtained, the Hoboken Parking Utility and/or the Hoboken Police Department may relieve the area of unmoved parked vehicles.

§ 168-60 Notification of utility providers: surety bond.

A.

Public utility providers shall maintain active status and current contact information on record with the ~~Department of Environmental Services~~ DTP to ensure proper communication of annual paving programs. The ~~Department of Environmental Services~~ DTP shall notify, once a year, to public utility providers on record of the dates and locations of planned work on City sidewalks/streets/roads. Any utility work to be performed on these sidewalks/streets/roads shall be completed prior to the start of construction or paving. Such notice will state that no road opening permit will be issued for openings, cuts or excavations in said City road for a period of five years (hereafter referred to as "5 Year Embargo") after the date of paving, unless in the judgment of ~~Environmental Services~~DTP, an emergency or hardship exists which makes it absolutely essential that a road opening permit be issued. The notice will also notify such permittee that application for road opening permits for work to be completed prior to such construction/paving shall be submitted promptly in order that the work covered by the permit may be completed prior to planned construction/paving.

B.

~~Environmental Services~~ DTP is authorized to request a surety bond or equivalent in the minimum amount of ~~\$10,000~~\$100,000.00, or higher, as determined by ~~Environmental Services~~ DTP or its designated representative, to assure that any road opening on roadways paved within the past five years is restored satisfactorily. The restoration will include milling and paving, ~~or~~ which shall at all times be infrared repaving of the area so as to blend uniformly with the adjacent roadway, as per the conditions stated in the permit, including restoration of roadway and crosswalks, striping, raised pavement markings, signage and all other appurtenances.

§ 168-61 Public utility exception: notice required.

A.

With the exception of the 5 Year Embargo limitation described above, the provisions of this article shall not apply to openings or excavations made by a public utility corporation subject to regulations by the Board of Public Utility Commissioners, which has the right to lay, construct, install, maintain and operate its work or facilities, or any of them, in any public road or street of the City, which are to be made for the purpose of laying, relaying, constructing, reconstructing, installing, maintaining, opening or repairing any such work or facilities, if such public utility corporation shall, prior to the doing of any such work, have filed with the City Clerk its bond running to the City of Hoboken in the sum of ~~\$30,000~~ \$500,000.00 conditioned for the temporary and permanent restoration of any road, street or pavement therefor which may be opened or excavated by such utility, its employees or contractors, without undue delay to as good condition as the same was at the time of the opening therefor and to the satisfaction of ~~Environmental Services~~DTP, which bond, hereafter referred to as the "Utility Expediting Bond," shall further provide that the obligation therefor shall be a continuing obligation to the full amount thereof of each opening of any road or pavement. In the event the Utility Expediting Bond described above is exhausted due to a failure of the public utility to return an area to as good condition as the same was at the time of the opening therefor and to the satisfaction of ~~Environmental~~

~~Services~~DTP, then said utility shall no longer be eligible for the exceptions described in this section.

B.

The utility corporation shall, except in case of emergency, give at least 24 hours' notice to ~~Environmental Services~~ DTP of its intention to open or excavate. In the case of emergency openings, the notice shall be given to ~~Environmental Services~~ DTP within one business day after such opening is made, or Section 168-58B shall apply.

§ 168-62 Work site safety provisions and guarantees.

Construction on City streets/roads/sidewalks, pursuant to this article, will conform to the most recent design standards, plans, details, specifications, method of construction and traffic control. All permits issued shall be subject to the following rules regulations. All work shall be conducted within a work zone, and conforming to the latest edition of the Manual on Uniform Traffic Control Devices, as published by the USDOT-FHA, and underground markings/mark-out requirements.

A. Safety.

(1)

All work will be conducted in such a manner as to cause the least public inconvenience and to permit the use of the sidewalk by pedestrians, the roadway by vehicles, and the flow of water in the gutters. The permittee shall plan and carry out his or her work to provide for the safe and convenient passage of such traffic and to cause as little inconvenience as possible to the occupants of adjoining properties. (See § 168-67, Manner of Conducting and carrying out work; maintenance of accurate drawings and plans required.) All openings, digging, excavations, piles of material, equipment, machinery, barricades, scaffolds/pedestrian sheds or obstructions, including earth and stone removed from excavations, will be removed immediately or properly guarded at all times to prevent accidents. A sufficient number of lights and/or lanterns shall be maintained between sunset and sunrise by the person to whom such permit has been issued to designate such openings, excavations, construction or obstructions during the hours of darkness. Reflective barrels, blinking lights, warning signs, flagmen, uniformed traffic officers and all other man-powered equipment as required by, or directed by, ~~Environmental Services~~ DTP shall be provided for by the permittee or its designated contractor(s)/subcontractor(s).

(2)

The work area will be made passable to all emergency vehicles during all phases of work.

(3)

In the event that the work zone requires the detour of vehicular and pedestrian traffic, the permittee will submit a detour plan for review and approval by ~~Environmental Services~~DTP, or its authorized agent(s), who at its sole discretion may require the approval of the municipalities involved prior to any road closings. All detours are to be coordinated with the Hoboken Police Department. The detour signage must be properly installed and maintained at all times. Any damage to the detour route must be corrected by the permittee.

(4)

If the sidewalk is blocked by any work, a temporary blacktop sidewalk will be constructed or provided which will be safe for travel and convenient for all users. No gravel fills will be allowed as temporary sidewalks.

B. Traffic Directors.

(1)

Police Traffic Directors will be off-duty police officers from within the City of Hoboken. Police Traffic Directors will be located at specific locations designated in the permit or as described by ~~Environmental Services~~ DTP during construction hours. Contact the City in order to obtain the services of Police Traffic Directors. The name, address and telephone number of the local representative is listed below:

Chief of Police City of Hoboken
Police Department One Police Plaza
Hoboken, New Jersey 07030
Tel: (201) 420-2100

(2)

The permittee must provide payment for Police Traffic Directors which includes the use of police equipment and services, as required for and by the police. Payment will be separate from fees associated with the road opening permit. Payment must only be made only for the direct compensation of the police to perform their duties as Police Traffic Directors for the work as directed by ~~Environmental Services~~ DTP or one of its authorized agent(s).

C. Provisions.

(1)

All existing pavements, road surfaces, pavement markings, signs, sidewalks, brick pavers, curbs, gutters, pipes, manholes, drains, conduits or other installations or fixtures, and property damaged or destroyed by the permittee's activity or his/her contractor(s)/subcontractor(s), will be corrected or repaired by the permittee or his/her contractor(s)/subcontractor(s).

(2)

No person will divert or discharge dirt, stone, grass, brush, leaves, excavation material, water or any other matter into, upon or across any City road or sidewalk so as to create a nuisance or a hazardous condition or cause the adjacent drainage and pavement to be clogged and/or damaged. All water pumped and bailed from the trench or other excavation will be conveyed in a proper manner to a suitable point of discharge. Hay bales, screening or other methods approved by the Hudson County Soil Conservation District will be placed at inlets to prevent sand and silt infiltration by the permittee and at his or her expense.

(3)

It will be unlawful to make any such excavation, or tunnel in any way contrary to, or at a variance with the terms of the permit thereof. Proper bracing (trench boxing or sheeting) will be maintained to prevent the collapse of adjoining ground, and protection of the workers will be in accordance with the regulations of the New Jersey Department of Labor and Industry and the Occupational Safety and Health Administration. (OSHA). The permittee will assign supervising personnel to be responsible for the work safety on the project, performed under the road opening permit.

(4)

No injury will be done to any pipes, cables, conduits or other facilities during the work performed under the road opening permit. During excavation, if the permittee discovers any damage to other utilities or underground structures, he or she must notify ~~Environmental Services~~ DTP or its representative immediately. Notice will be given beforehand to the utility company maintaining any such pipes, cables or conduits as prescribed by law. The permittee will not proceed with any road opening until he/she submits to ~~Environmental Services~~ DTP the proof of notification (One Call 1-800-272-1000) to all utility mark outs. It is the sole responsibility and duty of the permittee to make such investigation and effort to locate all utilities. The City will not be held responsible for any damage to any utilities (seen or unseen) aboveground, underground or overhead, or any claims resulting from damage to any utility (seen or unseen) above ground, underground, or overhead.

(5)

All work by the permittee will be done in accordance with the provisions of N.J.S.A. 34:6-47.1 et seq. N.J.A.C. 12:186 and in accordance with the provisions of the Federal Occupational Safety and Health Act of 1970, and Subpart N, Paragraph 1926.550, of the rules and regulations issued under said acts.

(6)

The permittee will clean up and remove promptly and continuously from the work site all excavated material and debris, and upon completion of the project, will leave the work site and all surrounding areas in a neat and orderly condition as good as it was previously.

(7)

Where topsoil, seeded areas, sod or landscaping is disturbed in the course of the work, the permittee will restore such ground surfaces to a condition equal to that prior to commencement of work.

(8)

Trenches and other excavations will be backfilled with clean granular soil, free of excessive fines in lifts, not to exceed 12 inches in height. Compaction will be done with vibratory tampers, such as jumping jacks, hoe packs, dynapacks or other equipment acceptable by ~~Environmental~~

~~ServicesDTP~~. Vibratory plate compactors will not be used. Puddling of backfills is strictly prohibited. Excess backfill will be removed from the site. If there is a deficiency of backfill material, additional backfill will be supplied by the permittee. (See § [168-64](#), Work site restoration.)

[\(9\)](#)

If the permittee has failed to comply with the rules and regulations as provided in this article after receipt of written notice, then the City reserves the right to take any action to ensure compliance with this article. In the event the permittee will be charged with the cost of same, at a rate determined by ~~Environmental Services DTP~~ based on current contract rates, if such are in effect, or a schedule of costs accepted by ~~Environmental ServicesDTP~~, based on the rates as published by NJDOT, or the actual cost of repairs paid to a contractor selected by ~~Environmental ServicesDTP~~, plus 15% overhead. Any monies due to the City in excess of the permit fee will be billed upon completion of the work and will be paid by the permittee within 30 days after the receipt of the bill. Failure to pay such dues will result in the permittee paying the maximum interest rate allowed by law, as well as any attorney's fees and costs incurred by the City in furtherance of the collection of said monies.

[\(10\)](#)

~~Environmental Services DTP~~ will also have the authority to deny all future permits until differences identified as above are corrected to the satisfaction of the Department.

[\(11\)](#)

The City will not be liable for damages or for any personal injuries or damages to property sustained as the result of any excavation or opening in any road, street, bridge, sidewalk or curb work made by any person by virtue of the provisions of this chapter.

[\(12\)](#)

Neither the City nor any of its employees will be deemed to be the agent or the servant of the permittee for any purpose of this section.

[§ 168-63 Insurance required.](#)

The permittee will provide insurance as follows:

[A.](#)

Work will not commence until all insurance as required under the following subsections is submitted and until such insurances have been approved by ~~Environmental ServicesDTP~~, nor will the permittee allow any of his/her contractor(s)/subcontractor(s) to commence work on his/her subcontract until all similar insurances required have been obtained and approved. All certificates of insurance shall be presented prior to the permit being approved and released. All certificates of insurance, except workers' compensation insurance, as required herein, shall name the City, and all of its officers, employees, agents and assignees, as additional insured. All certificates of insurance shall include a thirty-day notice to the City of Hoboken prior to termination of the insurance. All insurance coverages shall be with an insurance carrier licensed to provide insurance of the nature offered in the State of New Jersey.

[B.](#)

The permittee will take out and maintain during the work under the permit workers' compensation insurance for all of his/her employees at the site of the project, and in case any work is sublet, the permittee will require the subcontractor(s) similarly to provide workers' compensation insurance for all of the latter's employees unless such employees are covered by the protection afforded by the permittee. In case any class of employees engaged in hazardous work under the permit at the site of the project is not protected under the workers' compensation insurance status, the permittee will provide and will cause each subcontractor(s) to provide workers' compensation insurance status for the protection of his/her employees not otherwise protected.

[C.](#)

The permittee will obtain and keep in force during the work under the permit general and public liability and property damage insurance coverage(s), in a form to be approved by the City of Hoboken Office of Corporation Counsel. Said insurance will provide coverage to the permittee, any contractor(s)/subcontractor(s) performing work provided by the permittee, and the City. The City and its officers, agents, servants and employees, as their interest shall appear, will be named as additional insured on said policy insofar as the work and obligations performed under the

permit concerned with address and location of the work site. The coverage so provided shall protect against claims for personal injuries, including death, as well as claims for property damage which may arise from any act or omission of the City, the permittee or the contractor(s)/subcontractor(s), or by anyone directly employed by either of them, and the minimum policy limits of such insurance will be as follows:

(1)

Bodily injury liability coverage with limits of not less than \$1,000,000 per occurrence.

(2)

For bodily injury, including accidental death to any one person, and subject to that limit each person in the amount not less than \$1,000,000.

(3)

For each accident and property damage coverage in an amount of not less than \$1,000,000 for each accident.

D.

The permittee, its employees and agents agree to save the City, its officers, agents, servants and employees from all lost damages occasioned to it, or to any third person, or property by reason of any carelessness or negligence on the part of the permittee, its contractor(s)/subcontractor(s), agents, employees in the performance of the work under the permit and will, after reasonable notice thereof, defend and pay the expense of defending any suit which may occur against the City, its officers, agents, servants and employees, as their interest may appear, by the third person alleging injury by reason of such carelessness or negligence, and will pay any judgment which may be obtained against the City, its officers, agents, servants and employees as their interest may appear in such suit. The permittee will furnish the insurance required.

E.

Automobile and truck insurance, covering vehicles owned, leased, rented, loaned and/or operated by the permittee, and vehicles operated for the permittee, including those employees when so operated, will be provided as follows:

(1)

One person in any one accident: amount of \$1,000,000.

(2)

Two or more persons in any one accident: aggregate minimum amount of \$3,000,000.

(3)

Property damage in any one accident: amount of \$500,000, with an aggregate property damage policy limit of \$1,000,000.

§ 168-64 Work site restoration.

Immediately after the work is performed for which the permit had been issued, road repair and backfilling will be done in accordance with details prepared by ~~Environmental Services~~ DTP which accompanied the permit. Excavated material will not be used as backfill, unless approved by ~~Environmental Services~~ DTP. Temporary pavement or patch work will be removed approximately one month after installation, and the opening will be restored (infrared paving) to the grade, slope and profile that prevailed at the time of the opening, or as directed by ~~Environmental Services~~ DTP. The permittee is responsible for the full restoration of the roadway surface, including restriping and installing raised pavement markings before its opening to vehicle and pedestrian traffic. Upon completion of the work, the applicant is responsible for notifying ~~Environmental Services~~ DTP when all work has been completed and is ready for final inspection. All inspections will be performed during the City's normal business hours. Inspections after hours and weekends will be charged accordingly as determined by ~~Environmental Services~~ DTP.

A.

Backfill is to be done with quarry stone; Type I-5 or DGA for the full depth of the trench. All opening cuts to be squared and cut on a vertical plane to a width and length of not less than 12 inches greater than the original cut/opening. The surface restoration shall extend 12 inches wider and longer than the area of the base.

B.

The pavement is to be restored with 10 inches of bituminous stabilized mix I-2, and two inches of bituminous surface course mix I-4, properly compacted.

C.

Disturbed pavement markings must be restored immediately to original or better condition using the same or equivalent materials (3M-380 IES) as originally installed. Restoration may be temporary until the permanent markings are applied within 30 days.

D.

Restoration to concrete sidewalk openings must be full square (flag) replacement. No partial patching will be accepted.

E.

Brick pavers to street and sidewalk openings must be replaced to their original pattern.

F.

Road openings to historical sites that contain Belgium block streets and/or sidewalks must be restored as per the local and/or state historical society requirements under the guidance of ~~Environmental Services~~DTP.

§ 168-65 Notification and progress of work.

The permittee will notify ~~Environmental Services~~ DTP by phone, letter, fax, e-mail at least 48 hours in advance of any activity and, likewise, at the completion of the activity or project. Failure to provide such notification may result in the cancellation of the permit. The permittee will keep a copy of the permit at the job site at all times. The permittee will retain full responsibility for any damages which may result from any construction activity notwithstanding any approvals from ~~Environmental Services~~DTP. Trenches will not be kept open when work is not in progress. If work is stopped for more than 24 hours, the trench will be temporarily backfilled and capped with temporary pavement.

§ 168-66 Maintenance of traffic flow.

A.

The permittee will maintain vehicular and pedestrian traffic in the work area as per conditions stated in the permit.

B.

The permittee will backfill all excavated areas within the roadway to a grade compatible with the existing traveled road, at such times when work is not actively being done. This will include nights, weekends and periods of shutdown. Trenches will not remain open overnight under any circumstances. The work area must be maintained in a safe and neat condition at all times.

C.

Roadways, shoulders and sidewalks in areas which the permittee has actually commenced construction operations, and which are reserved for vehicular and pedestrian traffic, will be maintained by the permittee at his or her expense, free from obstructions and in a smooth riding or walking condition at all times, including seasonal shutdowns.

D.

If the excavation extends the full width of the City road, only 1/2 of the road will be excavated at one time and will be backfilled and a temporary pavement placed before the other half is excavated, unless otherwise permitted by the permit conditions. Where considered necessary, work under a permit will be carried on only within such hours as allotted by ~~Environmental Services~~ DTP and/or City ordinance. If work cannot be completed within the time specified, open trenches will be backfilled or covered with steel plates of sufficient strength to carry all traffic safely. Plates must be recessed and pinned and can only be left out with the approval of ~~Environmental Services~~DTP. If, in the Department's judgment, traffic conditions, the safety or convenience of the traveling public or the public interest requires that the excavation work be performed as emergency work, ~~Environmental Services~~ DTP will have full power to order, at the time the permit is granted, that a crew of workers and adequate facilities be employed by the permittee 24 hours a day to the end, that such excavation work may be completed as soon as possible. ~~Environmental Services~~ DTP will also have full power to limit the hours of work as the public interest may require.

E.

All plates in roadways are to be countersunk between the dates of November 15 and April 15.

[§ 168-67 Manner of conducting and carrying out work; maintenance of accurate drawings and plans required.](#)

[A.](#)

Each permittee will conduct and carry out the work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring properties. There will be no encroachment to adjoining properties without the prior written consent of the property owner(s). The permittee will take appropriate measures to reduce, to the fullest extent practicable in the performance of the excavation work, noise, dust, soil erosion and unsightly debris. All work conducted must also be in compliance with City and/or state ordinances.

[B.](#)

Users of subsurface street space will maintain accurate drawings and plans, showing the location and character of all underground structures, including abandoned installations. Said drawings and plans are to be kept on file in the office of said users and will at all times be available to ~~Environmental Services~~ DTP for inspection.

[§ 168-68 Provisions not applicable to City work.](#)

The provisions of this article will not be applicable to any work under the direction of the City, by employees of the City or by any contractor(s)/subcontractor(s) of the City performing work for, and on behalf of, the City, necessitating openings or excavations in City roads, streets, sidewalks, curbs, parks, utilities, facilities, or any portion thereof, in the City of Hoboken, owned, maintained or controlled by the City of Hoboken's infrastructure.

[§ 168-69 Work by municipalities and governmental agencies.](#)

Any work done by the county and/or state governmental agencies, their departments and divisions must be performed under the provisions of this article, except that the City may waive any and all fees.

[§ 168-70 Liability of City.](#)

This article will not be construed as imposing upon the City, or any official or employees, any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit is issued hereunder, nor will the City or employees thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit or the approval of any excavation work.

[§ 168-71 Right-of-way encroachment.](#)

[A.](#)

No part of the City road right-of-way will be used for the conducting of private business. The City road right-of-way is to be kept clear of buildings, sales or merchandise displays, vehicle parking areas, servicing of vehicles, service of equipment, and appurtenances thereto.

[B.](#)

Under no circumstances will objects create an obstacle and/or line-of-sight obstruction to motorists and pedestrians to observe oncoming traffic, signals, signing, striping, pavement markings and/or any other hazardous conditions. The City reserves the right to remove items deemed to be obstructive, and/or hazardous objects not under permit work may also be removed by the City and subject to violation.

[§ 168-72 Soil borings; monitoring wells; Geoprobes.](#)

[A.](#)

The location of soil borings, monitoring wells and/or Geoprobes will be shown on a site plan, at a scale of one inch equals 50 feet minimum, and will be included with the application.

[B.](#)

The construction detail of soil borings, monitoring wells and/or Geoprobes will be included with the application.

[C.](#)

The permit will expire one year from the date of the completion of the removal of the monitoring wells and/or Geoprobes, unless extended for good cause, in writing, by ~~Environmental Services~~

DTP and/or its duly authorized representative, at the written request of the permittee. Removal of monitoring wells and/or Geoprobes immediately after work is performed will be subject to the Work Site Restoration ordinance.

[§ 168-73 Underground storage tanks.](#)

[A.](#)

Underground storage tank inspections and removals will fall under all rules, regulations and guidelines of this article, with exception to the following: Tank abandonment and removal may be conducted by businesses licensed by the State of New Jersey to perform such work.

[B.](#)

Abandoned tanks found not to be leaking any petroleum fluids, and only after NJDEP inspection, may be backfilled as per NJDEP guidelines. Abandoned tanks found to be leaking will be removed, along with their contaminated soil. No permanent backfilling may be conducted prior to the approval of a NJDEP inspection. The permittee will provide to the ~~Department of Environmental Services~~ DTP office a signed release and report from the NJDEP, with the name and location of the disposal site of the removed tank and contaminated soil. The Work Site Restoration ordinance will prevail.

[§ 168-74 Definitions.](#)

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

[APPLICANT](#)

Any public or private utility company making application to the ~~Department of Environmental Services~~ DTP for a road opening permit hereunder. If the applicant is a contractor who will be performing the excavation work on behalf of another party, the contractor shall be a co-applicant, and the party on whose behalf the work is being performed shall be the applicant.

[CITY](#)

The City of Hoboken.

[CITY ENGINEER](#)

The person appointed to the position of City Engineer, or any person authorized to act as his or her representative.

[CO-APPLICANT](#)

A contractor who will be performing excavation work on behalf of the applicant, and who is jointly and severally responsible and liable along with the applicant for compliance with all items and conditions of this article and any penalty or claim filed by the City as a result of any violation of this article.

[DEPARTMENT, THE](#)

Refers to the City of Hoboken ~~Department of Environmental Services~~ Department of Transportation and Parking, who has the sole responsibility of the review and approval of a road opening permit as described herein.

[ENVIRONMENTAL SERVICES TRANSPORTATION AND PARKING \("DTP"\)](#)

Refers to the City of Hoboken ~~Department of Environmental Services~~ Department of Transportation and Parking, who has the sole responsibility of the review and approval of a road opening permit as described herein.

[EXCAVATION](#)

The digging, displacing, undermining, opening, boring, tunneling, auguring or in any manner breaking up any improved or unimproved road, street, curb, sidewalk, gutter or other public property in any roadway or any portion of a City right-of-way.

[INFRARED](#)

A paving restoration method utilizing infrared heat to properly restore existing asphalt.

[LINEAR FOOT](#)

Common unit of English measurement used to determine openings in City roads, equal to 12 inches.

[MAINTENANCE GUARANTEE](#)

Security in the form of either a bond, letter of credit or a certified check posted by an applicant or co-applicant to guarantee proper maintenance of the reconstruction of the site of any road opening for a period of two or five years after final acceptance.

[MUTCD](#)

Manual on Uniform Traffic Control Devices.

[PERFORMANCE GUARANTEE](#)

Security in the form of either a bond, letter of credit or a certified check posted by an applicant or co-applicant to guarantee proper closure and satisfactory reconstruction of the road opening.

[PERMITTEE](#)

Any person who has been granted and has in full force and effect a permit issued hereunder.

[PERSON](#)

Any person, firm, partnership, association, corporation, municipality, company or organization of any kind.

[RESIDENTIAL DRIVEWAY](#)

An excavation for a single-family dwelling, duplex or common driveway, which serves two single-family residences in accordance with a subdivision approval requirement of the City's Planning Board.

[SQUARE FOOT](#)

The surface area of the opening made in the City roadway or property by the permit applicant. It shall be the product of the length and width of the opening measured in feet. In case of irregular openings, the City may, at its sole discretion, choose to average the length and/or width.

[STREET](#)

Any street, highway, road, roadway, sidewalk, alley, avenue, pavement, shoulder, gravel base, subgrade, curb, gutter, including drainage structures, utility structures and all other appurtenant structures, trees and landscaping; or any other public right-of-way or public ground in the City of Hoboken and under control of the City of Hoboken.

[UTILITY COMPANY](#)

Includes telephone, fiber optic, cable, wireless, water, sewer, gas and electric.

[§ 168-75 Enforcement.](#)

[A.](#)

The Department of Transportation and Parking is hereby given the authority to enforce and perform the procedural and administrative obligations of this article.

[B.](#)

The Department of Transportation and Parking and the Hoboken Police Department are hereby given the authority to enforce any and all violations of this article; and , upon determination of a violation, may file a complaint with the Municipal Court and take any other action consistent with this chapter or other applicable law.

[§ 168-76 Violations and Penalties.](#)

[A.](#)

Any person, firm or corporation violating any of the provisions of this article, shall, upon conviction thereof, be subject to a fine of not less than \$100 nor exceeding \$1,000, or imprisonment for a period not exceeding 90 days, or both, at the determination of the court, and each and every day in which said violation exists shall constitute a separate violation.

[B.](#)

Any person who is convicted of violating this article within one (1) year of the date of a previous violation of this article and who was fined for the current violation, shall be sentenced to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than \$100 nor shall it exceed the maximum fine fixed for a violation of this article, but shall be calculated separately from the fine imposed for the violation of this article, as provided for by N.J.S.A. 40:69A-29.

SECTION TWO: AMENDMENTS TO SCHEDULE 1 “ROAD OPENING FEE SCHEDULE” OF CHAPTER 168

Fee Schedule

ROAD OPENING PERMITS:	
General Application Fees	
Normal:	\$50.00 \$200.00
All Non-reported Openings:	\$200.00 \$500.00
Permit Fees: (Opening Size)	
Up to 20 S.F.	\$100.00 \$150.00
Between 20 and 40 40 S.F.	\$200.00
Between 41 and 100 S.F.	\$300.00
Additional over 100 S.F.	\$10.00 \$20.00/Ea Addt'l S.F.
Multiple Openings (Minimum)	\$100.00/Ea Up to 20 S.F. Same as above calculated and added for each opening
	\$200.00/Ea Over 100 S.F.
Bond Fees:	
Up to 20 S.F.	\$2,000.00 \$10,000.00
Over 20 S.F.	\$2,000.00 \$10,000.00 plus \$100.00 \$20.00 Per S.F. over 80 20 S.F.
Multiple Openings (Minimum)	\$2,000.00/Ea Up to 20 S.F. Same as above calculated and added for each opening
Newly Paved Roads (5 Yrs or Less)	\$10,000.00 - \$50,000.00
(As determined by City Engineer)	
CURBING-DRIVEWAY-SIDEWALK:	
General Application Fee:	\$50.00 \$100.00
Sidewalk Openings Fee:	\$100.00 \$200.00
Permit Fees: Driveway/Residential	\$200.00/Ea Opening (Min 10 Up to 12 L.F.); \$50.00 for each additional L.F.
Driveway/Commercial	\$500.00/Ea Opening (Min 20 Up to 12 L.F.); \$100.00/Ea Addt'l L.F.
Full Height Curbing:	\$200.00 (Min 40 Up to 12 L.F.); \$50.00/Ea Addt'l L.F.
Bond Fees: Curbing/Driveway	\$2,000.00 \$5,000.00 (Min) (Up to 10 L.F.); \$100.00/Ea addt'l L.F. (Over 10 L.F.)
Borings/Monitoring Wells/Geo Probes (Min 2 Openings)	
Permit Fees:	\$150.00 per Boring/Well/Probe
	\$75.00/Ea Addt'l
	Boring/Well/Probe
Bond Fees:	\$2500.00 \$5,000.00 for up to (Min 2 Borings); \$1000.00 (Ea Addt'l Boring)
Inspection Fees:	
Normal Hours (M thru F 8:00AM – 4:00PM)	\$75.00 \$98.00 per hour
After hours, Sat., Sun, and/or Holidays	\$150.00 per hour

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 remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION FIVE: EFFECTIVE DATE

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

SECTION SIX: CODIFICATION

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

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

President 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 5, 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.

14-91
Z-278

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 1-1-13	Maximum Eff 1-1-2014
Assistant/Deputy Business Administrator	\$75,000	\$125,000	\$137,500
Business Administrator	\$80,000	\$150,000	\$162,500
Confidential Aide Assistant to the Mayor	\$28,840	\$71,500	\$78,000
Corporation Counsel	\$50,000	\$109,318	\$137,500
Community Development Director	\$75,000	\$125,000	\$137,500
Environmental Services Director	\$75,000	\$125,000	\$137,500
Finance Director	\$75,000	\$125,000	\$137,500
Human Services Director	\$75,000	\$125,000	\$137,500
Public Safety Director	\$27,500	\$125,000	\$137,500
Transportation & Parking Director	\$75,000	\$125,000	\$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 5, 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

14-92

Z-279

AN ORDINANCE APPROVING THE TERMS OF THE ATTACHED LEASE AGREEMENT BETWEEN THE CITY OF HOBOKEN AND 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 5, 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.

14-93
Z-280

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

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 North Hudson Community Action Corporation to utilize the vacant space, as it has done in the past, exclusively for non-profit medical services, and the City (as landlord) and North Hudson Community Action Corporation (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:

- 3) Approval of the attached Lease Agreement between the City of Hoboken and North Hudson Community Action Corporation is granted by the City Council; and
- 4)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 remain 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 5, 2014** at 7:00 PM.

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

New Business

Councilman Russo comments about public storage and the fence area in front of Metro Stop, permit for seniors (family and guests), if possible to mail or find someone to get out to their homes and congrats and Director Steplight and Director Morgan

BA Wiest comments to send it to him and he will turn around

Councilwoman Castellano comments on the Super Bowl and commend Scott, but what about the 9|11 Memorial, what happened with it, will there be a committee, it's been 13 years

Councilman Doyle comments on Chili Cook off on Feb. 23rd, come to the Elks, the 22nd, the Hoboken Harriers are having their annual dinner dance, all proceeds go to United Cerebral Palsy and Jubilee Center

Councilman Occhipinti comments if residents have any issues such as pot holes to use the City's 311 system app and also announce Sat. is the St. Francis wing and prayer event starts at 6 PM, the Chili Cookoff is on Feb. 23rd and benefit the Jubilee Center and ask the Administration for the block by Shoprite, will there be a parking garage, would like to know where we will be going

Councilman Cunningham comments on the breaking news on Sat. morning and commend the Mayor on the bold announcement, her comments are credible and its in the hands of the US Attorney's office, due time the truth will come forward, the reveal, they extended the period to have meetings with residents for both residential and commercial, if you are un happy to make that

phone call and have the meeting and be prepared to bring documents, more info, please reach out to me, cunninghamforhoboken@gmail.com

Councilman Bhalla comments on the upcoming Hoboken SuperBowl, the first event is this coming Tuesday, what the rules are for vendor participation such as carts, is there a fee involved and publicly marketing the event – Tues. the 28th on Jan. – Feb., not that much communication from the Public Communications staff, have not seen that, we are about a week away, we want to make sure that we are moving forward on this, here’s our chance to support Hoboken businesses

BA Wiest comments that there’s a working fire on Adams Street

Council President comments regarding the number for Appraisal Systems, 201-493-8530, if you did not receive a letter, please reach out to them, if you are not happy, make an appointment.

Council President comments that the Flood Protection meeting will be tomorrow 1/23/14 in the senior room at 7 PM, the Super Bowl, on Pier A, the lighting of the Cauldron around 2 PM and the NFL will be selling official gear.

RESOLUTION

14-94

---By Councilman Mello

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH GERRY KROVATIN, ESQ. OF KROVATIN & KLINGEMAN AS SPECIAL LEGAL COUNSEL-SANDY RELIEF GOVERNMENT FUNDING INVESTIGATION RELATED MATTER TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 22, 2014 AND EXPIRE JANUARY 21, 2015 FOR 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, Gerry Krovatin, Esq., however, has special expertise and intricate knowledge of the below listed legal matters such as the type the City hereby requests representation in, specifically government investigative matters; and,

***WHEREAS**, Gerry Krovatin, Esq., and the firm of Krovatin & Klingeman is thereby exempt from the fair and open process for the matter the City hereby retains them for, due to the contract being under the threshold as well as their special knowledge and expertise, and it 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 \$17,000.00 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 Gerry Krovatin, Esq. to represent the City as Special Legal Counsel-Sandy Relief Government Funding Related Matters be awarded, for a term to commence January 22, 2014 and expire January 21, 2015, 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. Krovatin; 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 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

At 11:58 P.M. the Governing Body on a motion by Council duly seconded by the Council

Council President Giattino then adjourned the meeting at 11:58 P.M.

PRESIDENT OF THE COUNCIL

CITY CLERK