

MEETING OF OCTOBER 1, 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, OCTOBER 1, 2014 AT 7:00 PM

President Giattino opened the meeting at 7:03 P.M. 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 was 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, Mello, Occhipinti, Russo and President Giattino

Absent: Mason

Council President comments that there will be a presentation from ARUP representatives – Trent Lethco, Matthew Sheren gives a power point presentation of the Hoboken Parking Master Plan

Councilman Cunningham comments on short-term and long-term recommendations and hopefully the Governing Body will adopt as policy by ordinance

PARKING MASTER PLAN PRESENTATION FROM ARUP

RESOLUTIONS

14-516

---By Councilman Bhalla

RESOLUTION OF THE CITY OF HOBOKEN, COUNTY OF HUDSON REQUESTING PLANNING BOARD REVIEW OF A RESOLUTION DESIGNATING CERTAIN PROPERTY IN THE CITY AS AN AREA IN NEED OF REHABILITATION

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "LRHL") authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation; and

WHEREAS, in accordance with the LRHL, the Municipal Council of the City of Hoboken (the "City Council") determined that the following property should be designated as an area in need of rehabilitation pursuant to the LRHL under N.J.S.A. 40A:12A-14(a):

The property commonly known as Block 2, Lots 12 through and including 26, Block 2.1, Lots 1 through and including 10 on the tax map of the City of Hoboken, that portion of the public right of way of Observer Highway from and including the intersection with Jefferson Street to and including the intersection with Hudson Street, that portion of the public right of way of Willow Avenue from and including the intersection with Observer Highway to and including the intersection with Newark Street, and that portion of the public right of way of Newark Street from and including the intersection with Willow Avenue (collectively, the "Property"); and

WHEREAS, a delineated area may be determined to be in need of rehabilitation if the City Council determines by resolution that a program of rehabilitation pursuant to the LRHL under N.J.S.A. 40A:12A-14(a) may be expected to prevent further deterioration and promote the overall development of the community when any one of the enumerated conditions set forth in the statute are met which includes N.J.S.A. 40A:12A-14(a)6 a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance; and

WHEREAS, the City has confirmed that the property within the delineated area meets the criteria of N.J.S.A. 40A:12A-14(a)6 wherein a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance; and

WHEREAS, the LRHL pursuant to N.J.S.A. 40A:12A-14(a), provides that prior to the adoption of a resolution designating the delineated area as an area in need of rehabilitation, the City Council must first submit a copy of the proposed resolution designating the delineated area as an area in need of rehabilitation to the City Planning Board for its review; and

WHEREAS, the City intends to designate the delineated area as an area in need of rehabilitation by the adoption of the resolution substantially in the form attached hereto as Exhibit A; and

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

Section 1. The aforementioned recitals are incorporated herein and made a part hereof as though fully set forth at length.

Section 2. The City Council hereby directs that the City Clerk transmit a copy of this resolution inclusive of Exhibit A to the City Planning Board for its review and providing its recommendation to the City Council within forty-five (45) days of the receipt of this resolution, under the LRHL pursuant to N.J.S.A. 40A:12A-14(a)

Section 3. A copy of this resolution shall be available for public inspection at the offices of the City.

Section 4. This resolution shall take effect immediately.

Ron Cucchiaro comments and gives an overview of the resolution.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

SECOND READING/PUBLIC HEARING AND FINAL VOTE

AN ORDINANCE AMENDING CHAPTER 190 ENTITLED “VEHICLES AND TRAFFIC” TO AMEND PARKING REGULATIONS RELATING TO RESTRICTED PARKING FOR OFFICIAL BUSINESS VEHICLES (Z-312) (sponsored by Councilman Cunningham 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 Cunningham

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

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

---Nays: None.

---Absent: Mason

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

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 6 – NAYS: 2 - ABSENT: 1

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

---Nays: Castellano, Occhipinti

---Absent: Mason

~~2. AN ORDINANCE AMENDING HOBOKEN CODE § 93-20 ENTITLED ‘LEASHING OF DOGS’ TO PROHIBIT AND/OR MINIMIZE CERTAIN CRUEL LEASHING/RESTRAINT OF DOGS ON PUBLIC PROPERTY (Z-308) (sponsored by Councilman Cunningham and Councilman Bhalla) (CARRIED TO THE OCTOBER 15, 2014 MEETING)~~

~~3. AN ORDINANCE AMENDING THE NORTHWEST REDEVELOPMENT PLAN AND APPENDIX A OF CHAPTER 196 OF THE CODE OF THE CITY OF HOBOKEN (Z-309) (sponsored by Councilman Bhalla and Councilman Cunningham) (CARRIED TO THE OCTOBER 15, 2014 MEETING)~~

PUBLIC COMMENTS

The speaker who spoke: Dan Tumpson, Cheryl Fallick, Mary Ondrejka. Franz Paetzold.

Councilman Cunningham has left the meeting at 8:16 PM

Councilman Cunningham has returned to the meeting at 8:18 PM

Councilman Occhipinti has left the table at 8:29 PM

Councilman Occhipinti has returned to the table at 8:33 PM

14-518

Mayor Zimmer’s memo to the City Council about the Hoboken Bike Share: Proposed Stations

Mayor’s memo to the City Council regarding H5 Wet Weather Pump Station, Neumann Leathers and a Special Meeting on October 8, 2014

Mayor Zimmer presenting a proclamation recognizing the month of October as National Breast Cancer Awareness Month

Received and Filed.

14-519

APPLICATION FOR MISCELLANEOUS LICENSES

Vendors-----1 items

Raffles -----3 items

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

14-520

---By Councilman Bhalla

CLAIMS

Total for this agenda **\$1,816,360.40**

---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.
---Absent: Mason
---Abstain: Bhalla 14-02688

14-521

---By Councilman Bhalla

PAYROLL

For the two week period starting August 28, 2014 – September 10, 2014

Regular Payroll	O/T Pay	Other Pay	
\$1,570,807.87	\$76,062.71		\$300,448.16

Total \$1,947,318.74

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

PUBLIC COMMENTS FOR RESOLUTIONS

The speaker who spoke: Sierra Wolf comments on #12, Dan Tumpson comments on #7-9
Cheryl Fallick comments on #7-9, Mary Ondrejka comments on #7-9

Councilman Russo has left the table at 8:42 PM
Councilman Russo has returned to the table at 8:47 PM

CONSENT AGENDA – 3-5, 11, 14, 19, 20

Pulled from the agenda for discussion: 6-10, 12 & 13, 15-18

Removed by Administration:

RESOLUTIONS

14-522

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE EXECUTION OF THE ATTACHED AGREEMENT BETWEEN NORTH HUDSON SEWERAGE AUTHORITY AND THE CITY OF HOBOKEN

WHEREAS, the City wishes to enter into the attached Agreement with North Hudson Sewerage Authority (“NHTSA”) to design, construct, maintain and operate the H5 Wet Weather Pump Station which will be located on City owned property at 11th Street west of Sinatra Drive; and

WHEREAS, the City has applied for complete funding for this project through the New Jersey Environmental Infrastructure Trust (“NJEIT”) as well as through the State Revolving Loan Fund (“SRF”); and

WHEREAS, this project inherently benefits the City, its residents as well as visitors by alleviating flooding in the H5 drainage basin as well as contributing to the City’s storm resiliency; and

WHEREAS, the Agreement authorizes the City to expend funds for the NHTSA pumping station once those funds have been received from the NJET and SRF; and,

NOW THEREFORE, BE IT RESOLVED, that the City is authorized to enter into the attached Agreement with North Hudson Sewerage Authority; 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 speaker who spoke: Richard Wolff.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

14-523

---By Councilman Bhalla

RESOLUTION AWARDED A CONTRACT TO REGGIO CONSTRUCTION FOR THE PROVISIONS OF 2014 ROAD RESURFACING PROGRAM – PROJECT B IN ACCORDANCE WITH THE CITY’S BID NO. 14-17 (BASE ONLY) IN THE TOTAL AMOUNT OF \$858,552.69

WHEREAS, bids were received for construction services to resurface the roads in the City, as specified in Bid Number 14-17; and,

WHEREAS, Five (5) bids were received, the lowest three (3) being:

<u>VENDOR</u>		<u>TOTAL BID</u>
1. Reggio Construction	Base Bid	- \$858,552.69
1575 West Street	Alternate Bid A - \$131,545.00	
Fort Lee, NJ 07024	Total	- \$990,097.69
2. Topline Construction	Base Bid	- \$1,014,255.03
22 5 th Street	Alternate Bid A - \$150,349.20	
Somerville, NJ 08876	Total	- \$1,164,604.23
3. A.J.M. Contractors	Base Bid	- \$1,037,298.00
300 Kuller Road	Alternate Bid A - \$156,210.00	
Wallington, NJ 07011	Total	- \$1,193,508.00

WHEREAS, pursuant to the recommendation of the City Engineer (attached hereto) the City wishes to contract for the services specified in Bid No. 14-17, and Reggio Construction submitted the lowest, responsible, and responsive bid in the amount of \$858,552.69 (including just the base bid); and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$858,552.69 is available in the following appropriations: C-04-60-714-110 and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance for this purpose.

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 Reggio Construction for Bid No. 14-17, in the total amount of Eight Hundred Fifty Eight Thousand Five Hundred Fifty Two Dollars and Sixty Nine Cents \$858,552.69 (including just the base bid) for the City's 2014 Road Resurfacing Program – Project B (Base Bid Only); and said contract shall be to Reggio Construction in accordance with the specifications as set forth in Bid No. 14 – 17.
- 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 project.
- C. The contract shall be in accordance with the terms of the specifications and the vendor's corresponding bid proposal documents. No exceptions were noted in the City's Engineer's recommendations; therefore, none will be accepted in performing obligations under the bid.
- D. Any change orders required shall be subject to formal City Council authorization, and the City shall not be held liable for any amounts above the within contracted amounts unless/until same is authorized and appropriated by formal resolution of the City Council.
- E. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor or her agent is hereby authorized to enter into an Agreement with the vendor for said purchase and sale.
- F. This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

14-524

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE PROFESSIONAL SERVICE CONTRACTS WITH T&M ASSOCIATES IN A NOT TO EXCEED AMOUNT OF \$88,380.00 FOR PROJECT B AS ENGINEERS FOR THE CONSTRUCTION OVERSIGHT OF THE ROAD IMPROVEMENT PROJECT TO THE CITY OF HOBOKEN TO COMMENCE OCTOBER 1, 2014 AND EXPIRE SEPTEMBER 30, 2015

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

WHEREAS, in accordance with the fair and open process, the City previously authorized a pool of prequalified engineers, and thereafter awarded an engineering contract to T&M Associates for the bid design for Road Resurfacing Project B; upon receipt of acceptable bids, the City requested a proposal from T&M Associates for the construction oversight of the Road Improvement Project B, which T&M Associates responded to, and the City now seeks to contract with the named firm for said services; and,

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

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$88,380.00 is available in the following appropriations C-04-60-714-120 in the CY2014 capital account; 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 capital account.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that the City Council authorizes a contract be awarded and entered into by the City's administration as follows: T&M Associates for Construction Oversight of the Road Resurfacing Project Package B (Base Bid Only), with a not to exceed amount of \$88,380.00 (pursuant to T&M Associates' attached proposal) for a term to commence October 1, 2014 and expire September 30, 2015; 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: 8 – NAYS: 0 ABSENT: 1:

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

---Nays: None.

---Absent: Mason

14-525

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACTS WITH T&M ASSOCIATES IN AN INCREASED NOT TO EXCEED AMOUNT OF \$9,000.00, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$33,600.00 FOR PROJECT B AS ENGINEERS FOR THE ROAD IMPROVEMENT PROJECT TO THE CITY OF HOBOKEN TO COMMENCE JUNE 19, 2014 AND EXPIRE JUNE 18, 2015

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

WHEREAS, the City requested proposals for Engineering Work for the Road Improvement Project from all firms which were previously approved as pool Engineers, including T&M Associates (via Resolution No. of 27 of January 22, 2014), and T&M Associates responded to this specific Road Improvement Project request, and the City thereafter awarded a specific contract to T&M Associates on June 18, 2014 for Project B, which the City now seeks to amend in accordance with the attached proposal; and,

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

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$9,000.00 is available in the following appropriations C-04-60-714-120 in the CY2014 capital account; 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 capital account.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that an amended contract be entered into by the City’s administration as follows: T&M Associates for Project Package B with an increased not to exceed amount of \$9,000.00, for a total not to exceed amount of \$33,600.00 (which includes the original owner’s allowance (pursuant to T&M Associates’ attached proposal), to represent the City as Engineers for the specified portion of the City’s Roadway Improvements Project, for a term to commence June 19, 2014 and expire June 18, 2015, for the not to exceed amount defined herein; and

BE IT FURTHER RESOLVED, the amended 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: 8 – NAYS: 0 ABSENT: 1:

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

---Nays: None.

---Absent: Mason

Councilman Bhalla has left the table at 8:56 PM

Councilman Bhalla has returned to the table at 8:58 PM

14-526

---By Councilman Cunningham

RESOLUTION TO AUTHORIZE A CONCESSIONAL SERVICE CONTRACT WITH VALET KING AS VALET PARKING PROVIDER TO THE CITY OF HOBOKEN UNDER A PILOT PROGRAM FOR 3 MONTHS STARTING OCTOBER 8, 2014 AND ENDING JANUARY 8, 2015 IN ACCORDANCE WITH THE RFP ISSUED FOR SAID SERVICES PARKING

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

WHEREAS, the City of Hoboken published a Competitive Contracting Request for Proposals for a concessional service contract for a valet parking service provider, in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Valet King responded to; and,

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

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

NOW THEREFORE, BE IT RESOLVED, that a concession contract with Valet King to represent the City as valet service provider be awarded, under a pilot program for 3 months starting October 8, 2014 and ending January 8, 2015, with all other terms and conditions being in accordance with Valet King’s proposal, and the City’s RFP (the terms in the RFP shall trump the terms in the proposal to the extent inconsistent – since no exceptions are being allowed hereunder); 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 Bhalla

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

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

---Nays: None.

--Absent: Mason, Bhalla

14-527

---By Councilman Cunningham

RESOLUTION AND AGREEMENT FOR STATE AID - APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE FY 2015 MUNICIPAL AID PROGRAM FOR IMPROVEMENTS TO WASHINGTON STREET

WHEREAS, the New Jersey Department of Transportation has announced that it is accepting applications for its FY2015 State Aid program; and

WHEREAS, the purpose of the program is to maintain and improve New Jersey's local transportation infrastructure by providing financial assistance to counties and municipalities for traditional and non-traditional transportation initiatives; and

WHEREAS, Municipal Aid has been a significant resource for municipalities in funding local transportation projects; and

WHEREAS, the Department of Transportation encourages all municipalities to consider using the Municipal Aid program to fund projects that support walking and biking in their communities; and

WHEREAS, the NJDOT has set a goal to award up to 10 percent of the Municipal Aid program to fund projects such as pedestrian safety improvements, bikeways and streetscapes; and

WHEREAS, all projects funded through the Transportation Trust Fund must comply with the Americans with Disabilities Act (ADA); and

WHEREAS, the NJDOT requires grant projects to be delivered to construction award within twenty-four months of grant agreement execution; and

WHEREAS, there is no City monetary match required for the acceptance of this grant, and this authorization to execute the grant agreement is contingent on there being no City monetary match for this grant.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as "MA-2015-Hoboken City-00188" to the New Jersey Department of Transportation on behalf of the City of Hoboken.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Hoboken, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: Castellano

---Absent: Mason

14-528

---By Councilman Cunningham

RESOLUTION AND AGREEMENT FOR STATE AID - APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE FY 2015 BIKEWAYS GRANT PROGRAM

WHEREAS, the New Jersey Department of Transportation has announced that it is accepting applications for its FY2015 State Aid program; and

WHEREAS, the purpose of the program is to maintain and improve New Jersey's local transportation infrastructure by providing financial assistance to counties and municipalities for traditional and non-traditional transportation initiatives; and

WHEREAS, the Bikeways program is intended to fund bicycle projects; and

WHEREAS, the Department of Transportation continues to work toward the goal of achieving 2,000 miles of dedicated bikeways in New Jersey; and

WHEREAS, special consideration will be given to bikeways that are physically separated from motorized from motorized vehicular traffic by an open space or barrier, but on-road bike lanes and other bike routes and facilities are also eligible for funding; and

WHEREAS, all projects funded through the Transportation Trust Fund must comply with the Americans with Disabilities Act (ADA); and

WHEREAS, the NJDOT requires grant projects to be delivered to construction award within twenty-four months of grant agreement execution; and

WHEREAS, there is no City monetary match required for the acceptance of this grant, and this authorization to execute the grant agreement is contingent on there being no City monetary match for this grant.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as “**BIKE-2015-Hoboken City-00007**” to the New Jersey Department of Transportation on behalf of the City of Hoboken.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Hoboken, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: Castellano

---Absent: Mason

14-529

---By Councilman Cunningham

RESOLUTION AND AGREEMENT FOR STATE AID - APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE SAFE STREETS TO TRANSIT PROJECT FOR HUDSON STREET AND HUDSON PLACE PEDESTRIAN SAFETY IMPROVEMENTS

WHEREAS, the New Jersey Department of Transportation has announced that it is accepting applications for its FY2015 State Aid program; and

WHEREAS, the purpose of the program is to maintain and improve New Jersey’s local transportation infrastructure by providing financial assistance to counties and municipalities for traditional and non-traditional transportation initiatives; and

WHEREAS, the Safe Streets to Transit program is intended to encourage counties and municipalities to construct safe and accessible pedestrian linkages to transit facilities in order to promote increased usage of transit by all segments of the population; and

WHEREAS, all projects funded through the Transportation Trust Fund must comply with the Americans with Disabilities Act (ADA); and

WHEREAS, the NJDOT requires grant projects to be delivered to construction award within twenty-four months of grant agreement execution; and

WHEREAS, there is no City monetary match required for the acceptance of this grant, and this authorization to execute the grant agreement is contingent on there being no City monetary match for this grant.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as “**SST-2015-Hoboken City-00008**” to the New Jersey Department of Transportation on behalf of the City of Hoboken.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Hoboken, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

---Absent: Mason

14-530

---By Councilman Bhalla

RESOLUTION REVOKING PREVIOUSLY ADOPTED RESOLUTION - RESOLUTION #1212 OF NOVEMBER 15, 1999

WHEREAS, it has come to the attention of the Governing Body that the City of Hoboken adopted Resolution #1212 on November 15, 1999 which transferred all authority over N.J.A.C. 7:14A-22.5 and -22.6 municipal authorizations to the NJ-DEP to the Director of Environmental Services; and

WHEREAS, it has been the precedent of the current City Administration and Governing Body to have a City appointed engineer review and recommend action to the Governing Body, and then have the Governing Body formalize a resolution indicating its consent thereupon, in accordance with the normal procedures allowed under N.J.A.C. 7:14A-22.6; and,

WHEREAS, the current City Administration has not, and does not intend to, forward authorization to the NJ-DEP authorizing Leo Pellegrini, as Director of Environmental Services, as the City’s signatory on such forms, as is required for the alternate procedure Resolution #1212 authorizes pursuant to N.J.A.C. 7:14A-22.8(a)(3)(i)(1).

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the Resolution commonly known as Resolution #1212, adopted November 15, 1999, is hereby REVOKED IN ITS ENTIRETY; and,

BE IF FURTHER RESOLVED, this resolution shall take effect immediately upon adoption.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

14-531

---By Councilman Bhalla

**RESOLUTION GRANTING CONSENT TO TDC/URSA HOBOKEN SALES CENTER, LLC’S
SUBMISSION OF A TWA-1 TO THE STATE OF NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION’S DIVISION OF WATER QUALITY**

WHEREAS, TDC/URSA Hoboken Sales Center, LLC has a construction site at 1125-1131 Jefferson St., Block 104, Lots 13 thru 21, in the City of Hoboken; and,

WHEREAS, TDC/URSA Hoboken Sales Center, LLC has requested the City of Hoboken provide consent to submission of Water Quality application forms to the New Jersey Department of Environmental Protection (“NJDEP”); and,

WHEREAS, the City Engineer has reviewed the application and takes no exception to it, pursuant to the attached letter from Boswell Engineering dated September 26, 2014; and,

WHEREAS, the City Council feels it is appropriate to grant TDC/URSA Hoboken Sales Center, LLC’s request to submit an application to the NJDEP regarding water quality at the site.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Hoboken hereby grants its consent to TDC/URSA Hoboken Sales Center, LLC’s request to submit a TWA-1 application to the Water Quality Division of the NJDEP regarding 1125-1131 Jefferson St., Block 104, Lots 13 thru 21; and,

BE IT FURTHER RESOLVED that the Mayor is the authorized representative to execute and effectuate any documentation regarding this submission on behalf of the City.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

14-532

---By Councilman Doyle

**RESOLUTION OF THE CITY OF HOBOKEN TO THE ADMINISTRATOR OF THE U.S.
ENVIRONMENTAL PROTECTION AGENCY IN SUPPORT OF REDUCING GREENHOUSE
GAS POLLUTION UNDER THE CLEAN AIR ACT**

WHEREAS, according to the National Aeronautic Space Association, the decade from 2000 to 2010 was the warmest on record, the years 2005 and 2010 each tied for the hottest years on record, and the year 2012 was the warmest year on record for the United States and among the ten warmest globally; and

WHEREAS, in 2013 the level of CO₂ in the atmosphere averaged 396 parts per million (ppm), exceeding the pre-industrial level by 40 percent, and in 2011 the levels of methane and nitrous oxide — two potent greenhouse gases — exceeded pre-industrial levels by about 150% and 20% respectively; and

WHEREAS, the U.S Environmental Protection Agency determined that current and future greenhouse gas concentrations endanger public health, and according to the Global Humanitarian Forum by 2009 climate change was already responsible every year for contributing to some 300,000 deaths, 325 million people seriously affected, and economic losses worldwide of U.S. \$125 billion; and

WHEREAS, extreme weather events, most notably heat waves and precipitation extremes, are striking with increased frequency, with severe consequences for people and wildlife; in the United States in 2012 alone, climate disasters occurred resulting in heat waves, storms, and drought that totaled an estimated \$116 billion dollars in damage and a loss of 377 human lives; and

WHEREAS, climate change creates conditions that lead to more destructive storms, like 2012's Superstorm Sandy which devastated Hoboken, by loading storms with more energy and more rainfall, raising sea levels, and causing storm surge to ride on a higher sea surface and more coastline floods; the risk of extreme storm surges has already doubled as the planet warms, and these events could become ten times more frequent in the coming decades; and

WHEREAS, climate change is affecting food security by reducing the growth and yields of important crops; and droughts, floods, and changes in snowpack are altering water supplies; and

WHEREAS, climate change has been linked to the declines and losses of wildlife populations around the globe, and scientists have concluded that by 2100 as many as one in ten species may face extinction as a result of climate change; and

WHEREAS, the world's land-based ice is rapidly melting, threatening water supplies in many regions and raising sea levels, and warming of the Arctic and melting of sea-ice, which causes changes in the jet stream and bring more extreme weather to the U.S., has decreased the amount of sea-ice to about half of what it was several decades ago, resulting in a record low in 2012, which is accordingly jeopardizing ice-dependent animals; and

WHEREAS, one of the world's leading climate scientists, Dr. James Hansen, stated in 2008: "If humanity wishes to preserve a planet similar to that on which civilization developed and to which life on Earth is adapted, paleoclimate evidence and climate change suggest that CO₂ will need to be reduced from its current 385 ppm to at most 350 ppm"; and

WHEREAS, the U.S. East Coast is a hotspot for sea level rise with rates three to four times of the global average; sea-level rise is accelerating in pace and the effects of sea-level rise are long-lived; and the sea level is expected to rise by three to four feet on average – and possibly 6.5 feet or more – by the end of this century alone, threatening millions of Americans with severe flooding; and

WHEREAS, for four decades, the Clean Air Act has protected the air we breathe through a proven, comprehensive, successful system of pollution control that saves; and

WHEREAS, with the Clean Air Act, air quality in this country has improved significantly since 1970, despite major growth both in our economy and industrial production; and

WHEREAS, between 1970 and 1990, the six main pollutants covered by the Clean Air Act — particulate matter and ground-level ozone (both of which contribute to smog and asthma), carbon monoxide, lead, sulfur, and nitrogen oxides (the pollutants that cause acid rain) — were reduced by between 47 percent and 93 percent, and airborne lead was virtually eliminated; and

WHEREAS, the Clean Air Act has produced economic benefits valued at \$2 trillion or 30 times the cost of regulation; and

WHEREAS, the U.S. Supreme Court ruled in Massachusetts vs. EPA (2007) that greenhouse gases are “air pollutants” as defined by the Clean Air Act and the U.S. Environmental Protection Agency has the authority to regulate them; and

WHEREAS, the City of Hoboken prides itself on striving to be a leader in the fight against climate change and for clean air as evidenced through its successful participation in the Rebuild by Design program, its recognition in the Sustainable Jersey Program, and its promotion of the use of mass transit and bicycling in our community;

NOW THEREFORE BE IT RESOLVED, that climate change is not an abstract problem for the future or one that will only affect far-distant places, but rather climate change is happening now, and delaying action to address it will only make the situation more difficult to solve in the future; and we, the Hoboken City Council, on behalf of the residents of Hoboken, do urge the Administrator of the U.S. Environmental Protection Agency and President Barack Obama to move swiftly as a nation, such as through enforcement of the Clean Air Act, to do our part to reduce carbon in our atmosphere to levels no more than 350 parts per million.

BE IT FURTHER RESOLVED that the City Clerk shall forward a copy of this resolution to the Administrator of the Environmental Protection Agency and President Barack Obama.

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

---Motion duly seconded by Councilmen Mello, Russo

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

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

---Nays: None.

---Absent: Mason

14-533

---By Councilman Bhalla

RESOLUTION INSERTING A SPECIAL ITEM OF REVENUE INTO THE CY 2014 MUNICIPAL BUDGET – RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES (ROID) - CY 2014 (in the sum of \$10,000.00)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of any county or municipality when such item shall have been made available

by law and the amount thereof was not determined at the time of the adoption of the Budget, and

WHEREAS, said Director may also approve the insertion of an item of Appropriation for an equal amount, and

WHEREAS, the City of Hoboken has received notice of an award of \$10,000.00 from NJ Department of Community Affairs and wishes to amend its CY 2014 Budget to include this amount as revenue with a City Match of \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director

Of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year CY 2014 in the sum of.....\$10,000.00

This is now available as revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated
With Prior Written Consent of the Director of the
Division of Local Government Services:

State and Federal Revenues Off-set with
Appropriations:

Recreational Opportunities for
Individuals with Disabilities O/E
Other Expenses

NOW, THEREFORE, BE IT RESOLVED that the like sum of: \$10,000.00
Be and the same is hereby appropriated under the caption of:
General Appropriations:

(a) Operations Excluded from CAPS

State and Federal Programs Off-Set by
Revenues:

Recreational Opportunities for
Individuals with Disabilities O/E
Other Expenses

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk will forward a certified copy of this
resolution electronically to the Director of Local Government Services for approval.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

14-534

---By Councilman Bhalla

**RESOLUTION INSERTING A SPECIAL ITEM OF REVENUE INTO THE CY 2014 MUNICIPAL
BUDGET – AMENDED HOBOKEN POST-SANDY COMMERCIAL REVITALIZATION PROJECT CY
2014 (in the sum of \$79,946.00)**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services
may approve the insertion of any special item of revenue in the Budget of any county or municipality when such
item shall have been made available

by law and the amount thereof was not determined at the time of the adoption of the
Budget, and

WHEREAS, said Director may also approve the insertion of an item of
Appropriation for an equal amount, and

WHEREAS, by resolution dated September 3, 2014 the Council of the City of Hoboken adopted a
resolution requesting the insertion of items of revenue and appropriation in the budget of the year CY 2014 in the
sum of \$799,455.00 for Post-Sandy Commercial Revitalization Project CY 2014, and

WHEREAS, the Administration has received additional information from the New Jersey Economic
Development Authority of an additional award of \$79,946.00 and wishes to amend its CY 2014 Budget to include
this amount as revenue as well as to provide a City match of \$46,000.00 for the total Project award;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken, in the County of Hudson, State
of New Jersey, hereby requests the Director

Of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year CY 2014 in the sum of.....\$79,946.00
This is now available as revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated
With Prior Written Consent of the Director of the
Division of Local Government Services:
State and Federal Revenues Off-set with
Appropriations:
Post-Sandy Comm. Revit. O/E

NOW, THEREFORE, BE IT RESOLVED that the like sum of: \$79,946.00

Be and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from CAPS
State and Federal Programs Off-Set by
Revenues:
Post-Sandy Comm. Revit. O/E
Other Expenses

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk will forward a certified copy of this resolution electronically to the Director of Local Government Services for approval.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

14-535

---By Councilman Bhalla

RESOLUTION RESCINDING PETTY CASH FUND (FOR THE PURCHASING DEPARTMENT

WHEREAS, it is the desire of the City of Hoboken, County of Hudson that the petty cash fund for the Purchasing Department, Arch Liston be rescinded in the amount of \$500.00.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken, County of Hudson, State of New Jersey hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

Councilman Doyle has left the table at 9:16 PM

Councilman Doyle has returned to the table at 9:20 PM

14-536

---By Councilman Bhalla

RESOLUTION RESCINDING PETTY CASH FUND (FOR THE HOBOKEN PUBLIC LIBRARY)

WHEREAS, it is the desire of the City of Hoboken, County of Hudson that the petty cash fund for the Director of Library be rescinded in the amount of \$150.00.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken, County of Hudson, State of New Jersey hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

14-537

---By Councilman Bhalla

RESOLUTION RESCINDING PETTY CASH FUND (FOR THE DEPARTMENT OF ENVIRONMENTAL SERVICES)

WHEREAS, it is the desire of the City of Hoboken, County of Hudson that the petty cash fund for the Director of Environmental Services be rescinded in the amount of \$150.00.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken, County of Hudson, State of New Jersey hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

14-538

---By Councilman Bhalla

RESOLUTION ESTABLISHING A PETTY CASH FUND (FOR THE CHIEF OF POLICE)

WHEREAS, N.J.S.A. 40a:5-21 authorizes the establishment of a Petty Cash Fund in any county of municipality by application and resolution, and,

WHEREAS, It is the desire of the City of Hoboken, County of Hudson to establish such a fund for the Chief of Police in the amount of \$500.00; and

WHEREAS, the custodian for this fund is Chief of Police, who is bonded for the amount of \$100,000.00; such custodian shall maintain records for this fund in a manner conducive to proper accounting and auditing procedure;

NOW, THEREFORE BE IT RESOLVED that the Council of the City of Hoboken, County of Hudson, State of New Jersey hereby authorizes such action and two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 6 – NAYS: 2 ABSENT: 1
---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mello, Occhipinti,
---Nays: Russo, President Giattino
---Absent: Mason

14-539

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$3,284.23)

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 **\$3,284.23**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
CAPPIELLO, PATRICK 96 GARDEN STREET HOBOKEN, NJ 07030	203/12	423 BLOOMFIELD ST	1/14	\$3164.28
DUHAYER, FLORENCE 1125 MAXWELL LANE #334 HOBOKEN, NJ 07030	261.03/1/CP356	1125 MAXWELL LANE	1/14	\$ 119.95

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

14-540

---By Councilman Doyle

**RESOLUTION TO ADOPT THE MINUTES OF THE MEETINGS OF THE CITY COUNCIL
DATED: REGULAR MEETING OF SEPTEMBER 3, 2014**

RESOLVED, that filed minutes for the Hoboken City Council **Regular meeting of September 3, 2014** have been reviewed and approved by the Governing Body.

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

Meeting of October 1, 2014

---Nays: None.

ORDINANCES

14-541
Z-313

A BOND ORDINANCE AUTHORIZING THE ACQUISITION AND INSTALLTION OF AUTOMATED PARKING PAY STATIONS IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$5,000,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$5,000,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the City Council of the City of Hoboken, County of Hudson, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the City of Hoboken, County of Hudson, New Jersey ("City").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is \$5,000,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$5,000,000.

Section 3. The sum of \$5,000,000, to be raised by the issuance of bonds or bond anticipation notes is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$5,000,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$5,000,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$900,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligation</u>	<u>Period of Usefulness</u>
A. Acquisition and Installation of Automated Parking Pay Stations throughout the City, all as more particularly described in the documentation on file in the Office of the Director of the City Transportation and Parking Department and available for inspection during normal City hours, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$5,000,000	\$0	\$5,000,000	10 years

Section 8. The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 10.00 years.

Section 9. Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

Section 10. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$5,000,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the City shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 12. The applicable Capital Budget of the City is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 13. The City hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

Section 14. The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Ogden, Utah Service Center of the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 16. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 17. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 6 – NAYS: 2 ABSENT: 1

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

---Nays: Castellano, Occhipinti

---Absent: Mason

~~2. AN ORDINANCE PROHIBITING AUTOMATED RED LIGHT CAMERAS WITHIN THE CITY OF HOBOKEN (sponsored by Councilwoman Mason and Councilwoman Castellano) (TABLED BY COUNCILWOMAN MASON TO THE OCTOBER 15, 2014)~~

~~3. AN ORDINANCE TO ESTABLISH MANDATORY SICK LEAVE FOR EMPLOYEES OF BUSINESSES WITHIN THE CITY OF HOBOKEN (sponsored by Councilwoman Mason and Councilwoman Castellano) (TABLED BY COUNCILWOMAN MASON TO THE OCTOBER 15, 2014)~~

NEW BUSINESS

Councilman Occhipinti comments on thanking the Admin. on bringing the road resurfacing bid back and voting on it this evening and commented on Class II officer by the train officer to help direct the flow of traffic.

BA Wiest comments

Councilman Cunningham comments on the Hotel B & B and revisit and read an article in Crain's NY and cracking down on these apt. and condos being rented as hotel rooms and look into it, there was a TAP meeting to discuss the analysis on 10th and Bloomfield, 9th and Willow and hopefully an ordinance to prohibit trucks b/w Clinton and Madison and also the intersections from Park to Hudson along 15th St. and additional engineering analysis to improve public safety, the Parking Master Plan and paystations.

Councilwoman Castellano comments that on Park Ave. coming from Observer not allowing the trucks to go in because they get stuck by Church Sq. Park and maybe consider two huge signs
Councilman Mello comments on considering a height restrictor to prohibit the trucks coming in.

Council President comments.

Councilman Cunningham comments the North Comm. Development to discuss the Western Edge and they are analyzing and being looked at an economic feasible stand point and see how it comes together and early next week will look into the North Hoboken Development area.

Councilman Bhalla comments and commended Councilman Cunningham and handling two (2) committees and on Mon. night will be interviewing planners to look into the North End

Council President comments that you can place bike stations should be placed if you go to openplans.org/Hoboken/bikeshare and you can drop pins on a map on where these bike stations.

The American Legion will be having a block party from 12-6 on October 12 which is at 2nd between Willow and Clinton.

At 9:36 P.M. meeting adjourned of the Governing Body on a motion by Council duly seconded by the Council members

Council President President Giattino then adjourned the meeting at 9:37 P.M.

PRESIDENT OF THE COUNCIL

CITY CLERK