

MEETING OF DECEMBER 16, 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,
DECEMBER 16, 2014 AT 7:00**

President Giattino opened the meeting at 7:04 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, Mason (via phone) ** (See Below), Mello, Occhipinti, Russo and President Giattino

ABSENT: ***Mason and Mello left the meeting at 10:34 PM***

SECOND READING/PUBLIC HEARING AND FINAL VOTE

BOND ORDINANCE AUTHORIZING VARIOUS IMPROVEMENTS TO THE STORMWATER SYSTEM IN THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$11,950,000 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 \$11,950,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING (Z-326)

The speaker who spoke: Robert Crespi, Craig Dale, Helen Minogue, Dr. Richard Wolff.

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

President Giattino moved that the hearing be closed.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

RESOLUTIONS

14-647

---By Councilman Mello

RESOLUTION ADDRESSING THE RECOMMENDATIONS OF THE HOBOKEN PLANNING BOARD IN REGARDS TO THE HOBOKEN YARDS REDEVELOPMENT PLAN

WHEREAS, the City Council adopted a Resolution on November 5, 2014, referring the proposed "Hoboken Yards Redevelopment Plan", dated October 2014 ("Plan") to the Hoboken Planning Board ("Board") in accordance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-7(e) for the purpose of obtaining the report of the Board as to whether the Plan is substantially consistent with the municipal Master Plan and its recommendations regarding any other matters the Board deemed appropriate; and

WHEREAS, at a public meeting on December 2, 2014, the Hoboken Planning Board considered (i) the report of the Board's planning consultant, David Roberts, P.P., AICP, LLA concluding that the Plan is consistent with and designed to effectuate the Hoboken Master Plan of 2004, as updated by the Reexamination Report of 2010, (ii) comments from the general public and (iii) comments from the members of the Board, and thereafter adopted a Resolution entitled: "Resolution Memorializing Review and Recommendations to City Council Regarding an Ordinance Adopting the Hoboken Yard Redevelopment Plan" ("Planning Board Resolution") attached hereto as Schedule A; and

WHEREAS, in addition to determining that the Plan is consistent with the Master Plan, the Board also included in the Planning Board Resolution thirteen (13) non-binding recommendations ("Recommendations") to be considered by the City Council, two of which (Recommendations 2 and 3), if accepted would legally require revisions to the Plan, but the remaining Recommendations relate to the implementation of the Plan, and would not require that the Plan be revised before adoption; and

WHEREAS, on December 9, 2014, the City Council Subcommittee met to review and consider the Recommendations and on December 10, 2014, the City Council held a Special Meeting at which it received extensive public comment and thereafter the members of the City Council engaged in an extensive discussion of the Recommendations; and

WHEREAS, the City Council wishes to acknowledge the deliberations of the Board and to set forth on the record the City Council's conclusions regarding all of the Recommendations of the Board; **NOW, THEREFORE**, it is hereby resolved by the City Council as follows:

1. No change in the Plan shall be made regarding Recommendation 2 ("Preserve the Washington Street corridor as either open space or roadway at grade."), because the existing buildings which will remain in place after the realization of the Plan would interfere with the implementation of the Recommendation.
2. No change in the Plan shall be made as a result of a review performed based on Recommendation 3, ("Based upon public concerns, the Council should review existing height and shadow considerations."), because during the multiyear process to prepare the Plan, careful evaluation of the heights and density set forth in the Plan has been thoroughly evaluated, based upon the combination of aesthetic, economic, legal and other considerations.
3. It is the intent of the City Council that all of the other Recommendations set forth in the Planning Board Resolution will enhance the implementation of the Plan and, if the Plan is adopted, shall be addressed including height and shadow considerations in the negotiation of

the redevelopment agreement(s) between the City and the designated redeveloper(s).

4. Recommendations 4 and 7 (“Transportation Demand Management Plan”, and “transportation modeling”, respectively) shall be given priority and shall be undertaken prior to the final approval of a redevelopment agreement(s).
5. A certified copy of this Resolution shall be forwarded to the Hoboken Planning Board.
6. This Resolution shall take effect immediately.

The speakers who spoke: Cheryl Fallick, Dan Tumpson, Paul Somerville, Mary Ondrejka, Louis Seirio, Santiago Yuenes, David Liebler, Eugene Flynn, Richard Weinstein, Melissa Blanco, Patricia Waiters,

---Motion duly seconded by Councilman Doyle

---**AMENDED AND ADOPTED** by the following vote: YEAS: 8 – NAYS: 1

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

---Nays: Mason

Council President comments and would like to make an amendment to resolution #1 on paragraph #2

Motion to amend the resolution by Councilman Bhalla and seconded by Councilman Russo

To Vote on the amended resolution.

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

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

---Nays: Mason

SECOND READING/PUBLIC HEARING AND FINAL VOTE (CONTINUED)

AN ORDINANCE OF THE CITY OF HOBOKEN ADOPTING THE “HOBOKEN YARD REDEVELOPMENT PLAN,” DATED OCTOBER, 2014 (**Z-317**)

The speakers who spoke: John Leone, Richard Weinstein, Helen Minogue, Eugene Flynn, Ann Brady, Paul Somerville, Cheryl Fallick, Dan Tumpson, Mary Ondrejka, **Brian Prins**, Mellissa Blanco, Ron Hine, Terry Pranses, Ron Rosenberg, Franz Paetzold, Hany Ahmed.

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 and President Giattino

---Nays: None.

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

---Motion duly seconded by Councilman Doyle

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

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

---Nays: Mason

******Councilwoman Mason has entered physically in the Council meeting at 8:41 PM******

Councilman Occhipinti has left the table at 9:07 PM

Councilman Occhipinti has returned to the table at 9:13 PM

Councilman Russo has left the table at 10:05 PM

Councilman Russo has returned to the table at 10:17 PM

*******Councilman Mello and Councilwoman Mason have left the meeting at 10:34 PM*******

AN ORDINANCE TO AMEND CHAPTER 190 ENTITLED “VEHICLES AND TRAFFIC” TO ADD PARKING AND LOADING REGULATIONS (Z-316)

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: 7 – NAYS: 0 ABSENT: 2

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

---Nays: None.

---Absent: Mason, Mello

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: 1 ABSENT: 2

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

---Nays: Castellano

---Absent: Mason, Mello

AN ORDINANCE TO AMEND CHAPTER 190 ENTITLED “VEHICLES AND TRAFFIC” TO AMEND TIME LIMIT PARKING REGULATIONS (Z-324)

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: 7 – NAYS: 0 ABSENT: 2

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

---Nays: None.
---Absent: Mason, Mello

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: 7 – NAYS: 0 ABSENT: 2
---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Occhipinti, Russo and President Giattino
---Nays: None.
---Absent: Mason, Mello

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A RAIN GARDEN NON-EXCLUSIVE PUBLIC PEDESTRIAN ACCESS EASEMENT FROM HOBOKEN COVE, LLC FOR A PORTION OF PROPERTY DESIGNATED AS BLOCK 269.3 LOT 1 ON THE TAX MAP OF THE CITY OF HOBOKEN (Z-325)

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: 7 – NAYS: 0 ABSENT: 2
---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Occhipinti, Russo and President Giattino
---Nays: None.
---Absent: Mason, Mello

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: 7 – NAYS: 0 ABSENT: 2
---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Occhipinti, Russo and President Giattino
---Nays: None.
---Absent: Mason, Mello

AN ORDINANCE TO CREATE CHAPTER 12 ENTITLED “ASSESSMENT OF REAL PROPERTY” (Z-327) (sponsored by Councilman Doyle and Councilman Cunningham) (CARRIED)

The speaker who spoke: Dan Tumpson, Mary Ondrejka, Melissa Blanco.

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 Doyle
---Adopted by the following vote: YEAS: 7 – NAYS: 0 ABSENT: 2
---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Occhipinti, Russo and President Giattino
---Nays: None.
---Absent: Mason, Mello

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

Motion by Councilman Bhalla comments and would like to carry this and seconded by Councilman Russo

Vote to carry this ordinance:

Carried by the following vote: YEAS: 7 – NAYS: 0 ABSENT: 2
Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Occhipinti, Russo and President Giattino
Nays: None.
Absent: Mason, Mello

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 192 OF THE CODE OF THE CITY OF HOBOKEN ENTITLED PARKING FOR HANDICAPPED (Z-328) (sponsored by Councilman Cunningham and Councilman Bhalla)

The speaker who spoke: Patricia Waiters.

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: 7 – NAYS: 0 ABSENT: 2
---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Occhipinti, Russo and President Giattino
---Nays: None.
---Absent: Mason, Mello

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: 7 – NAYS: 0 - ABSENT: 2
---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Occhipinti, Russo and President Giattino
---Nays: None.
---Absent: Mason, Mello

Council President motions to suspend to the agenda to hear resolution #3

*******JUMP TO RESOLUTION #3 *******

PUBLIC COMMENTS

The speakers who spoke: Mary Ondrejka, David Leibler, Patricia Waiters, Melissa Blanco.

Motion by Council President to go to 12:30 AM
Director Forbes comments that resolution #26 & #39

Councilman Bhalla has left the table at 11:32 PM
Councilman Bhalla has returned to the table at 11:36 PM

RESOLUTIONS (cont'd)

14-648

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE EXECUTION OF THE ATTACHED NON-EXCLUSIVE RIGHT OF WAY AGREEMENT BETWEEN THE TRUSTEES OF STEVENS INSTITUTE OF TECHNOLOGY (“STEVENS”) AND THE CITY OF HOBOKEN

WHEREAS, the City Council of the City of Hoboken authorized the Mayor to execute a Research Collaboration Agreement between the City and Stevens dated as of February 6, 2013 whereby the Parties agreed to collaborate on a research project called Smart Cities: Hoboken, the intent of which is to study and develop knowledge and applications of smart city methods, processes and technologies about the City of Hoboken (the “Research Project”); and

WHEREAS, in order to implement the Research Project, Stevens has requested permission from the City to occupy the public right-of-ways for the purpose of installing equipment that will be used in connection with the Research Project; and

WHEREAS, the City wishes to enter into the attached non-exclusive right of way agreement with Stevens which facilitates the implementation of the Research Project and this agreement terminates on February 6, 2016 unless extended by the written mutual consent of the parties; and

WHEREAS, a certification of funds is not required for this resolution.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Mayor & Clerk are hereby authorized to execute the attached non-exclusive right of way agreement with Stevens to facilitate the Research Project and to take any and all steps necessary to effectuate the terms and conditions of the agreement.
2. A certified copy of this resolution shall be provided to the Mayor and Corporation Counsel for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purposes of this resolution.
3. This Resolution shall take effect immediately.

The speakers who spoke: Special Counsel Nancy Kist, Professor Alex and programmer from Smart Cities – Jason.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 7 – NAYS: 0 ABSENT: 2

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

---Nays: None.

---Absent: Mason, Mello

14-649

---By Councilman Bhalla

RESOLUTOIN TO AUTHORIZE EXECUTION OF AN AMENDMENT TO THE NORTH HUDSON SEWERAGE AUTHORITY AGREEMENT, AS ATTACHED

WHEREAS, the City wishes to enter into the attached Amended Agreement with North Hudson Sewage Authority, which amends the original agreement authorized by this Council on October 1, 2014; and

WHEREAS, the Agreement amends the authorization of the City to expend funds for the NHSA pumping station proposed for 11th and Sinatra, due to the inherent benefit to the City and its residents and visitors resulting from the newly proposed station; and,

WHEREAS, certification of funds is not required for this resolution.

NOW THEREFORE, BE IT RESOLVED, that the City is authorized to enter into the attached Amended Agreement with North Hudson Sewage Authority, and take any and all other action to effectuate the Agreement and amendment, and all the terms thereunder; 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: 7 – NAYS: 0 ABSENT: 2

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

---Nays: None.

---Absent: Mason, Mello

14-650

---By Councilman Bhalla

RESOLUTION AWARDING A CHANGE ORDER 2 AND CLOSE OUT TO THE CONTRACT OF GK FOTINOS, LLC FOR (BID 13-08) LITTLE LEAGUE BATTING CAGE BUILDING PROJECT, AS CHANGE ORDER NUMBER 2 (FINAL) IN AN INCREASE AMOUNT OF \$8,488.85 (4.4% INCREASE) FOR A NEW (FINAL) TOTAL NOT TO EXCEED AMOUNT OF \$207,008.80 (8.0% TOTAL INCREASE)

WHEREAS, the City of Hoboken requires a close out under the contract for the termination of the Little League Batting Cage Building project; and,

WHEREAS, the Administration contracted with GK Fotinos, LLC for said services and provisions; and,

WHEREAS, in accordance with the direction of the Administration, the City Council is asked to award change order #2 (FINAL) to the contract for Little League Batting Cage Building to GK Fotinos, LLC for an increase in the contract amount by Eight Thousand Four Hundred Eighty Eight dollars and Eighty Five Cents (\$8,488.85), which constitutes a 4.4% increase, for a new and final total not to exceed amount of Two Hundred Seven Thousand Eight Dollars and Eighty Cents (**\$207,008.80**) (**8.0% TOTAL INCREASE**), for work in accordance with the Boswell Engineering Change Order Request, dated October 15, 2014; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$8,488.85 is available in the following appropriation _____ in the CY2014 capital budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2014 budget or the capital funds; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that a change order (#2/FINAL) be awarded for the contract for the Little League Batting Cage Building project (Bid 13-08) to GK Fotinos, LLC for an increase in the contract amount by Eight Thousand Four Hundred Eighty Eight dollars and Eighty Five Cents (\$8,488.85), which constitutes a 4.4% increase, for a new and final total not to exceed amount of Two Hundred Seven Thousand Eight Dollars and Eighty Cents (**\$207,008.80 (8.0% TOTAL INCREASE)**) for work in accordance with the Boswell Engineering Change Order Request, dated October 15, 2014, as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the referenced Boswell correspondence shall govern the change order, and no changes may be made without the prior written consent of both parties.
3. Any further change orders which shall become necessary hereafter 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 information herein.

---Motion duly seconded by Councilman Bhalla
 ---Adopted by the following vote: YEAS: 7 – NAYS: 0 ABSENT: 2
 ---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Occhipinti, Russo and President Giattino
 ---Nays: None.
 ---Absent: Mason, Mello

Motion from Council President to move the meeting to 12:30 AM

---Motion duly seconded by Councilman Cunningham
 ---Adopted by the following vote: YEAS: 7 – NAYS: 2
 ---Yeas: Council persons Bhalla, Cunningham, Doyle, Mason, Mello, Occhipinti, and President Giattino
 ---Nays: Castellano, Russo

14-651

---By Councilman Bhalla

APPLICATION FOR MISCELLANEOUS LICENSES

Pool table----- 1 item
 Vendor----- 1 item

---Councilman Bhalla moved that the licenses be granted.

---Adopted by the following vote: YEAS: 7 – NAYS: 0 ABSENT: 2
---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Occhipinti, Russo and President Giattino
---Nays: None.
---Absent: Mason, Mello

14-652

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of November 2014 **\$28,196,696.90 (Abatement Totals – \$851,647.27)**

Received and Filed.

14-653

A report from Municipal Court indicating receipts for the month of November 2014 as **\$407,276.95**

Received and Filed.

14-654

---By Councilman Bhalla

CLAIMS

Total for this agenda **\$3,391,395.48**

---Motion duly seconded by Councilman Cunningham
--Adopted by the following vote: YEAS: 6 – NAYS: 2 - ABSENT:2 - ABSTAIN: 2
---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Occhipinti and President Giattino
---Nays: Castellano 14-04128, 14-04058, 14-03380 and Russo
---Absent: Mason and Mello
---Abstain: Doyle Weiner Lesniak 13-00129, 14-00988, Bhalla 14-00119

14-655

---By Councilman Bhalla

PAYROLL

For the two week period starting November 20, 2014 – December 3, 2014

Regular Payroll	O/T Pay	Other Pay
\$1,587,256.87	\$79,608.45	\$230,946.96

Total \$1,897,812.28

---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 2:
---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Occhipinti, Russo and President Giattino
---Nays: None

---Absent: Mason, Mello

CONSENT AGENDA – 7, 9, 10, 13, 14, 23, 24, 26, 28-37, 39, 41-44, 46

Pulled from the agenda for discussion: 4, 6, 11, 12, 15-22, 25, 27, 38, 40, 45

Removed by Administration: 8

RESOLUTIONS (cont'd)

14-656

---By Councilman Bhalla

RESOLUTION TO APPROVE A “LICENSE AGREEMENT” BETWEEN THE CITY OF HOBOKEN AND RB HOLDINGS 3 CORP, OWNER OF BLOCK 159 LOT 2 (a/k/a 703 CLINTON 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 applicant desires to receive and the City of Hoboken agrees to grant to RB Holdings 3 Corp, owner of Block 159 Lot 2, more commonly known as 703 Clinton Street, Hoboken, represented by Peter Slifirski, 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 RB Holdings 3 Corp, owner of Block 159 Lot 2, more commonly known as 703 Clinton Street, shall be subject and limited to the details and specifications included in the attached Application and Exhibits including survey, and Minervini Vandermark architectural drawings;
- 2) The Mayor or her agent is hereby authorized to enter into the attached agreement; and
- 3) This resolution shall become effective immediately upon adoption.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 2

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

---Nays: None.

---Absent: Mason, Mello

14-657

---By Councilman Bhalla

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOBOKEN, COUNTY OF

HUDSON, NEW JERSEY AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE NEW JERSEY LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 58:11B-9(a) AND N.J.S.A. 40A:2-26(e)

BACKGROUND

WHEREAS, the City Council of the City of Hoboken, County of Hudson, New Jersey ("City"), desires to make application to the New Jersey Local Finance Board for its approval of the City's 2015 New Jersey Environmental Infrastructure Trust financing pursuant to: (i) N.J.S.A. 58:11B-9(a); and (ii) N.J.S.A. 40A:2-26(e); and

WHEREAS, the City believes:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the City;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant; and
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the City and will not create an undue financial burden to be placed upon the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, AS FOLLOWS:

Section 1. The application to the New Jersey Local Finance Board is hereby approved, and the City's Bond Counsel, Solicitor, Financial Advisor, Consulting Engineer and Auditor along with other representatives of the City, are hereby authorized to prepare such application and to represent the City in matters pertaining thereto.

Section 2. The City Clerk is hereby directed to prepare and file a copy of this resolution with the New Jersey Local Finance Board as part of such application.

Section 3. The New Jersey Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey law.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 7 – NAYS: 0 ABSENT: 2

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

---Nays: None.

---Absent: Mason, Mello

14-658

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE EXECUTION OF THE ATTACHED LICENSE AGREEMENT BETWEEN THE COUNTY OF HUDSON AND THE CITY OF HOBOKEN

WHEREAS, the City wishes to enter into the attached license agreement with the County, for placement of accessories such as bike corrals within the County right of way, in accordance with the attached agreement; and

WHEREAS, certification of funds is not required for this resolution.

NOW THEREFORE, BE IT RESOLVED, that the City is authorized to enter into the attached license agreement with the County, for placement of accessories such as bike corrals within the County right of way, in accordance with the attached agreement; 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 to effectuate execution of the agreement, for any other necessary 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: 7 – NAYS: 0 ABSENT: 2

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

---Nays: None.

---Absent: Mason, Mello

14-659

---By Councilman Bhalla

RESOLUTION AUTHORIZING USE OF THE COMPETITIVE CONTRACTING PROCESS FOR RESIDENTIAL COMPOSTING SERVICES FOR THE CITY OF HOBOKEN FOR UP TO FIVE (5) YEARS

WHEREAS, the City of Hoboken seeks to contract for residential composting services for the City, in accordance with the competitive contracting laws, for up to five (5) years; and

WHEREAS, under the Local Public Contracts Law, N.J.S.A. 40A:11-4.1, competitive contracting may be used by local contracting units in lieu of the standard public bidding process for procurement of specialized goods and services where the price exceeds the threshold, and said procedure is considered to be fair and open, as well as efficient in obtaining the best services for the City, cost and other factors considered, when such services are otherwise exempt from bidding under N.J.S.A. 40A:11-5(5), pursuant to N.J.S.A. 40A:11-4.1(i); and

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that the Competitive Contract Process, as described and allowed in N.J.S.A. 40A:11-4.1(i), shall be initiated by the Purchasing Agent/Business Administrator for the purpose of receiving proposals for residential composting service for the City for a period up to five (5) years.

---Motion duly seconded by Councilman Cunningham

Adopted by the following vote: YEAS: 7 – NAYS: 0 ABSENT: 2

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

Nays: None.

Absent: Mason, Mello

14-660

---By Councilman Bhalla

**RESOLUTION REJECTING A BID FOR THE PROVISIONS OF BACKUP GENERATORS,
OTHERWISE KNOWN AS BID NO. 14-10, IN ACCORDANCE WITH N.J.S.A. 40A:11-13.2(D)**

WHEREAS, proposals were received for the provisions of the contractors services for the backup generators, as specified in Bid Number 14-10; and,

WHEREAS, the Administration has decided to substantially revise the specifications for the goods or services; and,

WHEREAS, as a result, the Purchasing Agent recommends that the City Council of the City of Hoboken reject all bid submissions for the provision under Bid No. 14-10, pursuant to N.J.S.A. 40A:11-13.2(d).

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Hoboken

rejects all bid proposals submitted for the provision under Bid No. 14-10, pursuant to N.J.S.A. 40A:11-13.2(d); and,

BE IT FURTHER RESOLVED that the City Council authorizes the Administration to take any and all steps necessary to properly revise and rebid, and, thereafter, contract for the provisions necessary for the contractor services for backup generators.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 7 – NAYS: 0 ABSENT: 2

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

---Nays: None.

---Absent: Mason, Mello

14-661

---By Councilman Bhalla

RESOLUTION APPOINTING BENJAMIN CHOI, ESQ. AS CHIEF MUNICIPAL PROSECUTOR FOR THE CITY OF HOBOKEN FOR THE 2015 CALENDAR YEAR, AND AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH BENJAMIN CHOI, ESQ. FOR SERVICES AS CHIEF MUNICIPAL PROSECUTOR FOR A ONE (1) YEAR TERM TO COMMENCE ON JANUARY 1, 2015 AND TERMINATE ON DECEMBER 31, 2015 WITH A NOT TO EXCEED AMOUNT OF \$35,000.00

WHEREAS, the City of Hoboken requires the services of a municipal prosecutor and alternate municipal prosecutors, and N.J.S.A. 2B:25-1 et seq. defines the procedure for appointment of municipal prosecutors; and,

WHEREAS, the Mayor has presented to the Council Benjamin Choi, Esq. for consideration to the position of chief municipal prosecutor for the 2015 calendar year; and,

WHEREAS, Benjamin Choi, Esq. responded to the City of Hoboken's Request for Qualifications for the position of Municipal Prosecutor, and his appointment shall be subject to the Request for Qualifications and his accompanying proposal to the extent same are not inconsistent with the terms in the within Resolution; and,

WHEREAS, Benjamin Choi, Esq.'s proposal was submitted and reviewed in compliance with Hoboken Ordinance #DR-154 (codified as §20A-1 *et seq.* of the Code of the City of Hoboken), which requires use of the fair and open process for Professional Service contracts; and,

WHEREAS, Benjamin Choi, Esq. shall be required to comply with all local, state and federal laws regarding pay-to-play and public contracting, as well as any local, state or federal laws regarding contributions and reporting; and,

WHEREAS, the appointment is approved as a professional service contract, the appointee shall be considered a per-diem non-employee, the appointee shall be entitled to \$325.00 per court session in lieu of any and all other fees and benefits; in addition, if any additional work is directed by the Corporation Counsel or other appropriate official of the City Administration, the individual will receive a maximum hourly rate of \$150.00/hour for attorney services as directed, with no additional fees or charges allowed; and, accordingly, the appointee is not an employee of the City of Hoboken and therefore is not entitled to any vacation, sick or personal days, longevity, pension credits, or the like;

WHEREAS, the City Council hereby assents to the Mayor's suggestion that Benjamin Choi, Esq. be appointed to the position of chief municipal prosecutor for the 2015 calendar year with an appropriation in the amount not to exceed Thirty Five Thousand Dollars (\$35,000.00);

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$35,000.00 will be available in the following appropriation 50120155031 in the temporary CY2015 budget; and I further certify that this commitment together with all previously made commitments and payments will not exceed the funds available in said appropriation for the CY2015 budget and/or temporary budget; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hoboken, County of Hudson, hereby accepts the appointment of Benjamin Choi, Esq. as the City of Hoboken chief municipal prosecutor for the 2015 calendar year, and authorizes an accompanying professional service contract in an amount not to exceed Thirty Five Thousand Dollars (\$35,000.00); and,

BE IF FURTHER RESOLVED that a professional services contract be authorized with Benjamin Choi, Esq. for the services of chief municipal prosecutor from January 1, 2015 through December 31, 2015, which shall include the following terms:

1. The Chief Municipal Prosecutor/Municipal Prosecutor shall appear at least thirty minutes prior to every Municipal Court session, as needed and as requested by the Corporation Counsel.
2. The Municipal Court Sessions are generally scheduled for every Tuesday at 9:00 a.m., and 6:00 p.m., every Wednesday at 9:00 a.m. and every Thursday at 9:00 a.m. unless the Court is closed.
3. The Chief Municipal Prosecutor/ Municipal Prosecutor is also required to appear for a special session on a Monday or Friday if either one of the two Municipal Court Judges calls a special session and the Corporation Counsel requests the prosecutor's presence.
4. The Chief Municipal Prosecutor/Municipal Prosecutor shall contact the Corporation Counsel to arrange for any necessary additional alternate municipal court prosecutor(s) for services upon the sickness, vacation or other absence of the City's regular Municipal Prosecutor. The municipal prosecutors may also be contacted by the Corporation Counsel to provide prosecuting services when conflicts arise which prevent the regular prosecutors from performing their duties to the City on a case specific basis.

BE IT FURTHER RESOLVED Benjamin Choi, Esq. shall be considered a per-diem non-employee, shall be entitled to \$325.00 per court session in lieu of any and all other fees and benefits; in addition, if any additional work is directed by the Corporation Counsel or other appropriate official of the City Administration, the individual will receive a maximum hourly rate of \$150.00/hour for attorney services as directed, with no additional fees or charges allowed; and, accordingly, is not an employee of the City of Hoboken and therefore is not entitled to any vacation, sick or personal days, longevity, pension credits, or the like; and,

BE IT FURTHER RESOLVED that this appointment and accompanying contract be for a one (1) year term to commence on January 1, 2015 and expire on December 31, 2015; and,

BE IT FURTHER RESOLVED Benjamin Choi, Esq. shall be required to comply with all local, state and federal laws regarding pay-to-play and public contracting, as well as any local, state or federal laws regarding contributions and reporting; and,

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

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

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

--- Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 7 – NAYS: 0 ABSENT: 2

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

---Nays: None.

---Absent: Mason, Mello

14-662

---By Councilman Bhalla

RESOLUTION APPOINTING ESTHER MILSTED, ESQ. AS CHIEF MUNICIPAL PUBLIC DEFENDER FOR THE CITY OF HOBOKEN FOR THE 2015 CALENDAR YEAR, AND AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH ESTHER MILSTED, ESQ. FOR SERVICES AS CHIEF MUNICIPAL PUBLIC DEFENDER FOR A ONE (1) YEAR TERM TO COMMENCE ON JANUARY 1, 2015 AND TERMINATE ON DECEMBER 31, 2015 WITH A NOT TO EXCEED AMOUNT OF \$20,000.00

WHEREAS, the City of Hoboken requires the services of a municipal public defender; and,

WHEREAS, the Mayor has presented to the Council Esther Milsted, Esq. for consideration to the position of chief municipal public defender for the 2015 calendar year; and,

WHEREAS, Esther Milsted, Esq. responded to the City of Hoboken's Request for Qualifications for the position of Municipal public defender, and the appointment shall be subject to the Request for Qualifications and the accompanying proposal to the extent same are not inconsistent with the terms in the within Resolution; and,

WHEREAS, Esther Milsted, Esq.'s proposal was submitted and reviewed in compliance with Hoboken Ordinance #DR-154 (codified as §20A-1 et seq. of the Code of the City of Hoboken), which requires use of the fair and open process for Professional Service contracts; and,

WHEREAS, Esther Milsted, Esq. shall be required to comply with all local, state and federal laws regarding pay-to-play and public contracting, as well as any local, state or federal laws regarding contributions and reporting; and,

WHEREAS, the appointment is approved as a professional service contract, the appointee shall be considered a per-diem non-employee, the appointee shall be entitled to \$275.00 per court session in lieu of any and all other fees and benefits; in addition, if any additional work is directed by the Corporation Counsel or other appropriate official of the City Administration, the individual will receive

a maximum hourly rate of \$150.00/hour for attorney services as directed, with no additional fees or charges allowed; and, accordingly, the appointee is not an employee of the City of Hoboken and therefore is not entitled to any vacation, sick or personal days, longevity, pension credits, or the like;

WHEREAS, the City Council hereby assents to the Mayor's suggestion that Esther Milsted, Esq. be appointed to the position of chief municipal public defender for the 2015 calendar year with an appropriation in the amount not to exceed Twenty Thousand Dollars (\$20,000.00);

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$20,000.00 will be available in the following appropriation 50120155031 in the temporary CY2015 budget; and I further certify that this commitment together with all previously made commitments and payments will not exceed the funds available in said appropriation for the CY2015 budget and/or temporary budget; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hoboken, County of Hudson, hereby accepts the appointment of Esther Milsted, Esq. as the City of Hoboken chief municipal public defender for the 2015 calendar year, and authorizes an accompanying professional service contract in an amount not to exceed Twenty Thousand Dollars (\$20,000.00); and,

BE IF FURTHER RESOLVED that a professional services contract be authorized with Esther Milsted, Esq. for the services of chief municipal public defender from January 1, 2015 through December 31, 2015, which shall include the following terms:

1. The Municipal Public Defenders shall appear at least thirty minutes prior to every Municipal Court session.
2. The Municipal Court Sessions are generally scheduled for every Tuesday at 9:00 a.m., and 6:00 p.m., every Wednesday at 9:00 a.m. and every Thursday at 9:00 a.m. unless the Court is closed.
3. The Municipal Public Defenders is also required to appear for a special session on a Monday or Friday if one of the two Municipal Court Judges calls a special session.
4. The Municipal Public Defenders shall contact and arrange for the appointed alternate municipal court public defender(s) for services upon the sickness, vacation or other absence of the scheduled Municipal Public Defender. The alternate public defenders may also be contacted by the Chief Municipal Public Defender to provide services when conflicts arise which prevent the regular public defender from performing their duties to the City on a case specific basis.

BE IT FURTHER RESOLVED Esther Milsted, Esq. shall be considered a per-diem non-employee, shall be entitled to \$275.00 per court session in lieu of any and all other fees and benefits; in addition, if any additional work is directed by the Corporation Counsel or other appropriate official of the City Administration, the individual will receive a maximum hourly rate of \$150.00/hour for attorney services as directed, with no additional fees or charges allowed; and, accordingly, is not an employee of the City of Hoboken and therefore is not entitled to any vacation, sick or personal days, longevity, pension credits, or the like; and,

BE IT FURTHER RESOLVED that this appointment and accompanying contract be for a one (1) year term to commence on January 1, 2015 and expire on December 31, 2015; and,

BE IT FURTHER RESOLVED Esther Milsted, Esq. shall be required to comply with all local, state and federal laws regarding pay-to-play and public contracting, as well as any local, state or federal laws regarding contributions and reporting; and,

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

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

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

--- Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 7 – NAYS: 0 ABSENT: 2

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

---Nays: None.

---Absent: Mason, Mello

14-663

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH SCHENCK, PRICE, SMITH, & KING LLP AS SPECIAL LEGAL COUNSEL- GENERAL LITIGATION COUNSEL TO THE CITY OF HOBOKEN TO COMMENCE DECEMBER 11, 2014 AND EXPIRE DECEMBER 10, 2015 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$10,000.00

WHEREAS, the City of Hoboken (“City”) has completed the project known as Castle Park and Sinatra Park Waterfront Walkway Reconstruction Project (“Project”); and,

WHEREAS, Scafara Contracting, Inc. (“Scafara”), the Project contractor, has submitted various claims in connection with their delivery of construction services for said Project, which claims have been evaluated by the City’s Engineer, Boswell Engineering; and,

WHEREAS, the City, Boswell, and Scafara have made an effort to negotiate said claims to final settlement, which effort has not been successful; and,

WHEREAS, pursuant to N.J.S.A. 40A:11-50 and the Project specifications, disputes must be submitted to non-binding mediation, as a precursor to submission of the matter to a Court for adjudication; and

WHEREAS, the City has received a letter dated October 3, 2014 from Cohen Seglias Pallas Greenhall and Furman PC requesting mediation on behalf of Scafara; and

WHEREAS, service to the City as Special Counsel –General Litigation 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 CY2014 Request for Proposals for the Professional Services of Special Legal Counsel-General Litigation Counsel in accordance with the Fair

and Open Process and Hoboken Ordinance #DR-154, which Schenck, Price, Smith, & King LLP (“Schenck Price LLP”) responded to; and,

WHEREAS, the Administration finds that Schenck Price LLP offers highly qualified representation in the field of construction claims litigation and mediation, and seeks to utilize the firm’s services for the above referenced mediation, and any litigation/adjudication that may follow, should same become necessary, and therefore advises a contract be entered into with Schenck Price LLP; and,

***WHEREAS**, Schenck Price LLP 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 capital appropriation C-04-60-709-210; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said capital 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 Schenck Price LLP to represent the City as Special Legal Counsel- General Litigation be awarded, for a term to commence December 3, 2014 and expire December 2, 2015, for a total not to exceed amount of Ten Thousand Dollars (\$10,000.00); and

BE IT FURTHER RESOLVED, the contract shall include the following term: Schenck Price LLP shall be paid 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. These are the only charges for services allowable under this agreement, and charges for reasonable filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice, and Schenck Price LLP shall be mindful of all OPRA and common law right to access laws when drawing up monthly invoices, and shall indemnify the City for any and all issues of disclosure which may arise as a result of the way in which Schenck Price LLP submits invoices to the City; 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 Schenck Price LLP; 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: 7 – NAYS: 0 ABSENT: 2:

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

---Nays: None.

---Absent: Mason, Mello

14-664

---By Councilman Bhalla

**RESOLUTION INSERTING A SPECIAL ITEM OF REVENUE INTO THE CY 2014
MUNICIPAL BUDGET CITY OF HOBOKEN POLICE DEPARTMENT HAZARD
MITIGATION GRANT (FEMA) – CY 2014**

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 \$132,854.00 from NJ Division of State Police and wishes to amend its CY 2014 Budget to include this amount with a City Match from Capital Ordinance Z-248 in the amount of \$175,146.00.

NOW, THEREFORE, BE IT RESOLVED 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 approve the insertion of an item of revenue in the budget of the year CY 2014 in the sum herein stated. 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:

Police Dept Hazard Mitigation 2014 O/E	
Other Expenses	\$132,854.00
Capital Ordinance Match	\$175,146.00

NOW, THEREFORE, BE IT RESOLVED that the like sum of: \$132,854.00 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:

Police Dept	
Hazard Mitigation 2014 O/E	\$132,854.00
Other Expenses	
Capital Ordinance Match	\$175,146.00

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: 7 – NAYS: 0 ABSENT: 2

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

---Nays: None.

---Absent: Mason, Mello

14-665

---By Councilman Bhalla

AUTHORIZING THE FINANCE OFFICER TO CANCEL STALE CHECKS

WHEREAS it has been brought to the attention of the City of Hoboken by the Finance Officer that there are outstanding stale checks that have never been cancelled from the City's records: and

WHEREAS it is the desire of the City Council to cancel these stale checks in a timely manner.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken, State of New Jersey, that the following stale checks be cancelled and that the Finance Officer's records be adjusted to reflect the same.

SEE DETAIL ATTACHED

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 7 – NAYS: 0 ABSENT: 2

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

---Nays: None.

14-666

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH REHABCO INC. AS PROFESSIONAL PLANNERS FOR THE CDBG DEVELOPMENT OF A FIVE YEAR CONSOLIDATED ACTION PLAN AND CITIZEN PARTICIPATION PLAN TO THE CITY OF HOBOKEN TO COMMENCE DECEMBER 16, 2014 EXPIRE DECEMBER 15,

2015 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$40,000.00

WHEREAS, service to the City as Professional Planner 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 published RFP's for a Professional Planner for CDBG Development of a Five Year Consolidated Action Plan in accordance with the Fair and Open Process, which Rehabco Inc. responded to, and the City now seeks to contract with the 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 \$40,000.00 is available in the following appropriations 4-01-21-181-036 in the CY2014 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2014 budget.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with Rehabco Inc. to represent the City as Professional Planner for the above mentioned project be awarded, for a term to commence December 16, 2014 and expire December 15, 2015, for a total not to exceed amount of **Forty Thousand** Dollars (\$40,000.00); and

BE IT FURTHER RESOLVED, the contract shall expressly state that said firm shall be obligated to provide prompt notice to the City when its invoicing reaches 80% of the not to exceed amount if the firm believes additional funds will be necessary, and the City shall have no liability for payment of funds in excess of the not to exceed amount, and that any invoices not received within sixty days of the date the costs are incurred shall be waived by the firm and shall not become payable, at law or in equity, by the City; 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: 7 – NAYS: 0 ABSENT: 2

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

---Nays: None.
---Absent: Mason, Mello

14-667

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$1,238.33)

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 **\$1,238.33**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Farah & Hormoz Shayegan 200 Winston Drive, Apt. 2019 Cliffside Park, NJ 07010	261.03/1/CP047	1125 Maxwell Lane	3&4/14	\$230.75
Sung Hwan Cho 734 Adams Street #4A Hoboken, NJ 07030	59/23/C001A	400 Jefferson St	2/14	\$1007.58

---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 7 – NAYS: 0 ABSENT: 2
---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Occhipinti, Russo and President Giattino
---Nays: None.
---Absent: Mason, Mello

14-668

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE REFUND OF HUDSON COUNTY TAX BOARD JUDGEMENTS 2014 TAX APPEALS (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$4,945.43)

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

WHEREAS, Sharon Curran, Collector of Revenue recommends that the refunds be made; now, therefore, be it-

RESOLVED, that a warrant be drawn on the City Treasurer made payable to the appearing on the attached list totaling **\$ 4,945.43**

REFUNDS ON THE FOLLOWING TAX APPEALS ARE TO BE MADE PAYABLE TO: SCANLON & SCANLON, P.C.

90 HUDSON STREET, 2ND FL
HOBOKEN, NJ 07030

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>AMOUNT</u>
REY, JOSEPH	3.02/10	513 NEWARK ST	\$ 105.65
CAPARRA HOMES C/O DE LA PENA, GARCIA	30/10.01	465 SECOND ST	\$ 243.05
420 MADISON ST LLC, C/O D. COVELLO	58/15/C002L	420 MADISON ST	\$ 1,146.68
612 JEFFERSON ST LLC	76/28	612 JEFFERSON ST	\$ 3,450.05

--Motion duly seconded by Councilman Cunningham
 --Adopted by the following vote: YEAS: 7 – NAYS: 0 ABSENT: 2
 --Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Occhipinti, Russo and President Giattino
 --Nays: None.
 --Absent: Mason, Mello

14-669

--By Councilman Bhalla

RESOLUTION AUTHORIZING THE REFUND OF HUDSON COUNTY TAX BOARD JUDGEMENTS 2014 TAX APPEALS (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$18,253.14)

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

WHEREAS, Sharon Curran, Collector of Revenue recommends that the refunds be made; now, therefore, be it-

RESOLVED, that a warrant be drawn on the City Treasurer made payable to the appearing on the attached list totaling **\$ 18,253.14**

REFUNDS ON THE FOLLOWING TAX APPEALS ARE TO BE MADE PAYABLE TO:

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>AMOUNT</u>
359 SECOND LLC,C/O HOTHEM 531 N. MARKET STREET WOOSTER, OHIO 44691	32/18/C04-W	359 SECOND ST	\$ 327.72
DANIEL SPINNER & PAULA POZZI 130 PARK AVE #PHB HOBOKEN, NJ 07030	34/21/C0PHB	130 PARK AVE.	\$1,012.45
510 ADAMS LLC C/O HOTHEM 531 N. MARKET STREET	69/29/C001N	510 ADAMS ST	\$ 351.29

WOOSTER, OHIO 44691

510 ADAMS LLC C/O HOTHEM 531 N. MARKET STREET WOOSTER, OHIO 44691	69/29/C001S	510 ADAMS ST	\$ 351.29
510 ADAMS LLC C/O HOTHEM 531 N. MARKET STREET WOOSTER, OHIO 44691	69/29/C002N	510 ADAMS ST	\$ 257.04
510 ADAMS LLC C/O HOTHEM 531 N. MARKET STREET WOOSTER, OHIO 44691	69/29/C002S	510 ADAMS ST	\$ 257.04
510 ADAMS LLC C/O HOTHEM 531 N. MARKET STREET WOOSTER, OHIO 44691	69/29/C003N	510 ADAMS ST	\$ 257.04
510 ADAMS LLC C/O HOTHEM 531 N. MARKET STREET WOOSTER, OHIO 44691	69/29/C003S	510 ADAMS ST	\$ 257.04
510 ADAMS LLC C/O HOTHEM 531 N. MARKET STREET WOOSTER, OHIO 44691	69/29/C004N	510 ADAMS ST	\$ 257.04
510 ADAMS LLC C/O HOTHEM 531 N. MARKET STREET WOOSTER, OHIO 44691	69/29/C004S	510 ADAMS ST	\$ 257.04
450 SEVENTH LLC C/O HOTHEM 531 N. MARKET STREET WOOSTER, OHIO 44691	84/1/C01-I	450 SEVENTH ST	\$ 69.97
450 SEVENTH LLC C/O HOTHEM 531 N. MARKET STREET WOOSTER, OHIO 44691	84/1/C02-E	450 SEVENTH ST	\$149.94
450 SEVENTH LLC C/O HOTHEM 531 N. MARKET STREET WOOSTER, OHIO 44691	84/1/C02-F	450 SEVENTH ST	\$115.67
450 SEVENTH LLC C/O HOTHEM 531 N. MARKET STREET WOOSTER, OHIO 44691	84/1/C03-F	450 SEVENTH ST	\$385.56
450 SEVENTH LLC C/O HOTHEM 531 N. MARKET STREET WOOSTER, OHIO 44691	84/1/C04-C	450 SEVENTH ST	\$295.60
450 SEVENTH LLC C/O HOTHEM 531 N. MARKET STREET	84/1/C04-I	450 SEVENTH ST	\$189.92

WOOSTER, OHIO 44691

450 SEVENTH LLC C/O HOTHAM 84/1/C04-M 450 SEVENTH ST \$295.60
531 N. MARKET STREET
WOOSTER, OHIO 44691

COMMERCE CONSTRUCTION 159/4/C1424 711 CLINTON ST \$671.90
MANG LLC.
P.O. BOX 271
HOBOKEN, NJ 07030

PARK AVE 527 CORP. 180/14.01 527-529 PARK AVE \$1,071.00
C/O PREMIER
59 BEAVERBROOK RD. #202
LINCOLN PARK, NJ 07035

ADAM LADEN & ELIZABETH 185/37 1014 GARDEN ST \$2,961.67
LIEBER
63 BERKELEY DRIVE
TENAFLY, NJ 07670

JOHN & AMY FAUCHER 217.01/28 606 HUDSON ST \$1,723.60
606 HUDSON STREET
HOBOKEN, NJ 07030

1035 WASHINGTON ST LLC 221/11/C000F 1035 WASHINGTON ST \$ 978.59
C/O HOTHAM
531 N. MARKET STREET
WOOSTER, OHIO 44691

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 7 – NAYS: 0 ABSENT: 2

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

---Nays: None.

---Absent: Mason, Mello

14-670

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE REFUND OF HUDSON COUNTY TAX BOARD JUDGEMENTS 2014 TAX APPEALS (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$1,006.15)

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

WHEREAS, Sharon Curran, Collector of Revenue recommends that the refunds be made; now, therefore, be it-

RESOLVED, that a warrant be drawn on the City Treasurer made payable to the appearing on the attached list totaling **\$ 1,006.15**

REFUNDS ON THE FOLLOWING TAX APPEALS ARE TO BE MADE PAYABLE TO:

PERLMAN LAW
36 NEWARK ST, SUITE 202
HOBOKEN, NJ 07030

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>AMOUNT</u>
BRUMMETTE, RANDELL &	217.01/16.02	631 COURT ST	\$1006.15

---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 7 – NAYS: 0 ABSENT: 2
---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Occhipinti, Russo and President Giattino
---Nays: None.
---Absent: Mason, Mello

14-671
---By Councilman Bhalla

RESOLUTION AUTHORIZING THE REFUND OF HUDSON COUNTY TAX BOARD JUDGEMENTS 2014 TAX APPEALS (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$2,574.90)

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

WHEREAS, Sharon Curran, Collector of Revenue recommends that the refunds be made: now, therefore, be it-

RESOLVED, that a warrant be drawn on the City Treasurer made payable to the appearing on the attached list totaling **\$ 2,574.90**

REFUNDS ON THE FOLLOWING TAX APPEALS ARE TO BE MADE PAYABLE TO:

WATERS, MCPHERSON, MCNEILL
300 LIGHTING WAY
P.O. BOX 1560
SECAUCUS, NJ 07096

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>AMOUNT</u>
BLOCK 255 LLC	126/5	NORTH OF 14 TH ST	\$1,950.69
HOBOKEN COVE LLC	268.01/4	1501 HUDSON ST	\$ 624.21

---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 7 – NAYS: 0 ABSENT: 2
---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Occhipinti, Russo and President Giattino
---Nays: None.

---Absent: Mason, Mello

14-672

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE REFUND OF HUDSON COUNTY TAX BOARD JUDGEMENTS 2014 TAX APPEALS (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$2,027.76)

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

WHEREAS, Sharon Curran, Collector of Revenue recommends that the refunds be made; now, therefore, be it-

RESOLVED, that a warrant be drawn on the City Treasurer made payable to the appearing on the attached list totaling **\$ 2,027.76**

**REFUNDS ON THE FOLLOWING TAX APPEALS ARE TO BE MADE PAYABLE TO:
HUDSON LEGAL CENTER
86 HUDSON STREET
HOBOKEN, NJ 07030**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>AMOUNT</u>
GIOIA FAMILY LP	211.01/10	50-54 NEWARK ST	\$2,027.76

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 7 – NAYS: 0 ABSENT: 2

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

---Nays: None.

---Absent: Mason, Mello

14-673

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE REFUND OF HUDSON COUNTY TAX BOARD JUDGEMENTS 2014 TAX APPEALS (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$448.34)

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

WHEREAS, Sharon Curran, Collector of Revenue recommends that the refunds be made; now, therefore, be it-

RESOLVED, that a warrant be drawn on the City Treasurer made payable to the appearing on the attached list totaling **\$ 448.34**

REFUNDS ON THE FOLLOWING TAX APPEALS ARE TO BE MADE PAYABLE TO:

NASHEL & NASHEL LLC
415 SIXIETH STREET
WEST NEW YORK, NJ 07093

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>AMOUNT</u>
WILLOW INVESTMENTS LLC	141/23	612-1614 WILLOW AVE	\$448.34

---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 7 – NAYS: 0 ABSENT: 2
---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Occhipinti, Russo and President Giattino
---Nays: None.
---Absent: Mason, Mello

14-674

---By Councilman Bhalla

**RESOLUTION TO ADOPT THE MINUTES OF THE MEETINGS OF THE CITY COUNCIL
DATED: SPECIAL MEETING OF NOVEMBER 17TH AND REGULAR MEETINGS OF
NOVEMBER 17, 2014 AND DECEMBER 3, 2014**

RESOLVED, that filed minutes for the Hoboken City Council **Special Meeting of November 17th and Regular meetings of November 17, 2014 and December 3, 2014** have been reviewed and approved by the Governing Body.

---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 7 – NAYS: 0 ABSENT: 2
---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Occhipinti, Russo and President Giattino
---Nays: None.
---Absent: Mason, Mello

14-675

---By Councilman Bh

**AN AMENDMENT TO THE CITY CALENDAR FOR WEDNESDAY*, JANUARY 7, 2015
RESOLUTION TO AMEND THE CITY COUNCIL MEETING CALENDAR FOR 2015**

RESOLVED, that the following dates and times listed below are adopted as the official meeting dates of the Hoboken City Council for January 2015 through December 2015, and be it further

RESOLVED, that in accordance with N.J.S.A. 10:4-8(d) and 10:4-18 (Open Public Meetings Act), within seven (7) days of passage of this Resolution, the City Clerk shall (a) prominently post this Resolution in at least one location at City Hall reserved for similar announcements; (b) mail, telephone, telegram or hand deliver this Resolution to all of the official newspapers of the City of Hoboken; and (c) maintain a copy of this Resolution in the Office of the City Clerk; and, be it further

RESOLVED, that this Resolution be advertised in two of the City's official newspapers within (7) days of passage.

**CITY COUNCIL MEETINGS, COUNCIL CHAMBERS, CITY HALL,
94 WASHINGTON STREET, HOBOKEN, NJ**

Wednesday*	January 7, 2015	7 PM	Wednesday	July 8, 2015	7 PM
Wednesday	January 21, 2015	7 PM			
**Tuesday	February 3, 2015	7 PM	Wednesday	August 5, 2015	7 PM
Wednesday	February 18, 2015	7 PM			
Wednesday	March 4, 2015	7 PM	Wednesday	September 2, 2015	7 PM
Wednesday	March 18, 2015	7 PM	Wednesday	September 16, 2015	7 PM
Wednesday	April 1, 2015	7 PM	Wednesday	October 7, 2015	7 PM
Wednesday	April 15, 2015	7 PM	Wednesday	October 21, 2015	7 PM
Wednesday	May 6, 2015	7 PM	Wednesday	November 4, 2015	7 PM
Wednesday	May 20, 2015	7 PM	*** Monday	November 16, 2015	7 PM
Wednesday	June 3, 2015	7 PM	Wednesday	December 2, 2015	7 PM
Wednesday	June 17, 2015	7 PM	Wednesday	December 16, 2015	7 PM

* Reorganization meeting

** Moved due to Tu B'Shevat

******* Moved due to the New Jersey League of Municipality **November 17-19, 2015**

All information pertaining to the Council agenda may be obtained from the City Clerk, during regular business hours, prior to each Council meeting and also, on the City's website = <http://www.hobokennj.org>.

By order of City Council resolution adopted December 16, 2014

James J. Farina
City Clerk

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 7 – NAYS: 0 ABSENT: 2

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

---Nays: None.

---Absent: Mason, Mello

14-676

---By Councilman Bhalla

RESOLUTION TO ACCEPT AND AUTHORIZE EXECUTION OF THE ATTACHED SHADE TREE COMMUNITY FORESTRY MANAGEMENT PLAN

WHEREAS, the City Council wishes to accept and authorize execution of the Shade Tree Commission's Shade Tree Community Forestry Management Plan, as attached hereto.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Shade Tree Commissioners are authorized to enter into the attached Shade Tree Community Forestry Management Plan, and take any and all other action to effectuate the Plan, and the terms thereunder; 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, Corporation Counsel, and the Shade Tree Commission 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: 7 – NAYS: 0 ABSENT: 2

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

---Nays: None.

---Absent: Mason, Mello

14-677

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH MASER CONSULTING AS PROFESSIONAL PLANNERS FOR THE ZONING CODE UPDATE FOR THE CITY OF HOBOKEN TO COMMENCE DECEMBER 16, 2014 AND EXPIRE DECEMBER 15, 2015 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$56,410.00

WHEREAS, service to the City as Professional Planner 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 published RFP's for a Professional Planner for the Zoning Code Update in accordance with the Fair and Open Process, which Maser Consulting responded to, and the City now seeks to contract with the firm for said services; and,

WHEREAS, *the firm of Maser Consulting 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 \$56,410.00 is available in the following appropriations 4-01-21-181-036 in the CY2014 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2014 budget.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with Maser Consulting to represent the City as Professional Planner to the Zoning Code Update be awarded, for a term to commence December 16, 2014 and expire December 15, 2015, for a total not to exceed amount of **Fifty Six Thousand Four Hundred Ten Dollars (\$56,410.00)**; and

BE IT FURTHER RESOLVED, the contract shall expressly state that said firm shall be obligated to provide prompt notice to the City when its invoicing reaches 80% of the not to exceed amount if the firm believes additional funds will be necessary, and the City shall have no liability for payment of funds in excess of the not to exceed amount, and that any invoices not received within sixty days of the date the costs are incurred shall be waived by the firm and shall not become payable, at law or in equity, by the City; 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: 7 – NAYS: 0 - ABSENT: 2

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

---Nays: None.

---Absent:Mason, Mello

14-678

---By Councilman Bhalla

RESOLUTION TO AMEND AND EXTEND THE CONTRACT WITH BOSWELL ENGINEERING FOR CITY WATERFRONT ENGINEER THROUGH JANUARY 31, 2015, WITH AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$98,350.00 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$778,350.00

WHEREAS, the City previously appointed and contracted for the professional services of Boswell Engineering to act as the City’s Waterfront Engineering Firm; and,

WHEREAS, the City of Hoboken (“City”) has completed the project known as Castle Park and Sinatra Park Waterfront Walkway Reconstruction Project (“Project”); and,

WHEREAS, Scafara Contracting, Inc. (“Scafara”), the Project contractor, has submitted various claims in connection with their delivery of construction services for said Project, which claims have been evaluated by the City’s Engineer, Boswell Engineering; and,

WHEREAS, the City, Boswell, and Scafara have made an effort to negotiate said claims to final settlement, which effort has not been successful; and,

WHEREAS, pursuant to N.J.S.A. 40A:11-50 and the Project specifications, disputes must be submitted to non-binding mediation, as a precursor to submission of the matter to a Court for adjudication; and

WHEREAS, the City has received a letter dated October 3, 2014 from Cohen Seglias Pallas Greenhall and Furman PC requesting mediation on behalf of Scafar; and

WHEREAS, unrelated to the above referenced claims, during the execution of the project, certain modifications to the project became necessary and/or possible including retaining wall relocation, drainage modifications, upgraded perimeter fencing, upgraded sports lighting, and expanded concrete paver installation requiring additional design and construction inspection services of Boswell Engineering; and

WHEREAS, said modifications, were accomplished without increasing the overall construction contract price as a result of credits realized during the project; and

WHEREAS, the City wishes to extend the waterfront engineering contract with Boswell Engineering through January 31, 2015 to provide compensation to Boswell for the above services, with an increase in the not to exceed amount by \$98,350.00, which represents \$24,250.00 for expert witness services in the upcoming Scafar mediation and \$74,100.00 for design work for the Sinatra Park and Castle Point Walkway Rehabilitation, for a total not to exceed amount of \$778,350.00; and,

***WHEREAS**, Boswell Engineering 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, there is a continuing emergent need for the specialized expertise Boswell Engineering has obtained with regards to the Scafar construction issues and the Sinatra Park Castle Point Walkway Rehabilitation project within the City of Hoboken, which therefore exempts the need for utilization of an additional request for proposals under the fair and open process; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$98,350.00 is available in the following appropriations C-04-60-709-400 in the CY2014 capital budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2014 capital budget.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED (*a majority of the full membership concurring*) that the contract with Boswell Engineering for service to the City as the City’s Waterfront Engineer be hereby extended and amended through January 31, 2015, with an increase in the not to exceed amount by \$98,350.00, which represents \$24,250.00 for expert witness services in the Scafar mediation, as described in the attached 12/5/14 proposal of Boswell, and \$74,100.00 in design work for the Sinatra Park and Castle Point Walkway Rehabilitation, as described in the attached 12/5/14 proposal of Boswell, for a total not to exceed amount of \$778,350.00; and, the remainder of the contract shall remain unchanged and shall continue in accordance with the original request for proposals and Boswell’s corresponding proposal, except to the extent inconsistent with the two attached proposals; 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 Boswell Engineering; and

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

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

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

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 7 – NAYS: 0 ABSENT: 2

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

---Nays: None.

---Absent: Mason, Mello

14-679

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE A SERVICE CONTRACT WITH LOUIS BERGER AS PROFESSIONAL WATER UTILITY CONSULTANT FOR THE RENEGOTIATION OF THE UNITED WATER O&M CONTRACT TO THE CITY OF HOBOKEN TO COMMENCE DECEMBER 16, 2014 AND EXPIRE DECEMBER 15, 2015 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$25,000.00

WHEREAS, service to the City as Professional Water Utility Consultant is a service as defined by N.J.S.A. 40A:11-1 et seq. and the City put an RFP out for said services as a competitive contract, and thereafter authorized a pool of service providers, including Louis Berger, by way of a December 3, 2014 resolution in accordance with the Fair and Open Process; and,

WHEREAS, the City now seeks to contract with Louis Berger 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 \$25,000.00 is available in the following appropriations 4-01-20-112-069 in the CY2014 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2014 budget; and I further certify that the budget line listed herein is available for the type of services described in this resolution.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with Louis Berger to represent the City as Professional Water Utility Consultant for the renegotiation of the United Water O&M contract be awarded, for a term to commence December 16, 2014 and expire December 15, 2015, for a total not to exceed amount of **Twenty Five Thousand** Dollars (\$25,000.00); and

BE IT FURTHER RESOLVED, the contract shall expressly state that said firm shall be obligated to provide prompt notice to the City when its invoicing reaches 80% of the not to exceed amount if the firm believes additional funds will be necessary, and the City shall have no liability for payment of funds in excess of the not to exceed amount, and that any invoices not received within sixty days of the date the costs are incurred shall be waived by the firm and shall not become payable, at law or in equity, by the City; 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: 7 – NAYS: 0 ABSENT: 2

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

--Nays: None.

--Absent: Mason, Mello

14-680

--By Councilman Bhalla

RESOLUTION TO AUTHORIZE A SERVICE CONTRACT WITH NW FINANCIAL AS PROFESSIONAL WATER UTILITY CONSULTANT FOR THE RENEGOTIATION OF THE UNITED WATER O&M CONTRACT TO THE CITY OF HOBOKEN TO COMMENCE DECEMBER 16, 2014 AND EXPIRE DECEMBER 15, 2015 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$25,000.00

WHEREAS, service to the City as Professional Water Utility Consultant is a service as defined by N.J.S.A. 40A:11-1 et seq. and the City put an RFP out for said services as a competitive contract, and thereafter authorized a pool of service providers, including NW Financial, by way of a December 3, 2014 resolution in accordance with the Fair and Open Process; and,

WHEREAS, the City now seeks to contract with NW Financial 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 \$25,000.00 is available in the following appropriations 4-01-20-112-069 in the CY2014 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2014 budget; and I further certify that the budget line listed herein is available for the type of services described in this resolution.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with NW Financial to represent the City as Professional Water Utility Consultant for the renegotiation of the United Water O&M contract be awarded, for a term to commence December 16, 2014 and expire December 15, 2015, for a total not to exceed amount of **Twenty Five Thousand Dollars** (\$25,000.00); and

BE IT FURTHER RESOLVED, the contract shall expressly state that said firm shall be obligated to provide prompt notice to the City when its invoicing reaches 80% of the not to exceed amount if the firm believes additional funds will be necessary, and the City shall have no liability for payment of funds in excess of the not to exceed amount, and that any invoices not received within sixty days of the date the costs are incurred shall be waived by the firm and shall not become payable, at law or in equity, by the City; 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: 7 – NAYS: 0 ABSENT: 2

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

---Nays: None.

---Absent: Mason, Mello

14-681

---By Councilman Bhalla

A RESOLUTION AUTHORIZING SUBMISSION OF ASSISTANCE TO FIREFIGHTERS GRANT (AFG) APPLICATION TO US DEPARTMENT OF HOMELAND SECURITY (DHS), FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION (FEMA) FOR \$751,813 FOR NEW FIRE AERIAL APPARATUS AND EQUIPMENT

WHEREAS, the **City of Hoboken** seeks federal funding from the US Department of Homeland Security (DHS), Federal Emergency Management Administration (FEMA) through its Assistance to Firefighters Grant (AFG) grant program; and

WHEREAS, municipal Fire Departments are eligible for funding under this grant program; and

WHEREAS, the purpose of the grant program is to increase the safety of residents and firefighters through operations and safety improvements, such as training, Personal Protective Equipment (PPE) or non-PPE equipment, wellness and fitness programming for firefighters, facility modifications, necessary technology; and

WHEREAS, there is a 10% local match (non-federal funds) for applicants serving between 20,001 – 1,000,000 residents; and

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$75,181.30 will be available in the following appropriation 5-01-25-266-020 in the CY2015 budget; and I further certify that this commitment together with all previously made commitments and payments will not exceed the funds available in said appropriation for the CY2015 budget and/or temporary budget; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW, THEREFORE, BE IT RESOLVED, by the **Hoboken City Council** that;

- 1) The Department of Public Safety and the Hoboken Fire Department are authorized to file an AFG grant application with the US Department of Homeland Security, Federal Emergency Management Administration.
- 2) The Mayor or her designee is authorized to execute the above referenced grant application, as well as the grant agreement, so long as the match isn't greater than the attached certification, and all other documents to fulfill the intent of the application and subsequent grant funding, and the Council ratifies same.
- 3) This resolution shall take effect immediately.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 7 – NAYS: 0 ABSENT: 2

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

---Nays: None.

---Absent: Mason, Mello

14-682

---By Councilman Bhalla

A RESOLUTION AUTHORIZING SUBMISSION OF ASSISTANCE TO FIREFIGHTERS GRANT (AFG) APPLICATION TO US DEPARTMENT OF HOMELAND SECURITY (DHS), FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION (FEMA) FOR \$213,437 FOR PERSONAL SAFETY RESCUE AND BAILOUT EQUIPMENT, SELF CONTAINED BREATHING APPARATUS, TRAFFIC SIGNAL PREEMPTION EQUIPMENT AND BOATER SAFETY TRAINING COURSE

WHEREAS, the **City of Hoboken** seeks federal funding from the US Department of Homeland Security (DHS), Federal Emergency Management Administration (FEMA) through its Assistance to Firefighters Grant (AFG) grant program; and

WHEREAS, municipal Fire Departments are eligible for funding under this grant program; and

WHEREAS, the purpose of the grant program is to increase the safety of residents and firefighters through operations and safety improvements, such as training, Personal Protective Equipment (PPE) or non-PPE equipment, wellness and fitness programming for firefighters, facility modifications, necessary technology; and

WHEREAS, there is a 10% local match (non-federal funds) for applicants serving between 20,001 – 1,000,000 residents; and

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$19,403 will be available in the following appropriation 4-01-46-892-001 in the CY2014 budget; and I further certify that this commitment together with all previously made commitments and payments will not exceed the funds available in said appropriation for the CY2014 budget; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW, THEREFORE, BE IT RESOLVED, by the Hoboken City Council that;

- 1) The Department of Public Safety and the Hoboken Fire Department are authorized to file an AFG grant application with the US Department of Homeland Security, Federal Emergency Management Administration.
- 2) The Mayor or her designee is authorized to execute the above referenced grant application, as well as the grant agreement, so long as the match isn't greater than the attached certification, and all other documents to fulfill the intent of the application and subsequent grant funding, and the Council ratifies same.
- 3) This resolution shall take effect immediately.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 7 – NAYS: 0 ABSENT: 2

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

---Nays: None.

---Absent: Mason, Mello

14-683

---By Councilman Bhalla

RESOLUTION TO APPROVE A CONTRACT FOR NATURAL GAS SERVICES FOR THE CITY OF HOBOKEN BY THE SUCCESSFUL BIDDER AT A BID ATTEMPT CONDUCTED ON DECEMBER 16, 2014 TO: WOODRUFF ENERGY IN ACCORDANCE WITH THE BID SPECIFICATIONS FOR NATURAL GAS SUPPLY SERVICES AND THE ATTACHED RECOMMENDATION FROM T&M ASSOCIATES DATED DECEMBER 16, 2014, FOR A TWENTY FOUR MONTH TERM

WHEREAS, the City of Hoboken utilized the services of T&M Associates for a bid for the procurement of natural gas for the City of Hoboken, which bid was returnable on today's date,

December 16, 2014, and for which, in accordance with natural gas industrial standards, the City must execute the successful contract within 24 hours of bid proposal submissions; and,

WHEREAS, the lowest responsible responsive bidder was Woodruff Energy for which the City Council hereby authorizes the award of a natural gas contract in accordance with the bid specifications and the T&M Associate recommendation dated December 16, 2014.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the award of a natural gas contract in accordance with the bid specifications and the T&M Associate recommendation dated December 16, 2014 to Woodruff Energy; and,

BE IT FURTHER RESOLVED that the Mayor or her designee is hereby authorized to execute the requisite natural gas supply contract with the participating supplier submitting the successful bid in accordance with the attached T&M Associates recommendation.

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

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 7 – NAYS: 0 ABSENT: 2

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

---Nays: None.

---Absent: Mason, Mello

NEW BUSINESS

The Governing Body comments and wishes everyone a Happy Holidays

At 12:21 A.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 12:21 A.M.

PRESIDENT OF THE COUNCIL

CITY CLERK