

MEETING OF DECEMBER 3, 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 3, 2014 AT 7:00

President Giattino opened the meeting at 7:03 P.M. and stated, "I would like to advise all those present that notice of this meeting has been provided to the public in accordance with the provisions of the Open Public Meeting Act, and that notice was published in the Jersey Journal and on the City website, copies were provided in the Hoboken Reporter, The Record, The Newark Star-Ledger and also placed on the bulletin board in the lobby of City Hall. If any Councilperson or member of the public believes that this meeting or any portion thereof, is in violation of the Open Public Meetings Act, they are requested to so advise the City Council and City Clerk at this time, or at the time of the believed violation, in accordance with N.J.S.A. 10:4-17. Written objections, if any shall be made in writing to the City Clerk."

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

Councilwoman Mason has entered the Council meeting at 7:14 PM

Council President comments and welcomes Mayor Zimmer to present a proclamation to former Police Chief Ed Garcia.

Proclamation from Mayor Zimmer honoring Chief Garcia

SECOND READING/PUBLIC HEARING AND FINAL VOTE

AN ORDINANCE TO AMEND CHAPTER 190 ENTITLED "VEHICLES AND TRAFFIC" TO ADD PARKING AND LOADING REGULATIONS (Z-316) (sponsored by Councilman Cunningham and Councilman Mello) (CARRIED TO DECEMBER 16, 2014 CCM)

ORDINANCE OF THE CITY OF HOBOKEN ADOPTING THE "HOBOKEN YARD REDEVELOPMENT PLAN," DATED OCTOBER, 2014 (Z-317) (sponsored by Councilman Mello and Councilman Doyle)-(CARRIED TO DECEMBER 16, 2014 CCM

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 192 OF THE CODE OF THE CITY OF HOBOKEN ENTITLED PARKING FOR HANDICAPPED (Z-318) (sponsored by Councilman Cunningham and Councilman Mello) BACK TO 1ST READING

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 115 OF THE CODE OF THE CITY OF HOBOKEN TO CODIFY ISOLATION AND QUARANTINE PROCEDURES ON BEHALF OF THE HEALTH OFFICER (Z-319) (sponsored by Councilman Cunningham and Councilman Mello)

The speaker who spoke: Health Officer Frank Sasso.

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

President Giattino moved that the hearing be closed.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

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

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

---Absent: Mason

AN ORDINANCE PROHIBITING AUTOMATED RED LIGHT CAMERAS WITHIN THE CITY OF HOBOKEN (Z-320) (sponsored by Councilwoman Mason and Councilwoman Castellano)

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 Russo

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

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

---Nays: None.

---Absent: Mason

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

---Motion duly seconded by Councilwoman Castellano

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

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

---Nays: None.

---Present: Bhalla

AN ORDINANCE TO AMEND CHAPTER 68 ENTITLED “ALCOHOLIC BEVERAGES” TO REVISE THE 500 FOOT RULE IN THE SOUTHERN WATERFRONT DISTRICT (Z-321) (sponsored by Councilman Bhalla and Councilman Cunningham)

Frank from SJ Properties comments and gives an overview.

The speakers who spoke: Jeff Schotz.

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.

AN ORDINANCE TO AMEND CHAPTER 190 ENTITLED “VEHICLES AND TRAFFIC” TO REVISE THE BIKE LANE REGULATIONS (Z-322) (sponsored by Councilman Cunningham and Councilman Bhalla)

The speaker who spoke: Cheryl Fallick.

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

AN ORDINANCE TO AMEND CHAPTER 190 ENTITLED “VEHICLES AND TRAFFIC” TO AMEND TRAFFIC CIRCULATION REGULATIONS RELATING TO ONE-WAY STREETS ON CLINTON STREET (Z-323) (sponsored by Councilman Cunningham and Councilman Bhalla)

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

President Giattino moved that the hearing be closed.

---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 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 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.

PUBLIC PORTION

The speakers who spoke: Patricia Waiters, Eric Garrison, Dan Tumpson, Cheryl Fallick, Mary Ondrejka, Terry Pranses, Franz Paetzold, Hany Ahmed.

14-626

APPLICATION FOR THE MISCELLANEOUS LICENSES

Raffles-----	2 items
Bingo-----	1 item
Poker tournament-----	1 Item

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

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

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

---Nays: None.

14-627

CLAIMS

---By Councilman Bhalla

Total for this agenda **\$3,339,645.17**

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: Mason 14-03945

---Abstain: Mason 14-00328 & 13-04066

Councilman Russo comments on 14-04066 EZ Pass Customer Service Replenish for \$600.00

14-628

PAYROLL

---By Councilman Bhalla

For the two week period starting October 23, 2014 – November 5, 2014

Regular Payroll	O/T Pay	Other Pay	
\$1,593,193.41	\$115,097.83	\$107,621.79	

Total \$1,815,912.79

---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.

ADJUSTED PAYROLL for 11/13/14

Regular Payroll	O/T Pay	Other Pay	
(\$4,378.28)	(\$251.19)		(\$260.00)
Total	(\$4,369.47)		

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

PUBLIC COMMENTS ON RESOLUTIONS

The speakers who spoke: Patricia Waiter comments on resolutions 1, 4, 5, & 6,
Dan Tumpson comments on resolution #12, Cheryl Fallick comments on resolution #12
Mary Ondrejka comments on resolution #12, Melissa Blanco comments on resolutions #1, 2, 4, 5, 6, 7, 8, 9, 11.
Councilman Occhipinti has left the table at 8:27 PM
Councilman Occhipinti has returned to the table at 8:34 PM

CONSENT AGENDA – 1, 3, 4, 7-10

Pulled from the agenda for discussion: 2, 5, 6, 11, 12

RESOLUTIONS

14-629

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACT WITH PARKER MCCAY AS SPECIAL LEGAL COUNSEL-BOND COUNSEL TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2014 AND EXPIRE DECEMBER 31, 2014 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$25,000.00

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

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

WHEREAS, the City previously contracted with Parker McCay for the services of CY2014 bond counsel, and now seeks to amend said contract to increase the not to exceed amount; and,

WHEREAS, Parker McCay 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 \$25,000.00 is available in the following appropriation 40120112020 in the CY2014 budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2014 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 an amended contract with Parker McCay to represent the City as Special Legal Counsel- CY2014 Bond Counsel be awarded, for a term to commence January 1, 2014 and expire December 31, 2014, for a total not to exceed amount of Forty Thousand Dollars (\$40,000.00), which represents a Twenty Five Thousand Dollar (\$25,000.00) increase in the not to exceed amount; and

BE IT FURTHER RESOLVED, the contract shall include the following term: Parker McCay shall be paid maximum hourly rates of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20/hour for support staff for services rendered, these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

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

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

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

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

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

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

14-630

---By Councilman Bhalla

RESOLUTION AUTHORIZING TEMPORARY BIKE CORRALS AND BIKE DOCKING STATIONS ON CITY STREETS AND RIGHTS OF WAY, ON A SIX MONTH PILOT BASIS, TO DETERMINE THE MOST EFFECTIVE AND EFFICIENT LOCATIONS PRIOR TO PERMANENT PLACEMENT OF THE CORRALS AND STATIONS

WHEREAS, as part of the Bike Share Program the City has entered into with Weehawken and Bike the Skyline, the City of Hoboken must authorize permanent placement of bike corrals and bike docking stations on the City's streets via ordinance, however, the City seeks to test out potential locations on a pilot basis, for up to six (6) months, prior to permanently authorizing same via ordinance; and

WHEREAS, the attached table provides for the initial temporary pilot locations for said corrals and docking stations within the City's streets and rights of way, which the Council is called upon to authorize on a pilot basis, for up to six (6) months, to determine the efficiency and effectiveness of said locations, prior to authorizing same permanently via ordinance; and

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Hoboken, hereby authorizes, on a pilot basis for up to six (6) months, the attached table of corral and docking locations within the City's streets and rights of way, to determine the efficiency and effectiveness of said locations, prior to authorizing same permanently via ordinance;

BE IT FURTHER RESOLVED, that upon submission of a revised list to this Council from the Administration, the pilot locations may be altered, in any case where a location within the attached table, is shown to be ineffective and/or inefficient during the pilot period; and,

BE IT FURTHER RESOLVED, that at the end of the six (6) month pilot period, this Council shall introduce and consider permanent locations for said corrals and docking stations; and,

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

Councilman Doyle has left the meeting at 8:36 PM

Councilman Doyle has returned to the meeting at 8:38 PM

14-631

---By Councilman Bhalla

RESOLUTION INSERTING A SPECIAL ITEM OF REVENUE INTO THE CY 2014 MUNICIPAL BUDGET DRIVE SOBER OR GET PULLED OVER 2014 – 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 \$7,500.00 from NJ Division of Highway Traffic Safety and wishes to amend its CY 2014 Budget to include this amount.

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 of.....\$7,500.00

This is now available as revenue from:
Miscellaneous Revenues:

Special Items of General Revenue Anticipated
With Prior Written Consent of the Director of the
Division of Local Government Services:
State and Federal Revenues Off-set with
Appropriations:
Drive Sober
Get Pulled Over 2014 S/W

NOW, THEREFORE, BE IT RESOLVED that the like sum of: \$7,500.00 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:
Drive Sober
Get Pulled Over 2014 S/W

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

14-632

---By Councilman Bhalla

**RESOLUTION AUTHORIZING THE CLOSURE OF A BANK ACCOUNT AT THE
RECOMMENDATION OF THE DEPARTMENT OF REVENUE AND FINANCE**

WHEREAS, The Department of Revenue and Finance of the City of Hoboken has recommended the closure of the following bank account which has been dormant:

City of Hoboken Parking Utility Operating #3982550044

NOW, THEREFORE, BE IT RESOLVED, that the Department of Revenue & Finance be and is hereby authorized to close the aforementioned bank account and to execute any and all documents necessary for the closure of said account; and,

BE IT FURTHER RESOLVED, that TD Bank, which administers the account noted above shall be furnished with a certified copy of this resolution.

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

14-633

---By Councilman Bhalla

RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACT WITH FERRAIOLI, WIELKOTZ, CERULLO & CUVA FOR GENERAL MUNICIPAL AUDITING SERVICES FROM JANUARY 1, 2014 TO DECEMBER 31, 2014 IN AN INCREASED NOT TO EXCEED AMOUNT OF \$11,500.00, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$131,500.00

WHEREAS, the City put out an RFP for CY2014 auditing services, pursuant to Article I of Chapter 20A of the Hoboken City Code and the State's fair and open process requirements, which responded to, and for which the City authorized a contract on January 22, 2014; and,

WHEREAS, the City now seeks to amend the contract's not to exceed amount because the City utilized the services of the firm for bond work, as allowed for in the City's RFP, and proposed in the amount of \$11,500.00 by the firm in their responsive proposal; and,

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

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$11,500.00 is available in the following appropriations: \$2,300.00 from P-30-60-999-400, \$3,450.00 from C-04-60-710-400, \$3,450.00 from C-04-60-709-400, \$1,150.00 from C-04-60-711-370, and \$1,150.00 from C-04-60-713-120; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2014 temporary appropriation; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that an amended contract with Ferraioli, Wielkatz, Cerullo & Cuva to represent the City as 2014 City Auditor be awarded, for a term to commence January 1, 2014 and expire December 31, 2014, for an increase in the not to exceed amount by \$11,500.00, for a total not to exceed amount of One Hundred Thirty One Thousand Five Hundred Dollars (\$131,500.00), for the City's decision to utilized the proposed bond services of the firm, and with all other terms and conditions remaining unchanged; and

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

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

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

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

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

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

14-634

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH SCHENCK PRICE LLP AS SPECIAL LEGAL COUNSEL- GENERAL LITIGATION COUNSEL TO THE CITY OF HOBOKEN TO COMMENCE DECEMBER 3, 2014 AND EXPIRE DECEMBER 2, 2015 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$30,000.00

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 LLP responded to; and,

WHEREAS, the evaluation committee ranked Schenck Price LLP in the top five for the CY2014 proposals, and the Administration seeks to utilize the firm’s services for general litigation matters which may come before the City, 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 \$30,000.00 is available in the following appropriation C-04-60-709-210 in the CY2014 budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2015budget year; 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 Thirty Thousand Dollars (\$30,000.00); 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 TO TABLE** by Councilman Bhalla, seconded by Councilman Russo

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

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

---Nays: Giattino

---Absent: Mason

**Councilwoman Mason comments that there may be a conflict of interest
Councilwoman Mason has recused herself from the table**

14-635

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO ACCEPT AND QUALIFY RESPONSES TO ISSUED REQUESTS FOR QUALIFICATION FOR PROFESSIONAL SERVICE FOR WATER UTILITY CONSULTANTS FROM DECEMBER 3, 2014 THROUGH DECEMBER 2, 2015

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

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

WHEREAS, the City’s review team has determined that the below listed respondents to the RFQ provide the City with the best options for efficient and effective services during the term, December 3, 2014 through December 2, 2015, and are each qualified to be considered by the City Administration, if and when the Administration finds it necessary, to engage the services of such respondent;

NOW, THEREFORE, BE IT RESOLVED by the City of Hoboken that the below listed respondents be and are hereby deemed qualified to be contracted for Water Utility Consultant Services for the City from December 3, 2014 through December 2, 2015:

- a. NW Financial
- b. Louis Berger

---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: Castellano, Russo

14-636

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF (\$4,036.30))

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS

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

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

NOW THEREFORE BE IT RESOLVED, that a warrant be drawn on the City Treasurer made payable to the following totaling **\$4,036.30**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
DOVENMUCHLE MORT INC 1206 ST. CHARLES ST ELGIN, IL 60120	109/1.01/C0520	1200 GRAND ST	4/14	\$3,196.65 <u>abatement</u>
CHARLES VANACORE & CORRIE HURM 523 MONROE STREET #2 HOBOKEN, NJ 07030	67/12/C0002	523 MONROE ST	4/13	\$ 839.65

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

14-637

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE REFUND OF OVER BILLED 3rd & 4th QUARTERS OF 2014 FROM THE TAX DUPLICATE (\$9,568.67)

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

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

THEREFORE BE IT RESOLVED, that a warrant be drawn on the City Treasurer made payable to the appearing on the attached list totaling \$9,568.67

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
BF-Hoboken				
Property LLC	110/1	1200-22 Clinton St	3&4 2014	\$9,568.67

**c/o Venino & Venino LLC
800 Kennedy Blvd.
North Bergen, NJ 07047**

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

14-638

---By President Giattino

RESOLUTION APPROVING 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**

*Tuesday	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>.

---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.

14-639

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACT WITH DECOTIIS FITZPATRICK & COLE LLP AS SPECIAL LEGAL COUNSEL- PUBLIC UTILITY COUNSEL TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2014 AND EXPIRE DECEMBER 31, 2014 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$10,000.00

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

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel-Public Utility Counsel in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Decotiis Fitzpatrick & Cole LLP responded to; and,

WHEREAS, the City previously contracted with Decotiis Fitzpatrick & Cole LLP for the services of CY2014 public utility counsel, and now seeks to amend said contract to increase the not to exceed amount; and,

WHEREAS, Decotiis Fitzpatrick & Cole 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 appropriation 40120156020 in the CY2014 budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2014 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 an amended contract with DeCotiis Fitzpatrick & Cole LLP to represent the City as Special Legal Counsel- CY2014 Bond Counsel be awarded, for a term to commence January 1, 2014 and expire December 31, 2014, for a total not to exceed amount of Sixty Thousand Dollars

(\$60,000.00), which represents a Ten Thousand Dollar (\$10,000.00) increase in the not to exceed amount; and

BE IT FURTHER RESOLVED, the contract shall include the following term: Decotiis Fitzpatrick & Cole LLP shall be paid maximum hourly rates of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20/hour for support staff for services rendered, these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

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

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

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of Decotiis Fitzpatrick & Cole 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 to table by Councilman Russo, seconded by Councilwoman Castellano

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

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

---Nays: None.

THE VOTE TO AMEND THE RESOLUTION

---Motion duly seconded by Councilman Russo

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

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

---Nays: Giattino

ORDINANCES

Introduction and First Reading

14-641

AN ORDINANCE TO AMEND CHAPTER 190 ENTITLED “VEHICLES AND TRAFFIC” TO AMEND TIME LIMIT PARKING REGULATIONS

WHEREAS, Chapter 190 of the General Code of the City of Hoboken establishes the rules and regulations associated with parking permits within City borders; and,

WHEREAS, the municipality has found that specific sections of Chapter 190 currently require amendments to better effectuate orderly and efficient use of scarce public street resources, and;

WHEREAS, economic development and parking industry best practices include the provision of time limited parking along and adjacent to commercial corridors as a means of facilitating parking turnover to increase access to businesses.

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

SECTION ONE: AMENDMENTS TO HOBOKEN CODE CHAPTER 190

§ 190-11. Loading zones designated.

The locations described are hereby designated as Loading Zones. No person shall park a vehicle in said location during the times indicated other than for the loading or unloading of goods and materials for a time limit of 20 minutes.

Name of Street	Times	Sides	Location
<u>Bloomfield Street</u>	<u>8:30 a.m. to 5:30 p.m. Monday through Saturday</u>	<u>East</u>	<u>Beginning at a point 140 feet north of the northerly curblineline of Fourteenth Street and extending 53 feet northerly therefrom</u>
<u>Bloomfield Street</u>	<u>8:30 a.m. to 5:30 p.m. Monday through Saturday</u>	<u>East</u>	<u>Beginning at a point 252 feet north of the northerly curblineline of Fourteenth Street and extending 60 feet northerly therefrom</u>

§ 190-29.8. Time limit location parking and fees.

In accordance with the provisions of this Article XVII, no person shall park or stand a vehicle for longer than the time limit posted upon any of the herein described streets or parts of streets, subject only to the exceptions and conditions in § 190-29.9:

Street Location	Side	Hours/Time Limits	Rate
<u>Bloomfield Street from Fourteenth Street to Fifteenth Street</u>	<u>Both</u>	<u>9:00 a.m. to 9:00 p.m./ 2.0 hours</u>	<u>\$0.25/15 min.</u>

<u>Fifteenth Street from Bloomfield Street to Hudson Street</u>	<u>South</u>	<u>9:00 a.m. to 9:00 p.m./ 2.0 hours</u>	<u>\$0.25/15 min.</u>
<u>Fifteenth Street from Hudson Street to Shipyard Lane</u>	<u>Both</u>	<u>9:00 a.m. to 9:00 p.m./ 2.0 hours</u>	<u>\$0.25/15 min.</u>
<u>Fourteenth Street from Bloomfield Street to Hudson Street</u>	<u>North</u>	<u>9:00 a.m. to 9:00 p.m./ 2.0 hours</u>	<u>\$0.25/15 min.</u>
<u>Fourteenth Street beginning at a point 35 feet east of the easterly curblineline of Garden Street and continuing 75 feet easterly therefrom</u>	<u>North</u>	<u>9:00 a.m. to 9:00 p.m./ 2.0 hours</u>	<u>\$0.25/15 min.</u>
<u>Fourteenth Street from Garden Street to Bloomfield Street</u>	<u>South</u>	<u>9:00 a.m. to 9:00 p.m./ 2.0 hours</u>	<u>\$0.25/15 min.</u>
<u>Fourteenth Street from Washington Street to Hudson Street</u>	<u>South</u>	<u>9:00 a.m. to 9:00 p.m./ 2.0 hours</u>	<u>\$0.25/15 min.</u>
<u>Hudson Street from Fourteenth Street to Eleventh Street</u>	<u>East</u>	<u>9:00 a.m. to 9:00 p.m./ 2.0 hours</u>	<u>\$0.25/15 min.</u>
<u>Hudson Street from Fifteenth Street to Fourteenth Street</u>	<u>Both</u>	<u>9:00 a.m. to 9:00 p.m./ 2.0 hours</u>	<u>\$0.25/15 min.</u>

§ 192-4. Enumeration of spaces.

B. The following locations are hereby approved by the Committee for Handicap Parking as general handicap spaces for all persons holding a motor vehicle services placard and/or the handicap license plates pursuant to N.J.S.A. 39:4-205:

Name of Street	Side	Location
<u>Fifteenth Street</u>	<u>South</u>	<u>Beginning at a point 39 feet west of the westerly curblineline's most easterly extent of Washington Street and continuing 35 feet westerly therefrom</u>
<u>Fifteenth Street</u>	<u>North</u>	<u>Beginning at a point 27 feet east of the easterly curblineline of Hudson Street and extending 22 feet easterly therefrom</u>

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

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

President Giattino moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **December 16, 2014 at 7:00 PM.**

---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.

14-642

Z-325

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

WHEREAS, the City of Hoboken is a municipal corporation of the State of New Jersey; and

WHEREAS, municipalities are empowered to make, amend, repeal and enforce Ordinances pursuant to N.J.S.A. 40:48-1 et. seq.; and

WHEREAS, the Local Lands and Buildings Law under N.J.S.A. 40A:12-1 et seq. permits municipalities to grant easements and to obtain interests in easements pursuant to law; and

WHEREAS, Hoboken Cove, LLC is the owner of that certain real property designated as Block 269.3, Lot 1 on the tax map of the City of Hoboken, County of Hudson, State of New Jersey; and

WHEREAS, on April 1, 2014 Hoboken Cove, LLC received amended preliminary and final site plan approval from the City of Hoboken Planning Board to develop the property for residential and commercial use as more particularly detailed in the resolution adopted by the Planning Board on May 6, 2014; and

WHEREAS, pursuant to condition number seven of the Planning Board Resolution, Hoboken Cove, LLC is obligated to construct and maintain a rain garden on a portion of the property and more specifically identified in exhibits A and B in the proposed rain garden access easement, a copy of which is annexed hereto; and

WHEREAS, Hoboken Cove, LLC grants to the City of Hoboken a non-exclusive easement over the easement area for public pedestrian access to and providing use of the seating area within the rain garden in accordance with the aforementioned easement, a copy of which is annexed hereto; and

WHEREAS, it is the desire of the City Council of the City of Hoboken to accept the aforementioned easement as being in the best interest of the public.

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

Section 1.

The City Council of the City of Hoboken authorizes the acceptance of a non-exclusive easement on a portion of Block 269.3, Lot 1 on the tax map of the City of Hoboken, County of Hudson, State of New Jersey for the purpose of providing unobstructed public pedestrian access to and providing use of the seating area within the rain garden more specifically identified in the rain garden access easement annexed hereto.

Section 2.

The appropriate City officials, the City Attorney, the City Clerk and such other city officials and/or professionals as may be necessary are authorized and directed to execute any and all documents on behalf of the City of Hoboken in regard to this matter.

Section 3.

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

Section 4.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5.

All ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.

President Giattino moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **December 16, 2014 at 7:00 PM.**

---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.

14-643
Z-326

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

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

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

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

- (a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is \$11,950,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$11,950,000.

Section 3. The sum of \$11,950,000 to be raised by the issuance of bonds or bond anticipation notes is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$11,950,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law. All or a portion of the bonds authorized to be issued hereunder may evidence one or more loans from the New Jersey Department of Environmental Protection and/or the New Jersey Environmental Infrastructure Trust, under an Application for Financial Assistance (Project No. S34063504) submitted by the City to said entities.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$11,950,000, is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which

may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$2,500,000.

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

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Construction of a Wet Weather Pump Station including, but not limited to, the construction of an electrical room and standby generator to serve the H5 Drainage System; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the Application prepared on behalf of the City by the North Hudson Sewerage Authority (Project No. S34063504) on file and available for inspection in the office of the City Administrator	\$11,650,000	\$0	\$11,650,000	40 years
B. Construction of a Sustainable Stormwater Project at City Hall including, but not limited to, a Rainwater Cistern and a Bio-Swales; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the Application prepared on behalf of the City by the North Hudson Sewerage Authority (Project No. S34063504) on file and available for inspection in the office of the City Administrator	300,000	0	300,000	20 years
TOTAL	\$11,950,000	\$0	\$11,950,000	

Section 8. Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

Section 9. The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration the respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 39.49 years.

Section 10. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$11,950,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

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

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

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

Section 14. The City hereby covenants as follows:

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

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

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

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

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

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

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

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

President Giattino moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **December 16, 2014 at 7:00 PM.**

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: Castellano, Mason, Russo

14-644

Z-327

AN ORDINANCE TO CREATE CHAPTER 12 ENTITLED "ASSESSMENT OF REAL

PROPERTY”

WHEREAS, in 2014, the City of Hoboken completed the first revaluation of its property values in 25 years; and

WHEREAS, the failure to conduct a revaluation for 25 years resulted in significant tax inequities in which taxpayers owning property with similar fair market values were being taxed at widely disparate levels; and

WHEREAS, the failure to conduct a revaluation for 25 years also resulted in extremely large single year tax increases for some taxpayers, creating an enormous burden for those taxpayers;

WHEREAS, the Mayor and City Council wish to ensure that property revaluations occur at regular intervals in order to avoid a recurrence of the unacceptable consequences that occurred as a result of the City’s past failure to conduct such revaluations;

WHEREAS, the Mayor and City Council wish to ensure that the next revaluation occur by the year 2020 and that revaluations are thereafter conducted every six years;

WHEREAS, the City of Hoboken wishes to ordain municipal standards and requirements relating to the administration of municipal assessment of real property.

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

SECTION ONE: CREATION OF CHAPTER 12 OF THE ADMINSTRATIVE CODE OF THE CITY OF HOBOKEN

CHAPTER 12 – ASSESSMENT OF REAL PROPERTY

1. Revaluation of real property by the municipality
 - a. Unless otherwise ordered by the State, County, Tax Board, or a court of competent jurisdiction, the City Administration shall administer a revaluation of all real property within the municipal boundaries at a minimum of once every six (6) years; said revaluation being in accordance with all applicable laws, including specifically the procedures of N.J.A.C. 18:12A-1.14(a).
 - b. A violation of this Section 12-1 shall be deemed to have occurred immediately upon the mailing by the City of Hoboken of property tax bills based upon assessments that have not been subject to a revaluation within the prior six years as required under this Section 12-1a.
 - c. A violation of this Section 12-1 as described above shall result in the availability of a private civil right of action against the City, for injunctive relief only, by any City of Hoboken taxpayer or City of Hoboken group or taxpayers.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

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

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

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

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

SECTION SIX: STATE REVIEW

This ordinance, immediately upon adoption, shall be forwarded by the Director of the Division of Taxation to the Hudson County Tax Board and the Presiding Judge of the Hudson County Tax Court.

President Giattino moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **December 16, 2014 at 7:00 PM.**

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: Castellano, Mason, Russo, Giattino

14-645

Z-328

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 192 OF THE CODE OF THE CITY OF HOBOKEN ENTITLED PARKING FOR HANDICAPPED

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DOES HERE BY ORDAIN AS FOLLOWS:

Section 1: The following amendments are made to the City Code:

Section 192-3 is here by amended to add the following restricted handicapped parking spaces:

Joseph Lucignano 1216 Park Avenue: westside of Park Avenue, beginning at a point of 172 feet north of the northerly curbline of Twelfth Street and extending 22 feet northerly therefrom.

Louis Forte 519 Madison Street: east side of Madison Street, beginning at a point of 230 feet north of the northerly curbline of Fifth Street and extending 22 feet northerly therefrom.

Joseph Marra 814 Park Avenue: westside of Park Avenue, beginning at a point of 145 feet north of the northerly curbline of Eight Street and extending 22 feet northerly therefrom.

Section 192-3 is here by amended to ~~delete~~ the following location as a handicapped parking space:

~~Donald Pellicano — 1000 Hudson Street: north side of Tenth Street, beginning at a point of 90 feet west of the westerly curblineline of Hudson Street and extending 22 westerly therefrom.~~

~~Ruth O'Brien — 108 Jefferson Street: west side of Jefferson Street, beginning at a point of 122 feet north of the northerly curblineline of First Street and extending 22 feet northerly therefrom.~~

~~Aitza Estrella — 15 Church Towers apt.3E: west side of Grand Street, beginning at a point of 283 feet south of the southerly curblineline of Sixth Street and extending 22 feet southerly therefrom.~~

~~Dwight Newell — 730 Hudson Street: west side of Hudson Street, beginning at a point of 108 feet south of the southerly curblineline of eight Street and extending 22 feet south therefrom.~~

Section 2: This ordinance shall be part of the General Code of the City of Hoboken as though codified and fully set forth therein.

Section 3: The City Clerk shall have this ordinance codified and incorporated in the official copies of the Hoboken Code. All ordinance and parts of ordinances inconsistent herewith are hereby repealed.

Section 4: This ordinance shall take effect as provided by law.

President Giattino moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **December 16, 2014 at 7:00 PM.**

---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.

NEW BUSINESS

Councilwoman Castellano comments on congratulating Chief Ferrante and his family and also condolences to the Ascolese family, PSE & G tearing Washington Street and NO PARKING signs around downtown districts

Councilwoman Mason comments on congratulating Chief Ferrante and his family, honor on going to an event for the first African Governor –Wildener

Councilman Russo comments on updates from all our professionals in regards to their contract and what has been done and have it given to the Governing Body.

Councilman Russo comments on 5th and Madison with wildlife, the vacant lot on 800 & 900 Jackson St. site—garbage and debris and have the city inspectors and take a look and ask the landowners to clean it up, between 8th and 9th, public storage need enforcement for after hours, and wishes everyone well.

Chief Ferrante comments and said he would get down to the bottom of it.

Councilman Doyle comments on the storage of glass panels on the Claims and would like the status.

BA Wiest comments that he's not sure if we have the drawings of the memorial and then give it to the contractors.

Councilman Doyle comments that there's 2 possible scenarios and we have an advocate to pay for this but we may need to have a meeting in the winter time to get this moving forward and tomorrow, Dec. 4th the Hoboken Family

Clinic is having its annual party from 7-9 at 124 Grand St. and a Special meeting next week regarding the Hoboken Rail Yards Project on December 10, 2014 starting at 7:00 PM.

Councilwoman Mason comments whether the Council will get the recommendations.

Councilman Doyle comments that the Planning Board has a 13 page for the Council.

Councilman Occhipinti comments on congratulating Chief Ferrante and wanted to change our By-laws so the Directors can be present to answer questions to the Governing Body and if possible to have new Council By-laws.

Councilman Occhipinti comments on 3rd and Jackson traffic calming measures and the lights/lack of lights on Observer and Jackson St.

BA Wiest comments that he asked the HPD to take a survey from our Public Safety

Chief Ferrante comments that the waterfront cameras should be up in 2 weeks and be actively monitored by the Hoboken Police Department.

Councilman Mello comments and would like to congratulate Chief Ferrante and emphasize to please attend next week's meeting starting at 7:00 PM to talk about the Hoboken Rail Yards.

Councilman Cunningham comments and would like to congratulate Chief Ferrante and commented on the Community Development Committee on Dec.8th there will be a community meeting for the Watermusic and share with the public at the next City Council meeting and see that the Western Edge, the hiring of a planner in Northern part of Hoboken, there seems to be a conflict and see if we can vet through another RFP process and focus on the transportation issue, there will be a Transportation and Parking committee to talk about Loading Zones, Handicapped Parking, Taxi/Uber, standardized curb cuts, create parking between curb cuts and see if we can provide safe parking, follow-ups please give updates on pedestrian studies and traffic calming measures from other municipalities, time to get the 911 memorial to be built and get the job bid out and have it completed in the Spring and get additional funding.

Director Morgan comments on 13th and Garden, got word from the County for a 2-way stop and put up the signs, do not have the Boswell study on 15th and Hudson and 15th and Bloomfield.

Council President comments on 5th and Bloomfield the gas main work.

Councilman Bhalla comments and would like to congratulate Chief Ferrante, there's a Rev. and Finance committee on Thur. December 11th at 6PM to discuss the Ordinance to have Reval. every 6 years and Compensation Time for certain personnel, last night's planning board meeting to hear the Planning Board's recommendation and the public's deliberations and constructive criticisms

Councilman Mello comments and would like to see the transcript of the Planning Board meeting last night and have it distributed to the Governing Body.

Council President comments that there was were more business on Washington and 5th for small biz Saturdays with American Express, is it legal for small businesses able to mount signage on a pole year round to advertise all year round

At 10:44 P.M. meeting adjourned of the Governing Body on a motion by Council duly seconded by the Council members

Council President President Giattino then adjourned the meeting at 10:44 P.M.

PRESIDENT OF THE COUNCIL

CITY CLERK