

MEETING OF MARCH 4, 2015

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, MARCH 4, 2015 AT 7:00 PM

Council President 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 Castellano, Cunningham, Doyle, Giattino, Mason, Mello, Russo, Occhipinti and President Bhalla

ABSENT: ~~Mason and Cunningham~~—(see below)****

Council President comments that there will be a few matters that need to be addressed relating to Water.

******Councilman Cunningham and Councilwoman Mason have arrived to the meeting at 7:06 PM****

Special Counsel Judy Verrone comments on a contract agreement with Jersey City Municipal Authority (JCMUA) and United Water with the City of Hoboken

Senior Director Chris from United Water comments

Council President comments that resolution #3 is to be heard this evening and would like to bring Stephen Marks summarize the issue and then bring United Water to answer any questions.

Representatives from United Water speak – Chris R. and Alan Weland comment and give an overview of their Washington Street project for 2016

Council President suspends the agenda to hear resolution #3

SECOND READING/PUBLIC HEARING AND FINAL VOTE

AN ORDINANCE TO AMEND HOBOKEN CITY CODE SECTION 190-28 TO PROPERLY EFFECTUATE ENFORCEMENT DURING NECESSARY CITY GOVERNMENT OBLIGATIONS

(Z-334) (REMOVED BY THE COUNCIL)

AN ORDINANCE TO AMEND CHAPTER 190 ENTITLED "VEHICLES AND TRAFFIC" TO MEND CONDITIONAL TIME LIMIT PARKING REGULATIONS **(Z-335)**

The speakers who spoke Patricia Waiters.

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

President Bhalla moved that the hearing be closed.

---Motion duly seconded by Councilwoman Giattino
---Adopted by the following vote: YEAS: 9– NAYS: 0
---Yeas: Council persons Cunningham, Doyle, Giattino, Mello and President Bhalla
---Nays: Castellano

President Bhalla 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: 6 – NAYS: 3
---Yeas: Council persons Cunningham, Doyle, Giattino, Mello, Russo and President Bhalla
---Nays: Castellano, Mason, Occhipinti

**AN ORDINANCE TO AMEND CODE SECTION 192-1 REGARDING HANDICAPPED PARKING
IN FRONT OF OR NEAR THE RESIDENCE OF HANDICAPPED PERSONS (Z-336)**

The speakers who spoke Patricia Waiters.

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

President Bhalla moved that the hearing be closed.

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

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

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

Council President comments and would like to suspend this ordinance

**ORDINANCE OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY,
CANCELLING AND REAPPROPRIATING \$100,000 OF A FUNDED EMERGENCY
APPROPRIATION BALANCE HERETOFORE ADOPTED TO PROVIDE FOR THE COSTS
ASSOCIATED WITH A REAL PROPERTY REVALUATION PROJECT AUTHORIZED BY
ORDINANCE NO. Z-204 (Z-337)**

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

President Bhalla moved that the hearing be closed.

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

President Bhalla 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: 6 – NAYS: 0 - ABSTAIN: 3
---Yeas: Council persons Castellano, Cunningham, Doyle, Giattino, Mello and President Bhalla
---Nays: None.
---Abstain: Mason, Occhipinti, Russo

PUBLIC COMMENTS

The speakers who spoke: Maria Bautista, Cheryl Fallick, James Sanford, Mary Ondrejka
Carmen Maria, Evelyn Hernandez, Patricia Valencia, Yesenia Camilo, Patricia Waiters
Hany Ahmed.

Councilman Occhipinti has left the table at 9:12 PM
Councilman Occhipinti has returned to the table at 9:18 PM

15-149

Communication from Mayor Zimmer making appointments to the Historic Preservation Commission

Received and Filed.

15-150

Communication from Mayor Zimmer to the City Council regarding the Open Space Trust Fund, NW
Resiliency Park (BASF), SW Resiliency Park (Block 12), Monroe Resiliency Park (7th & Jackson St.), Washington
Street and the H5 Weather Pump

Received and Filed.

15-151

APPLICATION FOR MISCELLANEOUS LICENSES.

Vendors----- 1 item
Raffles----- 2 items

---Councilman Cunningham moved that the licenses be granted.
---Adopted by the following vote: YEAS: 9 – NAYS: 0

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

15-151A

Communication from Finance Director regarding the City's Bond & Note Sale March 3, 2015

Received and Filed.

15-152

---By Councilman Mello

CLAIMS

Total for this agenda **\$1,647,817.33**

---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 9 – NAYS: 2 - ABSTAIN: 2
---Yeas: Council persons Castellano, Cunningham, Doyle, Giattino, Mason, Mello and President Bhalla
---Nays: Castellano (15-00654), (14-03566), Mason (14-00602, 14-00084, 14-00268, 15-00487, 15-00130)
---Abstain: Castellano (15-00450) Mason (15-00224, 15-00496, 15-00662,15-00130)

**Councilman Russo comments to repairs for 15,000 for the Sinatra Café ceiling
Director Pellegrini comments on roof and ceiling.**

15-153

---By Councilman Mello

PAYROLL

For the two week period starting January 29, 2015 – February 11, 2015

Regular Payroll	O/T Pay	Other Pay	
\$1,605,07.19	\$59,958.57	\$273,948.04	
Total	\$1,938,953.80		

---Motion duly seconded by Cunningham
--Adopted by the following vote: YEAS: 9 – NAYS: 2
---Yeas: Council persons Castellano, Cunningham, Doyle, Giattino, Mason, Mello, Occhipinti, Russo and President Bhalla
---Nays: Castellano, Mason on the Mayor's office other Pay

PUBLIC COMMENTS ON RESOLUTIONS

The speakers who spoke: Geoff Schulman, Cheryl Fallick comments on resolution #4.

CONSENT AGENDA –5, 6, 9, 10, 12, 15-18

Consent Agenda defined: All items listed with an asterisk (*) are considered to be routine business by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a council member or citizen so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda.

Pulled from the agenda for discussion: 1, 2,3, 4, 7, 11, 13, 14
Removed by Administration:

RESOLUTIONS

15-154

---By Councilman Mello

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, AUTHORIZING THE CITY'S PARTICIPATION IN THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM AND AUTHORIZING AND APPROVING CERTAIN ACTIONS IN CONNECTION THEREWITH

BACKGROUND

WHEREAS, the Mayor and City Council of the City of Hoboken, County of Hudson, New Jersey ("City") have determined to undertake a capital improvement program consisting of the acquisition of certain real property in and for the City, designated on the Official Tax Map of the City as Block 103 Lot 7, Block 107 Lot 1 and Block 113 Lot 1, and the construction of a detention facility for stormwater management and flood control, all as more particularly described in the information on file in the office of the Business Administrator and available for inspection during normal business hours (collectively, the "Project"); and

WHEREAS, the City desires to seek low cost financing from the New Jersey Environmental Infrastructure Trust ("NJEIT") for the Project ("Project Financing"); and

WHEREAS, the City desires to authorize its Mayor, Chief Financial Officer, Director of Finance, Business Administrator, City Clerk, Deputy City Clerk, Consulting Engineer, Corporate Counsel, Auditor and Bond Counsel to prepare and submit an application and other documentation to the NJEIT and the New Jersey Department of Environmental Protection ("DEP") with respect to said Project Financing.

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

Section 1. The preparation and submission of application to the NJEIT for the Project Financing is hereby authorized, approved, ratified and confirmed and the City's Bond Counsel, Consulting Engineer, Corporate Counsel and Auditor, along with other representatives of the City, are hereby authorized to prepare and submit such application and any other documents, agreement or other materials necessary and required to complete the Project Financing through the NJEIT and DEP and to represent the City in matters pertaining thereto.

Section 2. The Mayor, Chief Financial Officer, Director of Finance, Business Administrator, City Clerk and Deputy City Clerk are each hereby severally authorized to determine all matters and execute all documents and instruments in connection with the Project Financing.

Section 3. The Mayor, Chief Financial Officer, Director of Finance, Business Administrator, Consulting Engineer and Bond Counsel are each hereby severally authorized to work with NJEIT and DEP representatives in connection with the Project and the Project Financing.

Section 4. All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 5. This Resolution shall take effect immediately upon adoption this ___ day of March, 2015.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 7 – NAYS: 0 - PRESENT: 1- ABSTAIN: 1

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

---Nays: None.

---Present: Castellano

---Abstain: Russo

Councilwoman Mason has left the table at 10:44 PM

Councilwoman Mason has returned to the table at 10:50 PM

Councilwoman Castellano has left the table at 10:56 PM

Councilwoman Castellano has returned to the table at 11:00 PM

15-155

---By Councilman Mello

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, AUTHORIZING THE CITY'S PARTICIPATION IN THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM AND AUTHORIZING AND APPROVING CERTAIN ACTIONS IN CONNECTION THEREWITH

BACKGROUND

WHEREAS, the Mayor and City Council of the City of Hoboken, County of Hudson, New Jersey ("City") have determined to undertake a capital improvement program consisting of the construction of Southwest Resiliency Park (Block 12), all as more particularly described in the information on file in the office of the Business Administrator and available for inspection during normal business hours (collectively, the "Project"); and

WHEREAS, the City desires to seek low cost financing from the New Jersey Environmental Infrastructure Trust ("NJEIT") for the Project ("Project Financing"); and

WHEREAS, the City desires to authorize its Mayor, Chief Financial Officer, Director of Finance, Business Administrator, City Clerk, Deputy City Clerk, Consulting Engineer, Corporate Counsel, Auditor and Bond Counsel to prepare and submit an application and other documentation to the NJEIT and the New Jersey Department of Environmental Protection ("DEP") with respect to said Project Financing.

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

Section 1. The preparation and submission of application to the NJEIT for the Project Financing is hereby authorized, approved, ratified and confirmed and the City's Bond Counsel, Consulting Engineer, Corporate Counsel and Auditor, along with other representatives of the City, are hereby authorized to prepare and submit such application and any other documents, agreement or other materials necessary and required to complete the Project Financing through the NJEIT and DEP and to represent the City in matters pertaining thereto.

Section 2. The Mayor, Chief Financial Officer, Director of Finance, Business Administrator, City Clerk and Deputy City Clerk are each hereby severally authorized to determine all matters and execute all documents and instruments in connection with the Project Financing.

Section 3. The Mayor, Chief Financial Officer, Director of Finance, Business Administrator, Consulting Engineer and Bond Counsel are each hereby severally authorized to work with NJEIT and DEP representatives in connection with the Project and the Project Financing.

Section 4. All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 5. This Resolution shall take effect immediately upon adoption this 4th day of March, 2015.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 7 – NAYS: 0 - PRESENT: 1- ABSTAIN: 1

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

---Nays: None.

---Present: Castellano

---Abstain: Russo

15-156

---By Councilman Mello

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, AUTHORIZING THE CITY'S PARTICIPATION IN THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM AND AUTHORIZING AND APPROVING CERTAIN ACTIONS IN CONNECTION THEREWITH

BACKGROUND

WHEREAS, the Mayor and City Council of the City of Hoboken, County of Hudson, New Jersey ("City") have determined to undertake a capital improvement program consisting of the rehabilitation and/or replacement of various water mains along Washington Street, and other drainage improvements, all as more particularly described in the information on file in the office of the Business Administrator and available for inspection during normal business hours (collectively, the "Project"); and

WHEREAS, the City desires to seek low cost financing from the New Jersey Environmental Infrastructure Trust ("NJEIT") for the Project ("Project Financing"); and

WHEREAS, the City desires to authorize its Mayor, Chief Financial Officer, Director of Finance, Business Administrator, City Clerk, Deputy City Clerk, Consulting Engineer, Corporate Counsel, Auditor and Bond Counsel to prepare and submit an application and other documentation to the NJEIT and the New Jersey Department of Environmental Protection ("DEP") with respect to said Project Financing.

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

Section 1. The preparation and submission of application to the NJEIT for the Project Financing is hereby authorized, approved, ratified and confirmed and the City's Bond Counsel, Consulting Engineer, Corporate Counsel and Auditor, along with other representatives of the City, are hereby authorized to prepare and submit such application and any other documents, agreement or other materials necessary and required to complete the Project Financing through the NJEIT and DEP and to represent the City in matters pertaining thereto.

Section 2. The Mayor, Chief Financial Officer, Director of Finance, Business Administrator, City Clerk and Deputy City Clerk are each hereby severally authorized to determine all matters and execute all documents and instruments in connection with the Project Financing.

Section 3. The Mayor, Chief Financial Officer, Director of Finance, Business Administrator, Consulting Engineer and Bond Counsel are each hereby severally authorized to work with NJEIT and DEP representatives in connection with the Project and the Project Financing.

Section 4. All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 5. This Resolution shall take effect immediately upon adoption this 4th day of March, 2015.

The speaker who spoke: Jeff Schulman, Cheryl Fallick, Mary Ondrejka, Hany Ahmed.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 7 – NAYS: 0 ABSENT: 1 - ABSTAIN: 1

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

---Nays: None.

---Absent: Mason

---Abstain: Castellano

Councilwoman Mason has left the table a 8:05 PM

Councilwoman Mason has returned to the table at 8:20 PM

15-157

---By Councilman Occhipinti

RESOLUTION AMENDING THE RULES OF PROCEDURE FOR THE CITY COUNCIL OF THE CITY OF HOBOKEN

WHEREAS, the City Council of the City of Hoboken is granted the exclusive authority to adopt rules of procedure for its own internal governance, pursuant to the Faulkner Act, N.J.S.A. 40:69A-36(f); and,

WHEREAS, the City Council last adopted rules of procedure on February of 2014; and

WHEREAS, one of the important functions of City Council meetings is the opportunity for the Administration, through its Directors and designees, to provide updates to Council Members and the public regarding matters of public concern; and

WHEREAS, another important function of City Council meetings is the opportunity for Council Members to either bring issues of public concern to the attention of the Administration and request action where appropriate, or inquire as to the status of outstanding matters previously discussed between Council Members and the Administration; and

WHEREAS, the foregoing public discussions between Council Members and the Administration traditionally occur during the New Business portion of the council agenda, which often occurs late in the evening hours of a meeting or into the early morning hours of the day following the date of a scheduled meeting; and

WHEREAS, this circumstance impedes the ability for these critical public discussions to occur, as it is not fair or practicable to require Directors to remain at meetings long after any itemized business matters pertaining to

their department has already been discussed, solely in order to either provide updates or address inquiries from Council Members; and

WHEREAS, this circumstance also deprives Council Members of the ability to raise matters of public concern and make appropriate inquiries with Directors over the course of a meeting; and

WHEREAS, this amendment preserves and advances the interests identified above by allowing Directors to provide updates to the Council and public at a reasonable hour in the meeting, relieve Directors of needing to remain at meetings for an unreasonably and unnecessarily long period of time, and preserve the ability of Council Members to raise issues of public concern with Directors during the course of a meeting.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOBOKEN, that the following rules of procedure are hereby adopted for the government of this City Council and the prior rules of procedure repealed (additions noted in double underline, ~~deletions noted in strikethrough~~).

RULE I

Regular Meetings: The Council shall hold regular meetings in accordance with an annual schedule to be adopted at the Council's re-organizational meeting. Generally, meetings shall be held on the first and third Wednesdays of each month at 7:00 P.M., subject to summer schedules, holidays, and conflicting City events. Council meetings shall ordinarily be held in the Council Chambers at Hoboken City Hall, except that the Council President or a majority of Council members may, in writing, call a meeting to be held in any other suitable public place within the City of Hoboken that is accessible to the public and in accordance with state statutes. The provisions of the Open Public Meetings Act shall govern the procedures and conduct of all regular meetings. Robert's Rules of Order shall be followed at regular meetings to the extent that they do not conflict with these Rules of Procedure. The Council may also establish that it will hold regular caucus or workshop sessions, provided, however, that any such sessions comply with the Open Public Meetings Act. All regular meetings shall end no later than 12:00 A.M., except for situations when there is emergent City business that must be addressed and a majority of the Council ~~members~~ present ~~has voted~~ in the affirmative to continue the meeting after 12:00 A.M.

RULE II

Special and Emergency Meetings: The Mayor may call a special or emergency meeting of the Council by notice to the Council President and the Clerk. In the notice the Mayor shall designate the purpose of the special or emergency meeting, and no other business may be considered. A special or emergency meeting may be held in any suitable place within the City of Hoboken that is accessible to the public. A special or emergency meeting may also be called by the written request of a majority of Council members to the Council President, the Clerk and the Mayor. The written request shall designate the purpose of the special or emergency meeting, and no other business shall be considered. Whenever an emergency meeting is called, the Clerk shall immediately notify, by the most expedient means possible, all Council members, the Mayor, the Corporation Counsel, the Business Administrator, and all Directors of the date, time, location, and agenda of the meeting to the extent known. Only those matters permitted by law may be considered at an emergency meeting. The provisions of the Open Public Meetings Act shall govern the procedures and conduct of special and emergency meetings. Robert's Rules of Order shall be followed at special and emergency meetings to the extent that they do not conflict with these Rules of Procedure. All special and emergency meetings shall end no later than 12:00 A.M., except for situations when there is emergent City business

that must be addressed and a majority of the Council ~~members~~ present ~~has~~ voted in the affirmative to continue the meeting after 12:00 A.M.

RULE III

Agenda: The City Clerk shall prepare a typewritten meeting agenda, according to the order of business set forth in these Rules of Procedure. The City Clerk shall provide a copy of the agenda to the Council President for his or her review and approval on the Wednesday preceding each regular Wednesday Council meeting. All reports, communications, resolutions, ordinances, contract documents, or other matters to be submitted to the Council, whether by Council members or the Administration, shall be delivered to the City Clerk by 4:00 P.M. on the Thursday preceding each regular Wednesday Council meeting (the "Submission Deadline."), so long as the same relates to matters already included in the agenda previously submitted to the Council President. The City Clerk shall immediately date and time-stamp each original submission. The City Clerk shall provide a copy of the Council package to the Council President for his or her review and approval on the Thursday preceding each regular Wednesday Council meeting. The City Clerk shall then provide the agenda and Council package to each member of the Council, the Mayor, the Corporation Counsel, the Business Administrator, and all Directors as far in advance of the meeting as time for preparation will permit. Normally, delivery of the agenda and Council package shall be effectuated by forwarding via electronic mail no later than 4:00 P.M. on the Friday prior to a Wednesday meeting. Any Council Member who wishes to obtain a hard copy of the Council package shall advise the Clerk in writing, and, in such circumstances, delivery of the Council package shall be effectuated by forwarding the documents via regular mail no later than 4:00 P.M. on the Friday prior to a Wednesday meeting. When necessary in exceptional circumstances, the Clerk may effectuate delivery of the agenda via hand delivery. Regular meetings held on a day other than Wednesday shall also follow the time frames set forth in this rule to the extent possible.

Urgent Matters:

After the Submission Deadline, no matters shall be presented to the Council except those of an urgent nature. A matter shall be considered urgent in nature if the Council's failure to consider the matter at the next regularly scheduled meeting of the Council would have an adverse consequence upon the City, or any agency or employee thereof.

If urgent matters are submitted after the Submission Deadline by the Administration, facts must be presented in writing establishing the nature of the urgency, in compliance with the foregoing definitional criteria, and the matter must be approved as urgent in writing by the Mayor before presentation to the Council. If urgent matters are submitted by Council members after the Submission Deadline, facts must be presented in writing by the Council member establishing the nature of the urgency, in compliance with the foregoing definitional criteria, and the matter must be approved as urgent either by the President or by a vote of the majority of the council present at the meeting.

Public Access to Documents:

Copies of the agenda and all supporting documents shall be promptly placed on the City's website, www.hobokennj.gov, in compliance with the Chapter 25 of the Code of the City of Hoboken, "Electronic

Accessibility of Public Information,” and shall be made available to the public through the Clerk’s office as soon as practicable. Agendas for special and emergency meetings shall be prepared and distributed in compliance with this Rule to the extent practicable under the circumstances.

The provisions of the Open Public Meetings Act shall govern the conduct, agenda, and procedures for all meetings. As described above, the Council may consider and act upon urgent matters at a regular meeting even if the matter was not listed on the agenda. All ordinances and resolutions, however, must be introduced in written or typewritten form, and copies provided to each member of the City Council, the City Clerk as soon as practicable, and reviewed by the Corporation Counsel. The Mayor, Council President or a majority of the Council present at the meeting must have determined that the matter is of an urgent nature in accordance with this Rule before the City Council may take any action on any such ordinance or resolution. The City Clerk shall assist in providing sufficient written copies during any meeting as necessary to comply with this Rule.

RULE IV

The Presiding Officer - Election and Duties: The presiding officer of the Council shall be the President, who shall be elected at the re-organizational meeting and shall hold office for a period of one (1) year. At the re-organizational meeting the Vice President of the Council shall also be elected and shall hold office for a period of one (1) year. In the President’s absence, the Vice President of the Council shall preside over the Council. In the absence of both the President and Vice President, a presiding officer shall be elected by a majority of the Council members present.

The President shall assume the chair of the presiding officer immediately after his or her election, and shall thereafter determine the seating arrangements for the remainder of the Council. The presiding officer shall preserve strict order and decorum at all meetings of the Council. The presiding officer shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. The President may vote on all questions, and his or her name will be called last.

RULE V

Minutes: Minutes of all meetings of the City Council, including closed sessions, shall be taken by the City Clerk in the format and manner required by law. These minutes shall promptly be presented to the Council in resolution form and approved by a majority vote of the City Council. Written communications from the Mayor or any member of the Council, upon request, shall be placed in the minutes without the necessity for a vote, however, no other written communications shall be placed in the minutes unless approved by motion.

RULE VI

Call to Order: The President shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Council to order. In the absence of the President, the Vice President shall call the Council to order. Upon the arrival of the President, the Vice President shall immediately relinquish the chair upon the conclusion of the business immediately before the Council.

RULE VII

Roll Call: Before proceeding with the business of the Council, the City Clerk or the Deputy City Clerk shall call the roll of the members, and the names of those present shall be entered on the minutes.

RULE VIII

Quorum: A majority of the whole number of members of the Council shall constitute a quorum, but no ordinance shall be adopted by the Council without the affirmative vote of the majority of the full membership of the Council, unless a supermajority is required for adoption of a particular ordinance, in which case the vote shall be that required by law.

RULE IX

Order of Business: All meetings of the Council shall be open to the public promptly at the hour set for each meeting, the members of the Council shall take their regular stations in the Council Chambers, and the business of the Council shall be taken up for consideration and disposed in the following order:

1. Reading of Open Public Meetings Act notice
2. Flag salute
3. Roll call
4. Ordinances – 2nd Reading
5. Public Portion
6. Reports, petitions and communications from the Mayor
7. Miscellaneous Licenses
8. Claims
9. Payroll
10. Director Reports
11. ~~10.~~ Resolutions
12. ~~11.~~ Ordinances – 1st Reading
13. ~~12.~~ New business
14. ~~13.~~ Adjournment

In accordance with the Open Public Meetings Act, the Council by resolution may go into closed executive session at any time during the meeting for the purposes provided by law.

The presiding officer, at his or her discretion, shall retain the authority to deviate from the regular order of business as necessary for the efficient conduct of the meeting, subject to override by majority vote of the Council.

RULE X

Rules of Debate:

- (a) Rights of Presiding Officer. The presiding officer may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed upon all members and shall not

be deprived of any of the rights and privileges of a Council member due to his or her status as presiding officer.

- (b) Getting the Floor. Every member desiring to speak shall address the chair, and upon recognition by the presiding officer shall confine statements to the question under debate, avoiding all personal references and indecorous language.
- (c) Interruption. Upon being recognized by the chair, a member shall not be interrupted when speaking except to call a point of order or as otherwise provided herein. A point of order may only be called to bring to the attention of the presiding officer a violation of these Rules. If a member, while speaking, is interrupted by a point of order, the member shall cease speaking until the presiding officer determines the point of order. A point of order shall be decided by the presiding officer upon consultation with the Corporation Counsel where necessary. A point of order is not subject to debate, and may not be reconsidered.
- (d) Privilege of Opening or Closing Debate. The Council member moving the adoption of an ordinance or resolution shall have the privilege of opening the debate at his/her discretion, and the Council President shall have the privilege of closing the debate at his/her discretion.
- (e) Discussion During Vote. Upon any roll call there shall be no discussion or explanation given by any member voting, and the member shall vote aye, nay, present or abstain, unless the member shall first receive special permission from the Council to explain the member's vote or to refrain from casting the member's vote. No motions or amendments may be offered after the Council President has called a vote.
- (f) Limiting Debate Period. The presiding officer shall retain the power to limit the length of debate on any agenda item, including claims and payroll, provided, however, that Council members shall be allowed a minimum of five (5) minutes each to speak on any particular question under debate.

RULE XI

Method of Voting: The vote upon every motion, resolution or ordinance shall be taken by roll call and the results of the vote shall be entered upon the minutes. In addition to voting yea or nay, a Council member may abstain or vote "present," which has the effect of an abstention. A Council member may not give statements, raise questions, or provide any other commentary other than casting a vote in accordance with this rule. Where a Council member violates this rule, disrupts the flow of a roll call, or otherwise fails to cast a vote in accordance with this rule within a reasonable period of time after being called to vote, the Council President shall have the discretion to direct the Clerk continue the roll call to the next Council member.

The roll call shall be taken in alphabetical order of the members present except that the presiding officer shall vote last. Two or more resolutions may be placed on a consent agenda, and approved by a single roll call vote of the Council, provided that no member of the Council nor any member of the public wishes to be heard on any resolution listed on the consent agenda.

RULE XII

Manner in Which the Public May Address the Council – Speaker’s List: Any member of the public desiring to address the Council shall sign either the list of speakers who wish to speak on a particular agenda item, and/or shall sign the list of speakers wishing to address the Council during the Public Portion period. The two lists referred to in this rule shall be prepared by the City Clerk and placed in a convenient place in the City Council Chambers for the convenience of those individuals desiring to speak. Copies of the agenda will be placed nearby. When called upon from the speakers list or to testify as part of a public hearing and be sworn in unless otherwise informed, a member of the public shall approach the rail and microphone, speak clearly, identify themselves by name; first and last spelling if requested. They shall then state whether they are a Hoboken resident, Hoboken business owner, or other interested party wanting to be heard. In addition, a member of the public may add their name in advance to the list of speakers on either of the two lists referred to in this rule, by contacting the City Clerk’s office the day of or the day before the meeting during business hours, to request to be placed on either or both list(s) of speakers.

RULE XIII

Manner in Which the Public May Address the Council - Time Limits:

- (a) At the start of the Consent Agenda, a speaker may speak for either (a) a total of five (5) minutes where the speaker wishes to address only 1 item on the Consent Agenda; or (b) a total of 7 minutes where a speaker wishes to address more than one item on the Consent Agenda. In either instance, the speaker shall specify with the City Clerk on which of the speaker’s list they wish to be placed on. Under no circumstances can a speaker spend more than five minutes on a single resolution.
- (b) A speaker may speak for no more than five (5) minutes on any single ordinance for 2nd reading.
- (c) A speaker may address the City Council on any subject relevant to the affairs and interests of the City of Hoboken during the Public Portion on the agenda. Any speaker addressing the Council during this period will be limited to five (5) minutes unless the presiding officer, in his or her discretion, decides that more time should be allotted to the speaker;
- (d) In the interest of attending to other business of the City in a timely manner, the presiding officer shall have the right to adjourn the Public Portion after one (1) hour, subject to an override by a majority of Council Members. In the event the Public Portion is adjourned under these circumstances, it shall resume on the agenda after the completion of votes of ordinances on 1st reading, and before New Business;
- (e) The City Clerk or Deputy City Clerk will monitor each speaker’s time and inform the presiding officer when the speaker has used up the allotted time, at which time the speaker addressing the Council will immediately yield the floor. Whenever possible, the speaker shall be given a warning one minute prior to the expiration of his or her time.
- (f) If the speaker addressing the Council questions the Council concerning City matters, such questions will not be addressed until after the duration of the speaker’s time, unless the Council President at his/her discretion, or upon the request of a Council member, requests an opportunity to address the question posed by the speaker. Only in such event, the time taken in answering the speaker’s question

- will not count against the speaker's time. Upon the conclusion of the speaker's time, a Council member may comment on the subject under discussion upon being recognized by the presiding officer.
- (f) The rules governing the time allotted to the persons addressing the City Council may be relaxed at the discretion of the presiding officer or by a majority vote of the Council members present.

RULE XIV

Manner in Which the Mayor May Participate in Meetings: If the Mayor wishes to participate in any meeting of the City Council, he/she shall, if practicable, notify the President of said intention advance of the meeting. After the Roll Call, if the Mayor so requests, he/she shall be granted ten (10) minutes to address the Council with respect to any matter relevant to the affairs and business of the City. In addition, prior to the Council debate on each agenda item, the President shall ask the Mayor if he/she wishes to speak with respect to that agenda item. If he/she chooses to do so, the Mayor shall be entitled to address the Council on that agenda item for five (5) minutes.

RULE XV

Decorum:

- (a) By Council Members. While the Council is in session, the members must preserve order and decorum and a member shall neither by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its presiding officer except as otherwise herein provided.
- (b) Members of the Public. Any person making impertinent or slanderous remarks or who shall become disruptive while addressing the Council or while present in the Council Chambers shall be forthwith, by the presiding officer, barred from further audience before the Council, unless permission to continue be granted by a majority vote of the Council.

RULE XVI

Enforcement of Decorum: The Chief of Police, or such member or members of the Police Department as the Chief may designate, shall be the Sergeant-at-Arms of the Council meeting. The Sergeant-at-Arms shall carry out all appropriate orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at any Council meeting.

RULE XVII

Persons Authorized to be within the Council rail: No persons, except Council members, the City Clerk and/or Deputy City Clerk, and authorized City officers, shall be permitted within the rail in front of the Council Chamber without the express permission of the Presiding Officer.

RULE XVIII

Committee of the Whole and Subcommittees: The Committee of the Whole shall consist of the full nine members of the Council. All standing subcommittees shall consist of at least three Council members. The Council President

shall appoint all subcommittee members unless otherwise ordered by the Council. The following standing subcommittees are hereby established:

1. Revenue and Finance
2. Community Development
3. Parking and Transportation
4. Health and Human Services/Environmental Services
5. Zoning Ordinance Update/Master Plan
6. Public Safety.

The Council retains the right to establish additional, special subcommittees as required for the efficient operation of the Council. The Council President shall appoint all subcommittee members and the chair of each subcommittee, and shall serve as an ex-officio member of each subcommittee. The Council President shall have the right in his or her sole discretion to remove a member from any subcommittee, including special subcommittees, except that a majority of the whole membership of the Council may override the President's decision to remove a member from any regular or special subcommittee.

The Committee of the Whole is chaired by the Council President, who has sole authority to call a meeting of the Committee, which shall be noticed for purposes of the Open Public Meetings Act as a special meeting. However, no formal action shall be taken at any meeting of the Committee of the Whole.

Matters may be referred to subcommittees either by the presiding officer or by a vote of the majority of the Council present at the meeting.

Nothing hereinabove stated shall be construed so as to invest the membership of said subcommittees with any of the executive or administrative powers of the several City Departments, which are now vested in the Mayor and the Directors of the several City Departments, pursuant to the provisions of Chapter 210, Laws of 1950, and the amendments and supplements thereto.

RULE XIX

Reports of Subcommittees: It shall be the duty of each subcommittee chair, or another subcommittee member selected by the subcommittee chair, at each City Council meeting, to provide a report of the subcommittee's activities, if any, since the last meeting at which such a report was given. The report, which may be oral or in writing, shall include a statement of how many meetings were held, who attended, a brief description of the matters that were discussed, and such recommendations to the Council relating to the matters considered by the subcommittee that have been decided upon by the members of the subcommittee. If the recommendations are not supported by all members of the subcommittee, the dissenting member shall be provided an opportunity to present his or her views after the subcommittee chair has completed presenting the report.

RULE XX

Claims against the City: No account or other demand against the City shall be allowed until it has been considered and reported to the Council. In the event Council Members wish to receive additional information, have questions

or require clarification regarding any claim, they shall, to the extent practicable, make a written request for same to the Business Administrator or his/her designee in writing, detailing the additional information, question or clarification requested with as much specificity as possible, no later than the close of business the day prior to the Meeting at which the claim is scheduled to be considered.

RULE XXI

Ordinances, Resolutions, Motions and Contract Documents:

- (a) Preparation of Ordinances. All ordinances shall be prepared by the Corporation Counsel's office, and thereafter approved as to form and legality by the Hoboken Corporation Counsel. The Corporation Counsel's office shall, in a timely manner, provide all necessary legal guidance and assistance to any member of the Council seeking to introduce an ordinance.
- (b) Sponsorship of Ordinances and Time for Submission to City Council. Each ordinance must be sponsored by at least one member of the City Council, whose name shall be affixed thereon, and seconded by at least one other member of the City Council, prior to formal introduction and first reading.
- (c) Resolutions. All resolutions must be sponsored by a member of the City Council, whose name shall be affixed thereon, and seconded by at least one other member of the City Council, prior to introduction.
- (d) Other Matters and Subjects. Other matters and subjects must be read at the regular Council Meeting prior to the introduction of Resolutions and Ordinances.

RULE XXII

Reports and Resolutions to be filed with City Clerk: All reports and resolutions shall be filed with the City Clerk and entered on the minutes.

RULE XXIII

Adjournment: A motion to adjourn shall always be in order and decided without debate.

RULE XXIV

Certification of Passage of Ordinance over Mayor's veto:

Whenever an ordinance has been vetoed by the Mayor and is passed by the Council over such veto in the manner provided by law, the City Clerk shall append to such ordinances a certification in substantially the following form:

"I hereby certify that the above ordinance was passed by the Council of the city of Hoboken on the _____ day of _____ was vetoed by the Mayor of the City, and was passed over the said veto on the _____ day of _____.

DATED:

City Clerk

RULE XXV

Attendance by and Interaction with City Officials:

The City Clerk or the Deputy City Clerk, the Corporation Council or his/her designee and the Business Administrator or his/her designee shall be required to attend all meetings of the City Council unless excused by the Council President. Subject to the limitations set forth by law and below, the President may ask the Mayor or his/her designee to consider a request that other Directors and/or City employees attend Council meetings to the extent the President believes such attendance would be helpful to assist the Council in its legislative responsibilities with respect to the matters on the meeting agenda. As expressly provided in N.J.S.A 40:69A-37.1, the Council shall deal with employees of the department of administration and other administrative departments solely through the mayor or his/her designee. All contact with the employees, and all actions and communications concerning the administration of the government and the provision of municipal services shall be through the Mayor or his/her designee, except as otherwise provided by law. The Council may, in accordance with applicable law, conduct inquiries into any act or problem of the administration of the municipality. Any Council member may, at any time, require a report on any aspect of the government of the municipality by making a written request to the mayor. The council may, by a majority vote of the whole number of its members, require the Mayor or his/her designee to appear before the council sitting as a committee of the whole, and to bring before the Council those records and reports, and officials and employees of the municipality as the Council may determine necessary to ensure clarification of the matter under study. The Council may further, by a majority of the whole number of its members, designate any number of its members as an ad hoc committee to consult with the Mayor or his/her designee to study any matter and to report to the Council thereon. As it is the expressed intent of the Mayor-Council plan of government to confer on the Council general legislative powers, the Council may exercise such investigative powers as are germane to the exercise of its legislative powers, but shall retain for the Mayor full control over the municipal administration and over the administration of municipal services.

RULE XXVI

Amendment of Rules of Procedure: No amendment to these Rules of Procedure shall be adopted unless it receives a vote of the majority of the full membership of the City Council. Any such amendment shall not take effect until the second regular meeting following adoption of the amendment.

---Motion duly seconded by President Bhalla

---**FAILED** by the following vote: YEAS: 4– NAYS: 5

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

---Nays: Doyle, Giattino, Mason, Mello, Russo

15-158

---By Councilman Mello

A RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO US DEPARTMENT OF HOMELAND SECURITY (DHS), FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR \$1,414,046.30 FOR STAFFING FOR ADEQUATE

FIRE AND EMERGENCY RESPONSE (SAFER)

WHEREAS, the **City of Hoboken** seeks federal funding from the US Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA) through its Staffing for Adequate Fire and Emergency Response (SAFER) 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, the city has previously obtained funding from FEMA SAFER to hire 8 additional Fire Fighters, and now seeks to apply for an additional SAFER grant to retain those firefighters, who will otherwise be laid off for lack of funding; and,

WHEREAS, on October 17th, 2013 the city temporarily amended the FIRE Division table of organization ordinance to allow for the hiring of 8 additional fire fighters to be paid for by the FEMA SAFER award; and,

WHEREAS, the funding from that award will be expended in April 2016; and,

WHEREAS, the city has the opportunity to apply for FEMA SAFER funding to maintain those 8 Fire Fighters for an additional 24 months, through April 2018; and,

WHEREAS, there is no local match required under this grant program and certification of funds is not necessary for this resolution.

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 the SAFER grant application with the US Department of Homeland Security, Federal Emergency Management Administration for an amount of \$1,414,046.30, with no local match.
- 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: 9 – NAYS: 0

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

---Nays: None.

15-159

---By Councilman Mello

RESOLUTION AWARDED A PROFESSIONAL SERVICE CONTRACT TO T&M ASSOCIATES FOR CITY ENGINEER FOR THE FIRE DEPARTMENT HEADQUARTERS PARKING LOT PROJECT IN AN AMOUNT OF TWELVE THOUSAND FIVE HUNDRED DOLLARS (\$12,500.00), FOR A TOTAL NOT TO EXCEED AMOUNT OF TWELVE

THOUSAND FIVE HUNDRED DOLLARS (\$12,500.00), AND FOR A ONE YEAR TERM TO COMMENCE FEBRUARY 15, 2015 AND EXPIRE FEBRUARY 14, 2016

WHEREAS, the City of Hoboken published RFP's for general municipal engineering services, in accordance with the City's public contracting regulations and the State's Fair and Open Process; and,

WHEREAS, the Administration evaluated the proposals provided in response to said RFP, and the Administration and City Council included T&M Associates on the CY2015 annual list of Pool Engineers from which the City may choose for independent engineering projects throughout the year, and the Administration has now determined that T&M Associates can provide the City with the most effective and efficient Engineering services for the Fire Department Headquarters Parking Lot Project, in accordance with their attached proposal; and,

WHEREAS, in accordance with the direction of the Administration, the City Council is asked to award a contract to T&M Associates for the City's Engineering for the Fire Department Headquarters Parking Lot Project, in accordance with their attached proposal, for a total contract amount of Twelve Thousand Five Hundred Dollars (\$12,500.00), with a one (1) year term to commence on February 15, 2015 and expire on February 14, 2016; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$12,500.00 is available in the following temporary appropriation 5-01-31-461-000 in the CY2015 budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said temporary appropriation for the CY2015 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 City Council of the City of Hoboken that a contract with the below listed vendor is awarded for an amount not to exceed Twelve Thousand Five Hundred Dollars (\$12,500.00), with a one (1) year term to commence on February 15, 2015 and expire on February 14, 2016, for the Fire Department Parking Lot Project, in accordance with the attached proposal, and with the additional contract terms as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of T&M's attached proposal shall govern the contract, and no changes may be made without the prior written consent of both parties.
3. Any change orders which shall become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
4. The Council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
5. The Mayor, or her designee is hereby authorized to execute an agreement, for the above referenced goods and/or services based upon the following information:

T&M Associates
Middletown, New Jersey

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

15-160

---By Councilman Mello

RESOLUTION AWARDING A CHANGE ORDER (#1) TO THE CONTRACT TO REGGIO CONSTRUCTION FOR (BID 14-17) ROAD RESURFACING PROJECT – PROJECT B, IN AN INCREASED AMOUNT NOT TO EXCEED \$23,790.00 (2.77 % INCREASE) FOR A TOTAL NOT TO EXCEED AMOUNT OF \$882,342.69

WHEREAS, the City of Hoboken previously awarded a contract for Road Resurfacing Project B (Bid 14-17) to Reggio Construction; and,

WHEREAS, the City has modified its standard bollard specification to a vehicle-resistant, bendable bollard to keep vehicles from parking in designated “No Parking” areas; and

WHEREAS, the City wishes to provide for the installation of the new bollard throughout the project area; and

WHEREAS, the Administration intends to continue to use Reggio Construction for said services and provisions; and,

WHEREAS, in accordance with the direction of the Administration, the City Council is asked to award a change order (#1) to the contract for Road Resurfacing Project B to Reggio Construction for a total increase in the contract amount by Twenty Three Thousand Seven Hundred Ninety Dollars and Zero Cents (\$23,790.00), which constitutes a 2.77 % increase, for a total not to exceed amount of Eight Hundred Eighty Two Thousand Three Hundred Forty Two Dollars and Sixty Nine cents (**\$882,342.69**) of which the change order (#1) to the contract shall be for purchases and installation in accordance with the T&M Engineering Change Order Request, dated February 11, 2015; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$23,790.00 is available in the following appropriation C-04-60-714-110 in the 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 capital budget or the capital/trust funds; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that a change order (#1) be authorized to the contract for Road Resurfacing Project B to Reggio Construction for a total increase in the contract amount by Twenty Three Thousand Seven Hundred Ninety Dollars and Zero Cents (\$23,790.00), which constitutes a 2.77 % increase, for a total not to exceed amount of Eight Hundred Eighty Two Thousand Three Hundred Forty Two Dollars and Sixty Nine cents (\$882,342.69) of which the change order (#1) to the contract shall be for purchases and installation in accordance with the T&M Engineering Change Order Request, dated February 11, 2015; and,

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the referenced engineering 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.
6. The Administration shall be authorized to issue a warrant in payment of the full amount of this change order, to Reggio Construction, and this authorization shall be in lieu of the requirement that the Administration obtain Council authorization of a claim prior to issuance of payment.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: Mason, Russo

15-161

---By Councilman Mello

THIS RESOLUTION APPROVES THE LICENSE APPLICATIONS OF THE BELOW LISTED LIGHT AND HEAVY TOWING SUPPLY COMPANIES FOR A TERM TO COMMENCE AT 1200H ON JANUARY 1, 2015 AND TERMINATE AT 1200H ON DECEMBER 31, 2015

WHEREAS, the City Code, at Chapter 184, allows the City to authorize both heavy and light duty towing licenses to qualified, responsive applicants; and,

WHEREAS, the City of Hoboken has received responsive applications from the following towing service providers who have certified to their qualifications in their applications:

Provider	Heavy Tow License	Light Tow License
Johns Main Auto Body 1445 Union Turnpike North Bergen, NJ 07047	Yes	Yes
Tumino's Towing Inc. 5419 Tonnelle Avenue North Bergen, NJ 07047	Yes	Yes
Logan Towing Inc. 45 Lewis Avenue Jersey City, NJ 07306	Yes	Yes
New Jersey Towing 309 5 th Street Union City, NJ 07087	No	Yes

WHEREAS, the grant of each above listed license shall be at all times subject to the continuing obligations and regulations found in the Hoboken City Code, as well as any and all state and federal regulations applicable to such services;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the above listed towing service providers be provided with heavy and/or light duty towing licenses for a period to commence retroactively at 1200H on January 1, 2015 and terminate at 1200H on December 31, 2015, subject to the following:

- a) The licenses granted herein are at all times subject to all applicable local, state and federal laws, including without limitation Chapter 184.
- b) If any of the information provided during the application process is found to be untruthful or false, or shall become false during the course of the license, the license granted may be summarily revoked.
- c) All licensees shall maintain compliance with all applicable affirmative action laws, rules and regulations during the period of the license, and shall indemnify the City of Hoboken for any damages, costs and fees resulting from alleged violations.

---Motion duly seconded by Councilman Cunningham

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

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

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

15-162

---By Councilman Mello

RESOLUTION TO AUTHORIZE AN EXTENSION OF THE PROFESSIONAL SERVICE CONTRACT WITH FLORIO KENNY AS SPECIAL LEGAL COUNSEL- OUTSTANDING LITIGATION (FROM CY2014 AND CY2013) TO THE CITY OF HOBOKEN TO EXPIRE DECEMBER 31, 2015 WITH NO CHANGE IN THE NOT TO EXCEED AMOUNT

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

WHEREAS, in CY2013, CY2014, and CY2015, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Florio Kenny responded to, and having performed the function of special counsel on the outstanding matters, Florio Kenny has specialized knowledge and special skills which are necessary for the proper and effective continuation of representation in the outstanding matters during CY2015; and,

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

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

NOW THEREFORE, BE IT RESOLVED, *(a majority of the full council concurring)* that the contract with Florio Kenny to represent the City as Special Legal Counsel- Outstanding Litigation be extended, for a term to expire December 31, 2015, without increasing the not to exceed amount (there is \$2,388.19 remaining appropriated from the original NTE amount of \$10,000.00 as of 2/25/2015); and,

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

BE IT FURTHER RESOLVED, this contract shall cover outstanding litigation only, and this contract shall not be for a sum certain but rather, a retainer, the level of representation in the matters shall be determined as

the need arises at the sole discretion of the City; and, this contract is not a guarantee of availability of services or assignment; and,

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

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

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

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

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

15-163

---By Councilman Mello

RESOLUTION TO REFUND HANDICAPPED PARKING APPLICATION FEE TO APPLICANT CARMELINA DONES IN THE AMOUNT OF \$125.00 EACH 11.*

WHEREAS, The Subcommittee for Handicapped Parking denied approval;

NOW, THEREFOR, BEIT RESOLVED, by the Council of the City of Hoboken, that warrant be draw on the City Treasure to the order of the following sum opposite the name as reimbursement for handicapped parking fees:

NAME	ADDRESS	AMOUNT
Carmelina Dones	232 Harrison Street Apt. 1A	\$125.00

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

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

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

15-164

---By Councilman Mello

RESOLUTION AWARDED A CONTRACT TO MARANO & SONS AUTO SALES INC FOR THE PROVISIONS OF TWO (2) 2014 JEEP COMPASS SPORT 4WD IN ACCORDANCE WITH THE CITY'S BID NO. 15 - 07 IN THE TOTAL AMOUNT OF \$35,551.00

WHEREAS, proposals were received for Bid Number 15-07 for the provisions of two (2) 2014 Jeep Compass Sport 4WD for the HPU; and,

WHEREAS, one (1) bid was received, which was fully responsive, as follows:

<u>VENDOR</u>	<u>UNIT PRICE</u>	<u>EXTENDED TOTAL</u>
Marano & Sons Auto Sales Inc 507-13 South Avenue Garwood, New Jersey 07027	\$17,775.50	\$35,551.00

WHEREAS, pursuant to the recommendation of the Purchasing Department (attached hereto) the City wishes to contract for the goods and services specified in Bid No. 15-07, and Marano & Sons Auto Sales Inc. submitted a responsible, and responsive bid for the unit and extended price,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$35,551.00 is available in the following appropriations: 5-31-55-740-100 in the CY2015 temporary appropriations; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2015; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

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

- A. This resolution awards a contract to Murano & Sons Auto Sales Inc. for two 2014 Jeep Compass Sport 4WD vehicles, pursuant to the unit price proposed, for two (2) units, under Bid No. 15-07, in the total amount of Thirty Five Thousand Five Hundred Fifty One Dollars (\$35,551.00).
- B. A warrant may be drawn in the total amount of the contract, and delivered to the vendor immediately upon passage of this agreement, and said warrant shall be payable and deliverable to the vendor without further action of the council, in exchange for delivery in full of the goods contracted for hereunder.
- C. If the contract, as awarded pursuant to Bid 15-07 by the City of Hoboken, is not executed by the vendor within 21 days of adoption of this award, the City may cancel this award and rebid the contract.
- D. The contract shall be in accordance with the terms of the specifications and the vendor's corresponding bid proposal documents. No exceptions were noted in the bid or Purchasing Agent's recommendation; therefore, none will be accepted in performing obligations under the bid.
- E. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor or her agent is hereby authorized to enter into an Agreement with the vendor for said purchase and sale.
- F. This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: Cunningham, Mason, Russo

15-165

---By Councilman Mello

RESOLUTION TO AUTHORIZE EXECUTION OF THE ATTACHED SOFTWARE AGREEMENT BETWEEN SEAMLESS DOCS AND THE CITY OF HOBOKEN

WHEREAS, the City wishes to enter into the attached agreement with Seamless Docs, for document control and compilation software, in accordance with the attached agreement; and

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$4950.00 is available in the following appropriation account _____ in the CY2015 temporary appropriation; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2015 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 is authorized to enter into the attached agreement with Seamless Docs which provides for a license to utilize the vendor's document control and compilation software; and

BE IT FURTHER RESOLVED, this agreement shall be for a sum certain and the services therein

authorized at that sum certain amount, and any change in the sum certain shall be subject to the City Council's prior approval of an amendment to the contract, and the Council properly and adequately appropriating funds, which shall be at the Council's sole discretion, and no damages shall accrue to the vendor for services proposed and/or rendered which are not approved as part of this resolution;

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 Castellano, Cunningham, Doyle, Giattino, Mason, Mello, Occhipinti, Russo and President Bhalla

---Nays: None.

15-166

---By Councilman Mello

RESOLUTION AWARDING A CONTRACT TO REGGIO CONSTRUCTION FOR THE PROVISIONS OF 2014 MUNICIPAL STREET RESURFACING AND INTERSECTION SAFETY IMPROVEMENT – PACKAGE “A” IN ACCORDANCE WITH THE CITY’S BID NO. 15-02 IN THE TOTAL AMOUNT OF \$1,295,677.93

WHEREAS, bids were received for construction services to resurface the roads in the City, as specified in Bid Number 15-02; and,

WHEREAS, Seven (7) bids were received, the lowest three (3) being:

<u>VENDOR</u>		<u>TOTAL BID</u>
1. Reggio Construction 1575 West Street Fort Lee, NJ 07024	Base Bid	\$1,295,677.93
2. Mark Paving Co., Inc. 77 Cutters Dock Road Woodbridge, NJ 07085	Base Bid	\$1,333,633.50
3. J.A. Alexander, Inc. 130-158 John F. Kennedy Dr. Bloomfield, NJ 07003	Base Bid	\$1,339,625.23

WHEREAS, pursuant to the recommendation of the City Engineer (attached hereto) the City wishes to contract for the services specified in Bid No. 15-02, and Reggio Construction submitted the lowest responsible, and responsive bid in the amount of \$1,295,677.93; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$1,295,677.93 is available in the following appropriations: T-26-56-850-851 in the amount of \$31,537.50, C-04-60-714-105 in the amount of \$100,000.00, C-04-60-714-110 in the amount of \$617,657.31, C-04-60-714-205 in the amount of \$90,000.00, C-04-60-714-210 in the amount of \$456,483.12; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance for this purpose.

Signed: _____, George DeStefano, CFO

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

- A. This resolution awards a contract to Reggio Construction for Bid No. 15-02, in the total amount of One Million Two Hundred Ninety Five Thousand Six Hundred Seventy Seven Dollars and Ninety Three Cents (\$1,295,677.93) for the City's 2014 Road Resurfacing and Intersection Safety Improvement – Package "A" and said contract shall be to Reggio Construction in accordance with the specifications as set forth in Bid No. 15-02.
- B. If the contract, as provided by the City of Hoboken, is not executed by the vendor within 21 days of execution of this award, the City may cancel this award and rebid the project.
- C. The contract shall be in accordance with the terms of the specifications and the vendor's corresponding bid proposal documents. No exceptions were noted in the City Engineer's recommendations; therefore, none will be accepted in performing obligations under the bid.
- D. Any change orders required shall be subject to formal City Council authorization, and the City shall not be held liable for any amounts above the within contracted amounts unless/until same is authorized and appropriated by formal resolution of the City Council.
- E. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor or her agent is hereby authorized to enter into an Agreement with the vendor for said purchase and sale.
- F. This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

15-167

---By Councilman Mello

RESOLUTION AWARDING AN AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACT TO OCEAN COASTAL CONSULTANTS FOR PROFESSIONAL ENGINEERING SERVICES FOR THE PIER A REHABILITATION IN AN INCREASED AMOUNT NOT TO EXCEED \$9,975.00 AND FOR AN EXTENSION OF THE TERM, TO EXPIRE JUNE 18, 2016

WHEREAS, the City of Hoboken published RFP's for professional engineering services for the Pier A Rehabilitation; and,

WHEREAS, on June 18, 2014, the Council awarded the contract to Ocean Coastal Consultants ("OCC"), and the City now wishes to amend that contract award in accordance with OCC's November 17, 2014 proposal for additional services; and,

WHEREAS, in accordance with the direction of the Administration, the City Council is now asked to authorize an amendment to the award to OCC, in accordance with their November 17, 2014 proposal, for an increase in the not to exceed amount by \$9,975.00, and for an extended term to expire June 18, 2016; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$9,975.00 is available in the following appropriation T-24-20-700-020 in the City's trust; 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 designated trust; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that an amendment to the award to OCC, in accordance with their November 17, 2014 proposal, for an increase in the not to exceed amount by \$9,975.00, and for an extended term to expire June 18, 2016, for services as Professional Engineers for the Pier A Rehabilitation project, be authorized as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the RFP and OCC's responsive proposal and 11/17/14 proposal shall govern the contract, and no changes may be made without the prior written consent of both parties.
3. Any change orders which shall become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
4. The Council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
5. The Mayor, or her designee is hereby authorized to execute an agreement, for the above referenced goods and/or services based upon the following information:

Ocean Coastal Consultants
 35 Corporate Drive
 Suite 1200
 Trumbull, CT 06611

---Motion duly seconded by Councilman Cunningham
 ---Adopted by the following vote: YEAS: 7 – NAYS: 2 ABSENT: 0
 ---Yeas: Council persons Castellano, Cunningham, Doyle, Giattino, Mello, Occhipinti and President Bhalla
 --Nays: Mason, Russo

15-168

---By Councilman Mello

A RESOLUTION TO LAPSE APPROPRIATION RESERVE TO SNOW REMOVAL TRUST

BE IT RESOLVED, by the Governing Body of the City of Hoboken. County of Hudson, New Jersey that the following 2014 appropriation reserve balance be lapsed to the Snow Removal Trust pursuant to N.J.S.A. 40A:4-62.1.

<u>Account Description</u>	<u>Account #</u>	<u>Balance to Lapse</u>
Snow Removal	4-01-26-291-040	\$45,000.00

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

15-169

---By Councilman Mello

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$22,461.10)

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 **\$22,461.10**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Limor Faraguna 1112 Hudson Street #3L Hoboken, NJ 07030	243/24/C003L	1112 Hudson St	3&4/14 &1/15	\$5,813.79
Wells Fargo Real Estate Taxing Service, LLC Attn: Financial Support 1 Home Campus MAC X2302-04D DesMoines, IA 50328-0001	261.01/1/C1107	1100 Maxwell Lane	1/15	\$1,929.95
Chase OH4-7326 Attn: Kathy DeGarmo PO Box 24695 Columbus, OH 43224-9935	261.03/1/CP012	1125 Maxwell Lane	4/14	\$ 129.95
Bruce Thompson & Emma Trewartha 1302 Park Avenue #4S Hoboken, NJ 07030	117/10/C004S	1302 Park Avenue	1/15	\$2,181.27
James & Tracy Child c/o The Lehman Law Firm 281 Main Street Woodbridge, NJ 07095	30/23/C0002	112 Adams Street	3/14	\$1,728.49
Keith Callanan & Judy Im 510 East 20 th Street #MD New York, NY 10009	34/20	132 Park Avenue	2/14	\$2,039.15
Citibank, NA 1000 Technology Dr O'Fallon, MO 63368	247/22	1247 Bloomfield St	1/15	\$5,124.74
Laura Peck 510 Monroe Street #409 Hoboken, NJ 07030	66/27/C0409	506-514 Monroe St	3/14	\$1,361.25
Hormoz & Farah Shayegan 200 Winston Drive #2019 Cliffside Park , NJ 07010	261.03/1/CP047	1125 Maxwell La.	1/15	\$120.70

Wells Fargo Home

Mortgage 262.02/1/C1106 1450 Washington St 4/12 \$2,031.81 (excel 4)
 1 Home Campus
 MAC X2301-04D
 Des Moines, IA 50328

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

15-170

---By Councilman Mello

**RESOLUTION AUTHORIZING THE REFUND OF TAX APPEALS STATE TAX COURT
 (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT
 OF \$671,124.76)**

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

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

NOW THEREFORE BE IT RESOLVED, that a warrant be drawn on the City Treasurer made payable to the following totaling \$671,124.76

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
Zipp & Tannenbaum, LLC 166 Gatzmer Avenue Jamesburg, NJ 08831	140/1	1600-1614 Clinton St	2011	\$27,933.95
Zipp & Tannenbaum, LLC 166 Gatzmer Avenue Jamesburg, NJ 08831	140/1	1600-1614 Clinton St	2012	\$33,463.75
Zipp & Tannenbaum, LLC 166 Gatzmer Avenue Jamesburg, NJ 08831	140/1	1600-1614 Clinton St	2013	\$38,599.91
Zipp & Tannenbaum, LLC 166 Gatzmer Avenue Jamesburg, NJ 08831	140/9	1616-28 Clinton St	2011	\$24,449.71
Zipp & Tannenbaum, LLC 166 Gatzmer Avenue Jamesburg, NJ 08831	140/9	1616-28 Clinton St	2012	\$29,882.25
Zipp & Tannenbaum, LLC 166 Gatzmer Avenue	140/9	1616-28 Clinton St	2013	\$34,982.22

Jamesburg, NJ 08831

McCarter & English,LLP 89/1 801 Madison St/800 Jeff 2011 \$118,094.28
100 Mulberry Street
Four Gateway Center
Newark, NJ 07102

McCarter & English,LLP 89/1 801 Madison St/800 Jeff 2012 \$145,141.00
100 Mulberry Street
Four Gateway Center
Newark, NJ 07102

McCarter & English, LLP 89/1 801 Madison St/800 Jeff 2013 \$218,577.69
100 Mulberry Street
Four Gateway Center
Newark, NJ 07102

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

15-171

---By Councilman Doyle

**RESOLUTION TO ADOPT THE MINUTES OF THE MEETINGS OF THE CITY COUNCIL
DATED: SPECIAL MEETING OF FEBRUARY 18, 2015 AND REGULAR MEETING OF
FEBRUARY 18, 2014 AND THE SPECIAL MEETING OF FEBRUARY 23, 2015**

RESOLVED, that filed minutes for the Hoboken City Council **Special and Regular meetings of February 18, 2015 and the Special meeting of February 23, 2015** have been reviewed and approved by the Governing Body.

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

ORDINANCES

Introduction and First Reading

15-172

AN ORDINANCE TO AMEND CHAPTER 44 TO MAKE NOTICE PROCEDURES COMPLIANT WITH STATE LAW AND UPDATED CHAPTER 44 APPENDICES AND FORMS (AS AMENDED AFTER PLANNING BOARD REVIEW AND RECOMMENDATION)

WHEREAS, the City of Hoboken would like to clarify its land use procedures to clearly state that all notices required must comply with state laws, including, particularly the MLUL, N.J.S.A. 40:55D-1 et seq.; and,

WHEREAS, the City Council sought planning board review and recommendation, in accordance with applicable law, and hereby wishes to adopt this amended version of the ordinance, in accordance with the planning board recommendations, as attached hereto.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hoboken that Chapter 44 of the Administrative Code of the City of Hoboken shall be amended as follows (additions noted in underline; ~~deletions~~ noted in ~~strikethrough~~):

SECTION ONE: AMENDMENTS

§ 44-106. Application; Procedure; Concept Plan Review

B. Within 45 days of the date of submission, the Secretary of the Planning Board shall certify an application as complete, ~~in consultation with Planning Board professionals,~~ with the concurrence of the SSPR, and ~~in consultation with~~ any applicable municipal commissions and administrators, only if the application, checklist, all documents required by the checklist, application fee, and escrow fees have been received. If the application lacks required information, documents, or fees, or requires referral pursuant to §44-304, the applicant shall be so notified, in writing, of the deficiency and the application shall be deemed incomplete. In the event that an application is not certified as either complete or incomplete within 45 days of its submission, it shall be, by default, considered complete for the purpose of commencing the applicable Time of Decision action by the Planning Board.

...

§ 44-107. Time of Decision

A. Upon certification, that an application is complete by the Planning Board Secretary, with the concurrence of the SSPR ~~in consultation with Planning Board professionals,~~ and in consultation with any applicable municipal commissions and administrators, ~~that an application is complete,~~ the Planning Board shall then have:

...

§ 44-307. Notice Requirements for Hearing

Whenever notice is required on an application for development pursuant to N.J.S.A. 40:55D-1, et seq. or pursuant to the determination of the Planning Board or the Zoning Board, the applicant shall give notice thereof as follows:

A. Public notice shall be given by publication in the official newspapers of the municipality at least 10 days prior to the date of the hearing, for the following applications for development:

- (1) Any request for a variance from the requirements of Chapter 196, Zoning;
- (2) Any request for conditional use approval;

- (3) Any request for minor site plan approval or preliminary approval of a major site plan;
 - (4) Any request for a minor subdivision approval;
 - (5) Any request for preliminary approval of a major subdivision; and/or
 - (6) Any request for the issuance of a permit to build within the bed of a mapped street, public drainage-way, flood control basin, or public area reserved on the Zoning Map, or in a lot not abutting a street.
- B. ~~Notice shall be given to all necessary persons, individuals, and/or entities, and shall follow all necessary and applicable procedures, as required by applicable laws, including without limitation N.J.S.A. 40:55D-1 et seq. Notice shall be given to the owners of all real property, including owners of condominium and cooperative units, as shown on the current tax duplicate or duplicates located within 200 feet in all directions of the property which is the subject of such hearing, and whether located within or without the municipality in which the applicant's land is located. Such notice shall be given (a) by serving a copy thereof on the owner as shown on said current tax duplicate or his/her/their agent in charge of the property; or (b) by mailing a copy thereof, by certified mail, to the property owner at his/her/their address as shown on said current tax duplicate. A return receipt is not required. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its President, a Vice President, Secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to a limited liability company may be made by service upon any member thereof.~~
- C. ~~Notice of all hearings on applications for development involving property located within 200 feet of an adjoining municipality shall be given to said municipality as required by applicable laws, including without limitation N.J.S.A. 40:55D-1 et seq., by personal service or certified mail to the Clerk of such municipality, which notice shall be in addition to the notice required to be given pursuant to subsection B of this section to the owners of property in such adjoining municipality which are located within 200 feet of the subject premises.~~
- D. ~~Notice shall be given by personal service or certified mail as required by applicable laws, including without limitation N.J.S.A. 40:55D-1 et seq., to the Hudson County Planning Board of a hearing on an application for development of property adjacent to an existing county road or proposed road shown on the Official County Map or on the County Master Plan adjoining other county land or situated within 200 feet of a municipal boundary.~~
- E. ~~Notice shall be given by personal service or certified mail as required by applicable laws, including without limitation N.J.S.A. 40:55D-1 et seq., to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a state highway.~~
- F. ~~Notice shall be given by personal service or certified mail as required by applicable laws, including without limitation N.J.S.A. 40:55D-1 et seq., to the State Planning Commission of hearing on an application for development of property which exceeds 150 acres or 500 dwelling units. Such notice shall include a copy of any maps or documents required to be on file with the Planning Board or the Zoning Board, pursuant to N.J.S.A. 40:55D-10.~~
- G. ~~All notices hereinabove specified in this section shall be given as required by applicable laws, including without limitation N.J.S.A. 40:55D-1 et seq., at least 10 days prior to the date fixed for a hearing, and the applicant shall file an affidavit of proof of service with the respective Planning Board or Zoning Board holding the hearing on the application for development at least one business day before the date of the hearing. Notice pursuant to subsections C, D, E and F of this section shall not be deemed to be required unless public notice pursuant to N.J.S.A. 40:55D-12a and b is required.~~
- H. ~~Any notice made by certified mail as hereinabove required shall be deemed to be completed upon mailing in accordance with the provisions of N.J.S.A. 40:55D-14.~~

- I. Form of notice. All notices required to be given pursuant to the terms of this chapter shall state the particular board before which the hearing is to be held, the date, time and place of the hearing, the nature of the matters to be considered, including a general description of the development, the developmental approval and each variance sought, identification of the property proposed for development by street address, if any, and by reference to lot and block numbers as shown on the current tax duplicate in the Municipal Tax Assessor's office, and the location and times at which any maps and documents pertaining to any approval being sought are available, as required by law.

Chapter 44 Appendices

The following attachments are deleted in full, as currently listed in the City Code, and updated with the following versions, as attached hereto:

1. CHECKLIST FOR CONDITIONAL USE & WIRELESS TELECOMMUNICATION SITE PLAN APPLICATIONS
2. CHECKLIST FOR VARIANCE APPLICATIONS
3. CHECKLIST FOR SITE PLAN APPLICATIONS
4. APPLICATION FOR DEVELOPMENT
5. CHECKLIST FOR SUBDIVISION APPLICATIONS
6. FEE SCHEDULE

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

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

SECTION FOUR: EFFECTIVE DATE This Ordinance shall take effect upon passage and publication as provided by law.

SECTION FIVE: CODIFICATION

This Ordinance shall be a part of the Administrative 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 Administrative Code.

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Administrative 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 Administrative Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

President Bhalla 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 **March 18, 2015 at 7:00 PM.**

---Motion duly seconded Councilman Cunningham

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

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

---Nays: Mason

15-173

Z-339

AN ORDINANCE TO AMEND ORDINANCE Z-20 REGARDING THE MAYOR AND DIRECTORS BENEFITS

WHEREAS, the City of Hoboken is governed by the Faulkner Act Mayor- Council form of government; and,

WHEREAS, pursuant to the Faulkner Act, N.J.S.A. 40:69A-180, the salary, wages or other compensation paid to the Mayor and members of the City Council must be fixed by the council; and,

WHEREAS, N.J.S.A. 40:69A-180 further provides that the compensation of all department heads shall be also fixed by the council upon reorganization; and,

WHEREAS, N.J.S.A. 40:69A-43a provides that the salary, wages or other compensation paid to all other municipal employees is established by the Mayor, except as specifically otherwise provided by law;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Hoboken, County of Hudson, State of New Jersey, as follows(additions noted in underline, deletions noted in strikethrough):

SECTION ONE

The following is deleted in its entirety: ~~The Mayor shall be entitled to equivalent benefits as are set forth in the current collective bargaining agreement between the City and the Hoboken Municipal Supervisors Association, but shall not receive longevity pay or overtime. All vacation days shall accrue pro rata on a monthly basis.~~

The following is added as a replacement, in its entirety: The Mayor shall be entitled to equivalent benefits as are set forth in the current collective bargaining agreement between the City and the Hoboken Municipal Supervisors Association except that the Mayor shall not receive longevity pay, overtime, collective bargaining agreement increases, perfect attendance awards, and/or uniform allowances. The Mayor is required to work all hours necessary to properly perform the responsibilities of the office of Mayor and does not have designated work hours or time off. Accordingly, the Mayor shall not be entitled to any compensation for unused time off of any kind.

SECTION TWO

*The salary / benefits of the City Council shall remain unchanged.

SECTION THREE

The following is deleted in its entirety: ~~The Department Heads shall be entitled to equivalent benefits as are set forth in the current collective bargaining agreement between the City and the Hoboken Municipal Supervisors Association, but shall not receive longevity pay or overtime. All vacation days shall accrue pro rata on a monthly basis.~~

The following is added as a replacement, in its entirety: The Department Heads (Directors), Municipal Manager, and Corporation Counsel shall be entitled to equivalent benefits as are set forth in the current collective bargaining agreement between the City and the Hoboken Municipal Supervisors Association with the following exceptions. The Department Heads (Directors), Municipal Manager, and Corporation Counsel are not entitled to longevity pay, overtime, collective bargaining agreement increases, perfect attendance awards, and/or uniform allowances. The Department Heads (Directors), Municipal Manager, and Corporation Counsel shall receive twenty (20) vacation days per annum. In the initial year of service for any Department Head (Director), Municipal Manager, or Corporation Counsel the vacation time shall be accrued on a pro-rata basis.

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

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

SECTION SIX: EFFECTIVE DATE This Ordinance shall take effect upon passage and publication as provided by law.

SECTION SEVEN: CODIFICATION

This Ordinance shall be a part of the Administrative 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 Administrative Code.

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Administrative 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 Administrative Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

President Bhalla moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **March 18, 2015 at 7:00 PM.**

---Motion duly seconded Councilman Cunningham

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

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

---Nays: Castellano, Mason and Russo

15-174

Z-340

AN ORDINANCE TO AMEND CHAPTER 46 ENTITLED “LEASE AGREEMENTS” TO INCLUDE A LEASE AGREEMENT BETWEEN THE CITY OF HOBOKEN AND HUMC OPCO LLC FOR THE LEASE OF OFFICE SPACE AT THE CITY’S MIDTOWN GARAGE

WHEREAS, the City of Hoboken owns and maintains a public garage commonly referred to as the Midtown Garage located within Hoboken, and contained within that garage is office space, which the City seeks to lease a part of to the adjacent hospital (hereinafter referred to as the “Property”); and

WHEREAS, the City Council previously authorized this lease agreement to be put out to bid, which bid process occurred without any proposals being submitted; and,

WHEREAS, HUMC OPCO LLC holds a right of first refusal to any lease the City seeks to enter into at this location, and HUMC OPCO LLC seeks to act upon its rights and enter into the lease for the said location, and, therefore, the City and HUMC OPCO LLC seek to enter into the lease, with terms significantly similar to those which the City unsuccessfully put out to bid.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hoboken that Chapter 46 of the Administrative Code of the City of Hoboken shall be amended as follows (additions noted in underline; ~~deletions~~ noted in ~~striketrough~~):

SECTION ONE: AMENDMENTS

§ 46-4 Execution of the City’s Midtown Garage Office Space Lease Agreement with HUMC OPCO LLC.

The Mayor is hereby authorized to enter into and execute the herein lease agreement (Exhibit A), and same shall become part of the Hoboken Administrative Code for the term of the Lease.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

This Ordinance shall take effect 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 Bhalla 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 **March 18, 2015 at 7:00 PM.**

---Motion duly seconded by Councilman Mello

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

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

---Nays: Russo

15-175

Z-341

AN ORDINANCE TO AMEND CHAPTER 192-4 ENTITLED “ENUMERATION OF SPACES”

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

WHEREAS, the Committee has determined a general restricted parking space is necessary at the Public Library, and hereby seeks approval of the City Council for recognition of same.

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

§ 192-4. Enumeration of spaces.

B. The following locations are hereby approved by the Subcommittee for Chapter 192 Handicap Parking as general handicap persons with a disability spaces for all persons holding a motor vehicle services placard and/or the handicap special vehicle status license plates pursuant to N.J.S.A. 39:4-205:

Name of Street	Side	Location
Fifth Street	North	Beginning at a point of 32 feet west of the westerly curblineline of Park Avenue and extending 22 feet westerly therefrom

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 Bhalla 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 **March 18, 2015 at 7:00 PM.**

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

NEW BUSINESS

Councilwoman Castellano comments on minutes should be taken at sub-committee meetings and an agenda prepared.

Councilman Russo comments on the dollar amount of the midtown garage Office Space Unit 2 at 371 4th St. with HUMC and also comments on the Mayor's and Director's benefits and clarify time off and work hours for the Mayor or future Mayor, lastly the loan applications for resolution #1-#3, if we need to vote on bonding, the Council should have every facet that is on the table, whether it's a give back to the city, parcel of that land or a portion of that parcel of land, eminent domain and hope we can get more information to the entire council so they can make a full assessment.

BA Wiest comments \$92,000/yearly.

Councilman Doyle comments that he will be asking Councilman Cunningham and Councilman Russo for expedited review with regards to certain zoning ordinances modifications, and will ask them to meet for the Zoning Master Plan sub-committee so we can present something for 1st reading for March 18th and then go to the PB and come back to the Council at the end of April.

Councilman Occhipinti comments and would like to thank his colleagues on voting on the Block 12 project and hopefully get that park started in early summer, mentioned about the new fence on 3rd and Jackson and any update on it, and also congratulate on their police officers promotions this week, and thank everyone who supported their chili cookoff and their sponsors, patrons and volunteers, we raised \$12,000 for the Jesus Faith Food Pantry.

BA Wiest comments that the quotes are in for the fence.

Councilwoman Giattino comments on the meeting with Director Pellegrini about the panels for the 9/11 Memorial and the panels would not work, as is but they are confident that they could work once they are laminated and tested, hopefully move this project forward.

Director Pellegrini comments that he will forward that report to the Council.

Councilwoman Castellano commented that eight years ago there was an issue with the brackets holding up the glass.

Councilman Cunningham comments on the success for the City last Thursday for the 918 fire victims from New Year's day and raised \$10,000.00, thanks to the Hoboken Rotary Club for getting the word out, would like to thank Vijay Chaudri the new Chief of Staff, met last week for the Community Development – Post office, Western Edge and Water Music and hopefully a report/draft issue of the Western Edge to come before the Governing Body, the Post Office we are facing some height issues and Water Music, there is a lack of consensus and went back to the property owners to discuss the options for that space, several issues with the Transportation and Parking committee and waiting on warrant studies in the NW part of Hoboken, curb cuts which were eliminated by accident and do hope that we move these issues forward, and upset the council rules didn't pass.

Councilman Mello comments on the Henkel property but glad that the Council approved it tonight, and the traffic light that was brought up at the last meeting, we received good news, the lease was officially signed for the Elysian Charter School on the corner of Garden and 15th St., after speaking with Freeholder Romano and Director Morgan to get a light and hopefully ask for support from his colleagues.

At 11:46 PM meeting adjourned of the Governing Body on a motion by Council duly seconded by the Council members.

Council President Bhalla then adjourned the meeting at 11:46 PM

PRESIDENT OF THE COUNCIL

CITY CLERK