

MEETING OF JUNE 18, 2014

**MINUTES OF A MEETING OF THE COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY, HELD
IN THE COUNCIL CHAMBERS, CITY HALL, HOBOKEN, NEW JERSEY, THURSDAY, JUNE 18, 2014
AT 7:00 PM**

President Giattino opened the meeting at 7:06 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 published in the Jersey Journal and on the City website, copies were provided in the Hoboken Reporter, The Record, The Newark Star-Ledger and also placed on the bulletin board in the lobby of City Hall. If any Councilperson or member of the public believes that this meeting or any portion thereof, is in violation of the Open Public Meetings Act, they are requested to so advise the City Council and City Clerk at this time, or at the time of the believed violation, in accordance with N.J.S.A. 10:4-17. Written objections, if any shall be made in writing to the City Clerk."

Then the Clerk called the Roll: Council persons Bhalla, Castellano, Cunningham, Doyle, Mello (via cell phone), Occhipinti, Russo and President Giattino

Absent: Mason

Council President comments and would like to suspend the meeting for a moment of silence for Tom Olivieri and present Mr. Huelbig with a proclamation from Council President.

RESOLUTIONS

14-331

---By President Giattino

RESOLUTION GRANTING KEITH KANDEL, ESQ. OF FLORIO KENNY SETTLEMENT AUTHORITY IN THE MATTER OF WORKER'S COMPENSATION LITIGATION (WC000372861 AND WC000372868) IN AN AMOUNT UP TO THE AMOUNT SUGGESTED BY KEITH KANDEL TO MELLISSA LONGO IN A MAY 30, 2014 EMAIL

WHEREAS, the City of Hoboken is currently involved in a worker's compensation claim with Plaintiff (**WC000372861 AND WC000372868**); and,

WHEREAS, Keith Kandel, Esq. of Florio Kenny has represented the City's legal interests in that matter, and has recommended a monetary amount for settlement of the matter by way of a May 30, 2014 email from Keith Kandel to Mellissa Longo; and,

WHEREAS, after legal guidance from Mr. Kandel, the City Council finds his suggested monetary settlement amount to be reasonable, and in the best interest of the City.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that Keith Kandel, Esq. of Florio Kenny is hereby authorized to settle the matter of the worker's compensation claim (**WC000372861 AND WC000372868**) in an amount up to the monetary amount suggested by Keith Kandel to Mellissa Longo by his May 30, 2014 email.

---Motion duly seconded by Councilman Bhalla

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

---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mello (via cell phone), Occhipinti, Russo and President Giattino

---Nays: Mason

14-332

---By President Giattino

RESOLUTION GRANTING KEITH KANDEL, ESQ. OF FLORIO KENNY SETTLEMENT AUTHORITY IN THE MATTER OF WORKER'S COMPENSATION LITIGATION (WC000372861 AND WC000372868) IN AN AMOUNT UP TO THE AMOUNT SUGGESTED BY KEITH KANDEL TO MELLISSA LONGO IN A MAY 30, 2014 EMAIL

WHEREAS, the City of Hoboken is currently involved in a worker's compensation claim with Plaintiff (WC000372861 AND WC000372868); and,

WHEREAS, Keith Kandel, Esq. of Florio Kenny has represented the City's legal interests in that matter, and has recommended a monetary amount for settlement of the matter by way of a May 30, 2014 email from Keith Kandel to Mellissa Longo; and,

WHEREAS, after legal guidance from Mr. Kandel, the City Council finds his suggested monetary settlement amount to be reasonable, and in the best interest of the City.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that Keith Kandel, Esq. of Florio Kenny is hereby authorized to settle the matter of the worker's compensation claim (WC000372861 AND WC000372868) in an amount up to the monetary amount suggested by Keith Kandel to Mellissa Longo by his May 30, 2014 email.

---Motion duly seconded by Councilman

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

---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mello (via cell phone), Russo and President Giattino

---Nays: Mason

---Present: Occhipinti

14-333

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE CY 2014 MUNICIPAL BUDGET, AS AMENDED TO BE READ BY TITLE ONLY

---Motion duly seconded by Councilman Cunningham

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

---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mello (via cell phone), Occhipinti, Russo and President Giattino

---Nays: Mason

PUBLIC HEARING ON THE CY 2014 BUDGET AMENDMENT

14-334

---By Councilman Bhalla

RESOLUTION TO AMEND BUDGET

---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 5 – NAYS: 3 - ABSENT: 1
---Yeas: Council persons Bhalla, Cunningham, Doyle, Mello, and President Giattino
---Nays: Castellano, Occhipinti, Russo
---Absent: Mason

14-335

---By Councilman Bhalla

RESOLUTION TO ADOPT THE 2014 CY BUDGET, AS AMENDED

---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 5 – NAYS: 3 - ABSENT: 1
---Yeas: Council persons Bhalla, Cunningham, Doyle, Mello, and President Giattino
---Nays: Castellano, Occhipinti, Russo
---Absent: Mason

**Councilman Mello has physically arrived to the meeting at 7:44 PM
Councilman Mello has left the meeting at 7:51 PM & no longer appeared in any capacity.**

PUBLIC COMMENTS

The speakers who spoke: Patricia Waiters, Hany Ahemd, Tony Soares, Ladizau Sebastian.

SECOND READING/PUBLIC HEARING AND FINAL VOTE

AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ESTABLISHING A SCHEDULE OF CLASSIFICATIONS AND ALLOCATIONS OF TITLE FOR THE MENTIONED POSITIONS IN THE CITY OF HOBOKEN (Z-297)

The speakers who spoke: Patricia Waiters.

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

President Giattino moved that the hearing be closed.

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

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

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

14-336

Communication from Mayor Zimmer appointing Caleb McKenzie as a second alternate for the Hoboken Planning Board.

Received and Filed.

14-337

Proclamation presented to Edward (Roy) J. Huelbig from Mayor Dawn Zimmer in recognition of his 90th birthday.

Received and Filed.

14-338

APPLICATION FOR MISCELLANEOUS LICENSES

- Pool table ----- 1 item
- Vendor----- 1 item
- Raffles-----4 items

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

14-339

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of May 2014 **\$25,279,878.36 (Abatement Totals – \$180,166.60).**

Received and Filed.

14-340

A report from Municipal Court indicating receipts for the month of May 2014 as **\$419,751.46.**

Received and Filed.

14-341

---By Councilman Bhalla

CLAIMS

Total for this agenda **\$2,909,291.62**

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 7 – NAYS: 3 ABSENT: 2 - ABSTAIN: 1

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

---Nays: Castellano (14-01914 – travel expenses for the Mayor, 14-02139 free symphony orchestra), Occhipinti (14-01914 – travel expenses for the Mayor) and Russo (14-01914 – travel expenses for the Mayor)

---Absent: Mason, Mello

---Abstain: Doyle (14-00988)

14-342

---By Councilman Bhalla

PAYROLL

For the two week period starting May 8, 2014 – May 21, 2014

Regular Payroll	O/T Pay	Other Pay	
\$1,583,515.25	\$64,259.59		\$81,856.10

Total \$1,729,630.94

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason, Mello

PUBLIC COMMENTS FOR RESOLUTIONS

**Patricia Waiters comments on resolution #10, 14, 15, 16 & 17, 22, 29
comments on resolution #**

CONSENT AGENDA – 11, 12, 14-18, 21-25, 28, 34-38, 40

Pulled from the agenda for discussion: 10, 19, 20, 26, 27, 29, 30, 31, ~~32, 33~~, 39

Removed by Administration: 13, 32 & 33

RESOLUTIONS

CLOSED SESSION

Council President announces to the public that the Governing Body is entering into Closed Session at 9:34 PM

14-343

---By President Giattino

RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUANT TO N.J.S.A. 10:4-12 (B)(3) AND (8) RELATING TO THE APPOINTMENT OF A NEW AFFIRMATIVE ACTION OFFICER

Whereas, the Council of the City of Hoboken is authorized to go into closed executive session for the reasons set forth in the Open Public Meetings Act, including without limitation N.J.S.A. 10:40-12(b)(3)and (8); and

Whereas, the City wishes to consider appointment of a new Affirmative Action Officer, and according to the requirements of RICE the City has been requested by the appointees involved to go into closed session if discussions are necessary; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hoboken that it enter into closed session for the herein stated purposes; and,

BE IT FURTHER RESOLVED, that when the need for confidentiality no longer exists the decisions made therein will be made available to the public.

Motion to come out of Closed Session

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

---Absent: Mason, Mello

Council President announces that they are coming out of Closed Session at 9:58 PM and will now hear Resolution #10

14-343A

---By Councilman Bhalla

APPOINTING NITA G. RAVAL, ESQ. OF FLORIO KENNY AS THE CITY OF HOBOKEN'S AFFIRMATIVE ACTION OFFICER FOR THE REMAINDER OF THE MAYOR'S CURRENT TERM

WHEREAS, the Mayor has formally suggested the appointment of Nita G. Raval, Esq. as the City Government's Affirmative Action Officer for purposes of performing the tasks and enforcement procedures described in the Hoboken Code Chapter 6 Article XI.

WHEREAS, the Governing Body agrees with the Mayor's formal suggestion to appoint Nita G. Raval, Esq. to the position of Affirmative Action Officer for the City of Hoboken's city governance.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken hereby consents to and authorizes the appointment of Nita G. Raval, Esq. to the position of Affirmative Action Officer for the City of Hoboken's city governance for the remainder of the mayor's current term, or until a replacement is qualified and appointed, whichever occurs first; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Office of Corporation Counsel, the Mayor and the State of New Jersey Division of Civil Rights expeditiously.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 4 – NAYS: 3 -ABSENT: 2

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

---Nays: Castellano, Occhipinti, Russo

---Absent: Mason, Mello

14-344

---By Councilman Cunningham

RESOLUTION TO AUTHORIZE EXECUTION OF THE ATTACHED 2014 JUNIOR POLICE ACADEMY AGREEMENT BETWEEN STEVENS INSTITUTE OF TECHNOLOGY AND THE CITY OF HOBOKEN (HPD)

WHEREAS, the City wishes to enter into the attached agreement with Stevens Institute, for use of their facilities for the HPD's 2014 Junior Police Academy, in accordance with the attached agreement; and

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

NOW THEREFORE, BE IT RESOLVED, that the City is authorized to enter into the attached agreement with Stevens Institute which provides for use of their facilities for the City's 2014 Junior Police Academy; and

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

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

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

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

---Absent: Mason, Mello

14-345

---By Councilman Bhalla

RESOLUTION AWARDING A CONTRACT TO SHI INTERNATIONAL CORPORATION TO PURCHASE PUBLIC SAFETY RECORDS MANAGEMENT SOFTWARE FOR THE HOBOKEN POLICE DEPARTMENT IN ACCORDANCE WITH STATE CONTRACT M 0003/A77560 IN THE TOTAL AMOUNT OF \$225,947.34

WHEREAS, N.J.S.A. 40A:11-5 permits municipalities to award public contracts without public bidding when the vendor is an approved state contractor, and SHI International Corporation has been approved as a State Contractor pursuant to Contract Number M-0003/A77560; and,

WHEREAS, the Hoboken Police Department requires new public safety records management software to replace old, unreliable software; and

WHEREAS, pursuant to the recommendation of the Purchasing Department, which is attached hereto, the City wishes to contract for the goods specified pursuant to State Contract M-0003/A77560; and

WHEREAS, SHI International Corporation has provided the City with a quotation dated March 10, 2014

for \$225,947.34, a copy of which is attached hereto, which includes maintenance and service for three (3) years; and

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$75,315.78 is available from 4-01-25-241-021 in the 2014 budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2014; and at the annual date of execution of the contract, I will attempt to certify funds in the amount of \$75,315.78 for that years' expenditures under this agreement, and if such certifications shall not occur I will notify the Business Administrator in writing no more than twenty-four hours after adoption of the CY2015 or CY2016 budget, as is applicable with regards to the CY2015 or CY2016 term, and at least twenty-four (24) hours prior to the annual date of execution for all other terms; 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 the below-listed vendor is authorized to provide the goods described in its March 10, 2014 Quotation to the Purchasing Department, which is attached hereto, at cost not to exceed those listed in the Quotation, and for a total not to exceed amount of Two Hundred Twenty-Five Thousand Nine Hundred Forty-Seven Dollars and Thirty-Four Cents (\$225,947.34), as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. 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.
3. The Mayor or her designee is hereby authorized to execute an agreement, voucher and/or purchase order for the abovementioned goods and/or services based upon the following information:

SHI International Corporation
290 Davidson Avenue
Somerset, New Jersey 08873

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason, Mello

14-346

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO APPLY FOR GRANT FUNDING FROM THE DEPARTMENT OF COMMUNITY AFFAIRS FOR POST-SANDY PLANNING ASSISTANCE GRANT FOR THE PREPARATION OF COMMUNITY DEVELOPMENT AND NEIGHBORHOOD PLANS

WHEREAS, the purpose of the Post-Sandy Planning Assistance Grant Program is to support the long range planning for community development in the municipalities and counties sustaining damage from Superstorm Sandy; and

WHEREAS, Hoboken sustained significant damage from Superstorm Sandy, as the City was inundated with storm surge of the Hudson River in both the northern and southern portions of the City; and

WHEREAS, Hoboken needs to prepare plans for areas in the northern and southern portions of the City, such plans addressing recovery challenges; and

WHEREAS, the City of Hoboken desires to apply for and obtain grant(s) from the New Jersey Department of Community Affairs for approximately \$100,000.00 to:

1. Prepare a Redevelopment Plan for the designated North End rehabilitation area in the City of Hoboken (\$50,000);
2. Prepare a Redevelopment Plan for the designated Southwest rehabilitation area in the City of Hoboken (\$50,000).

NOW THEREFORE BE IT RESOLVED, that

- 1) The City Council of the City of Hoboken does hereby authorize the application for such a grant; and
- 2) The City Council recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also upon the receipt of the fully executed agreement from the Department, does further authorize the expenditure of the funds pursuant to the terms of the agreement between the City of Hoboken and the New Jersey Department of Community Affairs; and
- 3) The Mayor or her designee may execute the underlying application, and take any and all other actions necessary to effectuate this Resolution.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason, Mello

14-347

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE SAFE ROUTES TO SCHOOLS PROGRAM

WHEREAS, the objectives of the 2014 Safe Routes to Schools Program (the “Program”) include enabling children, including those with disabilities, to walk and bicycle to school, and to make walking and bicycling to school a safer and more appealing transportation alternative; and

WHEREAS, the Program is being administered by the New Jersey Department of Transportation; and

WHEREAS, grant fund awards averaging \$300,000.00 are available, and no municipal matching funds are required; and

WHEREAS, the attached grant application describes the terms and conditions of applying for the grant funding; and

WHEREAS, the Administration wishes to apply for these grant funds;

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

- A. The City Council of the City of Hoboken hereby accepts the terms of the grant funding and authorizes the electronic submission of the grant application identified as *SRS-I-2014-Hoboken City-00002* to the New Jersey Department of Transportation on behalf of the City of Hoboken; and,
- B. The City of Hoboken will assume maintenance responsibility over all improvements completed with grant funding awarded under the 2014 Safe Routes to School program; and,
- C. In accordance with 23 CFR 635.105(a) (4) the City of Hoboken is designating Stephen Marks as the responsible charge for this program. Mr. Marks is the full-time Municipal Manager of the City of Hoboken and will be responsible charge for the proposed Federal-aid construction project.
- D. This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

---Absent: Mason, Mello

14-348

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE TRANSPORTATION ALTERNATIVES PROGRAM

WHEREAS, the 2014 Transportation Alternatives Program (the “Program”) provides federal funds for community based “non-traditional” projects designed to strengthen the cultural, aesthetic, and environmental aspects of the nation’s intermodal system; and

WHEREAS, the 2014 Program is being administered by the New Jersey Department of Transportation; and

WHEREAS, the maximum amount of grant funds available is a soft cap of \$1 million, and no municipal matching funds are required; and

WHEREAS, the attached grant application describes the terms and conditions of applying for the grant funding; and

WHEREAS, the Administration wishes to apply for these grant funds;

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

- A. The City Council of the City of Hoboken hereby accepts the terms of the grant funding and authorizes the electronic submission of the grant application identified as *TA-2014-Hoboken City-00002* to the New Jersey Department of Transportation on behalf of the City of Hoboken; and,

- B. The City of Hoboken will assume maintenance responsibility over all improvements completed with grant funding awarded under the 2014 Transportation Alternatives Program; and,
- C. In accordance with 23 CFR 635.105(a) (4) the City of Hoboken is designating Stephen Marks as the responsible charge for this program. Mr. Marks is the full-time Municipal Manager of the City of Hoboken and will be responsible charge for the proposed Federal-aid construction project.
- D. This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason, Mello

14-349

---By Councilman Bhalla

RESOLUTION AUTHORIZING ACCEPTANCE OF THE 2014 NJDOT MUNICIPAL AID PROGRAM FOR VARIOUS STREETS IN THE AMOUNT OF \$295,000.00

WHEREAS, by correspondence dated May 7, 2014, the NJDOT advised the City of Hoboken of its selection as a grant recipient in the amount of \$295,000.00 for the FY2014 Municipal Aid Program for Various Streets; and

WHEREAS, it is the intent of the Administration to accept these funds and utilize them accordingly, and the Administration seeks the authorization of the City Council to take any and all action necessary to accept same; and

WHEREAS, there is no City monetary match for this grant application.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Hoboken hereby authorizes the administration, through the Mayor and/or her authorized designee to take any and all action necessary to accept the grant funds and execute the programs allowable thereunder; and

BE IT FURTHER RESOLVED, there is no City match required for the within grant.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason, Mello

14-350

---By Councilman Bhalla

RESOLUTION INSERTING A SPECIAL ITEM OF REVENUE INTO THE CY 2014 MUNICIPAL BUDGET – DOT – VARIOUS STREET 2014 – CY 2014 (in the sum of \$295,000.00)

Inserting a Special Item of Revenue into the CY 2014 Municipal Budget

DEPARTMENT OF TRANSPORTATION – VARIOUS STREETS 2014

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

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

WHEREAS, the City of Hoboken has received notice of an award of \$295,000.00 from the State of New Jersey Department of Transportation and wishes to amend its CY 2014 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year CY 2014 in the sum of.....\$295,000.00 which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated
with Prior Written Consent of the Director of the
Division of Local Government Services:
State and Federal Revenues Off-set with
Appropriations:
Department of Transportation
Various Roads

NOW, THEREFORE, BE IT RESOLVED that the like sum of.....\$295,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from CAPS
State and Federal Programs Off-Set by
Revenues:
Department of Community Affairs
Department of Transportation
Various Roads

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason, Mello

Councilman Doyle has left the meeting at 8:42 PM

Councilman Doyle has returned to the meeting at 8:46 PM

14-351

---By Councilman Cunningham

RESOLUTION TO AUTHORIZE EXECUTION OF THE ATTACHED NON-EXCLUSIVE ROW AGREEMENT BETWEEN SUNESYS LLC AND THE CITY OF HOBOKEN

WHEREAS, the City wishes to enter into the attached agreement with Sunesys LLC, for a non-exclusive right of way in accordance with the attached agreement; and

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

NOW THEREFORE, BE IT RESOLVED, that the City is authorized to enter into the attached agreement with **Sunesys LLC** which provides for a non-exclusive utility right of way; and

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

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

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

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

---Absent: Mason, Mello

14-352

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE EXECUTION OF THE ATTACHED NON-EXCLUSIVE ROW AGREEMENT BETWEEN FIBER TECHNOLOGIES NETWORK AND THE CITY OF HOBOKEN

WHEREAS, the City wishes to enter into the attached agreement with Fiber Technologies Network, for a non-exclusive right of way in accordance with the attached agreement; and

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

NOW THEREFORE, BE IT RESOLVED, that the City is authorized to enter into the attached agreement with Fiber Technologies Network which provides for a non-exclusive utility right of way; and

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

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn

Zimmer and Corporation Counsel for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None

---Absent: Mason, Mello

14-353

---By Councilman Bhalla

RESOLUTION AWARDED A CONTRACT TO MAGIC TOUCH CONSTRUCTION FOR PLUMBING SERVICES FOR THE CITY OF HOBOKEN IN ACCORDANCE WITH MRESC COOPERATIVE CONTRACT (12/13-51) IN THE TOTAL AMOUNT OF \$100,000.00

WHEREAS, N.J.S.A. 40A:11-5 permits municipalities to award public contracts without public bidding when the vendor is an approved state contractor or part of an approved national cooperative, and Magic Touch Construction has been approved for an MRESC Cooperative Contract (12/13-51), which cooperative the City is a part of; and,

WHEREAS, the City requires Plumbing Services; and

WHEREAS, pursuant to the recommendation of the Purchasing Department, which is attached hereto, the City wishes to contract for the services and related goods under contract MRESC 12/13-51); and

WHEREAS, Magic Touch Construction shall provide the City with service for one year, commencing June 18, 2014 and expiring June 17, 2015; and

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$50,000.00 is available from 4-01-28-377-046 in the 2014 budget; and I further certify that \$50,000.00 is available from 4-31-555-705-002 in the 2014 budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2014; 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 the below-listed vendor is authorized to provide the services and related goods described in the MRESC contract, for a total not to exceed amount of One Hundred Thousand Dollars (\$100,000.00), as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. 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.

3. The Mayor or her designee is hereby authorized to execute an agreement, voucher and/or purchase order for the abovementioned goods and/or services based upon the following information:

Magic Touch Construction Co. Inc.
59 West Street
Keyport, New Jersey 07735

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None

---Absent: Mason, Mello

14-354

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE PROFESSIONAL SERVICE CONTRACTS WITH BOSWELL ENGINEERING IN A NOT TO EXCEED AMOUNT OF \$26,500.00 FOR PROJECT A T&M ASSOCIATES IN A NOT TO EXCEED AMOUNT OF \$24,600.00 FOR PROJECT B MASER ENGINEERING IN A NOT TO EXCEED AMOUNT OF \$64,500.00 FOR PROJECT C AS ENGINEERS FOR THE ROAD IMPROVEMENT PROJECT TO THE CITY OF HOBOKEN TO COMMENCE JUNE 19, 2014 AND EXPIRE JUNE 18, 2015

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

WHEREAS, the Administration evaluated the proposal provided in response to said RFP, and the Administration thereafter determined that Boswell Engineering qualified as a pool engineer to provide the City with the most effective and efficient City Engineering services for the 2014 calendar year; and,

WHEREAS, in accordance with the direction of the Administration, the City Council is now asked to award a contract to Boswell Engineering for the City's General Engineering On-Call services for a total contract amount of Thirty Six Thousand Dollars (\$36,000.00), with a one (1) year term to commence on January 1, 2014 and expire December 31, 2014; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$36,000.00 is available in the following appropriation 4-01-31-461-000 in the CY2014 budget, upon adoption thereof at the meeting of the same date as this resolution; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2014 budget; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW, THEREFORE, BE IT RESOLVED, 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 Thirty Six Thousand Dollars (\$36,000.00), with a one (1) year term to commence on January 1, 2014, for services as General Municipal Engineer On Call, as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the RFP and Boswell's responsive proposal shall govern the contract, and no changes may be made without the prior written consent of both parties.

3. Any change orders which shall become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
4. The Council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
5. The Mayor, or her designee is hereby authorized to execute an agreement, for the above referenced goods and/or services based upon the following information:

Boswell Engineering
South Hackensack, New Jersey

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None

---Absent: Mason, Mello

14-355

---By Councilman Bhalla

RESOLUTION AWARDING A PROFESSIONAL SERVICE CONTRACT TO BOSWELL ENGINEERING FOR CITY ENGINEER (ON-CALL) IN AN AMOUNT NOT TO EXCEED THIRTY SIX THOUSAND DOLLARS (\$36,000.00) FOR A ONE YEAR TERM TO COMMENCE JANUARY 1, 2014 AND EXPIRE DECEMBER 31, 2014

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

WHEREAS, the Administration evaluated the proposal provided in response to said RFP, and the Administration thereafter determined that Boswell Engineering qualified as a pool engineer to provide the City with the most effective and efficient City Engineering services for the 2014 calendar year; and,

WHEREAS, in accordance with the direction of the Administration, the City Council is now asked to award a contract to Boswell Engineering for the City's General Engineering On-Call services for a total contract amount of Thirty Six Thousand Dollars (\$36,000.00), with a one (1) year term to commence on January 1, 2014 and expire December 31, 2014; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$36,000.00 is available in the following appropriation 4-01-31-461-000 in the CY2014 budget, upon adoption thereof at the meeting of the same date as this resolution; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2014 budget; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW, THEREFORE, BE IT RESOLVED, 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 Thirty Six Thousand Dollars (\$36,000.00), with a one (1) year term to commence on January 1, 2014, for services as General Municipal Engineer On Call, as follows:

1.The above recitals are incorporated herein as though fully set forth at length.

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

Boswell Engineering
South Hackensack, New Jersey

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

14-356

---By Councilman Bhalla

RESOLUTION AWARDING A CONTRACT TO MORPHOTRAK TO PURCHASE AND INSTALL FINGERPRINT STATION EQUIPMENT IN ACCORDANCE WITH STATE CONTRACT G-9002/A81520 IN A TOTAL AMOUNT NOT TO EXCEED \$49,790.00

WHEREAS, the City of Hoboken requires fingerprint station equipment products and installation; and,

WHEREAS, the Administration intends to use Morphotrak, under their state contract G-9002/A81520 for said services and provisions; and,

WHEREAS, in accordance with the direction of the Administration, the City Council is asked to award a contract for fingerprint station equipment at the HPD, to Morphotrak for a total contract amount of Forty Nine Thousand Seven Hundred Ninety Dollars (**\$49,790.00**) of which the contract shall be for purchases and installation in accordance with the May 30, 2014 proposal of Morphotrak; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$49,790.00 is available in the following appropriation T-03-40-000-029; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that a contract with the below listed vendor is awarded for an amount not to exceed Forty Nine Thousand Seven Hundred Ninety Dollars (**\$49,790.00**) of which the contract shall be for purchases and installation in accordance with the May 30, 2014 proposal as follows:

- 1.The above recitals are incorporated herein as though fully set forth at length.

- 2.The terms of the attached proposals 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:

Morphotrak
1250 North Tustin Avenue
Anaheim, CA 92807

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None

---Absent: Mason, Mello

14-357

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE A CHANGE ORDER TO THE PROFESSIONAL SERVICE CONTRACT WITH MASER CONSULTING AS PROFESSIONAL PLANNERS FOR THE POST OFFICE REDEVELOPMENT PLAN TO THE CITY OF HOBOKEN TO COMMENCE MAY 22, 2014 AND EXPIRE MAY 21, 2015 FOR A DECREASE IN THE TOTAL NOT TO EXCEED AMOUNT BY \$13,428.00, FROM \$63,430.00 TO \$50,002.00 (-21%)

WHEREAS, the Council authorized the award of a contract to Maser Consulting for planning services relating to the post office redevelopment plan, on May 21, 2014; and,

WHEREAS, Maser has reevaluated its costs associated with this project, and has provided a new cost estimate which reduces the City's total costs under Maser's contract by \$13,428.00, resulting in a new contract not to exceed amount of \$50,002.00, which constitutes a 21% reduction in the costs under the contract; and,

WHEREAS, certification of funds is not required for this change order.

NOW THEREFORE, BE IT RESOLVED, that the contract with Maser Consulting to represent the City as Professional Planner to the Post Office Redevelopment Plan be amended to reduce the total not to exceed amount to Fifty Thousand Two Dollars (\$50,002.00), with all other terms and conditions remaining unchanged; 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 a certified copy of this resolution shall be hand delivered to the CFO so that he may immediately unencumber funds previously encumbered for this contract in accordance with the new terms herein; and,

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

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

14-358

---By Councilman Bhalla

RESOLUTION OF THE CITY OF HOBOKEN AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE MARCH 20, 2013 INTERIM COST AND CONDITIONAL DESIGNATION AGREEMENT WITH BIJOU PROPERTIES, LLC

WHEREAS, the March 20, 2013 Interim Cost and Conditional Designation Agreement by and between the City and Bijou (“Original Agreement”) established Bijou as the designated conditional redeveloper of a portion of the real property located within the Northwest Industrial Redevelopment Area (“Redevelopment Area”) at Block 81, Lots 3.01 on the tax map of the City of Hoboken and otherwise known as 700 Monroe Street (“Monroe V”); and

WHEREAS, Bijou is the contract purchaser of Monroe V; and

WHEREAS, the initial Pre-Submission Form submitted by Bijou on March 13, 2013, included a proposal for 156 residential units on Monroe V, 3,300 square feet of retail, 90 automated parking spaces, and the donation of 45,000 square feet of property for public open space to the City (“Original Proposal”); and

WHEREAS, on December 5, 2013, the Governing Body of the City of Hoboken, by Ordinance, adopted the Amended Redevelopment Plan for the Northwest Industrial Area to include certain additional real property located within the Redevelopment Area at Block 74, Lots 3 - 20 on the tax map of the City of Hoboken and otherwise known as 605-633 Jackson Street and 628-632 Monroe Street (collectively, the “Jackson Street Property”), across from Monroe V; and

WHEREAS, Bijou is also the contract purchaser of the Jackson Street Property; and

WHEREAS, the evaluation of a proposal to construct the building on the Jackson Street Property instead of on Monroe V, together with a gymnasium near the Jubilee Center on the southern end of the Jackson Street Property, was undertaken and submitted to public comment at two (2) community meetings; and

WHEREAS, during the negotiation of a Redevelopment Agreement with Bijou as the designated conditional redeveloper, an opportunity arose for Bijou to acquire additional contiguous real property located within the Redevelopment Area at Block 80, Lots 1.01 and 2.01 on the tax map of the City of Hoboken and otherwise known as 701 Harrison Street (“Monroe III”); and

WHEREAS, Bijou is now also the contract purchaser of Monroe III; and

WHEREAS, Bijou submitted a new Pre-Submission Form on June 11, 2014 in which Bijou seeks designation as the conditional redeveloper of Monroe III; and

WHEREAS, Bijou has included a new proposal, attached hereto as Exhibit A, that provides for the following: development of 462 residential units, 10% of which are to be affordable, on Monroe III; approximately

46,000 square feet of commercial use/street retail; 334 on-site parking spaces; 37,000 square feet of real property to be built out as a public plaza in the area known as Phase IV of Monroe Center; and the donation of Monroe V and the Jackson Street Property, totaling 63,560 square feet, to the City for public open space (collectively, the “New Proposal”); and

WHEREAS, the City and Bijou desire to negotiate a Redevelopment Agreement to redevelop Monroe III, generally along the lines of the New Proposal and in accordance with the provisions of the Redevelopment Plan; and

WHEREAS, the City shall, during the Interim Period as defined herein, negotiate exclusively with Bijou with regard to the New Proposal; and

WHEREAS, pursuant to the terms of the Original Agreement, Bijou has paid the City reasonable costs that the City has incurred in connection with the review of its original proposal; and

WHEREAS, the City requires that Bijou continue to pay the reasonable costs incurred by the City associated with the review of the New Proposal and the drafting and negotiation of a Redevelopment Agreement, as well as all other costs and expenses related to this matter prior to the execution of a Redevelopment Agreement, should such an Agreement be executed, or the determination by the City that such an Agreement cannot be executed, as applicable; and

WHEREAS, the parties shall in good faith undertake the negotiation of a Redevelopment Agreement including but not limited to the terms of the donation of 63,560 square feet of property for public open space, the nature and extent of the development, the development of the public plaza in the area known as Phase IV of Monroe Center, the number of units and unit mix, density, affordable housing, parking to be provided, the environmental investigation and remediation of Monroe III, Monroe V, and the Jackson Street Property, LEED Certification, the nature and extent of the commercial/retail uses, the nature and extent of public improvements, the project schedule, and the terms of a financial agreement (i.e. PILOTs), amongst others.

NOW, THEREFORE, it is hereby resolved by the City Council as follows:

1. The Mayor is hereby authorized to execute an Amendment to the March 20, 2013 Interim Cost and Conditional Designation Agreement between the City of Hoboken and Bijou Properties LLC, in the form attached hereto as Schedule A or in a form substantially similar thereto.
2. Staff and consultants to the City are hereby authorized and directed to take all other administrative actions to implement this Resolution as are necessary and appropriate to accomplish its goals and intent.
3. This Resolution shall be effective immediately.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 6 – NAYS: 0 - ABSENT: 3

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

---Nays: None.

Absent: Bhalla, Mason, Mello

Councilman Bhalla has left the table at 8:49 PM

Councilman Bhalla has returned to the table at 8:51 PM

14-359

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH FLORIO KENNY AS SPECIAL LEGAL COUNSEL- GENERAL LITIGATION COUNSEL TO THE CITY OF HOBOKEN TO COMMENCE JUNE 1, 2014 AND EXPIRE MAY 31, 2015 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$35,000.00

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

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

WHEREAS, the evaluation committee determined that Florio Kenny offers one of the top three options of all the proposals submitted, cost and other factors considered, and therefore the administration advises a contract be entered into with Florio Kenny; and,

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

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$35,000.00 is available in the following appropriation 40120156020 in the temporary CY2014 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 CY2014 temporary appropriation; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, **George DeStefano, CFO**

NOW THEREFORE, BE IT RESOLVED, that a contract with Florio Kenny to represent the City as Special Legal Counsel- General Litigation be awarded, for a term to commence June 1, 2014 and expire May 31, 2015, for a total not to exceed amount of Thirty Five Thousand Dollars (\$35,000.00); and

BE IT FURTHER RESOLVED, the contract shall include the following term: Florio Kenny shall be paid a maximum hourly rate of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20.00/hour for support staff for any matters assigned by the City, and done on behalf of the City. These are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

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

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

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of 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: 4 – NAYS: 3 - ABSENT: 2

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

---Nays: Castellano, Occhipinti, Russo

---Absent: Mason, Mello

Council President comments and reads the adjustments to the resolution.

14-360

---By Councilman Bhalla

THIS RESOLUTION AUTHORIZES REIMBURSEMENT OF HANDICAPPED PARKING APPLICATION FEES BY APPLICANTS WHO WERE DENIED A DESIGNATED HANDICAPPED PARKING SPACE AFTER APPLICATION REVIEW

WHEREAS, The Subcommittee for Handicapped Parking denied approval of the below listed applicants; and,

WHEREAS, The City's procedure is to reimburse those applicants whose applications are denied.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hoboken, that warrants be drawn on the City Treasury to the order of the following sum opposite the names as reimbursement for handicapped parking fees:

NAME/ADDRESS	AMOUNT
Sanaa Massound 84 Bloomfield Street	\$125.00
Eva Estrada 1 Marine View Plaza Apt 5C	\$125.00

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None

---Absent: Mason, Mello

14-361

---By Councilman Bhalla

RESOLUTION TO APPROVE A “LICENSE AGREEMENT” BETWEEN THE CITY OF HOBOKEN AND SHARYN and BRYAN ANGLELY, AS THE OWNERS OF BLOCK 197 LOT 20 (a/k/a 157 11TH Street), FOR USE AND MAINTENANCE OF A PORTION OF THE PUBLIC RIGHT OF WAY ADJACENT TO SAID PROPERTY

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

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

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

WHEREAS, the City of Hoboken desires to grant to Sharyn and Bryan Angley, owners of Block 197 Lot 20, more commonly known as 157 11th Street, Hoboken, such a license.

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

- 1) Approval of the attached “License Agreement” between the City of Hoboken and Sharyn and Bryan Angley, owners of Block 197 Lot 20, more commonly known as 157 11th Street, shall be subject and limited to the specifications included in the attached Application and Exhibits including Jensen C. Vasil architectural drawings A-1, A-2 and A-3 with survey and metes and bounds on A-1;
- 2) The Mayor or her agent is hereby authorized to enter into the attached agreement; and
- 3) This resolution shall become effective immediately up adoption.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: Russo

---Absent: Mason, Mello

14-362

---By Councilman Bhalla

RESOLUTION TO APPROVE A “LICENSE AGREEMENT” BETWEEN THE CITY OF HOBOKEN AND ROAD LLC, AS THE OWNER OF BLOCK 238 LOT 1 (a/k/a 901-903 Hudson Street), FOR USE AND MAINTENANCE OF A PORTION OF THE PUBLIC RIGHT OF WAY ADJACENT TO SAID PROPERTY

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

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

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

WHEREAS, the City of Hoboken desires to grant to ROAD LLC, owner of Block 238 Lots 1, more commonly known as 901-903 Hudson Street, Hoboken, such a license, by and through its authorized agent, Robert Caulfield.

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

- 1) Approval of the attached “License Agreement” between the City of Hoboken and Road LLC, owner of Block 238 Lot 1, more commonly known as 901-903 Hudson Street, shall be subject and limited to the details and specifications included in the attached Application and Exhibits including Marchetto Higgins Stieve architectural drawings dated 03/17/2014, Zoning and Historic Preservation Commission approvals;
- 2) The Mayor or her agent is hereby authorized to enter into the attached agreement; and
- 3) This resolution shall become effective immediately up adoption.

---Motion duly seconded Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason, Mello

14-363

---BY Councilman Bhalla

RESOLUTION TO APPROVE A “LICENSE AGREEMENT” BETWEEN THE CITY OF HOBOKEN AND ALFREDO D’INNOCENZO, AS THE OWNER OF BLOCK 20 LOT 12 UNIT 1 (a/k/a 93 Grand Street, #1), FOR USE AND MAINTENANCE OF A PORTION OF THE PUBLIC RIGHT OF WAY ADJACENT TO SAID PROPERTY

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

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

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

WHEREAS, the City of Hoboken desires to grant to Alfredo D’Innocenzo, owner of Block 20 Lot 12 Unit 1, more commonly known as 93 Grand Street #1, Hoboken, such a license.

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

- 1) Approval of the attached “License Agreement” between the City of Hoboken and Alfredo D’Innocenzo, owner of Block 20 Lot 12 Unit 1, more commonly known as 93 Grand Street #1, shall be subject and limited to the specifications included in the attached Application and Exhibits including Jensen C. Vasil architectural drawings A-1, A-2 and A-3 with survey and metes and bounds on A-1;
- 2) The Mayor or her agent is hereby authorized to enter into the attached agreement; and
- 3) This resolution shall become effective immediately up adoption.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason, Mello

14-364

---By Councilman Bhalla

RESOLUTION FOR A REFUND OF A SENIOR CITIZEN DEDUCTION (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$500.00)

WHEREAS, the following properties were excluded from the Tax Duplicate for 2014; and

WHEREAS, the following applied for a Senior Citizen Deduction for the tax year 2014, and taxes have been paid to date;

NOW, THEREFORE BE IT RESOLVED, that a check be drawn to the order of the following:

<u>BLOCK</u>	<u>LOT</u>	<u>QUAL#</u>	<u>AMOUNT OF REFUND & ISSUE TO</u>
26	7	C0501	\$250.00 SANTOSH & SANJAY VIRMANI 109 HARRISON STREET #501 HOBOKEN, NJ 07030
185	41	C0001	\$250.00 FILOMENA STOIA 1006 GARDEN STREET HOBOKEN, NJ 07030

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason, Mello

14-365

RESOLUTION AUTHORIZING ASSIGNMENT OF A TAX SALE FOR THE FULL AMOUNT OF THE CERTIFICATE OF SALE #003197 OF \$2,906.85 OF THE CERTIFICATE

WHEREAS, N.J.S.A 54;S-113 authorizes assignment by a municipality of tax sale certificates for the full amount of the certificate, including all subsequent municipal taxes and other municipal charges; and,

WHEREAS, Michael and Katherine Nolan has presented an offer to purchase, by assignment, Certificate of Sale #003197 which was issued to the City of Hoboken at a tax sale held October 30, 1985, on Block 181, Lot 32, known as 614 Garden St Rear, Hoboken, NJ and assessed to Hoboken Land and Improvement Co, C/O Chamberlain in the amount of \$ 2,906.85, being the full amount of the certificate, including all subsequent municipal taxes and other municipal charges.

NOW, THEREFORE, BE IT RESOLVED, that the City of Hoboken hereby authorizes the Mayor and Council to execute the necessary assignment document to effect assignment of the above-referenced Certificate of Sale.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Tax Collector.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason, Mello

14-366

---By Councilman Bhalla

RESOLUTION AUTHORIZING ASSIGNMENT OF A TAX SALE FOR THE FULL AMOUNT OF THE CERTIFICATE OF SALE #11-00066 OF \$660.27 OF THE CERTIFICATE

WHEREAS N.J.S.A 54;S-113 authorizes assignment by a municipality of tax sale certificates for the full amount of the certificate, including all subsequent municipal taxes and other municipal charges; and,

WHEREAS, Michael and Katherine Nolan has presented an offer to purchase, by assignment, Certificate of Sale #003197 which was issued to the City of Hoboken at a tax sale held October 30, 1985, on Block 181, Lot 32, known as 614 Garden St Rear, Hoboken, NJ and assessed to Hoboken Land and Improvement Co., C/O Chamberlain in the amount of \$ 2,906.85, being the full amount of the certificate, including all subsequent municipal taxes and other municipal charges.

NOW, THEREFORE, BE IT RESOLVED, that the City of Hoboken hereby authorizes the Mayor and Council to execute the necessary assignment document to effect assignment of the above-referenced Certificate of Sale.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Tax Collector.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason, Mello

14-367

---By Councilman Bhalla

RESOLUTION AWARDED A PROFESSIONAL SERVICE CONTRACT TO OCEAN COASTAL CONSULTANTS FOR PROFESSIONAL ENGINEERING SERVICES FOR THE PIER A REHABILITATION IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THIRTY EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$138,500.00) FOR A ONE YEAR TERM TO COMMENCE JUNE 19, 2014 AND EXPIRE JUNE 18, 2015

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

WHEREAS, the Administration evaluated the proposal provided in response to said RFP, and the Administration thereafter determined that Ocean Coastal Consultants best qualified as the engineer to provide the City with the most effective and efficient City Engineering services for the Pier A Rehabilitation; and,

WHEREAS, in accordance with the direction of the Administration, the City Council is now asked to award a contract to Ocean Coastal Consultants for a total contract amount of One Hundred Thirty Eight Thousand Five Hundred Dollars (\$138,500.00), which includes an actual cost of \$128,500.00 and an owner's allowance of \$10,000.00, with a one (1) year term to commence on June 19, 2014 and expire June 18, 2015; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$138,500.00 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 a contract with the below listed vendor is awarded for an amount not to exceed One Hundred Thirty Eight Thousand Five Hundred Dollars (\$138,500.00), which includes an actual cost of \$128,500.00 and an owner's allowance of \$10,000.00, with a one (1) year term to commence on June 19, 2014 and expire June 18, 2015, for services as Professional Engineers for the Pier A Rehabilitation project, 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 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: 0 - ABSENT: 2

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

---Nays: None.

---Absent: Mason, Mello

14-368

---By Councilman Cunningham

RESOLUTION IN SUPPORT OF THE COUNTY OF HUDSON APPLICATION FOR A NEW JERSEY DEPARTMENT OF TRANSPORTATION “SAFE ROUTES TO SCHOOL PROGRAM” GRANT FOR WILLOW AVENUE AND 11TH STREET INTERSECTION IMPROVEMENTS IN THE CITY OF HOBOKEN

WHEREAS, the New Jersey Department of Transportation has dedicated funding for the 2014 Safe Routes to School Program, for which the County of Hudson will submit an application for “Willow Avenue and 11th Street Intersection Improvements”; and

WHEREAS, the County of Hudson is applying for a grant application, identified as NJDOT FY 2014 Safe Routes to School Program, of \$385,000.00 for Willow Avenue (a County Road) and 11th Street Intersection Improvements which will include an upgraded traffic signal, new sidewalks, new crosswalks, new drainage and traffic calming in accord with the nationally recognized “Complete Streets” policy; and

WHEREAS, the City of Hoboken by this resolution wholly supports the application contemplated by the County of Hudson to design, bid and construct Willow Avenue and 11th Street intersection improvements in accordance with New Jersey Department of Transportation and Federal Highway Administration requirements.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1.The City Council of the City of Hoboken does hereby endorse and support the grant application by the County of Hudson.
2. The City Council hereby authorizes the Mayor, or her lawfully appointed 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.
3. The City Clerk shall submit a certified copy of this resolution to the Clerk to the Board of Freeholders of the County of Hudson.
- 4.This resolution shall take effect immediately.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

Absent: Mason, Mello

14-369

---By Councilman Bhalla

RESOLUTION TO APPROVE CONTINUED ENFORCEMENT OF § 190-29.9, AS WRITTEN WITHOUT SUNSETTING PROVISIONS, UNTIL SUCH TIME AS THE ORDINANCE TO REMOVE THE SUNSET PROVISION BECOMES EFFECTIVE

Meeting of June 18, 2014

WHEREAS, the City of Hoboken's code section 190-29.9 is set to sunset on July 1, 2014 pursuant to the language of the section; and,

WHEREAS, the City has determined that the code section should not sunset, but should remain in full force indefinitely, and has presented an ordinance to that effect; however, the ordinance, if adopted, would not become effective until after the July 1, 2014 sunset date; and,

WHEREAS, the City Council hereby seeks to authorize the Administration to continue to enforce § 190-29.9 as is, without allowing for the sunset clause, until such time as the ordinance being considered is either rejected on second reading, or becomes effective, whichever occurs first.

NOW THEREFORE, BE IT RESOLVED that the City Council the City Council hereby authorizes the Administration to continue to enforce § 190-29.9 as is, without consideration of the July 1, 2014 sunset clause, until such time as the ordinance being considered is either rejected on second reading, or becomes effective, whichever occurs first.

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

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

Absent: Mason, Mello

14-370

---By Councilman Bhalla

RESOLUTION REJECTING A BID FOR THE LEASE OF SINATRA PARK CAFÉ, IN ACCORDANCE WITH N.J.S.A. 40A:11-13.2, FOR FAILURE TO HAVE ANY VALID BID SUBMISSIONS

WHEREAS, proposals were requested by publication for the lease of Sinatra Park Café and two (2) proposals were received; and,

WHEREAS, neither of the two proposals received were complete, and both failed to include a validly completed stockholder disclosure statement, which constitutes a fatal defect in the bids; and,

WHEREAS, as a result, the Purchasing Agent recommends that the City Council of the City of Hoboken reject all bid submissions for the lease of Sinatra Park Cafe, pursuant to N.J.S.A. 40A:11-13.2.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Hoboken hereby rejects all bid proposals submitted for the lease of Sinatra Park Cafe, pursuant to N.J.S.A. 40A:11-13.2; and,

BE IT FURTHER RESOLVED that the City Council authorizes the Administration to take any and all steps necessary to properly revise and rebid, and, thereafter, contract for the provisions necessary for the lease of Sinatra Park Cafe.

---Motion duly seconded by Councilman Cunningham

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

Councilman Doyle comments to suspend the agenda to hear Freeholder Romano

The below resolution was presented in New Business in support of Hoboken Library.

14-371

Councilman Bhalla

RESOLUTION IN SUPPORT OF THE HOBOKEN PUBLIC LIBRARY'S APPLICATION FOR \$500,000.00 IN FUNDING THROUGH A GRANT FROM THE STATE'S SANDY DISASTER RELIEF FOR HISTORIC PROPERTIES GRANT PROGRAM (NEW JERSEY HISTORIC TRUST

WHEREAS, the New Jersey Department of Community Affairs, through the New Jersey Historic Preservation Trust, is extending grants under the Sandy Disaster Relief Historic Properties Grant Program, for which the Hoboken Public Library wishes to submit an application; and

WHEREAS, the Hoboken Public Library wishes to apply for a grant, identified as Sandy Disaster Relief for Historic Properties Grant in an amount of \$500,000, and the grant application requires the City's consent and approval, as the property owner; and

WHEREAS, the City of Hoboken by this resolution wholly supports the application contemplated by the Hoboken Public Library in accordance with the guidelines set forth for the grant.

NOW THEREFORE, BE IT RESOLVED THAT:

1. The City Counsel of the City of Hoboken does hereby endorse and support the grant application by the Hoboken Public Library.
2. The City Council hereby authorizes the Mayor, or her lawfully appointed 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.
3. The City Clerk shall submit a certified copy of this resolution to the Clerk to the Board of Trustees of the Hoboken Public Library.
4. This resolution shall take effect immediately.

---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 6 – NAYS: 0 - ABSENT: 3
---Yeas: Council persons Bhalla, Castellano, Doyle, Occhipinti, Russo and President Giattino
---Nays: None.
---Absent: Cunningham, Mason, Mello

ORDINANCES

Introduction and First Reading

14-372

Z-298

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 192 OF THE CODE OF THE CITY

OF HOBOKEN ENTITLED (PARKING FOR HANDICAPPED)(1314 Garden Street, 59-13th Street)

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

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

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

Jennifer Whitney 1314 Garden Street: westside of Garden Street, beginning at a point of 94 feet south of the southerly curblineline of Fourteenth Street and extending 22 feet southerly therefrom.

Section 192-4B is here by amended to add the following location as a general handicapped parking space:

Name of Street	Side	Location
Thirteenth Street	South	Beginning at a point 132 feet west of the westerly curblineline of Hudson Street and extending 22 feet westerly therefrom

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

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

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

President Giattino moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **July 9, 2014** at 7:00 PM.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

---Absent: Mason, Mello

14-373

Z-299

BOND ORDINANCE AUTHORIZING THE RESURFACING OF VARIOUS STREETS AND IMPROVEMENTS TO VARIOUS INTERSECTIONS IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF **\$1,800,000** THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO **\$1,710,000**; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

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

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

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

- (a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is \$1,800,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$1,710,000; and
- (c) a down payment in the amount of \$90,000 for the purposes stated in Section 7 hereof is currently available in the City's Capital Improvement Fund accordance with the requirements of Section 11 of the Local Bond Law, *N.J.S.A. 40A:2-11*.

Section 3. The sum of \$1,710,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$90,000, which amount represents the required down payment, is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$1,710,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$1,710,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, *N.J.S.A. 40A:2-20*, shall not exceed the sum of \$360,000.

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

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Resurfacing of Various Streets and Roads and Improvements to Various Intersections in the City, all as more particularly described in the documentation on file in the Office of the Director of the City Transportation and Parking Department and available for inspection during normal City hours, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$1,800,000	\$90,000	\$1,710,000	10 years

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

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

Section 10. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$1,710,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

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

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

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

Section 14. The City hereby covenants as follows:

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

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

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

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

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

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

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

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

President Giattino moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **July 9, 2014** at 7:00 PM.

---Motion duly seconded by Councilman Cunningham

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

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

Absent: Mason, Mello

Councilman Russo has left the table at 9:28 PM

Councilman Russo has returned to the table at 9:32 PM

14-374

Z-300

AN ORDINANCE OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, APPROPRIATING THE SUM OF **\$142,500** IN FUNDS FROM THE CAPITAL IMPROVEMENT FUND TO PROVIDE FOR THE CONTINUED HISTORIC PRESERVATION, RESTORATION AND REHABILITATION OF THE HOBOKEN PUBLIC LIBRARY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. There is hereby appropriated the sum of \$142,500 from the Capital Improvement Fund of the City of Hoboken, County of Hudson, New Jersey ("City"), which \$142,500 represents a portion of the City's agreed upon match of certain funds received by the Board of Trustees of the Hoboken Public Library from a New Jersey Historic Trust Capital Preservation Grant from the Garden State Historic Preservation Trust Fund, to pay a portion of the costs of the continued historic preservation, restoration and rehabilitation of the Hoboken Public Library as part of Phase I of the Hoboken Public Library's ongoing historic preservation program, all as is currently described and as shall be hereafter described and set forth in the plans and specifications of the Board of Trustees of the Hoboken Public Library and provided to office of the City Administrator.

Section 2. It is hereby determined and stated that the preservation, restoration and rehabilitation measures and improvements set forth in Section 1 hereof are general capital improvements and not a current expense.

Section 3. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the City Clerk and available for inspection.

Section 4. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect after final adoption and publication as required by law.

President Giattino moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **July 9, 2014** at 7:00 PM.

---Motion duly seconded by Councilman Cunningham
 ---Adopted by the following vote: YEAS: 6 – NAYS: 0 -ABSENT: 3
 ---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Occhipinti and President Giattino
 ---Nays: None.
 ---Absent: Mason, Mello, Russo

14-375
Z-301

AN ORDINANCE TO AMENDING CHAPTER 190 ENTITLED “VEHICLES AND TRAFFIC” TO AMEND PARKING REGULATIONS RELATING TO ANGLE PARKING

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

WHEREAS, the municipality has found that specific sections of Chapter 190 currently requires amendments in order to best effectuate parking in the City; and,

WHEREAS, the City Council wishes to more closely align the City’s actual parking practices with the best practices for parking and transportation.

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

SECTION ONE: AMENDMENTS TO HOBOKEN CODE CHAPTER 190

§ 190-27. Angle parking locations.

In accordance with the provisions of this § 190-27, the herein described locations shall be designed as angle parking:

A. Traditional Angle Parking

Name of Street	Sides	Angle	Location
Washington Street	Both	60A	From Eighth Street to Fourteenth Street
Willow Avenue	East	60A	From Eleventh Street to Fourteenth Street
<u>Fifteenth Street</u>	<u>South</u>	<u>60A</u>	<u>From Bloomfield Street to Hudson Street</u>
<u>Washington Street</u>	<u>Both</u>	<u>60A</u>	<u>From Eighth Street to Fifteenth Street</u>

B. Reverse Angle Parking

Name of Street	Sides	Angle	Location
<u>Willow Avenue</u>	<u>East</u>	<u>60A</u>	<u>From Eleventh Street to Thirteenth Street</u>

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

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

SECTION SIX: STATE REVIEW

This ordinance immediately upon adoption, shall be forwarded by the Clerk to NJDOT for review and approval.

President Giattino moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **July 9, 2014** at 7:00 PM.

---Motion duly seconded by Councilman

--Adopted by the following vote: YEAS: 4 – NAYS: 2 ABSENT: 3

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

---Nays: Castellano, Occhipinti

---Absent: Mason, Mello

14-376

Z-302

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 190 OF THE CODE OF THE CITY OF HOBOKEN TO REMOVE THE SUNSET CLAUSE FROM **190-29.9**

WHEREAS, the City Council previously, on December 13, 2013, adopted an amendment to § 190-29.9 to include a revised sunset clause, which is set to expire on July 1, 2014; and,

WHEREAS, after further review of the legislation, it has been determined that the legislation is effective and should not be sunsetted at this time, which results in the need to permanently remove the sunset clause in its entirety.

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

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

Section 190-29.9 is here by amended to remove the following language:

~~†These street locations are temporarily included in § 190-29.9 until 11:50 p.m. on June 30, 2014. Beginning at 12:00 midnight on July 1, 2014, these street location shall be automatically removed from the provisions of § 190-29.9, and shall become exclusively subject to the provisions of § 190-29.8.~~

And the remainder of § 190-29.9, as well as the remainder of Chapter 190, generally, is left unchanged by this ordinance.

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

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

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

President Giattino moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **July 9, 2014** at 7:00 PM.

---Adopted by the following vote: YEAS: 5 – NAYS: 1 - ABSENT: 2

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

---Nays: Occhipinti

---Absent: Mason, Mello, Russo

Council President motions to go into closed session to discuss resolution #10 seconded by Councilman Bhalla

NEW BUSINESS

Council President would like to add resolution #41 under new business.

Councilwoman Castellano comments on Pier A, garbage bins, Stevens Park fountain, the Parking and Transportation meeting the conclusion of the booting ordinance, which they would like to have more input.

Councilman Russo comments on that they need more feedback from the public

Director Morgan comments that the week of the 25th will be determined maybe next month

Councilman Occhipinti comments on booting.

Councilwoman Castellano comments on booting and freeing up space.

Director Morgan comments that 82% boots are returned after they are booted since they are able to release them.

Councilman Occhipinti comments that he would like a presentation from the vendor and would like to see a draft

Director Morgan comments that he will provide a draft to the Governing Body.

Councilwoman Castellano comments on the Council board vetting process for appointments.

Councilman Russo comments on the public storage in the 3rd ward.

Councilman Doyle comments that the Burgess Group will be donating 16-17 tables and chairs/table for Pier A Park, the City will lock them up at night and the issue of the Affordable Housing Trust, there was \$500K given to the YMCA, give them the credit and welcome them to come in the Fall for a presentation and an update at the YMCA.

Councilman Occhipinti comments on the 2nd Ward for the park at 13th and Willow, what is the status, The Dept. of Interior has award the City of Hoboken for \$250,000 for Block 12 and congratulate the grant writers, the Administration and the Mayor for their efforts and hopefully to continue to add park space and open space in the City of Hoboken.

Councilman Bhalla comments on the online system for parking permits and passes for a one day lag.

Director Morgan comments that it needs to be approved by the City's department.

Council President comments on a repaving schedule.

Director Morgan comments and hopes that the bond will be approved.

BA Wiest comments that the target be awarded in Sept. and paved in the Fall.

Council President comments that NJ Symphony will be on Pier A and the next to two (2) council meetings will be July 9th and August 6th.

At 10:48 P.M. meeting adjourned of the Governing Body on a motion by Council duly seconded by the Council members.

Council President Giattino then adjourned the meeting at 10:48 P.M.

PRESIDENT OF THE COUNCIL

CITY CLERK