

MEETING OF AUGUST 6, 2014

**MINUTES OF A MEETING OF THE COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY, HELD
IN THE COUNCIL CHAMBERS, CITY HALL, HOBOKEN, NEW JERSEY, WEDNESDAY, AUGUST 6,
2014 AT 7:00 PM**

President Giattino opened the meeting at 7:03 P.M. and stated, "I would like to advise all those present that notice of this meeting has been provided to the public in accordance with the provisions of the Open Public Meeting Act, and that notice 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, ~~Mason~~, Occhipinti, Russo and President Giattino

ABSENT: Mason, ~~Occhipinti~~ ****(see below)****

Council President comments on how the council meeting will be run, there is a sergeant of arms, if there's any continuous disruptions they will be asked to be removed.

RESOLUTIONS

14-414

---By President Giattino

RESOLUTION GRANTING SETTLEMENT AUTHORITY IN THE MATTER OF MAIER V. CITY OF HOBOKEN ET. AL, DOCKET NO. HUD-L-3440-12, IN AN AMOUNT UP TO THE AMOUNT SUGGESTED BY GERRY KROVATIN, ESQ. DURING THE CLOSED SESSION

WHEREAS, the City of Hoboken is currently involved in pending litigation known as Maier v. City of Hoboken et al., **DOCKET NO. HUD-L-3440-12**; and,

WHEREAS, Gerry Krovatin, Esq. has recommended a settlement in the amount described to the Council during the closed session of today's date; and,

WHEREAS, after legal guidance, the City Council finds the 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 Gerry Krovatin, Esq. is hereby authorized to settle the matter of Maier v. City of Hoboken et al., **DOCKET NO. HUD-L-3440-12**, in an amount up to the monetary amount suggested during the closed session of today's date;

BE IT FURTHER RESOLVED, the Mayor, or her legally authorized designee, are hereby authorized to execute a settlement agreement on behalf of the City, as described herein.

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 6 – NAYS: 0 ABSENT: 2 -ABSTAIN: 1

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

Nays: None.
Absent: Mason, Occhipinti
Abstain: Castellano

14-415

---By President Giattino

RESOLUTION GRANTING KEITH KANDEL, ESQ. OF FLORIO KENNY SETTLEMENT AUTHORITY IN THE MATTER OF WORKER'S COMPENSATION LITIGATION (X30122) IN AN AMOUNT UP TO THE AMOUNT SUGGESTED BY KEITH KANDEL TO MELLISSA LONGO IN A JULY 14, 2014 EMAIL

WHEREAS, the City of Hoboken is currently involved in a worker's compensation claim with Plaintiff (**X30122**); 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 July 14, 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 (**X30122**) in an amount up to the monetary amount suggested by Keith Kandel to Mellissa Longo by his July 14, 2014 email.

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 5 – NAYS: 0 ABSENT: 2 PRESENT: 1 ABSTAIN: 1

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

---Nays: None.

---Absent: Mason, Occhipinti

---Present: Russo

---Abstain: Castellano

14-416

---By President Giattino

RESOLUTION GRANTING KEITH KANDEL, ESQ. OF FLORIO KENNY SETTLEMENT AUTHORITY IN THE MATTER OF WORKER'S COMPENSATION LITIGATION (WC000149878) IN AN AMOUNT UP TO THE AMOUNT SUGGESTED BY KEITH KANDEL TO MELLISSA LONGO IN A JULY 14, 2014 EMAIL

WHEREAS, the City of Hoboken is currently involved in a worker's compensation claim with Plaintiff (**WC000149878**); 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 July 14, 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 (**WC000149878**) in an amount up to the monetary amount suggested by Keith Kandel to Mellissa Longo by his July 14, 2014 email.

---Motion duly seconded by Councilman
---Adopted by the following vote: YEAS: 5 – NAYS: 0 ABSENT: 2 PRESENT: 1 ABSTAIN: 1
---YEAS: Council persons Bhalla, Castellano, Cunningham, Doyle, Mello, and President Giattino
---Nays: None
---Absent: Mason, Occhipinti
---Present: Russo
---Abstain: Castellano

14-417

---By President Giattino

RESOLUTION GRANTING KEITH KANDEL, ESQ. OF FLORIO KENNY SETTLEMENT AUTHORITY IN THE MATTER OF WORKER’S COMPENSATION LITIGATION (WC000431961/WC000355104/X21090) IN AN AMOUNT UP TO THE AMOUNT SUGGESTED BY KEITH KANDEL TO MELLISSA LONGO IN A JULY 14, 2014 EMAIL

WHEREAS, the City of Hoboken is currently involved in a worker’s compensation claim with Plaintiff (WC000431961/WC000355104/X21090); 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 July 14, 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 (WC000431961/WC000355104/X21090) in an amount up to the monetary amount suggested by Keith Kandel to Mellissa Longo by his July 14, 2014 email.

---Motion duly seconded by Councilman Bhalla
---Adopted by the following vote: YEAS: 5 – NAYS: 0 ABSENT: 2 PRESENT: 1 ABSTAIN: 1
---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mello, and President Giattino
---Nays: None.
---Absent: Mason, Occhipinti
---Present: Russo
---Abstain: Castellano

14-418

---By President Giattino

RESOLUTION GRANTING CHRIS EMRICH, ESQ. OF CAPEHART AND SCATCHARD SETTLEMENT AUTHORITY IN THE MATTER OF WORKER’S COMPENSATION LITIGATION (WC000124878) IN AN AMOUNT UP TO THE AMOUNT SUGGESTED BY SUSAN POLIFRONE TO MELLISSA LONGO IN A MAY 22, 2014 EMAIL

WHEREAS, the City of Hoboken is currently involved in a worker’s compensation claim with Plaintiff (WC000124878); and

WHEREAS, Chris Emrich, Esq. of Capehart and Scatchard, 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 22, 2014 email from Susan Polifrone to Mellissa Longo; and

WHEREAS, after legal guidance from Chris Emrich, Esq. of Capehart and Scatchard, the City Council finds his suggested 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 Chris Emrich, Esq. of Capehart and Scatchard is hereby authorized to settle the matter of the worker's compensation claim **(WC000124878)** in an amount up to the monetary amount suggested by Susan Polifrone to Mellissa Longo by her May 22, 2014 email.

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 5 – NAYS: 0 ABSENT: 2 PRESENT:1 ABSTAIN:1

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

---Nays: None.

---Absent: Mason, Occhipinti

---Present: Russo

---Abstain: Castellano

SECOND READING/PUBLIC HEARING AND FINAL VOTE

AN ORDINANCE AMENDING HOBOKEN CODE § 136-2 ENTITLED "NUISANCE – PROHIBITED ACTS" TO PROHIBIT THE CONDUCTING OF CERTAIN BUSINESS ACTIVITIES BY SELF STORAGE FACILITIES BETWEEN THE HOURS OF 9:00PM AND 6:00AM **(Z-303)**

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

President Giattino moved that the hearing be closed.

---Motion duly seconded by Councilman Russo

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

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

---Nays: None.

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

---Motion duly seconded by Councilwoman Castellano

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

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

---Nays: None.

---Absent: Mason, Occhipinti

AN ORDINANCE AMENDING CHAPTER 190 ENTITLED "VEHICLES AND TRAFFIC" TO AMEND CIRCULATION REGULATIONS RELATING TO STOP STREETS AND YIELD INTERSECTIONS **(Z-304)**

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

President Giattino moved that the hearing be closed.

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

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

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

*****Councilman Occhipinti has arrived to the meeting at 7:12 PM*****

AN ORDINANCE TO AMEND ORDINANCE Z-289 TO CHANGE THE MINIMUM BID PRICE FOR EACH NEW TAXI LICENSE (Z-305)

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

President Giattino moved that the hearing be closed.

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

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

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

PUBLIC COMMENTS

The speakers who spoke: Sigby Cheatham, Melissa Blanco.

14-419

APPLICATIONS FOR MISCELLANEOUS LICENSES

Vendors----- 3 Items
Raffles-----1 Item
Games of Chance----- 1 Item

---Councilman Bhalla moved that the licenses be granted.
---Adopted by the following vote: YEAS: 8 – NAYS: 0

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

14-420

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of July 2014 **\$16,644,578.63 (Abatement Totals – \$15,929.34)**

Received and Filed.

14-421

A report from Municipal Court indicating receipts for the month of July 2014 as **\$454,357.81 ***

Received and Filed.

14-422

A report from the Tax Collector – Affidavit of Tax Mailing.

Received and Filed.

Councilman Cunningham has left the table at 7:26 PM
Councilman Cunningham has returned to the table at 7:34 PM

14-423

CLAIMS

Total for this agenda **\$6,411,793.67**

---Adopted by the following vote: YEAS: 5 – NAYS: 2 ABSENT: 2 ABSTAIN: 1
---Yeas: Council persons Bhalla, Doyle, Occhipinti, Mello and President Giattino
---Nays: Castellano and Russo
---Absent: Mason, Cunningham
---Abstain: Doyle – (13-00129 14-00988)

14-424

---By Councilman Bhalla

PAYROLL

For the two week period starting June 19, 2014 – July 2, 2014

Regular Payroll O/T Pay Other Pay

\$1,587,188.51

\$77,589.78

\$390,091.51

Total \$2,054,869.80

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason, Cunningham

PUBLIC COMMENTS FOR RESOLUTIONS

The speakers who spoke: Dana Wefer spoke on resolution #13

Richard Fox spoke on resolution #13. Michelle Lesane comments on #13, Nick Calicchio comments

CONSENT AGENDA – 8-11, 13, 15, 16, 19-30, 32-34

Pulled from the agenda for discussion: 6, 7, 12, 14, 17, 18, 31, 35, 36

Removed by Administration: 35

RESOLUTIONS (CONTINUED)

14-425

---By Councilman Bhalla

RESOLUTION TO APPROVE A “LICENSE AGREEMENT” BETWEEN THE CITY OF HOBOKEN AND GLENN SMITH, OWNER OF BLOCK 219 LOT 25 (a/k/a 802 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 Glenn Smith, owner of Block 219 Lot 25, more commonly known as 802 Hudson 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 Glenn Smith, owner of Block 219 Lot 25, more commonly known as 802 Hudson Street, shall be subject and limited to the details and specifications included in the attached Application and Exhibits including current survey, and Jensen C. Vasil architectural drawings with proposed site plan;
- 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: 8 – NAYS: 1 ABSENT: 1
---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mello, Occhipinti Russo and President Giattino
---Nays: None.
---Absent: Mason

14-426

---By Councilman Bhalla

RESOLUTION TO APPROVE A “LICENSE AGREEMENT” BETWEEN THE CITY OF HOBOKEN AND US MASTERS RESIDENTIAL PROPERTY (USA) FUND, AS THE OWNER OF BLOCK 192 LOT 32 (a/k/a 520 Bloomfield 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 US Masters Residential Property (USA) Fund, owner of Block 192 Lot 32, more commonly known as 520 Bloomfield Street, Hoboken, such a license, by and through its authorized agent, Brian Disler.

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

- 4) Approval of the attached “License Agreement” between the City of Hoboken and US Masters Residential Property (USA) Fund, owner of Block 192 Lot 32, more commonly known as 520 Bloomfield Street, shall be subject and limited to the details and specifications included in the attached Application and Exhibits including Thomas J. Mesuk architectural drawings dated 02/26/2014;
- 5) The Mayor or her agent is hereby authorized to enter into the attached agreement; and
- 6) This resolution shall become effective immediately up adoption.

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

14-427

---By Councilman Bhalla

CA 8.* RESOLUTION INSERTING A SPECIAL ITEM OF REVENUE INTO THE CY 2014 MUNICIPAL BUDGET - SUMMER FOOD PROGRAM - CY 2014 (in the sum of \$51,703.94)

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 \$51,703.94 from the State of New Jersey Department of Agriculture and wishes to amend its CY 2014 Budget to include this amount as 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 \$51,703.94

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 Agriculture
Summer Food Program

NOW, THEREFORE, BE IT RESOLVED that the like sum of \$51,703.94 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 Agriculture
Summer Food Program

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

14-428

---By Councilman Bhalla

RESOLUTION INSERTING A SPECIAL ITEM OF REVENUE INTO THE CY 2014 MUNICIPAL BUDGET – ENERGY ALLOCATION INITIATIVE – CY 2014 (in the sum of \$107,920.00)

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

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

WHEREAS, the City of Hoboken has received notice of an award of

\$107,920.00 from the Office of the Attorney General and wishes to amend its CY 2014 Budget to include this amount as revenue.

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

Of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year CY 2014 in the sum of.....\$107,920.00

This is now available as revenue from:

Miscellaneous Revenues:

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

State and Federal Revenues Off-set with
Appropriations:

Energy Allocation Initiative O/E

NOW, THEREFORE, BE IT RESOLVED that the like sum of: \$107,920.00

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:

Energy Allocation Initiative O/E
Other Expenses

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

14-429

---By Councilman Bhalla

RESOLUTION INSERTING A SPECIAL ITEM OF REVENUE INTO THE CY 2014 MUNICIPAL BUDGET – COMMUNITY DEVELOPMENT BLOCK GRANT (in the sum of \$410,000.00)

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

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

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

WHEREAS, the City of Hoboken has received notice of an award of \$410,000.00 from Hudson County, Division of Housing & Community Development to amend its CY 2014 Budget to include this amount as revenue and Miscellaneous Program Income \$70,349.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director Of the Division of Local Government Services to approve the insertion of an item of Revenue in the budget of the year CY 2014 in the sum of \$410,000.00
This is now available as revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated
With Prior Written Consent of the Director of the
Division of Local Government Services:
State and Federal Revenues Off-set with
Appropriations:
Community Development Block Grant 2014 O/E

NOW, THEREFORE, BE IT RESOLVED that the like sum of: \$410,000.00
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:
Community Development Block Grant 2014 O/E

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

14-430

---By Councilman Bhalla

**RESOLUTION APPOINTING QUENTIN WIEST AS FUND COMMISSIONER AND
STEPHEN MARKS AS ALTERNATE FUND COMMISSIONER FOR THE GARDEN STATE
MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the City of Hoboken is a member of the Garden State Municipal Joint Insurance Fund; and

WHEREAS, it is required for the City of Hoboken to have representation on the Board of Commissioners for the 2014 Fund Year, for which appointment/reappointment is necessary.

NOW, THEREFORE, BE IT RESOLVED, on this 6th Day of August, effective immediately upon adoption by the City Council of the City of Hoboken, County of Hudson, State of New Jersey, the following individuals are heretofore appointed to said positions:

1. Quentin Wiest is hereby appointed as Fund Commissioner representing the City of Hoboken on the Garden State Municipal Joint Insurance Fund Board of Commissioners for the 2014 Fund Year; and
2. Stephen Marks is hereby appointed as Alternate Fund Commissioner representing the City of Hoboken on the Garden State Municipal Joint Insurance Fund Board of Commissioners for the 2014 Fund Year.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.
 ---Absent: Mason
14-431
 ---By Councilman Bhalla

RESOLUTION APPOINTING THE FOLLOWING OF INDIVIDUAL AS A MEMBER TO THE CITY OF HOBOKEN RENT LEVELING AND STABILIZATION BOARD

WHEREAS, pursuant to the Code of the City of Hoboken, §155-18, the City of Hoboken has established a **RENT LEVELING AND STABILIZATION BOARD**; and,

WHEREAS, seven regular members and two alternate members of the Board are appointed by the Mayor for the term of the Mayor, with the advice and consent of counsel; and,

WHEREAS, due to the new term of the Mayor, commencing 1/1/2014, there are two regular and two alternate vacancies on the Board which the Mayor wishes to appoint members to; and,

WHEREAS, the City has followed the process contemplated by the “Citizens Service Act,” in that applications for the position were publicly sought and reviewed, and the following list of appointees timely submitted their applications to the Clerk of the City of Hoboken;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken hereby consents to the Mayor’s appointments of the following individuals to serve as described below on the City of Hoboken **RENT LEVELING AND STABILIZATION BOARD**, for the terms described below:

Appointee Name and Address	Current Member	Title	Commencement	Expiration	Term
Eileen Lynch	vacant	Regular Member	Immediately upon oath	Dec. 31, 2017	Term of Mayor
Jason Mauer	vacant	Regular Member	Immediately upon oath	Dec. 31, 2017	Term of Mayor
Dennis Stefanitsis	vacant	1 st Alternate	Immediately upon oath	Dec. 31, 2017	Term of Mayor
Eric Osborn-Focht	vacant	2 nd Alternate	Immediately upon oath	Dec. 31, 2017	Term of Mayor

This resolution shall take effect **immediately** upon passage.

---Motion duly seconded by Councilman Cunningham
 ---Adopted by the following vote: YEAS: 7 – NAYS: 1 ABSENT: 1
 ---Yeas: Council persons Castellano, Cunningham, Doyle, Mello, Occhipinti Russo and President Giattino
 ---Nays: Bhalla
 ---Absent: Mason

---By Councilman Mello

RESOLUTION IN SUPPORT OF THE HOBOKEN HOUSING AUTHORITY'S APPLICATION TO THE NJ HMFA FUND FOR RESTORATION OF MULTI FAMILY HOUSING PUBLIC HOUSING AUTHORITY SET-ASIDE PROGRAM FRM-PHA

WHEREAS the Hoboken Housing Authority "HHA" Board has requested a letter of need from the City of Hoboken to bolster the HHA's application for \$10 million in FRM-PHA grand funds;

WHEREAS the letter of need which signifies local support, counts for ten points towards HHA's application and would significantly raise the HHA's likelihood of being awarded the highest amount allowed;

WHEREAS the HHA's already deteriorating infrastructure was dealt a significant blow by Superstorm Sandy;

WHEREAS through the FRA-PHA application, the HHA is applying for \$10 million in funds to replace and refurbish HHA's boilers, roofs, windows, sidewalks, elevators, hot water, plumbing, security gate for parking lots, grounds, flood barriers, exterior and other critical infrastructure;

WHEREAS the funds can only be used for infrastructure rehabilitation;

WHEREAS the City also expresses its support for the HHA to apply for funding for Combined Heat and Power Systems Boiler Replacement Alternatives, a/k/a, "Cogeneration";

WHEREAS the City supports Cogeneration because it is:

- far more efficient than purchasing standalone boilers for each facility; and
- provides redundant and back-up emergency heat and power; and
- reduces month to month electricity and heating bills; and
- can support the eventual development of distributed energy infrastructure; and
- works to support recent generator purchase; and
- energy infrastructure can be "reused" if HHA facilities are redeveloped or rehabilitated.

WHEREAS there is the opportunity for additional funding from the Board of Public Utilities to cover additional costs for cogeneration systems above the cost for boilers.

NOW THEREFORE BE IT RESOLVED, the City Council hereby authorizes the Mayor to provide HHA with the above described letter of need, for the current application of HHA only, in the form and substance approved by Corporation Counsel, and to take any and all other action necessary to effectuate this resolution; and,

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

14-433

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH LITE DEPALMA GREENBERG FOR THE SERVICES OF VICTOR AFANADOR ESQ. AS SPECIAL LEGAL COUNSEL-LABOR AND EMPLOYMENT TO THE CITY OF HOBOKEN TO COMMENCE July 15, 2014 AND EXPIRE JULY 14, 2015 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$45,000.00

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

WHEREAS, the City provided for a Special Counsel – Labor RFP in accordance with the Fair and Open Process, which Lite DePalma Greenberg responded to, and the City now seeks to contract with the firm for Labor and Employment Counsel services; and,

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

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$45,000.00 is available in the following appropriations 4-01-20-156-020 in the CY2014 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2014 budget.

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

NOW THEREFORE, BE IT RESOLVED, that a contract with **Lite DePalma Greenberg** for the services of **Victor Afanador**, Esq. to represent the City as Special Legal Counsel-Labor and Employment be awarded, for a term to commence July 15, 2014 and expire July 14, 2015, for a total not to exceed amount of **Forty Five Thousand** Dollars (\$45,000.00); and

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

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

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

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

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: Castellano

---Absent: Mason

14-434

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE A CONTRACT WITH BROWN AND BROWN FOR SERVICES AS THE CITY’S PROPERTY AND CASUALTY INSURANCE BROKER FOR A

ONE YEAR PERIOD TO COMMENCE JULY 1, 2014 AND EXPIRE JUNE 30, 2015 FOR A FLAT FEE (NOT TO EXCEED AMOUNT) OF \$65,000.00

WHEREAS, the City seeks to award a one year service contract to a property and casualty insurance broker in accordance with Article IV of Hoboken Code Chapter 20A; and,

WHEREAS, the Administration requested proposals pursuant to competitive contracting rules for said services, received multiple responses, and has determined that **BROWN AND BROWN** can provide the City with the most effective and efficient professional property and casualty Insurance Brokerage services; and,

WHEREAS, the City wishes to provide a not to exceed amount, which shall be considered the flat fee for said services, with no other compensation allowed or authorized pursuant to Hoboken Code § 20A-29, in an amount of Sixty Five Thousand Dollars (\$65,000.00); and,

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

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$65,000.00 is available in the following appropriation _____ in the CY2014 budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said CY2014 budget; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed; and I further certify that I will review the availability of funds for the remaining \$_____.00 upon adoption of the CY2015 temporary appropriations and, if necessary the final CY2015 budget, and will prepare a certificate of available funds for the remaining balances and file same with the original resolution, or advise the Business Administrator in writing if the City Council fails to appropriate the necessary funds on or before adoption of the final CY2014 budget; and I further certify that \$_____.00 of this contract shall be subject to the City’s ability to appropriate sufficient funds in the CY2015 budget.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with **BROWN AND BROWN** to provide the City with property and casualty Insurance Brokerage Services for a one year period, be executed, for a term to commence July 1, 2014 and expire June 30, 2015, with a not to exceed amount of **Sixty Five Thousand Dollars (\$65,000.00)**; and

BE IT FURTHER RESOLVED, the not to exceed amount shall constitute the flat fee for said services for a one year period, and no additional fees or invoices shall be allowable under this agreement through the City or any insurance provider unless prior written approval is provided by the City in accordance with all legal guidelines; 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-1 et seq. of the Code of the City of Hoboken), including without limitation Article IV, and any and all state Pay to Play laws, is a continuing obligation of the vendor; and

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

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

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

---Motion duly seconded by Councilman Cunningham

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

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

14-435

--By Councilman Bhalla

RESOLUTION TO AUTHORIZE A CONTRACT WITH FAIRVIEW INSURANCE AGENCY ASSOCIATES INC. FOR SERVICES AS THE CITY'S HEALTH INSURANCE BROKER FOR A ONE YEAR PERIOD TO COMMENCE JULY 1, 2014 AND EXPIRE JUNE 30, 2015 FOR A FLAT FEE (NOT TO EXCEED AMOUNT) OF \$201,800.00, WHICH INCLUDES A CITY WELLNESS PLAN FOR THE TERM OF THE CONTRACT

WHEREAS, the City seeks to award a one year service contract to a health insurance broker in accordance with Article IV of Hoboken Code Chapter 20A; and,

WHEREAS, the Administration requested proposals pursuant to competitive contracting rules for said services, received multiple responses, and has determined that **FAIRVIEW INSURANCE AGENCY ASSOCIATES INC.** which can provide the City with the most effective and efficient professional Health Insurance Brokerage services; and,

WHEREAS, the City wishes to provide a not to exceed amount, which shall be considered the flat fee for said services, with no other compensation allowed or authorized pursuant to Hoboken Code § 20A-29, in an amount of Two Hundred One Thousand Eight Hundred Dollars (\$201,800.00), which includes a wellness plan for the term of the contract, at Eighty One Thousand Eight Hundred Dollars (\$81,800.00), and the brokerage services for the term of the contract at One Hundred Twenty Thousand Dollars (\$120,000.00); and,

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

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$201,800.00 is available in the following appropriation _____ in the CY2014 budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said CY2014 budget; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed; and I further certify that I will review the availability of funds for the remaining \$_____.00 upon adoption of the CY2015 temporary appropriations and, if necessary the final CY2015 budget, and will prepare a certificate of available funds for the remaining balances and file same with the original resolution, or advise the Business Administrator in writing if the City Council fails to appropriate the necessary funds on or before adoption of the final CY2014 budget; and I further certify that \$_____.00 of this contract shall be subject to the City's ability to appropriate sufficient funds in the CY2015 budget.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a service contract with **FAIRVIEW INSURANCE AGENCY ASSOCIATES INC.** to provide the City with Health Insurance Brokerage Services for a one year period, be executed, for a term to commence July 1, 2014 and expire June 30, 2015, with a not to exceed amount of Two Hundred One Thousand Eight Hundred Dollars (\$201,800.00), which includes a wellness plan for the term of the contract, at Eighty One Thousand Eight Hundred Dollars (\$81,800.00), and the brokerage services for the term of the contract at One Hundred Twenty Thousand Dollars (\$120,000.00); and

BE IT FURTHER RESOLVED, the not to exceed amount shall constitute the flat fee for said services for a one year period, and no additional fees or invoices shall be allowable under this agreement through the City or any insurance provider unless prior written approval is provided by the City in accordance with all legal guidelines; 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-1 et seq. of the Code of the City of Hoboken), including without limitation Article IV, and any and all state Pay to Play laws, is a continuing obligation of the vendor; and

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

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

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

14-436

---By Councilman Bhalla

RESOLUTION AWARDING A SERVICE CONTRACT TO PRIME POINT FOR PAYROLL MANAGEMENT SERVICES FOR A TWO YEAR TERM TO COMMENCE UPON COMMENCEMENT OF SERVICE

WHEREAS, the City of Hoboken published RFP's for payroll management services in accordance with the competitive contracting laws; and,

WHEREAS, the Administration evaluated the proposal provided in response to said RFP, and the Administration has now determined that Prime Point can provide the City with the most effective and efficient payroll management services, in accordance with their proposal; and,

WHEREAS, in accordance with the direction of the Administration, the City Council is asked to award a contract to Prime Point for Payroll Management services, in accordance with their proposal and the City's RFP, at a cost of One Hundred Three Thousand Eight Hundred Thirty Eight Dollars (\$103,838.00) for the first year of service and Eighty Five Thousand Ninety Three Dollars (\$85,093.00) for the second year of service, for a total not to exceed of One Hundred Eighty Eight Thousand Nine Hundred Thirty One Dollars (\$188,931.00), with a two year term, with one option to extend for an additional three years at the same rate as year two, with a non-appropriation clause in favor of the City, to commence immediately, or as soon thereafter as the parties can commence the services under the agreement, with a proposed payment structure as follows:

One -time fees-conversion/training		\$ 8,575.00
Payroll Yearly Processing Fees		\$ 40,118.00
Annualized Fees (HR&T&A)		\$ 41,700.00
Y/E fees		\$ 3,275.00
Equipment costs (6 timeclocks)		\$ 10,170.00
(PP) HP 1000E (100 max \$1695 each)		
First year cost		\$ 103,838.00
Second year cost		\$ 85,093.00
Total 2 year cost to implement		\$ 188,931.00

WHEREAS, certification of funds for this are available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$20,000.00 is available in the following appropriation account: _____ in the CY2014 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2014 budget; and I further certify that I will review the availability of funds for the remaining \$83,838.00 of year one's costs upon adoption of the CY2015 temporary appropriations, and \$85,093.00 of the second year costs upon adoption of CY2015 budget and, to the extent necessary the CY2016 temporary appropriations; and, I further certify that I will prepare a certificate of available funds for the remaining balances on an annual basis and file same with the original resolution, or advise the Business Administrator in writing if the City Council fails to appropriate the necessary funds in the CY2015 temporary appropriations and/or the CY2015 budget and/or the CY2016 temporary appropriations, and any future budget as extensions of the agreement deem necessary and just.

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 to Prime Point for Payroll Management services, in accordance with their proposal and the City's RFP, at a cost of One Hundred Three Thousand Eight Hundred Thirty Eight Dollars (\$103,838.00) for the first year of service and Eighty Five Thousand Ninety Three Dollars (\$85,093.00) for the second year of service, for a total not to exceed of One Hundred Eighty Eight Thousand Nine Hundred Thirty One Dollars (\$188,931.00), with a two year term, with one option to extend for an additional three years at the same rate as year two, with a non-appropriation clause in favor of the City, to commence immediately, or as soon thereafter as the parties can commence the services under the agreement, with a proposed payment structure as described above, and with the additional contract terms as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of Prime Point's proposal and the City's RFP 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, and the contract and any amendment thereto shall be subject to a non-appropriation clause in favor of the City.
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:

Prime Point LLC
2 Springside Road
Westampton, NJ 08060

The speakers who spoke: James J. Jacob, Jr., Steve Usarzewicz.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

14-437

---By Councilman Bhalla

RESOLUTION AWARDING A PROFESSIONAL SERVICE CONTRACT TO BANISCH ASSOCIATES INC FOR GREEN ACRES DIVERSION MANAGER SERVICES FOR A ONE YEAR TERM TO COMMENCE AUGUST 7, 2014 AND EXPIRE AUGUST 6, 2015

WHEREAS, the City of Hoboken published RFP's for green acres diversion manager; and,

WHEREAS, the Administration evaluated the proposal provided in response to said RFP, and the Administration has now determined that Banisch Associates Inc. can provide the City with the most effective and efficient Green Acres Diversion Manager services, in accordance with their proposal dated July 10, 2014; and,

WHEREAS, in accordance with the direction of the Administration, the City Council is asked to award a contract to Banisch Associates Inc. for the Green Acres Diversion Manager services, in accordance with their proposal dated July 10, 2014, at a cost of Forty Five Thousand Fifty Dollars (\$45,050.00) for a one year term to commence August 7, 2014; and,

WHEREAS, certification of funds for this are available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$45,050.00 is available in the following appropriation account: 4-01-21-181-036 in the CY2014 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2014 budget; and I further certify that the funds being appropriated are intended for the purposes herein appropriated.

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 Green Acres Diversion Manager Services, in an amount not to exceed Forty Five Thousand Fifty Dollars (\$45,050.00) as described in the vendor's July 10, 2014 proposal and the City's corresponding RFP, with a one (1) year term to commence on August 7, 2014, and with the additional contract terms as follows:

6. The above recitals are incorporated herein as though fully set forth at length.
7. The terms of Banisch Associates Inc. proposal and the City's RFP shall govern the contract, and no changes may be made without the prior written consent of both parties.
8. 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, and the contract and any amendment thereto shall be subject to a non-appropriation clause in favor of the City.
9. 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.

10. 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:

Banisch Associate Inc.
111 Main Street
Flemington, New Jersey 08822

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

14-438

---By Councilman Bhalla

RESOLUTION CONFIRMING THE CITY OF HOBOKEN’S SUPPORT OF THE HOBOKEN VOLUNTEER AMBULANCE CORPS BY VIRTUE OF THE SECOND HALF OF THE YEAR EXPENSES, SIX (6) MONTH, PLUS THE COSTS OF THE ANNUAL INSURANCE PREMIUMS OF HVAC, FOR A TOTAL CONTRIBUTION OF TWO HUNDRED TWENTY ONE THOUSAND TWO HUNDRED ELEVEN DOLLARS AND THREE CENTS (\$221,211.03)

WHEREAS, the City Council desires to continue to support the Hoboken Volunteer Ambulance Corps (the “HVAC”) for the second half of CY2014, as well as by covering its annual insurance premium payment; and

WHEREAS, the City has the financial ability to make payment for the second six (6) months of CY2014 plus the annual insurance premiums for the organization, and, therefore, consents to providing Two Hundred Twenty One Thousand Two Hundred Eleven Dollars and Three Cents (\$221,211.03) to the HVAC; and

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$20,000.00 is available in the following appropriation 4-01-25-260-020 in the CY2014 budget, and \$201,211.03 is available in the following appropriation 4-01-30-400-010 in the CY2014 budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2014; 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 Two Hundred Twenty One Thousand Two Hundred Eleven Dollars and Three Cents (\$221,211.03), as a contribution for the organization’s CY2014 Q3 and Q4 operating expenses and the organization’s annual insurance premiums, will be disbursed to the Hoboken Volunteer Ambulance Corps at this time.

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

14-439

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH BOYS & GIRLS CLUB OF HUDSON COUNTY (HOBOKEN UNIT) (in the amount of \$5,000.00)

Whereas, the Board of Directors of the Boys & Girls Club of Hudson County (Hoboken Unit), located at 119 Jefferson Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, a request for Hudson County Community Development Block Grant funds for the provision of Recreation Services within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$5,000 out of available Hudson County Community Development Block Grant funds to operate said program within the City of Hoboken; **now therefore, be it -**

Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, **and be it --**

Further Resolved, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and the Boys & Girls Club of Hudson County (Hoboken Unit), and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

14-440

---By Councilman Bhalla

Whereas, the Board of Directors of Day Care 100, located at 124 Grand Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, a request for Hudson County Community Development Block Grant funds for the provision of Child Care Services within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$28,000 out of available Hudson County Community Development Block Grant funds to operate said program within the City of Hoboken; **now therefore, be it -**

Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, **and be it --**

Further Resolved, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and Day Care 100, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

14-441

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH DAY CARE 100 (in the amount of \$28,000.00)

Whereas, the Board of Directors of Hoboken Family Planning, located at 124 Grand Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, a request for Hudson County Community Development Block Grant funds for the provision of Family Planning Services within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$20,000 out of available Hudson County Community Development Block Grant funds and \$3,000 out of available Miscellaneous Program Income funds to operate said program within the City of Hoboken; **now therefore, be it -**

Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, **and be it --**

Further Resolved, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and Hoboken Family Planning, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

14-442

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH HOBOKEN FAMILY PLANNING (in the amount of \$23,000.00)

Whereas, the Board of Directors of Hoboken Family Planning, located at 124 Grand Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, a request for Hudson County Community Development Block Grant funds for the provision of Family Planning Services within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$20,000 out of available Hudson County Community Development Block Grant funds and \$3,000 out of available Miscellaneous Program Income funds to operate said program within the City of Hoboken; **now therefore, be it -**

Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, **and be it --**

Further Resolved, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and Hoboken Family Planning, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

14-442

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH HOPES HEAD START (in the amount of \$47,531.00)

Whereas, the Board of Directors of HOPES Head Start, located at 301 Garden Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, a request for Hudson County Community Development Block Grant funds for the provision of Child Care Services within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$30,000 out of available Hudson County Community Development Block Grant funds and \$17,531 out of available Miscellaneous Program Income to operate said program within the City of Hoboken; **now therefore, be it -**

Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, **and be it --**

Further Resolved, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and HOPES Head Start, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

14-443

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH THE JUBILEE CENTER (in the amount of \$20,000.00)

Whereas, the Board of Directors of The Jubilee Center, located at 601 Jackson Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, a request for Hudson County Community Development Block Grant funds for the provision of After School and Summer Programs within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$20,000 out of available Hudson County Community Development Block Grant funds to operate said program within the City of Hoboken; **now therefore, be it -**

Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, **and be it --**

Further Resolved, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and The Jubilee Center, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

14-444

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH MILE SQUARE DAY CARE (in the amount of \$79,818.00)

Whereas, the Board of Directors of Mile Square Day Care, located at 301 Garden Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, a request for Hudson County Community Development Block Grant funds for the provision of Child Care Services within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$30,000 out of available Hudson County Community Development Block Grant funds and \$49,818 out of available Miscellaneous Program Income funds to operate said program within the City of Hoboken; **now therefore, be it –**

Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, **and be it --**

Further Resolved, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and Mile Square Day Care, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

14-445

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH UNITED CEREBRAL PALSY (in the amount of \$2,000.00)

Whereas, the Board of Directors of United Cerebral Palsy, located at 1005 Washington Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, a request for Hudson County Community Development Block Grant funds for the provision of Services within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$2,000 out of available Hudson County Community Development Block Grant funds to operate said program within the City of Hoboken; **now therefore, be it -**

Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, **and be it --**

Further Resolved, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and United Cerebral Palsy, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

14-446

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CDBG SUBRECIPIENT CONSTRUCTION FUNDING AGREEMENT FOR CY2014 FOR THE MULTI-SERVICE CENTER IMPROVEMENTS (5-03E1-14)

Whereas, the County of Hudson and the City of Hoboken seek to enter into a subrecipient agreement for the receipt of funds from the US Government (HUD – CDBG) for the Multi-Service Center Improvement Construction Project, to be funded by the County through CDBG grants, and performed by the City in accordance with applicable laws and regulations; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the County shall provide funds in the amount of \$275,000 out of available Hudson County Community Development Block Grant funds for the City to operate said program/project; **now therefore, be it -**

Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, **and be it --**

Further Resolved, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken (as subrecipient) and County of Hudson (as recipient), and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

14-447

---By Councilman Bhalla

RESOLUTION GRANTING CONSENT TO ADVANCE AT HOBOKEN, LLC'S SUBMISSION OF A TWA-1 TO THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION'S DIVISION OF WATER QUALITY

WHEREAS, Advance at Hoboken, LLC has a construction site at 1316-1330 Willow Avenue, Block 116 Lot 1.2, in the City of Hoboken;

WHEREAS, Advance at Hoboken, LLC has requested the City of Hoboken provide consent to submission of Water Quality forms to the Department of Environmental Protection; and,

WHEREAS, the proposed groundwater recovery and treatment system is a permanent installation for the purpose of treating impacted groundwater collected from the sump well/perimeter drain system of the completed project; and,

WHEREAS, the City Engineer has reviewed the application and takes no exception to it; see attached letter from Boswell Engineer dated July 30, 2014; and,

WHEREAS, the City Council feels it is appropriate to grant Advance at Hoboken, LLC's request to submit an application to the DEP regarding water quality at the site.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Hoboken hereby grants its consent to Advance at Hoboken, LLC's request to submit an TWA-1 application to the Water Quality Division of the New Jersey DEP regarding 1316-1330 Willow Avenue, Block 116 Lot 1.2; and,

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

14-448

---By Councilman Bhalla

RESOLUTION REJECTING A BID FOR THE PROVISIONS OF THE “CONSTRUCTION OF RAIN GARDEN” BID OTHERWISE KNOWN AS BID NO. 14-09, IN ACCORDANCE WITH N.J.S.A. 40A:11-13.2(a) and (d)

WHEREAS, proposals were received for the provisions of the “Construction of Rain Garden” Bid, as specified in Bid Number 14-09; and,

WHEREAS, two (2) proposals were received; and,

WHEREAS, all bid proposals substantially exceed the cost estimate for the project, and, as a result, the Administration has decided to substantially revise the specifications for the goods or services; and,

WHEREAS, the Administration recommends that the City Council of the City of Hoboken reject all bid submissions for the provision under Bid No. 14-09, pursuant to N.J.S.A. 40A:11-13.2(a) and (d).

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

rejects all bid proposals submitted for the provision under Bid No. 14-09, pursuant to N.J.S.A. 40A:11-13.2(a) and (d); and,

BE IT FURTHER RESOLVED that the City Council authorizes the Administration to take any and all steps necessary to properly revise and rebid, and, thereafter, contract for the provisions necessary for the “Rain Garden Construction” project.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

14-449

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE MAYOR AND CITY COUNCIL TO ENTER INTO THE HUDSON COUNTY CONSORTIUM FOR COOPERATIVE PARTICIPATION IN THE HOME INVESTMENT PARTNERSHIP PROGRAM CONSORTIUM PURSUANT TO THE NATIONAL AFFORDABLE HOUSING ACT OF 1990, AS AMENDED

WHEREAS, Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, provides for substantial Federal funds, commonly known as the HOME Investment Partnership Program, being made available from Department of Housing and Urban Development to Hudson County and certain participating municipalities for use in developing and maintaining affordable housing; and

WHEREAS, this Act establishes certain criteria which must be met in order for a county and municipality to establish a consortium in order to be a recipient of said funding; and

WHEREAS, the County of Hudson has formed the Hudson County Consortium with participating municipalities of Township of North Bergen, City of Union City, and the City of Bayonne for the purposes outlined in the HOME Investment Partnership Program and the National Affordable Housing Act of 1990, as amended; and,

WHEREAS, in order for County HOME Investment Partnership Program funds to be available for eligible projects in the City of Hoboken, the City of Hoboken must be a part of the Hudson County Consortium.

NOW, THEREFORE, the City Council of the City of Hoboken agrees to:

1. Cooperate with the Hudson County Consortium to undertake or to assist in undertaking housing assistance activities for the HOME Investment Partnership Program.
2. Affirmatively further fair housing policies.
3. Authorize the County of Hudson to act in a representative capacity for the purposes of the HOME Investment Partnership Program.
4. Permit the County of Hudson, as the lead entity, to assume overall responsibility for ensuring that the Consortium’s HOME Investment Partnership Program is carried out in compliance with the requirements of the HOME Program, including the requirements concerning a Consolidated Plan in accordance with HUD regulations in 24 CFR Parts 92, and 91, respectively, and requirements of 24 CFR 92.350.
5. The qualification period for this cooperation agreement shall be for the three Federal Fiscal years following the fiscal year in which this agreement is executed (FY 2015-2017). This agreement shall remain in effect for the term of the qualification period. The parties of this agreement are prohibited from withdrawing from this agreement during the term of the qualification period and shall remain in the Consortium for the entire

three year period. At the end of the three year period stated above, this Agreement will terminate automatically unless expressly continued by formal action of this Council.

6. By the date specified in HUD's consortia designation notices, the Consortium lead entity (County of Hudson) will notify each participating unit of general local government in writing of its right not to participate for the successive three-year qualification periods. A copy of the notification sent to each jurisdiction must also be sent concurrently to the HUD Field Office by the date specified in the consortia designation notice.

The Consortium shall adopt any amendment to the agreement incorporating changes necessary to meet the requirements for cooperation agreements set forth in the Consortia Qualification Notice applicable for a subsequent three-year consortia qualification period, and to submit the amendment to HUD specified in the Consortia Qualification Notice for that period, and the failure to comply will void the automatic renewal of the Consortium Agreement.

7. July 1st shall be the Program Year start date for the Consortium and all members of the Consortium are on the same program year for the CDBG, HOME, Emergency Shelter Grants (ESG) and Housing Opportunities for the Persons with AIDS (HOPWA).
8. Authorization is given to the County of Hudson, as the lead entity, to amend the Consortium agreement on behalf of the entity Consortium for the sole purpose of adding new members to the Consortium.
9. The obligations of the parties under the Consortium agreement remain in effect until the HOME funds from each of the Federal fiscal years of the qualification period are expended for eligible activities and closed out pursuant to 24 CFR 92.507. No Consortium member may withdraw from the agreement while the agreement remains in effect.
10. Each member of the Consortium must adopt an authorized resolution of the governing body approving this Cooperation Agreement and the chief executive officer of each must sign the agreement. This resolution serves as that authorization for the City of Hoboken.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

14-450

---By Councilman Bhalla

A RESOLUTION REQUESTING PERMISSION TO ESTABLISH A DEDICATED TRUST BY RIDER FOR AFFORDABLE HOUSING TRUST FUND PURSUANT TO N.J.S.A. 40A:12A-3 ET SEQ. REQUIRED BY N.J.S.A. 40A:4-39

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:12A-3 et seq. provides for the receipt of Affordable Housing Trust Fund monies by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Affordable Housing Trust Fund are hereby anticipated as revenues and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Hoboken. County of Hudson, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures for **Affordable Housing Trust Fund** in accordance with the provisions of N.J.S.A. 40A:12A-3 et seq.; and
2. The Clerk of the City of Hoboken, County of Hudson is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

14-451

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$10,787.29)

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

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

NOW THEREFORE BE IT RESOLVED, that a warrant be drawn on the City Treasurer made payable to the following totaling **\$10,787.29**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Cappello, Kajsa 734 Adams Street #2A Hoboken, NJ 07030	84/14/C00G2	730-732 Adams St	2nd /14	\$160.73
Jason Henry 208 Jackson St #3 Hoboken, NJ 07030	36/30/C0003	208 Jackson St	1st /14	\$1,979.18
Meghan Curtin 423 Adams St #3A Hoboken, NJ 07030	61/12.01/C003A	423 Adams St	2nd /14	\$1,074.75
Decesare, Salvatore/ Ermelinda 828 Bloomfield St Hoboken, NJ 07030	195/34	828 Bloomfield St	2nd /14	\$495.58

Divorkin, Kristina 712 Willow Ave #2D Hoboken, NJ 07030	159/20.01/C002D	712 Willow Ave	2nd /14	\$1,031.57
Eilender, Albert & Patricia 1125 Maxwell Lane #1107S Hoboken, NJ 07030	261.03/1/CP315	1125 Maxwell Lane	2nd /14	\$119.95
Michael Maher J c/o Schley 70 S. Orange Ave. Livingston, NJ 07039	7/11/C0601	601 Observer Hwy	1&2/14	\$5,925.53

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

14-452

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE REFUND OF OVER BILLED 3rd & 4th QUARTERS OF 2014 FROM THE TAX DUPLICATE (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$96,038.28)

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

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

THEREFORE BE IT RESOLVED, that a warrant be drawn on the City Treasurer made payable to the appearing on the attached list totaling **\$96,038.28**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
307 Newark Parking, LLC P.O. Box 1099 Hoboken, NJ 07030	2.01/7	307-313 NEWARK ST.	3&4 2014	666.76
Skyline c/o Wentworth Prop Mgmt 700 Grove Street Jersey City, NJ 07310	3.02/1	523-531 NEWARK ST	3&4 2014	408.75
Rey, Joseph 2180 N.W. 19 TH AVE. Miami, FL 33142	3.02/9	515 NEWARK ST	3&4 2014	\$28.53
Jefferson Street Partners 111 Paterson Ave. Hoboken, NJ 07030	9/4	88 MARSHALL ST	3&4 2014	\$4,160.62

Jefferson Street Partners 111 Paterson Ave. Hoboken, NJ 07030	10/1	51-63 MARSHALL ST	3&4 2014	\$9,416.53
Peragine, Joseph John c/o CBS Outdo 185 Route 46 Fairfield, NJ 07004-2404	11/2/B01	713 FIRST ST	3&4 2014	\$187.06
Peragine, Joseph John c/o CBS Outdo 185 Route 46 Fairfield, NJ 07004-2404	11/2/B02	713 FIRST ST	3&4 2014	\$187.06
Mojica, Manual 701 First Street Hoboken, NJ 07030	11/5	703-707 FIRST ST	3&4 2014	\$1,576.74
562-564 Observer Highway Assocs LLC P.O. Box 0093 Norwood, NJ 07648-0093	16/1	564 OBSERVER HWY	3&4 2014	\$2,160.05
Rodgers, Raymond 83 Monroe Street Hoboken, NJ 07030	16/11/CCOMM	83-87 MONROE ST	3&4 2014	\$49.72
Pronti Madison LLC 192 Christopher Columbus Jersey City, NJ 07306	16/29	78 ½ MADISON ST	3&4 2014	\$2,373.19
Tritto, David 70 Park Ave Hoboken, NJ 07030	20/6/C0PS3	81 GRAND ST	3&4 2014	\$51.40
Sahr, Lawrence W. 700 First Street #16PB Hoboken, NJ 07030	25/1/C17PB	700 FIRST ST	3&4 2014	\$9.89
Viruet, Lirda P.O. Box 602 Harrison, NJ 07029	38/14/C0016	235 MONROE ST	3&4 2014	\$2.08
Losurdo, Nicola 201 Adams Street Hoboken, NJ 07030	41/2	203 ADAMS ST	3&4 2014	\$1,000.09
420 Madison St LLC, c/o D. Covello 158 Childs Road	58/15/C002L	420 MADISON ST	3&4 2014	\$2,162.30

Basking Ridge, NJ 07920

L. Monroe LLC	67/14	527-529 MONROE ST	3&4 2014	\$813.82
P.O. Box 7038				
Watchung, NJ 07069				
Metro West Homes Corp	77/3	605 JEFFERSON ST	3&4 2014	\$128.82
c/o Premier				
59 Beaverbrook Road #202				
Lincoln Park, NJ 07035				
Donofrio, Michael	77/16	632 ADAMS ST	3&4 2014	\$1,515.76
620 Adams St				
Hoboken, NJ 07030				
Paradigm Monroe Center	80/1.01	701 HARRISON ST	3&4 2014	\$410.07
380 Lexington Ave. #2020				
New York, NY 10168				
Hoboken Excalibur LLC	85/14	727 ADAMS ST	3&4 2014	\$5,854.25
450 Seventh St. c/o Frank Raia #3K				
Hoboken, NJ 07030				
Monroe Center II	87/1.01	800-822 MONROE ST	3&4 2014	\$1,820.01
Urban Renewal Co.				
50 Washington St				
Hoboken, NJ 07030				
Elm Associates LLC	89/12/C0P78	501 NINTH ST	3&4 2014	\$37.01
16 Southwood Drive				
Cherry Hill, NJ 08003				
Prospect Hill Associates	89/12/C0P80	501 NINTH ST	3&4 2014	\$37.01
P.O. Box 271				
Hoboken, NJ 07030				
Teague, Collin K.	95/1/C0P-5	901-909 MADISON	3&4 2014	\$37.01
901 Madison St #2G				
Hoboken, NJ 07030				
Northwest Redevel	98/15	1024-30 MADISON ST	3&4 2014	\$25.66
Supermkts LLC				
777 Terr Ave., 5th Floor				
Hasbrook Heights, NJ 07604				
Cognis Corp/Basf Corp.	103/7	1113-1131 MADISON ST	3&4 2014	\$3,786.31
100 Park Ave., Attn: Tax Dept.				
Florham Park, NJ 07932				
BF-Hoboken Property LLC	110/1	1200-22 CLINTON ST	3&4 2014	\$9,568.67
30 Paaglane				

Little Silver, NJ 07739

Park Willow LLC c/o **125/8/B01** **1427-1429 WILLOW AVE** **3&4 2014** **\$354.99**
Tim Watts
500 International Dr North
Mount Olive, NJ 07828

Park Willow LLC c/o **125/8/B02** **1427-1429 WILLOW AVE** **3&4 2014** **\$354.99**
Tim Watts
500 International Dr North
Mount Olive, NJ 07828

Park Willow LLC c/o **133/5** **1512-1522 WILLOW AVE** **3&4 2014** **\$392.07**
Tim Watts
500 International Dr North
Mount Olive, NJ 07828

Park Willow LLC c/o **133/10** **1524-1530 WILLOW AVE** **3&4 2014** **\$4,269.27**
Tim Watts
500 International Dr North
Mount Olive, NJ 07828

Park Willow LLC c/o **134/2** **1500 PARK AVE** **3&4 2014** **\$2,804.46**
Tim Watts
500 International Dr North
Mount Olive, NJ 07828

Park Willow LLC c/o **134/3.02** **1516-1532 PARK AVE** **3&4 2014** **\$10,726.44**
Tim Watts
500 International Dr North
Mount Olive, NJ 07828

693 Henderson Street LLC **139.01/4** **501-15 OBSERVER HWY.** **3&4 2014** **\$21.71**
693 Henderson Street
Jersey City, NJ 07306

PSE&G Company **140/1** **1600 CLINTON STREET** **3&4 2014** **\$5,999.33**
80 Park Plaza
Newark, NJ 07102

PSE&G Company **140/9** **1616 CLINTON STREET** **3&4 2014** **\$5,221.53**
80 Park Plaza
Newark, NJ 07102

1715 Grand St LLC **145/7** **17th ST & 18th ST** **3&4 2014** **\$5,448.23**
115 River Road
Edgewater, NJ 07020

Rogo's of Hoboken LLC **159/11/B01** **736-738 WILLOW AVE** **3&4 2014** **\$354.99**
c/o Rogovich
34 Blanche Avenue
Demarest, NJ 07627

Hoboken Land&Imp Co c/o Chamberlain 2 Las Olas Lane Port St. Lucie, FL 34952	165/39	226-232 PARK AVE REAR	3&4 2014	\$560.05
Hoboken Land&Imp Co c/o Chamberlain 2 Las Olas Lane Port St. Lucie, FL 34952	180/41	509 PARK AVE REAR	3&4 2014	\$27.17
161 First St Corp PO Box 144 Liberty Corner, NJ 07938	187/6.02	161-163 FIRST ST	3&4 2014	\$745.35
Hoboken Land&Imp Co c/o Chamberlain 2 Las Olas Lane Port St. Lucie, FL 34952	193/54	609-615 GARDEN ST REAR	3&4 2014	\$58.83
Hoboken Land&Imp Co c/o Chamberlain 2 Las Olas Lane Port St. Lucie, FL 34952	193/58	628 BLOOMFIELD ST	3&4 2014	\$27.19
Hoboken Land&Imp Co c/o Chamberlain 2 Las Olas Lane Port St. Lucie, FL 34952	194/47	720 BLOOMFIELD ST REAR	3&4 2014	\$11.26
Hoboken Land&Imp Co c/o Chamberlain 2 Las Olas Lane Port St. Lucie, FL 34952	194/48	724-726 BLOOMFIELD ST REAR	3&4 2014	\$25.76
200 Washington LLC 287 Bowman Ave Purchase, NY 10577	201/28/B01	200 WASHINGTON ST	3&4 2014	\$793.62
200 Washington LLC 287 Bowman Ave Purchase, NY 10577	201/28/B02	200 WASHINGTON ST	3&4 2014	\$793.62
Hoboken Land&Imp Co c/o Chamberlain 2 Las Olas Lane Port St. Lucie, FL 34952	207/30	802-806 WASHINGTON REAR	3&4 2014	\$35.36
Hoboken Land&Imp Co c/o Chamberlain 2 Las Olas Lane	207/31	827-831 BLOOMFIELD REAR	3&4 2014	\$38.61

Port St. Lucie, FL 34952

Hoboken Land&Imp Co c/o Chamberlain 2 Las Olas Lane Port St. Lucie, FL 34952	207/32	107 NINTH ST	3&4 2014	\$109.73
Hoboken Land&Imp Co c/o Chamberlain 2 Las Olas Lane Port St. Lucie, FL 34952	208/39	108 NINTH ST	3&4 2014	\$72.31
Hoboken Land&Imp Co c/o Chamberlain 2 Las Olas Lane Port St. Lucie, FL 34952	208/40	917-925 BLOOMFIELD REAR	3&4 2014	\$19.54
Altamura, Gaetano & Angela 58 Second St Hoboken, NJ 07030	213.01/7	216 HUDSON ST	3&4 2014	\$2,935.80
Rosen, Charles & Suzanne 10 Cedar Lane Roseland, NJ 07068	214.01/18.01	334 HUDSON ST	3&4 2014	\$2,711.32
McConnell, Paul & Jane 636 Bloomfield St Hoboken, NJ 07030	214.01/26/C0PS1	318 HUDSON ST	3&4 2014	\$123.37
Jasaitis, James 318 Hudson St #I Hoboken, NJ 07030	214.01/26/C0PS2	318 HUDSON ST	3&4 2014	\$123.37
Ang, Debra L 116 Clinton St #5S Hoboken, NJ 07030	214.01/26/C0PS3	318 HUDSON ST	3&4 2014	\$123.37
Mc Cue, James & Michelle 600 Hudson St Hoboken, NJ 07030	217.01/30/C00P4600	HUDSON ST	3&4 2014	\$51.40
Marotta, John Paul 600 Hudson St #6C Hoboken, NJ 07030	217.01/30/C00P6600	HUDSON ST	3&4 2014	\$51.40
600 Hudson St LLC c/o Maridian	217.01/30/C000D	600 HUDSON ST	3&4 2014	\$115.67

70 Hudson Street Hoboken, NJ 07030 Sameperi, Maryann Soule 10 Gleenbourne Drive Boonton, NJ 07005	218/26	700 HUDSON ST	3&4 2014	\$13.08
Bohn, Charles F. Jr & Jan C 7881 Fort Stokes Lane Easton, MD 21601	253/36 206 TWELFTH ST		3&4 2014	\$158.91
Perello, Irene 1308 Bloomfield St Hoboken, NJ 07030	254/10/C0P-1	1313-1317 PARK AVE.	3&4 2014	\$20.22
Fazio, Cataldo 170 Mill Street Westwood, NJ 07675	254/10/C0P-2	1313-1317 PARK AVE.	3&4 2014	\$20.22
Arezzo, Alfred 1025 Maxwell Lane #402 Hoboken, NJ 07030	254/10/C0P-4	1313-1317 PARK AVE.	3&4 2014	\$20.22
Arezzo, Alfred 1025 Maxwell Lane #402 Hoboken, NJ 07030	254/10/C0P-5	1313-1317 PARK AVE.	3&4 2014	\$20.22
Fleming, Frank 235 Hudson Street #1001 Hoboken, NJ 07030	254/10/C0P-9	1313-1317 PARK AVE.	3&4 2014	\$20.22
Epstein, Cynthia F & Alan 1313 Park Ave. #2A Hoboken, NJ 07030	254/10/C0P10	1313-1317 PARK AVE.	3&4 2014	\$20.22
Saydah, Gilbert Jr. & Heather E. 1238 Garden St Hoboken, NJ 07030	254/10/C0P13	1313-1317 PARK AVE.	3&4 2014	\$20.22
Drasheff, Robert K & Linda M 401 Sussex Ave. Spring Lake, NJ 07762	254/10/C0P15	1313-1317 PARK AVE.	3&4 2014	\$20.22
Sisti, Jon 1136 Bloomfield St Hoboken, NJ 07030	254/10/C0P16	1313-1317 PARK AVE.	3&4 2014	\$20.22

Gallois, Bernard & 254/10/C0P17 1313-1317 PARK AVE. 3&4 2014 \$20.22
1317 Garden Street
Hoboken, NJ 07030

Patel, Shruti 254/10/C0P20 1313-1317 PARK AVE. 3&4 2014 \$20.22
1313 Park Ave. #4D
Hoboken, NJ 07030

Goldberg, David
& Susan 262.03//C0103 2 CONSTITUTION CT 3&4 2014 \$25.01
2 Constitution Court #103
Hoboken, NJ 07030

Hoboken Cove LLC
c/o Toll Brothers 264/3.01 1423-1431 HUDSON ST 3&4 2014 \$1,289.37
1125 Hudson Street
Hoboken, NJ 07030

Shipyard Assoc LP
c/o Appl. Develop. 264.01/1 NE of FIFTHTEENTH ST 3&4 2014 \$379.21
50 Washington St
Hoboken, NJ 07030

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

14-453

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE CITY'S TAX COLLECTOR TO TRANSFER 2011, 2012 AND 2013 REAL ESTATE TAX CREDITS BALANCE TO OPERATIONS

WHEREAS, various credits and/or overpayments appear on the Tax Collector's records for Fiscal Year 2011 and 2012 and 2013 as of December 31, 2013; and

WHEREAS, the Tax Collector of the City of Hoboken wishes to transfer these credit balances to operations with the intent to maintain an efficient bookkeeping of the tax accounting records; and

WHEREAS, the Tax Collector deems that it is in the best interest of the City of Hoboken that these balances be transferred to operations; and

BE IT FURTHER RESOLVED, by the Municipal Council of the City of Hoboken, that these funds shall be made available by the city treasurer on a legitimate claim for these credits or overpayments.

SEE ATTACHED SCHEDULE

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.
---Absent: Mason

14-454

---By Councilman Doyle

RESOLUTION AUTHORIZING THE ADMINISTRATION TO SETTLE ANY PENDING LITIGATION WITHOUT CITY COUNCIL APPROVAL FOR ALL WORKERS COMPENSATION MATTERS SETTLING ON BEHALF OF THE CITY OF HOBOKEN IN AN AMOUNT EQUAL TO OR LESS THAN TWENTY ONE THOUSAND FIVE HUNDRED DOLLARS (\$21,500.00)

WHEREAS, the process by which the City of Hoboken settles pending lawsuits currently requires formal City Council approval, via a resolution, prior to formally settling any matter regardless of the extent of City liability laid out in the settlement; and,

WHEREAS, in an effect to promote prompt settlement of claims and to increase efficiency in the litigation process, the City Council believes that for those workers compensation matters in which the City's liability laid out in the settlement is less than or equal to Twenty One Thousand Five Hundred Dollars (\$21,500.00), the Administration is capable of making decisions which are in the best interest of the City without the need for formal City Council action authorizing the terms of the settlement, subject to the restrictions herein.

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

- A. The Administration shall have the authority to settle any and all pending workers compensation litigation in which there is a proposed settlement with a settlement amount that is equal to or less than Twenty One Thousand Five Hundred Dollars (\$21,500.00) so long as the majority of the City's Corporation Counsel, Business Administrator, and Mayor agree in writing that the settlement is in the best interest of the City; and,
- B. In any instance where a majority, as described above, does not agree in writing that the settlement is in the best interest of the City, in order to enter into the settlement, formal action of the City Council authorizing the settlement shall be required, regardless of the amount in controversy or the City's financial liability upon settlement.
- C. The Administration shall, on a periodic basis, via its Corporation Counsel, provide a brief description of each matter that was settled, including the settlement terms, and the reason(s) why same were in the best interest of the City, to the City Council for review.
- D. This resolution shall take effect immediately upon passage.

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

---Motion duly seconded by Councilman Giattino
---**ADOPTED AS AMENDED** 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 motions to amend the resolution and seconded by Councilman Bhalla
Council President reads out the addition added to the resolution**

ORDINANCES

Introduction and First Reading

14-455
Z-306

**ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY
ADOPTING CERTAIN AMENDMENTS TO THE FINANCIAL AGREEMENT WITH 1100 ADAMS
STREET URBAN RENEWAL, LLC WITHIN THE NORTHWEST REDEVELOPMENT AREA AND
CANCELLING ANNUAL SERVICE CHARGE ASSESSMENTS ON A PORTION OF THE PROJECT
THEREON**

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

WHEREAS, pursuant to Section 6 of the Redevelopment Law (*N.J.S.A. 40A:12A-6*), the Municipal Council of the City of Hoboken, in the County of Hudson, New Jersey (the “**City**”) designated the property commonly known as Block 104, Lots 1-5, 6.01, 28.02 and 29-33 on the tax map of the City, as an area in need of redevelopment (the “**Redevelopment Area**”); and

WHEREAS, 1100 Adams Street Urban Renewal, LLC (the “**Entity**” or “**Redeveloper**”), an urban renewal entity formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, *N.J.S.A. 40A:20-1 et seq.* (the “**Long Term Tax Exemption Law**”) intended to construct a five (5) story building over a one (1) story garage, containing seventy-six (76) market rate residential condominium units and four (4) commercial condominium units and related parking (collectively, the “**Project**”); and

WHEREAS, the provisions of the Long Term Tax Exemption Law authorize the City to accept, in lieu of real property taxes, an annual service charge paid by the Redeveloper to the City; and

WHEREAS, in order to enhance the economic viability of and opportunity for a successful Project, on December 15, 2004, the City adopted an ordinance (the “**Original Ordinance**”) authorizing the execution of a financial agreement (the “**Financial Agreement**”) with the Entity, which Financial Agreement was executed on March 18, 2005; and

WHEREAS, the Entity constructed the Project but was required to convert one of the four (4) commercial condominium units, identified on the tax register as Block 104, Lot 1.0001 C00R1 (“**C00R1**”), into a common area,

more specifically a utility closet, for the purpose of providing additional space for utilities, more particularly PSE&G, to service the residential condominium units; and

WHEREAS, notwithstanding the conversion of C00R1 into a non-income producing unit, the City assessed annual service charges against C00R1 commencing in tax year 2007, pursuant to the Financial Agreement; and

WHEREAS, when the Entity failed to pay the annual service charges relating to C00R1, the City sold tax liens against the property (collectively, the “**Tax Lien Sales**”); and

WHEREAS, the City has determined that the imposition of the annual service charges against C00R1 is inappropriate since such unit is not being utilized as a commercial space and, instead, is deemed common space, specifically a utility closet for housing of utilities, including without limitation PSE&G materials, supporting the residential condominium units; and

WHEREAS, in accordance with Section 9 of the Long Term Tax Exemption Law, the City and the Redeveloper seek to amend the Financial Agreement to reflect the removal of C00R1 as a commercial condominium unit requiring the payment of annual service charges thereon; and

WHEREAS, in furtherance of this amendment to the Financial Agreement, the annual service charge assessments against C00R1 shall be cancelled for the tax years commencing on the effective date of this Ordinance, and C00R1 shall be designated as common space within the Project on the tax register for the City; and

WHEREAS, Sharon Curran, Collector of Revenue, recommends that the cancellations be made.

NOW THEREFORE, BE IT ORDAINED, that an amendment to the Financial Agreement, in the form required to remove C00R1 as a commercial condominium unit and otherwise effectuate the provisions of this Ordinance, is hereby approved and the Mayor, in consultation with counsel to the City, is hereby authorized to execute and/or amend, modify or make such changes to the Financial Agreement necessary to effectuate the provisions of this Ordinance; provided that, such amendments, modifications or changes do not materially change the rights of the City to the payment of the Annual Service Charge (as defined in the Financial Agreement) for use by the City for any lawful purpose in the exercise of the City’s sole discretion.

FURTHER ORDAINED, that the Mayor, in consultation with counsel to the City, is hereby authorized to prepare, execute, amend, modify or make such changes to any other documents necessary to effectuate the provisions of the Financial Agreement, as amended, and this Ordinance.

FURTHER ORDAINED, that an executed copy of the Financial Agreement shall be certified by the City Clerk to the Office of the City Tax Assessor, in accordance with Section 12 of the Long Term Tax Exemption Law.

FURTHER ORDAINED, that the City Clerk is directed to transmit a certified copy of this Ordinance and the Financial Agreement, as amended, to the Director of the Division of Local Government Services, in accordance with Section 12 of the Long Term Tax Exemption Law.

FURTHER ORDAINED, that all other provisions of the Original Ordinance shall remain in full force and effect as it relates to the findings and resolutions of the City pertaining to the Financial Agreement and the Project.

FURTHER ORDAINED, that Block 104, Lot 1.0001 C00R1 be removed from the tax register as a taxable commercial condominium unit, future annual service charge assessments shall be cancelled and COOR1 shall be included as part of the common area for Block 104, Lot 1.

FURTHER ORDAINED, that this ordinance shall take effect immediately upon final adoption and publication thereof according to 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 **September 3, 2014 at 7:00 PM.**

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

---Absent: Mason

14-456

Z-307

AN ORDINANCE AMENDING CHAPTER 190 ENTITLED “VEHICLES AND TRAFFIC” TO ADD LEGISLATION REGARDING PROCEDURES RELATING TO ABANDONED BICYCLES WITHIN THE CITY OF HOBOKEN

WHEREAS, Chapter 190 of the General Code of the City of Hoboken establishes the rules and regulations associated with traffic control, including bicycles; and,

WHEREAS, the municipality has found that specific sections of Chapter 190 currently require amendments in order to best effectuate safe and orderly procedures for bicycles in the City; and,

WHEREAS, the City requires certain rules and procedures relating to the parking and abandonment of bicycles within the City of Hoboken to reduce the number of unclaimed damaged and/or dangerous bicycles within the City that result in safety hazards for the City’s pedestrians and vehicle and bicycle drivers.

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

190-50(N). Abandoned Bicycles

1. It shall be unlawful for any person to abandon any bicycle within the City of Hoboken.
2. A bicycle shall be deemed abandoned if:
 - a. For seven (7) or more consecutive days:
 - i. It is secured to or unsecured upon public property; and/or
 - ii. It is secured or unsecured upon or within the public right-of-way.
 - b. It is parked upon public property or within the public right of way, whether secured or unsecured, for any period of time, and embodies at least one of the following defects, collectively referred to as the “*Abandoned Bicycle Inspection List*”:
 - i. Bicycle visually appears to have crushed parts or is otherwise unusable;
 - ii. Parts which are necessary for the bicycle to be operable are missing – other than the seat or front wheel;
 - iii. Bicycle has flat or missing tire(s), except the front wheel as described in subsection (ii.);
 - iv. The handlebars or pedals are damaged;

- v. The existing forks, frames or rims are bent;
 - vi. Seventy-five percent (75%) or more of the bicycle is rusted.
- c. It is parked in violation of § 190-50(L), regardless of the time period or securement of the bicycle.
3. Enforcement Officers and Removal:
- a. City of Hoboken Code Enforcement Officers, City Inspectors, and/or the Hoboken Police Department shall have authority to tag and, after a twenty four hour waiting period, remove any bicycle in violation of §190-50(N)1; and/or
 - b. City of Hoboken Code Enforcement Officers, City inspectors, and/or the Hoboken Police Department shall have authority to tag and immediately remove any bicycle that meets the criteria set forth in § 190-50(N)4.
4. If a parked bicycle is blocking the pedestrian or vehicular right-of-way and/or poses a safety hazard, as determined in the sole discretion of the City agents authorized to enforce this Section, the waiting periods described herein may be waived, and the removal process set forth in § 190-50(N)3 shall begin immediately.

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 AND SIGNAGE

This ordinance immediately upon adoption, shall be forwarded by the Clerk to NJDOT for review and approval. Thereafter, the signs and signals division is authorized to place signage as approved and authorized by the DOT.

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 **September 3, 2014 at 7:00 PM.**

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

---Absent: Mason

14-457

Z-308

AN ORDINANCE AMENDING HOBOKEN CODE § 93-20 ENTITLED ‘LEASHING OF DOGS’ TO PROHIBIT AND/OR MINIMIZE CERTAIN CRUEL LEASHING/RESTRAINT OF DOGS ON PUBLIC PROPERTY

WHEREAS, the City recognizes that cruel restraint of animals, and particularly dogs, is harmful to the animal’s physical and mental wellbeing, and an unnecessary measure to protect the general welfare; and,

WHEREAS, the City now seeks to amend its Code to minimize and/or prohibit certain forms of dog restraints in an attempt to minimize unnecessary harms to dogs within the City boundaries.

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 93-20

§ 93-20 Leashing and Restraining of dogs.

A. No person owning, keeping or harboring a dog shall suffer or permit it to be upon the sidewalk, public streets, City parks, walkways, public building or public place, within the City of Hoboken, unless the dog is accompanied by its owner or keeper and is safely confined and controlled by an adequate leash not more than six feet long, except if the dog is in a City dog run.

B. Dogs shall be permitted only upon the paved areas of the Designated Waterfront Walkway, so long as the dog is safely confined and controlled by an adequate leash of no more than six feet long. No dog shall be permitted on any grass, gravel or other unpaved area of the Designated Waterfront Walkway.

C. A person is guilty of cruelly restraining a dog if, on any public property within the City boundaries, the person:

(1) chains, ties, fastens or otherwise tethers a dog to a dog house, tree, stake, pole, fence, wall or other stationary object outdoors or indoors for more than 10 hours in a 24-hour period;

(2) regardless of how long a period of time, chains, ties, fastens or otherwise tethers a dog with any collar or similar device other than a properly fitted harness or buckle-type collar for the dog, with a chain or other tether less than 15 feet;

(3) regardless of how long a period of time, uses a choke or prong collar on the dog when chaining, tying, fastening, or otherwise tethering the dog; or

(4) regardless of how long a period of time, uses a choke or prong collar on a dog, whether tethered or untethered, within a dog park.

D. No violation of this section shall exist for any Guide dog.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

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

President Giattino moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **September 3, 2014 at 7:00 PM.**

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

---Absent: Mason

NEW BUSINESS

Councilwoman Castellano comments on a survey regarding the Western Edge where there is no Affordable Housing.

Councilman Occhipinti has left the meeting at 9:24 PM.

Councilman Russo comments on thanking his colleagues for passing Z-303 and thank the Police Chief and Director.

Councilman Occhipinti has returned to the meeting at 9:26 PM.

Councilman Russo comments on 514 Madison with their tax payments, is there a type of resolution for their waiver.

BA Wiest comments on abated properties.

Councilman Russo comments on the PSE & G work schedule and the status of the Midtown Garage and where we stand.

BA Wiest comments that there will be a bid after Labor Day.

Director Morgan comments.

Councilman Doyle comments on the Master Plan and Zoning Committee and asks his colleagues if there's any issues you hear from your constituents and please email Councilman Doyle, most likely meet the end of August.

Councilman Bhalla comments if the public will have an opportunity to give some insight?

Councilman Occhipinti comments on mixed use and industrial zone in parts of the city.

Councilman Cunningham comments on a project in Sept. for a car charging station proposed by the developer which is not permitted in our zoning ordinance and the two (2) year report and changes could streamline this process.

Councilman Occhipinti comments on an update with the road paving to award a contract and would like Corporation Counsel to look into Council members using electronic devices.

Councilman Occhipinti said that a traffic study will be done on 3rd and Jackson, a 11/12th annual Belgium Beer night for Hoboken Vol. which will be Aug. 14th at the Dubliner and the Hoboken Grace Church will have their one day service on Aug. 23rd and working with the City of Hoboken and they are always looking for volunteers go to hobokenoneday.com.

Councilman Occhipinti comments on the Special Meeting on this past Monday's Housing Authority meeting.

Councilman Mello comments on the Special Meeting on this past Monday's Housing Authority meeting.

Councilman Mello comments on when the Quality of Life sub-committee meeting, the streets could be cleaner.

Councilman Cunningham comments on the TAP sub-committee and Comm. North dev. Meeting, tomorrow there will be a workshop with ARUP to go over the list of recommendations from 7-9ish or so and then following-up with a stakeholder workshop on August 21st and then another meeting in Sept. to review these recommendations, 11th and Adams – a loft will need a redevelopment agreement, and also Water Music and getting close before the Council, which will require 6 lease agreements, what's the status of the camera on 12th and Willow to help regulate the traffic flow.

Director Morgan comments that he is not sure about when that will be installed, the HOP App. is being worked on now and hopefully it will be tested.

Councilman Bhalla comments on the corner cars for cleaning and is there an provisions in the Hertz contract for them to clean by the curbs and update the North End – Rehabilitation Zone- the deadline is August 20th for anyone who would like to submit their applications..

Councilman Bhalla comments that he has been working with Director Forbes to get rid of the debris by Hoboken Cove and the property of Rockefeller Group.

Council President comments on the streets being dirty and the businesses in town should be responsible to power wash their front sidewalk.

At 10:04 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 10:04 P.M.

PRESIDENT OF THE COUNCIL

CITY CLERK