

THE COUNCIL OF THE CITY OF HOBOKEN

DRAFT MINUTES FOR MEETING OF JANUARY 3, 2018

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

Roll call: Councilpersons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Ramos Jr., and Russo

ABSENT:

The City Clerk comments that they will hear resolution CL1.

RE-ORG. RESOLUTIONS

Clerk

A motion by Councilwoman Giattino to nominate Councilman Ramos as Council President and seconded by Councilman DeFusco

18-3

---By Councilwoman Giattino

RESOLUTION APPOINTING RUBEN RAMOS AS CY2018 COUNCIL PRESIDENT

Be it resolved by the City Council of the City of Hoboken that Ruben Ramos Jr. be and is hereby appointed President of the Hoboken City Council for a one (1) year term to expire December 31, 2018.

---Motion duly seconded by Councilman DeFusco

---Adopted by the following vote: Yeas: 7 Nays: 0 Present: 2

---Yeas: Council persons Cunningham, DeFusco, Falco, Fisher, Giattino, Ramos Jr., and Russo

---Nays: None.
---Present: Doyle and Jabbour

A motion by Council to nominate Councilwoman Giattino as Council Vice President and seconded by Councilman Ramos

18-4

---By Councilman Cunningham
RESOLUTION APPOINTING JEN GIATTINO AS CY2018 COUNCIL VICE-PRESIDENT

Be it resolved by the City Council of the City of Hoboken that Jen Giattino be and is hereby appointed Vice-President of the Hoboken City Council for a one (1) year term to expire December 31, 2018.

---Motion duly seconded by Council President Ramos
---Adopted by the following vote: Yeas: 7 Nays: 0 Present: 2
---Yeas: Council persons Cunningham, DeFusco, Falco, Fisher, Giattino, Ramos Jr., and Russo
---Nays: None.
---Present: Doyle and Jabbour

The City Clerk conducts the Oath of Office for the new Council President and Vice President

COUNCIL PRESIDENT – RUBEN RAMOS, JR.

COUNCIL VICE PRESIDENT – JEN GIATTINO

A motion by Council President to nominate Councilman DeFusco as Council Vice President and seconded by Councilwoman Fisher

18-5

---By Council President Ramos

RESOLUTION TO APPOINTING MICHAEL DEFUSCO AS A CY2017 CLASS III (CITY COUNCIL) REPRESENTATIVE TO THE HOBOKEN PLANNING BOARD

Be it resolved by the City Council that Councilperson Michael DeFusco is hereby appointed as the City Council representative to the Hoboken Planning Board (Class III), for a term to commence January 1, 2018 and expire December 31, 2018.

---Motion duly seconded by Council President Ramos
---Adopted by the following vote: Yeas: 7 Nays: 2

--Yeas: Council persons Cunningham, DeFusco, Falco, Fisher, Giattino, Ramos Jr., and Russo

---Nays: Doyle and Jabbour

18-6

---By Councilwoman Giattino

RESOLUTION DESIGNATING OFFICIAL NEWSPAPERS FOR LEGAL ADVERTISEMENTS FOR THE CITY OF HOBOKEN FOR CY2018

BE IT HEREBY RESOLVED, BY THE CITY COUNCIL OF THE CITY OF HOBOKEN that the following newspapers are hereby designated as the official newspapers of the City of Hoboken for all purposes of legal advertising and official notices for CY2018:

1. Jersey Journal
2. Newark Star Ledger
3. Bergen Record
4. The Hudson Reporter* – For Public Meeting Notices And Public Meeting Agendas Only

*City Officials and the public should be on notice that The Hudson Reporter is not a daily periodical, and as such, urgent notices may not be published in hard copy by this periodical until after the statutorily required date of publication, and in some events after the date of the Public Meeting.

---Motion duly seconded by Council President Ramos

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo and Council President

---Nays: None.

18-7

---By Council President Ramos

RESOLUTION AUTHORIZING TEMPORARY APPROPRIATIONS FOR THE CALENDAR YEAR 2018

WHEREAS, N.J.S.A. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the calendar

year 2018 budget, temporary appropriation should be made for the purpose and amounts required in the manner and time therein provided; and,

WHEREAS, the date of this resolution is within the first 30 days of calendar year 2018; and,

WHEREAS, the total appropriations in the calendar year 2017 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund, and public assistance, was the sum \$104,742,784.31 and for the Parking Utility was the sum \$15,258,234.00; and,

WHEREAS, twenty-six and twenty-five one hundredths percent (26.25%) of the total appropriations of the current fund in the calendar year 2017 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund, and public assistance in said calendar year 2017 budget is \$27,494,980.88 and for the Parking Utility is \$4,005,286.43; and,

WHEREAS, the temporary appropriations in the calendar year 2018 budget for interest and debt redemption charges and capital improvement fund are requested to be \$9,859,700.00 for the current fund and \$2,723,000.00 for the Parking Utility.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the City of Hoboken that the attached appropriations, which total \$36,675,165.00 for the current fund including capital improvement fund and debt service and \$5,618,966.00 for the Parking Utility including debt service, be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his/her records.

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo and Council President

---Nays: None.

18-8

---By Councilwoman Giattino

RESOLUTION APPOINTING JAMES AIBEL TO SERVE AS COMMISSIONER TO THE CITY OF HOBOKEN ZONING BOARD OF ADJUSTMENT FOR A FOUR-YEAR TERM

WHEREAS, pursuant to the Code of the City of Hoboken, §44-201, the City of Hoboken has established a Zoning Board of Adjustment; and,

WHEREAS, pursuant to §44-201, members of the Zoning Board of Adjustment are appointed by the City Council; and,

WHEREAS, there are currently vacancies on the Zoning Board of Adjustment; and,

WHEREAS, the City Council wishes to appoint James Aibel to serve as Commissioner on the Zoning Board of Adjustment for a four-year term.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken hereby appoints James Aibel to serve as Commissioner on the City of Hoboken Zoning Board of Adjustment, for the term described below:

Name	Title	Appointment	Expiration	Term
James Aibel	Regular Member	January 1, 2018	December 31, 2021	Four Years (4)

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

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: Yeas: 7 Nays: 0 Present: 2

---Yeas: Council persons Cunningham, DeFusco, Falco, Fisher, Giattino, Ramos Jr., and Russo

---Nays: None.

---Present: Doyle and Jabbour

18-9

---By Councilman DeFusco

RESOLUTION RE-APPOINTING ANTONIO GRANA TO SERVE AS COMMISSIONER TO THE CITY OF HOBOKEN ZONING BOARD OF ADJUSTMENT FOR A FOUR-YEAR TERM

WHEREAS, pursuant to the Code of the City of Hoboken, §44-201, the City of Hoboken has established a Zoning Board of Adjustment; and,

WHEREAS, pursuant to §44-201, members of the Zoning Board of Adjustment are appointed by the City Council; and,

WHEREAS, there are currently vacancies on the Zoning Board of Adjustment; and,

WHEREAS, the City Council wishes to appoint Antonio Grana to serve as Commissioner on the Zoning Board of Adjustment for a four-year term.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken hereby appoints Antonio Grana to serve as Commissioner on the City of Hoboken Zoning Board of Adjustment, for the term described below:

Name	Title	Appointment	Expiration	Term
Antonio Grana	Regular Member	January 1, 2018	December 31, 2021	Four Years (4)

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

---Motion duly seconded by Councilwoman Fisher

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo and Council President

---Nays: None.

A motion by Councilman DeFusco to nominate as and seconded by Councilwoman Fisher

18-10

---By Councilwoman Fisher

RESOLUTION APPOINTING STEVEN FIRESTONE TO SERVE AS FIRST ALTERNATE TO THE CITY OF HOBOKEN ZONING BOARD OF ADJUSTMENT

WHEREAS, pursuant to the Code of the City of Hoboken, §44-201, the City of Hoboken has established a Zoning Board of Adjustment; and,

WHEREAS, pursuant to §44-201, members of the Zoning Board of Adjustment are to be appointed by the City Council of the City of Hoboken; and,

WHEREAS, there are currently vacancies on the Zoning Board of Adjustment; and,

WHEREAS, pursuant to §44-201(B), there are to be not more than four (4) alternate members who meet the qualifications of Class IV members; and,

WHEREAS, the City Council of the City of Hoboken wishes to appoint Steven Firestone as the first alternate on the Zoning Board of Adjustment for a term of two (2) years.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken hereby appoints the following individual to serve as described below on the City of Hoboken Zoning Board of Adjustment, for the terms described below:

Name	Title	Appointment	Expiration	Term
Steven Firestone	1st Alternate	January 1, 2018	December 31, 2019	Two (2) Years

---Motion duly seconded by Councilman DeFusco
---Adopted by the following vote: Yeas: 9 Nays: 0
---Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo and Council President
---Nays: None.

A motion by Councilwoman Fisher to nominate as and seconded by Councilman DeFusco

18-10A

---By Councilman DeFusco

RESOLUTION APPOINTING CORY JOHNSON AS THE SECOND ALTERNATE MEMBER OF THE CITY OF HOBOKEN'S ZONING BOARD OF ADJUSTMENT

WHEREAS, pursuant to the Code of the City of Hoboken, §44-201, the City of Hoboken has established a Zoning Board of Adjustment; and,

WHEREAS, pursuant to §44-201, members of the Zoning Board of Adjustment are to be appointed by the City Council of the City of Hoboken; and,

WHEREAS, there are currently vacancies on the Zoning Board of Adjustment; and,

WHEREAS, pursuant to §44-201(B), there are to be not more than four (4) alternate members who meet the qualifications of Class IV members; and,

WHEREAS, the City Council of the City of Hoboken wishes to appoint Cory Johnson as the second alternate on the Zoning Board of Adjustment for a term of two (2) years.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken hereby appoints the following individual to serve as described below on the City of Hoboken Zoning Board of Adjustment, for the terms described below:

Name	Title	Appointment	Expiration	Term
Cory Johnson	2nd Alternate	January 1, 2018	December 31, 2019	Two (2) Years

---Motion duly seconded by Councilwoman Falco

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo and Council President

---Nays: None.

A motion by Councilman DeFusco to nominate as and seconded by Councilwoman Falco

18-11

---By Councilman Cunningham

RESOLUTION APPOINTING ANN GRAHAM AS THE THIRD ALTERNATE MEMBER OF THE CITY OF HOBOKEN'S ZONING BOARD OF ADJUSTMENT

WHEREAS, pursuant to the Code of the City of Hoboken, §44-201, the City of Hoboken has established a Zoning Board of Adjustment; and,

WHEREAS, pursuant to §44-201, members of the Zoning Board of Adjustment are to be appointed by the City Council of the City of Hoboken; and,

WHEREAS, there are currently vacancies on the Zoning Board of Adjustment; and,

WHEREAS, pursuant to §44-201(B), there are to be not more than four (4) alternate members who meet the qualifications of Class IV members; and,

WHEREAS, the City Council of the City of Hoboken wishes to appoint Ann Graham as the third alternate on the Zoning Board of Adjustment for a term of two (2) years.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken hereby appoints the following individual to serve as described below on the City of Hoboken Zoning Board of Adjustment, for the terms described below:

Name	Title	Appointment	Expiration	Term
Ann Graham	3 RD Alternate	January 1, 2018	December 31, 2019	Two (2) Years

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

---Motion duly seconded by Councilwoman Fisher

---Adopted by the following vote: Yeas: 7 Nays: 2

---Yeas: Council persons Cunningham, DeFusco, Falco, Fisher, Giattino, Russo and Council President

---Nays: Doyle and Jabbour

A motion by Councilman Cunningham to nominate as and seconded by Councilwoman Fisher

18-12

---By Councilman Doyle

RESOLUTION AUTHORIZING THE APPOINTMENT OF THE BUSINESS ADMINISTRATOR, DIRECTOR OF THE DEPARTMENT OF REVENUE AND FINANCE, DIRECTOR OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT, DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL SERVICES AND THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION AND PARKING

WHEREAS, Hoboken City Code §4-5 authorizes the Mayor to appoint the Business Administrator with the advice and consent of the City Council; and,

WHEREAS, the Mayor has reappointed Stephen Marks to the position of Business Administrator, and hereby requests the consent of the City Council; and,

WHEREAS, Hoboken City Code §5-5 authorizes the Mayor to appoint the Director of the Department of Revenue and Finance with the advice and consent of the City Council; and,

WHEREAS, the Mayor has reappointed Linda Dunn-Landolfi to the position of Director of the Department of Revenue and Finance, and hereby requests the consent of the City Council; and,

WHEREAS, Hoboken City Code §20-4 authorizes the Mayor to appoint the Director of the Department of Community Development with the advice and consent of the City Council; and,

WHEREAS, the Mayor has reappointed Brandy Forbes to the position of Director of the Department of Community Development, and hereby requests the consent of the City Council; and,

WHEREAS, Hoboken City Code §39-5 authorizes the Mayor to appoint the Director of the Department of Human Services with the advice and consent of the City Council; and,

WHEREAS, the Mayor has reappointed Leo Pellegrini to the position of Director of the Department of Human Services, and hereby requests the consent of the City Council; and,

WHEREAS, Hoboken City Code §58-5 authorizes the Mayor to appoint the Director of the Department of Environmental Services with the advice and consent of the City Council; and,

WHEREAS, the Mayor has reappointed Leo Pellegrini to the position of Director of the Department of Environmental Services, and hereby requests the consent of the City Council; and,

WHEREAS, Hoboken City Code §64A-2 authorizes the Mayor to appoint the Director of the Department of Transportation and Parking with the advice and consent of the City Council; and,

WHEREAS, the Mayor has reappointed Ryan Sharp to the position of Director of the Department of Transportation and Parking, and hereby requests the consent of the City Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken hereby consents to and authorizes the Mayor's appointment of the Business Administrator, the Director of the Department of Revenue and Finance, the Director of the Department of Community Development, the Director of the Department of Human Services, the Director of the Department of Environmental Services and the Director of the Department of Transportation and Parking for the term of the Mayor and until the appointment and qualification of his/her successor; and,

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be immediately forwarded to the Mayor.

---Motion duly seconded by Councilwoman Jabbour

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo and Council President

---Nays: None.

18-13

---By Councilwoman Giattino

RESOLUTION TO APPOINTMENT ANTHONY SOARES TO THE NORTH HUDSON SEWERAGE AUTHORITY COMMISSIONER

WHEREAS, Chapter 64 of the Code of the City of Hoboken establishes the City's relationship with the North Hudson Sewage Authority ("NHSA"); and

WHEREAS, Section 64-2 provides for appointment of Hoboken representatives by the Governing Body to the NHSA; and

WHEREAS, the expiration of Commissioner Assadourian previous term occurs on February 1, 2018 requiring a new appointment; and

WHEREAS, the Governing Body believes Anthony Soares should serve in the position as a Commissioner because he has the expertise, skill and character to be a successful representative of the City of Hoboken.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken hereby appoints Anthony Soares as a Hoboken Commissioner to the North Hudson Sewage Authority for the term to commence February 2, 2018 and expire February 1, 2023 pursuant to §62-2 of the Code of the City of Hoboken; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Board of Commissioners of the North Hudson Sewage Authority expeditiously, and published, noticed and posted in accordance with the City's Citizens' Service Act.

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

---Motion duly seconded by Councilwoman Fisher

---Adopted by the following vote: Yeas: 7 Nays: 2

---Yeas: Council persons Cunningham, DeFusco, Falco, Fisher, Giattino, Russo and Council President Ramos

---Nays: Doyle and Jabbour

A motion by Councilwoman Giattino to nominate Tony Soares as NHSA commissioner and seconded by Councilwoman Fisher

A motion by Councilman Doyle to nominate Brian Assourdorian as NHSA commissioner and seconded by Councilwoman Jabbour

18-14

---By Councilman Doyle

RESOLUTION TO ADOPT THE MINUTES OF THE MEETINGS OF THE CITY COUNCIL DATED: REGULAR MEETING OF DECEMBER 20, 2017

---Motion duly seconded by Councilwoman Giattino

---Adopted by the following vote: Yeas: 7 Nays: 0 Abstain: 2
---Yeas: Council persons Cunningham, DeFusco, Doyle, Fisher, Giattino, Russo and Council President
---Nays: None.
---Abstain: Falco and Jabbour

ORDINANCES (continued)
2nd Readings and Final Readings

None for this meeting.

PUBLIC COMMENTS

The speakers who spoke: Patricia Waiters, David Mello Mary Ondrejka, Cheryl Fallick

PETITIONS AND COMMUNICATIONS

18-15

Miscellaneous Licenses

---Adopted by the following vote: Yeas: 9 Nays: 0
---Yeas: Council persons DeFusco, Doyle, Cunningham, Falco, Fisher, Giattino, Jabbour, Russo and Council President Ramos
---Nays: None.

Received and filed

REPORTS FROM CITY OFFICERS

18-16

A communication from the City Clerk notifying the Governing Body on Mayor Dawn Zimmer's veto for Z-537 AN ORDINANCE TO SUBMIT THE PROPOSITION TO THE VOTERS AT THE NOVEMBER 6, 2018 GENERAL ELECTION THAT THE CITY OF HOBOKEN ADOPT THE HOLDING OF RUN-OFF ELECTIONS AS PERMITTED BY THE UNIFORM NON-PARTISAN ELECTIONS LAW from the December 20, 2017 city council meeting

An Executive Order from Mayor Bhalla dated January 1, 2018 declaring Hoboken a
Fair and
Welcoming City

18-17

CLAIMS

Total for this agenda **\$1,578,282.25**

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino,
Jabbour, Russo and Council President Ramos

---Nays: None.

18-18

PAYROLL

For the two week period starting November 30, 2017 – December 13, 2017

Regular Payroll	O/T Pay	Other Pay
\$1,759,110.29	\$89,098.47	\$441,350.94

Total

\$2,289,559.70

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino,
Jabbour, Russo and Council President Ramos

---Nays: None.

PUBLIC COMMENTS ON RESOLUTIONS

The speakers who spoke: Patricia Waiters, Etan Stern Weber, Nadja (Nadia)
Rutkowski

CONSENT AGENDA - A3-A4, CD1-CD4, F1-F4, HH1, TX1-TX5, T1

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons DeFusco, Doyle, Cunningham, Falco, Fisher, Giattino,
Jabbour, Russo and Council President Ramos

---Nays: None.

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

Pulled from the agenda for discussion: A1, A2, A5
Removed by Governing Body:

Administration

18-20

---By Councilwoman Fisher

RESOLUTION OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF ITS "NOTE RELATING TO THE CONSTRUCTION FINANCING TRUST LOAN PROGRAM OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST", TO BE ISSUED IN THE PRINCIPAL AMOUNT OF UP TO \$6,600,000, AND PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE CITY OF HOBOKEN IN FAVOR OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST, ALL PURSUANT TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST CONSTRUCTION FINANCING TRUST LOAN PROGRAM

WHEREAS, the City of Hoboken (the "Local Unit"), in the County of Hudson, New Jersey, has determined that there exists a need within the Local Unit for the acquisition of certain real property (identified on the official tax map of the Local Unit as Block 10, Lots 1-7 and 30-36) and the construction/expansion of Southwest Resiliency Park (Block 10) as part of the Local Unit's open space preservation program and to install and construct a stormwater management and flood control system thereon and/or thereunder (collectively, the "Project"), and it is the desire of the Local Unit to obtain financing for such Project through participation in the financing program (the "Environmental Infrastructure Financing Program") of the New Jersey Environmental Infrastructure Trust (the "Trust"); and,

WHEREAS, the Local Unit has determined to temporarily finance the Project prior to the closing with respect to the Environmental Infrastructure Financing

Program, and to undertake such temporary financing with the proceeds of a short-term loan to be made by the Trust (the "Construction Loan") to the Local Unit, pursuant to the Construction Financing Trust Loan Program of the Trust (the "Construction Financing Program"); and,

WHEREAS, in order to (i) evidence and secure the repayment obligation of the Local Unit to the Trust with respect to the Construction Loan and (ii) satisfy the requirements of the Construction Financing Program, it is the desire of the Local Unit to issue and sell to the Trust the "Note Relating to the Construction Financing Trust Loan Program of the New Jersey Environmental Infrastructure Trust" in an aggregate principal amount of up to \$6,600,000 (the "Note"); and,

WHEREAS, it is the desire of the Local Unit to authorize, execute, attest and deliver the Note to the Trust pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), and other applicable law; and,

WHEREAS, Section 28 of the Local Bond Law allows for the sale of the Note to the Trust without any public offering, and N.J.S.A. 58:11B-9 allows for the sale of the Note to the Trust without any public offering, all under the terms and conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. In accordance with Section 28 of the Local Bond Law and N.J.S.A. 58:11B-9, the Local Unit hereby authorizes the issuance, sale and award of the Note in accordance with the provisions hereof. The obligation represented by the Note has been appropriated and authorized by bond ordinances Z-503 of the Local Unit, which bond ordinance is entitled "BOND ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY FOR OPEN SPACE PRESERVATION, THE CONSTRUCTION/EXPANSION OF SOUTHWEST RESILIENCY PARK (BLOCK 10) AND THE CONSTRUCTION/EXPANSION OF A STORMWATER MANAGEMENT AND FLOOD CONTROL SYSTEM THEREON IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$4,949,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$4,949,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING" and was finally adopted by the Local Unit at a meeting duly called and held on June 21, 2017, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable laws, and Z-94 of the Local

Unit, which bond ordinance is entitled "AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF VARIOUS PARCELS OF LAND AND OTHER RELATED EXPENSES IN AND FOR THE CITY OF HOBOKEN AND APPROPRIATING \$20,000,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$19,000,000 IN BOND OR NOTES OF THE CITY OF HOBOKEN TO FINANCE THE SAME" and was finally adopted by the Local Unit at a meeting duly called and held on March 16, 2011, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions hereof, (i) the final principal amount of the Note (subject to the maximum limitation set forth in Section 4(a) hereof), and (ii) the dated date of the Note.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Note by the parties authorized pursuant to Section 4(h) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Note shall be as follows:

- (a) the principal amount of the Note to be issued shall be an amount up to \$6,600,000;
- (b) the maturity of the Note shall be determined by the Trust;
- (c) the interest rate of the Note shall be determined by the Trust;
- (d) the purchase price for the Note shall be par;
- (e) the Note shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of the Note;
- (f) the Note shall be issued in a single denomination and shall be numbered "CFP-2017-__";
- (g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and
- (h) the Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 5. The Note shall be substantially in the form attached hereto as Exhibit A.

Section 6. The law firm of Parker McCay P.A., Mount Laurel, New Jersey, bond counsel to the Local Unit, is hereby authorized to arrange for the printing of the Note, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust for the Construction Financing Program, to arrange for same.

Section 7. The Mayor, Director of Finance, Chief Financial Officer and Clerk of the Local Unit (collectively, the “Authorized Officers”) are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Secretary of the Local Unit, as applicable, in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit and after further consultation with the Trust and its representatives, agents, counsel and advisors, to be executed in connection the issuance and sale of the Note and the participation of the Local Unit in the Construction Financing Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery of the Note and the participation of the Local Unit in the Construction Financing Program.

Section 8. This resolution shall take effect immediately.

Section 9. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to Parker McCay P.A., Mount Laurel, New Jersey, bond counsel to the Local Unit, David Zimmer, Executive Director of the Trust, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

---Motion duly seconded by Council President Ramos

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo and Council President Ramos

---Nays: None.

18-21

---By councilwoman Fisher

**RESOLUTION APPOINTING “PAY-TO-PLAY” REFORM COMPLIANCE
OFFICER FOR THE CITY OF HOBOKEN**

WHEREAS, the City Code of the City of Hoboken requires a “Pay-to-Play” Reform Compliance Officer, at Section 20A-22; and,

WHEREAS, the “Pay-to-Play” Reform Compliance Officer was incorporated into the City Code in 2008, as a result of a settlement agreement between the City of Hoboken and the People For Open Government.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hoboken that Alyssa L. Bongiovanni, Esq., Assistant Corporation Counsel for the City of Hoboken, is hereby appointed as the “Pay-to-Play” Reform Compliance Officer for the City of Hoboken; and,

BE IT FURTHER RESOLVED that no additional compensation shall be provided to the individual appointee as a result of this appointment; and,

BE IT FURTHER RESOLVED that said appointment shall begin immediately and shall continue until the appointment of a successor.

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo and Council President Ramos

---Nays: None.

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18-22

---By Councilwoman Fisher

RESOLUTION APPOINTING PUBLIC AGENCY COMPLIANCE OFFICER (“PACO”) FOR THE CITY OF HOBOKEN

WHEREAS, there exists a need for a Public Agency Compliance Officer (P.A.C.O.) for the City of Hoboken, pursuant to N.J.S.A. 10:5-31 et. seq. and N.J.A.C. 17:27-1 et. seq.; and,

WHEREAS, the State Department of Treasury Division of Contract Compliance and Equal Employment Opportunity in Public Contracts (DDC), N.J.A.C. 17:27-1 et. seq. requires that the rules commonly known as “affirmative action” be followed.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that Scott DeRosa, Esq., Assistant Corporation Counsel for the City of Hoboken, is hereby appointed as the Public Agency Compliance Officer for the City of Hoboken; and,

BE IT FURTHER RESOLVED that no additional compensation shall be provided to the individual appointee as a result of this appointment; and,

BE IT FURTHER RESOLVED that said appointment shall begin immediately and shall continue until the appointment of a successor.

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo and Council President Ramos

---Nays: None.

18-23

---By Councilwoman Fisher

RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO PARTICIPATE IN THE BUYBOARD NATIONAL PURCHASING COOPERATIVE

WHEREAS, N.J.S.A. 40A:11-1 et. seq. authorizes contracting units to enter into Cooperative Pricing Agreements; and,

WHEREAS, BuyBoard is a National Purchasing Cooperative that was formed on May 26, 2010 pursuant to Md. Code Ann., State Fin. & Proc. § 13-110 (West 2009) and R.I.Gen.Laws § 16-2-9.2 (2009); and,

WHEREAS, the City desires to become a member of the BuyBoard National Purchasing Cooperative by entering into the attached agreement, the purpose of which is to facilitate compliance with state procurement requirements, to identify qualified vendors of commodities, goods and services, to relieve the burdens of the governmental purchasing function, and to realize the various potential economies, including administrative cost savings for Cooperative Members.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that the City Council authorizes the City of Hoboken to participate in the BuyBoard National Purchasing Cooperative and execute the attached Cooperative Interlocal Participation Agreement with the BuyBoard National Purchasing Cooperative.

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo and Council President Ramos

---Nays: None.

18-24

---By Council

RESOLUTION DECLARING HOBOKEN A FAIR AND WELCOMING CITY

WHEREAS, Hoboken values its ethnic, racial, linguistic, and socio-economic diversity. Our diversity is a source of our municipality's strength and the Hoboken City Council is committed to ensuring that all our residents can live and pursue their livelihoods in peace and prosperity; and,

WHEREAS, Hoboken residents, like many Americans, are deeply concerned about how the new presidential administration will impact their lives and families, whether they will be forced to leave this country, and whether rights and protections afforded to them will suddenly be taken away; and,

WHEREAS, local enforcement of immigration law makes everyone less safe. When local law enforcement voluntarily cooperates with or works on behalf of Immigration and Customs Enforcement (ICE) to facilitate deportations, significant gaps in trust and cooperation grow between immigrant communities and the police. Some of these practices could expose the city to liability for violations of individuals' Constitutional rights; and,

WHEREAS, undue collaboration between local law enforcement and ICE will make immigrants less likely to report crimes, act as witnesses in criminal investigations and prosecutions, and provide intelligence to law enforcement. The cooperation of the City's immigrant communities is essential to prevent and solve crimes and maintain public order, safety and security in the entire City. Community policing depends on trust with every community and facilitating deportations will harm our efforts at community policing; and,

WHEREAS, a growing number of municipalities around the country are standing up to threats against privacy and liberties by taking meaningful steps to ensure that communities are safe, and that all residents' rights are respected so that their municipality may continue to thrive; and,

WHEREAS, due to the City's limited resources; the clear need to foster the trust of and cooperation from the public, including members of vulnerable communities; and to effectuate the City's goals, the City Council urges the Mayor and administration of the City to clarify its role in protecting all city residents' privacy and rights.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken supports the establishment and communication of a clear policy that local police and government agents will not enforce federal immigration law nor help facilitate ICE deportations, except where legally required to do so. This includes

developing a clear policy that the City and its law enforcement agents and employees will not: enter into any contracts, agreements or arrangements, including “287(g) agreements” or Intergovernmental Service Agreements with the federal government that deputize local law enforcement officers to act as immigration agents or use local facilities to house immigrants in deportation proceedings; participate in joint operations with ICE, including, but not limited to setting up traffic stops for purposes of immigration enforcement or assisting in raids; stop, arrest or detain people based on perceived or actual immigration status or belief the person has committed an immigration offense; arrest, detain or transfer individuals based on warrantless immigration detainers or administrative warrants; or allow ICE access to City facilities, property, equipment or databases without a judicial warrant; and,

BE IT FURTHER RESOLVED, that the Hoboken City Council is committed to working with the mayor and administration on strong anti-discrimination policies to protect vulnerable communities. Insuring that all are treated fairly and without discrimination or profiling based on actual or perceived national origin, immigration status, race, ethnicity, language proficiency, religion, sexual orientation, gender identity, disability, housing status, financial status, marital status, status as a victim of domestic violence, criminal history, or status as a veteran is a priority for our community. Such policies should include a prohibition on City agents and employees conditioning services on immigration status, except where required under applicable federal or state law; strict policies prohibiting City agents and employees from coercing individuals or threatening to report them or their family members to ICE or take other immigration-related action against them or their family members; and a strong policy making clear that where presentation of a state driver’s license is accepted as adequate evidence of identity, presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport, or consulate-issued document, shall be accepted and shall not subject the person to a higher level of scrutiny or different treatment. City employees should not ask any individual or request information from any individual about their citizenship or immigration status except where required by state or federal law or regulation or directive or court order; and,

BE IT FURTHER RESOLVED, that the Hoboken City Council is committed to working with the mayor and administration on strong privacy protections limiting the extent to which city agents and employees are permitted to maintain and share confidential personal information, including personal contact information, information about national origin, race, ethnicity, language proficiency, religion, sexual orientation, gender identity, disability, housing status, financial status, marital status, status as a victim of domestic violence, criminal history, release date from incarceration or confinement in a jail, or status as a veteran; except where otherwise required by state or federal law or regulation or directive or court order. Nothing in this Order shall restrict a municipal agent,

employee, or agency from maintaining, requesting, sending, receiving, or exchanging information regarding an individual's citizenship or immigration status, lawful or unlawful, with another Federal, State, or local government entity, as governed by 8 U.S.C. 1373 and 8 U.S.C. 1644; and,

BE IT FURTHER RESOLVED, that the Hoboken City Council reaffirms the City's commitment to enforce worker protections, such as Earned Sick Days and living wage laws, regardless of immigration status; and,

BE IT FURTHER RESOLVED, that the Hoboken City Council encourages the adoption of clear and transparent protocols for the certification of U-Visas for undocumented immigrant community members who have been victims of a serious crime and have cooperated in the investigation of the crime and T-Visas for victims of human trafficking; and,

BE IT FURTHER RESOLVED, the Hoboken City Council encourages the municipality to report on its public facing website, unless prohibited by law, the number of times the municipality was asked to participate in any civil immigration enforcement operations, did participate, the number of detainer requests lodged and the number of U visa requests made, among other data; and,

BE IT FURTHER RESOLVED, that the Hoboken City Council is committed to publicly and vigorously opposing any government registry based on religion or national origin; and,

BE IT FURTHER RESOLVED, that the Hoboken City Council is committed to maintaining community stakeholder engagement around implementation of policies that preserve and protect our diverse and inclusive community, and will serve as a resource for immigrant community members with questions, comments, or concerns about safety or local government's role in defending vulnerable communities.

---Motion duly seconded by Council persons DeFusco, Doyle, Cunningham, Falco, Fisher, Giattino, Jabbour, Russo, and President Ramos

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo and Council President Ramos

---Nays: None.

Community Development

18-25

---By Councilman Cunningham

RESOLUTION RELEASING A CASH GUARANTY AND PERFORMANCE SURETY BOND IN THE TOTAL AMOUNT OF \$751,943.00 RELATED TO A CONSTRUCTION PROJECT AT 1400 HUDSON STREET, BLOCK 269.3, LOT 1

WHEREAS, a cash guaranty and performance surety bond were posted by Toll Brothers, Inc. for a construction project located at Block 269.3, Lot 1 on the tax map of the City of Hoboken, being commonly known as 1400 Hudson Street, Hoboken, New Jersey in the total amount of \$751,943.00; and,

WHEREAS, pursuant to the recommendation of Maser Consulting dated August 22, 2017, which is attached hereto, the project has been satisfactorily completed and therefore it is recommended that the cash guaranty and performance surety bond be released subject to the condition that Toll Brothers, Inc. posts a Maintenance Bond in the amount of \$93,993.00; and,

WHEREAS, the City recommends the release of the cash guaranty and performance surety bond in the amount of \$751,943.00 on the condition that the City first receive the maintenance bond in the amount of \$93,993.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the cash guaranty and performance surety bond posted by Toll Brothers, Inc. for the construction at 1400 Hudson Street, Hoboken, New Jersey in the amount of \$751,943.00 shall be released upon receipt of a maintenance bond in the amount of \$93,993.00; and,

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to direct release of said bond, and the City's Administration and Corporation Counsel are directed to take any and all action necessary to effectuate the terms of the Agreement; and,

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be forwarded to all parties in the administration of this action.

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo and Council President Ramos

---Nays: None.

18-26

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDED
AGREEMENT BETWEEN THE CITY OF HOBOKEN AND PSE&G
AUTHORIZING THE TRANSFER OF REAL PROPERTY

WHEREAS, the City of Hoboken (hereinafter, “City”) was named as a defendant in a lawsuit brought by several property owners in the Northwest Redevelopment Area, which action was entitled URSA Development Group, LLC et al. v. City of Hoboken, et al., Docket No. HUD-L-6449-11; and,

WHEREAS, the parties amicably settled this litigation, which is memorialized in a Settlement Agreement and Release, dated as of May 8, 2013 (hereinafter, “Settlement Agreement”); and,

WHEREAS, under the terms of the Settlement Agreement, the City was to obtain legal title to the property identified as 1101 Monroe/1100 Madison Street (Block 102, Lot 1 on the official Tax Map of the City of Hoboken) (hereinafter, “Madison Street Property”) after that property had been sufficiently remediated to allow for its use as a public park; and

WHEREAS, on November 10, 2015, the Licensed Site Remediation Professional (“LSRP”) retained by the owner of the Madison Street Property issued a site-wide conditional Response Action Outcome (hereinafter, “Ursa RAO”) for the Madison Street Property which acknowledged the existence of contamination associated with historic fill and the use of engineering and institutional controls in the remediation; and,

WHEREAS, the Public Service Electric and Gas Company (hereinafter, “PSE&G”) owns property immediately north of and adjacent to the Madison Street Property, on which it operates an electrical substation (hereinafter, “Madison Street Substation”); and,

WHEREAS, PSE&G also owns property identified as 201-209 Marshall Street and 200-206 Harrison Street (Block 35, Lots 1, 2, 3, 4.01, 5.01, 5.02, 33, 34, 35 & 36 on the official Tax Map of the City of Hoboken) (hereinafter, “Marshall Street Property”), on which it operates another electrical substation (hereinafter, “Marshall Street Substation”); and,

WHEREAS, PSE&G, as part of its Energy Strong Initiative in Hoboken, would like to consolidate and combine the Marshall Street Substation into a single expanded Madison Street Substation and raise the elevation of the Madison Street Substation to prevent electrical outages caused by flooding of the type experienced during Superstorm Sandy; and,

WHEREAS, the substation improvements planned by PSE&G would be beneficial to the citizens of Hoboken in terms of increased reliability of electrical service; and,

WHEREAS, by way of resolution dated April 19, 2017, which is attached hereto, the City Council of the City of Hoboken authorized the City to enter into an Agreement for Transfer of Real Property (hereinafter, "Land Transfer Agreement") pursuant to which the City would transfer the Madison Street Property to PSE&G in exchange for PSE&G transferring the Marshall Street Property to the City; and,

WHEREAS, in consideration for the conveyance by the City to PSE&G of the Madison Street Property, and conveyance by PSE&G to the City of the Marshall Street Property, PSE&G agreed to pay to the City the sum of One Million Two Hundred Forty-Five Thousand and 00/100 Dollars (\$1,245,000.00) (defined by the Land Transfer Agreement as the "City Parcel Purchase Price"), which sum represents the difference in the appraised value of the Madison Street Property and the Marshall Street Property; and,

WHEREAS, under the terms of the Land Transfer Agreement, the City will convey the Madison Street Property to PSE&G significantly in advance of PSE&G conveying the Marshall Street Property to the City, in order to allow PSE&G to complete all utility decommissioning and relocation work and remediation of the Marshall Street Property prior to transferring the property to the City; and,

WHEREAS, accordingly, the Land Transfer Agreement requires PSE&G to pay to the City during the period between the closing of title to the Madison Street Property and the closing of title to the Marshall Street Property, the annual sum of Two Hundred Seventy-Five Thousand Two Hundred Fifty (\$275,250.00) Dollars due in equal monthly payments (defined by the Land Transfer Agreement as the "PSE&G Deferred Closing Fee"); and,

WHEREAS, as a condition precedent to PSE&G's obligation to accept title to the Madison Street Property, the Land Transfer Agreement requires that the City deliver to PSE&G an RAO with regard to any soil contamination issues or concerns at the Madison Street Property, provided that the RAO is reasonably satisfactory to PSE&G and does not interfere with PSE&G's future use of the Madison Street Property for an electrical substation; and,

WHEREAS, as a condition precedent to the City's obligation to accept title to the Marshall Street Property, the Land Transfer Agreement requires that PSE&G deliver to the City an RAO with regard to soil and groundwater contamination issues or concern at the Marshall Street Property, provided that the RAO is reasonably satisfactory to the City and does not interfere with the City's future

proposed use of the Marshall Street Property for a yet to be determined public use; and,

WHEREAS, during the course of PSE&G's due diligence investigations of the Madison Street Property under the Land Transfer Agreement, PSE&G encountered certain unexpected environmental conditions upon the Madison Street Property and certain adjacent sidewalks, which are inconsistent with the Ursa RAO (hereinafter, "Environmental Conditions"), and which the Parties and their respective LSRPs agree would not permit use of the Madison Street Property as either a public park or as an electrical substation without further remediation being implemented; and,

WHEREAS, the City's LSRP has reviewed the data evidencing the Environmental Conditions and, after conducting a visual inspection of the Madison Street Property, has concluded that the engineering control (i.e., cap) that was previously installed upon the City Parcel in connection with the Ursa RAO remains intact and protective of human health; and

WHEREAS, the Parties acknowledge that the Environmental Conditions at the Madison Street Property, and offsite impacts thereof, must be further remediated (hereinafter, "Additional Remediation") in order to allow the Madison Street Property to be utilized as an expanded electrical substation; and,

WHEREAS, the Parties agree that PSE&G should be the party to undertake the Additional Remediation and that the estimated cost to do so is \$2,343,000.00 (hereinafter, "Estimate"); and

WHEREAS, the Parties desire to enter into a First Amendment to the Land Transfer Agreement (hereinafter, "FALTA") to address the Parties' mutual rights and obligations relative to (i) PSE&G's implementation of the Additional Remediation, (ii) the allocation of responsibility for the costs to be incurred to implement the Additional Remediation, (iii) establishment of an environmental escrow account (hereinafter, "Environmental Escrow") to be funded by a portion of the Deferred Closing Fees to pay the City's capped contribution toward the costs of the Additional Remediation, and (iv) the Parties' joint pursuit of recovery of the costs to implement the Additional Remediation from any party responsible for the Environmental Conditions and any off-site impacts; and,

WHEREAS, under the terms of the FALTA, the Parties agree to contribute equally (50/50) toward the actual costs to be incurred by PSE&G in the implementation of the Additional Remediation, with the City's responsibility being capped at 50% of the Estimate (or, \$1,171,500.00); and,

WHEREAS, in the event that the actual Additional Remediation costs exceed the Estimate, then PSE&G shall be responsible for and will cover same; and.

WHEREAS, in the event that the actual Additional Remediation costs are lower than the Estimate, then the City's contribution would be 50% of that lower amount; and,

WHEREAS, the City's capped contribution toward the cost of the Additional Remediation will be deposited into and held in an Environmental Escrow under the terms of an Environmental Escrow Agreement (which is attached to and made a part of the FALTA) for a period ending on the sooner date of: one (1) year from PSE&G's completion of the Additional Remediation, or until such time as the Parties decide to pursue recovery of the Additional Remediation costs from the parties responsible for the Environmental Conditions (hereinafter, "Responsible Parties"), as more fully set forth in a Joint Interest Agreement (which is also attached to and made a part of the FALTA); and,

WHEREAS, the City's capped contribution will be funded in part by the "Deferred Closing Fees" that would otherwise have been paid by PSE&G to the City under the terms of the Land Transfer Agreement; and.

WHEREAS, rather than making required monthly Deferred Closing Fee payments to the City (\$22,937.50 per month), the Environmental Escrow Agreement requires PSE&G to deposit thirty (30) months' worth of the Deferred Closing Fee payments up-front in a lump sum amount (\$688,125.00) into the Environmental Escrow, which is the number of months that PSE&G anticipates it will take to complete the decommissioning of the existing substation, remediation and transfer of title to the Marshall Street Property; and,

WHEREAS, the balance of the City's capped contribution amount (for which amount PSE&G will invoice the City for the balance once the Additional Remediation is completed) shall be set aside by the City from a portion of the sale proceeds (\$1,245,000.00) under the Land Transfer Agreement to cover the maximum invoice that the City could receive from PSE&G (\$483,375.00); and,

WHEREAS, under the terms of the Joint Interest Agreement, the Parties set forth their mutual rights and obligations relative to (i) their joint pursuit of recovery of the Additional Remediation costs from the Responsible Parties; and (ii) the confidentiality of materials exchanged by and to the Parties in pursuit of the recovery of the Additional Remediation costs; and,

WHEREAS, any decision to institute litigation or settle any claims with the Responsible Parties will be made jointly, in accordance with the terms of the Joint Interest Agreement; and,

WHEREAS, the Parties agree that every judgment or settlement amount received from any Responsible Party shall be held in escrow, and applied and paid

according to the following priority: (i) to any outstanding share of “common costs and expenses” incurred in connection with any litigation not paid by either Party at the time of any such judgment or settlement; (ii) assuming that the City has not fully paid its entire 50% capped contribution toward the Estimate, then to PSE&G until such time as PSE&G has received an amount that is equal to PSE&G’s 50% share of the Estimate; (iii) in the event that the actual costs and expenses incurred in connection with the Additional Remediation exceeds the Estimate, then PSE&G would recover that amount from any judgment or settlement (i.e. the difference between the Actual Additional Remediation Costs and the Estimate); and (iv) any remaining judgment or settlement monies will be disbursed among PSE&G and the City equally; and,

WHEREAS, in addition to entering into the FALTA, the Parties desire to simultaneously enter into the Environmental Escrow Agreement and the Joint Interest Agreement, each of which is expressly referenced in and made a part of the FALTA (hereinafter collectively referred to as the “FALTA”); and,

WHEREAS, the City and PSE&G have completed their negotiations and come to an agreement on the terms of the FALTA; which agreement is attached hereto; and,

WHEREAS, the Administration recommends that the City enter into the FALTA.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken hereby approves the attached FALTA with PSE&G, in the form attached hereto or a form substantially similar without any substantive changes, as follows:

1. The above recitals are incorporated as if fully set forth at length.
2. The Council hereby authorizes the Mayor or her designee to execute any and all documents and take any and all actions necessary to realize the intent and purpose of this resolution.
3. This resolution shall be effective immediately.

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo and Council President Ramos

---Nays: None.

18-27

---By Councilman Cunningham

RESOLUTION OF THE CITY OF HOBOKEN AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT OF THE REDEVELOPMENT AGREEMENT WITH PUBLIC SERVICE ELECTRIC & GAS COMPANY FOR THE REDEVELOPMENT OF THE REAL PROPERTY LOCATED UPON BLOCK 102, LOT 1 ON THE TAX MAP OF THE CITY OF HOBOKEN WITHIN THE NORTHWEST INDUSTRIAL AREA

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the "Act"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and,

WHEREAS, by Resolution of the City Council of the City of Hoboken (the "City Council") dated July 5, 2017, the City entered into a Redevelopment Agreement on or about July 11, 2017 (the "Original Redevelopment Agreement") with Public Service Electric & Gas Company ("PSE&G" or "Redeveloper") (collectively, the "Parties"); and,

WHEREAS, as further set forth in the Original Redevelopment Agreement, PSE&G shall, *inter alia*, design and construct an expanded public utility substation (the "Expanded Substation") upon the real property located at Block 102, Lot 1 on the Tax Map of the City of Hoboken, more commonly known as 1101 Monroe Street / 1100 Madison Street, currently owned by the City and intended to be conveyed to PSE&G (the "City Parcel"), and upon the site of the present utility substation located at Block 102, Lot 9 on the Tax Map of the City of Hoboken, more commonly known as 1116 Madison Street (collectively Lots 1 and 9 shall be referred to as the "Project Premises" or "Project Site"), in order to increase resiliency and reliability and to prevent electrical outages caused by flooding of the type experienced during Superstorm Sandy; and,

WHEREAS, pursuant to the terms of that certain Settlement Agreement and Release ("Settlement Agreement") by and between the City and the prior owners of the City Parcel, the Ursa Parties, as that term is defined in said Settlement Agreement, a fully executed copy of which is on file at City Hall, the City Parcel was remediated which remediation included the implementation of engineering controls in the form of an earthen cap and an institutional control in the form of a deed notice which effectively restricts the future uses of the City Parcel (the "Ursa Remediation"), and as such, the New Jersey Department of Environmental Protection ("NJDEP") issued a Soil Remedial Action Permit (the "Ursa SRAP") for the parcel which established operation and maintenance requirements as well as obligations for monitoring the continued effectiveness of the engineering controls; and,

WHEREAS, the Ursa Remediation ultimately resulted in the issuance of a Response Action Outcome (the “Ursa RAO”) issued by a Licensed Site Remediation Professional (“LSRP”); and,

WHEREAS, while the construction and implementation of the Expanded Substation comprises a substantial component of the “Project,” as that term is defined in the Original Redevelopment Agreement, another substantial component of the “Project” comprises compliance with the terms and conditions of the Land Swap Agreement dated June 14, 2017 by and between the City and PSE&G, a copy of which is attached to the Original Redevelopment Agreement and which provides for the City’s conveyance of the remediated City Parcel to PSE&G and PSE&G’s remediation and conveyance of the real property located at Block 35, Lots 1, 2, 3, 4.01, 5.01, 5.02, 33, 34, 35 and 36 on the Tax Map of the City of Hoboken, more commonly referred to as 201-209 Marshall Street and 200-206 Harrison Street (the “Marshall Street Property” or “PSE&G Parcels”) to the City for a future public use as yet to be determined; and,

WHEREAS, as further set forth in Section 7.6 of the Original Redevelopment Agreement, the City and Redeveloper (collectively, the “Parties”) acknowledged the time-sensitivity of the Project as well as the substantial public benefits that are expected to result from it and as such, the Parties agreed to execute and implement the Original Redevelopment Agreement so that PSE&G could pursue certain Governmental Approvals and continue to negotiate various details relating to the Project (collectively, the “Amendment Items”) which would be memorialized in a First Amendment; and,

WHEREAS, further, the Parties expressly acknowledged and agreed that no construction permit for the Project Premises would be issued until the Amendment Items were agreed upon and authorized by Resolution of the City Council; and,

WHEREAS, PSE&G has been diligently pursuing the requisite Governmental Approvals and additionally, the City and the Redeveloper have engaged in extensive negotiations with regard to the Amendment Items; and,

WHEREAS, however, in the interim and during the course of PSE&G’s due diligence under the terms of the Land Swap Agreement, PSE&G encountered certain unexpected environmental conditions upon the City Parcel and certain adjacent sidewalk areas, which are inconsistent with the Ursa SRAP and Ursa RAO (“Environmental Conditions”) all as detailed in the First Amendment of the Original Redevelopment Agreement attached hereto (“Redevelopment Agreement Amendment”), as well as the First Amendment of the Land Swap Agreement (“Land Swap Amendment”) which is being considered in conjunction with the Redevelopment Agreement Amendment; and,

WHEREAS, as further set forth in the Land Swap Agreement, the Parties and their respective LSRPs agree that the Environmental Conditions at the City Parcel, and offsite impacts thereof, must be further remediated, and, that the implementation of the Remediation Plan Scope of Work (the “Additional Remediation”) as further described in the Land Swap Amendment, is required and is consistent with the intended utilization of the City Parcel as part of the Expanded Substation, in accordance and compliance with all applicable Environmental Laws; and,

WHEREAS, any areas which are required to be further investigated, delineated and/or remediated in order for PSE&G to obtain an RAO for the City Parcel are collectively referred to herein as the “Remediation Area”; and,

WHEREAS, PSE&G has agreed to conduct the Additional Remediation and any other remediation that may be required to obtain an RAO (“PSE&G RAO”) and further, the Parties agree that the PSE&G RAO may be conditioned upon the implementation of engineering and institutional controls to address soils and groundwater associated with the City Parcel, including the adjacent sidewalks as may be necessary, provided that such measures are satisfactory to the New Jersey Department of Environmental Protection and the Environmental Protection Agency; and,

WHEREAS, PSE&G has agreed to implement the Additional Remediation as part of the overall Project, and to that end, PSE&G and the City are simultaneously entering into the Land Swap Amendment in order to, *inter alia*, (i) establish the Parties’ respective obligations with regard to the implementation of the Additional Remediation and PSE&G’s performance of same; (ii) account for the costs associated with the Additional Remediation; (iii) enter into a separate written agreement describing the depositing of funds into an environmental escrow account (“Environmental Escrow Agreement”); and (iv) enter into a separate written agreement whereby the City and PSE&G shall cooperate in order to jointly pursue the recovery of the costs associated with the Additional Remediation from any other party responsible for the Environmental Conditions (collectively, the “Responsible Parties”) (the “Joint Interest Agreement”); and,

WHEREAS, in the interim, the City’s LSRP has reviewed the data evidencing the Environmental Conditions and conducted a visual inspection of the Remediation Area and the City’s LSRP has concluded that the engineering controls which were previously installed upon the City Parcel remain intact, as set forth in the letter dated October 12, 2017 attached to the Redevelopment Agreement Amendment; however, the Parties agree that the Additional Remediation is necessary and the City recognizes that having the Additional Remediation undertaken will allow the City Parcel to be utilized for the Expanded Substation and further, is in the best

interests of the residents of the City of Hoboken, the community and the environment as a whole; and,

WHEREAS, the City and PSE&G have engaged in extensive, additional negotiations and now desire to enter into the Redevelopment Agreement Amendment in order to more fully address the Amendment Items and the Additional Remediation and in order to continue the momentum of the construction and implementation of the Project for the benefit of the public; and,

WHEREAS, as previously resolved, the Project would not only be beneficial to the citizens of the City by providing increased resiliency and reliability of uninterrupted electrical service but would also better prepare the City and its residents for future storms and catastrophic weather events and further the overall redevelopment of the Northwest Industrial Area and as such, the City has determined that it is in the best interests of the City and its residents to enter into the Redevelopment Agreement Amendment in substantially the form attached hereto as **Attachment A**; and,

WHEREAS, also pursuant to the terms of the Redevelopment Agreement Amendment, Redeveloper shall be required to, *inter alia*, implement a landscaping plan around the Project Premises on City-owned property as set forth in an Easement Agreement with the City (“Landscaping Easement Agreement”), the form of which is attached to the Redevelopment Agreement Amendment, satisfy certain obligations with regard to providing a plan for the planting of street trees, implement dust, odor, and pest control measures, implement noise mitigation measures by temporarily installing a noise barrier on City-owned property as set forth in a Temporary Easement Agreement during the construction of the Enhanced Substation (“Temporary Noise Barrier Easement”), the form of which is attached to the Redevelopment Agreement Amendment, restore, repair and improve roadways and sidewalks, including curbing, and adhere to certain truck routes and road closing procedures as may be approved by the City’s Director of Transportation and Parking; and,

WHEREAS, additionally, pursuant to the terms of the Redevelopment Agreement Amendment and consistent with the Act, Redeveloper shall be permitted to utilize the City-owned parcel located upon Block 103, Lots 7-26 on the Tax Map of the City of Hoboken for purposes of limited construction staging as set forth in a Lease Agreement, the form of which is also attached to the Redevelopment Agreement Amendment (the “Lease Agreement”).

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

1. The Mayor of the City of Hoboken is hereby authorized to execute the First Amendment of the Original Redevelopment Agreement by and between the City of Hoboken and Public Service Electric & Gas Company in substantially the form attached hereto as **Attachment A**.

2. The Mayor of the City of Hoboken is hereby authorized to execute the Landscaping Easement Agreement in substantially the form attached to Attachment A.

3. The Mayor of the City of Hoboken is hereby authorized to execute the Temporary Noise Barrier Easement in substantially the form attached to Attachment A.

4. The Mayor of the City of Hoboken is hereby authorized to execute the Lease Agreement in substantially the form attached to Attachment A.

5. Staff and consultants to the City are hereby authorized and directed to take all other administrative actions to implement this Resolution as are necessary and appropriate to accomplish its goals and intent, to the extent permitted by law.

6. This Resolution shall be effective immediately.

--Motion duly seconded by Councilwoman Giattino

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo and Council President Ramos

---Nays: None.

18-28

---By Councilman Cunningham

**RESOLUTION APPROVING THE GREEN ACRES PROJECT AGREEMENT
BETWEEN THE STATE OF NEW JERSEY BY THE DEPARTMENT OF
ENVIRONMENTAL PROTECTION AND THE CITY OF HOBOKEN**

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and,

WHEREAS, the City of Hoboken desires to further the public interest by obtaining a loan of \$0 and/or a grant of \$1,000,000 from the State to fund the following project(s):

**Green Acres Project # 0905-17-041
City of Hoboken Land Acquisition, Block 10, Lots 1-7, 30-36**

NOW, THEREFORE, the governing body/board resolves that the Mayor or his designee or the successor to the office of the Mayor is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required,
- (c) act as the authorized correspondent of the above named applicant; and,

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and,

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT RESOLVED BY THE City Council of the City of Hoboken **THAT:**

1. The Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Green Acres Project # 0905 17-041, City of Hoboken Land Acquisition, Block 10, Lots 1-7, 30-36, and;
2. The applicant has its matching share of the project, if a match is required, in the amount of \$1,500,000.00.
3. In the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. This resolution shall take effect immediately.

---Motion duly seconded by Councilwoman Giattino

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo and Council President Ramos

---Nays: None.

Finance

18-29

---By Councilwoman Fisher

**RESOLUTION ADOPTING CASH MANAGEMENT PLAN FOR THE CITY OF
HOBOKEN**

WHEREAS, N.J.S.A. 40A:5-14 of the Local Fiscal Affairs Law requires that every local unit shall adopt a "Cash Management Plan"; and,

WHEREAS, the City must deposit its funds pursuant to the plan; and,

WHEREAS, a Cash Management Plan has been drafted and is attached hereto; and,

WHEREAS, the Administration recommends adopting the attached Cash Management Plan in accordance with N.J.S.A. 40A:5-14.

NOW, THEREFORE, BE IT RESOLVED, that the City of Hoboken, County of Hudson and State of New Jersey, hereby adopts the attached Cash Management Plan to be utilized by the City of Hoboken for the CY 2018; and,

BE IT FURTHER RESOLVED, that certified copies of this resolution shall be filed with the Director of the Division of Local Government Services, City Auditor, and the Chief Financial Officer of the City of Hoboken.

---Motion duly seconded by Council President Ramos

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo and Council President Ramos

---Nays: None.

18-30

---By Councilwoman Fisher

**RESOLUTION DESIGNATING DEPOSITORY FOR THE CITY OF HOBOKEN
FUNDS**

WHEREAS, N.J.S.A. 40A:5-15 authorizes the establishment of designated legal depositories for the City of Hoboken, which the City herein seeks to do for CY 2018 for all applicable accounts at the following depository banks:

Bank of America

BCB Community Bank

Banco Popular
Citi Bank
Haven Savings Bank
J P Morgan Chase Bank
PNC Bank
Santander Bank
Valley National Bank

Capital One
Clifton Savings Bank
Investors Bank
M & T Bank
Provident Savings Bank
TD Bank
Wells Fargo

NOW, THEREFORE, BE IT RESOLVED, that said legally designated depositories be and same are hereby requested, authorized and directed to honor checks, drafts, or other orders for the payment of money drawn in the corporate name of the City of Hoboken, including those payable to the individual order of any person or persons whose names appear thereon as signer or signers thereof, when bearing or purporting to bear the facsimile signature or signatures of any of the following:

Ravinder S. Bhalla, Mayor
George DeStefano, CMFO

BE IT FURTHER RESOLVED, that said legal depositories stated herein shall be entitled to honor and charge to the specified accounts of the City of Hoboken such checks, drafts, or other papers regardless of by whom or by what means the actual or purported facsimile signature or signatures thereon may have been affixed thereto if such signature or signatures resemble the facsimile specimens duly certified to or filed with the depositories; and,

BE IT FURTHER RESOLVED, that all previous authorizations for the signing and honoring of checks, drafts, and other orders for the payment of money drawn on said City of Hoboken and signed by:

Ravinder S. Bhalla, Mayor
George DeStefano, CMFO

are hereby ratified and confirmed and are hereby continued in full force and effect; and,

BE IT FURTHER RESOLVED, that all previous authorizations for the signing and honoring of checks, drafts and other orders for the payment of money drawn on said City of Hoboken are hereby continued in full force; and,

BE IT FURTHER RESOLVED, that the Branch Manager of each of the banks mentioned in the first paragraph hereof be furnished with a certified copy of this resolution by the City Clerk immediately upon passage.

---Motion duly seconded by Council President Ramos

---Adopted by the following vote: Yeas: 9 Nays: 0
---Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo and Council President Ramos
---Nays: None.

18-31

---By Councilwoman Fisher

RESOLUTION AUTHORIZING THE TAX ASSESSOR AND SPECIAL COUNSEL FOR TAX APPEALS TO CORRECT ERRORS IN TAX ASSESSMENTS, SIGN STIPULATIONS TO CORRECT ERRORS, SETTLE TAX APPEALS, AND FILE MUNICIPAL TAX APPEALS ON BEHALF OF THE CITY OF HOBOKEN FROM JANUARY 1, 2018 THROUGH AND INCLUDING DECEMBER 31, 2018

WHEREAS, the Tax Assessor for the City of Hoboken will from time to time correct errors or omissions that were made in computing tax assessments that cover property located in the City of Hoboken; and,

WHEREAS, notice of errors or omissions may also be discovered through a property owner's tax appeal at the County or State level; and,

WHEREAS, it is the desire of the City of Hoboken to authorize the Tax Assessor and Special Counsel for Tax Appeals to correct said errors and file the appropriate documents; and,

WHEREAS, it is in the best interests of all parties involved to amicably resolve municipal tax appeal matters within the guidelines established by the New Jersey Constitution and existing law.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the Tax Assessor for the City of Hoboken and Special Counsel for Tax Appeals are hereby authorized as follows from January 1, 2018 through and including December 31, 2018:

1. The Tax Assessor, Sal Bonaccorsi, and Special Counsel for Tax Appeals are authorized to jointly file corrective appeals with the Hudson County Board of Taxation or State Tax Court and sign Stipulations to correct any errors or omissions related to the City of Hoboken assessments.
2. The Tax Assessor, Sal Bonaccorsi, and Special Counsel for Tax Appeals are authorized to jointly settle any and all pending municipal tax

appeals without the approval of the City Council up to a limit of Fifty Thousand Dollars (\$50,000.00) in tax refunds or credits to any one taxpayer in any one tax year.

3. The Tax Assessor, Sal Bonaccorsi and Special Counsel for Tax Appeals are authorized to file any and all documents that are necessary to defend against any tax appeal or to initiate an increase in the municipal tax assessments.
4. The Tax Assessor, Sal Bonaccorsi and Special Counsel for Tax Appeals are authorized to withdraw any documents that were filed on behalf of the City of Hoboken with respect to any tax matter that is pending before the Hudson County Board of Taxation or State Tax Court.

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

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo and Council President Ramos

---Nays: None.

18-32

---By Council President Ramos

RESOLUTION AWARDING A PROFESSIONAL SERVICE CONTRACT TO HODULIK & MORRISON, P.A FOR GENERAL MUNICIPAL AUDITING SERVICES IN THE AMOUNT OF \$117,500.00 FROM JANUARY 3, 2018 TO DECEMBER 31, 2018CA F1.*RESOLUTION AUTHORIZING THE CANCELLATION OF STALE CHECKS

WHEREAS, service to the City as Auditor is a professional service as defined by N.J.S.A. 40A:11-1 et seq; and,

WHEREAS, the City of Hoboken issued Request for Proposals 17-12 seeking a qualified auditor; and,

WHEREAS, proposals were received from the following:

1. Ferraioli, Wielkocz, Cerullo & Cuva, P.A.
401 Wanaque Avenue

Pompton Lakes, New Jersey 07442

2. Mercadien, P.C.
P.O. Box 7648
Princeton, NJ 08543
3. Spire Group, PC
220 South Orange Avenue, Suite 201
Livingston, NJ 07039
4. PKF O'Connor Davies, LLP
20 Commerce Drive, Suite 301
Cranford, NJ 07016
5. Hodulik & Morrison, P.A.
1102 Raritan Avenue, PO Box 1450
Highland Park, NJ 08904

WHEREAS, the evaluation committee has determined that the proposal submitted by Hodulik & Morrison, P.A demonstrates that the firm is the most qualified to provide effective and efficient auditing services to the City, cost and other factors considered; and,

WHEREAS, the Administration recommends awarding the contract to Hodulik & Morrison, P.A for municipal auditing services from January 3, 2018 to December 31, 2018 in the amount of \$117,500.00.

NOW, THEREFORE, BE IT RESOLVED, that a contract is awarded to Hodulik & Morrison, P.A for general municipal auditing services from January 3, 2018 to December 31, 2018, or until the appointment and qualification of a new auditor, for a total not to exceed amount of \$117,500.00 subject to the following:

1. The award of this contract is subject to finalization of the contract terms.
2. 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.
3. The Council hereby authorizes the Mayor, or his 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.
4. The mayor, or his designee, is hereby authorized to execute an agreement as outlined herein with:

Hodulik & Morrison, P.A.
1102 Raritan Avenue, PO Box 1450

Highland Park, NJ 08904

---Motion duly seconded by Councilman DeFusco
---Adopted by the following vote: Yeas: 9 Nays: 0
---Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo and Council President Ramos
---Nays: None.

Health and Human Services

18-33

---Councilman Doyle

RESOLUTION CORRECTING THE PRIOR RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE FY2018 COOPERATIVE MARKETING GRANT FROM THE STATE OF NEW JERSEY DIVISION OF TRAVEL AND TOURISM

WHEREAS, the City of Hoboken applied for and has been awarded a grant in the amount of \$12,450.00 from New Jersey Department of Travel and Tourism for the FY2018 Cooperative Marketing grant program; and,

WHEREAS, as part of this grant, the City is required to contribute a 25% match in the amount of \$3,113.00; and,

WHEREAS, the City Council approved the acceptance of this grant and match by way of Resolution dated December 20, 2017; and,

WHEREAS, in the Resolution approving the grant and the match, the amount of the grant was inadvertently listed as \$12,540.00 instead of the correct amount of \$12,450.00, and the match was also incorrectly calculated as \$3,135.00 rather than \$3,113.00; and,

WHEREAS, the City wishes to amend the prior resolution to clarify that the grant from the New Jersey Department of Travel and Tourism for the FY2018 Cooperative Marketing grant program is in the amount of \$12,450.00 and the match amount is \$3,113.00.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hoboken that the FY 2018 Cooperative Marketing Grant from the New Jersey Division of Travel and Tourism, in the amount of \$12,450.00 is confirmed and the Mayor and the Business Administrator are hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for the City of Hoboken; and,

BE IT FURTHER RESOLVED, that the City Council of the City of Hoboken authorizes the Mayor and Business Administrator to accept and spend any funds received in accordance with the terms and conditions as specified in the grant; and,

BE IT FURTHER RESOLVED, that the City is authorized to expend the 25% match in the amount of \$3,113.00 in accordance with the terms of the Grant.

---Motion duly seconded by Councilman Russo
 ---Adopted by the following vote: Yeas: 9 Nays: 0
 ---Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo and Council President Ramos
 ---Nays: None.

Tax Collector

18-34

---By Councilwoman Fisher

**RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS
 (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE
 AMOUNT OF \$35,159.25)**

WHEREAS, overpayments of taxes have been made on properties listed below; and,

WHEREAS, Sharon Curran, Collector of Revenue for the City of Hoboken, recommends that the following refunds be made in accordance with N.J.S.A. 54:4-69:

NAME	BL/LOT/UNIT	PROPERTY	QTR/YEAR	AMOUNT
Ravindhran, Priyadharshini 400 Madison Street #3 Hoboken, NJ 07030	58/25/ C0003	400 Madison St	4/17	\$1,422.31
Walfisch, David 331 Park Avenue Hoboken, NJ 07030	179/15	331 Park Ave.	4/17	\$3,449.34

Wells Fargo Home Mortgage 1 Home Campus MAC X2302-04D Des Moines, IA 50328	152/5/C02-D	704 Clinton St	2/17	\$1,770.47
LERETA 1123 S. Parkview Drive Covina, CA 92724	86/1/C0P29	800 Jackson St	4/17	\$ 39.96
LERETA 1123 S. Parkview Drive Covina, CA 92724	86/1/C0P44	800 Jackson St	4/17	\$ 101.19
LERETA 1123 S. Parkview Drive Covina, CA 92724	86/1/C0P68	800 Jackson St	4/17	\$ 39.96

LERETA 1123 S. Parkview Drive Covina, CA 92724	86/1/C0513	800 Jackson St	4/17	\$1,487.53
LERETA 1123 S. Parkview Drive Covina, CA 92724	86/1/C0708	800 Jackson St	4/17	\$2,217.06
LERETA 1123 S. Parkview Drive Covina, CA 92724	104/1.01/ C0504	1100 Adams St	4/17	\$1,995.71
LERETA 1123 S. Parkview Drive Covina, CA 92724	109/1.01/ C0208	1200 Grand St	4/17	\$1,866.10

LERETA 1123 S. Parkview Drive Covina, CA 92724	109/1.01/ C0308	1200 St	Grand	4/17	\$1,692.89
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LERETA 1123 S. Parkview Drive Covina, CA 92724	109/1.01/ C0309	1200 St	Grand	4/17	\$2,007.30
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LERETA 1123 S. Parkview Drive Covina, CA 92724	109/1.01/ C0324	1200 St	Grand	4/17	\$2,826.95
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LERETA 1123 S. Parkview Drive Covina, CA 92724	109/1.01/ C0326	1200 St	Grand	4/17	\$1,439.56
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LERETA 1123 S. Parkview Drive Covina, CA 92724	109/1.01/ C0614	1200 St	Grand	4/17	\$2,913.24
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LERETA 1123 S. Parkview Drive Covina, CA 92724	109/1.01/ C0629	1200 St	Grand	4/17	\$2,194.28
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LERETA 1123 S. Parkview Drive Covina, CA 92724	114/1/ C0301	1300 St	Grand	4/17	\$ 705.40
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LERETA 1123 S. Parkview Drive Covina, CA 92724	114/1/ C0513	1300 St	Grand	4/17	\$2,605.73
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LERETA 1123 S. Parkview Drive Covina, CA 92724	114/1/ C0607	1300 St	Grand	4/17	\$2,122.16
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Da Cai 727 Monroe Street #408 Hoboken, NJ 07030	82/11/C040 8	727 St	Monroe	3/17	\$2,262.11
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NOW, THEREFORE, BE IT RESOLVED, that a warrant be drawn on the City Treasury in the total amount of \$35,159.25, made payable to the following:

NAME	BL/LOT/UNIT	PROPERTY	QTR/YEAR	AMOUNT
Ravindhran, Priyadharshini 400 Madison Street #3 Hoboken, NJ 07030	58/25/ C0003	400 Madison St	4/17	\$1,422.31
Walfisch, David 331 Park Avenue Hoboken, NJ 07030	179/15	331 Park Ave.	4/17	\$3,449.34
Wells Fargo Home Mortgage 1 Home Campus MAC X2302-04D Des Moines, IA 50328	152/5/C02- D	704 Clinton St	2/17	\$1,770.47
LERETA 1123 S. Parkview Drive Covina, CA 92724	86/1/C0P29	800 Jackson St	4/17	\$ 39.96
LERETA 1123 S. Parkview Drive Covina, CA 92724	86/1/C0P44	800 Jackson St	4/17	\$ 101.19
LERETA 1123 S. Parkview Drive Covina, CA 92724	86/1/C0P68	800 Jackson St	4/17	\$ 39.96

LERETA 1123 S. Parkview Drive Covina, CA 92724	86/1/C0513	800 Jackson St	4/17	\$1,487.53
LERETA 1123 S. Parkview Drive Covina, CA 92724	86/1/C0708	800 Jackson St	4/17	\$2,217.06
LERETA 1123 S. Parkview Drive Covina, CA 92724	104/1.01/ C0504	1100 Adams St	4/17	\$1,995.71

LERETA 1123 S. Parkview Drive Covina, CA 92724	109/1.01/ C0208	1200 Grand St	4/17	\$1,866.10
LERETA 1123 S. Parkview Drive Covina, CA 92724	109/1.01/ C0308	1200 Grand St	4/17	\$1,692.89

LERETA 1123 S. Parkview Drive Covina, CA 92724	109/1.01/ C0309	1200 Grand St	4/17	\$2,007.30
LERETA 1123 S. Parkview Drive Covina, CA 92724	109/1.01/ C0324	1200 Grand St	4/17	\$2,826.95
LERETA 1123 S. Parkview Drive Covina, CA 9272	109/1.01/ C0326	1200 Grand St	4/17	\$1,439.56
LERETA 1123 S. Parkview Drive Covina, CA 92724	109/1.01/ C0614	1200 Grand St	4/17	\$2,913.24

LERETA 1123 S. Parkview Drive Covina, CA 92724	109/1.01/ C0629	1200 Grand St	4/17	\$2,194.28
LERETA 1123 S. Parkview Drive Covina, CA 92724	114/1/ C0301	1300 Grand St	4/17	\$ 705.40
LERETA 1123 S. Parkview Drive Covina, CA 92724	114/1/ C0513	1300 Grand St	4/17	\$2,605.73
LERETA 1123 S. Parkview Drive Covina, CA 92724	114/1/ C0607	1300 Grand St	4/17	\$2,122.16
Da Cai 727 Monroe Street #408 Hoboken, NJ 07030	82/11/C040 8	727 Monroe St	3/17	\$2,262.11

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--Motion duly seconded by Council President Ramos
 ---Adopted by the following vote: Yeas: 9 Nays: 0
 ---Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo and Council President Ramos
 ---Nays: None.

18-35

---By Councilwoman Fisher

RESOLUTION AUTHORIZING A REFUND FROM A TAX APPEAL THAT WAS FILED IN THE STATE TAX COURT (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$2,887.00)

WHEREAS, tax appeals were filed in the State Tax Court regarding the properties listed below; and,

WHEREAS, the Court entered judgment which reduced the assessed value of the properties; and,

WHEREAS, as a result, Sharon Curran, Collector of Revenue for the City of Hoboken, has calculated the refund to be made in accordance with the judgments.

NOW, THEREFORE, BE IT RESOLVED, that a warrant be drawn on the City Treasury in the total amount of \$2,887.00, made payable to the following:

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>AMOUNT</u>
Bronstein, Alexander & Marina D \$1,495.71 2 Constitution Court #1206 Hoboken, NJ 07030	262.03/1/C1206		2 Constitution Court
Bronstein, Alexander & Marina D \$ 632.63 2 Constitution Court #1206 Hoboken, NJ 07030	262.03/1/C1205		2 Constitution Court

Small, Sheila & Benjamin
 \$333.60
 304 Hudson Street #3
 Hoboken, NJ 07030

214.01/33/C0003

304 Hudson Street

Zuniss, Gregory E
 \$425.06
 20 Newport Parkway #2512
 Jersey City, NJ 07310

213.01/1.01/C003A

200 Hudson Street

--Motion duly seconded by Council President Ramos
 ---Adopted by the following vote: Yeas: 9 Nays: 0
 ---Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino,
 Jabbour, Russo and Council President Ramos
 ---Nays: None.

18-36

---By Councilwoman Fisher

RESOLUTION CANCELING ADDED ASSESSMENT (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR)

WHEREAS, it was discovered that the following Block and Lot numbers were inadvertently assessed an Added Assessment for November, 2017 and February and May 2018; and,

WHEREAS, the Tax Assessor recommends that this Added Assessment be canceled as follows:

<u>Block</u>	<u>Lot</u>	<u>Qual</u>	<u>Address</u>	<u>2017-4th Q</u>	<u>2018-1st Q</u>	<u>2018-2nd Q</u>
182	9		707 Park Ave	\$10,515.16	\$5,257.58	
					\$5,257.58	
182	14		717 Park Ave	\$ 79.60	\$ 39.80	\$ 39.80
161	17	C0001	934 Willow Ave	\$ 127.36	\$ 31.84	\$ 31.84
18	3		460 Newark St	\$ 238.80	\$ 59.70	\$ 59.70
16	35	C0004	68 Madison St	\$ 145.94	\$ 39.80	\$ 39.80
18	5	C0002	63 Jefferson St	\$ 139.30	\$ 69.65	\$ 69.65
207	25		808 Washington St	\$ 552.42	\$ 414.32	\$ 414.32

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that said Added Assessment charges be canceled from these properties

because of the inadvertent charges as depicted above and from the Added Assessment Tax Duplicate.

--Motion duly seconded by Council President Ramos
---Adopted by the following vote: Yeas: 9 Nays: 0
---Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo and Council President Ramos
---Nays: None.

18-37

---By Councilwoman Fisher

RESOLUTION FIXING THE INTEREST RATE CHARGES ON NON-PAYMENT OF TAXES

WHEREAS, the Tax Collector is hereby authorized and directed to charge 8% per annum on the first \$1,500.00 of taxes becoming delinquent after the due date and 18% per annum on any amount of taxes in excess of \$1,500.00 becoming delinquent after the due date, and for a delinquency in excess of \$10,000.00 that remains in arrears beyond December 31st, an additional penalty of 6% shall be charged against the delinquency; and,

WHEREAS, effective January 1, 2018, there will be a ten (10) day grace period of quarterly tax payments made by cash, check or money order; and,

WHEREAS, any payments not made in accordance with paragraph two of this resolution shall be charged interest as set forth in paragraph one of this resolution from the due date.

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector is hereby directed to proceed as set forth in the above paragraphs; and,

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to send two direct mailings for Tax Sale and collect a charge of \$25.00 each in compliance with N.J.S.A. 54:5-26; and,

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to include in said sale any and all unpaid sewer charges certified to the Tax Collector from North Hudson Sewer Authority; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be provided by the Municipal Clerk to the Tax Collector, the City Attorney and the City Auditor for the City of Hoboken.

--Motion duly seconded by Council President Ramos
---Adopted by the following vote: Yeas: 9 Nays: 0
---Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo and Council President Ramos
---Nays: None.

18-38

---By Councilwoman Fisher

RESOLUTION AUTHORIZING THE REDUCTION OF ADDED ASSESSMENTS

WHEREAS, on December 21, 2017 the Hudson County Board of Taxation granted a reduction against a 2017 added assessment on the following properties:

- Block 179 Lot 15 Address: 331 Park Avenue, Tax Appeal # 05-1700174DA: Reduction from 325,000.00 to 225,000.00
- Block 184 Lot 10 Address: 915 Park Avenue, Tax Appeal # 05-1700173DA: Reduction from 791,200.00 to 231,300.00; and,

WHEREAS, the Tax Collector recommends reducing the Added Assessments as shown above.

NOW, THEREFORE, BE IT RESOLVED, that the 2017 added tax amount be reduced from the 2017 4th and 2018 1st and 2nd quarter tax bills as a result of this decrease in assessment.

--Motion duly seconded by Council President Ramos
---Adopted by the following vote: Yeas: 9 Nays: 0
---Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo and Council President Ramos
---Nays: None.

Transportation and Parking

18-39

---By Councilman Russo

RESOLUTION TO REFUND HANDICAPPED PARKING APPLICATION FEES TO THE FOLLOWING APPLICANTS IN THE AMOUNT OF \$125.00 EACH

WHEREAS, the Subcommittee for Handicapped Parking denied approval of applications for a designated handicapped parking space for three (3) individuals, and therefore pursuant to Hoboken City Code §192-1(F), the \$125.00 processing fee is to be refunded.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that a warrant be drawn on the City Treasury to the order of the following names for the sums so stated, as reimbursement for the handicapped parking application fee the individual submitted:

NAME	ADDRESS	AMOUNT
Stephanie King	460 Newark Street	\$125.00
Pasqualina Annunziata	119 Willow Avenue	\$125.00
Sergio DeCesare	332 Adams Street	\$125.00

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

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

--Motion duly seconded by Council President Ramos
---Adopted by the following vote: Yeas: 9 Nays: 0
---Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo and Council President Ramos
---Nays: None.

ORDINANCES

Introduction and First Reading

18-40

B-1

---By Councilman Cunningham

**AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE
ESTABLISHING A SCHEDULE OF CLASSIFICATIONS AND ALLOCATIONS OF**

TITLE FOR THE HERIN MENTIONED POSITIONS IN THE CITY OF
HOBOKEN

**THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DO ORDAIN AS
FOLLOWS:**

1. The Alphabetical List of Titles, City of Hoboken, set forth in City Code to which this Ordinance is an amendment and supplement shall be, and the same is hereby, amended and supplemented so that the titles, salaries, and ranges contained herein shall be amended as follows on the attached list, which is incorporated by reference. The attached shall be considered complete list of alphabetical titles within the City of Hoboken which require approval by ordinance. Any titles not included herein are titles which are not required by law to be passed by ordinance and said salaries shall be determined as set forth in the applicable law(s).
2. If the Alphabetical List of Titles, City of Hoboken, herein set forth contains any position or positions which are not enumerated in the Plan for the Standardization of Municipal Class Titles, which is a part of the Code to which this Ordinance is an amendment, then in that event, the duties of the said position or positions shall be those which pertain to the particular position and positions set forth in any other ordinance adopted and now in force and effect in any statute of the State of New Jersey.
3. The provisions of this Ordinance shall in no way affect the tenure or Civil Service status of any employees presently employed by the City of Hoboken in any of the various positions set forth in the Alphabetical List of Titles, City of Hoboken.
4. The Alphabetical List of Titles referred to herein as well as the salary ranges for all positions in the City shall be on file in the Office of the City Clerk.
5. 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.
6. 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.

7. This Ordinance shall take effect immediately upon passage and publication as provided by law.
8. 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.
9. 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.

--Motion duly seconded by Councilwoman Giattino

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo and Council President Ramos

---Nays: None.

18-41

B-2

---By Councilman Russo

AN ORDINANCE AMENDING CHAPTER 190 ENTITLED "VEHICLES AND TRAFFIC" AT §190-36 "SNOW EMERGENCIES" TO AMEND SNOW EMERGENCY ROUTES

WHEREAS, pursuant to Title 39 of the New Jersey Statutes, the City of Hoboken is entitled to create, repeal, and amend ordinances relating to parking on municipal rights-of-way; and,

WHEREAS, the General Code of the City of Hoboken, at Article XXIII of Chapter 190 deals specifically with snow emergencies and specific parking regulations during snow emergencies; and,

WHEREAS, the City's Office of Emergency Management in conjunction with police and fire officials as well as the Department of Environmental Services and the Department of Transportation and Parking, has determined that designating Thirteenth Street between Washington Street and Madison Street an "emergency

snow route” will facilitate more efficient snow removal operations during snow emergencies; and,

WHEREAS, the Administration has requested the City Council to amend the Snow Emergency Routes to better regulate curbside vehicle parking during snow emergencies to increase the efficiency of snow clean-up efforts.

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

§ 190-36. Snow emergencies.

A. Whenever snow has fallen and the accumulation is such that it covers the street or highway, or whenever a snow emergency has been declared by the municipality, an emergency shall exist and no vehicle shall be parked on the following street or highways or portion thereof:

Name of Street	Side	Location
Thirteenth Street	North	Washington Street to Willow Avenue <u>Washington Street to Madison Street</u>
<u>Thirteenth Street</u>	<u>South</u>	<u>Washington Street to Hudson Street</u>

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

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

--Motion duly seconded by Councilwoman Falco

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo and Council President Ramos

---Nays: None.

18-42

B-3

---By Councilman DeFusco

AN ORDINANCE TO SUBMIT THE PROPOSITION TO THE VOTERS AT THE NOVEMBER 6, 2018 GENERAL ELECTION THAT THE CITY OF HOBOKEN ADOPT THE HOLDING OF RUN-OFF ELECTIONS AS PERMITTED BY THE UNIFORM NON-PARTISAN ELECTIONS LAW

WHEREAS, the City of Hoboken under current law does not hold run-off elections for the offices of Mayor and Member of the City Council, which means that the winning candidate does not need to receive a majority of all votes cast for that office to be elected; and,

WHEREAS, because the City of Hoboken does not hold run-off elections, in the most recent municipal election, the winning candidate for Mayor received only about one-third of all of the votes cast for Mayor in that election; and,

WHEREAS, the City Council believes that the outcome of the most recent municipal election has exposed a fatal flaw in the City's election process, as "the will of the people" as commonly understood in our democracy is expressed through a majority vote, but because of a crowded field of candidates, minority rule has determined Hoboken's political leadership for the next four years; and,

WHEREAS, pursuant to N.J.S.A. 40:45-21, a municipality that does not currently hold run-off elections may, by referendum, determine to hold run-off

elections to ensure that the winning candidate receives a majority of the votes cast by the voters of that municipality; and,

WHEREAS, pursuant to N.J.S.A. 40:45-21, the question of whether or not to adopt the holding of run-off elections may be submitted to the voters by ordinance of the governing body; and;

WHEREAS, any ordinance adopted for that purpose shall state the proposition that run-off elections be held in the municipality; and,

WHEREAS, pursuant to N.J.S.A. 40:45-21, because it has been more than four years since the question of whether or not to hold run-off elections was last submitted to the voters, this Ordinance is ripe for adoption and if approved by the voters, will be in effect for the next municipal election for City Council in November 2019; and,

WHEREAS, the City Council of the City of Hoboken proposes that run-off elections be adopted for its future municipal elections and in accordance with N.J.S.A. 40:45-21 submit the proposition to the voters that the holding of run-off elections be adopted.

NOW, THEREFORE, the City Council of the City of Hoboken does hereby Ordain:

SECTION ONE:

The City Council of the City of Hoboken requests that pursuant to N.J.S.A. 40:45-21(b) that the City Clerk provide for the submission upon the official election ballot to be used at the November 6, 2018 General Election the following proposition:

SHALL RUN-OFF ELECTIONS BE HELD IN THE CITY OF HOBOKEN AS PERMITTED BY THE “UNIFORM NON-PARTISAN ELECTIONS LAW?”

SECTION TWO:

Pursuant to N.J.S.A. 40:45-21(b) the City Clerk shall provide for the submission of this question at the next General Election on November 6, 2018 by adoption of this Ordinance which must be not less than sixty days before said election (prior to September 7, 2018), and is directed to send a certified copy of this Ordinance upon adoption to the Hudson County Clerk to advise of same.

SECTION THREE: 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 FOUR: 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 FIVE: EFFECTIVE DATE

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

SECTION SIX: 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.

--Motion duly seconded by Council President Ramos

---Adopted by the following vote: Yeas: 9 Nays: 0

--Yeas: Council persons Cunningham, DeFusco, Doyle, Falco, Fisher, Giattino, Jabbour, Russo and Council President Ramos

---Nays: None.

NEW BUSINESS

Councilman DeFusco comments on a few things pressing in the 1st ward regarding Newark St. pedestrian safety plan and thankful for the state's contribution, the noise from NJ Transit Railyard, it's a big problem, hopefully be addressed to LCOOR and NJTransit and hopefully the new administration with work with me, and Court St., would like an update on Court St. and would like to know since my seniors with disabilities and the shoulders get installed on the sidewalks, I asked about this to be moved forward and would like everyone to support small businesses at the Warrington Plaza and present a resolution for the next meeting, and finally displacement, Councilman Ramos and I are working on anyone in the City of Hoboken who gets displaced, we need to do something and finally working on a situation, where there is a gentleman facing in the 4th ward, there's a lot of issues, we all need to work together to get things done, these are isolated instances and needs the BA's opinion on a joint task force to address these issues

Councilwoman Giattino comments and asked the Administration about Christmas Trees, you should probably not put it out tonight since we have a snow storm, and also Jan. 11th, the American Legion will have their fundraiser at the Kolo Club

Councilwoman Fisher comments on an update on the Union Dry Dock and what alternatives, there's a lot of residences coming together and can email me and there will be a NJ Transit meeting next week on Jan. 10th which is at night and one of the items is at this meeting, any input please reach out to me especially if you're opposed to it

Councilman Cunningham comments and congrats the new members on the council, if we can extend Christmas Tree pickup til next week since we're expecting a lot of snow and we did meet with Mayor Bhalla, along with Councilwoman Fisher and Councilwoman Giattino

Councilman Doyle comments on the Christmas Trees and would like to emphasize to take the plastic bags off the trees when placed curbside.

Council President comments on 400 1st st and would like to thank the Hoboken Police, Fire Dept, the Mayor's office and Director Pellegrini for all their efforts and there were 32 summons to the management company and thanks to Health Officer Frank Sasso and Director Pellegrini on getting the elevators up and running and any of the council who would like to get on a committee please contact me since we have a lot to tackle and last issue for Chief Ferrante on the investigation of the flyers from 2017

Chief Ferrante comments and congratulates the new Council President and VP and the new elected Council at Large and informs the Governing Body about the

illegal campaign flyer situation, HPD will take any complaints from the public and send them to the Detective Bureau and all of them will be taken to the courts and looked at. Then U.S. Constitution's 1st amendment is implicated, and there are nine (9) exceptions to free speech, and one of them is inciting aggression. Chief then provides a timeline of the situation. This is a continuing investigation, and HPD is - working with secret service, Hudson County Prosecutor's office, and the FBI, and there are 17+ supplementary investigation reports, and if anyone has any information please go to the Attorney General's office, the FBI, or the Hudson County Prosecutor's office, we are still trying to track (3) three people we would like to talk to on this matter.

Council President comments and thanks the Chief for their efforts on this investigations and appreciate all his efforts

Councilwoman Giattino comments on religious pamphlets and I was the one who created the ordinance and are religious flyers allowed if Corporation Counsel can investigate

At 8:30 PM meeting adjourned of the Governing Body on a motion by Council duly seconded by the Council members

Council President Ramos Jr. then adjourned the meeting at 8:30 PM

PRESIDENT OF THE COUNCIL

CITY CLERK