

MEETING OF JANUARY 7, 2015

**MINUTES OF A MEETING OF THE COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY, HELD IN
THE COUNCIL CHAMBERS, CITY HALL, HOBOKEN, NEW JERSEY, WEDNESDAY, JANUARY 7,
2015 AT 7:00 PM**

The City Clerk opened the meeting at 7:0 P.M. and stated, "I would like to advise all those present that notice of this meeting has been provided to the public in accordance with the provisions of the Open Public Meeting Act, and that notice was published in the Jersey Journal and on the City website, copies were provided in the Hoboken Reporter, The Record, The Newark Star-Ledger and also placed on the bulletin board in the lobby of City Hall. If any Councilperson or member of the public believes that this meeting or any portion thereof, is in violation of the Open Public Meetings Act, they are requested to so advise the City Council and City Clerk at this time, or at the time of the believed violation, in accordance with N.J.S.A. 10:4-17. Written objections, if any shall be made in writing to the City Clerk."

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

RE-ORG. RESOLUTIONS

Councilwoman Giattino nominates Councilman Bhalla as Council President and seconded by Councilman Doyle

15-3

---By President Giattino

RESOLUTION APPOINTING A CY 2015 COUNCIL PRESIDENT

Be it resolved by the City Council of the City of Hoboken that Ravi Bhalla be and is hereby appointed President of the Hoboken City Council for one (1) year term to expire December 31, 2015.

---Motion duly seconded by Councilman Doyle

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

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

---Nays: Mason

---Absent: Castellano

Councilman Cunningham nominates Councilman Mello as Council Vice-President and seconded by Councilman Doyle

15-4

---By Councilman Cunningham

RESOLUTION APPOINTING DAVID MELLO AS CY2015 COUNCIL VICE-PRESIDENT

Be it resolved by the City Council of the City of Hoboken that David Mello be and is hereby appointed Vice-President of the Hoboken City Council for one (1) year term to expire December 31, 2015.

---Motion duly seconded by Councilman Doyle

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

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

---Nays: Mason

---Absent: Castellano

President Giattino nominates Councilman Doyle as Council Representative to the Planning Board and seconded by Councilman Doyle

15-5

---By Councilwoman Giattino

RESOLUTION TO APPOINTING JAMES DOYLE AS CY2015 CLASS III (CITY COUNCIL) REPRESENTATIVE TO THE HOBOKEN PLANNING BOARD

Be it resolved by the City Council that Councilperson **James F. Doyle** is hereby appointed as the City Council representative to the Hoboken Planning Board, for the term to commence January 1, 2015 and expire December 31, 2015.

---Motion duly seconded by Councilman Russo

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

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

---Nays: None.

---Absent: Castellano

15-6

---By President Bhalla

RESOLUTION DESIGNATING OFFICIAL NEWSPAPERS FOR LEGAL ADVERTISEMENTS FOR THE CITY OF HOBOKEN FOR CY 2015

BE IT HEREBY RESOLVED, that the Jersey Journal, the Newark Star Ledger, and the Bergen Record are hereby designated as the official newspapers of the City of Hoboken for all purposes of legal advertising and official notices for CY2015.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Castellano

SECOND READING/PUBLIC HEARING AND FINAL VOTE

AN ORDINANCE TO CREATE CHAPTER 12 ENTITLED “ASSESSMENT OF REAL PROPERTY” (Z-327) (sponsored by Councilman Doyle and Councilman Cunningham) (PULLED BY SPONSORS)

RESOLUTIONS (CONTD)

15-7

---By President Bhalla

AUTHORIZATION FOR THE CITY OF HOBOKEN TO ENTER INTO SEPARATION AGREEMENT WITH R.R.

BE IT RESOLVED, that the City of Hoboken (the "City") hereby approves the Separation Agreement and General Release to be entered into between the City and R.R. attached hereto; and

BE IT FURTHER RESOLVED, that the City's Administration and Corporation Counsel are directed to take such action necessary to effectuate the terms of the Agreement.

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

Certified as a true copy of the Resolution adopted by the City of Hoboken on the 7th day of January 2015.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Castellano

15-7

---By President Bhalla

AUTHORIZATION FOR THE CITY OF HOBOKEN TO ENTER INTO SEPARATION AGREEMENT WITH J.P.

BE IT RESOLVED, that the City of Hoboken (the "City") hereby approves the Separation Agreement and General Release to be entered into between the City and J.P. attached hereto; and

BE IT FURTHER RESOLVED, that the City's Administration and Corporation Counsel are directed to take such action necessary to effectuate the terms of the Agreement.

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

Certified as a true copy of the Resolution adopted by the City of Hoboken on the 7th day of January 2015.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Castellano

15-8

Communication from Mayor Dawn Zimmer designating Director and Parking Director John Morgan as Acting Mayor for the period from December 25, 2014 to January 5, 2015.

Received and Filed.

15-9

Communication from Mayor Dawn Zimmer appointing Brandy Forbes (Class II), Caleb McKenzie (Class IV), Ryan Peene, (First Alternate), Stephen Marks (Mayor’s designee) to the Planning Board *

Received and Filed.

15-10

APPLICATION FOR MISCELLANEOUS LICENSES

Mobile vendors-----2 Items
Parking Facilities-----6 Items
Vendor-----1 Item

---Councilman Mello moved that the licenses be granted.
---Adopted by the following vote: YEAS: 8 – NAYS: 0 ABSENT: 1
---Yeas: Council persons Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Bhalla
---Nays: None.
---Absent: Castellano

15-11

---By President Bhalla

CLAIMS

Total for this agenda **\$770,000.62.**

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

15-12

---By President Bhalla

PAYROLL

For the two week period starting December 4, 2014-December 17, 2014.

Regular Payroll

O/T PAY

OTHER PAY

\$1,591,343.30

468,044.49

\$121,771.40

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Castellano

CONSENT AGENDA

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 discussions 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.

RESOLUTIONS (Cont'd)

15-14

---By President Bhalla

RESOLUTION AUTHORIZES TEMPORARY APPROPRIATIONS FOR THE CALENDAR YEAR 2015

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 2015 budget, temporary appropriation should be made for the purpose and amounts required in the manner and time therein provided; and

WHEREAS, twenty-six and twenty-five one hundredths percent (26.25%) of the total appropriations of the current fund in the calendar year 2014 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund, and public assistance in said calendar year 2014 budget is \$26,300,787.49 and for the Parking Utility is \$3,569,136.11; and

WHEREAS, the temporary appropriations in the calendar year 2015 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund, and public assistance in said calendar year 2015 temporary budget is \$26,190,267.43 and for the Parking Utility is \$2,935,991.39, which does not exceed 26.25% of the calendar year 2014 total appropriations exclusive of the aforementioned exceptions; and

WHEREAS, the temporary appropriations in the calendar year 2015 budget for interest and debt redemption charges are requested to be \$7,259,350.00 for the current fund and \$2,089,445.00 for the Parking Utility;

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the City of Hoboken that the following appropriation, which totals \$33,449,617.43 for the current fund including debt service and \$5,025,436.39 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 Cunningham

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

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

---Nays: None.

---Absent: Castellano

15-15

---By Councilman Doyle

RESOLUTION APPOINTING THE FOLLOWING LIST OF INDIVIDUALS AS MEMBERS TO THE CITY OF HOBOKEN ZONING BOARD OF ADJUSTMENT

WHEREAS, pursuant to the Code of the City of Hoboken, §44-11, the City of Hoboken has established a Zoning Board of Adjustment; and,

WHEREAS, pursuant to an amendment to §44-11, members of the Zoning Board of Adjustment are now appointed by the City Council, rather than the Mayor; and,

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

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

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

Carol Marsh	Regular Member	Jan. 7, 2015	Dec. 31, 2018	Four Years
Michael DeFusco	Regular Member	Jan. 7, 2015	Dec. 31, 2018	Four Years

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

Vote for Carol Marsh:

- Motion duly seconded by President Bhalla
- Adopted by the following vote: YEAS: 4 – NAYS: 3 – PRESENT: 1 - ABSENT: 1
- Yeas: Council persons Cunningham, Doyle, Giattino and President Bhalla
- Nays: Mello, Occhipinti, Russo
- Present: Mason
- Absent: Castellano

Vote for Michael DeFusco:

- Motion duly seconded by President Bhalla
- Adopted by the following vote: YEAS: 5 – NAYS: 2 PRESENT: 1 - ABSENT: 1
- Yeas: Council persons Cunningham, Giattino, Mason, Occhipinti and President Bhalla
- Nays: Doyle, Mello,
- Present: Russo
- Absent: Castellano

15-16

---By President Bhalla

RESOLUTION AWARDING A CHANGE ORDER TO THE CONTRACT TO RICH PICERNO BUILDERS, LLC FOR (BID 13 – 05) ELYSIAN PARK IMPROVEMENTS, AS CHANGE ORDER NUMBER 2/FINAL, IN AN INCREASED AMOUNT NOT TO EXCEED \$51,410.00 (6%

INCREASE) FOR A TOTAL NOT TO EXCEED AMOUNT OF \$1,040,418.75

WHEREAS, the City of Hoboken requires additional unforeseen goods and services under the contract for Elysian Park Improvements Project; and,

WHEREAS, the Administration intends to continue to use Rich Picerno Builders, LLC for said services and provisions; and,

WHEREAS, in accordance with the direction of the Administration, the City Council is asked to award a change order (#2/FINAL) to the contract for Elysian Park Improvements Project to Rich Picerno Builders, LLC for a total increase in the contract amount by Fifty One Thousand Four Hundred Ten Dollars and Zero Cents (\$51,410.00), which constitutes a 6% increase, for a total not to exceed amount of One Million Forty Thousand Four Hundred and Eighteen Dollars and Seventy Five Cents (**\$1,040,418.75**) of which the change order (#2/FINAL) to the contract shall be for purchases and installation in accordance with the Boswell Engineering Change Order Request, dated November 25, 2014; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$51,410.00 is available in the following appropriation C-04-60-711-210 in the capital budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the capital budget or the capital/trust funds; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that a change order (#2/FINAL) to the contract for Elysian Park Improvements Project to Rich Picerno Builders, LLC for a total increase in the contract amount by Fifty One Thousand Four Hundred Ten Dollars and Zero Cents (\$51,410.00), which constitutes a 6% increase, for a total not to exceed amount of One Million Forty Thousand Four Hundred and Eighteen Dollars and Seventy Five Cents (**\$1,040,418.75**) of which the change order (#2/FINAL) to the contract shall be for purchases and installation in accordance with the Boswell Engineering Change Order Request, dated November 25, 2014; and,

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the referenced Boswell correspondence shall govern the change order, and no changes may be made without the prior written consent of both parties.
3. Any further change orders which shall become necessary hereafter shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
4. The Council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
5. The Mayor, or her designee is hereby authorized to execute an agreement, for the above referenced goods and/or services based upon the information herein.
6. The Administration shall be authorized to issue a warrant in payment of the full amount of this change order, to Rich Picerno Builders LLC, and this authorization shall be in lieu of the requirement that the Administration obtain Council authorization of a claim prior to issuance of payment.

--Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Castellano

15-17

---By President Bhalla

RESOLUTION TO APPROVE A “LICENSE AGREEMENT” BETWEEN THE CITY OF HOBOKEN AND SAMIR and ABBY KHIROYA, OWNERS OF BLOCK 252 LOT 42(a/k/a 1108 Garden Street), FOR USE AND MAINTENANCE OF A PORTION OF THE PUBLIC RIGHT OF WAY ADJACENT TO SAID PROPERTY

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

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

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

WHEREAS, the applicant desires to receive and the City of Hoboken agrees to grant to Samir and Abby Khiroya, owners of Block 252 Lot 42, more commonly known as 1108 Garden Street, Hoboken, such a license.

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

- 1) Approval of the attached “License Agreement” between the City of Hoboken and Samir and Abby Khiroya, owners of Block 252 Lot 42, more commonly known as 1108 Garden Street, shall be subject and limited to the details and specifications included in the attached Application and Exhibits including survey and Mowery Marsh architectural drawings;
- 2) The Mayor or her agent is hereby authorized to enter into the attached agreement; and
- 3) This resolution shall become effective immediately upon adoption.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Castellano

15-18

---By President Bhalla

RESOLUTION SUPPORTING MAYOR ZIMMER’S STATEMENT ON THE RECENT REPORT REGARDING THE PATH, AND OPPOSING THE SPECIAL PANEL’S REPORT AND RECOMMENDATION TO LIMIT PATH SERVICE

WHEREAS, on Saturday, December 27, 2014 New York Governor Andrew Cuomo and New Jersey Governor Chris Christie issued a joint press release, “accept[ing] the comprehensive and wholesale changes recommended by the Bi-State Special Panel on the Future of the Port Authority”; and

WHEREAS, the Special Panel’s report included a recommendation to “implement PATH service changes” including eliminating overnight service; and

WHEREAS, Hoboken residents depend on a reliable, 24-hour transit system, with the City of Hoboken having been recognized for having the highest percentage of transit ridership in the country; and

WHEREAS, the PATH train is an important economic engine for Hoboken, its local businesses, and residents, particularly as the City sees more economic expansion and development in the area surrounding downtown Hoboken; and

WHEREAS, the City Council has serious concerns about the potential impact eliminating late night PATH service may have upon the New Jersey Transit Railyards Development Plan, including but not limited to potential depreciation of the value of the land, the feasibility of the plan, and the ability of the prospective developer to deliver on all of the objectives of the plan, particularly those of specific benefit to the residents of the City of Hoboken; and

WHEREAS, any shutdown of PATH service during overnight hours is likely to have a severe and adverse impact on the lives of working families who rely upon the service to commute to and from work during these hours; and

WHEREAS, because mass transit is the most efficient and effective means of moving around the New York area while reducing traffic and our carbon footprint, we should be doing more to support mass transit opportunities, not reducing them; and

WHEREAS, City residents have spoken out against any cuts to late night PATH service which would disrupt life for many people in Hoboken and the surrounding areas;

IT IS THEREFORE RESOLVED that the Hoboken City Council strongly opposes the Special Panel’s recommendation to limit late night PATH service, including, but not limited to, shutting down the PATH system between 1 a.m. and 5 a.m. on weekdays and/or weeknights; and

BE IT FURTHER RESOLVED that the Clerk of the City of Hoboken shall deliver a certified copy of this resolution to each of the Commissioners of the Port Authority of New York and New Jersey, each member of the Bi-State Special Panel on the Future of the Port Authority, the Governor of the State of New Jersey, and each State Legislator serving the 33rd District of the State of New Jersey; and

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Castellano

15-19

---By President Bhalla

**CONSENTING TO THE APPOINTMENT OF LINDA DUNN-LANDOLFI AS THE
DIRECTOR OF FINANCE TO THE CITY OF HOBOKEN FOR THE REMAINDER OF THE
PRESENT TERM OF THE MAYOR**

WHEREAS, Hoboken City Code § 5-5 allows the Mayor to appoint the Director of Finance, upon advice and consent of the City Council; and

WHEREAS, the Mayor has appointed **Linda Dunn-Landolfi** to the position of Director of Finance, and hereby requests the consent of the City Council based on **Linda Dunn-Landolfi's** qualifications; and

WHEREAS, the term of appointment is for the term of the Mayor, or until a successor is qualified and appointed; and

WHEREAS, the City Council agrees with the Mayor's appointment of **Linda Dunn-Landolfi** as Director of Finance.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken hereby consents to and authorizes the appointment of **Linda Dunn-Landolfi** as Director of Finance for the City of Hoboken, for the term of the Mayor or until a successor is qualified and appointed, pursuant to §5-5 of the Code of the City of Hoboken; and

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

--Motion duly seconded by Councilman Cunningham

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

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

--Nays: None.

--Absent: Castellano

15-20

--By President Bhalla

**RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE PROFESSIONAL SERVICE
CONTRACT WITH PRINCETON HYDRO, LLC FOR PROFESSIONAL PLANNING AND
ENGINEERING SERVICES TO PREPARE A POST-SUPERSTORM SANDY DISASTER
PLAN TO INCREASE THE TERM FOR AN ADDITIONAL ONE YEAR, TO EXPIRE
JANUARY 7, 2016, WITH NO CHANGE IN THE NOT TO EXCEED AMOUNT**

WHEREAS, services to the City of Hoboken (the "City") as a professional planner and professional engineer constitute professional services as defined by N.J.S.A. 40A:11-1 et seq. and, as such, are exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and,

WHEREAS, the City seeks to amend the award of a contract for a professional planning and engineering services to prepare a post-Superstorm Sandy Disaster Plan, and the City previously chose Princeton Hydro, LLC; and,

WHEREAS, the City now seeks to amend that contract, for an additional one year term, to expire January 7, 2016, with no change in the not to exceed amount of the contract; and,

WHEREAS, Princeton Hydro, LLC is hereby required to continue to abide by the “pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 et seq. of the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates, and the award and continuation of this contract are subject to continued compliance and may be terminated if the vendor is found to be noncompliant during the term of the contract; and,

WHEREAS, certification of funds is not required for this contract amendment.

NOW THEREFORE, BE IT RESOLVED, a majority of the full council voting affirmatively pursuant to City Code 20A-4H, that the contract with Princeton Hydro, LLC for professional planning and engineering services for a post-Superstorm Sandy disaster plan, in accordance with the scope of work detailed in its October 24, 2013 proposal subject to any amendment previously made and the City’s RFQ – Request for Quotes, the maximum term shall be extended until January 7, 2016; and, the total not to exceed amount shall remain unchanged; and

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

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

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

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

--Motion duly seconded by Councilman Cunningham

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

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

--Nays: None.

--Absent: Castellano

15-21

---By President Bhalla

RESOLUTION APPOINTING IRENE ASBURY, ESQ. AS MUNICIPAL PROSECUTOR FOR THE CITY OF HOBOKEN FOR THE 2015 CALENDAR YEAR, AND AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH IRENE ASBURY, ESQ. FOR SERVICES AS MUNICIPAL PROSECUTOR FOR A ONE (1) YEAR TERM TO COMMENCE ON JANUARY 1, 2015 AND TERMINATE ON DECEMBER 31, 2015 WITH A NOT TO EXCEED AMOUNT OF \$2,275.00

WHEREAS, the City of Hoboken requires the services of a municipal prosecutor and alternate municipal prosecutors, and N.J.S.A. 2B:25-1 et seq. defines the procedure for appointment of municipal prosecutors; and,

WHEREAS, the Mayor has presented to the Council Irene Asbury, Esq. for consideration to the position of municipal prosecutor for the 2015 calendar year; and,

WHEREAS, Irene Asbury, Esq. responded to the City of Hoboken's Request for Qualifications for the position of Municipal Prosecutor, and the appointment shall be subject to the Request for Qualifications and the accompanying proposal to the extent same are not inconsistent with the terms in the within Resolution; and,

WHEREAS, Irene Asbury, Esq.'s proposal was submitted and reviewed in compliance with Hoboken Ordinance #DR-154 (codified as §20A-1 et seq. of the Code of the City of Hoboken), which requires use of the fair and open process for Professional Service contracts; and,

WHEREAS, Irene Asbury, Esq. shall be required to comply with all local, state and federal laws regarding pay-to-play and public contracting, as well as any local, state or federal laws regarding contributions and reporting; and,

WHEREAS, the appointment is approved as a professional service contract, the appointee shall be considered a per-diem non-employee, the appointee shall be entitled to \$325.00 per court session in lieu of any and all other fees and benefits; in addition, if any additional work is directed by the Corporation Counsel or other appropriate official of the City Administration, the individual will receive a maximum hourly rate of \$150.00/hour for attorney services as directed, with no additional fees or charges allowed; and, accordingly, the appointee is not an employee of the City of Hoboken and therefore is not entitled to any vacation, sick or personal days, longevity, pension credits, or the like;

WHEREAS, the City Council hereby assents to the Mayor's suggestion that Irene Asbury, Esq. be appointed to the position of municipal prosecutor for the 2015 calendar year with an appropriation in the amount not to exceed Two Thousand Two Hundred Seventy Five Dollars (\$2,275.00);

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$2,275.00 will be available in the following appropriation 50120155031 in the temporary CY2015 budget; and I further certify that this commitment together with all previously made commitments and payments will not exceed the funds available in said appropriation for the CY2015 budget and/or temporary budget; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hoboken, County of Hudson, hereby accepts the appointment of Irene Asbury, Esq. as the City of Hoboken municipal prosecutor for the 2015 calendar year, and authorizes an accompanying professional service contract in an amount not to exceed Two Thousand Two Hundred Seventy Five Dollars (\$2,275.00); and,

BE IF FURTHER RESOLVED that a professional services contract be authorized with Irene Asbury Esq. for the services of municipal prosecutor from January 1, 2015 through December 31, 2015, which shall include the following terms:

1. The Chief Municipal Prosecutor/Municipal Prosecutor shall appear at least thirty minutes prior to every Municipal Court session, as needed and as requested by the Corporation Counsel.
2. The Municipal Court Sessions are generally scheduled for every Tuesday at 9:00 a.m., and 6:00 p.m., every Wednesday at 9:00 a.m. and every Thursday at 9:00 a.m. unless the Court is closed.

3. The Chief Municipal Prosecutor/ Municipal Prosecutor is also required to appear for a special session on a Monday or Friday if either one of the two Municipal Court Judges calls a special session and the Corporation Counsel requests the prosecutor's presence.
4. The Chief Municipal Prosecutor/Municipal Prosecutor shall contact the Corporation Counsel to arrange for any necessary additional alternate municipal court prosecutor(s) for services upon the sickness, vacation or other absence of the City's regular Municipal Prosecutor. The municipal prosecutors may also be contacted by the Corporation Counsel to provide prosecuting services when conflicts arise which prevent the regular prosecutors from performing their duties to the City on a case specific basis.

BE IT FURTHER RESOLVED Irene Asbury, Esq. shall be considered a per-diem non-employee, shall be entitled to \$325.00 per court session in lieu of any and all other fees and benefits; in addition, if any additional work is directed by the Corporation Counsel or other appropriate official of the City Administration, the individual will receive a maximum hourly rate of \$150.00/hour for attorney services as directed, with no additional fees or charges allowed; and, accordingly, is not an employee of the City of Hoboken and therefore is not entitled to any vacation, sick or personal days, longevity, pension credits, or the like; and,

BE IT FURTHER RESOLVED that this appointment and accompanying contract be for a one (1) year term to commence on January 1, 2015 and expire on December 31, 2015; and,

BE IT FURTHER RESOLVED Irene Asbury, Esq. shall be required to comply with all local, state and federal laws regarding pay-to-play and public contracting, as well as any local, state or federal laws regarding contributions and reporting; and,

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

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

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Castellano

15-22

---By President Bhalla

RESOLUTION APPOINTING STEVEN HUMMEL, ESQ. AS MUNICIPAL PROSECUTOR FOR THE CITY OF HOBOKEN FOR THE 2015 CALENDAR YEAR, AND AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH STEVEN HUMMEL, ESQ. FOR SERVICES AS MUNICIPAL PROSECUTOR FOR A ONE (1) YEAR TERM TO COMMENCE ON JANUARY 1, 2015 AND TERMINATE ON DECEMBER 31, 2015 WITH A NOT TO EXCEED AMOUNT OF \$2,275.00

WHEREAS, the City of Hoboken requires the services of a municipal prosecutor and alternate municipal prosecutors, and N.J.S.A. 2B:25-1 et seq. defines the procedure for appointment of municipal prosecutors; and,

WHEREAS, the Mayor has presented to the Council Steven Hummel, Esq. for consideration to the position of municipal prosecutor for the 2015 calendar year; and,

WHEREAS, Steven Hummel, Esq. responded to the City of Hoboken's Request for Qualifications for the position of Municipal Prosecutor, and the appointment shall be subject to the Request for Qualifications and the accompanying proposal to the extent same are not inconsistent with the terms in the within Resolution; and,

WHEREAS, Steven Hummel, Esq.'s proposal was submitted and reviewed in compliance with Hoboken Ordinance #DR-154 (codified as §20A-1 et seq. of the Code of the City of Hoboken), which requires use of the fair and open process for Professional Service contracts; and,

WHEREAS, Steven Hummel, Esq. shall be required to comply with all local, state and federal laws regarding pay-to-play and public contracting, as well as any local, state or federal laws regarding contributions and reporting; and,

WHEREAS, the appointment is approved as a professional service contract, the appointee shall be considered a per-diem non-employee, the appointee shall be entitled to \$325.00 per court session in lieu of any and all other fees and benefits; in addition, if any additional work is directed by the Corporation Counsel or other appropriate official of the City Administration, the individual will receive a maximum hourly rate of \$150.00/hour for attorney services as directed, with no additional fees or charges allowed; and, accordingly, the appointee is not an employee of the City of Hoboken and therefore is not entitled to any vacation, sick or personal days, longevity, pension credits, or the like;

WHEREAS, the City Council hereby assents to the Mayor's suggestion that Steven Hummel, Esq. be appointed to the position of municipal prosecutor for the 2015 calendar year with an appropriation in the amount not to exceed Two Thousand Two Hundred Seventy Five Dollars (\$2,275.00);

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$2,275.00 will be available in the following appropriation 50120155031 in the temporary CY2015 budget; and I further certify that this commitment together with all previously made commitments and payments will not exceed the funds available in said appropriation for the CY2015 budget and/or temporary budget; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hoboken, County of Hudson, hereby accepts the appointment of Steven Hummel, Esq. as the City of Hoboken municipal prosecutor for the 2015 calendar year, and authorizes an accompanying professional service contract in an amount not to exceed Two Thousand Two Hundred Seventy Five Dollars (\$2,275.00); and,

BE IF FURTHER RESOLVED that a professional services contract be authorized with Steven Hummel Esq. for the services of municipal prosecutor from January 1, 2015 through December 31, 2015, which shall include the following terms:

1. The Chief Municipal Prosecutor/Municipal Prosecutor shall appear at least thirty

minutes prior to every Municipal Court session, as needed and as requested by the Corporation Counsel.

2. The Municipal Court Sessions are generally scheduled for every Tuesday at 9:00 a.m., and 6:00 p.m., every Wednesday at 9:00 a.m. and every Thursday at 9:00 a.m. unless the Court is closed.
3. The Chief Municipal Prosecutor/ Municipal Prosecutor is also required to appear for a special session on a Monday or Friday if either one of the two Municipal Court Judges calls a special session and the Corporation Counsel requests the prosecutor's presence.
4. The Chief Municipal Prosecutor/Municipal Prosecutor shall contact the Corporation Counsel to arrange for any necessary additional alternate municipal court prosecutor(s) for services upon the sickness, vacation or other absence of the City's regular Municipal Prosecutor. The municipal prosecutors may also be contacted by the Corporation Counsel to provide prosecuting services when conflicts arise which prevent the regular prosecutors from performing their duties to the City on a case specific basis.

BE IT FURTHER RESOLVED Steven Hummel, Esq. shall be considered a per-diem non-employee, shall be entitled to \$325.00 per court session in lieu of any and all other fees and benefits; in addition, if any additional work is directed by the Corporation Counsel or other appropriate official of the City Administration, the individual will receive a maximum hourly rate of \$150.00/hour for attorney services as directed, with no additional fees or charges allowed; and, accordingly, is not an employee of the City of Hoboken and therefore is not entitled to any vacation, sick or personal days, longevity, pension credits, or the like; and,

BE IT FURTHER RESOLVED that this appointment and accompanying contract be for a one (1) year term to commence on January 1, 2015 and expire on December 31, 2015; and,

BE IT FURTHER RESOLVED Steven Hummel, Esq. shall be required to comply with all local, state and federal laws regarding pay-to-play and public contracting, as well as any local, state or federal laws regarding contributions and reporting; and,

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

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

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: Russo

---Absent: Castellano

15-23

---By President Bhalla

RESOLUTION APPOINTING SUSAN FERRARO, ESQ. AS MUNICIPAL PROSECUTOR FOR THE CITY OF HOBOKEN FOR THE 2015 CALENDAR YEAR, AND AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH SUSAN FERRARO, ESQ. FOR SERVICES

**AS MUNICIPAL PROSECUTOR FOR A ONE (1) YEAR TERM TO COMMENCE ON
JANUARY 1, 2015 AND TERMINATE ON DECEMBER 31, 2015 WITH A NOT TO EXCEED
AMOUNT OF \$30,000.00**

WHEREAS, the City of Hoboken requires the services of a municipal prosecutor and alternate municipal prosecutors, and N.J.S.A. 2B:25-1 et seq. defines the procedure for appointment of municipal prosecutors; and,

WHEREAS, the Mayor has presented to the Council Susan Ferraro, Esq. for consideration to the position of municipal prosecutor for the 2015 calendar year; and,

WHEREAS, Susan Ferraro, Esq. responded to the City of Hoboken's Request for Qualifications for the position of Municipal Prosecutor, and the appointment shall be subject to the Request for Qualifications and the accompanying proposal to the extent same are not inconsistent with the terms in the within Resolution; and,

WHEREAS, Susan Ferraro, Esq.'s proposal was submitted and reviewed in compliance with Hoboken Ordinance #DR-154 (codified as §20A-1 et seq. of the Code of the City of Hoboken), which requires use of the fair and open process for Professional Service contracts; and,

WHEREAS, Susan Ferraro, Esq. shall be required to comply with all local, state and federal laws regarding pay-to-play and public contracting, as well as any local, state or federal laws regarding contributions and reporting; and,

WHEREAS, the appointment is approved as a professional service contract, the appointee shall be considered a per-diem non-employee, the appointee shall be entitled to \$325.00 per court session in lieu of any and all other fees and benefits; in addition, if any additional work is directed by the Corporation Counsel or other appropriate official of the City Administration, the individual will receive a maximum hourly rate of \$150.00/hour for attorney services as directed, with no additional fees or charges allowed; and, accordingly, the appointee is not an employee of the City of Hoboken and therefore is not entitled to any vacation, sick or personal days, longevity, pension credits, or the like;

WHEREAS, the City Council hereby assents to the Mayor's suggestion that Susan Ferraro, Esq. be appointed to the position of municipal prosecutor for the 2015 calendar year with an appropriation in the amount not to exceed Thirty Thousand Dollars (\$30,000.00);

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$30,000.00 will be available in the following appropriation 50120155031 in the temporary CY2015 budget; and I further certify that this commitment together with all previously made commitments and payments will not exceed the funds available in said appropriation for the CY2015 budget and/or temporary budget; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hoboken, County of Hudson, hereby accepts the appointment of Susan Ferraro, Esq. as the City of Hoboken municipal prosecutor for the 2015 calendar year, and authorizes an accompanying professional service contract in an amount not to exceed Thirty Thousand Dollars (\$30,000.00); and,

BE IF FURTHER RESOLVED that a professional services contract be authorized with Susan Ferraro Esq. for the services of municipal prosecutor from January 1, 2015 through December

31, 2015, which shall include the following terms:

1. The Chief Municipal Prosecutor/Municipal Prosecutor shall appear at least thirty minutes prior to every Municipal Court session, as needed and as requested by the Corporation Counsel.
2. The Municipal Court Sessions are generally scheduled for every Tuesday at 9:00 a.m., and 6:00 p.m., every Wednesday at 9:00 a.m. and every Thursday at 9:00 a.m. unless the Court is closed.
3. The Chief Municipal Prosecutor/ Municipal Prosecutor is also required to appear for a special session on a Monday or Friday if either one of the two Municipal Court Judges calls a special session and the Corporation Counsel requests the prosecutor's presence.
4. The Chief Municipal Prosecutor/Municipal Prosecutor shall contact the Corporation Counsel to arrange for any necessary additional alternate municipal court prosecutor(s) for services upon the sickness, vacation or other absence of the City's regular Municipal Prosecutor. The municipal prosecutors may also be contacted by the Corporation Counsel to provide prosecuting services when conflicts arise which prevent the regular prosecutors from performing their duties to the City on a case specific basis.

BE IT FURTHER RESOLVED Susan Ferraro, Esq. shall be considered a per-diem non-employee, shall be entitled to \$325.00 per court session in lieu of any and all other fees and benefits; in addition, if any additional work is directed by the Corporation Counsel or other appropriate official of the City Administration, the individual will receive a maximum hourly rate of \$150.00/hour for attorney services as directed, with no additional fees or charges allowed; and, accordingly, is not an employee of the City of Hoboken and therefore is not entitled to any vacation, sick or personal days, longevity, pension credits, or the like; and,

BE IT FURTHER RESOLVED that this appointment and accompanying contract be for a one (1) year term to commence on January 1, 2015 and expire on December 31, 2015; and,

BE IT FURTHER RESOLVED Susan Ferraro, Esq. shall be required to comply with all local, state and federal laws regarding pay-to-play and public contracting, as well as any local, state or federal laws regarding contributions and reporting; and,

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

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

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

--Motion duly seconded by Councilman Cunningham

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

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

--Nays: Russo

--Abstain: President Bhalla

--Absent: Castellano

15-24

---By President Bhalla

RESOLUTION APPOINTING KATY THUERER, ESQ. AS MUNICIPAL PUBLIC DEFENDER FOR THE CITY OF HOBOKEN FOR THE 2015 CALENDAR YEAR, AND AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH KATY THUERER, ESQ. FOR SERVICES AS MUNICIPAL PUBLIC DEFENDER FOR A ONE (1) YEAR TERM TO COMMENCE ON JANUARY 1, 2015 AND TERMINATE ON DECEMBER 31, 2015 WITH A NOT TO EXCEED AMOUNT OF \$15,000.00

WHEREAS, the City of Hoboken requires the services of a municipal public defender; and,

WHEREAS, the Mayor has presented to the Council Katy Thuerer, Esq. for consideration to the position of municipal public defender for the 2015 calendar year; and,

WHEREAS, Katy Thuerer, Esq. responded to the City of Hoboken's Request for Qualifications for the position of Municipal public defender, and the appointment shall be subject to the Request for Qualifications and the accompanying proposal to the extent same are not inconsistent with the terms in the within Resolution; and,

WHEREAS, Katy Thuerer, Esq.'s proposal was submitted and reviewed in compliance with Hoboken Ordinance #DR-154 (codified as §20A-1 et seq. of the Code of the City of Hoboken), which requires use of the fair and open process for Professional Service contracts; and,

WHEREAS, Katy Thuerer, Esq. shall be required to comply with all local, state and federal laws regarding pay-to-play and public contracting, as well as any local, state or federal laws regarding contributions and reporting; and,

WHEREAS, the appointment is approved as a professional service contract, the appointee shall be considered a per-diem non-employee, the appointee shall be entitled to \$275.00 per court session in lieu of any and all other fees and benefits; in addition, if any additional work is directed by the Corporation Counsel or other appropriate official of the City Administration, the individual will receive a maximum hourly rate of \$150.00/hour for attorney services as directed, with no additional fees or charges allowed; and, accordingly, the appointee is not an employee of the City of Hoboken and therefore is not entitled to any vacation, sick or personal days, longevity, pension credits, or the like;

WHEREAS, the City Council hereby assents to the Mayor's suggestion that Katy Thuerer, Esq. be appointed to the position of municipal public defender for the 2015 calendar year with an appropriation in the amount not to exceed Fifteen Thousand Dollars (\$15,000.00);

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$15,000.00 will be available in the following appropriation 50120155031 in the temporary CY2015 budget; and I further certify that this commitment together with all previously made commitments and payments will not exceed the funds available in said appropriation for the CY2015 budget and/or temporary budget; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hoboken, County of Hudson, hereby accepts the appointment of Katy Thuerer, Esq. as the City of Hoboken municipal public defender for the 2015 calendar year, and authorizes an accompanying professional service contract in an amount not to exceed Fifteen Thousand Dollars (\$15,000.00); and,

BE IF FURTHER RESOLVED that a professional services contract be authorized with Katy Thuerer, Esq. for the services of municipal public defender from January 1, 2015 through December 31, 2015, which shall include the following terms:

1. The Municipal Public Defenders shall appear at least thirty minutes prior to every Municipal Court session.
2. The Municipal Court Sessions are generally scheduled for every Tuesday at 9:00 a.m., and 6:00 p.m., every Wednesday at 9:00 a.m. and every Thursday at 9:00 a.m. unless the Court is closed.
3. The Municipal Public Defender is also required to appear for a special session on a Monday or Friday if one of the two Municipal Court Judges calls a special session.
4. The Municipal Public Defenders shall contact and arrange for the appointed alternate municipal court public defender(s) for services upon the sickness, vacation or other absence of the scheduled Municipal Public Defender. The alternate public defenders may also be contacted by the Chief Municipal Public Defender to provide services when conflicts arise which prevent the regular public defender from performing their duties to the City on a case specific basis.

BE IT FURTHER RESOLVED Katy Thuerer, Esq. shall be considered a per-diem non-employee, shall be entitled to \$275.00 per court session in lieu of any and all other fees and benefits; in addition, if any additional work is directed by the Corporation Counsel or other appropriate official of the City Administration, the individual will receive a maximum hourly rate of \$150.00/hour for attorney services as directed, with no additional fees or charges allowed; and, accordingly, is not an employee of the City of Hoboken and therefore is not entitled to any vacation, sick or personal days, longevity, pension credits, or the like; and,

BE IT FURTHER RESOLVED that this appointment and accompanying contract be for a one (1) year term to commence on January 1, 2015 and expire on December 31, 2015; and,

BE IT FURTHER RESOLVED Katy Thuerer, Esq. shall be required to comply with all local, state and federal laws regarding pay-to-play and public contracting, as well as any local, state or federal laws regarding contributions and reporting; and,

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

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

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: Russo

---Absent: Castellano

15-25

---By President Bhalla

RESOLUTION APPOINTING THOMAS KOEHL, ESQ. AS MUNICIPAL PUBLIC DEFENDER FOR THE CITY OF HOBOKEN FOR THE 2015 CALENDAR YEAR, AND

AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH THOMAS KOEHL, ESQ. FOR SERVICES AS MUNICIPAL PUBLIC DEFENDER FOR A ONE (1) YEAR TERM TO COMMENCE ON JANUARY 1, 2015 AND TERMINATE ON DECEMBER 31, 2015 WITH A NOT TO EXCEED AMOUNT OF \$5,000.00

WHEREAS, the City of Hoboken requires the services of a municipal public defender; and,

WHEREAS, the Mayor has presented to the Council Thomas Koehl, Esq. for consideration to the position of municipal public defender for the 2015 calendar year; and,

WHEREAS, Thomas Koehl, Esq. responded to the City of Hoboken's Request for Qualifications for the position of Municipal public defender, and the appointment shall be subject to the Request for Qualifications and the accompanying proposal to the extent same are not inconsistent with the terms in the within Resolution; and,

WHEREAS, *Thomas Koehl, Esq.'s proposal was submitted and reviewed in compliance with Hoboken Ordinance #DR-154 (codified as §20A-1 et seq. of the Code of the City of Hoboken), which requires use of the fair and open process for Professional Service contracts; and,*

WHEREAS, *Thomas Koehl, Esq. shall be required to comply with all local, state and federal laws regarding pay-to-play and public contracting, as well as any local, state or federal laws regarding contributions and reporting; and,*

WHEREAS, the appointment is approved as a professional service contract, the appointee shall be considered a per-diem non-employee, the appointee shall be entitled to \$275.00 per court session in lieu of any and all other fees and benefits; in addition, if any additional work is directed by the Corporation Counsel or other appropriate official of the City Administration, the individual will receive a maximum hourly rate of \$150.00/hour for attorney services as directed, with no additional fees or charges allowed; and, accordingly, the appointee is not an employee of the City of Hoboken and therefore is not entitled to any vacation, sick or personal days, longevity, pension credits, or the like;

WHEREAS, the City Council hereby assents to the Mayor's suggestion that Thomas Koehl, Esq. be appointed to the position of municipal public defender for the 2015 calendar year with an appropriation in the amount not to exceed Five Thousand Dollars (\$5,000.00);

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$5,000.00 will be available in the following appropriation 50120155031 in the temporary CY2015 budget; and I further certify that this commitment together with all previously made commitments and payments will not exceed the funds available in said appropriation for the CY2015 budget and/or temporary budget; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hoboken, County of Hudson, hereby accepts the appointment of Thomas Koehl, Esq. as the City of Hoboken municipal public defender for the 2015 calendar year, and authorizes an accompanying professional service contract in an amount not to exceed Five Thousand Dollars (\$5,000.00); and,

BE IF FURTHER RESOLVED that a professional services contract be authorized with Thomas Koehl, Esq. for the services of municipal public defender from January 1, 2015 through

December 31, 2015, which shall include the following terms:

1. The Municipal Public Defenders shall appear at least thirty minutes prior to every Municipal Court session.
2. The Municipal Court Sessions are generally scheduled for every Tuesday at 9:00 a.m., and 6:00 p.m., every Wednesday at 9:00 a.m. and every Thursday at 9:00 a.m. unless the Court is closed.
3. The Municipal Public Defender is also required to appear for a special session on a Monday or Friday if one of the two Municipal Court Judges calls a special session.
4. The Municipal Public Defenders shall contact and arrange for the appointed alternate municipal court public defender(s) for services upon the sickness, vacation or other absence of the scheduled Municipal Public Defender. The alternate public defenders may also be contacted by the Chief Municipal Public Defender to provide services when conflicts arise which prevent the regular public defender from performing their duties to the City on a case specific basis.

BE IT FURTHER RESOLVED Thomas Koehl, Esq. shall be considered a per-diem non-employee, shall be entitled to \$275.00 per court session in lieu of any and all other fees and benefits; in addition, if any additional work is directed by the Corporation Counsel or other appropriate official of the City Administration, the individual will receive a maximum hourly rate of \$150.00/hour for attorney services as directed, with no additional fees or charges allowed; and, accordingly, is not an employee of the City of Hoboken and therefore is not entitled to any vacation, sick or personal days, longevity, pension credits, or the like; and,

BE IT FURTHER RESOLVED that this appointment and accompanying contract be for a one (1) year term to commence on January 1, 2015 and expire on December 31, 2015; and,

BE IT FURTHER RESOLVED Thomas Koehl, Esq. shall be required to comply with all local, state and federal laws regarding pay-to-play and public contracting, as well as any local, state or federal laws regarding contributions and reporting; and,

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

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

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

--Motion duly seconded by Councilman Cunningham

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

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

--Nays: Russo

--Absent: Castellano

15-26

---By President Bhalla

RESOLUTION TO AUTHORIZE A CLOSE OUT PAYMENT OF THE PROFESSIONAL SERVICE CONTRACT WITH TOMPKINS, MCGUIRE, WACHENFELD & BARRY, LLP FOR THE SERVICES OF WILLIAM B. MCGUIRE, ESQ. AS SPECIAL LEGAL COUNSEL- INSURANCE RELATED MATTERS TO THE CITY OF HOBOKEN IN A TOTAL AMOUNT OF \$31,913.79

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

WHEREAS, the services originally fell under the fair and open threshold, and were not subject to the fair and open process, but have since gone above same, requiring the City to institute the requirements of Hoboken City Code Section 20A-4H; and,

WHEREAS, the City now seeks to close out the contract, and make the final payment to the firm for their services; and,

WHEREAS, *William B. McGuire, Esq. , and the firm of Tompkin, McGuire, Wachenfeld & Barry are hereby required to continue to abide by the “pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 et seq. of the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates; and,*

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$31,913.79 is available in the following appropriations 4-01-20-156-020 in the CY2014 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2014 budget.

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

NOW THEREFORE, BE IT RESOLVED, that (with a majority of the full council voting affirmatively) a close out payment of the professional service contract with Tompkins, McGuire, Wachenfeld & Barry, LLP for the services of William B. McGuire, Esq. as special legal counsel-insurance related matters to the City of Hoboken in a total amount of **\$31,913.79**; and

BE IT FURTHER RESOLVED, the contract shall, as a result of this close out payment, be terminated immediately upon payment, with no additional work done by, or invoiced on behalf of, the firm; and,

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

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

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

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Castellano

15-27

---By President Bhalla

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

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

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

WHEREAS, in 2014 the City Council passed a resolution providing for same for a one year period, and seeks to extend this authority for an additional year.

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

- A. The Administration shall have the authority to settle any and all then pending worker's compensation litigation in which the City's financial liability is equal to or less than Twenty One Thousand Five Hundred Dollars (\$21,500.00) so long as the majority of the City's Corporation Counsel, Business Administrator, and Mayor agree in writing that the settlement is in the best interest of the City; and,
- B. In any instance where a majority, as described above, does not agree in writing that the settlement is in the best interest of the City, in order to enter into the settlement, formal action of the City Council authorizing the settlement shall be required, regardless of the amount in controversy or the City's financial liability upon settlement.
- C. The Administration shall, on a periodic basis, via its Corporation Counsel, provide a brief description of each matter that was settled, including the settlement terms, and the reason(s) why same were in the best interest of the City, to the City Council for review.
- D. This resolution shall take effect immediately upon passage.
- E. This resolution shall expire on December 31, 2015.

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

15-28

---By President Bhalla

RESOLUTION ADOPTING A 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;

NOW, THEREFORE, BE IT RESOLVED that the City of Hoboken, County of Hudson and State of New Jersey, hereby adopts the following "Cash Management Plan" to be utilized by the City of Hoboken for the CY 2015; 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 (Hudson County).

CASH MANAGEMENT PLAN OF THE CITY OF HOBOKEN, COUNTY OF HUDSON AND STATE OF NEW JERSEY

I. STATEMENT OF PURPOSE

This Cash Management Plan (the “Plan”) is prepared pursuant to the provisions of N.J.S.A. 40A:5-14 in order to set forth the basis of deposits (“Deposits”) and investment (“Permitted Investments”) of certain public funds of the City of Hoboken, pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments hereinafter referred to.

The intent of the plan is to provide that the decisions made with regard to the Deposits and the Permitted Investments will be done to insure the safety, the liquidity, (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to ensure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

II. DEFINITIONS

“Arbitrage” refers to the rules and regulations governing the issuance of bonds or notes and the reinvestment of the proceeds at higher yield. These regulations are promulgated by the Internal Revenue Service, Regulation 1.103.

“Certificate of Eligibility” is the certification issued by the New Jersey Department of Banking and Insurance, Division of Banking that a Public Depository is eligible to act as a depository for public funds and qualifies as a participant in the New Jersey Governmental Unit Deposit Protection Act, GUDPA.

“GUDPA” requires a bank that accepts public funds to be a public depository. A “Public Depository” is defined as a state bank, a national bank, a savings bank or association that is located in the State of New Jersey, the deposits of which are insured by the Federal Deposit Insurance Corporation, and which received or holds public funds on deposit. A local unit may make deposits in, or purchase certificates of deposit from, banks that are located in New Jersey and which meet the requirements of the GUDPA.

“The New Jersey Cash Management Fund.” The New Jersey Division of Investment is authorized pursuant to N.J.S.A. 52-18A-90.4 to establish, maintain and operate, with the approval of the State Investment Council and the State Treasurer, a common trust fund known as the State of New Jersey-New Jersey Cash Management Fund (the “Fund”). The Fund is authorized to accept deposits from all Local Units of government. The Fund is a “common trust” fund pursuant to the statute that created such funds within the jurisdiction of the Division of Investment. According to the enabling legislation, monies of Local Units deposited in the Fund must be invested in obligations and bonds that meet the investment requirements of the statute. These obligations include, among other things, evidences of indebtedness of U.S. corporations. These obligations are less secure than those permitted to Local Units under the Act. Thus, the Fund is riskier than direct investments in federal securities or GUDPA-protected deposits by Local Units.

III. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY THE PLAN

A) The Plan is intended to cover the deposit and/or investment of the following funds and accounts of the City:

Current Fund
Grant Fund
Trust Assessment Fund
General Trust Fund

Animal Control Fund
Unemployment Insurance Trust Fund
Serial Bonds Refunding Trust Fund
General Capital Fund
Parking Utility Operating Fund
Parking Utility Capital Fund
Public Assistance Fund
Bond & Interest Fund
Affordable Housing Trust Fund
Open Space Trust Fund
Acquisition and Preservation of Historical Structures Account
Green Acres Trust Account
Employee Payroll Deduction Account
Municipal Court General Account
Municipal Court Bail Account
Tax Collector's Revenue Account
Tax Collector's PILOT Account
Tax Collector's Lien Redemption Account
Payroll Account
Workers Compensation Account
Claims Account
Developers Escrow Account
Recreation Trust Fund

B) The Plan is not intended to cover the deposit and/or investment of the following Funds and Accounts of the City:

1. Petty Cash Funds

2. Cash drawn from a Federal Agency under a letter of credit which cash has to be paid out within 5 working days to a vendor.

3. Deposit, retainage, or amounts posted by way of bond, held by the City for such things as faithful performance, if the City would be required by law to pay back any interest earned to the provider of the deposit, except where the City is required by law or court decision to invest the fund.

4. Amounts derived from the sale of bonds or notes, only to the extent that a specific written opinion of counsel states that the earning of (full) interest would result in the bonds or notes being classified as an arbitrage (not Federally Tax Exempt) issue pursuant to federal regulations. To the extent that some interest is allowable, it shall be deposited at the most favorable rate obtainable.

IV. DESIGNATION OF OFFICIALS OF THE CITY OF HOBOKEN AUTHORIZED TO MAKE DEPOSITS AND INVESTMENTS

The Chief Financial Officer and the Business Administrator (the "Designated Officials") are hereby authorized and directed to deposit and/or invest the Funds referred to in the Plan and are hereby granted the authority to open and close bank accounts in official depositories as enumerated in Section VII of this Cash Management Plan .

V. STANDARDS OF CARE

1. The Designated Officials involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions.
2. The Designated Officials shall disclose any material interests in the financial institutions with which business is conducted and they shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City.
3. The Chief Financial Officer, under the direction of the Business Administrator, is responsible for establishing and maintaining internal control. The controls should ensure that the assets of the City are protected from loss, theft, or misuse.

VI. PROCEDURES FOR THE RECEIPT OF MONIES

A. Department Procedures

1. A receipt shall be issued in duplicate for all transactions involving the receipt of money. A copy of the receipt shall be given to the paying party and the receiving department shall maintain the duplicate. All payments and receipts must be recorded.
2. All monies collected or received from any source by or on behalf of the City shall be deposited within forty eight (48) hours of receipt to the designated bank pursuant to N.J.S.A. 40A:5-15.
3. All monies received shall be placed in a secured place until forwarded for deposit.
4. No department, division or agency shall engage in the practice of cashing checks with public funds. Cashing of employee paychecks is prohibited.

B. Chief Financial Officer (Designated Official)

1. The Chief Financial Officer shall:
 - a. Deposit all monies collected or received from any source by or on behalf of the City within forty eight (48) hours of receipt to the designated bank pursuant to N.J.S.A. 40A: 5-15.
 - b. Ensure that all monies deposited are in interest bearing accounts.
 - c. Make recommendations of legal public depositories to the City Council who shall by resolution designate said depositories at the first meeting of the calendar year.
 - d. Ensure that each of the various accounts for which there is a separate bank statement is reconciled with that bank statement by the end of the following month.
 - e. Verify that designated official depositories submit to the Chief Financial Officer a copy of the State of New Jersey, Department of Banking and Insurance, Governmental Unit Deposit Protection Act notification of Certificate of Eligibility, which must be filed quarterly in the Department of Banking.

VII. DESIGNATION OF DEPOSITORIES

The City Council approved a resolution on January 7, 2015, which designated the following banks and financial institutions as official depositories for the Deposit of all public funds referred to in the Plan, including any certificates of Deposits which are not otherwise invested in “Permitted Investments” as provided for in this Plan:

BANK OF AMERICA
BCB COMMUNITY BANK
CAPITAL ONE
CITI BANK
HAVEN SAVINGS BANK
INVESTORS BANK
J P MORGAN CHASE BANK
PNC BANK
PROVIDENT SAVINGS BANK
SOVEREIGN BANK
TD BANK
VALLEY NATIONAL BANK
WELLS FARGO

VIII. AUTHORIZED INVESTMENTS

Except as otherwise specifically provided for herein, the Designated Officials are hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:

1. Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America.
2. Government Money Market Mutual Funds.
3. Any Obligations that a Federal Agency or a Federal Instrumentality has issued in accordance with an Act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor.
4. Bonds or other obligations of the Local Unit or bonds or other obligations of school districts of which the Local Unit is a part or within which the school district is located.
5. Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of the Treasury for investment by Local Units.
6. Local Government Investment pools.
7. Deposits with the State of New Jersey Cash Management Fund established pursuant to Section 1 of P.L. 1977, c. 281 (C.52:18A-90.4).
8. Agreements for the repurchase of fully collateralized securities if:
 - a. The underlying securities are permitted investments pursuant to paragraphs “1” and “3” of this subsection a;

- b. The custody of collateral is transferred to a third party;
- c. The maturity of the agreement is not more than 30 days;
- d. The underlying securities are purchased through a public depository as defined in section 1 of P.L. 1970, c.236 (c.17:9-41); and
- e. A master repurchase agreement providing for the custody and security of collateral is executed.

For purposes of the above language, the terms “Government Money Market Mutual Fund” and “Local Government Investment Pool” shall have the following definitions:

“Government Money Market Mutual Fund”

An Investment company or Investment Trust:

- a. Which is registered with the Securities and Exchange Commission under the “Investment Company Act of 1940,” 15 U.S.C. Sec. 80a-1 et seq., and operated in accordance with 17 C.F.R. sec, 270. 2a-7 and
- b. The portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec. 270. 2a-7 and
- c. Repurchase agreements that are collateralized by such U.S. Government Securities; and
- d. Which has:
 - (i) Attained the highest ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or
 - (ii) Retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission pursuant to the “Investment Advisors Act of 1940,” with experience investing in U.S. Government Securities for at least the most recent past 60 months and with assets under management in excess of \$500 million.

“Local Government Investment Pool”

An investment pool:

- a. Which is managed in accordance with 17 C.F.R. sec. 270.2a-7;
- b. Which is rated in the highest category by a nationally recognized statistical rating organization.
- c. Which is limited to U.S. Government securities that meet the definition of “eligible security” pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that collateralized by such U.S. Government securities;
- d. Which is in compliance with rules adopted pursuant to the “Administrative Procedure Act,” P.L. 1968, c.410 (c.52:14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements, and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investments;

e. Which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value; and

f. Which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a National or State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967, c.9 (C.49:3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in borrowing on such U.S. Government securities.

IX. SAFEKEEPING CUSTODY PAYMENT

To the extent that any Deposit or Permitted Investment involves a document or security which is not physically held by the City of Hoboken, then such instrument or security shall be covered by all custodial agreements with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of funds or the Permitted Investments or Deposits. Purchase of any Permitted Investments that involve securities shall be executed by a “delivery versus payment” method to insure that such Permitted Investments are either received by the City of Hoboken or by a third party custodian prior to or upon the release of the City of Hoboken’s funds.

X. CITY AUDITOR

The City investment practices (including compliance with N.J.S.A. 40A:5-14) and the agreement for banking services and compensation thereof shall be reviewed by the City Auditor as part of the annual audit, as required by N.J.S.A. 40A:5-4. Where a conflict exists between this Cash Management Plan and State Statute, the applicable State Statute shall apply.

XI. SURETY BONDS

- a. The Chief Financial Officer shall be covered by a surety bond. During the annual audit, the City Auditor shall examine said bond to determine that proper coverage has been obtained.
- b. Staff members of the Chief Financial Officer’s office, who are employees of the City, shall be covered by a public employee’s faithful performances bond in the minimum amount of \$10,000.

XII. TERM OF PLAN

This Plan shall be in effect from January 1, 2015 to December 31, 2015. Attached to this Plan is a resolution of the City Council of the City of Hoboken approving this Plan for such period of time, which may be amended from time to time. To the extent that the Council adopts any amendment, the Designated Officials are directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved Plan, which amendment shall be acknowledged in writing in the same manner as the original Plan was so acknowledged.

CERTIFICATION

I, George DeStefano, Chief Financial Officer of the City of Hoboken, have prepared this plan and submitted same to Corporation Counsel and City Council for approval.

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

15-29

---By President Bhalla

RESOLUTION AUTHORIZING VARIOUS CITY DEPARTMENTS TO MAINTAIN A PETTY CASH AND CHANGE FUND

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of petty cash and change funds in any county or municipality; and

WHEREAS, various petty cash and change funds were previously established by resolution of the City Council and approval of the Director of the Division of Local Government Services; and

WHEREAS, various departments wish to continue the use of petty cash and change funds under the supervision of the Chief Finance Officer.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hoboken, County of Hudson, State of New Jersey that the following petty cash and change funds be and are hereby authorized for use during the CY 2015:

<u>Department</u>	<u>Amount</u>	<u>Use</u>	<u>Custodian</u>
Fire Department	\$300.00	Miscellaneous	Fire Chief
Police Chief	\$100.00	Miscellaneous	Police Chief
Parking Utility Transportation & Parking	\$500.00	Change Fund	Director
Tax Collector	\$300.00	Change Fund	Tax Collector
Construction Code Office Officer	\$100.00	Change Fund	Construction Code

BE IT FURTHER RESOLVED, the Clerk shall immediately forward this resolution to the Director for review and approval in accordance with N.J.S.A. 40A:5-21.

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

15-30

---By President Bhalla

RESOLUTION DESIGNATING DEPOSITORIES 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 2015 for all applicable accounts at the following depository banks:

Bank of America	BCB Community Bank
Capital One	Citi Bank
Haven Savings Bank	Investors Bank
J P Morgan Chase Bank	PNC Bank
Provident Savings Bank	Sovereign Bank
TD Bank	Valley National 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:

Dawn Zimmer, 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:

Dawn Zimmer, 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 Councilman Cunningham

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

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

--Nays: None.
--Absent: Castellano

15-31

--By President Bhalla

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH FLORIO KENNY AS SPECIAL LEGAL COUNSEL - CY 2015 RENT LEVELING BOARD ATTORNEY AND RELATED LITIGATION TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2015 AND EXPIRE DECEMBER 31, 2015 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$15,000.00

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

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

WHEREAS, Florio Kenny was the only proposer for the RFQ, and the Administration has determined that the firm has provided quality representation over the past year during its CY2014 contract, and therefore advises a CY2015 contract be entered into with Florio Kenny; and,

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

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$15,000.00 is available in the following appropriation 50120156020 in the CY2015 temporary appropriations; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2015 budget year; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with Florio Kenny to represent the City as Special Legal Counsel- CY2015 Rent Leveling Board Attorney and Related Litigation be awarded, for a term to commence January 1, 2015 and expire December 31, 2015, for a total not to exceed amount of Fifteen Thousand Dollars (\$15,000.00); and

BE IT FURTHER RESOLVED, the contract shall include the following term: Florio Kenny shall be paid \$300.00/meeting, which shall be ***all inclusive of all work in preparation for and subsequent to each meeting***, and a maximum hourly rate of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20.00/hour for support staff for any related litigation assigned by the City, and done on behalf of the City, outside of that work done as part of the board meeting rate, as defined above. These are the only charges for services allowable under this agreement, and charges for

reasonable filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

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

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

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

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

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

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

--Motion duly seconded by Councilman Cunningham

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

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

--Nays: None.

--Absent: Castellano

15-32

--By President Bhalla

RESOLUTION FOR REIMBURSEMENT OF HANDICAPPED PARKING APPLICATION FEE

WHEREAS, the Subcommittee for Handicap Parking denied approval to the below listed applicant.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hoboken, that a warrant be drawn on the City Treasury to the order of the following sum opposite the name hereunder, as reimbursement for a handicap parking application fee:

NAME/ADDRESS	AMOUNT
Miquelina A. Frias 406 Marshall Drive Apt.2A	\$125.00

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: 8 – NAYS: 0 ABSENT: 1
---Yeas: Council persons Cunningham, Doyle, Giattino, Mason, Mello, Occhipinti, Russo and President Bhalla
---Nays: None.
---Absent: Castellano

15-33

---By President Bhalla

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE CONTRACT WITH TISHA CREATIVE FOR PROFESSIONAL DESIGN SERVICES TO PREPARE THE CITY WEBSITE AND DESIGN TO EXTEND THE TERM THROUGH MAY 5, 2015, WITH NO CHANGE IN THE NOT TO EXCEED AMOUNT

WHEREAS, services to the City of Hoboken (the “City”) by Tisha Creative were subject to competitive contracting, and, as such, are exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and,

WHEREAS, the City seeks to amend the award of a contract for Tisha Creative’s design services; and,

WHEREAS, the City now seeks to amend that contract, for an extended term to expire May 5, 2015, with no change in the not to exceed amount of the contract; and,

WHEREAS, *Tisha Creative is hereby required to continue to abide by the “pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 et seq. of the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates, and the award and continuation of this contract are subject to continued compliance and may be terminated if the vendor is found to be noncompliant during the term of the contract; and,*

WHEREAS, certification of funds is not required for this contract amendment.

NOW THEREFORE, BE IT RESOLVED, a majority of the full council voting affirmatively pursuant to City Code 20A-4H, that the contract with Tisha Creative for website design services shall be extended until May 5, 2015; and, the total not to exceed amount shall remain unchanged; and

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

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

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

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

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

15-34

---By President Bhalla

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH MARAZITI FALCON AS SPECIAL LEGAL COUNSEL - REDEVELOPMENT TO THE CITY OF HOBOKEN FOR CY2015 TO COMMENCE JANUARY 1, 2015 AND TO EXPIRE DECEMBER 31, 2015 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$85,000.00

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

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Maraziti Falcon responded to, and the City’s evaluation committee has determined that this firm’s proposal was one of the top two proposals provided; and,

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

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$85,000.00 is available in the following appropriation 5-01-21-181-036 in the temporary CY2015 appropriations; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2015; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with **Maraziti Falcon** to represent the City as Special Legal Counsel- Redevelopment CY 2015 be awarded., for a term to commence January 1, 2015 and expire December 31, 2015, for a total not to exceed amount of Eighty Five Thousand Dollars (\$85,000.00); and

BE IT FURTHER RESOLVED, the contract shall include the following term: **Maraziti Falcon** shall be paid maximum hourly rates of \$190.00/hour for attorneys when charged to the City, \$225.00/hour for attorneys when such fees are paid solely by private parties through reimbursement agreements, \$50.00/hour for paralegals, and \$20/hour for support staff for services rendered, these are the only charges for services allowable under this agreement, and charges for filing fees and

costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

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

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

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

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

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

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Castellano

15-35

---By President Bhalla

RESOLUTION TO AUTHORIZE AN EXTENSION OF THE PROFESSIONAL SERVICE CONTRACT WITH VOGEL CHAIT COLLINS AS SPECIAL LEGAL COUNSEL- OUTSTANDING LITIGATION TO THE CITY OF HOBOKEN TO EXPIRE DECEMBER 31, 2015 WITH NO CHANGE IN THE NOT TO EXCEED AMOUNT

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

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Vogel Chait Collins responded to in 2012, and having performed the function of special counsel on the herein named outstanding litigation matters over the past two years, Vogel Chait Collins has specialized knowledge and special skills which are necessary for the

proper and effective continuation of representation in the continuing outstanding matter known as Block 112 and Ursa Litigation; and,

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

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

NOW THEREFORE, BE IT RESOLVED, (*a majority of the full council concurring*) that the contract with Vogel Chait Collins to represent the City as Special Legal Counsel- Outstanding Litigation (Ursa and Block 112) be extended, for a term to expire December 31, 2015, with no change in the not to exceed amount; and

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

BE IT FURTHER RESOLVED, this contract shall cover outstanding litigation only, in the matters of Block 112 and Ursa; this contract shall not be for a sum certain but rather, a retainer, the level of representation in the matters on which to be retained shall be determined as the need arises at the sole discretion of the City; and, this contract is not a guarantee of availability of services or assignment; and,

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

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

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

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

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Castellano

---By President Bhalla

RESOLUTION TO AWARD A CONTRACT TO WEINER LESNIAK FOR SERVICES OF RON CUCCHIARO, ESQ. AS SPECIAL LEGAL COUNSEL – CY2015 HISTORIC PRESERVATION BOARD ATTORNEY TO THE CITY OF HOBOKEN IN A NOT TO EXCEED AMOUNT OF FIFTEEN THOUSAND DOLLARS (\$15,000.00) FOR THE TERM JANUARY 1, 2015 THROUGH DECEMBER 31, 2015

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

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel-Historic Preservation Board Attorney in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Ron Cucchiaro, Esq. responded to; and,

WHEREAS, the evaluation committee has determined that Ron Cucchiaro, Esq. offers the best option of all the proposals submitted, cost and other factors considered, and therefore advises a contract be entered into with Ron Cucchiaro, Esq. for said services; and,

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

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$3,000.00 is available in the following appropriation 5-01-20-175-036 in the CY2015 temporary appropriations; and I further certify that I will immediately review the CY2015 budget to determine whether the additional \$12,000.00 balance is available and appropriated in the following appropriation 5-01-20-175-036 in the CY2015 budget upon adoption of said budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2015 temporary appropriation; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with Ron Cucchiaro, Esq. to represent the City as Special Legal Counsel- Historic Preservation Board Attorney be awarded, for a term to commence January 1, 2015 and expire December 31, 2015, for a total not to exceed amount of Fifteen Thousand Dollars (\$15,000.00); and

BE IT FURTHER RESOLVED, the contract shall include the following term: Weiner Lesniak shall be paid \$300.00/meeting, which shall be *all inclusive of all work in preparation for and subsequent to each meeting.* and a maximum hourly rate of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20.00/hour for support staff for any related litigation authorized by the Director of Community Development, assigned by the City, and done on behalf of the City, outside of that

work done as part of the board meeting rate, as defined above. These are the only charges for services allowable under this agreement, and charges for reasonable filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice;; and

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

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

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

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

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

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

--Motion duly seconded by Councilman Cunningham

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

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

--Nays: None.

--Abstain: Mason

--Absent: Castellano

15-37

--By President Bhalla

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH PARKER MCCAY AS SPECIAL LEGAL COUNSEL - BOND COUNSEL TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2015 AND EXPIRE DECEMBER 31, 2015 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$35,000.00

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

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

WHEREAS, the evaluation committee has determined that Parker McCay offers the best option of all the proposals submitted, cost and other factors considered, and therefore advises a contract be entered into with Parker McCay; and,

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

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$35,000.00 is available in the following appropriation 5-01-20-130-020 in the CY2015 temporary appropriations; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2015 temporary appropriation and/or CY2015 budget; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with Parker McCay to represent the City as Special Legal Counsel- Bond Counsel be awarded, for a term to commence January 1, 2015 and expire December 31, 2015, for a total not to exceed amount of Thirty Five Thousand Dollars (\$35,000.00); and

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

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

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

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of

Hoboken), and any and all state Pay to Play laws, is a continuing obligation of Parker McCay; and

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

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

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

--Motion duly seconded by Councilman Cunningham

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

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

--Nays: None.

--Absent: Castellano

15-38

--By President Bhalla

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT MCMANIMON SCOTLAND BAUMANN AS SPECIAL LEGAL COUNSEL- REDEVELOPMENT AND PILOT COUNSEL TO THE CITY OF HOBOKEN FOR CY2015 TO COMMENCE JANUARY 1, 2015 AND TO EXPIRE DECEMBER 31, 2015 FOR A NOT TO EXCEED AMOUNT OF \$45,000.00

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

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which McManimon Scotland Baumann responded to, and the City’s evaluation committee has determined that this firm’s proposal was one of the top two proposals provided; and,

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

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$30,000.00 is available in the following appropriation 5-01-21-181-036 in the temporary CY2015 budget, and \$15,000.00 is available in the following appropriation 5-01-20-130-020 in the temporary CY2015 budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2015 temporary appropriation; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with McManimon Scotland Baumann to represent the City as Special Legal Counsel- Redevelopment and PILOT Counsel CY 2015 be awarded, for a term to commence January 1, 2015 and expire December 31, 2015, for a total not to exceed amount of Forty Five Thousand Dollars (\$45,000.00); and

BE IT FURTHER RESOLVED, the contract shall include the following term: McManimon Scotland Baumann shall be paid maximum hourly rates of \$190.00/hour for attorneys when charged to the City, \$225.00/hour for attorneys when such fees are paid solely by private parties through reimbursement agreements, \$50.00/hour for paralegals, and \$20/hour for support staff for services rendered, these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

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

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

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

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

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

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Castellano

15-39

---By President Bhalla

RESOLUTION TO AUTHORIZE A CLOSE OUT PAYMENT OF THE PROFESSIONAL SERVICE CONTRACT WITH IRENE KIM ASBURY, ESQ. AS SPECIAL LEGAL COUNSEL-

ALTERNATE MUNICIPAL PROSECUTOR TO THE CITY OF HOBOKEN IN A TOTAL AMOUNT OF \$100.00

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

WHEREAS, the services were awarded under the Fair and Open Process, and in compliance with the City's Code Section 20A-4; and,

WHEREAS, the City now seeks to close out the CY2014 contract, and make the final payment to the attorney for her services; and,

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

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$100.00 is available in the following appropriations 4-01-20-156-020 in the CY2014 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2014 budget.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that (*with a majority of the full council voting affirmatively*) a close out payment of the professional service contract with Irene Kim Asbury, Esq. as special legal counsel-alternate municipal prosecutor to the City of Hoboken in a total amount of **\$100.00** be and is hereby authorized; and

BE IT FURTHER RESOLVED, the CY2014 contract shall, as a result of this close out payment, be terminated immediately upon payment, with no additional work done by, or invoiced on behalf of, the attorney; and,

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

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

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

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.
---Absent: Castellano

15-40

---By President Bhalla

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 due date and 18% per annum on any amount of taxes in excess of \$1,500.00 becoming delinquent after due date and,

WHEREAS, effective January 1, 2015, there will be a ten (10) day grace period of quarterly tax payments made by cash, check or money order.

WHEREAS, any payments not made in accordance with paragraph two of this resolution shall be charged interest 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 paragraphs above; 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 be and hereby 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 Councilman Cunningham

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

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

---Nays: None.

---Absent: Castellano

15-41

---By President Bhalla

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$16,034.23)

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

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

NOW THEREFORE BE IT RESOLVED, that a warrant be drawn on the City Treasurer made payable to the following totaling **\$16,034.23**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Lereta LLC 1123 Parkview Drive Covina, CA 91723 Attn: Central Refund Dept.	155/2.02/C001A	1015 Grand Street	3/14	\$1,425.03
Corelogic Refunds 1 Corelogic Way West Lake, TX 76262	261.01/1/C0513	1100 Maxwell Lane	4/14	\$4,006.97
Carla Santini 1500 Washington Street #2T Hoboken, NJ 07030	268.01/2/C002T	1500 Washington St	2/14	\$1,555.75
Wells Fargo Real Estate Tax Services MAC X2302-04D 1 Home Campus Des Moines, IA 50328	95/17/C003B	928-930 Jefferson St	4/14	\$1,746.51
New York Community Bank 1801 East Ninth Street Cleveland, OH 44144 Attn: Linda Bailey	261.03/1/C0610	1125 Maxwell Lane	4/14	\$7,299.97

---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 8 – NAYS: 0 ABSENT: 1
---Yeas: Council persons Cunningham, Doyle, Giattino, Mason, Mello, Occhipinti, Russo and President Bhalla
---Nays: None.
---Absent: Castellano
15-42
---By President Bhalla

RESOLUTION AUTHORIZING THE REFUND OF A VETERAN DEDUCTION (PAYABLE TO THE INDIVIDUAL LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$250.00)

RESOLVED, BY THE COUNCIL OF THE CITY OF HOBOKEN; that

WHEREAS, the following applied for a Veterans deduction for the tax year 2014 and year taxes have been paid;

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

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER</u>	<u>AMOUNT OF REFUND</u> <u>& ISSUE TO</u>
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29 16 C0005 \$250.00
Timothy Allen
131 Madison Street #3L
HOBOKEN, NJ 07030

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

15-43

---By President Bhalla

RESOLUTION AUTHORIZING THE REFUND OF TAX APPEALS STATE TAX COURT (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$68,966.45)

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

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

NOW THEREFORE BE IT RESOLVED, that a warrant be drawn on the City Treasurer made payable to the following totaling \$68,966.45

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
Nashel & Nashel, LLC 415 Sixieth Street West New York, NJ 07093	222/4	43-51 Newark St	2013	\$68,966.45

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

15-44

---By President Bhalla

RESOLUTION AUTHORIZING A CANCELLATION OF AN ADDED ASSESSMENT TO BLOCK 246 LOT 8 (ADDED ASSESSMENT AMOUNT TO BE CANCELLED - \$797.54)

Resolved, by the Council of the City of Hoboken, that whereas on 12/22/14 the Hudson County Board of Taxation, appeal #05-1400600AA, granted a reduction of \$27,925 (from \$27,925 to -0-) against 2014 added assessment on property owned by HUDOCK, STEPHEN & JACQUELYN, known as block 246 Lot 8 and whereas this added assessment has been paid and a refund of \$398.77 to be paid to Corelogic.

Resolved that the following amount be cancelled from the 2015 1st and 2nd quarter tax bills:

2014-Added Assessment amount to be cancelled \$797.54

Refund overpayment 2014 added assessment 4th quarter \$398.77

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

15-45

---By President Bhalla

RESOLUTION AUTHORIZING A CANCELLATION OF AN ADDED ASSESSMENT TO BLOCK 253 LOT 10.05 (ADDED ASSESSMENT AMOUNT TO BE CANCELLED - \$487.66)

Resolved, by the Council of the city of Hoboken, that whereas on 12/22/14 the Hudson County Board of Taxation, appeal #05-1400601AA, granted a reduction of \$17,075 (from \$17,075 to -0-) against a 2014 added assessment on property owned by RONAN, FRANCES & SUTTERBY, JAM, known as block 253 Lot 10.05 and whereas this added assessment has been paid and a refund of \$243.83 to be paid to Hudson City Savings Bank.

Resolved that the following amount be cancelled from the 2015 1st and 2nd quarter tax bills:

2014 – Added Assessment amount to be cancelled \$487.66

Refund overpayment 2014 added assessment 4th quarter \$243.83

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

15-46

RESOLUTION AUTHORIZING A CANCELLATION OF AN ADDED ASSESSMENT TO BLOCK 250 LOT 6 (ADDED ASSESSMENT AMOUNT TO BE CANCELLED - \$156.37)

Resolved, by the Council of the city of Hoboken, that whereas on 12/22/14 the Hudson County Board of Taxation, appeal #05-1400599AA, granted a reduction of \$5,475 (from \$5,475 to -0-) against a 2014 added assessment on property owned by BOGGIANO, JOSEPHINE & A. FERRA, known as

block 250 Lot 6 and whereas this added assessment has been paid and a refund of \$78.18 to be paid to Homeowner.

Resolved that the following amount be cancelled from the 2015 1st and 2nd quarter tax bills:

2014 – Added Assessment amount to be cancelled \$156.37

Refund overpayment 2014 added assessment 4th quarter \$78.18

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Castellano

15-47

---By President Bhalla

RESOLUTION AUTHORIZING A CANCELLATION OF AN ADDED ASSESSMENT TO BLOCK 202 LOT 15 (ADDED ASSESSMENT AMOUNT TO BE CANCELLED - \$2,398.32)

Resolved, by the Council of the city of Hoboken, that whereas on 12/22/14 the Hudson County Board of Taxation, appeal #05-1400603LA, granted a reduction of \$39,625 (from \$123,600 to 83,975) against a 2014 added assessment on property owned by BALSON, VICTORIA & ROBERT GIFI, known as block 202 Lot 15 and whereas this added assessment has been paid and a refund of \$565.85 to be paid to Corelogic.

Resolved that the following amount be reduced for the 2015 1st and 2nd quarter tax bills:

2014 – Added Assessment amount to be cancelled \$2,398.32

Refund overpayment 2014 added assessment 4th quarter \$565.85

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Castellano

15-48

---By President Bhalla

RESOLUTION AUTHORIZING A CANCELLATION OF AN ADDED ASSESSMENT TO BLOCK 202 LOT 15 (ADDED ASSESSMENT AMOUNT TO BE CANCELLED - \$7,861.86)

Resolved, by the Council of the city of Hoboken, that whereas on 12/22/14 the Hudson County Board of Taxation, appeal #05-1400602LA, granted a reduction of \$76,650 (from \$353,925 to 275,275) against a 2014 added assessment on property owned by DEFALCO, PHILIP, known as

block 228 Lot 8 and whereas this added assessment has been paid and a refund of \$1,123.12 to be paid to Homeowner.

Resolved that the following amount be reduced for the 2015 1st and 2nd quarter tax bills:

2014 – Added Assessment amount to be cancelled \$7,861.86

Refund overpayment 2014 added assessment 4th quarter \$1,123.12

--Motion duly seconded by Councilman Cunningham

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

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

--Nays: None.

--Absent: Castellano

15-49

--By Councilwoman Giattino

**RESOLUTION TO ADOPT THE MINUTES OF THE MEETINGS OF THE CITY COUNCIL
DATED: REGULAR MEETING OF DECEMBER 16, 2014 AND SPECIAL MEETING OF
DECEMBER 23, 2014**

RESOLVED, that filed minutes for Hoboken City Council Regular meeting of December 16, 2014 and Special Meeting of December 23, 2014 have been reviewed and approved by the Governing Body.

--Motion duly seconded by Councilman Cunningham

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

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

--Nays: Mason

--Abstain: Doyle

--Absent: Castellano

15-50

--By President Bhalla

**A RESOLUTION OF SUPPORT AUTHORIZING THE ADMINISTRATION TO APPLY FOR,
ACCEPT AND EFFECTUATE A GRANT FROM THE HUDSON COUNTY MUNICIPAL
ALLIANCE ON ALCOHOLISM AND DRUG ABUSE PROGRAM FOR FY 2015-2016**

WHEREAS, the City of Hoboken desires to apply for, obtain, and effectuate a grant from the Governor's Council on Alcoholism and Drug Abuse through the County of Hudson for approximately \$43,200.00, with a cash match of \$10,800.00 and in-kind services of \$32,400.00, to carry out the Hudson County Municipal Alliance on Alcoholism and Drug Abuse Program for FY2015-2016.

NOW THEREFORE, BE IT RESOLVED, that the City of Hoboken does hereby authorize the application for such a grant, the Administration's acceptance of said grant in the amount of \$43,200.00, with a cash match of \$10,800.00 and in-kind services of \$32,400.00, and the Administration's effectuation of the grant purpose; and

BE IT FURTHER RESOLVED, that upon receipt of the fully-executed grant agreement, the Council does further authorize the expenditure of funds pursuant to the terms of the agreement, subject to the limitations listed above; and,

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith, subject to the terms and limitations set forth herein:

Signature

Dawn Zimmer
Mayor, City of Hoboken

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

ORDINANCES

Introduction and First Reading

15-51

Z-329

AN ORDINANCE TO AMEND CHAPTER 59A, ARTICLE VIII ENTITLED “OFFICE OF EMERGENCY MANAGEMENT” TO AMEND THE STAFFING WITHIN THE OFFICE OF EMERGENCY MANAGEMENT

WHEREAS, the City of Hoboken would like to change the staffing within the Office of Emergency Management.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hoboken that Chapter 59A of the Administrative Code of the City of Hoboken shall be amended as follows (additions noted in underline; ~~deletions~~ noted in ~~strikethrough~~):

SECTION ONE: AMENDMENTS

§ 59A-55. Emergency Management Coordinator; staff.

There is hereby established the position of Emergency Management Coordinator, to be appointed by the Mayor in accordance with state law. The Mayor shall establish the compensation of the Emergency Management Coordinator as provided by law. The Emergency Management Coordinator shall complete the basic training for municipal emergency management coordinators as established by law. The Emergency Management Coordinator shall appoint a Deputy Emergency Management Coordinator with the approval of the Mayor. Such Deputy shall be appointed from among the salaried officers and employees of the City of Hoboken. The Emergency Management Coordinator may appoint Assistant Emergency Management Coordinators, with the approval of the Mayor.

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

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

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

SECTION FIVE: CODIFICATION

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

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

A copy of this ordinance, as adopted, shall be forwarded by the Clerk to the State of New Jersey Office of Emergency Management.

President Bhalla moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **January 21, 2015 at 7:00 PM.**

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: Mason

---Absent: Castellano

15-52

Z-330

AN ORDINANCE TO AMEND CHAPTER 44 TO MAKE NOTICE PROCEDURES COMPLIANT WITH STATE LAW AND UPDATED CHAPTER 44 APPENDICES AND FORMS

WHEREAS, the City of Hoboken would like to clarify its land use procedures to clearly state that all notices required must comply with state laws, including, particularly the MLUL, N.J.S.A.

40:55D-1 et seq..

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

SECTION ONE: AMENDMENTS

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

...

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

...

§ 44-107. Time of Decision

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

...

§ 44-307. Notice Requirements for Hearing

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

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

- (1) Any request for a variance from the requirements of Chapter 196, Zoning;
- (2) Any request for conditional use approval;
- (3) Any request for minor site plan approval or preliminary approval of a major site plan;
- (4) Any request for a minor subdivision approval;
- (5) Any request for preliminary approval of a major subdivision; and/or

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

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

Chapter 44 Appendices

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

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

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

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

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

SECTION FIVE: CODIFICATION

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

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

President Bhalla moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **January 21, 2015 at 7:00 PM.**

---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 6 – NAYS: 2 - ABSENT: 1
---Yeas: Council persons Cunningham, Doyle, Giattino, Mello, Occhipinti, and President Bhalla
---Nays: Mason, Russo
---Absent: Castellano

RESOLUTION (CONTD)

15-53

---By President Bhalla

RESOLUTION OF THE CITY OF HOBOKEN REFERRING THE PROPOSED “ORDINANCE TO AMEND CHAPTER 44 TO MAKE NOTICE PROCEDURES COMPLIANT WITH STATE LAW AND UPDATED CHAPTER 44 APPENDICES AND FORMS” TO THE CITY OF HOBOKEN PLANNING BOARD IN ACCORDANCE WITH THE MUNICIPAL LAND USE LAW, N.J.S.A. 40:55D-26

WHEREAS, pursuant to the Municipal Land Use Law, the City Council shall refer all ordinances to amend the zoning code and related municipal regulations to the Planning Board prior to final adoption of same; and

WHEREAS, on January 7, 2015 the City Council considered an “ORDINANCE TO AMEND CHAPTER 44 TO MAKE NOTICE PROCEDURES COMPLIANT WITH STATE LAW AND UPDATED CHAPTER 44 APPENDICES AND FORMS” on first reading, which the City Council, in accordance with N.J.S.A. 40:55D-26, now wishes to refer to the Planning Board prior to the City Council’s final consideration of same.

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

1. The City Council hereby refers the proposed an “ORDINANCE TO AMEND CHAPTER 44 TO MAKE NOTICE PROCEDURES COMPLIANT WITH STATE LAW AND UPDATED CHAPTER 44 APPENDICES AND FORMS,” which is on file at the municipal offices of the City of Hoboken, and incorporated herein as if set forth in full, to the City of Hoboken Planning Board for review and recommendation in accordance with N.J.S.A. 40:55D-26.
2. The City of Hoboken Planning Board shall generate a report within thirty five (35) days after this referral containing its recommendation regarding the proposed ordinance.
3. City Staff and consultants are hereby authorized and directed to take all actions to implement this Resolution as are necessary or appropriate to accomplish its goals and intent.
4. This Resolution shall take effect immediately.

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

---Nays: Mason
---Absent: Castellano

NEW BUSINESS

Councilwoman Giattino would like to add one more resolution under new business seconded by Councilman Occhipinti.

RESOLUTION (CONT'D)

15-54

---By President Bhalla

RESOLUTION IN SUPPORT OF MARTIN LUTHER KING, JR. DAY 2015

WHEREAS, Dr. Martin Luther King, Jr. changed our nation forever through his leadership, service, and clarity of vision; and

WHEREAS, Dr. King devoted his life to strengthening the content of the American character and called on our nation to live up to its founding principles of life, liberty and the pursuit of happiness for all its citizens; and

WHEREAS, through his determination, spirit and resolve, Dr. King helped lift souls and lead one of the greatest movements for equality and freedom in history; and

WHEREAS, the City Council wishes to honor the lasting legacy of this great American, remember the ideals for which he fought and recommit ourselves to ensuring that our country's promise extends to all Americans across the great land; and

WHEREAS, as we observe Dr. King's birthday and the national holiday recognizing his birthday, the City Council encourages all Americans to celebrate his memory by performing acts of kindness through service to others.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HOBOKEN that it declares its support for Dr. Martin Luther King Jr. Day 2015.

---Motion duly seconded by Councilman Occhipinti

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

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

---Nays: None.

---Absent: Castellano

The meeting adjourned of the Governing Body on a motion by Council duly seconded by the Council members

Council President Bhalla then adjourned the meeting.

PRESIDENT OF THE COUNCIL

CITY CLERK