

MEETING OF OCTOBER 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, OCTOBER 7,
2015 AT 7:00 PM**

Council President opened the meeting at 7:05 P.M. and stated, "I would like to advise all those present that notice of this meeting has been provided to the public in accordance with the provisions of the Open Public Meetings Act, and that notice was published in the Jersey Journal and on the City website, copies were provided in the Hoboken Reporter, The Record, The Newark Star-Ledger and also placed on the bulletin board in the lobby of City Hall. If any Councilperson or member of the public believes that this meeting or any portion thereof, is in violation of the Open Public Meetings Act, they are requested to so advise the City Council and City Clerk at this time, or at the time of the believed violation, in accordance with N.J.S.A. 10:4-17. Written objections, if any shall be made in writing to the City Clerk."

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

15-524

**MAYOR ZIMMER PRESENTS THREE (3) PROCLAMATIONS – ELIZABETH F. CARABALLO, ESQ.,
TEOFILIO OLIVIERI AND THE NEW HUDSON COUNTY PROSECUTOR ESTHER SUAREZ**

Received and Filed.

A PRESENTATION FROM THE HOBOKEN GIRL'S SCOUTS

Council President would like to suspend the agenda for resolutions #4-6.

SECOND READING/PUBLIC HEARING AND FINAL VOTE

AN ORDINANCE TO AMEND CHAPTER 190 ENTITLED "VEHICLES AND TRAFFIC" TO
AMEND PARKING REGULATIONS RELATING TO DESIGNATED PARKING FOR CORNER CAR
VEHICLES (**Z-376**) (sponsored by **Councilwoman Giattino and Councilman Cunningham**)

No other person present desiring to be heard and no written protests or objections received,

President Bhalla asked for a motion to close the hearing.

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

AN ORDINANCE TO AUTHORIZE THE GRANTING OF AN AMENDMENT TO THE TEMPORARY EASEMENT WITH PSE&G FOR THE STORAGE AND MAINTENANCE OF CONSTRUCTION EQUIPMENT AND VEHICLES WITHIN THE BOUNDARIES OF LANDS OWNED AND CONTROLLED BY THE CITY OF HOBOKEN ON THE 17TH STREET PUBLIC RIGHT OF WAY (Z-377) (sponsored by Councilwoman Giattino and Councilman Cunningham)

No other person present desiring to be heard and no written protests or objections received,

President Bhalla asked for a motion to close the hearing.

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

RESOLUTIONS

15-525

---By President Bhalla

RESOLUTION GRANTING FLORIO KENNY & RAVAL SETTLEMENT AUTHORITY IN THE MATTER OF TORT CLAIM LITIGATION (STUNDELL V. CITY OF HOBOKEN, NO. 001150043) IN AN AMOUNT UP TO THE AMOUNT SUGGESTED BY KEITH BUNIN TO MELLISSA LONGO IN THE SEPTEMBER 11, 2015 EMAIL

WHEREAS, the Council of the City of Hoboken is authorized to go into closed executive session for the reasons set forth in the Open Public Meetings Act, including without limitation N.J.S.A. 10:4 12(b)(7) and for matters falling within attorney client privilege (for legal guidance on matters relating to the settlement of tort claim litigation); and

WHEREAS, the City seeks to settle the tort claim litigation known as **Stundell v. City of Hoboken, Claim No. 001150043**; and

WHEREAS, one of the reasons to go into closed session is to receive advice from legal counsel, which is subject to attorney client privilege and which is offered regarding pending settlements of the type listed herein; and,

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

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

---Motion duly seconded by Councilman Doyle

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

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

---Nays:

---Abstain: Mello (via cell phone)

15-526

---By President Bhalla

RESOLUTION GRANTING FLORIO KENNY & RAVAL SETTLEMENT AUTHORITY IN THE MATTER OF WORKER’S COMPENSATION LITIGATION (WC-CLAIM NO.: X43249) IN AN AMOUNT UP TO THE AMOUNT SUGGESTED BY KEITH KANDEL TO MELLISSA LONGO IN THE SEPTEMBER 29, 2015 EMAIL

WHEREAS, the Council of the City of Hoboken is authorized to go into closed executive session for the reasons set forth in the Open Public Meetings Act, including without limitation N.J.S.A. 10:4-12(b)(3) & (8), and for matters falling within attorney client privilege (for legal guidance on matters relating to the settlement of worker’s compensation litigation); and

WHEREAS, the City seeks to settle the worker’s compensation matter known as **WC-CLAIM NO.: X43249**; and

WHEREAS, one of the reasons to go into closed session is to receive advice from legal counsel, which is subject to attorney client privilege and which is offered regarding pending settlements of the type listed herein; and,

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

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

---Motion duly seconded by Councilman Doyle

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

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

---NAYS:

---Abstain: Mello (via cell phone)

15-527

---By President Bhalla

RESOLUTION GRANTING FLORIO KENNY & RAVAL SETTLEMENT AUTHORITY IN THE MATTER OF WORKER’S COMPENSATION LITIGATION AC V. COH (WC-CLAIM NO.: W910219787) IN AN AMOUNT UP TO THE AMOUNT SUGGESTED BY KEITH KANDEL TO MELLISSA LONGO IN THE SEPTEMBER 21, 2015 EMAIL

WHEREAS, the City of Hoboken is currently involved in a worker’s compensation claim with Plaintiff (**WC-CLAIM NO.: W910219787**); and,

WHEREAS, Florio Kenny & Raval has represented the City's legal interests in that matter, and has recommended a monetary amount for settlement of the matter by way of a September 21, 2015 email from Keith Kandel to Mellissa Longo; and,

WHEREAS, after legal guidance from Florio Kenny & Raval, the City Council finds their suggested monetary settlement amount to be reasonable, and in the best interest of the City.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that Florio Kenny & Raval is hereby authorized to settle the matter of the worker's compensation claim (**WC-CLAIM NO.: W910219787**) in an amount up to the monetary amount suggested by Keith Kandel to Mellissa Longo by the September 21, 2015 email.

---Motion duly seconded by Councilman Doyle

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

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

---Nays: None.

---Abstain: Mello (via cell phone)

~~7.* RESOLUTION ACCEPTING HOBOKEN RESILIENT BUILDING DESIGN
GUIDELINES (submitted by administration) (REMOVED BY COUNCIL)~~

John Miller presents to the Council - Resilient Building Design Guidelines.

The speakers who spoke: Kristine Allen from Act Now Foundation, Michael Evers, Patricia Waiters, Sheila Brennan, Cheryl Fallick, Mary Ondrejka, Dan Tumpson, David Liebler, Ron Simoncini, Hany Ahmed, James Tricarico.

Councilwoman Giattino has left the table at 8:27 PM

Councilwoman Giattino has returned the table at 8:31PM

Councilman Occhipinti has left the table at 8:44 PM

Councilman Occhipinti has returned to the table at 8:52 PM

Councilwoman Mason has left the table at 8:52 PM

Councilwoman Mason has returned to the table at 9:05 PM

15-528

APPLICATION FOR MISCELLANEOUS LICENSES

Taxi Operators -----7 items

---Councilman Cunningham moved that the licenses be granted.

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

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

---Nays: None.

15-529

---By Councilman Cunningham

CLAIMS

Total for this agenda \$ **3,654,612.96**

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: Castellano 14-02438,14-0356, Russo - 14-03566

---Absent: Mason, Occhipinti

---Abstain: Bhalla, 15-250, 15-3269

Councilman Doyle has left the table at 8:55 PM

Councilman Doyle has returned to the table at 9:05 PM

15-530

---By Councilman Cunningham

PAYROLL

For the two week period starting August 27, 2015 – September 9, 2015

| Regular Payroll | O/T Pay | Other Pay | |
|------------------------|----------------|------------------|--------------|
| \$1,583,389.33 | \$58,076.99 | | \$112,420.03 |
| Total | \$1,753,886.35 | | |

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

Absent: Doyle, Mason

PUBLIC COMMENTS ON RESOLUTIONS

Cheryl Fallick comments on resolution #9 & 12, Dan Tumpson comments on resolution #12

Mary Ondrejka comments on resolution #12.

CONSENT AGENDA – 10, 11, 13-15, 18-19, 21-36, 38, 40-42, 46

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

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

---Nays: None.

---Absent: Doyle, Mason

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

Pulled from the agenda for discussion: 8, 9, 12, 16, 17, 20, 37, 39, 43, 44, 45

Removed by Administration: 7

RESOLUTIONS (CONT'D)

15-531

---By President Bhalla

RESOLUTION IN SUPPORT OF NATIONAL BREAST CANCER AWARENESS MONTH

WHEREAS, October is National Breast Cancer Month; and

WHEREAS Breast Cancer is one of the most common cancers among women and effects roughly 230,000 women as well as 2,300 men each year and is responsible for more than 40,000 deaths annually in the United States; and

WHEREAS, Breast Cancer does not discriminate; it strikes people of all races, ages and income levels and we must raise awareness of this disease and its symptoms so we can more easily identify it and more effectively treat it; and

WHEREAS, This month as we honor those whose lives were tragically cut short by breast cancer and as we stand with their families, let us arm ourselves with the best knowledge, tools and resources available to fight this devastating disease; and

WHEREAS, Regular screenings and quality care are vital to improving outcomes to millions of people; and

THEREFORE, BE IT RESOLVED, This Council recognizes October as National Breast Cancer Awareness Month and stands with all who have been affected by Breast Cancer.

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

---Absent: Doyle, Mason

15-532

---By Councilman Russo

RESOLUTION DECLARING THE MONTH OF OCTOBER OF 2015 AS DWARFISM AWARENESS MONTH, IN ORDER TO RAISE PUBLIC AWARENESS ABOUT DWARFISM AND THE CONTRIBUTIONS OF LITTLE PEOPLE OF AMERICA FOR 54 YEARS OF SERVICE TO ITS MEMBERS AND THE COMMUNITY

Whereas, the Little People of America, Inc. (LPA), a non-profit organization, is the nation's oldest and largest organization for people with dwarfism, is celebrating its 58th anniversary year in 2015;

Whereas, LPA was founded by the late actor Billy Barty, who during his 70+ year career appeared in more than 100 films and television shows, and was a long time resident of Burbank, California;

Whereas, LPA is the only dwarfism support organization that includes all 200+

forms of dwarfism and welcomes family members and people with dwarfism alike;

Whereas, the need and support that LPA provides is demonstrated by the fact that what began with 20 people in Reno, Nevada in 1957 has grown to a membership of more than 6500 in 2015;

Whereas, there are an estimated 30,000 people in the United States, and 651,700 in the world with dwarfism;

Whereas, LPA is dedicated to improving the quality of life for people with dwarfism throughout their lives while celebrating with great pride Little People's contribution to social diversity;

Whereas, people with dwarfism contribute to the strength of the economy of California by being productive members of the workforce covering all fields and professions;

Whereas, LPA provides to its members support on issues including; parenting, adoption assistance, educational scholarships, medical knowledge and access to specialists in dwarfism, peer support, community outreach and advocacy;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Hoboken, that the City hereby declares the month of October of 2015 as Dwarfism Awareness Month, in order to raise public awareness about dwarfism and the contributions of Little People of America for 54 years of service to its members and the community.

BE IT RESOLVED, that this resolution shall take effect immediately upon passage.
The speaker who spoke: Cheryl Fallick.

---Motion duly seconded by President Bhalla

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

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

---Nays: None.

15-533

---By Councilman Cunningham

AUTHORIZATION FOR THE CITY OF HOBOKEN TO ENTER INTO THE ATTACHED "ACCESS AGREEMENT" WITH STEVENS INSTITUTE OF TECHNOLOGY FOR HOBOKEN FIRE DEPARTMENT TRAINING

BE IT RESOLVED, that the City Council of the City of Hoboken (the "City") hereby approves the attached Access Agreement between the City and Stevens Institute of Technology, for Hoboken Fire Department Training; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute said agreement, and the City's Administration and Corporation Counsel are directed to take any and all 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.

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

15-534

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE NEW JERSEY STATE FORESTRY SERVICES FOR DEVELOPMENT OF A COMMUNITY FORESTRY MANAGEMENT PLAN

WHEREAS, the New Jersey State Forestry Services has announced that it approved the City of Hoboken’s grant application for development of a Community Forestry Management Plan, in the amount of \$3,000.00, with a \$3,000.00 City match; 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 _____ in the CY2015 budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2015 budget; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that the City of Hoboken formally approves the acceptance of the grant for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit documents of acceptance to the New Jersey State Forestry Service on behalf of the City of Hoboken.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Hoboken, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement, and thereupon appropriate the city match in accordance with the terms of the grant agreement.

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

15-535

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE FY 2016 MUNICIPAL AID PROGRAM FOR IMPROVEMENTS TO WASHINGTON STREET (PHASE II)

WHEREAS, the New Jersey Department of Transportation has announced that it is accepting applications for its FY2016 State Aid program; and

WHEREAS, the purpose of the program is to maintain and improve New Jersey's local transportation infrastructure by providing financial assistance to counties and municipalities for traditional and non-traditional transportation initiatives; and

WHEREAS, Municipal Aid has been a significant resource for municipalities in funding local transportation projects; and

WHEREAS, the Department of Transportation encourages all municipalities to consider using the Municipal Aid program to fund projects that support walking and biking in their communities; and

WHEREAS, the NJDOT has set a goal to award up to 10 percent of the Municipal Aid program to fund projects such as pedestrian safety improvements, bikeways and streetscapes; and

WHEREAS, all projects funded through the Transportation Trust Fund must comply with the Americans with Disabilities Act (ADA); and

WHEREAS, the NJDOT requires grant projects to be delivered to construction award within twenty-four months of grant agreement execution; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that the City of Hoboken formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as "MA-2016-Hoboken City-00340" to the New Jersey Department of Transportation on behalf of the City of Hoboken.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Hoboken, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement, except that if acceptance requires a City monetary match, the Administration shall return to the City Council for authorization of appropriations prior to acceptance.

The speakers who spoke: Cheryl Fallick, Mary Ondrejka, Dan Tumpson.

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: Mason, Russo

---Abstain: Castellano

15-536

---By Councilman Cunningham

RESOLUTION APPROVING THE SUBMISSION OF A NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION – 2015 BONUS GRANT FOR FOOD WASTE, ABANDONED TIRES AND PUBLIC SPACE RECYCLING PROGRAM, AND AUTHORIZING ACCEPTANCE OF SAME BY THE ADMINISTRATION, IF SAME IS RECEIVED

WHEREAS, The New Jersey Department of Environmental Protection is making funds available with a grant program that will provide targeted grants for recycling initiatives in three areas: food waste recycling, scrap tire removal and recycling in public spaces, available to local governments and to county institutions. This program is funded through the Recycling Tax established in the “Recycling Enhancement Act”.

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing the City of Hoboken to apply for the Bonus Grant for Food Waste, Abandoned Tires and Public Space Recycling will memorialize the commitment of this municipality to recycling and to indicate the assent of the Hoboken City Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Hoboken do hereby endorse the submission of the Bonus Grant for Food Waste, Abandoned Tires and Public Space Recycling grant application to the New Jersey Department of Environmental Protection; and

BE IT FURTHER RESOLVED that the monies received from the Bonus Grant for Food Waste, Abandoned Tires and Public Space Recycling grant be used solely for the purposes outlined in the Bonus Grant application.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Hoboken, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement, except that if acceptance requires a City monetary match, the Administration shall return to the City Council for authorization of appropriations prior to acceptance.

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

---Absent: Doyle, Mason

15-537

---By Councilman Cunningham

RESOLUTION AWARDING A CONTRACT TO NATIONAL AUTO FLEET GROUP TO PURCHASE ONE (1) NEW 2016 JEEP PATRIOT FOR THE OFFICE OF THE CONSTRUCTION CODE OFFICIAL IN ACCORDANCE WITH NATIONAL JOINT POWERS ALLIANCE (NJPA) COOPERATIVE PURCHASING CONTRACT # 102811 IN THE TOTAL AMOUNT NOT TO EXCEED \$22,735.00

WHEREAS, N.J.S.A. 40A:11-5 permits municipalities to award public contracts without public bidding when the vendor is an approved state contractor or part of an approved national cooperative, and National Auto Fleet Group has been approved for an NJPA Cooperative Contract # 102811, which cooperative the City is a part of; and,

WHEREAS, the City requires one (1) new 2016 Jeep Patriot for Hoboken Office of the Construction Code Official (as described in the attached proposal, which shall become part of the contract); and

WHEREAS, pursuant to the recommendation of the Purchasing Department, which is attached hereto, the City wishes to contract for the services and related goods under NJPA Cooperative Purchasing Contract # 102811; and

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$22,735.00 is available in the following appropriations: _____ in the CY2015 budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2015; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Hoboken that the below-listed vendor is authorized to provide the goods described in the NJPA Cooperative Purchasing contract, for a total not to exceed amount of Twenty Two Thousand Seven Hundred Thirty Five Dollars (\$22,735.00), as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The Council hereby authorizes the Mayor or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this Resolution.
3. The Mayor or her designee is hereby authorized to execute an agreement, voucher and/or purchase order for the above mentioned goods and/or services based upon the attached proposal, and the following information:

National Auto Fleet Group
490 Auto Center Drive
Watsonville, CA 95076

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

---Absent: Doyle, Mason

15-538

---By Councilman Cunningham

RESOLUTION AWARDING A CONTRACT TO VALUE RESEARCH GROUP FOR THE PROVISIONS OF APPRAISAL SERVICES FOR JEFFERSON STREET GREEN ACRES DIVERSIONS AND FIRST AND JACKSON IN ACCORDANCE WITH VALUE RESEARCH GROUP'S AUGUST 13 AND SEPTEMBER 1 PROPOSALS IN THE TOTAL AMOUNT OF \$14,000.00

WHEREAS, the City urgently requires the professional services of real property appraisers for the appraisal of First and Jackson, and the Green Acres Diversion at Jefferson Street, and the total cost of said

services is \$14,000.00, and Value Research Group has already been authorized as a pool Appraiser by the City Council via resolution; and,

WHEREAS, pursuant to the recommendation of the City Administration, this Council now seeks a contract award for said services; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$14,000.00 is available in the following appropriations: \$6,500.00 from 5-01-21-181-036 and \$7,500.00 from C-04-60-711-120; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2015; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

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

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

- A. This resolution awards a contract to Value Research Group for professional real property appraisal services, in the total amount of Fourteen Thousand Dollars (\$14,000.00) for the appraisal of lots at First and Jackson, and the Green Acres Diversion at Jefferson Street, in accordance with the August 13th and September 1st proposals of Value Research Group, attached hereto.
- B. If the contract, as provided by the City of Hoboken, is not executed by the vendor within 21 days of execution of this award, the City may cancel this award and rebid the project.
- C. The contract shall be in accordance with the attached proposals, as requested by the Administration.
- D. Any change orders required shall be subject to formal City Council authorization, and the City shall not be held liable for any amounts above the within contracted amounts unless/until same is authorized and appropriated by formal resolution of the City Council.
- E. The Mayor or her agent is hereby authorized to enter into an Agreement with the vendor for said purchase and sale.
- F. This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

---Absent: Doyle, Mason

15-539

---By Councilwoman Giattino

A RESOLUTION TO AUTHORIZE 60-DAY PILOT PROGRAMS TO RELOCATE BUS STOPS FOR THE HOP AND LICENSED SHUTTLE BUSES WITHIN THE HOBOKEN TERMINAL AREA

WHEREAS, the City of Hoboken Department of Transportation and Parking establishes roadway design policies based on best practices and federal and state standards; and,

WHEREAS, The Hop Community Shuttle Bus enhances local transportation resiliency through the operation of three routes that provide service within a three minute walk of 90 percent of Hoboken residents; and,

WHEREAS, relocating the current Hoboken Terminal Hop bus stop from the east side of River Street between Hudson Place and Newark Street to the south side of Hudson Place between Hudson Street and River Street may improve the visibility and accessibility of the Hop to PATH and Hoboken Terminal passengers; and,

WHEREAS, relocating the Hudson Place bus stop for licensed shuttle buses from the north side of Hudson Place near River Street to the south side of Newark Street between River Street and Sinatra Drive may alleviate peak period traffic congestion on the easternmost block of Hudson Place; and,

WHEREAS, both pilot programs would last for 60 days and then be evaluated using a combination of field observations, ridership data, and constituent feedback to determine whether each pilot should be adjusted or made permanent, pending a vote by City Council.

NOW, THEREFORE, BE IT RESOLVED, that the Hoboken City Council authorizes a 60-day pilot program beginning October 13 through December 12, 2015, to relocate the current Hop bus stop in section 190-13(N) of the Hoboken Municipal Code as follows:

- A. From the east side of River Street between Hudson Place and Newark Street,
- B. To the south side of Hudson Place between Hudson Street and River Street, beginning at a point 95 feet east of the easterly curblineline of Hudson Street and extending 75 feet easterly therefrom,
- C. During the hours of 7:00am-8:00pm, Monday through Friday.

BE IT FURTHER RESOLVED, that the Hoboken City Council authorizes a 60-day pilot program beginning October 13 through December 12, 2015, during which it will temporarily amend section 190-13(M) of the Hoboken Municipal Code to relocate the current bus stop from the north side of Hudson Place near River Street to the south side of Newark Street beginning at a point 35 feet east of the easterly curblineline of River Street and extending 160 feet easterly therefrom, during the hours of 4:00pm-9:00pm, Monday through Friday.

BE IT FURTHER RESOLVED, prior to the conclusion of the 60-day pilot program, the City will use standard engineering evaluation metrics to make recommendations whether to make the pilot program permanent or revert back to the previous condition; should ordinances permanently amending these code sections fail to pass within the 60-day period, these pilot programs will lapse at 11:59PM on December 12, 2015 and activities and enforcement shall revert back to the code sections described above, as currently written.

---Motion duly seconded by Councilwoman Castellano

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

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

---Nays: None.

15-540

---By Councilman Cunningham

A RESOLUTION TO AUTHORIZE A 60-DAY PILOT PROGRAM TO IMPLEMENT PEAK HOUR PARKING RESTRICTIONS ON 12th STREET BETWEEN CLINTON STREET AND WILLOW AVENUE

WHEREAS, the City of Hoboken Department of Transportation and Parking establishes roadway design policies based on best practices and federal and state standards; and,

WHEREAS, significant peak hour traffic congestion has been observed in the area of Wallace Elementary School around 12th Street between Clinton Street and Willow Avenue; and,

WHEREAS, in 2014 Boswell Engineering was commissioned by the City to complete a study with recommendations for improving peak period traffic circulation in the area of 12th Street near Wallace Elementary School; and,

WHEREAS, one of the circulation alternatives considered in the study was the conversion of the intersection of Clinton Street and 12th Street from a one-way stop to a multi-way stop, which was approved by City Council and implemented by the Department of Transportation and Parking in 2014 in an effort to improve traffic circulation on 12th Street between Grand Street and Willow Avenue; and,

WHEREAS, since the installation of multi-way stop signs at the intersection of Clinton Street and 12th Street, it has been observed that significant peak period traffic congestion remains in the area of 12th Street near Wallace Elementary School; and,

WHEREAS, an additional alternative in the 2014 Boswell study considered parking restrictions on 12th Street in order to accommodate a left turn lane between Clinton Street and Willow Avenue; and,

WHEREAS, by adding a left turn lane on 12th Street between Clinton Street and Willow Avenue, average delay during peak periods would be reduced from an average of 61 seconds to 21 seconds according to the Synchro model run by Boswell; and,

WHEREAS, such a pilot program would last for 60 days and then be evaluated using metrics of safety and travel delay to determine whether the pilot should be adjusted or made permanent, pending a vote by City Council.

NOW, THEREFORE, BE IT RESOLVED, that the Hoboken City Council authorizes a 60-day pilot program beginning October 16 and ending December 15, 2015, to suspend Hoboken Code Section §141A-2(H) to remove on-street parking from both sides of 12th Street between Clinton Street and Willow Avenue between the hours of 6:00am-10:00am, Monday through Friday, in order to accommodate a temporary left turn lane.

BE IT FURTHER RESOLVED, prior to the conclusion of the 60-day pilot program, the City will use standard engineering evaluation metrics to make recommendations whether to make the pilot program permanent, which shall be done by a properly adopted ordinance or the streetway will automatically revert back to the ordained condition as defined in Hoboken Municipal Code §141A-2(H) at 11:59PM on December 15, 2015.

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

15-541

---By Councilman Cunningham

RESOLUTION TO AMEND THE LOCATIONS OF AD PANELS FOR THE BIKE SHARE PROGRAM WITHIN THE CITY OF HOBOKEN

WHEREAS, the City of Hoboken has awarded a contract to operate a bike share system to NJ BikeShare, LLC (d/b/a Bike the Skyline); and

WHEREAS, the contract authorizes Bike the Skyline to generate revenue for the program through membership fees, advertising, and sponsorships; and

WHEREAS, advertising is estimated to provide approximately one third of the revenue necessary to operate the program; and

WHEREAS, ad panel locations were previously authorized by the City Council, and the City wishes to relocate some of the locations to minimize the impact on pedestrian and vehicular traffic while still generating the revenue necessary to operate the program; and

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Hoboken hereby authorizes installation and maintenance of said advertising panels by Bike the Skyline at the following locations, with the number of panels per location as herein defined:

- Hudson Pl & River St (2 panels)
- Hudson Pl & Hudson St (2 panels)
- ~~1st St & Washington St (1 panel)~~
- ~~4th St & Washington St (1 panel)~~
- ~~6th St & River St (1 panel)~~
- ~~11th St & Washington St (1 panel)~~
- 14th St & Washington St (~~2 panels~~) (1 panel)
- 14th St & Sinatra Dr (2 panels)
- ~~14th St & Grand St (2 panels)~~
- ~~8th St & Jackson St (1 panel)~~
- ~~2nd St & Marshall Dr (1 panel)~~

- ~~Observer Highway & Harrison St (1 panel)~~
- Newark St & Adams St (~~2 panels~~) (1 panel)
- Newark Street: on the south side sidewalk of Newark Street located approximately 110' east of the easterly curblineline of Hudson Street (1 panel)
- Hudson Street: on the west side sidewalk of Hudson Street located approximately 50' south of the southerly curblineline of 1st Street (1 panel)
- River Street (Garage D): on the west side sidewalk of River Street located approximately 185' south of the southerly curblineline of 3rd Street (1 panel).
- River Street (Garage B): on the west side sidewalk of River Street located approximately 95' south of the southerly curblineline of 2nd Street (1 panel)
- Hudson Street (Garage D): on the east side sidewalk of Hudson Street located approximately 185' south of the southerly curblineline of 3rd Street (1 panel)
- River Street (Garage G): on the west side sidewalk of River Street located approximately 165' south of the southerly curblineline of 4th Street.
- Hudson Street (Garage B): on the east side sidewalk of Hudson Street located approximately 140 feet south of the southerly curblineline of 2nd Street; and,

BE IT FURTHER RESOLVED, all installations by Bike the Skyway and/or its contractors shall be in accordance with all applicable laws; and,

BE IT FURTHER RESOLVED, this resolution shall be effective immediately upon passage.

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

---Absent: Doyle, Mason

15-542

---By Councilman Cunningham

AUTHORIZING THE CITY OF HOBOKEN TO ACCEPT AND QUALIFY RESPONSES TO THE REQUESTS FOR QUALIFICATION FOR REAL ESTATE APPRAISERS FOR THE CITY FROM THE DATE OF RESOLUTION THROUGH OCTOBER 7, 2016

WHEREAS, it is necessary for the City of Hoboken to engage, from time-to-time, the services of a qualified firm and/or professional to provide Professional Services as Real Estate Appraisers for the City; and,

WHEREAS, N.J.S.A. 19:44A-20.1 et seq., commonly known as the State “Pay to Play” Law took effect on January 1, 2006; and,

WHEREAS, the City has fully complied with the “fair and open” process set forth under N.J.S.A. 19:44A-20.1 et. seq., by issuing a Request for Qualifications for Real Estate Appraisers for the City; and,

WHEREAS, the City’s review team has determined that the below listed respondents to the RFQ provide the City with the best options for efficient and effective Real Estate Appraisers for the City, through October 7, 2016, and are each qualified to be considered by the City Administration, if and when the Administration finds it necessary, to engage the services of such respondent, subject to actual contract awards and appropriations of funds at the time of contracts for service;

NOW, THEREFORE, BE IT RESOLVED by the City of Hoboken that the below listed respondents be and are hereby deemed qualified to be contracted for Real Estate Appraisers for the City, as necessary when determined by the Administration, through October 7, 2016:

Value Research Group, LLC
301 South Livingston Avenue
Suite 104
Livingston, NJ 07039

Federal Appraisal and Consulting, LLC
460 US Highway 22 West
Suite 403
Whitehouse Station, NJ 08889

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

---Absent: Doyle, Mason

15-543

---By Councilman Doyle

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUB RECIPIENT CDBG GRANT FUNDING AGREEMENT WITH UNITED CEREBRAL PALSY OF HUDSON COUNTY (HOBOKEN UNIT)

Whereas, the Board of Directors of United Cerebral Palsy of Hudson County (Hoboken Unit) located at 1005 Washington Street Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, an application for City of Hoboken Community Development Block Grant funds to facilitate the “United Cerebral Palsy of Hudson County After School Program” within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$2,000.00 out of available City of Hoboken Community Development Block Grant funds and \$3,245.06 out of available City of Hoboken Miscellaneous Program Income funds for United Cerebral Palsy of Hudson County (Hoboken Unit) to operate said program within the City of Hoboken; and

Therefore Now Be It Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, and

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

---Motion duly seconded by Councilwoman Castellano

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

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

---Nays: None.

15-544

---By Councilman Doyle

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUB RECIPIENT CDBG GRANT FUNDING AGREEMENT WITH TRUE MENTORS, INC. (INTERNSHIP)

Whereas, the Board of Directors of TRUE Mentors, Inc., located at 123 Jefferson Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, an application for City of Hoboken Community Development Block Grant funds to facilitate the “TRUE Mentors Mentoring and Clubs Expansion” program within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$12,500.00 out of available City of Hoboken Community Development Block Grant funds for TRUE Mentors, Inc. to operate said program within the City of Hoboken; and

Now Therefore Be It Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, and

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

---Motion duly seconded by Councilwoman Castellano

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

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

---Nays: None.

---Absent: Doyle, Mason

15-545

---By Councilman Doyle

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUB RECIPIENT CDBG GRANT FUNDING AGREEMENT WITH TRUE MENTORS, INC. (MENTORING AND CLUB EXPANSION)

Whereas, the Board of Directors of TRUE Mentors, Inc., located at 123 Jefferson Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, an application for City of Hoboken Community Development Block Grant funds to facilitate the “TRUE Mentors Mentoring and Clubs Expansion” program within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$12,500.00 out of available City of Hoboken Community Development Block Grant funds for TRUE Mentors, Inc. to operate said program within the City of Hoboken; and

Now Therefore Be It Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, and

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

---Motion duly seconded by Councilman Occhipinti

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

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

---Nays: Doyle, Mason

15-546

---By Councilman Doyle

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUB RECIPIENT CDBG GRANT FUNDING AGREEMENT WITH ALL SAINTS COMMUNITY SERVICE & DEVELOPMENT CORPORATION

Whereas, the Board of Directors of All Saints Community Service & Development Corporation located at 601 Jackson Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, an application for City of Hoboken Community Development Block Grant funds to facilitate the “Jubilee Center’s Investing in Children Program” within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$20,000.00 out of available City of Hoboken Community Development Block Grant funds and \$10,000.00 out of available City of Hoboken Miscellaneous Program Income funds for All Saints Community Service & Development Corporation to operate said program within the City of Hoboken; and

Now Therefore Be It Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, and

Be It Further Resolved, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and All Saints Community Service & Development Corporation, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilman Occhipinti

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

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

---Nays: None.

---Absent: Doyle, Mason

15-547

---By Councilman Doyle

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUB RECIPIENT CDBG GRANT FUNDING AGREEMENT WITH MILE SQUARE EARLY LEARNING CENTER

Whereas, the Board of Directors of Mile Square Early Learning Center located at 301 Garden Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, an application for City of Hoboken Community Development Block Grant funds to facilitate the “Infant Program” within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$30,139.70 out of available City of Hoboken Community Development Block Grant funds and \$10,000.00 out of available City of Hoboken Miscellaneous Program Income funds for Mile Square Early Learning Center to operate said program within the City of Hoboken; and

Now Therefore Be It Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, and

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

Whereas, the Board of Directors of Mile Square Early Learning Center located at 301 Garden Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, an application for City of Hoboken Community Development Block Grant funds to facilitate the “Infant Program” within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$30,139.70 out of available City of Hoboken Community Development Block Grant funds and \$10,000.00 out of available City of Hoboken Miscellaneous Program Income funds for Mile Square Early Learning Center to operate said program within the City of Hoboken; and

Now Therefore Be It Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, and

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

---Motion duly seconded by Councilman Occhipinti

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

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

---Nays: None.

---Absent: Doyle, Mason

15-548

---By Councilman Doyle

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUB RECIPIENT CDBG GRANT FUNDING AGREEMENT WITH HOPES COMMUNITY ACTION PARTNERSHIP INC.

WHEREAS, N.J.S.A. 40A:11-5 permits municipalities to award public contracts without public bidding when the vendor is an approved state contractor or part of an approved national cooperative, and Absolute Fire Protection has been approved for an H-GAC Cooperative Contract # FS12-13 JA04, which cooperative the City is a part of; and,

WHEREAS, the City requires one (1) fire apparatus (E-One Cyclone II) for Hoboken Fire Department (as described in the attached proposal, which shall become part of the contract); and

WHEREAS, pursuant to the recommendation of the Purchasing Department, which is attached hereto, the City wishes to contract for the services and related goods under H-GAC Cooperative Purchasing Contract # FS12-13 JA04 ; and

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$590,589.00 is available in the following appropriations: C-04-60-715-212 in the CY2015 budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the

funds available in said appropriation for the CY2015; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

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

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Hoboken that the below-listed vendor is authorized to provide the services and related goods described in the H-GAC Cooperative Purchasing contract, for a total not to exceed amount of Five Hundred Ninety Thousand Dollars Five Hundred Eighty Nine and Zero Cents (\$590,589.00), as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The Council hereby authorizes the Mayor or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this Resolution.
3. The Mayor or her designee is hereby authorized to execute an agreement, voucher and/or purchase order for the above mentioned goods and/or services based upon the attached proposal, and the following information:

Absolute Fire Protection
P.O. Box 497
2800 Hamilton Boulevard
South Plainfield, NJ 07080-0497

---Motion duly seconded by Councilman Occhipinti

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

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

---Nays: None.

---Absent: Doyle, Mason

15-549

---By Councilman Doyle

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUB RECIPIENT CDBG GRANT FUNDING AGREEMENT WITH BOYS & GIRLS CLUB OF HUDSON COUNTY (HOBOKEN UNIT) (TRIPLE PLAY AMOUNT OF \$5,000.00.00)

Whereas, the Board of Directors of the Boys & Girls Club of Hudson County (Hoboken Unit), located at 123 Jefferson Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, an application for City of Hoboken Community Development Block Grant funds to facilitate the “Triple Play Healthy Habits” program within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$5,000.00 out of available City of Hoboken Community Development Block Grant funds for the Boys and Girls Clubs of Hudson County (Hoboken Unit) to operate said program within the City of Hoboken; and

Now Therefore Be It Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, and

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

---Motion duly seconded by Councilman Occhipinti

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

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

---Nays: None.

---Absent: Doyle, Mason

15-550

---By Councilman Doyle

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUBRECIPIENT CDBG GRANT FUNDING AGREEMENT WITH BOYS & GIRLS CLUB OF HUDSON COUNTY (HOBOKEN UNIT) (AMOUNT OF \$10,000.00)

Whereas, the Board of Directors of the Boys & Girls Club of Hudson County (Hoboken Unit), located at 123 Jefferson Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, an application for City of Hoboken Community Development Block Grant funds to facilitate the “Rising STAR’s” program within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$10,000 out of available City of Hoboken Community Development Block Grant funds for the Boys and Girls Clubs of Hudson County (Hoboken Unit) to operate said program within the City of Hoboken; and

Now Therefore Be It Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, and

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

---Motion duly seconded by Councilman Occhipinti

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

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

---Nays: None.

---Absent: Doyle, Mason

15-551

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUBRECIPIENT CDBG GRANT FUNDING AGREEMENT WITH BOYS & GIRLS CLUB OF HUDSON COUNTY (HOBOKEN UNIT) (AMOUNT OF \$15,900.00)

Whereas, the Board of Directors of the Boys & Girls Club of Hudson County (Hoboken Unit), located at 123 Jefferson Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, an application for City of Hoboken

Community Development Block Grant funds to facilitate the “Hoboken Boys and Girls Club Rehab” project within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$15,900.00 out of available City of Hoboken Community Development Block Grant funds for the Boys and Girls Clubs of Hudson County (Hoboken Unit) to operate said program within the City of Hoboken; and

Now Therefore Be It Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, and

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

---Motion duly seconded by Councilman Occhipinti

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

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

---Nays: None.

---Absent: Doyle, Mason

15-552

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUB RECIPIENT CDBG GRANT FUNDING AGREEMENT WITH COMMUNITIES OF FAITH FOR HOUSING D/B/A “HOBOKEN SHELTER” (AMOUNT OF \$3,391.70)

Whereas, the Board of Directors of the Communities of Faith for Housing d/b/a “Hoboken Shelter” located at 300 Bloomfield Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, an application for City of Hoboken Community Development Block Grant funds to facilitate the “Permanent Supportive Housing Program” within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$3,391.70 out of available City of Hoboken Community Development Block Grant funds for Hoboken Shelter to operate said program within the City of Hoboken; and

Now Therefore Be It Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, and

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

---Motion duly seconded by Councilman Occhipinti

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

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

---Nays: None.

---Absent: Doyle, Mason

15-553

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUB RECIPIENT CDBG GRANT FUNDING AGREEMENT WITH COMMUNITIES OF FAITH FOR HOUSING D/B/A “HOBOKEN SHELTER” (AMOUNT OF \$332,674.60)

Whereas, the Board of Directors of the Communities of Faith for Housing d/b/a “Hoboken Shelter” located at 300 Bloomfield Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, an application for City of Hoboken Community Development Block Grant funds to facilitate the “Hoboken Shelter Capital Improvements” within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$332,674.60 out of available City of Hoboken Community Development Block Grant funds for Hoboken Shelter for public facilities and improvements within the City of Hoboken; and

Now Therefore Be It Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, and

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

---Motion duly seconded by Councilman Occhipinti

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

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

---Nays: None.

---Absent: Doyle, Mason

15-554

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUB RECIPIENT CDBG GRANT FUNDING AGREEMENT WITH HUDSON COUNTY CANCER COALITION

Whereas, the Board of Directors of Hudson County Cancer Coalition located at 124 Grand Street, 1st Floor, Hoboken, NJ 07030, has submitted to the City of Hoboken, an application for City of Hoboken Community Development Block Grant funds to facilitate the “Hudson County Cancer Screening Project for the Under Insured and Uninsured Working Men & Women” program within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$5,000.00 out of available City of Hoboken Community Development Block Grant funds for Hudson County Cancer Coalition to operate said program within the City of Hoboken; and

Now Therefore Be It Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, and

Be It Further Resolved, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and Hudson County Cancer Coalition, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilman Occhipinti

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

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

15-555

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUBRECIPIENT CDBG GRANT AGREEMENT WITH HOBOKEN DAY CARE 100

Whereas, the Board of Directors of Hoboken Day Care 100 located at 124 Grand Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, an application for City of Hoboken Community Development Block Grant funds to facilitate the “Hoboken Day Care 100” program within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$15,000.00 out of available City of Hoboken Community Development Block Grant funds and \$13,000.00 out of available City of Hoboken Miscellaneous Program Income funds for Hoboken Day Care 100 to operate said program within the City of Hoboken; and

Now Therefore Be It Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, and

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

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

15-556

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUBRECIPIENT CDBG GRANT AGREEMENT WITH HOBOKEN FAMILY PLANNING, INC.

Whereas, the Board of Directors of Hoboken Family Planning, Inc. located at 124 Grand Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, an application for City of Hoboken Community Development Block Grant funds to facilitate the “Family Planning Services for City of Hoboken” program within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$20,000.00 out of available City of Hoboken Community Development Block Grant funds for Hoboken Family Planning, Inc. to operate said program within the City of Hoboken; and

Now Therefore Be It Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, and

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

---Motion duly seconded by Councilman Occhipinti

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

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

---Nays: None.

---Absent: Doyle, Mason

15-557

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CDBG SUBRECIPIENT FUNDING AGREEMENT WITH THE WATERFRONT PROJECT, INC.

Whereas, the Board of Directors of The Waterfront Project, Inc. located at 404 Hudson Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, an application for City of Hoboken Community Development Block Grant funds to facilitate the “Tenancy Advocacy Program” within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$10,000.00 out of available City of Hoboken Community Development Block Grant funds and \$5,000.00 out of available City of Hoboken Miscellaneous Program Income funds for The Waterfront Project, Inc. to operate said program within the City of Hoboken; and

Now Therefore Be It Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, and

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

---Motion duly seconded by Councilman Occhipinti

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

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

---Nays: None.

---Absent: Doyle, Mason

15-558

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUB RECIPIENT CDBG GRANT FUNDING AGREEMENT WITH HOUSING AUTHORITY OF THE CITY OF HOBOKEN

Whereas, the Board of Directors of the Housing Authority of the City of Hoboken located at 400 Harrison Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, an application for City of Hoboken Community Development Block Grant funds to facilitate the “Fox Hill Gardens Elevator Replacements” within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$380,000.00 out of available City of Hoboken Community Development Block Grant funds for the Housing Authority of the City of Hoboken for public facilities and improvements within the City of Hoboken; and

Now Therefore Be It Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, and

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

---Motion duly seconded by Councilman Occhipinti

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

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

---Nays: None.

---Absent: Doyle, Mason

15-559

---By Councilman Cunningham

RESOLUTION AWARDING A CONTRACT TO ABSOLUTE FIRE PROTECTION TO PURCHASE ONE (1) FIRE APPARATUS (E-ONE CYCLONE II) FOR HOBOKEN FIRE DEPARTMENT IN ACCORDANCE WITH HOUSTON-GALVESTON AREA COUNCIL (H-GAC) COOPERATIVE PURCHASING CONTRACT # FS12-13 JA04 IN THE TOTAL AMOUNT NOT TO EXCEED \$590,589.00

WHEREAS, N.J.S.A. 40A:11-5 permits municipalities to award public contracts without public bidding when the vendor is an approved state contractor or part of an approved national cooperative, and Absolute Fire Protection has been approved for an H-GAC Cooperative Contract # FS12-13 JA04, which cooperative the City is a part of; and,

WHEREAS, the City requires one (1) fire apparatus (E-One Cyclone II) for Hoboken Fire Department (as described in the attached proposal, which shall become part of the contract); and

WHEREAS, pursuant to the recommendation of the Purchasing Department, which is attached hereto, the City wishes to contract for the services and related goods under H-GAC Cooperative Purchasing Contract # FS12-13 JA04; and

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$590,589.00 is available in the following appropriations: C-04-60-715-212 in the CY2015 budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2015; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

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

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Hoboken that the below-listed vendor is authorized to provide the services and related goods described in the H-GAC Cooperative Purchasing contract, for a total not to exceed amount of Five Hundred Ninety Thousand Dollars Five Hundred Eighty Nine and Zero Cents (\$590,589.00), as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The Council hereby authorizes the Mayor or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this Resolution.
3. The Mayor or her designee is hereby authorized to execute an agreement, voucher and/or purchase order for the above mentioned goods and/or services based upon the attached proposal, and the following information:

Absolute Fire Protection
P.O. Box 497
2800 Hamilton Boulevard
South Plainfield, NJ 07080-0497

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

---Absent: Doyle, Mason

15-560

---By Councilman Cunningham

RESOLUTION CANCELING ERRONEOUS ASSESSMENTS AND CREDITING OVERPAYMENTS

WHEREAS, it was discovered that the following taxable accounts were erroneously assessed, due to the lack of proper updates to the City's tax assessment and collection records demonstrating changes in qualifiers for:

Block 261.01, Lot 1, All Qualifiers,
Address: 1100 Maxwell Lane
Owner: PT Maxwell LLC % Toll Brothers

WHEREAS, these erroneous assessments occurred Q1 and Q2 of CY2015 against each old qualifier, while the new qualifier known as CP211 was also assessed independently in Q1 and Q2 of CY2015; and,

WHEREAS, the property owner made payments against each of the erroneous qualifiers for Q1 and Q2 of CY2015, as well as for the new qualifiers, CP211, for Q1 and Q2 of CY2015, resulting in an overpayment on the Block and Lot in the total amount of \$17,289.51;

WHEREAS, the Tax Assessor now seeks to have the erroneous assessments cancelled, as follows:

2015 – 1st quarter - \$8644.76
2015 – 2nd quarter - \$8644.75

WHEREAS, as a result of the erroneous assessments, the property owner made significant overpayments for which it now requires reimbursement, and such reimbursement shall become a credit against all future taxes assessed on qualifiers CP211, until said credits are fully disbursed against the property owners CP211 tax payments, and the Tax Collector shall be responsible for crediting in accordance with this Resolution, and advising the property owner of the balances and any taxes due and owing in accordance with applicable law.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Hoboken, that said Erroneous Assessment charges be canceled from the above referenced qualifiers, and said qualifiers be cancelled, and removed from the Added Assessment Tax Duplicate, and the actual current qualifier shall be credited for the overpayments as described above until such time as the credits are fully utilized.

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

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

15-561

---By Councilman Cunningham

RESOLUTION TO AMEND THE CONTRACT TO BEN CHOI FOR SPECIAL LEGAL COUNSEL – CY2015 TO THE CITY OF HOBOKEN TO ADD THE SERVICES OF ABC BOARD PROSECUTOR / BOARD ATTORNEY WITH AN INCREASE IN THE NOT TO EXCEED AMOUNT OF FOUR THOUSAND TWO HUNDRED FIFTY DOLLARS (\$4,250.00) WITH NO CHANGE IN THE ORIGINAL CONTRACT TERM SET TO EXPIRE DECEMBER 31, 2015

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

WHEREAS, the City of Hoboken published its annual Request for Qualifications for the Professional Services of Special Legal Counsel-Prosecutor in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Ben Choi responded to, and for which Ben Choi was appointed Chief Municipal Prosecutor of the City of Hoboken; and,

WHEREAS, the Administration has determined that Ben Choi’s contract should be amended to add the services of ABC Board Prosecutor / Board Attorney through the end of CY2015, for a total increase in the not to exceed amount, specifically for billing ABC related representation, by \$4,250.00 (\$13,450.00 of the current not to exceed amount of \$35,000.00 is still remaining as of 9/30/2015 from the original NTE amount for municipal prosecutor work); and,

WHEREAS, *Ben Choi 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 \$4,250.00 is available in the following appropriation 5-01-20-156-020 in the CY2015 budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2015 budget; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

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

NOW THEREFORE, BE IT RESOLVED, that the contract with Ben Choi to represent the City as Special Legal Counsel- be amended, with no change in the term, but for an increase in the total not-to-exceed

amount by \$4,250.00, which increase shall be payable for ABC Board Prosecutor/ Board Attorney services only; and

BE IT FURTHER RESOLVED, the contract shall include the following term: Ben Choi shall be paid \$325.00 per ABC meeting attended, as well as a maximum hourly rate for services outside of Board meetings at \$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 ABC Board Prosecutor/ Board Attorney 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 RESOLVED, that this resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: Doyle, Mason

15-562

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$13,495.51)

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 Treasury made payable to the following totaling **\$13,495.51**

| <u>NAME</u> | <u>BL/LT/UNIT</u> | <u>PROPERTY</u> | <u>QTR/YEAR</u> | <u>AMOUNT</u> |
|--|-------------------|-------------------|-----------------|--------------------------------|
| Lereta, LLC 1123 Park View Drive Covina, CA 91724 282688P/Martha Walker | 48/8/C0003 | 315 Monroe St | 1&2/15 | \$4,162.62 |
| Sherry Oommen 11011 Domain Drive Apt 8313 Austin, TX 78758 | 83/13/C003F | 725 Madison St | 3/15 | \$1,488.09 |
| Steven Rubin 400 Ninth Street #W5H Hoboken, NJ 07030 | 149/1/C0W5H | 400-414 Ninth St | 1/14 | \$2,219.08 |
| Vijay Darji 1100 Adams Street #414 Hoboken, NJ 07030 | 104/1.01/C0414 | 1100 Adams St | 2/15 | \$3,767.86(<u>abatement</u>) |
| Kevin Kanagra 1125 Maxwell Lane # 914 Hoboken, NJ 07030 | 261.03/1/CP370 | 1125 Maxwell Lane | 2/15 | \$124.95 |
| Melissa Wong 1314 Hudson Street #2 Hoboken, NJ 07030 | 245/11/C0002 | 1314 Hudson St | 3/14 | \$1,732.91 |

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

15-563

---By Councilman Doyle

**RESOLUTION TO ADOPT THE MINUTES OF THE MEETINGS OF THE CITY COUNCIL
DATED: SPECIAL AND REGULAR MEETING OF SEPTEMBER 16, 2015**

RESOLVED, that filed minutes for the Hoboken City Council **Regular and Special meeting of September 16, 2015** have been reviewed and approved by the Governing Body.

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

15-564

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT AGREEMENT WITH FEMA FOR THE ASSISTANCE TO FIRE FIGHTERS GRANT PROGRAM FY2015-2016

WHEREAS, FEMA has announced that it is accepting applications for its FY2015-2016 Assistance to Fire Fighters Grant Program; and

WHEREAS, the purpose of the program is to protect the health and safety of the public and firefighting personnel against fire and fire related hazards; and

WHEREAS, the grant requires a City match of \$15,227.00, which the City accepts and appropriates monies for as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$15,227.00 is available in the following appropriation: 5-01-46-892-001 in the CY2015 budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2015; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that the City of Hoboken formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application for the above referenced project on behalf of the City of Hoboken.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Hoboken, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement, and that if acceptance requires a City monetary match, the Administration shall utilize the within appropriation of funds for same.

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

---Absent:Doyle, Mason

15-565

---By Councilman Cunningham

RESOLUTION INSERTING A SPECIAL ITEM OF REVENUE INTO THE CY 2015 MUNICIPAL BUDGET – FEMA ASSIST TO FIREFIGHTERS PROGRAM CY 2015

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

WHEREAS, said Director may also approve the insertion of an item of

appropriation for an equal amount, and

WHEREAS, the City of Hoboken has received notice of an award of \$152,273.00 from the Federal Emergency Management Agency and wishes its CY 2015 Budget to include this amount as a revenue, with a City Match \$15,227.00.

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of CY 2015 in the sum of.....\$152,273.00

Which is now available as a revenue from:

Miscellaneous Revenues:

| | |
|---|--------------|
| Special Items of General Revenue Anticipated with Prior Written Consent of the Director of the Division of Local Government Services: | |
| Appropriation: | |
| FEMA Assistance for Firefighters O/E | \$152,273.00 |

NOW, THEREFORE, BE IT RESOLVED that the like sum of.....\$152,273.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

| | |
|---|--------------|
| (a) Operations Excluded from CAPS State and Federal Programs Off-Set by Revenues: | |
| FEMA Assistance of Firefighters O/E | \$152,273.00 |

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

---Absent: Doyle, Mason

15-566

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE USE OF THE COMPETITIVE CONTRACTING PROCESS FOR AN INDEPENDENT AUDIT OF THE HEALTH INSURANCE PROGRAM, FOR UP TO FIVE (5) YEARS PURSUANT TO N.J.S.A. 40A:11-4.

WHEREAS, the City of Hoboken seeks to contract for the services of a health insurance auditor, in accordance with N.J.A.C. 40A:11-4., for up to five (5) years, upon approval of the Division of Local Government Services; and,

WHEREAS, pursuant to N.J.S.A. 40A:11-4.1, the City may use competitive contracting in lieu of public bidding for the contracting of the operation, management or administration of other services, with the approval of the Director of the Division of Local Government Services, which the City will seek upon authorization of competitive contracting for said services by this Council.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that the Competitive Contract Process, as described and allowed in N.J.S.A. 40A11-4.1, shall, upon approval of the Director, be authorized in lieu of public bidding for this procurement, and may be initiated by the Purchasing Agent/Business Administrator for the purpose of contracting an auditor of the health insurance program for the City for a period up to five (5) years.

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

15-567

---By Councilman Cunningham

AUTHORIZATION FOR THE CITY OF HOBOKEN TO ENTER INTO THE ATTACHED SHARED SERVICE AGREEMENT WITH THE HOUSING AUTHORITY FOR THE BALL SAFETY NETTING SYSTEM FUNDING VIA A CDBG GRANT

BE IT RESOLVED, that the City Council of the City of Hoboken (the “City”) hereby approves the attached Shared Service Agreement between the City and the Housing Authority for the City to fund the Ball Safety Netting System at Mama Johnson Field via City administered CDBG funds, and for the City to oversee the construction and installation of same on behalf of the Housing Authority to ensure compliance with the CDBG grant funding requirements; and

BE IT FURTHER RESOLVED, the City Council hereby authorizes the funding described in the attached agreement via the City’s CDBG funding, and directs the Administration to ensure CDBG grant funding compliance relating to same in accordance with the CFR on CDBG funding and the attached agreement; and,

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute said agreement, as attached or in similar form without substantive changes, and the City’s Administration and Corporation Counsel are directed to take any and all 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.

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

15-568

---By Councilman Cunningham

A RESOLUTION TO AMEND CITY POLICY FOR DESIGN AND STRIPING OF RESIDENTIAL DRIVEWAY MARKINGS IN ROADWAY PROJECTS

WHEREAS, the City of Hoboken Department of Transportation and Parking establishes roadway design policies based on best practices and federal and state standards; and,

WHEREAS, the Department of Transportation and Parking has roadway design policy of striping rectangular driveway pavement markings within the curb-to-curb right-of-way one foot on either side of residential garage door openings in order to delineate residential driveways; and,

WHEREAS, the purpose of striping rectangular driveway pavement markings is to clearly delineate driveway openings so that drivers parallel parking on-street do not encroach into the driveway opening so as to block vehicles from entering or exiting the driveway; and,

WHEREAS, the Council Transportation Subcommittee has expressed a preference to expand the typical width of rectangular driveway pavement markings beyond one foot on either side of the width of garage door openings; and,

WHEREAS, Chapter 190-41.1(G) of the Hoboken Municipal Code states that pavement markings for driveways shall not exceed the minimum necessary clearance to safely ingress and egress the driveway; and,

WHEREAS, it has been determined through *AutoTurn* modeling analyses conducted by Boswell Engineering that the minimum necessary clearance to safely ingress and egress a nine foot wide driveway is 15 feet on streets with: (1) 28 foot curb-to-curb rights-of-way or less; and, (2) parallel parking on both sides of the street.

NOW, THEREFORE, BE IT RESOLVED, that the City of Hoboken amends its roadway design policy for all streets with a curb-to-curb right-of-way of 28 feet or less with curbside parking so that rectangular driveway pavement markings are to be striped 16 feet on-center of garage door openings.

~~**BE IT FURTHER RESOLVED**, that driveways leading to garage openings of less than eight feet shall not receive rectangular driveway pavement markings.~~

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None

15-569

---By Councilman Cunningham

RESOLUTION TO AMEND THE CONTRACT TO WEINER LESNIAK FOR SPECIAL LEGAL COUNSEL – CY2014 LAND USE COUNSEL TO THE CITY OF HOBOKEN IN AN INCREASED NOT TO EXCEED AMOUNT OF TWENTY THOUSAND DOLLARS (\$20,000.00) FOR THE ORIGINAL CONTRACT TERM

WHEREAS, service to the City as Special Counsel – Land Use 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 Qualifications for the Professional Services of Special Legal Counsel-Land Use Counsel in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Weiner Lesniak responded to; and,

WHEREAS, the Administration determined that the firm can provide quality representation, and therefore a CY2014 contract was entered into with Weiner Lesniak per award of the City Council, which was thereafter amended to extend the term for the CY2014 matters thereunder, and the Council now wishes to amend that award further to increase funds by \$20,000.00, with no change in the expiration date of the contract (\$1,837.84 of the current not to exceed amount of \$50,000.00 is still remaining as of 9/29/2015); and,

WHEREAS, Weiner Lesniak 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 \$20,000.00 is available in the following appropriation in the CY2015 budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2015 budget; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that the contract with Weiner Lesniak to represent the City as Special Legal Counsel- CY2014 Land Use Counsel be amended, with no change in the term, but for an increase in the total not-to-exceed amount by \$20,000.00, for a new total not-to-exceed amount of Seventy Thousand Dollars (\$70,000.00); and

BE IT FURTHER RESOLVED, the contract shall include the following term: Weiner Lesniak 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 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 RESOLVED, that this resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

ORDINANCES

Introduction and First Reading

15-570

Z-378

AN ORDINANCE TO AUTHORIZE THE ACCEPTANCE OF AN EASEMENT FROM DELAWARE DELTA FOR A PUBLIC PARK AND/OR PUBLIC PLAYGROUND AT FIRST AND JACKSON

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DO ORDAIN AS FOLLOWS;

The **ATTACHED** Easement Agreement, and all attachments thereto, shall become legally valid, shall be properly executed by the Mayor or her designee, as provided by law, and shall be complied with and enforced by and on behalf of the City of Hoboken.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall 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 immediately upon passage and publication as provided by law.

SECTION FIVE: CODIFICATION

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

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

President Bhalla moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **October 16, 2015 at 7:00 PM.**

---Motion duly seconded by Councilman Occhipinti
---Adopted by the following vote: YEAS: 9 – NAYS: 0

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

15-571

Z-379

AN ORDINANCE TO AMEND CHAPTER 59A ENTITLED “DEPARTMENT OF PUBLIC SAFETY” TO GIVE THE MAYOR AND DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY AUTHORITY TO APPROVE INTERNAL RULES AND REGULATIONS OF THE FIRE DEPARTMENT IN ACCORDANCE WITH N.J.S.A. 40A:14-7

WHEREAS, N.J.S.A. 40A:14-7 requires provisions for the maintenance, regulation and control of the Fire Department to be ordained; and,

WHEREAS, the City seeks to allow for Internal Rules and Regulations for its Fire Department, but believes the Mayor and Director of Public Safety are best positions to approve and authorize these Internal Rules and Regulations.

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

SECTION ONE: AMENDMENTS TO HOBOKEN CODE CHAPTER 59A

Hoboken Code § 59A-29 Establishment; functions.

There is hereby established a Division of Fire in the Department of Public Safety, which shall be responsible for providing fire prevention and fire protection in the City. The Division of Fire shall also be responsible for enforcement of state statutes, rules and regulations and City ordinances governing fire prevention. The Mayor, or his/her authorized designee, and the Director of Public Safety shall have the authority to authorize and approve Internal Rules and Regulations for the Division of Fire, and its employees, and revise same as necessary, by Executive Order.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

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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 **October 16, 2015 at 7:00 PM.**

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

15-572
Z-380

AN ORDINANCE TO REPEAL HOBOKEN CODE SECTION 60-11 AND REPLACE IT WITH UPDATED LANGUAGE IN ACCORDANCE WITH APPLICABLE LAWS AND LOCAL NECESSITY

WHEREAS, the Laws and Administrative Code of the State of New Jersey allow latitude in how each governmental entity may deal with emergency situations, and it has been recommended by the Business Administrator and Corporation Counsel that a formal policy be established in order to permit timely and appropriate response to emergencies; and

WHEREAS, N.J.S.A. 40A: 11-6d states "the governing body of the contracting unit may prescribe additional rules and procedures to implement the requirements of this section"; and

WHEREAS, N.J.A.C. 5:34-6.1(b) states "the governing body of each unit shall adopt rules or regulations as appropriate to the contracting unit....such rules or regulations shall include such provisions that ensure that if the initially designated individuals are not available, there is a designated chain of command...."

NOW, THEREFORE, BE IT ORDAINED, that upon recommendation of the Business Administrator and Corporation Counsel, the following policy is hereby established relative to the emergency procurement of goods and services:

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

THE ENTIRETY OF HOBOKEN CODE SECTION 60-11 SHALL BE REPEALED, AND REPLACED WITH THE FOLLOWING:

Hoboken Code Section 60-11 : Emergency Purchases

A. Criteria for Emergency Purchases: an emergency may exist **ONLY IF** it fulfills the requirements of an Emergency under N.J.A.C. § 5:34-6.1 and these guidelines:

1. The emergency is a specific, definable danger to the public health, safety, or welfare;

2. And the emergency actually exists or imminently will exist because of unexpected circumstances, AND it requires the immediate delivery of goods or services.
3. The emergency purchasing procedure can only be used IF the need for the emergency purchase of goods or services both: (a) could not have been reasonably foreseen; (b) AND has arisen notwithstanding a good faith effort to plan for required goods or services.
 - a. An emergency:
 - i. CANNOT be a failure to anticipate normal needs or project deadline dates.
 - ii. CANNOT be the result of ignoring a situation known to be present;

B. Chain of Command

1. If the Director of a City Department believes an emergency exists, **the Director MUST immediately** notify, advise, and give sufficient information of the emergency to the following “**Notified Persons:**”
 - i. The Business Administrator,
 - ii. Or in his or her absence, the Mayor,
 - iii. Or in his or her absence, the Director of the Office of Emergency Management,
 - iv. Or in his or her absence, the Director of Public Safety.
 - v. If none of the above is available, see below §1 (c).
- b. The Director MUST also, in writing, on or before the first working day after the emergency, prepare and deliver to the Business Administrator, an “**Emergency Certification Form**” – ATTACHED Form A.
 - i. The Emergency Certification Form will include the following:
 1. Sufficient detail of the nature and cause of the emergency, including whether it was unforeseen or unforeseeable, and why immediate purchasing action is required;
 2. A request for the goods and services that are required to mitigate the emergency;
 3. A certification of an existing or imminent emergency, and that there are not enough currently purchases supplies or services to respond to the emergency; and,
 4. The Signature of the Director.
- c. IF an emergency occurs when none of the Notified Persons is available:
 - i. The Director defer a purchasing decision until one of the Notified Persons becomes available. However, in making this decision, the Director shall weigh the potential damage to the public safety, health, or welfare that would be caused by a delay.
 - ii. If the damage to the public would be great due to a delay in waiting for a Notified Person, the Director may purchase the necessary and proper materials or services.
 1. **NOTE: EMERGENCY PURCHASES ARE COSTLY AND SHOULD BE KEPT TO A MINIMUM. THEY ARE USUALLY MADE HURRIEDLY, ON**

A NON-COMPETITIVE BASIS, AND AT TOP PRICES. MOST VENDORS CHARGE A PREMIUM WHEN SUPPLIES MUST BE OBTAINED IMMEDIATELY. BY AVOIDING EMERGENCY ORDERS, THE CITY WILL SAVE SUBSTANTIAL MONEY.

- iii. Any and all evidence and documentation of emergency purchases MUST be preserved by the Director, including but not limited to sales tickets, bills, delivery slips, and/or counter receipts which the supplier normally furnishes.
 - iv. This evidence MUST be attached to the “Emergency Certification Form” (ATTACHED FORM A) and be forwarded to the Business Administrator on the next work day following the date of purchase.
 - v. The Business Administrator may reject requests which are confirmation of orders if there is reason to believe no true emergency existed at the time of Purchase.
2. The Notified Person charged with approving the emergency purchase has the immediate responsibility to do the following:
- a. To always adhere to the policy adopted by the Code of the City of Hoboken, the Local Public Contracts Laws, and the New Jersey Administrative Code. Including, but not limited to:
 - i. N.J.S.A. § 40A:11-6
 - ii. N.J.A.C. § 5:34-6.1 et seq.
 - b. To determine whether an emergency truly exists;
 - c. To ensure there are sufficient funds to carry out the work in mitigating the emergency; and,
 - d. To determine further appropriate action in accordance with § 3 and 4, infra.
3. IF the Notified Person charged with approving the emergency purchase finds there is no actual or imminent emergency, they must detail their reasons for denial in a written response to the Director within four (4) hours of the emergency purchase request.
4. IF the Notified Person charged with approving the emergency purchase finds there is an actual or imminent emergency that requires immediate delivery of goods or services, the Notified Person charged with approving the emergency purchase can choose between options (a) or (b) and must do (c):
- a. Immediately authorize a contract for the emergency procurement of the goods and services which must be subject to the stated Terms of Contract below, at Section5, and:
 - i. During the next regular working day prepare a Resolution acknowledging the contract for Council action; and
 - ii. Notify the Mayor, the Director of Public Safety, and Corporation Counsel of the decision;
or,
 - b. Prepare a Resolution for Council action declaring the existence of an emergency and authorizing the Business Administrator to proceed with the procurement of the needed goods and services.
 - c. Inform the Mayor, Corporation Counsel, and Office of Emergency Management of the nature and extent of the emergency and what actions have or will be taken, in writing.

5. In determining whether to apply Section 4a or 4b, the Notified Person charged with approving the emergency purchase should solely measure the possible consequences to the public health, safety, or welfare which might result due to delay by waiting for the Council of the City of Hoboken to convene on the emergency.
6. The terms of the Contract for an Emergency Purchase must follow N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1:
 - a. Emergency contracts do not require contract bidding:
 - i. But, whenever practicable, the Business Administrator will attempt to obtain at least two written quotes for the goods and services necessary to resolve the emergency.
 - ii. If any quotes are received verbally, the Business Administrator must document the quotes, in writing, indicating the name of the vendor and the price quoted.
 - b. The contract awarded must be limited to the immediate needs of the emergency:
 - i. Limited in time
 - ii. Limited in spending
 - c. The Emergency Purchasing Procedure cannot be used to enter into a contract for greater than six (6) months.
7. The City of Hoboken will be bound by any contract made by the Business Administrator which is made in accordance with this Article.
8. Within 30 days of issuing the emergency contract, the Business Administrator MUST submit an “Emergency Procurement Report” (ATTACHED FORM B) to the Director of the Division of Local Government Services.
 - a. Exception: If the Governor has formally declared an emergency in New Jersey, the Business Administrator does not have to file an Emergency Procurement Report.

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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 **October 16, 2015 at 7:00 PM.**

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

NEW BUSINESS

Councilwoman Castellano comments that Margaret O'Brien for more police O'Brien, the gates of the dog parks, PSE & G problems in 3 & 4 locations in the 1st Ward, some dead trees.

Councilwoman Mason comments and thanks BA Wiest for street closures and appreciates the communication from the BA.

Councilman Russo comments on the bathroom facilities at 3rd and Madison, NJ Transit, the Light Rail, the property between Light Rail and Metro Stop, and request an ordinance to rescind the \$19 M bond for the next meeting.

Council President comments that the BA was busy with preparation with Hurricane Joaquin.

Councilman Doyle comments that he would like to echo Councilman Occhipinti's request for action on the RFQ's for the Tenant Advocate.

Councilman Occhipinti comments and would like Adams Street to be striped and a lot of the crosswalks need to be striped, the pedestrian safety sign is in at 3rd and Jackson St. and the daylight bulbs need to be put at 1st and Jackson and thank the Governing Body for voting for Z-378.

Council President comments that it is a public process for this and the community will have some input before any final decisions is made.

Councilwoman Giattino comments on NW corner on the extentions at 2nd and Willow, Parking and Transp. sub-committee on Oct. 22nd at 8:00 PM.

Councilman Cunningham comments on the Post Office project, the week of Oct. 19th there will be a community meeting to discuss the redevelopment zone and what the City envisions for that part of town, Parking on 9th b/w Clinton and Willow, next phase of paving throughout the city and thanks the City for the striping and driveways and it has been challenging in the neighborhood.

Councilman Mello comments and has a concern about the Ragamuffin parade which is on Friday since Halloween falls on Saturday and hopefully we can reconsider the parade.

Council President comments that maybe we can bring this up with Director Pellegrini.

At 10:56 PM meeting adjourned of the Governing Body on a motion by Council duly seconded by the Council members.

Council President Bhalla then adjourned the meeting at 10:56 PM.

PRESIDENT OF THE COUNCIL

CITY CLERK