

MEETING OF MARCH 18 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, MARCH 18,  
2015 AT 7:00 PM

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Council President opened the meeting at 7:03 P.M. and stated, "I would like to advise all those present that notice of this meeting has been provided to the public in accordance with the provisions of the Open Public Meeting Act, and that notice was published in the Jersey Journal and on the City website, copies were provided in the Hoboken Reporter, The Record, The Newark Star-Ledger and also placed on the bulletin board in the lobby of City Hall. If any Councilperson or member of the public believes that this meeting or any portion thereof, is in violation of the Open Public Meetings Act, they are requested to so advise the City Council and City Clerk at this time, or at the time of the believed violation, in accordance with N.J.S.A. 10:4-17. Written objections, if any shall be made in writing to the City Clerk."

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

Absent: ~~Cunningham and Occhipinti~~ (see below)

**Councilman Occhipinti arrives to the meeting at 7:05 PM**

**Councilman Cunningham arrives to the meeting at 7:08 PM**

**RESOLUTIONS**

**15-176**

---By Councilman Mello

**RESOLUTION AUTHORIZING THE EXECUTION OF A TEMPORARY  
EXTENSION OF AMENDED AND RESTATED PILOT AGREEMENT WITH  
JEFFERSON ADAMS REHAB COMPANY RELATING TO THE CLOCK TOWERS  
PROJECT WITHIN THE CITY OF HOBOKEN**

The speaker who spoke: Special Counsel Erin Law from McManimon and Scotland.

**WHEREAS**, Jefferson Adams Rehab Company is a New Jersey limited partnership (the "**Entity**") subject to the Limited-Dividend Nonprofit Housing Corporations or Associations Act, *N.J.S.A. 55:16-1 et seq.* (the "**Limited-Dividend Law**"), and owns and operates a housing project located at 300 Adams Street in the City (the "**Property**") consisting of 173 residential units, 68 of which receive project-based Section 8 housing, and generally known as "Clock Towers" (the "**Project**"); and

**WHEREAS**, on December 19, 1974, the City of Hoboken (the "**City**") entered into an In Lieu of Tax Payment Agreement to provide payments in lieu of taxes with respect to the Property and the Project under the Limited-Dividend Law, which agreement was amended on or about December 2000 pursuant to an Amended and Restated PILOT Agreement (the "**PILOT Agreement**"); and

**WHEREAS**, pursuant to the terms of the PILOT Agreement, the tax exemption on the Project will terminate after 40 years on or about March 26, 2015; and

**WHEREAS**, the Limited-Dividend Law permits tax exemptions and payments in lieu of taxes for a term of up to 50 years; and

**WHEREAS**, the Entity has requested an extension of the PILOT Agreement for an additional 10 years as permitted under the Limited-Dividend Law; and

**WHEREAS**, the City has determined that it is in the best interests of the residents of the Project and the City to grant a temporary extension of the PILOT Agreement for a 3 month period in order to determine if the Entity and the Project satisfy the requirements under the Limited-Dividend Law for a full extension.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken, County of Hudson and State of New Jersey, that the temporary extension of the PILOT Agreement for a period of only 3 months should be granted in order to allow the City and its professionals to determine whether the Entity and the Project are eligible for a full extension of the PILOT Agreement under the Limited-Dividend Law.

**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized to execute a Temporary Extension of Amended and Restated PILOT Agreement substantially in the form attached hereto as Exhibit A, with such changes, revisions or amendments as may be deemed necessary by the Mayor in consultation with City staff and professionals.

**Motion from Councilman Mello and seconded by Councilwoman Giattino to amend from 6 months to 3 months period**

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

#### **SECOND READING/PUBLIC HEARING AND FINAL VOTE**

AN ORDINANCE TO AMEND CHAPTER 44 TO MAKE NOTICE PROCEDURES COMPLIANT WITH STATE LAW AND UPDATED CHAPTER 44 APPENDICES AND FORMS (AS AMENDED AFTER PLANNING BOARD REVIEW AND RECOMMENDATION) **(Z-338)**

The speaker who spoke: Patricia Waiters.

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.

President Bhalla moved that the hearing be closed.

--Motion duly seconded by Councilman Mello  
--Adopted by the following vote: YEAS: 9 – NAYS: 0  
--Yeas: Council persons Castellano, Cunningham, Doyle, Giattino, Mason, Mello, 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: 8 – NAYS: 1  
--Yeas: Council persons Castellano, Cunningham, Doyle, Giattino, Mello, Occhipinti, Russo and President Bhalla  
--Nays: Mason

**AN ORDINANCE TO AMEND ORDINANCE Z-20 REGARDING THE MAYOR AND DIRECTORS BENEFITS (Z-339) (WITHDRAWN FROM SPONSORS)**

**Councilman Cunningham motions to table this ordinance and seconded by Councilman Mello to withdraw the ordinance**

**AN ORDINANCE TO AMEND CHAPTER 46 ENTITLED “LEASE AGREEMENTS” TO INCLUDE A LEASE AGREEMENT BETWEEN THE CITY OF HOBOKEN AND HUMC OPCO LLC FOR THE LEASE OF OFFICE SPACE AT THE CITY’S MIDTOWN GARAGE (Z-340)**

The speaker who spoke: Care Point representative.

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.

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, 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 Mello  
--Adopted by the following vote: YEAS: 5 – NAYS: 4  
--Yeas: Council persons Cunningham, Doyle, Giattino, Mello and President Bhalla  
--Nays: Castellano, Mason, Occhipinti, Russo

**AN ORDINANCE TO AMEND CHAPTER 192-4 ENTITLED “ENUMERATION OF SPACES” (Z-341)**

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.

President Bhalla asked for a motion to close the hearing.

---Motion duly seconded by Councilwoman Giatttino

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

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

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

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

---Nays: None.

## ORDINANCES

### Introduction and First Reading

#### 15-176A

#### Z-342

### **ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 1.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 2.0% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the City Council of the City of Hoboken in the County of Hudson finds it advisable and necessary to increase its CY 2015 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the City Council hereby determines that a 2.0% increase in the budget for said year, amounting to \$1,723,905.46 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the City Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the City Council of the City of Hoboken, in the County of Hudson, (*a majority of the full authorized membership of this governing body voting affirmatively on final reading*), that, in the CY 2015 budget year, the final appropriations of the City of Hoboken shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$3,016,834.56, and that the CY 2015 municipal budget for the City of Hoboken be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

President Bhalla moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **April 1, 2015 at 7:00 PM.**

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: Castellano, Russo

### **PUBLIC COMMENTS**

The speakers who spoke: Patricia Waiters, Raymond Smith, Maria Bautista, Hany Ahmed, Melvin Devillar, Latua Devillar, Letua Bencose.

### **CLOSED SESSION**

Council President motions to go into Closed Session at 8:55 PM and seconded by Councilman Russo

Council President announces to the public that the Governing Body is entering into Closed Session at 8:55 PM

### **15-177**

---By President Bhalla

**RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUANT TO N.J.S.A. 10:4-12(B) (7) AND ATTORNEY CLIENT PRIVILEGE REGARDING ANTICIPATED LITIGATION RELATING TO THE CITY'S LIMOUSINE LICENSEES**

**WHEREAS**, the Council of the City of Hoboken is authorized to go into closed 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; and

**WHEREAS**, the City seeks to discuss the legal issues relating to the above listed anticipated litigation and the legal ramifications relating thereto; 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/or which is offered regarding the above referenced anticipated litigation; 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 Mello

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

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

---Nays: None.

**At 9:15 P.M. the Governing Body on a motion by Council duly seconded by the Council has finished Closed Session**

**At 9:20 PM, the Governing Body has returned to the regular meeting**

**15-178**

Communication from Mayor Zimmer regarding Hoboken 311 System, the Municipal Budget for CY 2015, Pothole and paving, Affordable Housing.

Received and Filed.

Communication from Mayor Zimmer appointing various employees as Assistant Coordinators of the Office of Emergency Management.

Received and Filed.

Proclamation from Mayor Zimmer recognizing Tuesday, March 24, 2015 the annual American Diabetes Association Diabetes Alert Day.

Received and Filed.

**15-179**

**APPLICATION FOR MISCELLANEOUS LICENSES**

Vendors----- 1 item

Raffles----- 1 item

---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, Occhipinti, Russo and President Bhalla  
---Nays: None.

**15-180**

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of February 2015 **\$30,349,348.89 (Abatement Totals – \$3,042.37)**

Received and Filed.

**15-181**

A report from Municipal Court indicating receipts for the month of February 2015 as **\$360,738.91**

Received and Filed.

**15-182**

---By Councilman Mello

**CLAIMS**

Total for this agenda **\$4,543,404.60**

---Motion duly seconded by Councilman Cunningham  
---Adopted by the following vote: YEAS: 9 – NAYS: 3 - PRESENT: 1- ABSTAIN: 2  
---Yeas: Council persons Castellano, Cunningham, Doyle, Giattino, Mason, Mello and President Bhalla  
---Nays: Castellano (15-00743, 14-03380, 14-03556, 15-00675, 15-00908), Mason (15-00859, 14-00329, 15-00908, 14-03776, 15-00275, 15-00695) and Russo 15-00675  
---Present: Occhipinti - 15-00675  
---Abstain: Mason (14-00603, 15-00275, 15-00608, 14-00329, 15-00669, 15-00675) Bhalla – (14-00329)

Councilwoman Castellano comments on 15-00675 and 15-00858

**15-183**

---By Councilman Mello

**PAYROLL**

**For the two week period starting February 12, 2015 – February 25, 2015.**

<b>Regular Payroll</b>	<b>O/T Pay</b>	<b>Other Pay</b>
\$1,601,623.35	\$76,405.74	\$70,656.64

**Total** \$1,748,685.73

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

**CONSENT AGENDA – 2, 6, 7, 10-12, 15-18**

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: 3, 4, 5, 8, 9, 13, 14, 19  
Removed by Administration:

**RESOLUTIONS (Cont'd)**

**15-184**  
--By Councilman Mello

**RESOLUTION AWARDDING A CONTRACT TO VALUE RESEARCH GROUP FOR THE PROVISIONS OF APPRAISAL SERVICES FOR BLOCK 12 IN ACCORDANCE WITH VALUE RESEARCH GROUP'S MARCH 11 PROPOSALS IN THE TOTAL AMOUNT OF \$15,000.00**

**WHEREAS**, the City urgently requires the professional services of real property appraisers for the appraisal of Block 12, and the total cost of said services is under \$17,500.00, which is therefore below the bid and Fair and Open thresholds; and,

**WHEREAS**, the City sought the proposal of the reputable appraisal firm Value Research Group for said services, and said proposals (both dated March 11, 2015) are attached hereto; and,

**WHEREAS**, pursuant to the recommendation of the City special counsel, the Administration now seeks a contract award of the Council 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 \$15,000.00 is available in the following appropriations: \_\_\_\_\_ and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance for this purpose.**

**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 Fifteen Thousand Dollars (\$15,000.00) for the appraisal of Block 12 (all lots) in accordance with the March 11<sup>th</sup> proposals, 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 and/or Special Counsel Buzak.
- 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. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor or her agent is hereby authorized to enter into an Agreement with the vendor for said purchase and sale.

--Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Present: Castellano

#### **15-185**

---By Councilman Mello

#### **INTRODUCTION OF THE CY 2015 BUDGET**

--Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

#### **15-186**

---By Councilman Mello

#### **THIS RESOLUTION AUTHORIZES TEMPORARY APPROPRIATIONS FOR THE CALENDAR YEAR 2015**

**WHEREAS**, temporary appropriations for calendar year 2015 were previously made pursuant to N.J.S.A. 40A:4-19; and

**WHEREAS**, N.J.S.A. 40A:4-19.1 provides for additional temporary appropriations when budget dates have been extended; and

**WHEREAS**, the New Jersey Division of Local Government Services has extended the deadline for the adoption of the calendar year 2015 budget;

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the City of Hoboken that additional temporary appropriations totaling \$16,781,773.35 for the current fund and \$1,530,230.77 for the parking utility be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his **records**:

**SEE DETAIL ATTACHED**

- Motion duly seconded by Councilman Cunningham
- Adopted by the following vote: YEAS: 8 – NAYS: 1
- Yeas: Council persons Castellano, Cunningham, Doyle, Giattino, Mason, Mello, Occhipinti and President Bhalla
- Nays: Russo

**15-187**

--By Councilman Mello

**RESOLUTION AUTHORIZING TRANSFERS BETWEEN HOBOKEN PARKING UTILITY APPROPRIATION RESERVES**

**WHEREAS**, N.J.S. 40A:4-59 provides that unexpended appropriation balances carried forward after the close of the fiscal year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allows transfers to be made from unexpended balances to those which are expected to be insufficient during the first three months of the succeeding year;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Hoboken, in the County of Hudson, State of New Jersey, ***(not less than two-thirds of all the members thereof affirmatively concurring)***, that transfers in the amount of \$25,000.00 be made between the 2014 Hoboken Parking Utility Budget Appropriation Reserves as follows:

	<b>FROM</b>	<b>TO</b>
<b>Salary and Wages</b>	<b>\$25,000.00</b>	
<b>Other Expenses</b>		<b>\$25,000.00</b>

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

**15-188**

---By Councilman Mello

**RESOLUTION AWARDING A CONTRACT TO DEE-EN ELECTRICAL CONTRACTING, INC. FOR THE PROVISION OF ELECTRICAL PROJECT – PROCUREMENT OF 7 BACK UP GENERATORS AND ELECTRICAL SERVICE UPGRADE TO MULTI SERVICE CENTER IN ACCORDANCE WITH THE CITY'S BID NO. 15-01 IN THE TOTAL AMOUNT OF \$1,042,600.00**

**WHEREAS**, bids were received for Electrical Project – Procurement of 7 Back Up generators and Electrical Upgrade to Multi Service center , as specified in Bid Number 15-01; and,

**WHEREAS**, Two (2) bids were received,

<u>VENDOR</u>	<u>TOTAL BASE BID</u>
a. Dee-En Electrical Contracting 3013 Tremley Point Road Linden, 07036 NJ	\$1,042,600.00
b. Sal Electrical Co. 83 Fleet Street Jersey City, NJ 07306	\$1,810,250.00

**WHEREAS**, pursuant to the recommendation of EI Associates, Inc and RSC Architects (both attached hereto) the City wishes to contract for the services specified in Bid No. 15-01, and DEE-EN Electrical Contracting, Inc. submitted the lowest, responsible, and responsive bid in the amount of \$1,042,600.00; and,

**WHEREAS**, certification of funds is available as follows:

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$1,042,600.00 is available in the following appropriations:**

4-01-192-08-000	-	\$132,854.00
C-04-60-713-310	-	\$175,146.00
G-55-56-CD3-301	-	\$93,400.00
C-04-60-713-320	-	\$641,200.00

**and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose; and I further certify that appropriations from the listed accounts is appropriate for the herein purpose.**

**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 DEE-EN Electrical Contracting, Inc. for Bid No. 15-01, in the total amount of One Million Forty Two Thousand Six Hundred Dollars and Zero Cents (\$1,042,600.00) for Electrical Project – Purchase of 7 Back Up Generators and Electrical Upgrade to Multi Service Center contract to DEE-EN Electrical Contracting, Inc. in accordance with the specifications as set forth in Bid No. 15-01.

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 terms of the specifications and the vendor's corresponding bid proposal documents. No exceptions were noted in the City's Engineer's recommendations; therefore, none will be accepted in performing obligations under the bid.

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.

F. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor or her agent is hereby authorized to enter into an Agreement with the vendor for said purchase and sale.

G. This resolution shall take effect immediately upon passage.

--Motion duly seconded by Councilman Cunningham

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

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

--Nays: None.

**15-189**

--By Councilman Mello

**RESOLUTION AWARDING A CONTRACT TO THE AMBIENT GROUP, LLC FOR THE PROVISIONS OF DISPOSAL OF CONCRETE WASTE– HOBOKEN COVE IN ACCORDANCE WITH THE CITY'S BID NO. 15-05 IN THE TOTAL AMOUNT OF \$113,900.00**

**WHEREAS**, bids were received for the disposal of concrete waste – Hoboken Cove, as specified in Bid Number 15-05; and,

**WHEREAS**, Six (6) bids were received, the lowest three (3) being:

<u>VENDOR</u>	<u>TOTAL BID</u>
a. The Ambient Group, LLC (Hector) Bid Price: 222 Thies Road Sewell, NJ 08080	\$113,900.00

- b. Caravella Contractors, Inc. (Carey) Bid Price: \$119,707.00  
40 Deforest Avenue  
East Hanover, NJ 07936
  
- c. Vollers (Carlos Lopez) Bid Price: \$143,964.00  
P.O Box 5297  
3311 Route 22, North Branch, NJ 08876

**WHEREAS**, pursuant to the recommendation of the City LSRP (attached hereto) the City wishes to contract for the services specified in Bid No. 15-05, and The Ambient Group, LLC submitted the lowest, responsible, and responsive bid in the amount of \$113,900.00; and,

**WHEREAS**, certification of funds is available as follows:

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$113,900.00 is available in the following appropriations: T-26-56-850-851 and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance for this purpose.**

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 The Ambient Group, LLC for Bid No. 15-05, in the total amount of One Hundred Thirteen Thousand Nine Hundred and Zero Cents (\$113,900.00) for the City's Disposal of Concrete Waste – Hoboken Cove contract to The Ambient Group, LLC in accordance with the specifications as set forth in Bid No. 15-05.
- 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 terms of the specifications and the vendor's corresponding bid proposal documents. No exceptions were noted in the City LSRP's recommendations; therefore, none will be accepted in performing obligations under the bid.
- 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. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), 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 Councilman Cunningham

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

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

--Nays: None.

### **15-190**

--By Councilman Mello

**RESOLUTION AWARDING A CHANGE ORDER # 1 AND CLOSE OUT TO THE CONTRACT OF GEORGE KOUSTAS PAINTING AND CONSTRUCTION, LLC FOR REHABILITATION OF HOBOKEN FIREHOUSE # 3 (BID 14-15) PROJECT, AS CHANGE ORDER NUMBER 1 (FINAL) IN A REDUCED AMOUNT OF - \$10,600.00 (6.4% DECREASE) FOR A NEW (FINAL) TOTAL NOT TO EXCEED AMOUNT OF \$157,100.00**

**WHEREAS**, the City of Hoboken requires a close out under the contract in order to complete and terminate the Rehabilitation of Hoboken Firehouse # 3 project; and,

**WHEREAS**, the Administration contracted with George Koustas Painting and Construction, LLC for said services and provisions; and,

**WHEREAS**, in accordance with the direction of the Administration, the City Council is asked to award change order #1 (FINAL) to the contract for Rehabilitation of Hoboken Firehouse # 3 project for decrease in the contract amount by Negative Ten Thousand Six Hundred Dollars and Zero Cents (-\$10,600.00), which constitutes a 6.4% decrease, for a new and final total not to exceed

amount of One Hundred Fifty Seven Thousand One Hundred Dollars and Zero Cents (**\$157,100.00**), for work in accordance with the Boswell Engineering Change Order Request, dated February 9, 2015; and,

**WHEREAS**, certification of funds is NOT required for this contract award.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken that a change order (#1/FINAL) be awarded for George Koustas Painting and Construction LLC's contract for the Rehabilitation of Hoboken Firehouse # 3 project for a decrease in the contract amount of Ten Thousand Six Hundred Dollars and Zero Cents (\$10,600.00), which constitutes 6.4% decrease , for a new and final total not to exceed amount of One Hundred Fifty Seven Thousand One Hundred Dollars and Zero Cents (**\$157,100.00**), for work in accordance with the Boswell Engineering Change Order Request, dated February 9, 2015 , as follows:

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

--Motion duly seconded by Councilman Cunningham

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

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

--Nays: None.

--Absent: Occhipinti

--Abstain: Castellano

\*\*\*\*\*Councilman Occhipinti has left the meeting at 10:21 PM comments\*\*\*\*\*

\*\*\*\*\*Councilman Occhipinti has returned to the meeting at 10:23 PM comments\*\*\*

**15-191**

--By Councilman Mello

**THIS RESOLUTION AUTHORIZES AN EXTENSION OF THE PROFESSIONAL SERVICE CONTRACT WITH PROFESSIONAL SYSTEMS ENGINEERING, LLC FOR VOICE DATA CONSULTANT SERVICE TO THE CITY OF HOBOKEN FOR AN ADDITIONAL ONE – YEAR TERM TO EXPIRE ON AUGUST 14, 2015 WITH NO CHANGE IN THE NOT TO EXCEED AMOUNT**

**WHEREAS**, the City advertised Request for Proposals for Voice Data Consultant Professional Engineering Services in 2012; and,

**WHEREAS**, Professional Systems Engineering, LLC responded to the City's RFP with a proposal which was evaluated by the Evaluation Committee as the best proposal to advance the City's purposes, including but not limited to cost effectiveness; and,

**WHEREAS**, the City thereafter extended the contract via resolutions, until August 15, 2014, and the City now seeks to amend the award of a contract to Professional Systems Engineering, LLC for Voice Data Consultant Professional Engineering services, and the City now seeks to amend the contract, for an extended term to expire August 14 2015, with no change in the not to exceed amount of the contract; and

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

**NOW THEREFORE BE IT RESOLVED**, (*a majority of the full council voting affirmatively*) the contract with Professional Systems Engineering LLC shall be extended through August 14, 2015 with no change in the not to exceed amount, and shall include all the terms of the original contract and shall only be for those matters which were initiated on or before 2014, but which have continued and carried over into the present calendar year; 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 **Professional Systems Engineering, LLC**; and

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

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

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

--Motion duly seconded by Councilman Cunningham

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

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

--Nays: None.

**15-192**

--By Councilman Mello

**RESOLUTION AWARDING A CONTRACT TO AMANO MCGANN, INC TO PURCHASE PROPRIETARY COMPUTER HARDWARE AND SOFTWARE FOR HPU PAYSTATION UPGRADES FOR A NOT TO EXCEED AMOUNT OF \$96,075.00**

**WHEREAS**, N.J.S.A. 40A:11-5 (dd) allows municipalities to award public contracts without public bidding for the support and maintenance of proprietary computer hardware and software; and,

**WHEREAS**, the Hoboken Parking Utility requires upgrades to payment processing for pay stations previously purchased from Metric, under its contract which the City previously assigned to Amano; and,

**WHEREAS**, the Administration intends to use Amano McGann, Inc for said services and provisions as the only vendor of the proprietary software and hardware the City now requires; and,

**WHEREAS**, in accordance with the direction of the Administration, upon proper certification of the Qualified Purchasing Agent, the City Council is asked to award a contract for said services and provisions for a total contract amount of Ninety Six Thousand Seventy Five Dollars and Zero Cents (**\$96,075.00**), for goods and services as described in the attached proposal from Amano McGann, Inc; and

**WHEREAS**, certification of funds is available as follows:

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$96,075.00 is available in the following appropriations: P-30-60-114-100-Z014 and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance for this purpose.**

Signed: \_\_\_\_\_, George DeStefano, CFO

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken that a contract with the below listed vendor is awarded for an amount not to exceed Ninety Six Thousand Seventy Five Dollars and Zero Cents (**\$96,075.00**), for goods and services as described in the attached proposal from Amano McGann, Inc and ,

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

The terms of the attached proposal and Purchasing Agent recommendation shall govern the contract, and no changes may be made without the prior written consent of both parties.

Any change orders which shall become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.

This agreement shall be subject to a standard non-appropriation clause in favor of the City of Hoboken.

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.

The Mayor, or her designee is hereby authorized to execute an agreement, for the above referenced goods and/or services based upon the following information:

Amano McGann, Inc.  
140 Harrison Avenue  
Roseland, NJ 07068

--Motion duly seconded by Councilman Cunningham

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

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

--Nays: None.

**15-193**

---By Councilman Mello

**RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH BOSWELL ENGINEERING IN A NOT TO EXCEED AMOUNT OF \$124,400.00 FOR CONSTRUCTION OVERSIGHT OF THE ROAD IMPROVEMENT PROJECT – PROJECT A TO THE CITY OF HOBOKEN TO COMMENCE MARCH 19, 2015 AND EXPIRE MARCH 18, 2016**

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

**WHEREAS**, the Administration evaluated the proposal provided in response to said RFP, and the Administration thereafter determined that Boswell Engineering qualified as a pool engineer to provide the City with the most effective and efficient City Engineering services for the 2015 calendar year; and,

**WHEREAS**, in accordance with the direction of the Administration, the City Council is now asked to award a contract to Boswell Engineering for the City's General Engineering On-Call services for a total contract amount of Thirty Six Thousand Dollars (\$36,000.00), with a one (1) year term to commence on January 1, 2015 and expire December 31, 2015; and,

**WHEREAS**, certification of funds is available as follows:

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$36,000.00 is available in the following temporary appropriation 5-01-31-461-000 of 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 a contract with the below listed vendor is awarded for an amount not to exceed Thirty Six Thousand Dollars (\$36,000.00), with a one (1) year term to commence on January 1, 2015, for services as General Municipal Engineer On Call, as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the RFP and Boswell's responsive proposal shall govern the contract, and no changes may be made without the prior written consent of both parties.
3. The Administration shall be entitled, under this award, to utilize the firm on, an as needed basis, for any projects which require engineering assistance. This award is not project based, and the contract amounts hereunder are a retainer only, and no actual amount of work is suggested or implied.
4. Any change orders which shall become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of

the City Council.

5. 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.
6. The Mayor, or her designee is hereby authorized to execute an agreement, for the above referenced goods and/or services based upon the following information:  
Boswell Engineering  
South Hackensack, New Jersey

--Motion duly seconded by Councilman Cunningham

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

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

--Nays: None.

**15-194**

--By Councilman Mello

**RESOLUTION AWARDING A PROFESSIONAL SERVICE CONTRACT TO BOSWELL ENGINEERING FOR CITY ENGINEER (ON-CALL) IN AN AMOUNT NOT TO EXCEED THIRTY SIX THOUSAND DOLLARS (\$36,000.00) FOR A ONE YEAR TERM TO COMMENCE JANUARY 1, 2015 AND EXPIRE DECEMBER 31, 2015**

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

**WHEREAS**, the Administration evaluated the proposal provided in response to said RFP, and the Administration thereafter determined that T&M Associates qualified as a pool engineer to provide the City with the most effective and efficient City Engineering services for the 2015 calendar year; and,

**WHEREAS**, in accordance with the direction of the Administration, the City Council is now asked to award a contract to T&M Associates for the City's General Engineering On-Call services for a total contract amount of Thirty Six Thousand Dollars (\$36,000.00), with a one (1) year term to commence on January 1, 2015 and expire December 31, 2015; and,

**WHEREAS**, certification of funds is available as follows:

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$36,000.00 is available in the following temporary appropriation 5-01-31-461-000 of 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 a contract with the below listed vendor is awarded for an amount not to exceed Thirty Six Thousand

Dollars (\$36,000.00), with a one (1) year term to commence on January 1, 2015, for services as General Municipal Engineer On Call, as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the RFP and T&M's responsive proposal shall govern the contract, and no changes may be made without the prior written consent of both parties.
3. The Administration shall be entitled, under this award, to utilize the firm on, an as needed basis, for any projects which require engineering assistance. This award is not project based, and the contract amounts hereunder are a retainer only, and no actual amount of work is suggested or implied.
4. Any change orders which shall become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
5. 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.
6. The Mayor, or her designee is hereby authorized to execute an agreement, for the above referenced goods and/or services based upon the following information:

T&M Associates  
Middletown, New Jersey

--Motion duly seconded by Councilman Cunningham

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

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

--Nays: Mason

**15-195**

--By Councilman Mello

**RESOLUTION AWARDING A PROFESSIONAL SERVICE CONTRACT TO T&M ASSOCIATES FOR CITY ENGINEER (ON-CALL) IN AN AMOUNT NOT TO EXCEED THIRTY SIX THOUSAND DOLLARS (\$36,000.00) FOR A ONE YEAR TERM TO COMMENCE JANUARY 1, 2015 AND EXPIRE DECEMBER 31, 2015**

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

**WHEREAS**, the Administration evaluated the proposal provided in response to said RFP, and the Administration thereafter determined that T&M Associates qualified as a pool engineer to provide the City with the most effective and efficient City Engineering services for the 2015 calendar year; and,

**WHEREAS**, in accordance with the direction of the Administration, the City Council is now asked to award a contract to T&M Associates for the City's General Engineering On-Call services for a total contract amount of Thirty Six Thousand Dollars (\$36,000.00), with a one (1) year term to commence on January 1, 2015 and expire December 31, 2015; and,

**WHEREAS**, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$36,000.00 is available in the following temporary appropriation 5-01-31-461-000 of 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 a contract with the below listed vendor is awarded for an amount not to exceed Thirty Six Thousand Dollars (\$36,000.00), with a one (1) year term to commence on January 1, 2015, for services as General Municipal Engineer On Call, as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the RFP and T&M's responsive proposal shall govern the contract, and no changes may be made without the prior written consent of both parties.
3. The Administration shall be entitled, under this award, to utilize the firm on, an as needed basis, for any projects which require engineering assistance. This award is not project based, and the contract amounts hereunder are a retainer only, and no actual amount of work is suggested or implied.
4. Any change orders which shall become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
5. 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.
6. The Mayor, or her designee is hereby authorized to execute an agreement, for the above referenced goods and/or services based upon the following information:

T&M Associates  
Middletown, New Jersey

--Motion duly seconded by Councilman Cunningham

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

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

--Nays: None.

**15-196**

--By Councilman Mello

**RESOLUTION AWARDING A CONTRACT TO COMMUNITY COMPOST COMPANY FOR RESIDENTIAL COMPOSTING SERVICES TO THE CITY OF HOBOKEN FOR ONE YEAR FOR A TOTAL NOT TO EXCEED AMOUNT OF \$45,000.00**

**WHEREAS**, the City advertised Request for Proposals for Residential Composting Services in accordance with the N.J.S.A. 40A:11-4.1 competitive contracting process; and,

**WHEREAS**, Community Compost Company responded to the City's RFP with a proposal which was evaluated by the City as the best proposal to advance the City's purposes, including but not limited to cost effectiveness; and,

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

**WHEREAS**, certification of funds is available as follows:

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$45,000.00 is available in the following appropriations: G-02-41-200-CC03 and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance for this purpose.**

**Signed: \_\_\_\_\_, George DeStefano, CFO**

**NOW THEREFORE BE IT RESOLVED**, that a contract with Community Composting Company to provide services to the City as described in the City's RFP, and, to the extent not inconsistent therewith, the Vendor's attached proposal, for a term to commence March 18, 2015 and expire March 17, 2016, for a total not to exceed Forty Five Thousand Dollars and Zero Cents (\$45,000.00), subject to the following conditions:

- Vendor's proposal states that the total cost over 12 months is estimated at \$73,742.00; and, further suggests that the cost may go up after the first three months of the contract, if the hauling fees are higher than originally estimated. This contract award is for a flat \$45,000.00 payment by the City for 12 months of service, which was the result of negotiations between the City and the Vendor, and the Vendor hereby agrees to incur the remainder of the costs over the 12 month term without seeking additional funds from the City; and,
- Any amendments to the contracts, including without limitation fees payable by the City and/or the residential patrons of the program, shall be subject to prior approval of the City via a resolution, and shall be further subject to a non-appropriation clause in favor of the City.

**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 Community Composting Company; and

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

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

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

---Motion duly seconded by Councilman Cunningham

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

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

--Nays: None.

**15-197**

--By Councilman Mello

**RESOLUTION EXERCISING THE CITY'S OPTION TO EXTEND A CONTRACT TO CALI CARTING INC. FOR THE PROVISIONS OF SOLID WASTE AND RECYCLING REMOVAL AND PROCESSING SERVICES IN ACCORDANCE WITH THE CITY'S BID NO. 13-13 FOR AN ADDITIONAL ONE YEAR, FOR SERVICES OF YEAR TWO OF OPTION TWO OF THE BID, IN THE TOTAL AMOUNT OF \$1,790,000.00 TO COMMENCE MAY 1, 2015**

**WHEREAS**, proposals were received for Bid Number 13-13 for the provisions of solid waste and recycling removal and processing services; and,

**WHEREAS**, One (1) bid proposal was received; the Purchasing Agent advised being:

<u>VENDOR</u>		<u>YEAR 1</u>	<u>YEAR 2</u>	<u>YEAR 3</u>	<u>YEAR 4</u>	<u>YEAR 5</u>
Cali Carting Inc.	option 1	\$1,860,000	\$1,890,000	\$1,920,000	\$1,965,000	\$1,995,000
	option 2	\$1,760,000	<b><u>\$1,790,000</u></b>	\$1,820,000	\$1,865,000	\$1,895,000

**WHEREAS**, pursuant to the recommendation of the Purchasing Department (attached hereto) the City entered into a one year contract with Cali Carting, which is set to expire, and the City now wishes to exercise its option to extend the contract for the goods and services specified in Bid No. 13-13, Option Two (5 Days a Week), for an additional one year term, to commence May 1, 2015, and further maintains its rights to the additional one year option to extend at the sole discretion of the City, and with the option to elicit Alternate B at the end of the current term (plus any and all applicable extensions) at the City's sole discretion, and Cali Carting Inc. submitted a responsible, and responsive bid; and,

**WHEREAS**, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$1,790,000.00 is available in the following appropriations: 5-01-26-305-020 in the CY2015 budget, which is anticipated to be passed in the coming weeks; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2014 budget; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: \_\_\_\_\_, George DeStefano, CFO

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

- A. This resolution exercises the City's option to extend the contract for the goods and services specified in Bid No. 13-13, Option Two (5 Days a Week), for an additional one year term, to commence May 1, 2015, and further maintains the City's rights to the additional one year option to extend at the sole discretion of the City, and with the option to elicit Alternate B at the end of the current term (plus any and all applicable extensions) at the City's sole discretion, and Cali Carting Inc. submitted a responsible, and responsive bid.
- B. The City exercises this one year option to extend in the total amount of One Million Seven Hundred Ninety Thousand Dollars (\$1,790,000.00), in year two under option two, with all options to extend and all funds thereunder subject to non-appropriation of funds and extension at the sole discretion of the City.
- C. 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 contract. The contract shall commence on May 1, 2015.
- D. The contract shall be in accordance with the terms of the specifications and the vendor's corresponding bid proposal documents. No exceptions were noted, so none will be allowable under the contract.
- E. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), 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 Councilman Cunningham

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

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

--Nays: None.

**15-198**

--By Councilman Mello

**RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH MARAZITI FALCON AS SPECIAL LEGAL COUNSEL- REDEVELOPMENT LITIGATION TO THE CITY OF HOBOKEN FOR CY2015 TO COMMENCE JANUARY 1, 2015 AND TO EXPIRE DECEMBER 31, 2015 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$50,000.00**

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

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

**WHEREAS**, *Maraziti Falcon is hereby required to continue to abide by the "pay-to-play" requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 et seq. of*

*the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates; and,*

**WHEREAS**, certification of funds is available as follows:

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$50,000.00 is available in the following appropriation 5-01-20-156-020 in the temporary CY2015 appropriations; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2015; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.**

**Signed: \_\_\_\_\_, George DeStefano, CFO**

**NOW THEREFORE, BE IT RESOLVED**, that a contract with **Maraziti Falcon** to represent the City as Special Legal Counsel- Redevelopment Litigation for CY 2015 be awarded., for a term to commence January 1, 2015 and expire December 31, 2015, for a total not to exceed amount of Fifty Thousand Dollars (\$50,000.00); and

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

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

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

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

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

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

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

--Motion duly seconded by Councilman Cunningham

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

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

**15-199**

---By Councilman Mello

**RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$13,023.46)**

**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 **\$13,023.46**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Tal N. Lee 2 Constitution Court #513 Hoboken, NJ 07030	262.03/1/C0513	2 Constitution Court	3&4/14	\$3,438.67
Anthony Battaglia 319 Grand Street #3 Hoboken, NJ 07030	52/11/C0003	319 Grand Street	3/14	\$2,966.91
634 Park Ave LLC P.O. Box 42 Hoboken, NJ 07030	168/22/C0002	634 Park Avenue	2/15	\$1,199.52
Corelogic P.O. Box 961230 Forth Worth, TX 76161-0230	261.03/1/C1107	1125 Maxwell Lane	4/14	\$3,689.37
David & Brooke Schwerin 17 Timber Drive North Caldwell, NJ 07006	27/17/C003B	132 Monroe Street	4/14	\$1,728.99

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

**15-200**

---By Councilman Doyle

**RESOLUTION TO ADOPT THE MINUTES OF THE MEETINGS OF THE CITY COUNCIL DATED: REGULAR MEETING OF MARCH 4, 2014**

**RESOLVED**, that filed minutes for the Hoboken City Council **Regular meeting of March 4, 2015** have been reviewed and approved by the Governing Body.

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: Mason

**15-201**

---By President Bhalla

**RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACT WITH THE BUZAK LAW GROUP AS SPECIAL LEGAL COUNSEL - LAND USE AND ENVIRONMENTAL LAW TO THE CITY OF HOBOKEN TO COMMENCE NOVEMBER 1, 2014 AND EXPIRE OCTOBER 31, 2015 FOR AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$30,000.00 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$80,000.00**

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

**WHEREAS**, the City of Hoboken published its annual Request for Proposals for the Professional Services of CY2014 Special Legal Counsel-Land Use and Environmental Law in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which The Buzak Law Group responded to, and a contract was thereafter entered into between The Buzak Law Group and the City for said services; and,

**WHEREAS**, the City Administration seeks to increase the total contract amount for said services by The Buzak Law Group, so that, in the course of representation of matters involving the acquisition of property, including without limitation the BASF and Ponte matters, Ed Buzak may, as same becomes necessary from time to time, immediately sub-contract for services of subcontractors to provide professional and/or licensed services relating to Ed Buzak’s representation of the City; and,

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

**WHEREAS**, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$30,000.00 is available in the following appropriation 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 CY2015; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: \_\_\_\_\_, George DeStefano, CFO

**NOW THEREFORE, BE IT RESOLVED**, that the contract with The Buzak Law Group to represent the City as Special Legal Counsel-Land Use and Environmental Law be amended, for a term to commence November 1, 2014 and expire October 31, 2015, for an increase in the not to exceed amount by \$30,000.00, for a total not to exceed amount of Eighty Thousand Dollars (\$80,000.00); and,

**BE IT FURTHER RESOLVED**, the contract shall include the following term:

1. The Buzak Law Group shall be paid maximum hourly rates of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20.00/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
2. The Buzak Law Group may subcontract for services, but all invoices of subcontractors shall be due and owing from Buzak Law Group – the City shall not directly pay for any subcontractor, and shall not be liable for same at law or in equity, except in favor of The Buzak Law Group upon proper invoicing after payment made to the subcontract; and,
3. The Buzak Law Group shall be responsible for ensuring that all subcontractors used on projects have and hold a valid New Jersey Business Registration Certificate, provide a valid and fully executed Stockholder Disclosure Statement, provide a valid and fully executed Pay to Play disclosure packet, and that all documents are forwarded to the City for review and approval prior to any payment by the City in favor of The Buzak Law Group for services rendered by said subcontractors.

**BE IT FURTHER RESOLVED**, 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 The Buzak Law Group; and

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

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

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

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

## ORDINANCES (cont'd)

### Introduction and First Reading

**15-202**  
**Z-343**

**AN ORDINANCE GRANTING AN EASEMENT TO HOBOKEN COVE, LLC FOR A NON-EXCLUSIVE RIGHT-OF-WAY ACROSS THE CITY OF HOBOKEN'S PROPERTY FOR THE PURPOSE OF INSTALL, CONSTRUCTING, RELOCATING, RECONSTRUCTING, ALTERING, EXTENDING, MAINTAINING, INSPECTING, REPAIRING AND OPERATING THE STORM WATER FACILITIES ON PROPERTY DESIGNATED AS BLOCK 269.3 LOT 1 ON THE TAX MAP OF THE CITY OF HOBOKEN**

**WHEREAS**, the City of Hoboken is a municipal corporation of the State of New Jersey; and

**WHEREAS**, municipalities are empowered to make, amend, repeal and enforce Ordinances pursuant to N.J.S.A. 40:48-1 et. seq.; and

**WHEREAS**, the Local Lands and Buildings Law under N.J.S.A. 40A:12-1 et seq. permits municipalities to grant easements and to obtain interests in easements pursuant to law; and

**WHEREAS**, Hoboken Cove, LLC is the owner of that certain real property designated as Block 269.3, Lot 1 on the tax map of the City of Hoboken, County of Hudson, State of New Jersey; and

**WHEREAS**, on April 1, 2014 Hoboken Cove, LLC received amended preliminary and final site plan approval from the City of Hoboken Planning Board to develop the property for residential and commercial use as more particularly detailed in the resolution adopted by the Planning Board on May 6, 2014; and

**WHEREAS**, pursuant to condition number six of the Planning Board Resolution, Hoboken Cove, LLC is obligated to construct and maintain storm water facilities, on property more specifically identified on exhibits A and B in the proposed stormwater facilities easement, a copy of which is annexed hereto; and

**WHEREAS**, the City of Hoboken grants to Hoboken Cove, LLC a non-exclusive easement over the easement area for the purpose of installing, constructing, relocating, reconstructing, altering, extending, maintaining, inspecting, repairing and operating the storm water facilities in accordance with the stormwater facilities easement a copy of which is annexed hereto; and

**WHEREAS**, it is the desire of the City Council of the City of Hoboken to grant the aforementioned easement as being in the best interest of the public.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Hoboken, County of Hudson, State of New Jersey, as follows:

**Section 1.**

The City Council of the City of Hoboken authorizes the granting to Hoboken Cove, LLC of a non-exclusive right-of-way and easement over, below, upon and across a portion of Block 269.3, Lot 1 on the tax map of the City of Hoboken, County of Hudson, State of New Jersey for the purpose of Hoboken Cove, LLC installing, constructing, relocating, reconstructing, altering, extending, maintaining, inspecting, repairing and operating the storm water facilities easement a copy of which is annexed hereto.

**Section 2.**

The appropriate City officials, the City Attorney, the City Clerk and such other city officials and/or professionals as may be necessary are authorized and directed to execute any and all documents on behalf of the City of Hoboken in regard to this matter.

**Section 3.**

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

**Section 4.**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 5.**

All ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.

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 **April 1, 2015 at 7:00 PM.**

---Motion duly seconded by Councilman Mello

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

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

Nays: None.

**NEW BUSINESS**

Councilwoman Castellano comments on Director Pellegrini about the issue brought before from Mr. Ray Smith.

Director Pellegrini comments that he will try to remove the (2) two bob cats.

Councilwoman Mason comments on the Claims box and cannot find the bill for the Karen English transcript, comments on the Rockefeller site, the dirt and covered around the fence, and how can we keep the debris from blowing everything.

BA Wiest comments that he will try to bring it to the owner's attention and if there is no compliance the City will take action.

Councilwoman Mason comments on PSE&G on trenches and how they are filling the trenches which are sinking down.

BA Wiest comments that they will bring this to PSE&G attention.

Director Morgan comments that if you can provide a list he can assist.

Councilwoman Mason comments on the light on 9<sup>th</sup> and Washington St. and the Willow Ave. park update.

Director Pellegrini comments that Boswell Engineering is designing a spec and hopefully in the next (2) two meetings and Elysian Field will be around April.

Director Morgan comments that he had no reports on the 9<sup>th</sup> and Washington

Councilwoman Mason comments on asking things in writing to the administration.

Council President comments that e-mail is fine and it's better to have it done in writing and give the Director's ability to review the Council's request and provide a communication at the meeting

Councilman Russo comments on the park on 3<sup>rd</sup> and Madison, the restrooms in the parks, is there any alternatives to provide restrooms for that park.

Director Pellegrini comments on not having any plans.

Councilman Doyle asks the Clerk's office minutes and has gotten better and the minutes are now up to date and it has been fairly consistent.

Councilman Doyle comments on the Transportation and Parking committee to consider another type of parking permit, i.e. contractors, have contacted him and has brought up the issue that they were living in town but have moved out but they do 90% of their business in town and have a difficult time parking in town daily for about 8 hours, is there a way to explore a frequent contract or permit, look into Jersey City which charges about \$500/year and it maybe something we can look into.

Director Morgan comments what about \$1,200 which is \$25/week and he spoke to Joe Bucino and the light was fixed on 9<sup>th</sup> and Washington.

Councilwoman Giattino comments that it will go into committee.

Councilman Occhipinti comments and thanks Director Morgan for answering questions for Mary Ondrejka and reads out the response from Director Morgan (see the printed out memo below)

1. Are visitor's passes for parking in Hoboken being phased out eventually?  
Yes or No? If so what will be used for rental cars? Answer: No
2. How much will the fine be if your car is still sitting in the parking space after the allotted 4 hours is up? Answer: \$30/\$68 non-permit.
3. Can you pay for more than 4 hours at a time so you do not have to keep going back to the parking meter to feed coins or insert a credit card? Answer: Not at this time.
4. Will one still be able to get some sort of pass or hang tag for your rental car that will allow you to park on the street even though you have an out of town license but are a resident in town? Answer: Temp Yes.
5. Who will be responsible for keeping the area around the parking meter snow and ice free?  
Will the owner of the house in which the meter sits in front of be the responsible party?  
Answer: They are responsible for their sidewalks.

Director Morgan comments that for snow removal it is not up to the owners to remove it if the meters are placed.

Councilman Occhipinti comments that they will install a shed for April 25<sup>th</sup> at 10AM and ask the council to give them a hand, there are some trees on Jackson and Harrison and need to be evaluated to determine if they are deceased and removed, a resident did bring up why 15<sup>th</sup> St. goes one way between Park and Willow and would that be able to be changed to a 2 way street, really like to see a RFP for a tenant advocate attorney.

Councilwoman Giattino comments on 5<sup>th</sup> and Bloomfield, the curb meeting the street, is there a timeline.

Director Morgan comments that it is on the punch-list.

Councilwoman Giattino comments on Director Pellegrini about the panels for 9-11 Memorial

Director Pellegrini comments that they found of 70 plus glass panels 4 were damaged and the rest are fine so they are now in design phase and will present it to the proper sub-committee.

Councilman Occhipinti comments if the memorial will be included to the budget.

BA Wiest comments that it is in the capital section of the budget but not sure the actual cost but will estimate it but will go bond for it.

Councilwoman Castellano comments that there was a donation.

BA Wiest comments around \$75,000.

Councilman Doyle comments that there is another pledge for the linear design but not pay for the whole thing.

Councilman Cunningham comments on the North committee and talked about the Western Edge and the transportation circulation plan, but are in good shape and not much on the Post Office, but we need to cover the base, bonus densities and hopefully address the issues next week and hopefully be in position to present it to the community in April and then present it to the Governing Body for a vote, and hopefully address the Post Office project, lastly follow-up with 311 for certain warrant studies and intersections.

Councilwoman Giattino comments that there will be counsel on the 24<sup>th</sup>. Budget hearing on March 28<sup>th</sup>.

Council President comments on the status for debris removal by the Hoboken Cove.

BA Wiest comments that it was resolution #7 this evening and will get that contract going and hopefully complete the project in April.

At 11:19 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 11:18 P.M.

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PRESIDENT OF THE COUNCIL

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CITY CLERK