

MEETING OF MAY 20, 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, MAY 20,  
2015 AT 7:00 PM**

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Council President opened the meeting at 7:10 P.M. and stated, "I would like to advise all those present that notice of this meeting has been provided to the public in accordance with the provisions of the Open Public 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 (via phone), Doyle, Giattino, Mason (see below), Mello, Russo, Occhipinti and President Bhalla

ABSENT: Mason (see below) \*\*\*\*\*

**Council President comments and would like to suspend the agenda to reflect on Memorial Day and those around the state and country for the service men and women who had sacrificed themselves.**

**Council President comments that Councilman Cunningham is present via cell phone at 7:13 PM**

**Council President comments and would like to hear resolution.**

**Councilwoman Castellano reads a letter from NJ Governor Chris Christie and thanks the Corea family for their Uncle for his service to our country.**

\*\*\*\*\*Councilwoman Mason arrives to the meeting at 7:22 PM\*\*\*\*\*

**Council President comments that we will hold resolution #3 and hear the public hearing for the Budget Amendments for CY 2015.**

**RESOLUTIONS**

**15-273**

---BY Councilman Mello

**RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CANCEL TAX SALE  
CERTIFICATES NOS. 080092, 09-80095 AND 097122 AND REFUND THE PRINCIPAL  
AMOUNTS PLUS INTEREST TO THE LIENHOLDERS**

**WHEREAS**, on December 10, 2008, the City of Hoboken sold Certificate of Sale No. 080092 to Isaac Moradi (the "**Moradi Certificate**") in the total principal amount of \$3,000.07 (with subsequent sales thereafter) relating to the unit listed as C00R1 on the tax rolls of the Tax Collector at the property at 1100 Adams Street commonly known as Block 104, Lot 1.1 on the tax map of the City of Hoboken (the "**Unit**"); and

**WHEREAS**, on June 25, 2009, the City of Hoboken sold Certificate of Sale No. 097122 to JMAM Investment (the "**JMAM 1 Certificate**") in the total principal amount of \$17,926.28 (with subsequent sales thereafter) relating to the Unit; and

**WHEREAS**, on June 25, 2010, the City of Hoboken sold Certificate of Sale No. 09-80095 to JMAM

Partners (the “**JMAM 2 Certificate**”, and together with the JMAM 1 Certificate, the “**JMAM Certificates**”) in the total principal amount of \$14,717.09 (with subsequent sales thereafter) relating to the Unit; and

**WHEREAS**, the Unit was assessed for payments in lieu of taxes in error; and

**WHEREAS**, the Tax Collector’s files confirm that the principal amount due on the Moradi Certificate in the amount of \$3,000.07 which is the result of the erroneous assessment of the Unit and the Tax Collector, along with Special Counsel of the City, recommends cancellation of the Moradi Certificate and a refund to the lienholder thereof in the total amount of \$3,204.25, which includes 5% interest plus recording fees.

**WHEREAS**, the Tax Collector’s files confirm that the principal amount due on the JMAM 1 Certificate in the amount of \$17,926.28 which is the result of the erroneous assessment of the Unit and the Tax Collector, along with Special Counsel of the City, recommends cancellation of the JMAM 1 Certificate and a refund to the lienholder thereof in the total amount of \$19,658.62, which includes 5% interest, the premium and the redemption premium.

**WHEREAS**, the Tax Collector’s files confirm that the principal amount due on the JMAM 2 Certificate in the amount of \$14,717.09 which is the result of the erroneous assessment of the Unit and the Tax Collector, along with Special Counsel of the City, recommends cancellation of the JMAM 2 Certificate and a refund to the lienholder thereof in the total amount of \$16,487.06, which includes 5% interest, the premium and the redemption premium.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken, County of Hudson and State of New Jersey, that resolution of tax liens on the Unit is in the best interests of the City and that the Tax Collector for the City of Hoboken be and is hereby authorized to take appropriate action to cancel (i) Certificate of Sale No. 080092 to Isaac Moradi in the amount of \$3,204.25 (ii) Certificate of Sale No. 097122 to JMAM Investment in the amount of \$19,658.62, and (iii) Certificate of Sale No. 09-80095 to JMAM Partners in the amount of \$16,487.06 all relating to the unit listed as C00R1 on the tax rolls of the Tax Collector at the property at 1100 Adams Street commonly known as Block 104, Lot 1.1 on the tax map of the City of Hoboken; and

**BE IT FURTHER RESOLVED**, that the Mayor or her agent is hereby authorized to enter into releases (the “**Releases**”) with the holders of the Moradi Certificate and the JMAM Certificates relating to the cancellation of their respective certificates; and

**BE IT FURTHER RESOLVED**, that the Tax Collector for the City of Hoboken is hereby authorized to forthwith issue tax refunds to (i) the holder of the Moradi Certificate in the amount of \$3,204.25, (ii) the holder of the JMAM 1 Certificate in the amount of \$19,658.62, and (iii) the holder of the JMAM 2 Certificate in the amount of \$16,487.06 all in accordance with the Releases.

---Motion duly seconded by Councilwoman Giattano

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

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

---Nays: None.

**Council motions to close the public hearing and seconded by the Governing Body.**

### **PUBLIC HEARING ON THE CY 2015 BUDGET AMENDMENT**

**No public comments**

**Finance Director gives the presentation for the Governing Body regarding the Total Tax Levy and 2015 Tax Increase Breakdown and the Change in Share of Total Property Tax**

**15-274**

By Councilman Mello

**RESOLUTION TO ADOPT THE 2015 CY BUDGET, AS AMENDED**

---Motion duly seconded by Councilwoman Giattino  
---Adopted by the following vote: YEAS: 8 – NAYS: 1 ABSENT: 0  
---Yeas: Council persons Castellano, Cunningham (via cell phone), Doyle, Giattino, Mello, Occhipinti, Russo and President Bhalla  
---Nays: Mason

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

AN ORDINANCE TO AMEND HOBOKEN CODE CHAPTER 110, ARTICLE VIII ENTITLED “DEMOLITION CONTAINERS” TO REVISE THE REQUIREMENTS FOR PLACEMENT AND PARKING RELATING TO DUMPSTERS AND DEMOLITION CONTAINERS (**sponsored by Councilwoman Giattino and Councilman Cunningham**) (**Z-348**) (**CARRIED TO THE JUNE 3, 2015 CCM**)

The speakers who spoke: Mary Ondrejka.

AN ORDINANCE TO AMEND CHAPTER 192-4 ENTITLED “ENUMERATION OF SPACES” (**Z-349**)

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

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 196 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF HOBOKEN (**sponsored by Councilman Doyle and Councilman Russo**) (**Z-350**) (**CARRIED TO JUNE 3, 2015**)

AN ORDINANCE TO AMEND HOBOKEN CODE SECTION 68-7 ENTITLED “FIVE HUNDRED FOOT RULE” TO REVISE THE REGULATIONS REGARDING RELATIONSHIPS BETWEEN DIFFERENT TYPES OF LICENSES (**Z-351**)

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 Councilman Russo  
---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 Councilwoman Giattino

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

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

---Nays: None.

AN ORDINANCE TO AMEND HOBOKEN CODE CHAPTER 194, ENTITLED  
“WATERFRONT” TO CODIFY AND REGULATE THE MOORING AND/OR  
ABANDONMENT OF VESSELS UPON CITY WATERFRONTS AND WATERWAYS  
(sponsored by Councilwoman Giattino and Councilman Cunningham) (Z-352) (**TABLING  
THE ORDINANCE**)

---Motion duly seconded by Councilman Mello

---**TABLED** by the following vote: YEAS: 9 – NAYS: 0

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

---Nays: None.

**Councilman Russo motions to table and seconded by Councilman Mello**

AN ORDINANCE AMENDING CHAPTER 190 ENTITLED “VEHICLES AND TRAFFIC” TO  
AMEND CIRCULATION REGULATIONS RELATING TO STOP STREETS (**Z-353**)

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, 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: 9 – NAYS: 0

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

---Nays: None.

AN ORDINANCE TO AMEND HOBOKEN CITY CODE SECTION 190-28 TO AMEND THE  
ENFORCEMENT REQUIREMENTS FOR PARKING BY PERSONS WITH A DISABILITY  
DURING ALTERNATE STREET PARKING **Councilwoman Giattino and Councilman  
Cunningham (Z-354)**

The speakers 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.

---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: 9 – NAYS: 0  
---Yeas: Council persons Castellano, Cunningham (via phone), Doyle, Giattino, Mason, Mello,  
---Occhipinti, Russo and President Bhalla  
---Nays: None.

### **PUBLIC COMMENTS**

The speakers who spoke: Mary Ondrejka, Patricia Waiters comments on resolution #5, Michael Evers, Dan Tumpson.

Councilman Occhipinti has left the table at 8:38 PM  
Councilman Occhipinti has returned to the table at 8:43 PM

Councilman Russo has left the table at 8:39 PM  
Councilman Russo has returned to the table at 8:49 PM

Councilwoman Giattino has left the table at 8:49 PM  
Councilwoman Giattino has returned to the table at 8:56 PM

Motioned by Council President and seconded by the Governing Body to go into a Closed Session.

City Clerk announces to the public that the Governing Body is entering into Closed Session at 9:00 PM  
\*\* At 9:02 P.M. Special Counsel Jong Sook Nee, Esq. has arrived to the table for the Closed Session \*\*

To go into Closed Session for 1 hour and no action will be taken during the Closed Session.

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

**Special Counsel Jong Sook Nee, Esq on behalf of McManimon and Scotland.**

### **CLOSED SESSION**

**15-275**

---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 (JONG SOOK NEE)  
RELATING TO ANTICIPATED LITIGATION IN THE MATTERS OF 1100 ADAMS**

## **STREET TAX LIENHOLDERS**

**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, Jong Sook Nee, Esq. 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.

**\*\*At 9:11 P.M. Special Counsel Jong Sook Nee, Esq. has left due to no other business during the Closed Session\*\***

**\*\* At 9:12 P.M. Special Counsel Andrew Brewer, Esq. has arrived to the table for the Closed Session \*\***

### **15-276**

---By President Bhalla

## **RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUANT TO ATTORNEY CLIENT PRIVILEGE (ANDREW BREWER, ESQ.) RELATING TO LEGAL ISSUES REGARDING THE CITY'S WORKFORCE HOUSING AT METROSTOP CONDOMINIUMS**

**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 for matters falling within attorney client privilege; and

**WHEREAS**, the City seeks to discuss the legal issues relating to the above listed matter, and the legal ramifications relating thereto; and

**WHEREAS**, one of the reasons to go into closed session is to receive advice from legal counsel, Andrew Brewer, Esq., of Maraziti Falcon, which is subject to attorney client privilege and/or which is offered regarding the above referenced matter; 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

**Special Counsel Andrew Brewer, Esq.**

**At 9:46 P.M. Special Counsel Andrew Brewer, Esq. has left due to no other business during the Closed Session**

### **15-277**

---By President Bhalla

**RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUANT TO ATTORNEY CLIENT PRIVILEGE RELATING TO LEGAL ISSUES REGARDING THE SUBMISSION OF A ZONING BOARD APPROVAL OF A (D) VARIANCE FOR 604 HUDSON STREET**

**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 for matters falling within attorney client privilege; and

**WHEREAS**, the City seeks to discuss the legal issues relating to the above listed matter, and the legal options and obligations of the governing body relating thereto; and

**WHEREAS**, one of the reasons to go into closed session is to receive advice from legal counsel, Corporation Counsel, which is subject to attorney client privilege and/or which is offered regarding the above referenced matter; 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.

**At 10:00 P.M. the Governing Body on a motion by Council duly seconded by the Council**

**The City Clerk then adjourned the Closed Session meeting at 10:00 P.M.**

**The Council has returned back to the regularly scheduled meeting at 10:04 PM**

**PETITIONS AND COMMUNICATIONS**

**15-278**

Communication from Mayor Dawn Zimmer appointing Peter Bakarich, III, as a commissioner and Amy Sommer as a 1<sup>st</sup> Alternate for the Hoboken Shade Tree Commission.

Received and Filed.

**15-279**

**APPLICATION FOR MISCELLANEOUS LICENSES**

Vendors-----2 items

Music Devices and Mechanical Machines-----1 item

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

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

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

---Nays: None.

**15-280**

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of April

2015 \$14,366,065.60 (Abatement Totals – \$498,455.51)

Received and Filed.

**15-281**

A report from Municipal Court indicating receipts for the month of April 2015 as \$443,545.11.

Received and Filed.

**15-282**

---By Councilman Mello

**CLAIMS**

Total for this agenda \$1,424,330.55

---Motion duly seconded by Councilwoman Giattino

---Adopted by the following vote: YEAS: 9 – NAYS: 2 - ABSTAIN: 3

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

---Nays: Castellano 15-01658, Mason 15-01658

---Abstain: Mason 13-00129, 15-00235, Bhalla 15-00250, Doyle 13-00129

**15-283**

---By Councilman Mello

**PAYROLL**

For the two week period starting April 23, 2015 – May 6, 2015

<b>Regular Payroll</b>	<b>O/T Pay</b>	<b>Other Pay</b>	
\$1,634,685.29	\$79,858.24	\$168,952.61	
<b>Total</b>			\$1,883,496.14

**FIRE BANKED VACATION DAYS**

**Other Pay**  
\$381,250.46

**Total**  
\$381,250.46

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

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

Pulled from the agenda for discussion: 5, 6, 10, 13, 16, 17  
Removed by Administration:

### **RESOLUTIONS (CONT'D)**

#### **15-284**

---By Councilman Mello

#### **THIS RESOLUTION RE-APPOINTS JAMES SANFORD TO THE HOBOKEN HOUSING AUTHORITY FOR AN ADDITIONAL (5) FIVE YEAR TERM WHICH WILL EXPIRE ON MAY 3, 2020**

**WHEREAS**, pursuant to the Code of the City of Hoboken 38-1, the City of Hoboken has established a Housing Authority; and

**WHEREAS**, the Code of the City of Hoboken 38-2 provides for seven (7) members to serve on the Hoboken Housing Authority Board; and

**WHEREAS**, New Jersey law gives authority to the City Council to appoint (5) five members serving on the Hoboken Housing Authority Board; and

**WHEREAS**, there is currently an expired position on the Hoboken Housing Authority Board, due to the expiration of the prior term of James Sanford, and the commissioner's term shall commence immediately and shall expire on May 3, 2020; and

**WHEREAS**, the City Council wishes to appoint James Sanford of 1214 Washington Street, #3, Hoboken, New Jersey 07030 to the position.

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Hoboken hereby reappoints **James Sanford of 1214 Washington Street, #3, Hoboken, New Jersey 07030**, to serve as a member of the Hoboken Housing Authority in his own recently expired term of Commissioner, for a new five (5) year term, which shall commence immediately upon oath, and shall expire on May 3, 2020.

---Motion duly seconded by President Bhalla

---Adopted by the following vote: YEAS: 5 – NAYS: 4

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

---Nays: Castellano, Mason, Occhipinti, Russo

#### **15-285**

---By Councilman Mello

#### **RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACT WITH MASER CONSULTING AS PROFESSIONAL PLANNERS FOR THE WESTERN EDGE REDEVELOPMENT PLAN TO THE CITY OF HOBOKEN TO COMMENCE MAY 21, 2015 AND EXPIRE MAY 20, 2016 FOR AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$10,400.00 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$59,850.00**

**WHEREAS**, service to the City as Professional Planner 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 published RFP's for a Professional Planner for the Western Edge Redevelopment Plan in accordance with the Fair and Open Process, which Maser Consulting responded to, and the City thereafter, in May of 2014, contracted with Maser for said services, through May 21, 2015, and for a not to exceed amount of \$49,450.00; and,

**WHEREAS**, the City now seeks to amend said contract to increase the term, to expire on May 20, 2016, and for an increase in the not to exceed amount by \$10,400.00 for a total not to exceed amount of \$59,850.00 (\$48,161.53 of the original \$49,450.00 has been spent as of 5/12/2015); and,

**WHEREAS**, Section 20A-4H of the Municipal Code permits a waiver of the fair and open requirements, including those set forth in Sections 20A-1 through 4, if compliance with all or part of those requirements is impracticable; and

**WHEREAS**, the City has determined that compliance with all or part of those requirements is impracticable because of Masers specific and exceptional knowledge of the conditions of this project, and their substantial and ongoing work on said project; and

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

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

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$10,400.00 is available in the following appropriations 5-01-21-181-036 in the CY2015 temporary appropriations; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2015 budget.**

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

**NOW THEREFORE, BE IT RESOLVED**, *(a majority of the full council voting affirmatively in accordance with Hoboken City Code Section 20A-4H)* that the contract with Maser Consulting to represent the City as Professional Planner to the Western Edge Redevelopment Plan be amended, to increase the term, to expire on May 20, 2016, and for an increase in the not to exceed amount by \$10,400.00 for a total not to exceed amount of \$59,850.00; and

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

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

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

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

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

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

**15-286**

---By Councilman Mello

**AUTHORIZATION FOR THE CITY OF HOBOKEN TO ENTER INTO THE ATTACHED  
“ACCESS AGREEMENT” WITH STEVENS INSTITUTE OF TECHNOLOGY FOR HOWE  
CENTER ACCESS**

**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 access to the Howe Center for security related purposes; 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: 9 – NAYS: 0

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

---Nays: None.

**15-287**

---By Councilman Mello

**AUTHORIZATION FOR THE CITY OF HOBOKEN TO ENTER INTO THE ATTACHED  
“MAINTENANCE AND ACCESS AGREEMENT BETWEEN THE COUNTY OF HUDSON  
AND THE CITY OF HOBOKEN FOR THE COUNTY’S RIGHT OF WAY AREA UNDER THE  
14<sup>TH</sup> STREET VIADUCT”**

**BE IT RESOLVED**, that the City Council of the City of Hoboken (the “City”) hereby approves the attached Maintenance and Access Agreement between the City and the County relating to the 14<sup>th</sup> Street Viaduct; 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: 9 – NAYS: 0

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

---Nays: None.

**15-288**

---By Councilman Mello

**RESOLUTION APPROVING CHANGE ORDER NO. 1 AND FINAL FOR THE 2013 ROAD**

**PROGRAM PROJECT FOR THE CITY OF HOBOKEN IN THE REDUCTION AMOUNT OF \$3,677.22**

**WHEREAS**, the City Council originally awarded a contract for the 2013 Road Program Project to Reggio Construction, Inc. in the amount of \$395,406.25; and

**WHEREAS**, said amount contained a computational error of \$30.00 and thus the contract award should have been \$395,436.25, or \$30.00 more than the actual amount awarded; and

**WHEREAS**, the project is now complete and the project engineer, Remington & Vernick Engineers, has determined the final, as-built quantities and contract costs, and has summarized same in a letter dated May 5, 2015 (copy attached), and recommends the adoption of Changer Order #1 and Final which would result in a final amended contract price of \$391,729.03, which amount is \$3,677.22 less than the amount of the contract originally awarded; and

**WHEREAS**, certification of funds is not necessary for this resolution;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council does hereby approve Change Order #1 and Final in the **reduction** amount of Three Thousand Six Hundred Seventy-Seven Dollars and Twenty-Two Cents (\$3,677.22) for a final amended contract price of Three Hundred Ninety-One Thousand Seven Hundred Twenty-Nine Dollars and Three Cents (\$391,729.03).

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

**15-289**

---By Councilman Mello

**RESOLUTION TO AMEND THE AWARD OF A CONTRACT TO STARR WHITEHOUSE FOR THE PROVISIONS OF DESIGN, PERMITTING AND CONSTRUCTION OVERSIGHT FOR BLOCK 12 FOR THE CITY IN ACCORDANCE WITH THE CURRENT CONTRACT, WITH NO CHANGE IN THE EXPIRATION DATE, BUT WITH AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$93,791.00, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$507,342.00.**

**WHEREAS**, the City previously awarded a design, permitting and construction oversight contract to Starr Whitehouse for Block 12 as well as later amendments, for a total not to exceed amount of \$413,551.00 through December 31, 2015, in accordance with applicable Local Public Contract and Pay to Play laws; and,

**WHEREAS**, the City now seeks to further amend that contract with an increase in the contract amount by \$90,751.00 in accordance with the attached May 4, 2015 proposal for a new total contract amount of \$507,342.00 (\$177,975.00 of the current contract amount of \$413,551.00 remains as of 5/13/2015); and,

**WHEREAS**, the contractor shall be required to continue to abide by the City and State Pay to Play laws and all related contract compliance laws; and,

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

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$90,751.00 is available in the following appropriations C-04-60-711-120 in the open space parks bond; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available 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 amends the contract to Starr Whitehouse, for an additional \$93,791.00 (for services as described in the attached May 4, 2015 proposal of Starr Whitehouse); and, aside from the change in contract amount and change in services, the remainder of the terms shall be in accordance with the original agreement and all attachments thereto; to the extend the attached May 4, 2015 seeks to amend any terms other than the contract amount and services, same shall be rejected.

B. The Mayor or her designee is hereby authorized to take the necessary steps to enter into an amendment to the contract, as redefined by this resolution, and any other steps necessary to effectuate this resolution.

C. This resolution shall be posted and published in accordance with all applicable laws, and shall take effect immediately upon passage.

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

---Motion duly seconded to amend by Councilmen Occhipinti, Russo

---**AS AMENDED** by the following vote: YEAS: 8 – NAYS: 0 -PRESENT: 1

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

---Nays: None.

---Present: Castellano

**Councilman Occhipinti motions to amend the price and seconded by Councilman Russo**

**15-290**

---By Councilman Mello

**RESOLUTION GRANTING CONSENT TO 109 HOLDINGS, LLC'S SUBMISSION OF A TWA-1 TO THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION'S DIVISION OF WATER QUALITY**

**WHEREAS**, 109 Holdings, LLC has a construction site at 1200-1222 Clinton St., Block 110, Lot 1, in the City of Hoboken; and,

**WHEREAS**, 109 Holdings, LLC has requested the City of Hoboken provide consent to submission of Water Quality application forms to the New Jersey Department of Environmental Protection ("NJDEP"); and,

**WHEREAS**, the City Engineer has reviewed the application and takes no exception to it, pursuant to the attached letter from Boswell Engineering dated April 24, 2015; and,

**WHEREAS**, the City Council feels it is appropriate to grant 109 Holdings, LLC's request to submit an application to the NJDEP regarding water quality at the site,

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the City of Hoboken hereby grants its consent to 109 Holdings, LLC's request to submit a TWA-1 application to the Water Quality Division of the NJDEP regarding 1200-1222 Clinton St., Block 110, Lot 1; and,

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

---Motion duly seconded by Councilwoman Giattino

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

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

**15-291**

---By Councilman Mello

**RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACT WITH PARKER MCCAY AS SPECIAL LEGAL COUNSEL- BOND COUNSEL TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2015 AND EXPIRE DECEMBER 31, 2015 FOR AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$20,000.00, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$55,000.00**

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

**WHEREAS**, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel-Bond Counsel in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Parker McCay responded to, and for which the City awarded the annual contract in January of 2015; and,

**WHEREAS**, the City now wishes to amend the contract to increase the not to exceed amount by \$20,000.00 for a total not to exceed amount of \$55,000.00 (there is \$5,613.07 left of the original \$35,000.00 contract as of 5/13/2015); and,

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

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

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

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

**NOW THEREFORE, BE IT RESOLVED**, that the contract with Parker McCay to represent the City as Special Legal Counsel- Bond Counsel be amended, for a term to commence January 1, 2015 and expire December 31, 2015, for an increase in the not to exceed amount by \$20,000.00, for a total not to exceed amount of Fifty Five Thousand Dollars (\$55,000.00); and

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

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

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

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

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

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

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

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

### **15-292**

---By Councilman Mello

## **RESOLUTION AUTHORIZING THE USE OF THE COMPETITIVE CONTRACTING PROCESS FOR THE CITY'S AV AND WEB STREAMING OF CITY EVENTS, INCLUDING WITHOUT LIMITATION CITY COUNCIL MEETINGS, FOR UP TO FIVE (5) YEARS BASED ON THE PROPRIETARY GOODS PURCHASE EXEMPTION TO BIDDING UNDER N.J.A.C. 5:34-9.1**

**WHEREAS**, the City of Hoboken seeks to contract for a AV and Web Streaming of City events, including but not limited to City Council meetings, in accordance with the proprietary software exemption to bidding, and in accordance with competitive contracting laws, for up to five (5) years; and,

**WHEREAS**, pursuant to N.J.A.C. 5:34-9.1, the purchase is of proprietary goods and services because, "these goods and services are proprietary for specific brand/company. There are several brands available; however, the equipment and software will not work if there is any attempt to mix and/or match the different brands and/or companys' software together. Once the initial software is purchased from the successful vendor, any additional software and equipment must be supplied by the same brand/company, otherwise the functionality and the performance of the entire system will greatly undermined, and may become completely unusable:", pursuant to the Certification of the Purchasing Agent, attached hereto.

**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 be authorized in lieu of public bidding for this procurement, in accordance with N.J.A.C. 5:34-9.1, and may be initiated by the Purchasing Agent/Business Administrator for the purpose of contracting AV and Web Streaming services for the City for a period up to five (5) years.

The speaker who spoke: Rob Weber.

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

**15-293**

---By Councilman Mello

**RESOLUTION TO APPROVE A LICENSE AGREEMENT BETWEEN THE CITY OF HOBOKEN AND 600 HARRISON LLC, OWNER OF BLOCK 72 LOT 1 (a/k/a 600 Harrison Street), FOR USE AND MAINTENANCE OF A PORTION OF THE PUBLIC RIGHT OF WAY ADJACENT TO SAID PROPERTY**

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

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

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

**WHEREAS**, the applicant desires to receive and the City of Hoboken agrees to grant to 600 Harrison LLC, owner of Block 72 Lot 1, more commonly known as 600 Harrison Street, Hoboken, represented by David Ennis, such a license.

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

- 1) Approval of the attached License Agreement between the City of Hoboken and 600 Harrison LLC, owner of Block 72 Lot 1, more commonly known as 600 Harrison Street, represented by David Ennis, shall be subject and limited to the details and specifications included in the attached Application, survey by Caulfield Assoc. dated March 19, 2014 and Site Planting Plan drawings by Nastasi Architects dated October 30, 2014;
- 2) The Mayor or her agent is hereby authorized to enter into the attached agreement; and
- 3) This resolution shall become effective immediately up adoption.

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

---Abstain: Giattino

**15-294**

---By Councilman Mello

**RESOLUTION AWARDING A CONTRACT TO GOLD TYPE BUSINESS MACHINES, INC. TO PURCHASE THREE (3) TOUGHBOOK LAPTOP FOR THE HOBOKEN POLICE DEPARTMENT IN ACCORDANCE WITH NJ STATE CONTRACT M-0483/75583 IN THE TOTAL AMOUNT NOT TO EXCEED \$14,832.92**

**WHEREAS**, the City of Hoboken requires three (3) Toughbook laptop for the police patrol cars; and,

**WHEREAS**, the Administration intends to use Gold Type Business Machines, Inc. under their state contract #M-0483/75583, for said services and provisions; and,

**WHEREAS**, in accordance with the direction of the Administration, the City Council is asked to award a contract for three (3) ToughBook laptops to Gold Type Business Machines, Inc. for a not to exceed amount of Fourteen Thousand Eight Hundred Thirty Two Dollars and Ninety Two Cents (\$14,832.92), for goods and services as described in the attached proposal from Gold Type Business Machines, Inc., dated April 28, 2015; and ,

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

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that funds are available from the following appropriations: \$14,832.92 - 5-01-25-241-069 in the CY2015 budget, as presented at the May 20, 2015, upon adoption of said budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2015; 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 Fourteen Thousand Eight Hundred Thirty Two Dollars and Ninety Two Cents (\$14,832.92), for goods and services as described in the attached proposal from Gold Type Business Machines, Inc., dated April 28, 2015, as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the attached proposal and Purchasing Agent recommendation shall govern contract, and no changes may be made without the prior written consent of both parties.
3. Any change orders which shall become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
4. This agreement shall be subject to a standard non-appropriation clause in favor of the City of Hoboken.
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:

Gold Type Business Machines, Inc.  
351 Paterson Avenue  
East Rutherford, NJ 07073

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

**15-295**

---By Councilman Mello

**RESOLUTION AWARDING A PROFESSIONAL SERVICE CONTRACT TO EXCEL ENVIRONMENTAL FOR CITY LSRP FOR THE NORTHWEST RESILIENCY PLAN IN AN AMOUNT NOT TO EXCEED NINETEEN THOUSAND EIGHT HUNDRED THIRTY DOLLARS (\$19,830.00) FOR A TERM TO EXPIRE DECEMBER 31, 2015**

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

**WHEREAS**, the Administration evaluated the proposal provided in response to said RFP, and the Administration thereafter determined that Excel Environmental qualified as a pool LSRP firm to provide the City with the most effective and efficient City LSRP 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 Excel Environmental for the City's LSRP services for the North West Resiliency Plan for a total contract amount of Nineteen Thousand Eight Hundred Thirty Dollars (\$19,830.00), with a term to commence immediately 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 \$19,830.00 is available in the following capital appropriation C-04-60-711-120 of the City's capital funds; 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 City's 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 Nineteen Thousand Eight Hundred Thirty Dollars (\$19,830.00), with a term to commence immediately and expire December 31, 2015, for services as CY2015 Municipal LSRP for the North West Resiliency Plan, as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the original RFP and the Excel Environmental responsive proposal shall govern the contract, subject to the additional terms and funding of Excel's attached May 5, 2015 project specific proposal, 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 for this specific project which requires LSRP assistance. This award is project based, and the contract amounts hereunder

- are subject to non-appropriation of City funds for any future year or additional amounts.
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:

EXCEL ENVIRONMENTAL RESOURCES, INC.  
111 NORTH CENTER DRIVE  
NORTH BRUNSWICK, NJ 08902

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

---Present: Castellano

**15-296**

---By Councilman Mello

**RESOLUTION AWARDED A CONTRACT TO MOLA IRON WORKS TO FABRICATE AND INSTALL WROUGHT IRON FENCE AT THE CITY'S COMMUNITY GARDEN IN ACCORDANCE WITH THE PROPOSAL DATED FEBRUARY 3, 2015 IN THE TOTAL AMOUNT NOT TO EXCEED \$28,000.00**

**WHEREAS**, N.J.S.A. 40A:11-3 permits municipalities to award public contracts without public bidding when the price of goods is more than \$5,400.00 but less than \$36,000.00, subject to receipt of at least two competitive proposals; and,

**WHEREAS**, the City requires to fabricate and install 6-foot metal fence at Community Garden in Jackson Street, which service is between \$5,400.00 and \$36,000.00, and the City obtained two competitive quotes from iron and welding vendors, and found MOLA's proposal to be the most cost effective for the City; and

**WHEREAS**, pursuant to the recommendation of the Purchasing Department, which is attached hereto, the City wishes to contract for goods and services as described in the attached proposal from Mola Iron Works, dated February 3, 2015; and,

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

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that funds are available from the following appropriations: \$28,000.00 from C-04-60-713-110 in the CY2015 capital budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the 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 a contract with the below listed vendor is awarded for an amount for a not to exceed total contract amount of Twenty Eight

Thousand Dollars (\$28,000.00), for goods and services as described in the attached proposal from Mola Iron Works dated February 3, 2015, as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. 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.
3. Any change orders which shall become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
4. This agreement shall be subject to a standard non-appropriation clause in favor of the City of Hoboken.
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:

Mola Iron Works  
61 Paterson Avenue  
Hoboken, NJ 0703

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

**15-297**

---By Councilman Mello

**RESOLUTION AWARDED A CONTRACT TO BEYER FORD LLC. TO PURCHASE TWO (2) SUV VEHICLES FOR THE HOBOKEN POLICE DEPARTMENT IN ACCORDANCE WITH BEYER FORD'S NJ STATE CONTRACT T2776/83013, IN THE TOTAL AMOUNT NOT TO EXCEED \$77,027.50**

**WHEREAS**, the City of Hoboken requires two (2) SUV vehicles for the Hoboken Police Department; and,

**WHEREAS**, the Administration intends to use Beyer Ford LLC through their NJ state contract # T2776/83013, for said goods and provisions; and,

**WHEREAS**, in accordance with the direction of the Administration, the City Council is asked to award a contract for two (2) SUV vehicles to Beyer Ford LLC for a total not to exceed amount of Seventy Seven Thousand Twenty Seven Dollars and Fifty Cents (\$77,027.50), for the two (2) SUV's, with accessories, as described in the attached proposal from Beyer Ford LLC, dated May 13, 2015; and,

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

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that funds are available from the following appropriations: \$77,027.50 from 5-01-44-900-005 in the CY2015 budget, as presented at the May 20, 2015 city council meeting, upon adoption of said budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2015; 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 hereby awarded for a total not to exceed amount of Seventy Seven Thousand Twenty Seven Dollars and Fifty Cents (\$77,027.50) for goods and services as described in the attached proposal from Beyer Ford LLC, dated May13, 2015, as follows:

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, along with the underlying NJ State 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.

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:

Beyer Ford LLC  
170 Ridgedale Avenue  
Morristown, NJ 07960

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

**15-298**

---By Councilman Mello

**RESOLUTION AWARDING A CONTRACT TO CHAS S WINNER INC. TO PURCHASE TWO (2) SEDAN VEHICLES FOR THE HOBOKEN POLICE DEPARTMENT IN ACCORDANCE WITH WINNER FORD'S NJ STATE CONTRACT T2776/88728, IN A TOTAL AMOUNT NOT TO EXCEED \$66,138.00**

**WHEREAS**, the City of Hoboken requires two (2) sedan vehicles for the Hoboken Police Department; and,

**WHEREAS**, the Administration intends to use Chas S Winner Inc. through their NJ state contract #T2776/88728, for said goods and provisions; and,

**WHEREAS**, in accordance with the direction of the Administration, the City Council is asked to award a contract for two (2) vehicles to Chas S Winner Inc. for a total not to exceed amount of Sixty Six Thousand One Hundred Thirty Eight Dollars (\$66,138.00), for two (2) sedan vehicles, as described in the attached proposal from Chas S Winner Inc., dated May 14, 2015 and,

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

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that funds are available from the following appropriations: \$66,138.00 from 5-01-25-242-020 in the CY2015 budget, as presented at the May 20, 2015 City Council meeting, upon adoption of said budget; and I further certify that this**

**commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2015; 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 a total amount not to exceed Sixty Six Thousand One Hundred Thirty Eight Dollars (\$66,138.00), for the two (2) sedan vehicles, as described in the attached proposal from Chas S Winner Inc., dated May 14, 2015, as follows:

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

Chas S Winner Inc.  
DBA Winner Ford  
250 Berlin Road  
Cherry Hills, NJ 08034

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

**15-299**

---By Councilman Mello

**RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE UNITED STATES DEPARTMENT OF TRANSPORTATION FOR TRANSPORTATION INFRASTRUCTURE GENERATING ECONOMIC RECOVERY (TIGER) TO REHABILITATE, RESURFACE AND REVITALIZE WASHINGTON STREET**

**WHEREAS**, the United States Department of Transportation has announced that it is accepting applications for its "TIGER" grant program which are due June 5, 2015; and

**WHEREAS**, the "TIGER" (Transportation Investment Generating Economic Recovery) grant program provides federal funding for capital investments in surface transportation infrastructure for projects that leverage resources, encourage partnerships, catalyze investment and growth, fill a critical void in the transportation system or provide a substantial benefit to the nation, region or metropolitan area in which the project is located. Transformative investments anchor broad and long-lasting, positive changes in economic development, safety, quality of life, environmental sustainability or state of good repair; and

**WHEREAS**, Washington Street is Hoboken's "Main Street" and central business district, a major retail corridor, a major transit/intermodal corridor, a designated historic district and is a regionally significant economic engine for northern New Jersey and the New York metropolitan area; and

**WHEREAS**, in 2010 the American Planning Association recognized Washington Street as one of the top 10 "Great Places in America"; and

**WHEREAS**, in 2014 the New Jersey chapter of the American Planning Association recognized Hoboken's downtown as one of the top "Great Places in New Jersey"; and

**WHEREAS**, Washington Street's infrastructure is antiquated and in need of major repair and rehabilitation; and

**WHEREAS**, the City of Hoboken completed a redesign plan to make Washington Street into a "complete street" with an engineer's estimate of probable construction costs of approximately \$14 million; and

**WHEREAS**, the City of Hoboken wishes to submit a TIGER grant application to the United State Department of Transportation (USDOT) requesting \$14 million for the rehabilitation, resurfacing and revitalization of Washington Street; and

**WHEREAS**, successful TIGER grant applications require a local match of at least 20% of the project costs; and

**WHEREAS**, the City of Hoboken has received notice from the New Jersey Department of Transportation that it is receiving \$457,030 in Municipal Aid funds for the Washington Street project; and

**WHEREAS**, the City of Hoboken is committed to replacing the underground water main beneath Washington Street which is an integral part of the project; and

**WHEREAS**, the estimated cost of the water main replacement portion of the Washington Street project is approximately \$5 million and will be used by the City toward the local match requirement; 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 or her designee is hereby authorized to submit said grant application to the United States Department of Transportation on behalf of the City of Hoboken.

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: Castellano

**15-300**

---By Councilman Mello

**A RESOLUTION TO AUTHORIZE A CONTRACT WITH BOSWELL ENGINEERING FOR ENGINEERING SERVICES RELATING TO THE CITY'S SIDEWALK REHABILITATION PROJECT FOR A ONE YEAR TERM, TO COMMENCE IMMEDIATELY AND EXPIRE ON MAY 5, 2016, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$13,100.00**

**WHEREAS**, service to the City as Engineer 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**, in accordance with the fair and open process, the City previously issued an annual engineering RFP, authorized a pool of prequalified engineers therefrom, of which Boswell Engineering was authorized as a pool engineer for CY2015; and,

**WHEREAS**, the City requested a proposal from Boswell Engineering for the engineering oversight of the Sidewalk Rehabilitation Project at the Multiservice Center, which Boswell Engineering responded to with the attached proposal, dated 5/11/2015, and the City now seeks to contract with the named firm for said services in accordance with the attached proposal; and,

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

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

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$13,100.00 is available in the following appropriations G-55-56-CD3-301 in the CY2015 capital account; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2015 capital account; and I further certify that the funds being appropriated are intended for the purposes herein authorized.**

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

**NOW THEREFORE, BE IT RESOLVED**, that the City Council authorizes a contract be awarded and entered into by the City’s administration as follows: Boswell Engineering for Engineering Oversight of the Sidewalk Rehabilitation Project at the Multiservice Center, with a not to exceed amount of \$13,100.00 (pursuant to Boswell Engineering’s attached 5/11/2015 proposal) for a term to commence May 6, 2015 and expire May 5, 2016; and

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

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

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

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

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

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

**15-301**

---By Councilman Mello

**RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$6,067.21)**

**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 **\$6,067.21**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
BCB COMMUNITY BANK 595 AVENUE C BAYONNE, NJ 07002 ATTN: LOAN SERVICING/ M VELASQUEZ	76/27	614 JEFFERSON ST	1/15	\$4,073.37
PETER HSU 4508 NE 38 <sup>TH</sup> STREET SEATTLE, WA 98105	1/17/C005B	72-74 PARK AVENUE	2/15	\$1,993.84

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

**15-302**

---By Councilman Mello

**RESOLUTION AUTHORIZING THE REFUND OF TAX APPEALS STATE TAX COURT (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$50,164.58)**

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

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

**NOW THEREFORE BE IT RESOLVED**, that a warrant be drawn on the City Treasury made payable to the following totaling **\$50,164.58**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
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<b>Spiotti &amp; Esposito, P.C.</b>	<b>152/3.01</b>	<b>720 Clinton St</b>	<b>2012</b>	<b>\$6,303.25</b>
<b>271 US Highway 46, Ste. F105-106 Fairfield, NJ 07004-2471</b>				
<b>Spiotti &amp; Esposito, P.C.</b>	<b>152/3.01</b>	<b>720 Clinton St</b>	<b>2013</b>	<b>\$6,366.95</b>
<b>271 US Highway 46, Ste. F105-106 Fairfield, NJ 07004-2471</b>				
<b>Spiotti &amp; Esposito, P.C.</b>	<b>159/8</b>	<b>727-733 Clinton St</b>	<b>2012</b>	<b>\$3,572.00</b>
<b>271 US Highway 46, Ste. F105-106 Fairfield, NJ 07004-2471</b>				
<b>Spiotti &amp; Esposito, P.C.</b>	<b>159/8</b>	<b>727-733 Clinton St</b>	<b>2013</b>	<b>\$3,608.10</b>
<b>271 US Highway 46, Ste. F105-106 Fairfield, NJ 07004-2471</b>				
<b>Spiotti &amp; Esposito, P.C.</b>	<b>152/3.02</b>	<b>351 Eighth St</b>	<b>2012</b>	<b>\$11,708.75</b>
<b>271 US Highway 46, Ste. F105-106 Fairfield, NJ 07004-2471</b>				
<b>Spiotti &amp; Esposito, P.C.</b>	<b>152/3.02</b>	<b>351 Eighth St</b>	<b>2013</b>	<b>\$11,827.07</b>
<b>271 US Highway 46, Ste. F105-106 Fairfield, NJ 07004-2471</b>				
<b>Spiotti &amp; Esposito, P.C.</b>	<b>159/7</b>	<b>721 Clinton St</b>	<b>2012</b>	<b>\$1,895.25</b>
<b>271 US Highway 46, Ste. F105-106 Fairfield, NJ 07004-2471</b>				
<b>Spiotti &amp; Esposito, P.C.</b>	<b>159/7</b>	<b>721 Clinton St</b>	<b>2013</b>	<b>\$1,914.40</b>
<b>271 US Highway 46, Ste. F105-106 Fairfield, NJ 07004-2471</b>				
<b>The Davidson Legal Group, LLC</b>	<b>17/49/C0002</b>	<b>502 Observer Hwy</b>	<b>2014</b>	<b>\$2,968.81</b>
<b>154 South Livingston Avenue, Suite 207 Livingston, NJ 07039</b>				

---Motion duly seconded by Councilwoman Giattino  
---Adopted by the following vote: YEAS: 9 – NAYS: 0

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

**15-303**

---By Councilman Mello

**RESOLUTION TO ADOPT THE MINUTES OF THE MEETINGS OF THE CITY  
COUNCIL DATED: REGULAR MEETING OF MAY 6, 2014**

**RESOLVED**, that filed minutes for the Hoboken City Council **Special and Regular meeting of May 6, 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  
---Yeas: Council persons Castellano, Cunningham (via cell phone), Doyle, Giattino, Mello, Occhipinti, Russo and President Bhalla  
---Nays: Mason

**15-304**

---By Councilman Mello

**RESOLUTION AWARDING A CONTRACT TO ABSOLUTE FIRE PROTECTION  
COMPANY, INC. FOR THE PROVISIONS OF MAINTENANCE SERVICES FOR FIRE  
APPARATUS IN ACCORDANCE WITH THE CITY'S BID NO. 15-12 IN THE TOTAL NOT TO  
EXCEED AMOUNT OF \$50,300.00**

**WHEREAS**, bids were received for Maintenance Services for Fire Apparatus, as specified in Bid Number 15 - 12; and,

**WHEREAS**, three (3) responsible and responsive bids were received, being:

<u>VENDOR</u>	<u>BIDS</u>
a. Absolute Fire Protection Company, Inc. 2800 Hamilton Boulevard South Plainfield, NJ 07080	Labor Rate: \$95.00/HR Parts Discount: 15% Bid Price: \$50,300.00
b. First Priority 2444 Ridgeway BLVD Manchester, NJ 08759	Labor Rate: \$85.00/HR Parts Discount: 20% Bid Price: \$57,400.00
c. Campbell Supply Co., LLC 1016 Cranbury S River Road Monroe, NJ 08831	Labor Rate: \$114.00/HR Parts Discount: 20% Bid Price: \$72,208.26

**WHEREAS**, pursuant to the recommendation of the Purchasing Department, which is attached hereto, the City wishes to contract for the services and related goods in accordance with the provisions of City's Bid No. 15 - 12; and

**WHEREAS**, Absolute Fire Protection Company, Inc. shall provide the City with service for one (1) year, commencing May 21, 2015 and expiring May 20, 2015; and

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

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that funds are available from the following appropriations: \$50,300.00 from 5-01-25-266-032 in the CY2015 budget, as presented at the May 20, 2015 City Council meeting, upon adoption of said budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2015; 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 Absolute Fire Protection Company, Inc. for Bid No. 15-12, in the total not to exceed amount of Fifty Thousand Three Hundred Dollars (\$50,300.00) for Maintenance Services of Fire Apparatus, and said contract shall be awarded to Absolute Fire Protection Company, Inc. in accordance with the specifications as set forth in Bid No. 15-12.
- 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 bid proposal and Purchasing Agent'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 Councilwoman Giattino

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

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

---Nays: None.

## ORDINANCES

### Introduction and First Reading

**15-305**

**Z-355**

**AN ORDINANCE OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY,  
APPROPRIATING THE SUM OF \$500,000 IN FUNDS FROM THE CAPITAL IMPROVEMENT  
FUND TO PROVIDE FOR THE CONTINUED HISTORIC PRESERVATION, RESTORATION  
AND REHABILITATION OF THE HOBOKEN PUBLIC LIBRARY**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOBOKEN, COUNTY OF  
HUDSON, STATE OF NEW JERSEY, AS FOLLOWS:**

**Section 1.** There is hereby appropriated the sum of \$500,000 ("Appropriation") from the Capital Improvement Fund of the City of Hoboken, County of Hudson, New Jersey ("City"), which Appropriation represents a portion of the City's agreed upon match of certain funds received by the Board of Trustees of the Hoboken Public Library from a New Jersey Historic Trust Capital Preservation Grant from the Garden State Historic Preservation Trust Fund, to pay a portion of the costs of the continued historic preservation, restoration and rehabilitation of the Hoboken Public Library as part of Phase I of the Hoboken Public Library's ongoing historic preservation program, all as is currently described and as shall be hereafter described and set forth in the plans and specifications of the Board of Trustees of the Hoboken Public Library and provided to office of the City Business Administrator.

**Section 2.** It is hereby determined and stated that the preservation, restoration and rehabilitation measures and improvements set forth in Section 1 hereof are general capital improvements and not a current expense.

**Section 3.** The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith.

**Section 4.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 5.** This ordinance shall take effect after final adoption and publication as required by law.

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 **June 3, 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 (via cell phone), Doyle, Giattino, Mason, Mello, Occhipinti, Russo and President Bhalla

---Nays: None.

**15-306**

**Z-356**

**AN ORDINANCE AMENDING CHAPTER 190 “PARKING” TO EXPRESSLY CODIFY THE PROCEDURE FOR EFFECTUATING AND ENFORCING N.J.S.A. 39:4-29.5 (sponsored by Councilman Occhipinti and Councilwoman Castellano)**

**WHEREAS**, the City Council is committed to ensuring that the laws of this State and the City of Hoboken are consistent, and work towards the best interests of the residents and visitors of the municipality, including those persons with disability that reside in or visit this City; and

**WHEREAS**, N.J.S.A. 39:4-207, entitled “Parking overtime; motor vehicle with display of placard or wheelchair symbol license plates” states:

*No penalty shall be imposed for the parking overtime of any motor vehicle which has displayed thereon a placard or wheelchair symbol license plates issued pursuant to the provisions of this act under any law or municipal ordinance now in effect or hereafter enacted unless such vehicle shall have been parked in one location for more than 24 hours. This provision shall apply only when the person to whom the placard or special license plate has been issued is either the driver or a passenger of the vehicle.; and*

**WHEREAS**, the City Council now wishes to expressly codify the meaning of “parking overtime” for purposes of N.J.S.A. 39:4-207, at the City’s metered parking locations.

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

**SECTION 1. AMENDMENTS**

**(ADDITIONS NOTATED IN UNDERLINE; DELETIONS NOTATED IN STRIKETHROUGH)**

**§ 190-29.5 FEE DUE FOR PARKING VEHICLE.**

A. EXCEPT AS PROVIDED IN SUBSECTION B, A PERSON PARKING A VEHICLE IN A PAID PARKING SPACE OR PAID PARKING ZONE SHALL IMMEDIATELY PAY THE PARKING FEE DUE.

B. THIS SECTION DOES NOT APPLY TO A PERSON:

- (1) PARKING A VEHICLE DEFINED BY NEW JERSEY MOTOR VEHICLE COMMISSION AS A MOTORCYCLE OR MOPED; OR
- (2) OCCUPYING A PARKING SPACE OR PARKING ZONE AS AUTHORIZED BY PERMIT ISSUED OR APPROVED BY THE DEPARTMENT OF TRANSPORTATION AND PARKING.

C. A PERSON MUST DEPOSIT U.S. COINS IN DENOMINATIONS ACCEPTED BY THE PARKING METER OR PARKING PAY STATION OR USE A CREDIT CARD, BANK DEBIT CARD, OR A PARKING METER FEE DEBIT CARD TO PAY THE PARKING FEE.

D. A PERSON MAY NOT USE FOREIGN CURRENCY IN A PARKING METER OR A PARKING PAY STATION.

E. A PERSON MAY NOT DEPOSIT MORE THAN THE AMOUNT OF PAYMENT NECESSARY TO OBTAIN THE MAXIMUM PARKING TIME LIMIT ALLOWED DURING A PARKING OCCASION.

F. IF PARKING A VEHICLE IN A SPACE MONITORED BY A PAY AND DISPLAY STATION, A PERSON SHALL IMMEDIATELY LOCATE THE PAY STATION RECEIPT ON THE DASHBOARD INSIDE OF THE VEHICLE'S WINDSHIELD ADJACENT TO THE CURB.

- (1) THE RECEIPT MUST BE PLACED IN A POSITION SO THAT IT IS AS CLOSE TO THE SIDEWALK AS POSSIBLE AND CAN BE READ FROM OUTSIDE OF THE VEHICLE WHILE STANDING ON THE SIDEWALK.
- (2) NO MORE THAN ONE RECEIPT SHALL BE DISPLAYED IN THE WINDSHIELD AT A TIME.
- (3) NO OTHER ITEMS SHALL BE PLACED IN PROXIMITY OF THE DISPLAYED RECEIPT IN SUCH A WAY THAT THEY ARE CONFUSING OR IMPAIR THE ABILITY TO READ THE RECEIPT.

G. A PERSON MAY NOT PARK AT A PAID PARKING SPACE WITH AN INOPERABLE PARKING METER UNLESS THE PERSON PAYS AT THE NEAREST PAY AND DISPLAY STATION AND LOCATES THE RECEIPT TO THE WINDOW AS REQUIRED IN SUBSECTION F.

H. A PERSON MAY NOT PARK IN A PAID PARKING ZONE MONITORED BY A PAY AND DISPLAY STATION WITHOUT A RECEIPT FROM THE NEAREST OPERABLE PAY AND DISPLAY STATION.

I. THE MINIMUM AMOUNT OF PARKING TIME THAT MAY BE PURCHASED IS 15 MINUTES.

J. FOR PURPOSES OF COMPLIANCE WITH N.J.S.A. 39:4-207, THE MINIMUM PURCHASED TIME SHALL BE 15 MINUTES (\$0.25), IN ACCORDANCE WITH CODE SECTION 190-29.5(I), AND NO PENALTY SHALL BE IMPOSED FOR THE PARKING OVERTIME OF PERSONS AND/OR VEHICLES COVERED BY N.J.S.A. 39:4-207, SO LONG AS THE 15 MINUTE MINIMUM TIME SHALL HAVE BEEN PURCHASED, AND SO LONG AS SAID INDIVIDUAL AND/OR VEHICLE SHALL HAVE BEEN PARKED IN ONE LOCATION FOR NOT MORE THAN 24 HOURS.

## **SECTION 2. INCONSISTENCY**

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

## **SECTION 3. SEVERABILITY**

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

**SECTION 4. EFFECTIVE DATE**

This Ordinance shall take effect immediately upon final adoption and approval thereof as provided by law.

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 **June 3, 2015 at 7:00 PM.**

---Motion duly seconded by Councilwoman Castellano

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

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

---Nays: None.

**NEW BUSINESS**

**15-307**

---President Bhalla

**EMERGENCY RESOLUTION OPPOSING RECENT SERVICE CUTS TO THE PATH TRAIN SYSTEM BY THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY DESPITE INCREASED RIDERSHIP FROM HOBOKEN**

WHEREAS, the Port Authority of New York and New Jersey, on April 26, 2015, implemented service cuts to the PATH to and from Hoboken; and

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

WHEREAS, peak service to Hoboken was reduced by 14 percent and late evening service cut by 18 percent, despite Hoboken having the highest ridership growth with an 11 percent increase in riders from 2012 to 2014; and

WHEREAS, PATH riders are already frequently forced to endure standing room only trains during the proposed reduction periods; and

WHEREAS, the cuts were announced with no prior public notice to local Hoboken officials or residents, and with no opportunity for input from those most impacted by these cuts; and

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

WHEREAS, efficient and reliable train service from Hoboken to New York City is a critical driver of economic growth and stability to the region, the absence of which threatens various adverse impacts on jobs, the local and regional economy, and property values in Hoboken; and

IT IS THEREFORE RESOLVED that the Hoboken City Council strongly objects to both the manner in which the service reductions were made as well as the reduction in service despite the increased ridership; and

BE IT FURTHER RESOLVED that the City Clerk of Hoboken shall deliver a certified copy of this resolution to each of the Commissioners of the Port Authority of New York and New Jersey, the Governor of the State of New Jersey, the State Legislative Leadership, New Jersey U.S. Senators Cory Booker and Robert Menendez, Rep. Albio Sires, and each State Legislator serving the 33<sup>rd</sup> District of the State of New Jersey; and

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

Meeting date: May 20, 2015

---Motion duly seconded by Councilman Doyle

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

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

---Nays: None.

### **NEW BUSINESS (CONT'D)**

Councilwoman Castellano comments and thanks the Council hearing the Coreas' family speak and reflect this weekend of the contributions from those who have served our country and their sacrifices.

Councilwoman Mason comments and would like to echo Councilwoman Castellano's remarks and would like to congratulate the Stevens Class of 2015 for the new graduates, would like a briefing of the Monarch situation and hopefully get an update on it.

Councilman Russo comments and wishes everyone a Happy Memorial Day weekend and remember the soldiers that fight for us and enjoy the weekend.

Councilman Doyle comments that the Green Team had a Green Fair last weekend, had a meeting and is developing a survey regarding single use plastic bags and encouraging people to fill out the survey in multiple venues; and secondly the Zoning and Master Plan. Subcommittee is meeting regarding the "Built Out Analysis, and based on this study we may want to consider changes that the Council would like to see and update the Zoning Code; Maser is coming on Tuesday, May 26<sup>th</sup> to update us on the Report.

Councilwoman Mason comments if there's a build out for the capacity that the City has

Councilman Doyle comments that many issues such as bus service are being looked into and Happy Memorial Day.

Councilman Occhipinti comments and thanks the Administration for the Roads paving ordinance and thank the public's patience and the roads will be struck next week and thanked his colleagues for the new fence at the Community Garden, encourages his colleagues to walk by there and would like to announce the next new project which is the resurfacing at the new rink in the Multiservice Center and the basketball court, also commend Chief Ferrante, the Prosecutor's office on the recent sting operation on Jackson Street and thank you for making our streets safer, enjoy the Memorial Day Weekend and remember the sacrifices that were made by our Armed Forces.

Councilwoman Giattino comments that she has been receiving inquiries on the corners of Bloomfield and that she can't disclose a date, three years ago, she found something regarding the deck at 77 Park is public space, is there a way to seek public signage/space and thank all those that have served.

Councilman Mello comments on the Public Safety committee meeting last Friday afternoon, there were some issues brought up by Chief Ferranted on some equipment needs for the Department and echo Councilman Occhipinti regarding what happened last week in the Housing Authority and what a great job the police chief has done and also offer his gratitude to those who have put their lives on this nation.

Council President comments on thanking Chief Ferrante and Director Tooke, a crossing guard on 11<sup>th</sup> and Hudson and granted which helps four (4) different schools in that intersection and thank Director Morgan on getting a stop sign at 15<sup>th</sup> and Bloomfield and 9<sup>th</sup> and Willow, noticed two of the lights were out at 8:00 PM and he submitted a 311 request but Mr. Calomenari responded and would try to fulfill and if Mr. Wiest can update us on the status, and also the status on Monroe Street paving hopefully will be done this summer, we do have a Western Edge community public meeting 5/21/15 at 7 PM at the Jubilee Center 6<sup>th</sup> and Jackson and Dave Roberts from Maser will be presenting, the Waterfront Project is a program at St. Peter and Paul Church are helping tenants with legal issues, there's a full-time attorney on staff, if there is any legal assistance, the Waterfront project is a great resource for the city, their first fundraiser is June 4, 2015 at 6 PM at Maxwell's, and Happy Memorial Day and a dedicated gratitude .

At 11:16 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 11:16 PM.

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PRESIDENT OF THE COUNCIL

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CITY CLERK