

MEETING OF JULY 8, 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, JULY 8, 2015 AT 7:00 PM

Council President opened the meeting at 7:08 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, Doyle, Cunningham, Giattino, Mello, Occhipinti, Russo and President Bhalla

Absent: Mason

RESOLUTIONS

RESOLUTION OF THE CITY OF HOBOKEN AUTHORIZING THE FILING OF A DECLARATORY JUDGMENT ACTION IN SUPERIOR COURT TO CERTIFY ITS HOUSING ELEMENT AND FAIR SHARE PLAN (carried to the August 5, 2015)

15-362

---By Councilman Mello

RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO ENTER INTO A RIGHT-OF- WAY USE AGREEMENT WITH VERIZON WIRELESS TO INSTALL SMALL CELL/oDAS WIRELESS EQUIPMENT ON AN EXISTING UTILITY POLE OWNED BY VERIZON TELEPHONE (661 HOB) WITHIN THE PUBLIC RIGHT-OF-WAY AT APPROXIMATELY 60 HARRISON STREET

WHEREAS, New York SMSA Limited Partnership, dba Verizon Wireless ("VzW"), is a wireless telecommunications company licensed by the Federal Communications Commission ("FCC") to operate in the State of New Jersey, and is in the business of providing a wireless telecommunications network; and

WHEREAS, VzW desires to locate, place, attach, install, operate and maintain facilities within the City of Hoboken's ("City") public right-of-way for purposes of providing telecommunications services; and

WHEREAS, VzW proposes to install small cell/oDAS wireless equipment, including, but not limited to fiber/electric connections to other poles ("Telecommunication Facilities") on an existing utility pole in the City of Hoboken for purposes of providing telecommunication services; and

WHEREAS, the utility pole that VzW desires to install its Telecommunications Facilities on is numbered 661 HOB and is owned by Verizon New Jersey, Inc. ("VzT"); and

WHEREAS, VzT's utility pole 661 HOB is located at approximately 60 Harrison Street and is entirely within the public right-of-way; and

WHEREAS, VzW has executed a pole licensing agreement with VzT that grants VzW the right to install the Telecommunications Facilities on VzT's utility pole 661 HOB, subject to any state or municipal permits; and

WHEREAS, it is deemed to be in the best interest of the City and its citizenry to grant VzW the non-exclusive right to use the public right-of-way at approximately 60 Harrison Street to own, construct, attach, install, operate, maintain, remove, reattach, reinstall, relocate and replace the Telecommunications Facilities on VzT's utility pole 661 HOB and for no other purpose whatsoever; and

WHEREAS, the City has agreed to enter into a Right-of-Way Use Agreement with VzW, pursuant to N.J.S.A. 48:17-10 through N.J.S.A. 48:17-12, which Agreement fully expresses the terms and conditions under which the parties agree to the use and occupancy of the public right-of-way at approximately 60 Harrison Street;

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

1. The City Council hereby authorizes execution of the Right-of-Way Use Agreement, as attached hereto, or an agreement substantially similar without any substantive changes; and,
2. The City Council hereby authorizes the Mayor and her Administration to notify VzW of the Council's authorization of this Agreement and acceptance of all the terms and obligations therein.
3. The Mayor, her Administration and Corporation Counsel are hereby authorized to proceed to execute and finalize said Agreement, or one substantially similar with no substantive changes, expeditiously, and to take any and all steps necessary to effectuate the Agreement.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

**Special Counsel Kevin Kinsella from DeCotiis, Fitzpatrick and Cole
Tilson senior representative working with Verizon Wireless Terry Turner**

15-363

---By Councilman Mello

RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO ENTER INTO A RIGHT-OF-WAY USE AGREEMENT WITH CROSS RIVER FIBER, LLC TO INSTALL TELECOMMUNICATIONS FACILITIES ON EXISTING UTILITY POLES OR IN UNDERGROUND CONDUIT WITHIN THE CITY'S PUBLIC RIGHTS-OF-WAY

WHEREAS, Cross River Fiber, LLC s ("CRF") has been approved by the New Jersey Board of Public Utilities ("NJBPU") to provide local exchange and interexchange telecommunications services throughout the State of New Jersey by Order of Approval in Docket No. TE11050320 on July 14, 2011; and

WHEREAS, pursuant to such authority granted by the NJBPU, CRF may locate, place, attach, install, operate and maintain facilities within municipal rights-of-way for purposes of providing telecommunications services; and

WHEREAS, CRF has proposed to install telecommunication facilities on existing utility poles or within underground conduits within the City of Hoboken's ("City") public right-of-ways throughout the City for purposes of providing telecommunication services; and

WHEREAS, it is deemed to be in the best interest of the City and its citizenry for the City to grant CRF the non-exclusive right to use and occupy the public rights-of-way within the City to install, operate and maintain telecommunication facilities on existing utility poles or within underground conduit and for no other purpose whatsoever; and

WHEREAS, the City has agreed to enter into a Right-of-Way Use Agreement with CFR, pursuant to N.J.S.A. 48:17-10 through N.J.S.A. 48:17-12, which Agreement fully expresses the terms and conditions under which the parties agree to the use and occupancy of the public rights-of-way within the City;

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

1. The City Council hereby authorizes execution of the Right-of-Way Use Agreement, as attached hereto, or an agreement substantially similar without any substantive changes; and,
2. The City Council hereby authorizes the Mayor and her Administration to notify Cross River Fiber, LLC of the Council's authorization of this Right-of-Way Use Agreement and its acceptance of all the terms and obligations therein.
3. The Mayor, her Administration and Corporation Counsel are hereby authorized to proceed to execute and finalize said Right-of-Way Use Agreement, or one substantially similar with no substantive changes, expeditiously, and to take any and all steps necessary to effectuate the Agreement.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

Special Counsel Kevin Kinsella from DeCotiis, Fitzpatrick and Cole

SECOND READING/PUBLIC HEARING AND FINAL VOTE

ORDINANCE OF THE CITY OF HOBOKEN ADOPTING THE “WESTERN EDGE REDEVELOPMENT PLAN,” DATED MAY 29, 2015 (**sponsored by Councilman Cunningham and Councilman Doyle**) (Z-357) (**CARRIED TO THE WED., JULY 15TH SPECIAL MEETING**)

BOND ORDINANCE AUTHORIZING THE REHABILITATION AND/OR REPLACEMENT OF WATER MAINS, THE COMPLETION OF DRAINAGE AND GREEN INFRASTRUCTURE IMPROVEMENTS AND THE COMPLETION OF PHASE I OF ROADWAY AND TRAFFIC SIGNALIZATION IMPROVEMENTS AND ENHANCEMENTS ALONG WASHINGTON STREET IN THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$9,957,030 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$9,485,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING (**sponsored by Councilwoman Giattino and Councilman Doyle**) (Z-360)

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: 8– NAYS: 0 – ABSENT - 1

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

---Nays: None.

---Absent: Mason

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

---Motion duly seconded by Councilman Doyle

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

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

---Nays: Russo

---Absent: Mason
---Abstain: Castellano

BOND ORDINANCE AUTHORIZING THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF **\$2,150,000** THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO **\$2,042,500**; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING (**sponsored by Councilwoman Giattino and Councilman Doyle**) (**Z-361**)

The speakers who spoke: Provisional Chief Peskens, Police Chief Ferrante

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

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

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

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 192 OF THE CODE OF THE CITY OF HOBOKEN ENTITLED (PARKING FOR PERSONS WITH DISABILITIES)
Approval Re: Private Parking Spaces for Persons with Disabilities (Z-362)

The speakers who spoke: Tony Soares.

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

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

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

PUBLIC COMMENTS

The speakers who spoke: Bonnie Murray, Hany Ahmed, Tony Soares, Franz Paetzold, James Tricarico.

15-364

Communication from Mayor Dawn Zimmer reappointing Allen Kratz to the Hoboken Library Board.

Received and Filed.

Communication from Mayor Dawn Zimmer appointing Philip M. Jonat and Garry Brozyna to the Hoboken Green Team.

Received and Filed.

Communication from Mayor Dawn Zimmer appointing Quentin Wiest, Business Administrator as Acting Mayor from Saturday, June 27th through Saturday, July 11th.

Received and Filed.

15-365

APPLICATION FOR MISCELLANEOUS LICENSES

Vendors-----	4 items
Parking Facilities-----	1 item
Raffles-----	2 items
Games of Chance-----	1 item

---Councilman Cunningham moved that licenses be granted.

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

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

---Nays: None.

---Absent: Mason

REPORTS FROM CITY OFFICERS

15-366

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of June 2015 **\$506,897.83 (Abatement Totals – \$24,742.39)**

Received and Filed.

15-367

A report from Municipal Court indicating receipts for the month of June 2015 as **\$463,601.27**

Received and Filed.

15-368

By Councilman Mello

CLAIMS

Total for this agenda **\$5,755,093.83**

---Motion duly seconded by Councilman Cunningham

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

YEAS: Council persons Castellano, Cunningham, Doyle, Giattino, Mello, Occhipinti, Russo and President Bhalla
NAYS: Castellano 15-00764, 15-01690, 14- ,15-03566, 15-02191, 15-02192, 15-02340
ABSENT: Mason
ABSTAIN: Doyle – 14-00988,

15-369

By Councilman Mello

PAYROLL

For the two week period starting June 4, 2015 – June 17, 2015

Regular Payroll	O/T Pay	Other Pay	
\$1,606,392.18	\$60,076.36		\$160,536.73

Total \$1,827,005.27

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

PUBLIC COMMENTS ON RESOLUTIONS

The speaker who spoke: Aaron Lewit - resolution #7

Council President would like to suspend the agenda and hear resolution #7.

CONSENT AGENDA – 8-18, 20-25

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 & 19
Removed by Administration:

RESOLUTIONS (CONT'D)

15-370

By Councilman Mello

RESOLUTION APPROVING THE RECOGNITION OF AN EMPLOYEE TITLE WITH THE HOBOKEN MUNICIPAL EMPLOYEES ASSOCIATION

WHEREAS, there exists a Collective Bargaining Agreement (labor contract) between the City of Hoboken and the Hoboken Municipal Employees Association (HMEA); and

WHEREAS, there is an employee title held within the City that is not formally recognized in the language of the current labor contract; and

WHEREAS, the City and HMEA are desirous of recognizing the below listed title as part of the labor contract for this bargaining unit.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken hereby approves of the recognition of the following title within the HMEA labor contract, within Article I of said contract:

- Technical Assistant to Construction Official

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

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

15-371

By Councilman Cunningham

RESOLUTION AWARDING A CONTRACT TO GARDEN STATE HIGHWAY PRODUCTS, INC. TO PURCHASE ASSORTED TAPCO BLINKER SIGNS FOR HPU IN ACCORDANCE WITH US COMMUNITIES COOPERATIVE CONTRACT # 2013-100 IN THE TOTAL AMOUNT NOT TO EXCEED \$28,887.60 (CARRIED TO AUGUST 5, 2015 CCM)

WHEREAS, N.J.S.A. 40A:11-5 permits municipalities to award public contracts without public bidding when the vendor is an approved state contractor or part of an approved national cooperative, and Traffic & Parking Control Co., Inc. (TAPCO) has been approved for an US Communities Cooperative Contract # 2013-100, which cooperative the City is a part of; and,

WHEREAS, the City requires traffic signs for HPU (as described in the attached quotation from GSHP, which shall become part of the contract); and

WHEREAS, pursuant to the recommendation of the Purchasing Department, which is attached hereto, the City wishes to contract for the services and related goods under US Communities Cooperative contract # 2013-100 and in accordance with GSHP's quotation; and

WHEREAS, Garden State Highway Products, Inc., LLC is an authorized dealer of TAPCO in New Jersey;

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$28,887.60 is available in the following appropriations: C-04-60-714-210 in the CY2015 budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for CY2015; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

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

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Hoboken that the below-listed vendor is authorized to provide the services and related goods described in their US Communities contract, for a total not to exceed amount of Twenty Eight Thousand Eight Hundred Eighty Seven Dollars and Sixty Cents (\$28,887.60), as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The Council hereby authorizes the Mayor or her designee to execute any and all documents and

take any and all actions necessary to complete and realize the intent and purpose of this Resolution.

3. The Mayor or her designee is hereby authorized to execute an agreement, voucher and/or purchase order for the above mentioned goods and/or services based upon the attached proposal, and the following information:

Garden State Highway Products, Inc.
1740 East Oak Road
Vineland, NJ 08361

Councilman Mello comments and would like to table this resolution and seconded by Councilwoman Giattino

---Motion duly seconded Councilwoman Giattino

---**MOTION TO TABLE** by the following vote: YEAS: 7 – NAYS: 1- ABSENT: 1

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

---Nays: Occhipinti

---Absent: Mason

15-371A

By Councilman Mello

RESOLUTION REIMBURSING CONSTRUCTION PERMIT FEES TO ELYSIAN CHARTER SCHOOL

WHEREAS, the property commonly known as Block 126, Lot 3 has been approved for construction, with the costs thereupon totaling approximately \$2,013,000.00, for construction to Elysian Charter School.

WHEREAS, the cost for the Building, Electrical, Plumbing and Fire Protection permits are \$ 37,039.00 and the DCA fee is \$ 3,825.00.

WHEREAS, the City of Hoboken traditionally waives construction fees for schools when the underlying land is owned by the City, and the land at Block 126, Lot 3 is private, so the Construction Code Officially had no authority or precedent under which to initially waive the permit fees for Elysian Charter School.

WHEREAS, the Construction Code Office has to keep 20 percent of \$37,039.00, or \$29,631.20, as per State Rules and Regulations, and, therefore, a reimbursement of 80% of the permit fees may be issued in consideration of the property being converted to a school.

NOW THEREFORE BE IT RESOLVED, the City Council authorizes reimbursement to the Elysian Charter School, with a common address: 301 Garden Street Hoboken New Jersey, 07030, the construction permit fees for which waiver is allowed, in the amount of \$29,631.20; and,

BE IT FURTHER RESOLVED, a warrant may be drawn against the City Treasury in the amount of \$29,631.20 in favor of Elysian Charter School, and this resolution shall constitute City Council authorization of any claim arising thereupon.

Councilman Mello and Councilwoman Giattino are recusing themselves (left the table)

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 6 – NAYS: 0 - ABSENT: 3

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

---Nays: None.

---Absent: Giattino, Mason, Mello

15-372

By Councilman Mello

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE SPECIAL LEGAL COUNSEL – CY2015 LABOR AND EMPLOYMENT COUNSEL CONTRACT WITH WEINER LESNIAK FOR AN INCREASE IN A NOT TO EXCEED AMOUNT BY THIRTY FIVE THOUSAND DOLLARS (\$35,000.00) AND FOR THE SAME TERM (JANUARY 1, 2015 THROUGH DECEMBER 31, 2015)

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

WHEREAS, the City of Hoboken published its annual Request for Qualifications for the Professional Services of Special Legal Counsel-Labor and Employment Counsel in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Weiner Lesniak responded to; and,

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

WHEREAS, *in accordance with the direction of the Administration, the City Council is now asked to amend a contract to Weiner Lesniak for Special Legal Counsel – CY2015 Labor and Employment Counsel to the City of Hoboken for an increase in the contract amount by \$35,000.00, for a total contract amount of One Hundred Sixty Thousand Dollars (\$160,000.00), with the same one (1) year term to commence on January 1, 2015 and expire December 31, 2015 (\$36,647.67 of the original 125,000.00 is remaining as of June 30, 2015); and,*

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$35,000.00 is available in the following appropriation 50120156020 in the CY2015 budget and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2015 temporary appropriation and budget; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with Weiner Lesniak to represent the City as Special Legal Counsel- CY2015 Labor and Employment Counsel be amended, for the same term to expire December 31, 2015, but with an increase in the not to exceed amount by \$35,000.00, for a total not to exceed amount of \$160,000.00; and

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

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

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

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that

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

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

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

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

15-373

By Councilman Mello

RESOLUTION AWARDING AN AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACT TO COMMUNITY GRANTS PLANNING AND HOUSING FOR PROFESSIONAL AFFORDABLE HOUSING ADMINISTRATIVE AGENT SERVICES FOR THE CITY WITH NO CHANGE IN THE NOT TO EXCEED AMOUNT OF TWENTY SEVEN THOUSAND TWO HUNDRED NINETY DOLLARS (\$27,290.00) BUT FOR AN EXTENSION OF ONE YEAR TO THE INITIAL TERM TO EXPIRE JULY 8, 2016

WHEREAS, the City of Hoboken published RFP's for professional affordable housing administrative agent services for the City, and thereafter contracted for said services with Community Grants Planning and Housing, in accordance with the Local Public Contracts Law and the Fair and Open Process; and,

WHEREAS, consequential to the one year contract awarded to CGPH, the firm has specialized knowledge of the City of Hoboken's characteristics and needs, and has specialized skills relating to the application of the knowledge to the City's continued professional services needs of its Administrative Agent; and,

WHEREAS, as such, in accordance with the direction of the Administration, the City Council is now asked to authorize an amendment to the contract to CGPH for an additional one (1) year term to commence on July 9, 2015 and expire July 8, 2016, with no change in the contract amount; and,

WHEREAS, certification of funds is not necessary for this amendment.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken (*a majority of the full council voting affirmatively*), that the contract with the below listed vendor is amended for an additional one (1) year term to commence on July 9, 2015 and expire July 8, 2016, for services as Professional Affordable Housing Agent for the City, with no change in the not to exceed amount, as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the RFP and CGHP's responsive proposal 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. 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:

101 Interchange Plaza – St. 301
Cranbury, New Jersey 08512

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

15-374

By Councilman Mello

RESOLUTION AWARDING A CHANGE ORDER AND CLOSE OUT TO THE CONTRACT OF FINE WALL CORPORATION FOR THE REHABILITATION OF HOBOKEN FIREHOUSE HEADQUARTERS (NON SANDY RELATED REHAB) IN ACCORDANCE WITH BID 12 - 14, AS CHANGE ORDER NUMBER 1 (FINAL) IN A DECREASE AMOUNT OF \$40,680.00 (63% REDUCTION) FOR A NEW (FINAL) NOT TO EXCEED TOTAL AMOUNT OF \$23,820.00

WHEREAS, the City of Hoboken requires a close out under the contract for the termination of the Rehabilitation of Hoboken Firehouse Headquarters project; and,

WHEREAS, the Administration used Fine Wall Corporation 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 Headquarters to Fine Wall Corporation for a decrease in the contract amount by Forty Thousand Six Hundred Eighty Dollars (\$40,680.00), for a new and final total not to exceed amount of Twenty Three Thousand Eight Hundred Twenty Dollars (\$23,820) for work in accordance with the Boswell Engineering Change Order/Final Request, dated June 25, 2015; and,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that a change order (#1/FINAL) to the contract for the Rehabilitation of Hoboken Firehouse Headquarters to Fine Wall Corporation for a decrease in the contract amount by Forty Thousand Six Hundred Eighty Dollars (\$40,680.00) be, and hereby is, approved, for a new and final total not to exceed amount of Twenty Three Thousand Eight Hundred Twenty Dollars (\$23,820) for work in accordance with the Boswell Engineering Change Order/Final Request, dated June 25, 2015; and,

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the referenced Boswell correspondence shall govern the contract, 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: 8 – NAYS: 0 - ABSENT: 1
---Yeas: Council persons Castellano, Cunningham, Doyle, Giattino, Mello, Occhipinti, Russo and President Bhalla
---Nays: None.
---Absent: Mason

15-375

By Councilman Mello

RESOLUTION AUTHORIZING THE USE OF THE COMPETITIVE CONTRACTING PROCESS FOR THE CITY'S IT SERVICE CONSULTANT WITH RELATED PURCHASE OF GOODS, AS NEEDED, FOR A ONE (1) YEAR TERM WITH FOUR OPTIONAL ONE (1)

YEAR EXTENSIONS PURSUANT TO N.J.S.A. 40A:11-4.1(K)

WHEREAS, the City of Hoboken seeks to contract for the services of an IT Service Consultant with related purchase of goods, as needed, in accordance with N.J.S.A. 40A:11-5(dd), for a one (1) year term with four optional one (1) year extensions; and,

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that the Competitive Contract Process, as described and allowed in N.J.S.A. 40A:11-4.1, shall be authorized in lieu of public bidding for this procurement, and may be initiated by the Purchasing Agent/Business Administrator for the purpose of contracting an IT Service Consultant with related purchase of goods, as needed, for the City for a one (1) year term with four optional one (1) year extensions.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

15-376

By Councilman Mello

RESOLUTION TO AMEND THE AWARD FOR THE CONTRACT TO USA ENVIRONMENTAL MANAGEMENT FOR LSRP TO THE CITY OF HOBOKEN FOR HOBOKEN/WEEHAWKEN COVE PARK WALKWAY (PI NUMBERS 456589, 293820 AND 293821), HOBOKEN FIRE HOUSE 1 (PI NUMBER 033148), AND MULTI-SERVICE CENTER (PI NUMBER 033149) IN ACCORDANCE WITH THE CURRENT CONTRACT, WITH NO CHANGE IN THE EXPIRATION DATE, BUT WITH AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$23,800.00 (WHICH REPRESENTS A +\$1,000.00 MONITORING WELL OVERSIGHT AND \$22,800.00 PROGRAM PHASE INVESTIGATION) FOR A TOTAL NOT TO EXCEED AMOUNT OF \$97,170.00

WHEREAS, the City previously awarded an LSRP contract to USA Environmental Management for Hoboken Weehawken Cove Park Walkway (PI Numbers 456589, 293820 and 293821), Hoboken Fire House 1 (PI Number 033148), and Multi-Service Center (PI Number 033149), for a total actual not to exceed amount of \$73,370.00, in accordance with applicable Local Public Contract and Pay to Play laws; and,

WHEREAS, the City now seeks to amend the total contract amount an additional \$23,800.00 in accordance with the attached June 24, 2015 and June 10, 2015 proposals, for a new total contract amount of \$97,170.00 (\$73,370.00 of the current contract amount of \$73,370.00 remains as of 7/1/2015); 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 \$23,800.00 is available in the following appropriations 5-01-31-461-000 in the CY2015 budget; 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 USA Environmental Management, for an additional \$23,800.00 (for services as described in the attached June 24, 2015 and June 10, 2015 proposals of USA Enviro); 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 extent that the attached June 24, 2015 and June 10, 2015 proposals seek to amend any terms other than the contract amount and scope of 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 by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

15-377

By Councilman Mello

RESOLUTION AUTHORIZING THE AWARD OF A "NON-FAIR AND OPEN" CONTRACT TO RSC ARCHITECTS FOR THE ATTACHED PROPOSAL FOR ROOF REPLACEMENT AND OTHER UPGRADES TO THE FIRE HOUSE AT 1313 WASHINGTON ST., IN AN AMOUNT NOT TO EXCEED \$19,000.00 AND FOR A TERM TO EXPIRE UPON COMPLETION OF THE PROJECT BUT IN NO EVENT LATER THAN JULY 8, 2016

WHEREAS, the City of Hoboken has a need to obtain architectural services for the maintenance of the construction of roof replacement and other upgrades to the Fire house at 1313 Washington St, as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the City's Purchasing Agent has determined and certified in writing that the value of the services, combined with all other services of this vendor over a twelve month period, will exceed \$17,500.00 ; and,

WHEREAS, the anticipated term of this contract is project based, terminating upon completion, but in no event greater than one (1) year, July 8 2016; and

WHEREAS, RSC Architects has submitted a proposal dated June 29, 2015 indicating they will provide architectural services for the maintenance of the construction of the roof replacement and other upgrades of the Fire house at 1313 Washington St for the amount not to exceed \$19,000.00; and

WHEREAS, RSC Architects has completed and submitted a Business Entity Disclosure Certification which certifies that RSC Architects has not made any reportable contributions to a political or candidate committee in the City of Hoboken in the previous one year, and that the contract will prohibit the RSC Architects from making any reportable contributions through the term of the contract, and has submitted a Business Registration Certificate, a Stockholder Disclosure Statement, and all necessary EEOC forms, prior to consideration of this resolution; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$19,000.00 is available in the following appropriations _____ in the City's capital accounts; 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 (*a majority of the full council voting in the affirmative*) that the City Council of the City of Hoboken authorizes the Mayor to enter into a contract with RSC Architects, as described herein, for the services described in their attached June 29, 2015 proposal for a term to expire upon completion of the project, but in no event later than July 8, 2016, and for an amount not to exceed \$19,000.00; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification, Stockholder Disclosure Certification, all other accompanying business and contract compliance documentation, and the Determination of Value be placed on file with this resolution; and,

BE IT FURTHER RESOLVED that the City Clerk shall publish this resolution in the City's official newspapers immediately; and,

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

15-378

By Councilman Mello

RESOLUTION AWARDING A CHANGE ORDER TO THE CONTRACT OF REGGIO CONSTRUCTION FOR THE MUNICIPAL STREET RESURFACING AND INTERSECTION SAFETY IMPROVEMENTS PROGRAM (PACKAGE A) AS CHANGE ORDER NUMBER 1 IN AN INCREASE AMOUNT OF \$50,000.00 FOR A NEW NOT TO EXCEED TOTAL AMOUNT OF \$1,345,677.93

WHEREAS, the City of Hoboken requires a change order under the contract for the continuation of the Municipal Street Resurfacing and Intersection Safety Improvements Program (Package A), which was originally awarded to Reggio Construction for \$1,295,677.93; and,

WHEREAS, the Administration used Reggio Construction 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) to the contract for Municipal Street Resurfacing and Intersection Safety Improvements Program (Package A) to Reggio Construction, for an increase in the contract amount by Fifty Thousand Dollars (\$50,000.00), for a new total not to exceed amount of One Million Three Hundred Forty Five Thousand Six Hundred Seventy Seven Dollars and Ninety Three Cents (**\$1,345,677.93**) for work in accordance with the Boswell Engineering Change Order Request, dated June 29, 2015; 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 appropriations C-04-60-714-210 in the City's capital accounts; 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 that a change order (#1) to the contract for the Municipal Street Resurfacing and Intersection Safety Improvements Program (Package A) to Reggio Construction for an increase in the contract amount by Fifty Thousand Dollars (\$50,000.00), for a new total not to exceed amount of One Million Three Hundred Forty Five Thousand Six Hundred Seventy Seven Dollars and Ninety Three Cents (**\$1,345,677.93**) for work in accordance with the Boswell Engineering Change Order Request, dated June 29, 2015; and,

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the referenced Boswell correspondence shall govern the contract, 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: 8 – NAYS: 0 - ABSENT: 1

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

---Nays: None.

---Absent: Mason

15-379

By Councilman Mello

RESOLUTION AMENDING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO VALUE RESEARCH GROUP FOR SERVICES AS REAL ESTATE APPRAISER FOR APPRAISAL REPORTS FOR BLOCK 12, THE BASF SITE, AND 123 JEFFERSON PROPERTIES, IN AN INCREASED AMOUNT NOT TO EXCEED \$23,500.00.

WHEREAS, the City urgently requires the professional services of real property appraisers for the continued appraisal of the BASF site, for Block 12, and for the 123 Jefferson property, and although the total cost of said services is \$23,500.00 (above \$17,500.00, which is therefore above the bid and Fair and Open thresholds), for a total contract amount of \$43,500.00; and,

WHEREAS, the City sought the proposal of the reputable appraisal firm Value Research Group for said services, and said proposals, dated September 23, 2014, June 23, 2015 and June 24, 2015, are attached hereto; and,

WHEREAS, pursuant to the recommendation of the City's special counsel, Edward Buzak, Esq., the Administration now seeks authorization of a contract amendment 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 \$12,000 for the Block 12 site is available from C-04-60-711-120, \$5,000.00 for the BASF appraisal is available in the following appropriations C-04-60-711-120, and that \$6,500.00 for the 123 Jefferson appraisal is available in the following appropriations 4-01-21-181-036 in the City's capital and CY2015 budget; and I further certify that these accounts are available and appropriate for said expenditures; 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 (a majority of the full council voting in the affirmative) by the City Council of the City of Hoboken as follows:

- A. **This resolution amends the award of the contract to Value Research Group for professional real property appraisal services, in an increased amount of Thirty One Thousand Five Hundred Dollars (\$23,500.00) for a total contract amount of \$43,500.00, and for the additional appraisal of the BASF, Block 12, and 123 Jefferson Properties in accordance with the September 23, 2014, June 23, 2015 and June 24, 2015 proposals, attached hereto.**
- B. **If the contract amendment, 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.

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken authorizes the Mayor to enter into the herein described contract amendment with Value Research Group; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification, Stockholder Disclosure Certification, all other accompanying business and contract compliance documentation, and the Determination of Value be placed on file with this resolution; and,

BE IT FURTHER RESOLVED that the City Clerk shall publish this resolution in the City's official newspapers immediately; and,

BE IT FURTHER RESOLVED that this resolution shall be published in accordance with the Fair and Open publication requirements, and thereafter shall take effect immediately as allowed by law.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

15-380

By Councilman Mello

THIS RESOLUTION RESCINDS THE AWARD OF PHASE II OF A CONTRACT TO LOUIS BARBATO LANDSCAPING FOR THE PROVISIONS OF HOBOKEN SHADE TREE COMMISSION 2014/2015 STREET TREE PLANTING IN ACCORDANCE WITH THE CITY'S BID NO. 14-12.

WHEREAS, on September 17, 2014 the City awarded a contract to Louis Barbato Landscaping for the provisions of Hoboken Shade Tree Commission 2014/2015 Street Tree Planting in accordance with the City's Bid No. 14-12; and,

WHEREAS, the City has since learned vendor Louis Barbato has failed to meet the time frames for completing the services; and,

WHEREAS, as a result of this failure, the provisions called for in the contract awarded to Louis Barbato Landscaping are cancelled as of July 8, 2015, except for Phase I and any obligations of Louis Barbato under Phase I, as further described in the Bid Specifications for Bid No. 14-12; and,

WHEREAS, as a result of this rescission of Phase II of the above mentioned contract, the Administration is authorized to rebid for the goods and services which the City had intended to receive under Phase II of this project; and,

WHEREAS, any and all appropriations relating to this contract may be re-budgeted, except the \$29,531.00 which shall become payable to the vendor only if the vendor completes all obligations and mitigations required to finalize Phase I of the project, otherwise said amounts shall also be re-appropriated.

NOW THEREFORE BE IT RESOLVED as follows:

- A. This resolution rescinds the award of a contract to Louis Barbato Landscaping which was

- authorized by the City on 17 September, 2014, for the reasons stated herein; and,
- B. The City Council requests the Administration to take the appropriate action to effectuate this Resolution, and
- C. This resolution shall take effect immediately upon passage.

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

15-381
 By Councilman Mello

RESOLUTION CHAPTER 159 AUTHORIZING ACCEPTANCE OF THE 2015 FOR DEPARTMENT OF AGRICULTURE - SUMMER FOOD PROGRAM 2015 IN THE AMOUNT OF \$75,078.44

Inserting a Special Item of Revenue into the CY 2015 Municipal Budget

DEPARTMENT OF AGRICULTURE – SUMMER FOOD PROGRAM 2015

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

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the City of Hoboken has received notice of an award of \$75,078.44 from the State of New Jersey Department of Agriculture and wishes to amend its CY 2015 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year CY 2015 in the sum of.....\$75,078.44

Which is now available as a revenue from:

- Miscellaneous Revenues:
 - Special Items of General Revenue Anticipated with Prior Written Consent of the Director of the Division of Local Government Services:
 - State and Federal Revenues Off-set with Appropriations:
 - Department of Agriculture
 - Summer Food

BE IT FURTHER RESOLVED that the like sum of.....\$75,078.44 be and the same is hereby appropriated under the caption of:

- General Appropriations:
 - (a) Operations Excluded from CAPS
 - State and Federal Programs Off-Set by Revenues:
 - Department of Agriculture
 - Summer Food

BE IT FURTHER RESOLVED, that the City Clerk will forward a certified copy of this resolution electronically to the Director of Local Government Services for approval.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

15-382

By Councilman Mello

RESOLUTION AUTHORIZING THE ADOPTION OF THE 2015 HUDSON COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

WHEREAS the City of Hoboken, NJ, has experienced natural hazards that result in public safety hazards and damage to private and public property;

WHEREAS the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk;

WHEREAS the New Jersey Office of Emergency Management is providing federal mitigation funds to support development of the mitigation plan;

WHEREAS a *Hazard Mitigation Plan* has been developed for the County of Hudson, by the Mitigation Planning Committee;

WHEREAS the *Hudson County Hazard Mitigation Plan* includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property, and

WHEREAS the draft plan was provided to each participating jurisdiction and was posted on the County Office of Emergency Management's website so as to introduce the planning concept and to solicit questions and comments; and to present the Plan and request comments, as required by law, and

WHEREAS the entire plan can be found at <http://www.hudsoncountynj.org/oem/> and the applicable portions are attached here.

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

1. The *Hudson County Multi-Jurisdictional Hazard Mitigation Plan*, as submitted to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on **April 2, 2015** by the Hudson County Office of Emergency Management, is hereby adopted as an official plan of the City of Hoboken; minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
2. The municipal departments identified in the Plan are hereby directed to pursue implementation of the recommended high priority activities that are assigned to their departments.
3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the City of Hoboken, and this resolution shall not be interpreted so as to mandate any such appropriations.
4. The Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the Hudson County Office of Emergency Management. The status reports shall be submitted on a yearly basis by a predetermined date as agreed upon by all stakeholders.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

15-383

By Councilman Mello

RESOLUTION FURTHER AMENDING THE PROFESSIONAL SERVICE CONTRACT WITH EI ASSOCIATES FOR PROFESSIONAL ENGINEERING SERVICE TO THE CITY OF HOBOKEN FOR THE BACKUP GENERATORS PROJECT FOR A TERM TO EXPIRE JUNE 30, 2016, BUT WITH AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$57,500.00, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$134,730.00

WHEREAS, service to the City as General Electrical 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 8/2013 the City of Hoboken was made aware of potential power related issues at city properties, and thereafter obtained four (4) quotes, on an emergency basis, for the Professional Services, of which EI Associates responded to with the most advantageous proposal, and was awarded a contract; and,

WHEREAS, the contract was amended to extend the term and increase the contract amount in 4/2015, and the City now seeks to further amend the contract through 6/30/2016 and increase the not to exceed amount by \$57,500.00, as set forth in the attached proposal, for a total not to exceed amount of \$134,730.00; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$57,500.00 for the Backup Generator Project site is available as follows: \$47,500.00 is available in the following appropriations 5-01-31-461-000, and \$10,000.00 is available in the following appropriation G-55-56-CD3-301 in the City's capital and CY2015 budget; and I further certify that these accounts are available and appropriate for said expenditures; 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 (*a majority of the full council voting in the affirmative*) by the City Council of the City of Hoboken as follows:

- A. This resolution amends the award of the contract to EI Associates for professional engineering services, in an increased amount of Fifty Seven Thousand Five Hundred Dollars (\$57,500.00) for a total contract amount of \$134,730.00, in accordance with the proposals, attached hereto.
- B. If the contract amendment, 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. 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.

BE IT Further RESOLVED that the City Council of the City of Hoboken authorizes the Mayor to enter into the herein described contract amendment with EI Associates; and,

BE IT FURTHER RESOLVED that the City Clerk shall publish this resolution in the City's official newspapers immediately; and,

BE IT FURTHER RESOLVED that this resolution shall take effect immediately as allowed by law.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

15-384

By Councilman Mello

RESOLUTION TO AMEND THE AWARD of THE 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 AMOUNT NOT TO EXCEED AMOUNT BY \$8,800.00, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$473,102.00

WHEREAS, the City previously awarded and thereafter amended a design, permitting and construction oversight contract to Starr Whitehouse for Block 12, for a total actual not to exceed amount of \$464,302.00 through December 31, 2015, in accordance with applicable Local Public Contract and Pay to Play laws; and,

WHEREAS, the City now seeks to amend the total contract amount an additional \$8,800.00 in accordance with the attached June 24, 2015 proposal, for a new total contract amount of \$473,102.00 (\$268,726.00 of the current contract amount of \$464,302.00 remains as of 7/1/2015); 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 \$8,800.00 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 \$8,800.00 (for services as described in the attached June 24, 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 extent that the attached June 24, 2015 proposal seeks to amend any terms other than the contract amount and scope of 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 by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

15-385

By Councilman

RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT BETWEEN THE CITY OF HOBOKEN AND STEVENS INSTITUTE OF TECHNOLOGY FOR OPERATION OF THE CY2015 HOBOKEN JUNIOR POLICE ACADEMY PURSUANT TO THE ATTACHED AGREEMENT

WHEREAS, the City of Hoboken wishes to conduct its annual Hoboken Junior Police Academy; and,

WHEREAS, the purpose of the Academy will be to teach, instruct, and develop the interests and skills in conflict resolution, law enforcement, physical fitness and police training of individuals between the ages of 12 years old and 15 years old; and,

WHEREAS, Stevens Institute owns educational and athletic facilities located in Hoboken, New Jersey; and,

WHEREAS, Stevens Institute is willing to make these facilities available to the City of Hoboken for the purpose of operating the CY2015 Junior Police Academy, pursuant to the attached agreement.

NOW THEREFORE BE IT RESOLVED, the City Council of the City of Hoboken hereby authorizes the Administration to contract with Stevens Institute for said services, in accordance with the attached agreement, and further authorizes the Mayor or her designee to execute and effectuate the attached or one substantially similar without any substantive changes.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

15-386

By Councilman Mello

RESOLUTION AWARDED A CONTRACT TO REGGIO CONSTRUCTION, INC. FOR THE PROVISIONS OF THE SIDEWALK REHABILITATION PROJECT AT THE MULTI SERVICE CENTER IN ACCORDANCE WITH THE CITY'S BID NO. 15-18 IN THE TOTAL NOT TO EXCEED AMOUNT OF \$136,285.00

WHEREAS, bids were received for the Sidewalk Rehabilitation Project at the Multi-Service Center, as specified in Bid Number 15 - 18; and,

WHEREAS, three (3) bids were received, being:

<u>VENDOR</u>	<u>TOTAL BID</u>
1. Reggio Construction, Inc. Fort Lee, NJ	\$136,285.00
2. Sabia Construction LLC Hoboken, NJ	\$204,953.10
3. RSC Rising Sun Construction Jersey City, NJ	\$353,339.00

WHEREAS, pursuant to the recommendation of the City Engineer (attached hereto) the City wishes to contract for the services specified in Bid No. 15-18, and Reggio Construction, Inc., submitted the lowest, responsible, and responsive bid in the amount of \$136,285.00; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$136,285.00 is available in the following appropriations: \$47,864.00 from C-04-60-714-210 and \$88,421.00 from G-55-56-CD3-301; 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 Reggio Construction, Inc. for Bid No. 15-18, in the total amount of One Hundred Thirty Six Thousand Two Hundred Eighty Five Dollars (\$136,285.00) for contractor for the Sidewalk Rehabilitation Project at the Multi-Service Center; and, said contract shall be to Reggio Construction, Inc. in accordance with the specifications as set forth in Bid No. 15-18.
- 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 and conditions of the specifications, and the vendor's corresponding bid proposal documents, all of which shall become incorporated by reference into the City's contract with the vendor.
- D. No exceptions were noted in the City's Engineer's recommendations or the proposal; therefore, none will be accepted in performing obligations under the bid.
- E. 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. 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: 8 – NAYS: 0 - ABSENT: 1

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

---Nays: None.

---Absent: Mason

15-387

By Councilman

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$1,424.37)

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 **\$1,424.37**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
618-620 Washington St LLC c/o Robert Matule 89 Hudson Street Hoboken, NJ 07030	205/34	618-620 Washington St	3/14	\$ 913.69
Ocwen Loan Servicing, LLC Tax/Escrow Department 1661 Worthington Road, Suite 100 West Palm Beach, FL 33409	86/1/CPH11	800-830 Jackson St	4/14	\$510.68

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mason

15-388

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 \$5,847.66)**

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 \$5,847.66**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
Waters,McPherson,McNeill 300 Lighting Way P.O. Box 1560 Secaucus, NJ 07096	32/7	113 Grand St	2014	\$2,654.65
Scanlon & Scanlon 90 Hudson Street Hoboken, NJ 07030	191/10	420 Bloomfield St.	2014	\$3,193.01

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

15-389

By Councilman Doyle

**RESOLUTION TO ADOPT THE MINUTES OF THE MEETINGS OF THE CITY COUNCIL
DATED: SPECIAL AND REGULAR MEETINGS OF JUNE 17, 2014**

RESOLVED, that filed minutes for the Hoboken City Council **Regular and Special meeting of June 17, 2015 have been reviewed and approved by the Governing Body.**

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

ORDINANCES

Introduction and First Reading

15-390

Z-363

**AN ORDINANCE TO AMEND HOBOKEN CODE CHAPTER 86, ENTITLED
“CONSTRUCTION CODES, UNIFORM” TO REVISE THE ELECTRICAL AND PLUMBING
FEE SCHEDULES**

WHEREAS, Chapter 86 of the Hoboken City Code currently regulates the electrical and plumbing fee schedules for the City of Hoboken; and

WHEREAS, the City Council has determined that a revision to the fee schedule is necessary to reasonably cover the municipal costs of enforcing the regulations that govern this ordinance; and

WHEREAS, the electrical and plumbing fee schedules will be revised, herein, in such a way that they continue to comply with state requirements for construction fees.

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

SECTION ONE: AMENDMENTS TO HOBOKEN CODE §86-3 – ELECTRICAL FEE SCHEDULE AND PLUMBING FEE SCHEDULE

§86-3 Schedule of fees; Surcharge

ELECTRICAL FEE SCHEDULE

	CURRENT	REVISED
Minimum fee	\$45.00	<u>\$50.00</u>
Fixtures		
Receptacles – Total 1 to 25 devices	45.00	<u>50.00</u>
Each additional 25 devices	10.00	<u>25.00</u>
Electric range	15.00	15.00
Oven	10.00	<u>15.00</u>
20A circuits	10.00	<u>15.00</u>
Surface units	10.00	<u>15.00</u>
Dishwasher	10.00	<u>15.00</u>
Garbage disposal	10.00	<u>15.00</u>
Dryer apartment unit	10.00	<u>15.00</u>
A/C window unit (other units refer to motor schedule)	10.00	<u>15.00</u>
Communication points		
Burglar alarms		
Intercom panels		
Smoke detectors		
Pull stations		
Bells		
E.M. Lights		
Exit lights 1 to 15 devices	40.00	40.00
Each additional	2.00	2.00
Pool Bonding		
Pool filter motor		
Pool lights	69.00	69.00
Water heater	10.00	<u>25.00</u>
Central Heat gas, oil, or electric	20.00	<u>30.00</u>
Central A/C units	20.00	20.00
Baseboard heat units	10.00	<u>15.00</u>
Thermostats	10.00	10.00
Heat pumps	10.00	<u>20.00</u>

Motor control center/subpanels 1 st 100 amps	30.00	30.00
Each additional 100 amps	10.00	10.00
Other		
	30.00	30.00
Annual fee for swimming pool, spa or hot tub	36.00	<u>50.00</u>
Signs	20.00	20.00
Light standard	20.00	20.00
Motors frac h.p. up to 1	10.00	<u>15.00</u>
Motors over 1 to 5 h.p.	20.00	20.00
Each additional 5	5.00	5.00
Transformers not over 200 k.v.a.	50.00	50.00
Over 200 to 500 k.v.a.	75.00	75.00
Over 500 k.v.a.	100.00	100.00
Generators up to 50 k.w.	30.00	<u>65.00</u>
Each additional 50 k.w.		20.00
		20.00
Service entrance up to 200 A.		65.00
Each additional 100 A.	10.00	10.00
First 5 meters incl.		
Each additional meter	5.00	5.00

PLUMBING FEE SCHEDULE

	CURRENT	REVISED
Minimum fee	\$ 40.00	<u>50.00</u>
Water closet	13.00	<u>15.00</u>
Urinal/Bidet	13.00	<u>15.00</u>
Bathtub	13.00	<u>15.00</u>
Lavatory	13.00	<u>15.00</u>
Shower	13.00	<u>15.00</u>
Sink – Kitchen/janitor	13.00	<u>15.00</u>
3 pc bathroom & repipe	40.00	<u>45.00</u>
2 pc powder room & repipe	25.00	<u>30.00</u>
Floor Drains	8.00	<u>15.00</u>
Drinking fountain	13.00	<u>15.00</u>
Dishwasher	13.00	<u>15.00</u>
Washing Machine	13.00	<u>15.00</u>
Gas Dryer	13.00	<u>15.00</u>
Kitchen range	13.00	<u>15.00</u>
Garbage disposal		<u>15.00</u>
Hose Bib	13.00	<u>15.00</u>
Water heater		
Up to 50 gallons	20.00	<u>25.00</u>
Above 50 gallons	25.00	<u>30.00</u>
Hot Water Furnace HTG Boiler/furnace, water, steam, air		
To 200,000 BTU	40.00	<u>70.00</u>
Over 200,000 BTU	75.00	<u>90.00</u>
Combo hot water and Heating Unit (<u>genisus</u>)	40.00	<u>90.00</u>
Sump pump	20.00	<u>30.00</u>
Sewerage Ejector Pump	40.00	<u>60.00</u>
Grease Interceptor Interceptor Grease, Sand etc.	65.00	<u>90.00</u>
Backflow preventer	10.00	<u>15.00</u>
With test ports		<u>90.00</u>
Sewer tap-in	65.00	<u>90.00</u>
House Drain	35.00	<u>50.00</u>
Vertical stacks	15.00	<u>20.00</u>
Gas line		

To 2"	15.00	<u>20.00</u>	
Over 2"		25.00	<u>30.00</u>
Water service			
To 2"	65.00	<u>75.00</u>	
Above 2"		100.00	<u>120.00</u>
Water main <u>building</u> interior		15.00	<u>20.00</u>
Water risers		15.00	<u>20.00</u>
Repipe – water only		20.00	<u>30.00</u>
Repipe – water/waste			<u>50.00</u>
Manhole	50.00	<u>90.00</u>	
Others		10.00	<u>40.00</u>
Fireplace		30.00	<u>45.00</u>
Whirlpool <u>tub</u>		30.00	<u>45.00</u>
Refrigeration Units		65.00	<u>65.00</u>
Other Refrigerator water/icemaker	65.00	<u>15.00</u>	
Commercial appliances		20.00	<u>40.00</u>

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

This ordinance shall be a part of the Code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

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

NEW BUSINESS

Council President comments that they would like to hear one more resolution

15-391

---By President Bhalla

RESOLUTION TO AWARD ZIPCAR, INC. THE “CORNER CARS” PROGRAM CONTRACT

WHEREAS, the City seeks to award Zipcar, Inc. a two (2) year contract with a three (3) one-year option(s) to extend, which options shall be at the City’s sole discretion; and,

WHEREAS, N.J.S.A. 40A:11-4.1, maybe used by local contracting unit in lieu of standard public bidding process for procurement of specialized goods and services where the price exceeds the bid threshold and said procedure is considered fair and open; and,

WHEREAS, the City has determined that based on the scores of the evaluation committee, it is in the best interest of the City, with price and other factors considered, that Zipcar, Inc. provide the City with said services, since their proposal offers the most effective and efficient services; and

WHEREAS, Zipcar Inc. shall pay the City of Hoboken one hundred fifty dollars (\$150.00) per space per month; and

WHEREAS, Zipcar Inc. shall sponsor the Bike Share Program at a cost of one thousand dollars (\$1,000) per bicycle per year for at least two years, and Zip Car has agreed to provide sponsorship for 50 bicycles, and said sponsorship shall include the Zipcar logo prominently displayed on two panels on the sides of the bicycles with the design being developed by the City in conjunction with Zipcar; and

WHEREAS, the participation fees for the public’s use of the Corner Car program shall be, as described in Zip Car’s proposal, at pages 22-24 (as attached hereto and made a part of the contract).

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

- A. This resolution awards, Zipcar, Inc., the City of Hoboken's Corner Cars contract (for services as described in RFP 15-11, and Zip Car's responsive proposal).
- B. The Mayor or her designee is hereby authorized to take the necessary steps to enter into a contract, as defined by this resolution, and any other steps necessary to effectuate this resolution and the services thereunder.
- C. This resolution shall be posted and published in accordance with all applicable laws, and shall take effect immediately upon passage.
- D. If the agreement is not executed by Zipcar, Inc. within the time allowed under the RFP and applicable law, then the City has the right to immediately rebid the project.

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

---Motion duly seconded by Councilwoman Giattino

---Adopted by the following vote: YEAS: 5 – NAYS: 3 - ABSENT: 1

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

---Nays: Castellano, Mello, Russo

---Absent: Mason

Councilwoman Giattino has left the table at 9:43 PM

Councilwoman Giattino has returned to the table at 9:49 PM

Councilman Russo has left the meeting at 9:47 PM

Councilman Russo has returned to the meeting at 9:50 PM

Councilwoman Castellano comments on 77 River regarding spaces and congratulates Mr. Farina as a grandfather.

Councilman Russo comments about the handicapped parking spaces which passed tonight, 5 new ones and deleted 2 and thank the Council for voting on the ordinance, comments on the corner cars program that was heard tonight and we should all look into the resolution on different perspectives.

Councilman Doyle comments on noticing Carlos Davis from the Hoboken Reporter, the procedures regarding abandoned boats/damaged up in the Tea building, since it's passed there are some questions about a bonding provision for owners for vessels up to an amount and we are taking a look at that and will determine if there needs to be tweaks to that ordinance, since the ordinance will be in effect tomorrow, can we have time to evaluate this before we start enforcing.

Director Morgan comments that he had conversations with one building who has four (4) owners, the purpose of the bond, and they under the premise and understand that we're here to protect the city

Councilman Russo commented that he sold one of the boats but the new owner didn't register the boat, should I have him contact you directly?

Councilman Occhipinti comments on how many complaints regarding the light rail at Paterson Plank Road.

Director Morgan comments that they are supposed to survey another track in Hoboken and maybe we can talk to them further about this.

Councilman Occhipinti comments and would like to know the update for PSE & G Energy update on certain substations.

Director Morgan comments a tentative meeting in the next two weeks.

Councilman Doyle comments that the PB approved upgrades to be implemented at the substation at 17th Street.

Councilman Occhipinti comments on thanking BA Wiest and Director Pellegrini on boarding up a building in the 4th Ward, any update for construction on Washington St. and adopt the final design plan and thank Director Pellegrini for trying to bring Movie Under the Stars at Mama Johnson Field, also the St. Ann's Festival is from July 22-26th.

Councilwoman Giattino comments that the next Parking and Transportation Council Committee is at Tues., July 14 at 7:00 PM.

Councilman Occhipinti comments that the Adm. sent out a survey for the residents for the SW Redevelopment Plan and it's on the city website.

Councilman Cunningham comments that Director Forbes, is negotiating a contract with the planner which was awarded at the last council meeting and hopefully have a kick-off meeting, need an update on Observer Highway to 14th St. and Bloomfield and move it in phase one, when is that street going to be paved and lastly get a copy of the corner cars contract.

Councilman Mello comments on the SW Survey and hopefully get it extended to a date certain, the 2nd St. substation and will look into acquiring that land and thinks it would be a good thing acquiring it. And finally, Jersey City has a mural program and thought that this would strengthen its ties in the community. He suggested the pedestrian tunnel under the 14th Street viaduct be looked at for a potential site for artists to display their murals.

Council President comments that next Wed., July 15, 2015 a Special Meeting will be held to discuss the Western Edge and the Planning Board recommendation at 7 PM. Unfortunately, Hoboken lost a resident Agnes Seera who was struck in a motor vehicle accident at the corner on 5th and Washington, and extend our condolences to her family. Council President Bhalla & Councilman Cunningham were able to tour the WTC PATH site coming in late July, early August. Some great changes and improvements, but they are installing foreign Italian marble on the NYC side, compared to the service cuts in Hoboken and the Jersey side and hopefully Port Authority.

At 10:23 PM meeting adjourned of the Governing Body on a motion by Council duly seconded by the Council members.

Council President Bhalla then adjourned the meeting at 10:23 PM

PRESIDENT OF THE COUNCIL

CITY CLERK