

MEETING OF JULY 10, 2013

MINUTES OF A REGULAR MEETING OF THE COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY, HELD IN THE COUNCIL CHAMBERS, CITY HALL, HOBOKEN, NEW JERSEY, WEDNESDAY, JULY 10, 2013 AT 6:30 PM

President Cunningham opened the meeting at 7:02 PM. 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 published in the Jersey Journal, 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.

The Clerk then called the roll: Council persons Bhalla, Castellano, Giattino, Mason, Mello, Occhipinti, Russo and President Cunningham.

Council President comments and gives an overview of the meeting this evening.

SECOND READING/PUBLIC HEARING AND FINAL VOTE

BOND ORDINANCE AUTHORIZING THE REHABILITATION AND RECONSTRUCTION OF PIER "A" IN THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$2,500,000 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 AMOUNT OF UP TO \$2,375,000; MAKING CERTAIN DETERMINATIONS AND CONVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTIONS WITH THE FOREGOING (Z-235) (Carried to the next city council meeting – August 5, 2013)

AN ORDINANCE TO AMEND PORTIONS OF CHAPTER 168, ARTICLE IX REGARDING RENAMING OF CITY STREETS (sponsored by Councilman Russo and Councilwoman Castellano) (Z-244)

No other person present desiring to be heard and no written protests or objections received, President Cunningham asked for a motion to close the hearing.

President Cunningham moved that the hearing be closed.

---Motion duly seconded by Councilman Russo

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

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

---Nays: None

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

---Motion duly seconded by Councilwoman Castellano

---**FAILED** by the following vote: YEAS: 4 NAYS: 4

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

“PUBLIC PORTION”

All regular business concluded the following members of the public spoke at the “Public Portion” of the meeting: Patricia Waiters, Carmelo Garcia, Sigsby Cheatham, Sandra Smith, Beth Miles, Barbara Reyes, Deborah Morrissette, Pamela Lupo, David Liebler, Dan Tumpson, Cheryl Fallick, Mary Ondrejka, MarieBart, Carmen Vega.

13-324

Communication from Mayor Dawn Zimmer appointing Ken Ferrante to the office of Emergency Management Coordinator to serve a term of three (3) years.

Received and Filed.

13-325

APPLICATION FOR MISCELLANEOUS LICENSES

RAFFLES----- 1 ITEM
VENDORS ----- 1 ITEM
PARKING FACILITIES.....\$300.00 EA) 2 ITEMS

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

13-326

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of June 2013
\$1,221,128.25 (Abatement Totals – \$79,220.76)

Received and Filed.

13-327

A report from Municipal Court indicating receipts for the month of June 2013 as **\$391,043.71**

Received and Filed.

13-328

---By Councilwoman Giattino

CLAIMS

Total for this agenda \$3,645,043.71

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 5 – NAYS: 4 PRESENT: 1 ABSTAIN: 1

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

---Nays: Castellano –12-04349, 13-02548, 13-02549, 13-02592, 13-02593, 13-02594, 13-02595, 13-02596, 13-00137, Mason 13-02327, 13-02441, 13-01880, 13-02194, 13-02372, Occhipinti and Russo

---Present: Mason - 13-02548-Boswell, 13-02549-Boswell, 13-02322-AT & T, 13-00137 –Buzak Law Firm, 13-02550, 13-02551, 13-02278,13-02403, 13-02404, 13-02409, 13-02492, 13-02212, 13-022395, 13-02296, 13-02297, 13-02402, 13-02406, 13-00023

---Abstain: Mason on 13-00129, 13-00131, 13-00140, 13-02319, 13-02520,13-02521-ASL Productions, LLC, 12-03376, Bhalla - 13-00143 – Florio and Perucci.

Councilwoman Castellano comments on 13-02428

Council President comments that we will come back to the Claims since they were revised.

Councilwoman Mason comments on a Freeholder meeting - ASL Productions, LLC.

Councilwoman Mason comments on a 2 hour shoot cost for ASL Productions, LLC.

Councilwoman comments on PSE&G.

Council President comments on South Jersey Energy

BA Wiest comments on South Jersey Energy on 13-02403, 13-02404, 13-02492

Councilman Russo comments on 12-03460 -\$3,481.06

BA Wiest comments that it will be charged from the Parks Acquisition Line

Councilwoman Mason comments on 13-02295, 13-02296, 13-02296, 13-02416, 13-02505 Verizon and Nextel Communications

Councilman Russo comments on Verizon cell phone service

Councilwoman Mason comments on 13-02548 - \$12,799.00

Councilman Russo comments on public porto-potties

Director Pellegrini comments about 30-40

Councilman Bhalla comments

Councilman Occhipinti comments on Boswell Engineering

13-329

---By Councilman Giattino

PAYROLL

For the two week period starting June 6, 2013 – June 19, 2013

Meeting of July 10, 2013

Regular Payroll	O/T Pay	Other Pay
\$1,535,286.59	\$83,983.83	\$136,459.94

Total \$1,755,730.36

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

PUBLIC PORTION ON RESOLUTIONS

The speaker who spoke: Patricia Waiters.

CONSENT AGENDA – 11, 12, 23, 25, 26, 29, 32-34

Pulled from the agenda for discussion: 1-10, 13-22, 24, 27, 28 & 30
Removed by Administration: 31

RESOLUTIONS

13-330

---By Councilwoman Giattino

Inserting a Special Item of Revenue into the CY 2013 Municipal Budget

JUNIOR TENNIS GRANT CY 2013

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 \$1,500.00 from Junior Tennis Grant Program wishes to amend its CY 2013 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED by 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 2013 in the sum of.....\$1,500.00
This is now available as 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:
Junior Tennis Grant \$1,500.00

NOW, THEREFORE, BE IT RESOLVED that the like sum of:\$1,500.00
Be and the same is hereby appropriated under the caption of:
General Appropriations:

(a) Operations Excluded from CAPS
State and Federal Programs Off-Set by
Revenues:
Junior Tennis Grant
Other Expenses \$1,500.00

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

The speaker who spoke: Director Steplight

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

Council will vote resolutions #1-10 in consent

13-331

---By Councilwoman Giattino

Inserting a Special Item of Revenue into the CY 2013 Municipal Budget

**DEPARTMENT OF TRANSPORTATION – TRANSPORTATION ENHANCEMENT NEWARK
STREET REDESIGN 2013**

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

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

WHEREAS, the City of Hoboken has received notice of an award of \$118,000.00 from the State of New Jersey Department of Transportation and wishes to amend it's CY 2013 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED by 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 2013 in the sum of.....\$118,000.00
Which is now available as a revenue from:

Miscellaneous Revenues:
Special Items of General Revenue Anticipated
with Prior Written Consent of the Director of the
Division of Local Government Services:
State and Federal Revenues Off-set with
Appropriations:
Transportation Enhancement
Newark Street Redesign

NOW, THEREFORE, BE IT RESOLVED that the like sum of.....\$118,000.00
be and the same is hereby appropriated under the caption of:

General Appropriations:
(a) Operations Excluded from CAPS
State and Federal Programs Off-Set by
Revenues:
Department of Community Affairs
Transportation Enhancement
Newark Street Redesign

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

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

13-332
---By Councilman Mello

Inserting a Special Item of Revenue into the CY 2013 Municipal Budget

DEPARTMENT OF TRANSPORTATION – VARIOUS STREET 2013

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

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

WHEREAS, the City of Hoboken has received notice of an award of
\$356,280.00 from the State of New Jersey Department of Transportation and wishes to amend it's CY
2013 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED by 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 2013 in the sum of.....\$356,280.00
Which is now available as a revenue from:

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

NOW, THEREFORE, BE IT RESOLVED that the like sum of.....\$356,280.00
be and the same is hereby appropriated under the caption of:

General Appropriations:
(a) Operations Excluded from CAPS
State and Federal Programs Off-Set by
Revenues:
Department of Community Affairs
Department of Transportation
Various Roads

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

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

13-333

---By Councilwoman Giattino

Inserting a Special Item of Revenue into the CY 2013 Municipal Budget

HISTORIC TRUST GRANT CY 2013

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
\$37,500.00 with a match of \$12,500.00 for a total award of \$50,000.00 from New Jersey Historic Trust
wishes to amend its CY 2013 Budget to include this amount as revenue..

NOW, THEREFORE, BE IT RESOLVED by 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 2013 in the sum of.....\$50,000.00
This is now available as 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:

Historic Trust Fund \$37,500.00

NOW, THEREFORE, BE IT RESOLVED that the like sum of: \$50,000.00
Be and the same is hereby appropriated under the caption of:
General Appropriations:

(a) Operations Excluded from CAPS
State and Federal Programs Off-Set by
Revenues:

Historic Trust Fund \$37,500.00
City Match \$12,500.00

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

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

13-334

---By Councilwoman Giattino

Inserting a Special Item of Revenue into the CY 2013 Municipal Budget

**COMPREHENSIVE PROGRAM FOR THE ELDERLY
Home Support & Adult Day Care CY 2013 2nd QUARTER**

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

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

WHEREAS, the City of Hoboken has received notice of an award of
\$32,389.00 from the County of Hudson and Department of Health & Human Services and wishes it CY
2013 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED by 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 2013 in the sum of.....\$32,389.00
Which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated
with Prior Written Consent of the Director of the
Division of Local Government Services:

Hudson County Revenues Off-set with
Appropriations:

Home Support & Adult Day Care \$32,389.00

NOW, THEREFORE, BE IT RESOLVED that the like sum of.....\$32,389.00
be and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from CAPS

State and Federal Programs Off-Set by
Revenues:

Hudson County Revenues Off-set with
Home Support & Adult Day Care \$32,389.00

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

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

13-335

---By Councilwoman Giattino

Inserting a Special Item of Revenue into the CY 2013 Municipal Budget

MUNICIPAL COURT ALCOHOL EDUCATION REHABILITATION ENFORCEMENT CY 2013

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
\$1,055.49 from State of New Jersey, Administrative Office of the Courts CY 2013 Budget to include this
amount as revenue.

NOW, THEREFORE, BE IT RESOLVED by 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 2012 in the sum of.....\$1,055.49
This is now available as 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:

State Alcohol Ed Rehab DWI \$1,055.49

NOW, THEREFORE, BE IT RESOLVED that the like sum of... \$1,055.49
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:
State Alcohol Ed Rehab DWI
Other Expenses

\$1,055.49

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

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

13-336

---By Councilwoman Giattino

Inserting a Special Item of Revenue into the CY 2012 Municipal Budget

CULTURAL AFFAIRS STATE AND COUNTY PARTNERSHIP ARTS GRANT PROGRAM CY 2013

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
\$6,216.00 from Cultural Affairs State and County Partnership Arts Grant Program wishes to amend its
CY 2013 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED by 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 2013 in the sum of.....\$6,216.00
This is now available as 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:
Cultural Affairs Partnership Arts Grantee Prog. \$6,216.00

NOW, THEREFORE, BE IT RESOLVED that the like sum of: \$6,216.00
Be and the same is hereby appropriated under the caption of:
General Appropriations:

(a) Operations Excluded from CAPS
State and Federal Programs Off-Set by
Revenues:
Cultural Affairs Partnership Arts Grant Prog.
Other Expenses \$6,216.00

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

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

13-337

---By Councilwoman Giattino

Inserting a Special Item of Revenue into the CY 2013 Municipal Budget

FIREFIGHTERS ASSISTANCE GRANT
FY 2012

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

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

WHEREAS, the City of Hoboken has received notice of an award of \$44,300.00 from the Federal Emergency Management Agency and wishes to amend it's CY 2013 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED by 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 2013 in the sum of.....\$44,300.00
Which is now available as a revenue from:

Miscellaneous Revenues:
Special Items of General Revenue Anticipated
with Prior Written Consent of the Director of the
Division of Local Government Services:
FEMA Revenues Off-set with

Appropriations:	
Firefighter's Assistance Grant	\$35,440.00
City Match Increase	8,860.00

NOW, THEREFORE, BE IT RESOLVED that the like sum of..... \$44,300.00
be and the same is hereby appropriated under the caption of:
General Appropriations:

(a) Operations Excluded from CAPS	
State and Federal Programs Off-Set by	
Revenues:	
FEMA Revenues Off-set with	
Firefighter's Assistance Grant	\$35,440.00
City Match Increase	8,860.00

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

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

13-338

---By Councilwoman Giattino

Inserting a Special Item of Revenue into the CY 2013 Municipal Budget

CLEAN COMMUNITY GRANT CY 2013

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 \$82,079.30 from State of New Jersey Department of Environmental Protection wishes to amend its CY 2013 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED by 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 2013 in the sum of.....\$82,079.30
This is now available as 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:
Clean Community Grant \$82,079.30

NOW, THEREFORE, BE IT RESOLVED that the like sum of... \$82,079.30
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:
Clean Community Grant
Other Expenses \$82,079.30

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

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

13-339
---By Councilwoman Giattino

Inserting a Special Item of Revenue into the CY 2013 Municipal Budget

HOBOKEN POLICE ATHLETIC LEAGUE – CY 2013

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 \$14,500.00 from National Association of Police Athletic/League Activity Office of Juvenile Justice Programs to amend its CY 2013 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED by 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 2013 in the sum of.....\$14,500.00
This is now available as 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:
Hoboken Police Athletic League O/E

NOW, THEREFORE, BE IT RESOLVED that the like sum of: \$14,500.000
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:
Hoboken Police Athletic League O/E
Other Expenses

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

---Motion duly seconded by Councilman Mello

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

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

---Nays: None

13-340

---By Councilwoman Giattino

RESOLUTION APPROVING AN SHARED SERVICE AGREEMENT WITH THE TOWN OF SEACAUCUS FOR THE USE OF ITS POOL BY THE RESIDENTS OF THE CITY OF HOBOKEN FOR CY2013

WHEREAS, N.J.S.A. 40A:65-1 et seq. authorizes any local governmental unit to enter into a contract with any other governmental unit for the providing of any service that any party to such agreement is empowered to render within its own jurisdiction; and,

WHEREAS, the Town of Secaucus has agreed to provide use of a swimming pool facility to the residents of the City of Hoboken upon payment by the residents for use of such facility; and,

WHEREAS, it is the desire of the Council of the City of Hoboken to authorize the execution of a Shared Service Agreement whereby the Town of Secaucus will provide use of its swimming pool facility to the residents of the City of Hoboken.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hoboken, County of Hudson, State of New Jersey, that the Mayor and City Clerk be and are hereby authorized to execute a Shared Service Agreement whereby Secaucus will provide use of a swimming pool facility to the residents of Hoboken; and,

BE IT FURTHER RESOLVED that the Mayor is hereby authorized 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.

This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Mello

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

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

13-341

---By Councilwoman Giattino

AUTHORIZING THE CITY OF HOBOKEN TO APPLY FOR GRANT FUNDING FROM THE DEPARTMENT OF COMMUNITY AFFAIRS FOR FLOOD HAZARD PLANNING AND STORM RESILIENCY

Whereas, the City of Hoboken desires to apply for and obtain grant(s) from the New Jersey Department of Community Affairs for approximately \$200,000.00 to:

1. To prepare community design standards for flood hazard areas that will foster communities of place and set standards for flood resiliency at the street level for public, residential, commercial and mixed use buildings (\$50,000.00);
2. To develop codes, ordinances and regulations that will implement community plans for resiliency and flood/storm surge mitigation and assist in redeveloping storm damaged areas (\$20,000.00);
3. To prepare a 5 year Capital Improvement Plan that will focus municipal capital investment on public facilities, fleets and equipment to build community resiliency in plants and equipment (\$30,000.00);
4. To prepare a municipal hazard mitigation plan which will tie together municipal emergency and public services and address unique and specific needs of the community (\$50,000.00); and
5. To prepare an Open Space, Recreation and Historic Preservation Plan in the context of flood hazard mitigation and municipal resiliency (\$50,000.00).

NOW THEREFORE BE IT RESOLVED,

1) That the City Counsel of the City of Hoboken does hereby authorize the application for such a grant; and,

2) Recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the and the New Jersey Department of Community Affairs.

3) That the Mayor or her designee may execute the underlying application, and take any and all other action necessary to effectuate this Resolution.

---Motion duly seconded by Councilman Mello

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

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

---Nays: None

13-342

---By Councilman Mello

RESOLUTION OF THE CITY OF HOBOKEN AUTHORIZING THE EXECUTION OF A CONDITIONAL DESIGNATION AND INTERIM COST AGREEMENT WITH 83 WILLOW, LLC

Meeting of July 10, 2013

**INCLUDING PROVISIONS FOR AN ESCROW DEPOSIT TO DEFRAY THE COSTS OF THE CITY
IN THE NEGOTIATION OF A REDEVELOPMENT AGREEMENT**

WHEREAS, in order to stimulate redevelopment, the City of Hoboken (the "City") by resolution designated certain properties in the City as areas in need of redevelopment ("Redevelopment Area") in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented; and

WHEREAS, on May 20, 1998, the City by ordinance adopted the Northwest Redevelopment Plan, which has been amended from time to time, and which sets forth the plan for the Redevelopment Area; and

WHEREAS, the properties designated as Block 1, Lots 11, 12, 13 and 14 on the Tax Map of the City and commonly known as 81-83 Willow Street, Hoboken, NJ 07030 ("Project Site") are included in the Redevelopment Area; and

WHEREAS, 83 Willow, LLC is the owner of the Project Site; and

WHEREAS, 83 Willow, LLC has submitted a Pre-Submission Form to the City of Hoboken on May 20, 2013, which seeks designation as the Redeveloper of the Project Site and contains a proposal for redevelopment of the Project Site, which provides for the development of 30 residential units, 2,500 square feet of street retail, and 46 parking spaces; and

WHEREAS, the City requires that prospective redevelopers, pay the reasonable costs incurred by the City in reviewing and evaluating the prospective redeveloper's proposal, negotiating and drafting a Redevelopment Agreement (should a Redevelopment Agreement ultimately be executed), and all other costs and expenses related to this matter, prior to either the execution of a Redevelopment Agreement or a determination by the City that a Redevelopment Agreement cannot be executed, as the case may be; and

WHEREAS, the City has prepared a form of Conditional Designation and Interim Cost Agreement, whereby 83 Willow, LLC would pay the reasonable costs incurred by the City in reviewing and evaluating 83 Willow, LLC's redevelopment proposal, negotiating and drafting a Redevelopment Agreement (should a Redevelopment Agreement ultimately be executed), and all other costs and expenses related to this matter, prior to either the execution of a Redevelopment Agreement or a determination by the City that a Redevelopment Agreement cannot be executed, as the case may be;

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

1. The Mayor is hereby authorized to execute a Conditional Designation and Interim Cost Agreement between the City of Hoboken and 83 Willow, LLC, in the form attached hereto as Schedule A or in a form substantially similar thereto.
2. Staff and consultants to the City are hereby authorized and directed to take all other administrative actions to implement this Resolution as are necessary and appropriate to accomplish its goals and intent.
3. This Resolution shall be effective immediately.

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 8 – NAYS: 0
---Yeas: Council persons Bhalla, Castellano, Giattino, Mason, Mello, Occhipinti, Russo and President Cunningham
---Nays: None

13-343

---By Councilwoman Giattino

RESOLUTION AUTHORIZING CHANGE ORDER #1 ON BEHALF OF TILCON FOR ADDITIONAL WORK ON THE 2012 IMPROVEMENTS TO VARIOUS STREETS PROJECT (HO-499) FOR THE CITY OF HOBOKEN IN THE AMOUNT OF -\$16,083.61

WHEREAS, the City of Hoboken previously appropriated funds totaling \$394,150.50 for Tilcon for the Hoboken Improvements to City Streets Project (HO-499) for the City of Hoboken; and

WHEREAS, this represents the first change order; and

WHEREAS, during the continued performance of the contract, work did not require the amount originally proposed by the Contractor; and

WHEREAS, the City's Engineer, by letter dated June 19, 2013, has reviewed the final product and invoiced work and takes no exception to the calculations included in Change Order #1 in the amount of -\$16,083.61, which equals a Four Percent (4.08%) reduction in the contract amount; 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 for the Hoboken 2012 Improvement to City Streets Project (HO-499) for the City of Hoboken in favor of Tilcon in the amount of Negative Sixteen Thousand Eighty Three Dollars and Sixty One Cents (-\$16,083.61) which equals a Four Percent (4.08%) reduction in the contract amount.

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

---Absent: Castellano

Councilwoman Castellano has left the table at 9:57 PM

Councilwoman Castellano has returned to the table at 10:01 PM

13-344

---By Councilwoman Giattino

THIS RESOLUTION AMENDS AN EMERGENCY CONTRACT AWARDED TO THOMPSON CONSULTING FOR DEBRIS MONITORING AND PUBLIC ASSISTANCE

IN THE WAKE OF HURRICANE SANDY WITH NO CHANGE IN THE NOT TO EXCEED AMOUNT, AND FOR AN AMENDED EXPIRATION DATE OF OCTOBER 31, 2013

WHEREAS, the City of Hoboken was faced with an emergency situation which has the potential to create serious risks to the safety, health and welfare of the general public, specifically, the debris remaining throughout the City and the financial hardships of the local government which resulted from Hurricane Sandy; and,

WHEREAS, the Administration consulted and negotiated with two (2) consulting firms, and thereafter entered into an emergency contract for said services in accordance with N.J.S.A. 40A:11-6 and Hoboken Code § 60-11; and,

WHEREAS, thereafter the City sought proposal for said services, under emergent circumstances and time constraints, and received two proposals which were evaluated according to the general requirements of competitive contracting within the New Jersey statutes and regulations, and awarded a contract to Thompson Consulting which was for Two Hundred Fifty Four Thousand One Hundred Fifty Two Dollars (\$254,152.00), and an expiration date of February 12, 2013, which was thereafter extended by Resolution of the Council until April 16, 2013; and,

WHEREAS, in accordance with the direction of the City Business Administrator, the City Council seeks to further amend the contract, **with no change to the not to exceed amount, but with an amended expiration date of October 31, 2013, and with an additional term that allows for a final reporting meeting between the Administration and Thompson Consulting later in CY2013, as necessary, to wind up the FEMA work relating to Superstorm Sandy;** and,

WHEREAS, additional certification of funds is unnecessary, as the not to exceed amount remains unchanged.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the amendment to the emergency contract with the below listed vendor is authorized and ratified for **an unchanged amount not to exceed Two Hundred Fifty Four Thousand One Hundred Fifty Two Dollars (\$254,152.00) and an amended termination date of October 31, 2013, and with an additional term that allows for a final reporting meeting between the Administration and Thompson Consulting later in CY2013, as necessary, to wind up the FEMA work relating to Superstorm Sandy**, subject to the following conditions:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the attached 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:

Thompson Consulting Services
951 Market Promenade Avenue
Suite 2101
Lake Mary, Florida 32746

---Motion duly seconded by Councilman Mello
---Adopted by the following vote: YEAS: 7 – NAYS: 1

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

Councilwoman Mason has left the table at 10:01 PM
Councilwoman Mason has returned to the table at 10:05 PM

13-345

---By Councilman Bhalla

RESOLUTION TO AMEND THE PROFESSIONAL SERVICE CONTRACT WITH BENJAMIN CHOI, ESQ. FOR SERVICES AS MUNICIPAL PROSECUTOR FOR A ONE (1) YEAR TERM TO COMMENCE ON JANUARY 1, 2013 AND TERMINATE ON DECEMBER 31, 2013 TO INCREASE THE NOT TO EXCEED AMOUNT BY \$10,000.00, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$40,000.00

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

WHEREAS, Benjamin Choi, Esq. was appointed to the position of Municipal Prosecutor, and was awarded a professional service contract for said services for the 2013 calendar year in accordance with applicable procurement and pay to play laws, which the City Council is now called upon to amend to increase the not to exceed amount by \$10,000.00; and,

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

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$10,000.00 is available in the following appropriation 30120155031 in the CY2013 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 CY2013; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hoboken, County of Hudson, hereby authorizes an amendment to the professional service contract with Benjamin Choi, Esq. as the City of Hoboken municipal prosecutor for the 2013 calendar year to increase the not to exceed amount by Ten Thousand Dollars (\$10,000.00), for a total not to exceed amount of Forty Thousand Dollars (\$40,000.00); and,

BE IF FURTHER RESOLVED that the remainder of the terms of the professional service contract shall remain unchanged; and,

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

BE IT FURTHER RESOLVED the City Clerk shall publish this resolution as required by law and

keep a copy of the resulting contract on file in accordance with N.J.S.A. 40A:11-1 et seq.; and,

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

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

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: Russo

Council President comments to vote on resolutions #16-17

13-346

---By Councilman Bhalla

RESOLUTION AMENDING THE PROFESSIONAL SERVICE CONTRACT WITH SUSAN FERRARO, ESQ. FOR SERVICES AS ALTERNATE MUNICIPAL PROSECUTOR FOR A ONE (1) YEAR TERM TO COMMENCE ON JANUARY 1, 2013 AND TERMINATE ON DECEMBER 31, 2013 WITH AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$7,500.00, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$27,500.00

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

WHEREAS, Susan Ferraro was appointed to the position of alternate municipal prosecutor in accordance with applicable criminal, procurement and pay to play laws in January of 2013, and the City now seeks to amend the professional service contract to increase the not to exceed amount by Seven Thousand Five Hundred Dollars (\$7,500.00) with no other changes to the contract.

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$7,500.00 is available in the following appropriation 30120155031 in the CY2013 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 CY2013; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hoboken, County of Hudson, hereby authorizes an amendment in the professional service contract with Susan Ferraro for 2013 alternate municipal prosecutor for an increase in the not to exceed amount of Seven Thousand Five Hundred Dollars (\$7,500.00), for a total amount not to exceed Twenty Seven Thousand Five Hundred Dollars (\$27,500.00); and,

BE IF FURTHER RESOLVED that the remainder of the terms of the original appointment and professional service contract award shall remain unchanged; and,

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

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

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

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

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: Russo

13-347

---By Councilman Bhalla

RESOLUTION AMENDING THE PROFESSIONAL SERVICE CONTRACT BENNETT ROBBINS, ESQ. FOR SERVICES AS ALTERNATE MUNICIPAL PROSECUTOR FOR A ONE (1) YEAR TERM TO COMMENCE ON JANUARY 1, 2013 AND TERMINATE ON DECEMBER 31, 2013 WITH AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$5,000.00, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$7,275.00

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

WHEREAS, Bennett Robbins, Esq. was appointed to the position of alternate municipal prosecutor in accordance with applicable criminal, procurement and pay to play laws in January of 2013, and the City now seeks to amend the professional service contract to increase the not to exceed amount by Five Thousand Dollars (\$5,000.00) with no other changes to the contract.

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$5,000.00 is available in the following appropriation [30120155031](#) in the CY2013 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 CY2013; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hoboken, County of Hudson, hereby authorizes an amendment in the professional service contract with Bennett Robbins for 2013 alternate municipal prosecutor for an increase in the not to exceed amount of Five Thousand

Dollars (\$5,000.00), for a total amount not to exceed Seven Thousand Two Hundred Seventy Five Dollars (\$7,275.00); and,

BE IT FURTHER RESOLVED that the remainder of the terms of the original appointment and professional service contract award shall remain unchanged; and,

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

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

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

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

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: Castellano, Occhipinti, Russo

13-348

---By Councilman Giattino

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACT WITH WEINER LESNIAK AS SPECIAL LEGAL COUNSEL- LABOR AND EMPLOYMENT TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2013 AND EXPIRE DECEMBER 31, 2013, FOR AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$100,000.00, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$174,000.00

WHEREAS, service to the City as Special Counsel –Labor and Employment 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-Labor and Employment in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Weiner Lesniak responded to; and,

WHEREAS, the City previously awarded the contract to Weiner Lesniak pursuant to the fair and open process; and,

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

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$100,000.00 is available in the following appropriation 3-01-20-157-020 in the CY2013 budget; and I further

Meeting of July 10, 2013

certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2013; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that the contract with Weiner Lesniak to represent the City as Special Legal Counsel- Labor and Employment be amended, for a term to commence January 1, 2013 and expire December 31, 2013, for an increase in the not to exceed amount by One Hundred Thousand Dollars (\$100,000.00), for a total not to exceed amount of One Hundred Seventy Four Thousand Dollars (\$174,000.00); 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 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 Weiner Lesniak; and

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

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

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

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 4 NAYS: 3 -ABSENT: 1

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

---Nays: Castellano, Occhipinti, Russo

---Absent: Mason

Councilwoman Mason has recused herself on this resolution.

13-349

---By Councilwoman Giattino

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACT WITH SEDITA CAMPISANO & CAMPISANO AS SPECIAL LEGAL COUNSEL-LAND USE AND ENVIRONMENTAL LAW TO THE CITY OF HOBOKEN TO EXTEND THE EXPIRATION DATE FROM JULY 24, 2013 TO DECEMBER 31, 2013, AND TO INCREASE THE NOT TO EXCEED AMOUNT BY \$55,000.00 (\$25,000 FOR OPEN SPACE / \$30,000 FOR GENERAL ENVIRONMENTAL) FOR A TOTAL NOT TO EXCEED AMOUNT OF \$105,000.00

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

WHEREAS, the City of Hoboken awarded a contract to Sedita Campisano & Campisano in accordance with all applicable procurement and pay to play laws and regulations, which it now seeks to amend due to the firm's specialized knowledge of the outstanding land use and environmental matter the firm is addressing on behalf of the City; and,

WHEREAS, *Sedita Campisano & Campisano 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 \$25,000.00 is available in the following appropriation C-04-60-711-120 in the CY2013 budget; and I further certify that \$30,000.00 is available in the following appropriation 30120156020 in the CY2013 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 CY2013; 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 an amended contract with Sedita Campisano & Campisano to represent the City as Special Legal Counsel-Land Use and Environmental Law be awarded, for a an amended term to expire December 31, 2013, and for an increase in the not to exceed amount by Fifty Five Thousand Dollars (\$55,000.00), of which \$25,000 shall be for open space and \$30,000 shall be for general environmental law, for a total not to exceed amount of One Hundred Five Thousand Dollars (\$105,000.00); and

BE IT FURTHER RESOLVED, the contract shall include the following term: Sedita Campisano & Campisano 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, 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 Sedita Campisano & Campisano; and

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

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

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

---Motion duly seconded by Councilman Mello

---**FAILED** by the following vote: YEAS: 4 NAYS: 4

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

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

13-350

---By Councilwoman Mason

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACT WITH MARAZITI FALCON HEALEY AS SPECIAL LEGAL COUNSEL- OUTSTANDING LITIGATION TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2013 AND EXPIRE DECEMBER 31, 2013 FOR AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$150,000.00 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$268,500.00

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

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Maraziti Falcon Healey responded to in both 2012 and 2013, and having performed the function of special counsel on outstanding litigation matters over the past year, Maraziti Falcon Healey has specialized knowledge and special skills which are necessary for the proper and effective continuation of representation in those outstanding matters, all of which resulted in Maraziti Falcon Healey being awarded a Special Counsel contract for outstanding litigation in the 2013 calendar year, which the City now seeks to amend to increase the not to exceed amount and to add an additional outstanding matter known as the SJP Block B Redevelopment Project Issues; and,

WHEREAS, *Maraziti Falcon Healey 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 \$150,000.00 is available in the following appropriation 30120156020 in the CY2013 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 CY2013; 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 an amended contract with **Maraziti Falcon Healey** to represent the City as Special Legal Counsel- Outstanding Litigation be awarded, for a term to commence January 1, 2013 and expire December 31, 2013, for an increased not to exceed amount of One Hundred Fifty Thousand Dollars (\$150,000.00), for a total not to exceed amount of Two Hundred Sixty Eight Thousand Five Hundred Dollars (\$268,500.00); and

BE IT FURTHER RESOLVED, the contract shall include the following term: **Maraziti Falcon Healey** shall be paid maximum hourly rates of \$190.00/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 **Maraziti Falcon Healey**; 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 Castellano

---**FAILED** by the following vote: YEAS: 4 NAYS: 4

---Yeas: Council persons Castellano, Mason, Occhipinti, Russo

---Nays: Bhalla, Giattino and Mello and President Cunningham

---Councilwoman Giattino motions to amend the resolution and seconded by Councilman Bhalla comments

---**FAILED as AMENDED** by the following vote: YEAS: 4 NAYS: 4

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

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

Councilman Bhalla has left the table at 10:48 PM

Councilman Bhalla has returned to the table at 10:51 PM

13-350A

---By Councilwoman Mason

RESOLUTION TO AUTHORISZE AN AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACT WITH MARAZITI FALCON HEALEY AS SPECIAL LEGAL COUNSEL- OUTSTANDING LITIGATION TO THECITY OF HOBOKEN TO COMMENCE JANUARY 1, 2013 AND EXPIRE ON DECEMBER 31, 2012 FOR AN INCREASE IN THE NOT TO EXCEED AMOUNT OF \$15,000.00 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$133,500.00

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

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Maraziti Falcon Healey responded to in both 2012 and 2013, and having performed the function of special counsel on outstanding litigation matters over the past year, Maraziti Falcon Healey has specialized knowledge and special skills which are necessary for the proper and effective continuation of representation in those outstanding matters, all of which resulted in Maraziti Falcon Healey being awarded a Special Counsel contract for outstanding litigation in the 2013 calendar year, which the City now seeks to amend to increase the not to exceed amount and to add an additional outstanding matter known as the SJP Block B Redevelopment Project Issues; and,

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

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$15,000.00 is available in the following appropriation 30120156020 in the CY2013 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 CY2013; 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 an amended contract with **Maraziti Falcon Healey** to represent the City as Special Legal Counsel- Outstanding Litigation be awarded, for a term to commence January 1, 2013 and expire December 31, 2013, for an increased not to exceed amount of One Hundred Fifty Thousand Dollars (\$15,000.00), for a total not to exceed amount of One Thirty-three Five Hundred Dollars (\$133,500.00); and

BE IT FURTHER RESOLVED, the contract shall include the following term: **Maraziti Falcon Healey** shall be paid maximum hourly rates of \$190.00/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 **Maraziti Falcon Healey**; 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.

---Motions duly seconded by Councilwoman Castellano

---**FAILED as AMENDED** by the following vote: YEAS: 4 NAYS: 4

---Yeas: Council persons Castellano, Mason, Occhipinti, Russo

---Nays: Bhalla, Giattino, Mello, President Cunningham

13-351

---By Councilwoman Giattino

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACT WITH VOGEL CHAIT COLLINS AS SPECIAL LEGAL COUNSEL- OUTSTANDING LITIGATION TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2013 AND EXPIRE DECEMBER 31, 2013 FOR AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$20,000.00, WHICH RESULTS IN A TOTAL NOT TO EXCEED AMOUNT OF \$60,000.00

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

WHEREAS, the City of Hoboken published a Request for Quotations/Qualifications for the Professional Service of Special Legal Counsel in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Vogel Chait Collins responded to in 2012, and having performed the function of special counsel on outstanding litigation matters over the past year, Vogel Chait Collins has specialized knowledge and special skills which are necessary for the proper and effective continuation of representation in those outstanding matters; and,

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

WHEREAS, certification of funds is 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 30120156020 in the temporary CY2013 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 CY2013; 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 Vogel Chait Collins to represent the City as Special Legal Counsel- Outstanding Litigation be amended, for a term to commence January 1, 2013 and expire December 31, 2013, for an increase in the not to exceed amount by Twenty Thousand Dollars (\$20,000.00), for a total not to exceed amount of Sixty Thousand Dollars (\$60,000.00); and

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

BE IT FURTHER RESOLVED, the remainder of the contract terms shall remain unchanged; and,

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

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

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

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

---Motion duly seconded by Councilman Bhalla

---**FAILED** by the following vote: YEAS: 4 NAYS: 4

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

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

13-352

---By Councilwoman Gittiano

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACT WITH LITE DEPALMA GREENBERG AS SPECIAL LEGAL COUNSEL- RENT CONTROL LITIGATION TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2013 AND EXPIRE DECEMBER 31, 2013 FOR AN INCREASE IN THE NOT TO EXCEED AMOUNT BY SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00), FOR A TOTAL NOT TO EXCEED AMOUNT OF \$150,000.00

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

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel-Rent Control Litigation in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Lite Depalma Greenberg responded to; and,

WHEREAS, the City previously awarded a contract to Lite Depalma for Rent Control Litigation for the CY2013 term; and,

***WHEREAS**, Lite Depalma Greenberg 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 \$75,000.00 is available in the following appropriation 30120156020 in the CY2013 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 CY2013; 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 Lite Depalma Greenberg to represent the City as Special Legal Counsel- Rent Control Litigation be amended, for a term to commence January 1, 2013 and expire December 31, 2013, for an increase in the not to exceed amount by Seventy Five Thousand Dollars (\$75,000.00), for a total not to exceed amount of One Hundred Fifty Thousand Dollars (\$150,000.00); and

BE IT FURTHER RESOLVED, the contract shall include the following term: Lite Depalma Greenberg 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 Lite Depalma Greenberg; and

BE IT FURTHER RESOLVED the City Clerk shall publish this resolution as required by law and

keep a copy of the resulting contract on file in accordance with N.J.S.A. 40A:11-1 et seq.; and,

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

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

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None

13-353

---By Councilwoman Giattino

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACT WITH PARKER MCKAY AS SPECIAL LEGAL COUNSEL- BOND COUNSEL TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2013 AND EXPIRE DECEMBER 31, 2013 FOR AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$5,000.00, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$10,000.00

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 McKay responded to; and,

WHEREAS, the City previously awarded Parker McKay a contract for the CY2013 term; and,

***WHEREAS**, Parker McKay 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 \$5,000.00 is available in the following appropriation 30120156020 in the CY2013 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 CY2013; 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 McKay to represent the City as Special Legal Counsel- Bond Counsel be amended, for a term to commence January 1, 2013 and expire December 31, 2013, for an increase in the not to exceed amount by Five Thousand Dollars (\$5,000.00), for a total not to exceed amount of Ten Thousand Dollars (\$10,000.00); and

BE IT FURTHER RESOLVED, the contract shall include the following term: Parker McKay 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 McKay; and

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

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

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

---Motion duly seconded by Councilman Bhalla

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

---Yeas: Council persons Bhalla, Castellano, Giattino, Mason, Mello, and Preisent Cunningham

---Nays: Occhipinti, Russo

Councilwoman Mason comments on a point of order to call a Special Meeting

Councilman Bhalla comments on Council Procedures

Council President comments to discuss this under New Business

13-354

---By Councilwoman Giattino

RESOLUTION GRANTING CONSENT TO PSEG'S SUBMISSION OF A TWA-1 TO THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION'S DIVISION OF WATER QUALITY

WHEREAS, PSE&G has a construction site at 1200 Clinton Street, Block 100, Lot 1, in the City of Hoboken;

WHEREAS, PSE&G has requested the City of Hoboken provide consent to submission of Water Quality forms to the Department of Environmental Protection; and,

WHEREAS, the City Council feels it is appropriate to grant PSE&G's request to submit an application to the DEP regarding water quality at the site, subject to execution of and compliance with the attached MOU.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Hoboken hereby grants its consent to PSE&G's request to submit an TWA-1 application to the Water Quality Division of the New Jersey DEP regarding 1200 Clinton Street, Block 100, Lot 1, subject to the execution of and compliance with the attached MOU between the City and PSE&G, which is approved by the Council; and,

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

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None

13-355

---By Councilwoman Giattino

AUTHORIZING THE CITY OF HOBOKEN TO PARTICIPATE IN THE STATE LOCAL COOPERATIVE HOUSING INSPECTION PROGRAM FOR THE JULY 1, 2013 TO JUNE 30, 2014 TERM (STATE FISCAL YEAR), ACCEPTING THE \$97,000.00 GRANT FROM THE PROGRAM AND AUTHORIZING THE MAYOR TO ACT AS THE AUTHORIZED AGENT FOR THE DURATION OF THE PROGRAM

WHEREAS, the City of Hoboken has been approved by the State of New Jersey Department of Community Affairs for participation in the program known as "State Local Cooperative Housing Inspection Program" which would provide the City of Hoboken with \$97,000.00 to effectuate proper housing inspections of multiple family dwellings, hotels and motels within the City limits; and,

WHEREAS, the City Council of the City of Hoboken finds it advantageous for the City to accept participation into this program to help effectuate proper inspections of the numerous multiple family dwellings within the City.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the City is authorized to participate in the State of New Jersey State Local Cooperative Housing Inspection Program for the term commencing July 1, 2013 and terminating June 30, 2014;

BE IT FURTHER RESOLVED, the City of Hoboken accepts the \$97,000.00 allocated grant for participation in the program; and,

BE IT FURTHER RESOLVED, that the Mayor, or her designee, is hereby authorized on behalf of the City of Hoboken to:

1. Execute and furnish any documentation necessary to effectuate the City's participation in this program and funding for participation in this program;
2. Act as authorized agent and correspondent for the City of Hoboken; and,
3. Execute necessary contracts, as needed, to have the funding awarded.

---Motion duly seconded by Councilman Mello

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

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

13-356

---By Councilwoman Giattino

RESOLUTION AUTHORIZES AN AMENDMENT TO THE EMERGENCY PROFESSIONAL SERVICE CONTRACT AWARDED TO BOSWELL ENGINEERING FOR DAMAGE ASSESSMENT (ENGINEERING) IN THE WAKE OF HURRICANE SANDY IN AN ADDITIONAL NOT TO EXCEED AMOUNT OF SEVENTEEN THOUSAND DOLLARS (\$17,000.00), WHICH CONSTITUTES A TOTAL NOT TO EXCEED AMOUNT OF FORTY SEVEN THOUSAND DOLLARS (\$47,000.00), AND FOR AN ADDITIONAL ONE MONTH PERIOD TO TERMINATE JUNE 30, 2013

WHEREAS, the City of Hoboken was faced with an emergency situation which has the potential to create serious risks to the safety, health and welfare of the general public, specifically, the debris remaining throughout the City and the financial hardships of the local government which resulted from Hurricane Sandy; and,

WHEREAS, the Administration consulted and negotiated with the City Engineer for professional services relating to damage assessment (engineering) resulting from the hurricane, and thereafter entered into an emergency contract for said services in accordance with N.J.S.A. 40A:11-6 and Hoboken Code § 60-11; and,

WHEREAS, in accordance with the direction of the City Business Administrator, the City Administration awarded an emergency contract to the City's General Engineer for services as engineer for emergent disaster assessment within the City following Hurricane Sandy, and the Council ratified the award of the contract to Boswell Engineering for a total contract amount of Thirty Thousand Dollars (\$30,000.00), with a six (6) month term to commence on November 13, 2012; and,

WHEREAS, the Council is now asked to authorize an amendment to the contract to increase the not to exceed amount by Seventeen Thousand Dollars (\$17,000.00), and for an additional month so that the contract shall terminate on June 30, 2013; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$17,000.00 is available, upon approval of the Emergency Appropriation Resolution presented at the November 28, 2012 City Council meeting; 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 CY2012/CY2013 budgets.

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the amendment to the emergency contract with the below listed vendor is authorized and ratified for an additional one month period to terminate on June 30, 2013, and for an amount not to exceed Seventeen Thousand Dollars (\$17,000.00), resulting in a total not to exceed amount of Forty Seven Thousand Dollars (\$47,000.00), as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the attached 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:

Boswell Engineering
South Hackensack, New Jersey

---Motion duly seconded by Councilman Mello

---**FAILED** by the following vote: YEAS: 4 NAYS: 4

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

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

13-357

---By Councilwoman Giattino

RESOLUTION AUTHORIZING CHANGE ORDERS #1, #2, AND #3 ON BEHALF OF D&S LAND DEVELOPMENT FOR ADDITIONAL WORK ON THE CHURCH SQUARE PARK PROJECT FOR THE CITY OF HOBOKEN IN THE AMOUNT OF \$33,512.00

WHEREAS, the City of Hoboken previously appropriated funds totaling \$206,322.00 for D&S Land Development for the Church Square Park Project for the City of Hoboken; and

WHEREAS, this represents the first, second and third change orders, which constitute final closeout of the project; and

WHEREAS, the City's Engineer, by three letters dated June 27, 2013, has reviewed the final product and invoiced work and takes no exception to the calculations included in Change Order #1 in the amount of \$24,000.00, change Order #2 in the amount of \$14,382.00, and Change Order #3 (Close-out) in the amount of -\$4,870.00, for a total increase of \$33,512.00, which equals a Sixteen Percent (16.2%) increase in the contract amount; and

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$33,512.00 is available in the following appropriation [C-0460713100](#) in the CY2013 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 CY2013; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby approve Change Orders #1, #2, and #3 for the Church Square Park Project for the City of Hoboken in favor of D&S Land Development in the total amount of Thirty Three Thousand Five Hundred Twelve Dollars (\$33,512.00) which equals a Sixteen Percent (16.2%) increase in the contract amount.

---Motion duly seconded by Councilman Mello

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

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

---Nays: Russo

13-358

---By Councilwoman Giattino

RESOLUTION AUTHORIZING DISCHARGE OF MORTGAGE FOR 1108 PARK AVENUE UNIT 5R HOBOKEN NEW JERSEY, AND EXECUTION OF THE ATTACHED SATISFACTION AND DISCHARGE DOCUMENTATION

WHEREAS, the City of Hoboken, acting as a mortgagee through the Department of Community Development (formerly known as the Department of Planning and Community Development) entered into a Mortgage on November 17, 1988 with Sterne Slaven and John Slaven for improvements to their property located at 1108 Park Avenue, Unit 5R, Hoboken, New Jersey 07030;

WHEREAS, the Department of Community Development of the City of Hoboken has reviewed the request to discharge the above mentioned Mortgage, and has found that the obligations of the program and all other mortgage agreements have been met and the loan is paid in full;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Hoboken, that the Mayor of the City of Hoboken is hereby authorized to execute the Satisfaction and Discharge of Mortgage, attached hereto, for said property located at 1108 Park Avenue, Unit 5R, in favor of the Slavens; and,

BE IT FURTHER RESOLVED, that the City Clerk of the City of Hoboken is hereby authorized to attest the same and affix the Seal of the City of Hoboken thereto;

BE IT FURTHER RESOLVED, that the City Clerk shall forward a certified copy of this resolution and the fully executed Satisfaction and Discharge to the Slavens, and recordation of same shall be the responsibility of the Slavens.

---Motion duly seconded by Councilman Mello

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

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

---Nays: None

13-359

---By Councilman Russo

RESOLUTION OPPOSING THE USE OF SMART METER TECHNOLOGY WITHIN THE CITY OF HOBOKEN

NOW THEREFORE BE IT RESOLVED: that the City Council of the City of Hoboken strongly opposes the use of Smart Meter Technology within the City of Hoboken borders, and hereby urges United Water, as the City's partner in water services within the City, to facilitate alternative procedures which prevent the need for Smart Metering Technology; and

BE IT FURTHER RESOLVE: that copies be forwarded to the President, CEO, and City of Hoboken representative from United Water; and,

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

---Motion duly seconded by Councilwoman Castellano
---Adopted by the following vote: YEAS: 5 NAYS: 4
---Yeas: Council persons Castellano, Mason, Occhipinti, Russo and Cunningham
---Nays: Bhalla, Giattino and Mello

13-360

---By Councilwoman Giattino

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS

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

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

NOW THEREFORE BE IT RESOLVED, that a warrant be drawn on the City Treasurer made payable to the following totaling **\$3,562.50**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Ocwen Loan Servicing, LLC P O Box 961219 Ft. Worth, Tx 76161-0219	33/9/C000E	119 Clinton St	1/13 & 2/13	\$ 1,781.25
Wells Fargo Home Mort. MAC X2302-04D, Tax Dept 1 Home Campus Des Moines, IA 50328	34/23.02	124 Park Ave	1/13	\$ 1,781.25

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

13-361

---By Councilwoman Giattino

**RESOLUTION AUTHORIZING THE REFUND OF TAX APPEALS
STATE TAX COURT**

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

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

NOW THEREFORE BE IT RESOLVED, that a warrant be drawn on the City Treasurer made payable to the following totaling \$ 28,011.62

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
Beattie Padovano, LLC Counsellors at Law 50 Chestnut Ridge Road Suite 208 P O Box 244 Montvale, NJ 07645	230/10	1 Newark St	2009	\$ 5,997.30
Beattie Padovano, LLC Counsellors at Law 50 Chestnut Ridge Road Suite 208 P O Box 244 Montvale, NJ 07645	230/10	1 Newark St	2010	\$ 6,339.32
Marcus, Brody, Ford & Kessler Attorneys at Law 5 Becker Farm Road Roseland, NJ 07068	231.01/2	91-95 River St	2012	\$ 15,675.00

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None

13-362

---By Councilwoman Giattino

RESOLUTION FIXING THE INTEREST RATE CHARGES ON NON-PAYMENT OF TAXES

WHEREAS, the Tax Collector is hereby authorized and directed the charge 8% per annum on the first \$1500.00 of taxes becoming delinquent after due date and 18% per annum on any amount of taxes in excess of \$1,500.00 becoming delinquent after due date and,

WHEREAS, effective July 1, 2013, there will be a ten (10) day grace period of quarterly tax payments made by cash, check or money order.

WHEREAS, any payments not made in accordance with paragraph two of this resolution shall be charged interest set forth in paragraph one of this resolution from the due date.

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector is hereby directed to proceed as set forth in the paragraphs above; and,

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to send two direct

mailings for Tax Sale and collect a charge of \$25.00 each in compliance with N.J.S.A. 54:5-26; and,

BE IT FURTHER RESOLVED, that the Tax Collector be and hereby is authorized to include in said sale any and all unpaid sewer charges certified to the Tax Collector from North Hudson Sewer Authority; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be provided by the Municipal Clerk to the Tax Collector, the City Attorney and the City Auditor for the City of Hoboken.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None

ORDINANCES

Introduction and First Reading

13-363

Z-245

AN ORDINANCE TO AMEND AMENDING CHAPTER 190 ENTITLED "VEHICLES AND TRAFFIC" TO AMEND PARKING REGULATIONS RELATING TO LOADING ZONES

WHEREAS, Chapter 190 of the General Code of the City of Hoboken establishes the rules and regulations associated with parking permits within City borders; and,

WHEREAS, the municipality has found that specific sections of Chapter 190 currently requires amendments in order to best effectuate parking in the City; and,

WHEREAS, the City Council wishes to more closely align the City's actual parking practices with the best practices for parking and transportation.

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

SECTION ONE: AMENDMENTS TO HOBOKEN CODE CHAPTER 190

§ 190-11. Loading zones designated.

The locations described are hereby designated as Loading Zones. No person shall park a vehicle in said location during the times indicated other than for the loading or unloading of goods and materials for a time limit of 20 minutes.

Name of Street	Times	Sides	Location
<u>Hudson Place</u>	<u>10:00 a.m. to 4:00 p.m. Monday through Friday</u>	<u>South</u>	<u>Beginning at a point 55 feet east of the easterly curbline of Hudson Street and extending 40 feet easterly therefrom</u>
<u>Jackson</u>	<u>10:00 a.m. to 4:00</u>	<u>West</u>	<u>Beginning at a point 140 feet north of</u>

Name of Street	Times	Sides	Location
<u>Street</u>	<u>p.m. Monday through Friday</u>		<u>the northerly curbline of Newark Street and extending 40 feet northerly therefrom</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.

President Cunningham 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 **August 7, 2013** at 7:00 PM.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

13-364
Z-246

AN ORDINANCE TO AMEND TO CHAPTER 179A ENTITLED "TAXICABS" TO AMEND THE MILEAGE/AGE REQUIREMENTS UNDER § 179-18 (C)(8) AND FARES UNDER § 179-20

WHEREAS, the City has determined that the mileage / age requirements of § 179A-18(C)(8) are impracticable for taxi owners to comply with under current economic circumstances; and,

WHEREAS, the City has determined that the allowable fares of § 179A-20 are outdated and need to be amended to take into account current taxi user activity and current costs of living.

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

§ 179A-20 Taxicab fares.

The maximum rates of fare allowable for taxicabs licensed by the City of Hoboken shall be as follows:

A. Maximum Allowable Intra-City Fares

~~Any one destination within the City limits shall be \$5. The fare for senior citizens shall be \$4. The maximum allowable fare for Intra-City taxi service shall be Six Dollars (\$6.00), except for taxi service initiating from the taxi stand at the New Jersey Transit/PATH station which shall have a maximum Intra-City fare of Five Dollars (\$5.00).~~

B. Additional Allowable Fees

1. ~~If cab rides are shared with the consent of the first rider(s), the fee may be increased by \$5 so long as the second rider(s) is not going to the same exact destination. No more than two paying passengers. The right of the taxicab operator to transport shared rides applies only at taxi stands designated by the City of Hoboken if there are more passengers than available taxis. The first rider must be taken to his or her destination first.~~
2. ~~If a taxi picks up a party of more than one person at the taxi stand at the New Jersey Transit/PATH station for Intra-City travel, the taxi driver may charge an additional One Dollar (\$1.00) fee for each person, which fee shall be in addition to the allowable fare of Five Dollars (\$5.00), except that there shall be no additional charge for children under the age of Thirteen (13) years old.~~

C. Allowable Baggage Fees

In addition to the aforesaid rates, there shall be a charge of \$0.50 for each bag exceeding two, with which a driver assists a passenger, except that senior citizens shall not be subject to this fee.

D. Maximum Allowable Non-Intra-City Fares

Every driver must have a City approved Rate Book in the vehicle at all times and must use the rates included in the book.

§ 179A-18 Taxicab equipment and maintenance; inspection and inspection licenses.

~~A. Prior to the initial use and operation of any vehicle as a taxicab under this chapter, and once a year thereafter, the vehicle shall be thoroughly examined and inspected by an Inspector of the Division of Taxi and Limousine Licensing. Licenses shall be denied unless the Inspector finds that the taxicab complies with such reasonable rules and regulations as may be prescribed by the Division of Taxi and Limousine Licensing. These rules and regulations shall be promulgated to insure the provision of safe transportation and shall specify such safety equipment and regulatory devices as the Director deems necessary.~~

...

C. Every vehicle operating under this chapter shall be kept in a clean and sanitary condition according to the rules and regulations promulgated by the Division of Taxi and Limousine Licensing, including but not limited to:

...

~~(8) Vehicles used as taxicabs must not be more than four years old nor have greater than 125,000 miles, whichever occurs later.~~

(8) Taxicab Vehicle Age Requirements

(a.) Any taxicab vehicles licensed by the City of Hoboken at the time of adoption of this amendment, and any vehicle which is handicapped accessible regardless of when first licensed by the City of Hoboken, shall be no greater than ten (10) model years old.

(b.) Any taxicab vehicle not licensed by the City of Hoboken at the time of adoption of this amendment, except handicapped vehicles which are subject to (a) regardless of when first licensed by the City of Hoboken, may be up to eight (8) model years old if hybrid/green. The City shall not license any non-hybrid/non-green taxicab vehicles never before licensed by the City.

(c.) Any taxicab vehicle operated in the City of Hoboken which is six (6) model years old or greater shall be inspected annually at the time of license renewal, and may be inspected by order of the Director upon any written complaint regarding the maintenance of the vehicle, both of which inspections shall be conducted by and at the cost of the City of Hoboken.

i. In any event when a taxicab vehicle fails the initial inspection, the license owner shall be entitled to a thirty (30) day opportunity to cure during which period the vehicle may continue to be operated under the City of Hoboken license; except that, in cases where the Inspector determines in writing that the reason(s) for failure create(s) a substantial risk to the public health and safety, the vehicle may not be operated under the City of Hoboken license until/unless the health and safety issue is cured.

ii. At the expiration of the cure period, or at any time during the cure period upon written request of the license owner, the vehicle shall be reinspected by the City of Hoboken at the sole cost and expense of the license owner.

a. If the license owner fails to provide the vehicle for reinspection at the expiration of the cure period, or by the close of City business the next business day following the expiration of the cure period when such day falls on a weekend or holiday, the license shall be automatically revoked and the vehicle shall be listed as a vehicle not approved for use under any City of Hoboken license in the future. Under such circumstances, all City of Hoboken insignia shall be returned to the City of Hoboken within forty-eight hours of the expiration of the cure period, or the license owner shall be charged a penalty of \$100.00 per violation, with each day constituting a new and separate violation.

b. If the vehicle is reinspected within the cure period, and the vehicle fails reinspection, the license shall be revoked, subject to a hearing as provided for in this Chapter, and the vehicle shall be listed as a vehicle not approved for use under any City of Hoboken license in the future. Under such circumstances, all City of Hoboken insignia shall be returned to the City of Hoboken within forty-eight hours of the expiration of the cure period, or the license owner shall be charged a penalty of \$100.00 per violation, with each day constituting a new and separate violation.

c. If the vehicle is reinspected within the cure period, and the vehicle passes reinspection, the license shall remain in good standing, subject to compliance with all other rules and regulations, and the vehicle shall remain in good

standing to be used under any City of Hoboken license, subject to compliance with all other rules and regulations.

No other amendments are made to § 179A as part of this Ordinance

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.

President Cunningham 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 **August 7, 2013** at 7:00 PM.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

NEW BUSINESS

Councilwoman Castellano comments on Access Resolution for 205 Hudson St. to get on the roof of the garage

Corporation Counsel comments that there were several changes on the resolution, and will try to negotiate with him

BA Wiest comments that he did discuss this with Corporation Counsel

Councilwoman Castellano comments on a gun buy back in August that Hudson County and we are also offering in 3 locations in Churches

Councilwoman Castellano comments on the Clothing Boutique vendor trucks parking permits and what the restrictions are
BA Wiest comments
Director Morgan comments
Councilwoman Castellano comments on the residents of the Hoboken Housing Authority and feels bad for the folks who came and spoke at the meeting
Councilwoman Castellano comments on Pat Hicks for a summer trip for the kids to the Beach and see if the City can help for this
Councilwoman Mason comments that she would like a resolution for the housing authority to appoint Barbara Reyes to the HHA Board and also follow-up with Councilman Bhalla about an agreed amounts for Counsel issues such as Monarch Project, maybe more that \$15,000.
Council President comments that he does not object to this, but it's not just about the Monarch Project
Councilwoman Mason comments on Claims
Council President comments that he will have a sub-committee meeting
BA Wiest comments that the Boswell Engineering was an emergency contract and it was a special circumstance, and regret not making more clear
Councilwoman Mason comments that there are times under OPMA, to call an emergency meeting for the City Council
BA Wiest comments to kindly pull the resolution to have a meeting
Council President to have a sub-committee next Monday, July 15 at 6:00 PM
Councilwoman Mason comments to have an update on the Willow ave. park
BA Wiest comments that from Director Pellegrini that the parks did not meet all the objectives and hopefully have it in the future
Councilwoman Mason comments on the enforcement of bicycles on the sidewalks ex. Delivery bikes
BA Wiest comments
Councilwoman Mason comments that she could bring legislative to the table
Councilman Occhipinti comments
BA Wiest comments that it is a public safety question
Council President comments that it belongs in public safety sub-committee
Councilman Mello comments what and where the enforcement goes
BA Wiest comments
Council President comments that Bike Hoboken to have in the meeting
Councilman Occhipinti comments
Councilman Russo comments can we allocate to Class II officers
Council President comments that it falls into 2 different committees
Councilman Mello comments on possibly updating the ordinance but would the original ordinance is it being enforced
Council President comments on having a sub-committee with Director Tooke on the Class II officers
Councilwoman Mason comments that we have legislation, why not start on enforcement
Councilwoman Mason comments on thanking Congressman Sires, Mayors on other neighboring towns, Freeholder Romano, Councilwoman Castellano for the helicopter meeting
Councilman Russo comments on a few updates, the multiservice center, what is the status
BA Wiest comments that contractor is working, but an obligation to open the senior room first
Councilman Russo comments on the Tourism site, when will that be up and running
BA Wiest comments that he will get back to you
Councilman Russo comments on the Housing Authority residents
Councilman Russo comments on asking the Corp. Counsel on the votes casted by Mr. Doyle and Mr Lenz any monies paid out on Healthcare costs and etc.
Councilman Russo comments on Mayor Fulop in Jersey City

Corporation Counsel comments on her office and good government and please do not insult me and my office

Councilwoman Castellano comments

Council President comments

Councilwoman Giattino comments that the Hoboken High School and Secaucus pool will be open till the end of August, there was an arrest in the Rue Building, please have someone look into locking the gates at night, and also thank the Hoboken Police Dept. on the 4th of July

Councilman Bhalla comments on congratulate the Hoboken Police Dept, Fire Dept, Cert and OEM and also thank Mayor Fulop and the other folks elected to the Council, also the issue with VISION 20/20 dated 2010 and happy to received it, but wish I had received this in 2010, the main problem and every council meeting is that it's not conducive for constructive dialogue or class warare, racism, that does not do any service to the Hoboken Housing Authority, we should have an intellectual dialogue about the topic, the other issue is the Vision itself and what is the vision and don't support a divided population and more an integrated approach in the community

Councilman Occhipinti comments on Vision 20/20, Affordable Housing in the City of Hoboken but no progress

Councilman Occhipinti comments on the Monarch Project, there is counsel representation on the Planning Board, the PB did not take action within the 120 days, the dog run at Church Sq. Park, status of the upgrade, at the last meeting, we should look at the recommendation from the HSA have 3 more flooding stations and lastly ask about the Ponte case - \$3 Mill. Grant expires next month

Councilwoman Giattino comments that the dog run was in Phase 2

Councilman Russo comments that the original vision 20/20 that it was put in market rate and it was reduced

Councilman Bhalla comments

Councilwoman Giattino comments on the reval. for highest and best used

BA Wiest comments that there are legal obligations for highest and best used is not the same as fair market value and its not quite that simple, it requires an understanding of the market

Councilman Occhipinti comments

Council President comments that the name calling is a poor reflection on the individual and request that we keep our emotions in check, we're all trying to work together

At 12:30 AM the Governing Body on a motion by Councilman Russo duly seconded by the Governing Body.

Council President Cunningham then adjourned the meeting at 12:30 AM

PRESIDENT OF THE COUNCIL

CITY CLERK