

MEETING OF MAY 7, 2014

MINUTES OF A MEETING OF THE COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY,
HELD IN THE COUNCIL CHAMBERS, CITY HALL, HOBOKEN, NEW JERSEY, WEDNESDAY,
MAY 7, 2014 AT 7:00 PM

President Giattino opened the meeting at 7:15 P.M. and stated, "I would like to advise all those present that notice of this meeting has been provided to the public in accordance with the provisions of the Open Public Meeting Act, and that notice was published in the Jersey Journal and on the City website, copies were provided in the Hoboken Reporter, The Record, The Newark Star-Ledger and also placed on the bulletin board in the lobby of City Hall. If any Councilperson or member of the public believes that this meeting or any portion thereof, is in violation of the Open Public Meetings Act, they are requested to so advise the City Council and City Clerk at this time, or at the time of the believed violation, in accordance with N.J.S.A. 10:4-17. Written objections, if any shall be made in writing to the City Clerk."

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

RESOLUTIONS

14-258

---By Councilman Bhalla

**RESOLUTION GRANTING JOE DALY, ESQ. OF WEINER LESNIAK SETTLEMENT
AUTHORITY IN THE MATTER OF THE PROPARK V. CITY OF HOBOKEN ET AL. APPEAL, IN
ACCORDANCE WITH THE ATTACHED SETTLEMENT AGREEMENT**

WHEREAS, the Council of the City of Hoboken is authorized to go into closed executive session for the reasons set forth in the Open Public Meetings Act, including without limitation N.J.S.A. 10:4-12, for legal guidance on the settlement of pending litigation, and attorney client privilege; and

WHEREAS, one of these reasons is to receive advice from legal counsel relating to the settlement of pending litigation in matters (specifically the Matter of the appeal of Propark v. City of Hoboken et al., DOCKET NO. A-002717-13); and

WHEREAS, one of the reasons to go into closed session is to receive advice from legal counsel, which is subject to attorney client privilege and which is offered in anticipation of settlement, with regards to the Matter of the appeal of Propark v. City of Hoboken et al., DOCKET NO. A-002717-13; and,

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

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

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

14-259

---By Councilman Bhalla

RESOLUTION GRANTING LOU MASUCCI, ESQ. OF WEINER LESNIAK SETTLEMENT AUTHORITY IN THE MATTER OF THE WORKER'S COMPENSATION LITIGATION W881011671 DOL: FEB. 17, 2010, IN AN AMOUNT UP TO THE AMOUNT SUGGESTED BY VANESSA MENDELEWSKI TO MELLISSA LONGO IN HER EMAIL DATED May 7, 2014

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

WHEREAS, the City seeks to settle the worker's compensation matter known as W881011671; and

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

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

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

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

ORDINANCES

SECOND READING/PUBLIC HEARING AND FINAL VOTE

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) (Z-287)

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

President Giattino moved that the hearing be closed.

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

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

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

AN ORDINANCE TO AMEND SECTION 59A-31 TITLED “STAFF” WITHIN CHAPTER 59A, ENTITLED “DEPARTMENT OF PUBLIC SAFETY” (Z-295) (sponsored by Councilman Mello and Councilwoman Giattino) (CARRIED TO THE MAY 21, 2014 CCM)

BA comments that this will be carried to the next meeting

Councilwoman Castellano has left the table at 7:24 PM
Councilwoman Castellano has returned to the table at 7:24 PM

RESOLUTIONS

14-260

---By Councilman Bhalla

RESOLUTION TO AMEND BUDGET

---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 6 – NAYS: 3
---Yeas: Council persons Bhalla, Cunningham, Doyle, Mello, Russo and President Giattino
---Nays: Castellano, Mason, Occhipinti

14-261

---By Councilman Bhalla

RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS FOR THE CALENDAR YEAR 2014 BUDGET

WHEREAS, an emergent condition has arisen in that the City of Hoboken is expected to enter into contracts, commitments or payments prior to the adoption of the 2014 budget and no

adequate provision has been made in the 2014 temporary budget for the aforesaid purposes, and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose, and

WHEREAS, the total emergency temporary appropriation authorized by resolutions in 2014, pursuant to the provisions of N.J.S.A. 40A:4-20, including this resolution, total \$7,728,148.00 (Seven Million Seven Hundred Twenty Eight Thousand One Hundred Forty Eight Dollars and No Cents) for the current fund and \$713,452.00 (Seven Hundred Thirteen Thousand Four Hundred Fifty Two Dollars and No Cents) for the parking utility.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, County of Hudson, State of New Jersey (*not less than two-thirds of all the members thereof affirmatively concurring*) that in accordance with the provisions of N.J.S.A. 40A:4-20 :

- 1) Emergency temporary appropriations be and the same are hereby made in the amount of \$6,799,194.00 for the current fund and \$713,452.00 for the parking utility as follows:
(see details attached to resolution)
- 2) Said emergency temporary appropriations will be provided for in the 2014 budget
- 3) That the City Clerk shall file one certified copy of this resolution with the Director of the Division of Local Government Services.

--Motion duly seconded by Councilman Cunningham

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

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

--Nays: Castellano, Mason, Russo

PUBLIC PORTION

The speakers who spoke: Margaret O'Brien, Patricia Waiters, Cheryl Fallick, Sigby Cheatham, Michelle Lessane, Robert Davis.

Councilman Occhipinti has left the table at 8:19 PM

Councilman Occhipinti has returned to the table at 8:24 PM

14-262

Mayor Zimmer appointing Peter Cossio on the Shade Tree Commission and appointing Andrea Rizvi (Class A), Martin Anderson (Class C) and Deb Hulbert (Class C) on the Historic Preservation Commission.

Received and Filed.

14-263

---By Councilman Bhalla

APPLICATION FOR MISCELLANEOUS LICENSES

PARKING FACILITIES----- 1 Item
VENDORS-----3 Items
RAFFLE-----1 Item

---Councilman Cunningham moved that the licenses be granted.
---Adopted by the following vote: YEAS: 9 – NAYS: 0
---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino
---Nays: None.

14-264

---By Councilman Bhalla

CLAIMS

Total for this agenda **\$4,139,323.44**

---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 8 – NAYS: 4 - ABSTAIN: 2
---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mello, Occhipinti and President Giattino
---Nays: Castellano (14-00493, 14-01336, 14-01665), Mason, Occhipinti (14-01665) and Russo
---Abstain: Mason (13-00129, 14-00323, 14-00328, 14-00329, 14-01479, 14-01480, 14-01482, 14-00130, 13-004417, 14-01328, 13-00137) and Doyle (13-00129)

Councilwoman Castellano comments on 14-01665 for \$1090.99 reimbursement for travel for Dan Bryan.

Councilman Doyle comments on 2 payments on ProPark America New York for Management Fee \$39,508.33 (14-01219) and (14-01292) for \$12,582.78

Councilman Occhipinti comments on (14-01665)
Councilman Mello comments
Councilwoman Mason comments
Councilman Russo comments
Councilman Cunningham comments on 14-01088 for tonnage - \$163,007.51, 14-01089 for HCIA Tonnage for \$10,550.67 for Hudson County Improvement Authority
Director Pellegrini comments

Councilman Russo has left the table at 8:50 PM
Councilman Russo has returned to the table at 8:53 PM

14-265

---By Councilman Bhalla

PAYROLL

For the two week period starting March 27, 2014 – April 14, 2014

Regular Payroll	O/T Pay	Other Pay
\$1,585,378.28	\$75,177.26	\$70,579.57

Total \$1,731,135.11

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: Mason on O/T

Absent: Russo

Councilman Occhipinti comments on O/T

PUBLIC PORTION FOR RESOLUTIONS

The speakers who spoke:

Margaret O'Brien comments on resolution #7 & #8

Patricia Waiters comments on resolution #7 & #8

Sigby Cheatham comments on resolution #7 & #8

Yvette Miles comments on resolution #7 & #8

Arlette Braxton comments on resolution #7 & #8

Barbara Reyes comments on resolution #7 & #8

Eduardo Gonzalez comments on resolution #7 & #8

Freeholder Romano comments on resolution #7 & #8

Councilman Bhalla has left the table at 9:05 PM

Councilman Bhalla has returned to the table at 9:10 PM

CONSENT AGENDA – 9, 11, 12, 16, 20, 21, 22, 23, 25, 26, 27

Pulled from the agenda for discussion: 7, 8, 10, 13, 14, 15, 17, 18, 19, 29

Removed by Administration: 24 & 28 & 30

RESOLUTIONS

14-266

---By Councilman Mello

RESOLUTION APPOINTS DAVID DENING TO THE HOBOKEN HOUSING AUTHORITY FOR A (5) FIVE YEAR TERM WILL EXPIRE ON MAY 3, 2019

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

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

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

WHEREAS, there is currently an expired position on the Hoboken Housing Authority Board, due to the expiration of the prior term of Edwardo Gonzalez, and the newly appointed commissioner's term shall commence immediately and shall expire on May 3, 2019; and

WHEREAS, the City Council wishes to appoint David Dening of 200 Hudson St. Apt. 3F, Hoboken, New Jersey 07030 to the position.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken hereby appoints **David Dening of 200 Hudson St. Apt. 3F, Hoboken, New Jersey**, to serve as a member of the Hoboken Housing Authority for the recently expired term of Commissioner Gonzalez, for a five (5) year term, which commences immediately upon oath, and expires on May 3, 2019.

---Motion duly seconded by President Giattino

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

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

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

---Absent: None.

Councilman Cunningham has left the table at 9:34 PM

Councilman Cunningham has returned to the table at 9:36 PM

14-267

---By Councilman Bhalla

RESOLUTION OF THE CITY OF HOBOKEN AUTHORIZING THE EXECUTION OF A INTERIM COST AND CONDITIONAL DESIGNATION AGREEMENT WITH FRANK PASQUALE LIMITED PARTNERSHIP (ALSO KNOWN AS "LORIEN LOFTS," 1024 ADAMS STREET) 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, the City by ordinance adopted the North West Redevelopment Plan which has been amended from time to time, and which sets forth the plan for the Redevelopment Area; and

WHEREAS, the property designated as Block 100, Lot 10 on the Tax Map of the City and commonly known as 1024 Adam Street, Hoboken, NJ 07030, also known as Lorien Lofts (“Project Site”) is included in the Redevelopment Area; and

WHEREAS, Frank Pasquale Limited Partnership is the owner of the Project Site; and

WHEREAS, Frank Pasquale Limited Partnership has submitted a Pre-Submission Form to the City of Hoboken on April 4, 2014, 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 a six (6) story, eleven (11) unit residential building with twelve (12) parking spaces with a state of the art environmentally friendly structure, passive and active solar elements, and natural gas cogeneration for power and heating; and

WHEREAS, the City requires that prospective redeveloper, 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 Interim Costs (as defined in the Interim Cost and Conditional Designation Agreement) 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 Interim Cost and Conditional Designation Agreement, whereby Frank Pasquale Limited Partnership would pay the reasonable costs incurred by the City in reviewing and evaluating Frank Pasquale Limited Partnership’s redevelopment proposal, negotiating and drafting a Redevelopment Agreement (should a Redevelopment Agreement ultimately be executed), and all other Interim Costs (as defined in the Interim Cost and Conditional Designation Agreement) 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 Interim Cost and Conditional Designation Agreement between the City of Hoboken and Frank Pasquale Limited Partnership, 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 Cunningham

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

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

---Nays: Mason

14-268

---By Councilman Bhalla

RESOLUTION AWARDING A CONTRACT WITH ACCURATE LANGUAGE SERVICES FOR THE PROVISIONS OF CERTIFIED LANGUAGE INTERPRETER / TRANSLATION SERVICES IN ACCORDANCE WITH THE CITY'S BID NO. 14-04 IN THE TOTAL AMOUNT OF \$50,812.00 PER YEAR FOR TWO (2) YEARS FROM THE DATE OF CONTRACT AWARD, WITH TWO (2) SEPARATE ONE (1) YEAR OPTIONS TO EXTEND, BOTH OF WHICH OPTIONS SHALL BE AT THE SOLE DISCRETION OF THE CITY

WHEREAS, proposals were received for Bid Number 14-04 for the provisions of certified language interpreter / translation services; and,

WHEREAS, Eight (8) bid proposals were received, of which the Purchasing Agent advised the lowest three (3) bidders being:

<u>VENDOR</u>	<u>TOTAL BID</u>	<u>EXCEPTIONS</u>
Accurate Language Services	\$50,812.00	Yes
Montoro Associates	\$55,448.00	No
Legal Interpreters LLC	\$59,710.00	Yes

WHEREAS, pursuant to the recommendation of the Purchasing Department (attached hereto) the City wishes to contract for the goods and services specified in Bid No. 14-04, and Accurate Language Services submitted a responsible and responsive bid for the units and extended prices; 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 appropriations: 4-01-43-490-030 in the CY2014 temporary appropriation; and I further certify that I will immediately review the CY2014 budget to determine whether the additional \$40,812.00 balance is available and appropriated in the following appropriation 4-01-43-490-030 in the CY2014 budget upon adoption of said budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2014 temporary appropriation; and I further certify that I will immediately review the CY2015 budget to determine whether the additional \$50,812.00 balance (for year two of the contract) is available and appropriated in the following appropriation 4-01-43-490-030 in the CY2015 budget upon adoption of said budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2014 temporary appropriation; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

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

- A. This resolution awards a contract to Accurate Language Services for Bid No. 14-04, in the total amount of Fifty Thousand Eight Hundred Twelve Dollars (\$50,812.00)

per year for two years, of which \$10,000.00 shall heretofore be appropriated, with the remaining \$40,812.00 from year one not herein appropriated subject to proper and adequate appropriation by the City of Hoboken as part of its CY2014 budget, and with the remaining \$50,812.00 from year two not herein appropriated subject to proper and adequate appropriation by the City of Hoboken as part of its CY2015 budget, without recourse in law or in equity upon any failure of the City of Hoboken to properly and adequately appropriate said funds in its CY2014 budget. The Contract shall be for two (2) years from the date of contract award, with two (2) separate one (1) year options to extend, both of which options shall be at the sole discretion of the City.

- B. If the contract, as provided by the City of Hoboken, is not executed by the vendor within 21 days of execution of this award, the City may cancel this award and rebid the contract.
- C. The contract shall be in accordance with the terms of the specifications and the vendor's corresponding bid proposal documents. The only exceptions allowed are those which were noted in the attachment to the Purchasing Agent's recommendation.
- D. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor or her agent is hereby authorized to enter into an Agreement with the vendor for said purchase and sale.
- E. This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: Russo

---Absent: Castellano, Mason

Councilwoman Mason has left the table at 10:14 PM

Councilwoman Mason has returned to the table at 10:26 PM

Councilwoman Castellano has left the table at 10:17 PM

Councilwoman Castellano has returned to the table at 10:19 PM

14-269

---By Councilman Bhalla

RESOLUTION AMENDING AND EXTENDING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO EI ASSOCIATES FOR THE PROVISION OF ENGINEERING SERVICES FOR THE CITY, WHICH SHALL END NO LATER THAN FEBRUARY 6, 2015 AND WITH A NOT TO EXCEED AMOUNT OF \$90,800.00

WHEREAS, on August 7, 2013, the City Council passed a resolution to authorize the Mayor to enter into an emergency professional service contract with EI Associates to provide engineering services required for emergency backup generators in certain City buildings; and

WHEREAS, the City entered into such a contract, subject to the original Request for Proposals and an August 6, 2013 proposal submitted to the City by EI Associates, for a not to exceed

amount of Seventy-Five Thousand Four Hundred Dollars (\$75,400.00) from August 7, 2013 to August 6, 2014 (the "Contract"); and

WHEREAS, pursuant to a proposal from EI Associates dated May 1, 2014, the Administration wishes to extend the Contract for a term to expire upon the completion of this project, but in no event later than February 6, 2015, to allow EI Associates to complete additional engineering services at an additional cost of \$15,400.00; and

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$15,400.00 is available in the following appropriation accounts: 3-01-55-901-014; and I further certify that this commitment together with all previously-made commitments and payments does not exceed the funds available in said appropriation; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

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

- A. This resolution amends the Contract to EI Associates, which shall expire upon completion of the project, but in no event later than February 6, 2015.
- B. The Contract amount shall be increased in an amount not to exceed \$15,400.00, for a total Contract amount not to exceed \$90,800.00.
- C. The Mayor or her designee is hereby authorized to take the necessary steps to enter into an amendment to the contract, as redefined by this resolution, and any other steps necessary to effectuate this resolution.
- D. This resolution shall be posted and published in accordance with all applicable laws, and shall take effect immediately upon passage.

--Motion duly seconded by Councilman Cunningham

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

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

--Nays: None.

14-270

---By Councilman Bhalla

RESOLUTION CONFIRMS AN EMERGENCY CONTRACT AWARDED TO ARTESIAN DESIGN GROUP FOR ICE AND SNOW REMOVAL DUE TO EXCESSIVE ICE AND SNOW BUILDUP ON THE CITY'S RIGHTS OF WAY IN THE WAKE OF THE SNOW EMERGENCIES DECLARED UNDER THE STATE OF NEW JERSEY STATE OF EMERGENCY FOR FEBRUARY 2014, IN AN AMOUNT NOT TO EXCEED \$44,070.00 FOR GOODS TO BE PROVIDED IMMEDIATELY WITH PAYMENT UPON CONFIRMATION OF THE CONTRACT BY THE COUNCIL

WHEREAS, the City of Hoboken was faced with an emergency situation which had the potential to create serious risks to the safety, health and welfare of the general public, specifically, the significant ice and snow buildup on public rights of way during the snow/ice emergency which occurred during the month of February 2014; and,

WHEREAS, the Administration consulted and negotiated with the single source vendor of snow and ice removal; and,

WHEREAS, in accordance with the direction of the City Business Administrator, the City Administration awarded an emergency contract to Artesian Design Group, Inc. for said services following the State of Emergency in February 2014, and the Council now seeks to ratify the award of the contract to Artesian Design Group, Inc. for a total contract amount of Forty Four Thousand Seventy Dollars (\$44,070.00), for services to be provided expeditiously upon authorization to proceed from the BA, with payments to be made thereafter upon proper compliance with the applicable emergency sections of the state statutes; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$44,070.00 is available in the following appropriation _____ in the CY2014 temporary appropriations; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2014; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the emergency contract with the below listed vendor is authorized and ratified for an amount not to exceed Forty Four Thousand Seventy Dollars (\$44,070.00) as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the attached cost sheet 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. This resolution is for the services listed on the cost sheet, and shall not be for any continuous contracting with this contractor beyond what was done during the snow/ice emergency in February 2014.
6. The Mayor, or her designee is hereby authorized to execute an agreement, for the above referenced goods and/or services based upon the following information:

Artesian Design Group, Inc.
117 Peter Street
Union City, New Jersey 07087

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

14-271

---By Councilman Bhalla

RESOLUTION AUTHORIZING USE OF THE COMPETITIVE CONTRACTING PROCESS FOR ECONOMIC DEVELOPMENT CONSULTANT FOR A 12 MONTH TERM

WHEREAS, the City of Hoboken currently requires the assistance of economic development specialists to assist the city government; and

WHEREAS, under the Local Public Contracts Law, N.J.S.A. 40A:11-4.1, competitive contracting may be used by local contracting units in lieu of the standard public bidding process for procurement of specialized goods and services where the price exceeds the threshold, and said procedure is considered to be fair and open, as well as efficient in obtaining the best services for the City, cost and other factors considered; and

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that the Competitive Contract Process, as described and allowed in N.J.S.A. 40A:11-4.1 shall be initiated by the Purchasing Agent/Business Administrator for the purpose of receiving proposals for a 12 month contract, with two one year options at the sole discretion of the City, for an economic development consultant for the City of Hoboken.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: Castellano, Occhipinti, Russo

14-272

---By Councilman Bhalla

RESOLUTION AUTHORIZING USE OF THE COMPETITIVE CONTRACTING PROCESS FOR INFORMATION TECHNOLOGY SERVICES FOR A 12 MONTH TERM

WHEREAS, the City of Hoboken requires the constant uninterrupted use of its information technology; and

WHEREAS, the City is currently operating under a holdover competitive contract for IT services, and seeks to enter into a current, LPCL and Fair and Open compliant contract for said services; and,

WHEREAS, under the Local Public Contracts Law, N.J.S.A. 40A:11-4.1, competitive contracting may be used by local contracting units in lieu of the standard public bidding process for procurement of specialized goods and services where the price exceeds the threshold, and said procedure is considered to be fair and open, as well as efficient in obtaining the best services for the City, cost and other factors considered; and

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that the Competitive Contract Process, as described and allowed in N.J.S.A. 40A:11-4.1 shall be initiated by the Purchasing Agent/Business Administrator for the purpose of receiving proposals for a 12 month contract, with two one year options to extend at the sole discretion of the City, for IT services for the City of Hoboken.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: Castellano, Occhipinti, Russo

14-273

RESOLUTION AUTHORIZING USE OF THE COMPETITIVE CONTRACTING PROCESS FOR WATER UTILITY FINANCIAL ADVISOR FOR A 12 MONTH TERM

WHEREAS, the City of Hoboken currently requires the assistance of financial advisor for water utility matters to assist the city government; and

WHEREAS, under the Local Public Contracts Law, N.J.S.A. 40A:11-4.1, competitive contracting may be used by local contracting units in lieu of the standard public bidding process for procurement of specialized goods and services where the price exceeds the threshold, and said procedure is considered to be fair and open, as well as efficient in obtaining the best services for the City, cost and other factors considered; and

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that the Competitive Contract Process, as described and allowed in N.J.S.A. 40A:11-4.1 shall be initiated by the Purchasing Agent/Business Administrator for the purpose of receiving proposals for a 12 month contract, with two one year options at the sole discretion of the City, for financial advisor for water utility matters for the City of Hoboken.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: Castellano, Occhipinti, Russo

14-274

---By Councilman Bhalla

RESOLUTION TO APPROVE THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF HOBOKEN AND THE PART TIME UNION AGREEMENT

WHEREAS, the City of Hoboken by and through the Mayor, Corporation Counsel and Business Administrator have engaged in negotiations on behalf of the City with the Part Time Employee's Union, resulting in a formalized Collective Bargaining Agreement, as attached; and,

WHEREAS, the City of Hoboken, by the Mayor, Corporation Counsel and Business Administrator recommend that the terms memorialized in the attached Collective Bargaining Agreement by and between the City of Hoboken and Local 108-RWDSU be accepted by the City Council.

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

1. The above recitals are incorporated as if fully set forth at length;
2. The Council hereby authorizes the Mayor or her authorized 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, including, without limitation, the attached Collective Bargaining Agreement, or a revision of same without any substantive changes;
3. This resolution shall be effective immediately;

---Motion duly seconded by Councilman Cunningham

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

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

14-275

---By Councilman Bhalla

RESOLUTION TO APPROVE A "LICENSE AGREEMENT" BETWEEN THE CITY OF HOBOKEN AND 612 GARDEN STREET LLC, AS THE OWNER OF BLOCK 181 LOT 27 (A/K/A 612 GARDEN STREET), FOR USE AND MAINTENANCE OF A PORTION OF THE PUBLIC RIGHT OF WAY ADJACENT TO SAID PROPERTY

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

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

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

WHEREAS, the City of Hoboken desires to grant to 612 Garden Street LLC, owner of Block 181 Lot 27, more commonly known as 612 Garden Street, Hoboken, such a license, by and through its authorized agent, Cossio/Brown Development.

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

- D) Approval of the attached "License Agreement" between the City of Hoboken and 612 Garden Street LLC, owner of Block 181 Lot 27, more commonly known as 612 Garden Street, shall be subject and limited to the specifications included in Exhibit "A" (Jensen C. Vasil architectural drawings with metes and bounds detail and specifications 04/07/2014);
- 2) The Mayor or her agent is hereby authorized to enter into the attached agreement; and
- 3) This resolution shall become effective immediately up adoption.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: Russo

---Present: Occhipinti

14-276

---By Councilman Bhalla

RESOLUTION TO APPROVE A “LICENSE AGREEMENT” BETWEEN THE CITY OF HOBOKEN AND MICHAEL DABNEY, AS THE OWNER OF BLOCK 193 LOT 43 (A/K/A 614 BLOOMFIELD STREET), FOR USE AND MAINTENANCE OF A PORTION OF THE PUBLIC RIGHT OF WAY ADJACENT TO SAID PROPERTY

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

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

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

WHEREAS, the City of Hoboken desires to grant to Michael Dabney, owner of Block 193 Lot 43, more commonly known as 614 Bloomfield Street, Hoboken, such a license.

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

- 1) Approval of the attached "License Agreement" between the City of Hoboken and Michael Dabney, owner of Block 193 Lot 43, more commonly known as 614 Bloomfield Street, shall be subject and limited to the specifications included in the attached Application and Exhibits including Jensen C. Vasil architectural drawings dated 03/28/2014;
- 2) The Mayor or her agent is hereby authorized to enter into the attached agreement; and
- 3) This resolution shall become effective immediately up adoption.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Present: Occhipinti

14-277

---By Councilman Bhalla

RESOLUTION TO APPROVE A “LICENSE AGREEMENT” BETWEEN THE CITY OF HOBOKEN AND SUSAN AND DARYL PREGIBON, AS THE OWNERS OF BLOCK 217.01 LOT 19 (A/K/A 624 HUDSON STREET), FOR USE AND MAINTENANCE OF A PORTION OF THE PUBLIC RIGHT OF WAY ADJACENT TO SAID PROPERTY

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

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

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

WHEREAS, the City of Hoboken desires to grant to Susan and Daryl Pregibon, owners of Block 217.01 Lot 19, more commonly known as 624 Hudson Street, Hoboken, such a license.

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

- 1) Approval of the attached "License Agreement" between the City of Hoboken and Susan and Daryl Pregibon, owners of Block 217.01 Lot 19, more commonly known as 624 Hudson Street, shall be subject and limited to the specifications included in the attached Application and Exhibits including GALE Architectural Services drawings dated 03/24/2014;
- 2) The Mayor or her agent is hereby authorized to enter into the attached agreement; and
- 3) This resolution shall become effective immediately up adoption.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Present: Occhipinti

14-278

---By Councilman Bhalla

RESOLUTION TO APPROVE A "LICENSE AGREEMENT" BETWEEN THE CITY OF HOBOKEN AND SHAFI AND ZUBEDA MANSURI, AS THE OWNERS OF BLOCK 68 LOT 27 (A/K/A 510 JEFFERSON STREET, FOR USE AND MAINTENANCE OF A PORTION OF THE PUBLIC RIGHT OF WAY ADJACENT TO SAID PROPERTY

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

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

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

WHEREAS, the City of Hoboken desires to grant to Shafi and Zubeda Mansuri, owners of Block 68 Lot 27, more commonly known as 510 Jefferson Street, Hoboken, such a license.

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

- 1) Approval of the attached "License Agreement" between the City of Hoboken and Shafi and

Zubeda Mansuri, owners of Block 68 Lot 27, more commonly known as 510 Jefferson Street, shall be subject and limited to the specifications included in the attached Application and Exhibits including DMC Associates' survey and Minervini-Vandermark Architecture drawings dated 4/28/2014;

- 2) The Mayor or her agent is hereby authorized to enter into the attached agreement; and
- 3) This resolution shall become effective immediately up adoption.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

14-279

---By Councilman Bhalla

RESOLUTION TO APPROVE A "LICENSE AGREEMENT" BETWEEN THE CITY OF HOBOKEN AND MARY BETH AND MICHAEL BETANCOURT, AS THE OWNERS OF BLOCK 170 LOT 29 (A/K/A 822 PARK AVENUE, FOR USE AND MAINTENANCE OF A PORTION OF THE PUBLIC RIGHT OF WAY ADJACENT TO SAID PROPERTY

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

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

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

WHEREAS, the City of Hoboken desires to grant to Mary Beth and Michael Betancourt, owners of Block 170 Lot 29, more commonly known as 822 Park Avenue, Hoboken, such a license.

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

- 1) Approval of the attached "License Agreement" between the City of Hoboken and Mary Beth and Michael Betancourt, owners of Block 170 Lot 29, more commonly known as 822 Park Avenue, shall be subject and limited to the specifications included in the attached Application and Exhibits including Edward Clark Landscape Architect drawings received 04/21/2014;
- 2) The Mayor or her agent is hereby authorized to enter into the attached agreement; and
- 3) This resolution shall become effective immediately up adoption.

---Motion duly seconded by Councilman Cunningham

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

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

14-280

---By Councilman Bhalla

RESOLUTION AWARDING A PROFESSIONAL SERVICE CONTRACT TO BOSWELL ENGINEERING TO PREPARE ENGINEERING ESTIMATES FOR TWO GRANT APPLICATIONS AND PREPARE SIGNAGE AND STRIPING PLANS IN AN AMOUNT NOT TO EXCEED TEN THOUSAND FIVE HUNDRED DOLLARS (\$10,500.00)

WHEREAS, the City of Hoboken (the "City") is preparing grant proposals for the N.J. Department of Transportation's Transportation Alternatives program, which is due on or around June 30, 2014; and

WHEREAS, as part of the process, the City will need to obtain signed and sealed drawings, as well as cost estimates, for the grant proposals; and

WHEREAS, the City solicited price proposals from the City's four prequalified engineering firms, and the City determined that Boswell Engineering had the most competitive and responsive proposal; and

WHEREAS, in accordance with the direction of the Administration, the City Council is asked to award a contract to Boswell Engineering for Boswell Engineering to prepare engineering estimates for the two N.J. Department of Transportation grants and prepare signage and striping plans for the City's 2014 Planned Bike Network, as detailed on the proposal from Boswell Engineering dated April 16, 2014, which is attached hereto, for a total contract amount of Ten Thousand Five Hundred Dollars (\$10,500.00);

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$10,500.00 is available in the following appropriation 4-01-31-461-000 in the CY2014 temporary appropriations; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said temporary appropriation for the CY2014; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that a contract with the below-listed vendor is awarded for an amount not to exceed Ten Thousand Five Hundred Dollars (\$10,500.00) to prepare engineering estimates for the two N.J. Department of Transportation grants and prepare signage and striping plans for the City's 2014 Planned Bike Network, in accordance with the attached proposal and with the additional contract terms as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the attached proposal from Boswell Engineering 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
330 Phillips Avenue
South Hackensack, New Jersey 07602

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Present: Occhipinti

14-281

---By President Giattino

RESOLUTION SUPPORTING THE ANNUAL "MEMORIAL DAY PARADE"

WHEREAS, the Hoboken Memorial Day Parade is the oldest in the State of New Jersey; and

WHEREAS, this year marks the 116th continuance year of marching to honor those men and woman who made the ultimate sacrifice for their Country; and

WHEREAS, the Hoboken Joint Memorial Committee who organize the Memorial Day Parade has indicated on the attached correspondence its requirements to successfully conduct the parade as follows:

1. The Parade Committee proposes the date May 21st, 2014 at 6:30 p.m.
2. The Parade Committee proposes no parking on both sides of Washington Street from Observer Highway to First Street from 2:00 p.m. to 8:00 p.m..
3. The Parade Committee also proposes no parking on both sides of Washington Street from Tenth Street to Eleventh Street from 12:00 p.m. to 9:00 p.m..
4. The Parade Committee proposes no parking on the South side of Eleventh Street between Hudson and Washington from 4:00 p.m. to 9:00 p.m..
5. The parade route will proceed north on Washington Street from Observer to Eleventh Street.
6. A reviewing stand will be located at 1005 Washington Street ("Elks Club")

RESOLVED, that the Council for the City of Hoboken agrees to allow the Hoboken Joint Memorial Committee permission to conduct its annual "Memorial Day Parade along Washington

Street, and requests the Administration, Department of Transportation, and Department of Public Safety take any and all steps necessary to effectuate this parade.

BE ADVISED, the entire parade route needs to be shut down to vehicular traffic from Hudson onto Washington and Bloomfield onto Washington during the parade for the safety of the parade watchers.

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

14-282

---By Councilman Bhalla

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 **\$ 5,381.61**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Joseph E. Deming 250 Passaic Avenue, Suite 140 Fairfield, NJ 07004	179/41	306 Garden St	4/13	\$4,185.73
Edward Burdett 177 Meadbrook Rd. Garden City, NY 11530	19/15/C0004	91 Adams St	4/13	\$1,195.88

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

14-283

---By Councilman Bhalla

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 refund be made;

NOW THEREFORE BE IT RESOLVED, that a warrant be drawn on the City Treasurer made payable to the following totaling \$115,967.50

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
Coughlin Duff LLP 350 Mount Kemble Ave P.O. Box 1917 Morristown, NJ 07962-1917	213.01/14.02	232-234 Hudson St	2010	\$16,607.50
Coughlin Duff LLP 350 Mount Kemble Ave P.O. Box 1917 Morristown, NJ 07962-1917	213.01/14.02	232-234 Hudson St	2011	\$27,726.00
Coughlin Duff LLP 350 Mount Kemble Ave P.O. Box 1917 Morristown, NJ 07962-1917	213.01/14.02	232-234 Hudson St	2012	\$33,250.00
Coughlin Duff LLP 350 Mount Kemble Ave P.O. Box 1917 Morristown, NJ 07962-1917	213.01/14.02	232-234 Hudson St	2013	\$38,384.00

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

14-284

---By President Giattino

RESOLUTION TO ADOPT THE MINUTES OF THE MEETINGS OF THE CITY COUNCIL DATED: SPECIAL MEETING OF MARCH 19, 2014 AND REGULAR MEETING OF MARCH 19, 2014 AND APRIL 2, 2014 AND REGULAR MEETING OF APRIL 2, 2014 (HAS BEEN REVIEWED AND APPROVED AS TO LEGAL FORM AND CONTENT)

RESOLVED, that filed minutes for the Hoboken City Council **Regular Meeting of March 19, 2014, Special meeting of March 19, Special meeting of April 2, 2014 and Regular meeting of April 2, 2014** have been reviewed and approved as to legal form and content.

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

14-285

---By Councilman Bhalla

RESOLUTION TO ADOPT A TEMPORARY CAPITAL BUDGET FOR CY 2014

WHEREAS, the City of Hoboken desires to establish the 2014 Temporary Capital Budget of said municipality by inserting therein the following project.

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

Section 1. The 2014 Temporary Capital Budget of the City of Hoboken is hereby established by the adoption of the schedule to read as follows:

Temporary Capital Budget of the
City of Hoboken
County of Hudson, New Jersey
Projects Scheduled for 2014
Method of Financing

<u>Project</u>	<u>Est. Costs</u>	<u>Grants</u>	<u>Budget Appr. Fund</u>	<u>Capital Imp. Fund</u>	<u>Bonds</u>	<u>Self-Liquidating Bonds</u>
Resurfacing of Various Streets and Improvements to Certain Intersections	2,000,000			100,000	1,900,000	

---Motion duly seconded by Councilman Cunningham

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

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

---Nays:

ORDINANCES

Introduction and First Reading

14-286

Z-296

BOND ORDINANCE AUTHORIZING THE RESURFACING OF VARIOUS STREETS AND IMPROVEMENTS TO VARIOUS INTERSECTIONS IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$2,000,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$1,900,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the City Council of the City of Hoboken, County of Hudson, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the

provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the City of Hoboken, County of Hudson, New Jersey ("City").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is \$2,000,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$1,900,000; and
- (c) a down payment in the amount of \$100,000 for the purposes stated in Section 7 hereof is currently available in the City's Capital Improvement Fund accordance with the requirements of Section 11 of the Local Bond Law, *N.J.S.A. 40A:2-11*.

Section 3. The sum of \$1,900,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$100,000, which amount represents the required down payment, is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$1,900,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$1,900,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, *N.J.S.A. 40A:2-20*, shall not exceed the sum of \$400,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimate d Total Cost</u>	<u>Down Payme nt</u>	<u>Amount of Obligations</u>	<u>Period of Useful ness</u>
A. Resurfacing of Various Streets and Roads and Improvements to Various Intersections in the City, all as more particularly described in the	\$2,000,000	\$100,000	\$1,900,000	10 years

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
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documentation on file in the Office of the Director of the City Transportation and Parking Department and available for inspection during normal City hours, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto

Section 8. The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 10.00 years.

Section 9. Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

Section 10. The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A.* 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, *N.J.S.A.* 40A:2-43, is increased by this Bond Ordinance by \$1,900,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the City shall levy *ad valorem* taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 12. The applicable Capital Budget of the City is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 13. The City hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

Section 14. The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Ogden, Utah Service Center of the Internal Revenue Service such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 16. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 17. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

President Giattino 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 **May 21, 2014** at 7:00 PM.

--Motion duly seconded by Councilman Bhalla

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

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

--Nays: None.

NEW BUSINESS

Council President would like to add a resolution to amend the next city council meeting and the first meeting in June.

14-287

--- By President Giattino

**AN AMENDMENT TO THE CITY CALENDAR FOR JANUARY 2014 THROUGH
DECEMBER 2014 CHANGING THE MEETING TIME FOR WEDNESDAY MAY 21, 2014
AND MEETING DATE FOR THURSDAY, JUNE 5, 2014 INSTEAD OF TUESDAY, JUNE 3, 2014**

RESOLVED, that the following dates and times listed below are adopted as the official meeting dates of the Hoboken City Council for January 2014 through December 2014, and be it further

RESOLVED, that in accordance with N.J.S.A. 10:4-8(d) and 10:4-18 (Open Public Meetings Act), within seven (7) days of passage of this Resolution, the City Clerk shall (a) prominently post this Resolution in at least one location at City Hall reserved for similar announcements; (b) mail, telephone, telegram or hand deliver this Resolution to all of the official newspapers of the City of Hoboken; and (c) maintain a copy of this Resolution in the Office of the City Clerk; and, be it further

RESOLVED, that this Resolution be advertised in two of the City's official newspapers within (7) days of passage.

**CITY COUNCIL MEETINGS, COUNCIL CHAMBERS, CITY HALL,
94 WASHINGTON STREET, HOBOKEN, NJ**

*Tuesday	January 7, 2014	7 PM	Wednesday	July 9, 2014	7 PM
Wednesday	January 22, 2014	7 PM			
Wednesday	February 5, 2014	7 PM	Wednesday	August 6, 2014	7 PM
Wednesday	February 19, 2014	7 PM			
Wednesday	March 5, 2014	7 PM	Wednesday	September 3, 2014	7 PM
Wednesday	March 19, 2014	7 PM	Wednesday	September 17, 2014	7 PM
Wednesday	April 2, 2014	7 PM	Wednesday	October 1, 2014	7 PM
Wednesday	April 16, 2014	7 PM	Wednesday	October 15, 2014	7 PM
Wednesday	May 7, 2014	7 PM	Wednesday	November 5, 2014	7 PM
Wednesday	May 21, 2014	8 PM	**** Monday	November 17, 2014	7 PM
***Thursday	June 5, 2014	7 PM	Wednesday	December 3, 2014	7 PM
Wednesday	June 18, 2014	7 PM	*****Tuesday	December 16, 2014	7 PM

* Reorganization meeting

*** Moved due to Shavuot and Primary Election

**** Moved due to the New Jersey League of Municipality **November 18-20, 2014**

***** Moved due to Chanukah

All information pertaining to the Council agenda may be obtained from the City Clerk, during regular business hours, prior to each Council meeting and also, on the City's website = <http://www.hobokennj.org>.

By order of City Council resolution adopted May 7, 2014

James J. Farina
City Clerk

---Motion duly seconded by Councilman Doyle

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

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

---Nays: None.

NEW BUSINESS (cont'd)

Councilwoman Castellano comments on the passing of the Hot Dog vendor at

Columbus Park, thanks the Freeholders, and thanks Eduardo Gonzalez for his service on the HHA.

Councilwoman Mason comments on the over ticketing on the city's residents.

Councilman Russo comments on the Bijou/Pino property/park, future public meetings on the proposed project, Tues. May15, 2014, 7:30 PM and Sat. May 17, 2014 10-12 PM at Jubilee Center.

Councilman Doyle comments that this Sunday, Mother's Day, is the HOHA Classic, all proceeds will be going to the Jubilee Center and also the availability to donate to Dustin Friedland who was killed at the Shore Hills Mall, www.hoha.net

Councilman Occhipinti comments and thanks the City of Hoboken and the Hoboken Volunteers on Earth Day and thanks Councilman Doyle for also helping out along with Executive Director Garcia and Freeholder Romano who made it toward the end, this will have plenty of time for spring planting, after 3 years, Harrison St. has gotten paved b/w Observer Highway and Newark St. and thanked the administration for getting that done and also putting a public garbage bin on the corner of Harrison and Observer Highway, really excited about the Bijou/Pino property, a city owned gymnasium for a rec. basketball league and other recreational sports.

Councilman Mello comments on the next Public Meeting regarding Washington St. redesign public/private/charter schools and glad on the committee (Comm. Development.), brought up the presentations and let the people see this project for open field space and affordable housing.

Councilman Cunningham comments on the public meeting at Washington St. this past Monday, check out the city's website and fill out the survey, feedback is paramount, the kick off stakeholder's meeting at the end of April at the Hoboken Business Center for the parking master plan, next meeting is May 19, 2014 for financing for Water Music, requesting a new date for May 14, 2014, 5PM for Comm., and 7 PM for Transportation and Parking to the following Monday, May 20, 2014 at 7:00 PM.

Councilman Bhalla comments on Washington Redesign the deadline is the 26th, the Complete streets is hobokennj.org/WashingtonStreet there will be a Sinatra Drive redesign which will be at May 15, 2014 7-9 PM at 124 Grand St., a community meeting on May 12, 6-9 PM at 124 Grand St. This Sunday, starts the new trash schedule, no more trash pick-ups on Monday, but recycling and nothing on Tues. but trash on Wed. and recycling on Thur., detail is online.

Council President comments that the Neumann Leather meeting will be May 20, 2014 from 6-9 PM at 124 Grand St.

At 11:41 P.M. meeting adjourned of the Governing Body on a motion by Council duly seconded by the Council members.

Council President President Giattino then adjourned the meeting at 11:41 P.M.

PRESIDENT OF THE COUNCIL

CITY CLERK