

MEETING OF MAY 15, 2013

**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 15, 2013 AT 7:00 PM**

President Cunningham opened the meeting at 7:00 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:

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

ABSENT: *****-Russo (see below) ****

Council President comments and gives an overview of the meeting this evening
Council President comments on suspending the agenda to go to

PROCLAMATION FOR 125TH ANNIVERSARY TO THE HOBOKEN ELKS LODGE #74

Councilman Russo arrives to the meeting at 7:18 PM

Mayor Zimmer presents the proclamation to: THE FOURTH GRADERS FROM ALL SAINTS EPISCOPAL DAY SCHOOL.

Council President suspends the agenda for the Library Director
Director Podles presents an event to the Governing Body on June 8, 2013 from 11-5 PM
Marilyn Freiser from Friends of the Library speaks.

RESOLUTIONS

13-237

---By President Cunningham

RESOLUTION TO APPROVE THE SETTLEMENT AGREEMENT BETWEEN MCCOURT AND THE CITY OF HOBOKEN ET AL., AND TAKING ALL ACTION IN ACCORDANCE THEREWITH INCLUDING, WITHOUT LIMITATION, EXECUTING THE AGREEMENT AND ENTERING THE FORMAL AGREEMENT ON THE RECORD

WHEREAS, the City of Hoboken is currently involved in settlement negotiations in the matter of *McCourt v. City of Hoboken et al.*; and,

WHEREAS, the Parties have agreed to settle the matter in accordance with the attached settlement agreement; and,

WHEREAS, the City's Special Counsel has advised, and the Council accepts such advice, that it is in the best interest of the City to settle the matter under the attached terms.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that the Council consents to the execution of the Settlement Agreement, as attached or in a substantially similar form without substantive changes, by the Administration, and consents to all action taken by the Administration in accordance with the terms of said Agreement,.

BE IT FURTHER RESOLVED, this resolution shall be effective immediately upon adoption.

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

---Present: Occhipinti.

13-238

---By Councilwoman Giattino

RESOLUTION TO AMEND BUDGET

WHEREAS, the local municipal budget for the year 2013 was approved on March 6, 2013; and,

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Hoboken, Hudson County, that the following amendments to the approved budget of 2013 was made:

SEE RESOLUTION FOR BUDGET AMENDMENTS.

The speakers who spoke: Eduardo Gonzalez, Steven Wielkotz.

---Motion duly seconded by President Cunningham

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

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

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

13-239

---Councilwoman Giattino

RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS FOR THE CY 2013 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 CY2013 budget and no adequate provision has been made in the CY2013 temporary appropriations 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 resolutions adopted in CY2013 pursuant to the provisions of N.J.S.A. 40A:4-20 including this resolution total \$6,956,790.42 for Current Expenses and \$669,814.25 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 as follows:

See Detail Attached

Current Fund - \$6,216,790.42 Parking Utility - \$669,814.25

2. Said emergency temporary appropriations will be provided for in the CY2013 budget
3. That one copy of this resolution be filed with the Director, Division of Local Government Services.

---Motion duly seconded by President Cunningham

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

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

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

Councilman Russo has left the table at 9:29 PM

Councilman Russo has returned to the table at 9:30 PM

SECOND READING/PUBLIC HEARING AND FINAL VOTE

ORDINANCES

Second and Final Reading

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)**

AN ORDINANCE TO AMEND CHAPTER 46 ENTITLED "LEASE AGREEMENTS" TO INCLUDE A LEASE AGREEMENT BETWEEN THE CITY OF HOBOKEN AND NJ TECH, INC. FOR THE USE AND MAINTENANCE OF THE SINATRA PARK CAFÉ **(Z-239)**
(Going back to first reading due to substantive changes made by the NJDEP)

AN ORDINANCE TO AMEND CHAPTER 190 § 29.3 ENTITLED "PARKING IN A METERED PARKING SPACE" TO CLARIFY THE PROPER PLACEMENT OF METERED PARKING RECEIPTS **(Z-240) (WITHDRAWN BY SPONSORS COUNCILMEN MELLO AND BHALLA)**

Councilman Bhalla has left the table at 9:52 PM
Councilman Bhalla has returned to the table at 9:54 PM

PUBLIC PORTION

All regular business concluded the following members of the public spoke at the "Public Portion" of the meeting: Patricia Waiters, Gail Johnson, Minnie Gilyard, Carmen Vega, Jaqueline Carmody, Margerie Biart, Margaret O'Brien, Eduardo Gonzalez, Mary Ondrejka, Dan Tumpson, James Vance, Ron Simoncini, Elizabeth Adams, Nick Callichio, Linda Petrocelli, Barbar Reyes, Evelyn Hernandez, Councilman Mello, Yesenia Camilo Basen Saad. Jason Terry, Joseph Branco.

Councilwoman Giattino and Councilwoman Mason and Councilman Occhipinti have left the table at 10:51 PM.
Councilwoman Giattino has returned to the table at 10:53 PM

Councilwoman Mason has returned to the table at 11:14 PM
Councilman Occhipinti have returned to the table at 11:04 PM

Councilwoman Castellano has left the table at 11:05 PM
Councilwoman Castellano has returned to the table at 11:00

Councilwoman Castellano has left the table at 11:15 PM

Councilwoman Castellano has returned to the table at 11:18 PM

Councilman Russo has left the table at 11:55 PM

Councilman Russo has returned to the table at 12:01 AM

Mr. Powell from Nassau Capital
Councilwoman Castellano
Mr. Portelli from RPM Development

The next two resolution are numbered out of sequence.

13-264

---Councilman Occhipinti

FORM OF RESOLUTION OF NEED FROM MUNICIPALITY

WHEREAS, **Harrison Street Associates, L.P.** (hereinafter referred to as the “Sponsor”) proposes to construct a 44-unit affordable housing development for families (hereinafter referred to as the “project”) pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1.1 et seq., and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the “HMFA Requirements”) within the City of Hoboken (hereinafter referred to as the “Municipality”) on a site described as a to be subdivided portion of Lot 1, Block 46 as shown on the Official Assessment Map of the City of Hoboken, Hudson County and commonly known as 333 Harrison Street, New Jersey; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the “Agency”); and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken (the “Council”) that:

- (1) The Council finds and determines that the 44-unit affordable housing Project proposed by the Sponsor meets or will meet an existing housing need;
- (2) The Council does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Law to enable the Agency to process the Sponsor’s application for Agency funding to finance the Project.

---Motion duly seconded by Councilman Russo
---**FAILED** by the following vote: YEAS: 4 NAYS: 4

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

13-265

---Councilman Occhipinti

RESOLUTION AUTHORIZING THE GRANTING OF A LONG TERM THIRTY (30) YEAR TAX EXEMPTION AND THE EXECUTION OF AN AGREEMENT FOR PAYMENT IN LIEU OF TAXES WITH HARRISON STREET ASSOCIATES, L.P. PURSUANT TO NJSA 55:14k-1 ET. SEQ.

Whereas, the New Jersey Housing and Mortgage and Finance Agency Law of 1983 as amended, N.J.S.A. 55:14K-1 et.seq., and the rules promulgated thereunder at N.J.A.C. 5:80-1 et. seq. and all applicable guidelines (collectively referred to hereinafter as the “HMFA Requirements”) authorizes the governing body of any municipality in which a housing project financed or to be financed by the New Jersey Housing and Mortgage Finance Agency (the “Agency”) is to be located, to provide, by ordinance or resolution, as appropriate, that such project shall be exempt from real property taxation if the housing sponsor enters into an agreement with the municipality for payments to the municipality in lieu of taxes; and

Whereas, Harrison Street Associates, L.P., hereinafter also referred to as the “Sponsor”, proposes to construct an affordable housing project called Vision 20/20 Phase 1 that will provide 44 units of affordable rental housing (the “Project”) on the property known as 333 Harrison Street in the City of Hoboken, County of Hudson and State of New Jersey also designated on the Official Tax Map of the City of Hoboken, Hudson County, New Jersey as a to be subdivided portion of Block 46, Lot 1; and

Whereas, the Project will be financed by the Agency and will be subject to all HMFA Requirements and the mortgage and other loan documents executed by the Sponsor and the Agency; and

Whereas, pursuant to HMFA Requirements, the City Council of the City of Hoboken hereby determines that there is a need for this Project to be located on a to be subdivided portion of Tax Block 46 , Lot 1 within the City of Hoboken; and

Whereas, the Sponsor has presented to the City Council a revenue projection for the Project which sets forth the anticipated annual revenue to be received by the Sponsor from the operation of the Project as estimated by the Sponsor and the Agency, a copy of which is attached hereto and made part hereof as Exhibit A

Now Therefore, Be it Resolved by the City Council of the City of Hoboken that:

1. The Council does hereby find and determine that the proposed Project under the to be constructed by the Sponsor under the direction of its sole managing principal, Edward G. Martoglio, will meet an existing housing need; and
2. The Council does hereby adopt the within Resolution and makes the determination and findings contained herein by virtue of, pursuant to and in conformity with the provisions of the HMFA Requirements with the intent and purpose that the Agency shall rely thereupon in making a mortgage loan to the Sponsor which shall construct, own and operate the Project; and

3. The Council does hereby adopt the within Resolution with the further intent and purpose that from the date of the execution of the Agency mortgage, the proposed Project, including both the land and the improvements thereon, will be exempt from real property taxation as provided in the HMFA Requirements for a period of twenty (20) years, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the municipality in an amount equal to 6.28% of annual gross Project revenue from residential rental units and 10% of all other Project income in the manner set forth in the Agreement for Payment in Lieu of Taxes attached hereto as Exhibit B; and

4. The Council hereby authorizes and directs the Mayor of the City of Hoboken to execute, on behalf of the City, the Agreement for Payment in Lieu of Taxes in substantially the form attached hereto as Exhibit B

The Council understands and agrees that the revenue projections set forth in Exhibit A are estimates and that the actual payments in lieu of taxes to be paid by the Sponsor to the City shall be determined pursuant to the Agreement for Payment in Lieu of Taxes executed by the Mayor and the Sponsor.

---Motion duly seconded by Councilman Russo
---**FAILED** by the following vote: YEAS: 4 NAYS: 4
---Yeas: Council persons Castellano, Mason, Occhipinti, Russo
---Nays: Bhalla, Giattino, Mello and President Cunningham

13-240

APPLICATION FOR MISCELLANOUS LICENSES

RAFFLE-----1 item
VENDOR-----1 item
CARNIVAL-----1 item
SIDEWALK CAFÉS LICENSES ISSUED-----33 items
TAXI, LIVERY, AND LIMOUSINE LICENSES-----32 items

---President Cunningham 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.

13-241

To: James J. Farina, City Clerk

From: Mayor Dawn Zimmer

I have made the following appointments:

Planning Board

Frank Magaletta from Alternate to fill unexpired term of Keith Furman.

Library Board

Stella Strazdas to fill the unexpired term of Sandra Reinardy.

Please update your files and administer the oaths of office.

Received and Filed.

13-242

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of April 2013 **\$12,366,031.75 (Abatement Totals – \$277,634.35)**

Received and filed.

13-243

A report from Municipal Court indicating receipts for the month of April 2013 as **\$395,798.07**

Received and filed.

13-244

---By Councilwoman Giattino

CLAIMS

Total for this agenda **\$3,456,189.16 – \$190.00 – ~~\$2,324.00~~ = \$3,453,675.16 - \$190.00 = \$3,455,999.16.**

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

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

---Nays: Castellano–Crowne Plaza (13-01392) ~~and Rutgers University (13-00637)~~

(see Terry’s email on 5/17/13 to Quentin Wiest) & Mason, Occhipinti and Russo.

---Abstain: Mason 13-00129, 13-00133 (Weiner Lesniak)

13-245

---By Councilwoman Giattino

PAYROLL

For the Fire Retiree %25 retro pay April 30, 2013

Regular Payroll	O/T Pay	Other Pay
\$0.00	\$6,377.17	\$383,094.67

Total \$389,471.84

For the two week period starting April 25, 2013 – May 8, 2013 (REVISED AT CCM)

Regular Payroll	O/T Pay	Other Pay
\$1,515,745.86	\$82,306.20	\$78,062.24

Total \$1,676,114.30

--Motion duly seconded by Councilman Mello
 ---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)

RESOLUTIONS

13-246

---By Councilman Mello

RESOLUTION OF THE CITY OF HOBOKEN CONSENTING TO AN APPLICATION TO THE PLANNING BOARD BY SHIPYARD ASSOCIATES L.P. TO INCLUDE ADDITIONAL AMENITIES AND THE SHIPYARD MARINA AND AUTHORIZING AN AMENDMENT TO THE DEVELOPER'S AGREEMENT WITH SHIPYARD ASSOCIATES IF THE APPLICATION IS APPROVED

WHEREAS, On December 7,1997, the City of Hoboken (“City”) and Shipyard Associates, L.P. (“Shipyard”) entered into the Developer’s Agreement and General Development Plan (“Developer’s Agreement”) to provide for the construction of a Planned Unit Development comprised of residential, parking, commercial/retail space, public open space. Passive recreational use and the extension of various streets (the “Planned Unit Development Project”);and

WHEREAS, Shipyard desires to obtain approval from the Hoboken Planning Board (“Planning Board”) to include additional amenities to the Shipyard Marina, located at the tip of Pier 13 (a/k/a Pier 3), which will consist of a series of licensed food trucks and adjacent picnic tables; bathrooms, showers, an expanded bar, and administrative offices in the renovated boat house; a temporary beverage trailer that sells alcoholic beverages and operates during peak demand; and expansive grass areas for visitors to enjoy views of Hoboken and the Hudson Waterfront, as more fully set forth in the Application and presentation to the Planning Board (the “ Shipyard Marina Improvements”);and

WHEREAS, the City determines that the Shipyard Marina Improvements will enhance the experience of the Hoboken Hudson River Waterfront and promote the general welfare of the City and desires to express its consent to the Application to the Planning Board for approval of the Shipyard Marina Improvements

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

1. That it consents to the Application of Shipyard to the Planning Board for the Shipyard Marina Improvements
2. The City Clerk is hereby authorized to transmit a copy of this Resolution to the Planning Board.
3. In the event that the Planning Board approves the Application of Shipyard to include the proposed Shipyard Marina Improvements as part of the Planned Unit Development Project, the Mayor is hereby authorized to execute an Amendment to the Developer's Agreement to include the Shipyard Marina Improvements as a component of the Planned Unit Development Project.
4. The 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.
5. This Resolution shall be effective immediately.

Special Counsel Maraziti comments and gives an overview
 Council President would like an amendment and would like the free public access to Pier 13 from 6AM -11PM 365 days.

---Motion duly seconded by Councilman Bhalla
 ---Adopted **AS AMENDED** by the following vote: YEAS: 7 – NAYS: 1
 ---Yeas: Council persons Bhalla, Castellano, Mason, Mello, Occhipinti, Russo and President Cunningham
 ---Nays: Giattino

13-247

---By Councilwoman Giattino

RESOLUTION AWARDING A CONTRACT TO SZ CONSTRUCTION LLC FOR THE PROVISIONS OF MULTISERVICE CENTER FIRST FLOOR ALTERATIONS IN ACCORDANCE WITH THE CITY'S BID NO. 13-05 IN THE TOTAL AMOUNT OF \$473,000.00

WHEREAS, proposals were received for Bid Number 13-05 for the provisions of Multiservice Center First Floor alterations; and,

WHEREAS, Three (3) bid proposal was received:

<u>VENDOR</u>	<u>TOTAL AMOUNT PROPOSED</u>
Javier Construction Corporation 619 Crooks Avenue Clifton, New Jersey 07011	\$398,650.00
SZ Construction LLC 38 Grove Avenue	\$473,000.00

---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.

13-248

---By Councilwoman Giattino

RESOLUTION AWARDING A CONTRACT TO MAX ADAMO CONSTRUCTION, INC. FOR THE PROVISIONS OF PIER C REHABILITATION PROJECT IN ACCORDANCE WITH THE CITY'S BID NO. 13-04 IN THE TOTAL AMOUNT OF \$303,115.00

WHEREAS, proposals were received for Bid Number 13-04 for the provisions of the Pier C rehabilitation project; and,

WHEREAS, Two (2) bid proposal was received in good stead which were considered responsible and responsive:

<u>VENDOR</u>	<u>TOTAL AMOUNT PROPOSED</u>
Max Adamo Construction, Inc. 569 Prospect Avenue Ridgefield, New Jersey 07657	\$303,115.00
Let It Grow, Inc. 52 Ackerson Street River Edge, New Jersey 07661	\$324,050.00

WHEREAS, pursuant to the recommendation of the City Purchasing Agent the City wishes to contract for the goods and services specified in Bid No. 13-04, and Max Adamo Construction, Inc. submitted a responsible, and responsive bid in the amount of \$301,115.00; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$301,115.00 is available in the following appropriation _____ in the Capital Budget of CY2013; 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 by the City Council of the City of Hoboken as follows:

- H. This resolution awards a contract to Max Adamo Construction, Inc. for Bid No. 13-04, in the total amount of Three Hundred Three Thousand One Hundred Fifteen Dollars (\$303,115.00).
- I. If the contract, as provided by the City of Hoboken, is not executed by the vendor within 21 days of award, whether due to the vendor's failure to provide the Bidder's Acknowledgement form or otherwise, then this award shall lapse and the City of Hoboken shall have the right to rebid the project.
- J. The contract shall be in accordance with the terms of the specifications and the vendor's corresponding bid proposal documents. No exceptions were noted in the City Engineer's recommendation; therefore, none will be accepted in performing obligations under the bid.
- K. The performance bond and maintenance bond, as described in the bid specifications, shall be material terms of this agreement.
- L. This agreement is subject to liquidated damages, as described in the bid specifications.
- M. 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 contractor, subject to the conditions of this award.
- N. 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.

13-249

---By Councilman Mello

RESOLUTION AWARDING RUG & FLOOR STORE INC. A CONTRACT UNDER THEIR STATE CONTRACT NO. A81751 FOR FLOORING SUPPLY AND INSTALLATION AT THE MIDTOWN GARAGE RESULTING FROM SUPERSTORM SANDY IN AN AMOUNT NOT TO EXCEED \$41,875.87

WHEREAS, the City of Hoboken requires new flooring supplies and installation at the Midtown Garage as a result of Superstorm Sandy; and,

WHEREAS, the Administration intends to use Rug & Floor Store Inc, under their state contract #A81751, for said services and provisions; and,

WHEREAS, in accordance with the direction of the Administration, the City Council is asked to award a contract for the flooring supplies and installation to Rug & Floor Store Inc for a total contract amount of Forty One Thousand Eight Hundred Seventy Five Dollars and Eighty Seven Cents (**\$41,875.87**), for goods and services as described in the attached proposal of Rug & Floor Store Inc. dated May 9, 2013; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$41,875.87 is available in the following appropriation 3-01-55-901-014 in the CY2013 temporary appropriation; 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 temporary appropriation or the capital funds; 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 Forty One Thousand Eight Hundred Seventy Five Dollars and Eighty Seven Cents (**\$41,875.87**) for goods and services of flooring at the Midtown Garage due to Superstorm Sandy, 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:

Rug & Floor Store Inc.
280 N. Midland Avenue
Bldg. M
Postal Unit #220
Saddle Brook, New Jersey 07663

---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.

13-250

---By Councilman Mello

RESOLUTION CONFIRMS AN EMERGENCY CONTRACT AWARDED TO RESTORATION MANAGEMENT COMPANY FOR EMERGENCY FLOOD REPAIR AND RESTORATION SERVICES AT THE MIDTOWN GARAGE AND THE MIDTOWN GARAGE OFFICE SPACE FOR THE CITY IN THE WAKE OF SUPERSTORM SANDY IN AN AMOUNT NOT TO EXCEED \$231,783.16, AS APPROVED AND AUTHORIZED BY THE CITY'S CASUALTY INSURER

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 accessibility and workability of the garage and office space adjacent to the hospital; and,

WHEREAS, the Administration consulted and negotiated with the single source vendor for restoration and emergency flood repairs for the City at the midtown garage and the midtown garage office space which resulted from the floods of Superstorm Sandy, and thereafter the City entered into an agreement to pay for said services, to the extent said services were approved and authorized by the City's casualty insurer, 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 Restoration Management Company performed the restoration and repair services at the midtown garage and midtown garage office space following Superstorm Sandy, and the Council is now called upon to approve the payment of fees to Restoration Management Company, in the amount approved and authorized by the City's casualty insurer, which equals Two Hundred Thirty One Thousand Seven Hundred Eighty Three Dollars and Sixteen Cents (**\$231,783.16**), for goods and services already performed and completed; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$231,783.16 is available in the following appropriation 3-01-55-901-014 in the CY2012 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 CY2012; 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 payment for goods and services to the below listed vendor is authorized and ratified for an amount not to exceed Two Hundred Thirty One Thousand Seven Hundred Eighty Three Dollars and Sixteen Cents (**\$231,783.16**), for goods and services already performed and completed, under the following conditions:

6. The above recitals are incorporated herein as though fully set forth at length.
7. The terms of the attached approval communication from the City's Casualty Insurer – Traveler's shall govern the agreement for payment, including but not limited to those charged items which are not approved for payment, and no changes may be made without the prior written consent of the City.
8. Any change orders or additional charges which may 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.
9. 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.
10. 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:

Restoration Management Company

---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.

13-251

---By Councilman Mello

BY THIS RESOLUTION THE HOBOKEN CITY COUNCIL AUTHORIZES A FINANCIAL GUARANTEE TO PRESERVE THE “MEALS ON WHEELS” PROGRAM OF THE NORTH HUDSON REGIONAL COUNCIL OF MAYORS

WHEREAS, Hoboken participates in the “Meals on Wheels” and other community service programs administered through the North Hudson Regional Council of Mayors (NHRCM); and

WHEREAS, funding for these programs has not kept pace with the costs thereof, as a result of which the member municipalities must make up the deficit in some manner if these programs are to continue; and

WHEREAS, Hoboken wishes to try and keep these programs alive; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$56,692.26 is available in the following appropriation 3-01-23-222-020 in the CY2013 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 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 by the Mayor and the City Council that, subject to the adoption of like resolutions by all other municipalities in the NHRCM, the City of Hoboken shall agree to contribute it’s proportionate share of the cost of the Meals on Wheels program; and

BE IT FURTHER RESOLVED that the amount to be provided by the City of Hoboken, for CY2013 shall be in the amount of **\$45,500.00 (\$11,375.00 per quarter) for Meals on Wheels and \$11,192.26 (\$2,798.25 per quarter) for Nutrition Supplement**; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute, attest, seal and deliver such documents as are necessary and appropriate to carry out the purposes and intent of this Resolution, in form satisfactory to the Corporation Counsel.

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

--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.

13-252

--By Councilman Mello

EMERGENCY RESOLUTION TO EXTEND THE MARCH 6, 2013 EXTENSION OF THE ANNUAL TAXI CAB LICENSE RENEWAL TERM FOR AN ADDITIONAL MONTH BEGINNING JUNE 1, 2013 AND ENDING JUNE 30, 2013

WHEREAS, Council has expressed the desire to reconsider Hoboken Municipal Code Chapter 179A-1818) which provides that “vehicle used as taxi cabs must not be more than 4 years old nor have greater than 125,000 Miles, whichever occurs later; and,

WHEREAS, Hoboken Municipal Codes does not provide the Director any discretion to extend the mileage or age requirement or extend the annual license renewal term; and,

WHEREAS, an extension of the annual renewal period was granted by Resolution of the City Council at the March 6, 2013 Council Meeting, which will have expired and needs to be extended further to allow time to adopt a revision to the taxicab ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the annual taxicab license renewal term application deadline is hereby extended for an additional month beginning June 1, 2013 and ending June 30, 2013.

--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.

13-253

--By Councilwoman Giattino

RESOLUTION APPOINTING A FUND COMMISSIONER AND ALTERNATE FUND COMMISSIONER FOR THE GARDEN STATE MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the City of Hoboken is a member of the Garden State Municipal Joint Insurance Fund; and

WHEREAS, it is required for the City of Hoboken to have representation on the Board of Commissioners for the 2013 Fund Year, for which appointment/reappointment is necessary.

NOW, THEREFORE, BE IT RESOLVED, on this 15th Day of May by the City Council of the City of Hoboken, County of Hudson, State of New Jersey that:

1. Quentin Wiest is hereby appointed as Fund Commissioner representing the City of Hoboken on the Garden State Municipal Joint Insurance Fund Board of Commissioners for the 2013 Fund Year; and
2. Joel Mestre is hereby appointed as Alternate Fund Commissioner representing the City of Hoboken on the Garden State Municipal Joint Insurance Fund Board of Commissioners for the 2013 Fund Year.

--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.

13-254

--By Councilman Bhalla

CONSENTING TO THE APPOINTMENT OF JUDGE FAZIO AS A JUDGE OF THE MUNICIPAL COURT OF THE CITY OF HOBOKEN FOR THE TERM OF THREE (3) YEARS TO COMMENCE JUNE 6, 2013 AND EXPIRE JUNE 5, 2016

WHEREAS, N.J.S.A. 2B:12-4 allows the Mayor to appoint the Judges of the Hoboken Municipal Court, upon advise and consent of the City Council; and

WHEREAS, the Mayor has reappointed Judge Fazio to the position of Judge of the Municipal Court, and hereby requests the consent of the City Council to said reappointment; and

WHEREAS, the term of appointment is for three (3) years, or until a successor is qualified and appointed, which shall commence on June 6, 2013 and expire on June 5, 2016; and

WHEREAS, the City Council agrees with the Mayor's reappointment of Judge Fazio.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken hereby consents to and authorizes the reappointment of Judge Fazio as a Judge of the Municipal Court for the City of Hoboken, for the term of three (3) years to commence on June 6, 2013 and expire on June 5, 2016 or until a successor is qualified and appointed, pursuant to N.J.S.A. 2B:12-4; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Mayor expeditiously.

--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.

13-255

---By Councilman Bhalla

CONSENTING TO THE APPOINTMENT OF JUDGE MONGIELLO AS THE CHIEF JUDGE OF THE MUNICIPAL COURT OF THE CITY OF HOBOKEN FOR THE TERM OF THREE (3) YEARS TO COMMENCE JUNE 6, 2013 AND EXPIRE JUNE 5, 2016

WHEREAS, N.J.S.A. 2B:12-4 allows the Mayor to appoint the Chief Judge of the Hoboken Municipal Court, upon advise and consent of the City Council; and

WHEREAS, the Mayor has reappointed Judge Mongiello to the position of Chief Judge of the Municipal Court, and hereby requests the consent of the City Council to said reappointment; and

WHEREAS, the term of appointment is for three (3) years, or until a successor is qualified and appointed, which shall commence on June 6, 2013 and expire on June 5, 2016; and

WHEREAS, the City Council agrees with the Mayor's reappointment of Judge Mongiello.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken hereby consents to and authorizes the reappointment of Judge Mongiello as the Chief Judge of the Municipal Court for the City of Hoboken, for the term of three (3) years to commence on June 6, 2013 and expire on June 5, 2016 or until a successor is qualified and appointed, pursuant to N.J.S.A. 2B:12-4; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Mayor expeditiously.

---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.

13-256

---By Councilman Occhipinti

THIS RESOLUTION APPOINTS BARBARA REYES TO THE HOBOKEN HOUSING AUTHORITY FOR A (5) FIVE YEAR TERM WHICH WILL EXPIRE ON MAY 3, 2018

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 Housing Authority; and

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

WHEREAS, there is currently an expiring position on the Hoboken Housing Authority Board, previously held by Jake Stuver, and the new commissioner's term shall commence immediately and shall expire on May 3, 2018; and

WHEREAS, the City Council wishes to appoint Barbara Reyes of 311 Harrison Street, Hoboken, New Jersey 07030 to the position.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken hereby appoints Barbara Reyes, of **311 Harrison Street, Hoboken, New Jersey**, to serve as a member of the Hoboken Housing Authority for the five (5) year term, which commences immediately upon oath, and expires on May 3, 2018.

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

13-257

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 **\$ 11,130.03**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Tucker, Sean & Christopher Larosa 2 Paterson Ave #5C Hoboken, NJ 07030	15/35/C005C	2-4-6 Paterson Ave	2/13	\$ 1,757.50
Corelogic ATT: Recoveries Dept P O Box 961230 Ft. Worth, Tx 76161-0230	25/1/C010C	700 First St	3/12	\$ 1,707.65
Sheehan, David & Mikelynn Salthouse 425 East 58 th St Apt 44A New York, NY 10022	60/3	405 Jefferson St	1/13	\$ 1,257.56
Granit, Michael S 108 Madison St. Apt 1 Hoboken, NJ 07030	60/3	405 Jefferson St	1/13	\$ 1,065.19
Enger, Kyle	60/3	405 Jefferson St	1/13	\$ 1,065.19

502 Garden St
Hoboken, NJ 07030

Jan, Olivia Francoise & Herve Grosse
405 Jefferson St
Hoboken, NJ 07030
60/3 405 Jefferson St 1/13 \$ 1,065.19

Lieu, Linh & Yon-Seo Kim
2235 Lincoln Ave. Apt 309
Alameda, CA 94501
70/1/C005E 501-515 Adams St 1/11 \$1,542.12 Excel III

Chen, Herbert
34 W Poplar Ave Apt 203
Columbus, OH 43219
188/11/C004E 121-125 Garden St 1/13 \$ 1,550.88

Chen, Herbert
34 W Poplar Ave Apt 203
Columbus, OH 43219
188/11/C0P-4 121-125 Garden St 1/13 \$ 118.75

---Motion duly seconded 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.

13-258

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 **\$33,820.30**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
Nashel and Nashel, LLC 415 Sixtieth Street West New York, NJ 07093	141/23	1612-1614 Willow Ave	2009	\$ 1,795.60
Nashel and Nashel, LL 415 Sixtieth Street West New York, NJ 07093	141/23	1612-1614 Willow Ave	2010	\$ 1,898.00
Bradford Schwarz & Mary Maynard	70/11/C0407	522-532 Grand St	2011	\$ 1,386.30

536 Grand St #407
Hoboken, NJ 07030

Michael A. Vespasiano 331 Main Street Chatham, NJ 07928	205/34	618-620 Washington St	2010	\$ 6,643.00
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Michael A. Vespasiano 331 Main Street Chatham, NJ 07928	205/34	618-620 Washington St	2011	\$ 6,469.40
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Michael A. Vespasiano 331 Main Street Chatham, NJ 07928	205/34	618-620 Washington St	2012	\$ 6,650.00
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Beattie Padovano, LLC Counselors at Law 50 Chestnut Ridge Rd Ste 208 P O Box 244 Montvale, NJ 07645	269/10	60-68 Fourteenth St	2009	\$ 8,978.00
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---Motion duly seconded 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.

13-258

---By Councilwoman Giattino

---Motion duly seconded 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.

13-259

---By Councilwoman Giattino

RESOLUTION TO APPROVE A “LICENSE AGREEMENT” BETWEEN THE CITY OF HOBOKEN AND THE OWNER OF BLOCK 173 LOT 18 (a/k/a 1124 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 Lior & Julia Vainshel, owners of Block 173 Lot 18, more commonly known as 1124 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 Lior & Julia Vainshel, owners of Block 173 Lot 18, more commonly known as 1124 Park Avenue, shall be subject and limited to the specifications included in Exhibit "A" (survey and architectural drawings marked Z-1 and dated 03/04/2012 attached hereto);
- 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 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.

13-260

---By Councilwoman Giattino

RESOLUTION IN SUPPORT OF PERMITTING THE HOBOKEN EVENTS COMMITTEE, INC. TO PLACE THE ROMAN NUMERAL CAULDRON XLVIII FOR THE 2014 SUPER BOWL ON CITY PROPERTY

WHEREAS, the National Football League's 2014 Super Bowl will be held on Sunday, February 2, 2014 at MetLife Stadium in East Rutherford, New Jersey (the "Super Bowl"); and

WHEREAS, the Hoboken Events Committee, Inc. (the "Committee") is working to best prepare the City of Hoboken for the Super Bowl; and

WHEREAS, the Committee has obtained preliminary approval from the National Football League, to use the Roman numerals XLVIII to construct a cauldron similar to the cauldron displayed in the picture that is attached as Exhibit A, and;

WHEREAS, the National Football League retains final approval rights on the cauldron's construction;

WHEREAS, the Committee wishes to place the cauldron in Hoboken in the area along Sinatra Drive from the intersection of Sinatra Drive and Newark Street, including Pier A Park, to Sinatra Drive and Fourth Street, including portions of Stevens Park and Sinatra Park, as shown on the picture that is attached as Exhibit B, property that is owned and operated by the City;

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HOBOKEN that it declares its support for permitting the Hoboken Events Committee, Inc. to place the Roman numeral cauldron XLVII for the 2014 Super Bowl on City property.

--Motion duly seconded President Cunningham

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

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

--Nays: None.

13-261

--By Councilwoman Giattino

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH MCGUIRE ASSOCIATES LLC AS GENERAL REAL ESTATE APPRAISER FOR THE CITY OF HOBOKEN FOR THE 2013 CALENDAR YEAR FOR A TOTAL NOT TO EXCEED AMOUNT OF \$169,500.00

WHEREAS, service to the City as Real Estate Appraiser 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 Proposals for the Professional Services of Real Estate Appraiser in accordance with Ordinance Z-179 and the City's Request for Proposals, in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which McGuire Associates LLC responded to; and,

***WHEREAS**, McGuire Associates LLC 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 \$169,500.00 is available in the following appropriation _____ in the CY2013 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 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 a contract with McGuire Associates LLC to represent the City as General Real Estate Appraiser, in accordance with the scope of work detailed in the RFP, for the 2013 Calendar Year, for a total not to exceed amount of One Hundred Sixty Nine Thousand Five Hundred Dollars (\$169,500.00); and

BE IT FURTHER RESOLVED, that the contract shall be for Real Estate Appraisal services in accordance with the City's Request for Proposals, McGuire Associate's proposal,

Ordinance Z-179, and the contract shall be for general services as directed by the Administration and Tax Assessor; and,

BE IT FURTHER RESOLVED, the contract shall include the following term: McGuire Associates LLC shall be paid the One Hundred Sixty Nine Thousand Five Hundred Dollars (\$169,500.00) in equal monthly installments for the twelve (12) calendar months in CY2013 for all services rendered, and these are the only charges for services allowable under this agreement, and charges for other fees and costs may be allowable upon prior written approval of the Administration, but must be clearly identified and described in full in the appropriate monthly invoice; 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 McGuire Associates LLC; and

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

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

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

---Motion duly seconded 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.

13-262

---By Councilwoman Giattino

CALENDAR FOR JULY 2013 THROUGH DECEMBER 2013

RESOLVED, that the following dates and times listed below are adopted as the official meeting dates of the Hoboken City Council for July 2013 through December 2013, 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 (1) 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**

Wednesday	July 10, 2013	7 PM
Wednesday	August, 7, 2013	7 PM
Wednesday	September 4, 2013	7 PM
Wednesday	September 18, 2013	7 PM
Wednesday	October 2, 2013	7 PM
Wednesday	October 16, 2013	7 PM
Wednesday	November 6, 2013	7 PM
*Monday	November 18, 2013	7 PM
Wednesday	December 4, 2013	7 PM
Wednesday	December 18, 2013	7 PM

*Moved due to the New Jersey League of Municipality November 19-22, 2013

** Due to the move of the Municipal Election to November, the swearing in of the new Mayor and Council –At-Large will be Wed., January 1, 2014 and the re-organization meeting will be Wed., January 8, 2014 tentatively pursuant to **N.J.S.A. 40:45A-1**.

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>.

NO VOTE TAKEN WILL BE CARRIED OVER TO THE JUNE 5, 2013 COUNCIL MEETING.

ORDINANCES

Introduction and First Reading

AN ORDINANCE TO AMEND CHAPTER 179A ENTITLED “TAXICABS” TO AMEND THE MILEAGE / AGE REQUIREMENTS UNDER § 179A-18(C)(8) AND FARES UNDER § 179A-20 (sponsored by Councilman Mello) (**REMOVED BY SPONSOR**)

13-233
Z-239

AN ORDINANCE TO AMEND CHAPTER 46 ENTITLED “LEASE AGREEMENTS” TO INCLUDE A LEASE AGREEMENT BETWEEN THE CITY OF HOBOKEN AND NJ TECH, INC. FOR THE USE AND MAINTENANCE OF THE SINATRA PARK CAFÉ

WHEREAS, the City of Hoboken owns and maintains a public park located within Hoboken that is known as Sinatra Park, and contained within that park is a building and patio areas related thereto that are commonly known as “Sinatra Park Café” (hereinafter referred to as the “Property”); and

WHEREAS, NJ Tech, Inc., a New Jersey nonprofit corporation having a principal business address of 601 Madison Street, Suite B, Hoboken, New Jersey, desires to use the Property for the purposes of establishing a community technology center known as SparkLab, which is expected to serve approximately 200 individuals and the community at large; and

WHEREAS, the City also desires to contribute \$5,000.00 to N.J. Tech, Inc. specifically to use for SparkLab; and

WHEREAS, the City desires to grant N.J. Tech, Inc. a lease for the aforementioned purpose; and

WHEREAS, the Property is Green Acres-funded parkland that is governed by the New Jersey Department of Environmental Protection (the "NJDEP") and bound by regulations promulgated by the NJDEP; and

WHEREAS, the City and N.J. Tech, Inc. understand that the NJDEP must give final approval of the terms of any lease agreement between the City and N.J. Tech, Inc., that this ordinance is being presented to the City Council on first reading subject to any amendments or comments from the NJDEP, and that this ordinance will not be presented to the City Council on second reading until such approval, amendment or comments have been received from the NJDEP;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hoboken that Chapter 39 of the Administrative Code of the City of Hoboken shall be amended as follows (additions noted in underline; ~~deletions noted in strikethrough~~):

SECTION ONE: AMENDMENTS

§ 46-3 Execution of Lease Agreement with NJ Tech, Inc. for the use and maintenance of Sinatra Park Café.

The Mayor is hereby authorized to enter into and execute a lease agreement with NJ Tech, Inc. for the purpose of entering into the proposed lease as authorized herein for the Sinatra Park Café.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or are 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 effect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain 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 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 **June 5, 2013** at 7:00 PM.

--Motion duly seconded by Councilman Bhalla

--**FAILED** by the following vote: YEAS: 3 NAYS: 5

--Yeas: Council persons Bhalla, Giattino, Mello

--Nays: Castellano, Mason, Occhipinti, Russo and President Cunningham

NEW BUSINESS

Councilwoman Castellano comments on application on March 20, 2013 from NHSA, what is the status of SJP and whether it will come back to us

Councilwoman Mason comments on the helicopters and where they are flying over Hoboken

BA Wiest comments and said that Director Tooke said the FAA has a website to file complaints and inquire about the Willow Ave. park, what the status was, and wanted to know about the sinkhole on 11th and Hudson Street

BA Wiest comments that the Director will put a temporary patch and secure the location
Councilwoman Mason comments on numerous complaints on the sidewalk, and not following stop signs or not crossing the street

Councilman Occhipinti comments on the intersection of Jackson and Newark

Councilman Mello comments

Councilman Occhipinti to comment on the vote for the Housing Authority earlier

Councilman Mello comments that the proposed budgets the change in tax rate in Hudson County and it should be revisited and put it on some local control and ask the freeholder to help us out

Councilman Mello comments that for tonight we have to do our due diligence

Council President comments the other side's disclosure from the public and if this was reversed there would be the same questions would be ask

The manner it was deceiving to the public and ensure that the Executive Director applies for the moneys for these buildings

At 2:54 AM the Governing Body on a motion by Councilman Russo duly seconded by the Governing Body

Council President Cunningham then adjourned the meeting at 2:54 AM

PRESIDENT OF THE COUNCIL

CITY CLERK