

MEETING OF OCTOBER 17, 2013

MINUTES OF A REGULAR MEETING OF THE COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY, HELD IN THE COUNCIL CHAMBERS, CITY HALL, HOBOKEN, NEW JERSEY, WEDNESDAY, OCTOBER 17, 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. Objections, if any shall be made in writing to the City Clerk.

Then the Clerk called the Roll: Council persons Bhalla, Castellano Giattino, Mason, Mello, Occhipinti, Russo
President Cunningham

ABSENT: ~~Russo~~ (See below, Councilman arrived at 7:34 PM)

Council President comments that he will let the American Planning Association present an award to Mayor Dawn Zimmer for Great Places in NJ for Hoboken's South Waterfront.

Councilwoman Mason comments that there's a violation to the Open Public Meetings Act and the city council minutes are far to late and they do not represent what it transpires.

APA-NJ PRESENTATION OF AWARD GREAT PLACES IN NEW JERSEY FOR HOBOKEN'S SOUTH WATERFRONT

Councilwoman Castellano comments about a conflict

***** Councilman Russo has arrived to the City Council meeting at 7:34 PM *****

SECOND READING/PUBLIC HEARING AND FINAL VOTE

AN ORDINANCE AMENDING CHAPTER §104 (FLOOD DAMAGE PREVENTION) TO REFLECT UPDATES RECOMMENDED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION'S LATEST REVISED MODEL ORDINANCE (**Z-253**) (**sponsored by Councilman Cunningham and Councilman Bhalla**) (**Special Counsel will be available**) (**with Planning Board recommendations**)

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

President Cunningham moved that the hearing be closed.

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: Castellano, Mason

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

---Motion duly seconded by Councilwoman Mason.

---**FAILED to be TABLED** by the following vote: YEAS: 4 NAYS: 4
---Yeas: Council persons Castellano, Mason, Occhipinti, Russo
---Nays: Bhalla, Giattino, Mello and President Cunningham

The speakers who spoke: Patricia Waiters, Vic Zarish, LCOR representatives – Lenny Savino, Brent Jenkins & Counsel Andrew Robins.

Councilwoman Mason has left the table at 8:34 PM
Councilwoman Mason has returned to the table at 8:38 PM

Councilwoman Castellano has left the table at 8:38 PM
Councilwoman Castellano has returned to the table at 8:40 PM

Councilwoman Castellano comments to table and seconded by Councilwoman Mason

Council President calls the vote.

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

Councilwoman Castellano has left the table at 8:59 PM
Councilwoman Castellano has returned the table at 9:04 PM

REFUNDING BOND ORDINANCE PROVIDING FOR THE REFINANCING OF ALL OR A PORTION OF THE CITY'S OUTSTANDING PARKING UTILITY GENERAL OBLIGATION BONDS, SERIES 2002A, DATED DECEMBER 15, 2002; AUTHORIZING THE ISSUANCE OF UP TO \$14,000,000 OF GENERAL OBLIGATION REFUNDING BONDS (PARKING UTILITY) OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, TO FINANCE THE COSTS THEREOF; MAKING CERTAIN DETERMINATIONS AND COVENANTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING **(Z-254)**

(sponsored by Councilwoman Giattino and Councilman Bhalla)

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

President Cunningham moved that the hearing be closed.

---Motion duly seconded by Councilman Bhalla
---Adopted by the following vote: YEAS: 7 – NAYS: 1
---Yeas: Council persons Bhalla, Giattino, Mello, Occhipinti, and President Cunningham.
---Nays: None.
---Absent: Castellano.

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

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

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 192 OF THE CODE OF THE CITY OF HOBOKEN ENTITLED (PARKING FOR HANDICAPPED (APPROVAL RE: 521 GARDEN, 151 3RD, AND 1115 PARK) (Z-256)

(sponsored by Councilman Mello and Councilman Cunningham)

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

President Cunningham moved that the hearing be closed.

---Motion duly seconded by 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.

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

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

AN ORDINANCE TO AUTHORIZE A TEMPORARY EASEMENT TO PSE & G FOR THE STORAGE AND MAINTENANCE OF CONSTRUCTION EQUIPMENT AND VEHICLES WITHIN THE BOUNDARIES OF LANDS OWNED AND CONTROLLED BY THE CITY OF HOBOKEN ON THE 17TH STREET PUBLIC RIGHT OF WAY (Z-257) **(sponsored by Councilman Mello and Councilman Cunningham)**

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

President Cunningham moved that the hearing be closed.

---Motion duly seconded by Councilman 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.

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

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

AN ORDINANCE TO APPROVE AN AUTHORIZE THE USE OF THE ATTACHED MAP IN ACCORDANCE WITH N.J.S.A. 2C:35-7 AND N.J.S.A. 39:4-50 (Z-258) **(sponsored by Councilman Bhalla and Councilman Mello)**

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

President Cunningham moved that the hearing be closed.

---Motion duly seconded by Councilman 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.

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

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

Councilman Occhipinti has left the table at 9:11 PM

Councilman Occhipinti has returned to the table at 9:16 PM

PUBLIC COMMENTS

The speakers who spoke: Perry Belfiore, Elissa Brakfeld, Patricia Waiters, David Liebler, Elizabeth Adams, Barbara Reyes, Sigsby Cheatham, Carmelo Garcia, Robert Kohler, Franz Paetzold, Ron Simoncini, Phil Cohen, Carmen Vega, Joseph Branco.

Councilwoman Mason has left the table at 9:32 PM

Councilwoman Mason has returned to the table at 9:43 PM

Councilwoman Giattino has left the table 9:43 PM

Councilwoman Giattino has returned to the table 9:50 PM

Councilman Bhalla has left the table 9:51 PM

Councilman Bhalla has returned to the table at 9:55 PM

13-488

Proclamation(s) from Mayor Dawn Zimmer to various citizens in recognition for their dedication and service to the City of Hoboken.

Received and Filed.

13-489

APPLICATION FOR MISCELLANOUS LICENSES

RAFFLES-----	1 ITEM
VENDORS-----	1 ITEM
TAXI DRIVERS-----	11 ITEMS
TAXI OWNERS-----	1 ITEM
LIMO DRIVERS-----	4 ITEMS

---Councilman Bhalla 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.

13-490

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of September 2013
\$1,374,337.83 (Abatement Totals – \$152,319.01)

Received and Filed.

13-491

A report from Municipal Court indicating receipts for the month of September 2013 as **\$397,407.68**

Received and Filed.

13-492

---By Councilwoman Giattino

CLAIMS

Total for this agenda **\$2,133,780.18**

---Motion duly seconded by Councilman Bhalla
---Adopted by the following vote: YEAS: 6 – NAYS: 2
---Yeas: Council persons Bhalla, Castellano, Giattino, Mello, Occhipinti and President Cunningham
---Nays: Mason, Russo.

13-493

---By Councilwoman Giattino

For the two week period starting August 29, 2013 – September 11, 2013

Regular Payroll	O/T Pay	Other Pay
\$1,498,355.41	\$47,494.27	\$58,569.43

Total \$1,604,419.11

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

CONSENT AGENDA – 2, 3, 6, 7, 9, 11 - 14

Pulled from the agenda for discussion: 4, 8, 10, 15, 16

Removed by Administration: 5

RESOLUTIONS

13-494

---By Councilwoman Giattino

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, AUTHORIZING THE PREPARATION AND DISTRIBUTION OF OFFERING DOCUMENTS IN CONNECTION WITH THE SALE OF THE CITY'S GENERAL OBLIGATION PARKING UTILITY REFUNDING BONDS, SERIES 2013; AUTHORIZING THE ISSUANCE, SALE AND AWARD OF SAID BONDS; MAKING CERTAIN DETERMINATIONS AND COVENANTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN ACTIONS RELATED THERETO

BACKGROUND

WHEREAS, on December 18, 2002, the City of Hoboken, County of Hudson, New Jersey ("City"), issued its Parking Utility General Obligation Bonds, Series 2002A, dated December 15, 2002, in the aggregate principal amount of \$17,515,000, bearing interest at rates ranging from 4.00 to 5.25% per annum ("2002A Bonds"); and

WHEREAS, a portion of the 2002A Bonds in the aggregate principal amount of \$13,350,000, and maturing on January 1 in the years 2014, 2018 and 2023 (collectively, the "Callable Bonds"), are subject to redemption prior to maturity at the option of the City on or after January 1, 2013 at a redemption price equal to 100% of the Callable Bonds to be redeemed, plus accrued interest thereon; and

WHEREAS, as a result of the low interest rates prevailing in the municipal bond market, the City has the opportunity to economically refinance up to all of the Callable Bonds; and

WHEREAS, on September 18, 2013, the City Council, pursuant to *N.J.S.A. 40A:2-52*., introduced an ordinance entitled, "**REFUNDING BOND ORDINANCE PROVIDING FOR THE REFINANCING OF ALL OR A PORTION OF THE CITY'S OUTSTANDING PARKING UTILITY GENERAL OBLIGATION BONDS, SERIES 2002A, DATED DECEMBER 15, 2002; AUTHORIZING THE ISSUANCE OF UP TO \$14,000,000 OF GENERAL OBLIGATION REFUNDING BONDS (PARKING UTILITY) OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, TO FINANCE THE COSTS THEREOF; MAKING CERTAIN DETERMINATIONS AND COVENANTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**" ("**Refunding Bond Ordinance**"); and

WHEREAS, on October 17, 2013, the City Council, after a public hearing, finally adopted the Refunding Bond Ordinance; and

WHEREAS, pursuant to the Refunding Bond Ordinance, the City is authorized to issue its refunding bonds, in one or more series, in the aggregate principal amount up to \$14,000,000 to refund up to all of the Callable Bonds; and

WHEREAS, it is the intent of the City Council hereby to: (i) authorize and approve the preparation and distribution of offering documents in connection with the issuance and sale of the Refunding Bonds (as hereinafter defined); (ii) authorize and approve the issuance, sale and award of the Refunding Bonds (as hereinafter defined); and (iii) authorize the Mayor, Chief Financial Officer, Director of Finance, Business Administrator, City Clerk and Deputy

City Clerk to make certain related determinations and covenants and take certain actions in connection therewith.

NOW, THEREFORE, BE IT RESOLVED 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, CONSTITUTING CHAPTER 169 OF THE LAWS OF 1960 OF THE STATE OF NEW JERSEY, AS AMENDED AND SUPPLEMENTED ("LOCAL BOND LAW"), AS FOLLOWS:

Section 1. Pursuant to the Local Bond Law, the Municipal Qualified Bond Act, constituting P.L. 1976, c.38, as amended ("Municipal Qualified Bond Act"), and the Refunding Bond Ordinance, the issuance of negotiable refunding bonds of the City in the aggregate principal amount of up to \$14,000,000, to be designated, substantially, "City of Hoboken, County of Hudson, New Jersey, General Obligation Parking Utility Refunding Bonds, Series 2013" ("Refunding Bonds"), for the purposes described in the Refunding Bond Ordinance and in this Resolution, is hereby authorized, approved, ratified and confirmed.

The Refunding Bonds may be issued as "Qualified Bonds" pursuant to an in accordance with the Municipal Qualified Bond Act if so determined by the Chief Financial Officer, as set forth in Section 3 hereof.

Section 2. The preparation of a preliminary official statement ("Preliminary Official Statement") relating to the Refunding Bonds, and the distribution of said Preliminary Official Statement (in physical or electronic form) by NW Capital Markets Inc., as underwriter ("Underwriter"), to prospective purchasers of the Refunding Bonds and others having an interest therein, is hereby authorized, approved, ratified, confirmed and directed. The Mayor, Chief Financial Officer, Director of Finance and Business Administrator are each hereby authorized to deem the Preliminary Official Statement "final", as contemplated by paragraph (b)(1) of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended.

Section 3. The Chief Financial Officer is hereby authorized to determine in accordance with the Local Bond Law, specifically, *N.J.S.A. 40A:2-52 et seq.*, and the Municipal Qualified Bond Act, and pursuant to the terms and conditions established by the Underwriter under the Bond Purchase Contract to be entered into by the City and the Underwriter in connection with the sale of the Refunding Bonds ("Purchase Contract") and the terms and conditions hereof, the following items with respect to the Refunding Bonds:

- (a) the total principal amount of the Refunding Bonds which, in the aggregate, shall not exceed \$14,000,000;
- (b) the annual principal installments of the Refunding Bonds; provided, however, that: (i) the annual debt service payments on the Refunding Bonds does not exceed the existing debt service payments on the Callable Bonds for the corresponding year; and (ii) the final maturity shall be no later than January 1, 2023;
- (c) the dated date of the Refunding Bonds and the principal and interest payment dates for the Refunding Bonds; provided, however, that the Refunding Bonds must be structured to produce level annual debt service savings;
- (d) the rates of interest the Refunding Bonds are to bear; provided, however, that an overall net present value savings of at least three percent (3%) is achieved with respect to the Callable Bonds;
- (e) the purchase price for the Refunding Bonds; provided, however, that the Underwriters' discount for the Refunding Bonds shall not exceed \$5.00 per \$1,000 principal amount of such Refunding Bonds;
- (f) whether the Refunding Bonds shall be issued as "Qualified Bonds" pursuant to the Municipal Qualified Bond Act; and
- (g) the redemption provisions of the Refunding Bonds.

Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and delivery of the Purchase Contract by the Chief Financial Officer or the Director of Finance as provided for in Section 5 hereof.

Section 4. The Chief Financial Officer shall report in writing to the City Council at the meeting next succeeding the date when any sale or delivery of the Refunding Bonds pursuant to this resolution is made. Such report must include whether the Refunding Bonds were issued as "Qualified Bonds" pursuant to the Municipal Qualified Bond Act, the aggregate principal amount, the interest rate or rates and the maturity schedule of the Refunding Bonds sold, the price obtained, and the redemption provisions thereof, if any. The Chief Financial Officer shall also, within ten (10) days of the issuance of the Refunding Bonds, file with the Local Finance Board, Division of Local Government Services, New Jersey Department of Community Affairs a report including: (i) a comparison of the debt service schedules for both the Callable Bonds and the Refunding Bonds showing annual present value savings; (ii) a summary of the terms of the Refunding Bonds; (iii) an itemized accounting of all costs of issuance of the Refunding Bonds; (iv) a certification that the issuance of the Refunding Bonds has complied with all conditions required pursuant to *N.J.A.C. 5:30-2.5*; and (v) a certified copy of this Resolution.

Section 5. If the Refunding Bonds are issued as "Qualified Bonds" in accordance with the Municipal Qualified Bonds Act, pursuant to and in accordance with *N.J.S.A. 40A:3-7*, within ten (10) days subsequent to the issuance of the Refunding Bonds, the Chief Financial Officer shall certify, in writing, to the State Treasurer the name and address of the Paying Agent (as hereinafter defined), the maturity schedule for the Refunding Bonds and the interest rates and dates of payment of debt service on the Refunding Bonds.

Section 6. The Refunding Bonds shall be sold at a negotiated sale to the Underwriter in accordance with the terms and conditions set forth in the Purchase Contract. The Purchase Contract is hereby authorized to be executed and delivered on behalf of the City by the Mayor, Chief Financial Officer or Director of Finance, in substantially the form on file in the offices of the City, with such changes as the Mayor, Chief Financial Officer or Director of Finance in their respective sole discretion, after consultation with, among others, Bond Counsel and the Financial Advisor (as hereinafter defined) to the City, shall determine, such determination to be conclusively evidenced by the execution of the Purchase Contract by an authorized officer as determined hereunder.

Section 7. The Refunding Bonds will be issued in fully registered form. One certificate shall be issued for the aggregate principal amount of Refunding Bonds maturing in each year. Both the principal of and interest on the Refunding Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York, which will act as securities depository ("Securities Depository"). The certificates will be on deposit with the Securities Depository. The Securities Depository will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records recording the beneficial ownership interests in the Refunding Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of \$5,000 through book-entries made on the books and the records of the Securities Depository and its participants. The principal of and interest on the Refunding Bonds will be paid to the Securities Depository by the City on the respective maturity dates and due dates and will be credited on the respective maturity dates and due dates to the participants of the Securities Depository as listed on the records of the Securities Depository as of either : (i) the 1st day of the calendar month containing an interest payment date; or (ii) the 15th day of a calendar month next preceding an interest payment date, as applicable (the record dates for the Refunding Bonds). The Refunding Bonds will be executed on behalf of the City by the manual or facsimile signatures of the Mayor and Chief Financial Officer, attested by the City Clerk or Deputy City Clerk (such execution shall constitute conclusive approval by the City of the form of the Refunding Bonds), and shall bear the affixed, imprinted or reproduced seal of the City thereon. The Refunding Bonds shall not be valid or obligatory for any purpose unless the Authentication Certification printed thereon shall be duly executed by an authorized officer of the Paying Agent (hereinafter mentioned).

Section 8. The City is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with the Securities Depository as may be necessary in order to provide that the Refunding Bonds will be eligible for deposit with the Securities Depository and to satisfy any obligation undertaken in connection therewith.

Section 9. In the event that the Securities Depository may determine to discontinue providing its service with respect to the Refunding Bonds or is removed by the City and if no successor Securities Depository is appointed, the Refunding Bonds which were previously issued in book-entry form shall be converted to registered

bonds in denominations of \$5,000, or any integral multiple thereof ("Registered Bonds"). The beneficial owner under the book-entry system, upon registration of the Registered Bonds held in the beneficial owner's name, will become the registered owner of the Registered Bonds. The City shall be obligated to provide for the execution and delivery of the Registered Bonds in certified form.

Section 10. The Refunding Bonds shall be general obligations of the City. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the Refunding Bonds 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.

If issued as "Qualified Bonds" in accordance with the Municipal Qualified Bond Act, the Refunding Bonds shall also be entitled to the benefits of and the security provided by the Municipal Qualified Bond Act.

Section 11. The preparation of a final official statement ("Official Statement") with respect to the Refunding Bonds is hereby authorized and directed. Within seven (7) business days of the sale of the Refunding Bonds and in sufficient time to accompany any confirmation that requests payment from a customer, the City will deliver sufficient copies of the Official Statement to the Underwriter to comply with Paragraph (b)(4) of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934, as amended ("Rule 15c2-12"). The Mayor, Chief Financial Officer and Director of Finance are each hereby authorized to execute the Official Statement, and the distribution thereof to the Underwriter and others is hereby authorized and directed. The execution of the final Official Statement by the Mayor, Chief Financial Officer or Director of Finance shall constitute conclusive evidence of approval by the City of the changes therein from the Preliminary Official Statement. The Mayor, Chief Financial Officer and Director of Finance are each hereby authorized to approve any amendments of or supplements to the Official Statement.

Section 12. The appointment of McElwee & Quinn, LLC, Cherry Hill, New Jersey ("Printer"), to provide printing, electronic and physical dissemination services for the City with respect to the Preliminary Official Statement and Official Statement (hereinafter defined) is hereby authorized, approved, ratified and confirmed. The Chief Financial Officer and Business Administrator are each hereby authorized and directed to enter into an agreement with Printer for the services to be provided.

Section 13. The City hereby covenants that it will not make any use of the proceeds of the Refunding Bonds or do or suffer any other action that would cause: (i) the Refunding Bonds to be "arbitrage bonds" as such term is defined in Section 148(a) of the Internal Revenue Code of 1986, as amended ("Code"), and the Regulations promulgated thereunder; (ii) the interest on the Refunding Bonds to be included in the gross income of the owners thereof for federal income taxation purposes; or (iii) the interest on the Refunding Bonds to be treated as an item of tax preference under Section 57(a)(5) of the Code.

Section 14. The City hereby covenants as follows: (i) it has not abandoned, sold or otherwise disposed of any facility, equipment or improvement (except through normal retirement) financed directly or indirectly with the proceeds of the Callable Bonds; (ii) it does not intend to, during the term that the Refunding Bonds are outstanding, abandon, sell or otherwise dispose of any facility, equipment or improvement (except through normal retirement) financed directly or indirectly with the proceeds of the Callable Bonds; (iii) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Section 148(f) and 149(e) of the Code; (iv) it shall take no action that would cause the Refunding Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Code; (v) it will not employ a device in connection with the issuance by it of the Refunding Bonds which will enable it to obtain a material financial advantage (based on arbitrage) apart from the savings that may be realized as a result of the lower interest rates on the Refunding Bonds than on the Callable Bonds; (vi) the amount of "excess gross proceeds", as such term is defined in Income Tax Regulation §1.148-10(c)(2), of the Refunding Bonds will not exceed one percent (1%) of the proceeds received from the sale thereof; and (vii) it shall make, or cause to be made, the rebate required by Section 148(f) of the Code in the manner described in Regulation §1.148-0 through 1.148-11, 1.149(b)-1 and 1.149(i)-1, 1.149(g)-1, 1.150-1 and 1.150-2 as such regulations and statutory provisions may be modified insofar as they apply to the Refunding Bonds.

Section 15. The Chief Financial Officer and Business Administrator are each hereby authorized and directed to engage the services of a qualified financial institution to serve as paying agent for the Refunding Bonds ("Paying Agent") and as escrow agent ("Escrow Agent") for the Refunded Bonds (hereinafter defined). The Mayor, Chief Financial Officer and Business Administrator are each hereby authorized to execute and deliver an agreement

with the Paying Agent and the Escrow Agent for the services to be provided.

Section 16. The Escrow Agent is hereby authorized, if so directed by the City, to redeem the Callable Bonds on their respective first call dates, at a redemption price equal to 100% of the Callable Bonds to be redeemed, plus interest accrued to the redemption date ("Refunded Bonds"). The Escrow Agent shall mail any required notice of redemption as set forth in the Refunded Bonds and in the Escrow Deposit Agreement (hereinafter mentioned) by and between the City and the Escrow Agent.

Section 17. To provide for the redemption of the Refunded Bonds as set forth in Section 16 above, the Mayor, Chief Financial Officer and Business Administrator are each hereby authorized to execute and deliver an escrow deposit agreement ("Escrow Deposit Agreement") on behalf of the City and to make the deposit of moneys and investments specified therein ("Escrow Investments").

Section 18. The appointment of Acacia Financial Group, Inc., Marlton, New Jersey ("Financial Advisor"), to provide financial advisory services for the City in connection with the authorization, issuance, sale and delivery of the Refunding Bonds is hereby ratified, authorized, approved and confirmed. The Mayor, Chief Financial Officer and Business Administrator are each hereby authorized and directed to enter into an agreement with the Financial Advisor for the services to be provided.

Section 19. In order to assist the Underwriter in complying with the secondary market disclosure requirements of Rule 15c2-12, the Mayor, Chief Financial Officer and Business Administrator are each hereby authorized to execute on behalf of the City before the issuance of the Refunding Bonds an agreement with Paying Agent, as dissemination agent, providing for the preparation and filing of the necessary reports in accordance with Rule 15c2-12.

Section 20. The Chief Financial Officer and Business Administrator are each hereby authorized to engage the services of Ferraioli, Wielkotz, Cerullo & Cuva, P.A., Pompton Lakes, New Jersey ("Verification Agent"), to verify the mathematical accuracy of certain computations made by the Underwriter regarding: (i) the adequacy of the maturing principal of and interest on the Escrow Investments to pay each series of the Refunded Bonds as set forth in the Escrow Deposit Agreement; and (ii) the yields on the Refunding Bonds and the Escrow Investments.

Section 21. The Chief Financial Officer, Director of Finance and Business Administrator are each hereby authorized to pay the costs associated with the issuance of the Refunding Bonds and refunding of the Refunded Bonds.

Section 22. If necessary or advisable, the appropriate City officials and the City's professional advisors are hereby authorized to (i) obtain one or more ratings on the Refunding Bonds; and (ii) furnish certain information to the various municipal bond insurance companies concerning the City and the Refunding Bonds for the purpose of qualifying the Refunding Bonds for municipal bond insurance. The Mayor, Chief Financial Officer, Director of Finance and Business Administrator are each hereby authorized to execute such documents as may be necessary or appropriate to effectuate the obtainment of ratings for the Refunding Bonds and the obtainment of municipal bond insurance with respect to the Refunding Bonds if determined to be cost effective.

Section 23. All actions heretofore taken and documents prepared or executed by or on behalf of the City by the Mayor, Chief Financial Officer, Director of Finance, Business Administrator, City Clerk, Deputy City Clerk, other City officials or by the City's professional advisors, in connection with the authorization and issuance of the Refunding Bonds and the refunding of the Refunded Bonds, as described in the Refunding Bond Ordinance, are hereby ratified, confirmed, approved and adopted in all respects.

Section 24. The Mayor, Chief Financial Officer, Director of Finance, Business Administrator, City Clerk and Deputy City Clerk are each hereby severally authorized to determine all matters and execute all documents and instruments in connection with the issuance of the Refunding Bonds and refunding of the Refunded Bonds, as described in the Refunding Bond Ordinance, not determined or otherwise directed to be executed by applicable law, or by this or any subsequent resolution, and the signatures of the Mayor, Chief Financial Officer, Director of Finance, Business Administrator, City Clerk or Deputy City Clerk on such documents or instruments shall be conclusive as to such determinations.

Section 25. All resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to

the extent of any such inconsistency.

Section 26. This Resolution shall take effect immediately upon adoption this 17th day of October, 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.

13-495

---By Councilman Mello

RESOLUTION SUBMITTING PROPOSED RESOLUTION AND REHABILITATION STUDY TO THE PLANNING BOARD OF THE CITY OF HOBOKEN FOR THE PURPOSE OF DESIGNATING Block 74, Lots 3 – 20 AND ADJACENT RIGHTS OF WAY AS AN AREA IN NEED OF REHABILITATION

WHEREAS, pursuant to the “Local Redevelopment and Housing Law,” N.J.S.A. 40A:12A-1 et seq., a municipality may designate an area in need of rehabilitation; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-14, a delineated area may be determined to be in need of rehabilitation if the governing body of the municipality determines by resolution that the following conditions exist in an area:

... a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance; and

A program of rehabilitation, as defined in section 3 of P.L. 1992, c.79 (C.40A:12A-3), may be expected to prevent further deterioration and promote the overall development of the community.

WHEREAS, prior to adoption of the resolution, the governing body shall submit the proposed resolution to the municipal planning board for its review; and

WHEREAS, within 45 days of its receipt of the proposed resolution, the municipal planning board shall submit its recommendations regarding the proposed resolution, including any modification which it may recommend, to the governing body for its consideration; and

WHEREAS, thereafter, or after the expiration of the 45 days if the municipal planning board does not submit recommendations, the governing body may adopt the resolution, with or without modification; and

WHEREAS, pursuant to the attached Study entitled: “Existing Water and Combined Sanitary/Storm Sewer Study for Area In Need of Rehabilitation, Block 74, Lots 3-20 and Adjacent Rights of Way, prepared by Maser Engineering, dated October 9, 2013 (“Rehabilitation Study”), it has been determined that Block 74, Lots 3-20, also known as 605-633 Jackson Street and 628-632 Monroe Street, and Adjacent Rights of Way (the “Area”), meets the conditions required for a determination that the Area is in need of Rehabilitation; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-14 the governing body shall submit a proposed resolution for designating an area in need of rehabilitation to the planning board for its review and recommendations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOBOKEN AS FOLLOWS:

The City Council of the City of Hoboken submits the attached proposed Resolution and Rehabilitation Study regarding the proposed designation of the Area as an area in need of rehabilitation (Exhibit A) to the Planning Board of the City of Hoboken for its review and recommendations.

The Planning Board of the City of Hoboken shall have 45 days to transmit its recommendations to the governing body.

This Resolution shall take effect immediately.

---Motion duly seconded by Councilman Russo

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

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

---Nays: None.

13-496

---By Councilwoman Giattino

Resolution Accepting and Acknowledging Receipt of the Best Practices Worksheet from DCA for the CY 2013

WHEREAS, the City of Hoboken has received its Best Practices Worksheet for CY 2013 from the State of New Jersey, Division of Local Government Services, and

WHEREAS, the State of New Jersey, Division of Local Government Services requires the Chief Financial Official and other City Officials to prepare a Best Practices Worksheet for all recommendations to embrace practices and promote financial accountability and transparency, and

WHEREAS, the State of New Jersey, Division of Local Government Services requires such Best Practices Worksheet to be received and accepted by the Council of the City of Hoboken and filed with the Director of Local Government Services, and

WHEREAS, the Best Practices Worksheet is attached hereto, and incorporated by reference.

NOW, THEREFORE BE IT RESOLVED that the above recitals are incorporated by reference as it's fully stated herein; and,

BE IT FURTHER RESOLVED by the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby accepts and acknowledges receipt of the Best Practice Worksheet for the City of Hoboken for CY 2013 from the DLGS, and requests acceptance by DLGS of receipt of this resolution; and,

BE IT FURTHER RESOLVED, that the City Clerk forward two certified copies of this resolution with the Best Practices Worksheet to the Director of Local Government Services for review and approval.

---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.

13-497

---By Councilwoman Castellano

RESOLUTION IN SUPPORT OF BALLOT QUESTION #2 TO RAISE NEW JERSEY'S MINIMUM WAGE TO \$8.25 PER HOUR

WHEREAS, the federal minimum wage was signed into law in 1938 by President Franklin D. Roosevelt at the height of the Great Depression; and

WHEREAS, the minimum wage increase consumer purchasing power, increases workers' standard of living, reduces poverty and stimulates the economy; and

WHEREAS, the cost of living in New Jersey continues to rise, yet there has been no state legislative action approved to increase the minimum wage since 2005; and

WHEREAS, unlike New Jersey, nineteen other states and the District of Columbia currently maintain a minimum wage above the federal rate of \$7.25; and

WHEREAS, ten states provide for the annual adjustment of their minimum wage to ensure that the real value of the lowest paid workers' wages do not shrink as normal costs of living go up, and four states have amended their respective constitutions to do so; and

WHEREAS, according to New Jersey Policy Perspective, 429,000 workers in New Jersey earn at or near the minimum wage, more than 350,000 are over the age of 20; 250,000 are women; 79,000 are men; 154,000 are Hispanic; 69,000 are African-American; and 31,000 are Asian; and

WHEREAS, because Governor Chris Christie vetoed a minimum wage increase this year, the state legislature voted to place the question before voters on the November 5, 2013 ballot to raise the minimum wage and adjust it annually according to the consumer price index; and

WHEREAS, by raising the standard of living through a higher minimum wage, New Jersey would likely realize various societal benefits such as improved education, safer communities, great opportunity for upward mobility and more financial ability for families; and

WHEREAS, the Chicago Reserve Bank conducted a study in 2011 that estimates that for every dollar increase in the minimum wage, there is \$2,800.00 in new consumer spending by that household the following year, revenue that is injected into the local economy and translates into great consumer demand for local goods and services, thereby requiring employers to hire additional workers to meet this demand, which then translates into job creation;

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HOBOKEN that it declares its support for Ballot Question #2 to raise New Jersey's minimum wage from \$7.25 per hour to \$8.25 per hour and adjust annually based on the Consumer Price Index to reflect the economic conditions facing New Jersey workers and to ensure that New Jersey's minimum wage is not a poverty wage but a fair wage for workers.

---Motion duly seconded by Councilwoman Mason

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

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

---Nays: None.

---Abstain: Giattino

13-498

---By Councilwoman Giattino

RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO ENTER INTO THE ATTACHED DEP GRANT AGREEMENT FOR THE SHADE TREE COMMISSION, WITH A \$10,000.00 MATCH TO THE \$20,000.00 IN AWARDED FUNDS

WHEREAS, the City of Hoboken has been offered a Shade Tree grant from the New Jersey DEP in the amount of \$20,000.00 with a \$10,000.00 City match; and

WHEREAS, the City has the funds to appropriate towards the match, and therefore the Council is hereby called upon to authorize execution of the attached grant agreement.

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$10,000.00 is available in the following appropriation 3-01-26-293-021 in the CY2013 adopted budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2013 budget 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, that the City Council authorizes the City of Hoboken to enter into the attached Shade Tree Grant with the New Jersey Department of Environmental Protection for a \$20,000.00 grant with a \$10,000.00 match in City funds; and

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

1. Execute and submit said agreement to the NJ DEP;
2. Furnish such documents as may be required;
3. Act as authorized correspondent of the City of Hoboken;
4. Appropriate funds, in the amount of \$10,000.00 from the City's Account CY2013 3-01-26-293-021 for the City's match.

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

13-499

---By Councilman Giattano

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

CSIP GRANT AGREEMENT FOR TREE PRUNING CY 2013

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

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

WHEREAS, the City of Hoboken has received notice of an award of \$20,000.00 from State of New Jersey Department of Environmental Protection to amend its CY 2013 Budget to include this amount as revenue and a City match of \$10,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director Of the Division of Local Government Services to approve the insertion of an item of Revenue in the budget of the year CY 2013 in the sum of.....\$20,000.00 This is now available as revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated
With Prior Written Consent of the Director of the
Division of Local Government Services:
State and Federal Revenues Off-set with
Appropriations:
CSIP Tree Pruning \$20,000.00

NOW, THEREFORE, BE IT RESOLVED that the like sum of \$20,000.00 Be and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from CAPS
State and Federal Programs Off-Set by
Revenues:
CSIP Tree Pruning \$20,000.00
Shade Tree O/E (match) \$10,000.00

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

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

13-500

---By Councilwoman Giattino

RESOLUTION AWARDING RUG & FLOOR STORE INC. A CONTRACT UNDER THEIR STATE CONTRACT NO. A81751 FOR FLOORING SUPPLY AND INSTALLATION AT CITY HALL (THIRD FLOOR AND HPU) IN A TOTAL AMOUNT NOT TO EXCEED \$76,818.75 (\$4999.90 FOR HPU AND \$71,818.85 FOR CITY HALL)

WHEREAS, the City of Hoboken requires new flooring supplies and installation at the HPU and third floor of City Hall; 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 Seventy Six Thousand Eight Hundred Eighteen Dollars and Seventy Five Cents (**\$76,818.75**) of which \$4999.90 is for HPU services and \$71,818.85 is for services to City Hall's 3rd Floor, for goods and services as described in the attached proposals dated September 19th (HPU) and September 26th (3rd Floor) of Rug & Floor Store Inc.; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$4999.90 is available in the following appropriation 3-31-55-540-200 in the CY2013 adopted budget; and I further

certify that \$71,818.85 is available in the following appropriation 3-01-28-377-020 through 3-01-28-377-069 in the CY2013 adopted budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2013 budget 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 Seventy Six Thousand Eight Hundred Eighteen Dollars and Seventy Five Cents (**\$76,818.75**) of which \$4999.90 is for HPU services and \$71,818.85 is for services to City Hall's 3rd Floor, for goods and services as described in the attached proposals dated September 19th (HPU) and September 26th (3rd Floor), as follows:

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

13-501

---By Councilman Giattino

RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON www.GOVDEALS.com, (AN ONLINE AUCTION WEBSITE)

Whereas, the City of Hoboken has determined that surplus items including but not limited to: City owned vehicles; and

Whereas, the State of New Jersey permits the sale of surplus property no longer needed for public use through the use on an online auction services, pursuant to the Local Unit Electronic Technology Pilot Program and Study Act, P.L. 2001, c.30; and

Whereas, the City of Hoboken has the property listed in Schedule A, attached to this Resolution and desires to sell this property online through www.govdeals.com.

NOW, THEREFORE, BE IT RESOLVED, that the City Council approves the City of Hoboken is authorized to post an offer to sell the items listed on schedule A, on an auction website as follows:

Online Auction Site: www.govdeals.com

Start Date: _____, 2013 (see Schedule A)
End Date: _____, 2013 (see Schedule A)

Auction Fees: 7.5% of the winning bid amount, paid through proceeds of the sale.
Shipping: All shipping arrangements and shipping costs are the responsibility of the buyer. Item pickup on location: Municipal Garage, Hoboken, New Jersey 07030.

Possession: Within ten (10) business days (excluding holidays) of winning bid and at pickup location.

Other Terms: All items are being sold "as is, where is; no warranties expressed or implied." Payment by the bidder must be submitted to the City of Hoboken within five (5) business days (excluding holidays) of winning the bid. Pickup of items auctioned must be made within ten (10) business days (excluding holidays) of winning bid unless other arrangements have made prior.

Minimum Bid: There is no minimum bid and no reserve requirements for the vehicles to be auctioned.

BE IT FURTHER RESOLVED, the Council authorizes the Administration to take action in accordance with this approval.

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

13-502

---By Councilwoman Giattino

RESOLUTION TO AUTHORIZE AN EUS SERVICE CONTRACT IN ACCORDANCE WITH N.J.S.A. 40A-11-5(1)(A)(i), N.J.A.C. 5:34-2.3, AND N.J.S.A. 40A:11-6.1(a), AND THE BUSINESS ADMINISTRATOR'S STANDARD CERTIFICATION TO INPUT GROUP NORTH AMERICA CORP. AS THE CITY'S SPONSORSHIP/ADVERTISING PUBLIC RELATIONS MANAGEMENT CONSULTANTS TO THE CITY OF HOBOKEN RELATING TO THE 2014 SUPERBOWL TO COMMENCE UPON AWARD OF THE CONTRACT AND TERMINATE ON MARCH 15, 2014, WITH A TEN PERCENT (10%) MAXIMUM COMMISSION ON CITY PROFITS

WHEREAS, the City seeks to retain a sponsorship/advertising public relations management firm for the City with relation to the 2014 Superbowl; and

WHEREAS, service to the City as sponsorship/advertising public relations management consulting is an EUS service as defined by N.J.S.A. 40A:11-1 et seq. and Local Public Finance Notice AU 2002-2, and as such, is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and,

WHEREAS, the Administration has determined, by way of quotations, as more specifically described in the Business Administrator's Standard Certification (attached hereto), that Input Group North America Corp. can provide the City with the most effective sponsorship/advertising public relations management consulting services for the 2014 Superbowl; and,

*WHEREAS, the City wishes to consent to a ten percent (10%) commission to **Input Group North America Corp.** on all City profits resulting directly from **Input Group North America Corp.**'s services to the City, as the sole form of compensation under this award; and,*

*WHEREAS, **Input Group North America Corp.** 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, a certification of funds is not necessary for this contract award.

NOW THEREFORE, BE IT RESOLVED, that a contract with Input Group North America Corp. to represent the City as sponsorship/advertising public relations management firm be executed for the 2014 Superbowl, for a term to commence on the date of adoption of this contract award, and expire upon completion of the project, but in no event later than March 15, 2014, with a term that sole compensation for the services shall be in the form of ten percent (10%) of the profits to the City which result directly from Input Group North America Corp.'s services to the City; and

BE IT FURTHER RESOLVED, no additional fees or invoices shall be allowable under this agreement unless prior approval is provided by the City in accordance with all legal guidelines; 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-1 et seq. of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of Input Group North America Corp.; 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 N.J.A.C. 5:34-2.3(c); 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 the finalized executed contract, with accompanying Standard Certification, certified resolution, and quotation packet shall be forwarded by certified mail, return receipt requested, to the Division of Local Government Services; and

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

The speaker who spoke: Scott Katz.

---Motion duly seconded by President Cunningham

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

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

---Nays: None.

---Abstain: Castellano

13-503

---By Councilwoman Giattino

RESOLUTION APPROVES THE REDESIGN OF WILLOW PARK AND AUTHORIZES ACTION BY THE ADMINISTRATION TO EFFECTUATE THE PROJECT PURSUANT TO CHAPTER 56A OF THE HOBOKEN CITY CODE

WHEREAS, Chapter 56A of the Hoboken City Code requires public comment and council review and recommendation for any change in use of any City owned park; and,

WHEREAS, in accordance therewith, the Council seeks to recommend the City proceed with the Willow Park redesign (as shown in the attached design sketch).

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Hoboken hereby approves the redesign of Willow Park (as shown in the attached design sketches);

BE IT FURTHER RESOLVED, the Council authorizes the Administration to take action in accordance with this approval.

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

13-504

---By Councilwoman Giattino

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES ENABLING RESOLUTION
(Elysian Park Improvements – REVISED)

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the City of Hoboken desires to further the public interest by obtaining funding in the amount of \$600,030 from the State to fund following project(s): (describe the project) Improvements to Elysian Park will include replacement of deteriorated play equipment and sprinkler play area, leveling/resurfacing of basketball court, improvements to dog run and improvements to the electrical system at a cost of \$800,040 (project cost);

NOW, THEREFORE, the governing body/board resolves that Dawn Zimmer (name of authorized official) or the successor to the office of Mayor (title of authorized official) is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE Council of the City of Hoboken (name of legal body or board)

1. That the Mayor (title of authorized official) of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Improvements to Elysian Park (project name);
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$200,000;

3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

---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.

13-505

---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 **\$ 38,090.13**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Suppa, Michael A 415 Newark St #5A Hoboken, NJ 07030	2/5/CLL15	415 Newark St	3/13	\$ 121.15
Able Title Agency LLC 50 Harrison St Suite 303 Hoboken, NJ 07030	15/17/C0001	601 First St	3/13	\$ 2,278.83
Thawani, Mohit & Pooja Khanna 1088 Tanland Dr. Apt 104 Palo Alto, CA 94303	25/1/C09RS	700 First St	3/13	\$ 1,696.10
Bank of America CoreLogic Services, LLC P O Box 853919 Richardson, TX 75085	26/30/C006A	108-112 Jackson St	3/13	\$ 2,907.60
JJB Family, LLC c/o Boylan 1030 Clifton Ave, Ste 205 Clifton, NJ 07013	46/18.03	332 Jackson St	3/13	\$ 2,134.67
Mazotas, Jacob & Tina 319 Monroe St #4 Hoboken, NJ 07030	48/10/C0004	319 Monroe St	3/13	\$ 125.25
Hunt, James	75/1/C004B	601 Monroe St	3/13	\$ 946.18

601 Monroe St #4B
Hoboken, NJ 07030

Title Source	89/12/C0503	501 Ninth St	3/13	\$ 2,436.33
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Att: Emily Mayberry
662 Woodward Ave 10th Floor
Detroit, MI 48226

Karnik, Nikhil S.	161/28/C0003	910 Willow Ave	3/13	\$ 1,332.65
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c/o David W. Crook
98 Orient Way
Rutherford, NJ 07070

Dovenmuehle Mortgage	161/29/C0001	908 Willow Ave	1/12	\$ 629.82
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1216 St. Charles St. 2nd Floor
Elgin, IL 60120

827 Bloomfield St Terr LLC	207/11	827-831 Bloomfield St	3/13	\$ 7,933.46
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101 Clinton St.
Hoboken, NJ 07030

Buksbaum, Matthew & H L Johnson	261.04/1/CP031	1025 Maxwell Lane	3/13	\$ 146.59
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1025 Maxwell Lane #812
Hoboken, NJ 07030

Stephens, Kenneth & Diane	262.03/1/C0104	2 Constitution Court	3/13	\$ 3,290.46
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122 Ball Road
Mountain Lakes, NJ 07046

Colonial Savings	262.03/1/C0701	2 Constitution Court	3/13	\$ 2,156.47
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P O Box 2988
2626 W Frwy, Dept 057
Fort Worth, TX 76113

Toll Brothers City Living	269.02/1/C0703	1450 Washington St	3/13	\$ 3,133.98
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1000 Maxwell
Hoboken, NJ 07030

Toll Brothers City Living	269.02/1/C0907	1450 Washington St	3/13	\$ 3,411.49
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1000 Maxwell
Hoboken, NJ 07030

Toll Brothers City Living	269.02/1/C0908	1450 Washington St	3/13	\$ 3,409.10
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1000 Maxwell
Hoboken, NJ 07030

---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.

13-506

---By Councilwoman Giattino

Resolution to adopt the minutes the Meetings of the City Council of the City of Hoboken dated: **Regular meetings of June 19 and July 10th, Special meetings of June 5, 2013 and August 7th, and regular meeting(s) of August 7, September 3rd and September 17th, 2013** (has been reviewed and approved as to legal form and content)

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: Mason

13-507

---By Councilwoman Giattino

RESOLUTION TO AUTHORIZE AN PROFESSIONAL SERVICE CONTRACT WITH MASER ENGINEERING AS GENERAL PROJECT ENGINEER FOR THE CITY OF HOBOKEN FOR THE PROFESSIONAL LAND SURVEYOR SERVICES, FOR THE FLOOD ELEVATION PROJECT, FOR A MAXIMUM ONE YEAR TERM, AND FOR A TOTAL NOT TO EXCEED AMOUNT OF \$13,500.00

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

WHEREAS, the City of Hoboken seeks to award a contract to a Project Engineer for the Professional Land Surveyor Services for the Flood Elevation Project, and has chosen Maser Engineering for a one year term, with a not to exceed amount of Thirteen Thousand Five Hundred Dollars (\$13,500.00); and,

WHEREAS, *Maser Engineering is hereby required to abide by the “pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 et seq. of the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates, and the award and continuation of this contract are subject to continued compliance and may be terminated if the vendor is found to be noncompliant during the term of the contract; and,*

WHEREAS, certification of funds for this contract is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$13,500.00 is available in the following appropriation account 3-01-31-461-000 in the CY2013 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2013 budget; and I further certify that the funds being appropriate are intended for the purposes herein appropriated.

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

NOW THEREFORE, BE IT RESOLVED, that a contract with Maser Engineering to represent the City as General Project Engineers, in accordance with the scope of work detailed in their October 1, 2013 proposal, attached hereto, and the City’s September 25, 2013 RFQ – Request for Quotes, attached hereto; the maximum term shall be one year from the date of award; and, the total not to exceed amount shall be Thirteen Thousand Five Hundred Dollars (\$13,500.00) which shall be paid incrementally per phase within 45 days of receiving a valid invoice for services; 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 Maser Engineering; and

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

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

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

---Motion duly seconded by Councilman Mello

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

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

---Nays: Russo

---Present: Occhipinti

ORDINANCES

Introduction and First Reading

13-508

Z-259

AN ORDINANCE TO AMEND CHAPTER 179A ENTITLED “TAXICABS” TO CLARIFY A RECENT AMENDMENT TO THE FARES

WHEREAS, the City determined that the allowable fares of § 179A-20 are outdated and need to be amended to take into account current taxi user activity and current costs of living, which was previously adopted by this Council, but the Council is now called upon to clarify the amendments by way of an additional amendment to the fare sections.

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

§ 179A-20 Taxicab fares.

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

A. Maximum Allowable Intra-City Fares

The maximum allowable fare for Intra-City taxi service shall be Six Dollars (\$6.00), except for taxi service initiating from the taxi stand at the New Jersey Transit/PATH station which shall have a maximum Intra-City fare of Five Dollars (\$5.00).

B. Additional Allowable Fees

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

person, which fee shall be in addition to the allowable fare of Five Dollars (\$5.00), except that there shall be no additional charge for children under the age of Thirteen (13) years old.

C. Allowable Baggage Fees

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

D. Maximum Allowable Non-Intra-City Fares

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

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

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall 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 immediately upon passage and publication as provided by law.

SECTION FIVE: CODIFICATION

This ordinance shall be a part of the Code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code.

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

President Cunningham moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **November 6, 2013** at 7:00 PM.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: Castellano and Mason

13-509

Z-260

AN ORDINANCE TO AMEND A RECENT AMENDMENT TO CHAPTER 190 ENTITLED “VEHICLES AND TRAFFIC” RELATING TO LOADING ZONES.

AN ORDINANCE TO amend a recent amendment to chapter 190 entitled “vehicles and traffic” RELATING TO Loading Zones

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

WHEREAS, the municipality has found that a recent revision to § 190-11 was clerically incorrect, and the Council is now called upon to make the correction to effectuate the intent of the original amendment.

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

SECTION ONE: amendments to Hoboken Code Chapter 190

§ 190-11. Loading zones designated.

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

Name of Street	Times	Sides	Location
Jackson Street	10:00 a.m. to 4:00 p.m. Monday through Friday	West	Beginning at a point 115 40 feet north of the northerly curbline of Newark Street and extending 40 95 feet northerly therefrom

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

This ordinance shall be a part of the Code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code.

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

President Cunningham moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **November 6, 2013** at 7:00 PM.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

RESOLUTIONS

13-510

---By President Cunningham

RESOLUTION TO INVOKE THE DOCTRINE OF NECESSITY TO ALLOW CONFLICTED MEMEBERS OF THE CITY COUNCIL TO VOTE ON AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 155 OF THE CITY CODE, ENTEITLED "RENT CONTROL"

WHEREAS, the New Jersey Local Government Ethics Law (the "Law"), N.J.S.A. 40A:9-22.2 to 22.25, provides that no local government officer shall take official action in any matter in which said member has a conflict of interest from voting on the matter before the governmental agency; and

WHEREAS, after conversations with legal counsel from the Office of Corporation Counsel, the below listed Councilmembers, which represent a majority of the City Council, have determined that they each, individually, have conflicts of interest as defined by the Law relative to the Rent Control Ordinance;

1. Council member Ravi Bhalla
2. Council member Theresa Castellano
3. Council member Peter Cunningham
4. Councilmember Jennifer Giattino
5. Councilmember Timothy Occhipinti
6. Councilmember Michael Russo

WHEREAS, as a result of the foregoing, the above listed Council members would otherwise be prohibited from voting on the proposed changes to the Rent Control Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken hereby invokes the Doctrine of Necessity for the purpose of permitting all Council members to vote on whether or not the City Council will accept the proposed changes to the Rent Control Ordinance; and

BE IT FURTHER RESOLVED that this Resolution be read at the regularly scheduled public Council meeting, posted where the City Council normally posts public notices for thirty (30) days and forwarded to the Department of Community Affairs by the City Clerk.

---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.

13-511

Z-261

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 155 ENTITLED "RENT CONTROL"

WHEREAS, certain factual situations have arisen which has resulted in the City Council reconsidering the decontrolling and base rent calculations of previously owner occupied condominiums and cooperatives within the City.

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

SECTION ONE: AMENDMENTS TO § 155-1

§ 155-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AVAILABLE FOR RENT TO TENANTS

Buildings or dwellings fit for habitation as defined by statutes, codes and ordinances in full force and effect in the State of New Jersey, County of Hudson and City of Hoboken and occupied or unoccupied and offered for rent.

BASE RENT

The legal rent charged or actually received by the landlord for the rental of housing space on January 11, 1973, or if not occupied at that date, the "base rent" shall be that actually charged to and received from the provisions tenant, plus any increases under Article II of this chapter. The "base rent" may be changed only with the approval of the Rent Leveling and Stabilization Board. The "base rent" for dwelling units under § 155-2B, G and H shall be the first rental upon the exemptions set forth in said subsections. Upon vacancy and or change in tenant, the "base rent" for all dwelling units shall be the new rental agreed upon by the new tenant, provided that the same is in accordance with the provisions of this chapter. When dwellings make the transition from rent regulation by a governmental agency that acts pursuant to federal or state law to regulate rents to rent regulation by this chapter as defined in § 155-2.1, the initial base rent following the transition shall be as set forth in § 155-2.1.

CAPITAL IMPROVEMENT

A substantial change in the housing accommodations, such as would materially increase the rental value in a normal market. It is different from ordinary repair, replacement and maintenance. A "capital improvement" is of such a nature, extent and expense that it benefits the building and the tenants' enjoyment thereof with a degree of permanency. A "capital improvement," to qualify under this chapter as such, must have a useful life of at least five years.

CONDO/COOP OWNER/OCCUPANT(S)

Individuals who own and reside in a condo/coop shall be considered bona fide condo/coop owner/occupant(s), hereinafter referred to as bona fide CCOO, if they meet the requirements established in Section 155-35.

CONSUMER PRICE INDEX

The "consumer price index" (all items base year 1967-100) for the region of the United States of which Hoboken is a part published periodically by the United States Department of Labor, Bureau of Labor Statistics.

DWELLING

Any building or structure or trailer or land used as a trailer park rented or offered for rent to one or more tenants or family units.

EQUITY IN REAL PROPERTY INVESTMENT

The actual cash contribution of the purchaser at the time of closing of title and any principal payments to outstanding mortgages.

FAIR RETURN

The percentage of return of equity in real property investment. The amount of return shall be measured by the net income before depreciation. A "fair return" on the equity

investment in real property shall be considered to be 6% above the maximum passbook demand deposit savings account interest rate available in the City of Hoboken. The six-percent figure is provided to reflect the higher risk and lesser liquidity of real property investment in comparison to savings account investments.

HOUSING SPACE

Includes that portion of a dwelling rented or offered for rent for living and dwelling purposes with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such portion of the real property.

JUST CAUSE FOR EVICTION

The landlord recovered possession of a housing space or dwelling for one of the reasons outlined in New Jersey State law (N.J.S.A. 2A:18-53 as amended).

LIVING AREA

The amount of total rentable space applicable to any given housing space, measured either in terms of rooms or square footage.

NEWLY CONSTRUCTED DWELLING

A dwelling located in a building, which building is new in all respects; that is, from the ground up, and the exterior structure, the exterior and interior walls and all systems are new.

NOT VACANT THROUGH UNLAWFUL MEANS

The tenant has not vacated or been forced to vacate the dwelling involuntarily; that is, due to harassment, duress, wrongful acts or unreasonable pressure from the landlord or his agents. A legal eviction is not an involuntary vacation under this definition. A bona fide written release of the landlord by the tenant with respect to this issue shall be evidence of a voluntary vacancy which may be considered in determinations under this chapter.

REGISTRATION STATEMENT

The statement filed by the landlord pursuant to § 155-30.

RENT

Any price for the use of a housing space. It includes any charge, no matter how set forth, paid by the tenant for the use of any service in connection with the housing space. Security deposits and charges for accessories, such as boats, mobile homes and automobiles not used in connection with the housing space, shall not be construed as "rent."

RENT INCREASE, RENT DECREASE AND RENT ADJUSTMENT

The intent and policy of the governing body to interfere in landlord tenant relations and legitimate operation ownerships, occupancy and development of real estate, only when necessary to protect the public interest. "Rent increase," "rent decrease" and "rent adjustments" shall consist in the first instances of the notice sent by the landlord to the tenant, or by the tenant to the landlord, in letter or other form, setting forth the proposed notice of "rent decrease" or other "rent adjustment." Each notice shall set forth in detail the reasons justifying or requiring such increase, decrease or adjustment.

SERVICE

The provision of light, heat, hot water, maintenance, painting, elevator service, air conditioning, storm windows, screens, superintendent service and any other benefit, privilege or facility connected with the use or occupancy of any dwelling or housing space.

SERVICE SURCHARGE

Refers to an additional charge over and above the rental due to new or additional services. Existing services may be subject to a surcharge also, under extenuating circumstances as may be determined by the Rent Leveling Board.

SUBSTANTIAL COMPLIANCE

The housing space and dwelling are free from all heat, hot water, elevator and all health, safety and fire hazards, as well as 90% qualitatively free of all other violations of the ordinances of the City of Hoboken and the Property Maintenance Code of the State of New Jersey, where applicable.

TENANT/SUBTENANT

The regulations that apply to the landlord and tenant under this chapter shall also apply, wherever appropriate, to the "tenant/subtenant" relationship and any other rental tenancy unless otherwise expressly excluded.

SECTION TWO: Amendments to § 155-6

§ 155-6. Tax surcharge from tenants.

~~A. A landlord may seek a tax surcharge from a tenant because of an increase in municipal property taxes if said taxes are in excess of those assessed for the 1988 tax year. The rental increase permitted for taxes is determined by the Rent Regulation Officer pursuant to a formula approved by the Rent Control Board. The rent increase for taxes that each tenant is liable to pay shall be paid in 12 equal monthly payments, 1/12 each month. The surcharge shall not be considered rent for purposes of computing cost of living rental increases. Determinations under this section shall be made by the Rent Regulation Officer. A landlord may seek a tax surcharge from a tenant because of an increase in Municipal property taxes if said taxes are in excess of those assessed for the 1988 tax year, or instead the date of the most recent Initial Rental Decontrol (**Section 155-37**) if such has occurred.~~

B. Notice on standardized form.

- (1) The landlord shall, upon approval by the Officer of its tax surcharge application, notify its tenants, by personal service, on standardized forms setting forth:
 - (a) An explanation of the tax surcharge.
 - (b) The base rent.
 - (c) The tax surcharge, total and apportioned.
 - (d) The effective date.
- (2) This notice shall be filed with the Officer.

SECTION THREE: CREATION OF ARTICLE VIII OF CHAPTER 155

Article VIII. Condo/Coop Initial Rental Decontrol.

Section 155-35: Bona Fide Condo/Coop Owner/Occupant(s)

- A. In the event that an owner of a condo/coop unit, has continuously occupied said unit as their principle residence for the previous two years, the owner may file an affidavit with, and on the form provided by, the rent leveling officer documenting their use.

- B. In the event that the affidavit is filed with, and not successfully challenged by, the rent leveling officer, the owner shall be deemed a bona fide CCOO.

Section 155-36: Bona Fide Condo/Coop Owner/Occupant Affidavit

A. Approval

An affidavit form shall be provided by the rent leveling officer pursuant to an affidavit approved by the rent leveling board..

B. Statement and Certification

The affidavit form shall include a statement that the owner has owned and occupied the unit for at least the preceding two years. This statement must be certified to by the owner.

C. Documentation

Reasonable documentation may be required and the affidavit is not deemed filed until it is submitted in full.

D. Filing Fee

The filing fee to apply to be deemed a Bona Fide CCOO will be the same fee assessed as for a hardship application.

E. Acceptance and Rejection

A Bona Fide CCOO affidavit submitted to the rent leveling officer is deemed accepted unless rejected within 21 days of filing. Any CCOO affidavit may be rejected for inadequate documentation or statements the rent leveling officer has a reasonable basis to believe may be inaccurate.

F. Appeals

As with any decision of the rent leveling officer, the owner will have the right to appeal any rejection to the Rent Leveling & Stabilization Board, within the timeframe and upon payment of the fee established by this ordinance for appeals in the amount of \$20.

G. False Statements

If subsequent to the granting of an Initial Rental Decontrol (**Section 155-37**) it is found that information was submitted to either the rent leveling officer or the rent leveling board which is determined by the rent leveling office or the Rent Leveling & Stabilization Board to be incorrect and it is further determined that if such information had been presented correctly an Initial Rental Decontrol which had been granted would not have been granted then the Initial Rental Decontrol shall be declared null and void and the rent shall be reset at the original legal base rent plus any applicable surcharges and applicable CPIs. In the event the board determines that the misrepresentation was willful, the owner of the unit shall also be assessed a fine up to the maximum allowed under this ordinance.

Section 155-37: Initial Rental Decontrol Upon Vacancy By Bona Fide CCOO

In the event of that an individual, who qualifies as a Bona Fide CCOO, vacates their Condo/Coop unit and offers it for rental, said unit is decontrolled solely for the purpose of establishing the initial rent subsequent to the CCOO vacating. The new base rent shall be established at the amount charged in the initial lease. This new base rent shall be documented by submission and filing of a completed rent registration form to the rent leveling office. Said unit is decontrolled for the purpose of establishing the initial rental only, and otherwise is fully subject to Chapter 155. Nothing herein shall be construed to cause an existing rent to change as a result of any Initial Rental Decontrol granted under this section.

SECTION FOUR: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION FIVE: SEVERABILITY

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

SECTION SIX: EFFECTIVE DATE

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

SECTION SEVEN: 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 **November 6, 2013** at 7:00 PM.

---Motion duly seconded by Councilman Bhalla

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

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

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

ORDINANCES (continued)

Introduction and First Reading

13-512
Z-262

BOND ORDINANCE AUTHORIZING THE COMPLETION OF VARIOUS IMPROVEMENTS TO ELYSIAN PARK IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$200,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS, BOND ANTICIPATION NOTES OR OTHER DEBT OBLIGATIONS OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$200,000; 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"), and the Green Acres statutes (*N.J.S.A. 13:8A-1 et seq.*, *N.J.S.A. 13:8A-19 et seq.* and *N.J.S.A. 13:8A-35 et seq.*) and any

other law, statute, rule, regulation or ordinance governing the use of funding provided by or property acquired or developed in connection with the Green Acres Program of the New Jersey Department of Environmental Protection (collectively, the "Green Acres 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 \$200,000;
- (b) the estimated amount of bonds, bond anticipation notes or other debt obligations to be issued for the purposes stated in Section 7 hereof is \$200,000; and

Section 3. The sum of \$200,000, to be raised by the issuance of bonds, bond anticipation notes or other debt obligations to be purchased by the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection ("NJDEP"), as part of the NJDEP Green Acres Program (Project#0905-12-066) 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 \$200,000 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, the Green Acres Law, and other applicable law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes or other temporary debt obligations of the City in an amount not to exceed \$200,000 is hereby authorized. Pursuant to the Local Bond Law and the Green Acres Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes or other temporary debt obligations of the City from time to time at public or private sale, or to the State of New Jersey, acting by and through the NJDEP, 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 or other temporary debt obligations 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 or other temporary debt obligations 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 \$40,000.

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 said purposes and the period of usefulness of said purposes 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 Obligation s</u>	<u>Period of Usefuln ess</u>
A. Various improvements to Elysian Park, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as part of the City's Green Acres Program (Project #0905-12-066) and as set forth in the plans and specifications on file with the City's Department	\$200,000	\$0	\$200,000	20 years

Purpose/Improvement

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Section 8. Grants or other monies received from any governmental entity, if any, not otherwise utilized for the purpose of paying the costs of the improvements described in Section 7 above, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the improvements described in Section 7 above.

Section 9. The supplemental debt statement provided for in Section 9 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 \$200,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. 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 11. 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 12. 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 13. 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 14. 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 15. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 16. 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 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 **November 6, 2013** at 7:00 PM.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: Russo

NEW BUSINESS

Council President comments and would like to place this under New Business

Councilman Russo comments on public portion and the Governing Body on comments and council rules

Councilman Occhipinti comments and get an answer on Mr. Kohler's question under public portion

Council President comments on parallel parking

Councilman Occhipinti comments on congratulate Senator elect Booker and the best of luck

Councilwoman Mason comments

Councilman Bhalla comments

Councilman Occhipinti has left the table at 11:29 PM

Councilman Bhalla comments Z-253 ordinance for 2nd and final reading, the Pino site resolution, the Rent Control ordinance on 1st reading

Corporation Counsel comments

Councilman Occhipinti has returned to the table at 11:35 PM

Councilman Mello comments

Councilwoman Giattino comments on Frank Sinatra Redesign, loading zone on River Terrace

Councilwoman Giattino comments

Councilwoman Castellano comments

Director Pellegrini comments

Councilman Russo comments

Council President comments on bike corral at the corner of 10th and Bloomfield and thank Director Morgan for the ordinance in advance, the Madison parking situation b/w 11th and 12th and also evaluate the intersection of 13th and Willow and hopefully add a traffic light for a much safer intersection for seniors to cross the street, the public sub-committee meeting on the agenda next week with the issue of the HPD and legal liability and reconvene on the Rent Control sub-committee on matters, there are a lot of vacancies on the Zoning Board of Adjustments

At 11:48 P.M. the Governing Body on a motion by Councilwoman Russo duly seconded by the Council
Council President Cunningham then adjourned the meeting at 11:49 P.M.

PRESIDENT OF THE COUNCIL

CITY CLERK