

MEETING OF SEPTEMBER 3, 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, SEPTEMBER 3, 2013 AT 7:00 PM

President Cunningham opened the meeting at 7:01 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

Then the Clerk called the Roll: Council persons Bhalla, Giattino, Mason, Mello, Occhipinti, Russo (see below) and Cunningham

ABSENT: Castellano and Russo

Patricia Waiters comments and comments that the meeting was not properly notified
Corporation Counsel comments
City Clerk comments
Councilwoman Mason comments and would like a point of order
Council President comments to move to 2nd reading ordinances
Councilwoman Mason comments
City Clerk comments
Council President comments and gives an overview of the meeting this evening

SECOND READING/PUBLIC HEARING AND FINAL VOTE

BOND ORDINANCE AUTHORIZING THE REHABILITATION AND RECONSTRUCTION OF PIER "A" IN THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$2,500,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IN THE AGGREGATE AMOUNT OF UP TO \$2,375,000; MAKING CERTAIN DETERMINATIONS AND CONVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTIONS WITH THE FOREGOING (Z-235)
(Carried to the October 2, 2013 city council meeting)

Council President comments that this will be carried to a meeting certain – Oct. 2, 2013
Ccm

At 7:11 PM, Councilwoman Mason has left the table.
At 7:13 PM, Councilwoman Mason has returned to the table.

*****Councilman Russo has arrived to the meeting at 7:21 PM*****

A BOND ORDINANCE AUTHORIZING THE ACQUISITION OF EMERGENCY BACK-UP ELECTRICAL GENERATORS AND HIGH WATER VEHICLE FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON,

NEW JERSEY; APPROPRIATING THE USE OF \$965,000 THEREFOR; AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$916,750; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING (Z-248) (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 Councilwoman Giattino
---Adopted by the following vote: YEAS: 5 – NAYS: 3
---Yeas: Council persons Bhalla, Giattino, Mello, Occhipinti, and President Cunningham.
---Nays: None
---Absent: Castellano, Mason, Russo.

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: 6 – NAYS: 1 - ABSENT: 1
---Yeas: Council persons Bhalla, Giattino, Mason, Mello, Occhipinti and President Cunningham
---Nays: Russo
---Absent: Castellano

Councilman Mello has left the table at 7:45 PM
Councilman Mello has returned to the table at 7:52 PM

AN ORDINANCE TO AMEND CHAPTER 184 ENTITLED "TOWING" TO AMEND THE PROCEDURAL ASPECTS OF THE ROTATIONAL SYSTEM (sponsored by Councilman Mello and Councilman Bhalla) (Z-247)

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: 7 – NAYS: 0 - ABSENT: 1
---Yeas: Council persons Bhalla, Giattino, Mason, 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
---**FAILED** by the following vote: YEAS: 4 – NAYS: 3 -ABSENT: 1
---Yeas: Council persons Bhalla, Giattino, Mason, Mello, Occhipinti, Russo, President Cunningham.
---Nays: Mason, Occhipinti, Russo
---Absent: Castellano

The speakers who spoke: Patricia Waiters, Director Morgan

AN ORDINANCE TO AMEND CHAPTER 110 ENTITLED "GARBAGE RUBBISH AND LITTER" TO AMEND THE TIMEFRAME FOR PLACING REFUSE RECEPTACLES AT CURB FOR COLLECTION (sponsored by Councilwoman Giattino and Councilman Bhalla) (Z-249)

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: 7 – NAYS: 0 - ABSENT: 1
---Yeas: Council persons Bhalla, Giattino, Mason, 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: 0 - ABSENT: 1
---Yeas: Council persons Bhalla, Giattino, Mason, Mello, Occhipinti, Russo and President Cunningham
---Nays: None.
---Absent: Castellano

PUBLIC PORTION

All regular business concluded the following members of the public spoke at the "Public Portion" of the meeting. Sigby Cheatham, Mary Ondrejka, Patricia Waiters, Cheryl Fallick
Councilman Russo has left the table at 9:21 PM
Councilman Russo has returned to the table at 9:24 PM

13-408

APPLICATION FOR MISCELLANEOUS LICENSES

Raffles-----2 items

---Councilwoman Giattino moved that the licenses be granted.
---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 1
---Yeas: Council persons Bhalla, Giattino, Mason, Mello, Occhipinti, Russo and President Cunningham
---Nays: None.
---Absent: Castellano

13-409

---By Councilwoman Giattino

CLAIMS

Total for this agenda **\$9,565,453.92**

---Motion duly seconded by Councilman Bhalla

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

---Yeas: Council persons Bhalla, Giattino, Mason (12-02902 for the amount of \$2,937,000.00) Mello, Occhipinti and Cunningham

---Nays: Russo

---Absent: Castellano

---Abstain: Bhalla (13-00143 for the amount \$4,928.16), Mason (the rest)

Councilwoman Mason comments on NJ Turnpike Toll violation (13-03132 for the amount of \$51.90) and Enterprise Rental (13-03197 for the amount of \$617.17)

Director Morgan comments

BA Wiest comments

Councilman Occhipinti comments on Clerk of the Superior Court Block 12 Eminent Domain (12-02902 for the amount of \$2,937,000.00)

13-410

---By Councilwoman Giattino

PAYROLL

For the two week period starting July 18, 2013 – July 31, 2013

Regular Payroll	O/T Pay	Other Pay
\$1,524,193.89	\$87,746.70	\$41,953.85

Total \$1,653,894.44

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

---Absent: Castellano

PAYROLL

~~Hoboken Police Department O/T and NJDHTS Trust Grant~~

~~For the period on July 26, 2013~~

O/T Pay	Other Pay
\$74,102.88	\$7,400.00

(CARRIED TO THE NEXT CITY COUNCIL MEETING)

PUBLIC PORTION ON RESOLUTIONS

The speakers who spoke: Perry Belfiore, Patricia Waiters comments on resolutions 10 -16, 24, 31

CONSENT AGENDA – 3, 6, 8, 18-20, 25, 27-30

Pulled from the agenda for discussion: 2, 7, 10-17, 21- 24, 26

Removed by Administration: 31

RESOLUTIONS

13-411

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACT WITH MARAZITI FALCON HEALEY AS SPECIAL LEGAL COUNSEL- OUTSTANDING LITIGATION TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2013 AND EXPIRE DECEMBER 31, 2013 FOR AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$70,000.00 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$273,500.00

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

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

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

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$70,000.00 is available in the following appropriation 30120156020 in the CY2013 budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2013; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that an amended contract with **Maraziti Falcon Healey** to represent the City as Special Legal Counsel- Outstanding Litigation be awarded, for a term to commence January 1, 2013 and expire December 31, 2013, for an increased not to exceed amount of Seventy Thousand Dollars (\$70,000.00), for a total not to exceed amount of Two Hundred Seventy Three Thousand Five Hundred Dollars (\$273,500.00); and

BE IT FURTHER RESOLVED, the contract shall include the following term: **Maraziti Falcon Healey** shall be paid maximum hourly rates of \$190.00/hour for attorneys, \$50.00/hour for paralegals, and \$20/hour for support staff for services rendered, these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

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

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

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

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

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

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

Adopted **AS AMENDED** by the following vote: YEAS: 4 – NAYS: 3 ABSENT: 1
Yeas: Council persons Bhalla, Giattino, Mello and President Cunningham
Nays: Mason, Occhipinti, Russo
Absent: Castellano

Corporation Counsel comments and gives an overview to the Governing Body
Special Counsel Maraziti comments

---Motion by Council President and seconded by Councilman Occhipinti to reopen the Resolution
---Adopted as Amended by the following vote: YEAS: 6 – NAYS: 1 ABSENT: 1
---Yeas: Council persons Bhalla, Giattino, Mason, Mello, Occhipinti, and President Cunningham
---Nays: Russo
---Absent: Castellano

Councilwoman Mason has left the table at 9:43 PM
Councilwoman Mason has returned to the table at 9:50 PM

13-412

---By Councilwoman Giattino

RESOLUTION APPROVING THE ALL SAINTS SCHOOL'S REQUEST FOR A CONSTRUCTION NOISE WAIVER AND MITIGATION PLAN IN ACCORDANCE WITH HOBOKEN CODE SECTION 133-9(C)

WHEREAS, according to the City of Hoboken's Code § 133-9(C), "[a]ll construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 8:00 a.m. on weekdays or at any time during weekends and federal holidays. Work crews may be on site between 7:00 a.m. and 8:00 a.m. to do preparatory work, but no motorized equipment, including but not limited to pile drivers, jackhammers, riveters, stone breakers, cranes, earthmoving equipment, compressors, saws and cutting equipment, and any other such equipment that is plainly audible beyond the real property line, shall be operated before 8:00 a.m. Work may take place after hours and on weekends only with express authorization from the approving Board and only after a noise mitigation plan has been submitted to that Board"; and,

WHEREAS, on August 21, 2013, Eric Felczak, a representative of Build With Purpose, e-mailed Chief of Staff, Daniel Bryan, requesting a construction noise waiver in accordance with Hoboken Code § 133-9(C) to perform construction activities from 8:00 a.m. to 10:00 p.m. on weekdays and on Saturdays and Sundays during the month of September 2013; and,

WHEREAS, the City Council of the City of Hoboken, has the obligation to consider the request for a construction noise waiver for Saturday work pursuant to Hoboken Code § 133-9(C); and,

WHEREAS, the City Council, as the City's redevelopment agency, is deemed with the task of considering the within waiver request, is authorized to add conditions to any grant of the waiver based on its finding and investigation of the request, if the City Council believes such conditions are necessary and proper to protect the quality of life and/or the safety, health and general welfare of the residents and visitors of the City of Hoboken.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that the Council hereby accepts receipt of All Saints School's request for a construction noise waiver and accompanying noise mitigation plan; and,

BE IT FURTHER RESOLVED, that the City Council approves All Saints School's request for a construction noise waiver for construction by Build with a Purpose, the general contractor, at Block 218, Lot 1&2 commonly known as 707 Washington Street, Hoboken, New Jersey as follows:

The contractor herein may conduct construction activity, in addition to the City's codified hours, on weekdays until 9:00 p.m. and on Saturday 9/7/13-9/21/13 from 9:00 a.m. until 5:00 p.m. from September 3, 2013 through September 30, 2013, subject to the following conditions:

- Only interior flooring, spackling, painting and fixture installations shall occur after normal construction hours;
- If All Saints School fails to abide to the terms and conditions in this resolution, the construction noise waiver granted herein will be null and void.

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

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

---Absent: Castellano

Council President presented to vote for both resolutions #2 and #2A as amended

The following resolution was placed on agenda as new business thus the reason for numbered out of sequence.

13-444

---By Councilwoman Giattino

RESOLUTION APPORVING THE FRIENDS OF HOBOKEN CHARTER SCHOOL'S SECOND REQUEST FOR A CONSTRUCTION NOISE WAIVER AND MITIGATION PLAN IN ACCORDANCE WITH HOBOKEN CODE

WHEREAS, according to the City of Hoboken's Code § 133-9(C), "[a]ll construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m, and 8:00 a.m. on weekdays or at any time during weekends and federal holidays. Work crews may be on site between 7:00 a.m. and 8:00 a.m. to do preparatory work, but no motorized equipment, including but not limited to pile drivers, jackhammers, riveters, stone breakers, cranes, earthmoving equipment, compressors, saws and cutting equipment, and any other such equipment that is plainly audible beyond the real property line, shall be operated before 8:00 a.m. Work may take place after hours and on weekends only with express authorization from the approving Board and only after a noise mitigation plan has been submitted to that Board"; and,

WHEREAS, ON August 7, 2013, the City Council passed a resolution that approved a construction noise waiver and mitigation plan with certain conditions for The Friends of Hoboken Charter School so that construction of the school could be completed in time for students to begin school on Monday, September 9, 2013, and

WHEREAS, on September 3, 2013 Harold Berlone, a representative of Hoboken Charter School , e-mailed Council-Vice President, requesting a construction noise waiver in accordance with Hoboken Code § 133-9(C) to perform construction activities from 8:00 a.m. to 10:00 p.m. on weekdays and on Saturdays and Sundays during the month of September 2013; and,

WHEREAS, the City Council, as the City's redevelopment agency, is deemed with the task of considering the within waiver request, is authorized to add conditions to any grant of the waiver based on its finding and investigation of the request, if the City Council believes such conditions are necessary and proper to protect the quality of life and/or the safety, health and general welfare of the residents and visitors of the City of Hoboken.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that the Council hereby accepts receipt of All Saints School's request for a construction noise waiver and accompanying noise mitigation plan; and,

BE IT FURTHER RESOLVED, that the City Council approves All Saints School's request for a construction noise waiver for construction by Build with a Purpose, the general contractor, at Block 218, Lot 4 commonly known as 713 Washington Street, Hoboken, New Jersey as follows:

1. The contractor herein may conduct construction activity, in addition to the City's codified hours, on weekdays until 7:00 a.m. to 8:00 a.m. and 6:00 p.m. to 9p.m. from Monday, September 9, 2013 through Monday, September 30, 2013, and on Saturday, September 7, 2013; Saturday, September 14, 2013 and Saturday September 21, 2013 from 9:00 a.m. until 5:00 p.m. subject to the following conditions:
 - a. By utilizing the within waiver, both the contractor and property owner agree to indemnify and hold the City of Hoboken and its officers, employees, and agents

harmless from any and all claims which relate in any way to this waiver, whether in law or at equity, whether in tort, contract or otherwise.

- b. Any and all work done on weekdays from 7:00 a.m. to 8:00 a.m. and 6:00 p.m. to 12:00 a.m. and on Saturdays from 9:00 a.m. to 5:00 p.m. in accordance with this waiver shall in all other ways comply with the City Code and any and all county, state or federal laws. This waiver shall not be intended to waive any other requirements of the City's Noise Ordinance or any other sections of the City Code.
 - c. Only interior construction work will be done on weekdays from 7:00 a.m. to 8:00 a.m. and 6:00 p.m. to 9:00 p.m. and on Saturdays from 9:00 a.m. to 9:00 p.m. to mitigate potential noise. Such interior construction work will consist of plumbing, electrical, drywall, installation, painting, flooring, etc. All exterior work will be done during regular-permitted construction hours, which is 8:00 a.m. to 6:00 p.m. on weekdays pursuant to Hoboken Code 133-9(C). No exterior work will be done on weekdays from 7:00 a.m. to 8:00 a.m. and 6:00 p.m. to 9:00 p.m. and on Saturdays.
 - d. The exterior windows will be sound-proofed and will remain closed at all times.
2. If The Friends of Hoboken Charter School and/or Hoboken Charter School, Inc. fail to abide to the terms and conditions in this resolution, the construction noise waiver granted herein will be null and void.

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

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

---Absent: Castellano

13-413

---By Councilwoman Giattino

THIS RESOLUTION CONFIRMS THE CITY OF HOBOKEN'S SUPPORT OF THE HOBOKEN VOLUNTEER AMBULANCE CORPS BY VIRTUE OF A SECOND SIX (6) MONTH CONTRIBUTION OF TWENTY THOUSAND (\$20,000.00) DOLLARS PLUS PAYMENT OF HVAC'S INSURANCE COVERAGE FOR CY2013 IN THE AMOUNT OF \$179,039.95

WHEREAS, the City Council desires to continue to support the Hoboken Volunteer Ambulance Corps. (HVAC), as it did with its six month contribution on January 16th, of \$20,000.00; and,

WHEREAS, the City's CY2013 budget has now been adopted; and,

WHEREAS, the second six month contribution of \$20,000.00 is now available for distribution to HVAC; and,

WHEREAS, HVAC has provided an invoice for its insurance coverages for One Hundred Seventy Nine Thousand Thirty Nine Dollars and Ninety Five Cents (\$179,039.95) which is due to its insurance agent, Bollinger, Inc.; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$20,000.00 is available in the following appropriation 3-01-25-260-020 in the CY2013 budget; and I further certify that \$179,039.95 is available in the following appropriation 3-01-30-400-010 in the CY2013 budget

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

Signed: _____, George DeStefano, CFO

NOW, THEREFORE, BE IT RESOLVED, that Twenty Thousand (\$20,000.00) Dollars, as contribution for operating expenses of the HVAC, will be disbursed to the Hoboken Volunteer Ambulance Corp. at this time, and, additionally, One Hundred Seventy Nine Thousand Thirty Nine Dollars and Ninety Five Cents (\$179,039.95) as contribution for insurance, will be disbursed to the Hoboken Volunteer Ambulance Corps. at this time; and,

BE IT FURTHER RESOLVED, that his resolution shall take effect immediately upon passage, as provided by law.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

---Absent: Castellano

13-414

---By Councilwoman Giattino

RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH PUBLIC SERVICE ELECTRIC & GAS REGARDING THE FORMER GAS WORKS SITE

WHEREAS, Public Service Electric & Gas (“PSE&G”) is the Owner of the property located at 1200 Clinton Street, Block110, Lot 1 on the Tax Map of the City of Hoboken (the “Property” or the “Site”); and

WHEREAS, PSE&G is remediating the Property and expects to conduct certain remedial, construction and demolition activities at the Property in connection with the implementation of the Remedial Action Work Plan dated November 2011 prepared by Langan Engineering and the Remedial Action Work Plan Addendum dated July 2012 prepared by Environmental Resources Management, Inc., a summary of which is attached to the Memorandum of Understanding, as defined herein, attached hereto (the “Scope of Work” or the “Project”); and

WHEREAS, PSE&G has also requested that the City endorse its Treatment Works Application for the Site by executing a Form WQM-003, Statements of Consent (“Statements of Consent”) in connection with the Project; and

WHEREAS, PSE&G and the City of Hoboken (the “City”) have discussed the City’s concerns regarding the remedial, construction and demolition activities associated with the Project, particularly, noise, vibration, traffic odor, dust and maintaining the integrity of the surrounding structures, roadways and infrastructure as well as the overall potential adverse impact to the surrounding community and the City at large by the Project; and

WHEREAS, PSE&G has agreed to conduct the remedial, construction and demolition activities set forth in the Scope of Work in a responsible, workmanlike manner, consistent with industry standards, in an effort to address the City's concerns; and

WHEREAS, PSE&G and the City have agreed to cooperate with each other such that the remedial, construction and demolition activities set forth in the Scope of Work may be completed in an efficient and safe manner, minimizing any adverse impact to the residents and businesses of the City;

WHEREAS, the City Council of the City of Hoboken (the "Council") has considered the terms of a Memorandum of Understanding between the City and PSE&G which sets forth the obligations of PSE&G regarding the implementation of the Scope of Work and the minimization of any potential adverse impact to the residents and businesses of the City ("MOU");

WHEREAS, PSE&G has executed the MOU, evidencing, amongst other things, its agreement to make all reasonable, good faith efforts to implement the Scope of Work in full compliance with all applicable local, county, State, and Federal laws, rules, ordinances and regulations, including, but not limited to, the City of Hoboken Noise Control Ordinances (Chapter 133) et al.

NOW, THEREFORE, BE IT RESOLVED, by the Council, that the Council as follows:

- (a) finds that the acceptance of the MOU would be in the best interest of the City and hereby accepts the terms of the MOU, marked as Schedule A attached hereto and thus, authorizes the execution of the MOU on behalf of the City of Hoboken; and
- (b) further, hereby authorizes the execution of the Statement of Consents requested by PSE&G; and
- (c) further, hereby acknowledges that in the event of a material breach of the terms of the MOU, the City may terminate the MOU and make application to the Court for appropriate relief.

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

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

---Absent: Castellano

PSE & G representatives (Dwyer and Blackman) who have been waiting
Mr. Dwyer comments and gives an overview of the resolutions

Councilman Bhalla has left the meeting at 10:30 PM

Councilman Bhalla has returned to the meeting at 10:32 PM

Councilman Occhipinti comments

Mr. Blackman comments

Councilman Russo comments

Council President comments

Councilman Occhipinti comments on street lights throughout the City

Mr. Dwyer comments that the commitment for a street light normally takes 3-5 days for

above ground work but if its underground, it could take longer, go to the website and type in the location and the outage of the address so the crews can locate them
201-744-4500

13-415

---By Councilwoman Giattino

RESOLUTION AUTHORIZING ENDORSEMENT OF APPLICATION FOR TREATMENT WORKS APPROVAL (FORM WQM-003)

WHEREAS, Public Service Electric & Gas Company (“PSE&G”) is conducting certain demolition, remediation and construction activities at has a construction site at the real property located at 1200 Clinton Street, Block 110, Lot 1, on the Tax Map of the City of Hoboken, also known as the Former Hoboken Gas Works Site (the “Project Site”); and

WHEREAS, PSE&G has requested the City of Hoboken (the “City”) endorse its application to the New Jersey Department of Environmental Protection (the “Department”) for a Treatment Works Approval for the Project Site by executing the Form WQM-003, Statements of Consent, attached hereto as Schedule A (“WQM-003”); and

WHEREAS, the City Council of the City of Hoboken (the “Council”) deems it appropriate to endorse the application for a Treatment Works Approval to be submitted by PSE&G to the Department by executing the WQM-003.

NOW, THEREFORE, BE IT RESOLVED that the Mayor of the City of Hoboken, Dawn Zimmer, is hereby authorized to execute the WQM-003; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute and effectuate any related documentation regarding the WQM-003, on behalf of the City.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

---Absent: Castellano

13-416

---By President Cunningham

RESOLUTION HONORING THE HISTORY OF MADONNA DEI MARTIRI ORGANIZATION IN THE CITY OF HOBOKEN

WHEREAS:

- Since its founding 87 years ago, the Society Madonna Dei Martiri has continued and advance the culture and traditions of the Molfettese Community in Hoboken and beyond,
- The Society Madonna Dei Martiri is the proud sponsor and organizer of the Hoboken Italian Festival
- The Society Madonna Dei Martiri is especially renowned for its sponsorship of the

DePinto Family scholarship which is granted annually high school student attending a four year university,

- The Society Madonna Dei Martiri remains committed to the City of Hoboken and were proud to donate \$10,000.00 to the 150th anniversary.
- By repeatedly demonstrating their devotion to serving their fellow Hoboken citizens, the members of the Society Madonna Dei Martiri, continuously employ the services of shelter residence and pay them a livable wage; and donates money and time to other Hoboken area non-profits,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the City Council of the City of Hoboken recognizes the efforts of the Madonna Dei Martiri Organization, and its continued great work in support of Hoboken and it's community.

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

---Absent: Castellano

13-417

---By Councilwoman Giattino

RESOLUTION AUTHORIZING USE OF THE COMPETITIVE CONTRACTING PROCESS FOR OBTAINING BANKING SERVICE PROVIDERS FOR DEPOSITS OF COLLECTION FROM PARKING METERS AND THE CITY SHUTTLE BUS OPERATIONS FOR THE CITY OF HOBOKEN FOR A TWO YEAR PERIOD

WHEREAS, the City of Hoboken needs to secure the assistance of banking service providers to collect, maintain, and service certain obligation and credit accounts of the HPU, and wishes to do so through a fair and open process, even though said services are not subject to Local Public Contracts Law pursuant to N.J.S.A. 49:2-5; and

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

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that the Competitive Contract Process, as described and allowed in N.J.S.A. 40A:11-4.1 shall be initiated by the Purchasing Agent/Business Administrator for the purpose of receiving proposals for banking service providers for deposits of collection from parking meters and the City's shuttle bus operations.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

---Absent: Castellano

13-418

---By Councilwoman Giattino

RESOLUTION AUTHORIZING THE APPLICATION FOR HUDSON COUNTY OPEN SPACE TRUST APPLICATION AND EXECUTION OF FUNDING AGREEMENT

WHEREAS, the Hudson County Open Space, Recreation, and Historic Preservation Trust Fund (“County Trust Fund”), provides matching grants to municipal governments and to nonprofit organizations who are sponsored by their local municipality for assistance in the development or redevelopment of park improvements; and,

WHEREAS, the City of Hoboken desires to further the public interest by obtaining a matching grant of \$563,000.00 from the County Trust Fund to fund the following project: Hoboken Cove Park and Boathouse Development; and,

WHEREAS, the governing body/board has reviewed the County Trust Fund Program Statement, and the Trust Fund Park Improvement application and instructions and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and,

WHEREAS, as part of the application process, the City of Hoboken received public comments on the proposed park improvements in the application on January 23, 2012 at an advertised public hearing; and,

WHEREAS, the County of Hudson shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and,

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Hudson for the above named project and ensure its completion on or about the project contract expiration date.

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

1. That it hereby authorizes the above completed project application to the County by the deadline of August 30, 2013, as established by the County; and,
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the City of Hoboken has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,
3. That the City of Hoboken is committed to providing a match for the project as noted in the application; and,
4. That only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement; and,
5. That the City of Hoboken agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,
6. That the Mayor of the City of Hoboken, or her designee, is hereby authorized to execute said Grant Agreement between the City of Hoboken and Hudson County if funded; and,
7. That this resolution shall take effect immediately.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None

---Absent: Castellano

13-419

---By Councilwoman Giattino

RESOLUTION AUTHORIZING THE APPLICATION FOR HUDSON COUNTY OPEN SPACE TRUST APPLICATION AND EXECUTION OF FUNDING AGREEMENT

WHEREAS, the Hudson County Open Space, Recreation, and Historic Preservation Trust Fund (“County Trust Fund”), provides matching grants to municipal governments and to nonprofit organizations who are sponsored by their local municipality for assistance in the development or redevelopment of park improvements; and,

WHEREAS, the City of Hoboken desires to further the public interest by obtaining a matching grant of \$216,000.00 from the County Trust Fund to fund the following project: Hoboken City Hall Sustainability and Historic Preservation Improvement Plan; and,

WHEREAS, the Council of the City of Hoboken has reviewed the County Trust Fund Program Statement, and the Trust Fund Park Improvement application and instructions and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and,

WHEREAS, as part of the application process, the City of Hoboken received public comments on the proposed historical capital rehabilitation project in the application on Saturday, October 20, 2012 at an advertised public meeting at City Hall; and,

WHEREAS, the County of Hudson shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and,

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Hudson for the above named project and ensure its completion on or about the project contract expiration date.

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

1. That it hereby authorizes the above completed project application to the County by the deadline of August 30, 2013, as established by the County; and,

- i. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the City of Hoboken has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,
- ii. That the City of Hoboken is committed to providing a match for the project as noted in the application; and,
- iii. That only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement; and,

5. That the City of Hoboken agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,

6. That the Mayor of the City of Hoboken, or her designee, is hereby authorized to execute said Grant Agreement between the City of Hoboken and Hudson County if funded; and,

7. That this resolution shall take effect immediately.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

---Absent: Castellano

13-420

---Councilman Mello

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH BOYS & GIRLS CLUB OF HUDSON COUNTY (HOBOKEN UNIT)

Whereas, the Board of Directors of the Boys & Girls Club of Hudson County (Hoboken Unit), located at 119 Jefferson Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, a request for Hudson County Community Development Block Grant funds for the provision of Recreation Services within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$5,000 out of available Community Development funds to operate said program within the City of Hoboken; **now therefore, be it –**

Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, **and be it –**

Further Resolved, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and the Boys & Girls Club of Hudson County (Hoboken Unit), and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilman Bhalla

Adopted by the following vote: YEAS: 6 – NAYS: 0 - ABSENT: 1-: ABSTAIN: 1

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

Nays: None.

Absent: Castellano

Abstain: Mason

13-421

---Councilman Mello

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH DAY CARE 100

Whereas, the Board of Directors of Day Care 100, located at 124 Grand Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, a request for Hudson County Community Development Block Grant funds for the provision of Child Care Services within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$28,000 out of available Community Development funds to operate said program within the City of Hoboken; **now therefore, be it –**

Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, **and be it --**

Further Resolved, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and Day Care 100, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilman Bhalla

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

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

13-422

---Councilman Mello

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH
HOBOKEN FAMILY PLANNING**

Whereas, the Board of Directors of Hoboken Family Planning, located at 124 Grand Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, a request for Hudson County Community Development Block Grant funds for the provision of Family Planning Services within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$20,000 out of available Community Development funds and \$3,000 out of available Miscellaneous Program Income funds to operate said program within the City of Hoboken; **now therefore, be it –**

Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, **and be it –**

Further Resolved, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and Hoboken Family Planning, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilman Bhalla
---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 1
---Yeas: Council persons Bhalla, Giattino, Mason, Mello, Occhipinti, Russo and President Cunningham
---Nays: None.
---Absent: Castellano

13-423

---Councilman Mello

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH
HOPES HEAD START**

Whereas, the Board of Directors of HOPES Head Start, located at 301 Garden Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, a request for Hudson County Community Development Block Grant funds for the provision of Child Care Services within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$30,000 out of available Community Development funds and \$17,531 out of available Miscellaneous Program Income to operate said program within the City of Hoboken; **now therefore, be it -**

Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, **and be it --**

Further Resolved, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and HOPES Head Start, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

---Absent: Castellano

13-424

---By Councilman Mello

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH
THE JUBILEE CENTER**

Whereas, the Board of Directors of The Jubilee Center, located at 601 Jackson Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, a request for Hudson County Community Development Block Grant funds for the provision of After School and Summer Programs within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$20,000 out of available Community Development funds to operate said program within the City of Hoboken; **now therefore, be it –**

Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, **and be it –**

Further Resolved, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and The Jubilee Center, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 6 – NAYS: 0 - ABSENT: 1: ABSTAIN: 1

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

---Nays: None.

---Absent: Castellano

---Abstain: Mason

13-425

---By Councilman Mello

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH
MILE SQUARE DAY CARE**

Whereas, the Board of Directors of Mile Square Day Care, located at 301 Garden Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, a request for Hudson County Community Development Block Grant funds for the provision of Child Care Services within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$30,000 out of available Community Development funds and \$49,818 out of available Miscellaneous Program Income funds to operate said program within the City of Hoboken; **now therefore, be it –**

Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, **and be it –**

Further Resolved, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and Mile Square Day Care, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

---Absent: Castellano

13-426

---By Councilman Mello

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH
UNITED CEREBRAL PALSY**

Whereas, the Board of Directors of United Cerebral Palsy, located at 1005 Washington Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, a request for Hudson County Community Development Block Grant funds for the provision of Services within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$2,000 out of available Community Development funds to operate said program within the City of Hoboken; now therefore, be it -

Resolved, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, and be it –

Further Resolved, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and United Cerebral Palsy, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

---Absent: Castellano

13-427

---By Councilman Mello

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

COMMUNITY DEVELOPMENT BLOCK GRANT – CY 2013

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

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

WHEREAS, the City of Hoboken has received notice of an award of \$410,000.00 from Hudson County, Division of Housing & Community Development to amend its CY 2013 Budget to include this amount as revenue and Miscellaneous Program Income \$70,349.00.

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..... \$410,000.00
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:
Community Development Block Grant 2013 O/E

NOW, THEREFORE, BE IT RESOLVED that the like sum of: \$410,000.00
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:
Community Development Block Grant 2013 O/E
Other Expenses

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

---Motion duly seconded by Councilman Bhalla
---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 1
---Yeas: Council persons Bhalla, Giattino, Mason, Mello, Occhipinti, Russo and President Cunningham
---Nays: None.
---Absent: Castellano

13-428
---By Councilman Bhalla

RESOLUTION AWARDDING A CONTRACT TO SYSTEM ONE ALARM SERVICES, INC. FOR THE PROVISIONS OF THE HOBOKEN POLICE DEPARTMENT SECURITY AND FIRE ALARM UPGRADES IN ACCORDANCE WITH THE CITY'S BID NO. 13-07 IN THE TOTAL AMOUNT OF \$89,869.00

WHEREAS, proposals were received for the Hoboken Police Department Security and Fire Alarm Upgrades under Bid No. 13-07; and,

WHEREAS, One (1) bid proposal was received, being:

<u>VENDOR</u>	<u>BASE</u>
System One Alarm Service, Inc. 795 Franklin Avenue Franklin Lakes, New Jersey 07417	\$89,869.00

WHEREAS, pursuant to the recommendation of the City's Purchasing Agent and City Engineer, the City finds that System One Alarm Services, Inc. provided the lowest responsive bid.

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$89,869.00 is available in the following appropriations: \$89,869.00 from C-04-60-711-330 in the 2013 budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2013; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

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

- A. This resolution awards a contract to System One Alarm Services for the Hoboken Police Department Security and Fire Alarm Upgrades under Bid No. 13-07, in the total amount of Eighty Nine Thousand Eight Hundred Sixty Nine Dollars (\$89,869.00).
- B. If the contract, as provided by the City of Hoboken, is not executed by the vendor within 21 days of award, whether due to the vendor's failure to provide the licensure and/or the sample, then this award shall lapse and the City of Hoboken shall have the right to rebid the project.
- C. The contract shall be in accordance with the terms of the specifications and the vendor's corresponding bid proposal documents. No exceptions were noted in the City Purchasing Agent's recommendation; therefore, none will be accepted in performing obligations under the bid.
- D. Any and all changes orders which may become necessary under this contract shall be at the sole discretion of the City Council, and shall be subject to the appropriation of necessary funds.
- E. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor or her agent is hereby authorized to enter into an Agreement with the contractor, subject to the conditions of this award.
- F. This resolution shall take effect immediately upon passage.

---Motion duly seconded by President Cunningham

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

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

13-429

---By Councilman Mello

RESOLUTION AWARDING ELECTRONIC SERVICE SOLUTIONS INC. A CONTRACT UNDER THEIR STATE CONTRACT NO. T0109/83909 FOR MOTOROLA RADIO EQUIPMENT FOR THE DEPARTMENT OF TRANSPORTATION AND PARKING IN AN AMOUNT NOT TO EXCEED \$52,132.31

WHEREAS, the City of Hoboken requires Motorola radio equipment for the Department of Transportation and Parking; and,

WHEREAS, the Administration intends to use Electronic Service Solutions, Inc. under their state contract #T0109/83909, 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 Motorola radio equipment for the Department of Transportation and Parking to Electronic Service Solutions Inc. for a total contract amount of Fifty Two Thousand One Hundred Thirty Two Dollars and Thirty One Cents (**\$52,132.31**), for goods and services as described in the attached proposal of Electronic Service Solutions Inc. dated August 17, 2013; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$52,132.31 is available in the following appropriation 3-31-55-540-200 in the CY2013 budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2013 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 Sixty Six Thousand Six Hundred Seven Dollars (**\$66,607.00**) for Motorola radio equipment for the Department of Transportation and Parking to Electronic Service Solutions Inc. for a total contract amount of Fifty Two Thousand One Hundred Thirty Two Dollars and Thirty One Cents (**\$52,132.31**), for goods and services as described in the attached proposal of Electronic Service Solutions Inc. dated August 17, 2013:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The prices of the attached proposal shall govern the contract, and no changes may be made without the prior written consent of both parties.
3. Any change orders which shall become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
4. The Council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
5. The Mayor, or her designee is hereby authorized to execute an agreement, for the above referenced goods and/or services based upon the following information:

Electronic Service Solutions Inc.
PO Box 3051
West Caldwell, New Jersey 07007

---Motion duly seconded by Councilman Bhalla
---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 1
---Yeas: Council persons Bhalla, Giattino, Mason, Mello, Occhipinti, Russo and President Cunningham
---Nays: None.
---Absent: Castellano

13-430

---By Councilwoman Giattino

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE CONTRACT WITH RSC ARCHITECTS FOR PROFESSIONAL ARCHITECTURAL SERVICES TO THE CITY OF HOBOKEN FOR THE MULTI-SERVICE CENTER FLOOD DAMAGE REPAIRS TO EXPIRE UPON COMPLETION, BUT NOT LATER THAN FEBRUARY 19, 2014, FOR AN INCREASE IN THE NOT TO EXCEED AMOUNT BY SEVENTY THREE THOUSAND FOUR HUNDRED DOLLARS (\$73,400.00), FOR A TOTAL NOT TO EXCEED AMOUNT OF ONE HUNDRED FIFTEEN THOUSAND TWO HUNDRED DOLLARS (\$115,200.00)

WHEREAS, the City entered into a contract with RSC Architects in February of 2013, for architectural services at the Multi-Service Center, and the City now seeks to amend that contract to include additional work to relocate the electrical service and to renovate the hockey rink for additional payment; and,

WHEREAS, *the City wishes to increase the not to exceed amount of the contract in an amount of Seventy Three Thousand Four Hundred Dollars (\$73,400.00), for a total not to exceed amount of One Hundred Fifteen Thousand Two Hundred Dollars (\$115,200.00); and,*

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

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$73,400.00 is available in the following appropriation G-55-56-CD2-301 in the CY2013 budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said budget for the CY2013; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that the contract with RSC Architects to provide the City with architectural services for repair of the Multiservice Center, be amended in accordance with the attached proposal, for a term to expire upon completion of the project, but in no event later than February 19, 2014, with an increase in the not to exceed amount of the contract in an amount of Seventy Three Thousand Four Hundred Dollars (\$73,400.00), for a total not to exceed amount of One Hundred Fifteen Thousand Two Hundred Dollars (\$115,200.00); 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 the vendor; and

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

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

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

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

---Absent: Castellano

13-431

---By Councilwoman Giattino

RESOLUTION REJECTING A BID FOR THE PROVISIONS OF THE LITTLE LEAGUE FIELD BATTING CAGE BUILDING, OTHERWISE KNOWN AS BID NO. 13 – 08, IN ACCORDANCE WITH N.J.S.A. 40A:11-13.2(A) AND (B)

WHEREAS, proposals were received for the provisions of the Little League Field Batting Case Building for the City of Hoboken, as specified in Bid Number 13-08; and,

WHEREAS, one (1) proposal was received; and,

WHEREAS, the proposal was substantially above the budgeted and appropriated amount for the project; and,

WHEREAS, as a result, the Project Engineer, Office of Corporation Counsel and Purchasing Agent recommend that the City Council of the City of Hoboken reject all bid submissions for the provision under Bid No. 13-08, pursuant to N.J.S.A. 40A:11-13.2(a) and (b).

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Hoboken hereby rejects all bid proposals submitted for the provision under Bid No. 13-08, pursuant to N.J.S.A. 40A:11-13.2(a) and (b); and,

BE IT FURTHER RESOLVED that the City Council authorizes the Administration to take any and all steps necessary to properly rebid and contract for the services and provisions necessary for the Little League Field Batting Cage Building.

---Motion duly seconded by Councilman Bhalla

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

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

13-432

---By Councilman Mello

RESOLUTION TO AUTHORIZE AN PROFESSIONAL SERVICE CONTRACT WITH STARR WHITEHOUSE LANDSCAPE ARCHITECTS AS DESIGNER FOR THE CITY OF HOBOKEN FOR THE URBAN PARK PLAN DESIGN FOR BLOCK 12 PARK PROJECT, FOR A MAXIMUM ONE YEAR TERM, AND FOR A TOTAL NOT TO EXCEED AMOUNT OF \$115,400.00

WHEREAS, service to the City as a Landscape Architect 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 Landscape Architect for the Urban Park Plan Design for Block 12 Project, and has chosen Starr Whitehouse Landscape Architects for a one year term, with a not to exceed amount of One Hundred Fifteen Thousand Four Hundred Dollars (\$115,400.00); and,

WHEREAS, *Starr Whitehouse Landscape Architects 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,*

WHEREAS, certification of funds for insurance premiums is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that **\$72,592.25** is available in the following appropriation account **3-01-21-181-036** in the CY2013 budget and **\$42,807.75** is available through the Hudson County Open Space Trust Fund Grant account **G-02-41-300-OS2**; 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 **Starr Whitehouse Landscape Architects** to represent the City as Project Architect, in accordance with the scope of work detailed in their proposal submitted on July 30, 2013, attached hereto, and the RFP for Landscape Architect for Urban Park Plan Design for Block 12 Project; the maximum term shall be one year from the date of award; and, the total not to exceed amount shall be One Hundred Fifteen Thousand Four Hundred Dollars (\$115,400.00) which shall be paid incrementally 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 **Starr Whitehouse Landscape Architects**; and

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

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

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

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: Russo

---Absent: Castellano

13-433

---By Councilwoman Giattino

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH THE RBA GROUP, INC. AS ENGINEER FOR THE CITY OF HOBOKEN FOR THE REDESIGN OF WASHINGTON STREET, FOR A MAXIMUM ONE YEAR TERM, AND FOR A TOTAL NOT TO EXCEED AMOUNT OF \$189,150.00

WHEREAS, service to the City as an 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 Redesign of Washington St., and has chosen the RBA Group, Inc. for a one year term, with a not to exceed amount of One Hundred Eighty Nine Thousand, One Hundred and Fifty Dollars (\$189,150.00); and,

***WHEREAS**, the RBA Group, Inc. 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,*

WHEREAS, certification of funds for insurance premiums is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$189,150.00 is available in the following appropriation account _____ 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 the RBA Group, Inc. to represent the City as Project Engineer, in accordance with the scope of work detailed in their August 1, 2013 proposal, attached hereto, and the RFP for Engineer for the Redesign of Washington Street Project; the maximum term shall be one year from the date of award; and, the total not to exceed amount shall be One Hundred Eighty Nine Thousand, One Hundred and Fifty Dollars (\$189,150.00) which shall be paid incrementally 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 the RBA Group, Inc.; and

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

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

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

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: Russo

---Absent: Castellano

13-434

---By Councilman Bhalla

RESOLUTION TO ACCEPT A GRANT AWARD OF \$15,614.00 FROM THE OFFICE OF THE HUDSON COUNTY PROSECUTOR FOR THE 2013 BYRNE JUSTICE ASSISTANCE GRANT PROGRAM AWARD

WHEREAS, the Department of Public Safety recently was advised that it would receive Fifteen Thousand Six Hundred Fourteen Dollars (\$15,614.00) from the Office of the Hudson County Prosecutor for the 2013 Byrne Justice Assistance Grant (JAG) Program; and

WHEREAS, the Office of the Hudson County Prosecutor has required that the Mayor of City of Hoboken execute an Interlocal Agreement regarding this grant award;

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

A. This resolution authorizes the Administration to accept the JAG grant in the amount of \$15,614.00, as described in the attached Interlocal Agreement; and

B. The Mayor or her agent is hereby authorized to take action to accept the grant award and obtain the provisions contemplated herein; and

C. This resolution shall take effect immediately upon passage.

---Motion duly seconded by President Cunningham

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

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

---Nays: None.

---Absent: Castellano

13-435

---By Councilman Bhalla

RESOLUTION INSERTING A SPECIAL ITEM OF REVENUE INTO THE CY 2013 MUNICIPAL BUDGET

2013 BYRNE JUSTICE ASSISTANCE GRANT PROGRAM AWARD FROM THE OFFICE OF THE HUDSON COUNTY PROSECUTOR

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, 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 \$15,614.00 from the Office of the Hudson County Prosecutor and wishes to amend its CY 2013 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year CY 2013 in the sum of.....\$15,614.00

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:

Revenues Off-set with
Appropriations:

JAG Justice Assist. Grant \$15,614.00

NOW, THEREFORE, BE IT RESOLVED that the like sum of: \$15,614.00
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:

Revenues Off-set with
JAG Justice Assist. Grant \$15,614.00

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 President Cunningham

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

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

---Nays: None.

---Absent: Castellano

13-436

---By Councilwoman Gittiano

A RESOLUTION AUTHORIZING THE (CONTRACTING UNIT) TO ENTER INTO A COOPERATIVE PRICING AGREEMENT

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Middlesex Regional Educational Services Commission, hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on September 3, 2013 the governing body of the City of Hoboken, County of Hudson, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the City of Hoboken.

AUTHORITY

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

- Motion duly seconded by Councilman Bhalla
- Adopted by the following vote: YEAS: 6– NAYS: 1 - ABSENT: 1
- Yeas: Council persons Bhalla, Giattino, Mason, Mello, Occhipinti and President Cunningham
- Nays: Russo
- Absent: Castellano

13-437

---By Councilwoman Gittiano

RESOLUTION AUTHORIZING THE CLOSURE OF A BANK ACCOUNT AT THE RECOMMENDATION OF THE DEPARTMENT OF REVENUE AND FINANCE

WHEREAS, The Department of Revenue and Finance of the City of Hoboken has recommended the closure of the following Bank Account which have been dormant:

City of Hoboken TD Bank HPU Front Office Acct	#4265-36-0093
City of Hoboken TD Bank HPU Multi Meter	#4265-36-0100
City of Hoboken TD Bank HPU Refund	#4241-20-6237
City of Hoboken TD Bank HPU Capital	#4263-45-5242

NOW, THEREFORE, BE IT RESOLVED, that the Department of Revenue & Finance be and is hereby authorized to close the aforementioned bank account and to execute any and all documents necessary for the closure of said accounts; and be it further

RESOLVED, that the TD Bank, which administers the accounts noted above shall be furnished with a certified copy of this resolution.

---Motion duly seconded by Councilman Bhalla
---Adopted by the following vote: YEAS: 6– NAYS: 1 - ABSENT: 1
---Yeas: Council persons Bhalla, Giattino, Mason, Mello, Occhipinti and President Cunningham
---Nays: Russo
---Absent: Castellano

13-438

---By Councilwoman Gittiano

RESOLUTION AUTHORIZING THE CLOSURE OF A BANK ACCOUNT AT THE RECOMMENDATION OF THE DEPARTMENT OF REVENUE AND FINANCE

WHEREAS, The Department of Revenue and Finance of the City of Hoboken has recommended the closure of the following Bank Account which have been dormant:

City of Hoboken Capital One Wanaque #4144012061

NOW, THEREFORE, BE IT RESOLVED, that the Department of Revenue & Finance be and is hereby authorized to close the aforementioned bank account and to execute any and all documents necessary for the closure of said accounts; and be it further.

RESOLVED, that the Capital One Bank, which administers the accounts noted above shall be furnished with a certified copy of this resolution.

---Motion duly seconded by Councilman Bhalla
---Adopted by the following vote: YEAS: 6– NAYS: 1 - ABSENT: 1
---Yeas: Council persons Bhalla, Giattino, Mason, Mello, Occhipinti and President Cunningham
---Nays: Russo
---Absent: Castellano

13-439

---By Councilwoman Gittiano

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 **\$ 68,123.09**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
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Wells Fargo Home Mort. MAC X2302-04D Tax Dept 1 Home Campus Des Moines, IA 50328	20/28/C0028	82 Clinton St	2/13	\$ 118.75
Patel, Parul 123 Jackson St #2B Hoboken, NJ 07030	27/11/C002B	123-125 Jackson St	2/13	\$ 1,612.62
Finiti Title 7090 Samuel Morse Drive Columbia, MD 21046	84/10/C0008	727-29 Jefferson St	3/13	\$ 935.84
Hacker, Jordan 501 Ninth St #207 Hoboken, NJ 07030	89/12/C0207	501 Ninth St	3/13	\$ 456.68
Citi Mortgage, Inc P O Box 23689 Rochester, NY 14692	168/21	636 Park Ave	2/13	\$ 2,739.56
Montuori, John & Emily 1115 Willow Ave #1-09 Hoboken, NJ 07030	173/6/C1-09	1109-1121 Willow Ave	3/13	\$ 1,332.65
Hoboken Holdings LP 3 Manhattanville Road Suite 202 Purchase, NY 10577	230/6.01	2 Hudson Place	3/13	\$52,700.25
Weichert Title Agency 1909 Rte 70 East Cherry Hill, NJ 08003	243/24	1112 Hudson St	3/13	\$ 6,580.87
Salonga, Lu Anne C 211 Fourteenth St #2L Hoboken, NJ 07030	254/12/C002I	211 Fourteenth St	2/13	\$ 1,645.87

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: Russo

---Absent: Castellano

13-440

---By Councilwoman Gittiano

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

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

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

NOW THEREFORE BE IT RESOLVED, that a warrant be drawn on the City Treasurer made payable to the following totaling **\$ 350,542.29**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
Mc Kirdy & Riskin, P.A. Counselors at Law 136 South St P O Box 2379 Morristown, NJ 07962	32/1/C000A	358-368 First St	2012	\$ 3,106.50
Mc Kirdy & Riskin, P.A. Counselors at Law 136 South St P O Box 2379 Morristown, NJ 07962	32/1/C000B	358-368 First St	2012	\$ 1,463.00
Mc Kirdy & Riskin, P.A. Counselors at Law 136 South St P O Box 2379 Morristown, NJ 07962	32/1/C000C	358-368 First St	2012	\$ 2,132.75
Mc Kirdy & Riskin, P.A. Counselors at Law 136 South St P O Box 2379 Morristown, NJ 07962	32/1/C000D	358-368 First St	2012	\$ 1,691.00
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	38/23	216 Madison St 2009		\$ 1,032.47
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	38/23	216 Madison St	2010	\$ 1,091.35
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	38/23	216 Madison St	2011	\$ 1,062.83
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	38/23	216 Madison St	2012	\$ 1,092.50
Schneck Law Group LLC 301 South Livingston Ave Suite 105	38/23	216 Madison St	2013	\$ 1,103.54

Livingston, NJ 07039

Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	49/11	322-332 Jefferson St	2009	\$ 8,901.69
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	49/11	322-332 Jefferson St	2010	\$14,154.34
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	49/11	322-332 Jefferson St	2011	\$18,405.44
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	49/11	322-332 Jefferson St	2012	\$18,919.25
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	49/11	322-332 Jefferson St	2013	\$19,110.43
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	159/18	722 Willow Ave	2009	\$ 3,366.75
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	159/18	722 Willow Ave	2010	\$ 3,558.75
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	159/18	722 Willow Ave	2011	\$ 3,465.75
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	159/18	722 Willow Ave	2012	\$ 3,562.50
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	159/18	722 Willow Ave	2013	\$ 3,598.50
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	162/2	1015-19 Clinton St	2010	\$ 6,144.78

Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	162/2	1015-19 Clinton St	2011	\$ 5,984.20
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	162/2	1015-19 Clinton St	2012	\$ 6,151.25
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	162/2	1015-19 Clinton St	2013	\$ 6,213.41
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	171/14	929 Willow Ave	2009	\$ 3,829.12
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	171/14	929 Willow Ave	2010	\$ 4,047.49
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	171/14	929 Willow Ave	2011	\$ 3,941.71
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	171/14	929 Willow Ave	2012	\$ 4,051.75
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	171/14	929 Willow Ave	2013	\$ 4,092.69
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	180/14.01	527-529 Park Ave	2009	\$ 2,244.50
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	180/14.01	527-529 Park Ave	2010	\$ 2,372.50
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	180/14.01	527-529 Park Ave	2011	\$ 2,310.50
Schneck Law Group LLC	180/14.01	527-529 Park Ave	2012	\$ 2,375.00

301 South Livingston Ave
Suite 105
Livingston, NJ 07039

Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	180/14.01	527-529 Park Ave	2013	\$ 2,399.00
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	189/22	245 Garden St	2009	\$ 1,616.04
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	189/22	245 Garden St	2010	\$ 1,708.20
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	189/22	245 Garden St	2011	\$ 1,663.56
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	189/22	245 Garden St	2012	\$ 1,710.00
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	189/22	245 Garden St	2013	\$ 1,727.28
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	189/40	206 Bloomfield St	2009	\$ 3,407.15
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	189/40	206 Bloomfield St	2010	\$ 3,601.46
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	189/40	206 Bloomfield St	2011	\$ 3,507.34
Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	189/40	206 Bloomfield St	2012	\$ 3,605.25
Schneck Law Group LLC 301 South Livingston Ave Suite 105	189/40	206 Bloomfield St	2013	\$ 3,641.68

Livingston, NJ 07039

Schneck Law Group LLC 190/8 335-337 Garden St 2009 \$17,821.33
301 South Livingston Ave
Suite 105
Livingston, NJ 07039

Schneck Law Group LLC 190/8 335-337 Garden St 2010 \$18,837.65
301 South Livingston Ave
Suite 105
Livingston, NJ 07039

Schneck Law Group LLC 190/8 335-337 Garden St 2011 \$18,345.37
301 South Livingston Ave
Suite 105
Livingston, NJ 07039

Schneck Law Group LLC 190/8 335-337 Garden St 2012 \$18,857.50
301 South Livingston Ave
Suite 105
Livingston, NJ 07039

Schneck Law Group LLC 190/8 335-337 Garden St 2013 \$19,048.06
301 South Livingston Ave
Suite 105
Livingston, NJ 07039

Schneck Law Group LLC 213/8/C0002 221-23 Washington St 2009 \$ 1,113.27
301 South Livingston Ave
Suite 105
Livingston, NJ 07039

Schneck Law Group LLC 213/8/C0002 221-23 Washington St 2010 \$ 1,176.76
301 South Livingston Ave
Suite 105
Livingston, NJ 07039

Schneck Law Group LLC 213/8/C0002 221-23 Washington St 2011 \$ 1,146.01
301 South Livingston Ave
Suite 105
Livingston, NJ 07039

Schneck Law Group LLC 213/8/C0002 221-23 Washington St 2012 \$ 1,178.00
301 South Livingston Ave
Suite 105
Livingston, NJ 07039

Schneck Law Group LLC 213/8/C0002 221-23 Washington St 2013 \$ 1,189.90
301 South Livingston Ave
Suite 105
Livingston, NJ 07039

Schneck Law Group LLC 213/8/C0003 221-23 Washington St 2009 \$ 3,151.28
301 South Livingston Ave
Suite 105
Livingston, NJ 07039

Schneck Law Group LLC 213/8/C0003 221-23 Washington St 2010 \$ 3,330.99

301 South Livingston Ave
Suite 105
Livingston, NJ 07039

Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	213/8/C0003	221-23 Washington St	2011	\$ 3,243.94
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Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	213/8/C0003	221-23 Washington St	2012	\$ 3,334.50
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Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	213/8/C0003	221-23 Washington St	2013	\$ 3,368.20
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Beattie Padovano, LLC Counsellors at Law 50 Chestnut Ridge Road Suite 208 Montvale, NJ 07645-0244	230/10	1 Newark Street	2013	\$ 7,129.83
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Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	269/4	104-106 14 th St	2009	\$ 6,733.50
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Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	269/4	104-106 14 th St	2010	\$ 7,117.50
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Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	269/4	104-106 14 th St	2011	\$ 6,931.50
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Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	269/4	104-106 14 th St	2012	\$ 7,125.00
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Schneck Law Group LLC 301 South Livingston Ave Suite 105 Livingston, NJ 07039	269/4	104-106 14 th St	2013	\$ 7,197.00
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---Motion duly seconded by Councilman Bhalla

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

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

---Nays: Russo

---Absent: Castellano

ORDINANCES

Introduction and First Reading

AN ORDINANCE TO AMEND CHAPTER 59A, ARTICLE VIII TITLED "OFFICE OF EMERGENCY MANAGEMENT," SPECIFICALLY SECTION 59A-53
(PULLED BY ADMINISTRATION)

13-441

Z-250

AN ORDINANCE TO AMEND CHAPTER 190 ENTITLED "VEHICLES AND TRAFFIC" TO AMEND PARKING REGULATIONS RELATING TO PARKING PROHIBITION AND ANGLE PARKING

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

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

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

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

SECTION ONE: AMENDMENTS TO HOBOKEN CODE CHAPTER 190

§ 190-3. Parking prohibited at all times.

In accordance with the provisions of this § 190-3, no person shall park a vehicle at any time upon the following streets or portion thereof except for the pickup and drop off of passengers, in accordance with N.J.S.A. 39:4-139:

Name of Street	Sides	Location
Madison Street	East	Beginning at the southerly curbline of Eleventh Street and extending to the northerly curbline of Fifteenth Street
<u>Sixteenth Street</u>	<u>North</u>	<u>Beginning at the easterly curbline of Willow Avenue and exten to the westerly curbline of Park Avenue</u>

§ 190-6B. No stopping or standing.

B. Stopping or standing prohibited at any time. In accordance with the provisions of this subsection, no person shall stop or stand a vehicle at any time upon any of the following described streets or parts of streets:

Name of Street	Side	Limits
<u>Madison Street</u>	<u>East</u>	<u>Beginning at the northerly curbline of Eleventh Street and extending to the southerly curbline of Twelfth Street</u>
<u>Madison Street</u>	<u>West</u>	<u>Beginning at the northerly curbline of Twelfth Street and extending to a point 225 feet north of the northerly curbline of Thirteenth Street</u>
<u>Madison Street</u>	<u>East</u>	<u>Beginning at a point 145 feet north of the northerly curbline of Thirteenth Street and extending to the southerly curbline of Fifteenth Street</u>
<u>Sixteenth Street</u>	<u>South</u>	<u>Beginning at the easterly curbline of Willow Avenue and extending to the westerly curbline of Park Avenue</u>

§ 190-27. Angle parking locations.

In accordance with the provisions of this § 190-3, no person shall park a vehicle at any time upon the following streets or portion thereof except for the pickup and drop off of passengers:

Name of Street	Sides	Angle	Location
<u>Madison Street</u>	<u>West</u>	<u>45A</u>	<u>From Eleventh Street to Twelfth Street</u>

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

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

President Cunningham moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **September 17, 2013** at 7:00 PM.

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 5 - NAYS: 2 - ABSENT: 1

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

13-442

Z-251

“RESPONSIBLE” BIDDER ORDINANCE

WHEREAS, the City of Hoboken has a compelling interest in ensuring that contracts for construction projects that it undertakes or for which it provides financial assistance are performed promptly, at reasonable costs and with the highest degree of quality; and

WHEREAS, the City of Hoboken also seeks to ensure that job opportunities generated by contracts as described above are also utilized to help local citizens gain access to employment opportunities; and

WHEREAS, the City of Hoboken finds that it is in its best interest to define the term “responsible” as contained in competitive bidding statutes governing its purchases of construction goods and services; and

WHEREAS, the City of Hoboken wishes to ensure that contracts are awarded in an atmosphere that invites competition and guards against favoritism, improvidence, arbitrary conduct, extravagance, fraud and corruption, so as to secure the best work or supplies at the lowest cost practicable; and

WHEREAS, the City of Hoboken possesses great discretion in determining the “lowest responsible bidder” and is entitled to specify the terms of the contract when it solicits bids and the criteria that bidders must meet in order to be considered a “responsible” bidder in the exercise of its proprietary duties and responsibilities; and

WHEREAS, the contracting authority of the City of Hoboken is entrusted with the power to determine whether a respective bidder is the “lowest responsible bidder”; and,

WHEREAS, the City of Hoboken solicits bids and/or proposals on many different types of construction contracts with varying factors affecting each purchasing decision, and therefore must take into account reasonable benefits to the community’s welfare arising from each bid and in the exercise of its proprietary functions,

NOW THEREFORE, BE IT ORDAINED THAT financial responsibility is an important factor in determining the lowest responsible bidder, and the City of Hoboken through its contracting authority, shall require an entity that bids on a public construction contract or on a private construction contract that receives financial assistance produce satisfactory evidence that the business entity is properly registered and authorized to conduct the type of work to be performed, including evidence that demonstrates that the entity possesses or complies with all valid licenses, registrations or certificates required by the federal, state, or county law, as well as complying with the general business license requirements of the City of Hoboken prior to the award and during the term of the contract.

BE IT FURTHER ORDAINED THAT the contracting authority, in order to make its determination as to whether the bidding entity is responsible, shall confirm and substantiate that the contract awardee can reasonably be expected to complete and perform under the contract specifications, and the contracting authority may require the successful bidder to post a bid, performance, wage/fringe benefit and/or material bond(s). The contracting authority shall also determine if the successful bidder can reasonably be expected to complete the project within the time constraints as delineated in the request for bids and/or proposals.

BE IT FURTHER ORDAINED THAT the contracting authority shall also determine if the bidding entity maintains a satisfactory level of past performance and integrity as well as possesses the financial, supervisory, personnel, material, equipment, and other resources and expertise to satisfactorily meet its contractual responsibilities and obligations. The contracting authority shall also determine as a condition

of being deemed “responsible” that the successful bidder has not been debarred by any federal, state, county or local agency or authority within the past three years or has been convicted of any crime related to the construction business.

BE IT FURTHER ORDAINED THAT social responsibility is a concern in awarding public contracts, and the contracting authority shall factor in its determination of whether a bidder is “responsible” such factors as bidder’s record of conformity with environmental, labor, and health and safety laws including compliance with the requirements of the U.S. Department of Labor’s Occupational Safety & Health Administration. The bidder and its subcontractors must participate in an apprenticeship program, registered and approved by the United States Department of Labor, for each separate trade or classification for which it employs craft employees, unless the contractor or subcontractor certifies that every worker shall be paid not less than the journeyworker’s rate established for the apprenticeable trade performed pursuant to P.L.1963, c.150 (C.34:11-56.25 et seq.). All bidders and subcontractors must continue to participate in such apprenticeship programs for the duration of the project. In addition, the bidder and any and all of its subcontractors, will be required to show that such apprenticeship programs provides each trainee with combined classroom and on-the-job training under the direct and close supervision of a highly skilled worker in an occupation recognized as an apprenticeable trade and meets the program performance standards of enrollment and graduation under 29 C.F.R. Part 29, section 29.6. Furthermore, the bidder shall be required to demonstrate and affirm that it is in compliance with the provisions of N.J.S.A C.34:20-1 et. seq “Construction Industry Independent Contractor Act”.

BE IT FURTHER ORDAINED THAT all bidding entities must provide satisfactory evidence that it provides a benefit configuration being no less than required under N.J.S.A. C.34:11-56.25 et seq., the “New Jersey Prevailing Wage Act” is minimally required to demonstrate that a bidding entity is “responsible”. Furthermore, the bidder shall affirm that it has made a good faith effort to provide 25% of all project work hours to residents of City of Hoboken. For the purposes of this section, good faith effort, shall constitute a minimum of at least two community job fairs related to the construction of this project and adherence to the aforementioned provisions of being considered a “responsible bidder”. That should it be established, after awarding of a contract, that any of the information required by this ordinance and provided by the bidding entity to the City of Hoboken was falsified or inaccurate, the contract shall be voided.

BE IT FURTHER ORDAINED THAT if any provision of the ordinance shall be held to be invalid or unenforceable by a court of competent jurisdiction, any such holding shall not invalidate any other provisions of this ordinance and all remaining provisions shall remain in full force and effect.

BE IT FURTHER ORDAINED THAT the following definitions shall govern this ordinance.

A. **Public Construction Contract** shall mean any public construction project for the construction, reconstruction, demolition or renovation of buildings at the public expense, which it is required by law that workers be paid prevailing wage determined by the Commissioner of Labor pursuant to the provisions of the “New Jersey Prevailing Wage Act,” P.L. 1963, c.150(C.34:11-56.25 et seq).

B. **Financial Assistance** shall mean something of economic value provided by the City of Hoboken to a private entity, expressly articulated or identified in writing by the City of Hoboken, including, but not limited to: loans, loan guarantees, grants, tax exemptions, tax abatements, tax incentive financing, and rent subsidies or reductions approved, funded, authorized, administered or provided by the local government entity or any of its instruments in connection with construction.

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 **September 17, 2013** at 7:00 PM.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

---Absent: Castellano

13-443

Z-252

AN ORDINANCE OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, APPROPRIATING THE SUM OF \$400,000 IN FUNDS REPRESENTING THE PROCEEDS OF A GREEN ACRES GRANT FROM THE CAPITAL FUND FOR THE COMPLETION OF VARIOUS IMPROVEMENTS TO ELYSIAN PARK

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. There is hereby appropriated the sum of \$400,000 from the Capital Fund of the City of Hoboken, County of Hudson, New Jersey ("City"), which \$400,000 represents the proceeds of a Green Acres grant from the New Jersey Department of Environmental Protection/Garden State Preservation Trust, to pay a portion of the costs of various improvements to Elysian Park including, but not limited to, the replacement of play equipment and the sprinkler play area, leveling/resurfacing of the basketball court, improvements to the dog run and improvements to the lighting and electrical systems, together with all costs

associated therewith or incidental thereto, all as is currently described and as shall be hereafter described and set forth in the office of the City Administrator.

Section 2. It is hereby determined and stated that the improvements set forth in Section 1 are each a general capital improvement and not a current expense.

Section 3. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the City Clerk and available for inspection.

Section 4. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect after final adoption and publication as required by law.

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 **September 17, 2013** at 7:00 PM.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

---Absent: Castellano

NEW BUSINESS

Director Pellegrini comments on Elysia Park plan and hopes the design and will try to give a date at the next council meeting

Councilwoman Mason comments on the enforcement of riding bikes on sidewalks

BA Wiest comments the current ordinance it is difficult to enforce due to the speed of riding on the sidewalks, you can ride on the sidewalk as long as it's the speed of someone walking

Councilwoman Mason comments on the concern of the motorized bikes

Councilman Mello comments he would like a subcommittee for Tues, Sept. 10th 6:00 PM location TBA – (Russo, Mello and Ravi and Council President)

Councilwoman Mason comments and thanks Congressman Sires regulating the helicopters over the city and trying to deal with the noise level and height level

Councilwoman Mason comments on the contracting of Boswell Engineering and the walkways along the waterfront – private/public

BA Wiest comments that some of the properties were city owned and privately owned to fix the walkways, and will try to locate it and look into it further

Councilwoman Mason comments on the design and waterfront walkway and who owns it,

Councilwoman Mason comments to look into this rotational Towing issue

BA Wiest comments

Councilman Russo comments on the Council President's arrogance

Council President comments

Councilman Russo comments on Maraziti Falcon and Healy contract and reads an email and would like Corporation Counsel's office why it was/was not in violation and if Corporation Counsel to bring up the questions in an email from the last meeting be responded via email

Councilman Bhalla comments on the ribbon cutting for 1600 Park today earlier and it was a commendable effort and partnering with County Government and very proud of it and congratulate for the new park for the City of Hoboken

Councilman Occhipinti comments on correcting the record from the last council meeting regarding Florio Perrucci Steinhardt and Fader and reads their email about their history and asking the City Clerk's office to look into this, next week will be the 12th anniversary of 9-11 memorial and disappointed with the memorial not being completed and hope it will be completed next year, there is a service next week

Councilman Mello comments on 1600 Park ribbon cutting today, a great accomplishment in our city, follow-up regarding the new lights implemented in the County in the SW, there is a timing issue with one of the lights in the SouthWest (Patterson)

Councilman Occhipinti comments and echos on the green light during morning rush and the left turning lane blinking at night

Councilwoman Giattino comments that the 9-11 memorial next Wed. 6:30 at Pier A, the next city council meeting will be Tues. Sept. 17, and also would like to thank Leah Healy and Carol Marsh for 1600 Park.

At 12:12 A.M. the Governing Body on a motion by Councilwoman Giattino duly seconded by the Governing Body

Council President Cunningham then adjourned the meeting at 12:13 A.M.

PRESIDENT OF THE COUNCIL

CITY CLERK