

***THE COUNCIL OF THE CITY OF HOBOKEN***

**DRAFT MINUTES FOR MEETING OF MAY 17, 2017**

---

Council President opened the meeting at 7:08 P.M. and stated, "I would like to advise all those present that notice of this meeting has been provided to the public in accordance with the provisions of the Open Public Meetings Act, and that notice was published in the Jersey Journal and on the City website, copies were provided in the Hoboken Reporter, The Record, The Newark Star-Ledger and also placed on the bulletin board in the lobby of City Hall. If any Councilperson or member of the public believes that this meeting or any portion thereof, is in violation of the Open Public Meetings Act, they are requested to so advise the City Council and City Clerk at this time, or at the time of the believed violation, in accordance with N.J.S.A. 10:4-17. Written objections, if any shall be made in writing to the City Clerk."

**Roll call: Council persons Bhalla, DeFusco, Doyle, Cunningham, Fisher, Mello Ramos Jr., Russo and President Giattino**

**ABSENT:**

**Council President comments that there will be a presentation from the North Hudson Sewerage Authority regarding the pump station in town from Dr. Richard Wolff**

**PRESENTATION FROM THE NORTH HUDSON SEWERAGE AUTHORITY**

**Council President comments that there will be a presentation from All Saints School 4<sup>th</sup> graders**

**PRESENTATION FROM ALL SAINTS SCHOOL**

**Council President comments that she is suspending the agenda and mentions that they are going to pull the old CL1 and hear a new resolution replacing CL1, Corporation Counsel reads the resolution to the public**

**Council President comments that there will be a presentation regarding the Municipal Debt**

**Council President comments that BA Marks and Director of Finance Linda Landolfi will present the Municipal Debt now**

**PRESENTATION ON THE MUNICIPAL DEBT**

**RESOLUTIONS**

**PUBLIC HEARING ON CY 2017 BUDGET AMENDMENT**

No public comments for the CY 2017 BUDGET AMENDMENT

**17-309**

---By Councilwoman Fisher

RESOLUTION TO ADOPT THE AMENDED CY 2017 BUDGET

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

**ORDINANCES**

**2<sup>ND</sup> Readings and Final reading**

~~AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 196 OF THE~~  
~~(ZONING) OF THE MUNICIPAL CODE OF THE CITY OF HOBOKEN (sponsored by~~  
~~Councilman DeFusco and Councilwoman Giattino) (Z-490)~~  
**(Referred to the Planning Board for recommendations, carried to a date certain)**

**Z-491**

---By Councilman Cunningham

AN ORDINANCE AMENDING THE CODE OF THE CITY OF HOBOKEN CHAPTER 86  
"CONSTRUCTION CODES, UNIFORM" AT §3(D)(2)(A) TO REFLECT THE CORRECT  
FEE

**WHEREAS**, §86-3(D)(2)(A) of the Hoboken City Code sets the fire protection  
subcode fees; and,

**WHEREAS**, the fee for the installation of aboveground and below-ground storage  
tanks for Class I, II and III flammable and combustible liquids of 10,001 or more gallons is  
currently listed as \$100; and,

**WHEREAS**, the actual fee for the above should be \$125.00.

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

The Code of the City of Hoboken shall be amended with the following additions and deletions:

**§86-3(D)(2)(A)**

The fire protection subcode fee shall be:

(a) For the installation of aboveground and below-ground storage tanks for Class I, II and III flammable and combustible liquids:

<b>Capacity (gallons)</b>	<b>Fee</b>
Up to 1,000	\$50
1,001 to 5,000	\$75
5,001 to 10,000	\$100
10,001 or more	<del>\$100</del> <u>\$125</u>

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only, however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or parts of ordinances now existing or in effect, unless the same being in conflict or inconsistent with any provision of this Ordinance, shall remain in effect. This Ordinance shall also supersede any inconsistent provisions contained in any resolution previously adopted by the Hoboken City Council.

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

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

---Motion duly seconded by Councilman Mello  
---Adopted by the following vote: Yeas: 9 Nays: 0  
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
---Nays: None.

**Z-492**

---By Councilman Russo

AN ORDINANCE AMENDING CHAPTER 190 OF THE HOBOKEN CITY CODE ENTITLED “VEHICLES AND TRAFFIC” TO AMEND VARIOUS PARKING AND TRAFFIC CIRCULATION REGULATIONS ON NEWARK STREET (**sponsored by Councilman Russo and Councilman DeFusco**) (Z-492)

**WHEREAS**, Newark Street between Madison Street and Willow Avenue is in need of safety improvements as evidenced by the fact that there were thirty-six (36) crashes resulting in nine (9) injuries between 2011 and 2015; and,

**WHEREAS**, the City of Hoboken hired Kimley-Horn to create a plan for designing safety improvements for all roadway users along Newark Street between Jefferson Street and Willow Avenue; and,

**WHEREAS**, a public meeting was held on February 16, 2017 at the Multi-Service Center at 124 Grand Street to solicit community feedback on the proposed Newark Street safety improvements; and,

**WHEREAS**, improvements recommended in the Newark Street Safety Improvements Plan are supported by the City’s Master Plan, Bicycle and Pedestrian Plan, and Complete Streets Policy; and,

**WHEREAS**, the plan recommends numerous pedestrian safety improvements, including four new high-visibility crosswalks, 10 curb extensions, a new mid-block crosswalk between Adams Street and Jefferson Street that connects pedestrians crossing Observer Highway at Henderson Street, new Americans with Disabilities Act (ADA)-compliant curb ramps, and installation of Rectangular Rapid Flashing Beacon (RRFB) signs which have been shown to result in driver stop compliance for pedestrians in uncontrolled crosswalks between 72 and 96 percent; and,

**WHEREAS**, the plan recommends converting the underutilized striped shoulder on the south side of Newark Street into a physically separated eastbound bike lane between Jefferson Street and Willow Avenue, which would help keep vehicles from parking on the sidewalk, reduce the frequency of cyclists riding on the sidewalk, and enhance safety for bicycle riders of all ages and abilities; and,

**WHEREAS**, the plan recommends adding two loading zones on the north side of Newark Street to accommodate residential, commercial, and retail loading and deliveries throughout the corridor in a safe, orderly, and legal manner; and,

**WHEREAS**, all elements of the Newark Street Safety Improvements Plan are consistent with state and federal design standards, including the Federal Highway Administration’s (FHWA) Manual of Uniform Traffic Control Devices (MUTCD), American Association of State Highway and Transportation Officials’ (AASHTO) Guide for the Development of Bicycle Facilities (4<sup>th</sup> Edition), NJ Department of Transportation’s (NJDOT) Roadway Design Manual, the Institute of Transportation Engineers’ (ITE) Designing Walkable Thoroughfares, and the National Association of City Transportation Officials (NACTO) Urban Street Design Guide and Urban Bikeway Design Guide, which

were unanimously approved by City Council in 2013 as the official design guides to be used by City transportation officials, planners, and engineers when designing road projects within the City of Hoboken.

**NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF HOBOKEN,** as follows (additions noted in underline, deletions noted in strikethrough):

**SECTION ONE: AMENDMENTS TO HOBOKEN CODE CHAPTER 190**

**§ 190-11. Loading zones.**

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

<b>Name of Street</b>	<b>Times</b>	<b>Sides</b>	<b>Location</b>
<u>Newark Street</u>	<u>8:00 a.m. to 4:00 p.m.</u> <u>Monday through</u> <u>Saturday</u>	<u>North</u>	<u>Beginning at a point 45 feet west of the westerly curbline of Willow Avenue and extending 40 feet westerly therefrom</u>
<u>Newark Street</u>	<u>8:00 a.m. to 4:00 p.m.</u> <u>Monday through</u> <u>Saturday</u>	<u>North</u>	<u>Beginning at point 25 feet west of the westerly curbline of Adams Street and extending 90 feet westerly therefrom</u>

**§ 190-22. Mid-block crosswalks.**

Pursuant to this §190-22, the herein described location shall be designated as a mid-block crosswalk:

<b>Name of Street</b>	<b>Location</b>
<u>Newark Street</u>	<u>From a point 87 feet east of the easterly curbline of Jefferson Street and extending 22 feet easterly therefrom</u>

**§ 190-47. Streets designated.**

E. The following roadways are hereby designated as bicycle lanes and/or routes:

<b>Street</b>	<b>Begin</b>	<b>End</b>	<b>Class</b>
<u>Newark Street</u>	<u>Jefferson Street</u>	<u>Willow Avenue</u>	<u>I</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 remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION FOUR: EFFECTIVE DATE**

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

**SECTION FIVE: CODIFICATION**

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

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

---Motion duly seconded by Councilman DeFusco

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

**The speakers who spoke:** Patricia Waiters, Dev Nayan, Ron Rosenberg, Utpat Salla, Neil Blecher, Michael Small, Frantz Paetzold

**Council President comments to suspend the agenda to hear CL2**

**Z-493**

---By Councilwoman Fisher

AN ORDINANCE AMENDING THE CODE OF THE CITY OF HOBOKEN BY ADDING A SECTION TO CHAPTER 60 ENTITLED ENVIRONMENTALLY PREFERABLE PURCHASING GUIDELINES

**WHEREAS**, the City of Hoboken seeks to institute practices that reduce waste by increasing product efficiency and effectiveness; and,

**WHEREAS**, the City of Hoboken seeks to purchase products that minimize environmental impacts, toxics, pollution, and hazards to worker and community safety to the greatest extent practicable; and,

**WHEREAS**, the City of Hoboken recognizes that recycled content products are essential to the continuing viability of the City's recycling system; and,

**WHEREAS**, the City of Hoboken seeks to purchase products that include recycled content, are durable and long-lasting, conserve energy and water, reduce greenhouse gas emissions, are lead-free and mercury-free, and use wood from sustainably harvested forests (FSC) when and where possible; and,

**WHEREAS**, by including environmental considerations in purchasing decisions, the City of Hoboken can promote practices that improve public and worker health, conserve natural resources, and reward environmentally conscious manufacturers, while remaining fiscally responsible; and,

**WHEREAS**, taking steps to purchase environmentally preferable products is a high priority in protecting the health, safety, and welfare of Hoboken citizens; and,

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the City of Hoboken has the power to adopt ordinances necessary and proper for the protection of persons and property, and the preservation of the public health, safety and welfare; and,

**WHEREAS**, the goal of this ordinance is to encourage and increase the use of environmentally preferable products and services in the City of Hoboken; and,

**WHEREAS**, the objectives of this ordinance are to:

- Conserve natural resources,
- Minimize environmental impacts such as pollution and use of water and energy,
- Eliminate or reduce toxics that create hazards to workers and our community,
- Support strong recycling markets,
- Reduce materials that are routinely land filled or disposed of,
- Increase the use and availability of environmentally preferable products that protect the environment,
- Identify environmentally preferable products and associated distribution systems,
- Reward manufacturers and vendors with contracts that reduce environmental impacts in their production and distribution systems or services,
- Collect and maintain up-to-date information regarding manufacturers, vendors and other sources for locating/ordering environmentally preferable products,

- Create a model for successfully purchasing environmentally preferable products that encourages other purchasers in our community to adopt similar goals; and,

**WHEREAS**, the City of Hoboken understands that the evaluation and implementation phases of this ordinance will require changes in awareness, behaviors, practices and operating procedures, and to the extent possible, it is the City’s intention to have a participative process as it researches, evaluates and implements the environmentally preferable purchasing guidelines.

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

**The Code of the City of Hoboken in Hudson County shall be amended by the addition of a section in Chapter 60 entitled, “Environmentally Preferable Purchasing Guidelines,” to read as follows:**

**§60-17 Environmentally Preferable Purchasing Guidelines**

Purchasing of supplies shall conform to the following Environmentally Preferable Purchasing Guidelines, when and where possible.

A. Specifications

1. Source Reduction

- a. The City shall institute practices that reduce waste and result in the purchase of fewer products whenever practicable and cost-effective, but without reducing safety or overall workplace quality.
- b. All documents shall be printed and photocopied on both sides (duplex) to reduce the use and purchase of photocopy paper.
- c. Packaging that is reusable, recyclable or compostable shall be preferred, when suitable uses and programs readily exist.
- d. Vendors shall be encouraged to eliminate excess packaging or to utilize the minimum amount necessary for product protection, to the greatest extent practicable.
- e. Products that are durable, long lasting, reusable or refillable shall be preferred whenever available.
- f. The City shall purchase remanufactured products such as toner/printer cartridges, retread tires, furniture, equipment and automotive parts whenever practicable, but without reducing safety, quality or effectiveness.
- g. Vendors of electronic equipment, including but not limited to computers, monitors, printers, fax machines and photocopiers, shall be required to take back the equipment for reuse or environmentally safe recycling when the City discards or replaces such equipment, whenever & where practicable.
- h. Vendors shall be encouraged to take back and reuse wooden pallets and other shipping and packaging materials when and where practicable.



- i. The City shall consider provisions in contracts with vendors of non-electronic equipment that require vendors to take back equipment for reuse or environmentally safe recycling when the City discards or replaces such equipment, whenever practicable.
- j. The Using Agency shall consider short-term and long-term costs in comparing product alternatives, when feasible. This includes the evaluation of the total costs expected during the lifetime of the product, including, but not limited to, acquisition, extended warranties, operation, supplies, maintenance, disposal costs and expected lifetime compared to other alternatives.

## 2. Recycled Content Products

- a. All products for which the United States Environmental Protection Agency (U.S. EPA) has established minimum recycled content standard guidelines in the Agency's Comprehensive Procurement Guidelines (e.g., printing paper, photocopy paper, janitorial paper products, construction, landscaping, parks and recreation, transportation, vehicles, miscellaneous and non-paper office products), shall contain the highest postconsumer content practicable to the application, but no less than the minimum recycled content standards established by the U.S. EPA Guidelines.
- b. Photocopiers and printers purchased or leased by the City shall be compatible with the use of recycled content and remanufactured products.
- c. All pre-printed recycled content papers intended for distribution that are purchased or produced shall contain a statement that the paper is recycled.
- d. The City shall purchase re-refined lubricating and industrial oil for use in its vehicles and other motorized equipment, as long as it is certified by the American Petroleum Institute (API) as appropriate for use in such equipment.
- e. When specifying asphalt concrete, aggregate base or Portland Cement Concrete for road construction projects, the City shall utilize recycled, reusable or reground materials.
- f. The City shall specify and purchase recycled content transportation products, including signs, traffic cones, parking stops, delineators, and barricades, which shall contain the highest postconsumer content practicable.

## 3. Energy & Water Savings

- a. All products purchased by the City and for which the U.S. EPA Energy Star certification is available (e.g., appliances, heating, ventilation, and air conditioning) shall meet Energy Star certification, when practicable and available. When Energy Star labels are not available, the City shall choose energy-efficient products that are in the upper 25% of energy efficiency as designated by the Federal Energy Management Program.
- b. All products purchased by the City and for which the U.S. EPA WaterSense certification is available (e.g., toilets, low-flow faucets and

aerators, and upgraded landscape irrigation systems) shall meet WaterSense certification, when practicable and available.

- c. The City shall replace inefficient interior lighting with energy-efficient equipment and bulbs.
- d. The City shall work with PSE&G to replace inefficient exterior lighting, street lighting and traffic signal lights with energy-efficient equipment and bulbs. Exterior lighting shall be minimized when and where possible to avoid unnecessary lighting of architectural and landscape features while providing adequate illumination for safety and accessibility.

#### 4. Green Buildings & Design

- a. All building and renovations undertaken by the City shall follow Green Building Practices for design, construction, and operation, where appropriate and practicable, as described in the LEED Rating System. Architects and engineers for procured for said work shall be required to have LEED accredited professionals on their staff assigned to the project.
- b. Green building practices should be consistent with the City of Hoboken Green Building Policy (“A resolution of support for the adoption of green building practices for civic, commercial and residential buildings,” October 19, 2011).

#### 5. Landscaping & Hardscaping

- a. All landscape renovations, construction and maintenance performed by the City, including workers and contractors providing landscaping services for the City, shall employ sustainable landscape management techniques for design, construction and maintenance, including, but not limited to, integrated pest management (IPM), grass recycling, drip irrigation, composting, and the procurement and use of mulch and compost that give preference to those products produced from regionally generated plant debris and/or food waste programs.
- b. Native and drought-tolerant plants that require no or minimal watering once established are preferred. Plants should be selected to minimize waste by choosing species for purchase that are appropriate to the microclimate, species that can grow to their natural size in the space allotted to them, and perennials rather than annuals for color variations should be utilized.
- c. Hardscapes and landscape structures constructed of recycled content materials are encouraged.
- d. The City shall limit the amount of impervious surfaces in the landscape. Permeable substitutes, such as porous asphalt, are encouraged for walkways, plazas, and driveways.

#### 6. Toxics & Pollution

- a. The City shall purchase, or require janitorial contractors to supply, industrial and institutional cleaning products that meet and/or exceed the Green Seal Certification Standards for environmental preferability and performance.
- b. The City shall purchase, or require janitorial contractors to supply, vacuum cleaners that meet the requirements of the Carpet and Rug Institute “Green Label” Testing Program.
- c. The City shall purchase materials (e.g., paint, carpeting, flooring materials, furniture) with the lowest amount of volatile organic compounds (VOCs), highest recycled content, and low or no formaldehyde or lead.
- d. The use of chlorofluorocarbon, Halon and Freon containing refrigerants, solvents and other products shall be phased out and new purchases of heating/ventilating/air conditioning, refrigeration, insulation and fire suppression systems shall not contain them.
- e. When replacing vehicles, the City shall consider less-polluting alternatives to gasoline and diesel as may be available for the application (e.g., bio-based fuels, hybrids, electric batteries, and fuel cells).
- f. When maintaining buildings and landscapes, the City shall manage pest problems through prevention and physical, mechanical and biological controls (e.g., Integrated Pest Management), using the least toxic pest control method as a last resort.
- g. The City shall not purchase products that use halogens, polyvinyl chloride (PVC), lead, phthalates and asbestos.
- h. All surfactants and detergents shall be readily biodegradable and, where practicable, shall not contain phosphates.
- i. For products that contain lead or mercury, the City shall give preference to those products with lower quantities of these metals and to vendors with established lead and mercury recovery programs.
- j. The City shall purchase desktop computers, notebooks and monitors purchased that meet, at a minimum, all Electronic Product Environmental Assessment Tool (EPEAT) environmental criteria designated as “required” as contained in the IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products.

7. Forest Conservation

- a. The City shall give preference to wood products that are certified to be sustainably harvested by a comprehensive, performance-based certification system including independent third-party audits when available (e.g., Forest Stewardship Council (FSC) certification).
- b. The City encourages the purchase or use of previously utilized and/or salvaged wood and wood products when available.

8. Bio-Based Products

- a. Bio-based plastic products that are biodegradable and compostable, such as bags, film, food and beverage containers, and cutlery, are encouraged when available.

- i. Compostable plastic products purchased shall meet American Society for Testing and Materials (ASTM) standards as found in ASTM D6400-04.
  - ii. Biodegradable plastics used as coatings on paper and other compostable substrates shall meet ASTM D6868-03 standards.
  - iii. Proof of compliance with ASTM standards for compostable, biodegradable and degradable plastic products shall be provided by vendors of such products, upon request. One acceptable proof of compliance for compostable plastic products shall be the certification by the Biodegradable Products Institute (BPI).
- b. Vehicle fuels made from non-wood, plant-based contents such as vegetable oils are encouraged when available.
  - c. Paper and construction products made from non-wood, plant-based contents such as agricultural crops and residues are encouraged when available.

#### B. Priorities

1. The health and safety of Hoboken workers and citizens is of the utmost importance and takes precedence over all other policies and practices.
2. Nothing contained in this ordinance shall be construed as requiring the City, Purchasing Agent, Business Administrator, Using Agency, or Contractor to procure products that do not perform adequately for their intended use, exclude adequate competition, or are not available at a reasonable price in a reasonable period of time.
3. Nothing contained in this ordinance shall be construed as requiring the City, Purchasing Agent, Business Administrator, Using Agency, or Contractor to take any action that conflicts with local, state or federal requirements.

#### C. Implementation

1. The Business Administrator, Purchasing Agent, Using Agency, and other positions responsible shall implement this ordinance in coordination with other appropriate City personnel.
2. As applicable, successful bidders shall certify in writing that the environmental attributes claimed in competitive bids are accurate. In compliance with New Jersey State Law, vendors shall be required to specify the minimum or actual percentage of recovered and postconsumer material in their products, even when such percentages are zero.
3. Upon request, the Purchasing Agent, Business Administrator, or Using Agency making the selection from competitive bids shall be able to provide justification for product choices that do not meet the environmentally preferable purchasing criteria in this ordinance.

4. Vendors, contractors and grantees shall be encouraged to comply with applicable sections of this ordinance for products and services provided to the City, where practicable.

#### D. Evaluation

1. The Business Administrator, Purchasing Agent, Using Agency, and other positions responsible for implementing this ordinance, shall periodically meet and evaluate the success of implementation.

**The Code of the City of Hoboken in Hudson County shall be amended by the addition of certain definitions to §60-2 Word usage; definitions, as follows:**

American Society for Testing & Materials — ASTM International, an open forum for the development of high quality, market relevant international standards use around the globe.

Bio-Based Products — commercial or industrial products (other than food or feed) that utilize agricultural crops or residues but does not include products made from forestry materials.

Biodegradable Plastic — the degradation of the plastic must occur as a result of the action of naturally occurring microorganisms.

Biodegradable Products Institute (BPI) — a multi-stakeholder association of key individuals and groups from government, industry and academia, which promotes the use, and recycling of biodegradable polymeric materials (via composting). BPI does not create standards but certifies products that demonstrate they meet the requirements in ASTM D6400 or D6868, based on testing in an approved laboratory.

The Carpet & Rug Institute (CRI) — the national trade association representing the carpet and rug industry. CRI has developed and administered the “Green Label” indoor air quality testing and labeling program for carpet, adhesives, cushion materials and vacuum cleaners.

Chlorine Free — products processed without chlorine or chlorine derivatives.

Compostable Plastic — plastic that is biodegradable during composting to yield carbon dioxide, water and inorganic compounds and biomass, at a rate consistent with other known compostable materials and leaves no visually distinguishable or toxic residues.

Contractor — any person, group of persons, business, consultant, designing architect, association, partnership, corporation, supplier, vendor or other entity that has a contract with the City or serves in a subcontracting capacity with the City or with an entity having a contract with the City for the provision of any goods or services.

Degradable Plastic — plastic that undergoes significant changes in its chemical structure under specific environmental conditions.

Dioxins & Furans — a group of chemical compounds that are classified as persistent, bioaccumulative, and toxic by the U.S. Environmental Protection Agency (EPA).

Energy Star — the U.S. EPA’s energy efficiency product labeling program.

Energy Efficient Product — a product that is in the upper twenty-five (25%) percent of energy efficiency for all similar products, or that is at least ten (10%) percent more efficient than the minimum level that meets Federal standards and guidelines.

Electronic Product Environmental Assessment Tool (EPEAT) — a procurement tool to help institutional purchasers in the public and private sectors evaluate, compare and select desktop computers, notebooks and monitors based on their environmental attributes.

Federal Energy Management Program — a program of the Department of Energy that issues a series of Product Energy Efficiency Recommendations that identify recommended efficiency levels for energy-using products.

Forest Stewardship Council (FSC) — a global organization that certifies responsible, on-the-ground forest management according to rigorous standards developed by a broad variety of stakeholder groups.

Green Building Practices — a whole-systems approach to the design, construction, and operation of buildings and structures that helps mitigate the environmental, economic, and social impacts of construction, demolition, and renovation. Green Building Practices such as those described in the LEED IM Rating System, recognize the relationship between natural and built environments and seeks to minimize the use of energy, water, and other natural resources and provide a healthy productive environment.

Green Seal — an independent, non-profit environmental labeling organization. Green Seal standards for products and services meet the U.S. EPA’s criteria for third-party certifiers. The Green Seal is a registered certification mark that may appear only on certified products.

Integrated Pest Management (IPM) — an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates they are needed according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest control materials are selected and applied in a manner that minimizes risks to human health, beneficial and non-target organisms, and the environment.

LEED Rating System means the most recent applicable version of the Leadership in Energy and Environmental Design (LEED™) Rating System approved by the U.S. Green Building Council.

Organic Pest Management — prohibits the use and application of toxic chemical pesticides and strives to prevent pest problems through the application of natural, organic horticultural and maintenance practices. All pest control products shall be in keeping with, but not limited to, those products on the approved list of New Jersey Certified Organic Foods (NJOF).

Postconsumer Material — a finished material which would normally be disposed of as a solid waste, having reached its intended end-use and completed its life cycle as a consumer item, and does not include manufacturing or converting wastes.

Practical and Practicable — whenever possible and compatible with local, state and federal law, without reducing safety, quality, or effectiveness and where the product or service is available at a reasonable cost in a reasonable period of time.

Preconsumer Material — material or by-products generated after manufacture of a product is completed but before the product reaches the end-use consumer. Preconsumer material does not include mill and manufacturing trim, scrap or broke which is generated at a manufacturing site and commonly reused on-site in the same or another manufacturing process.

Recovered Material — fragments of products or finished products of a manufacturing process, which has converted a resource into a commodity of real economic value, and includes pre-consumer and postconsumer material but does not include excess resources of the manufacturing process.

Recycled Content — the percentage of recovered material, including pre-consumer and postconsumer materials, in a product.

Recycled Content Standard — the minimum level of recovered material and/or postconsumer material necessary for products to qualify as “recycled products.”

Recycled Product — a product that meets the City’s recycled content policy objectives for postconsumer and recovered material.

Remanufactured Product — any product diverted from the supply of discarded materials by refurbishing and marketing said product without substantial change to its original form.

Reused Product — any product designed to be used many times for the same or other purposes without additional processing except for specific requirements such as cleaning, painting or minor repairs.

Source Reduction — refers to products that result in a net reduction in the generation of waste compared to their previous or alternate version and includes durable, reusable and remanufactured products; products with no, or reduced, toxic constituents; and products marketed with no, or reduced packaging.

U.S. EPA Guidelines — the Comprehensive Procurement Guidelines established by the U.S. Environmental Protection Agency for federal agency purchases as of May 2002 and any subsequent versions adopted.

Water-Saving Products — WaterSense products or those that are in the upper twenty-five (25%) percent of water conservation for all similar products, or at least ten (10%) percent more water-conserving than the minimum level that meets the Federal standards.

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only, however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or parts of ordinances now existing or in effect, unless the same being in conflict or inconsistent with any provision of this Ordinance, shall remain in effect. This Ordinance shall also supersede any inconsistent provisions contained in any resolution previously adopted by the Hoboken City Council.

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

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

---Motion duly seconded by Councilman Ramos

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

**Z-494**

---By Council President Giattino

AN ORDINANCE AMENDING CHAPTER 168 OF THE HOBOKEN CITY CODE ENTITLED "STREETS AND SIDEWALKS" TO EXTEND HOURS AT PROPELY LICENSED SIDEWALK CAFES

**WHEREAS**, the City of Hoboken's restaurants are typically slower in the summer months, a time when the weather lends itself to outdoor dining; and,

**WHEREAS**, extending the hours of operations of sidewalk cafes during summer months will allow for an extra hour of outdoor dining for residents and visitors; and

**WHEREAS**, the 2016 extended hour pilot program determined the extended hours in summer months were beneficial to the community and businesses.

**NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF HOBOKEN**, as follows (additions noted in underline, ~~deletions noted in strikethrough~~):

**SECTION ONE: AMENDMENTS TO HOBOKEN CODE CHAPTER 168-51 TERMS OF LICENSE; DATES AND HOURS OF OPERATION, SECTION D**

**§ 168-51(D.)**



- D. Hours of operation shall be between 8:00 a.m. and 11:00 p.m. seven days a week except as permitted in Section E of this article; and except that no alcoholic beverages, when permitted under this article, shall be served in a sidewalk cafe before 11:00 a.m. or when restricted by state of local alcoholic beverage control (ABC) laws.
- E. Between Memorial Day and Labor Day each calendar year; on Thursday, Friday, and Saturday of each week; hours of operations shall be between 8:00 a.m. and 12:00 a.m.

## **SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS**

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

## **SECTION THREE: SEVERABILITY**

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

## **SECTION FOUR: EFFECTIVE DATE**

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

## **SECTION FIVE: CODIFICATION**

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

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

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

## PUBLIC COMMENTS

**The speakers who spoke:** Karen Blumenfeld, Cheryl Fallick, Margaret O'Brien, Patricia Waiters, Maria Pepe, John Kara, Mary Ondrejka, Hany Ahmed, Elizabeth Adams

**Council President comments to Corporation Counsel on Interim use and the four (4) family which is now turned to a (3) three family**

**Councilman Ramos comments on investigating**

## PETITIONS AND COMMUNICATIONS

### 17-310

#### **Miscellaneous Licenses**

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

**Received and filed**

## REPORTS FROM CITY OFFICERS

### 17-311

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of April 2017 **\$16,095,028.25 (Abatement Totals -\$327,794.45)**

### 17-312

A report from Municipal Court indicating receipts for the month of April 2017 as **\$373,969.80**

**Received and filed**

### 17-313

#### CLAIMS

Total for this agenda **\$2,269,188.35**

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

**Received and Filed**

**PAYROLL**

**17-314**

**For the two week period starting April 20, 2017 – May 3, 2017**

<b>Regular Payroll</b>	<b>O/T Pay</b>	<b>Other Pay</b>
\$1,752,456.91	\$94,542.26	\$408,457.01
<b>Total</b>		
\$2,255,456.18		

**17-315**

**For the two week period starting March 9, 2017 – Mar. 22, 2017**

<b>Regular Payroll</b>	<b>O/T Pay</b>	<b>Other Pay</b>
\$1,726,886.13	\$87,856.49	\$152,214.99
<b>Total</b>		
\$1,966,957.61		

---Adopted by the following vote: Yeas: 9 Nays: 0  
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
---Nays: None.

**Received and filed**

**PUBLIC COMMENTS ON RESOLUTIONS**

Patricia Waiters comments on CL6  
Corporation Counsel comments on voting on CC2

**CONSENT AGENDA** - A1 - A5, CC1, E1, E2, F2, PS1, PS2, TS1, TX1, CL2, CL3, CL5,

---Adopted by the following vote: Yeas: 9 Nays: 0  
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
---Nays: None.

**Consent Agenda defined: All items listed with an asterisk (\*) are considered to be routine business by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a council member or citizen**

**so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda.**

Pulled from the agenda for discussion: CL1, CL4  
Removed by Administration:

**RESOLUTIONS (continued)**  
**Administration**

**17-316**

---By Councilwoman Fisher

RESOLUTION AWARDING A CONTRACT TO SAL ELECTRIC CO., INC. FOR GENERAL ELECTRICAL SERVICES TO THE CITY OF HOBOKEN IN ACCORDANCE WITH THEIR BERGEN COUNTY COOPERATIVE PURCHASING CONTRACT IN THE AMOUNT OF **\$60,000.00** FOR A PERIOD OF ONE (1) YEAR

**WHEREAS**, N.J.S.A. 40A:11-5 permits municipalities to award public contracts without public bidding when the vendor is an approved state contractor or part of an approved national cooperative, and Sal Electric Co., Inc. has been approved for Bergen County Cooperative Purchasing Contract 13-131.1, which cooperative the City is a part of; and,

**WHEREAS**, the City requires a per diem electrical services contractor to perform general electrical services for City property, including time and material; and,

**WHEREAS**, the Administration recommends awarding a contract for the required electrical services to Sal Electric Co., Inc., in accordance with their state contract in the not to exceed amount of \$60,000.00 for a period of one year to expire May 17, 2018.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken, that a contract is awarded to Sal Electric Co., Inc. in accordance with Bergen County Cooperative Purchasing Contract 13-131.1 in the not to exceed amount of \$60,000.00 for a period of one (1) year to expire May 17, 2018; and,

1. The above recitals are incorporated herein as though fully set forth at length.
2. 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.
3. The Mayor or her designee is hereby authorized to execute an agreement with:

SAL ELECTRIC CO., INC.  
83 FLEET STREET  
JERSEY CITY, NJ 07306

---Motion duly seconded by Councilman Ramos  
---Adopted by the following vote: Yeas: 9 Nays: 0  
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
---Nays: None.

**17-317**

---By Councilman Mello

RESOLUTION APPROVING A CHANGE ORDER TO THE CITY'S CONTRACT WITH FLANAGAN'S CONTRACTING GROUP INC., FOR THE SOUTHWEST BLOCK 12 PARK PROJECT IN THE TOTAL AMOUNT OF **\$69,990.36** FOR A 7.38% INCREASE IN THE ORIGINAL CONTRACT AMOUNT

**WHEREAS**, the City Council of the City of Hoboken awarded a contract to Flanagan's Contracting Group, Inc., for the Southwest Block 12 Park Project by way of resolution dated May 18, 2016, pursuant to their bid proposal in the amount of \$4,907,567.50; and,

**WHEREAS**, the City Council previously approved change orders in the amount of \$292,505.77, increasing the contract price by 5.96% for a new total contract amount of \$5,200,073.27; and,

**WHEREAS**, the City received the attached correspondence from Suburban Consulting Engineers regarding Change Order # 14-17 to the contract with Flanagan's Contracting Group; and,

**WHEREAS**, according to Suburban Consulting, the change order is necessary to complete the Southwest Block 12 Park Project; and,

**WHEREAS**, it is requested that the City Council approve Change Order #14-17 in the amount of \$69,990.36 for additional labor, equipment and material for modifications related to the concrete revisions and additions on the terraced seating sub-structure; and,

**WHEREAS**, this change order will increase the contract amount to \$5,270,063.63; and,

**WHEREAS**, this change order equates to a 1.34% increase from the current contract amount of \$5,200,073.27, and the total contract has been increased by 7.38% from the original contract amount of \$4,907,567.50.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken, that Change Order #14-17 in the amount of \$69,990.36 is approved as delineated above.

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

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

**17-318**

---By Councilwoman Fisher

**RESOLUTION EXERCISING THE CITY'S OPTION TO EXTEND THE CONTRACT WITH ACCURATE LANGUAGE SERVICES FOR ONE YEAR IN THE AMOUNT OF \$50,812.00**

**WHEREAS**, proposals were received for Bid Number 14-04 for Language Interpreter/Translation services to be provided in the Hoboken Municipal Court; and,

**WHEREAS**, the City subsequently awarded a two (2) year contract to Accurate Language Services; and,

**WHEREAS**, the contract provided the City with the option to extend the contract for an additional two years; and,

**WHEREAS**, the initial term of the contract was set to expire on May 7, 2016; and,

**WHEREAS**, pursuant to the attached Resolution dated June 1, 2016, the City exercised its right to extend the contract for one additional one year; and,

**WHEREAS**, the City now seeks to exercise its option to extend the contract for another additional year, which is the final extension authorized by the contract; and,

**WHEREAS**, the Administration recommends extending the City's contract with Accurate Language Services for a period of one year in the not to exceed amount of \$50,812.00 to expire May 7, 2018.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken, that the City's contract with Accurate Language Services will be extended for one

year in the amount of \$50,812.00 for language interpreter/translation services in the Municipal Court, which will expire on May 7, 2018; and,

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately, subject to the following conditions:

- 1) The remainder of the terms and conditions shall be in accordance with the original agreement and all attachments thereto; and,
- 2) The Mayor or her designee is hereby authorized to take the necessary steps to enter into an amendment to the contract and any other steps necessary to effectuate this resolution; and,
- 3) This resolution shall take effect immediately.

---Motion duly seconded by Councilman Ramos

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

**17-319**

---By Councilwoman Fisher

**RESOLUTION AUTHORIZING AN ADDENDUM TO THE CONTRACT WITH FOGGIA TRINITY ELECTRIC FOR THE INTERSECTION IMPROVEMENTS AT HARRISON STREET/JACKSON STREET AND OBSERVER HIGHWAY PROJECT**

**WHEREAS**, pursuant to Resolution No.: TS2 dated March 15, the City awarded a contract to Foggia Trinity Electric (“Foggia”) to perform construction services for the Intersection Improvements At Harrison Street/Jackson Street And Observer Highway Project, as delineated in Bid No. 17-03; and,

**WHEREAS**, the City wishes to enter into the attached addendum to the contract with Foggia; and,

**WHEREAS**, the attached addendum proposes that the City will allow Foggia to utilize 20,000 square feet of Block 103, Lots 7-26, which is an Industrial Zoning District, for staging during the construction project; and,

**WHEREAS**, McGuire Associates, LLC performed an analysis of an Industrial Zoning District to determine the fair rental value of the property; and,

**WHEREAS**, in consideration for utilizing 20,000 square feet of City owned property during the project, Foggia will pay the City \$3,600.00 per month, which is the fair rental value of the property.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken that the City is authorized to execute an addendum to the contract with Foggia allowing Foggia to utilize 20,000 square feet of City owned property, for staging purposes during the Intersection Improvements at Harrison Street/Jackson Street and Observer Highway Project, at a rate of \$3,600.00 per month; and,

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately, subject to the following conditions:

1. The above recitals are incorporated as if fully set forth at length.
2. The Council hereby authorizes Corporation Counsel to make reasonable amendments to the attached addendum if necessary, so long as the amendments do not fundamentally alter any of the terms.
3. The remainder of the terms and conditions shall be in accordance with the original agreement and all attachments thereto.
4. This resolution shall be effective immediately.
5. The Council hereby authorizes the Mayor or her designee to execute any and all documents and take any and all actions necessary to realize the intent and purpose of this resolution with:

Foggia Trinity Electric  
1608 East 2<sup>nd</sup> Street  
Scotch Plains, New Jersey 07076

---Motion duly seconded by Councilman Ramos

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

**17-320**

---By Councilwoman Fisher

**RESOLUTION APPROVING A CHANGE ORDER TO THE CITY'S CONTRACT WITH EASTERN DATACOMM FOR THE CITY HALL TELEPHONE PROJECT IN THE TOTAL AMOUNT OF \$4,544.50 FOR A 4.5% INCREASE TO THE ORIGINAL CONTRACT AMOUNT**

**WHEREAS**, the City Council of the City of Hoboken awarded a contract to Eastern Datacomm for the City Hall Telephone Project by way of resolution dated October 5, 2016, pursuant to their bid proposal in the amount of \$100,488.00; and,

**WHEREAS**, the City received the attached quotes from Eastern Datacomm for Change Order # 1, #2, and #3; and,



**WHEREAS**, change order #1, in the amount of \$2,527.00, is necessary to provide redundant equipment so the phone system will continue to function in the event of an appliance failure; and,

**WHEREAS**, change order #2, in the amount of \$600.00, is necessary to provide patch cables to connect the fiber riser cabling between floors to the HP data POE switches; and,

**WHEREAS**, change order #3, in the amount of \$1,417.50, is necessary to provide cables to connect existing desktop PC's and printers to the new data jacks; and,

**WHEREAS**, the total of change orders #1, #2, and #3 is \$4,544.50 will increase the total contract amount by 4.5% to a new contract amount of \$105,032.50; and,

**WHEREAS**, it is requested that the City Council approve Change Order #1, #2, and #3 in the total amount of \$4,544.50.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken, that Change Order #1, #2, and #3, in the total amount of \$4,544.50, are approved as delineated above.

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

---Motion duly seconded by Councilman Ramos

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

### Community Development

#### 17-321

---By Councilman Cunningham

RESOLUTION OF THE CITY OF HOBOKEN AUTHORIZING THE EXECUTION OF AN INTERIM COST AND CONDITIONAL DESIGNATION AGREEMENT WITH PUBLIC SERVICE ELECTRIC & GAS COMPANY INCLUDING PROVISIONS FOR AN ESCROW DEPOSIT TO DEFRAY THE CITY'S COSTS INCURRED IN THE NEGOTIATION OF A REDEVELOPMENT AGREEMENT

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the "Act"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and,

**WHEREAS**, the City desires that a portion of the land located within an area which has been determined to be an area in need of redevelopment in accordance with the Act, also known as Block 102, Lot 1 on the Tax Map of the City of Hoboken, more commonly referred to as 1101 Monroe Street / 1100 Madison Street (the "Madison Street Property" or the "Project Site"), be redeveloped in accordance with the Northwest Redevelopment Plan, as same has been amended from time to time (the "Redevelopment Plan"); and,

**WHEREAS**, pursuant to the terms of an Agreement for Transfer of Real Property by and between the City and PSE&G (the "Land Swap Agreement"), the execution of which was authorized by Resolution of the City Council of the City of Hoboken on April 19, 2017, PSE&G intends to acquire and redevelop the Project Site as further described herein; and,

**WHEREAS**, PSE&G owns certain real property adjacent to the Madison Street Property on which it operates an electrical substation (the "Madison Street Substation"); and,

**WHEREAS**, PSE&G also owns the real property known as Block 35, Lots 1, 2, 3, 4.01, 5.01, 5.02, 33, 34, 35 and 36 on the Tax Map of the City of Hoboken, more commonly referred to as 201-209 Marshall Street and 200-206 Harrison Street (the "Marshall Street Property") on which it operates another electrical substation (the "Marshall Street Substation"); and,

**WHEREAS**, PSE&G seeks to consolidate and combine the Marshall Street Substation into a single expanded Madison Street Substation and raise the elevation of the Madison Street Substation to prevent electrical outages caused by flooding of the type experienced during Superstorm Sandy; and,

**WHEREAS**, PSE&G has proposed designing and constructing the expanded Madison Street Substation along the lines of what is reflected in the Madison Street Substation Layout drawing (the "Proposal"), a copy of which is attached hereto, or as otherwise may be agreed by the City and PSE&G (the "Project"); and,

**WHEREAS**, the Project would not only be beneficial to the citizens of the City by providing increased resilience and reliability of electrical service but would also further the overall redevelopment of the Northwest Industrial Area; and,

**WHEREAS**, PSE&G now seeks to be designated the exclusive Conditional Redeveloper of the Project Site; and,

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

**WHEREAS**, accordingly, the City has prepared a form of Interim Cost and Conditional Designation Agreement, a copy of which is attached hereto as **Exhibit A**, whereby PSE&G would pay the reasonable costs incurred by the City in reviewing and further evaluating the Proposal, negotiating and drafting a Redevelopment Agreement (should a Redevelopment Agreement ultimately be executed), and all other costs and expenses related to this matter, prior to either the execution of a Redevelopment Agreement or a determination by the City that a Redevelopment Agreement cannot be executed, as the case may be.

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

1. The Mayor is hereby authorized to execute an Interim Cost and Conditional Designation Agreement between the City of Hoboken and PSE&G, in a form substantially as that attached hereto as **Exhibit A**.
2. Staff and consultants to the City are hereby authorized and directed to take all other administrative actions to implement this Resolution as are necessary and appropriate to accomplish its goals and intent.
3. This Resolution shall be effective immediately.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

**Corporation Counsel**

**17-322**

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE HOBOKEN FIRE DEPARTMENT TO ENTER INTO  
A MEMORANDUM OF AGREEMENT WITH THE UNITED STATES COAST GUARD  
SECTOR NEW YORK

**WHEREAS**, a common goal of the United States Coast Guard (“USCG”) and the Hoboken Fire Department is to ensure the timely and thorough notification of all confirmed maritime distress incidents to all potential response agencies; and,

**WHEREAS**, due to the increase in popularity of wireless communications in the United States maritime environment, many mariners now use cellular telephones as a primary or secondary means of communication on the water; and,

**WHEREAS**, although the Coast Guard discourages use of cellular telephones as a primary means of distress alerting, it is expected this problem will persist; and,

**WHEREAS**, in maritime incidents involving vessels, it is probable that distress alerting will be attempted via cellular or landline telephone and that the distress calls will be directed to the 911 emergency response systems; and,

**WHEREAS**, the purpose of the attached Memorandum of Agreement (“MOA”) is to formalize the Parties’ expectations relative to the communication of confirmed maritime distress incidents between the USCG’s Sector New York’s Command Center (SECNY) and the Hoboken Fire Department; and,

**WHEREAS**, in particular, the MOA seeks to formalize the mechanism to be used and process to be implemented when a confirmed maritime distress call is received by either SECNY or the Hoboken Fire Department; and,

**WHEREAS**, the Administration recommends that the terms memorialized in the attached Memorandum of Agreement be accepted by the City Council of the City of Hoboken.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken that  
The Hoboken Fire Department is hereby authorized to enter into the attached Memorandum  
of Agreement with the United States Coast Guard; and:

1. The above recitals are incorporated as if fully set forth at length.
2. The Council hereby authorizes the Mayor or her designee to execute any and all documents  
and take any and all actions necessary to realize the intent and purpose of this resolution.
3. This resolution shall be effective immediately.

---Motion duly seconded by Councilman Mello  
---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
---Nays: None.

**17-323**

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO ENTER INTO A SETTLEMENT AGREEMENT IN THE MATTER OF P.B.B. V. CITY OF HOBOKEN, ET AL.

**WHEREAS**, the City is involved in the litigation matter P.P.B. v. City of Hoboken, et al. which is currently pending in the United States District Court for the District of New Jersey bearing Civil Action Number 2:16-cv-07672-JMV-JBC; and,

**WHEREAS**, the parties have been negotiating a settlement and have come to mutually agreeable terms which have been memorialized in a Settlement Agreement; and,

**WHEREAS**, the City Council has received advice from Special Council Lite DePalma Greenberg, LLC in a closed session with regards to the proposed settlement; and,

**WHEREAS**, the City Council wishes to authorize the Administration to enter into the proposed Settlement Agreement in order to resolve the matter P.P.B. v. City of Hoboken et al.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken, that the Mayor or the Mayor's designee may execute the proposed Settlement Agreement to resolve the pending matter of P.P.B. v. City of Hoboken, et al. bearing Civil Action Number 2:16-cv-07672-JMV-JBC; and,

**BE IT FURTHER RESOLVED**, that the Mayor or the Mayor's designee may take any further action as necessary to complete the intent and purpose of this resolution.

---Motion duly seconded by Councilman Mello  
---Adopted by the following vote: Yeas: 9 Nays: 0  
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
---Nays: None.

**Environmental Services**

**17-324**

---By Councilman Cunningham

RESOLUTION AWARDING A CONTRACT TO USA ENVIRONMENTAL  
MANAGEMENT, INC. FOR ENVIRONMENTAL REMEDIATION SERVICES AT THE  
HOBOKEN MULTI-SERVICE CENTER

**WHEREAS**, USA Environmental has been prequalified to provide LSRP services to the City in accordance with Resolution A1 dated January 4, 2017; and,

**WHEREAS**, USA Environmental was retained by way of resolution dated May 6, 2015 to resolve outstanding issues at the Multi-Service Center related to historic discharge from a former underground storage tank at the site, and bring the site into compliance with NJDEP Standards; and,

**WHEREAS**, the results of soil and chemical testing indicate that the discharge may have been remediated through natural processes; and,

**WHEREAS**, additional work is necessary to document that the soil and groundwater complies with NJDEP Standards and to issue an Area of Concern Unrestricted Use Response Action Outcome for the tank and related discharge; and,

**WHEREAS**, the Administration recommends awarding a contract to USA Environmental Management, Inc. for the additional work required in accordance with their attached proposal in the amount of \$7,820.50 for a period of one (1) year to expire May 17, 2018.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken, that a contract is awarded to USA Environmental Management, Inc. to perform additional environmental services at the Multi-Service Center as delineated in the attached proposal in the not to exceed amount of \$7,820.50 for a period of one (1) year to expire May 17, 2018; and,

1. The above recitals are incorporated herein as though fully set forth at length.
2. 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.
3. The Mayor or her designee is hereby authorized to execute an agreement with:

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

**17-325**

---By Councilman Cunningham

**RESOLUTION AWARDING A CHANGE ORDER TO THE CITY'S CONTRACT WITH CRIDEL GROUP, INC. FOR THE 9/11 MEMORIAL PROJECT IN THE INCREASED AMOUNT OF \$25,112.10 FOR A 5.16% INCREASE IN THE TOTAL CONTRACT AMOUNT**

**WHEREAS**, by way of Resolution No. E3 dated March 15, 2017, the City Council of the City of Hoboken awarded a contract to Crisdel Group, Inc. for landscaping and electrical contracting services for the 9/11 project in the amount of \$487,000.00; and,

**WHEREAS**, Crisdel then submitted the attached change order request, which requests an increase in the contract amount by \$25,112.10 to take into account the differing site conditions that have been encountered at the site; and,

**WHEREAS**, the requested change order will increase the total contract amount by 5.16%.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken that the attached change order request is hereby approved, increasing the contract amount by \$25,112.10, for a new total contract amount of \$512,112.10; and,

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the referenced Crisdel Group, Inc. change order request shall govern the change order, and no changes may be made without the prior written consent of both parties.
3. Any further change orders which shall become necessary hereafter 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.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

**Finance**

**17-326**

---By Councilwoman Fisher

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY CONFIRMING THE DETAILS OF THE SALE OF THE CITY'S**

GENERAL OBLIGATION BONDS, SERIES 2017B, AND GENERAL OBLIGATION BONDS, SERIES 2017C, TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION PURSUANT TO THE 2017 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM

**WHEREAS**, the City of Hoboken, County of Hudson, New Jersey ("City") has determined there exists a need for the Construction of Southwest Resiliency Park (Block 12) for Open Space Preservation and a Storm-water Management and Flood Control System ("2017 Project") as described in that certain Loan Agreement ("Trust Loan Agreement") to be entered into between the City and the New Jersey Environmental Infrastructure Trust ("Trust") and that certain Loan Agreement ("Fund Loan Agreement"; together with the Trust Loan Agreement, the "Loan Agreements") to be entered into between the City and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection ("State"), all pursuant to the 2017 New Jersey Environmental Infrastructure Trust Financing Program; and,

**WHEREAS**, the City has determined to finance the acquisition, construction, renovation and installation of the 2017 Project with the proceeds of a loan to be made by each of the Trust ("Trust Loan") and the State ("Fund Loan"; together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively; and,

**WHEREAS**, to evidence the Loans, each of the Trust and the State require the City to authorize, execute and deliver its General Obligation Bonds, Series 2017B, to the Trust ("2017B Bonds"), and its General Obligation Bonds, Series 2017C, to the State ("2017C



Bonds"; together with the 2017B Bonds, the "2017 Bonds"), pursuant to the terms of applicable law and pursuant to the terms of the Loan Agreements; and,

**WHEREAS**, pursuant to the Local Bond Law, constituting Chapter 169 of the Laws of the State of New Jersey the City Council of the City has, pursuant to Bond Ordinance No. Z370, duly and finally adopted and published in accordance with the requirements of the Local Bond Law ("Bond Ordinance"), authorized the issuance of general obligation bonds or bond anticipation notes of the City to finance the costs of the 2017 Project; and,

**WHEREAS**, pursuant to a resolution adopted by the City Council on March 1, 2017 ("Authorizing Resolution"), the City authorized and approved the issuance and sale of up to \$4,840,150 of the 2017 Bonds of the City, consisting of the City's 2017B Bonds, and the City's 2017C Bonds, to finance the costs of the 2017 Project; and,

**WHEREAS**, *N.J.S.A. 40A:2-27(a)(2)*, allows for the sale of the 2017B Bonds and the 2017C Bonds to the Trust and the State, respectively, without any public offering, and *N.J.S.A. 58:11B-9(a)* allows for the sale of the 2017C Bonds to the Trust, without any public offering, all under the terms and conditions set forth herein; and,

**WHEREAS**, the Trust has sold its bonds to fund the Trust Loan, thereby enabling the City to confirm the exact aggregate principal amount of and debt service schedule for each series of the 2017 Bonds.

**NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City Of Hoboken, County Of Hudson, New Jersey, pursuant to the Local Bond Law (not less than two-thirds of all the members thereof affirmatively concurring), as follows:**

**Section 1.** The sale of the 2017B Bonds to the Trust and the 2017C Bonds to the State is hereby authorized, approved, ratified and confirmed. The 2017B Bonds and the 2017C Bonds shall be released from escrow in accordance with the terms of the escrow agreement between the Trust, the State, the escrow agent and the City ("Escrow Agreement")

and thereby issued in accordance with the principal amount, interest rates and maturity schedule set forth on Schedules "A" and "B" attached hereto and made a part hereof.

**Section 2.** All actions heretofore taken and documents prepared or executed by or on behalf of the City by the Mayor, Administrator, Director of Finance, Chief Financial Officer, City Clerk, other City officials or by the City's professional advisors, in connection with the issuance and sale of the 2017 Bonds or the 2017 Project are hereby ratified, confirmed, approved and adopted.

**Section 3.** The Mayor, Chief Financial Officer or City Clerk are each hereby authorized to determine all matters and execute all documents and instruments in connection with the 2017 Bonds or the 2017 Project not determined or otherwise directed to be executed by the Local Bond Law, the Bond Ordinance, or by this or any subsequent resolution, and the signature of the Mayor, Chief Financial Officer or City Clerk on such documents or instruments shall be conclusive as to such determinations.

**Section 4.** All resolutions, or parts thereof, inconsistent herewith or with the Authorizing Resolution, are hereby rescinded and repealed to the extent of any such inconsistency.

**Section 5.** This resolution shall take effect immediately upon adoption this 17th day of May, 2017.

---Motion duly seconded by Councilman Ramos

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

### **Health and Human Services**

#### **17-327**

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE PROCUREMENT OF HOBOKEN MINIATURE GOLF CONCESSION AT THE NORTHWEST POP-UP PARK THROUGH THE USE OF COMPETITIVE CONTRACTING IN ACCORDANCE WITH N.J.A.C. 5:34-9.4 AND N.J.S.A. 40A:11-4.1(J)

**WHEREAS**, in December 2016 the City of Hoboken acquired the former 6.1 acre BASF property in northwest Hoboken; and,

**WHEREAS**, in February 2017 the City Council approved the design of a temporary 4-acre “pop-up” park for the public to use and enjoy until the permanent park planned for the former BASF property can be constructed; and,

**WHEREAS**, the design of the temporary 4-acre “pop-up park” includes a miniature golf course; and,

**WHEREAS**, the City requires a concession to install, operate, and maintain said miniature golf course; and,

**WHEREAS**, the total value of the concession and the anticipated value of the revenue and/or services to be received by the City cannot be precisely determined at this time; and,

**WHEREAS**, the basis of the ultimate award or awards will be based upon competitive contracting in accordance with N.J.S.A. 40A:11-4.1 and therefore will be awarding based upon the most advantageous price and other factors; and,

**WHEREAS**, the City anticipates that there will be no costs associated with this concession; and,

**WHEREAS**, the City Council of the City of Hoboken therefore wishes to approve the use of competitive contracting to procure a concession agreement or agreements for the proposed miniature golf course at the “pop-up park.”

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken that the Administration may procure a concession agreement or agreements for the proposed miniature golf course at the “pop-up park” through the use of the competitive contracting process in accordance with N.J.S.A. 40A:11-4.1.

---Motion duly seconded by Councilman Ramos

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

**Public Safety**

**17-328**

---By Councilman Cunningham

**RESOLUTION EXTENDING THE CITY'S CONTRACT WITH ABSOLUTE FIRE PROTECTION COMPANY, INC. FOR MAINTAINENCE SERVICES FOR FIRE APPARATUSES IN THE AMOUNT OF \$50,300.00**

**WHEREAS**, the City of Hoboken set forth Bid Number 15-12 seeking vendors to perform maintenance services for the Fire Department's fire apparatuses; and,

**WHEREAS**, Absolute Fire Protection Company, Inc. was deemed the lowest responsive and responsible bidder and was awarded a contract on May 20, 2015; and,

**WHEREAS**, in accordance with the bid specifications, the original term of the contract was for one (1) year, with three (3) additional one (1) year options to extend; and,

**WHEREAS**, this contract was previously extended for one (1) year by way of resolution dated June 15, 2016, and now the City Council is being asked to utilize the second option to extend for one (1) additional year, to expire May 17, 2018, in the amount of \$50,300.00.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken, that Absolute Fire Protection Company Inc.'s contract with the City of Hoboken shall be extended for one (1) year, to expire May 17, 2018, in not to exceed amount of \$50,300.00; and,

1. The above recitals are incorporated herein as though fully set forth at length.
2. 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.
3. The remainder of the terms and conditions shall be in accordance with the original agreement and all attachments.
4. The Mayor or her designee is hereby authorized to execute an extension agreement with:

ABSOLUTE FIRE PROTECTION CO., INC.  
2800 HAMILTON BLVD.  
SOUTH PLAINFIELD, NJ 07080

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

**17-329**

---By Councilman Cunningham

RESOLUTION APPROVING A CHANGE ORDER TO THE CITY'S COOPERATING PURCHASING CONTRACT WITH ABSOLUTE FIRE PROTECTION (# FS12-15 HC07) IN THE TOTAL AMOUNT OF **\$5,713.30** FOR A 1.3% INCREASE IN THE ORIGINAL CONTRACT AMOUNT AND ALSO APPROVING A CHANGE ORDER TO THE CITY'S COOPERATING PURCHASING CONTRACT WITH ABSOLUTE FIRE PROTECTION (# FS12-15 HC04) IN THE TOTAL AMOUNT OF **\$5,413.00** FOR A 1.5% INCREASE IN THE ORIGINAL CONTRACT AMOUNT

**WHEREAS**, the City Council of the City of Hoboken awarded H-GAC Cooperative Purchasing Contract #FS12-15 HC07 to Absolute Fire Protection for one (1) fire apparatus E-One Typhoon Urban Interface Pumper by way of resolution dated May 4, 2016, in the amount of \$430,345.00; and,

**WHEREAS**, no previous change orders have been awarded under this contract; and,

**WHEREAS**, it is requested that the City Council approve the attached change order in the amount of \$5,713.30 to modify parts of the fire truck to meet the needs of the Hoboken Fire Department; and,

**WHEREAS**, this change order will increase the contract amount to \$436,058.30 which equates to a 1.3% increase in the original contract amount of \$430,345.00; and,

**WHEREAS**, the City Council of the City of Hoboken also awarded a H-GAC Cooperative Purchasing Contract #FS12-15 HC04 to Absolute Fire Protection for one (1) fire apparatus E-One Typhoon by way of resolution dated May 4, 2016, in the amount of \$347,232.00; and,

**WHEREAS**, no previous change orders have been awarded under this contract; and,

**WHEREAS**, it is requested that the City Council approve the attached change order in the amount of \$5,413.00 to modify parts of the fire truck to meet the needs of the Hoboken Fire Department; and,

**WHEREAS**, this change order will increase the contract amount to \$352,645 which equates to a 1.5% increase in the original contract amount of \$347,232.00; and,

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken, that Change Order #1 in the amount of \$5,713.30 under Cooperative Purchasing Contract #FS12-15 HC07 and Change Order #1 in the amount of \$5,413.00 under Cooperative Purchasing Contract #FS12-15 HC04 are approved as delineated above.

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

---Motion duly seconded by Councilman Mello  
 ---Adopted by the following vote: Yeas: 9 Nays: 0  
 ---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
 ---Nays: None.

**Tax Collector**

**17-330**

---By Councilwoman Fisher

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF **\$8,020.97**)

**WHEREAS**, an overpayment of taxes has been made on properties listed below; and,

**WHEREAS**, Sharon Curran, Collector of Revenue for the City of Hoboken recommends that the following refunds be made in accordance with N.J.S.A. 54:4-69.

**NOW, THEREFORE, BE IT RESOLVED**, that a warrant be drawn on the City Treasury in the total amount of \$8,020.97, made payable to the following:

<b>NAME</b>	<b>BL/LT/UNIT</b>	<b>PROPERTY</b>	<b>QTR/YEAR</b>	<b>AMOUNT</b>
John Starke 1100 Maxwell Lane #638 Hoboken, NJ 07030	261.01/1/ C0638	1100 Maxwell Lane	4/16&1/17	\$3,850.38
Thomas Fishman 1408 Clinton Street #509 Hoboken, NJ 07030	85/7/C0004	713 Adams St	3&4/16	\$4,170.59

---Motion duly seconded by Councilman Ramos  
 ---Adopted by the following vote: Yeas: 9 Nays: 0  
 ---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

**Transportation**

**17-331**

---By Councilman Russo

RESOLUTION CONFIRMING THE AWARD OF AN EMERGENCY CONTRACT TO J. FLETCHER CREAMER & SON FOR EMERGENCY WORK PERFORMED AS A RESULT OF A WATER MAIN BREAK LOCATED AT 8<sup>TH</sup> STREET AND GRAND STREET IN THE AMOUNT OF **\$3,205.06**

**WHEREAS**, the City of Hoboken was recently faced with an emergency situation which had the potential to create serious risks to the safety, health, and welfare of the general public that could not have reasonably been foreseen; and,

**WHEREAS**, specifically, on April 13, 2017, a water main break occurred near the intersection of 8<sup>th</sup> Street and Grand Street, causing a sinkhole in the roadway, and a void around a gas main at the same location; and,

**WHEREAS**, immediate emergency repairs were necessary to repair the sinkhole; and,

**WHEREAS**, in accordance with N.J.S.A. 40A:11-6 and Hoboken Municipal Code §60-11, the Business Administrator completed the attached Emergency Certification Form certifying that an emergency existed and therefore authorizing emergency repairs; and,

**WHEREAS**, the Administration consulted and negotiated with: J. Fletcher Creamer & Son to perform the necessary emergency repairs; and,

**WHEREAS**, in accordance with the direction of the City Business Administrator, the City Administration awarded an emergency contract to J. Fletcher Creamer & Son in accordance with the attached request for payment totaling Three Thousand Two Hundred Five Dollars and Six Cents (\$3,205.06); and,

**WHEREAS**, therefore, the Administration recommends awarding a contract to J. Fletcher Creamer & Son for the above-described services in the not to exceed amount of Three Thousand Two Hundred Five Dollars and Six Cents (\$3,205.06) in accordance with the attached request for payment.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken, that an emergency contract with J. Fletcher Creamer & Son in the amount of Three Thousand Two Hundred Five Dollars and Six Cents (\$3,205.06), is ratified and approved as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the attached request for payment shall govern the contract, and no changes may be made without the prior written consent of both parties.

3. Any change orders which shall become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
4. The Council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
5. This resolution is for the services listed on the attached proposal and invoices, and shall not be for any continuous contracting with these contractors beyond the work that has already been performed.

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

**Clerk**

**17-332**

---By Councilwoman Fisher

**RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO ENTER INTO THE ATTACHED AGREEMENT WITH 9<sup>TH</sup> CLOUD VAPE**

**WHEREAS**, the Code of the City of Hoboken, Chapter 146 Peddlers; Transient Merchants, requires that before any person sell or dispose of, or to offer to sell or dispose of, any foodstuffs, goods, wares or merchandise within the City of Hoboken, they must first obtain a license; and,

**WHEREAS**, § 146-12 "Revocation and suspension" provides that a license may be revoked by the City Council of the City of Hoboken by reason of the violation of the terms of the license, the violation of any municipal ordinance, state or federal statute or falsification in applying for a license; and,

**WHEREAS**, 9<sup>TH</sup> Cloud Vape (commonly referred to as the "Vape Van") has failed to adhere to the City's Ordinances and State law; and,

**WHEREAS**, on or about May 6, 2017, Joseph Ruggiero, the owner of 9<sup>th</sup> Cloud Vape, while operating his mobile retail van in the City of Hoboken, made a communication in offensively coarse language and in manner likely to cause annoyance or alarm to a person standing next to a parked vehicle; and,

**WHEREAS**, the parties agree that in lieu of the Council considering revocation of 9<sup>th</sup> Cloud Vape's vendor license which expires on December 31, 2017, that it is in their best interest to enter into the attached agreement which outlines an appropriate course of action that helps ensure this type of behavior will not reoccur and to ensure other vendors and the public understand that the type of behavior displayed on or about May 6, 2017, is unacceptable.



**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken, that the Mayor or the Mayor's designee may execute the attached agreement in the form attached or a form substantially similar with no substantive changes.

---Motion duly seconded by Councilman Ramos  
---Adopted by the following vote: Yeas: 7 Nays: 2  
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Ramos and Russo  
---Nays: Mello and Giattino

**PUBLIC COMMENTS**

**The speakers who spoke:** Special Counsel James Lisa, Dana Wefer, Rochelle Flynn, Patricia Waiters, Ruben Gonsalez, Karen Nason, Michelle DePalma, Noel Cruz, Nick Garcia, Jose Febus, Eytan Stern Weber

**Councilwoman Fisher motions to amend the resolution and seconded by Councilman Ramos**

**Councilman Doyle comments whether we should vote on this amendment**

**Councilwoman Fisher comments and withdrawals her motion**

**Councilwoman Fisher motions to amend the resolution and seconded by Councilman Ramos**

**Corporation Counsel comments on the amendments**

---As Amended by the following vote: Yeas: 7 Nays: 2  
---Yeas: Council persons Cunningham, DeFusco, Fisher, Mello, Ramos, Russo and Giattino  
---Nays: Bhalla, Doyle

**Council President comments on asking Stephen Marks to present the Municipal Debt**

**\*\*\*\*\*JUMP BACK ON TOP\*\*\*\*\***

**17-333**

---By Councilman Bhalla

**RESOLUTION EXPRESSING THE CITY OF HOBOKEN'S SUPPORT FOR NATIONAL GUN VIOLENCE AWARENESS DAY ON JUNE 2, 2017**

**WHEREAS**, 93 Americans are killed by gun violence every day, and more than 200 have sustained non-fatal firearm injuries over the last 5 years; and,

**WHEREAS**, Americans are 25 times more likely to be killed with guns than people in other developed countries; and,

**WHEREAS**, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from dangerous people; and,

**WHEREAS**, June 2, 2017 would have been the 20th birthday of Hadiya Pendleton, a teenager who marched in President Obama's second inaugural parade and was tragically shot and killed just weeks later; and,

**WHEREAS**, to help honor Hadiya – and the 93 Americans whose lives are cut short and the countless survivors who are injured by shootings every day – a national coalition of organizations has designated June 2, 2017, as the third annual National Gun Violence Awareness Day; and,

**WHEREAS**, the idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange; and,

**WHEREAS**, anyone can join this campaign by pledging to wear orange on June 2<sup>nd</sup> to help raise awareness about gun violence and honor the lives and lost human potential of Americans stolen by gun violence; and,

**WHEREAS**, the Mayor and City Council of the City of Hoboken wish to support National Gun Violence Awareness Day in order to reduce gun violence, keep firearms out of the wrong hands, and encourage responsible gun ownership to help keep our children safe.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken, that the Mayor and City Council support June 2<sup>nd</sup> as National Gun Violence Awareness Day in the City of Hoboken.

---Motion duly seconded by Councilman Ramos

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

**17-334**

---By Councilman Doyle

**RESOLUTION TO ADOPT THE MINUTES OF THE MEETINGS OF THE CITY COUNCIL DATED: REGULAR & SPECIAL MEETING OF MAY 3, 2017**

---Motion duly seconded by Council President Giattino

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

**17-335**

---By Councilman Ramos

**RESOLUTION OF THE CITY OF HOBOKEN URGING HUDSON COUNTY TO  
CONSIDER ADDING TRAFFIC CONTROL AT THE INTERSECTION OF NEWARK  
STREET AND GRAND STREET**

**WHEREAS**, the Newark Street corridor in southwest Hoboken has transformed from industrial to residential and mixed use; and,

**WHEREAS**, hundreds of pedestrians, including children and senior citizens, cross this intersection each day; and,

**WHEREAS**, the intersection of Newark Street and Grand Street is referred to as the “intersection of death” by several area residents, primarily due to a very low rate of drivers stopping for pedestrians in the crosswalk and a history of 12 combined crashes between 2011 and 2015; and,

**WHEREAS**, the goal of the Newark Street Safety Improvement Plan is to improve safety and accessibility along Newark Street for all users and modes of transportation; and,

**WHEREAS**, adding traffic control to Newark Street at Grand Street will substantially improve pedestrian safety by mandating drivers to stop for pedestrians in the crosswalk; and,

**WHEREAS**, the intersection of Newark Street and Grand Street meets a Manual on Uniform Traffic Control Devices (MUTCD) engineering judgement criterion for a multi-way stop application in that there is a need to control vehicle/pedestrian conflicts at the intersection of Newark Street and Grand Street, which has high pedestrian volumes; and,

**WHEREAS**, the intersection of Newark Street and Grand Street meets a Manual on Uniform Traffic Control Devices (MUTCD) engineering judgement criterion for a multi-way stop application in that the intersection of Grand Street at Newark Street is a location where drivers, after stopping, cannot see conflicting traffic clearly and are not able to negotiate the intersection unless conflicting traffic is also required to stop; and,

**WHEREAS**, at the request of the City, Hudson County is currently in the process of conducting a multi-way stop warrant analysis for this intersection; and,

**WHEREAS**, the City Council wishes to express to the County its support for the implementation of stop signs on Newark Street at Grand Street for the above reasons.

**NOW, THEREFORE, BE IT RESOLVED**, the City Council of the City of Hoboken urges Hudson County to consider adding stop signs on Newark Street at Grand Street due

to the safety concerns listed above and in accordance with the strong community support for such action.

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

**17-336**

---By Councilman Bhalla

**RESOLUTION EXPRESSING THE CITY OF HOBOKEN'S SUPPORT OF MEN'S HEALTH MONTH JUNE 2017**

**WHEREAS**, despite advances in medical technology and research, men continue to live an average of five years less than women with Native American and Africa-American men having the lowest life expectancy; and,

**WHEREAS**, educating the public and health care providers about the importance of a healthy lifestyle and early detection of male health problems will result in reducing rates of mortality from disease; and,

**WHEREAS**, men who are educated about the value that preventative health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings; and,

**WHEREAS**, the Men's Health Network worked with Congress to develop a national men's health awareness period as a special campaign to help educate men, boys, and their families about the importance of positive health attitudes and preventative health practices; and,

**WHEREAS**, the Men's Health month website has been established at [www.MensHealthMonth.org](http://www.MensHealthMonth.org) and features resources, proclamations, and information about awareness events and activities, including Wear Blue for Men's Health; and,

**WHEREAS**, Hoboken's Men's Health Month will focus on a broad range of men's health issues, including heart disease, mental health, diabetes, prostate, testicular, and colon cancer; and,

**WHEREAS**, the citizens of Hoboken are encouraged to increase awareness of the importance of a healthy lifestyle, regular exercise, and medical check-ups.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken, that the Mayor and City Council recognize June as Men's Health Month in Hoboken and encourage all citizens to pursue preventative health practices and early detection efforts.

---Motion duly seconded by Councilmen Ramos and Russo  
---Adopted by the following vote: Yeas: 9 Nays: 0  
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
---Nays: None.

**17-337**

---By Council President Giattino

**RESOLUTION APPOINTING DAVID MELLO TO THE HOBOKEN HOUSING AUTHORITY FOR (5) FIVE YEAR TERM TO EXPIRE ON MAY 3, 2022**

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

**WHEREAS**, Hoboken City Code § 38-2 provides for seven (7) members, known as “Commissioners,” to serve on the Hoboken Housing Authority Board; and,

**WHEREAS**, each member shall serve on the Hoboken Housing Authority Board for a term of (5) five years and until their respective successors have been appointed and qualified; and,

**WHEREAS**, the City Council has the authority to appoint (5) five members to serve on the Hoboken Housing Authority Board; and,

**WHEREAS**, the expiration date for the term of office for the position held by Commissioner David Mello is May 3, 2017, which will create a vacancy.

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Hoboken hereby appoints David Mello, to serve as a member of the Hoboken Housing Authority Board for a term of five (5) years to expire on May 3, 2022.

---Motion duly seconded by Councilman Cunningham  
---Adopted by the following vote: Yeas: 9 Nays: 0  
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
---Nays: None.

**ORDINANCES**  
**Introduction and First Reading**

**17-338**

**Z-495**

---By Councilwoman Fisher

AN ORDINANCE TO AMEND THE CITY CODE OF THE CITY OF HOBOKEN  
CHAPTER 184 ENTITLED "TOWING" SECTION 10 ENTITLED "SCHEDULE OF  
ALLOWABLE FEES"

**THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DOES HEREBY  
ORDAIN AS FOLLOWS:**

**Section 1:** The following additions and ~~deletions~~ shall be made to Hoboken City Code Chapter 184 entitled "Towing" Section 10 entitled "Schedule of Allowable Fees" to read as follows:

§ 184-10 Schedule of allowable fees.

A. Licensed towing services may charge fees to vehicle owners for the following services:

(1) Basic tow, which shall be a maximum flat fee of \$100 for light-duty tows and \$450 for heavy-duty tows.

(2) ~~In the case of a motor vehicle involved in an accident,~~ The following additional services, if actually performed, may be charged as follows:

(a) Waiting time in excess of 15 minutes, which shall be calculated based upon each 15 minutes spent at the call site from which a motor vehicle will be towed, with fewer than 15 minutes rounded up to 15, which shall be a maximum fee of \$12.50 per 15 minutes.

(b) Brush cleaning, including collection of debris that can be picked up by hand, which shall be a maximum flat fee of \$25.

(c) Site cleanup, which shall be calculated based upon the number of bags of absorbent used, at a maximum rate of \$25 per bag.

(d) Winching, which shall be based upon each 1/2 hour spent performing winching, which shall be at a maximum rate of \$50 per 1/2 hour for light-duty vehicles and \$200 per 1/2 hour for heavy-duty vehicles.

(e) The use of window wrap, which shall be a maximum flat fee of \$40.

(f) Tarping, which shall be a maximum flat fee of \$40.

(g) Transmission disconnect, which shall be charged only if a motor vehicle is locked and the towing company is unable to obtain the keys for the motor vehicle, which shall be a maximum flat fee of \$40.

(h) Use of a flatbed tow truck, which shall be charged if a motor vehicle can be transported only by a flatbed tow truck, which shall be a maximum flat fee of \$125.

(i) Use of special equipment other than the first tow truck to recover a motor vehicle that cannot be recovered by winching or pieces of a motor vehicle that cannot be moved by hand, which may be both a labor and an equipment charge billed in half-hour increments at \$65 per 1/2 hour.

(j) Decoupling, which shall be a maximum flat fee of \$75.

(k) Storage at a towing company's storage facility, which shall be at a maximum daily (24 hours) rate of \$30 for light-duty tows and \$100 for heavy-duty tows.

(l) More than three trips to the motor vehicle in storage, which may be invoiced as an administrative fee by the towing service, which shall be a flat fee of \$45 per trip.

(m) Releasing a motor vehicle from a towing company's storage facility after normal business hours or on weekends, which shall be a maximum flat fee of \$10.

B. A licensed towing service that engages in towing at the request of the City shall not charge for the use of a flatbed tow truck if a motor vehicle can safely be towed in an upright position by another type of tow truck, even if the private property towing company chooses to use a flatbed tow truck for the tow.

C. A licensed towing service that engages in towing at the request of the City may not charge for the tolls it incurs driving to the site from which a motor vehicle will be towed and while towing the motor vehicle from that site to the towing company's storage facility.

D. A licensed towing service that engages in towing at the request of the City shall calculate storage fees based upon full twenty-four-hour periods a motor vehicle is in the storage facility. For example, if a motor vehicle is towed to a storage facility at 7:00 p.m. on one day and the owner of the motor vehicle picks up the motor vehicle before 7:00 p.m. the next day, the towing company shall charge the owner of the motor vehicle only for one day of storage. If a motor vehicles is stored for more than 24 hours, but less than 48 hours, the towing company may charge for two days of storage. However, time shall not begin to accrue for purposes of calculating storage fees until 12:00 midnight next following the time the vehicle reaches the storage site.

E. A towing company performing a private property tow or other nonconsensual tow shall take the motor vehicle being towed to the towing company's storage facility having the capacity to receive it that is nearest to the site from which the motor vehicle is towed.

F. The bill for any tow allowed herein shall include the time at which a towed motor vehicle arrived at the towing service's storage site.

G. In addition to the fees allowed to be charged against towed vehicles within this section, the City has the authority, at the discretion of the Director, to charge a tow release processing fee up to \$25 per vehicle.

**Section 2:** 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.

**Section 3:** 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.

**Section 4:** This ordinance shall take effect as provided by law.

**Section 5:** All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect. This Ordinance shall also supersede any inconsistent provisions contained in any resolution or ordinance previously adopted by the Hoboken City Council.

**Section 6:** 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 7:** This Ordinance shall take effect upon passage and publication as provided by law.

---Motion duly seconded by Councilman Ramos

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

**17-339**

**Z-496**

---By Councilman Russo

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 192 OF THE CODE OF THE CITY OF HOBOKEN ENTITLED "PARKING FOR PERSONS WITH DISABILITIES" §192-4 "ENUMERATION OF SPACES" TO APPROVE THE ADDITION OF RESTRICTED HANDICAPPED PARKING SPACES FOR CERTAIN INDIVIDUALS

**THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1:** The following additions shall be made to Chapter 192 of the Code of the City of Hoboken entitled "Parking for Persons with Disabilities" §192-4 entitled "Enumeration of Spaces" to approve the addition of restricted handicapped parking spaces as follows:

Richard Dellafave- 1024 Hudson Street- beginning at a point 140 feet south of the southerly curbline of Eleventh Street and extending 22 feet southerly therefrom.

Louis Vitolo- 525 Garden Street- beginning at a point 145 feet south of the southerly curbline of Sixth Street and extending 22 feet southerly therefrom.

**Section 2:** 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.

**Section 3:** 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.

**Section 4:** This ordinance shall take effect as provided by law.

**Section 5:** All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it



being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect. This Ordinance shall also supersede any inconsistent provisions contained in any resolution or ordinance previously adopted by the Hoboken City Council.

**Section 6:** The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 7:** This Ordinance shall take effect upon passage and publication as provided by law.

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

**17-340**

**Z-497**

---By Councilwoman Fisher

BOND ORDINANCE AUTHORIZING THE REHABILITATION AND/OR REPLACEMENT OF VARIOUS WATER MAINS THROUGHOUT THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$5,000,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$5,000,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

**BE IT ORDAINED** by the City Council of the City of Hoboken, County of Hudson, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

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

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

- (a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is \$5,000,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$5,000,000.

**Section 3.** The sum of \$5,000,000 to be raised by the issuance of bonds or bond anticipation notes is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

**Section 4.** The issuance of negotiable bonds of the City in an amount not to exceed \$5,000,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law. All or a portion of the bonds authorized to be issued hereunder may evidence one or more loans from the New Jersey Department of Environmental Protection and/or the New Jersey Environmental Infrastructure Trust, under an Application for Financial Assistance ("Application") submitted by the City to said entities.

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

**Section 6.** The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$1,000,000.

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

<u>Purpose/Improvement</u>	<u>Estimat ed Total Cost</u>	<u>Down Payme nt</u>	<u>Amount of Obligati ons</u>	<u>Period of Usefuln ess</u>
A Rehabilitation and/or Replacement of Various Water Mains throughout the City;	\$5,000,00	\$0	\$5,000,000	40 years

together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the Application on file and available for inspection in the office of the City Administrator

0

**Section 8.** Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

**Section 9.** The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$5,000,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

**Section 10.** The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance and, to the extent payment is not otherwise provided, the City shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

**Section 11.** The applicable Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

**Section 12.** The City hereby declares its intent to reimburse itself from the proceed of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code") for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

**Section 13.** The City hereby covenants as follows:

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

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

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

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

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

**Section 14.** The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

**Section 15.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 16.** In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

---Motion duly seconded by Councilman DeFusco

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

**17-341**

**Z-498**

---By Councilwoman Fisher

BOND ORDINANCE AUTHORIZING THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$4,220,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$4,009,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

**BE IT ORDAINED** by the City Council of the City of Hoboken, County of Hudson, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

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

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

- (a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is \$4,220,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$4,009,000; and
- (c) a down payment in the amount of \$211,000 for the purposes stated in Section 7 hereof is currently available in the City's Capital Improvement Fund accordance with the requirements of Section 11 of the Local Bond Law, *N.J.S.A. 40A:2-11*.

**Section 3.** The sum of \$4,009,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$211,000, which amount represents the required down payment, is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

**Section 4.** The issuance of negotiable bonds of the City in an amount not to exceed \$4,009,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

**Section 5.** In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$4,009,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

**Section 6.** The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, *N.J.S.A. 40A:2-20*, shall not exceed the sum of \$800,000.

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

<u>Purpose/Improvement</u>	<u>Estimat ed Total Cost</u>	<u>Down Paym ent</u>	<u>Amount of Obligatio ns</u>	<u>Period of Useful ness</u>
A. Acquisition of Various Capital Equipment for the Police Division including, but not limited to, Cameras and Utility Vehicles, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$720,00 0	\$36,00 0	\$684,00 0	5 years
B. Reconstruction and/or Renovation to Various City Roads and related Transportation Improvements, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more specifically described in the plans and specifications on file and available for review in the office of the City Administrator	3,500,00 0	175,00 0	3,325,00 0	10 years
<b>Total</b>	<b>\$4,220,0 00</b>	<b>\$211,0 00</b>	<b>\$4,009, 000</b>	

**Section 8.** The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 9.14 years.

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

**Section 10.** The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A. 40A:2-10*, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, *N.J.S.A. 40A:2-43*, is increased by this Bond Ordinance by \$4,009,000

and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

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

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

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

**Section 14.** The City hereby covenants as follows:

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

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

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

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

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

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

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

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

---Motion duly seconded by Councilman DeFusco  
---Adopted by the following vote: Yeas: 9 Nays: 0  
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino  
---Nays: None.

~~AN ORDINANCE TO AMEND THE CITY CODE OF THE CITY OF HOBOKEN §168-50  
ENTITLED "SIDEWALK CAFES - GENERAL REQUIREMENTS"~~

~~\*\*\*\*\*PULLED BY COUNCIL\*\*\*\*\*~~

**RESOLUTIONS**  
**Health and Human Services**

**17-343**

---By Councilwoman Giattino

RESOLUTION AUTHORIZING THE LOCATION OF THE HOBOKEN FARMER'S MARKET EVERY TUESDAY, BEGINNING JUNE 6, 2017 AND ENDING TUESDAY, NOVEMBER 21, 2017 \*

**WHEREAS,** the Quality of Life Coalition and the City of Hoboken are sponsoring a farmers' market along the west side of Garden Street between Fourth Street and Fifth Street; and,

**WHEREAS,** the Hoboken Farmers' Market will be held every Tuesday from June 6, 2017 to November 21, 2017; and,

**WHEREAS,** the Hoboken Quality of Life Coalition and City of Hoboken are requesting that the City Council of the City of Hoboken approve the location of the farmers' market and authorize the suspension of parking meter enforcement at that location on the days the market is open so that the farmers can park their trucks to unload and sell their goods.

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



1. The above recitals are incorporated herein as though fully set forth at length.
2. 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 receive the intent and purpose of this resolution.
3. The parking meters along the west side of Garden Street between Fourth Street and Fifth Street are hereby suspended every Tuesday from 12:00 P.M. to 9:00 P.M. beginning Tuesday, June 6, 2017 and ending Tuesday, November 21, 2017. Parking in this location shall be permitted only for use by farmers for the Hoboken Farmers' Market.
4. The sidewalk along the West side of Garden Street between Fourth Street and Fifth Street shall be cleared of loiterers every Tuesday from 12:00 P.M. to 9:00 P.M. beginning at 12:00 P.M. on Tuesday, June 6, 2017 and ending at 9:00 P.M. on Tuesday, November 21, 2017.
5. The Hoboken Police Department and Hoboken Parking Utility shall take action to effectuate and enforce these regulations.
6. This Resolution shall take effect immediately.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: Yeas: 9 Nays: 0

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello, Ramos, Russo and President Giattino

---Nays: None.

### NEW BUSINESS

Councilman Mello comments and thanks everyone

Councilwoman Fisher comments that the next meeting is the day after the Primary election and mentions the candidate's name on the ballot and get out and vote

Councilman Ramos comments potholes and painting the crosswalks and he emailed various Directors to get this done in the Spring and a road paving schedule and when will it get done and some residents contacted him on bamboo growing in 1<sup>st</sup> , 2<sup>nd</sup> and Madison and how the wild plant endangers other plants and there are other municipalities who have outlawed bamboo and hopefully have something addressed at the next meeting, also look into Interim uses and also complaints on Washington and the folks eating in the outdoor cafes if the construction members can water down the sidewalks on Washington St. to maintain the dust

Council President comments that she did recall the Construction Official mentioning it

Councilman Mello comments

Councilman DeFusco comments on Interim uses, if Corporation Counsel could look into it, would like to have a new interpretation on this if we can figure out the next steps and land use applications, contacted Corp. Counsel for a ticket report, came to court last night, and there were 30 uber drivers with tickets and if we can get a report, 1<sup>st</sup> street, had some issues, included Director Morgan, folks were parking too close to corners, Garden, Willow and people parking too close to those corners causes some problems and urge the administration to look into Ballards but there could be issues for loading trucks and we need to look into the short term solution and long term solution, mentioned Z-490 and the Planning Board will hear it on May 31<sup>st</sup> and bring it back to Council for final vote, and finally Sinatra drive on 4<sup>th</sup>, there's a lot concern of 333 River Street

Councilman Bhalla comments on to get out and vote on June 6<sup>th</sup>

Councilman Russo comments on Madison Sq. Park, there was a community meeting at the Metrostop, asking about a Medical Director to give everyone enough coverage and the uses of Narcam, commented on presentations for our meetings and all ask the Council to consider the timing, our build out analysis, we should have gotten this last October and now it's May and I found out that one member already got this Build out Analysis and the reexamination of the Master Plan and at the point to vote on this, it's been 19 months and finally the peddler's license in the City of Hoboken, if our license addresses specifically and if there's any enforcement from other departments in City Hall

Councilman Doyle comments on two (2) things, learned his lesson, the Build out Analysis was provided to me since I'm the chair and I believe I was the one who brought up the notion for the Build out Analysis, I also share Councilman Russo's frustration and the 2<sup>nd</sup> matter is the 500 foot rule

Council President comments that next Wed. May 24<sup>th</sup> is the Memorial Day Parade and starts at 6:30 and then there will be a Special Meeting starting at 7:30 PM to vote on the Southwest Redevelopment Plan

**At 11:54 PM meeting adjourned of the Governing Body on a motion by Council duly seconded by the Council members**

**Council President Giattino then adjourned the meeting at 11:54 PM**

---

PRESIDENT OF THE COUNCIL

---

CITY CLERK