

**MEETING OF FEBRUARY 1, 2017**

**MINUTES OF A MEETING OF THE COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY, HELD IN THE COUNCIL CHAMBERS, CITY HALL, HOBOKEN, NEW JERSEY, WEDNESDAY, FEBRUARY 1, 2017 AT 7:00 PM**

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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, Russo and President Giattino**

**ABSENT: ~~Cunningham~~ (arrived at 7:47 P.M)**

**Council President announced a moment of silence for both Sada Fretz and Adrian Rivera. She then asked if anyone would like to speak for the Green Acres Grant Application or Ordinance Z-463**

**A PUBLIC HEARING FOR THE GREEN ACRES GRANT APPLICATION**

**RESOLUTIONS**

**17-96**

---By Councilwoman Giattino

**RESOLUTION TO APPOINT JONATHAN OTTO AS A FOURTH ALTERNATE COMMISSIONER TO THE ZONING BOARD**

**WHEREAS**, pursuant to the Code of the City of Hoboken, §44-11, the City of Hoboken has established a Zoning Board of Adjustment; and,

**WHEREAS**, pursuant to an amendment to §44-11, members of the Zoning Board of Adjustment are now appointed by the City Council, rather than the Mayor; and,

**WHEREAS**, there are currently vacancies on the Zoning Board of Adjustment; and,

**WHEREAS**, the City Council has followed the process contemplated by the "Citizens Service Act," in that applications for the position were publicly sought and

reviewed, and the following appointee timely submitted his/her application to the Clerk of the City of Hoboken;

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Hoboken hereby appoints the following individual to serve as described below on the City of Hoboken Zoning Board of Adjustment, for the terms described below:

JONATHAN OTTO 4th Alternate Feb. 1, 2017 Dec. 31, 2018 Two Years

**BE IT RESOLVED**, that this resolution shall take effect immediately upon passage.

---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.

## ORDINANCES

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

AN ORDINANCE OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY KNOWN AS BLOCK 10, LOTS 1 THROUGH 7 AND LOTS 30 THROUGH 36 ON THE OFFICIAL TAX MAP OF THE CITY OF HOBOKEN AND THE INSTITUTION OF EMINENT DOMAIN PROCEEDINGS, IF NECESSARY **(sponsored by Councilman Mello and Councilman Doyle) (Z-463)**

**WHEREAS**, N.J.S.A. 40A:12-5 and N.J.S.A. 20:3-1 et seq. authorize public entities to acquire real property or an interest in real property; and

**WHEREAS**, the City Council of the City Hoboken (“Council” or “City”) has deemed it necessary to acquire certain real property in the City known as Block 10, Lots 1 through 7 and Lots 30 through 36 (the “Property”) on the Official Tax Map of the City; and

**WHEREAS**, the Council has determined that the public interest will be served by the acquisition of the Property for open space and park purposes; and

**WHEREAS**, the Council desires to formally authorize the acquisition of the Property, subject to the subsequent approval by the City Council of an appraisal setting forth the fair market value of the Property to provide just compensation, by and through, (i) negotiation and agreement; or (ii) the institution of eminent domain proceedings, if necessary.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Hoboken, County of Hudson, State of New Jersey as follows:

**SECTION 1.** Subject to the subsequent approval by the City Council of an appraisal setting forth the fair market value of the Property to provide just compensation, the Mayor, City Council and such other officials, consultants, agents, employees and

professionals of the City as may be necessary and appropriate, shall be and are hereby authorized to acquire the Property specifically designated and known as Block 10, Lots 1 through 7 and Lots 30 through 36 (the "Property") as shown on the Official Tax Map of the City of Hoboken, by and through, (i) negotiation and agreement; or (ii) by the institution of eminent domain proceedings, if necessary, pursuant to N.J.S.A. 40A:12-5 and N.J.S.A. 20:3-1 et seq. including the filing of a Declaration of Taking, the filing of a complaint in eminent domain and all other proceedings related thereto.

**SECTION 2.** In conjunction with said acquisition, the City hereby reserves and shall reserve any and all rights it had or may have to recover in any subsequent or pending action or by any administrative means, all costs of remediation and/or clean-up of contamination and/or removal of solid waste and/or sanitary land fill closures that have been incurred or may be incurred in the future by reason of conditions which were in existence as of or prior to the date of vesting of title and possession of this Property in the name of the City.

**SECTION 3.** In conjunction with said acquisition, the City reserves and shall reserve the right to seek in its sole discretion, any and all available legal, administrative and equitable remedies to compel the record owners and/or responsible parties to remediate and/or clean up the Property in accordance with applicable state and federal statutory and regulatory provisions or to remove solid waste or carry out closure of a sanitary landfill if located on the Property. The City is not and shall not be liable for the clean-up and removal costs of any discharge which occurred or began prior to the City's ownership.

**SECTION 4.** The Mayor, City Council and such other officials, consultants, agents, employees and professionals of the City as may be necessary and appropriate are hereby authorized and directed to take any and all actions necessary to effectuate the purposes of this Ordinance.

**SECTION 5.** All ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 6.** If any section, paragraph, article, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply to the section, paragraph, article, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

**SECTION 7.** This Ordinance shall take effect after approval and publication as required by law.

---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:** Karen Nason, Brenda Qwistgaarb, Madlina Bud, -Paul Keuhn, Dev Nayar, Polya Lesova, John Gregorio, Tanya Egg, Tom Scullin, Vasile Bud, Edward Coadey, Jim Guettriezz, Lauren Gutierezz, Michael Small, Stephen Kearns, Matthew Nuzzo, Craig Lydecker, Deno Bogdanos, David Lehmkul, Francisco Ferrira, Emily Jabbour,

Jinny Ko, Claire Hackmey, Jimish Gokadia, Stan Grossbard, Ed Lo, Lisa Swanson, Nick Lenzi, Meridith Chartier, Thomas Scullin, Ed Buzak

**Councilman Cunningham (arrived at 7:47 P.M)**

**The City Clerk comments that they will hear resolution #1**

**\*\*\*\*\*Jump to resolution #1 \*\*\*\*\***

**AN ORDINANCE AMENDING CHAPTER 193 OF THE HOBOKEN CITY CODE ENTITLED “WATER” §193-3 “WATER PIPE MAINTENANCE” (sponsored by Councilman Doyle and Councilman Bhalla) (Z-464)**

**WHEREAS**, Hoboken property owners are responsible for the entire supply line for their water service pipes from the meter to the main service line; and,

**WHEREAS**, during the “Washington Street Redesign Project,” the City is going to replace the main service line and the portion of the supply line that runs from the main service pipe to the curblineline; and,

**WHEREAS**, at the curblineline the City will install valve boxes; and,

**WHEREAS**, as construction on each individual service line is completed with the installation of a valve box, the responsibility of the owner for the supply line will change so that the owner is only responsible for the supply line from the meter on their property to the valve box installed at the curblineline; and,

**WHEREAS**, as construction on each individual service line is complete with the installation of a valve box, the City will take responsibility for the water service pipe and the portion of the supply line that runs from the main service line and extending to, but not including, the valve box at the curblineline of the street.

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

**SECTION ONE:**

§ 193-3. Water pipe maintenance.

~~The owner of a building and premises connected with the municipal water supply shall maintain the water service pipes, fixtures and connections in good order and repair, so that there shall be no waste of water.~~

A. Washington Street: As construction is completed on each individual service line with the installation of a valve box, the owner of a building and premises connected with the municipal water supply shall be responsible to maintain the water supply line, fixtures, and connections in good order and repair from the valve (when installed) at the curblineline of the street to the meter on their property. The City will be responsible for that portion of the supply line that runs from the main water service line and extending to, but not including, the valve at the curblineline of the street.

B. All Other Properties in the City of Hoboken (not including Washington Street): The owner of a building and premises connected with the municipal water supply shall be responsible for the entire supply line for their water service pipes from the meter on their property to the main service line.

C. Generally as to all owners:

1. Installation, repairs, and replacement of water service pipes, to the extent that the owner is responsible for said portion in accordance with (A) or (B) above, shall be made by a licensed plumber hired by the property owner and supervised under the direction of a designee of the City. All costs shall be borne by the owner.
2. In the case of a leaking supply line (for which the owner is responsible in accordance with (A) or (B) above), the owner shall be required to contract with a plumber to repair said supply line leak within 48 hours. If no arrangements have been made to repair the leakage within the time prescribed herein, the City shall be permitted to retain a contractor to complete the work for a cost of time and materials, which cost shall be the responsibility of the homeowner and shall be collected as permitted by law. Restoration of lawn areas, shrubs, fences, walkways, driveways, steps, etc. shall be the sole responsibility of the homeowner and not considered as part of the contractor's time and materials costs.
3. The installation of water service supply lines for new construction shall be the responsibility of the owner/developer under the supervision of a designee of the City. All costs shall be borne by the owner/developer.

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

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

## **SECTION THREE: SEVERABILITY**

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

## **SECTION FOUR: EFFECTIVE DATE**

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

## **SECTION FIVE: CODIFICATION**

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

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

---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 AMENDING CHAPTER 192 OF THE HOBOKEN CITY CODE ENTITLED "PARKING FOR HANDICAPPED" §192-4 "ENUMERATION OF SPACES" TO REORGANIZE EXISTING HANDICAPPED SPACES (**sponsored by Councilman DeFusco and Councilman Ramos Jr.) (Z-465)**)

**WHEREAS**, Chapter 192 of the Hoboken City Code establishes the rules and regulations relating to handicapped parking within the City; and,

**WHEREAS**, §192-4 enumerates handicapped spaces designated for specific individuals; and,

**WHEREAS**, updates to the Hoboken Municipal Code are necessary to reorganize existing handicapped parking spaces near 1302 Washington Street.

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

**SECTION ONE:**

**§ 192-4. Enumeration of spaces.**

A. Pursuant to the authority granted to the City of Hoboken by N.J.S.A. 39:4-205, the following locations are hereby designated as Restricted Parking spaces for use by persons who have been issued special vehicle identification cards by the Motor Vehicle Commission. No other person shall be permitted to park in these spaces.

~~Michael Bisceglie, 1302 Washington Street (west side of Washington Street, beginning at a point 70 feet from the northerly curblineline of Thirteenth Street and extending 12 feet northerly therefrom)~~

~~Rosemarie DiRenzi, 1302 Washington Street (west side of Washington Street, beginning at a point 70 feet from the northwest curblineline of Thirteenth Street and extending 12 feet northerly therefrom)~~

~~Thomas Montalvo, 1302 Washington Street (west side of Washington Street, beginning at a point 47 feet from the north curblineline of Thirteenth Street and extending 12 feet northerly therefrom)~~

~~Zulma Ramos, 1302 Washington Street (west side of Washington Street, beginning at a point 57 feet north of the northerly curblineline of Thirteenth Street and extending 12 feet northerly therefrom)~~

Zulma Ramos, 1302 Washington Street (west side of Washington Street, beginning at a point 47 feet north of the northerly curblineline of Thirteenth Street and extending 12 feet northerly therefrom)

Gloria Suarez, 1302 Washington Street (west side of Washington Street, beginning at a point 35 feet from the northerly curblineline of Thirteenth Street and extending 12 feet northerly therefrom)

**SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS**

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

### **SECTION THREE: SEVERABILITY**

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

### **SECTION FOUR: EFFECTIVE DATE**

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

### **SECTION FIVE: CODIFICATION**

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

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

---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 AMENDING CHAPTER 190 OF THE HOBOKEN CITY CODE ENTITLED "VEHICLES AND TRAFFIC" §190-27 "ANGLE PARKING (sponsored by Councilman DeFusco and Councilwoman Fisher) (Z-466)**

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

**WHEREAS**, the municipality has found that specific sections of Chapters 190 currently require amendments to better effectuate orderly and efficient use of public space and scarce curbside resources; and,

**WHEREAS**, reverse angle parking was recently added to the east side of Washington Street between Fourteenth Street and Fifteenth Street as part of the 1400 Hudson development circulation plan; and,

**WHEREAS**, it is therefore being proposed that reverse angle parking be added to the west side of Washington Street between Fourteenth Street and Fifteenth Street in order to maintain uniformity on the 14<sup>th</sup> block of Washington Street; and,

**WHEREAS**, reverse angle parking is safer than head-in angle parking due to improved driver visibility when exiting the angle parking space and loading activity occurring nearer to the curbside instead of immediately adjacent to a travel lane; and,

**WHEREAS**, a reduction in backing crashes has been observed on Hudson Street where head-in parking was converted to reverse angle parking in front of Hoboken Police Department Headquarters.

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

**SECTION ONE:**

**§ 190-27. Angle parking locations.**

In accordance with the provisions of this [§190-27](#), the herein described locations shall be designed as angle parking:

A. Head-in angle parking.

<b>Name of Street</b>	<b>Sides</b>	<b>Angle</b>	<b>Location</b>
<del>Washington Street</del>	<del>Both</del>	60°	<del>From Eighth Street to Fifteenth Street</del>
<u>Washington Street</u>	<u>Both</u>	<u>60°</u>	<u>From Eighth Street to Fourteenth Street</u>

B. Reverse Angle Parking

<b>Name of Street</b>	<b>Sides</b>	<b>Angle</b>	<b>Location</b>
<del>Washington Street</del>	<del>East</del>	60°	<del>Fourteenth Street to Fifteenth Street</del>
<u>Washington Street</u>	<u>Both</u>	<u>60°</u>	<u>From Fourteenth Street to Fifteenth Street</u>

**SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS**

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

**SECTION THREE: SEVERABILITY**

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

**SECTION FOUR: EFFECTIVE DATE**

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

**SECTION FIVE: CODIFICATION**



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

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

---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.

~~BOND ORDINANCE AUTHORIZING SUPPLEMENTAL FUNDING FOR THE REHABILITATION AND RECONSTRUCTION OF PIER "A" IN THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$4,000,000 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 \$3,800,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING (Z-460) (sponsored by Councilwoman Fisher and Councilman Ramos Jr.) (REMOVED)~~

**Councilman Bhalla comments that they would like to remove this ordinance and move it to the sub-committee**

### PUBLIC COMMENTS

**The Speakers Who Spoke:** Mark Villimar, Andrew Impastato, Nick Lenzi, Frantz Paetzold, Patricia Waiters, Dennis Martin, Meredith Chartier

**Councilman Ramos comments a community meeting will be held Monday evening, Feb. 6, 2017 at 221 Jackson St.**

### PETITIONS AND COMMUNICATIONS

17-97

**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**

**17-98**

Annual Debt Statement from the Chief Financial Officer

**17-99**

Annual Financial Statement from the Chief Financial Officer

**17-100**

UMR Claims report

**Received and filed**

**17-101**

**CLAIMS**

Total for this agenda **\$3,950,103.08**

---Adopted by the following vote: Yeas: 9 Nays: 0 Abstain: 2  
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Doyle, Fisher, Mello Ramos, Russo and President Giattino  
---Nays: None.  
---Abstain: Bhalla 16-00103 and Fisher – all Maraziti 16-01962 & 15-01169

**Received and Filed**

**17-102**

**PAYROLL**

**For the two week period starting December 29, 2016 – January 11, 2017**

<b>Regular Payroll</b>	<b>O/T Pay</b>	<b>Other Pay</b>
\$1,708,655.41	\$87,989.21	\$604,315.11
<b>Total</b>		
\$2,400,959.73		

---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**

None for this meeting.

**CONSENT AGENDA** – A1-A3, CC1, CC2, CD1, CD2, E1, TX1, TX2, TS2, TS3, CL1

---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: A4, PS1, TS1,  
Removed by Administration:

**RESOLUTIONS**

**Administration**

**17-103**

---By Councilman Russo

RESOLUTION AWARDING A ONE (1) YEAR CONTRACT TO BENE CARD SERVICES LLC FOR THE PROVISION OF EMPLOYEE PRESCRIPTION DRUG INSURANCE

**WHEREAS**, the City of Hoboken is contractually required to provide prescription drug insurance benefits to certain of its employees and retirees; and,

**WHEREAS**, the City of Hoboken is desirous of continuing said coverage in accordance with its current contractual obligations; and,

**WHEREAS**, prior to entering into any contract to obtain insurance, the City must secure full and open competition among insurers; and,

**WHEREAS**, pursuant to Section 20A-33 of the City Code, the City's insurance broker obtained quotations from prescription drug insurance providers; and,

**WHEREAS**, the Administration has determined that the proposal of Benecard Services LLC for the coverage provided for in their attached proposal is the most advantageous to the City, costs and other factors considered, and therefore recommends awarding a contract to Benecard in accordance with their attached proposal for a period of one (1) year; and,

**WHEREAS**, Benecard Services LLC is the City's current prescription drug coverage provider, and the attached proposal reflects a 0% increase; and,

**WHEREAS**, the Self-Insurance Fund Commission has voted to recommend awarding a contract with Benecard Services LLC for prescription drug coverage.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken, that the Administration is hereby authorized to enter into a contract with Benecard Services LLC, to commence March 1, 2017 and expire February 28, 2018.

--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.

**17-104**

---By Councilman Mello

**RESOLUTION AUTHORIZING APPLICATION FOR GREEN ACRES FOR BLOCK 10 ACQUISITION**

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

**WHEREAS**, the City of Hoboken desires to further the public interest by obtaining funding in the form of a \$1,875,000 matching grant from the State to fund the following project(s): Block 10 Acquisition at a cost of \$2,500,000;

**NOW, THEREFORE**, the City Council of the City of Hoboken resolves that Mayor Dawn Zimmer or the successor to the office of Mayor is hereby authorized to:

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

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

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

**NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE** City Council of the City of Hoboken:

1. That the Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as the Block 10 Acquisition;
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$625,000;
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

---Motion duly seconded by Councilman 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.

**17-105**

---By Councilwoman Fisher

**RESOLUTION AWARDING A ONE YEAR CONTRACT TO SPECTROTEL, INC. TO PROVIDE TELEPHONE SERVICES**

**WHEREAS**, N.J.S.A. 40A:11-5(1)(f) permits municipalities to award public contracts without public bidding to a utility service company that is registered with the State of New Jersey Board of Public Utilities; and,

**WHEREAS**, Spectrotel, Inc. is registered with the New Jersey Board of Public Utilities to provide telephone services; and,

**WHEREAS**, the City of Hoboken requires a utility service company to provide local and long distance telephone services; and,

**WHEREAS**, the Administration recommends awarding a contract to Spectrotel, Inc. in the not to exceed amount of \$120,000.00 to expire on February 1, 2018.

**NOW, THEREFORE, BE IT RESOLVED**, that a contract is awarded to Spectrotel, Inc. to provide local and long distance telephone services in the not to exceed amount of \$120,000.00 to expire on February 1, 2018; and,

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

1. The award of this contract is subject to finalization of the contract terms.
2. 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.
3. 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.
4. The mayor, or her designee, is hereby authorized to execute an agreement as outlined herein with:

Spectrotel, Inc.  
3535 State Highway 66, Suite 7  
Neptune, NJ 07753

---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

**17-106**

---By Councilman Bhalla

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOBOKEN EXPRESSING ITS STRONG DISAGREEMENT WITH A FEDERAL EXECUTIVE ORDER ON "BORDER SECURITY AND IMMIGRATION ENFORCEMENT IMPROVEMENTS", AND IN SOLIDARITY WITH REFUGEES AND IMMIGRANTS TO THE UNITED STATES**

**WHEREAS**, the United States of America was a country founded by immigrants and is a nation of immigrants;

**WHEREAS**, immigrants and refugees have always been a source of our Nation's strength;

**WHEREAS**, as Americans we are rightfully proud of our great diversity, as it is among our country's greatest assets;

**WHEREAS**, the United States of America is unique on earth for being a place that is united by a set of ideas, among them the notion that, no matter who you are or where you are from, we are equals under the law;

**WHEREAS**, the City of Hoboken was founded by immigrants and one that was built by immigrants;

**WHEREAS**, to this day, immigrants continue to live and work in Hoboken and contribute to the fabric of our community;

**WHEREAS**, sadly, there have been exceptions where our country has not lived up to the values of welcoming refugees and immigrants, and we must learn from such lessons taught to us by history;

**WHEREAS**, in 1929, over 900 Jewish refugees arrived by ship to the coast of Florida on the *St. Louis*, fleeing persecution from Nazi Germany, and the United States denied permission to these Jewish refugees to find safe harbor in the United States, who were returned to Europe, resulting in hundreds of them being victims of the Holocaust genocide;

**WHEREAS**, we must learn from the lesson of history, lest they repeat themselves at the cost of the life and liberty of innocent human beings;

**WHEREAS**, on January 25, 2017, the federal government issued an Executive Order on “Border Security and Immigration Enforcement Improvements”.

**WHEREAS**, the Executive Order bars Syrian refugees from entering the United States indefinitely; will bar any refugees from entering the United States for a period of 120 days, and prevent individuals from seven Muslim majority countries, refugees or otherwise, from entering the United States for a period of 90 days. These seven countries are Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen;

**WHEREAS**, the Executive Order, which singles out 7 countries while excluding the countries from which the September 11, 2001 terrorists actually hailed, appears arbitrary and not to serve any legitimate national security purpose;

**WHEREAS**, it is the position of the City Council of the City of Hoboken that the Executive Order constitutes an assault on America’s values and our longstanding tradition of welcoming refugees and immigrants;

**WHEREAS**, the Executive Order has a direct harmful impact on countless innocent women, children, men, and families from around the world, including the City of Hoboken;

**WHEREAS**, the impact of the Executive Order has caused tremendous emotional pain and suffering upon innumerable families, including refugees from Syria and other parts of the world fleeing from severe forms of oppression, Hoboken residents who simply seek unification with their family members from countries subject the Executive order, and countless others across the country and world;

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Hoboken condemns in the strongest terms the Executive Order because its substance runs counter to America’s longstanding welcoming of refugees and immigrants from around the world;

**BE IT FURTHER RESOLVED** that the City Council of the City of Hoboken expresses its support and solidarity with all those Syrian and other refugees impacted by the Executive Order, and others being separated from their families for no reason other than the coincidence of being from a certain Muslim majority country subject to the Executive Order;

**BE IT FURTHER RESOLVED** that the City of Hoboken hereby declares that the Executive Order constitutes an affront and assault to our values as Americans and as residents of 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

### **Corporation Counsel**

#### **17-107**

---By Councilman Bhalla

**RESOLUTION TO AWARD A ONE YEAR CONTRACT TO MCMANIMON SCOTLAND BAUMAN TO SERVE AS PUBLIC UTILITIES COUNSEL IN THE NOT TO EXCEED AMOUNT OF \$50,000.00**

**WHEREAS**, service to the City as Special Legal Counsel - Public Utilities Counsel is a professional service as defined by N.J.S.A. 40A:11-1 et seq.; and,

**WHEREAS**, the City of Hoboken issued Request for Proposals 17-01 seeking a qualified attorney to serve as Public Utility Counsel to the City; and,

**WHEREAS**, proposals were received from the following:

1. Riker Danzig Scherer Hyland Perretti, LLP
2. McManimon Scotland Bauman
3. Decotiis, Fitzpatrick, Cole & Giblin, LLP

**WHEREAS**, a three member evaluation committee reviewed the proposals and two of the evaluators gave McManimon Scotland Bauman the highest score; and,

**WHEREAS**, as a result, the evaluation committee has determined that McManimon Scotland Bauman is the most qualified firm to provide effective and efficient legal services to the City, cost and other factors considered; and,



**WHEREAS**, the Administration recommends awarding a contract to McManimon Scotland Bauman for legal services as Public Utilities Counsel to the City, for the term of February 1, 2017 through January 31, 2018, in the amount of \$50,000.00.

**NOW THEREFORE, BE IT RESOLVED**, that a contract is hereby awarded to McManimon Scotland Bauman to represent the City as Special Legal Counsel- Public Utilities Counsel for a term to commence February 1, 2017 and expire January 31, 2018, for a not to exceed amount of Fifty Thousand Dollars (\$50,000.00); and:

1. The award of this contract is subject to finalization of the contract terms.
2. 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.
3. 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.
4. The mayor, or her designee, is hereby authorized to execute an agreement as outlined herein with:

McManimon Scotland Bauman  
75 Livingston Avenue  
Roseland, New Jersey 07068

--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

**17-108**

---By Councilwoman Fisher

**RESOLUTION TO AWARD A ONE YEAR CONTRACT TO SOBEL HAN, LLP FOR LEGAL SERVICES AS THE TENANT ADVOCATE ATTORNEY IN THE NOT TO EXCEED AMOUNT OF \$25,000.00**

**WHEREAS**, service to the City as Special Legal Counsel- Tenant Advocate Attorney is a professional service as defined by N.J.S.A. 40A:11-1 et seq.; and,

**WHEREAS**, the City of Hoboken issued Request for Proposals 17-02 seeking a qualified Tenant Advocate Attorney; and,

**WHEREAS**, one (1) proposal was received from Sobel Han, LLP; and,

**WHEREAS**, the evaluation committee has determined that the proposal submitted by Sobel Han, LLP demonstrates that they are qualified to provide effective and efficient legal services to the City; and,

**WHEREAS**, the Administration recommends awarding a contract to Sobel Han, LLP for legal services as Tenant Advocate Attorney, for the term of January 1, 2017 through December 31, 2017, in the not to exceed amount of \$25,000.00.

**NOW THEREFORE, BE IT RESOLVED**, that a contract is hereby awarded to Sobel Han, LLP to represent the City as Special Legal Counsel-Tenant Advocate Attorney for a term to commence on January 1, 2017 and expire on December 31, 2017, for a total not to exceed amount of **Twenty Five Thousand Dollars (\$25,000.00)**; and:

1. The award of this contract is subject to finalization of the contract terms.
2. 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.
3. 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.
4. The mayor, or her designee, is hereby authorized to execute an agreement as outlined herein with:

Sobel Han, LLP  
120 Sylvan Avenue  
Englewood Cliffs, New Jersey 07632

---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**

#### **17-109**

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO ENTER INTO A CONFIDENTIALITY AND NON-DISCLOSURE AGREEMENT WITH PSE&G PRIOR TO ENTERING INTO A LICENSE AGREEMENT FOR THE INSTALLATION OF SECURITY CAMERAS ON CERTAIN UTILITY POLES

**WHEREAS**, the City of Hoboken desires to place a security camera on Utility Pole #467, on Harrison Street for Block 12/Southwest Park; and,

**WHEREAS**, this utility pole is solely operated by PSE&G; and,

**WHEREAS**, prior to entering into a license agreement with PSE&G for the use of this utility pole, PSE&G requires that the City enter into the attached Confidentiality & Non-Disclosure Agreement; and,

**WHEREAS**, therefore, the City recommends entering into the attached Confidentiality and Non-Disclosure Agreement with PSE&G to allow the City to the enter into a license agreement with PSE&G to utilize the utility poles for placement of the desired security camera.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken that the City of Hoboken is hereby authorized to enter into the attached Confidentiality & Non-Disclosure Agreement with PSE&G, or an agreement that is substantially similar with no substantive changes; 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

**17-110**

---By Councilman Mello

RESOLUTION OF THE CITY OF HOBOKEN AUTHORIZING THE TERMINATION OF A PRIOR DEED OF EASEMENT FOR PUBLIC OPEN SPACE UPON CERTAIN PARCELS WITHIN THE MONROE CENTER AREA, AN AREA WITHIN THE NORTHWEST INDUSTRIAL AREA OF THE CITY, AND A PRIOR RIGHT OF WAY EASEMENT, IN ORDER TO ACCOMODATE CERTAIN REDEVELOPMENT WHICH WILL RESULT IN THE CONVEYANCE TO THE CITY OF THREE (3) REAL PROPERTIES WHICH SHALL BE DEVELOPED, COLLECTIVELY, AS A 2.0 ACRE PUBLIC PARK, SUBJECT TO THE APPROVAL OF THE COMMISSIONER OF THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

**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**, in order to stimulate redevelopment, by resolutions adopted July 6, 2016, the City Council of the City of Hoboken authorized the execution of Redevelopment Agreements with Monroe Center Hoboken Urban Renewal, LLC and Monroe Investment Group, LLC, respectively (collectively, the “Redevelopment Agreements”), for the redevelopment of certain parcels of property within the Northwest section of the City which had been designated as areas “in need of redevelopment” in accordance with the Act, as follows:

- Block 80, Lot 1.01 and Block 81, Lot 2.01 on the Tax Map of the City of Hoboken, more commonly known as 701 Harrison Street (referred to herein as “Monroe III”);
- Block 81, Lot 3.01 (Unit C) on the Tax Map of the City of Hoboken, more commonly known as 700 Monroe Street (referred to herein as “Monroe V”);
- Block 74, Lots 3 – 20 on the Tax Map of the City of Hoboken, more commonly known as known as 605-633 Jackson Street and 628-632 Monroe Street (referred to herein as the “Jackson Street Property”);
- Block 81, Lot 3.01 (Unit B) on the Tax Map of the City of Hoboken (referred to herein as “Phase IV”);
- Portion of Block 81, Lot 3.01 (Unit A) on the Tax Map of the City of Hoboken, also more commonly known as part of 720 Monroe Street (referred to herein as the “Phase I Sliver”);
- Block 81, Lot 3.01 (Unit A) on the Tax Map of the City of Hoboken, also more commonly known as 720 Monroe Street, excluding the Phase I Sliver (referred to herein as “Phase P”) (collectively referred to herein as the “Monroe Center Area,” the “Redevelopment Area” or the “Properties”); and,

**WHEREAS**, the Redevelopment Agreements provide for, *inter alia*, the construction and development of four hundred twenty-four (424) residential units, forty two (42) (i.e. 10%) of which will be deed restricted as affordable units, on Monroe III; no less than four hundred and fifteen (415) on-site parking spaces for residential, commercial and transient uses on Monroe III; development and conveyance of Phase IV to the City for utilization as a public plaza; development and conveyance of Monroe V to the City for utilization as a public park; and development and conveyance of the Jackson Street Property to the City for utilization as a public park, including the construction of an approximately 6,835 square foot gymnasium for use by the public (the “Public Gym”); the improvement of the Phase I Sliver with landscaping and hardscaping to be consistent with the design of the Phase IV improvements; and the installation of robust piping and stone stormwater detention systems to contribute towards the City’s stormwater storage needs during significant rain events under Monroe V, the Jackson Street Property and Phase IV, consistent with the goals of the City’s Rebuild by Design initiatives which are applicable to the Properties; the continued repurposing and rehabilitation of the two (2) former industrial buildings upon Phase I (collectively, the “Buildings”); the development and implementation of a Courtyard (or such plaza) under the catwalk-style suspended bridge which connects the Buildings (the “Bridge”); a certain covenant to continue artistic uses within the Buildings; and the re-establishment of a clear deed of easement for public access to provide ingress and egress

between Monroe Street and Eighth Street and the Phase IV public park development, under the Bridge (the “Walkway Area”) and across the Phase I Sliver; and,

**WHEREAS**, certain portions of the Properties were already subject to a certain Deed of Easement for Public Space dated November 30, 2004 and recorded in the Office of the Hudson County Register in Deed Book 7459, Page 69 and re-recorded in Deed Book 7622, Page 276 (“Prior Deed of Easement”) and shown on a Subdivision Plan recorded in the Recorder's Office of Hudson County, New Jersey in Map No. 4002 as well as a Deed of Public Right of Way Easement which was previously granted to the City and was dated November 30, 2004 and recorded in the Office of the Hudson County Clerk in Deed Book 7568, Page 316 (the “ROW Easement”); and,

**WHEREAS**, the Prior Deed of Easement and the ROW Easement (collectively, the “Prior Easements”) were originally implemented as part of a previous redevelopment project known as or referred to as “Village West” which was approved by the Planning Board of the City of Hoboken in or around 2004; and,

**WHEREAS**, the Prior Easements were recorded but Village West was never developed; and,

**WHEREAS**, the terms of the Redevelopment Agreements and the Deeds providing for the conveyances of Monroe V and Phase IV are not wholly consistent with certain terms of the Prior Easements, including with regard to operation and maintenance requirements; and,

**WHEREAS**, the parties acknowledged and agreed that in order to provide for appropriate and adequate public access to complement the future park use of Phase IV and Monroe V; accommodate the projects contemplated by the Redevelopment Agreements; and address certain related title matters, the Prior Easements should be vacated or terminated as more specifically set forth in a resolution of the Hoboken City Council adopted July 6, 2016, a copy of which is attached hereto as **Exhibit A**, entitled Resolution of the City of Hoboken Authorizing the Public Hearings Required by N.J.S.A. 13:8B-1, et seq. for Releasing Certain Portions of a Proper Deed of Easement for Public Open Space upon Certain Parcels Comprising Approximately 4,622 Square Feet within the Monroe Center Area, an Area within the Northwest Industrial Area, and a Right of Way Easement, in Order to Accommodate Certain Redevelopment which will Result in the Conveyance to the City of Three (3) Real Properties which shall be Developed, Collectively, as a 2.0 Acre Public Park and the Re-Establishment of Certain Public Access Areas Comprising Approximately 21,417 Square Feet (the “Public Hearing Resolution”); and,

**WHEREAS**, the Public Hearing Resolution authorized the City to hold a hearing in order to solicit public comments regarding the termination of the Prior Deed of Easement and ROW Easement in compliance with the Conservation Restriction Act, N.J.S.A. 13:8B-1, et seq. (the “Conservation Act”); and,

**WHEREAS**, the public hearing was held on January 12, 2017, at which time no public comments or concerns were offered; and,

**WHEREAS (#11)**, the City had published notices of the hearing in the Jersey Journal on December 22, 2016, December 28, 2016, December 29, 2016, January 4, 2017, January 5, 2017, and January 11, 2017, in accordance with the requirements set forth in the Conservation Act, as set forth in **Exhibit B**; and,

**WHEREAS**, the City Council has confirmed its preliminary conclusion, and in light of the fact that no public comments or concerns regarding the termination have been offered, that the termination of the Prior Easements in exchange for the remediation, development and conveyance of a 2.0 acre public park, and the re-establishment of certain public access areas all as set forth in the Public Hearing Resolution, as well as the other amenities to be provided by the Redevelopment Agreements, is in the best interests and welfare of the residents of the City of Hoboken; and,

**WHEREAS**, accordingly, upon the occurrence of all of the Termination Triggers as set forth in the Public Hearing Resolution, subject to the approval of the Commissioner of the New Jersey Department of Environmental Protection, the City may record a termination of the Prior Easements in their entirety.

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

1. Upon the satisfaction of the requirements set forth in N.J.S.A. 13:8B-1, et seq., including the approval of the Commissioner of the New Jersey Department of Environmental Protection, and upon the occurrence of all of the Termination Triggers, as that term is defined in the Public Hearing Resolution, the Mayor of the City of Hoboken is hereby authorized to execute and record a termination of the Prior Easements in their entirety.

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, to the extent permitted by law, including providing this Resolution to the New Jersey Department of Environmental Protection with a request for the Commissioner to issue formal approval of the termination of the Prior Easements.

3. This Resolution shall be effective immediately.

---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

### Environmental Services

17-111

---By Councilman Doyle

RESOLUTION AWARDING A PROFESSIONAL SERVICE CONTRACT TO TURNER  
CONSTRUCTION FOR PRECONSTRUCTION SERVICES FOR THE 9/11 MEMORIAL  
PROJECT

**WHEREAS**, the City of Hoboken awarded a contract to Jaroff Design for the construction of the 9/11 Memorial; and,

**WHEREAS**, the City of Hoboken has a need to obtain a construction engineering firm to provide construction management services relative to the 9/11 Memorial project; and,

**WHEREAS**, Turner Construction had been working with the City on the 9/11 Memorial project prior to the award of the contract to Jaroff Design; and,

**WHEREAS**, pursuant to Hoboken City Code §20A-4(A), the municipality shall award all contracts or agreements for the provision of professional services on the basis of qualification based, competitive negotiation; and,

**WHEREAS**, §20A-4(H) of the Hoboken City Code allows the City Council to waive part or all of the requirements of §20A-4 by a majority vote of the full Council in the event compliance with part or all of the requirements delineated in §20A-4 is impracticable; and,

**WHEREAS**, the anticipated term of the proposed contract is not to exceed one (1) year; and,

**WHEREAS**, the Administration recommends that the requirements set forth in Hoboken City Code §20A-4 be waived for the contract for construction management services for the 9/11 Memorial project; and,

**WHEREAS**, the Administration further recommends that a non-fair and open contract be awarded to Turner Construction, due to the fact that Turner Construction is familiar with the project and the specifications, and therefore is uniquely qualified to perform construction management services for this project, and soliciting bids from firms with no knowledge of the project would be impracticable; and,

**WHEREAS**, the Administration therefore recommends awarding this service as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5 in an amount not to exceed \$14,874.00 and in accordance with the attached proposal dated January 6, 2017, for a term to expire no later than February 1, 2018.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Hoboken authorizes the Mayor to enter into a non-fair and open contract with Turner Construction, as described herein, for the services described in their attached January 6, 2017 proposal, for a term to expire no later than February 1, 2018, and in the amount of \$14,874.00; and,

**BE IT FURTHER RESOLVED** by a majority of the City Council of the City of Hoboken, voting in full, that the requirements of §20A of the Hoboken City Code are hereby waived relative to this contract; and,

**BE IT FURTHER RESOLVED**, that no minimum payment is implied or guaranteed and the City reserves the right to cancel this Agreement at any time and Turner Construction shall only be paid for the work completed or on a pro-rated amount if payment arrangements are based upon a fixed retainer; and,

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

1. The terms of Turner Construction's written proposal dated January 6, 2017 shall govern the contract, and no changes may be made without the prior written consent of both parties.
2. 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.
3. 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

### **Public Safety**

#### **17-112**

---By Councilman Mello

A RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO THE US DEPARTMENT OF HOMELAND SECURITY (DHS), FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR THE STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT

**WHEREAS**, the US Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response Grants (SAFER) was created to provide funding directly to fire departments and volunteer firefighter interest organizations to help them increase or maintain the number of trained, "front line" firefighters available in their communities; and,

**WHEREAS**, the goal of SAFER is to enhance the local fire departments' abilities to comply with staffing, response and operational standards established by the National Fire Protection Association; and,



**WHEREAS**, the Administration recommends applying for the salary and benefits reimbursement for (4) four new firefighters; and,

**WHEREAS**, the SAFER grant will reimburse the city for 75% of salary and benefits costs in years one and two, and 35% in year three; based off the salary and benefits of a first year firefighter; and,

**WHEREAS**, there is a requirement to maintain staffing levels during the grant period; and,

**WHEREAS**, the Administration recommends the grant application be reviewed jointly by the Public Safety Subcommittee and the Revenue and Finance Subcommittee; and,

**WHEREAS**, if the grant is awarded, and after consultation with the Public Safety Subcommittee and the Revenue and Finance Subcommittee, the Administration may recommend to the City Council that the grant award be accepted.

**NOW, THEREFORE, BE IT RESOLVED**, by the Hoboken City Council that the Hoboken Fire Department is authorized to file the SAFER grant application with the US Department of Homeland Security, Federal Emergency Management Administration; and,

**BE IT FURTHER RESOLVED**, that the Mayor or her designee is authorized to execute the above referenced grant application and all other documents to fulfill the intent of the application, and the City Council ratifies same.

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

---Motion duly seconded by Councilwoman 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

#### **Corporation Counsel amends the resolution**

#### **Tax Collector**

#### **17-113**

---By Councilwoman Fisher

**RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$17,972.31)**

**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 \$17,972.31, made payable to the following:

NAME	BL/LT/UNIT	PROPERTY	QTR/YEAR	AMOUNT
Imperial North America Management Corp. P.O. Box 6039 Hoboken, NJ 07030	67/7/C0006	513 Monroe St	4/16	\$951.92
Imperial North America Management Corp. P.O. Box 6039 Hoboken, NJ 07030	67/7/C0008	513 Monroe St	4/16	\$171.03
Imperial North America Management Corp. P.O. Box 6039 Hoboken, NJ 07030	67/7/C0007	513 Monroe St	4/16	\$810.25
Imperial North America Management Corp. P.O. Box 6039 Hoboken, NJ 07030	67/7/C0004	513 Monroe St	4/16	\$924.98
Imperial North America Management Corp. P.O. Box 6039 Hoboken, NJ 07030	67/7/C0003	513 Monroe St	4/16	\$767.21
Imperial North America Management Corp. P.O. Box 6039 Hoboken, NJ 07030	67/7/C0001	513 Monroe St	4/16	\$546.40
Imperial North America Management Corp. P.O. Box 6039 Hoboken, NJ 07030	67/7/C0005	513 Monroe St	4/16	\$712.95

<b>Vishal Patel 132 Adams Street #1 Hoboken, NJ 07030</b>	<b>30/13.01/ C0001</b>	<b>132 Adams St</b>	<b>3/16</b>	<b>\$400.45</b>
<b>Chase Attn: Refund Dept. PO Box 961227 Ft. Worth, TX 76161-0227</b>	<b>38/14/C0004</b>	<b>235 Monroe St</b>	<b>4/16</b>	<b>\$1,189.11</b>
<b>Sergey Suchkov 315 Grand St#4 Hoboken, NJ 07030</b>	<b>52/9/C0004</b>	<b>315 Grand St</b>	<b>4/16</b>	<b>\$2,552.35</b>
<b>David Kroner 517 Jackson St #6 Hoboken, NJ 07030</b>	<b>66/9/C0006</b>	<b>517 Jackson St</b>	<b>3/16</b>	<b>\$2,168.35</b>
<b>Peter D'Angelo 10 Daily Street Nutley, NJ 07110</b>	<b>109/1.01/ C0516</b>	<b>1200 Grand St</b>	<b>4/16</b>	<b>\$709.01</b>

<b>NAME</b>	<b>BL/LT/UNI T</b>	<b>PROPERTY</b>	<b>QTR/YEA R</b>	<b>AMOUNT</b>
<b>Gerald Udell 385 Watchung Avenue Bloomfield, NJ 07003</b>	<b>1/17/C004C</b>	<b>72 Park Ave</b>	<b>4/16</b>	<b>\$1,718.15</b>
<b>Lighthouse Outdoor Advert LLC 126 Winding Way Little Silver, NJ 07739</b>	<b>29/25/C001 R</b>	<b>118 Jefferson St</b>	<b>4/16</b>	<b>\$1,048.46</b>
<b>CitiMortgage, Inc. P.O. Box 23689 Rochester, NY 14692</b>	<b>15/20/ C003R</b>	<b>86 Monroe St</b>	<b>3/16</b>	<b>\$1,168.84</b>
<b>Bisham Colon 421 Jackson St #1 Hoboken, NJ 07030</b>	<b>57/11/C0001</b>	<b>421 Jackson St</b>	<b>3/16</b>	<b>\$2,132.85</b>

---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

**17-114**

---By Councilwoman Fisher

RESOLUTION CANCELLING THE 2017 REAL ESTATE TAXES ON BLOCK 107, LOT 1; BLOCK 103, LOT 7; AND BLOCK 113, LOT 1

**WHEREAS**, the City of Hoboken purchased Block 107, Lot 1; Block 103, Lot 7; and Block 113, Lot 1, on December 20, 2016, and, therefore, the property is now city owned and tax exempt; and,

**WHEREAS**, the attached property records show open taxes, based on the original assessment, which should hereafter be cancelled; and,

**WHEREAS**, the 2017- Q1 and 2017-Q2 taxes should be canceled from the tax duplicate in the total amount of \$35,458.97.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken, that the 2017-Q1 and 2017-Q2 real estate tax amounts on Block 107 Lot 1; Block 103, Lot 7, and Block 113, Lot 1, are hereby canceled in the total amount of \$35,458.97.

---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**

**17-115**

---By Councilman Russo

RESOLUTION AWARDING A PROFESSIONAL SERVICE CONTRACT TO PETRY TRAFFIC LLC FOR THE DESIGN OF A NEW TRAFFIC SIGNAL SYSTEM

**WHEREAS**, the City of Hoboken requires a qualified firm to perform professional traffic engineering services associated with the design of traffic signal improvements for the South West Quadrant of the City of Hoboken; and,

**WHEREAS**, Petry Traffic LLC has been prequalified for engineering services to the City, pursuant to City Council Resolution A1 dated January 4, 2017; and,

**WHEREAS**, Petry Traffic LLC submitted the attached proposal dated January 26, 2017 for the required traffic engineering services; and,

**WHEREAS**, the Administration recommends awarding a contract to Petry Traffic, LLC in the amount of \$158,585.00 in accordance with the attached proposal, for a period of one (1) year to expire no later than February 1, 2018.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken, that a professional services contract is hereby awarded to Petry Traffic LLC, in the amount of \$158,585.00 for a term of one (1) year, to expire no later than February 1, 2018.

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

1. The award of this contract is subject to finalization of the contract terms.
2. 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.
3. The Council hereby authorizes the Mayor, or he 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.
4. The Mayor, or her designee, is hereby authorized to execute an agreement as outlined herein.

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: Yeas: 8 Nays: 1

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

---Nays: Fisher

**Councilman Doyle has left the meeting at 11:06 PM**

**Councilman Doyle has returned at 11:08 PM**

**17-116**

---By Councilman Mello

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION THE FOR 2017 MUNICIPAL AID PROGRAM**

**WHEREAS**, the New Jersey Department of Transportation (NJDOT) has announced that it is accepting applications for its FY2017 Municipal Aid State Aid program (the "Program"); and,

**WHEREAS**, the purpose of the Program is to maintain and improve New Jersey's local transportation infrastructure by providing financial assistance to counties and municipalities for traditional and non-traditional transportation initiatives; and,

**WHEREAS**, Municipal Aid has been a significant resource for municipalities in funding local transportation projects; and,

**WHEREAS**, NJDOT has set a goal to award up to 10 percent of the Municipal Aid program to fund projects such as pedestrian safety improvements, bikeways, and streetscapes; and,

**WHEREAS**, the City intends to submit an application for safety, accessibility, and drainage improvements to various streets, including Jackson Street between Eighth Street and Ninth Street and the intersections of Ninth Street and Madison Street, Fourth Street and Garden Street, Second Street and Clinton Street, Seventh Street and Clinton Street, Fourteenth Street and Shipyard Lane, and Eleventh Street and Adams Street; and,

**WHEREAS**, all projects funded through the Transportation Trust Fund must comply with the Americans with Disabilities Act (ADA); and,

**WHEREAS**, if awarded, NJDOT requires Municipal Aid projects to be delivered to construction award within 24 months of grant agreement execution; and,

**WHEREAS**, there is no City monetary match required for the acceptance of this grant, and this authorization to execute the grant agreement is contingent on there being no City monetary match for this grant; and,

**WHEREAS**, the City Council of the City of Hoboken wishes to authorize the Administration to take the necessary steps to complete said grant application and to accept and utilize any resulting funding.

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

1. The Mayor and/or the Mayor's designee are hereby authorized to electronically submit the grant application identified as MA-2017-Hoboken City-00030 to the New Jersey Department of Transportation on behalf of the City of Hoboken and to accept the terms of the grant funding; and,
2. The Mayor and/or the Mayor's designee are hereby authorized to sign the grant agreement on behalf of the City of Hoboken and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement; and,
3. Upon receipt of the fully executed grant agreement, the Council does further authorize the expenditure of funds pursuant to the terms of the agreement; and,
4. The Mayor and/or the Mayor's designee are hereby authorized to assume maintenance responsibility over all improvements completed with grant funding awarded under the FY2017 Municipal Aid Program.

---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.

**17-117**

---By Councilman Cunningham

**RESOLUTION AUTHORIZING AN ADDENDUM TO THE CONTRACT WITH UNDERGROUND UTILITIES CORPORATION FOR THE WASHINGTON STREET REDESIGN PROJECT**

**WHEREAS**, pursuant to Resolution No. 16-677 (agenda item A4) dated October 19, 2016, the City awarded a contract to Underground Utilities Corporation (“Underground Utilities”) to perform construction services for the Washington Street Redesign Project, as delineated in Bid No. 16-09; and,

**WHEREAS**, the City wishes to include the attached addendum to the contract with Underground Utilities; and,

**WHEREAS**, in particular, the City will allow Underground Utilities to utilize a portion of Block 113, Lot 1, for staging during the construction project; and,

**WHEREAS**, McGuire Associates, LLC performed an analysis of Block 113, Lot 1 to determine the fair rental value of the property; and,

**WHEREAS**, in consideration for utilizing a portion of Block 113, Lot 1 during the project, Underground Utilities will pay the City \$2,000.00 per month, which is the fair rental value of the property.

**NOW, THEREFORE, BE IT RESOLVED**, that the City is authorized to include an addendum to the contract with Underground Utilities to allow Underground Utilities to utilize a portion of Block 113, Lot 1 for staging purposes during the Washington Street Redesign Project at a rate of \$2,000.00 per month; and,

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

1. The award of this contract is subject to finalization of the contract terms.
2. 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.
3. 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.
4. The mayor, or her designee, is hereby authorized to execute an agreement as outlined herein with:

Underground Utilities Corp.  
711 Commerce Road  
Linden, New Jersey 07036

---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.

**Clerk**

**17-118**

---By Councilman Doyle

**RESOLUTION TO ADOPT THE MINUTES OF THE MEETINGS OF THE CITY  
COUNCIL DATED: REGULAR AND SPECIAL MEETING OF JANUARY 18, 2017**

---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.

**ORDINANCES**

**Introduction and First Reading**

**17-119**

**Z-467**

---By Councilman Mello

**AN ORDINANCE AMENDING CHAPTER 145 OF THE HOBOKEN CITY CODE  
ENTITLED "PEACE AND GOOD ORDER" TO REPEAL §145-13 "INTOXICATION"**

**WHEREAS**, pursuant to N.J.S.A. 26: 2B-26, "No...municipality...of the State shall adopt any...ordinance...rendering public intoxication or being found in any place in an intoxicated condition an offense, a violation or the subject of criminal or civil penalties or sanctions of any kind..."; and,

**WHEREAS**, the City of Hoboken wishes to amend its Code to be consistent with N.J.S.A. 26: 2B-26; and,

**WHEREAS**, Section § 145-13 entitled "Intoxication" of the Hoboken City Code reads as follows:



A. No person shall be in the state of intoxication in any street, highway, thoroughfare or public place within the City or in any private house or place, to the annoyance of any citizen or person.

B. Police officers shall arrest any intoxicated person and cause him to be brought before the Municipal Judge, and the Municipal Judge before whom such person shall be brought may, on the confession of such person or on due proof that such person has been intoxicated, convict such person thereof.

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

**Section 1:** Section § 145-13 entitled “Intoxication” of the Hoboken City Code shall be repealed in its entirety

**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 Councilwoman 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.

**17-120**

**Z-468**

---By Councilman Mello

AN ORDINANCE AMENDING CHAPTER 94 OF THE HOBOKEN CITY CODE ENTITLED "DRUG-FREE ZONES" AT §94-1 "ADOPTION OF MAP" TO INCORPORATE THE JUNE 1, 2016 MAP BY P.E. JEFFREY MORRIS

**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 § 94-1 to read as follows:

**Article I: Drug-Free School Zones**

**§ 94-1 Adoption of Map.**

In accordance with and pursuant to the authority of P.L. 1988, c. 44 (N.J.S.A. 2C:35-7), the attached Drug-Free School Zone Map produced on or about ~~January 12, 1988, by P.L. Caulfield,~~ June 1, 2016, by Jeffrey Morris, Municipal Engineer, is hereby approved and adopted as an official finding and record of the location and areas within the municipality of property which is used for school purposes and which is owned by or leased to any elementary or secondary school or school board and of the areas on or within 1,000 feet of such school property. The Drug-Free School Zone Map approved and adopted shall continue to constitute an official finding and record as to the location and boundaries of areas on or within 1,000 feet of property owned by or leased to any elementary or secondary school or school board which is used for school purposes until such time, if any, that this chapter shall be amended to reflect any additions or deletions with respect to the location and boundaries of school property and drug-free school zones.

**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.

**17-121**

**Z-469**

---By Councilman Mello

AN ORDINANCE AMENDING ARTILE II, CHAPTER 94 OF THE HOBOKEN CITY CODE ENTITLED "DRUG-FREE PUBLIC HOUSING, PUBLIC PARK, AND PUBLIC BUILDING ZONES" AT §94-6 "ADOPTION OF MAP" TO INCORPORATE THE JULY 28, 2016 MAP BY P.E. JEFFREY MORRIS

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

**Section 1:** The following additions shall be made to Hoboken City Code § 94-6 to read as follows:

**Article II: Drug-Free Public Housing, Public Park, and Public Building Zones**

**§ 94-6 Adoption of Map.**

In accordance with and pursuant to the authority of P.L. 1997, c. 327, the Drug-Free Public Housing, Public Park, and Public Building Zones Map produced on or about July 28, 2016,

by Jeffrey Morris, ~~the~~ Municipal Engineer, is hereby approved and adopted as an official finding and record of the locations and areas within the municipality of property that is used for a public housing facility owned by or leased to a housing authority pursuant to the "Local Redevelopment and Housing Law," P.L. 1992, c. 79 (N.J.S.A. 40A:12A-1 et seq.), or that is used for any public park, or public building, and of the areas on or within 500 feet of such public housing, public park, or public building property. The Drug-Free Public Housing, Public Park, and Public Building Zones Map approved and adopted shall continue to constitute an official finding and record as to the location and boundaries of areas on or within 500 feet of a public housing facility, public park, or public building until such time, if any, that this chapter shall be amended to reflect any additions or deletions with respect to the location and boundaries of public housing facilities, public parks, public buildings, and drug-free public housing, public parks, and public building zones.

**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.

17-122

Z-470

---By Councilman Mello

AN ORDINANCE TO AMEND THE CITY CODE OF THE CITY OF HOBOKEN  
CHAPTER 59A ENTITLED "DEPARTMENT OF PUBLIC SAFETY," ARTICLE III  
"OUTSIDE POLICE PERSONNEL EMPLOYMENT" TO REFLECT THE CURRENT  
OUTSIDE EMPLOYMENT POLICIES AND PROCEDURES OF THE HOBOKEN POLICE  
DEPARTMENT

**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 59A, Article III ("Outside Police Personnel Employment")** to read as  
follows:

~~§ 59A-22 Assignments. Definitions.~~

- A. Regular Duty: Regularly scheduled shifts of police duty, overtime, special assignments, department sanctioned schooling in lieu of regular duty, and court appearances arising out of an officers employment with this department.
- B. Outside Employment: Outside employment shall be defined as any employment or assignment which the police department is not obligated or expected to provide, or does not normally provide as part of its regular plan of police service; performed by an officer of the Hoboken Police Department for a person or entity who has entered into a formal contract with the City for the performance of such services and where such services are conditioned upon the actual or potential use of law enforcement powers by the police department employee.
- C. Secondary Employment: any off-duty employment that will not require the use or potential use of law enforcement powers by the off-duty officer.

~~A. The Chief of Police shall designate three members of the Department to act in the capacity of outside employment liaison officers. These officers shall be responsible for the assignment of police personnel to outside employment assignments.~~

~~B. The outside liaison officers shall maintain an alphabetical list whereby police officers shall be contacted on a rotating basis concerning availability of outside employment.~~

~~§59A-23 Contracts with private entities.~~ **Outside Police Personnel Employment Generally.**

- A. The fee for outside employment services shall be paid by the person or entity requesting the services and shall be set forth in the PBA & PSOA Collective Bargaining Agreements.
- B. Outside employment will be regulated by the department and may be considered for approval provided the employment does not represent a conflict of interest and the employment and/or tasks do not reflect unfavorably on the integrity or professionalism of the police officer employee or the police department. Officers are prohibited from engaging in outside employment that has not been approved by the Chief of Police.
- C. Outside employment opportunities shall be limited to the geographical boundaries of the City, unless expressly authorized by the Chief of Police. Any assignments outside of the City that are approved by the Chief of Police must conform to the same rules and regulations.
- D. The administrative lieutenant shall function as the manager and point of contact for all outside employment assignments. The administrative lieutenant shall be responsible for maintaining a daily list of all outside employment assignments scheduled in the City.
- E. The administrative lieutenant shall create and maintain a comprehensive file for each vendor that contracts with the City for police services. Said file shall contain all relevant information and forms relating to outside employment assignments worked within two years from the then current date.
- F. Prior to the commencement of outside employment police services, the individual or entity requesting police services will be required to submit payment to the Police Department (which shall be forwarded to the City Department of Revenue and Finance for deposit in an escrow account) equaling a reasonable estimate of the cost of police services based upon the total number of man hours requested. All such fees must be paid in full prior to the date on which the outside employment police services are scheduled to commence.
  - a. Some vendors and Governmental agencies and their respective subdivisions may be exempted from this requirement and may be billed for the actual cost of the police services at the conclusion of the assignment or on a periodic basis.

~~A. Any private person or entity desiring to retain the services of police officers of the City of Hoboken for outside police related activities shall be required to enter into a contract with the City of Hoboken. The contract shall include but not be limited to the nature of duties, the date and hours of service and the rate of payment for services the officers provide. The contract may also provide for deposits in advance by the contractor for services to be performed.~~

~~B. At the time a private person or entity applies for a permit from the City of Hoboken subcode officials for street construction, excavation, paving, etc., the permit shall state that as a condition for its issuance the private person or entity shall contact the Commander, Bureau of Transportation, Hoboken Police Department, who shall determine whether or not it will be necessary to assign a police officer to that particular site in order to ensure public safety and well-being.~~

~~(1) The criterion which the Commander of the Bureau of Transportation shall use in order to base his determination as to whether or not a police presence at a particular work site is required shall be the Manual On Uniformed Traffic Control and Device Statutes, specifically N.J.S.A. 39:4-120, 39:4-183.6, 39:4-183.27 and 39:4-191.1 and the City of Hoboken Traffic Ordinance § 190-1 et seq.~~

~~(2) In the event that the determination is made that a police officer should be assigned, the officers designated as liaisons by the Chief of Police will be contacted by the Commander of the Bureau of Transportation so that an officer may be assigned from the rotation. All private persons or entities shall be required to make all payment for outside assignments payable to the Division of Revenue and Finance, City of Hoboken. The moneys shall be collected from the private persons or entities by the Finance Department and earmarked for payment of the officers performing the outside employment.~~

~~C. All members of the Police Department shall be paid for services performed on one or two standard rates. The officers performing this service shall be paid on a regular pay date, after the receipt of funds from the contracting entity and upon the submission of appropriate documentation certifying the performance of duty by the officer(s) concerned.~~

#### **§59A-24 Approval of Outside Employment Assignments.**

- A. Attached hereto as “Exhibit A” is a copy of the form “Outside Employment Contract” which may be utilized by the Police Department to enter into outside employment agreements with private entities on behalf of the City of Hoboken.
- B. All persons or entities requesting police services will be required to submit a completed Outside Employment Contract to the Chief of Police or their designee, at least 48 hours prior to the date the services are needed.
- C. The Chief of Police or their designee will evaluate all requests for outside employment police services to ensure that the request is lawful and consistent with a positive image of law enforcement officers.

#### **§59A-25 Assignment of Officers.**

- A. In order to be eligible to work outside employment, an officer must be certified by the P.T.C. as a full-time law enforcement officer, must have completed his field-training program and cannot be on medical or other leave due to sickness.

temporary disability or an on-duty injury. These requirements may be waived by the Chief of Police.

- B. The administrative lieutenant or designee shall select officers who have expressed interest in a particular outside employment assignment based upon the previous number of outside employment and overtime hours worked in the then current quarter, and any other fair and reasonable considerations as determined by the administrative lieutenant or Chief of Police.
- C. In situations where two (2) or more officers express interest in the same assignment and both officers have previously worked the same number of hours in the current quarter, the assignments shall be given to the officer with the greater seniority.

§59A-24 26 Payment schedule.

A. A two-tier payment schedule has been established by the City for outside employment:

(1) Tier A payment schedule is \$25 per hour.

(2) Tier B payment schedule is \$30 per hour.

~~B. The Tier A payment schedule shall be used in all circumstances, unless such employment requires a supervising officer to work in a supervisory capacity. If an officer of rank is required to exercise a supervisory function in connection with the outside employment, he shall be paid under the Tier B payment schedule. The Tier B payment schedule shall apply to all supervising officers, regardless of their respective ranks. This salary rate may be adjusted from time to time by the Director of Administration. The City of Hoboken shall not be required to allow its equipment to be used on any off duty assignment.~~

A. The hourly rate for the Outside Police Personnel Employment program (“Outside Employment Program” or “O.E.P”) to be paid by a private contractor shall be \$80.00 per hour for members of the Hoboken Local #2 PBA Union, subject to the following conditions:

1. The City shall retain \$10.00 per hour from the initial O.E.P. billing rate of \$80.00 per hour for administrative overhead and necessary accounting purposes.
2. Police Officers shall receive \$70.00 per hour of which \$5.00 shall be deducted from the gross hourly wage, by the City, as agreed by the membership and forwarded in quarterly installments to the P.B.A.’s Good and Welfare Fund.
3. The employee’s final gross hourly wage for O.E.P. shall be \$65.00 per hour and paid through the City’s finance/payroll department, after all above mentioned deductions are made.
4. The outside contractor shall pay to the officer overtime at the rate of time and one half (\$120.00 per hour) for all hours worked beyond an initially eight



(8) hour scheduled job. There shall be no additional monies added, subtracted, or retained, by the City or the P.B.A., from this overtime rate of pay.

- B. Fees for members of the Hoboken Police Superior Officer's Association shall continue to be governed by the most recent Collective Bargaining Agreement and shall not be considered amended by this ordinance.

§ 59A-25 Overtime.

~~Any outside assignment which exceeds eight continuous hours shall be charged at an overtime rate of time and 1/2 of either the Tier A, Tier B, or grandfather schedule.~~

§ 59A-26 Grandfather provision.

~~All outside assignments which have been contracted prior to the Police Department's Outside Police Personnel Employment Order, implemented under the auspices of this article, shall merge with the procedural requirements of said departmental order. The sole exception shall be that the rate of pay agreed to relative to those outside assignments shall not be disturbed. A separate list shall be afforded the Department of Administration indicating the payment rate of those specific assignments. However, once that particular assignment terminates, the resurrection of that assignment shall then require the implementation of the payment schedule.~~

§ 59A-27 Emergencies.

A. The Chief of Police or his designee shall have the authority to order any police officer engaged in an outside assignment within the City of Hoboken to respond to an emergency situation occurring within the City of Hoboken. The Chief of Police or his designee shall also have the right to offer any outside assignment terminated whenever said assignment created an unacceptable risk to the health, safety and welfare of the officer and/or the citizens of the City of Hoboken.

B. In the event that an officer is assigned to an emergency situation, the Police Chief or his designee shall make note of said emergency situation, as well as the time said officer was removed from said outside assignment. In any situation where a police officer is performing an outside assignment and is called to an emergency situation, said private person or entity shall not be responsible for the payment of the officer's hourly rate until such time as said police officer returns to the outside employment.

**§ 59A-28 Administrative Procedures and Policies.**

The Police Chief and/or administrative officer may issue and implement such administrative policies and procedures, not inconsistent with this Chapter, so as to implement the intent and purpose of this Chapter.

§ 59A-28 Administrative fee.

~~Due to the increase in the work load of the Department of Revenue and Finance, which includes but is not limited to additional payment and processing of checks by automatic data processing and the additional time expended in computing appropriate follow up procedures to ensure payment is made to the City by third parties, an administrative fee of \$1 per hour per man shall be charged. This figure shall be reviewed by the Director of the Department of Administration within 60 days of implementation to determine if any modification is necessary.~~

**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 Councilwoman 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.

**17-123**

**Z-471**

---By Councilman Doyle

AN ORDINANCE AMENDING CHAPTER 168 OF THE HOBOKEN CITY CODE ENTITLED “STREETS AND SIDEWALKS” TO ADD ARTICLE XI § 168-1100, WHICH SHALL BE ENTITLED “BIKE SHARE LOCATIONS DESIGNATED”

**WHEREAS**, the City of Hoboken is participating in the Hudson Bike Share program; and,

**WHEREAS**, the City of Hoboken must authorize the permanent placement of bike docking stations within the City; and,

**WHEREAS**, the City previously resolved to approve temporary locations for bike docking stations within the City; and,

**WHEREAS**, the City now wishes to ordain all of the temporary locations as permanent bike docking stations and to add one station at the intersection of Harrison Street and 7<sup>th</sup> Street.

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

**Section 1:** Chapter 168 of the Hoboken City Code is amended to add Article XI § 168-1100, which shall be entitled “Bike Share Locations Designated.” § 168-1100 will read as follows:

The following locations are hereby designated as bike docking stations for bicycles that are being utilized in connection with the Hudson Bike Share Program:

Location	Latitude	Longitude	Sidewalk/ Street	N/S/E/W Corner
1st Street & Madison Street	40.73881943	-74.03923094	Street	SW
1st Street & Sinatra Drive	40.73684808	-74.02765453	Sidewalk	E
1st Street & Washington Street	40.73749843	-74.03100729	Street	NW
2nd Street & Grand Street	40.73924215	-74.03618395	Sidewalk	W
2nd Street & Marshall Drive	40.74077447	-74.04249251	Street	SE
3rd Street & Sinatra Drive	40.73942099	-74.02689278	Sidewalk	E
4th Street & Jackson Street	40.74310743	-74.03998733	Sidewalk	NW
4th Street & Washington Street	40.74134349	-74.02974129	Street	NE
4th Street & Washington Street	40.74125407	-74.02972519	Street	SE
5th Street & Park Ave	40.74259938	-74.03220356	Sidewalk	SW

6th Street & Jefferson Street	40.74482661	-74.03635561	Street	NE
6th Street & River Street	40.74317245	-74.02694106	Street	NE
6th Street & River Street	40.74318871	-74.02700007	Street	NW
7th Street & Clinton Street	40.74539966	-74.03332472	Sidewalk	SW
8th Street & Castle Point Terrace	40.74556223	-74.02626514	Street	SW
8th Street & Garden Street	40.7463588	-74.02990222	Street	NE
8th Street & Jackson Street	40.74789095	-74.03844237	Street	NW
9th Street & Grand Street	40.74811447	-74.03333545	Sidewalk	SE
10th Street & Madison Street	40.749927	-74.03588891	Sidewalk	NW
11th Street & Maxwell Park	40.74949622	-74.02370632	Sidewalk	E
11th Street & Washington Street	40.7500286	-74.02715564	Street	NW
12th Street & Willow Ave	40.75173541	-74.03025627	Street	NE
14th Street & Grand Street	40.75421834	-74.03146327	Sidewalk	E
14th Street & Sinatra Drive	40.75267414	-74.02346492	Sidewalk	E
14th Street & Washington Street	40.75328369	-74.02612567	Sidewalk	NW
15th Street & Garden Street	40.75467346	-74.02757406	Sidewalk	SE
Harrison Street & Observer Hwy	40.73786831	-74.0425086	Sidewalk	NW
Harrison Street near 7th Street	40.74623688	-74.03994977	Street	W
Hudson Place near River Street	40.735787	-74.028591	Sidewalk	S
Hudson Place & Hudson Street	40.73605546	-74.03024554	Sidewalk	W
Hudson Place & River Street	40.7358441	-74.02918875	Sidewalk	S
Hudson Street & Observer Hwy	40.735394	-74.030541	Street	S
Newark Street & Adams Street	40.73725049	-74.03764844	Sidewalk	NE
Willow Ave near 4th Street	40.74122156	-74.03367341	Sidewalk	W

**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 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.

**17-124**

**Z-472**

---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:

Megan Reynders-711 Willow Avenue -east side of Willow Avenue, beginning at a point 155 feet north of the northerly curblineline of Seventh Street and extending 22 feet northerly therefrom.

Michelle Kohn- 603 First Street -south side of First Street, beginning at a point 35 feet west of the westerly curblineline of Monroe Street and extending 22 feet westerly 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.

**17-125**

**Z-473**

---By Councilwoman Giattino

AN ORDINANCE AMENDING ARTICLE I, CHAPTER 46 OF THE HOBOKEN CITY CODE ENTITLED "LEASE AGREEMENTS" AT § 46-4 TO AUTHORIZE THE MAYOR TO EXECUTE A LEASE WITH THE AMERICAN LEGION POST NO. 107 AND THE HOBOKEN WORLD WAR VETERANS HOLDING CORPORATION

**WHEREAS**, The American Legion, Hoboken Post No. 107 and the Hoboken World War Veterans Holding Corporation are nonprofit corporations of the State of New Jersey; and,

**WHEREAS**, The American Legion, Hoboken Post No. 107 and the Hoboken World War Veterans Holding Corporation are planning to demolish the existing building located at 308 2<sup>nd</sup> Street, Hoboken, New Jersey and reconstruct a new five (5) story building with six (6) residential apartments for homeless veterans on the property, commonly referred to as the "American Legion Veterans Affordable Housing Project" (the "Project"); and,

**WHEREAS**, the demolition and construction of said buildings require the use and occupancy of the abutting City owned parking lot property for storage, ingress, egress and staging and utilization of a construction area; and,

**WHEREAS**, the City acknowledges that the demolition and rebuilding Project, cannot be accomplished without the City leasing said property to the above named nonprofit corporations; and,

**WHEREAS**, N.J.S.A. 40A:12-14(c), authorizes a municipality to lease real property to a nonprofit corporation for a public purpose; and,

**WHEREAS**, pursuant to the criteria enumerated in N.J.S.A. 40A: 12-14(c), the City agrees to lease the parking lot at Block 43/Lots 34 and 35 for a public purpose under the following conditions:

1. The consideration for the lease is one dollar (\$1.00) payable annually as set forth in the attached Lease Agreement.

2. The name of the corporation(s) who shall be the lessee are The American Legion, Hoboken Post No. 107 and the Hoboken World War Veterans Holding Corporation.

3. The public purpose served by the lessee is enumerated in N.J.S.A. 40A:12-15(c), which references the following public purpose: "The housing, recreation, education or health care of veterans of any war of the United States by any nonprofit corporation or association."

4. The number of persons benefitting from the public purpose served by the lessee includes but is not limited to the following: the City, the American Legion Post, the Hoboken World War Veterans Holding Corporation, and any veterans that are housed.

5. The term of the Lease shall be for one (1) year. The lessee may renew the lease for additional six (6) month option periods upon sixty (60) days written notice to City prior to the expiration of the term or the expiration of any renewal periods thereof.

6. The officer/employee responsible for enforcement of the conditions of the lease is Commander, John Carey.

7. The lessee will annually submit a report to the Business Administrator of the City of Hoboken, setting out the use to which the leasehold was put during each year, the activities of the lessee undertaken in furtherance of the public purpose for which the leasehold was granted; the approximate value or cost, if any, of such activities in furtherance of such purpose; and an affirmation of the continued tax-exempt status of the nonprofit corporation pursuant to both State and federal law.

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

**Section 1:** The following additions shall be made to Hoboken City Code Article I § 46-4 to read as follows:

**§ 46-4 through § 46-9. (Reserved) Execution of Lease Agreement with the Hoboken Post No. 107, The American Legion and Hoboken World War Veterans Holding Corporation**

The Mayor is hereby authorized to enter into and execute the attached lease agreement (Exhibit A) and same shall become part of the Hoboken Administrative Code for the term of the lease.

**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 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.

### **NEW BUSINESS**

Councilwoman Fisher comments that there will be on March 2, 2017 a community meeting for Maxwell Park for the proposed toddler park and thanks everyone for the response regarding the YMCA uptown and trying to get support and working on a business plan together and encourage anyone to come to get their support. Lastly, she reported that she went to a Port Authority legislative oversight committee meeting chaired from Bob Gordan for the 10 year capital plan for the Port Authority and the next meeting is in Jersey City on Monroe [City???? Help?](#)

Councilman Ramos announced that on Monday night, Feb. 6<sup>th</sup> at 221 Jackson St. at 7:00 PM

Councilman Russo comments that he is waiting for a legal memo to obtain information and what authority the administration has to withhold information from the governing body regarding communications with United Water/Suez

Corporation Counsel comments

Councilman DeFusco comments on urging the administration to provide funding for the small business districts and looking forward to see in early march

Councilman Doyle comments that there will be a meeting tomorrow night regarding expanding the central business district and he also reported that all public officials will be at the HOHA Snowball at Feb. 18<sup>th</sup>, a charity event at 7:00 PM at the Elk's Club, and all proceeds will go to the Jubilee Center and United Cerebral Palsey

Councilman Bhalla comments the infrastructure sub-committee and now we have legal council

Councilman Cunningham comments on an update for the Post Office and feels very confident that they will have a plan within the next 2 weeks and introduce that plan in March, that's the goal; the Western Edge, he reports that he was out of town and missed a meeting, but he was waiting on some feedback, and he spoke to Mr. Villimar where there were no substantive issues, and lastly the Redevelopment projects in town, the contract has

been sent to the planner for the North End, sorry for missing the Transportation and Parking meeting last night but hopefully an ordinance to finally legalize the parking on 12<sup>th</sup> st. between Willow and Clinton will be forthcoming.

Councilman Mello comments on coming out on the 6<sup>th</sup>  
For the meeting at 221 Jackson Street

Council President comments that there will be a meeting on the Western Edge, and she asks that the Council to publicize the meeting on Feb. 6th

The Deputy Clerk comments and wishes everyone a Happy Chinese New Year, it is the year of the Rooster and wishes everyone a happy, healthy, peaceful and prosperous year

**At 11:30 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 11:30 PM**

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PRESIDENT OF THE COUNCIL

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CITY CLERK