

**MEETING OF FEBRUARY 15, 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 15, 2017 AT 7:00 PM**

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Council President opened the meeting at 7:06 P.M. and stated, "I would like to advise all those present that notice of this meeting has been provided to the public in accordance with the provisions of the Open Public Meetings Act, and that notice was published in the Jersey Journal and on the City website, copies were provided in the Hoboken Reporter, The Record, The Newark Star-Ledger and also placed on the bulletin board in the lobby of City Hall. If any Councilperson or member of the public believes that this meeting, or any portion thereof, is in violation of the Open Public Meetings Act, they are requested to so advise the City Council and City Clerk at this time, or at the time of the believed violation, in accordance with N.J.S.A. 10:4-17. Written objections, if any, shall be made in writing to the City Clerk."

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

**ABSENT: None.**

Council President would like to have a moment of silence for two (2) Hoboken residents – Helen Hirsch, who was an active community member and Angela Servello, who was an employee for the City of Hoboken.

Council President comments and would like to suspend the agenda for Mayor Zimmer and the Governing Body to present two (2) proclamations this evening for two (2) Hoboken residents - Sandra Smith and E'Nigel Owusu-Ansah.

**Council President comments that there will be a presentation from Kimley Horn.**

**A PRESENTATION FOR THE POP-UP NORTHWEST PARK BY KIMLEY HORN**

\*\*\*\*\*Council President Go to resolution #A8\*\*\*\*\*  
17-140

---By Councilwoman Fisher

**RESOLUTION TO APPROVE AND AUTHORIZE MONETARY GRANTS OF \$360,000 AND \$206,000 FROM THE CITY OF HOBOKEN TO THE HOBOKEN HOUSING AUTHORITY AND AMERICAN LEGION POST 107**

**WHEREAS**, the Hoboken Housing Authority (HHA) is an integral part of the Hoboken community that provides housing to over 3,000 residents; and,

**WHEREAS**, it has been demonstrated that due to age, the doors at the residential buildings of the HHA pose a significant safety concern to residents; and,

**WHEREAS**, Mayor Dawn Zimmer and the Hoboken City Council want to ensure that all members of our community are safe, and it is estimated by the Executive Director of the HHA that the cost to replace the doors is approximately \$360,000; and,

**WHEREAS**, the HHA Executive Director and the Hoboken Chief of Police determined replacing the doors is an urgent public safety issue given the age of the doors; and,

**WHEREAS**, residents in the HHA have expressed concerns regarding public safety relating to the doors to the HHA and the City; and,

**WHEREAS**, the City and its elected officials have an obligation to take all necessary measures to protect the health and safety of all residents of Hoboken; and,

**WHEREAS**, the American Legion Post 107 headquarters was severely damaged by Hurricane Sandy and is being rebuilt in a more flood-resilient manner along with six units of affordable housing for homeless veterans; and,

**WHEREAS**, the American Legion applied for approximately \$1.5 million in funds from the New Jersey Housing and Mortgage Finance Agency for the affordable housing component of the project and was awarded \$1,293,838 million, leaving approximately a \$206,000 funding gap; and,

**WHEREAS**, the City of Hoboken has funds from a settlement of litigation that are established in a capital fund with the City that can be designated towards projects consistent with the Housing element of the Master Plan, and the replacement of doors and provision for veteran affordable housing is consistent with the Master Plan; and,

**WHEREAS**, a grant for the door replacement in the HHA and the American Legion Post 107 allocated from this capital fund would not cause an increase in municipal taxes.

**NOW, THEREFORE, BE IT RESOLVED**, that the Hoboken City Council expresses its support to the Hoboken Housing Authority and American Legion Post 107 and supports a grant from the established City Capital Fund of up to \$360,000 to the HHA for the use of the replacement of doors and \$206,000 to American Legion Post 107 for the purpose of closing a funding shortfall for the affordable housing component of the American Legion Post 107 project, and the Council authorizes the Administration to immediately provide for and administer these grants.

**Motion to override the Council President's decision to table this resolution, motioned by Councilman Mello and seconded by Councilman Bhalla**

---Motion to override adopted by the following vote: Yeas: 6 Nays: 3

---Yeas: Council persons Bhalla, Cunningham, DeFusco, Mello, Ramos, and Russo

---Nays: Council persons Doyle, Fisher, and Giattino

**Vote on resolution itself**

---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.

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

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 (**sponsored by Councilwoman Giattino and Councilwoman Fisher**) (Z-473)

**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.

---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 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 (sponsored by Councilman Mello and Councilwoman Giattino) (Z-468)

**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.

---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 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 (sponsored by Councilman Mello and Councilwoman Giattino) (Z-469)

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.

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

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

---Nays: None.

AN ORDINANCE TO AMEND THE CITY CODE OF THE CITY OF HOBOKEN 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 (**sponsored by Councilman Mello and Councilwoman Fisher**) (Z-470)

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.

---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 168 OF THE HOBOKEN CITY CODE ENTITLED "STREETS AND SIDEWALKS" TO ADD ARTICLE XI § 168-1100, WHICH SHALL BE ENTITLED "BIKE SHARE LOCATIONS DESIGNATED" (**sponsored by Councilman Doyle and Councilman Bhalla**) (Z-471)

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:

<b>Location</b>	<b>Latitude</b>	<b>Longitude</b>	<b>Sidewalk/ Street</b>	<b>N/S/E/W Corner</b>
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 &	40.74539966	-74.03332472	Sidewalk	SW

Clinton Street				
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.

---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 145 OF THE HOBOKEN CITY CODE  
ENTITLED "PEACE AND GOOD ORDER" TO REPEAL §145-13 "INTOXICATION"  
(sponsored by Councilman Mello and Councilwoman Fisher) (Z-467)

**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.

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

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

---Nays: None.

AN ORDINANCE TO AMEND 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 (sponsored by Councilman Russo and Councilman Cunningham) (Z-472)

**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.

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

### **PUBLIC COMMENTS**

**The speakers who spoke:** Danny Ortega, Dan Tumpson, Cheryl Fallick, Mary Ondrejka, Jason Altberger, Patricia Waiters, Hany Ahmed, Elizabeth Adams, Margaret O'Brien, Roman Brice

### **PETITIONS AND COMMUNICATIONS**

#### **17-127**

A Proclamation from Mayor Dawn Zimmer and the City Council for two individuals for Black History Month

#### **17-128**

##### **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**

#### **17-129**

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of January 2017 **\$13,323,658.04 (Abatement Totals -\$17,071.00)**

#### **17-130**

A report from Municipal Court indicating receipts for the month of January 2017 as **\$456,782.67**

**Received and filed**

#### **17-131**

##### **CLAIMS**

Total for this agenda **\$2,483,842.86**

---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**

**17-132**  
**PAYROLL**

**For the two week period starting January 12, 2017 – January 25, 2017**

<b>Regular Payroll</b>	<b>O/T Pay</b>	<b>Other Pay</b>
\$1,716,649.37	\$71,614.97	\$144,250.56
<b>Total</b>		
\$1,932,514.90		

---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**

**The speakers who spoke:** Cheryl Fallick, Patricia Waiters, Mark Recko

**CONSENT AGENDA – A1-A3, A5, A6, A9, CD2-CD3, E1, F1, F2, HH1, PS1, TX1, TX2 , TS1, CL1 AND CL2**

---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, A10, CC1, CD1, E2, TS2,  
Removed by Administration:

**RESOLUTIONS**

**Administration**

**17-133**

---By Councilwoman Fisher

RESOLUTION AUTHORIZING A NO-COST AMENDMENT TO THE CONTRACT WITH T&M ASSOCIATES FOR THE CITY WAYFINDING AND FIRST STREET REVITALIZATION PROJECT TO EXTEND THE CONTRACT TO JUNE 1, 2017 AND INCORPORATE THE MANDATORY CONTRACT LANGUAGE CONTAINED IN THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY ("NJEDA") ADMINISTRATIVE MANUAL

**WHEREAS**, on November 16, 2015, the City awarded –a professional service contract to T&M Associates ("T&M") for engineering services related to the City Wayfinding and First Street Revitalization Project in the amount of \$72,000.00; and,

**WHEREAS**, on July 6, 2016, the City increased the contract by \$15,000.00 for a total contract amount of \$87,000.00 and extended the term of the contract to February 17, 2017; and,

**WHEREAS**, on January 4, 2017, the City pre-qualified T&M as a pool licensed engineer for the City of Hoboken for the 2017 calendar year; and,

**WHEREAS**, pursuant to N.J.S.A. 40A:11-15(9), the duration of a contract for construction services, "including the retention of the services of any architect or engineer in connection therewith" may be "for the time... necessary for the completion of the actual construction," and,

**WHEREAS**, the Administration recommends amending the contract to incorporate the attached exhibits and mandatory contract language that is contained in the New Jersey Economic Development Authority ("NJEDA") Administrative Manual; and,

**WHEREAS**, the Administration also recommends extending the term of the contract to June 1, 2017 in accordance with N.J.S.A. 40A:11-15(9); and,

**WHEREAS**, the Mayor or her designee is authorized to sign the attached "Amendment to Agreement for City Wayfinding and 1<sup>st</sup> Street Streetscape Revitalization Project."

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor or her designee is authorized to sign the attached "Amendment to Agreement for City Wayfinding and 1<sup>st</sup> Street Streetscape Revitalization Project"; 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:

T&M Associates  
11 Tindall Road  
Middletown, New Jersey 07748

---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.

**17-134**

---By Councilwoman Fisher

**RESOLUTION AWARDING TWO CHANGE ORDERS, WHICH TOTAL \$6,782.37, TO THE CITY'S CONTRACT WITH DEE-EN ELECTRICAL CONTRACTING, INC. FOR THE EMERGENCY GENERATOR PROJECT FOR A NEW TOTAL CONTRACT AMOUNT OF \$1,203,550.95**

**WHEREAS**, the City Council of the City of Hoboken awarded a contract to DEE-EN Electrical Contracting, Inc. for electrical services for the Emergency Generator Project by way of resolution dated March 18, 2015 in the amount of \$1,042,600.00; and,

**WHEREAS**, the City received the attached change order requests from construction manager EI Associates regarding two change orders to the contract with DEE-EN Electrical Contracting Inc.; and,

**WHEREAS**, the City Council is being asked to award Change Order #23 to this contract, in the amount of \$1,813.58 for work removing the existing automatic transfer switch and emergency conduit and cable and rewiring the existing emergency panel at police headquarters; and,

**WHEREAS**, the City Council is being asked to award Change Order #24 to this contract, in the amount of \$4,968.79 for working resetting the height of the previously installed electrical conduit and fittings due to the fact that the height of the roof surface has been raised, which was an unanticipated condition; and,

**WHEREAS**, the total amount of the two change orders is \$6,782.37; and,

**WHEREAS**, the new total contract amount, including previous change orders, is \$1,203,550.95, which is an increase in the total contract amount by 15.5%.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken, that Change Order #23 shall be awarded as delineated above in the amount of

\$1,813.58; Change Order #24 shall be awarded as delineated above in the amount of \$4,968.79; and,

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

---Motion duly seconded by Councilman Ramos

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

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

---Nays: None.

#### **17-135**

---By Councilwoman Fisher

**RESOLUTION AWARDING TWO CHANGE ORDERS, WHICH TOTAL \$31,433.60, TO THE CITY'S CONTRACT WITH UNDERGROUND UTILITIES CORPORATION FOR THE WASHINGTON STREET REDESIGN PROJECT FOR A .17% INCREASE IN THE TOTAL CONTRACT AMOUNT**

**WHEREAS**, the City Council of the City of Hoboken awarded a contract to Underground Utilities Corporation for construction services for the Washington Street Redesign Project by way of resolution dated October 19, 2016, pursuant to their bid proposal in the amount of \$17,563,235.71; and,

**WHEREAS**, the City received the attached correspondence from T&M Associates dated February 8, 2017, regarding two change orders to the contract with Underground Utilities Corporation; and,

**WHEREAS**, the City Council is being asked to award Change Order #1 to this contract, in the amount of \$16,913.60 to upgrade the fire hydrants specified in the contract to hydrants that include a Storz Connection, which will ensure mutual aid units from surrounding towns will be able to secure water supply in Hoboken and increase the speed of hose connection; and,

**WHEREAS**, the City Council is being asked to award Change Order #2 to this contract, in the amount of \$14,520.00 for additional pest control, as requested by the City Health Officer; and,

**WHEREAS**, the total amount of the two change orders is \$31,433.60; and,

**WHEREAS**, the new total contract amount, including previous change orders, is \$17,594,669.31, which is an increase in the total contract amount by .17%.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken, that Change Order #1 shall be awarded as delineated above in the amount of \$16,913.60; -Change Order #2 shall be awarded as delineated above in the amount of \$14,520.00; and,

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

---Motion duly seconded by Councilman Ramos

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

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

---Nays: None.

**17-136**

---By Councilwoman Fisher

**RESOLUTION AUTHORIZING AN AMENDMENT TO THE CITY'S CONTRACT WITH ACCURATE LANGUAGE SERVICES FOR LANGUAGE INTERPRETER/TRANSLATION SERVICES FOR THE MUNICIPAL COURT TO INCREASE THE TOTAL AMOUNT BY \$20,000.00 FOR A NEW TOTAL CONTRACT AMOUNT OF \$70,812.00**

**WHEREAS**, by way of resolution dated June 1, 2016 the City renewed its contract with Accurate Language Services for language interpreter/translation services for the Hoboken Municipal Court in the amount of \$50,812.00 for a term to expire May 7, 2017; and,

**WHEREAS**, for the period May 2016 – January 2017, the requests for translation services exceeded original projections; and,

**WHEREAS**, the City expects the increased requests to continue for the remainder of Accurate Language Services' contract; and,

**WHEREAS**, it is necessary to amend the City's contract with Accurate Language Services by increasing the total contract amount by \$20,000.00, which represents a 39% increase.



**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken, that the City's contract with Accurate Language Services for language interpreter/translation services is hereby amended in an increased amount not to exceed \$20,000.00, for a new total contract amount of \$70,812.00, and:

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

---Motion duly seconded by Councilman Ramos

---Adopted by the following vote: Yeas: 7 Nays: 1 Absent: 1

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

---Nays: Russo

---Absent: Doyle

**Councilman Doyle left the meeting at 10:00 PM**

17-137

---By Councilwoman Fisher

**RESOLUTION WAIVING CONSTRUCTION FEES FOR THE AMERICAN LEGION CONSTRUCTION PROJECT, WHICH ARE ESTIMATED TO BE APPROXIMATELY \$14,000.00**

**WHEREAS**, the American Legion in Hoboken is planning to start construction to develop a new facility, which will include housing units for homeless veterans; and,

**WHEREAS**, the American Legion's application for Hurricane Sandy relief funds with the MFHA was recently approved and their architects have nearly completed construction plans; and,

**WHEREAS**, the Administration and the City Council of the City of Hoboken have committed to financially aiding the American Legion where possible during the construction process; and,

**WHEREAS**, the American Legion has requested that the City waive construction permit fees related to this project, which are estimated to be approximately \$14,000.00, in order to ease the financial burden.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken, the construction permit fees for the American Legion construction project shall be waived by the City of Hoboken; and,

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**BE IT FURTHER RESOLVED**, that the Administration and the City of Hoboken Construction Official is authorized to take necessary action to implement this resolution.

---Motion duly seconded by Councilman Ramos

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

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

---Nays: None.

**17-138**

---By Councilwoman Fisher

**RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY BOARD OF PUBLIC UTILITIES FOR THE TOWN CENTER DISTRIBUTED ENERGY RESOURCE MICROGRID FEASIBILITY STUDY INCENTIVE PROGRAM IN AN AMOUNT UP TO \$200,000.00**

**WHEREAS**, the State of New Jersey suffered devastating damage from the impacts of Superstorm Sandy and other recent extreme weather events; and,

**WHEREAS**, the State of New Jersey has made it a priority to protect critical energy infrastructure, improve the electric companies' emergency preparedness and response, increase the use of microgrid technologies and applications for distributed energy resources (DER) and creating long-term financing for resiliency measures; and,

**WHEREAS**, as a result, the N.J. Board of Public Utilities is sponsoring a Town Center Distributed Energy Resource Microgrid Feasibility Study Incentive Program in an amount up to \$200,000.00, with no local match, in an effort to make critical facilities more resilient to major storms; and,

**WHEREAS**, the City of Hoboken owns and/or manages critical facilities; and,

**WHEREAS**, the City Council of the City of Hoboken wishes to authorize the submission of the grant application and the acceptance of any funds received as a result of the grant application.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken, that the Mayor or her designee is authorized to submit an application for the Town Center Distributed Energy Resource Microgrid Feasibility Study Incentive Program; and,

**BE IT FURTHER RESOLVED**, that the Mayor and Business Administrator 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,

**BE IT FURTHER RESOLVED**, that the City Council of the City of Hoboken authorizes the Mayor and Business Administrator to accept and spend any funds received in accordance with the terms and conditions as specified in the grant.

---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.

**17-139**

---By Councilwoman Fisher

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, AUTHORIZING THE ISSUANCE AND SALE OF UP TO **\$11,273,000** OF GENERAL OBLIGATION BONDS, SERIES 2017, OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; AUTHORIZING SUCH FURTHER ACTIONS AND MAKING SUCH DETERMINATIONS AS MAY BE NECESSARY OR APPROPRIATE TO EFFECTUATE THE ISSUANCE AND SALE OF THE BONDS

**BACKGROUND**

**WHEREAS**, pursuant to the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), the City Council of the City of Hoboken, County of Hudson, New Jersey ("City"), has, pursuant to bond ordinance Z-30 ("Bond Ordinance"), duly and finally adopted and published in accordance with the requirements of the Local Bond Law, authorized the issuance of general obligation bonds or bond anticipation notes of the City to finance the costs of certain capital improvements to the City's parks ("Park Improvements"); and,

**WHEREAS**, on March 15, 2016, the City issued its Bond Anticipation Notes of 2016, Series A, in the principal amount of \$52,218,443 ("Notes") to temporarily finance a portion of the costs of certain capital improvements authorized by bond ordinances DR-388, Z-40, Z-33, Z-95, Z-30, Z-149, DR-399, Z-18, Z-248, Z-234, Z-99, Z-235, Z-296, Z-299, Z-313, Z-361 and Z-375, including the Park Improvements; and

**WHEREAS**, the Notes mature on March 14, 2017; and,

**WHEREAS**, it is the desire of the City to issue its general obligation bonds in the aggregate principal amount of up to \$11,273,000 ("Bonds"), the proceeds of which, together with other available funds of the City, will be used to: (i) permanently finance the Park Improvements by the payment of a portion (\$11,273,000) of the principal of the Notes at maturity; and (ii) pay certain costs and expenses incidental to the issuance and delivery of the Bonds (collectively, the "Project"); and,

**WHEREAS**, pursuant to the Local Bond Law and the Bond Ordinance, it is the intent of the City Council hereby to authorize, approve and direct the issuance and sale of such Bonds, to ratify and confirm certain actions heretofore taken by or on behalf of the City, and to make certain related determinations and authorizations in connection with such issuance and sale.

**NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, PURSUANT TO THE LOCAL BOND LAW, AS FOLLOWS:**

**Section 1.** Pursuant to the Local Bond Law and the Bond Ordinance, the issuance and sale of the Bonds of the City, to be designated substantially, "City of Hoboken, County of Hudson, New Jersey, General Obligation Bonds, Series 2017", in an aggregate principal amount of up to \$11,273,000 to finance the Project, is hereby authorized and approved.

**Section 2.** The Bonds shall be dated their date of issuance and shall mature on February 1 in the years and amounts set forth below:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2018	\$468,000	2026	\$770,000
2019	645,000	2027	795,000
2020	660,000	2028	820,000
2021	675,000	2029	850,000
2022	690,000	2030	875,000
2023	710,000	2031	905,000
2024	725,000	2032	935,000
2025	750,000		

The term of the Bonds is equal to or less than the average period of usefulness of the Project being financed through the issuance of the Bonds. Interest on the Bonds shall be payable semiannually on February 1 and August 1, commencing February 1, 2018, in each year until maturity or earlier redemption.

**Section 3.** The Bonds shall be general obligations of the City. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the Bonds and, to the extent payment is not otherwise provided, the City shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

**Section 4.** The Bonds maturing on and after February 1, 2028, are subject to redemption prior to their stated maturity dates at the option of the City, upon notice as set forth below, as a whole or in part (and, if in part, such maturities as the City shall determine and within any such maturity by lot) on any date on and after February 1, 2027, at a redemption price equal to 100% of the principal amount of the Bonds to be redeemed, plus accrued interest to the redemption date.

**Section 5.** Notice of redemption with respect to the Bonds shall be given by mailing first class mail in a sealed envelope with postage pre-paid not less than thirty (30) days nor more than sixty (60) days prior to the redemption date to the owner of every Bond of

which all or a portion is to be redeemed at his or her last address, if any, appearing on the registration books of the Paying Agent (hereinafter defined). So long as the Bonds are issued in book-entry-only form, all notices of redemption will be sent only to the Securities Depository (hereinafter defined) and not be sent to the beneficial owners of the Bonds. Failure of an owner of the Bonds to receive such notice or of the Securities Depository to advise any participant or any failure of a participant to notify any beneficial owner of the Bonds shall not affect the validity of any proceedings for the redemption of Bonds. Such notice shall specify: (i) the series and maturity of the Bonds to be redeemed; (ii) the redemption date and the place or places where amounts that are due and payable upon such redemption will be payable; (iii) if less than all of the Bonds are to be redeemed, the letters and numbers or other distinguishing marks of the Bonds to be redeemed; (iv) in the case of a Bond to be redeemed in part only, the portion of the principal amount thereof to be redeemed; (v) that on the redemption date there shall become due and payable with respect to each Bond or portion thereof to be redeemed, the redemption price; and (vi) that from and after the redemption date interest on such Bonds or portion thereof to be redeemed shall cease to accrue and be payable.

**Section 6.** The Bonds will be issued in fully registered form. One certificate shall be issued for the aggregate principal amount of each series of Bonds maturing in each year. Both the principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository ("Securities Depository"). The certificates will be on deposit with DTC. DTC will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records recording the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of \$5,000, or a necessary odd denomination, through book-entries made on the books and the records of DTC and its participants. The principal of and interest on the Bonds will be paid to DTC by the City on the respective maturity dates and due dates and will be credited on the respective maturity dates and due dates to the participants of DTC as listed on the records of DTC as of the first (1st) day of the month containing an interest payment date. The Bonds will be executed on behalf of the City by the manual or facsimile signatures of the Mayor and Chief Financial Officer, attested by the City Clerk or the Deputy City Clerk, and shall bear the affixed, imprinted or reproduced seal of the City thereon. The Bonds shall not be valid or obligatory for any purpose unless the Authentication Certification printed thereon shall be duly executed by an authorized officer of the Paying Agent (hereinafter mentioned).

**Section 7.** The City is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with DTC, as may be necessary in order to provide that the Bonds will be eligible for deposit with DTC and to satisfy any obligation undertaken in connection therewith.

**Section 8.** In the event that DTC may determine to discontinue providing its service with respect to the Bonds or is removed by the City and if no successor Securities Depository is appointed, the Bonds which were previously issued in book-entry form shall be converted to Registered Bonds in denominations of \$5,000, or any integral multiple thereof ("Registered Bonds"). The beneficial owner under the book-entry system, upon registration of

the Bonds held in the beneficial owner's name, will become the registered owner of the Registered Bonds. The City shall be obligated to provide for the execution and delivery of the Registered Bonds in certified form.

**Section 9.** The Mayor, Chief Financial Officer, Director of Finance and Business Administrator are each hereby authorized to solicit proposals for and engage the services of a qualified financial institution to serve as paying agent for the Bonds ("Paying Agent") and/or Dissemination Agent for the Bonds ("Dissemination Agent"). The Mayor, Chief Financial Officer, Director of Finance and Business Administrator are each hereby authorized to enter into an agreement with the Paying Agent and/or Dissemination Agent for the services to be provided.

**Section 10.** The preparation of a preliminary official statement ("Preliminary Official Statement") relating to the Bonds, and the distribution of said Preliminary Official Statement to prospective purchasers of the Bonds and others having an interest therein, are hereby authorized and directed. The Mayor, Chief Financial Officer and Director of Finance are each hereby authorized to deem the Preliminary Official Statement "final", as contemplated by paragraph (b)(1) of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended ("Rule 15c2-12").

**Section 11.** The appointment of McElwee & Quinn, LLC, Cherry Hill, New Jersey ("Printer"), to provide electronic and/or physical dissemination of the Preliminary Official Statement and Official Statement (hereinafter defined) is hereby authorized, approved, ratified and confirmed. The Mayor, Chief Financial Officer, Director of Finance and Business Administrator of the City are each hereby authorized and directed to enter into an agreement with Printer for the services to be provided.

**Section 12.** Pursuant to the Local Bond Law, the Mayor, Chief Financial Officer and Director of Finance, each a "Sale Official", are hereby authorized to sell and award the Bonds at a public sale. The sale of the Bonds shall be in accordance with the provisions of the Local Bond Law, and the advertised terms of such public sale. If necessary or desirable, the Sale Official is hereby authorized to postpone, from time to time, the date and time established for receipt of bids for the sale of the Bonds in accordance with the Local Bond Law. If any date fixed for receipt of bids and the sale of the Bonds is postponed, the Sale Official is hereby authorized to announce an alternative sale date at least forty-eight (48) hours prior to such alternative sale date. The Sale Official is hereby authorized and directed to cause a summary notice of sale and a notice of sale of the Bonds to be prepared and disseminated in accordance with the Local Bond Law. At the next meeting of the City Council after the sale and award of the Bonds, the Sale Official shall report, in writing, to the City Council the principal amount, the rate or rates of interest, the maturity dates, the dates upon which interest on the Bonds shall be paid, the price and the purchaser or purchasers of the Bonds.

**Section 13.** The utilization of i-Deal LLC, New York, New York, to provide electronic bidding services to the City in connection with the competitive sale of the Bonds ("Bidding Agent") through the use of the Bidding Agent's BiDCOMP/PARITY auction system, pursuant to the Local Bond Law and the regulations promulgated thereunder, is hereby authorized, approved, ratified and confirmed.

**Section 14.** The preparation of a final official statement ("Official Statement") with respect to the Bonds is hereby authorized and directed. Within seven (7) business days of the sale of the Bonds and in sufficient time to accompany any confirmation that requests payment from a customer, the City will deliver sufficient copies of the Official Statement to the purchaser of the Bonds in order for the same to comply with Paragraph (b)(4) of Rule 15c2-12. The Mayor, Chief Financial Officer and Director of Finance are each hereby authorized to execute the Official Statement, and the distribution thereof to purchasers and others is hereby authorized and directed. The execution of the final Official Statement by the Mayor, Chief Financial Officer and Director of Finance shall constitute conclusive evidence of approval by the City of the changes therein from the Preliminary Official Statement. The Mayor, Chief Financial Officer and Director of Finance are each hereby authorized to approve any amendments of or supplements to the Official Statement.

**Section 15.** The City hereby covenants that it will not make any use of the proceeds of the Bonds or do or suffer any other action that would cause: (i) the Bonds to be "arbitrage bonds" as such term is defined in Section 148(a) of the Internal Revenue Code of 1986, as amended ("Code") and the Income Tax Regulations promulgated thereunder; (ii) the interest on the Bonds to be included in the gross income of the owners thereof for federal income taxation purposes; or (iii) the interest on the Bonds to be treated as an item of tax preference under Section 57(a)(5) of the Code.

**Section 16.** The City hereby covenants as follows: (i) it shall timely file such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and (ii) it shall take no action that would cause the Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

**Section 17.** To the extent not otherwise exempt, the City hereby covenants that it shall make, or cause to be made, the rebate required by Section 148(f) of the Code in the manner described in Treasury Regulation Sections 1.148-1 through 1.148-11, 1.149(b)-1, 1.149(d)-1, 1.149(g)-1, 1.150-1 and 1.150-2, as such regulations and statutory provisions may be modified insofar as they apply to the Bonds.

**Section 18.** Application to Moody's Investors Service and/or S&P Global Ratings, acting through Standard & Poor's Financial Services LLC, for a rating of the Bonds, and the furnishing of certain information concerning the City and the Bonds, for the purpose of qualifying the Bonds for municipal bond insurance, are hereby authorized, ratified, confirmed and approved.

**Section 19.** All actions heretofore taken and documents prepared or executed by or on behalf of the City by the Mayor, Chief Financial Officer, Director of Finance, Business Administrator, City Clerk, Deputy City Clerk and other City officials or by the City's professional advisors, in connection with the issuance and sale of the Bonds are hereby ratified, confirmed, approved and adopted.

**Section 20.** The Mayor, Chief Financial Officer, Director of Finance, Business Administrator, City Clerk and Deputy City Clerk are each hereby authorized to determine all matters and execute all documents and instruments in connection with the Bonds not determined or otherwise directed to be executed by the Local Bond Law, the Bond Ordinance, or by this or any subsequent resolution, and the signatures of the Mayor, Chief Financial

Officer, Director of Finance, Business Administrator, City Clerk and Deputy City Clerk on such documents or instruments shall be conclusive as to such determinations.

**Section 21.** All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

**Section 22.** This resolution shall take effect immediately upon adoption this 15th day of February, 2017.

---Motion duly seconded by Councilman Ramos

---Adopted by the following vote: Yeas: 8 Nays: 0 Absent: 1

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

---Nays: None.

---Absent: Doyle

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**17-141**

---By Councilwoman Fisher

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

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

**WHEREAS**, the City of Hoboken has determined that it has a surplus of the following property: a 1993 E-One EME Pumper Truck, VIN#: 4ENRAAA88P1002078; and,

**WHEREAS**, the City of Hoboken desires to sell this property online through [www.govdeals.com](http://www.govdeals.com), with a minimum bid of \$1,000.00.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Hoboken hereby authorizes the Administration to post an offer to sell the surplus 1993 E-One Pumper Truck via the auction website as follows:

Online Auction Site: [www.govdeals.com](http://www.govdeals.com)

All bid start and stop times are TBD at the discretion of the Purchasing Agent, but must be completed (Bid Stop) within 90 days of certification of adoption of this resolution.

Auction Fees: 7.5% of the winning bid amount, paid through proceeds of the sale.

Shipping: All shipping arrangements and shipping costs are the responsibility of the buyer. Item pickup on location: Hoboken Fire Department, 201 Jefferson, Street, Hoboken, New Jersey 07030.



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

Other Terms: All items are being sold “As Is, Where Is; No warranties expressed or implied.”  
Payment by the bidder must be submitted to the City of Hoboken within five (5) business days (excluding holidays) of winning the bid. Pickup of items auctioned must be made within ten (10) business days (excluding holidays) of winning bid unless other arrangements have been made prior.

Minimum Bid: The minimum bid/reserve is \$1,000.00.

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

---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.

**17-142**

---By Councilwoman Giattino

**RESOLUTION GRANTING SUEZ/UNITED WATER’S REQUEST TO EXTEND THE PERMITTED CONSTRUCTION HOURS OUTLINED IN HOBOKEN CITY CODE §133-9C TO ALLOW WORK TO BE PERFORMED ON WASHINGTON STREET AND OBSERVER HIGHWAY OVERNIGHT**

**WHEREAS**, Suez/United Water needs to perform work for the City of Hoboken, including a wet tap, on the water main on the corner of Washington Street and Observer Highway; and,

**WHEREAS**, due to the fact that the work is being performed in the intersection, Suez/United Water and the City wish to perform the work overnight in order to avoid obstructing the flow of traffic in this busy area during the day; and,

**WHEREAS**, Suez/United Water and the City are requesting to perform the work on February 21<sup>st</sup>, 22<sup>nd</sup>, and 23<sup>rd</sup> from 8:00 p.m. to 6:00 a.m.; and,

**WHEREAS**, Hoboken City Code §133-9C states “All construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m., and 8:00 a.m. on weekdays or at any time during weekends and federal holidays”; and,

**WHEREAS**, the City recognizes that there is a need to authorize an extension of the normal construction hours allowed under §133-9C for the above referenced work to be performed overnight.

**NOW, THEREFORE, BE IT RESOLVED**, that Suez/United Water may perform the wet tap on the water main on Washington Street and Observer Highway during the following time periods:  
February 21<sup>st</sup>, 22<sup>nd</sup>, and 23<sup>rd</sup> from 8:00 p.m. to 6:00 a.m.

---Motion duly seconded by Councilman Cunningham  
---Adopted by the following vote: Yeas: 8 Nays: 0 Absent: 1  
---Yeas: Council persons Bhalla, Cunningham, DeFusco, Fisher, Mello, Ramos, Russo and President Giattino  
---Nays: None.  
---Absent: Doyle

### **Corporation Counsel**

#### **17-143**

---By Councilman Doyle

**RESOLUTION TO AWARD A PROFESSIONAL SERVICE CONTRACT TO BENJAMIN CHOI, ESQ. FOR LEGAL SERVICES AS SPECIAL COUNSEL – ALCOHOL BEVERAGE CONTROL (“ABC”) BOARD ATTORNEY IN THE NOT TO EXCEED AMOUNT OF \$15,000.00**

**WHEREAS**, service to the City as Special Legal Counsel- ABC Board 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 17-04 seeking proposals from qualified law firms, in compliance with the process for awarding a professional service contract pursuant to Hoboken Code §20A; and,

**WHEREAS**, the City received two (2) responsive proposals from:

1. Benjamin Choi, Esq.
2. Ronald Mondello, Esq.

**WHEREAS**, the evaluation committee has determined that the proposal submitted by Benjamin Choi, Esq. demonstrates that he is qualified to provide effective and efficient legal services to the City; and,

**WHEREAS**, the Administration recommends awarding a contract to Benjamin Choi, Esq. for legal services as ABC Board Attorney, for the term of February 1, 2017 through December 31, 2017, in the not to exceed amount of \$15,000.00.

**NOW THEREFORE, BE IT RESOLVED**, that a contract is hereby awarded to Benjamin Choi, Esq. to represent the City as Special Legal Counsel- ABC Board Attorney for a term to commence on February 1, 2017 and expire on December 31, 2017, for a total not to exceed amount of **Fifteen Thousand Dollars (\$15,000.00)**; 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:

Benjamin B. Choi, Esq.  
c/o The Choi Law Group, LLC  
100 Challenger Road, Suite 302  
Ridgefield Park, New Jersey 07660

---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.

**Councilman Doyle returned to the meeting at 10:08**

**Community Development**

**17-144**

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO ENTER INTO THE ATTACHED GRANT OF LICENSE AND RIGHT OF ENTRY AGREEMENT WITH PSE&G

**WHEREAS**, the City of Hoboken owns the property located at Block 102 Lot 1; and,

**WHEREAS**, the City of Hoboken wishes to grant PSE&G a license and right of access to the property located at Block 102 Lot 1; and,

**WHEREAS**, the Administration recommends entering into the attached agreement entitled "Grant of License and Right of Entry Agreement" with PSE&G to accomplish this purpose.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Hoboken hereby authorizes the City to enter into the attached Grant of License and Right of Entry Agreement, in the form attached or 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: 8 Nays: 0 Absent: 1

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

---Nays: None.

---Absent: Bhalla

**17-145**

---By Councilman Cunningham

RESOLUTION AWARDING A ONE YEAR PROFESSIONAL SERVICE CONTRACT TO USA ENVIRONMENTAL MANAGEMENT, INC. TO PROVIDE LSRP SERVICES FOR 1600 PARK AND HOBOKEN COVE IN THE AMOUNT OF **\$4,000.00**

**WHEREAS**, USA Environmental Management, Inc. (“USA”) was pre-qualified as a pool LSRP firm to provide the City with LSRP services for the 2017 calendar year; and,

**WHEREAS**, the City requires a qualified firm to provide LSRP services, including inspections and biennial reporting, for the Hoboken Cove/1600 Park Avenue project; and,

**WHEREAS**, the Administration recommends awarding a contract to USA for environmental consulting services related to Hoboken Cove/1600 Park Avenue Site in the not to exceed amount of \$4,000.00, for a one (1) year term to expire February 15, 2018, in accordance with the attached proposal of USA dated February 8, 2017.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken that a contract with USA is awarded for a not to exceed amount of \$4,000.00, for a one (1) year term to expire on February 15, 2018, in accordance with the attached proposal of USA as well as the CY2017 general engineering (LSRP) RFP and their responsive proposal, for LSRP services as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the RFP and USA’s responsive proposal shall govern the contract, and no changes may be made without the prior written consent of both parties.
3. Any change orders which shall become necessary shall be subject to the City’s ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
4. The Council hereby authorizes the Mayor, or her designee, to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.

---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.

**17-146**

---By Councilman Cunningham

**RESOLUTION AWARDING A ONE YEAR PROFESSIONAL SERVICE CONTRACT TO EXCEL ENVIRONMENTAL RESOURCES, INC. TO PROVIDE LSRP SERVICES FOR BLOCK 102, LOT 1 IN THE NOT TO EXCEED AMOUNT OF \$5,000.00**

**WHEREAS**, Excel Environmental Resources, Inc. (“Excel”) was pre-qualified as a pool LSRP firm to provide the City with LSRP services for the 2017 calendar year; and,

**WHEREAS**, the Administration recommends awarding a contract to Excel for environmental consulting services related to the acquisition and redevelopment of 1101 Monroe Street/1100 Madison Street, with a legal description of Block 102, Lot 1, in the City of Hoboken, in the not to exceed amount of \$5,000.00, for a one (1) year term to expire February 15, 2018, in accordance with the attached proposal of Excel dated January 25, 2017; and,

**WHEREAS**, the Administration recommends having Michael J. Meriney, P.G. of Excel serve as the LSRP for the above referenced site.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken that a contract with the below listed vendor is awarded for a not to exceed amount of \$5,000.00, for a one (1) year term to expire on February 15, 2018, in accordance with the attached proposal of Excel, as well as the CY2017 general engineering (LSRP) RFP and their responsive proposal, for LSRP services as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
1. The terms of the RFP and Excel’s responsive proposal 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.
4. The Mayor, or her designee is hereby authorized to execute an agreement with:

Excel Environmental Resources, Inc.  
111 North Center Drive  
North Brunswick, NJ 08902

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

**Environmental Services**

**17-147**

---By Councilman Bhalla

RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF UP TO **\$10,494.00** FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND PUBLIC ENTITY PROGRAM THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

**WHEREAS**, the City of Hoboken has applied for and has been awarded a grant in the amount of up to \$10,494.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the Department of Environmental Protection and the New Jersey Economic Development Authority for Remedial Action, along with report preparation for the Jackson Street Garage property; and,

**WHEREAS**, there is no City monetary match required for the acceptance of this grant.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken that the above referenced grant is hereby accepted and the Mayor and Business Administrator are hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for the City of Hoboken; and,

**BE IT FURTHER RESOLVED**, that the City Council of the City of Hoboken authorizes the Mayor and Business Administrator to accept and spend any funds received in accordance with the terms and conditions as specified in the grant; and,

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

---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.

**17-148**

---By Councilman Bhalla

RESOLUTION APPROVING THE DESIGN OF THE POP-UP-PARK AT THE NORTHWEST RESILIENCY PARK AND AUTHORIZING ACTION BY THE ADMINISTRATION TO EFFECTUATE THE PROJECT PURSUANT TO CHAPTER 56A OF THE HOBOKEN CITY CODE

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

**WHEREAS**, the City is planning to create a temporary 4-acre “pop-up” park for the public to use and enjoy until the permanent park planned for the former BASF property can be constructed; and,

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

**WHEREAS**, the City announced a public meeting regarding the “pop-up” park on December 18, 2016 in the Hudson Reporter and the Jersey Journal, and also placed notices regarding the meeting on the actual site; and,

**WHEREAS**, the public meeting was held on January 19, 2017 and approximately forty (40) members of the public were in attendance; and,

**WHEREAS**, a public survey was released from January 6- January 23, 2017 to further allow members of the public to provide feedback on the proposed “pop-up” park, and 775 responses were received; and,

**WHEREAS**, in accordance therewith, the Council seeks to recommend the City proceed with the design for the Pop-Up-Park at the Northwest Resiliency Park (as shown in the attached design sketch).

**NOW THEREFORE BE IT RESOLVED**, that the City Council of the City of Hoboken hereby approves the design of Northwest Pop-Up-Park (as shown in the attached design sketches); and,

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

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

**Councilman Bhalla has returned to the meeting at 10:16 PM**

**Finance Dept.**

**17-149**

---By Councilwoman Fisher

RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO ENTER INTO THE ATTACHED AMENDMENT TO THE CITY'S CONTRACT WITH HEARTLAND PAYMENT SYSTEMS FOR CREDIT CARD PROCESSING SERVICES

**WHEREAS**, pursuant to Resolution No. F1 dated September 21, 2016, the City awarded a contract to Heartland Payment Systems for credit card processing services; and,

**WHEREAS**, the City of Hoboken is requesting that Heartland Payment Systems provide “gross billing” rather than “net billing”, which is an additional charge of two (2) base points but no additional transactions fees; and,

**WHEREAS**, the Administration recommends entering into the attached amendment to the City’s agreement with Heartland Payment Systems to reflect said change.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Hoboken hereby authorizes the City to enter into the attached Amendment to the Government and Education Merchant Processing Agreement between Heartland Payment Systems LLC and the City of Hoboken, in the form attached or 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 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.

**17-150**

---By Councilman Mello

RESOLUTION TO ESTABLISH A 2017 TEMPORARY CAPITAL BUDGET (N.J.S.A. 40A:4-43)

**WHEREAS**, the City of Hoboken desires to establish the 2017 Temporary Capital Budget of said municipality by inserting therein the following project;

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

**Section 1.** The 2017 Temporary Capital Budget of the City of Hoboken is hereby established by the adoption of the schedule to read as follows:

Temporary Capital Budget of the  
City of Hoboken



County of Hudson, New Jersey  
 Projects Scheduled for 2017  
 Method of Financing

<u>Project</u>	<u>Est. Costs</u>	<u>Grants</u>	<u>Budget Appr. Fund</u>	<u>Capital Imp. Fund</u>	<u>Bonds</u>	<u>Self-Liquidating Bonds</u>
Rehabilitation and Reconstruction of Pier "A"	\$4,000,000			\$200,000	\$3,800,000	

**Section 2.** The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services Department of Community Affairs, State of New Jersey, within three days after the adoption of this project for the 2017 Temporary Capital Budget, to be included in the 2017 Permanent Capital Budget as adopted.

- 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.

**Health and Human Services**

**17-151**

---By Councilman Mello

RESOLUTION AWARDING A CHANGE ORDER AND CLOSE OUT TO THE CITY'S CONTRACT WITH REGGIO CONSTRUCTION, INC. FOR THE SIDEWALK REHABILITATION AT MULTI-SERVICE CENTER PROJECT IN THE DECREASED AMOUNT OF **\$10,344.45**

**WHEREAS**, a contract was awarded to Reggio Construction, Inc. for the Sidewalk Rehabilitation at Multi-Service Center project, in the original amount of \$136,285.00; and,

**WHEREAS**, the City then received the attached request from Boswell Engineering to award Change Order #1 decreasing the contract amount by \$10,344.45, a decrease of 7.66%, and then closing out the contract; and,

**WHEREAS**, in accordance with the direction of the Administration, the City Council therefore wishes to approve Change Order #1 decreasing the contract with Reggio Construction, Inc. by \$10,344.45 and closing out the contract.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken that Change Order #1 to the City's contract with Reggio Construction, Inc. for the Sidewalk Rehabilitation at Multi-Service Center project is granted, so that the contract is decreased by \$10,344.45 and closed out, for a final contract amount of \$125,840.55.

- Motion duly seconded by Councilman Bhalla
- 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**

#### **17-152**

---By Councilman Mello

RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO ENTER INTO THE ATTACHED FIREARMS RANGE USE AND HOLD HARMLESS AGREEMENT WITH NORTH BERGEN POLICE DEPARTMENT FOR THE BENEFIT OF THE CITY OF HOBOKEN POLICE DEPARTMENT, WITH AN ASSOCIATED COST NOT TO EXCEED **\$10,000.00**

**WHEREAS**, the City Council of the City of Hoboken (the "City") is hereby asked to approve the attached Firearms Range Use and Hold Harmless Agreement with the North Bergen Police Department on behalf of the Hoboken Police Department; and

**WHEREAS**, the City's costs associated with this partnership are currently unknown and indeterminable but will not exceed \$10,000.00 through December 31, 2017, and the fees shall at all times be based upon the fee schedule incorporated into the attached agreement.

**NOW THEREFORE BE IT RESOLVED**, that the Mayor or her designee is hereby authorized to execute the attached agreement, and the City's Administration, the Hoboken Police Department, and Corporation Counsel are directed to take any and all action necessary to effectuate the terms of the Agreement; and,

**BE IT FURTHER RESOLVED**, that certified copies of this Resolution shall be forwarded to all parties in the Administration of this action and this Resolution shall take effect immediately.

---Motion duly seconded by Councilwoman Fisher

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

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

---Nays: None.

### **Tax Collector**

#### **17-153**

---By Councilwoman Fisher

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF **\$15,021.78**)

**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 **\$15,021.78**, made payable to the following:

NAME	BL/LT/UNIT	PROPERTY	QTR/YEAR	AMOUNT
Judith A. Crane 727 Monroe Street #209 Hoboken, NJ 07030	82/11/C0209	727 Monroe St	4/16	\$862.28
Amod & Shalini Bhargava 63 Buckingham Drive Belle Mead, NJ 08502	21/1/C002L	300 Newark St	4/16	\$1,529.96
CIT Bank P.O. Box 4045 Kalamazoo, Michigan 49001	261.03/1/C0622	1125 Maxwell Lane	4/16	\$2,413.92
CIT Bank P.O. Box 4045 Kalamazoo, Michigan 49001	261.03/1/CP210	1125 Maxwell Lane	4/16	\$140.43
Arthur Thomas 825 Adams Street #2A Hoboken, NJ 07030	91/1.02/CP001	825 Adams St	3/16	\$120.38
Nationstar Mortgage 1 Corelogic Drive Westlake, Texas 76262	39/2/C02-A	203 Madison St	4/16	\$1,221.80

NAME	BL/LT/UNIT	PROPERTY	QTR/YEAR	AMOUNT
Cortes & Hay Inc. 110 Main Street P. O. Box 454 Flemington, NJ 08822	162/3/C005C	1021A-27 Clinton St	3/16	\$1,695.98
Quicken Loans 635 Woodward Avenue Detroit, MI 48226	86/1/C0413	800 Jackson St	4/16	\$442.57

Quicken Loans 635 Woodward Avenue Detroit, MI 48226	86/1/C0P6 3	800 Jackson St	4/16	\$60.18
Corelogic Outsourcing Recd PO Box 961230 Mail Code DFW 1-3-200 Fort Worth, TX 76161	104/1.01/ C0415	1100 Adams St	4/16	\$703.39
Christian De Armono Lin Rao 421 Jackson Street #4 Hoboken, NJ 07030	57/11/ C0004	421 Jackson St	4/16	\$4,364.80
Elite Title Group, LLC 22 Ridge Road Lyndhurst, NJ 07071	170/5/C004 R	809 Willow Ave	1/17	\$1,466.09

---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.

**17-154**

---By Councilwoman Fisher

RESOLUTION AUTHORIZING THE REFUND OF TAX APPEALS STATE TAX COURT  
(PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE  
AMOUNT OF **\$222,006.22**)

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

**WHEREAS**, Sharon Curran, Collector of Revenue for the City of Hoboken recommends that 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 **\$222,006.22**, made payable to the following:

NAME	BL/LT/UNIT	PROPERTY	YEAR	AMOUNT
Schneck Law Group LLC 301 South Livingston Ave., Suite 105 Livingston, NJ 07039	112/1	1300 Jefferson St	2015	\$21,567.28

Schneck Law Group LLC 301 South Livingston Ave., Suite 105 Livingston, NJ 07039	112/1	1300 Jefferson St	2016	\$37,855.26
Schneck Law Group LLC 301 South Livingston Ave., Suite 105 Livingston, NJ 07039	106/1	1200-1318 Madison St	2015	\$40,115.11
Schneck Law Group LLC 301 South Livingston Ave., Suite 105 Livingston, NJ 07039	106/1	1200-1318 Madison St	2016	\$41,562.15
Schneck Law Group LLC 301 South Livingston Ave., Suite 105 Livingston, NJ 07039	219/1	801 Washington St	2016	\$3,102.00
Schneck Law Group LLC 301 South Livingston Ave., Suite 105 Livingston, NJ 07039	187/11	153 First St	2015	\$5,598.78
Schneck Law Group LLC 301 South Livingston Ave., Suite 105 Livingston, NJ 07039	187/11	153 First St	2016	\$5,800.74
Schneck Law Group LLC 301 South Livingston Ave., Suite 105 Livingston, NJ 07039	247/37	1200-02 Washington St	2015	\$9,086.79
Schneck Law Group LLC 301 South Livingston Ave., Suite 105 Livingston, NJ 07039	247/37	1200-02 Washington St	2016	\$9,414.57

Schneck Law Group L 301 South Livingston Av Suite 105 Livingston, NJ 07039	247/27	1224 Washington St	2015	\$2,634.72
Schneck Law Group LL 301 South Livingston Av Suite 105 Livingston, NJ 07039	247/27	1224 Washington St	2016	\$2,729.76
Stark & Stark, P.C. P.O. Box 5315 Princeton, NJ 08543-5	222/2	40-42 Hudson Place	2016	\$3,133.02

Brach Eichler LLC 101 Eisenhower Parkway Roseland, NJ 07068	117/5	255-259 Fourteenth St	2016	\$4,148.92
McCarter & English LL Four Gateway Center 100 Mulberry Street Newark , NJ 07102	224/1	38-40 First St	2016	\$31,252.65
Brach Eichler LLC 101 Eisenhower Parkway Roseland, NJ 07068	117/5	255-259 Fourteenth St	2015	\$4,004.47

---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

#### 17-155

---By Councilman Russo

RESOLUTION AWARDING A CHANGE ORDER AND CLOSE OUT TO THE CITY'S  
CONTRACT WITH REGGIO CONSTRUCTION, INC. FOR THE IMPROVEMENTS TO  
JEFFERSON STREET PROJECT IN THE DECREASED AMOUNT OF **\$20,777.97**

**WHEREAS**, a contract was awarded to Reggio Construction, Inc. for the improvements to Jefferson Street project, in the original amount of \$102,552.22; and,

**WHEREAS**, the City then received the attached request from Boswell Engineering to award Change Order #1 decreasing the contract amount by \$20,777.97, a decrease of 20%, and then closing out the contract; and,

**WHEREAS**, in accordance with the direction of the Administration, the City Council therefore wishes to approve Change Order #1 decreasing the contract with Reggio Construction, Inc. by \$20,777.97 and closing out the contract.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken that Change Order #1 to the City's contract with Reggio Construction, Inc. for the Improvements to Jefferson Street project is granted, so that the contract is decreased by \$20,777.97 and closed out, for a final contract amount of \$81,974.25

---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.

**17-156**

---By Councilman Russo

RESOLUTION GRANTING SPARWICK CONSTRUCTION'S REQUEST TO EXTEND  
THE CONSTRUCTION TIMES AS OUTLINED IN HOBOKEN CITY CODE §133-9C TO  
PERFORM WORK ON THE SINATRA DRIVE AND 15TH STREET PROJECT

**WHEREAS**, Hudson County has been performing work at Sinatra Drive and 15<sup>th</sup> Street in Hoboken; and,

**WHEREAS**, Sparwick Contracting, Inc., the contractor performing the work for the County, has requested the ability to perform work on Saturdays; on Presidents Day (February 20, 2017); and extended hours during the week from 7:00 a.m. to 5:30 p.m. due to DEP restrictions which would prevent any work from occurring between March 1<sup>st</sup> and June 20<sup>th</sup>, as delineated in the attached letter; and,

**WHEREAS**, the extended construction hours would allow Sparwick to complete the construction project prior to March 1, 2017; and,

**WHEREAS**, Hoboken City Code §133-9C states “All construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m., and 8:00 a.m. on weekdays or at any time during weekends and federal holidays”; and,

**WHEREAS**, the City has determined that based upon the above, there is a need to authorize an extension of the normal construction hours allowed under §133-9C.

**NOW, THEREFORE, BE IT RESOLVED**, that Sparwick Contracting, Inc. may perform work during the following extended time periods:

1. Saturday February 11, 2017; Saturday February 18, 2017; and Saturday February 25, 2017 from 8:00 a.m. to 6:00 p.m.; and,
2. Presidents Day – February 20, 2017; and,
3. During the week from 7:00 a.m. to 6:00 p.m. until completion of the project.

---Motion duly seconded by Councilman Doyle

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

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

---Nays: None.

**Clerk**

**17-157**

---By Councilman Russo

RESOLUTION TO ADOPT THE MINUTES OF THE MEETINGS OF THE CITY COUNCIL DATED: **REGULAR MEETING OF FEBRUARY 1, 2017**

---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.

**17-158**

---By Councilman Doyle

RESOLUTION FOR CHANGING THE CITY COUNCIL MEETING DATE FROM THURSDAY, APRIL 6, 2017 TO WEDNESDAY, APRIL 5, 2017

---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.



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

**17-159**

**Z-474**

---By Councilman Ramos

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

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

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

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

- (a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is \$4,000,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$3,800,000; and
- (c) a down payment in the amount of \$200,000 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, *N.J.S.A. 40A:2-11*.

**Section 3.** The sum of \$3,800,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$200,000, which amount represents the required down payment, is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

**Section 4.** The issuance of negotiable bonds of the City in an amount not to exceed \$3,800,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

**Section 5.** In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$3,800,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial

Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

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

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

<u>Purpose/Improvement</u>	<u>Estimat ed Total Cost</u>	<u>Down Paym ent</u>	<u>Amount of Obligatio ns</u>	<u>Period of Useful ness</u>
A. Supplemental Funding for the Rehabilitation and Reconstruction of Pier "A", as more particularly described in the documentation on file in the Office of the Department of Health and Human Services and available for inspection during normal City hours, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, as originally authorized by Bond Ordinance Z-235, finally adopted on October 2, 2013	\$4,000,000	\$200,000	\$3,800,000	15 years

**Section 8.** The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 15.00 years.

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

**Section 10.** The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A. 40A:2-10*, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, *N.J.S.A. 40A:2-43*, is increased by this Bond Ordinance by \$3,800,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

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

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

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

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

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

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

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

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

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

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

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

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

---Motion duly seconded by Councilwoman Fisher

---Adopted by the following vote: Yeas: 8 Nays: 0 Abstain: 1

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

---Nays: None.

---Abstain: Russo

**17-160**

**Z-475**

---By Councilman Russo

AN ORDINANCE AMENDING THE HOBOKEN CITY CODE CHAPTER 190 ENTITLED "VEHICLES AND TRAFFIC" TO AMEND TRAFFIC CIRCULATION REGULATIONS ON HARRISON STREET AND TWELFTH STREET AND CURBSIDE PARKING AND LOADING ON EIGHTH STREET

**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 safe, orderly, and efficient use of public space and scarce curbside resources; and,

**WHEREAS**, the existing curb-to-curb right-of-way on Twelfth Street shall be reallocated to provide additional vehicular capacity between Clinton Street and Willow Avenue in order to reduce delay in corridor levels of service; and,

**WHEREAS**, as Phase I of the Southwest Hoboken Traffic Improvement Plan, the intersection of Harrison Street and Newark Street shall be converted from a "Stop Intersection" to a "Yield Intersection", left turns shall be prohibited at all times, and right turns shall be channelized onto Newark Street via striping and vertical delineators; and,

**WHEREAS**, in order to safely accommodate turning movements of freight vehicles entering and exiting the loading dock at the Monroe Center for the Arts on Eighth Street, 60 feet of curbside parking shall be restricted between Monroe Street and Jackson 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: AMENDMENTS TO HOBOKEN CODE CHAPTER 190**

**§ 190-3. Parking prohibited at all times.**

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

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
<u>Eighth Street</u>	<u>North</u>	<u>Beginning at a point 120 feet west of the westerly curbline of Monroe Street and extending 60 feet westerly therefrom</u>

**§ 190-6. No stopping or standing.**

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

<b>Name of Street</b>	<b>Side</b>	<b>Limits</b>
<u>Twelfth Street</u>	<u>Both</u>	<u>Beginning at the easterly curbline of Clinton Street and extending to the westerly curbline of Willow Avenue</u>

**§ 190-9. Stop streets designated.**

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections described are hereby designated as a Stop Intersection. Stop sign shall be installed as provided therein.

<b>Intersection</b>	<b>Stop Sign Location</b>
<del>Harrison Street and Newark Street</del>	<del>Harrison Street</del>

**§ 190-10. Yield intersections designated.**

In accordance with the provisions of this §190-10, the herein described locations shall be designated as yield intersections:

Name of Street	Direction of Travel	Yield Sign Location
<u>Harrison Street</u>	<u>Southbound</u>	<u>Harrison Street</u>

**§ 190-11. Loading zones.**

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

Name of Street	Times	Sides	Location
<u>Eighth Street</u>	<u>8:00 a.m. to 6:00 p.m. Monday through Friday</u>	<u>South</u>	<u>Beginning at a point 123 feet west of the westerly curbline of Monroe Street and extending 40 feet westerly therefrom</u>

**§ 190-14. Left turns prohibited.**

In accordance with the provisions of this §190-14, no person shall make a left turn at the herein described locations:

Intersection	Location	Direction	Exclusions
<del>Harrison Street a Newark Street</del>	<del>Harrison Street</del>	<del>Southbound on Harrison Street to eastbound on Newark Avenue (7:00 a.m. to 10:00 a.m./4:00 p.m. to 8:00 p.m.)</del>	<del>None</del>
<u>Harrison Street a Newark Street</u>	<u>Harrison Street</u>	<u>Southbound on Harrison Street to eastbound on Newark Avenue</u>	<u>None</u>

**SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS**

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

**SECTION THREE: SEVERABILITY**

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

**SECTION FOUR: EFFECTIVE DATE**

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

**SECTION FIVE: CODIFICATION**

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

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

---Motion duly seconded by Councilman 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.

**17-161**

**Z-476**

---By Councilman Mello

**AN ORDINANCE AMENDING ARTICLE I, CHAPTER 46 OF THE HOBOKEN CITY CODE ENTITLED "LEASE AGREEMENTS" AT § 46-6 TO AUTHORIZE THE MAYOR TO EXECUTE A LEASE WITH THE HOBOKEN CHARTER SCHOOL**

**WHEREAS**, the Hoboken Charter School is a nonprofit academic institution that seeks to develop the academic, artistic, personal and civic growth of all its members through its commitment to service learning and learner-centered education; *and*,

**WHEREAS**, the Hoboken Charter School has a need for additional classroom space for high school students; *and*,

**WHEREAS**, the City has space available in the Multiservice Center and wishes to lease said space to the Hoboken Charter School; *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 space in the Multiservice Center to the Hoboken Charter School under the following conditions:

1. The consideration for the lease is \$19,044.00 payable each month, as set forth in the attached Lease Agreement.
2. The name of the lessee is the Hoboken Charter School.
3. The public purpose served by the lessee is the education and development of children and is authorized under N.J.S.A. 40A:12-15(i), which references the following public purpose: "Any activity for the promotion of the health, safety, morals and general welfare of the community of any nonprofit corporation or association." Id.
4. The number of persons benefitting from the public purpose served by the lessee includes but is not limited to the following: the City of Hoboken, any and all students at the Hoboken Charter School, and any and all staff at the Hoboken Charter School.
5. The term of this Lease shall be for a two (2) year term, from June 31, 2017 to June 31, 2019. Upon mutual agreement of the parties, there shall be the option to renew the lease agreement for an additional three (3) year term.
6. The officer/employee responsible for enforcement of the conditions of the lease is Board President, Lauren Calmas.
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 § 46-6 to read as follows:

**§ 46-6 through § 46-9. (Reserved) Execution of Lease Agreement with the Hoboken Charter School**

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 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.

### **NEW BUSINESS**

Councilman Russo comments and explains his abstention for the 1<sup>st</sup> reading ordinance introduced tonight and has done some research about the pier, specifically in the funding, there's a clause in that agreement which will go into binding arbitration and we can utilize that clause and would like everyone aware of it, and if we run out of money, the developers have to replenish it and please look into it and one other thing about pier a, there's a portion is not ours, it belongs to the state I think, and spoke to Jack Carbone about this information and to look into it.

Still hasn't received anything about Suez.

Corporation Counsel comments that he will send out something tomorrow morning

Councilman Russo commends Director Pellegrini and comments about getting the corners cleared so there's no flooding which happened in the 3<sup>rd</sup> ward on each street corner and to not to do it in the future.

Director Pellegrini comments that he wants to thank the staff and also said it's a process.

Council President comments and asked if we used the snow melter.

Director Pellegrini comments no.

Councilman Russo comments on his family and thanks his colleagues and thank the Mayor and the Administration and thousands who have called and prayed for his mother, it's been a difficult time for us and thanks for everyone's words of encouragement, and excuses himself at 10:40 PM.

Councilman DeFusco comments that Councilman Russo's mother has been very active and thoughts and prayers to the Russo family, Michelle Russo has lived a dynamic life.

Councilman DeFusco comments on complaints in the dog parks, the surfacing is a problem and asks the Administration at the new budget and look into it, and get me your thoughts , we have a community meeting tomorrow night to discuss bike and vehicular safety, have been working with the administration and the county, and it's an issue in the 1<sup>st</sup> ward, in an active discussion to expand the businesses along Washington Street, had some interesting feedback, 901 Bloomfield Street and have pushing this and see if we can negotiate with 83 Willow which can save this from the National Registry and with regards to Ms. Fallick's concern with Nixel, Nixel needs to be alerts for essential information.

Councilman Bhalla comments and his thoughts and prayers with the Russo family tonight.

Councilman Doyle comments and his thoughts and prayers with the Russo family tonight and remind people that this Saturday is the Snowball to benefit the Jubilee Center and go to Hoboken Harriers running club website for information.

Councilman Ramos comments and would like to send his thoughts and prayers to the Russo family for their difficult time; last week we had over 150 people attend a meeting in the Housing Authority, and there is a meeting next Wed. to set up next course of action, and reached an agreement to do the basketball facility.

Councilman Cunningham comments, my thoughts and prayers to the Russo family, have had the occasion to have worked with Michelle and always a pleasure to work with and hope that she can pull through this, my hearts and prayers to the family, very happy to hear about folks coming up and talking about the Post Office project and encourage his colleagues to review that plan, and when Jessica returns from vacation and hopefully have it as a first reading for the first meeting in March, the Western Edge, we're meeting next week and just talking about Block 112 meeting with the consultants; very disappointing with resolution A8 discussing the funding, and the Housing Authority deserves nothing but the best but disappointed with the Administration not worked with us and provide it with most flexibility, and we'll be moving forward with that and the committee will be meeting tomorrow, more to follow at the next city council meeting.

Council President comments on the draft Post Office Plan and said it was very impressive.

Councilman Mello comments on driving through Jersey City, the residence inn, wonder if we can get an update with the hotel plan for the post office or is it in limbo and echo his thoughts and prayers to the Russo family.

Councilman Cunningham comments.

Councilwoman Fisher comments and wants to give her thoughts and prayers to the Russo family and hopefully it's a painless and peaceful process. Had a finance committee meeting last week, if everyone can give some feedback and hopefully get a draft budget in the next couple weeks, for March 15<sup>th</sup>, and tomorrow is the affordable housing sub-committee and we have added some points and tomorrow afternoon we will be meeting with the tenant advocate. In late December, Port Authority will be approving their budget, they will be replacing the helix by the Lincoln Tunnel, hopefully by 2018/2019 and on Feb. 28<sup>th</sup>, the appeal for the Monarch Shipyard will be occurring.

Councilman Ramos comments and thoughts to the Ricciardi family and passed out wrist bands, and wishes his condolences to Council President's father in law.

Council President comments that she's done.

**At 11:03 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 11:03 PM**

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PRESIDENT OF THE COUNCIL

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CITY CLERK