

THE COUNCIL OF THE CITY OF HOBOKEN

DRAFT MINUTES FOR MEETING OF JUNE 7, 2017

Council President opened the meeting at 7:12 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 (via phone only for Z-499 & Z-501), Doyle, Cunningham, Fisher, Giattino, Mello, Ramos, Jr., Russo and President Giattino

ABSENT: DeFusco

Council President comments that there will be an overview regarding the business district overlay from Councilman Doyle

PRESENTATION FOR A BUSINESS DISTRICT OVERLAY

PUBLIC COMMENTS

Councilman Doyle comments and gives an overview to the public

The speakers who spoke: Tony Soares, Gail Torres, Rosanne Rana, Claire Lukacs, Karen Nason

******* Councilman DeFusco calls in at 7:19 PM*******

Councilman Cunningham comments and thinks that there should be a special meeting to invite the public to come and discuss

Councilman Doyle comments that the Planning Board recommended that seven proposed "permitted uses with restrictions" (or P1's) to be changed to conditional uses (or C's) and these changes to the current law, need to be noticed to the public.

ORDINANCES

2ND Readings and Final reading

Z-499

---By Councilman Mello

AN ORDINANCE OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, STATE OF NEW JERSEY APPROVING AN INDEPENDENT APPRAISAL PREPARED BY VALUE RESEARCH GROUP, LLC, ESTABLISHING THE FAIR MARKET VALUE OF CERTAIN REAL PROPERTY KNOWN AS BLOCK 10, LOTS 1 THROUGH 7 AND LOTS 30 THROUGH 36 ON THE OFFICIAL TAX MAP OF THE CITY OF HOBOKEN AND AUTHORIZING THE ISSUANCE OF AN OFFER TO PURCHASE SAID PROPERTY (**Z-499**)

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

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

WHEREAS, the Council has determined that the public interest will be served by the acquisition of the Property for public purposes, including, without limitation, open space and park purposes; and,

WHEREAS, the Council adopted Ordinance No. 17-92 (Z-463) on February 1, 2017, which Ordinance authorized the acquisition of said Property and the institution of eminent domain proceedings, if necessary, subject to the subsequent approval by the Council of an appraisal setting forth the fair market value of the Property to provide just compensation; and,

WHEREAS, there has been submitted to the City an independent appraisal prepared by Value Research Group, LLC, setting forth the fair market value of the Property as of May 17, 2017 in the amount of \$3,975,000; and,

WHEREAS, the Council desires to formally approve said appraisal and authorize the issuance of a formal offer to the record title owner of the Property for the full and fair market value of the Property as set forth in said appraisal, thereby satisfying the conditions subsequent to the authorization to acquire the Property by negotiation and agreement, or by the institution of eminent domain proceedings, pursuant to N.J.S.A. 40A:12-5 and N.J.S.A. 20:3-1, et seq. as set forth in Ordinance No. 17-92 (Z-463).

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

SECTION 1. The Council hereby approves, ratifies and confirms a certain appraisal entitled “Appraisal Report, Academy Bus Property, 51 Marshall Street, Block 10, Lots 1-7 & 30-36, Hoboken, New Jersey”, effective as of May 17, 2017 and

prepared by Value Research Group, LLC, 301 South Livingston Avenue, Livingston, New Jersey 07039 (“2017 Appraisal Report”), which establishes the fair market value of the Property to provide just compensation in the amount of \$\$3,975,000.

SECTION 2. The Mayor, City Council, and such other officials, consultants, agents, employees or independent contractors of the City as may be necessary and appropriate, shall be and are hereby authorized to formally offer the record title owners of the Property the full and fair market value of the Property in the amount of \$\$3,975,000 and to continue to undertake all *bona-fide* negotiations with the record title owners of the Property or their representatives, as required by law.

SECTION 3. The 2017 Appraisal Report approved herein, and the offer to purchase the Property assumes, without limitation and among other things, that no contamination and/or solid waste exists which requires further investigation, clean-up or remediation in accordance with New Jersey Department of Environmental Protection (“NJDEP”) Guidelines and Regulations. The City accepts no liability or responsibility for any pre-existing contamination or solid waste, whether known now or subsequently discovered on the Property and the Property has been valued as if it had been remediated, if necessary.

SECTION 4. In conjunction with said acquisition, the City hereby reserves and shall reserve any and all rights it had or may have to recover in any subsequent or pending action or by any administrative means, all costs of remediation and/or clean-up of contamination and/or removal of solid waste and/or sanitary land fill closures that have been incurred or may be incurred in the future by reason of conditions which were in existence as of or prior to the date of vesting of title and possession of this Property in the name of the City.

SECTION 5. In conjunction with said acquisition, the City reserves and shall reserve the right to seek in its sole discretion, any and all available legal, administrative and equitable remedies to compel the record owners and/or responsible parties to remediate and/or clean up the Property in accordance with applicable state and federal statutory and regulatory provisions or to remove solid waste or carry out closure of a sanitary landfill if located on the Property. The City is not and shall not be liable for the clean-up and removal costs of any discharge which occurred or began prior to the City’s ownership.

SECTION 6. The City Council hereby ratifies and confirms all provisions of Ordinance No. 17-92 (Z-463), adopted by the City Council on February 1, 2017, except as the same may be inconsistent with the provisions of this Ordinance.

SECTION 7. The Mayor, City Council and such other officials, consultants, agents, employees and professionals of the City as may be necessary and appropriate are hereby authorized and directed to take any and all actions necessary to effectuate the purposes of this Ordinance.

SECTION 8. All ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 9. If any section, paragraph, article, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply to the section, paragraph, article, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 10. This Ordinance shall take effect after approval and publication as required by law.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

Z-501

---By Councilman Mello

ORDINANCE OF THE CITY OF HOBOKEN ADOPTING THE “SOUTHWEST HOBOKEN REDEVELOPMENT PLAN” DATED MAY 16, 2017, IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-7 (Z-501)

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., on June 20, 2012, the City Council adopted a Resolution designating the Southwest Hoboken Rehabilitation Area, known and designated on the Tax Map of the City of Hoboken as all of Blocks 3, 3.1, 3.2, 139.1, 4, 5, 6, 8.1, 9, 10, 11, 12, 14, and 23, as an area in need of rehabilitation; and,

WHEREAS, after extensive consultation with the community, the property owners and other parties, a draft Southwest Hoboken Redevelopment Plan, dated May 16, 2017 (the “Plan”) was prepared by David G. Roberts, PP, AICP, LLA, LEED AP ND, Maser Consulting Planning Associates, and Brandy Forbes, PP, AICP, Director of Community and Economic Development in cooperation with the Mayor and City Council; and,

WHEREAS, by Resolution adopted May 24, 2017, the City Council referred the proposed Plan to the City of Hoboken Planning Board (the “Board”) in accordance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-7(e) for the purpose of obtaining a report of the Board as to whether the Plan is substantially consistent with the Municipal Master Plan or is designed to effectuate the Master Plan, and for any recommendation deemed appropriate by the Board concerning the proposed Southwest Hoboken Redevelopment Plan; and,

WHEREAS, on May 31, 2017, the Board transmitted a report to the Hoboken City Council finding that the Southwest Hoboken Redevelopment Plan, dated May 16, 2017, is

substantially consistent with the City of Hoboken Master Plan or is designed to effectuate the Master Plan, and recommending the adoption of the Southwest Hoboken Redevelopment Plan, dated May 16, 2017.

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

- 1 The Southwest Hoboken Redevelopment Plan dated May 16, 2017, is hereby adopted.
- 2 The Southwest Hoboken Redevelopment Plan dated May 16, 2017, incorporated herein by reference, as if set forth at length, a copy of which is on file in the office of the City Clerk, meets the criteria, guidelines and conditions set forth at N.J.S.A. 40A:12A-7; and is otherwise in conformance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.
2. The Southwest Hoboken Redevelopment Plan, dated May 16, 2017, is consistent with the City of Hoboken's Master Plan or is designed to effectuate the Master Plan.
3. The Southwest Hoboken Redevelopment Plan shall constitute an overlay of existing zoning, and the Official Zoning Map is hereby amended to reflect the overlay zone set forth in the Plan.
4. If any section or provision of the Southwest Hoboken Redevelopment Plan, dated May 16, 2017, or this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.
5. All ordinances or parts of ordinances heretofore adopted that are inconsistent with the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
6. This Ordinance shall become final upon adoption and publication in the manner prescribed by law.

---Motion duly seconded by Councilman Ramos

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

---Yeas: Council persons Bhalla, Cunningham, DeFusco (via phone), Doyle, Mello, Ramos, Russo and President Giattino

---Nays: Fisher

The speakers who spoke: Antonio Grana, Greg Dell'Aquila, Kern Weismann, Madalina Bud, James Vance, Becky Hoffman, Tony Soares, Hany Ahmed,

Mayor Zimmer comments and reads a letter to the Governing Body

Councilman Russo leaves the meeting at 9:15 PM

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

Z-495

---By Councilwoman Fisher

AN ORDINANCE TO AMEND THE CITY CODE OF THE CITY OF HOBOKEN CHAPTER 184 ENTITLED "TOWING" SECTION 10 ENTITLED "SCHEDULE OF ALLOWABLE FEES" (Z-495)

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

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

§ 184-10 Schedule of allowable fees.

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

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

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

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

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

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

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

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

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

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

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

(i) Use of special equipment other than the first tow truck to recover a motor vehicle that cannot be recovered by winching or pieces of a motor vehicle that cannot be

moved by hand, which may be both a labor and an equipment charge billed in half-hour increments at \$65 per 1/2 hour.

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

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

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

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

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

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

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

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

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

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

Section 2: This Ordinance shall be a part of the Code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Code.

Section 3: The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

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

Section 5: All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance

shall remain in effect. This Ordinance shall also supersede any inconsistent provisions contained in any resolution or ordinance previously adopted by the Hoboken City Council.

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

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

---Motion duly seconded by Councilman Ramos

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

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

---Nays: None.

---Absent: Russo

Z-496

---By Councilman Russo

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 192 OF THE CODE OF THE CITY OF HOBOKEN ENTITLED “PARKING FOR PERSONS WITH DISABILITIES” §192-4 “ENUMERATION OF SPACES” TO APPROVE THE ADDITION OF RESTRICTED HANDICAPPED PARKING SPACES FOR CERTAIN INDIVIDUALS (**Z-496**)

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

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

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

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

Section 2: This Ordinance shall be a part of the Code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Code.

Section 3: The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in

the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

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

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

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

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

---Motion duly seconded by Councilman Doyle

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

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

---Nays: None.

---Absent: Russo

Z-497

---By Councilwoman Fisher

BOND ORDINANCE AUTHORIZING THE REHABILITATION AND/OR REPLACEMENT OF VARIOUS WATER MAINS THROUGHOUT THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$5,000,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$5,000,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING **(Z-497)**

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

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

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

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

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

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

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

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

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

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A Rehabilitation and/or Replacement of Various Water Mains throughout the City; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the Application on file and available for inspection in the office of the City Administrator	\$5,000,000	\$0	\$5,000,000	40 years

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

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

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

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

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

Section 13. The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes is exempt from the gross income of the owners thereof for federal income taxation 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 terms is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

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

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

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

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

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

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

*******Councilman Russo has returned to the meeting at 9:19 PM*******

Z-498

---By Councilwoman Fisher

BOND ORDINANCE AUTHORIZING THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT IN

AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$4,220,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$4,009,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING (Z-498)

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

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

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

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

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

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

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

description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

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

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

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

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

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

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

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

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

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

Section 14. The City hereby covenants as follows:

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

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

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

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

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

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

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

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

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

~~BOND ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY FOR OPEN SPACE PRESERVATION, THE CONSTRUCTION/EXPANSION OF SOUTHWEST RESILIENCY PARK (BLOCK 10) AND THE CONSTRUCTION/EXPANSION OF A STORMWATER MANAGEMENT AND FLOOD CONTROL SYSTEM THEREON IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$3,975,000 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 \$3,975,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING (Z-500) (gone back to 1st reading)~~

PUBLIC COMMENTS

The speakers who spoke: Patricia Waiters, Ruth Rosenthal, Nickie Robinson

Council President comments to suspend the agenda to hear resolution A9 and A6

PETITIONS AND COMMUNICATIONS

17-352

Miscellaneous Licenses

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

Received and filed

REPORTS FROM CITY OFFICERS

17-353

UMR Claims Report

Received and filed

17-354

CLAIMS

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

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

**Councilman Doyle comments on page 4 about water pitchers
BA Marks comments it is for Washington Street project**

PAYROLL

17-355

For the two week period starting May 4, 2017 – May 17, 2017

Regular Payroll	O/T Pay	Other Pay
\$1,752,726.88	\$90,299.25	\$217,270.45
Total		
\$2,060,296.58		

17-356

For the pay period starting May 17, 2017 for PSOA Retro payment

Other Pay	Total
\$700,135.19	\$690,798.93

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

Received and filed

PUBLIC COMMENTS ON RESOLUTIONS

The speakers who spoke: Jackelyn R. from the Hoboken Shelter, Nadja Rutkowski, Tony Soares, Stacy Dunn, Elizabeth Adams, Hany Ahmed comments on resolutions HH1 and A12,
James Vance

CONSENT AGENDA - A1-A4, A7-A8, A10, A11, CD1, CC2-CC5, E1, F1-F6, HH1, TX1, TX2, TS1, TS2, CL2

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

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: A6, A9, A12, CC1
Removed by Administration: CC3

Administration

17-357

---By Councilwoman Fisher

RESOLUTION AMENDING THE CITY OF HOBOKEN'S CONTRACT WITH T&M ASSOCIATES FOR THE CITY WAYFINDING AND FIRST STREET REVITALIZATION PROJECT IN THE INCREASED AMOUNT OF \$5,000.00

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,

WHEREAS, the project contractor was faced with additional issues primarily related to the installation of the Illuminated Gateway Signs, which caused T&M to expend additional effort to ensure successful completion; and,

WHEREAS, T&M submitted the attached request dated May 31, 2017, seeking a payment in the amount of \$5,000.00, for this additional effort; and,

WHEREAS, the Administration recommends increasing the contract amount with T&M Associates by \$5,000.00, for a new total contract amount of \$92,000.00, which represents a 5.75% increase from the current contract amount and a 27.78% total increase from the original contract amount.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hoboken, that T&M's contract for the City Wayfinding and First Street Revitalization Project is hereby amended in the increased amount of \$5,000.00, for a new total contract amount of \$92,000.00; 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 amendments 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: 8 Nays: 0 Absent: 1
---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino
---Nays: None.
---Absent: DeFusco

17-358

---By Councilwoman Fisher

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE CONTRACT WITH BROWN AND BROWN FOR SERVICES AS THE CITY'S PROPERTY AND CASUALTY INSURANCE BROKER FOR A ONE YEAR EXTENSION TO COMMENCE JULY 1, 2017 AND EXPIRE JUNE 30, 2018 FOR A FLAT FEE FOR THE TERM (NOT TO EXCEED AMOUNT) OF **\$65,000.00**

WHEREAS, the City Council previously awarded Brown and Brown a one year contract, pursuant to the competitive contracting laws, and thereafter extended the contract for two additional one year terms, and now seeks to award an additional one year extension of the service contract to this property and casualty insurance broker in accordance with Article IV of Hoboken Code Chapter 20A; and,

WHEREAS, the Administration previously requested proposals pursuant to competitive contracting rules for said services, received multiple responses, and previously determined that Brown and Brown can provide the City with the most effective and efficient professional property and casualty Insurance Brokerage services; and,

WHEREAS, the City now wishes to provide for a contract amendment for a one year extension under the same terms as the original contract, for a not to exceed amount for the one year extended term, which shall be considered the flat fee for said services, with no other compensation allowed or authorized pursuant to Hoboken Code § 20A-29, in an amount of Sixty Five Thousand Dollars (\$65,000.00); and,

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

NOW, THEREFORE, BE IT RESOLVED, that the service contract with Brown and Brown to provide the City with property and casualty Insurance Brokerage Services be extended for a one year term, to commence July 1, 2017 and expire June 30, 2018, with all other terms and conditions unchanged, including a not to exceed amount of Sixty Five Thousand Dollars (\$65,000.00); and,

BE IT FURTHER RESOLVED, the not to exceed amount shall constitute the flat fee for said services for a one year period, and no additional fees or invoices shall be allowable under this agreement through the City or any insurance provider unless prior

written approval is provided by the City in accordance with all legal guidelines; and,

BE IT FURTHER RESOLVED, that the amendment shall include the following: The vendor shall be subject to 20A-30D, which states "D. Any person or entity selected to provide insurance or insurance consulting services to the City shall certify at least annually and prior to any renewal of its contract, that it has not paid nor accepted any form of compensation, including but not limited to commissions, fees, incentives, bonuses, rebates or any other thing of value, in consideration of obtaining or servicing the City's insurance or insurance consulting business from any party other than the City."; and,

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-1 et seq. of the Code of the City of Hoboken), including without limitation Article IV, and any and all state Pay to Play laws, is a continuing obligation of the vendor; and

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

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

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

---Motion duly seconded by Councilman Ramos

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

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

---Nays: None.

---Absent: DeFusco

17-359

---By Councilwoman Fisher

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE CONTRACT WITH FAIRVIEW INSURANCE AGENCY ASSOCIATES INC. FOR SERVICES AS THE CITY'S HEALTH INSURANCE BROKER FOR A ONE YEAR EXTENSION TO COMMENCE JULY 1, 2017 AND EXPIRE JUNE 30, 2018 FOR A FLAT FEE (NOT TO EXCEED AMOUNT) OF **\$210,243.00**, WHICH INCLUDES A CITY WELLNESS PLAN FOR THE TERM OF THE CONTRACT

WHEREAS, the City Council previously awarded Fairview Insurance Agency Associates Inc. a one year contract, pursuant to the competitive contracting laws, and thereafter extended the contract for two additional one year terms, and now seeks to award

an additional one year extension of the service contract to this health insurance broker in accordance with Article IV of Hoboken Code Chapter 20A; and,

WHEREAS, the Administration requested proposals pursuant to competitive contracting rules for said services, received multiple responses, and previously determined that Fairview Insurance Agency Associates Inc. can provide the City with the most effective and efficient professional Health Insurance Brokerage services; and,

WHEREAS, the City now wishes to provide for a contract amendment for a one year extension under the same terms as the original contract, for a not to exceed amount, which shall be considered the flat fee for said services, with no other compensation allowed or authorized pursuant to Hoboken Code § 20A-29, in an amount of Two Hundred Ten Thousand Two Hundred Forty Three Dollars (\$210,243.00), which includes a wellness plan for the term of the contract, at Ninety Thousand Two Hundred Forty Three Dollars (\$90,243.00), and the brokerage services for the term of the contract at One Hundred Twenty Thousand Dollars (\$120,000.00); and,

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

NOW, THEREFORE, BE IT RESOLVED, that the service contract with Fairview Insurance Agency Associates Inc. to provide the City with Health Insurance Brokerage Services, be extended for a one year term, to commence July 1, 2017 and expire June 30, 2018, with all other terms and conditions unchanged, including a not to exceed amount of Two Hundred Ten Thousand Two Hundred Forty Three Dollars (\$210,243.00), which includes a wellness plan for the term of the contract, at Ninety Thousand Two Hundred Forty Three Dollars (\$90,243.00), and the brokerage services for the term of the contract at One Hundred Twenty Thousand Dollars (\$120,000.00); and

BE IT FURTHER RESOLVED, the not to exceed amount shall constitute the flat fee for said services for a one year period, and no additional fees or invoices shall be allowable under this agreement through the City or any insurance provider unless prior written approval is provided by the City in accordance with all legal guidelines; and,

BE IT FURTHER RESOLVED, that the amendment shall include the following: The vendor shall be subject to 20A-30D, which states "D. Any person or entity selected to provide insurance or insurance consulting services to the City shall certify at least annually and prior to any renewal of its contract, that it has not paid nor accepted any form of compensation, including but not limited to commissions, fees, incentives, bonuses, rebates or any other thing of value, in consideration of obtaining or servicing the City's insurance or insurance consulting business from any party other than the City."; and,

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-1 *et seq.* of the Code of the City of Hoboken), including without limitation Article IV, and any and all state Pay to Play laws, is a continuing obligation of the vendor; and

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

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

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

---Motion duly seconded by Councilman Ramos

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

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

---Nays: None.

---Absent: DeFusco

17-360

---By Councilwoman Fisher

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

WHEREAS, the State of New Jersey permits the sale of abandoned property not 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 is currently in possession of 89 abandoned bicycles, listed in the attached spreadsheet; and,

WHEREAS, the City of Hoboken desires to sell this property online through www.govdeals.com, with no minimum bid; and,

WHEREAS, the sale is being conducted pursuant to Local Finance Notice 2008-9.

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 above abandoned property via the auction website as follows:

Online Auction Site: 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 Police Department, 106 Hudson 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 \$00.00.

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: 8 Nays: 0 Absent: 1
---Yeas: Council persons Bhalla, Cunningham, Doyle, Fisher, Mello, Ramos, Russo and President Giattino
---Nays: None.
---Absent: DeFusco

17-361

---By Councilwoman Fisher

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUBRECIPIENT CDBG GRANT FUNDING AGREEMENT WITH THE HOUSING AUTHORITY OF THE CITY OF HOBOKEN

WHEREAS, the Board of Directors of the Housing Authority of the City of Hoboken (“HHA”) located at 400 Harrison Street, Hoboken, NJ 07030, submitted an application for City of Hoboken Community Development Block Grant funds to facilitate the “Elevator Modernization at Various Hoboken Housing Authority Sites” project in the City; and,

WHEREAS, pursuant to the attached Resolution dated June 15, 2016, the City entered into a Subrecipient agreement with the HHA and allocated funds in the amount of \$740,627.50 out of available City of Hoboken Community Development Block Grant funds for the aforementioned project; and,

WHEREAS, the HHA is requesting to re-purpose those funds to be utilized for security upgrades throughout HHA buildings; and,

WHEREAS, the Community Development Subcommittee approved the request to re-purpose the funds for security upgrades to HHA buildings; and,

WHEREAS, in light of the above, the City wishes to terminate the existing Subrecipient agreement and enter into the attached Subrecipient agreement, which authorizes the funds to be utilized for security upgrades throughout HHA buildings.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement; and,

BE IT FURTHER RESOLVED, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and the Housing Authority of the City of Hoboken, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

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

17-362

---By Councilwoman Fisher

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUBRECIPIENT CDBG GRANT FUNDING AGREEMENT WITH COMMUNITIES OF FAITH FOR HOUSING, INC. D/B/A “HOBOKEN SHELTER”

WHEREAS, Communities of Faith for Housing, Inc. d/b/a “Hoboken Shelter” located at 300 Bloomfield Street, Hoboken, NJ 07030, have submitted to the City of Hoboken, an application for City of Hoboken Community Development Block Grant funds to facilitate the “Shelter Capital Project” within the City of Hoboken; and,

WHEREAS, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City shall provide funds in the amount of One Hundred Forty Six Thousand Five Hundred and Seventy Five Dollars and Forty Cents (\$146,575.40) out of available City of Hoboken Community Development Block Grant funds for renovation of four (4) bathroom facilities and installation of an emergency electric generator in the building’s bell tower.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Hoboken hereby approve the attached Subrecipient Agreement and accept the obligations under the aforesaid Agreement; and,

BE IT FURTHER RESOLVED, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of

Hoboken and Communities of Faith for Housing, Inc., d/b/a “Hoboken Shelter”, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilman Russo

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

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

---Nays: None.

---Absent: DeFusco

17-363

---By Councilwoman Fisher

RESOLUTION AWARDING A CHANGE ORDER TO THE CITY’S CONTRACT WITH YOUR WAY CONSTRUCTION FOR THE PARKING LOT IMPROVEMENT AT FIRE HEADQUARTERS PROJECT IN THE INCREASED AMOUNT OF \$5,392.34

WHEREAS, the City Council of the City of Hoboken awarded a contract to Your Way Construction for construction services for the Parking Lot Improvements at Fire Headquarters project on October 19, 2016 in the amount of \$91,439.30; and,

WHEREAS, the City Council has approved one (1) change order for Your Way Construction, increasing the total contract amount to \$100,723.30; and,

WHEREAS, the City received the attached correspondence from T&M Associates dated May 31, 2017, recommending a change order to the contract with Your Way Construction to reflect as-built quantity adjustments; and,

WHEREAS, the City Council is asked to award Change Order #2 to this contract, in the increased amount \$5,392.34; and,

WHEREAS, the new total contract amount, including previous change orders, is \$105,665.64, which represents a 4.9% increase from the current contract amount and a 15.55% increase from the original contract amount.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that Change Order #2 shall be awarded to the City’s contract with Your Way Construction, as delineated above in the amount of \$5,392.34; 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: 8 Nays: 0 Absent: 1

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

---Nays: None.

---Absent: DeFusco

17-364

---By Councilwoman Fisher

RESOLUTION AWARDING CHANGE ORDERS TO THE CITY'S CONTRACT WITH UNDERGROUND UTILITIES CORPORATION FOR THE WASHINGTON STREET REDESIGN PROJECT IN THE INCREASED AMOUNT OF \$25,181.84

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 in the amount of \$17,563,235.71; and,

WHEREAS, the City Council has approved five (5) change orders with Underground Utilities for a new total contract amount of \$17,628,070.47; and,

WHEREAS, the City received the attached correspondence from T&M Associates dated May 26, 2017, recommending change orders to the contract with Underground Utilities Corporation; and,

WHEREAS, the City Council is being asked to award Change Order #6 to this contract, in the increased amount of \$26,781.84, for the addition of water service extensions or reconnections that are necessary for this project; and,

WHEREAS, the City Council is also being asked to award Change Order #7 to this contract, in the reduced amount of \$1,600.00, to reflect traffic control adjustments that are necessary for this project; and,

WHEREAS, the total amount of these change orders is \$25,181.84; and,

WHEREAS, the new total contract amount, including previous change orders, is \$17,653,252.31, which represents a .14% increase from the current contract amount and a .51% increase from the original contract amount.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that Change Order #6 shall be awarded as delineated above in the increased

amount of \$26,781.84; and that Change Order #7 shall be awarded as delineated above in the reduced amount of (\$1,600.00) 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: 8 Nays: 0 Absent: 1

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

---Nays: None.

---Absent: DeFusco

17-365

---By Councilman Doyle

RESOLUTION URGING THE UNITED STATES CONGRESS TO ENACT A REVENUE-NEUTRAL CARBON FEE

WHEREAS, the Intergovernmental Panel on Climate Change (IPCC) has stated in its 5th Assessment Report, Climate Change 2013: The Physical Science Basis, that "warming of the climate system is unequivocal," and "it is extremely likely that human influence has been the dominant cause of the observed warming since the mid-20th century;" and,

WHEREAS, the National Academy of Sciences has stated that "It is now more certain than ever, based on many lines of evidence, that humans are changing Earth's climate. The atmosphere and oceans have warmed, accompanied by sea-level rise, a strong decline in Arctic sea ice, and other climate-related changes;" and,

WHEREAS, the global atmospheric concentration of CO₂ has now surpassed 410 parts per million-the highest level in the last 800,000 years; and,

WHEREAS, the National Oceanic and Atmospheric Administration (NOAA) reports that average global surface temperatures of the earth in 2016 were 0.94 degrees Celsius above the 20th century average; and,

WHEREAS, the 2014 National Climate Assessment found that continued warming of the atmosphere will cause New Jersey to experience heat waves, sea-level rise, flooding, threats to infrastructure, and harm to agriculture; and,

WHEREAS, conservative estimates by the world's climate scientists state that to achieve climate stabilization and avoid cataclysmic climate change, emissions of greenhouse gases (GHGs) must be brought to 80% below 1990 levels by 2050; and,

WHEREAS, one hundred and ninety-four nations have agreed, pursuant to the Paris Accords, to collectively hold the increase in the global average temperature to well below 2 °C above preindustrial levels and to pursue efforts to limit the temperature increase to 1.5 °C above preindustrial levels, recognizing that this would significantly reduce the risks and impacts of climate change; and,

WHEREAS, presently the environmental, health, and social costs of carbon emissions are not included in prices paid for fossil fuels, but rather these externalized costs are borne directly and indirectly by all Americans and global citizens; and,

WHEREAS, to begin to correct this market failure, Congress can enact a national carbon fee on fossil fuels, based on the amount of CO₂ the fuel will emit when burned; and,

WHEREAS, for efficient administration, fossil fuels can be taxed once, as far upstream in the economy as practical, or at the port of entry into the United States; and,

WHEREAS, a national, revenue-neutral carbon fee starting at a relatively low rate and increasing steadily over future years is a market-based solution that would minimally disrupt the economy while sending a clear and predictable price signal to businesses to develop and use non-carbon-based energy resources; and,

WHEREAS, the Citizens' Climate Education Corporation (CCEC) contracted a third party, Regional Economic Modeling, Inc. (REMI) to do a nation-wide macroeconomic study on the impact of a revenue-neutral carbon fee; and,

WHEREAS, REMI's study predicted that, after 10 years, a revenue-neutral carbon fee would lead to a decrease in CO₂ emissions by 33 percent, an increase in national employment of 2.1 million jobs, and an average monthly dividend for a family of four of \$288; and,

WHEREAS, border adjustments—carbon content-based tariffs on products imported from countries without comparable carbon pricing, and refunds to our exporters of carbon fees paid—can maintain the competitiveness of U.S. businesses in global markets; and,

WHEREAS, a national revenue-neutral carbon fee can be implemented quickly and efficiently, thereby responding to the urgency of the climate crisis, because the federal government already has in place mechanisms, such as the Internal Revenue Service, needed to implement and enforce the fee and distribute the dividend, and already collects taxes from fossil fuel producers and importers; and,

WHEREAS, a national carbon fee would make the United States a leader in mitigating climate change and in the clean energy technologies of the 21st Century, and would incentivize other countries to enact similar carbon fees, reducing global CO₂ emissions without the need for complex international agreements;

NOW, THEREFORE, BE IT RESOLVED, that the Hoboken City Council urges the United States Congress to enact without delay a fee on carbon-based fossil fuels; and,

BE IT FURTHER RESOLVED, that the fee should be collected once, as far upstream in the economy as practical, or at the port of entry into the United States; and,

BE IT FURTHER RESOLVED, that the fee rate should start low and increase steadily and predictably, to achieve the goal of reducing U.S. CO₂ emissions to 10% of 1990 levels by 2050; and,

BE IT FURTHER RESOLVED, that all fee revenue should be returned to households to protect low and middle income Americans from the impact of rising prices due to the fee; and,

BE IT FURTHER RESOLVED, that the international competitiveness of U.S. businesses should be protected by using carbon content-based border tariffs and fee refunds; and,

BE IT FURTHER RESOLVED, that copies of this resolution be distributed to U.S. Senators Robert Menendez and Cory Booker and U.S. Representative Albio Sires.

---Motion duly seconded by Councilman Russo

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

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

---Nays: None.

---Absent: DeFusco

17-366

---By Councilwoman Fisher

RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A RIGHT OF ACCESS AGREEMENT WITH THE NORTH HUDSON SEWAGE AUTHORITY FOR THE SOUTHWEST BLOCK 12 PARK PROJECT

WHEREAS, the Southwest Block 12 Park Project (“Project”) is currently under construction; and,

WHEREAS, the Project will feature an electronic combined overflow sensor control system which will be designed, purchased, installed and then operated and maintained by the North Hudson Sewage Authority (“hereinafter referred to as NHSA”); and,

WHEREAS, the NHSA desires a right of access to the electronic combined overflow control system (hereinafter referred to as “control system”) to perform maintenance services; and,

WHEREAS, the NHSA is requesting access to the Property to maintain the control system, and the City is willing to grant NHSA a right of access to the Property based on the terms set forth in the attached Right of Access Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the attached Right of Access Agreement with the North Hudson Sewage Authority is hereby approved.

1. The above recitals are incorporated as if fully set forth at length.
2. The Council hereby authorizes Corporation Counsel to make reasonable amendments to the attached agreement if necessary, so long as the amendments do not fundamentally alter any of the terms.
3. 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.
4. This resolution shall be effective immediately.

---Motion duly seconded by Councilman Ramos

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

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

---Nays: None.

---Absent: DeFusco

17-367

---By Councilman Mello

RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A RIGHT OF ACCESS AGREEMENT WITH THE NORTH HUDSON SEWAGE AUTHORITY FOR THE 700 JACKSON STREET DEVELOPMENT PROJECT

WHEREAS, the 700 Jackson Street Development Project (hereinafter referred to as “Project”) is currently under construction; and,

WHEREAS, the Project will feature an electronic combined overflow sensor control system which will be designed, purchased, installed and then operated and maintained by the North Hudson Sewage Authority (“hereinafter referred to as NHSA”); and,

WHEREAS, the NHSA desires a right of access to the electronic combined overflow control system (hereinafter referred to as “control system”) to perform maintenance services; and,

WHEREAS, the City does not currently own the Property wherein the control system will be located; and,

WHEREAS, although the City does not presently own the Property, it is anticipated that the Property will be conveyed to the City in accordance with the terms and conditions of the Redevelopment Agreement by and between the City and Monroe Center Hoboken Urban Renewal, LLC; and,

WHEREAS, the NHSA is requesting access to the Property to maintain the control system; and,

WHEREAS, once the property is conveyed to the City, the City is willing to grant NHSA a right of access to the Property on the terms set forth in the attached Right of Access Agreement; and,

WHEREAS, it is understood that the terms and conditions of the Agreement shall not become effective until and unless the Property is conveyed to the City.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the attached Right of Access Agreement with the North Hudson Sewage Authority is hereby approved.

1. The above recitals are incorporated as if fully set forth at length.
2. The Council hereby authorizes Corporation Counsel to make reasonable amendments to the attached agreement if necessary, so long as the amendments do not fundamentally alter any of the terms.
3. 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.
4. This resolution shall be effective immediately.

---Motion duly seconded by Councilman Doyle

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

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

---Nays: None.

---Absent: DeFusco

17-368

---By Councilwoman Fisher

RESOLUTION SETTING FORTH PERMIT CONDITIONS FOR PSE&G'S UPGRADE AND EXPANSION OF THE MADISON STREET UTILITY SUBSTATION AND MARSHALL STREET UTILITY SUBSTATION PROJECTS AND AUTHORIZING THE EXTENSION OF CONSTRUCTION HOURS

WHEREAS, the City of Hoboken (the "City") has experienced a series of extreme weather events over the past decade, including Hurricane Irene, major snowstorms and Nor'easters, and Superstorm Sandy; and,

WHEREAS, the City and its residents were impacted by those extreme weather events, including, but not limited to, power outages and losses to both public and private property; and,

WHEREAS, Public Service Electric and Gas Company (“PSE&G”) provides the City with electric and gas utility service; and,

WHEREAS, Superstorm Sandy in particular severely damaged PSE&G infrastructure, flooding electrical substations due to storm surges, downing power lines and poles due to high winds and fallen trees; and,

WHEREAS, the damage to PSE&G’s infrastructure contributed to negative impacts on the City, including its residents and businesses; and,

WHEREAS, PSE&G is in the process of implementing infrastructure projects throughout northern New Jersey to enhance PSE&G’s electrical and gas systems, including, but not limited to, fortifying substations, deploying smart grid technologies, improving pole distribution systems, and creating more redundancies; and,

WHEREAS, the upgrading and expansion of the existing utility substation located at 1116 Madison Street (Block 102 Lot 9) and 1100 Monroe / 1100 Madison Street (Block 102 Lot 1) (collectively the “Madison Street Substation”), and relocation of the existing utility substation located at 201-209 Marshall Street and 200-206 Harrison Street (Block 35, Lots 1, 2, 3, 4.01, 5.01, 5.02, 33, 34, 35 and 36) (the “Marshall Street Substation”) is part of PSE&G’s planned infrastructure improvements; and,

WHEREAS, the planned work at the Madison Street Substation and Marshall Street Substation will better prepare the City for future storms and catastrophic events; and,

WHEREAS, the planned work at the Madison Street Substation and Marshall Street Substation will require numerous street openings which will occur in two (2) phases, as delineated in “Exhibit A”; and,

WHEREAS, PSE&G has agreed to curb-to-curb road restoration, striping, and associated costs where said work is taking place; and,

WHEREAS, the City shall also be performing work on sidewalk and curb restoration, alterations and improvements surrounding some of the above named streets impacted by the PSE&G project; and,

WHEREAS, the City is currently negotiating a Redevelopment Agreement with PSE&G and it is anticipated that PSE&G will be responsible for sidewalk and curb restoration, alterations, and improvements at the Marshall Street and Madison Street Substations; and,

WHEREAS, the City will incur engineering and construction costs for the sidewalk and curb restoration, alterations and improvements it is planning, except that PSE&G will be responsible for said restorations, alternations, and improvements at the Marshall Street and Madison Street Substations as delineated in the Redevelopment Agreement; and,

WHEREAS, the parties acknowledge that PSE&G and the City may bid all work together as one project with PSE&G being responsible for the cost of curb to curb repaving and striping; and,

WHEREAS, PSE&G agrees to patch the streets after completion of the road openings and to coordinate all final repaving work with the City of Hoboken, which work shall take place the latter of the City repairing the water mains in the Spring of 2018 or the City completing the desired restoration, alterations and improvements on the curbs and sidewalks in the affected areas; and,

WHEREAS, due to the tight deadline for the planned work at the Madison Street Substation and the Marshall Street Substation, it is imperative that the work on this project begin as soon as possible; and,

WHEREAS, it is also important that this work begin immediately to take advantage of the summer months when traffic in the City is reduced and the weather is conducive to outdoor work and to avoid delays that can be caused by winter weather; 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, PSE&G will be performing work Mondays through Fridays in accordance with the hours delineated in §133-9C, except that street closures shall not take place before 9:00 a.m.; and,

WHEREAS, PSE&G has requested authorization to perform work on Saturdays from 9:30 a.m. to 4:30 p.m., with preparatory work only (no motorized equipment) to begin at 8:30 a.m. as authorized by §133-9C, and has indicated that on Saturdays, no jackhammering work shall be performed before 10:00 a.m.; and,

WHEREAS, PSE&G agrees that they will exercise best efforts to avoid performing jackhammering work on the weekends, and if it is necessary, they will use all available methods of noise mitigation to muffle the sound; and,

WHEREAS, PSE&G recognizes they are responsible for paying for overtime for City employees and road inspectors working on their project after 4:00 p.m. and on weekends; and,

WHEREAS, PSE&G recognizes that they must pay for police officers necessary for traffic control during the construction through the Outside Police Personnel Employment program as outlined in the Hoboken City Code Chapter 59A, Article III; and,

WHEREAS, PSE&G agrees that it will work with the City to coordinate traffic circulation and all roads will be kept open during the project unless approved by the Hoboken Police Department; and,

WHEREAS, PSE&G will be responsible for paying for Temporary No Parking signs in accordance with the standard rates; and,

WHEREAS, in accordance with Hoboken City Code §168-61(A), PSE&G will be required to post a bond in the amount of \$500,000.00 for this project.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, as a condition of this approval, PSE&G will patch the streets after completion of the road openings and coordinate all final repaving work with the City of Hoboken, which work shall take place the latter of the City repairing the water mains in the Spring of 2018 or the City completing the desired restoration, alterations and improvements on the curbs and sidewalks in the affected areas; and,

BE IT FURTHER RESOLVED, PSE&G and the City may bid all work together as one project with PSE&G only being responsible for the cost of curb to curb repaving and striping; and,

BE IT FURTHER RESOLVED, PSE&G is hereby authorized to perform their work in accordance with Hoboken City Code §133-9C on weekdays, except that no streets shall be closed before 9:00 a.m.; and,

BE IT FURTHER RESOLVED, that PSE&G is authorized to perform work on Saturdays from 9:30 a.m. to 4:30 p.m. with preparatory work only to begin at 8:30 a.m. and no jackhammering shall be permitted until at least 10:00 a.m.; and,

BE IT FURTHER RESOLVED, that PSE&G will exercise best efforts to avoid performing jackhammering work on the weekends, and if jackhammering work is necessary on the weekends, all available methods of noise mitigation shall be utilized to muffle the noise; and,

BE IT FURTHER RESOLVED, PSE&G shall pay for overtime for City employees and road inspectors working on the PSE&G project after 4:00 p.m. and or on weekends; and,

BE IT FURTHER RESOLVED, PSE&G shall pay for police officers necessary for this project through the Outside Police Personnel Employment program as outlined in the Hoboken City Code Chapter 59A, Article III; and,

BE IT FURTHER RESOLVED, PSE&G shall work with the City to coordinate traffic circulation and agrees that all roads will be kept open during the project unless approved by the Hoboken Police Department; and,

BE IT FURTHER RESOLVED, PSE&G shall pay for Temporary No Parking signs in accordance with the standard rates; and,

BE IT FURTHER RESOLVED, PSE&G will post a bond and meet all other requirements in accordance with the Hoboken City Code §168-61(A)

---Motion duly seconded by Councilman Ramos

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

Richard Dwyer from PSE & G comments
Pete Maguire from PSE & G comments

Community Development

17-368

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE CITY TO REVOKE AN EXISTING SUBRECIPIENT AGREEMENT WITH HOB'ART COOPERATIVE GALLERY

WHEREAS, pursuant to the attached Resolution dated June 15, 2016, the City of Hoboken entered into a subrecipient agreement with HOB'ART Cooperative Gallery; and,

WHEREAS, pursuant to the agreement, the City allocated \$9,000.00 out of Program Year 2016 Community Development Block Grant funds to facilitate the "Hob'Art: Bringing Art to the Homeless and Veterans," project; and,

WHEREAS, HOB'ART Cooperative Gallery declined the funds due to the loss of staff that was necessary to administer the project; and,

WHEREAS, in light of the above, the City wishes to revoke the subrecipient agreement and reallocate the funds to Public Facility projects in the Program Year 2017.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the existing subrecipient agreement with the HOB'ART Cooperative Gallery is hereby revoked and the City may reallocate the funds to Public Facility projects in the Program Year 2017.

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

Corporation Counsel

17-370

---By Councilwoman Fisher

RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO ENTER INTO A
CONSENT ORDER IN THE MATTER OF BANKRUPTCY CASE NO. 17-17255 SLM

WHEREAS, the City is involved in the bankruptcy matter Case No. 17-17255 SLM which is currently pending in the United States Bankruptcy Court District of New Jersey; and,

WHEREAS, the parties have negotiated a resolution to resolve the pending claims asserted by the City of Hoboken in this bankruptcy action; and,

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

WHEREAS, the City Council wishes to authorize the Administration to enter into the proposed Consent Order in order to resolve the bankruptcy action Case No. 17-17255 SLM.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that the Mayor or the Mayor's designee may execute the proposed Consent Order to resolve the pending matter of the bankruptcy action in the United States Bankruptcy Court District of New Jersey Case No.: 17-17255 SLM; and,

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

---Motion duly seconded by Councilman Ramos
---Failed by the following vote: Yeas: 3 Nays: 0 Absent: 1 Abstain: 5
---Yeas: Council persons Russo, Fisher and Ramos
---Nays: None.
---Absent: DeFusco
---Abstain: Bhalla, Cunningham, Doyle, Mello and President Giattino

17-371

---By Councilwoman Fisher

RESOLUTION APPOINTING CHIRALI PATEL, ESQ. AS ASSISTANT MUNICIPAL PROSECUTOR

WHEREAS, in accordance with N.J.S.A. 2B:25-4, each municipal court in New Jersey shall have at least one (1) municipal prosecutor appointed by the governing body, and where there are two (2) or more municipal prosecutors, a Chief Municipal Prosecutor shall be appointed; and,

WHEREAS, the City previously appointed Corporation Counsel Brian Aloia, Esq. as the Chief Municipal Prosecutor for the City of Hoboken; and,

WHEREAS, the City previously appointed Assistant Corporation Counsel Alyssa L. Bongiovanni, Esq. and Scott J. DeRosa, Esq. as Assistant Municipal Prosecutors; and,

WHEREAS, the City now wishes to appoint Assistant Corporation Counsel Chirali Patel, Esq. as Assistant Municipal Prosecutor; and,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that Chirali Patel, Esq. is hereby designated as Assistant Municipal Prosecutor for the City of Hoboken; and,

BE IT FURTHER RESOLVED, Chirali Patel shall not receive any additional compensation for her roles as prosecutor.

---Motion duly seconded by Councilman Ramos

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

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

---Nays: None.

---Absent: DeFusco

~~.*RESOLUTION INCREASING LITE DEPALMA GREENBERG'S CONTRACT FOR RENT CONTROL MATTERS BY \$20,000.00 FOR A NEW TOTAL CONTRACT AMOUNT OF \$30,000.00 (CARRIED TO THE NEXT COUNCIL MEETING)~~

17-372

---By Councilwoman Fisher

RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO PAY THE JUDGMENT ORDERED IN THE WORKERS' COMPENSATION CASE NO. 2011-18880 IN ACCORDANCE WITH THE DECISION OF THE HONORABLE WILLIAM ROCA

WHEREAS, the City is involved in the workers' compensation matter Case No. 2011-18880 captioned V.R.L. v. Hoboken Police Department; and,

WHEREAS, this matter was fully litigated before the Honorable William Roca and Judge Roca rendered a decision on May 10, 2017 fixing the petitioner's disability at 33^{1/3}% of partial total; and,

WHEREAS, the decision of the Court has been reviewed by Special Counsel Louis M. Masucci, Jr., Esq.; Corporation Counsel; the Garden State Municipal Joint Insurance Fund ("JIF"); and PMA Companies (the JIF's third party administrator) and all are comfortable with the judgment and do not recommend appealing; and,

WHEREAS, the City Council wishes to authorize the payment of the judgment in accordance with the attached Order for Judgment in the total amount of \$34,496.67.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that the City of Hoboken is authorized to pay the judgment as ordered in the Order for Judgment in the total amount of \$34,496.67; and,

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

---Motion duly seconded by Councilman Ramos

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

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

---Nays: None.

---Absent: DeFusco

17-373

---By Council President Giattino

RESOLUTION AWARDDING A NON-FAIR AND OPEN CONTRACT TO RICCI, FAVA & BAGLEY FOR LEGAL SERVICES RELATIVE TO AN EMPLOYMENT MATTER IN THE AMOUNT OF \$20,000.00

WHEREAS, the Administration has received an employee complaint which requires legal investigation; and,

WHEREAS, based upon Corporation Counsel's review and investigation of this matter and due to the fact that the outside counsel who would typically handle this matter has a conflict, it has been determined that it is necessary to hire an attorney who is not currently under contract with the City; and,

WHEREAS, it is important that the City award this contract as soon as practicable in order to address this employee matter in a swift and efficient manner; and,

WHEREAS, therefore the City of Hoboken has a need to acquire a qualified attorney/law firm to perform said investigation and address any attendant legal issues as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the amount of this contract shall exceed \$20,000.00; and,

WHEREAS, Ricci, Fava & Bagley are qualified and experienced attorneys who have indicated they can handle this matter; and,

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

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

WHEREAS, the Administration recommends that the requirements set forth in Hoboken City Code §20A-4 be waived for this contract in accordance with the determination of Corporation Counsel that it is necessary to obtain outside counsel to handle the employee investigation referenced above; and,

WHEREAS, the Administration recommends awarding this service to Ricci, Fava & Bagley as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5 in an amount not to exceed \$20,000.00 for a term of one (1) year.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken authorizes the Mayor to enter into a non-fair and open contract with Ricci, Fava & Bagley, as described herein, for services relative to an employee investigation for a term of one (1) year, and in the amount of \$20,000.00; and,

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

BE IT FURTHER RESOLVED, that no minimum payment is implied or guaranteed and the City reserves the right to cancel this Agreement at any time and Ricci, Fava & Bagley shall only be paid for the work completed; and,

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

1. 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.
2. The Council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.

---Motion duly seconded by Councilman Doyle

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

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

---Nays: None.

---Absent: DeFusco

Environmental Services

17-374

---By Councilman Bhalla

RESOLUTION AWARDING A CHANGE ORDER AND CLOSE OUT TO THE CITY'S CONTRACT WITH ROOF MANAGEMENT, LLC FOR THE ROOF REPLACEMENT PROJECT AT THE MIDTOWN FIREHOUSE (BID 16-18) IN THE INCREASED AMOUNT OF **\$4,064.56**

WHEREAS, following a bid process, a contract was awarded to Roof Management, LLC for the roof replacement of the Midtown Firehouse in the amount of \$96,000.00, as was delineated in Bid 16-18; and,

WHEREAS, the City of Hoboken requires additional unforeseen goods and services under the contract for roof replacement of the Midtown Firehouse; and,

WHEREAS, in accordance with the direction of the Administration, the City Council is asked to award a change order (#3/FINAL) to the contract with Roof Management, LLC for the Midtown Firehouse roof replacement project, for an increase in the contract amount by Four Thousand Sixty Four Dollars and Fifty Six Cents (**\$4,064.56**), for a total not to exceed amount of One Hundred and One Thousand Nine Hundred and Twenty Seven Dollars and Sixty Three Cents (**\$101,927.63**) in accordance with RSC Architects' change order request which is attached hereto; and,

WHEREAS, the Administration recommends increasing the contract amount with Roof Management, LLC by \$4,064.56, for a new total contract amount of \$101,927.63, which represents a 4.15% increase from the current contract amount and a 6.17% total increase from the original contract amount.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that a change order (#3/FINAL) to the contract with Roof Management, LLC for the roof replacement of the Midtown Firehouse project is granted for a total increase in the contract amount by Four Thousand Sixty Four Dollars and Fifty Six Cents (**\$4,064.56**), for a total not to exceed amount of One Hundred and One Thousand Nine Hundred and Twenty Seven Dollars and Sixty Three Cents (**\$101,927.63**) in accordance with RSC Architects' change order request which is attached hereto; and,

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of the referenced RSC Architects correspondence and attachments shall govern the change order, and no changes may be made without the prior written consent of both parties.

3. Any further change orders which shall become necessary hereafter shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
4. The Council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.

---Motion duly seconded by Councilman Doyle

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

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

---Nays: None.

---Absent: DeFusco

Finance

17-375

---By Councilwoman Fisher

RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO DEPOSIT REVENUE RECEIVED FROM THE TEMPORARY USE OF BLOCK 103, ALSO KNOWN AS THE BASF PROPERTY, INTO THE MUNICIPAL OPEN SPACE TRUST FUND

WHEREAS, the City of Hoboken has acquired Block 103, also known as the BASF property, which was funded from the Municipal Open Space Trust Fund; and,

WHEREAS, the City will receive revenues related to the temporary use of Block 103, also known as the BASF property; and,

WHEREAS, Section 2 of the City's open space ordinance DR-343 adopted 01/02/2008 states that the Trust Fund shall also be permitted to accept testamentary bequests, any other donations, and such supplementary funding as the Mayor and City Council may elect, in their sole discretion, to authorize and appropriate; and,

WHEREAS, the City Council wishes to deposit revenue received from the temporary use of Block 103, also known as the BASF property, into the Municipal Open Space Trust Fund.

NOW, THEREFORE, BE IT RESOLVED, pursuant to Section 2 of the City's open space ordinance DR-343, the City Council resolves that revenue related to the use of Block 103, also known as the BASF property shall be deposited into the Municipal Open Space Trust.

---Motion duly seconded by Councilman Ramos

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

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

---Nays: None.

---Absent: DeFusco

17-376

---By Councilwoman Fisher

RESOLUTION INSERTING A SPECIAL ITEM OF REVENUE INTO THE CY 2017 MUNICIPAL BUDGET TO INCLUDE THE \$73,840.44 RECEIVED FROM THE STATE OF NEW JERSEY ENVIRONMENTAL PROTECTION *

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

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

WHEREAS, the City of Hoboken has received notice of an award of \$73,840.44 from State of New Jersey Environmental Protection for Recycling Tonnage Grant and wishes to amend its CY 2017 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year CY 2017 in the sum of.....\$73,840.44. This is now available as revenue from:

- Miscellaneous Revenues:
 - Special Items of General Revenue Anticipated
 - With Prior Written Consent of the Director of the
 - Division of Local Government Services:
 - State and Federal Revenues Off-set with
 - Appropriations:
 - Recycling Tonnage Grant 2017.
 - Other Expenses

BE IT RESOLVED that the sum of \$73,840.44 be and the same is hereby appropriated under the caption of:

General Appropriations:

- (a) Operations Excluded from CAPS
- State and Federal Programs Off-Set by
- Revenues:
 - Recycling Tonnage Grant 2017.
 - Other Expenses

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk will forward a certified copy of this resolution electronically to the Director of Local Government Services for approval.

---Motion duly seconded by Councilman Ramos

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

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

---Nays: None.

---Absent: DeFusco

17-377

---By Councilwoman Fisher

RESOLUTION INSERTING A SPECIAL ITEM OF REVENUE INTO THE CY 2017 MUNICIPAL BUDGET TO INCLUDE THE \$3,550.46 RECEIVED FROM THE HUDSON COUNTY LOCAL ARTS PROGRAM GRANT FUNDS

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

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

WHEREAS, the City of Hoboken has received notice of an award of \$3,550.46 from Hudson County Local Arts Program Grant Funds and wishes to amend its CY 2017 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year CY 2017 in the sum of.....\$3,550.46. This is now available as revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated
With Prior Written Consent of the Director of the
Division of Local Government Services:

State and Federal Revenues Off-set with
Appropriations:

Hudson County LAP Grant 2017.

Other Expenses

BE IT RESOLVED that the sum of \$3,550.46 be and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from CAPS
State and Federal Programs Off-Set by
Revenues:

Hudson County LAP Grant 2017.
Other Expenses

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk will forward a certified copy of this resolution electronically to the Director of Local Government Services for approval.

---Motion duly seconded by Councilman Ramos

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

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

---Nays: None.

---Absent: DeFusco

17-378

---By Councilwoman Fisher

RESOLUTION INSERTING A SPECIAL ITEM OF REVENUE INTO THE CY 2017 MUNICIPAL BUDGET TO INCLUDE THE **\$7,000.00** RECEIVED FROM THE HUDSON COUNTY HISTORY PARTNERSHIP PROGRAM GRANT FUNDS FOR SONGS OF SINATRA

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

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

WHEREAS, the City of Hoboken has received notice of an award of \$7,000.00 from Hudson County History Partnership Program Grant Funds for Songs of Sinatra and wishes to amend its CY 2017 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year CY 2017 in the sum of.....\$7,000.00. This is now available as revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated
With Prior Written Consent of the Director of the
Division of Local Government Services:

State and Federal Revenues Off-set with
Appropriations:

HCHPP Songs of Sinatra Grant 2017.
Other Expenses

BE IT RESOLVED by the City Council of the City of Hoboken that the sum of \$7,000.00 be and the same is hereby appropriated under the caption of:
General Appropriations:

(a) Operations Excluded from CAPS
State and Federal Programs Off-Set by
Revenues:

HCHPP Songs of Sinatra Grant 2017.
Other Expenses

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk will forward a certified copy of this resolution electronically to the Director of Local Government Services for approval.

---Motion duly seconded by Councilman Ramos

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

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

---Nays: None.

---Absent: DeFusco

17-379

---By Councilwoman Fisher

RESOLUTION INSERTING A SPECIAL ITEM OF REVENUE INTO THE CY 2017 MUNICIPAL BUDGET TO INCLUDE THE **\$3,924.73** RECEIVED FROM THE NEW JERSEY COURTS ADMINISTRATIVE OFFICE OF THE COURTS FOR MUNICIPAL COURT ALCOHOL EDUCATION, REHABILITATION AND ENFORCEMENT FUND (DWI)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the

Budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and,

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

WHEREAS, the City of Hoboken has received notice of an award of \$3,924.73 from New Jersey Courts Administrative Office and wishes to amend its CY 2017 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year CY 2017 in the sum of.....\$3,924.73. This is now available as revenue from:

Miscellaneous Revenues:
Special Items of General Revenue Anticipated
With Prior Written Consent of the Director of the
Division of Local Government Services:
State and Federal Revenues Off-set with
Appropriations:
Municipal Court DWI.
Other Expenses

BE IT RESOLVED that the sum of \$3,924.73 be and the same is hereby appropriated under the caption of:
General Appropriations:

(a) Operations Excluded from CAPS
State and Federal Programs Off-Set by
Revenues:
Municipal Court DWI
Other Expenses

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk will forward a certified copy of this resolution electronically to the Director of Local Government Services for approval.

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

17-380

---By Councilwoman Fisher

RESOLUTION INSERTING A SPECIAL ITEM OF REVENUE INTO THE CY 2017 MUNICIPAL BUDGET TO INCLUDE THE \$90,102.66 RECEIVED FROM THE ENVIRONMENTAL PROTECTION AGENCY FOR CLEAN COMMUNITY GRANT

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

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

WHEREAS, the City of Hoboken has received notice of an award of \$90,102.66 from Environmental Protection Agency and wishes to amend its CY 2017 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year CY 2017 in the sum of.....\$90,102.66. This is now available as revenue from:

- Miscellaneous Revenues:
 - Special Items of General Revenue Anticipated
 - With Prior Written Consent of the Director of the
 - Division of Local Government Services:
 - State and Federal Revenues Off-set with
 - Appropriations:
 - Clean Community Grant.
 - Other Expenses

BE IT RESOLVED that the sum of \$90,102.66 be and the same is hereby appropriated under the caption of:

General Appropriations:

- (a) Operations Excluded from CAPS
- State and Federal Programs Off-Set by
- Revenues:
 - Clean Community Grant
 - Other Expenses

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk will forward a certified copy of this resolution electronically to the Director of Local Government Services for approval.

---Motion duly seconded by Councilman Ramos

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

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

---Nays: None.

---Absent: DeFusco

Health and Human Services

17-381

---By Councilman Bhalla

RESOLUTION GRANTING KIMLEY-HORN'S REQUEST TO EXTEND THE PERMITTED CONSTRUCTION HOURS OUTLINED IN HOBOKEN CITY CODE §133-9C TO ALLOW WORK TO BE PERFORMED BY PICERNO-GIORDANO CONSTRUCTION LLC ON THE NORTHWEST POP-UP PARK ON SATURDAYS

WHEREAS, Picerno-Giordano Construction, LLC needs to perform work for the City of Hoboken at the Northwest Pop-Up Park; and,

WHEREAS, in accordance with the attached memo from Kimley-Horn, due to the fact that the work is to be substantially completed within forty-five (45) days of the Notice to Proceed issued on May 3, 2017, Picerno-Giordano Construction, LLC and the City wish to perform the work on Saturdays in order to keep the construction on schedule; and,

WHEREAS, Picerno-Giordano Construction, LLC and the City are requesting to perform the work on June 3rd, 10th, and 17th from 10:00 a.m. to 6:00 p.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 on Saturdays.

NOW, THEREFORE, BE IT RESOLVED, that Picerno-Giordano Construction, LLC may perform the necessary construction at the Northwest Pop-Up Park during the following time periods:

- June 3rd, 10th, and 17th from 10:00 a.m. to 6:00 p.m.

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

Tax Collector

17-382

---By Councilwoman Fisher

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$2,458.52)

WHEREAS, overpayments of taxes have 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:

NAME	BL/LT/UNIT	PROPERTY	QTR/YEAR	AMOUNT
Quicken Loans 635 Woodward Avenue Detroit, MI 48226 Attn: Michael Martin	82/11/C0P19	727 Monroe St	2/17	\$116.33
Everhome Bank c/o Lereta LL 1123 S. Parkview Drive Covina, CA 91724	261.01/1/ CP041	1100 Maxwell Lane	3&4/16/ 1&2/17	\$552.30
Corelogic P.O. Box 9205 Coppell, TX 75019-9215	60/5	409 Jefferson St	1&2/17	\$1,789.89

NOW, THEREFORE, BE IT RESOLVED, that a warrant be drawn on the City Treasury in the total amount of \$2,458.52, made payable to the following:

NAME	BL/LT/UNIT	PROPERTY	QTR/YEAR	AMOUNT
Quicken Loans 635 Woodward Avenue Detroit, MI 48226 Attn: Michael Martin	82/11/C0P19	727 Monroe St	2/17	\$116.33

Everhome Bank c/o Lereta LL 1123 S. Parkview Drive Covina, CA 91724	261.01/1/ CP041	1100 Maxwell Lane	3&4/16/ 1&2/17	\$552.30
Corelogic P.O. Box 9205 Coppell, TX 75019-9215	60/5	409 Jefferson St	1&2/17	\$1,789.89

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

17-383

---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 **\$41,628.84**)

WHEREAS, a tax appeal was filed in the State Tax Court regarding the property
 listed below; and,

WHEREAS, the Court entered judgment which reduced the assessed value of the
 property; and,

WHEREAS, as a result, Sharon Curran, Collector of Revenue for the City of
 Hoboken has calculated the refund to be made in accordance with the judgment.

NOW, THEREFORE, BE IT RESOLVED, that a warrant be drawn on the City
 Treasury In the total amount of **\$41,628.84**, made payable to the following:

NAME	BL/LT/ UNIT	PROPERTY	YEAR	AMOUNT
NASHEL & NASHEL, LLC 415 SIXTIETH STREET WEST NEW YORK, NJ 070	BL 222 LOT 4	43-51 NEWARK ST	2016	\$41,628.84

---Motion duly seconded by Councilman Ramos

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

Transportation and Parking

17-384

---By Councilman Doyle

RESOLUTION AWARDING A CONTRACT TO FAI-GON ELECTRIC INC. FOR THE SOUTHWEST INTERSECTION IMPROVEMENTS PROJECT IN THE AMOUNT OF **\$419,061.95**

WHEREAS, the City of Hoboken requires the services of a qualified contractor to perform work for the Southwest Intersection Improvements project; and,

WHEREAS, the City sought bidders for said services by way of Bid No. 17-08 and received proposals from a total of five (5) bidders, with the lowest three bidders as follows:

	Fai-Gon Electric Inc.	Orchard Holdings LLC	JC Contracting
Base Bid	\$419,061.95	\$444,237.10	\$460,977.73

WHEREAS, in accordance with the attached recommendation of the project engineer, Petry Traffic, LLC, Fai-Gon Electric was the lowest responsive and responsible bidder with a bid of \$419,061.95; and,

WHEREAS, the Administration recommends awarding a contract for contracting services for the Southwest Intersection Improvements project to the lowest responsive and responsible bidder, Fai-Gon Electric, Inc., in the amount of \$419,061.95, for a term to expire upon completion of the construction project in accordance with 40A:11-15(9).

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that a contract is hereby awarded to Fai-Gon Electric Inc. for contracting services for the Southwest Intersection Improvements Project, in the amount of \$419,061.95, in accordance with their proposal in response to Bid No. 17-08, for a term to expire upon completion of the construction project in accordance with 40A:11-15(9); 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. The terms of Bid No. 17-08 and Fai-Gon Electric Inc. 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.
5. The mayor, or her designee, is hereby authorized to execute an agreement as outlined herein.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

---Absent: DeFusco

17-385

---By Councilman Doyle

RESOLUTION TO REFUND THE HANDICAPPED PARKING APPLICATION FEE TO APPLICANT DONALD GIROVASI IN THE AMOUNT OF \$125.00

WHEREAS, the Subcommittee for Handicapped Parking denied approval of the application of Donald Girovasi and therefore pursuant to Hoboken City Code §192-1(F), the \$125.00 processing fee is to be refunded.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hoboken, that a warrant be drawn on the City Treasury to the order of the following name for the sum so stated, as reimbursement for the handicapped parking application fee the individual submitted:

<u>NAME</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
Donald Girovasi	628 Garden Street	\$125.00

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

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

---Motion duly seconded by Councilman Bhalla

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

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

Clerk

17-386

---By Councilman Doyle

RESOLUTION TO ADOPT THE MINUTES OF THE MEETINGS OF THE CITY COUNCIL DATED: **REGULAR & SPECIAL MEETING OF MAY 17, 2017 AND A SPECIAL MEETING ON MAY 24, 2017**

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

ORDINANCES

Introduction and First Reading

17-387

Z-502

---By Councilman Bhalla

AN ORDINANCE AMENDING CHAPTER 110 OF THE HOBOKEN CITY CODE ENTITLED "GARBAGE, RUBBISH AND LITTER" ARTICLE II ENTITLED "REFUSE" TO INCLUDE §110-11 "BAMBOO PLANTS"

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

Section 1: The following additions shall be made to Chapter 110 of the Hoboken City Code entitled "Garbage, Rubbish and Litter", Article II entitled "Refuse" to add §110-11:

§ 110-11 Bamboo Plants.

- A. **Purpose:** It is determined that certain types of the bamboo plant are invasive and often difficult to control, and can cause significant damage to property. The purpose of this section is to preserve and protect public and private property in the City of Hoboken from the damaging spread of bamboo, to protect indigenous and other plant materials from the invasive spread of bamboo, and to maintain the general welfare of the residents of the City of Hoboken.

B. **Prohibition.** No owner, tenant or occupant of a property, or person, corporation or other entity, shall plant, install or cause or permit the planting or installation of plant species commonly known as Running (monopodial) Bamboo or Clumping (sympodial) Bamboo upon any property located within the City of Hoboken. This prohibition shall include but is not limited to the following plant genera:

- a. Arundinaria;
- b. Bambusa;
- c. Chimonobambusa;
- d. Dendrocalamus;
- e. Fargesia;
- f. Phyllostachys;
- g. Pleioblastus;
- h. Pseudosasa;
- i. Sasa;
- j. Sasaella;
- k. Semiarundinaria.

C. **Duty to Confine.** In the event any species commonly known as Running Bamboo or Clumping Bamboo is located upon any property within the City of Hoboken, prior to the effective date of this prohibition, the owner and occupant of said property shall jointly and severally be required to confine such species to prevent the encroachment, spread, invasion or intrusion of same onto any other private or public property or public right-of-way.

- a. In lieu of confining the species, the property owner or occupant may elect to totally remove the bamboo from the property, and all affected properties.
- b. Failure to properly confine such bamboo shall require removal as set forth below. The cost of said removal shall be at the bamboo property owner's expense.
- c. This duty to confine shall not apply if the property owner and/or occupant can establish to the satisfaction of the City Inspector that the bamboo which is on his/her property at the time of the adoption of this Ordinance originated on another property.

D. **Removal.**

1. In the event Running Bamboo or Clumping Bamboo is present on the effective date of this prohibition and a complaint is received by the City regarding an encroachment of any bamboo plant or root, and the City Inspector, after observation and/or inspection, determines that there is an encroachment or invasion on any adjoining/neighborhood private or public property or public right-of-way (hereinafter, "the affected property"), the City shall serve notice to the bamboo property owner in writing that the bamboo has invaded other private

or public property(s) or public right-of-way(s) and demand the removal of the bamboo from the affected property, and demand approved confinement against future encroachment or, in the alternative, the total removal from the bamboo property owner's property. Notice shall be provided to the bamboo property owner, as well as to the owner of the affected property, by certified, return receipt requested mail and regular mail. Within forty-five (45) days of receipt of such notice, the bamboo property owner shall submit to the City Inspector, with a copy to the owner of the affected property, a plan for the removal of the bamboo from the affected property, which plan shall include restoration of the affected property after removal of the bamboo. Within one hundred twenty (120) days of receipt of approval of the plan of removal and restoration, the removal and restoration shall be completed to the satisfaction of the City.

2. If the bamboo property owner does not accomplish the removal of the bamboo from such other private or public property or public right-of-way in accordance herewith, the City Inspector shall cause a citation to be issued and penalties to be imposed in accordance with N.J.S.A. 40:49-5 ("Penalties for municipal ordinances") for each day the violation continues, enforceable through the Municipal Court of the City of the City of Hoboken. The City may also institute civil proceedings for injunctive or civil relief.
3. Nothing herein shall be interpreted as limiting the rights of a private property owner to seek civil relief through a Court of proper jurisdiction, nor the institution of civil proceedings against the property parties.

E. Replanting Prohibited: Any Running Bamboo or Clumping Bamboo either planted or caused to be planted or existing on the effective date of this regulation, may not be replanted or replaced once such bamboo is or has become dead, destroyed, uprooted, or otherwise removed.

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: 8 Nays: 0 Absent: 1

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

---Nays: None.

---Absent: DeFusco

17-388

Z-503

---By Councilman Mello

BOND ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY FOR OPEN SPACE PRESERVATION, THE CONSTRUCTION/EXPANSION OF SOUTHWEST RESILIENCY PARK (BLOCK 10) AND THE CONSTRUCTION/EXPANSION OF A STORMWATER MANAGEMENT AND FLOOD CONTROL SYSTEM THEREON IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$4,949,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$4,949,000; 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 \$4,949,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$4,949,000.

Section 3. The sum of \$4,949,000 to be raised by the issuance of bonds or bond anticipation notes is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$4,949,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law. All or a portion of the bonds authorized to be issued hereunder may evidence one or more loans from the New Jersey Department of Environmental Protection and/or the New Jersey Environmental Infrastructure Trust, under an Application for Financial Assistance ("Application") submitted by the City to said entities.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$4,949,000, 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 \$974,000.

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

<u>Purpose/Improvement</u>	<u>Estimat ed Total Cost</u>	<u>Down Payme nt</u>	<u>Amount of Obligati ons</u>	<u>Period of Usefuln ess</u>
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A	Acquisition of Certain Real Property identified on the official City Tax Map as Block 10, Lots 1-7 and 30-36, the Construction/Expansion of Southwest Resiliency Park (Block 10) for Open Space Preservation and the Construction/Expansion of a Stormwater Management and Flood Control System thereon; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto, all as more particularly described in the Application (Project No. S340635-08) on file and available for inspection in the office of the City Administrator.	\$4,949,000	\$0	\$4,949,000	30 years
		0			

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

Section 9. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$4,949,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

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

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

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

Section 13. The City hereby covenants as follows:

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

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

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

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

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

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

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

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

---Motion duly seconded by Councilman Doyle

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

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

---Nays: None.

---Absent: DeFusco

17-389

Z-504

---By Councilman Doyle

AN ORDINANCE AMENDING CHAPTER 190 OF THE HOBOKEN CITY CODE ENTITLED "VEHICLES AND TRAFFIC" TO AMEND VARIOUS CURBSIDE PARKING REGULATIONS

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

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

WHEREAS, converting one parallel parking space to two angle parking spaces will more efficiently utilize scarce curbside space used by official Hoboken Parking Utility vehicles on the south side of First Street between Bloomfield Street and Washington Street; and,

WHEREAS, the Hoboken Fire Department has agreed to relocate eight official City business parking spaces from Madison Street to Observer Highway in order to create space for an additional turning lane on Madison Street as part of the Southwest Traffic Improvement Plan; and,

WHEREAS, the Hoboken Fire Department requires eight dedicated parking spaces for vehicles owned and operated by the members of the Hoboken Fire Department's Washington Street Firehouse, by permit issued, properly identified by the permit issued by the Hoboken Parking Utility, and only for members actively on duty; and,

WHEREAS, an error in the alternate parking locations (aka "street cleaning") section of Chapter 190 is being corrected.

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

§ 190-6.1 Restricted parking for police vehicles, fire vehicles, and official business.

The following streets or portions thereof shall be designated "Restricted Parking – Official City Business – Tow Away Zone." whereby the official City business at the below given locations shall at all times be in accordance with the restrictions described herein, and the permits provided for each below given location shall at all times be in accordance with the permitting process described herein:

Name of Street	Side	Location	Restriction
Eighth Street	North	Beginning at a point 50 feet east of the easterly curbline of Clinton Street and extending 50 feet easterly therefrom	Vehicles owned and operated by the members of the Hoboken Fire Department <u>that are</u> properly identified by the a permit issued by the Fire Department <u>Hoboken</u>

			<u>Parking Utility, and only for members actively on duty</u>
<u>Observer Highway</u>	<u>South</u>	<u>Beginning at a point 75 feet east of the easterly curbline of Henderson Street and extending 176 feet easterly therefrom</u>	<u>Vehicles owned and operated by the members of the Hoboken Fire Department properly identified by the permit issued by the Hoboken Parking Utility, and only for members actively on duty</u>
Second Street	North	Beginning at a point 35 feet west of the westerly curbline of Jefferson Street and extending 163 feet westerly therefrom	Vehicles owned and operated by the members of the Hoboken Fire Department that are properly identified by a permit issued by the Hoboken Fire Department <u>Hoboken Parking Utility</u> for the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday
Second Street	South	Beginning at a point 35 feet west of the westerly curbline of Grand Street and extending 163 feet westerly therefrom	Vehicles owned and operated by the members of the Hoboken Fire Department that are properly identified by a permit issued by the Hoboken Fire Department <u>Hoboken Parking Utility</u> for the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday
<u>Thirteenth Street</u>	<u>North</u>	<u>Beginning at a point 40 feet east of the easterly curbline of Washington Street and extending 100 feet easterly therefrom</u>	<u>Vehicles owned and operated by the members of the Hoboken Fire Department properly identified by the permit issued by the Hoboken Parking Utility, and only for members actively on duty</u>
<u>Washington Street</u>	<u>East</u>	<u>Beginning at a point 92 feet north of the northerly curbline of Thirteenth Street and extending _____ feet northerly therefrom</u>	<u>Vehicles owned and operated by the members of the Hoboken Fire Department properly identified by the permit issued by the Hoboken Parking Utility, and only for members actively on duty</u>

§ 190-27. Angle parking locations.

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

A. Angle Parking

Name of Sides Angle Location
Street

First Street South 60A Beginning at a point 33 east of the easterly curbline of Bloomfield Street and extending 20 feet easterly therefrom

§ 190-28. Alternate parking locations.

In accordance with the provisions of this §190-28, no person shall park or stand a vehicle between the hours specified upon any of the described streets or parts of streets for the times indicated herein and made part of this chapter:

Name of Street	Side	Days/Hours	Location
<u>Sixth Street</u>	<u>North</u>	Wednesday/11:00 a.m. to 12:00 noon	Willow Avenue to west boundary
<u>Sixth Street</u>	<u>North</u>	<u>Wednesday/11:00 a.m. to 12:00 p.m.</u>	<u>River Terrace to Willow Avenue</u>

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

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

SECTION THREE: SEVERABILITY

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

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

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

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and

the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

---Absent: DeFusco

17-390

Z-505

---By Councilman Doyle

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

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

Section 1: The following changes 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 and ~~deletion~~ of restricted handicapped parking spaces as follows:

Homayoon Kambiz- 1122 Hudson Street (west side of Hudson Street, beginning at a point 65 feet south of the southerly curblineline of 11th Street and extending 22 feet southerly therefrom).

~~Homayoon Kambiz- 228 Jefferson Street: west side of Jefferson Street, beginning at a point of 65 feet south of the southerly curblineline of Third Street and extending 22 feet southerly therefrom.~~

Section 2: This Ordinance shall be a part of the Code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Code.

Section 3: The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

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

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

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

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

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: None.

---Absent: DeFusco

NEW BUSINESS

At 10:58 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 10:58 PM

PRESIDENT OF THE COUNCIL

CITY CLERK1