

THE COUNCIL OF THE CITY OF HOBOKEN

MINUTES FOR MEETING OF APRIL 4, 2018

Council President Ruben Ramos opened the meeting at 7:00 AM 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."

Special Meeting of April 4, 2018

HOBOKEN SMART CITIES PRESENTATION

Call to Order

Attendee Name	Title	Status	Arrived
James Doyle	Council-at-Large	Present	
Mike DeFusco	Council member	Present	
Tiffanie Fisher	Council member	Present	
Michael Russo	Council member	Present	
Ruben Ramos	Council President	Present	
Peter Cunningham	Council member	Present	
Jennifer Giattino	Council Member and VP	Absent	
Vanessa Falco	Council Member	Present	
Emily Jabbour	Council Member	Present	

ORDINANCES

2nd and Final Readings

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 168 OF THE CODE OF THE CITY OF HOBOKEN ENTITLED "STREETS AND SIDEWALKS" 168-4(A)(1) "ENCROACHMENT ON STREETS" REGARDING BAY WINDOWS

RESULT:	2nd Reading [Unanimous]
SPONSOR:	
SECOND:	
AYES:	Doyle, DeFusco, Fisher, Russo, Ramos, Cunningham, Falco, Jabbour
ABSENT:	Jennifer Giattino

AN ORDINANCE AMENDING CHAPTER 190 ENTITLED "VEHICLES AND TRAFFIC" AND CHAPTER 192 ENTITLED "PARKING FOR HANDICAPPED" TO AMEND VARIOUS CURBSIDE PARKING AND TRAFFIC CIRCULATION REGULATIONS (B-12)

RESULT:	2nd Reading [Unanimous]
SPONSOR:	
SECOND:	
AYES:	Doyle, DeFusco, Russo, Ramos, Cunningham, Falco, Jabbour
ABSENT:	Jennifer Giattino
RECUSED:	Tiffanie Fisher

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE CITY OF HOBOKEN CHAPTER 104 "FLOOD DAMAGE PREVENTION" ARTICLE III "GENERAL PROVISIONS" AT 104-6 "LANDS TO WHICH THIS CHAPTER APPLIES" (B-13) (GOING BACK TO 1ST READING)

RESULT:	Tabled
SPONSOR:	
SECOND:	

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-4:45.14)(B-14)

RESULT:	Tabled
SPONSOR:	
SECOND:	

AN ORDINANCE TO REPEAL CHAPTER 163 OF THE CODE OF THE CITY OF HOBOKEN ENTITLED "REGULATIONS FOR THE USE OF NORTH HUDSON SEWAGE AUTHORITY TREATMENT WORKS AND COLLECTION SYSTEM (B-15)(GOING BACK TO FIRST READING)

RESULT: Tabled
SPONSOR:
SECOND:

AN ORDINANCE AMENDING CHAPTER 190 OF THE HOBOKEN CITY CODE
ENTITLED "VEHICLES AND TRAFFIC" AT 190-11 TO AMEND LOADING ZONES (B-16)

RESULT: 2nd Reading [Unanimous]
SPONSOR:
SECOND:
AYES: Doyle, DeFusco, Fisher, Russo, Ramos, Cunningham, Falco, Jabbour
ABSENT: Jennifer Giattino

PUBLIC COMMENTS

The speakers who spoke: Cheryl Fallick, Dan Tumpson James Vance, Mary

Ondrejka, Karen Metagen, Rosemary Orozco, Franz Paetzold, Mr. Armand Pohan comments and reads a statement from Mr.

Arthur Imperatore, the President of NY Waterway, Cheryl Fallick comments on CL7 & CL8, Mary Ondrejka comments on A2, E1, CL2, CL7, CL8, Carter Craft on CL2, Joseph Casillo and Jennifer Pehr from LCOR on CD1, Councilwoman Fisher comments, Kuber Puri on CD1, Gina Gallo on CD1, Bhav Tibrewal, on CD1, Marguerite Bunyan on CL9, Heath Urban on CL8

PETITIONS AND COMMUNICATIONS

18-244

A COMMUNICATION FROM THE CITY CLERK NOTIFYING THE GOVERNING BODY
ON MAYOR RAVI S. BHALLA'S VETO ON MARCH 23, 2018 FOR B-10 AN ORDINANCE
ESTABLISHING THE HOBOKEN CITY COUNCIL AS THE APPOINTING AUTHORITY
FOR THREE SEATS AND TWO ALTERNATES TO THE RENT LEVELING &
STABILIZATION BOARD FROM THE MARCH 15, 2018 CITY COUNCIL SPECIAL
MEETING

18-245

LETTER FROM MAYOR BHALLA TO THE HOBOKEN RESIDENTS REGARDING THE
UNION DRY DOCK

18-246

MAYOR BHALLA APPOINTING CHIEF KENNETH FERRANTE AS ACTING MAYOR
FROM THURSDAY MARCH 29, 2018 THROUGH TUESDAY APRIL 3, 2018

18-247

MISCELLANEOUS LICENSES

REPORTS FROM CITY OFFICERS

CLAIMS

Total for this agenda \$1,420,125.75

PAYROLL

18-249

FOR THE TWO WEEK PERIOD STARTING MARCH 8, 2018-MARCH 21, 2018

REGULAR PAY	O/T PAY	OTHER PAY
\$1,811,288.79	\$93,014.18	\$150,851.62
TOTAL		
\$2,055,154.59		

Consent Agenda

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.

RESOLUTIONS

Administration

18-250

RESOLUTION APPROVING A CHANGE ORDER TO THE CITY'S CONTRACT WITH UNDERGROUND UTILITIES CORPORATION FOR THE WASHINGTON STREET REDESIGN PROJECT IN THE INCREASED AMOUNT OF \$128,215.15 FOR A .71% INCREASE FROM THE CURRENT CONTRACT AMOUNT AND 2.97% TOTAL INCREASE FROM THE ORIGINAL CONTRACT AMOUNT

WHEREAS, pursuant to Resolution No. A4 dated October 19, 2016, the City Council previously awarded a contract to Underground Utilities Corporation for construction services for the Washington Street Redesign project in the amount of \$17,563,235.71; and,

WHEREAS, the City Council has previously approved fifteen (15) change orders with Underground Utilities in the combined amount of \$393,341.27 for a new total contract amount of \$17,956,576.98; and,

WHEREAS, the City received the attached correspondence from T&M Associates dated March 13, 2018, recommending Change Order No. 16 to the contract with Underground Utilities Corporation; and,

WHEREAS, Change Order No. 16 provides for extra work and quantity adjustments, including additional utility test pits for investigation of the current drainage system, as well as 6" and 12" insertion valves to isolate sections of the water system for shut downs; and,

WHEREAS, it is recommended that the City Council approve Change Order No. 16 to this contract, in the increased amount of \$128,215.12; and,

WHEREAS, the new total contract amount, including previous change orders, is \$18,084,792.13, which represents a .71% increase from the current contract amount and a 2.97% increase from the original contract amount.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that Change Order No. 16 shall be awarded as delineated above in the increased amount of \$128,215.12; 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 his 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.

RESULT:	Adopted [Unanimous]
SPONSOR:	Tiffanie Fisher
SECOND:	Mike DeFusco
AYES:	Doyle, DeFusco, Fisher, Russo, Ramos, Cunningham, Falco, Jabbour
ABSENT:	Jennifer Giattino

18-251

RESOLUTION AWARDING AN AMENDED PROFESSIONAL SERVICE CONTRACT TO BOSWELL ENGINEERING TO REVIEW THE NY WATERWAY DEVELOPMENT PERMIT APPLICATIONS FOR THE UNION DRY DOCK SITE IN THE INCREASED AMOUNT OF \$10,000.00 FOR A NEW TOTAL CONTRACT AMOUNT OF \$27,500.00

WHEREAS, the City of Hoboken had a need to obtain an engineering firm to provide a detailed review of the permit applications made by NY Waterway to the U.S. Army Corps of Engineers and the New Jersey Department of Environmental Protection (“NJDEP”) for the Union Dry Dock site; and,

WHEREAS, the City awarded a contract to Boswell Engineering for said engineering review on March 15, 2018 in the amount of \$17,500.00; and,

WHEREAS, pursuant to the attached correspondence dated March 16, 2018, Boswell had indicated that due to an increased scope of review required, the anticipated cost for said project is expected to increase in the amount of \$10,000.00; and,

WHEREAS, the City recommends awarding an amended contract to Boswell Engineering to perform an engineering review of permit applications by made NY Waterway to the U.S. Army Corps of Engineers and the NJDEP, and to provide research, review, and reporting on regional challenges related to this matter, in the increased amount of \$10,000.00 for a new total contract amount of \$27,500.00.

NOW, THEREFORE, BE IT RESOLVED, that an amended professional service contract is awarded to Boswell Engineering to review the NY Waterway waterfront development permit applications and provide a report on other related issues, in the increased amount of \$10,000.00 for a new total contract amount of \$27,500.00, for a term to expire on December 31, 2018; and,

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

1. The award of this contract is subject to finalization of the contract terms.
2. This contract and any change orders which shall become necessary shall be subject to the City’s ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
3. The Council hereby authorizes the Mayor, or his 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 his designee, is hereby authorized to execute an agreement as outlined herein with:

Boswell Engineering
330 Phillips Avenue
South Hackensack, NJ 07606-1722

RESULT:	Adopted [Unanimous]
SPONSOR:	Tiffanie Fisher
SECOND:	Mike DeFusco
AYES:	Doyle, DeFusco, Fisher, Russo, Ramos, Cunningham, Falco
ABSENT:	Jennifer Giattino
RECUSED:	Emily Jabbour

18-252

RESOLUTION AUTHORIZING THE CITY TO ENTER INTO THE ATTACHED AGREEMENT BETWEEN THE CITY AND PROPELIFY LLC

WHEREAS, Propelify, LLC (“Propelify”) intends to hold the “Propelify Innovation Festival” on May 17, 2018 (rain date May 18, 2018) from 1st and Sinatra Drive to 5th and Sinatra Drive within the City of Hoboken; and,

WHEREAS, the Propelify Innovation Festival is a technology festival that has been held along the Hoboken waterfront since 2016 and features speakers, food, drink, music, rides, and interactive games and demonstrations; and,

WHEREAS, Propelify intends to apply for the appropriate permits to utilize City property for said event; and,

WHEREAS, due to the large nature of the event, which drew crowds of over 8,000 people in previous years, Propelify and the City wish to memorialize their agreement regarding Propelify’s use of City property before, during, and after the event; and,

WHEREAS, Propelify and the City wish to enter into the attached Agreement, in addition to Propelify obtaining the appropriate permits for said event.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor or his designee may execute the attached Agreement in the same form or substantially similar form with no substantive changes.

RESULT:	Adopted [Unanimous]
SPONSOR:	Tiffanie Fisher
SECOND:	Mike DeFusco
AYES:	Doyle, DeFusco, Fisher, Russo, Ramos, Cunningham, Falco, Jabbour
ABSENT:	Jennifer Giattino

Community Development

18-253

RESOLUTION OF THE CITY OF HOBOKEN AUTHORIZING THE EXECUTION OF A
COST AND CONDITIONAL DESIGNATION AGREEMENT WITH KMS
DEVELOPMENTAL PARTNERS, LP INCLUDING PROVISIONS FOR AN ESCROW
DEPOSIT TO DEFRAY THE CITY'S COSTS INCURRED IN THE NEGOTIATION OF
REDEVELOPMENT AGREEMENT

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

WHEREAS, the City desires that the land located in an area which has been determined to be an area in need of rehabilitation in accordance with the Act, designated as Block 231.01, Lot 1 on the Tax Map of the City of Hoboken and more commonly known as 89 River Street (the "Project Site"), be redeveloped in accordance with the Hoboken Post Office Redevelopment Plan (the "Redevelopment plan"); and

WHEREAS, KMS Development Partners, LP ("KMS") is the current contract purchaser of the Project Site; and

WHEREAS, KMS submitted an initial Pre-Submission Form and certain accompanying information and plans to the City, all of which is on file at City Hall, on or about May 15, 2017, seeking to be designated as the Redeveloper of the Project Site; and

WHEREAS, the City vetted the information contained in the initial Pre-Submission Form, including but not limited to, certain political contribution disclosures, and undertook a comprehensive compliance review of the various components of the proposed project; and

WHEREAS, in response to the City's compliance review, KMS submitted to the City certain supplemental information on or about October 26, 2017, comprising, *inter alia*, full size plans and elevations, a shadow study and certain narratives regarding parking and public access, all of which is on file at City Hall; and

WHEREAS, following the City's consideration of the supplemental information referenced above, representatives of KMS and the City further discussed the implementation of the overall proposed project as well as particular components, including but not limited to, building height, design and parking; and

WHEREAS, thereafter, on March 13, 2018, KMS submitted to the City a revised Pre-Submission Form together with revised concept drawings, a copy of which is attached to the proposed

Agreement attached hereto (the “Proposal”), which reflects an overall project that would be implemented in phases to accommodate new Post Office facilities and interior renovations and construction of a new waterfront hotel, as further described herein; and

WHEREAS, the Proposal would provide for the development of a full-service waterfront hotel with a rooftop bar and terrace, event and banquet space, meeting rooms, restaurant, and ground floor retail, all of which is expected to generate at least 130 jobs (collectively, the “Proposed Hotel”); the renovation of the existing United States Post Office building and its loading docks; the provision of parking; and the implementation of complete site improvements including new sidewalks, streetscaping, public space, and improved traffic circulation; and

WHEREAS, the Proposal may require the City to consider certain amendments of the Redevelopment Plan, which could include, but not be limited to, amendments to requirements for building height, building height step-backs, setbacks, parking and circulation, and others; and

WHEREAS, the City and KMS desire to negotiate a Redevelopment Agreement to redevelop the Project Site based generally upon the Proposal as a starting point for negotiations, subject to further review by the City; and

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

WHEREAS, as it is further acknowledged in the form of Interim Cost and Conditional Designation Agreement attached hereto, the components of the Proposal, including any phasing of the project and the provision of community benefits, are subject to negotiation.

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

1. The Mayor is hereby authorized to execute an Interim Cost and Conditional Designation Agreement between the City of Hoboken and KMS Development Partners, LP in a form substantially as that attached hereto as **Attachment A**.

2. Staff and consultants to the City are hereby authorized and directed to take all other administrative actions to implement this Resolution as are necessary and appropriate to accomplish its goals and intent.
3. This Resolution shall be effective immediately.

RESULT:	Adopted [7 to 1]
SPONSOR:	Peter Cunningham
SECOND:	Mike DeFusco
AYES:	DeFusco, Fisher, Russo, Ramos, Cunningham, Falco, Jabbour
NAYS:	James Doyle
ABSENT:	Jennifer Giattino

Corporation Counsel

18-254

RESOLUTION AWARDING A PROFESSIONAL SERVICE CONTRACT TO FLORIO KENNY RAVAL, LLP TO SERVE AS AFFIRMATIVE ACTION OFFICER TO THE CITY OF HOBOKEN IN THE NOT TO EXCEED AMOUNT OF \$25,000.00

WHEREAS, service to the City as Special Legal Counsel- Labor and Employment/Labor Relations/Affirmative Action and Ethics counsel is a professional service as defined by N.J.S.A. 40A:11-1 et seq.; and,

WHEREAS, the City of Hoboken issued Request for Proposals 17-24 seeking proposals from qualified law firms for labor and employment matters, including affirmative action and ethics, in compliance with the process for awarding a professional service contract pursuant to Hoboken Code §20A; and,

WHEREAS, by way of resolution dated February 7, 2018, several firms were prequalified to provide services as Special Counsel- Labor and Employment/Labor Relations/Affirmative Action and Ethics counsel, including the Florio Kenny Raval, LLP; and,

WHEREAS, the Administration recommends awarding a contract to Florio Kenny Raval, LLP in the not to exceed amount of \$25,000.00 to act as Special Counsel- Affirmative Action/Ethics as they are qualified to provide said legal services and have been continuously serving in this role since 2014.

NOW, THEREFORE, BE IT RESOLVED, that a contract is hereby awarded to Florio Kenny Raval, LLP to represent the City as Special Legal Counsel- Affirmative Action/Ethics attorney for a term to commence on January 1, 2018 and expire on December 31, 2018, for a total not to exceed amount of \$25,000.00; and:

1. The award of this contract is subject to finalization of the contract terms.
2. Any change orders which shall become necessary shall be subject to the City's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the City Council.
3. The Council hereby authorizes the Mayor, or his 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 his designee, is hereby authorized to execute an agreement as outlined herein with:

Florio Kenny Raval, LLP
5 Marine View Plaza #103
Hoboken, NJ 07030

RESULT:	Adopted [Unanimous]
SPONSOR:	Tiffanie Fisher
SECOND:	Mike DeFusco
AYES:	Doyle, DeFusco, Fisher, Russo, Ramos, Cunningham, Falco, Jabbour
ABSENT:	Jennifer Giattino

18-255

RESOLUTION AMENDING THE PROFESSIONAL SERVICE CONTRACT WITH VINCENT LAPAGLIA, ESQ. FOR TAX APPEAL COUNSEL FOR CY2017

WHEREAS, the City Council has previously approved a contract to Vincent LaPaglia, Esq. to serve as Special Counsel - Tax Appeal Attorney for CY2017, with a total contract not to exceed amount of \$75,000.00; and,

WHEREAS, work was required beyond the amount appropriated for CY2017 in the additional amount of \$4,037.50; and,

WHEREAS, it is recommended that the City Council approve a final amendment to Vincent LaPaglia's contract for Tax Appeal Attorney for CY2017 in the increased amount of \$4,037.50.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that a contract amendment is awarded to Vincent LaPaglia, Esq. for Tax Appeal Attorney in the increased amount of \$4,037.50; and,

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

1. Award of this contract and contract amendment are subject to finalization of the contract terms.
2. The above recitals are incorporated herein as though fully set forth at length.
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 his 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.

RESULT:	Adopted [Unanimous]
SPONSOR:	Tiffanie Fisher
SECOND:	Mike DeFusco
AYES:	Doyle, DeFusco, Fisher, Russo, Ramos, Cunningham, Falco, Jabbour
ABSENT:	Jennifer Giattino

18-256

RESOLUTION AUTHORIZING THE CITY TO ENTER INTO THE ATTACHED AMENDED MEMORANDUM OF AGREEMENT BETWEEN THE CITY AND THE HOBOKEN MUNICIPAL SUPERVISORS ASSOCIATION

WHEREAS, the City is the public employer of all non-uniformed employees in the Hoboken Municipal Supervisors Association ("HMSA" or "Union"), including but not limited to the City Clerk; and,

WHEREAS, the Union represents for the purposes of collective negotiations all non-uniformed municipal supervisors, including the City Clerk; and,

WHEREAS, the parties wish to amend the terms and conditions of the current Memorandum of Agreement between the City and the Union at "Article XV- Overtime" for only the City Clerk; and,

WHEREAS, the proposed amendment dictates that the City Clerk will not be entitled to overtime, but will be entitled to a stipend for work on elections and at special City Council meetings; and,

WHEREAS, this amendment will not affect overtime eligibility for any other HMSA employee; and,

WHEREAS, this amendment is in accordance with the New Jersey Best Practices checklist.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor or his designee may execute the attached Amendment Memorandum of Agreement with the HMSA in the form attached or a form substantially similar with non-substantive changes.

RESULT:	Adopted [Unanimous]
SPONSOR:	Tiffanie Fisher
SECOND:	Mike DeFusco
AYES:	Doyle, DeFusco, Fisher, Russo, Ramos, Cunningham, Falco, Jabbour
ABSENT:	Jennifer Giattino

Environmental Services

18-257

RESOLUTION AWARDING A CONTRACT TO FACILITY SOLUTIONS GROUP (FSG) IN THE AMOUNT OF \$29,630.00 FOR CHURCH SQUARE PARK ENERGY EFFICIENT LIGHTING IMPROVEMENTS

WHEREAS, the City of Hoboken received a grant from the Sustainable Jersey Small Grants Program for energy initiatives funded by the Gardinier Environmental Fund to replace all existing High Intensity Discharge (HID) light fixtures in Church Square Park with High Efficiency Light Emitting Diode (LED) light fixtures; and,

WHEREAS, the City requires a qualified contractor to provide goods and services related to the procurement and installation of said light fixture improvements; and,

WHEREAS, N.J.S.A. 40A:11-10 and N.J.S.A. 40A:11-12 permit municipalities to award public contracts without public bidding when the vendor is an approved state contractor or part of an approved national cooperative; and,

WHEREAS, the City solicited two (2) quotes to provide said goods and services as follows:

State Contract Vendor	BuyBoard National Cooperative Vendor
Sals Electric Co., Inc. Jersey City, NJ \$69,000.00	Facility Solutions Group Perth Amboy, NJ \$29,630.00

WHEREAS, due to the fact that the National Cooperative Vendor would provide significant savings to the City, the City has determined to award a contract to Facility Solutions Group in accordance with their participation in the BuyBoard National Cooperative in the amount of \$29,630.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that a contract is hereby awarded to Facility Solutions Group for Church Square Park Energy Efficient Lighting Improvements in the amount of \$29,630.00 pursuant to their participation in the BuyBoard National Cooperative; and:

1. The above recitals are incorporated herein as though fully set forth at length.
2. Award of this contract is subject to finalization of the contract terms.
3. This agreement shall be subject to a standard non-appropriation clause in favor of the City of Hoboken.
4. The Council hereby authorizes the Mayor or his 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 his designee is hereby authorized to execute an agreement, voucher and/or purchase order for the abovementioned goods and/or services with:

FSG Lighting
224 Washington St # 1
Perth Amboy, NJ 08861

RESULT:	Adopted [Unanimous]
SPONSOR:	Tiffanie Fisher
SECOND:	Mike DeFusco
AYES:	Doyle, DeFusco, Fisher, Russo, Ramos, Cunningham, Falco, Jabbour
ABSENT:	Jennifer Giattino

Health and Human Services

18-258

RESOLUTION AUTHORIZING THE HOBOKEN ITALIAN FESTIVAL, INC. TO CONDUCT ITS 92ND ANNUAL FEAST IN HONOR OF MADONNA DEI MARTIRI

WHEREAS, the Hoboken Italian Festival, Inc., with offices at 332 Adams Street, Hoboken has requested permission to conduct their annual Feast in honor of their patron saint, Madonna Dei Martiri for four consecutive days starting on Thursday September 6, 2018 through and including Sunday September 9, 2018 along Sinatra Drive; and,

WHEREAS, the planning and execution of the Feast in honor of Madonna Dei Martiri will consist of the following actions and activities:

1. Soliciting contributions from the general public, which contributions shall be utilized solely to pay part of the expenses and for religious contributions.
2. A procession with the statute of “Madonna Dei Martiri” - “Mother of Martyrs” through the streets of Hoboken.
3. The installation of electric and battery powered lights along Sinatra Drive from the corner of Newark Street up to Third Street.

4. The erection of two bandstands: (1) on the sidewalk in front of Pier A (facing north), and (2) at the intersection of 2nd Street and Sinatra Drive (facing east), to hold nightly concerts between Thursday, September 6, 2018 through Sunday, September 9, 2018. The hours of live music will be limited to the following schedule: Thursday, September 6th from 5:00 pm to 10:00 pm, Friday, September 7th from 5:00 pm to 11:00 pm, Saturday, September 8th from 12:00 noon to 11:00 pm and Sunday, September 9th from 12:00 noon to 10:00 pm. Recorded music will be permitted at moderate levels and will be discontinued one hour after live music ends each night.
5. The erection of concession stands and trucks on Sinatra Drive between Newark Street and 3rd Street for vendors of food and novelties.
6. The erection of concession stands for games on the walkway along the tree line outside the northwest corner of Pier A.
7. The erection of inflatable rides on Pier A secured by water barrels.
8. A raffle to be drawn on Sunday, September 9, 2018, as well as a nightly 50/50 raffle.
9. A procession through sections of Hoboken which is led by the feast committee, the guest of honor, the band, the statue of the saint and the members of the society and devotees on Saturday, September 8, 2018 to begin at 10:00 am. The rain date is Sunday, September 9, 2018.
10. On Saturday, September 8, 2018 at about 9:00 pm there will be a special pyrotechnic fireworks show on the riverfront at Pier A Park, subject to the approval of the U.S. Coast Guard and the Hoboken Fire Department and the obtaining of any required permits.
11. The maintenance of one lane of traffic on Sinatra Drive with a minimum of 14 feet for travel in case of an emergency.
12. Beginning on Wednesday, September 5, 2018 4:00 PM through and inclusive of Sunday, September 9, 2018 12:00 Midnight parking will be prohibited on Sinatra Drive (both sides) from Newark Street to 4th Street to set up and break down of bandstand and concession stands, as well as clean-up of the area.
13. Parking will be prohibited on Saturday, September 8, 2018 on 3rd Street (both sides) between Madison Street and Jefferson Street, as well as 112 Willow Ave.
14. Parking will be prohibited from Thursday September 6, 2018 8:00 AM through Monday September 10, 2018 5:00 PM in front (Adams Street) and alongside (4th Street - south side only) the property of the Hoboken Italian Festival Inc. (332 Adams Street).
15. Vehicular traffic shall be denied travel on Sinatra Drive between Newark Street and 4th Street from Wednesday, September 5, 2018 7:00 PM through Monday, September 10, 2018 2:00 AM by means of physical barriers to be provided by the Signal & Traffic Division.

WHEREAS, the Signal & Traffic Division shall notify motorists of this regulation by the posting of temporary/emergency no parking signs; and,

WHEREAS, the Police Department shall cooperate with the Hoboken Italian Festival Inc. to ensure public safety and effectuate the street closures as they deem safe and appropriate; and,

WHEREAS, the City Council of the City of Hoboken supports the Feast in Honor of Madonna del Martiri and encourages the Hoboken Italian Festival Inc. to obtain all the necessary permits, licenses, and insurance required to ensure the festival is a great success.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that to the extent that approval is required for any for the above mentioned actions or activities, same is granted, and the Hoboken Italian Festival Inc. may conduct its feast and fireworks display on the above dates and wishes them success for a happy event subject to its compliance with all requirements regarding permits, licenses, and insurance and further subject to the approval of any of the necessary government agencies, including but not limited to the United States Coast Guard.

RESULT:	Adopted [Unanimous]
SPONSOR:	Tiffanie Fisher
SECOND:	Mike DeFusco
AYES:	Doyle, DeFusco, Fisher, Russo, Ramos, Cunningham, Falco, Jabbour
ABSENT:	Jennifer Giattino

Finance Department

18-259

RESOLUTION OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF ITS "NOTE RELATING TO THE CONSTRUCTION FINANCING LOAN TRUST PROGRAM OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST", TO BE ISSUED IN THE PRINCIPAL AMOUNT OF UP TO \$4,500,000, AND PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE CITY OF HOBOKEN IN FAVOR OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST, ALL PURSUANT TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST CONSTRUCTION FINANCING TRUST LOAN PROGRAM

WHEREAS, the City of Hoboken (the "Local Unit"), in the County of Hudson, New Jersey, has determined that there exists a need within the Local Unit to complete various green infrastructure improvements to treat both sewerage and stormwater collection along Washington Street (collectively, the "Project"), and it is the desire of the Local Unit to obtain financing for such Project through participation in the financing program (the "Environmental Infrastructure Financing Program") of the New Jersey Environmental Infrastructure Trust (the "Trust");

WHEREAS, the Local Unit has determined to temporarily finance the Project prior to the closing with respect to the Environmental Infrastructure Financing Program, and to undertake such temporary financing with the proceeds of a short-term loan to be made by the Trust (the "Construction Loan") to the Local Unit, pursuant to the Construction Financing Trust Loan Program of the Trust (the "Construction Financing Program");

WHEREAS, in order to (i) evidence and secure the repayment obligation of the Local Unit to the Trust with respect to the Construction Loan and (ii) satisfy the requirements of the Construction Financing Program, it is the desire of the Local Unit to issue and sell to the Trust the "Note Relating to the Construction Financing Trust Loan Program of the New Jersey Environmental Infrastructure Trust" in an aggregate principal amount of up to \$4,500,000 (the "Note");

WHEREAS, it is the desire of the Local Unit to authorize, execute, attest and deliver the Note to the Trust pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), and other applicable law; and

WHEREAS, Section 28 of the Local Bond Law allows for the sale of the Note to the Trust without any public offering, and N.J.S.A. 58:11B-9 allows for the sale of the Note to the Trust without any public offering, all under the terms and conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. In accordance with Section 28 of the Local Bond Law and N.J.S.A. 58:11B-9, the Local Unit hereby authorizes the issuance, sale and award the Note in accordance with the provisions hereof. The obligation represented by the Note has been appropriated and authorized by (i) bond ordinance Z-360 of the Local Unit, which bond ordinance is entitled "BOND ORDINANCE AUTHORIZING THE REHABILITATION AND/OR REPLACEMENT OF WATER MAINS, THE COMPLETION OF DRAINAGE AND GREEN INFRASTRUCTURE IMPROVEMENTS AND THE COMPLETION OF PHASE I OF ROADWAY AND TRAFFIC SIGNALIZATION IMPROVEMENTS AND ENHANCEMENTS ALONG WASHINGTON STREET IN THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$9,957,030 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 \$9,485,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING" and was finally adopted by the Local Unit at a meeting duly called and held on July 8, 2015, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law; (ii) bond ordinance Z-416 of the Local Unit, which bond ordinance is entitled "BOND ORDINANCE AUTHORIZING THE MILLING, REPAVING AND REHABILITATION OF WASHINGTON STREET IN THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$12,000,000 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 \$11,400,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING" and was finally adopted by the Local Unit at a meeting duly called and held on June 1, 2016, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law; (iii) bond ordinance B-6 of the Local Unit, which bond ordinance is entitled "BOND ORDINANCE AUTHORIZING THE REHABILITATION AND/OR REPLACEMENT OF WATER MAINS AND THE COMPLETION OF DRAINAGE AND GREEN INFRASTRUCTURE IMPROVEMENTS IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$3,107,481

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 \$3,107,481; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING" and was finally adopted by the Local Unit at a meeting duly called and held on February 21, 2018, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law; and (iv) bond ordinance Z-296 of the Local Unit, which bond ordinance is entitled "BOND ORDINANCE AUTHORIZING THE RESURFACING OF VARIOUS STREETS AND IMPROVEMENTS TO VARIOUS INTERSECTIONS IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$2,000,000 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 \$1,900,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING" and was finally adopted by the Local Unit at a meeting duly called and held on May 21, 2014, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions hereof, (i) the final principal amount of the Note (subject to the maximum limitation set forth in Section 4(a) hereof), and (ii) the dated date of the Note.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Note by the parties authorized pursuant to Section 4(h) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Note shall be as follows:

- (a) the principal amount of the Note to be issued shall be an amount up to \$4,500,000;
- (b) the maturity of the Note shall be determined by the Trust;
- (c) the interest rate of the Note shall be determined by the Trust;
- (d) the purchase price for the Note shall be par;
- (e) the Note shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of the Note;
- (f) the Note shall be issued in a single denomination and shall be numbered "CFP-2018-__";
- (g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and
- (h) the Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 5. The Note shall be substantially in the form attached hereto as Exhibit A.

Section 6. The law firm of Parker McCay P.A., Mount Laurel, New Jersey, bond counsel to the Local Unit, is hereby authorized to arrange for the printing of the Note, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust for the Construction Financing Program, to arrange for same.

Section 7. The Mayor, Administrator, Chief Financial Officer and Clerk of the Local Unit (collectively, the "Authorized Officers") are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Secretary of the Local Unit, as applicable, in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit and after further consultation with the Trust and its representatives, agents, counsel and advisors, to be executed in connection the issuance and sale of the Note and the participation of the Local Unit in the Construction Financing Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery of the Note and the participation of the Local Unit in the Construction Financing Program.

Section 8. This resolution shall take effect immediately.

Section 9. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to Parker McCay P.A., Mount Laurel, New Jersey, bond counsel to the Local Unit, David Zimmer, Executive Director of the Trust, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

RESULT:	Adopted [Unanimous]
SPONSOR:	Tiffanie Fisher
SECOND:	Mike DeFusco
AYES:	Doyle, DeFusco, Fisher, Russo, Ramos, Cunningham, Falco, Jabbour
ABSENT:	Jennifer Giattino

18-260

RESOLUTION OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF ITS "NOTE RELATING TO THE CONSTRUCTION FINANCING LOAN TRUST PROGRAM OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST", TO BE ISSUED IN THE PRINCIPAL AMOUNT OF UP TO \$7,200,000, AND PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE CITY OF HOBOKEN IN FAVOR OF THE NEW JERSEY ENVIRONMENTAL

INFRASTRUCTURE TRUST, ALL PURSUANT TO THE NEW JERSEY
ENVIRONMENTAL INFRASTRUCTURE TRUST CONSTRUCTION FINANCING TRUST
LOAN PROGRAM

WHEREAS, the City of Hoboken (the "Local Unit"), in the County of Hudson, New Jersey, has determined that there exists a need within the Local Unit to rehabilitate and/or replace various water mains along Washington Street (collectively, the "Project"), and it is the desire of the Local Unit to obtain financing for such Project through participation in the financing program (the "Environmental Infrastructure Financing Program") of the New Jersey Environmental Infrastructure Trust (the "Trust");

WHEREAS, the Local Unit has determined to temporarily finance the Project prior to the closing with respect to the Environmental Infrastructure Financing Program, and to undertake such temporary financing with the proceeds of a short-term loan to be made by the Trust (the "Construction Loan") to the Local Unit, pursuant to the Construction Financing Trust Loan Program of the Trust (the "Construction Financing Program");

WHEREAS, in order to (i) evidence and secure the repayment obligation of the Local Unit to the Trust with respect to the Construction Loan and (ii) satisfy the requirements of the Construction Financing Program, it is the desire of the Local Unit to issue and sell to the Trust the "Note Relating to the Construction Financing Trust Loan Program of the New Jersey Environmental Infrastructure Trust" in an aggregate principal amount of up to \$7,200,000 (the "Note");

WHEREAS, it is the desire of the Local Unit to authorize, execute, attest and deliver the Note to the Trust pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), and other applicable law; and

WHEREAS, Section 28 of the Local Bond Law allows for the sale of the Note to the Trust without any public offering, and N.J.S.A. 58:11B-9 allows for the sale of the Note to the Trust without any public offering, all under the terms and conditions set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. In accordance with Section 28 of the Local Bond Law and N.J.S.A. 58:11B-9, the Local Unit hereby authorizes the issuance, sale and award the Note in accordance with the provisions hereof. The obligation represented by the Note has been appropriated and authorized by (i) bond ordinance Z-360 of the Local Unit, which bond ordinance is entitled "BOND ORDINANCE AUTHORIZING THE REHABILITATION AND/OR REPLACEMENT OF WATER MAINS, THE COMPLETION OF DRAINAGE AND GREEN INFRASTRUCTURE IMPROVEMENTS AND THE COMPLETION OF PHASE I OF ROADWAY AND TRAFFIC SIGNALIZATION IMPROVEMENTS AND ENHANCEMENTS ALONG WASHINGTON STREET IN THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$9,957,030 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 \$9,485,000; MAKING CERTAIN

DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING" and was finally adopted by the Local Unit at a meeting duly called and held on July 8, 2015, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law; (ii) bond ordinance Z-416 of the Local Unit, which bond ordinance is entitled "BOND ORDINANCE AUTHORIZING THE MILLING, REPAVING AND REHABILITATION OF WASHINGTON STREET IN THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$12,000,000 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 \$11,400,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING" and was finally adopted by the Local Unit at a meeting duly called and held on June 1, 2016, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law; and (iii) bond ordinance B-6 of the Local Unit, which bond ordinance is entitled "BOND ORDINANCE AUTHORIZING THE REHABILITATION AND/OR REPLACEMENT OF WATER MAINS AND THE COMPLETION OF DRAINAGE AND GREEN INFRASTRUCTURE IMPROVEMENTS IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$3,107,481 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 \$3,107,481; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING" and was finally adopted by the Local Unit at a meeting duly called and held on February 21, 2018, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions hereof, (i) the final principal amount of the Note (subject to the maximum limitation set forth in Section 4(a) hereof), and (ii) the dated date of the Note.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Note by the parties authorized pursuant to Section 4(h) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Note shall be as follows:

- (a) the principal amount of the Note to be issued shall be an amount up to \$7,200,000;
- (b) the maturity of the Note shall be determined by the Trust;
- (c) the interest rate of the Note shall be determined by the Trust;
- (d) the purchase price for the Note shall be par;
- (e) the Note shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of the Note;
- (f) the Note shall be issued in a single denomination and shall be numbered "CFP-2018-__";

- (g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and
- (h) the Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 5. The Note shall be substantially in the form attached hereto as Exhibit A.

Section 6. The law firm of Parker McCay P.A., Mount Laurel, New Jersey, bond counsel to the Local Unit, is hereby authorized to arrange for the printing of the Note, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust for the Construction Financing Program, to arrange for same.

Section 7. The Mayor, Administrator, Chief Financial Officer and Clerk of the Local Unit (collectively, the “Authorized Officers”) are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Secretary of the Local Unit, as applicable, in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit and after further consultation with the Trust and its representatives, agents, counsel and advisors, to be executed in connection the issuance and sale of the Note and the participation of the Local Unit in the Construction Financing Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery of the Note and the participation of the Local Unit in the Construction Financing Program.

Section 8. This resolution shall take effect immediately.

Section 9. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to Parker McCay P.A., Mount Laurel, New Jersey, bond counsel to the Local Unit, David Zimmer, Executive Director of the Trust, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

RESULT:	Adopted [Unanimous]
SPONSOR:	Tiffanie Fisher
SECOND:	Mike DeFusco
AYES:	Doyle, DeFusco, Fisher, Russo, Ramos, Cunningham, Falco, Jabbour
ABSENT:	Jennifer Giattino

Tax Collector

18-261

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$98,784.25)

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/LOT/UNIT	PROPERTY	QTR/Y EAR	AMOUNT
Corelogic Tax Services, LLC P.O. Box 9202 Attn: Kathy Bishop Coppell, TX 75019-9978	269.03/1/ CP085	1400 Hudson Street	1/18	\$ 136.52
Corelogic Tax Services, LLC P.O. Box 9202 Attn: Kathy Bishop Coppell, TX 75019-9978	269.03/1/ CP022	1400 Hudson Street	1/18	\$ 136.52
Corelogic Tax Services, LLC P.O. Box 9202 Attn: Kathy Bishop Coppell, TX 75019-9978	268.01/3/ C003U	1500 Hudson Street	1/18	\$2,612.87
Corelogic Tax Services, LLC P.O. Box 9202 Attn: Kathy Bishop Coppell, TX 75019-9978	252/28	1136 Garden Street	1/18	\$7,316.84
Corelogic Tax Services, LLC P.O. Box 9202 Attn: Kathy Bishop Coppell, TX 75019-9978	243/10	1117 Washington Street	1/18	\$5,613.00
Corelogic Tax Services, LLC P.O. Box 9202 Attn: Kathy Bishop Coppell, TX 75019-9978	214.01/22	326 Hudson Street	1/18	\$6,143.13
Corelogic Tax Services, LLC P.O. Box 9202 Attn: Kathy Bishop Coppell, TX 75019-9978	29/29.01	108 Jefferson Street	1/18	\$1,701.45
Corelogic Inc. Attn: Tax Refunds 3001 Hackberry Irving, TX 75063	52/17/ C0003	331 Grand Street	3/17	\$ 995.32
Chase Attn: Refund Department P.O. Box 9218 Coppell, TX 75019-9236	1/17/C001A	72 Park Avenue	4/17	\$2,015.94
Chase Attn: Refund Department P.O. Box 9218 Coppell, TX 75019-9236	28/5.01/ C0402	109 Monroe Street	4/17	\$5,064.95

AFRM Title & Abstract LLC 30 Freneau Ave., Route 79 Matawan, NJ 07747	28/5.01/ C0402	109 Monroe Street	4/17	\$3,000.00
Adams 327 LLC c/o Janus Property Mgt P.O. Box 5060 Hoboken, NJ 07030	51/14/ C001L	327 Adams Street	1&2/17	\$1,250.11
Matthew & Julianne Heinsimer 813 Garden Street #1 Hoboken, NJ 07030	195/6/ C0001	813 Garden Street	1/18	\$1,848.32
Brian Chung 1100 Maxwell Lane #622 Hoboken, NJ 07030	261.01/1/ C0622	1100 Maxwell Lane	1/18	\$3,373.05
Lauren Meyer 450 Seventh Street #1H Hoboken, NJ 07030	84/1/C01-H	450 Seventh Street	1/18	\$1,275.59
David Chen 800 Jackson Street #307 Hoboken, NJ 07030	86/1/C0307	800 Jackson Street	1/18	\$ 537.30
David Chen 800 Jackson Street #307 Hoboken, NJ 07030	86/1/C0P07	800 Jackson Street	1/18	\$ 59.70
Trevor & Tricia Gallagher 1018 Garden Street Hoboken, NJ 07030	185/35	1018 Garden Street	1/18	\$5,462.55
Marc Mongiello 501 Ninth Street #313 Hoboken, NJ 07030	89/12/ C0P71	501 Ninth Street	1/18	\$ 119.40
Ariye Shater 113 Madison Street #5E Hoboken, NJ 07030	29/7/C005E	113 Madison Street	3/18	\$4,403.47
Adam & Dacquiri Calimese-Connors 1115 Willow Avenue #506 Hoboken, NJ 07030	173/6/ C5- 05	1115 Willow Avenue	3/17	\$2,041.25
Adam & Dacquiri Calimese-Connors 1115 Willow Avenue #506 Hoboken, NJ 07030	173/6/ C3- 07	1115 Willow Avenue	3/17	\$1,501.53
Adam & Dacquiri Calimese-Connors 1115 Willow Avenue #506 Hoboken, NJ 07030	173/6/ C5- 06	1115 Willow Avenue	3/17	\$2,041.25
Parthsarthi & Sara Rathore	255/2/	150-14 th	3/18	\$6,568.02

150- 14 th Street 07030	Hoboken, NJ	C0603	Street		
Maryanne Fike Garden Street 07030	1028 Hoboken, NJ	185/30	1028 Garden Street	4/17	\$4,760.60
Adam & Andrea Wright 1005 Garden Street 07030	Hoboken, NJ	197/4.02	1005 Garden Street	2/17	\$5,040.75
Dzuylinh Brian Do Willow Avenue #5F 07030	801 Hoboken, NJ	170/1/ C005F	801 Willow Avenue	2/16 (Excel8) &2/17	\$2,663.85
Jerold T. Chao Hudson Street #10U NJ 07030	1500 Hoboken,	268.01/3/ C010U	1500 Hudson Street	1/18	\$2,775.66
Robert & Mary Wright 617 Garden Street 07030	Hoboken, NJ	193/13	617 Garden Street	4/16 (Excel)	\$3,454.75
412 Wash St Apt Corp. c/o Hirth P.O. Box 467 11516	Cedarhurst, NY	203/8/ C0000C	412 Washington Street	3/17	\$11,243.21
Amit Chauhan Maxwell Lane #303 NJ 07030	1100 Hoboken,	261.01/1/ CP011	1100 Maxwell Lane	3/17	\$ 142.89
John & Jenni Saterfiel Adams Street #405 07030	1100 Hoboken, NJ	104/1.01/ C0405	1100 Adams Street	4/17	\$3,484.46 (Abatement)

NOW, THEREFORE, BE IT RESOLVED, that a warrant be drawn on the City Treasury in the total amount of \$98,784.25, made payable to the following:

NAME	BL/LOT/UNIT	PROPERTY	QTR/Y EAR	AMOUNT
Corelogic Tax Services, LLC P.O. Box 9202 Bishop Coppell, TX 75019-9978	Attn: Kathy 269.03/1/ CP085	1400 Hudson Street	1/18	\$ 136.52
Corelogic Tax Services, LLC P.O. Box 9202 Attn: Kathy	269.03/1/ CP022	1400 Hudson Street	1/18	\$ 136.52

Bishop Coppell, TX 75019-9978				
Corelogic Tax Services, LLC P.O. Box 9202 Attn: Kathy Bishop Coppell, TX 75019-9978	268.01/3/ C003U	1500 Hudson Street	1/18	\$2,612.87
Corelogic Tax Services, LLC P.O. Box 9202 Attn: Kathy Bishop Coppell, TX 75019-9978	252/28	1136 Garden Street	1/18	\$7,316.84
Corelogic Tax Services, LLC P.O. Box 9202 Attn: Kathy Bishop Coppell, TX 75019-9978	243/10	1117 Washington Street	1/18	\$5,613.00
Corelogic Tax Services, LLC P.O. Box 9202 Attn: Kathy Bishop Coppell, TX 75019-9978	214.01/22	326 Hudson Street	1/18	\$6,143.13
Corelogic Tax Services, LLC P.O. Box 9202 Attn: Kathy Bishop Coppell, TX 75019-9978	29/29.01	108 Jefferson Street	1/18	\$1,701.45
Corelogic Inc. Attn: Tax Refunds 3001 Hackberry Irving, TX 75063	52/17/ C0003	331 Grand Street	3/17	\$ 995.32
Chase Attn: Refund Department P.O. Box 9218 Coppell, TX 75019-9236	1/17/C001A	72 Park Avenue	4/17	\$2,015.94
Chase Attn: Refund Department P.O. Box 9218 Coppell, TX 75019-9236	28/5.01/ C0402	109 Monroe Street	4/17	\$5,064.95
AFRM Title & Abstract LLC 30 Freneau Ave., Route 79 Matawan, NJ 07747	28/5.01/ C0402	109 Monroe Street	4/17	\$3,000.00
Adams 327 LLC c/o Janus Property Mgt P.O. Box 5060 Hoboken, NJ 07030	51/14/ C001L	327 Adams Street	1&2/17	\$1,250.11
Matthew & Julianne Heinsimer 813 Garden Street #1 Hoboken, NJ 07030	195/6/ C0001	813 Garden Street	1/18	\$1,848.32
Brian Chung 1100 Maxwell Lane #622 Hoboken, NJ 07030	261.01/1/ C0622	1100 Maxwell Lane	1/18	\$3,373.05
Lauren Meyer 450 Seventh Street #1H Hoboken, NJ 07030	84/1/C01-H	450 Seventh Street	1/18	\$1,275.59
David Chen 800	86/1/C0307	800	1/18	\$ 537.30

Jackson Street #307 Hoboken, NJ 07030		Jackson Street		
David Chen 800 Jackson Street #307 Hoboken, NJ 07030	86/1/C0P07	800 Jackson Street	1/18	\$ 59.70
Trevor & Tricia Gallagher 1018 Garden Street Hoboken, NJ 07030	185/35	1018 Garden Street	1/18	\$5,462.55
Marc Mongiello 501 Ninth Street #313 Hoboken, NJ 07030	89/12/ C0P71	501 Ninth Street	1/18	\$ 119.40
Ariye Shater 113 Madison Street #5E Hoboken, NJ 07030	29/7/C005E	113 Madison Street	3/18	\$4,403.47
Adam & Dacquiri Calimese-Connors 1115 Willow Avenue #506 Hoboken, NJ 07030	173/6/ C5- 05	1115 Willow Avenue	3/17	\$2,041.25
Adam & Dacquiri Calimese-Connors 1115 Willow Avenue #506 Hoboken, NJ 07030	173/6/ C3- 07	1115 Willow Avenue	3/17	\$1,501.53
Adam & Dacquiri Calimese-Connors 1115 Willow Avenue #506 Hoboken, NJ 07030	173/6/ C5- 06	1115 Willow Avenue	3/17	\$2,041.25
Parthsarathi & Sara Rathore 150- 14 th Street Hoboken, NJ 07030	255/2/ C0603	150-14 th Street	3/18	\$6,568.02
Maryanne Fike 1028 Garden Street Hoboken, NJ 07030	185/30	1028 Garden Street	4/17	\$4,760.60
Adam & Andrea Wright 1005 Garden Street Hoboken, NJ 07030	197/4.02	1005 Garden Street	2/17	\$5,040.75
Dzuylinh Brian Do 801 Willow Avenue #5F Hoboken, NJ 07030	170/1/ C005F	801 Willow Avenue	2/16 (Excel8) &2/17	\$2,663.85
Jerold T. Chao 1500 Hudson Street #10U Hoboken, NJ 07030	268.01/3/ C010U	1500 Hudson Street	1/18	\$2,775.66
Robert & Mary Wright 617 Garden Street Hoboken, NJ 07030	193/13	617 Garden Street	4/16 (Excel)	\$3,454.75

412 Wash St Apt Corp. c/o Hirth P.O. Box 467 Cedarhurst, NY 11516	203/8/ C0000C	412 Washington Street	3/17	\$11,243.21
Amit Chauhan 1100 Maxwell Lane #303 Hoboken, NJ 07030	261.01/1/ CP011	1100 Maxwell Lane	3/17	\$ 142.89
John & Jenni Saterfiel 1100 Adams Street #405 Hoboken, NJ 07030	104/1.01/ C0405	1100 Adams Street	4/17	\$3,484.46 (Abatement)

RESULT: Adopted [Unanimous]
SPONSOR: Tiffanie Fisher
SECOND: Mike DeFusco
AYES: Doyle, DeFusco, Fisher, Russo, Ramos, Cunningham, Falco, Jabbour
ABSENT: Jennifer Giattino

Transportation and Parking

18-262

RESOLUTION AWARDING A ONE YEAR EXTENSION TO THE CITY'S CONTRACT WITH PROPARK AMERICA NY, LLC FOR PROFESSIONAL OPERATION OF THE OFF-STREET PARKING FACILITIES SERVICES IN THE AMOUNT OF \$585,248.64

WHEREAS, pursuant to Resolution No. TS1 dated March 15, 2017, the City awarded a contract to Propark America NY, LLC ("Propark") in the amount of \$585,248.64 for a period of one (1) year, with a term to expire April 1, 2018, with four (4) separate one (1) year options to extend, in accordance with the bid specifications enumerated in Bid No. 17-01; and,

WHEREAS, the Administration is pleased with the services provided by Propark and desires to award a contract extension in the amount of \$585,248.64 for a period of one (1) year to begin on April 1, 2018 and expire on April 1, 2019; and,

WHEREAS, it has been determined that the bid specifications incorrectly indicated that there may be four (4) separate one (1) year options to extend, as this contract can only be awarded for a maximum of two (2) years pursuant to N.J.S.A. 40A:11-15, therefore this will be the only extension of this contract and the service will be bid out again upon expiration.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that Propark America NY, LLC is awarded a contract in the amount of \$585,248.64 for a one (1) year term to begin on April 1, 2018 and expire on April 1, 2019, for operation of the off-street parking facilities services as follows:

1. Aside from the change in contract term, the remainder of the terms shall be in accordance with the original agreement and all attachments thereto; and,
2. The Mayor, or his 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; and,
3. This resolution shall take effect immediately.

RESULT:	Adopted [Unanimous]
SPONSOR:	Michael Russo
SECOND:	Peter Cunningham
AYES:	Doyle, DeFusco, Fisher, Russo, Ramos, Cunningham, Falco, Jabbour
ABSENT:	Jennifer Giattino

City Clerk

18-263

RESOLUTION TO ADOPT THE MINUTES OF THE MEETINGS OF THE CITY COUNCIL
DATED: REGULAR AND SPECIAL MEETING OF MARCH 21, 2018

RESULT:	Adopted [Unanimous]
SPONSOR:	James Doyle
SECOND:	Vanessa Falco
AYES:	Doyle, DeFusco, Fisher, Russo, Ramos, Cunningham, Falco, Jabbour
ABSENT:	Jennifer Giattino

18-264

RESOLUTION SUPPORTING AN ALTERNATE OPTION FOR REBUILD BY DESIGN
HUDSON RIVER: RESIST, DELAY, STORE DISCHARGE PROJECT

WHEREAS, on October 26, 2005 and continuing through to the present, New Jersey Transit Corporation ("NJT") designated LCOR Hoboken Rail Station Redevelopment, LLC ("LCOR") as Master Developer of the Hoboken Terminal and Yard; and,

WHEREAS, on February 7, 2006, the City of Hoboken Council designated that portion of the Hoboken Terminal and Yard, located in Hoboken, designated as Block 229, Lots 1 and 2, Block 139, Lots 1.1, 1.2, 1.3, 3 and 4, and Block 19, Lots A-5, A-6 and A-9 on the City of Hoboken Tax and Assessment Maps, as an area in need of redevelopment (the "Redevelopment Area"); and,

WHEREAS, on December 18, 2014, the City of Hoboken, by Ordinance Z-317, adopted the "Hoboken Yard Redevelopment Plan, City of Hoboken, New Jersey October 2014" (the Redevelopment Plan"), governing the redevelopment of the Redevelopment Area; and,

WHEREAS, on July 7, 2016, the City of Hoboken designated LCOR as the redeveloper of the Redevelopment Area to redevelop the Redevelopment Area in accordance with the Redevelopment Plan; and,

WHEREAS, many portions of the Hudson River, river front are affected by and vulnerable to flooding, including in southern Hoboken along Observer Highway, which includes the Redevelopment area; and,

WHEREAS, the United States Department of Housing and Urban Development awarded the State of New Jersey a Rebuild By Design Hudson River: Resist, Delay, Store Discharge Project grant in the amount of \$230,000,000 to design and build flood resiliency measures in these affected areas; and,

WHEREAS, during the course of 2016, the New Jersey Department of Environmental Protection ("NJDEP") produced several resiliency designs for this area and presented them to the public for comment; and,

WHEREAS, the NJDEP reduced the number of designs for the Rebuild By Design Hudson River: Resist, Delay, Store Discharge Project for the area of Observer Highway and the Redevelopment area to two, Option 1, which integrates the design of the resiliency measures into the redevelopment of the Redevelopment Area and Option 2, which, after much study and cost, LCOR and its consultants have determined runs a wall 11 feet tall and into the right-of-way of Observer Highway for the length of Observer Highway stretching from Marin Boulevard to Washington Street; and,

WHEREAS, both the City and LCOR commented to the NJDEP in support of Option 1, which integrated the resiliency design into the redevelopment of the Redevelopment Area in accordance with the Redevelopment Plan and against Option 2, which would significantly, adversely affect the utility of Observer Highway and the redevelopment of the Redevelopment Area in accordance with the Redevelopment Plan; and,

WHEREAS, LCOR further commented to the NJDEP that the redevelopment of the Redevelopment Area in accordance with the Redevelopment Plan would not be viable if the NJDEP selected Option 2 and further that Option 2 would have significant adverse effects on all redevelopment plans along Observer Highway, essentially creating a "dead zone;" and,

WHEREAS, on October 16, 2017, following the recommendations of NJT, NJDEP selected Option 2, as the option less disruptive to NJT's rail operations; and,

WHEREAS, in response to the selection of Option 2, the City of Hoboken, LCOR and their consultants are studying alternative options, which provide a feasible practical alternative to Option 2 and which minimize any impacts on NJT's rail operations; but which provide for resiliency infrastructure in the Redevelopment Area so that there can be effective resiliency for the residents in Hoboken, as well as preserving the viability of Observer Highway and the Redevelopment Plan and fulfilling the City of Hoboken's master plan goal of turning the Redevelopment Area and Observer Highway area into a pedestrian friendly state of the art destination area that enhances both the quality of life and economic activity for Hoboken.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Hoboken respectfully requests that Governor Phillip Murphy and the NJDEP recognize the shortcomings of the past state administration's selection of Option 2 of the Rebuild By Design Hudson River: Resist, Delay, Store Discharge Project and allow for the evaluation of alternative options that will accomplish all of the goals of protection, revitalization and economic development for all of the residents of the City of Hoboken and for our great State.

RESULT:	Adopted [Unanimous]
SPONSOR:	Ruben Ramos
SECOND:	Tiffanie Fisher
AYES:	Doyle, DeFusco, Fisher, Russo, Ramos, Cunningham, Falco, Jabbour
ABSENT:	Jennifer Giattino

~~RESOLUTION APPOINTING CHERYL FALICK AS A REGULAR MEMBER TO THE CITY OF HOBOKEN RENT LEVELING AND STABILIZATION BOARD~~

~~RESOLUTION APPOINTING MICHAEL LENZ AS A REGULAR MEMBER TO THE CITY OF HOBOKEN RENT LEVELING AND STABILIZATION BOARD~~

~~RESOLUTION APPOINTING HEATH URBAN AS ALTERNATE MEMBER TO THE CITY OF HOBOKEN RENT LEVELING AND STABILIZATION BOARD~~

~~RESOLUTION APPOINTING THE FOLLOWING INDIVIDUAL AS AN ALTERNATE MEMBER TO THE CITY OF HOBOKEN RENT LEVELING AND STABILIZATION BOARD~~

18-265

RESOLUTION AUTHORIZING THE MAYORAL APPOINTMENT OF THE FOLLOWING INDIVIDUAL AS A REGULAR MEMBER TO THE CITY OF HOBOKEN RENT LEVELING AND STABILIZATION BOARD

WHEREAS, pursuant to the Code of the City of Hoboken, §155-18, the City of Hoboken has established a Rent Leveling and Stabilization Board; and,

WHEREAS, seven regular members and two alternate members of the Board are appointed by the Mayor for the term of the Mayor, with the advice and consent of counsel; and,

WHEREAS, the terms of all of the regular members expired on December 31, 2017 and positions are currently vacant; and,

WHEREAS, the Mayor recommends that the following individual be appointed to the Rent Leveling and Stabilization Board:

Ø Cheryl Fallick

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken hereby consents to the Mayor's appointment of the following individual to serve as a regular member of the City of Hoboken Rent Leveling and Stabilization Board for the term of Mayor Ravinder S. Bhalla:

Ø Cheryl Fallick

RESULT:	Adopted [Unanimous]
SPONSOR:	Michael Russo
SECOND:	Vanessa Falco
AYES:	Doyle, DeFusco, Fisher, Russo, Ramos, Cunningham, Falco, Jabbour
ABSENT:	Jennifer Giattino

18-266

RESOLUTION AUTHORIZING THE MAYORAL APPOINTMENT OF THE FOLLOWING INDIVIDUAL AS A REGULAR MEMBER TO THE CITY OF HOBOKEN RENT LEVELING AND STABILIZATION BOARD

WHEREAS, pursuant to the Code of the City of Hoboken, §155-18, the City of Hoboken has established a Rent Leveling and Stabilization Board; and,

WHEREAS, seven regular members and two alternate members of the Board are appointed by the Mayor for the term of the Mayor, with the advice and consent of counsel; and,

WHEREAS, the terms of all of the regular members expired on December 31, 2017 and positions are currently vacant; and,

WHEREAS, the Mayor recommends that the following individual be appointed to the Rent Leveling and Stabilization Board:

Ø Heath Urban

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken hereby consents to the Mayor's appointment of the following individual to serve as a regular member of the City of Hoboken Rent Leveling and Stabilization Board for the term of Mayor Ravinder S. Bhalla:

Ø Heath Urban

RESULT:	Adopted [Unanimous]
SPONSOR:	Michael Russo
SECOND:	Vanessa Falco
AYES:	Doyle, DeFusco, Fisher, Russo, Ramos, Cunningham, Falco, Jabbour
ABSENT:	Jennifer Giattino

18-267

RESOLUTION TERMINATING EFFORTS OF THE CITY OF HOBOKEN TO ACQUIRE THE FORMER UNION DRY DOCK PROPERTY THROUGH THE EMINENT DOMAIN PROCESS

WHEREAS, upon learning of New Jersey Transit's intention to acquire the former Union Dry Dock property, known as Block 259, Lot 1, in the City of Hoboken (the "Property") late last week and the scheduling by New Jersey Transit of an emergency/special meeting for April 4, 2018 to take such action, the Mayor has been in regular communication with the Governor's office and other stakeholders with the goal of having the parties discuss a compromise to meet the dual interests of New Jersey Transit to sustain ferry commuter operations for the region and consider serious environmental, planning, and other concerns from local Hoboken residents about the location of the proposed refueling, repair, and maintenance station; and,

WHEREAS, following extensive discussions with New Jersey Transit and the Governor's office, the Mayor has determined that it is in the City's best interests to formally terminate the current eminent domain process in an effort to achieve the aforementioned goal; and,

WHEREAS, the Hoboken City Council desires to express its concurrence with the Mayor's decision to terminate the City's efforts to acquire the Property from Port Imperial Marine Facilities, LLC in order for all parties, including the City of Hoboken, New Jersey Transit and New York Waterway to commence discussions of a way forward and allow all parties to work cooperatively toward a solution that balances all valid interests.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that the City Council authorizes the Mayor to immediately withdraw the written offer to purchase the Property dated March 23, 2018; and,

BE IT FURTHER RESOLVED, that no further action be taken by the Mayor, his designees or any other official, consultant, agent, employee or professional of the City to acquire or take the Property or any portion thereof unless approved by the City pursuant to an Ordinance introduced after the date hereof; and,

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

RESULT:	Adopted [Unanimous]
SPONSOR:	Ruben Ramos
SECOND:	Tiffanie Fisher
AYES:	Doyle, DeFusco, Fisher, Russo, Ramos, Cunningham, Falco, Jabbour
ABSENT:	Jennifer Giattino

ORDINANCES

Introduction and First Reading

18-268

B-17

AN ORDINANCE AMENDING CHAPTER 190 ENTITLED "VEHICLES AND TRAFFIC" AND CHAPTER 192 ENTITLED "PARKING FOR HANDICAPPED" TO AMEND TRAFFIC CONTROL AND 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, Chapter 192 of the General Code of the City of Hoboken establishes the rules and regulations associated with handicapped parking; and,

WHEREAS, the municipality has found that specific sections of Chapters 190 and 192 currently require amendments to better effectuate safe, orderly, and efficient use of public space and scarce curbside resources; and,

WHEREAS, due to road closures caused by long term construction on Fifteenth Street between Hudson Street and Sinatra Drive, two handicapped-accessible parking spaces need to be temporarily relocated to the south side of Fifteenth Street between Hudson Street and Washington Street; and,

WHEREAS, the Committee for Handicap Parking as general handicap spaces recently approved a reserved handicapped parking space for a resident at 214 Bloomfield Street; and,

WHEREAS, Petry Traffic, LLC recently conducted an engineering study at the intersection of Bloomfield Street and Third Street to evaluate whether a multi-way stop condition was warranted; and,

WHEREAS, Petry Traffic, LLC concluded that multi-way stop control was warranted at the intersection of Bloomfield Street and Third Street based upon criteria 5a, 5b, 5c, and 5d in Section 2B.07 of the Manual on Uniform Traffic Control Devices (MUTCD).

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

§ 190-9. Stop <<http://www.ecode360.com/15252078>> streets designated.

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

Intersection	Stop Sign Location
Bloomfield Street and Third Street	Third Street
Bloomfield Street and Third Street	<u>Right side of both approaches</u>

SECTION TWO: AMENDMENTS TO HOBOKEN CODE CHAPTER 192

§ 192-4. Enumeration of spaces. <<http://www.ecode360.com/15252078>>

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

Martin Dilworth, 214 Bloomfield Street (west side of Bloomfield Street, beginning at a point 178 feet north of the northerly curbline of Second Street and extending 22 feet northerly therefrom)

- B. The following locations are hereby approved by the Committee for Handicap Parking as general handicap spaces for all persons holding a motor vehicle services placard and/or the handicap license plates pursuant to N.J.S.A. 39:4-205:

Name of Street	Sides	Location
<u>Fifteenth Street</u>	<u>South</u>	<u>Beginning at a point 35 feet west of the westerly curbline of</u>
		<u>Hudson Street and extending 15 feet westerly therefrom</u>
<u>Fifteenth Street</u>	<u>South</u>	<u>Beginning at a point 50 feet west of the westerly curbline of</u>
		<u>Hudson Street and extending 20 feet westerly therefrom</u>

SECTION THREE: 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 FOUR: 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 FIVE: EFFECTIVE DATE

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

SECTION SIX: 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.

RESULT:	1st Reading [Unanimous]
SPONSOR:	Michael Russo
SECOND:	Peter Cunningham
AYES:	Doyle, DeFusco, Fisher, Russo, Ramos, Cunningham, Falco, Jabbour
ABSENT:	Jennifer Giattino

18-269

B-18

AN ORDINANCE AMENDING AND SUPPLEMENTING RTHE CODE OF THE CITY OF HOBOKEN CHAPTER 104 "FLOOD DAMAGE PREVENTION" ARTICLE III "GENERAL PROVISIONS" AT 104-6 "LANDS TO WHICH THIS CHAPTER APPLIES"

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 Chapter 104 of the Code of the City of Hoboken entitled "Flood Damage Prevention" Article III "General Provisions" as follows:

§ 104-6 Lands to which this chapter applies. <<https://www.ecode360.com/15248800>>

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the City of Hoboken, Hudson County, New Jersey, with the exception of areas within the "X" or "shaded X" zones.

§ 104-7 Basis for establishing the areas of special flood hazard.
<<https://www.ecode360.com/15248802>>

A. The areas of special flood hazard for the City of Hoboken, Community No. 340222, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(1) <<https://www.ecode360.com/28638829>>A scientific and engineering report "Flood Insurance Study, Hudson County, New Jersey (All Jurisdictions)," dated August 16, 2006.

(2) <<https://www.ecode360.com/28638830>>Flood Insurance Rate Map for Hudson County, New Jersey (All Jurisdictions), as shown on Index and Panel Numbers 0043, 0044, 0106, and 0107, whose effective date is August 16, 2006.

(3) <<https://www.ecode360.com/28638831>>Advisory base flood elevations and Advisory Flood Hazard Maps whose effective date is February 22, 2013. These documents shall take precedence over previous panels and FIS in construction and development regulations only. Where the Special Flood Hazard Area (SFHA) and the Advisory Flood Hazard Area (AFHA) Maps conflict or overlap, whichever imposes the more-stringent requirement shall prevail.

B. <<https://www.ecode360.com/15248804>>The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and maps are on file at the office of the Floodplain Administrator at City Hall, 94 Washington Street, Hoboken, NJ 07030.

§ 104-8 Penalties for noncompliance. <<https://www.ecode360.com/15248802>>

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined \$2,000 or imprisoned for not more than 30 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Hoboken from taking such other lawful action as is necessary to prevent or remedy any violation.

§ 104-9 Abrogation and greater restrictions. <<https://www.ecode360.com/15248802>>

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more-stringent restrictions shall prevail.

§ 104-10 Interpretation. <<https://www.ecode360.com/15248802>>

In the interpretation and application of this chapter, all provisions shall be:

- A. <<https://www.ecode360.com/15248808>>Considered as minimum requirements;
- B. <<https://www.ecode360.com/15248809>>Liberally construed in favor of the governing body; and
- C. <<https://www.ecode360.com/15248810>>Deemed neither to limit nor repeal any other powers granted under state statutes.

§ 104-11 Warning and disclaimer of liability. <<https://www.ecode360.com/15248802>>

A. <<https://www.ecode360.com/28638832>>The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages.

B. <<https://www.ecode360.com/28638833>>This chapter shall not create liability on the part of the City of Hoboken, any officer or employee thereof or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

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.

RESULT:	1st Reading [Unanimous]
SPONSOR:	Tiffanie Fisher
SECOND:	Mike DeFusco
AYES:	Doyle, DeFusco, Fisher, Russo, Ramos, Cunningham, Falco, Jabbour
ABSENT:	Jennifer Giattino

~~AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 190 OF THE HOBOKEN CITY CODE "VEHICLES AND TRAFFIC" TO INCLUDE ARTICLE XXXVII TO BE ENTITLED "WATERFRONT BOULEVARD" TO ESTABLISH SINATRA DRIVE AS A SCENIC WATERFRONT BOULEVARD AND TO AMEND 190-32 "ROUTES FOR TRUCKS OVER FOUR TONS" AND 19-20 "SPEED LIMITS"~~

RESULT:	Tabled
SPONSOR:	
SECOND:	

18-271

B-19

AN ORDINANCE TO REPEAL CHAPTER 163 OF THE CODE OF THE CITY OF HOBOKEN ENTITLED "SEWERS" AND REPLACE IT WITH CHAPTER 163 ENTITLED "REGULATIONS FOR THE USE OF NORTH HUDSON SEWAGE AUTHORITY TREATMENT WORKS AND COLLECTION SYSTEM"

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

Section 1: Chapter 163 of the Code of the City of Hoboken entitled "Sewers" will be repealed in its entirety. Chapter 163 shall be renamed "Regulations for Use of North Hudson Sewerage Authority Treatment Works" and shall read as follows.

Chapter 163. Sewers and Sewerage Disposal

Article I. Regulations For The Use Of North Hudson Sewerage Authority Treatment Works And Collection System

§ 161-3.
Findings.

- A. The Federal Water Pollution Control Act, P.L. 92-500, as amended by the Clean Water Act of 1977, P.L. 95-217, as amended, the New Jersey Pollution Control Act, N.J.S.A. §8:10A-1, and the New Jersey Pretreatment Act, N.J.S.A. §8:11-59, (collectively the “Act”) have resulted in an unprecedented program of cleaning up our nation’s waters.
- B. The North Hudson Sewerage Authority (Authority), a public body and politic and political subdivision of the State of New Jersey existing under and by virtue of the Municipal Utilities Law, N.J.S.A. 40:14B-1 et seq., is the owner and operator of the sewage treatment and collection systems which serve the City of Hoboken, Town of West New York, Town of Weehawken, and certain portions of the City of Union City.
- C. The North Hudson Sewerage Authority, City of Hoboken, Town of West New York, the Town of Weehawken, and the City of Union City are parties to an agreement dated 1996, as may be amended and supplemented.
- D. The North Hudson Sewerage Authority has already made and will continue to make a substantial financial investment in its wastewater treatment and collection systems to achieve the goals of the Act.
- E. The North Hudson Sewerage Authority seeks to provide for the use of collection systems and treatment works by industrial, commercial and residential users served by it without damage to the physical facilities, without impairment of their normal function of collecting, treating and discharging domestic wastewater, and without the discharge by the North Hudson Sewerage Authority treatment works of pollutants which would violate the discharge allowed under its New Jersey Pollutant Discharge Elimination System, NJPDES, permits, rules of the system treating its waste and the applicable rules of all governmental authorities with jurisdiction over such discharges.

§ 163-2. Purpose and policy.

The following sections set forth uniform requirements for discharges into the wastewater collection and treatment system and enable the North Hudson Sewerage Authority to comply with applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards and any other discharge criteria which are required or authorized by state or federal law, and to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged into these systems.

§ 163-3. Definitions.

Terms not otherwise defined herein shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the

American Water Works Association and the Water Pollution Control Federation; the Federal Guidelines for State and Local Pretreatment Programs.

AUTHORITY

The North Hudson Sewerage Authority.

AUTHORITY SEWER USE RESOLUTION

The North Hudson Sewerage Authority Sewer Use Resolution, most recent version, references the Authority's policy and procedures for sewer connection permit applications and management of sewerage entering the Authority owned and operated combined sewer system.

BENEFICIAL USES

Uses of the waters of the state that may be protected against quality degradation, including, but not necessarily limited to, domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic equipment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources of reserves, and other uses, both tangible or intangible, as specified by federal or state law.

COMBINED SEWER

A sewer intended to receive both wastewater and stormwater or surface water.

COMMUNITY SEWER

A sewer owned and operated by the Authority, tributary to a treatment facility operated by the Authority, otherwise known as a "public sewer."

COMPATIBLE POLLUTANTS

Compatible pollutants are BOD, suspended solids, pH and fecal coliform bacteria and such additional pollutants as are now, or may be in the future, specified and controlled in NJPDES permits NJ0029076, NJ0029084, NJ0029092 for its wastewater treatment works where such works have been designed and used to reduce or remove such pollutants.

CONTAMINATION

An impairment of the quality of the waters of the state with waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of wastewater, whether or not waters of the state are affected.

CRITICAL USERS

Users whose standard classification is identified on the Standard Industrial Classifications, SIC, Manual in any of Divisions A, B, D, E and I, and who:

- A. Have a discharge flow of 25,000 gallons or more per average workday;
- B. Have a flow greater than 5% of the flow in the Authority's wastewater treatment system;
- C. Have in their wastes toxic pollutants in toxic amounts, as defined in standards issued under Section 307(a) of Public Law 92-500; or
- D. Are found by the Director to have significant impact, either singly or in combination with other contributing industries, on the treatment system. A critical user is required to obtain a permit.

DIRECTOR

The Executive Director of the North Hudson Sewerage Authority, or his/her duly appointed deputy, agent, or representative.

EASEMENT

An acquired legal right for the specific use of land owned by others.

ENGINEER

The Authority Engineer, or his/her duly authorized deputy, inspector, agent or representative

.

FOOD SERVICE ESTABLISHMENT

A Food Service Establishment is any facility engaged in the preparation or sale of food for consumption by the public such as, but not limited to, restaurants, commercial kitchens, caterers, hotels, bakeries, donut shops, public and private schools, hospitals, prisons, correctional facilities, and care institutions.

FATS OIL AND GREASE

Fats oil and grease, also referred to as FOG, in a physical state such that it will separate

by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatables if it is properly pretreated and the wastewater does not interfere with the collection system.

HEALTH OFFICER

The Municipal Health Officer, or his/her duly authorized deputy, inspector, agent or representative

.

HOUSE SERVICE CONNECTION

The extension from the building drain to the public sewer or other place of disposal.

INDIVIDUAL SEWER DISPOSAL SYSTEM

Any privy vault, cesspool, septic tank and discharge field, bed or seepage pit or pits used only for the disposal of the sewage from buildings on the premises on which it is located.

INDUSTRIAL WASTES

The liquid or water-carried wastes of any industrial process, trade or business not clearly included within the definitions of “sanitary sewage,” “stormwater,” “cooling water” or “subsoil drainage” herein. In general, wastewaters carrying any quantity of oil, greases, fats, abrasives, chemicals, residues of manufacturing, processed wastes from dye baths, felting or fur processing from slaughterhouses, or meat processing plants and similar substances, whether dissolved, in suspension or mechanically carried by water, shall be considered as industrial wastes.

NATURAL OUTLET

Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

NONRESIDENTIAL UNIT

Any unit whose primary function is one other than residential.

NUISANCE

Anything which is injurious to health, is indecent, offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property of the community, the neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

OWNER

The owner of any real estate and also all tenants, lessees or others in control or possession and use of the property in question.

POLLUTION

An alteration of the quality of the waters of the state by waste to a degree which unreasonably affects such waters for beneficial use or facilities which serve such beneficial uses. Pollution may include contamination.

PREMISES

A parcel of real estate, including any improvements thereon, which is determined by the Authority to be a single user for purposes of receiving, using and paying for service.

PRIVATE SANITARY SEWER SYTEM

A sanitary sewer system owned or controlled otherwise than by the Authority or other public body

PUBLIC SANITARY SEWER SYSTEM

A sanitary sewer system owned or controlled by the Authority or other public body.

QUALITY OF THE WATERS

The chemical, physical, biological, bacteriological, radiological and other constituents and characteristics of water which affect its use.

SANITARY SEWAGE

The common wastewater and water-carried wastes from human dwellings and from toilet and lavatory fixtures, kitchens, laundries and similar facilities of business and industrial buildings. In general, "sanitary sewage" shall not include stormwater from roofs, yards, streets or open places, water from land surfaces or brooks, clean overflows from springs, wells, large volumes of subsoil drainage, large volumes of clean water from air conditioning or other cooling or condensing facilities, clean wastewater from hydraulically operated contrivances and those wastes included within the definition of "industrial wastes."

SANITARY SEWER

A sewer intended to convey only sanitary sewage, or if so stipulated with respect to the particular sewer, sanitary sewage plus industrial or other wastes from residences, commercial buildings, industrial plants and institutions. In general, sanitary sewers shall not be intended to convey stormwater nor more than very small quantities of cooling water.

SEWAGE

The spent water of a community.

SEWAGE TREATMENT PLANT

Any structure or device, or combination of structures and devices, for treatment of sewage
e.

SEWAGE SYSTEM

All the facilities of the Authority for collecting, pumping, treating and disposing of waste
s.

SEWER

The main pipe or conduit, manholes and other structures and equipment appurtenant thereto, provided to carry sewage, industrial wastes, stormwater, cooling water or similar wastes, subject, in each particular, to the purposes and limitations imposed upon the particular sewer.

SEWER CONNECTION PERMIT

A permit issued by the Authority to allow a connection and discharge waste into the Sewer System.

SEWER SYSTEM

All facilities for collection, conveying, pumping, treating and discharge of sewage.

SLUG

Any discharge of water or wastewater which, in concentration of any given constituent or in quality of flow, exceeds, for any period or duration longer than 15 minutes, more than five times the average twenty-four-hour concentration or flow during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

STANDARD CLASSIFICATION

A classification of users based on the 1972 Edition of the Standard Industrial Classification Manual (SIC), Bureau of the Budget of the United States of America.

STORM SEWER/STORM DRAIN

A sewer or drain, with appurtenances provided and intended for the conveyance of stormwater with and without other clean wastewaters as may have been stipulated for any particular drain or sewer.

SUSPENDED SOLIDS

The total suspended matter that floats on the surface of, or suspended in, water, wastewater or other liquids and is removable by laboratory filtering, as prescribed in “standard Methods for the Examination of Water and Wastewater,” and is referred to as “nonfilterable residue.”

UNPOLLUTED WATER

Water not containing any pollutants limited or prohibited by the effluent standards in effect and whose discharge will not cause any violation of receiving water quality standards.

USER

Any person who discharges, causes or permits the discharge of wastewater into the Authority’s wastewater treatment works.

WASTE

Sewage and any and all other waste substances, associated with human habitation, of human or animal origin, or from any producing, manufacturing or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

WATERS OF THE STATE

Any water, surface or underground, including saline waters, within the boundaries of the state.

§ 163-4. Regulations and Restrictions.

A. Prohibition on wastewater discharge. No person shall discharge or deposit, or cause or allow to be discharged or deposited, into the wastewater treatment system any wastewater which contains the following:

- (1) Explosive and/or flammable mixtures: liquids, solids or gasses which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the treatment works or to the operation of the works. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the treatment works, be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
- (2) Noxious materials incompatible pollutants which, either singly or by interaction with other wastes, are noxious or malodorous, are capable of creating a public nuisance, or are or may be sufficient to prevent entry into the treatment works for its maintenance and repair.
- (3) Improperly shredded garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the treatment works, with no particle greater than ½ inch in any dimension.
- (4) Radioactive wastes: radioactive wastes or isotopes of such half life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the sewerage facilities or personnel operating the system.
- (5) Solid or viscous wastes: solid or vicious wastes which will or may cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the treatment works. Prohibited materials include, but are not limited to, uncomminuted garbage, animal guts or tissues, diseased human organs or tissue fluids, paunch manure, bones, hair, hides or fleshing entrails whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal glass, straw, shavings, grass clippings, rags, spent hops, wastepaper, wood, plastic, tar, asphalt, residues, residues from refining or processing of fuel or lubricating oil and similar substances. Other materials may be specified at the discretion of the Authority..
- (6) Toxic pollutants: any toxic pollutant in amounts exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to Section 307(a) of P.L. 95-217 and chemical elements or compounds, phenols or other taste- or odor-producing substances, or any other substances normally not found in unpolluted waters which are not susceptible to treatment or which may interfere with the biological process of efficiency of the treatment system, or that will pass through the system or preclude the selection of the most cost-effective alternative for wastewater treatment and sludge disposal.

- (7) Discolored material: wastes which cause discoloration or other condition in the quality of the Authority's treatment plant effluent in such a manner that the receiving water quality requirements established by law cannot be met.
- (8) Corrosive wastes: any waste which will cause corrosion or deterioration of the treatment system. All wastes discharged to the public sewer system must have a pH value in the range of 6.0 to 9.0 standard units. Prohibited materials include, but are not limited to, acids, alkalines, sulfides, concentrated chloride and fluoride compounds and substances which will react with water to form acidic or alkaline products.
- (9) Incompatible waste/water: waters or wastes containing substances which are not amenable to treatment or reduction by wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters. No waste shall be discharged to a community sewer that causes, threatens to cause, or is capable of causing, either alone or by interaction with other substances, conditions at or near the Authority's facilities which violate any statute or any rule, regulation or ordinance of any public agency or state or federal regulatory body.

B. Limitations on wastewater strength.

- (1) The Authority Sewer Use Resolution, most recent version, shall dictate requirements for limitations of wastewater strength.
- (2) No person shall discharge any wastewater:
 - (a) Having a temperature higher than 40° C. (104° F.) or which, on contact with water or sewage, will generate heat in excess of 40° C. (104° F.).
 - (b) Containing more than 25 mg/l of oil or grease of animal or vegetable origin.
 - (c) Containing more than 25 mg/l of oil or grease of mineral or petroleum origin. Existing installations at the time of adoption of this chapter may be permitted to discharge up to 50 mg/l, provided it had no significant adverse effect on the sewerage facilities.
 - (d) Containing any hydrogen sulfide, sulfur dioxide, nitrous oxide or any halogen gas in excess of 10.0 mg/l.

- (e) With a chlorine demand in excess of 15 mg/l.
- (f) In excess of the Authority's NPDES permit limits for chlorinated hydrocarbons which cannot be removed by the Authority's wastewater treatment process.
- (g) In excess of 1.0 mg/l phenolic compounds.
- (h) Containing materials which exert or cause:
 - (1) Unusual concentrations of inert or suspended solids, such as, but not limited to, Fuller's earth, lime slurries and lime residues, or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate.
 - (2) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment plant.
 - (3) Unusual volume or quantities of flow or concentration or both of wastes constituting "slugs" as defined in § 342-22.
- (i) Any person diluting wastewater for the purpose of meeting the above-stated limitations shall be considered in violation of this service.

C. Holding tank waste. Holding tank waste shall be discharged into the community sewer only at points with an approved sewer connection permit for this type and quantity of pollutant.

D. Storm drainage and groundwater.

- (1) Disposal of stormwater, groundwater, rainwater, street drainage, subsurface drainage or yard drainage, directly or indirectly to any community sewer, shall be permitted through a sewer connection permit issued by the Authority and described in the Authority Sewer Use Resolution, most recent version.
- (2) Treatment of said drainage water and groundwater prior to discharge into the Sewer System is required in accordance with the Authority Sewer Use Resolution.
- (3) If approval is granted for discharge of such water into the community sewers, the user shall pay the applicable wastewater service charge and fees and meet such other conditions that may be required by the Authority.

E. Prohibitions on unpolluted water.

- (1) Unpolluted water, including, but not limited to, cooling water, process water or blowdown from cooling towers or evaporative coolers, or any other unpolluted water, shall not be permitted to be discharged through direct or indirect connection to a community sewer without a sewer connection permit approval by the Authority.
- (2) The Authority may approve the discharge of such water only when no reasonable alternative method of disposal is available or such alternative is unacceptable.
- (3) If approval is granted for the discharge of such water, the user shall pay the applicable wastewater service charges and fees and shall meet such other conditions as required by the Authority.

F. Limitations on point of discharge. No person shall discharge any substances directly into a manhole or other opening in a community sewer, other than through a house connection approved by the Authority. Upon written application by the user and payment of the applicable wastewater service charges and fees, the Authority may grant permission for such direct discharges at approved locations.

G. Authority's alternatives on discharges.

- (1) If any waters or wastes are discharged, or are proposed to be discharged, into the Authority's sewers which contain the substances or possess the characteristics which, in the judgment of the Authority, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Authority may:
 - (a) Reject the wastes.
 - (b) Require pretreatment to an acceptable condition for discharge to the public sewers.
 - (c) Require control over the quantities and rates of discharge.
 - (d) Require payment to cover the added cost of handling and rerating the wastes.
- (2) If the Authority permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and

approval of the Authority and subject to the requirements of all applicable codes, ordinances, and laws.

§ 163-5. Control of Discharge to the Sewer System.

- A. Regulatory actions. If wastewaters containing any substance prohibited in this article or containing any substance in concentrations exceeding limits by this article are discharged into the treatment works of the Authority, or my tributary treatment works hereto, the Director shall take all actions necessary to:
- (1) Prohibit the discharge of such wastewater;
 - (2) Require a discharger to demonstrate that in-plant modifications will cause the discharge of such substances to be in conformance with this article;
 - (3) Require pretreatment, including storage facilities, or flow equalization necessary to ensure complete compliance with these rules and regulations;
 - (4) Require the person making, causing or allowing the discharge to pay all the additional cost or expense incurred by the Authority for handling and treating excess loads imposed on the treatment works; and
 - (5) Take such other remedial action as may be deemed to be desirable or necessary to achieve the purpose of this article.
- B. Access to property. Whenever it shall be necessary for the purposes of these rules and regulations, the Director, or his/her representative, upon the presentation of credentials, may enter upon any property or premises at reasonable times for the purpose of inspecting or copying any records required to be kept under the provisions of this article. The Director, or his/her representative, upon presentation of credentials, may enter upon any property or premises at any time for the purpose of inspecting any monitoring equipment or methods and/or sampling any discharge of wastewater to the treatment works.
- C. Authority approval for discharge of certain wastes. Upon written approval of the Authority, certain wastes which exceed the limits imposed by this article may be permitted to be discharged into the public sewer if a holding tank is employed and the wastes are released at a constant rate over a twenty-four-hour period. This only applies to intermittent flows or batch releases of short duration. Such approval may be rescinded at any time by the Authority.

- D. Control structures; installation, construction and maintenance. When required by the Authority, the owner of any property served by a house connection shall install suitable control structures for wastewater or stormwater control, together with such necessary meters and other appurtenances, in the house connection to facilitate observation, treatment, or sampling and measurement of the wastes. Manholes, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Authority. The structures' manholes shall be installed by the owner at his/her expense and shall be maintained by the owner so as to be safe and accessible at all times.
- E. Interceptors and Grease Traps: FOG Control by means of interceptors and grease traps will be required of all Food Service Establishments as defined by any commercial or industrial facility engaged in the preparation or sale of food for consumption by the public such as, but not limited to, restaurants, commercial kitchens, caterers, hotels, bakeries, donut shops, public and private schools, hospitals, prisons, correctional facilities, and care institutions. All interceptors shall be designed and installed in accordance with the Unified Plumbing Code, latest edition. Interceptors shall be located so as to be readily and easily accessible for cleaning and inspection. In the maintenance of those interceptors, the owner shall be responsible for the proper removal and disposal, by appropriate means, of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by the Authority. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.
- F. Measurements, tests and analyses. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at such control manhole. In the event that no special manholes have been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the house connection is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine water a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken.
- G. Protection from accidental discharge.
- (1) Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or operator/s own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Authority for review and shall be approved by the Authority before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his/her facility as necessary to meet the requirements of this article.

(2) Any possible connection of entry point for a persistent or deleterious substance to the user's plumbing or drainage system shall be appropriately labeled to warn operating personnel against discharge of such a substance in violation of these regulations.

(3) In order that employees of users be informed of all requirements, users shall make available to their employees copies of these regulations and such other wastewater information and notices which may be furnished by the Authority from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of these regulations.

- H. Exceptions. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Authority and any individual or corporation whereby a waste of unusual strength or character may be accepted by the Authority for treatment, subject to payment therefor by the individual or corporation concerned.
- I. Noncompliance provisions. If the Authority finds that good reason exists to believe that the requirements of this article have not been or are not being observed, the Authority may require the owner, tenant or lessee of the offending property to furnish it with adequate proof that requirements are met or that such owner, tenant or lessee shall immediately take steps to provide proper treatment facilities, interceptors, or remedial action to correct conditions so that conformance to this article will be observed.

§163-6. Sanitary disposal of sewage.

- A. Deposit of objectionable waste. No person shall place or deposit, or permit to be placed or deposited, upon the surface of land in public or private ownership any human excrement, garbage or any other objectionable waste.
- B. Effluents. No person shall permit septic tank or privy vault effluent or other liquid containing human excrement or residues thereof to appear on or flow over any land in the Municipality in his/her ownership or control or from his/her land to any other land in the Municipality.
- C. Discharge of polluted liquid into natural outlets. No person shall discharge, or permit the discharge, of any sanitary sewage, septic tank or privy vault effluent, industrial wastes or other waterborne polluted liquid emanating from any building on his/her property into any natural outlet in the Municipality.
- D. Construction of privy vaults, cesspools, septic tanks. No person shall construct any privy vault, cesspool, septic tank or other facility intended or used for the storage or disposal, or both, of sewage, except, as provided in this article.

- E. Toilet facilities. Every building or premises in the City designed or arranged for human occupancy, or devoted by its owner to such use, shall be equipped with adequate and suitable toilet facilities and adequate and suitable provisions, as provided in this article, for the disposal of sewage originating therein.
- F. Connection to public sewer; penalty for noncompliance. The owner of all houses, buildings on properties used for human occupancy, employment, recreation or other purposes, situated within the Municipality abutting on any street, alley or right-of-way in which there is now located a public sanitary sewer of the Authority, is hereby required, at his/her expense, to connect the sanitary facilities within such house or building on such property with the public sewer in accordance with the provisions of this article within 60 days of public notification of construction completion of the sewer system. In the event such owner fails to connect to the sewer system within such period of time, he/she shall be liable to a fine as set forth in General Penalty of this Code.
- G. Nonavailability of public or private sanitary sewer.
- (1) Where a public sanitary or combined sewer is not available, the house connection shall be connected to a private wastewater disposal system complying with the provisions of this article. Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a sewer connection permit from the Authority. The application for such permit shall be made on a form furnished by the Authority, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Authority. A permit and inspection fee as set forth in the Authority Sewer Use Resolution.
 - (2) A permit for a private wastewater disposal system shall not become effective until the installation is completed and appraised by the Authority. The Authority shall be allowed to inspect the work at any stage of construction. The applicant for the permit shall notify the Authority when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Authority.
 - (3) The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the New Jersey Department of Environmental Protection.
 - (4) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within 60 days, in compliance with this article, and any septic tanks, cesspools or similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

- (5) The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Authority. Sludge removal from private disposal systems shall be performed by licensed operators and disposed of in accordance with the requirements of the New Jersey Department of Environmental Protection, the Municipal Health Officer and the Authority.
- (6) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

§163-7. Wastewater volume determination.

- A. Metered water supply. For premises where, in the opinion of the Authority, a significant portion of water received from any metered source is not consumed by the user or is not removed from the premises by means other than community sewers, sewage discharged to the community sewer shall be calculated based on water consumption as indicated by the water meter reading. The amount of water used from private sources shall be determined by means of a meter installed and maintained at the expense of the user and approved by the Authority.
- B. Metered wastewater volume and metered diversions. For premises where, in the opinion of the Authority, a significant portion of the water received from any metered source does not flow into the community sewer because of the principal activity of the user or removal by other means, the wastewater volume shall be the volume of wastewater discharging from such premises into the community sewer. Written notification and proof of the diversion of water must be provided by the user if he/she wishes to dispute the Authority using the total amount of water used from all sources as the measure of wastewater discharged to the community sewer. If required by the authority, such user must install a meter of a type and at a location approved by the Authority and as the user's own expense. Such meters may measure either the amount of sewage discharge or the amount of water diverted. Such meters shall be tested for accuracy at the expense of the user when deemed necessary by the Director.
- C. Estimated wastewater volume. For users where, in the opinion of the Authority, it is unnecessary or impractical to install meters and where the quantity of water diverted from the sewers amounts to 20% or more of the total water used, the quantity of wastewater may be based upon an estimate prepared by the Authority. This estimate shall be based upon a rational determination of the wastewater discharged and may consider such factors as the number of fixtures, searing capacity, population equivalent, annual production of goods and services or such other determination of water use necessary to estimate the wastewater volume discharged.

§163-8. Sewer Connection Permits.

- A. All Connections to the sewer system shall be made through submission of plans and approval of the Sewer Connection Permit. All users must obtain a sewer connection

permit from the Authority before connection to or discharging into the Sewer System. Technical guidelines for the permit application and applicable fees are made available by the Authority and defined through the Authority Sewer Use Resolution, most recent version.

- B. Users seeking a sewer connection permit shall complete and file with the Authority a sewer connection permit application, in the form prescribed by the Authority, and accompanied by the applicable fee.
- C. All proposed Food Service Establishments will require a FOG Control system which shall be designed, reviewed, and permitted by the Authority.
- D. The Authority shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Authority may issue a sewer connection permit subject to terms and conditions provided herein.
- E. Sewer connection permits are issued to a specific user for a specific operation. A sewer connection permit shall not be reassigned, transferred or sold to a new owner, new user, different premises or a new or changed operation.
- F. Sewer connection permits shall be expressly subject to all applicable provisions established by the Authority.
- G. Permit conditions. Sewer connection permits shall be expressly subject to all applicable provisions of this article and all other regulations established by the Authority.
- H. Revocation of permit. Any significant change in wastewater strength, volume discharged or operations affecting the characteristics of wastewater discharge may be grounds for modifying the sewer connection permit. Failure of the user to report significant changes in their operations wastewater discharge strength or characteristics, or violation of conditions of the permit, may be grounds for revoking a permit.
- I. Violations of conditions of the permit.
 - (1) The conditions of sewer connection permits shall be uniformly enforced by the Authority in accordance with this article, applicable state and federal regulations, and most practicable technology available. Any discharger who violates the conditions of the permit or this article or applicable state or federal regulations is subject to having his/her permit revoked and ceasing discharge to the community sewer following a reasonable notice period and reasonable time to comply.

- (2) Failure of a user to factually report the strength, volume or characteristics of his/her discharge or to refuse reasonable access to their premises for the purpose of inspection or monitoring of pollution sources may be grounds for revoking the permit.
- J. Trade secrets. All information and data pertaining to a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Authority that the release of such information to the general public would divulge information, processes or methods which would give a business advantage to competitors who did not otherwise have this information. Contents, volume and frequency of discharge will not be recognized as confidential information.
- K. Special agreements. No statement contained in this article shall prevent any special agreement or arrangement between the Authority and any person where unusual circumstances compel special terms, conditions and charges or fees for the collection, treatment and disposal of the wastewater by the Authority.

§163-9. Right of entry for inspections.

The Municipal Health Officer, the Director, the Engineer and other duly authorized employees of the Authority bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurements, sampling and testing in accordance with the provisions of this article.

§163-10. User classification.

The Authority Sewer Use Resolution classifies users based on quantity and type of discharge by the user. The purpose of such classification is to facilitate the regulation of wastewater discharges based on quality, quantity and flow to provide an effective means of source control and to establish a system of wastewater service charges and fees which will insure an equitable recovery of the Authority's cost. The elements of quality may include, but not be limited to, the following suspended solids, COD, oil and grease and chlorine demand.

§163-11. Industrial User Reporting and monitoring requirements. A.

Discharge reports for Industrial Users.

- (1) Every significant industrial user shall file periodic discharge reports at intervals designated by the Authority. The Authority may require any other industrial users discharging or proposing to discharge into the treatment works to file such periodic reports.

- (2) The discharge report shall include, but not be limited to, the nature of process, volume, rates of flow, concentrations of incompatible pollutants, total mass of each incompatible pollutant discharged, hours of operation, and other information which relates to the generation of waste. Such reports may also include the chemical constituents and quantity of liquid material stored on site even though they are not normally discharged. In addition to discharge reports, the Director may require information in the form of industrial discharge permit applications and self-monitoring reports.

B. Records and monitoring for Industrial Users.

- (1) All industrial users who discharge or propose to discharge wastewaters to the treatment works shall maintain such records of production and related factors, effluent flows and pollutant amounts of concentrations as are necessary to demonstrate compliance with the requirements of this article and any applicable state or federal pretreatment standards or requirements.
- (2) Such records shall be made available upon request by the Director. All such records relating to compliance with pretreatment standards shall be made available to officials of the NJDEP and the United States Environmental Protection Agency upon demand. A summary of such data indicating the industrial user's compliance with this article shall be prepared quarterly and submitted to the Director. All records shall be retained for a period of five years.
- (3) The owner or operator of any premises or facility discharging industrial waters into the system shall install at his/her own cost and expense suitable monitoring equipment to facilitate the accurate observation, sampling and measurement of wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.
- (4) Each significant industrial discharger shall maintain separate monitoring equipment.
- (5) Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the applicable federal, state and local requirements and all applicable construction standards and specifications. Plans and specifications for all such work shall be submitted to the Director for approval prior to construction.

C. Inspection, sampling and analysis.

- (1) Compliance determination. Compliance determinations by the Director, or his/her agent, with respect to prohibitions and limitations shall be made on the basis of

either instantaneous grab samples or twenty-four-hour composite sample wastewater, or as may be determined by the NJDEP or the United States EPA.

- (2) Analysis of industrial wastewaters. Laboratory analyses of industrial wastewater samples shall be performed in accordance with the United States EPA "Guidelines Establishing Test Procedures for the Analysis of Pollutants," published in the Federal Register, Volume 41, No. 232, December 1, 1976, as may be amended from time to time. Analysis of those pollutants not covered by the publications referred to therein shall be performed in accordance with procedures approved by the NJDEP.
- (3) Sampling frequency. Sampling of industrial wastewater for the purpose of compliance determination with respect to prohibitions and limitations will be done at such intervals as the Director may deem appropriate, however, such sampling shall be conducted for all significant industrial users at least once annually.

§163-12. Public sewers; connections and extensions.

- A. Permit required. No person shall uncover, make any extension or connection to, or opening into, or use, alter or disturb any public sewer or any appurtenance thereof without having first obtained a sewer connection permit from the Authority to do so.
- B. Extension. Every extension of any public sewer shall be made pursuant to plans and specifications prepared by or for the Authority and approved by the Engineer.
- C. Connections to sewers required for:
 - (1) All persons who own or occupy any land fronting on a street through which a sewer is or shall be built shall connect all their sinks, drains, water closets and privies on such land with such sewer. No cesspool privy, privy vault, septic tank or other facility intended or used for the disposal of wastewater shall be built or maintained on such land, nor shall the Health Department issue any permit for any cesspool on land so situated.
 - (2) Every connection into any public sewer shall be made by a house service connection.
 - (3) All owners of property shall connect their respective premises with such sewers within 60 days of public notification of the construction completion of the sewer system. All persons who shall neglect to make connections within such time shall be liable to a penalty as set forth in General Penalty of this Code.

- D. Owner's responsibility. The house service connection and sewer lateral shall be made, paid for, installed and maintained by the owner.
- E. Submission of plans and specifications; conformance with New Jersey uniform construction codes. Plans and specifications for all extensions and connections to the public sewer system shall conform to the Building Code of the Municipality Plans and specifications and the Authority Sewer Use Resolution connection requirements.
- F. Grade and alignment. The house service connection shall be laid at a straight grade and, so far as possible, in a straight alignment. Changes in direction shall be made only with curved pipe and fixtures. Cleanouts shall be constructed as required by the Authority at each change in direction and for every 50 feet of house service connection.
- G. Low connection. In all buildings which the house service connection is necessarily laid low to permit gravity flow to the street curb, the sanitary sewage to be carried by such connection shall be lifted by approved artificial means and discharged into the house service connection or sewer lateral.
- H. Excavations. All excavations required for the establishment of a house service connection shall be open trench work, unless otherwise approved by the Engineer. Pipe laying and backfill shall be performed in accordance with the requirements of the Plumbing Subcode Official and shall not be done until the house service connection has been inspected, tested and approved by the Planning Subcode Official.
- I. Open trenches. Open trenches in the establishment of house service connections shall not be left unattended during the course of construction without adequate regard to the safety of the general public. Trenches left open overnight or over a weekend must have adequate covering or, in lieu thereof, have barriers and lights so placed along the opening so as to prevent any persons or vehicles from falling therein.
- J. Inspection. The owner, or his/her agent, shall inform the Engineer when the house service connection is ready for inspection.
- K. Common House Connections. When a house connection is proposed as a house connection for a property or multiple properties where there will be more than one owner, a deed agreement shall be required which specifies the responsibility of the Owner(s) to be solely responsible for the operation and maintenance of the common lateral. The Deed Agreement shall specify the shared or common use building elements and utilities that cross property lines, including, but not limited to: rain gutters and downspouts, storm water facilities, common laterals and house connections which connect to the Authority's System. The Authority shall not be responsible for the maintenance of any components of the common lateral or common lateral system.

- L. Use of specialized equipment. The property owner shall be responsible for the maintenance of all specialized control equipment. Specialized control equipment includes and is not limited to any installed stormwater detention system components which require use of an external power source, including pumping and/or automated flow control system, FOG removal systems, and wastewater pumping systems.
- M. Installation by contractor or owner. The sewer lateral, including the connection from the curb to the sewer, the making of the tap in the sewer, the making of the connection of the sewer lateral to the house service connection, the backfilling of the trench and resurfacing the street above the trench from the street sewer to the curb, shall be installed at the owner's expense either an owner who meets the qualifications of a contractor with a New Jersey license or by a contractor licensed by the Municipality. All work shall be inspected and approved by the Plumbing Subcode Official.

§163-13. Accidental discharges; enforcement remedies; appeals. A.

Accidental discharges; liability.

- (1) If, for any reason, a facility does not comply with or will be unable to comply with any prohibition or limitations of this article, the facility responsible for such discharge shall take immediate corrective action to prevent continued harm to the treatment works and shall immediately notify the Director so that additional corrective action may be taken to protect the treatment works. In addition, a written report addressed to the Director detailing the date, time and cause of the accidental discharge, the quality and characteristics of this discharge and corrective action taken at the time of the discharge, and action taken to prevent future discharges, shall be filed by the responsible person within five days of the occurrence of the noncomplying discharge.
 - (2) Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment plant or treatment process, or for any fines imposed on the Authority.
- B. Notification of violation. Whenever the Director finds that any person has violated or is violating this article, or any prohibition, limitation or requirement contained herein, he/she may serve upon such person a written notice stating the nature of the violation and providing a reasonable time, not to exceed 30 days, for the satisfactory correction thereof.
 - C. Issuance of cease and desist orders. When the Authority finds that a discharge of wastewater has been taking place, in violation of prohibitions or limitations of this article, or the provisions of a sewer connection permit, the Director may issue an order to cease and desist and direct that those persons not complying with such prohibitions, limits, requirements or provisions to:
 - (1) Comply forthwith;

- (2) Comply in accordance with a time schedule set forth by the Authority, or
 - (3) Take appropriate or remedial preventive action in the event of a threatened violation.
- D. Submission of time schedule. When the Authority finds that a discharge of wastewater has been taking place, in violation of prohibitions or limitations prescribed in this article, wastewater source control requirements, effluent limitations or pretreatment standards, or the provisions of a sewer connection permit, the Authority may require the user to submit for approval with such modifications, as it deems necessary, a detailed time schedule of specific actions which user shall take in order to prevent or correct a violation of requirements.
- E. Show cause hearing.
 - (1) If the violation is not corrected by timely compliance, the Director may order any person who causes or allows an unauthorized discharge to show cause before the Authority why service should not be terminated. A notice shall be served on the offending party, specifying the time and place of a hearing to be held by the Authority regarding the violation and directing the offending party to show cause before the Authority why an order should not be made directing the termination of service. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least 10 days before the hearing. Service may be made on any agent or officer of a corporation.
 - (2) The Authority may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the assigned department to:
 - (a) Issue in the name of the Authority notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearings.
 - (b) Take the evidence.
 - (c) Transmit a report of the evidence and hearing, including transcripts/ records and other evidence, together with recommendations to the Authority for action thereof.
 - (3) At any public hearing, testimony taken before the Authority, or any person designated by it, must be under oath and recorded either by the hearing officer in a summary manner or stenographically in the latter case, the transcript so recorded, or any part thereof, will be made available to any member of the public upon payment of the usual charges thereof.

- (4) After the Authority has reviewed the evidence it may issue an order to the pretty responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, divides or other related appurtenances are properly operated and such further order and directives as are necessary and appropriate.

F. Appeals.

- (1) Any user, permit applicant or permit holder affected by any decision, action or determination, including cease and desist orders made by the Director interpreting or implementing the provisions of this article or in any permit issued hereunder, may file with the Director a written request for reconsideration within 10 days of the user's request for reconsideration.
- (2) If the ruling made by the Director is unsatisfactory to the person requesting reconsideration, within 10 days after notification of Authority action, he/she may file a written appeal to the Authority's governing body. The written appeal shall be heard by the body within 30 days from the date of filing. The Authority's governing body shall make a final ruling on the appeal within 10 days of the close of the hearing. The Director's decision, action or determination shall remain in effect during such period of reconsideration.

§163-14. Abatement of nuisances; violations and penalties.

- A. Public nuisance; penalty. Discharges of wastewater in any manner in violation of this article, or of any order issued by the Director as authorized by this article, is hereby declared a public nuisance and shall be corrected or abated as directed by the Director. Any person creating a public nuisance shall be subject to the penalties set forth in this Code.
- B. Injunction. Whenever a discharge of wastewater is in violation of the provisions of this article, or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the Authority may petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of such discharge.

§163-15. Violations and penalties for violations of North Hudson Sewerage Authority Treatment Works and Collections System Regulations.

- A. Maximum penalty for violations of North Hudson Sewerage Authority Treatment Works and Collections System Regulations shall be one or more of the following:

- (1) A fine not exceeding \$2,000. The minimum fine for violation \$100. (2)
Imprisonment for a period not exceeding 90 days.
 - (3) A period of community service not exceeding 90 days.
 - (4) A fine not to exceed \$2,500 per violation for solid waste unlawful disposal; for a maximum penalty of \$10,000.
- B. Separate violations. Except as otherwise provided, each and every day in which a violation of any provision of this chapter or any other ordinance of the Municipality exists shall constitute a separate violation.
- appropriate penalty for each and every violation. Any lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case of violation.

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.

RESULT:	1st Reading [Unanimous]
SPONSOR:	Tiffanie Fisher
SECOND:	Mike DeFusco
AYES:	Doyle, DeFusco, Fisher, Russo, Ramos, Cunningham, Falco, Jabbour
ABSENT:	Jennifer Giattino

18-272

B-20

ORDINANCE OF THE CITY OF HOBOKEN, NJ REPEALING (1) ORDINANCE Z-521, ADOPTED NOVEMBER 13, 2017, AUTHORIZING THE ACQUISITION BY PURCHASE OR CONDEMNATION OF A PORTION OF THE REAL PROPERTY LOCATED AT 901 SINATRA DRIVE, ALSO KNOWN AS BLOCK 259, LOT 1, HOBOKEN, NEW JERSEY NOW OWNED BY UNION DRY DOCK REPAIR COMPANY, AND (2) ORDINANCE B-11, ADOPTED MARCH 15, 2018, AUTHORIZING THE ACQUISITION BY CONDEMNATION OR PURCHASE OF THE REAL PROPERTY LOCATED AT 901 SINATRA DRIVE, ALSO KNOWN AS BLOCK 259, LOT 1, HOBOKEN, NEW JERSEY NOW OWNED BY IMPERIAL MARINE FACILITIES, LLC

WHEREAS, by Ordinance Z-521, adopted November 13, 2017 and Ordinance B-11, adopted on March 15, 2018, the Hoboken City Council authorized the Mayor and/or his designee to acquire the Property located at 901 Sinatra Drive; and,

WHEREAS, the City now wishes to repeal said Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY THAT:

- Section 1. Ordinance Z-521, adopted November 13, 2017, is hereby repealed in its entirety.
- Section 2. Ordinance B-11, adopted March 15, 2018, is hereby repealed in its entirety.
- Section 3. A copy of this Ordinance shall be placed on file with the City Clerk's Office.
- Section 4. This Ordinance shall take effect in accordance with the laws of the State of New Jersey after final passage, approval, and publication.

RESULT:	1st Reading [Unanimous]
SPONSOR:	Tiffanie Fisher
SECOND:	Mike DeFusco
AYES:	Doyle, DeFusco, Fisher, Russo, Ramos, Cunningham, Falco, Jabbour
ABSENT:	Jennifer Giattino

New Business

Councilwoman Jabbour comments that City Hall is lit blue and it is Autism month and we had a nice ceremony from residents acknowledging what autism month means to them and thank Captain England and our first responders working with their community and the Hoboken Special Needs Group

Councilman Cunningham comments last night there was a circulation of the 500 ft. Rule exemption and appreciates Councilman Doyle for his help and would like to get this application filed in the City Clerk's office

Councilman Russo comments on 12th and Madison the lot, who's are they

Patrick Wherry comments that the eastern section is the staging area and west is PSE & G and the northern lot is HPU and acknowledge members of the public involved in the past

Councilwoman Fisher comments on NJ Transit and make sure everyone tags folks on social media and submit letters for their concerns

Councilman DeFusco comments on the PATH Train and illegal parking tickets

And work with the subcommittee and limo licenses and making it to the next sub-committee meeting next week

Councilwoman Falco comments that she met with the Mayor's Chief of Staff John Allen, it's a complex issue in Hoboken, we are all in support of affordable housing, we haven't seen any and we will make a public announcement in the future and get some development and affordable in its entirety

Councilman Doyle comments and echoes Councilman Cunningham on the 500 ft. Rule waiver and the billiard annual license fees vs. \$300 and ask Corporation Counsel to draft an ordinance with new fees and the individual at the last meeting, got a construction permit, they paid \$12K for a fee and if it's appropriate to waive, please get an answer and also about internships for the City

Councilwoman Falco comments that they will be working on it and look for other opportunities to enhance themselves

Council President comments on the 500 ft. Rule waiver, Little League Opening Day was pushed back next week on Saturday, April 14 starting at 10 AM, April 9th at the Wallace School, the presentation for the final NW Resiliency Park (pop up park) maybe come up with a better name, Chief Ferrante update on the flyers and annual community dinner at 221 Jackson St. and last order of business, and looked at Best Practices for the labor and reads off his mobile phone

Corporation Counsel comments and will pursue and research it

Chief Ferrante comments and spoke with Captain Campbell and he told me no longer will have public updates, and leave

At 9:40 PM meeting adjourned of the Governing Body on a motion by Council duly seconded by the Council members

Council President Ramos then adjourned the meeting at 9:40 PM

PRESIDENT OF THE COUNCIL

CITY CLERK