

SPECIAL MEETING OF APRIL 6, 2016

**MINUTES OF A SPECIAL MEETING OF THE COUNCIL OF THE CITY OF HOBOKEN,
NEW JERSEY, HELD IN THE COUNCIL CHAMBERS, CITY HALL, HOBOKEN, NEW
JERSEY, WEDNESDAY, APRIL 6, 2016 AT 6:15 PM**

The City Clerk opened the meeting at 6:26 PM. 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."

Then the Clerk called the roll: Council persons Cunningham, DeFusco, Doyle, Russo, Ramos and President Giattino

Absent: Fisher, Bhalla (arrived at 6:54 PM), Mello

Council President reads the public notice calling for the Special Meeting:

16-214

Thursday, March 31, 2016

Via Hand Delivery

City Clerk James Farina
94 Washington Street
Hoboken, New Jersey 07030

Dear City Clerk Farina:

Please be advised that as the Mayor of the City of Hoboken, I hereby call a Special Meeting of the Governing Body for Wednesday, April 6, 2016 to begin promptly at 6:15 P.M. in the City Council Chambers, 94 Washington Street, First Floor, Hoboken, New Jersey, for the following purpose:

1. RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUANT TO N.J.S.A. 10:4-12(B)(7) AND, SPECIFICALLY, MATTERS OF ATTORNEY CLIENT PRIVILEGE WITH SPECIAL COUNSEL KEVIN KINSELLA, ESQ. RELATING TO THE PSE&G ENERGY STRONG PROGRAM (**submitted by Administration**)

2. RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUANT TO N.J.S.A. 10:4-12(B)(7) AND ATTORNEY CLIENT PRIVILEGE WITH SPECIAL COUNSEL FLORIO KENNY & RAVAL RELATING TO THE SETTLEMENT OF THE PENDING TORT CLAIM MATTER KNOWN AS

FASKIANOS VS CITY OF HOBOKEN D/O/L: JUNE 15, 2014 OUR FILE #: 2015071363
(submitted by Administration)

No action may be taken and no other matters maybe discussed and acted upon at this meeting. Please ensure the City Council Members are noticed of this Special Meeting in accordance with applicable laws and rules. Also, please publicly notice this Special Meeting, as required by the Open Public Meetings Act N.J.S.A. 10:4-6.

Very truly yours,

//s//
Dawn Zimmer
Mayor

Council President comments that they will go into Closed Session

At 6:27 PM the Governing Body entered into Closed Session.

At 6:28PM Special Counsel Kevin Kinsella from DeCottiss Fitzpatrick LLP, came into the Closed Session to brief the City Council.

**Director Forbes
Interim Corporation Counsel Alysia Proko
Mayor Zimmer**

Councilman Bhalla has entered the Closed Session meeting at 6:34 PM

Councilman Mello has entered the Closed Session meeting at 6:34 PM

16-215

**RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS
PURSUANT TO N.J.S.A. 10:4-12(B)(7) AND, SPECIFICALLY, MATTERS OF
ATTORNEY CLIENT PRIVILEGE WITH SPECIAL COUNSEL KEVIN KINSELLA,
ESQ. RELATING TO THE PSE&G ENERGY STRONG PROGRAM**

WHEREAS, the Council of the City of Hoboken is authorized to go into closed executive session for the reasons set forth in the Open Public Meetings Act, including without limitation N.J.S.A. 10:4-12(b)(7) for matters falling within attorney client privilege (for legal guidance on matters for which confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer); and

WHEREAS, the City seeks to enter into such a closed session for purposes of obtaining legal advice from the City's legal counsel, Kevin Kinsella, Esq., regarding the PSE&G Energy Strong program; and

WHEREAS, one of the reasons to go into closed session is to receive advice from legal counsel, which is subject to attorney client privilege and which is offered regarding ongoing legal

matters of the type listed herein; and,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken that it enter into closed session for the herein said purposes; and,

BE IT FURTHER RESOLVED that when the need for confidentiality no longer exists the matters discussed therein will be made available to the public.

Councilman Doyle comments on the acre of land for Madison St. and Marshall St.

Special Counsel comments it's about 2 acres.

Councilman Cunningham comments on the mass of the situation in the center of town

Director Forbes comments that they couldn't consolidate.

Mayor Zimmer comments on Marshall Street site and maybe consider two (2) sub-committee to hear PSE & G to figure out what it's going to look like and how it benefits the neighborhood.

Councilman Ramos comments.

Council President comments on any health concerns.

Special Counsel comments that nothing that he is aware of.

Mayor Zimmer comments on the site being Energy Resilient and how you would like to proceed and explore this.

Councilman Doyle comments on the southern property whether it will be a park.

Mayor Zimmer comments on full ownership and has some other ideas such as vertical farming and creating jobs to the community or a public/private partnership, no decisions have been made and seeing a combination of vertical farming and a micro grid

Councilman Cunningham comments that they can place this in the North End sub-committee.

~~**Quentin Wiest has entered the meeting at 6:40 PM**~~

At 6:39 PM Special Counsel Kevin Kinsella had no further business and has left the Closed Session Meeting.

At 6:40 PM Special Counsel Tom Dennis Laloia from Florio Kenny and Raval, LLP came into the Closed Session to brief the City Council.

16-216

**RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS
PURSUANT TO N.J.S.A. 10:4-12(B)(7) AND ATTORNEY CLIENT PRIVILEGE WITH
SPECIAL COUNSEL FLORIO KENNY & RAVAL RELATING TO THE SETTLEMENT
OF THE PENDING TORT CLAIM MATTER KNOWN AS FASKIANOS VS CITY OF
HOBOKEN D/O/L: JUNE 15, 2014 OUR FILE #: 2015071363**

WHEREAS, the Council of the City of Hoboken is authorized to go into closed executive session for the reasons set forth in the Open Public Meetings Act, including without limitation

N.J.S.A. 10:4-12(b)(7) and for matters falling within attorney client privilege (for legal guidance on matters relating to the settlement of tort claim litigation); and

WHEREAS, the City seeks to settle the tort claim litigation known as **Faskianos vs City of Hoboken; D/O/L: June 15, 2014; OUR FILE #: 2015071363**; and

WHEREAS, one of the reasons to go into closed session is to receive advice from legal counsel, which is subject to attorney client privilege and which is offered regarding pending settlements of the type listed herein; and,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken that it enter into closed session for the herein said purposes; and,

BE IT FURTHER RESOLVED that when the need for confidentiality no longer exists the decisions made therein will be made available to the public.

At 6:47 PM Special Counsel Dennis Laloia had no further business and has left the Closed Session Meeting.

At 6:47 P.M. the Governing Body on a motion by Council duly seconded by the Council.

The City Clerk then adjourned the special meeting at 6:48 P.M.

PRESIDENT OF THE COUNCIL

CITY CLERK