

MEETING OF FEBRUARY 5, 2014

**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,
FEBRUARY 5, 2014 AT 6:30 PM**

President Giattino opened the meeting at 6:33 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 Meeting Act, and that notice 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 Bhalla, Castellano, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino

Absent: ~~Bhalla, Cunningham and Mello~~ (see below)

The City Clerk reads the letter calling a special meeting:

14-95

Thursday, January 30, 2014

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 Closed Session Meeting of the Governing Body for Wednesday, February 5, 2014 to begin promptly at 6:30 P.M. in the City Council Chambers, 94 Washington Street, First Floor, Hoboken, New Jersey, for the following purposes:

- 1. RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUANT TO N.J.S.A. 10:4-12 AND ATTORNEY CLIENT PRIVILEGE RELATING TO NEGOTIATIONS AND SETTLEMENT OF PENDING LITIGATION IN THE MATTER OF CITY OF HOBOKEN V. PONTE EQUITIES, INC., DOCKET NO. L-4095-12**

Action **may not** be taken at this meeting and **no other subjects shall be discussed**. Please ensure the City Council Members are noticed of this Special Closed Session Meeting in accordance with

applicable laws and rules. Also, please publicly notice this Special Closed Session 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 announces to the public that the Governing Body is entering into Closed Session

CLOSED SESSION

Councilwoman Giattino motions and seconded by the Councilman Doyle to enter into Closed Session

To vote to enter into Closed Session:

PRESENT: Council persons Bhalla, Castellano, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino

ABSENT: Mello, Cunningham and Bhalla (see below)

At 6:37 P.M. The Governing Body entered into a closed session.

**Corporation Counsel
BA Wiest
Stephen Marks
Special Counsel Tiena Cofoni**

14-96

---President Giattino

RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUANT TO N.J.S.A. 10:4-12 AND ATTORNEY CLIENT PRIVILEGE RELATING TO NEGOTIATIONS AND SETTLEMENT OF PENDING LITIGATION IN THE MATTER OF CITY OF HOBOKEN V. PONTE EQUITIES, INC., DOCKET NO. L-4095-12

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, for legal guidance on pending litigation, and attorney client privilege; and

WHEREAS, one of these reasons is to receive advice from legal counsel relating to negotiations and settlement of pending litigation in matters (specifically the Matter of **CITY OF HOBOKEN V. PONTE EQUITIES, INC.**, DOCKET NO. L-4095-12; 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 in anticipation of settlement, with regards to the Matter of **CITY OF HOBOKEN V. PONTE EQUITIES, INC., DOCKET NO. L-4095-12;** and,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken that it enter into closed session for 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 6:37 P.M. Special Counsel Ed Buzak, Esq. has entered the meeting to discuss the resolution No. 1****

**Councilwoman Giattino comments
Stephen Marks comments to the Governing Body in regards to the City of Hoboken v. Ponte Equities, Inc. Docket No. L-4095-12
Councilman Occhipinti comments**

*******Councilman Cunningham has arrived to the meeting at 6:41 P.M.*******

*******Councilman Mello has arrived to the meeting at 6:54 P.M.*******

*******Councilman Bhalla has arrived to the meeting at 6:59 P.M.*******

**** At 7:02 P.M. Special Counsel Tiena Cofoni <http://www.capehart.com/Attorneys/Ian-G-Zolty.shtml> has left the table due to no other business during Closed Session ****

At 7:02 P.M. the Governing Body on a motion by Council duly seconded by the Governing Body comes out of Closed Session

Council President reopens the meeting to the public at 7:02 PM

PRESIDENT OF THE COUNCIL

CITY CLERK