

*MEETING OF JANUARY 7, 2014*

**MINUTES OF A MEETING OF THE COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY, HELD IN THE COUNCIL CHAMBERS, CITY HALL, HOBOKEN, NEW JERSEY, TUESDAY, JANUARY 7, 2014 AT 7:00 PM**

---

President Cunningham opened the meeting at 7:03 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, Doyle, Giattino, Mason, Mello, Occhipinti, Russo and President Cunningham

Absent: Castellano, ~~Occhipinti & Russo~~ (see below)

Councilman Bhalla comments and nominates Jennifer Giattino and seconded by Councilman Mello.

**RESOLUTIONS**

**14-1**

---By Councilman Bhalla

**RESOLUTION APPOINTING A COUNCIL PRESIDENT**

Resolution appointing **Jennifer Giattino** as the City Council President; term January 7, 2014 through December 31, 2014.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 6 – NAYS: 1 - ABSENT: 2

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

---Nays: Mason

---Absent: Castellano, Occhipinti

Councilman Russo has arrived to the meeting at 7:06 PM

The speaker who spoke: Patricia Waiters comments on resolution #1-3

Councilman Mello comments and nominates Ravinder Bhalla and seconded by Councilman Doyle.

**14-2**

---By Councilman Mello

**RESOLUTION APPOINTING A COUNCIL VICE PRESIDENT**

Resolution to appoint **Ravi Bhalla** as the City Council Vice President; term January 7, 2014 through December 31, 2014

---Motion duly seconded by Councilman Doyle

---Adopted by the following vote: YEAS: 6 – NAYS: 1 - ABSENT: 2

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

---Nays: Mason

---Absent: Castellano, Occhipinti

**14-3**

---By President Giattino

**RESOLUTION APPOINTING A CLASS III (CITY COUNCIL) REPRESENTATIVE TO THE HOBOKEN PLANNING BOARD**

Resolution to appointing **Ravi Bhalla** as Class III (City Council) representative to the Hoboken Planning Board.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 6 – NAYS: 1 - ABSENT: 2

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

---Nays: Mason

---Absent: Castellano, Occhipinti

**14-4**

---By President Giattino

**RESOLUTION DESIGNATING NEWSPAPERS FOR LEGAL ADVERTISING AND OFFICIAL NOTICES**

**RESOLVED**, that the Jersey Journal, the Newark Star Ledger and the Bergen Record are hereby designated as the official newspapers of the City of Hoboken for all purposes of legal advertising and official notices

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 2

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

---Nays: None.

---Absent: Castellano, Occhipinti

**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 Bhalla to enter into Closed Session**

**To vote to enter into Closed Session:**

**Yeas:** Council persons Bhalla, Castellano, Giattino, Mello, ~~Mason~~, Russo and Council President

**Nays: None.**

**Absent:** Castellano, Occhipinti

**At 7:15 P.M. The Governing Body entered into a closed session.**

**\*\*At 7:16 P.M. Special Counsel Joy Tolliver Esq. has entered the meeting to discuss the labor matter**

**14-5**

---By Councilman 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 LABOR MATTER OF CHIRINO V. CITY OF HOBOKEN**

**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 a labor matter, and attorney client privilege; and

**WHEREAS**, one of these reasons is to receive advice from legal counsel relating to negotiations and settlement of pending labor matter (specifically the Matters of Chirino v. City of Hoboken); 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 Matters of Chirino v. City of Hoboken; 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.

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 6 – NAYS: 1 - ABSENT: 2

---Yeas: Council persons Bhalla, Cunningham, Doyle, Mello, Russo and President Giattino  
---Nays: Mason  
---Absent: Castellano, Occhipinti

**At 7:12 P.M. the Governing Body on a motion by Councilman Bhalla  
duly seconded by the Council President closes the Closed Session**

**At 7:39 PM Special Counsel Joy Tolliver Esq. has left the meeting due to no other business**

**Council President opens the meeting to the public at 7:39 PM to vote on the resolution**

**14-6**

---By Councilwoman Giattino

**RESOLUTION GRANTING MARK TABAKIN, ESQ. OF WEINER LESNIAK  
SETTLEMENT AUTHORITY IN THE LABOR MATTER OF CHIRINO V. CITY OF  
HOBOKEN IN ACCORDANCE WITH THE ATTACHED SETTLEMENT AGREEMENT**

**WHEREAS**, the City of Hoboken is currently involved in a litigation known as Chirino v. City of Hoboken; and,

**WHEREAS**, Mark Tabakin, Esq. of Weiner Lesniak has represented the City's legal interests in that matter, and has recommended a settlement in accordance with the attached settlement agreement; and,

**WHEREAS**, after legal guidance from Mr. Tabakin the City Council finds his suggested settlement to be reasonable, and in the best interest of the City.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Hoboken, that Mark Tabakin, Esq. of Weiner Lesniak is hereby authorized to settle the labor matter of Chirino v. City of Hoboken in accordance with the attached settlement agreement, and the Mayor or her designee is hereby authorized to execute the attached agreement or one which is similar without any substantive changes.

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 2

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

--Nays: None.

Absent: Castellano, Occhipinti

**PUBLIC COMMENTS**

The speaker who spoke: Patricia Waiters.

**14-7**

Communication from Mayor Dawn Zimmer reappointing Brandy Forbes (Class II), Ann Graham (Class IV), Stephen Marks (Mayor's designee) to the Planning Board

Received and Filed.

**14-8**

**APPLICATION FOR MISCELLANEOUS LICENSES**

PARKING FACILITIES-----2 ITEMS  
MUSIC DEVICES-----1 ITEM  
RAFFLES-----1 ITEM

--Councilman Bhalla moved that the licenses be granted.  
--Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 2  
--Yeas: Council persons Bhalla, Cunningham, Doyle, Mason, Mello, Russo and President Giattino  
--Nays: None.  
--Absent: Castellano, Occhipinti

**14-9**

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of December 2013 **\$1,513,259.09 (Abatement Totals – \$32,116.45)**  
Received and Filed.

Received and Filed.

**14-10**

A report from Municipal Court indicating receipts for the month of December 2013 as **\$381,653.58**

Received and filed

**14-11**

--By President Giattino

**CLAIMS**

Total for this agenda **\$1,325,331.49**

--Motion duly seconded by Councilman Bhalla  
--Adopted by the following vote: YEAS: 8 – NAYS: 1 -ABSENT: 1  
--Yeas: Council persons Bhalla, Cunningham, Doyle, Mason, Mello, Russo and President Giattino  
--Nays: Mason (13-04769, 13-05059, 13-04782, 13-04811, 13-02209)  
--Absent: Castellano, Occhipinti.

Council President comments to postpone the Claims to the end of the meeting

Councilwoman Mason comments on PO#13-04769 for the amount of \$148.68 for The Liaison Capitol Hill

Councilman Doyle comments on EZ Pass toll violations 13-05036 for the amount of \$52.15

**14-12**

---By President Giattino

**PAYROLL**

**For the two week period starting November 21, 2013 – December 4, 2013**

<b>Regular Payroll</b>	<b>O/T Pay</b>	<b>Other Pay</b>
\$1,589,545.43	\$57,737.45	\$210,252.18
<b>Total</b>		
\$1,857,535.06		

**Overtime**

For the two week period starting November 21, 2013 – December 4, 2013

<b>Regular Payroll</b>	<b>O/T Pay</b>	<b>Other Pay</b>
\$2,464.39	\$37.95	\$0.00
<b>Total</b>		
\$2,502.34		

**Retro payment**

For the two week period starting November 21, 2013 – December 4, 2013

<b>Regular Payroll</b>	<b>O/T Pay</b>	<b>Other Pay</b>
\$0.00	\$0.00	\$1,296,291.46
<b>Total</b>		
\$1,296,291.46		

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 7 – NAYS: 1 - ABSENT: 2

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

---Nays: Mason (O/T)

---Absent: Castellano, Occhipinti

**PUBLIC PORTION ON RESOLUTIONS**

The speakers who spoke: Patricia Waiters on #11& 18, Victor Vermador, Eduardo Gonzalez.

**CONSENT AGENDA –14-16, 18, 21,22, 23, 25-28**

Pulled from the agenda for discussion: 6-13, 17, 19, 20, 24

Removed by Administration: 11

**Councilman Occhipinti has arrived to the meeting at 8:21 PM**

**RESOLUTIONS (CONTINUED)**

**14-13**

---By President Giattino

**THIS RESOLUTION AUTHORIZES TEMPORARY APPROPRIATIONS FOR THE CALENDAR YEAR 2014**

**WHEREAS**, N.J.S.A. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the calendar year 2014 budget, temporary appropriation should be made for the purpose and amounts required in the manner and time therein provided; and

**WHEREAS**, Twenty Six and two five percent (26.25%) of the total appropriations of the current fund in the calendar year 2013 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund, and public assistance in said calendar year 2013 budget is \$25,680,953.49 and for the Parking Utility is \$3,187,572.94; and

**WHEREAS**, the temporary appropriations in the calendar year 2013 budget for interest and debt redemption charges are requested to be \$7,205,458.00 for the current fund and \$2,537,368.00 for the Parking Utility;

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the City of Hoboken that the following appropriation, which totals \$31,169,261.75 for the current fund including debt service and \$4,739,253.44 for the Parking Utility including debt service, be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his/her records:

--Motion duly seconded by Councilman Bhalla

--Adopted by the following vote: YEAS: 6 – NAYS: 2 - ABSENT: 1

--Yeas: Council persons Bhalla, Cunningham, Doyle, Mello, Occhipinti and President Giattino

--Nays: Mason, Russo

--Absent: Castellano

**14-14**

---By President Giattino

**RESOLUTION APPOINTING THE FOLLOWING LIST OF INDIVIDUALS AS MEMBERS TO THE CITY OF HOBOKEN ZONING BOARD OF ADJUSTMENT**

**WHEREAS**, pursuant to the Code of the City of Hoboken, §44-11, the City of Hoboken has established a Zoning Board of Adjustment; and,

**WHEREAS**, pursuant to an amendment to §44-11, members of the Zoning Board of Adjustment are now appointed by the City Council, rather than the Mayor; and,

**WHEREAS**, there is currently multiple vacancies on the Zoning Board of Adjustment; and,

**WHEREAS**, the City Council has followed the process contemplated by the “Citizens Service Act,” in that applications for the position were publicly sought and reviewed, and the following list of appointees timely submitted their applications to the Clerk of the City of Hoboken;

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Hoboken hereby appoints the following individuals to serve as described below on the City of Hoboken Zoning Board of Adjustment, for the terms described below:

<b>Appointee Name/Address</b>	<b>Current Member</b>	<b>Title</b>	<b>Commencement</b>	<b>Expiration</b>	<b>Term</b>
John Branciforte	vacant	1st Alternate	Jan. 7, 2014	Dec. 2015	31, Two Years
Tiffany Fisher	vacant	2nd Alternate	Jan. 7, 2014	Dec. 2014	31, One year
Antonio Grana	vacant	Regular Member	Jan. 7, 2014	Dec. 2016	31, Three Years
James Aibel	vacant	Chairman	Jan. 7, 2014	Dec. 2017	31, Four Years
Phil Cohen	vacant	Regular Member	Jan. 7, 2014	Dec. 2017	31, Four Years
Brian Urbano	vacant	Regular Member	Jan. 7, 2014	Dec. 2014	31, One Year
Diane Fitzmeyer Murphy	vacant	Regular Member	Jan. 7, 2014	Dec. 2016	31, Three Years
Owen McAnuff	vacant	3rd Alternate	Jan. 7, 2014	Dec. 2015	31, Two Years
Richard Tremitedi	vacant	4th Alternate	Jan. 7, 2014	Dec. 2014	31, One Year

This resolution shall take effect **immediately** upon passage.

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino

---Nays: None.

---Absent: Castellano

**14-15**

---President Giattino

**THIS RESOLUTION APPOINTS DANA WEFER TO THE HOBOKEN HOUSING AUTHORITY FOR THE (5) FIVE YEAR TERM TO EXPIRE ON MAY 3, 2018**

**WHEREAS**, pursuant to the Code of the City of Hoboken 38-1, the City of Hoboken has established a Housing Authority; and

**WHEREAS**, the code of the City of Hoboken 38-2 provides for seven (7) members to serve on the Housing Authority; and

**WHEREAS**, New Jersey Law gives authority to the City Council to appoint (5) five members serving on the Housing Authority; and

**WHEREAS**, the expiration date for the term of office for the position held by Commissioner Jake Stuver was May 3, 2013, which created an open position that the Council now seeks to fill.

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Hoboken hereby appoints Dana Wefer, **Hoboken, New Jersey**, to serve as a member of the Hoboken Housing Authority for the term of five (5) years to expire on May 3, 2018.

--Motion duly seconded by Councilman Bhalla

--Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 1 - ABSTAIN: 1

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

--Nays: None.

--Absent: Castellano

--Abstain: Mason

**14-16**

---By Councilman Mello

**THIS RESOLUTION APPOINTS JAMES SANFORD TO THE HOBOKEN HOUSING AUTHORITY FOR THE REMAINDER OF THE CURRENTLY VACANT (5) FIVE YEAR TERM TO EXPIRE ON MAY 3, 2015**

**WHEREAS**, pursuant to the Code of the City of Hoboken 38-1, the City of Hoboken has established a Housing Authority; and

**WHEREAS**, the code of the City of Hoboken 38-2 provides for seven (7) members to serve on the Housing Authority; and

**WHEREAS**, New Jersey Law gives authority to the City Council to appoint (5) five members serving on the Housing Authority; and

**WHEREAS**, the expiration date for the term of office for the position held by Commissioner Gregory Lincoln was May 3, 2015, which created a vacancy that the Council now seeks to fill.

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Hoboken hereby appoints James Sanford **Hoboken, New Jersey**, to serve as a member of the Hoboken Housing Authority for a term of five (5) years to expire on May 3, 2015.

--Motion duly seconded by Councilman Cunningham  
--Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1  
--Yeas: Council persons Bhalla, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino  
--Nays: None.  
--Absent: Castellano

**14-17**

---By Councilman Mello

**APPOINTING BRIAN ASSADOURIAN AS A HOBOKEN APPOINTED COMMISSIONER TO THE NORTH HUDSON SEWAGE AUTHORITY**

**WHEREAS**, Chapter 64 of the Code of the City of Hoboken establishes the City’s relationship with the North Hudson Sewage Authority (“NHSA”); and

**WHEREAS**, Section 64-2 provides for appointment of Hoboken representatives by the Governing Body to the NHSA; and

**WHEREAS**, the expiration of Commissioner Spaccavento’s previous term occurred on January 13, 2013 requiring a new appointment; and

**WHEREAS**, the Governing Body believes Brian Assadourian should serve in the position as a Commissioner because he has the expertise, skill and character to be a successful representative of the City of Hoboken.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Hoboken hereby appoints Brian Assadourian as a Hoboken Commissioner to the North Hudson Sewage Authority for the term to commence immediately and expire January 13, 2018 pursuant to §62-2 of the Code of the City of Hoboken; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Board of Commissioners of the North Hudson Sewage Authority expeditiously, and published, noticed and posted in accordance with the City’s Citizens’ Service Act.

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

--Motion duly seconded by Councilman Cunningham  
Adopted by the following vote: YEAS: 6 – NAYS: 2 - ABSENT: 1  
Yeas: Council persons Bhalla, Cunningham, Doyle, Mello, Occhipinti and President Giattino  
Nays: Mason, Russo  
Absent: Castellano

**14-18**

---By Councilman Bhalla

**RESOLUTION APPOINTING MUNICIPAL PROSECUTORS FOR THE CITY OF HOBOKEN FOR THE 2014 CALENDAR YEAR, AND AUTHORIZING PROFESSIONAL SERVICE CONTRACTS WITH EACH APPOINTEE FOR SERVICES AS MUNICIPAL**

**PROSECUTOR FOR A ONE (1) YEAR TERM TO COMMENCE ON JANUARY 1, 2014 AND TERMINATE ON DECEMBER 31, 2014 WITH NOT TO EXCEED AMOUNT AS DEFINED HEREIN**

**WHEREAS**, the City of Hoboken requires the services of an chief municipal prosecutor, municipal prosecutor, and alternate municipal prosecutor, and N.J.S.A. 2B:25-1 et seq. defines the procedure for appointment of municipal prosecutors; and,

**WHEREAS**, the Mayor hereby presents to the Council for consideration to the position of municipal prosecutor for the 2014 calendar year the following individuals; and,

Name	Position	CY2014 NTE Amount
Benjamin Choi	Chief Municipal Prosecutor	\$30,000.00
Susan Ferraro	Municipal Prosecutor	\$30,000.00
Bennett Robbins	Alternate Prosecutor	\$5,000.00
Irene Kim Asbury	Alternate Prosecutor	\$2,500.00
Garcia Robert Montilus	Alternate Prosecutor	\$2,500.00

**WHEREAS**, each of the above appointees responded to the City of Hoboken’s Request for Qualifications for the position of Municipal Prosecutor, and the appointments shall be subject to the Request for Qualifications and their accompanying proposal to the extent same are not inconsistent with the terms in the within Resolution; and,

**WHEREAS**, *all the appointees’ proposals were submitted and reviewed in compliance with Hoboken Ordinance #DR-154 (codified as §20A-1 et seq. of the Code of the City of Hoboken), which requires competitive negotiation for Professional Service contracts; and,*

**WHEREAS**, *each appointee shall be required to comply with all local, state and federal laws regarding pay-to-play and public contracting, as well as any local, state or federal laws regarding contributions and reporting; and,*

**WHEREAS**, the appointment is approved as a professional service contract, the appointee shall be considered a per-diem non-employee, the appointee shall be entitled to \$325.00 per court session in lieu of any and all other fees and benefits; accordingly, the appointee is not an employee of the City of Hoboken and therefore is not entitled to any vacation, sick or personal days, longevity, pension credits, or the like;

**WHEREAS**, the City Council hereby assents to the Mayor’s suggestion that the above appointees be appointed to the positions of municipal prosecutor for the 2014 calendar year with the accompanying not to exceed amounts for the annual contracts;

**WHEREAS**, certification of funds is available as follows:

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$70,000.00 is available in the following appropriation 01-201-25-275-XXX in the temporary CY2014 budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2014 temporary appropriation; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.**

**Signed: \_\_\_\_\_, George DeStefano, CFO**

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Hoboken, County of Hudson, hereby appoints the above listed appointees. as the City of Hoboken’s municipal

prosecutors (each for the specific position described above) for the 2014 calendar year in annual amounts not to exceed those listed above for each professional; and,

**BE IF FURTHER RESOLVED** that a professional services contract be authorized with each professional above, for the services of municipal prosecutor from January 1, 2014 through December 31, 2014, which shall include the following terms:

1. The Municipal Prosecutor shall appear at least thirty minutes prior to every Municipal Court session, as needed and as requested by the Municipal Prosecutor.
2. The Municipal Court Sessions are generally scheduled for every Tuesday at 9:00 a.m., and 6:00 p.m., every Wednesday at 9:00 a.m. and every Thursday at 9:00 a.m. unless the Court is closed.
3. The Municipal Prosecutor is also required to appear for a special session on a Monday or Friday if one of the two Municipal Court Judges calls a special session and the chief municipal prosecutor requests the prosecutor's presence.
4. The Municipal Prosecutor shall contact and arrange for the appointed alternate municipal court prosecutor(s) for services upon the sickness, vacation or other absence of the City's regular Municipal Prosecutor. The alternate prosecutors may also be contacted by the Municipal Court Prosecutor to provide prosecuting services when conflicts arise which prevent the regular prosecutors from performing their duties to the City on a case specific basis.
5. The Prosecutor shall serve as Prosecutor at every Tuesday night municipal court session. Should the prosecutor not be able to serve, the prosecutor must select an alternate prosecutor from the authorized list of appointed prosecutors.

**BE IT FURTHER RESOLVED** each professional shall be considered a per-diem non-employee, shall be entitled to \$325.00 per court session in lieu of any and all other fees and benefits; and, accordingly, is not an employee of the City of Hoboken and therefore is not entitled to any vacation, sick or personal days, longevity, pension credits, or the like; and,

**BE IT FURTHER RESOLVED** that this appointment and accompanying contract be for a one (1) year term to commence on January 1, 2014 and expire on December 31, 2014; and,

***BE IT FURTHER RESOLVED** each professional shall be required to comply with all local, state and federal laws regarding pay-to-play and public contracting, as well as any local, state or federal laws regarding contributions and reporting; and,*

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

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

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

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 7 – NAYS: 1 - ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Mason, Mello, Occhipinti and President Giattino

---Nays: Russo

---Absent: Castellano

---By Councilman Bhalla

**RESOLUTION APPOINTING MUNICIPAL PUBLIC DEFENDERS FOR THE CITY OF HOBOKEN FOR THE 2014 CALENDAR YEAR, AND AUTHORIZING PROFESSIONAL SERVICE CONTRACTS WITH EACH APPOINTEE FOR SERVICES AS MUNICIPAL PUBLIC DEFENDERS FOR A ONE (1) YEAR TERM TO COMMENCE ON JANUARY 1, 2014 AND TERMINATE ON DECEMBER 31, 2014 WITH NOT TO EXCEED AMOUNT AS DEFINED HEREIN**

**WHEREAS**, the City of Hoboken requires the services of an chief municipal public defender, municipal public defender, and alternate municipal public defender; and,

**WHEREAS**, the Mayor hereby presents to the Council for consideration to the position of municipal public defenders for the 2014 calendar year the following individuals; and,

Name	Position	CY2014 NTE Amount
Esther Milsted	Chief Municipal Public Defender	\$30,000.00
Katy Theurer	Municipal Public Defender	\$7,000.00
Beattie Padovano	Alternate Public Defender	\$2,500.00
Ron Barnodev	Alternate Public Defender	\$2,500.00

**WHEREAS**, each of the above appointees responded to the City of Hoboken's Request for Qualifications for the position of Municipal Public Defender, and the appointments shall be subject to the Request for Qualifications and their accompanying proposal to the extent same are not inconsistent with the terms in the within Resolution; and,

**WHEREAS**, *all the appointees' proposals were submitted and reviewed in compliance with Hoboken Ordinance #DR-154 (codified as §20A-1 et seq. of the Code of the City of Hoboken), which requires competitive negotiation for Professional Service contracts; and,*

**WHEREAS**, *each appointee shall be required to comply with all local, state and federal laws regarding pay-to-play and public contracting, as well as any local, state or federal laws regarding contributions and reporting; and,*

**WHEREAS**, the appointment is approved as a professional service contract, the appointee shall be considered a per-diem non-employee, the appointee shall be entitled to \$275.00 per court session in lieu of any and all other fees and benefits; accordingly, the appointee is not an employee of the City of Hoboken and therefore is not entitled to any vacation, sick or personal days, longevity, pension credits, or the like;

**WHEREAS**, the City Council hereby assents to the Mayor's suggestion that the above appointees be appointed to the positions of municipal public defender for the 2014 calendar year with the accompanying not to exceed amounts for the annual contracts;

**WHEREAS**, certification of funds is available as follows:

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$42,000.00 is available in the following appropriation 01-201-43-495-XXX in the temporary CY2014 budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2014 temporary appropriation; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.**

Signed: \_\_\_\_\_, **George DeStefano, CFO**

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Hoboken, County of Hudson, hereby appoints the above listed appointees. as the City of Hoboken's municipal public defenders (each for the specific position described above) for the 2014 calendar year in annual amounts not to exceed those listed above for each professional; and,

**BE IF FURTHER RESOLVED** that a professional services contract be authorized with each professional above, for the services of municipal public defenders from January 1, 2014 through December 31, 2014, which shall include the following terms:

1. The Municipal Public Defender shall appear at least thirty minutes prior to every Municipal Court session, as needed and as requested by the Municipal Prosecutor.
2. The Municipal Court Sessions are generally scheduled for every Tuesday at 9:00 a.m., and 6:00 p.m., every Wednesday at 9:00 a.m. and every Thursday at 9:00 a.m. unless the Court is closed.
3. The Municipal Public Defender is also required to appear for a special session on a Monday or Friday if one of the two Municipal Court Judges calls a special session and the chief municipal public defender requests the public defender's presence.
4. The Municipal Public Defender shall contact and arrange for the appointed alternate municipal court public defender(s) for services upon the sickness, vacation or other absence of the City's regular Municipal Public Defender. The alternate public defender may also be contacted by the Municipal Court Public Defender to provide services when conflicts arise which prevent the regular public defender from performing their duties to the City on a case specific basis.
5. The Municipal Public Defender shall serve as Public Defender at every Tuesday night municipal court session. Should the public defender not be able to serve, the public defender must select an alternate public defender from the authorized list of appointed professionals.

**BE IT FURTHER RESOLVED** each professional shall be considered a per-diem non-employee, shall be entitled to \$275.00 per court session in lieu of any and all other fees and benefits; and, accordingly, is not an employee of the City of Hoboken and therefore is not entitled to any vacation, sick or personal days, longevity, pension credits, or the like; and,

**BE IT FURTHER RESOLVED** that this appointment and accompanying contract be for a one (1) year term to commence on January 1, 2014 and expire on December 31, 2014; and,

***BE IT FURTHER RESOLVED*** each professional shall be required to comply with all local, state and federal laws regarding pay-to-play and public contracting, as well as any local, state or federal laws regarding contributions and reporting; and,

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

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

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

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 7 – NAYS: 1 - ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Mason, Mello, Occhipinti and President Giattino

---Nays: Russo

---Absent: Castellano

**14-20**

---By President Giattino

## **RESOLUTION ADOPTING CASH MANAGEMENT PLAN FOR THE CITY OF HOBOKEN**

**WHEREAS**, N.J.S.A. 40A:5-14 of the Local Fiscal Affairs Law requires that every local unit shall adopt a "Cash Management Plan," and,

**WHEREAS**, the City must deposit its funds pursuant to the plan;

**NOW, THEREFORE, BE IT RESOLVED** that the City of Hoboken, County of Hudson and State of New Jersey, hereby adopts the following "Cash Management Plan" to be utilized by the City of Hoboken for the CY 2014; and,

**BE IT FURTHER RESOLVED** that certified copies of this resolution shall be filed with the Director of the Division of Local Government Services, City Auditor, and the Chief Financial Officer of the City of Hoboken (Hudson County).

### **CASH MANAGEMENT PLAN OF THE CITY OF HOBOKEN, COUNTY OF HUDSON AND STATE OF NEW JERSEY**

#### **I. STATEMENT OF PURPOSE**

This Cash Management Plan (the "Plan") is prepared pursuant to the provisions of N.J.S.A. 40A:5-14 in order to set forth the basis of deposits ("Deposits") and investment ("Permitted Investments") of certain public funds of the City of Hoboken, pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments hereinafter referred to.

The intent of the plan is to provide that the decisions made with regard to the Deposits and the Permitted Investments will be done to insure the safety, the liquidity, (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to ensure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

#### **II. DEFINITIONS**

"Arbitrage" refers to the rules and regulations governing the issuance of bonds or notes and the reinvestment of the proceeds at higher yield. These regulations are promulgated by the Internal Revenue Service, Regulation 1.103.

"Certificate of Eligibility" is the certification issued by the New Jersey Department of Banking and Insurance, Division of Banking that a Public Depository is eligible to act as a depository for public funds and qualifies as a participant in the New Jersey Governmental Unit Deposit Protection Act, GUDPA.

"GUDPA" requires a bank that accepts public funds to be a public depository. A "Public Depository" is defined as a state bank, a national bank, a savings bank or association that is located in the State of New Jersey, the deposits of which are insured by the Federal Deposit Insurance Corporation, and

which received or holds public funds on deposit. A local unit may make deposits in, or purchase certificates of deposit from, banks that are located in New Jersey and which meet the requirements of the GUDPA.

“The New Jersey Cash Management Fund.” The New Jersey Division of Investment is authorized pursuant to N.J.S.A. 52-18A-90.4 to establish, maintain and operate, with the approval of the State Investment Council and the State Treasurer, a common trust fund known as the State of New Jersey-New Jersey Cash Management Fund (the”Fund”). The Fund is authorized to accept deposits from all Local Units of government. The Fund is a “common trust” fund pursuant to the statute that created such funds within the jurisdiction of the Division of Investment. According to the enabling legislation, monies of Local Units deposited in the Fund must be invested in obligations and bonds that meet the investment requirements of the statute. These obligations include, among other things, evidences of indebtedness of U.S. corporations. These obligations are less secure than those permitted to Local Units under the Act. Thus, the Fund is riskier than direct investments in federal securities or GUDPA-protected deposits by Local Units.

### III. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY THE PLAN

A) The Plan is intended to cover the deposit and/or investment of the following funds and accounts of the City:

- Current Fund
- Grant Fund
- Trust Assessment Fund
- General Trust Fund
- Animal Control Fund
- Unemployment Insurance Trust Fund
- Serial Bonds Refunding Trust Fund
- General Capital Fund
- Parking Utility Operating Fund
- Parking Utility Capital Fund
- Public Assistance Fund
- Bond & Interest Fund
- Affordable Housing Trust Fund
- Open Space Trust Fund
- Acquisition and Preservation of Historical Structures Account
- Green Acres Trust Account
- Employee Payroll Deduction Account
- Municipal Court General Account
- Municipal Court Bail Account
- Tax Collector’s Revenue Account
- Tax Collector’s PILOT Account
- Tax Collector’s Lien Redemption Account
- Payroll Account
- Workers Compensation Account
- Claims Account
- Developers Escrow Account
- Recreation Trust Fund

B) The Plan is not intended to cover the deposit and/or investment of the following Funds and Accounts of the City:

1. Petty Cash Funds

2. Cash drawn from a Federal Agency under a letter of credit which cash has to be paid out within 5 working days to a vendor?

3. Deposit, retainage, or amounts posted by way of bond, held by the City for such things as faithful performance, if the City would be required by law to pay back any interest earned to the provider of the deposit, except where the City is required by law or court decision to invest the fund.

4. Amounts derived from the sale of bonds or notes, only to the extent that a specific written opinion of counsel states that the earning of (full) interest would result in the bonds or notes being classified as an arbitrage (not Federally Tax Exempt) issue pursuant to federal regulations. To the extent that some interest is allowable, it shall be deposited at the most favorable rate obtainable.

#### **IV. DESIGNATION OF OFFICIALS OF THE CITY OF HOBOKEN AUTHORIZED TO MAKE DEPOSITS AND INVESTMENTS**

The Chief Financial Officer and the Business Administrator (the “Designated Officials”) are hereby authorized and directed to deposit and/or invest the Funds referred to in the Plan and are hereby granted the authority to open and close bank accounts in official depositories as enumerated in Section VII of this Cash Management Plan:

#### **V. STANDARDS OF CARE**

1. The Designated Officials involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions.

2. The Designated Officials shall disclose any material interests in the financial institutions with which business is conducted and they shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City.

3. The Chief Financial Officer, under the direction of the Business Administrator, is responsible for establishing and maintaining internal control. The controls should ensure that the assets of the City are protected from loss, theft, or misuse.

#### **VI. PROCEDURES FOR THE RECEIPT OF MONIES**

##### **A. Department Procedures**

1. A receipt shall be issued in duplicate for all transactions involving the receipt of money. A copy of the receipt shall be given to the paying party and the receiving department shall maintain the duplicate. All payments and receipts must be recorded.

2. All monies collected or received from any source by or on behalf of the Township shall be deposited within forty eight (48) hours of receipt to the designated bank pursuant to N.J.S.A. 40A:5-15.

3. All monies received shall be placed in a secured place until forwarded for deposit.

4. No department, division or agency shall engage in the practice of cashing checks with public funds. Cashing of employee paychecks is prohibited.

## B. Chief Financial Officer (Designated Official)

### 1. The Chief Financial Officer shall:

- a. Deposit all monies collected or received from any source by or on behalf of the City within forty eight (48) hours of receipt to the designated bank pursuant to N.J.S.A. 40A: 5-15.
- b. Ensure that all monies deposited are in interest bearing accounts.
- c. Make recommendations of legal public depositories to the City Council who shall by resolution designate said depositories at the first meeting of the calendar year.
- d. Ensure that each of the various accounts for which there is a separate bank statement is reconciled with that bank statement by the end of the following month.
- e. Verify that designated official depositories submit to the Chief Financial Officer a copy of the State of New Jersey, Department of Banking and Insurance, Governmental Unit Deposit Protection Act notification of Certificate of Eligibility, which must be filed semi-annually in the Department of Banking as of January 1 and December 31 of each year.

## VII. DESIGNATION OF DEPOSITORIES

The City Council approved a resolution on January 4, 2014, which designated the following banks and financial institutions as official depositories for the Deposit of all public funds referred to in the Plan, including any certificates of Deposits which are not otherwise invested in "Permitted Investments" as provided for in this Plan:

BANK OF AMERICA  
BCB COMMUNITY BANK  
CAPITAL ONE  
CITI BANK  
HAVEN SAVINGS BANK  
INVESTORS BANK  
J P MORGAN CHASE BANK  
PNC BANK  
PROVIDENT SAVINGS BANK  
SOVEREIGN BANK  
TD BANK  
VALLEY NATIONAL BANK  
WELLS FARGO

## VIII. AUTHORIZED INVESTMENTS

Except as otherwise specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:

1. Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America.

2. Government Money Market Mutual Funds.

3. Any Obligations that a Federal Agency or a Federal Instrumentality has issued in accordance with an Act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor.

4. Bonds or other obligations of the Local Unit or bonds or other obligations of school districts of which the Local Unit is a part or within which the school district is located.

5. Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of the Treasury for investment by Local Units.

6. Local Government Investment pools.

7. Deposits with the State of New Jersey Cash Management Fund established pursuant to Section 1 of P.L. 1977, c. 281 (C.52:18A-90.4).

8. Agreements for the repurchase of fully collateralized securities if:

a. The underlying securities are permitted investments pursuant to paragraphs "1" and "3" of this subsection a;

b. The custody of collateral is transferred to a third party;

c. The maturity of the agreement is not more than 30 days;

d. The underlying securities are purchased through a public depository as defined in section 1 of P.L. 1970, c.236 (c.17:9-41); and

e. A master repurchase agreement providing for the custody and security of collateral is executed.

For purposes of the above language, the terms "Government Money Market Mutual Fund" and "Local Government Investment Pool" shall have the following definitions:

**Government Money Market Mutual Fund"**

An Investment company or Investment Trust:

a. Which is registered with the Securities and Exchange Commission under the "Investment Company Act of 1940," 15 U.S.C. Sec. 80a-1 et seq., and operated in accordance with 17 C.F.R. sec, 270. 2a-7 and

b. The portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec. 270. 2a-7 and

c. Repurchase agreements that are collateralized by such U.S. Government Securities; and

d. Which has:

- (i) Attained the highest ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or
- (ii) Retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission pursuant to the “Investment Advisors Act of 1940,” with experience investing in U.S. Government Securities for at least the most recent past 60 months and with assets under management in excess of \$500 million.

#### **“Local Government Investment Pool”**

An investment pool:

- a. Which is managed in accordance with 17 C.F.R. sec. 270.2a-7;
- b. Which is rated in the highest category by a nationally recognized statistical rating organization?
- c. Which is limited to U.S. Government securities that meet the definition of “eligible security” pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that collateralized by such U.S. Government securities;
- d. Which is in compliance with rules adopted pursuant to the “Administrative Procedure Act,” P.L. 1968, c.410 (c.52:14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements, and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investments;
- e. Which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value; and
- f. Which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a National or State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967, c.9 (C.49:3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in borrowing on such U.S. Government securities.

#### **IX. SAFEKEEPING CUSTODY PAYMENT**

To the extent that any Deposit or Permitted Investment involves a document or security which is not physically held by the City of Hoboken, then such instrument or security shall be covered by all custodial agreements with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of funds or the Permitted Investments or Deposits. Purchase of any Permitted Investments that involve securities shall be executed by a “delivery versus payment” method to insure that such Permitted Investments are either received by the City of Hoboken or by a third party custodian prior to or upon the release of the City of Hoboken’s funds.

#### **X. CITY AUDITOR**

The City investment practices (including compliance with N.J.S.A. 40A:5-14) and the agreement for banking services and compensation thereof shall be reviewed by the City Auditor as part of the annual audit, as required by N.J.S.A. 40A:5-4. Where a conflict exists between this Cash Management Plan and State Statute, the applicable State Statute shall apply.

## **XI. SURETY BONDS**

- a. The Chief Financial Officer shall be covered by a surety bond. During the annual audit, the City Auditor shall examine said bond to determine that proper coverage has been obtained.
- b. Staff members of the Chief Financial Officer's office, who are employees of the City, shall be covered by a public employee's faithful performances bond in the minimum amount of \$10,000.

## **XII. TERM OF PLAN**

This Plan shall be in effect from January 1, 2014 to December 31, 2014. Attached to this Plan is a resolution of the City Council of the City of Hoboken approving this Plan for such period of time, which may be amended from time to time? To the extent that the Council adopts any amendment, the Designated Official is directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved Plan, which amendment shall be acknowledged in writing in the same manner as the original Plan was so acknowledged.

## **CERTIFICATION**

I, George DeStefano, Chief Financial Officer of the City of Hoboken, have prepared this plan and submitted same to Corporation Counsel and City Council for approval.

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino

---Nays: None.

---Absent: Castellano

## **14-21**

---By President Giattino

## **RESOLUTION AUTHORIZING VARIOUS CITY DEPARTMENTS TO MAINTAIN PETTY CASH AND CHANGE FUNDS**

**WHEREAS,** N.J.S.A. 40A:5-21 authorizes the establishment of petty cash and change funds in any county or municipality; and

**WHEREAS,** various petty cash and change funds were previously established by resolution of the City Council and approval of the Director of the Division of Local Government Services; and

**WHEREAS,** various departments wish to continue the use of petty cash and change funds under the supervision of the Chief Finance Officer.

**NOW, THEREFORE, BE IT RESOLVED,** by the Council of the City of Hoboken, County of Hudson, Sate of New Jersey that the following petty cash and change funds be and are hereby authorized for use during the CY 2014:

<u>Department</u>	<u>Amount</u>	<u>Use</u>	<u>Custodian</u>
Fire Department	\$300.00	Miscellaneous	Fire Chief
Tax Collector	\$300.00	Change Fund	Tax Collector
Construction Code Office	\$100.00	Change Fund	Const Code Officer

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino

---Nays: None.

---Absent: Castellano

**14-22**

---By President Giattino

**RESOLUTION DESIGNATING DEPOSITORIES FOR THE CITY OF HOBOKEN FUNDS**

**WHEREAS**, the following were by resolution heretofore adopted by the governing body of the City of Hoboken designated as legal depositories of said City of Hoboken for CY 2014:

Bank of America	BCB Community Bank
Capital One	Citi Bank
Haven Savings Bank	Investors Bank
J P Morgan Chase Bank	PNC Bank
Provident Savings Bank	Sovereign Bank
TD Bank	Valley National Bank
Wells Fargo	

Now, therefore, be it

**RESOLVED**, that said legally designated depositories be and they are hereby requested, authorized and directed to honor checks, drafts, or other orders for the payment of money drawn in the corporate name of the City of Hoboken, including those payable to the individual order of any person or persons whose names appear thereon as signer or signers thereof, when bearing or purporting to bear the facsimile signature or signatures of any of the following:

Dawn Zimmer, Mayor  
George DeStefano, CMFO

and, be it further -

**RESOLVED**, that said legal depositories as above stated shall be entitled to honor and charge to the specified accounts of the City of Hoboken such checks, drafts, or other regardless of by whom or by what means the actual or purported facsimile signature or signatures thereon may have been affixed thereto if such signature or signatures resemble the facsimile specimens duly certified to or filed with the depositories; and, be it further –

**RESOLVED**, that all previous authorizations for the signing and honoring of checks, drafts, and other orders for the payment of money drawn on said City of Hoboken and signed by

Dawn Zimmer, Mayor  
George DeStefano, CMFO

are hereby ratified and confirmed and are hereby continued in full force and effect as amplified hereby; and, be it further –

**RESOLVED**, that all previous authorization for the signing and honoring of checks, drafts and other orders for the payment of money drawn on said City of Hoboken are hereby continued in full force and effect as amplified hereby; and, be it further –

**RESOLVED**, that the banks mentioned in the first paragraph hereof be furnished with a certified copy of this resolution.

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino

---Nays: None.

---Absent: Castellano

**14-23**

--- By President Giattino

**RESOLUTION TO AUTHORIZE A FINAL CLOSE OUT PAYMENT TO OKIN, HOLLANDER & DELUCA, LLP FOR SERVICES AS SPECIAL LEGAL COUNSEL – BANKRUPTCY TO THE CITY OF HOBOKEN RELATING TO THE BANKRUPTCY FILINGS INVOLVING HOBOKEN UNIVERSITY MEDICAL CENTER IN THE AMOUNT OF \$12,992.77**

**WHEREAS**, the City previously appointed and contracted for the services of Paul S. Hollander, Esq. of Okin, Hollander & DeLuca, LLP to serve as Special Legal Counsel relating to any bankruptcy proceedings commencing in relation to Hoboken University Medical Center; and,

**WHEREAS**, the City is now called upon to make a final payment for services in the amount of Twelve Thousand Nine Hundred Ninety Two Dollars and Seventy Seven Cents (\$12,992.77) Dollars to Okin Hollander & DeLuca, for services rendered in CY2012 and CY2013; and,

**WHEREAS**, there was an emergency need for said service, which was therefore exempt from the fair and open process and the public bidding requirements pursuant to N.J.S.A. 40A:11-6; and,

**WHEREAS**, certification of funds is available as follows:

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$12,997.77 is available in the following appropriations 3-01-20-156-020 in the CY2013 reserve budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2013 reserve budget.**

**Signed: \_\_\_\_\_, George DeStefano, CFO**

**NOW THEREFORE, BE IT RESOLVED** that Okin, Hollander & DeLuca, LLP for the services of Paul Hollander, Esq. to represent the City as Special Legal Counsel in the bankruptcy litigation relating to the Hoboken University Medical Center, shall be provided with a final payment for services in the amount of Twelve Thousand Nine Hundred Ninety Two Dollars and Seventy Seven Cents (\$12,992.77) Dollars; said payment shall be made under the following terms: this shall represent full and final payment for all services rendered to the City from said firm, and no additional funds shall be allowable under the underlying contract or for said services pursuant to any other contract or agreement, whether written or unwritten, whether in law or at equity; and

**BE IT FURTHER RESOLVED** that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of Okin, Hollander & DeLuca, LLP; and

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

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

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

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 6 – NAYS: 2 - ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Mello, Occhipinti and President Giattino

---Nays: Mason, Russo

---Absent: Castellano

Councilman Occhipinti has left the table.

**14-24**

---By President Giattino

**RESOLUTION TO EXTEND THE CONTRACT WITH THE LAW OFFICES OF PAUL CONDON FOR SERVICES AS SPECIAL LEGAL COUNSEL TO THE CITY OF HOBOKEN RELATING TO THE APPEAL OF ANDRIANI V. CITY OF HOBOKEN, APPELLATE DOCKET NO.: A-004484-10, FOR AN ADDITIONAL ONE YEAR TERM WITH NO CHANGE IN THE NOT TO EXCEED AMOUNT**

**WHEREAS**, the City previously appointed and contracted for the services of Paul Condon to serve as Special Legal Counsel relating to Andriani v. City of Hoboken; and,

**WHEREAS**, the above referenced litigation will require the skilled expertise of an experienced attorney to represent the City of Hoboken's interests; and,

**WHEREAS**, Paul Condon has been handling the case from inception, and has gained significant knowledge and legal strategy which will provide specialized knowledge to effectively represent all of the City's interests relating to the above referenced litigation; and,

***WHEREAS**, this special expertise and knowledge, as well as the emergent need for continued expert legal representation, provide a basis for waiving the competitive negotiation provisions of Hoboken Ordinance #DR-154 (codified as §20A-1 et seq. of the Code of the City of Hoboken), as permitted by the Ordinance; and,*

**WHEREAS**, said service is a professional service as defined by N.J.S.A. 40A:11-1 et seq. and as such, is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and,

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

**WHEREAS**, there is an emergent need for Paul Condon’s continued service on the appeal of the matter, which is therefore exempt from the fair and open process and the public bidding requirements pursuant to N.J.S.A. 40A:11-6; and,

**WHEREAS**, certification of funds is not necessary for this contract.

**NOW THEREFORE, BE IT RESOLVED**, (*a majority of the whole Council concurring*) that the contract with Paul Condon to represent the City as Special Legal Counsel in the appeal of the matter of Andriani v. City of Hoboken, Appellate Docket No.: A-004484-10, be heretofore amended for an additional one year term, to commence May 1, 2013 and terminate April 31, 2014, with no change in the not to exceed amount, and with an additional term of contract shall be added as follows: said firm shall, on a going forward basis, be obligated to provide prompt notice to the City when its invoicing reaches 80% of the not to exceed amount if the firm believes additional funds will be necessary, and the City shall have no liability for payment of funds in excess of the not to exceed amount; and

**BE IT FURTHER RESOLVED** that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of Paul Condon; and

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

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

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

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 4 – NAYS: 2 - ABSENT: 2 - PRESENT: 1

---Yeas: Council persons Cunningham, Doyle, Mello and President Giattino

---Nays: Mason, Russo

---Absent: Castellano, Occhipinti

---Present: Bhalla

Councilman Occhipinti has returned to the table.

**14-25**

---By President Giattino

**RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH MARAZITI FALCON HEALEY AS SPECIAL LEGAL COUNSEL- REDEVELOPMENT TO THE CITY OF**

**HOBOKEN TO COMMENCE JANUARY 1, 2014 AND EXPIRE FEBRUARY 28, 2014 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$17,499.00**

**WHEREAS**, service to the City as Special Counsel –Redevelopment is a professional service as defined by N.J.S.A. 40A:11-1 et seq. and as such, is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and,

**WHEREAS**, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Maraziti Falcon Healey responded to on at least one occasion, and having performed the function of special counsel on redevelopment matters over the past year, Maraziti Falcon Healey has specialized knowledge and special skills which are necessary for the proper and effective continuation of representation in those matters until such time as the City can evaluate the CY2014 RFP proposals, and determine and award the annual Redevelopment contract; and,

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

**WHEREAS**, certification of funds is available as follows:

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$17,499.00 is available in the following appropriation 4-01-21-181-036 in the temporary CY2014 budget; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2014; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.**

**Signed: \_\_\_\_\_, George DeStefano, CFO**

**NOW THEREFORE, BE IT RESOLVED**, that a contract with **Maraziti Falcon Healey** to represent the City as Special Legal Counsel- Redevelopment be awarded, for a term to commence January 1, 2014 and expire February 28, 2014, for a total not to exceed amount of Seventeen Thousand Four Hundred Ninety Nine Dollars (\$17,499.00); and

**BE IT FURTHER RESOLVED**, the contract shall include the following term: **Maraziti Falcon Healey** shall be paid maximum hourly rates of \$190.00/hour for attorneys when charged to the City, \$225.00/hour for attorneys when charged to a party other than the City, \$50.00/hour for paralegals, and \$20/hour for support staff for services rendered, these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

**BE IT FURTHER RESOLVED**, this contract shall cover both outstanding and new redevelopment matters, and new matters will be assigned to the firm as they become available and the City Administration determines the firm’s services are appropriate for any particular matter; this contract shall not be for a sum certain but rather, a retainer, the matters on which to be retained shall be determined as the need arises at the sole discretion of the City; and, this contract is not a guarantee of availability of services or assignment; and,

**BE IT FURTHER RESOLVED**, the contract shall expressly state that said firm shall be obligated to provide prompt written notice to the City when its invoicing reaches 80% of the not to exceed amount, if the firm believes additional funds will be necessary, and the City shall have no liability for payment of funds in excess of the not to exceed amount; and

**BE IT FURTHER RESOLVED** that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of **Maraziti Falcon Healey**; and

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

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

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

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino

---Nays: None.

---Absent: Castellano

**14-26**

---By President Giattino

**RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH PRINCETON HYDRO, LLC FOR PROFESSIONAL PLANNING AND ENGINEERING SERVICES TO PREPARE A POST-SUPERSTORM SANDY DISASTER PLAN FOR A MAXIMUM ONE YEAR TERM AND FOR A TOTAL NOT TO EXCEED AMOUNT OF \$198,907.00**

**WHEREAS**, services to the City of Hoboken (the “City”) as a professional planner and professional engineer constitute professional services as defined by N.J.S.A. 40A:11-1 et seq. and, as such, are exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and,

**WHEREAS**, the City seeks to award a contract for a professional planning and engineering services to prepare a post-Superstorm Sandy Disaster Plan, and based on a recommendation dated December 30, 2013, a copy of which is attached, the City has chosen Princeton Hydro, LLC for a one-year term with a not to exceed amount of One Hundred Ninety-Eight Thousand Nine Hundred Seven Dollars (\$198,907.00); and,

***WHEREAS**, Princeton Hydro, LLC is hereby required to abide by the “pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 et seq. of the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates, and the award and continuation of this contract are subject to continued compliance and may be terminated if the vendor is found to be noncompliant during the term of the contract; and,*

**WHEREAS**, certification of funds for this contract is available as follows:

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$198,907.00 is available from the Post Sandy Planning Assistance Grant in the CY2014 temporary**

appropriations; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2014 temporary appropriations; and I further certify that the funds being appropriated are intended for the purposes herein appropriated.

Signed: \_\_\_\_\_, **George DeStefano, CFO**

**NOW THEREFORE, BE IT RESOLVED**, that a contract with Princeton Hydro, LLC for professional planning and engineering services for a post-Superstorm Sandy disaster plan, in accordance with the scope of work detailed in its October 24, 2013 proposal, a copy of which is attached hereto, and the City's RFQ – Request for Quotes, which is also attached hereto, the maximum term shall be one year from the date of award; and, the total not to exceed amount shall be One Hundred Ninety-Eight Thousand Nine Hundred Seven Dollars (\$198,907.00); and

**BE IT FURTHER RESOLVED** that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of Princeton Hydro, LLC; and

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

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

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

---Motion duly seconded by Councilman Bhalla

Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

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

---Nays: None.

---Absent: Castellano.

**14-27**

---By President Giattino

**RESOLUTION AUTHORIZES AN AMENDMENT TO THE EMERGENCY PROFESSIONAL SERVICE CONTRACT AWARDED TO BOSWELL ENGINEERING FOR DAMAGE ASSESSMENT (ENGINEERING) IN THE WAKE OF HURRICANE SANDY IN AN ADDITIONAL NOT TO EXCEED AMOUNT OF SEVENTEEN THOUSAND DOLLARS (\$17,000.00), WHICH CONSTITUTES A TOTAL NOT TO EXCEED AMOUNT OF FORTY SEVEN THOUSAND DOLLARS (\$47,000.00), AND FOR AN ADDITIONAL ONE MONTH PERIOD TO TERMINATE JUNE 30, 2014**

**WHEREAS**, the City of Hoboken was faced with an emergency situation which has the potential to create serious risks to the safety, health and welfare of the general public, specifically, the debris remaining throughout the City and the financial hardships of the local government which resulted from Hurricane Sandy; and,

**WHEREAS**, the Administration consulted and negotiated with the City Engineer for professional services relating to damage assessment (engineering) resulting from the hurricane, and thereafter entered into an emergency contract for said services in accordance with N.J.S.A. 40A:11-6 and Hoboken Code § 60-11; and,

**WHEREAS**, in accordance with the direction of the City Business Administrator, the City Administration awarded an emergency contract to the City's General Engineer for services as engineer for emergent disaster assessment within the City following Hurricane Sandy, and the Council ratified the award of the contract to Boswell Engineering for a total contract amount of Thirty Thousand Dollars (\$30,000.00), with a six (6) month term to commence on November 13, 2012; and,

**WHEREAS**, the Council is now asked to authorize an amendment to the contract to increase the not to exceed amount by Seventeen Thousand Dollars (\$17,000.00), and for an additional month so that the contract shall terminate on June 30, 2013; and,

**WHEREAS**, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$17,000.00 is available in the account "Reserve-2012 Hurricane Sandy Special Emergency"; and I further certify that this commitment together with all previously made commitments does not exceed the balance available for this purpose.

**Signed:** \_\_\_\_\_, **George DeStefano, CFO**

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken that the amendment to the emergency contract with the below listed vendor is authorized and ratified for an additional one month period to terminate on June 30, 2013, and for an amount not to exceed Seventeen Thousand Dollars (\$17,000.00), resulting in a total not to exceed amount of Forty Seven Thousand Dollars (\$47,000.00), as follows:

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

Boswell Engineering  
South Hackensack, New Jersey

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 6 – NAYS: 1 - ABSENT: 2

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

---Nays: Mason

---Absent: Castellano, Occhipinti

---By President Giattino

**AUTHORIZING AND SUPPORTING THE CITY OF HOBOKEN SUBMISSION OF A 2013 OPEN SPACE GRANT APPLICATION TO THE HUDSON COUNTY OPEN SPACE TRUST FOR HOBOKEN COVE PARK AND BOATHOUSE IMPROVEMENTS**

WHEREAS, the Hudson County Open Space, Recreation and Historic Preservation Trust Fund (“County Trust Fund”) provides matching grants to municipal governments and to nonprofit organizations who are sponsored by their local municipality for assistance in the development or redevelopment of park improvements; and

WHEREAS, the City of Hoboken desires to further the public interest by obtaining a matching grant of \$500,000.00 from the County Trust Fund to fund the following project: Hoboken Cove Park and Boathouse; and

WHEREAS, the governing body has reviewed the County Trust Fund Program Statement, and the Trust Fund Park Improvement application and instructions and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and

WHEREAS, the County of Hudson shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Hudson for the above-named project and ensure its completion on or about the project contract expiration date.

**NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hoboken:**

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of January 17, 2014, as established by the County; and
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the City Council of the City of Hoboken has, or will secure, the balance of the funding necessary to complete the project, or modify the project as necessary; and
3. That the City Council of the City of Hoboken is committed to providing a match for the project in the amount of \$250,000.00; and
4. That only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement; and
5. That the City Council of the City of Hoboken agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,
6. That this resolution shall take effect immediately.

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

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

---Nays: None.

---Absent: Castellano, Occhipinti.

**14-29**

---By President Giattino

## RESOLUTION FIXING THE INTEREST RATE CHARGES ON NON-PAYMENT OF TAXES

WHEREAS, the Tax Collector is hereby authorized and directed to charge 8% per annum on the first \$1,500.00 of taxes becoming delinquent after due date and 18% per annum on any amount of taxes in excess of \$1,500.00 becoming delinquent after due date and,

WHEREAS, effective January 1, 2014, there will be a ten (10) day grace period of quarterly tax payments made by cash, check or money order.

WHEREAS, any payments not made in accordance with paragraph two of this resolution shall be charged interest set forth in paragraph one of this resolution from the due date.

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector is hereby directed to proceed as set forth in the paragraphs above; and,

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to send two direct mailings for Tax Sale and collect a charge of \$25.00 each in compliance with N.J.S.A. 54:5-26; and,

BE IT FURTHER RESOLVED, that the Tax Collector be and hereby is authorized to include in said sale any and all unpaid sewer charges certified to the Tax Collector from North Hudson Sewer Authority; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be provided by the Municipal Clerk to the Tax Collector, the City Attorney and the City Auditor for the City of Hoboken.

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino

---Nays: None.

---Absent: Castellano.

### CLOSED SESSION

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

To vote to enter into Closed Session:

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

ABSENT: Castellano

At 9:21 P.M. The Governing Body entered into a closed session.

Huey A. McGuire  
Vincent Lapaglia, Esq.  
Tax Assessor Sal Bonaccorsi  
BA Wiest

**14-30**

---By 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 TAX APPEALS MATTERS**

**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 a pending litigation and attorney client privilege; and

**WHEREAS**, one of these reasons is to go into closed session is to receive advice from legal counsel relating to negotiations and settlement of pending tax appeals in matters (specifically the Matter of Block 224 Lot 1); 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 of pending tax appeals in matters (specifically the Matter of Block 224 Lot 1); 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.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 7 – NAYS: 1 -ABSENT: 1

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

---Nays: Mason

---Absent: Castellano

At 9:22 P.M. the Governing Body on a motion by Councilman Bhalla duly seconded by the Council President comes out of Closed Session

At 9:23 P.M. Huey A McGuire along with the Tax Assessor gives an overview of the matters of Tax appeals in Closed Session

At 9:34 PM Huey A McGuire, the Tax Assessor and Vincent Lapaglia, Esq. has left the meeting due to no other business

Council President reopens the meeting to the public at 9:49 PM to vote on the resolution #24.

**14-30A**

---By President Giattino

**RESOLUTION AUTHORIZING THE REFUND OF TAX APPEALS  
STATE TAX COURT**

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

**WHEREAS**, Sharon Curran, Collector of Revenue recommends that the refunds be made;

**NOW THEREFORE BE IT RESOLVED**, that a warrant be drawn on the City Treasurer made payable to the following totaling **\$ 498,408.53**

<b><u>NAME</u></b>	<b><u>BL/LOT/UNIT</u></b>	<b><u>PROPERTY</u></b>	<b><u>YEAR</u></b>	<b><u>AMOUNT</u></b>
McCarter & English, LLP 100 Mulberry Street Four Gateway Center Newark, NJ 07102	224/1	38-40 First St	2011	\$140,986.71
McCarter & English, LLP 100 Mulberry Street Four Gateway Center Newark, NJ 07102	224/1	38-40 First St	2012	\$165,741.72
McCarter & English, LLP 100 Mulberry Street Four Gateway Center Newark, NJ 07102	224/1	38-40 First St	2013	\$191,680.10

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 8 – NAYS: 0 -ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino

---Nays: None.

---Absent: Castellano

**14-31**

---By President Giattino

**RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS**

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

**WHEREAS**, Sharon Curran, Collector of Revenue recommends that refunds be made;

**NOW THEREFORE BE IT RESOLVED**, that a warrant be drawn on the City Treasurer made payable to the following totaling **\$ 17,058.97**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Alves, Pedro & Kristina 201 Harrison St. #2B Hoboken, NJ 07030	36/1/C002B	201 Harrison St/ 650 Second St	2/13	\$ 2,648.12
Dovenmuehle Mortgage Att: Tax Dept 1216 Charles St. Elgin, IL 60120	195/13	827 Garden St	4/13	\$ 3,416.43
SunTrust Mortgage Att: D. Evans RVW3166 1001 Semmes Avenue Richmond, VA 23224	209/27/C002L	1016 Washington St	1/13	\$ 1,501.89
Citi Mortgage P O Box 23689 Rochester, NY 14692	243/5/C0004	1107 Washington St	1/13	\$ 1,323.24

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino

---Nays: None.

---Absent: Castellano.

**14-32**

---By President Giattino

**RESOLUTION AUTHORIZING THE REFUND OF TAX APPEALS  
STATE TAX COURT**

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

**WHEREAS**, Sharon Curran, Collector of Revenue recommends that the refunds be made;

**NOW THEREFORE BE IT RESOLVED**, that a warrant be drawn on the City Treasurer made payable to the following totaling **\$ 7,655.11**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
Sierko, Michael R & Ameer Carothers 1500 Garden St. #1F Hoboken, NJ 07030	268.01/1/C001F	1501 Garden/1500 Bloomfield	2010	\$ 2,253.88
Sierko, Michael R & Ameer Carothers 1500 Garden St. #1F	268.01/1/C001F	1501 Garden/1500 Bloomfield	2011	\$ 2,194.98

Hoboken, NJ 07030

Sierko, Michael R & Amee      268.01/1/C001F      1501 Garden/1500      2012      \$ 3,206.25  
Carothers      Bloomfield  
1500 Garden St. #1F  
Hoboken, NJ 07030

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino

---Nays: None.

---Absent: Castellano.

**14-33**

---By President Giattino

**RESOLUTION AUTHORIZING THE CANCELLATION OF OVER BILLED  
1<sup>ST</sup> & 2<sup>ND</sup> QUARTERS OF 2014 ON PROPERTY THAT IS EXEMPT**

**WHEREAS**, a billed amount of taxes on property listed below that is exempt: and

**WHEREAS**, cancellation be made as per Sal Bonacorsi, Tax Assessor; now, therefore, be it-

**RESOLVED**, that a cancellation be made on the City Tax Records on the list totaling **\$14,969.76**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
N J Transit Corp One Penn Plaza East Newark, NJ 07105-2246	144/4	1711-13 Adams St	1 <sup>st</sup> & 2 <sup>nd</sup> 2014	\$1,799.25
N J Transit Corp One Penn Plaza East Newark, NJ 07105-2246	144/6	1714-1722 Grand St	1 <sup>st</sup> & 2 <sup>nd</sup> 2014	\$7,772.76
N J Transit Corp One Penn Plaza East Newark, NJ 07105-2246	144/16	1710-12 Grand St	1 <sup>st</sup> & 2 <sup>nd</sup> 2014	\$1,799.25
N J Transit Corp One Penn Plaza East Newark, NJ 07105-2246	145/3	1711-13 Grand St	1 <sup>st</sup> & 2 <sup>nd</sup> 2014	\$1,799.25
N J Transit Corp One Penn Plaza East Newark, NJ 07105-2246	145/10	1710-12 Clinton St	1 <sup>st</sup> & 2 <sup>nd</sup> 2014	\$1,799.25

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino  
---Nays: None.  
---Absent: Castellano.

**14-34**

---By President Giattino

**RESOLUTION AUTHORIZING THE REFUND OF TAX APPEALS  
STATE TAX COURT**

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

**WHEREAS**, Sharon Curran, Collector of Revenue recommends that the refunds be made;

**NOW THEREFORE BE IT RESOLVED**, that a warrant be drawn on the City Treasurer made payable to the following totaling **\$ 4,753.99**

**REFUNDS ON THE FOLLOWING TAX APPEALS ARE TO BE MADE PAYABLE TO:**

<b><u>NAME</u></b>	<b><u>BL/LOT/UNIT</u></b>	<b><u>PROPERTY</u></b>	<b><u>AMOUNT</u></b>
Phillips, Joshua 195/23 847 Garden Street Hoboken, NJ 07030		847 Garden Street	\$3,819.20 Added Assessments
Wells Fargo Home Mortgage 1 Home Campus Des Moines, IA 50328-0001	269.02/1/C0703	1450 Washington St.	\$934.79 Added Assessments

---Motion duly seconded by Councilman Bhalla  
---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1  
---Yeas: Council persons Bhalla, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino  
---Nays: None.  
---Absent: Castellano.

**ORDINANCES**

Introduction and First Reading

**14-35**  
**Z-272**

ORDINANCE OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY,  
CANCELLING \$300,000 OF AN UNFUNDED EMERGENCY APPROPRIATION BALANCE  
HERETOFORE ADOPTED TO PROVIDE FOR THE COSTS ASSOCIATED WITH A REAL  
PROPERTY REVALUATION PROJECT AUTHORIZED BY ORDINANCE Z -204

---

**BACKGROUND**

**WHEREAS**, the City Council of the City of Hoboken, County of Hudson, New Jersey ("City") has heretofore duly and finally adopted ordinance Z-204 ("Ordinance") authorizing an emergency appropriation to fund the costs of associated with a complete real property revaluation program in and for the City ("Revaluation Project") in accordance with the New Jersey Local Budget Law (N.J.S.A. 40A:4-1 et seq.) and, in particular, in accordance with N.J.S.A. 40A:4-53(b), all as more particularly set forth in the Ordinance; and

**WHEREAS**, the City has determined that the costs of the Revaluation Project will be less than was originally contemplated and authorized by said Ordinance; and

**WHEREAS**, it is the desire of the City to permanently cancel a portion of the unfunded emergency appropriation balance authorized by the Ordinance not necessary to fund the costs of the Revaluation Project.

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

**Section 1.** The sum of \$300,000 remaining as an unfunded emergency appropriation balance in the Ordinance heretofore adopted by the City is hereby permanently cancelled.

**Section 2.** The balance of the unfunded emergency appropriation balance heretofore authorized by the Ordinance in the amount of \$1,000,000 shall remain unaffected by this ordinance and shall remain available to pay for the costs of the Revaluation Project.

**Section 3.** The Capital Budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith, and any resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the City Clerk and available for inspection.

**Section 4.** All other ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 5.** This ordinance shall take effect immediately upon adoption.

President Giattino moved that the ordinance pass its first reading as read and be laid off the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **January 22, 2014** at 7:00 PM.

--Motion duly seconded by Councilman Bhalla

--Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

--Yeas: Council persons Bhalla, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and Giattino

--Nays: None

--Absent: Castellano

**14-36**  
**Z-273**

AN ORDINANCE TO AMEND CHAPTER 4 ENTITLED "DEPARTMENT OF COMMUNITY ADMINISTRATION" AND CHAPTER 20 ENTITLED "COMMUNITY DEVELOPMENT" TO MOVE THE ZONING OFFICE FROM ADMINISTRATION TO COMMUNITY DEVELOPMENT

**WHEREAS**, the City has determined that it is more effective and efficient to have the City's Zoning Office, including without limitation, the Zoning Officer, moved from the Department of Administration to the Department of Community Development.

**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 CHAPTER 4**

##### § 4-2 Divisions enumerated.

The Department shall embrace and there is hereby allocated and assigned thereto the Office of the Business Administrator, Division of Personnel and Health Benefits, Division of Purchasing, Division of Constituent Services, the Corporation Counsel, ~~the Zoning Officer~~, the Construction Code Official, Board of Alcoholic Beverage Control, Office of Licensing and Inspections, and all of the administrative functions, powers and duties relating thereto.

#### **SECTION TWO: AMENDMENTS TO CHAPTER 20**

##### § 20-1 Establishment.

There is hereby created and established in the government of the City of Hoboken a department that shall be known as the Department of Community Development. The Zoning Office, including without limitation, the Zoning Officer shall hereinafter be a division of the Department of Community Development.

##### § 20-2 Personnel.

There is hereby assigned and transferred to said Department all the subordinate officers and employees in the Office of Waterfront Development in the City of Hoboken, as well as the Zoning Office of the City of Hoboken, holding their offices and positions under tenure of office under any law of this state or Title 11A, Civil Service, of the Revised Statutes of New Jersey and now exercising and performing any of the functions, powers and duties in the offices.

#### **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.

President Giattino moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **January 22, 2014** at 7:00 PM.

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino

---Nays: None.

---Absent: Castellano

**14-37**  
**Z-274**

AN ORDINANCE TO MAKE A CORRECTIVE AMENDMENT TO ORDINANCE Z-258 ENTITLED “AN ORDINANCE TO APPROVE AND AUTHORIZE THE USE OF THE ATTACHED MAPS IN ACCORDANCE WITH N.J.S.A. 2C:35-7 AND N.J.S.A. 39:4-50

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DO ORDAIN AS FOLLOWS (ADDITIONS UNDERLINED);

1. The Title Shall Be Changed To: “An Ordinance to Approve and Authorize the Use of the Attached Maps in Accordance with N.J.S.A. 2C:35-7, N.J.S.A. 2C:35-7.1, and N.J.S.A. 39:4-50”
2. Paragraph One Shall State: “The attached Drug Free School Zone Map and Public Park and Recreation Map, and all attachments thereto, shall become legally valid and enforceable, shall be properly executed by the Mayor or her designee and an Engineer authorized by the City of Hoboken, as provided by law according to N.J.S.A. 2C:35-7, N.J.S.A. 2C:35-7.1, and N.J.S.A. 39:4-50, and shall be complied with and enforced by and on behalf of the City of Hoboken.”
3. The remainder of the original Ordinance Z-258 shall remain unchanged, including without limitation the maps as originally adopted.

All ordinances or parts of ordinances inconsistent herewith are herewith repealed. This ordinance shall take effect as provided by law.

President Giattino moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **January 22, 2014** at 7:00 PM.

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino

---Nays: None.

---Absent: Castellano

**14-38**  
**Z-275**

AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE  
ESTABLISHING A SCHEDULE OF CLASSIFICATIONS AND ALLOCATIONS OF  
TITLE FOR THE MENTIONED POSITIONS IN THE CITY OF HOBOKEN

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DO ORDAIN AS FOLLOWS:

4. The Alphabetical List of Titles, City of Hoboken, set forth in City Code to which this Ordinance is an amendment and supplement shall be, and the same is hereby, amended and supplemented so that the titles, salaries and ranges contained herein shall be amended as follows on the attached list, which is incorporated by reference. The remainder of the Alphabetical List of Titles, City of Hoboken, set forth in the City Code shall remain unchanged as a result of this Ordinance.
5. If the Alphabetical List of Titles, City of Hoboken, herein set forth contains any position or positions which are not enumerated in the Plan for the Standardization of Municipal Class Titles, which is a part of the Code to which this Ordinance is an amendment, then in that event, the duties of the said position or positions shall be those which pertain to the particular position and positions set forth in any other ordinance adopted and now in force and effect in any statute of the State of New Jersey.
6. The provisions of this Ordinance shall in no way affect the tenure or Civil Service status of any employees presently employed by the City of Hoboken in any of the various positions set forth in the Alphabetical List of Titles, City of Hoboken.
7. The Alphabetical List of Titles referred to herein as well as the base salary ranges for all positions in the City shall be on file in the Office of the City Clerk.
8. All ordinances or parts of ordinances inconsistent herewith are herewith repealed.

Title	Minimum	Maximum Eff 1-1-13	Maximum Eff 1-1-2014
Assistant/Deputy Business Administrator	\$75,000	\$125,000	\$137,500
Business Administrator	\$80,000	\$150,000	\$162,500
Confidential Aide Assistant to the Mayor	\$28,840	\$71,500	\$78,000
Corporation Counsel	\$50,000	\$109,318	\$137,500
Community Development Director	\$75,000	\$125,000	\$137,500
Environmental Services Director	\$75,000	\$125,000	\$137,500
Finance Director	\$75,000	\$125,000	\$137,500
Human Services Director	\$75,000	\$125,000	\$137,500
Public Safety Director	\$27,500	\$125,000	\$137,500
Transportation & Parking Director	\$75,000	\$125,000	\$137,500

President Giattino moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **January 22, 2014** at 7:00 PM.

--Motion duly seconded by Councilman Bhalla

--Adopted by the following vote: YEAS: 5 – NAYS: 3 - ABSENT: 1

--Yeas: Council persons Bhalla, Cunningham, Doyle, Mason and President Giattino

--Nays: Mason, Occhipinti, Russo

--Absent: Castellano

**14-39A**

---By President Giattino

**RESOLUTION TO INVOKE THE DOCTRINE OF NECESSITY TO ALLOW CONFLICTED MEMBERS OF THE CITY COUNCIL TO VOTE ON AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 155 OF THE CITY CODE, ENTITLED “RENT CONTROL”**

**WHEREAS**, the New Jersey Local Government Ethics Law (the “Law”), *N.J.S.A. 40A:9-22.2* to 22.25, provides that no local government officer shall take official action in any matter in which said member may have or has a conflict of interest from voting on the matter before the governmental agency; and

**WHEREAS**, a majority of the City Council members have or may have conflicts of interest as defined by the Law relative to the Rent Control Ordinance, as disclosed herein:

1. Council member Ravi Bhalla
2. Council member Theresa Castellano
3. Council member Peter Cunningham
4. Council member Jennifer Giattino
5. Council member Timothy Occhipinti
6. Council member Michael Russo
7. Councilman Mello
8. Councilman Doyle

**WHEREAS**, as a result of the foregoing, the listed Council members are prohibited from voting on whether or not the City Council will accept the proposed changes to the Rent Control Ordinance; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Hoboken hereby invokes the Doctrine of Necessity for the purpose of permitting all Council members to vote on whether or not the City Council will accept the proposed changes to the Rent Control Ordinance; and

**BE IT FURTHER RESOLVED** that this Resolution be read at the regularly scheduled public Council meeting, posted where the City Council normally posts public notices for thirty (30) days and forwarded to the Department of Community Affairs by the City Clerk.

--Motion duly seconded by Councilman Bhalla

--Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

--Yeas: Council persons Bhalla, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino

--Nays: None.

--Absent: Castellano

**14-39**  
**Z-276**

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 155 ENTITLED "RENT CONTROL"

WHEREAS, certain factual situations have arisen which has resulted in the City Council reconsidering the decontrolling and base rent calculations of previously owner occupied condominiums and cooperatives within the City. Nothing in this ordinance shall be construed to extend coverage of rent control to any property otherwise not covered by Chapter 155.

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 § 155-1

§ 155-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AVAILABLE FOR RENT TO TENANTS

Buildings or dwellings fit for habitation as defined by statutes, codes and ordinances in full force and effect in the State of New Jersey, County of Hudson and City of Hoboken and occupied or unoccupied and offered for rent.

BASE RENT

The legal rent charged or actually received by the landlord for the rental of housing space on January 11, 1973, or if not occupied at that date, the "base rent" shall be that actually charged to and received from the ~~provisions~~ previous tenant, plus any increases under Article II of this chapter. The "base rent" may be changed only with the approval of the Rent Leveling and Stabilization Board. The "base rent" for dwelling units under § 155-2B, G and H shall be the first rental upon the exemptions set forth in said subsections. Upon vacancy and or change in tenant, the "base rent" for all dwelling units shall be the new rental agreed upon by the new tenant, provided that the same is in accordance with the provisions of this chapter. When dwellings make the transition from rent regulation by a governmental agency that acts pursuant to federal or state law to regulate rents to rent regulation by this chapter as defined in § 155-2.1, the initial base rent following the transition shall be as set forth in § 155-2.1.

CAPITAL IMPROVEMENT

A substantial change in the housing accommodations, such as would materially increase the rental value in a normal market. It is different from ordinary repair, replacement and maintenance. A "capital improvement" is of such a nature, extent and expense that it benefits the building and the tenants' enjoyment thereof with a degree of permanency. A "capital improvement," to qualify under this chapter as such, must have a useful life of at least five years.

CONDO/COOP OWNER/OCCUPANT(S)

Individuals who own and reside in a condo/coop shall be considered bona fide condo/coop owner/occupant(s), hereinafter referred to as bona fide CCOO, if they meet the requirements established in Section 155-35.

CONSUMER PRICE INDEX

The "consumer price index" (all items base year 1967-100) for the region of the United States of which Hoboken is a part published periodically by the United States Department of Labor, Bureau of Labor Statistics.

DWELLING

Any building or structure or trailer or land used as a trailer park rented or offered for rent to one or more tenants or family units.

EQUITY IN REAL PROPERTY INVESTMENT

The actual cash contribution of the purchaser at the time of closing of title and any principal payments to outstanding mortgages.

FAIR RETURN

The percentage of return of equity in real property investment. The amount of return shall be measured by the net income before depreciation. A "fair return" on the equity investment in real property shall be considered to be 6% above the maximum passbook demand deposit savings account interest rate available in the City of Hoboken. The six-percent figure is provided to reflect the higher risk and lesser liquidity of real property investment in comparison to savings account investments.

HOUSING SPACE

Includes that portion of a dwelling rented or offered for rent for living and dwelling purposes with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such portion of the real property.

JUST CAUSE FOR EVICTION

The landlord recovered possession of a housing space or dwelling for one of the reasons outlined in New Jersey State law (N.J.S.A. 2A:18-53 as amended).

LIVING AREA

The amount of total rentable space applicable to any given housing space, measured either in terms of rooms or square footage.

NEWLY CONSTRUCTED DWELLING

A dwelling located in a building, which building is new in all respects; that is, from the ground up, and the exterior structure, the exterior and interior walls and all systems are new.

NOT VACANT THROUGH UNLAWFUL MEANS

The tenant has not vacated or been forced to vacate the dwelling involuntarily; that is, due to harassment, duress, wrongful acts or unreasonable pressure from the landlord or his agents. A legal eviction is not an involuntary vacation under this definition. A bona fide written release of the landlord by the tenant with respect to this issue shall be evidence of a voluntary vacancy which may be considered in determinations under this chapter.

REGISTRATION STATEMENT

The statement filed by the landlord pursuant to § 155-30.

RENT

Any price for the use of a housing space. It includes any charge, no matter how set forth, paid by the tenant for the use of any service in connection with the housing space. Security deposits and charges for accessories, such as boats, mobile homes and automobiles not used in connection with the housing space, shall not be construed as "rent."

RENT INCREASE, RENT DECREASE AND RENT ADJUSTMENT

The intent and policy of the governing body to interfere in landlord tenant relations and legitimate operation ownerships, occupancy and development of real estate, only when necessary to protect the public interest. "Rent

increase," "rent decrease" and "rent adjustments" shall consist in the first instances of the notice sent by the landlord to the tenant, or by the tenant to the landlord, in letter or other form, setting forth the proposed notice of "rent decrease" or other "rent adjustment." Each notice shall set forth in detail the reasons justifying or requiring such increase, decrease or adjustment.

#### SERVICE

The provision of light, heat, hot water, maintenance, painting, elevator service, air conditioning, storm windows, screens, superintendent service and any other benefit, privilege or facility connected with the use or occupancy of any dwelling or housing space.

#### SERVICE SURCHARGE

Refers to an additional charge over and above the rental due to new or additional services. Existing services may be subject to a surcharge also, under extenuating circumstances as may be determined by the Rent Leveling Board.

#### SUBSTANTIAL COMPLIANCE

The housing space and dwelling are free from all heat, hot water, elevator and all health, safety and fire hazards, as well as 90% qualitatively free of all other violations of the ordinances of the City of Hoboken and the Property Maintenance Code of the State of New Jersey, where applicable.

#### TENANT/SUBTENANT

The regulations that apply to the landlord and tenant under this chapter shall also apply, wherever appropriate, to the "tenant/subtenant" relationship and any other rental tenancy unless otherwise expressly excluded.

### SECTION TWO: Amendments to § 155-6

#### § 155-6. Tax surcharge from tenants.

A. A landlord may seek a tax surcharge from a tenant because of an increase in municipal property taxes if said taxes are in excess of those assessed for the 1988 tax year. The rental increase permitted for taxes is determined by the Rent Regulation Officer pursuant to a formula approved by the Rent Control Board. The rent increase for taxes that each tenant is liable to pay shall be paid in 12 equal monthly payments, 1/12 each month. The surcharge shall not be considered rent for purposes of computing cost-of-living rental increases. Determinations under this section shall be made by the Rent Regulation Officer. If an Initial Rental Decontrol (Section 155-37) occurs the base year shall be the date of the first paid four quarters in the taxes after the Initial Rental Decontrol.

#### B. Notice on standardized form.

(1) The landlord shall, upon approval by the Rent Regulation Officer of its tax surcharge application, notify its tenants, by personal service, on standardized forms setting forth:

- (a) An explanation of the tax surcharge.
- (b) The base rent.
- (c) The tax surcharge, total and apportioned.
- (d) The effective date.

(2) This notice shall be filed with the Officer.

## SECTION THREE: CREATION OF ARTICLE VIII OF CHAPTER 155

### Article VIII. Condo/Coop Initial Rental Decontrol.

#### Section 155-35: Bona Fide Condo/Coop Owner/Occupant(s)

6. In the event that an owner of a condo/coop unit, has continuously occupied said unit as their principle residence for the previous two years, the owner may file an affidavit with, and on the form provided by, the Rent Regulation Officer documenting their use.
7. In the event that the affidavit is filed with, and not successfully challenged by, the rent leveling officer, the owner shall be deemed a bona fide CCOO.

#### Section 155-36: Bona Fide Condo/Coop Owner/Occupant Affidavit

##### A. Approval

An affidavit form shall be provided by the Rent-Regulation Officer pursuant to approval by the rent leveling board.

##### B. Statement and Certification

The affidavit form shall include a statement that the owner has owned and occupied the unit for at least the preceding two years. This statement must be certified to by the owner.

##### C. Documentation

The Rent Regulation Officer will have the authority to request reasonable documentation he/she sees fit in order to make a determination on the validity of the affidavit under this section. No affidavit is deemed completed until all requested documentation is received by the Rent Regulation Officer.

##### D. Filing Fee

The filing fee to apply to be deemed a Bona Fide CCOO will be the same fee assessed as for a hardship application.

##### E. Acceptance and Rejection

A completed Bona Fide CCOO affidavit submitted to the rent leveling officer is deemed accepted unless rejected within 21 days of filing. Any CCOO affidavit may be rejected for inadequate documentation or statements the rent leveling officer has a reasonable basis to believe may be inaccurate.

##### F. Appeals

As with any decision of the Rent-Regulation Officer, the owner will have the right to appeal any rejection to the Rent Leveling & Stabilization Board, pursuant to 155-23.

##### G. False Statements

If subsequent to the granting of an Initial Rental Decontrol (Section 155-37) it is found that information was submitted to either the Rent-Regulation Officer or the rent leveling board which is determined by the rent leveling office or the Rent Leveling & Stabilization Board to be incorrect and it is further determined that if such information had been presented correctly an Initial Rental Decontrol which had been granted would not have been granted then the Initial Rental Decontrol shall be declared null and void and the rent shall be reset at the original legal base rent plus any applicable surcharges and applicable CPIs. In the event the board determines that the misrepresentation was willful, the owner of the unit shall also be assessed a fine up to the maximum allowed under this ordinance.

#### Section 155-37: Initial Rental Decontrol Upon Vacancy By Bona Fide CCOO

In the event of that an individual, who qualifies as a Bona Fide CCOO, vacates their Condo/Coop unit and offers it for rental, said unit is decontrolled solely for the purpose of establishing the initial rent subsequent to the CCOO vacating. The new base rent shall be established at the amount charged in the initial lease. This new base rent shall be

documented by submission and filing of a completed rent registration form and fee to the rent leveling office. Said unit is decontrolled for the purpose of establishing the initial rental only, and otherwise is fully subject to Chapter 155. Nothing herein shall be construed to cause an existing rent to change as a result of any Initial Rental Decontrol granted under this section.

#### SECTION FOUR: 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 FIVE: 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 SIX: EFFECTIVE DATE

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

#### SECTION SEVEN: 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.

President Giattino moved that the ordinance pass its first reading as read and be laid off the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **January 22, 2014** at 7:00 PM.

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 6 – NAYS: 2 - ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Mello, Occhipinti and President Giattino

---Nays: Mason, Russo

---Absent: Castellano

#### **NEW BUSINESS**

**14-40**

---By President Giattino

**RESOLUTION AUTHORIZING PAYMENT TO SCAFAR CONTRACTING INC. FOR ENGINEERS CERTIFICATES NOS. 14 AND 15, IN THE TOTAL AMOUNT OF \$605,170.71, SUBJECT TO OBTAINING THE N.J.S.A. 2A:44-130 REQUIRED CERTIFICATIONS FROM THE CFO AND CORPORATION COUNSEL ON THE LIEN BOND SUBMITTED BY SCAFAR ON JANUARY 7, 2014**

**WHEREAS**, the City of Hoboken contracted with Scafara Contracting Inc. (“Scafara”) for construction work on the Sinatra Castle Point Walkway, and since the contract execution Notices of Lien Claim have been filed against the project and Scafara by subcontractors of the project; and,

**WHEREAS**, in response to the Notice of Lien Claims Scafara submitted a lien bond in accordance with N.J.S.A. 2A:44-130, which has not been thoroughly reviewed, and for which the statutorily required certifications have not yet been obtained; and,

**WHEREAS**, the City Council cannot determine the adequacy of the lien bond at this time, but wishes to authorize payments on the above listed invoices if and when the certifications required by N.J.S.A. 2A:44-130 are obtained for the lien bond submitted by Scafara, and the Administration otherwise determines that the lien bond is adequate and in the best interest of the City.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Hoboken, that Scafara’s invoices, as detailed in the Boswell Engineer Estimates Nos. 14 and 15, for a total payment of \$605,170.71, are hereby authorized for payment by the City Council, based on its audit and review in accordance with its authority under the local fiscal affairs laws, subject to the condition precedent that no payments are made, and no checks are drawn hereunder until such time as the certifications from the City’s CFO and Corporation Counsel, pursuant to N.J.S.A. 2A:44-130, are executed in connection with the lien bond Scafara submitted to the City on January 7, 2014, and the Administration otherwise determines that the lien bond is adequate and in the best interest of the City; and,

**BE IT FURTHER RESOLVED**, that this resolution shall be published in the City’s official newspaper and posted in the Clerk’s office; and,

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately, and shall operate as substitution for any and all claims list authorizations for payment on the herein listed invoices.

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 8 – NAYS: 0 - ABSENT: 1

---Yeas: Council persons Bhalla, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino

---Nays: None.

---Absent: Castellano

Council President comments on a resolution and asks the BA to give an overview to the Governing Body

BA Wiest comments

Councilwoman Mason comments and thanking BA Wiest for the bench in the Park and wait for the tree to go with it and what the status with Alicea litigation matter and where is the settlement agreement Corporation Counsel comments that there was no settlement agreement but there was a verbal agreement with the Governing Body.

Councilman Russo comments

Councilman Bhalla comments

Councilman Russo comments on the public storage in the 3<sup>rd</sup> ward and doing business in the late morning hours, larger companies storing in the facility, reached out to the owners and managers, is there a way the city can reach out and monitor it, the metro stop building the fence across from the building, there has been issues on that property, if we can take care of it, one resident on Adams St. was asking about speed humps that were removed and see if we can go into sub-committee meeting and discuss it or use a traffic calming device

BA Wiest comments on speed bumps and provide that the City is in compliance and comply, spoke to Director Pellegrini about snow removal at Metro Stop and spoke about it today and see what we can do

Councilman Russo comments on a senior citizen parking permit and her issue is too difficult to get to City Hall, is there a way to get them mailed or what the protocol

Councilman Mello comments  
Councilman Cunningham comments

Councilman Russo comments and congratulates the new council members and the council members who got re-elected

Councilman Doyle comments

Councilman Occhipinti comments that the Hoboken Volunteer Chili cook off and go online, the benefit is for the Jubilee Center

Councilman Cunningham comments and thanks Director Tooke, it's been a pleasure to serve the past 18 months and tumultuous the past 12 due to the divided council and hopefully do better in 2014, it was a challenging 12 months and discussed about the Zoning Board of Adjustment appointments, the candidates will serve the city well as time goes on and wishes Council President lots of luck

Councilman Mello comments on the lot east of Metro Stop and reflects the inauguration over the weekend, and comments on Global Warning which will affect the community and hope the Council can add their voice to places just like New Orleans and Florida and get leaders on the Federal level their attention and lend our voices and shout a little louder and set that as a goal

Councilman Bhalla comments on the passing away of Ron Venturi, Esq. and recognize his service for the City of Hoboken as a municipal prosecutor, a loss for the Legal Bar and State of NJ, wanted to express his happiness for the candidates who applied for various boards, there was a tremendous response, unfortunately we were not able to appoint and happy to see people who are qualified and talent who want to contribute to the City, hope for other boards, Rent Leveling, Historic Preservation Commission and there is a lot of intellectual capital for the city and congratulate Council President and trusts she will be fine Council President

At 10:16 P.M. the Governing Body on a motion by Councilman Mello and Russo duly seconded by the Council

Council President Giattino then adjourned the meeting at 10:16 P.M.

---

PRESIDENT OF THE COUNCIL

---

CITY CLERK