

MEETING OF MARCH 5, 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, WEDNESDAY, MARCH 5, 2014 AT 7:00 PM

President Giattino opened the meeting at 7:06 PM. and stated, "I would like to advise all those present that notice of this meeting has been provided to the public in accordance with the provisions of the Open Public Meeting Act, and that notice published in the Jersey Journal and on the City website, copies were provided in the Hoboken Reporter, The Record, The Newark Star-Ledger and also placed on the bulletin board in the lobby of City Hall. If any Councilperson or member of the public believes that this meeting, or any portion thereof, is in violation of the Open Public Meetings Act, they are requested to so advise the City Council and City Clerk at this time, or at the time of the believed violation, in accordance with N.J.S.A. 10:4-17. Written objections, if any shall be made in writing to the City Clerk."

Then the Clerk called the Roll: Council persons Bhalla, Castellano, Cunningham, Doyle, Mello, Occhipinti, Russo and President Giattino.

Absent: Mason

Councilwoman Mason arrived 7:04 PM

Council President comments that there will be brief presentations from four (4) companies:

Stephen Marks comments

Councilwoman Mason comments

Councilman Occhipinti comments

Councilman Russo comments

Council President comments that there will be a public meeting tomorrow from 5:30PM – 8 PM at Hoboken Terminal

There will be a meeting at Amanda's Restaurant on Thursday, March 6, 2014 at 8:00 AM

PRESENTATIONS TO COMPREHENSIVELY PROTECT HOBOKEN FROM FLOODING (REBUILD BY DESIGN, GREEN INFRASTRUCTURE, NHSA FLOOD PUMP)

RESOLUTION

14-150

---By Councilman Bhalla

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, AUTHORIZING THE CITY'S PARTICIPATION IN THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM AND AUTHORIZING AND APPROVING CERTAIN ACTIONS IN CONNECTION THEREWITH

BACKGROUND

WHEREAS, the Mayor and City Council of the City of Hoboken, County of Hudson, New Jersey ("City") have determined to undertake a capital improvement program consisting of the construction and installation of a pump station on Frank Sinatra Avenue, all as more particularly described in the information on file in the office of the City Clerk and available for inspection during normal business hours (collectively, the "Project"); and

WHEREAS, the City desires to seek low cost financing from the New Jersey Environmental Infrastructure Trust ("NJEIT") for the construction of the Project ("Project Financing"); and

WHEREAS, the North Hudson Sewerage Authority ("NHSA") has offered to (i) finance certain preliminary costs associated with the Project, and (ii) construct and install the Project with the proceeds of the City's Project Financing; and

WHEREAS, the City will enter in to a Shared Services Agreement ("Agreement") with NHSA prior to the issuance of any debt by the City or through the NJEIT, which Agreement shall, among other things, set forth the roles and responsibilities of the City and NHSA in connection with the undertaking of the Project Financing; and

WHEREAS, the City desires to authorize its Mayor, Chief Financial Officer, Director of Finance, Business Administrator, City Clerk, Deputy City Clerk, Consulting Engineer, Corporate Counsel, Auditor and Bond Counsel to prepare and submit an application and other documentation to the NJEIT with respect to said Project Financing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, AS FOLLOWS:

Section 1. The preparation and submission of application to the NJEIT for the Project Financing is hereby authorized, approved, ratified and confirmed and the City's Bond Counsel, Consulting Engineer, Corporate Counsel and Auditor, along with other representatives of the City, are hereby authorized to prepare and submit such application and any other documents, agreement or other materials necessary and required to complete the Project Financing through the NJEIT and Department of Environmental Protection and to represent the City in matters pertaining thereto.

Section 2. The Mayor, Chief Financial Officer, Director of Finance, Business Administrator, City Clerk and Deputy City Clerk are each hereby severally authorized to determine all matters and execute all documents and instruments in connection with the Project Financing.

Section 3. All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 4. This Resolution shall take effect immediately upon adoption this __ day of March, 2014.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 9 – NAYS: 0

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

---Nays: None.

14-151

---By Councilman Bhalla

**RESOLUTION GRANTING ARNOLD GERST, ESQ. OF WEINER LESNIAK SETTLEMENT
AUTHORITY IN THE MATTER OF STEWART V. CITY OF HOBOKEN ET AL., IN
ACCORDANCE WITH THE ATTACHED PROPOSED SETTLEMENT AGREEMENT**

WHEREAS, the City of Hoboken is currently involved in a litigation known as **Stewart v. City of Hoboken et al., DOCKET NO. L-6032-11**; and,

WHEREAS, Arnold Gerst, 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. Gerst, the City Council finds his suggested settlement to be in the best interest of the City.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that Arnold Gerst, Esq. of Weiner Lesniak is hereby authorized to settle the matter of **Stewart v. City of Hoboken et al., DOCKET NO. L-6032-11**, in accordance with the attached settlement agreement, and the Mayor or her authorized designee is hereby authorized to execute the attached agreement or one which is similar without any substantive changes.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 9 – NAYS: 0

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

---Nays: None

SECOND READING/PUBLIC HEARING AND FINAL VOTE

AN ORDINANCE AMENDING §133 (NOISE CONTROL) REGARDING PENALTY FOR VIOLATIONS (Z-281) (sponsored by Councilwoman Giattino and seconded by Councilman Doyle) (WAITING ON APPROVAL FROM DEPARTMENT OF ENVIRONMENTAL PROTECTION) (CARRIED TO A FUTURE DATE)

AN ORDINANCE TO AMEND § 128-5 ENTITLED "BUSINESS LICENSES; FEES" AND CHAPTER 147 ENTITLED "MOBILE FOOD VENDORS" (Z-285)

The speakers who spoke: Mary Volticelly.

No other person present desiring to be heard and no written protests or objections received, President Giattino asked for a motion to close the hearing.

President Giattino moved that the hearing be closed.

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 9 – NAYS: 0

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

---Nays: None.

President Giattino then instructed the City Clerk to call the Final Vote for the above Ordinance.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 9 – NAYS: 0

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

---Nays: None.

ORDINANCE FURTHER AMENDING ORDINANCE Z-94 OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY (OPEN SPACE BOND) (Z-286) (sponsored by Councilman Bhalla and Councilman Cunningham)

No other person present desiring to be heard and no written protests or objections received, President Giattino asked for a motion to close the hearing.

President Giattino moved that the hearing be closed.

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 9 – NAYS: 0

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

---Nays: None.

President Giattino then instructed the City Clerk to call the Final Vote for the above Ordinance.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Bhalla

Councilman Bhalla has left the table at 9:25 PM

Councilman Bhalla has returned to the table at 9:28 PM

Councilwoman Mason has left the meeting at 9:10 PM

Councilwoman Mason has returned to the meeting at 9:12 PM

Councilman Occhipinti has left the table at 9:28 PM

Councilman Occhipinti has returned to the table at 9:41

PUBLIC COMMENTS

The speakers who spoke: Patricia Waiters, Franz Paetzold, Dominick Russo

Councilman Russo has left the meeting at 10:46 PM

Councilman Russo has returned to the meeting at 10:49 PM

APPLICATION FOR MISCELLANEOUS LICENSES

Parking Facility-----1

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

14-153

---By Councilman Bhalla

CLAIMS

Total for this agenda **\$1,648,802.14**

---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 6 – NAYS: 2 ABSENT: 1: ABSTAIN: 1
---Yeas: Council persons Bhalla, Cunningham, Doyle, Mello, Occhipinti and President Giattino
---Nays: Mason, Russo
---Absent: Castellano
---Abstain: Mason (13-00120, 14-00128)

Councilwoman Mason comments and would like copies of the Boys & Girls Club claims.

Director Forbes comments on Water Music Claims

Councilman Occhipinti comments on PO 13-04118 Reggio Construction Inc. for \$106,670.06.
BA Wiest comments and responds to PO 13-04118.
BA Wiest comments that he has a pothole list and if you would like to see and it started at Dec 2013 and ended March 4th.
Councilman Cunningham comments and would like a copy of the report.
Councilman Russo comments and would like a copy of the report.

Councilwoman Castellano has left the table at 10:56 PM
Councilwoman Castellano has returned to the table at 10:58 PM

14-154

---By Councilman Bhalla

PAYROLL

For the two week period starting January 30, 2014 – February 12, 2014

Regular Payroll	O/T Pay	Other Pay
\$1,597,480.12	\$155,077.05	\$106,482.71

Total \$1,859,039.88

---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 9 – NAYS: 1
---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino
---Nays : Mason O/T

Councilman Russo comments on O/T in HFD and HPD
BA Wiest comments
Councilman Occhipinti comments

PUBLIC PORTION ON RESOLUTIONS

The speakers who spoke: Leah Healy, Onofrio Chilleuri, Elizabeth Adams.

Council President would like to suspend the agenda to go and hear Resolution #14

CLOSED SESSION

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

Council President announces to the public that the Governing Body is entering into Closed Session for 30 minutes (~~City Clerk's office has no document to authorize to go into Closed session, this was a verbal authorization~~).

To vote to enter into Closed Session:

Present: Council persons Bhalla, Castellano, Cunningham, Mason, Mello, Occhipinti, Russo and Council President

At 10:05 P.M. The Governing Body entered into a closed session.

Corporation Counsel
BA Wiest
Special Counsel via cell phone from the City Clerk's office

** At 10:32 P.M. Special Counsel has hung up due to no other business during Closed Session **

At 10:42 P.M. the Governing Body on a motion by Council duly seconded by the Governing Body comes out of Closed Session

Council President reopens the meeting back to the public at 10:42 PM

Councilman Bhalla motions to carry resolution #14 to the next council meeting March 19, 2014 seconded by the Governing Body

Councilman Doyle has left the meeting at 9:42 PM to recuse himself

Councilman Doyle has returned to the meeting at 10:46 PM from discussion on Resolution #14

CONSENT AGENDA – 5-7, 11, 16

Pulled from the agenda for discussion: 4, 8, 9, 10, 12, 13, 15, 17 18

Removed by Administration: 14 **(CARRIED TO 3/19/14)**

RESOLUTIONS

14-155

---By Councilman Bhalla

RESOLUTION AUTHORIZING USE OF THE COMPETITIVE CONTRACTING PROCESS TO OBTAIN AUTOMATED PAYROLL SERVICES FOR THE CITY OF HOBOKEN

WHEREAS, the City of Hoboken needs to secure certain automated payroll service for internal use; and

WHEREAS, the City is permitted to use competitive contracting to obtain these services pursuant to the Local Public Contracts Law, specifically N.J.S.A. 40A:11-4.1(b)(3), because these services constitute the

operation, management or administration of data processing services; and

WHEREAS, pursuant to N.J.S.A. 40A:11-4.3, a resolution of the governing body is required to initiate the use of competitive contracting;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that the Competitive Contract process, as described and allowed in N.J.S.A. 40A:11-4.1 shall be used by the Purchasing Agent for the purpose of accepting proposals for automated payroll services for the City, pursuant to Local Public Contracts Law.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 9 – NAYS: 0

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

---Nays: None.

14-156

---By Councilman Bhalla

RESOLUTION AUTHORIZING USE OF THE COMPETITIVE CONTRACTING PROCESS TO OBTAIN VENDING MACHINE SERVICES FOR THE CITY OF HOBOKEN

WHEREAS, the City of Hoboken needs to secure vending machine services for public buildings; and

WHEREAS, the City is permitted to use competitive contracting to obtain these services pursuant to the Local Public Contracts Law, specifically N.J.S.A. 40A:11-4.1(j) because these services constitute a concession; and

WHEREAS, pursuant to N.J.S.A. 40A:11-4.3, a resolution of the governing body is required to initiate the use of competitive contracting; and

WHEREAS, the Administration inadvertently solicited proposals for vending machine services without first obtaining the necessary resolution;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that the Competitive Contract process, as described and allowed in N.J.S.A. 40A:11-4.1 shall be used by the Purchasing Agent for the purpose of accepting proposals for vending machine services for the City, pursuant to Local Public Contracts Law.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 9 – NAYS: 0

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

---Nays: None.

14-157

---By Councilman Bhalla

RESOLUTION GRANTING CONSENT TO BTI INVESTMENT SIXTY ONE LLC'S SUBMISSION OF A TWA-1 TO THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION'S DIVISION OF WATER QUALITY

WHEREAS, BTI Investment Sixty One LLC has a construction site at 1415 Park Avenue, Block 126 Lots 3, 6.01, 7.01 in the City of Hoboken;

WHEREAS, BTI Investment Sixty One LLC has requested the City of Hoboken provide consent to submission of Water Quality forms to the Department of Environmental Protection; and,

WHEREAS, the City Engineer has reviewed the application and taken no exception to it, see attached letter from Boswell Engineer dated February 10, 2014; and,

WHEREAS, the City Council feels it is appropriate to grant BTI Investment Sixty One LLC's request to submit an application to the DEP regarding water quality at the site.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Hoboken hereby grants its consent to BTI Investment Sixty One LLC's request to submit an TWA-1 application to the Water Quality Division of the New Jersey DEP regarding 1415 Park Avenue, Block 126 Lots 3, 6.01, 7.01 in the City of Hoboken; and,

BE IT FURTHER RESOLVED that the Mayor is the authorized representative to execute and effectuate any documentation regarding this submission on behalf of the City.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 9 – NAYS: 0

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

---Nays: None.

14-158

---By Councilman Bhalla

RESOLUTION GRANTING CONSENT TO 900 MONROE HOBOKEN LLC'S SUBMISSION OF A TWA-1 TO THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION'S DIVISION OF WATER QUALITY

WHEREAS, 900 Monroe Hoboken LLC has a construction site at 900 Monroe Street, Block 92 Lot 1.01, in the City of Hoboken;

WHEREAS, 900 Monroe Hoboken LLC has requested the City of Hoboken provide consent to submission of Water Quality forms to the Department of Environmental Protection; and,

WHEREAS, the City Engineer has reviewed the application and taken no exception to it, see attached letter from Boswell Engineer dated February 14, 2014; and,

WHEREAS, the City Council feels it is appropriate to grant 900 Monroe Hoboken LLC's request to submit an application to the DEP regarding water quality at the site.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Hoboken hereby grants its consent to 900 Monroe Hoboken LLC's request to submit an TWA-1 application to the Water Quality Division of the New Jersey DEP regarding 900 Monroe Street, Block 92 Lot 1.01; and,

BE IT FURTHER RESOLVED that the Mayor is the authorized representative to execute and effectuate any documentation regarding this submission on behalf of the City.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 9 – NAYS: 0

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

---Nays: None.

14-159

---By Councilman Bhalla

RESOLUTION AWARDING A PROFESSIONAL SERVICE CONTRACT TO BOSWELL ENGINEERING TO PERFORM FLOOD MITIGATION SERVICES FOR MUNICIPAL FACILITIES AND BICYCLE LANE STRIPING WORK IN AN AMOUNT NOT TO EXCEED THIRTEEN THOUSAND DOLLARS (\$13,000.00)

WHEREAS, the City of Hoboken published requests for proposals ("RFPs") for general municipal engineering services; and

WHEREAS, the Administration evaluated the proposals provided in response to said RFP, and the Administration has determined that Boswell Engineering was one of four general municipal engineering firms that were qualified for General Engineering Services for the City during the January 1, 2014 through December 31, 2014 period; and

WHEREAS, in accordance with the direction of the Administration, the City Council is asked to award a contract to Boswell Engineering for Boswell Engineering to perform flood mitigation services for all municipal facilities and bicycle lane striping work, as detailed on the two proposals from Boswell Engineering which are attached hereto, for a total contract amount of Thirteen Thousand Dollars (\$13,000.00);

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$13,000.00 is available in the following appropriation 4-01-31-461-000 in the CY2014 temporary appropriations; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said temporary 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, by the City Council of the City of Hoboken that a contract with the below-listed vendor is awarded for an amount not to exceed Thirteen Thousand Dollars (\$13,000.00) for flood mitigation services for all municipal facilities and bicycle lane striping work, in accordance with the attached proposals and with the additional contract terms as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The terms of Boswell Engineering's 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
330 Phillips Avenue
South Hackensack, New Jersey 07602

--- Motion duly seconded by Councilman Cunningham

---**Adopted AS AMENDED** by the following vote: YEAS: 9 – NAYS: 0

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

Nays: None

14-160

---By Councilman Bhalla

RESOLUTION TO AWARD A CONTRACT TO DECOTIIS FITZPATRICK & COLE LLP FOR SERVICES OF FRANCIS BORIN, ESQ. AS SPECIAL LEGAL COUNSEL – CY2014 PUBLIC UTILITY LAW TO THE CITY OF HOBOKEN IN A NOT TO EXCEED AMOUNT OF FIFTY THOUSAND DOLLARS (\$50,000.00) FOR THE TERM JANUARY 1, 2014 THROUGH DECEMBER 31, 2014 (submitted by administration)

WHEREAS, service to the City as Special Counsel – Public Utility Law 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-Public Utility in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which DeCotiis Fitzpatrick & Cole LLP responded to; and,

WHEREAS, the evaluation committee has determined that DeCotiis Fitzpatrick & Cole LLP offers the best option of all the proposals submitted, cost and other factors considered, and therefore advises a contract be entered into with DeCotiis Fitzpatrick & Cole LLP; and,

WHEREAS, Francis Borin, Esq. and DeCotiis Fitzpatrick & Cole LLP are 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 \$20,000.00 is available in the following appropriation 40120156020 in the CY2014 temporary appropriations; and I further certify that I will immediately review the CY2014 budget to determine whether the additional \$30,000.00 balance is available and appropriated in the following appropriation 40120156020 in the CY2014 budget upon adoption of said 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 a contract with DeCotiis Fitzpatrick & Cole LLP for the services of Francis Borin, Esq. to represent the City as Special Legal Counsel- Utility be awarded, for a term to commence January 1, 2014 and expire December 31, 2014, for a total not to exceed amount of Fifty Thousand Dollars (\$50,000.00); and

BE IT FURTHER RESOLVED, the contract shall include the following term: DeCotiis Fitzpatrick & Cole LLP shall be paid maximum hourly rates of \$150.00/hour for attorneys, \$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 new litigation/legal matters, and new litigation and legal 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 DeCotiis Fitzpatrick & Cole 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 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 Cunningham

---Adopted by the following vote: YEAS: 5 – NAYS: 4

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

---Nays: Castellano, Mason, Occhipinti, Russo

14-161

---By Councilman Bhalla

**RESOLUTION AUTHORIZING THE ADMINISTRATION TO CONDUCT
AN ONLINE AUCTION FOR A SURPLUS FIRE BOAT AND BOAT TRAILER OWNED BY THE CITY
OF HOBOKEN**

WHEREAS, the City of Hoboken owns a fire boat, which is a 23-foot, 2006 Parker model 2320 sport cabin with a 200 horsepower Yamaha engine (VIN PXM34 181D6 06), and a 2007 Sealion boat trailer, series SE-24T-5800B (VIN 45LBS242572080171), both of which are surplus and are no longer needed for public use; and

WHEREAS, GovDeals, Inc. was awarded State Contract #A-83453/T2581 to provide online auctioneering services for the State and local units; and

WHEREAS, the Administration desires to sell these surplus items together at auction in an “as is” condition; and,

WHEREAS, the Department of Administration requests approval from the City Council to auction the surplus fire boat and boat trailer together,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Department of Administration or its duly authorized representative, is hereby authorized to conduct an online auction to sell the surplus property set forth on the attached Schedule A.

2. The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available online at govdeals.com and also available from the City Clerk's Office.
3. The auction will be conducted online, and the auction site address is www.govdeals.com
4. The sale is being conducted pursuant to Local Finance Notice 2008-9.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 9 – NAYS: 0

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

---Nays: None.

14-162

---By Councilman Bhalla

A RESOLUTION OF SUPPORT AUTHORIZING THE ADMINISTRATION TO APPLY FOR, ACCEPT AND EFFECTUATE A GRANT FROM THE HUDSON MUNICIPAL ALLIANCE ON ALCOHOLISM AND DRUG ABUSE PROGRAM FOR FY 2014

WHEREAS, the City of Hoboken desires to apply for, obtain, and effectuate a grant from the Governor's Council on Alcoholism and Drug Abuse through the County of Hudson for approximately \$43,200.00, with a cash match of \$10,800.00 and in-kind services of \$32,400.00, to carry out the Hudson Municipal Alliance on Alcoholism and Drug Abuse Program for FY2014.

NOW THEREFORE, BE IT RESOLVED, that the City of Hoboken does hereby authorize the application for such a grant, the Administration's acceptance of said grant in the amount of \$43,200.00, with a cash match of \$10,800.00 and in-kind services of \$32,400.00, and the Administration's effectuation of the grant purpose; and

BE IT FURTHER RESOLVED, that upon receipt of the fully-executed grant agreement, the Council does further authorize the expenditure of funds pursuant to the terms of the agreement, subject to the limitations listed above; and,

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith, subject to the terms and limitations set forth herein:

Signature

**Dawn Zimmer
Mayor, City of Hoboken**

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 9 – NAYS: 0

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

---Nays: None.

14-163

---By Councilman Bhalla

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACT WITH SCHENCK PRICE SMITH & KING, LLP FOR THE SERVICES OF KATE GILFILLAN, ESQ. AS SPECIAL LEGAL COUNSEL TO RETAIN THE FIRM FOR GENERAL LITIGATION WITH ALL OTHER TERMS AND CONDITION REMAINING UNCHANGED FROM THE ORIGINAL FEBRUARY 19, 2014 AWARD

WHEREAS, on February 19, 2014 the City Council awarded a contract to Kate Gilfillan, Esq. and the firm of Schenck Price Smith & King LLP for services as Special Counsel in the Mason v. City of Hoboken OPRA matter, and the City now seeks to amend that contract award to allow Schenck Price to provide the City with any General Litigation services which may become necessary during the CY2014 term; and,

WHEREAS, Kate Gilfillan, Esq., and the firm of Schenck Price Smith & King LLP are in compliance with the fair and open process of the City of Hoboken and the State of New Jersey, as their submissions for CY2014 were for the services of General Litigation Counsel, and they are 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,

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

NOW THEREFORE, BE IT RESOLVED, that the contract with **Schenck Price Smith & King LLP** for the services of Kate Gilfillan, Esq., to represent the City as Special Legal Counsel shall be amended to be for any and all General Litigation representation during the CY2014 term; and

BE IT FURTHER RESOLVED, all other terms and conditions approved by the City Council in their February 19, 2014 contract award resolution shall remain the same; 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 the vendor ; and

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

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

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

---Motion duly seconded by Councilman Cunningham

---**FAILED** by the following vote: YEAS: 3 – NAYS: 6

---Yeas: Council persons Cunningham, Doyle, Mello

Nays: Bhalla, Castellano, Mason, Occhipinti, Russo and President Giattino

14-164

---By Councilman Bhalla

RESOLUTION TO AWARD A CONTRACT TO WEINER LESNIAK FOR SERVICES OF RON CUCCHIARO, ESQ. AS SPECIAL LEGAL COUNSEL – CY2014 LAND USE COUNSEL TO THE CITY OF HOBOKEN IN A NOT TO EXCEED AMOUNT OF FIFTY THOUSAND DOLLARS (\$50,000.00) FOR THE TERM JANUARY 1, 2014 THROUGH DECEMBER 31, 2014

WHEREAS, service to the City as Special Counsel –Land Use 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-Land Use in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Ron Cucchiaro, Esq. responded to; and,

WHEREAS, the evaluation committee has determined that Ron Cucchiaro, Esq. offers the best option of all the proposals submitted, cost and other factors considered, and therefore advises a contract be entered into with Ron Cucchiaro, Esq.; and,

***WHEREAS**, Ron Cucchiaro, Esq. and Weiner Lesniak are 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 \$20,000.00 is available in the following appropriation 40120156020 in the CY2014 temporary appropriations; and I further certify that I will immediately review the CY2014 budget to determine whether the additional \$30,000.00 balance is available and appropriated in the following appropriation 40120156020 in the CY2014 budget upon adoption of said 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 a contract with Ron Cucchiaro, Esq. to represent the City as Special Legal Counsel- Land Use be awarded, for a term to commence January 1, 2014 and expire December 31, 2014, for a total not to exceed amount of Fifty Thousand Dollars (\$50,000.00); and

BE IT FURTHER RESOLVED, the contract shall include the following term: Weiner Lesniak shall be paid maximum hourly rates of \$150.00/hour for attorneys, \$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 new litigation/legal matters, and new litigation and legal 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 Weiner Lesniak; 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 Cunningham

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

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

---Nays: None.

---Absent: Doyle, Mason

Councilman Doyle and Councilwoman Mason have left the meeting at 11:44 PM prior to any discussion regarding the resolution.

Councilman Doyle and Councilwoman Mason has returned to the meeting at 11:50 PM.

Council President motions to extend the council meeting to 12:15 AM, seconded by the Governing Body

--Motion duly seconded by the Governing Body.

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

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

---Nays: Mello, Russo

~~14.* RESOLUTION TO APPROVE A "LICENSE AGREEMENT" BETWEEN THE CITY OF HOBOKEN AND THE OWNER OF BLOCK 170 LOT 41 (a/k/a 258 Eighth Street) FOR USE AND MAINTENANCE OF A PORTION OF THE PUBLIC RIGHT OF WAY ADJACENT TO SAID PROPERTY (submitted by administration)
(PULLED BY THE GOVERNING BODY AND CARRIED TO THE NEXT CITY COUNCIL MEETING)~~

~~15.* RESOLUTION TO APPROVE A "LICENSE AGREEMENT" BETWEEN THE CITY OF HOBOKEN AND THE OWNER OF BLOCK 196 LOT 29 (a/k/a 942 Bloomfield Street) FOR USE AND MAINTENANCE OF A PORTION OF THE PUBLIC RIGHT OF WAY ADJACENT TO SAID PROPERTY (submitted by administration)
(PULLED BY THE GOVERNING BODY AND CARRIED TO THE NEXT CITY COUNCIL MEETING)~~

Councilman Doyle recused himself and left the meeting before discussed occurred.

14-165A

---By President Giattino

RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS WITH SPECIAL COUNSEL RON CUCCHIARO, ESQ. PURSUANT TO N.J.S.A. 10:4-12 AND ATTORNEY CLIENT PRIVILEGE RELATING TO ANTICIPATED LITIGATION IN THE MATTER OF LEAH HEALEY AND 258 EIGHTH STREET

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 anticipated litigation, and to discuss matters subject to attorney client privilege; and

WHEREAS, one of these reasons is to receive advice from legal counsel to discuss possible litigation strategies of anticipated litigation in matters (specifically the Matter of Leah Healey and 258 Eighth Street); 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 litigation (specifically the Matter of Leah Healey and 258 Eighth Street); 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 discussions had therein will be made available to the public.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 5 – NAYS: 4

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

---Nays: Castellano, Cunningham, Mason, Occhipinti

---Absent: Doyle

14-165

---By Councilman Bhalla

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$13,975.06)

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 **\$13,975.06**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Mittal, Vikas & Bhairavi Singh	261.03/1/C0710	1125 Maxwell Lane	1/14	\$ 4,218.65

1125 Maxwell Lane#710
Hoboken, NJ 07030

Justin M. Costa 110 Bloomfield St.#2 Hoboken, NJ 07030	188/38/C0002	110 Bloomfield St.	3& 4/13	\$ 3,721.73
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Cortes & Hay, Inc 110 Main St P O Box 44 Flemington, NJ 08822	185/34/C0003	1020 Garden St.	1/14	\$ 1,800.45
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Democracy Title Agency c/o Weichert Closeing Services 220 Commerce Drive, Suite 105 Fort Washington, PA 19034	78/22	626 Grand St.	1/14	\$1,655.31
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Oblow, Scott & Maria 1500 Washington St #10I Hoboken, NJ 07030	268.01/2/C010I	1500 Washington St.	1/14	\$2,578.92
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---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 9 – NAYS: 0
---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino
---Nays: None.
14-166
---By Councilman Bhalla

RESOLUTION FOR CANCELLATION OF LEAD LOTS 2014 – 1ST AND 2ND QUARTERS

RESOLVED, by the Council of the City of Hoboken;

WHEREAS, the attached list of Block and Lots have been deleted and no longer exist. The 2014 First and Second quarter billing for the Lead Lots are to be cancelled.

Whereas, the list of properties have been combined or subdivided into units and will be billed on the 2014 Third and Fourth quarters.

RESOLVED, that the list of 2014 First and Second quarter billing be cancelled from the Tax Duplicate.

---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 9 – NAYS: 0
---Yeas: Council persons Bhalla, Castellano, Cunningham, Doyle, Mason, Mello, Occhipinti, Russo and President Giattino
---Nays: None.

14-167
---By Councilman Bhalla

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE PROFESSIONAL SERVICE CONTRACT WITH MARAZITI FALCON HEALEY AS SPECIAL LEGAL COUNSEL- OUTSTANDING AND GENERAL LITIGATION TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2014 AND EXPIRE DECEMBER 31, 2014 FOR AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$100,000.00 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$340,000.00

WHEREAS, service to the City as Special Counsel –Outstanding and General Litigation 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 in both 2012 and 2013, and further submitted 2014 proposals in response to the City’s RFP’s for litigation, and having performed the function of special counsel on outstanding litigation 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 outstanding matters; and,

WHEREAS, on January 22, 2014 the City Council awarded Maraziti Falcon Healey a contract for CY2014 General and Outstanding Litigation, which the City now wishes to amend to increase the contract amount by \$100,000.00; 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 \$50,000.00 is available in the following appropriation 40120156020 in the CY2014 temporary appropriation; and I further certify that I will immediately review the CY2014 budget to determine whether the additional \$50,000.00 balance is available and appropriated in the following appropriation 40120156020 in the CY2014 budget upon adoption of said 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 contract with **Maraziti Falcon Healey** to represent the City as Special Legal Counsel- Outstanding Litigation be amended, for a term to commence January 1, 2014 and expire December 31, 2014, for an increase in the not to exceed amount by One Hundred Thousand Dollars (\$100,000.00), for a total not to exceed amount of Three Hundred Forty Thousand Dollars (\$340,000.00); of which an additional \$50,000.00 shall heretofore be appropriated, with the additional remaining \$50,000.00 not herein appropriated subject to proper and adequate appropriation by the City of Hoboken as part of its CY2014 budget, without recourse in law or in equity upon any failure of the City of Hoboken to properly and adequately appropriate said funds in its CY2014 budget; and
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, \$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 litigation/legal matters, and new litigation and legal 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, in all other terms and conditions, remain unchanged; 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.

---**ADOPTED AS AMENDED** by the following vote: YEAS: 9 – NAYS: 0

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

---Nays: None.

Councilman Bhalla motions to amend the last paragraph BE IT RESOLVED \$150/hr. for Associates seconded by Councilman Russo

ORDINANCES

AN ORDINANCE TO CREATE ARTICLE IX OF CHAPTER 168 ENTITLED "ROAD CLOSING PERMITS (PULLED BY THE GOVERNING BODY)

No New Business

Meeting adjourned at 12:14 A.M. the Governing Body on a motion by Council.

---Motion duly seconded by the Councilman Doyle to end the meeting.

---Voted by the following vote: YEAS: 5 – NAYS: 4

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

---Nays: Castellano, Mason, Russo, Occhipinti

Council President Giattino then adjourned the meeting at 12:14 A.M.

PRESIDENT OF THE COUNCIL

CITY CLERK