

MEETING OF JANUARY 22, 2014

**MINUTES OF A SPECIAL MEETING OF THE COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY,
HELD IN THE COUNCIL CHAMBERS, CITY HALL, HOBOKEN, NEW JERSEY, WEDNESDAY,
JANUARY 22, 2014 AT 6:00 PM**

President Giattino opened the meeting at 6:06 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, Mason, and President Giattino

ABSENT: ~~Mello, Occhipinti, Russo~~-(see below)

Councilwoman Mason comments that this notice was not properly advertised.

The City Clerk reads the letter calling a special meeting:

14-41

Tuesday, January 14, 2014

Via Hand Delivery

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

Dear City Clerk Farina:

Please be advised that as the Mayor of the City of Hoboken, I hereby call a Special Closed Session Meeting of the Governing Body for Wednesday, January 22, 2014 to begin promptly at 6:00 P.M. in the City Council Chambers, 94 Washington Street, First Floor, Hoboken, New Jersey, for the following purposes:

RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUANT TO N.J.S.A. 10:4-12, DISCUSSION OF PENDING LITIGATION, AND ATTORNEY CLIENT PRIVILEGE RELATING TO NEGOTIATIONS AND SETTLEMENT OF PENDING WORKERS COMPENSATION AND GENERAL LITIGATION IN THE MATTERS OF (1) COONEY, (2) CHICOZOLA, (3) COREA, (4) PATACCIO, AND (5) 118 CLINTON STREET ASSOCIATES

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

laws and rules. Also, please publicly notice this Special Closed Session Meeting, as required by the Open Public Meetings Act N.J.S.A. 10:4-6.

Very truly yours,

//s//

Dawn Zimmer
Mayor

Council President announces to the public that the Governing Body is entering into Closed Session

CLOSED SESSION

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

To vote to enter into Closed Session:

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

Nays: None

Absent: Mello Occhipinti, Russe (see below)

At 6:10 P.M. The Governing Body entered into a closed session.

Corporation Counsel

BA Wiest

Special Counsels Keith Kandel, Ronald Cucchiaro and Ronald Berutti

14-42

RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUANT TO N.J.S.A. 10:4-12, DISCUSSION OF PENDING LITIGATION, AND ATTORNEY CLIENT PRIVILEGE RELATING TO NEGOTIATIONS AND SETTLEMENT OF PENDING WORKERS COMPENSATION AND GENERAL LITIGATION IN THE MATTERS OF (1) COONEY, (2) CHICOZOLA, (3) COREA, (4) PATACCIO, AND (5) 118 CLINTON STREET ASSOCIATES

WHEREAS, the Council of the City of Hoboken is authorized to go into closed executive session for the reasons set forth in the Open Public Meetings Act, including without limitation N.J.S.A. 10:4-12, for legal guidance on pending litigation, and to discuss matters subject to attorney client privilege; and

WHEREAS, one of these reasons is to receive advice from legal counsel relating to negotiations and settlement of pending workers compensation litigation in matters (specifically the Matters of Cooney v. City of Hoboken and Chicozola 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 pending litigation in anticipation of settlement, with regards to the Matters of City of Hoboken v. Corea, City of Hoboken v. Petaccio, and 118

Clinton Street Associates 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.

****At 6:11 P.M. Special Counsel Keith Kandel, Esq. has entered the meeting to discuss the resolution No. 1****

14-43

RESOLUTION GRANTING KEITH KANDEL, ESQ. OF FLORIO KENNY SETTLEMENT AUTHORITY IN THE MATTER OF COONEY V. CITY OF HOBOKEN IN ACCORDANCE WITH KANDEL'S 1/6/14 EMAIL TO MS. LONGO

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

WHEREAS, Keith Kandel, Esq. of Florio Kenny has represented the City's legal interests in that matter, and has recommended a settlement in accordance with the email forwarded to Mellissa Longo, Esq. from Mr. Kandel on 1/6/14; and,

WHEREAS, after legal guidance from Mr. Kandel 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 Keith Kandel, Esq. of Florio Kenny is hereby authorized to settle the matter of Cooney v. City of Hoboken in accordance with the 1/6/14 email to Ms. Longo, and the Mayor or her designee is hereby authorized to execute the attached agreement or one which is similar without any substantive changes.

****At 6:17 P.M. Special Counsel Ronald Berutti, Esq. has entered the meeting to discuss the resolution No. 2****

14-44

RESOLUTION GRANTING RONALD BERUTTI, ESQ. OF WEINER LESNIAK SETTLEMENT AUTHORITY IN THE MATTER OF CITY OF HOBOKEN V. COREA IN ACCORDANCE WITH THE ATTACHED SETTLEMENT AGREEMENT

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

WHEREAS, Ronald Berutti, 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. Berutti, 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 Ronald Berutti, Esq. of Weiner Lesniak is hereby authorized to settle the matter of City of Hoboken v. Corea 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.

14-45

RESOLUTION GRANTING KEITH KANDEL, ESQ. OF FLORIO KENNY SETTLEMENT AUTHORITY IN THE MATTER OF CHICHIZOLA V. CITY OF HOBOKEN IN ACCORDANCE WITH KANDEL'S 12/30/13 EMAIL TO MS. LONGO

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

WHEREAS, Keith Kandel, Esq. of Florio Kenny has represented the City's legal interests in that matter, and has recommended a settlement in accordance with the email forwarded to Mellissa Longo, Esq. from Mr. Kandel on 12/30/13; and,

WHEREAS, after legal guidance from Mr. Kandel 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 Keith Kandel, Esq. of Florio Kenny is hereby authorized to settle the matter of Chichizola v. City of Hoboken in accordance with the 12/30/13 email to Ms. Longo, and the Mayor or her designee is hereby authorized to execute the attached agreement or one which is similar without any substantive changes.

**** At 6:17 P.M. Special Counsel Keith Kandel Esq. <http://www.capehart.com/Attorneys/Ian-G-Zolty.shtm> has left the table due to no other business during Closed Session**

14-46

RESOLUTION GRANTING RONALD BERUTTI, ESQ. OF WEINER LESNIAK SETTLEMENT AUTHORITY IN THE MATTER OF CITY OF HOBOKEN V. PETACCIO IN ACCORDANCE WITH THE ATTACHED SETTLEMENT AGREEMENT

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

WHEREAS, Ronald Berutti, 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. Berutti 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 Ronald Berutti, Esq. of Weiner Lesniak is hereby authorized to settle the matter of City of Hoboken v. Petaccio 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.

*****Councilman Russo has arrived to the meeting at 6:32 P.M. *****

*****Councilman Mello has arrived to the meeting at 6:36 P.M. *****

** At 6:41 P.M. Special Counsel Ronald Berutti Esq. <http://www.capehart.com/Attorneys/Ian-G-Zolty.shtml> has left the table due to no other business during Closed Session **

*****Councilman Occhipinti has arrived to the meeting at 6:44 P.M.*****

*****Councilwoman Mason has left the meeting at 6:42 P.M. *****

At 6:42 P.M. Special Counsel Ronald Cucchiaro, Esq. has entered the meeting to discuss the resolution No. 5

*****Councilwoman Mason has returned the meeting at 6:44 P.M.*****

14-47

RESOLUTION GRANTING RONALD D. CUCCHIARO, ESQ. OF WEINER LESNIAK LLP SETTLEMENT AUTHORITY IN THE COMPLAINT IN LIEU OF PREROGATIVE WRIT MATTER TITLED 118 CLINTON STREET ASSOCIATES LLC, A NEW JERSEY LIMITED LIABILITY COMPANY, PLAINTIFF V. CITY OF HOBOKEN, DEFENDANT IN ACCORDANCE WITH THE ATTACHED FINAL CONSENT ORDER

WHEREAS, the City of Hoboken is currently involved in litigation titled 118 Clinton Street Associates, LLC, a New Jersey Limited Liability Company, Plaintiff, v. City of Hoboken, Defendant, Superior Court of New Jersey, Hudson County – Law Division, bearing Docket No. HUD-L-3467-13; and,

WHEREAS, this matter involves a development at 61 Jackson Street which resulted in the construction of improvements in the public right-of-way; and

WHEREAS, the City of Hoboken adopted an ordinance permitting the Plaintiff to maintain the encroachment within the public right-of-way for which the Plaintiff was obligated to make an annual payment as set forth in the ordinance; and,

WHEREAS, the Plaintiff has now agreed to remove all encroachments into the right-of-way, which renders the easement unnecessary which would, therefore, resolve the litigation; and,

WHEREAS, Ronald D. Cucchiaro, Esq. of Weiner Lesniak LLP has represented the City's legal interest in this litigation and has recommended that this matter be settled in accordance with the terms and conditions set forth in the Final Consent Order, a copy of which is attached hereto; and,

WHEREAS, after legal guidance from Mr. Cucchiaro, the City Council finds the 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 Ronald D. Cucchiaro, Esq. of Weiner Lesniak LLP is hereby authorized to enter into a settlement by executing the Final Consent Order in the matter of 118 Clinton Street Associates, LLC, a New Jersey Limited Liability Company v. City of Hoboken, bearing Docket No. HUD-L-3467-13, in accordance with the attached Final

Consent Order and Mr. Cucchiaro is authorized to execute the attached Final Consent Order, or one which is substantially similar without any substantive changes.

***** At 6:51 P.M. Special Counsel Ronald Cucchiaro, Esq. <http://www.capehart.com/Attorneys/Ian-G-Zolty.shtml> has left the table due to no other business during Closed Session ****

At 6:58 P.M. the Governing Body on a motion by Councilman Russo duly seconded by the Governing Body comes out of Closed Session

Council President reopens the meeting to the public at 7:06 PM

PRESIDENT OF THE COUNCIL

CITY CLERK