

*Revised as of 8/11/2012 ***

THE COUNCIL OF THE CITY OF HOBOKEN

SPECIAL MEETING OF AUGUST 15, 2012

(CLOSED SESSION) (from 5:00 PM to 7:00PM)

- A. **RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUANT TO N.J.S.A. 10:4-12 AND ATTORNEY CLIENT PRIVILEGE RELATING TO NEGOTIATIONS AND SETTLEMENT OF PENDING LITIGATION IN MATTERS OF EMPLOYEE WORKERS COMPENSATION CLAIMS, THE MATTER OF JAMES V. CITY OF HOBOKEN, THE MATTER OF MAXWELL PLACE, AND THE MATTER OF THE CITY OF HOBOKEN V. CREPE GRILL CORP.**

THE COUNCIL OF THE CITY OF HOBOKEN

REGULAR MEETING OF AUGUST 15, 2012

STARTING AT 7:00PM

Please note: The Hoboken City Council may consider additional Resolutions, Ordinances or any other matter brought before the Hoboken City Council until August 15, 2012 and throughout the meeting

SECOND READING/PUBLIC HEARING AND FINAL VOTE

1. BOND ORDINANCE AUTHORIZING THE REDESIGN AND RECONSTRUCTION OF VARIOUS STREETS IN THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$1,096,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$1,041,200; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING (sponsored by Councilman Mello and Councilman Cunningham) (Z-195)
2. **(TO BE CARRIED TO THE SEPTEMBER 5, 2012 COUNCIL MEETING)** BOND ORDINANCE AUTHORIZING THE REHABILITATION AND RECONSTRUCTION OF PIER "A" AND THE CONSTRUCTION OF THE 9/11 MEMORIAL THEREON, IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$2,554,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY

OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$2,426,300; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING (**sponsored by Councilman Mello and Councilman Cunningham) (Z-194)**)

3. BOND ORDINANCE AUTHORIZING THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS TO AND THE ACQUISITION OF VARIOUS PIECES OF CAPITAL EQUIPMENT FOR VARIOUS CITY GARAGES; APPROPRIATING THE SUM OF \$5,175,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$5,175,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING (**sponsored by Councilman Mello and Councilman Cunningham) (Z-187)**)
4. AN ORDINANCE AMENDING CHAPTER 168 (STREETS AND SIDEWALKS) TO INCLUDE A NEW ARTICLE IX REGARDING RENAMING OF STREETS (**sponsored by Councilwoman Giattino and Councilman Mello) (Z-192)**)
5. AN ORDINANCE AMENDING CHAPTER 168 (STREETS AND SIDEWALKS) TO INCLUDE A NEW ARTICLE X REGARDING SIDEWALK PLAQUES (**sponsored by Councilwoman Giattino and Councilman Mello) (Z-193)**)
- 6.* AN ORDINANCE ESTABLISHING A NEW HISTORIC PRESERVATION CHAPTER 42 AND AMENDING EXISTING CHAPTER 36 (HISTORIC DISTRICT COMMISSION), CHAPTER 44 (LAND USE PROCEDURES), CHAPTER 168 (STREETS AND SIDEWALKS), AND CHAPTER 196 (ZONING) FOR CONSISTENCY (**sponsored by Councilman Mello and Councilman Cunningham) (Z-196)**)

(See Planning Board Response)

- 7.* AN ORDINANCE AMENDING CHAPTER 196 (ZONING) ARTICLE I (TITLE; PURPOSE) UPDATING THE TITLE, CONTENTS AND GENERAL PROVISIONS OF THE CHAPTER (**sponsored by Councilman Mello and Councilman Cunningham) (Z-197)**)

(See Planning Board Response)

- ~~8.* AN ORDINANCE ESTABLISHING A NEW CHAPTER 169 "TREES & TREE MAINTENANCE" AND AMENDING RELATED SECTION OF THE MUNICIPAL CODE (**sponsored by Councilwoman Giattino and Councilman Mello) (Z-198)**)~~

(At the Sponsor's request, this has been withdrawn) **

PUBLIC COMMENTS

PETITIONS AND COMMUNICATIONS

Memo from Mayor Dawn Zimmer regarding Neumann Leathers property

Miscellaneous Licenses

REPORTS FROM CITY OFFICERS

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of July 2012 **\$11,055,458.52 (Abatement Totals – \$20,096.74 ****

A report from Municipal Court indicating receipts for the month of July 2012 as **\$\$370,347.66**

CLAIMS

Total for this agenda **\$7,626,553.14 ****

PAYROLL

For the two week period starting June 21, 2012 – July 4, 2012

Regular Payroll	O/T Pay	Other Pay
\$1,495,454.54	\$110,797.12	\$465,981.16
	Total	
	\$2,072,232.82	

For the two week period starting July 5, 2012 –July 18, 2012

Regular Payroll	O/T Pay	Other Pay
\$1,505,683.34	\$77,248.87	\$139,676.26
	Total	
	\$1,722,608.47	

CONSENT AGENDA

Consent Agenda defined: All items listed with an asterisk (*) are considered to be routine business by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a council member or citizen so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda.

RESOLUTIONS

- 1.* Resolution authorizing the execution of the settlement agreement in the matter of City of Hoboken v. Crepe Grill., HUD-L-582-11 (**Documents will be available to the public after at the conclusion of the 8/15/12 Special Meeting's Closed Session**)
- 2.* Resolution granting Louis Masucci, Esq. of Weiner Lesniak Settlement authority in the matter of Desteno worker's compensation litigation (Case No. 2008-12411) in an amount up to the amount suggested by Louis Masucci to Mellissa Longo in his email dated June 19, 2012 (**Documents will be available to the public after at the conclusion of the 8/15/12 Special Meeting's Closed Session**)
- 3.* Resolution granting Stephen Banks, Esq. of Florio Kenny settlement authority in the matter of Michael Costello worker's compensation litigation in an amount up to the amount suggested by Stephen Banks to Mellissa Longo in his email dated August 2, 2012 (**Documents will be available to the public after at the conclusion of the 8/15/12 Special Meeting's Closed Session**)
- 4.* Resolution granting Stephen Banks, Esq. of Florio Kenny settlement authority in the matter of Albert Chichizola worker's compensation litigation in an amount up to the amount suggested by Stephen Banks to Mellissa Longo in his email dated August 2, 2012 (**Documents will be available to the public after at the conclusion of the 8/15/12 Special Meeting's Closed Session**)
- 5.* Resolution granting Stephen Banks, Esq. of Florio Kenny settlement authority in the matter of Jose Quinones worker's compensation litigation in an amount up to the amount suggested by Stephen Banks to Mellissa Longo in his email dated August 2, 2012 (**Documents will be available to the public after at the conclusion of the 8/15/12 Special Meeting's Closed Session**)
- 6.* Resolution granting Stephen Banks, Esq. of Florio Kenny settlement authority in the matter of Donald Pesciotta worker's compensation litigation in an amount up to the amount suggested by Stephen Banks to Mellissa Longo in his email dated August 2, 2012 (**Documents will be available to the public after at the conclusion of the 8/15/12 Special Meeting's Closed Session**)
- 7.* Resolution granting Stephen Banks, Esq. of Florio Kenny settlement authority in the matter of Douglas Peterson worker's compensation litigation in an amount up to the amount suggested by Stephen Banks to Mellissa Longo in his email dated August 2, 2012 (**Documents will be available to the public after at the conclusion of the 8/15/12 Special Meeting's Closed Session**)
- 8.* Resolution granting Susan O'Connor, Esq. of Hogland Longo settlement authority in the matter of James vs. City of Hoboken litigation in an amount up to the amount suggested by Susan O'Connor to Mellissa Longo in her email dated August 3, 2012 (**Documents**

will be available to the public after at the conclusion of the 8/15/12 Special Meeting's Closed Session)

- 9.* Resolution approves Phase I of the redesign of Church Square Park and authorizes actions by the Administration to be the project pursuant to Chapter 56A of the Hoboken City Code **(submitted by Administration)**
- 10.* Resolution to awards a contract to Brunswick commercial and Government Products, Inc. through its GSA Contract (GS-07F-0011J) for Fireboat/Water Rescue Vessel and trailer with equipment for the Hoboken Fire Boat Department **(submitted by Public Safety Department)**
- 11.* Resolution to approve a pilot program for extended hours at properly licensed sidewalk cafes **(sponsored by Councilwoman Giattino)**
- 12.* Resolution to authorize a Professional Service contract with Chasan Layener & Lamparello PC as Special Legal Counsel – outstanding litigation to the City of Hoboken to commence January 1, 2012 and expire December 31, 2012 for a total not to exceed amount of **\$3, 184.35** for Monroe Center vs. City of Hoboken (HUD 6452-10) **(submitted by Administration)**
- 13.* Resolution to authorize a professional service contract with Florio Perucci Steinhardt and Fader, LLC as Special Counsel – Labor Negotiations Counsel to the City of Hoboken to commence August 15, 2012 and expire on August 14, 2013 for a total not to exceed amount of \$20,000.00 **(submitted by Administration)**
- 14.* Resolution awards a contract to Stan Sport Center, Inc. through its State of New Jersey contract number 81164 for sporting goods and sporting supplies for the Hoboken Recreation Department in an amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000) **(submitted by Administration)**
- 15.* Resolution authorizing the City of Hoboken to accept and qualify responses to issued requests for Qualification for Financial Advisors **(submitted by Administration)**
- 16.* Resolution to award professional system engineering LLC as Voice Data consultant services for a one year term with a not exceed amount of \$71,500.00 **(submitted by Administration)**
- 17.* Resolution to award a bid regarding Sinatra Park **(submitted by Administration)**
(DOCUMENTS TO FOLLOW)
- 18.* Resolution to amend and extend the contract with Boswell Engineering for City Waterfront Engineer for a one (1) year term to begin May 1, 2012 and expire April 30, 2013, with a not to exceed amount of \$680,000.00 **(submitted by Administration)**

- 19.* Resolution requesting permission for the Dedication by Rider for Green Team Trust Fund required by N.J.S.A. 40A:5-29 **(submitted by Administration)**
- 20.* Resolution approving the action of the administration to auction bicycles deemed abandoned by the City of Hoboken online **(submitted by Administration)**
- 21.* Resolution authorizing the City of Hoboken to participate in the State Local Cooperative Housing Inspection Program for the July 1, 2012 to June 30, 2013 term, accepting the \$70,000.00 Grant from the program and authorizing the Mayor to act as the authorized agent for the duration of the program **(submitted by Administration)**
- 22.* Resolution inserting a Special item of Revenue into the CY 2012 Municipal Budget – Cultural Affairs State and County Partnership Arts Re-Grantee Program – CY 2012 **(in the sum of \$5,880.00) (submitted by Finance Department)**
- 23.* Resolution inserting a Special item of Revenue into the CY 2012 Municipal Budget – Hoboken Pedestrian Safety Grant – CY 2012 **(in the sum of \$15,000.00) (submitted by Finance Department)**
- 24.* Resolution inserting a Special item of Revenue into the CY 2012 Municipal Budget – Safety Performance Recognition Award – CY 2012 **(in the sum of \$100.00) (submitted by Finance Department)**
- 25.* Resolution confirms the City of Hoboken’s support of the Hoboken Volunteer Ambulance Corps by virtue of a second six (6) month contribution of twenty thousand (\$20,000) dollars and payment of its insurance coverage for one hundred fifty-five thousand, six hundred and seventy eight dollars and fifty-four cents **(\$155,678.54) (submitted by Administration)**
- 26.* Resolution authorizing the refund of overbilled 3rd & 4th quarters of 2012 from the tax duplicate (payable to the individuals listed on the resolution for the amount of **\$41,855.91) (submitted by Tax Collector)**
- 27.* Resolution authorizing the Refund of Tax Overpayments (payable to the individuals listed on the resolution for the amount of **\$11,114.68) (submitted by Tax Collector)**
- 28.* Resolution to approve the attached revised OPRA request forms for the City of Hoboken **(submitted by City Clerk)**
- 29.* Resolution to authorize emergency appropriations **(submitted by Finance Department)**
- 30.* Resolution to amend the Capital Budget **(submitted by Finance Department)**
- 31.* Resolution of support authorizing the Administration to apply for, accept and effectuate the FY2013 Hudson Municipal Alliance on Alcoholism and Drug Abuse Program **(submitted by Finance Department)**

- 32.* Resolution inserting a special item of revenue in the CY2012 Municipal Budget – Hudson County Open Space (**submitted by Finance Department**)
- 33.* Resolution in opposition to Assembly Bill A2580 and in support of the Administration’s continued efforts opposing the bill (**submitted by Councilwoman Giattino**)
- 34.* Resolution regarding the City’s revised Affordable Housing Ordinance plan (**submitted by Councilman Mello and Councilman Cunningham**) (**DOCUMENTS TO FOLLOW**)

ORDINANCES

Introduction and First Reading

- 1.* AN ORDINANCE TO AMEND ARTICLE V “LIMITED SIDEWALK CAFES” OF CHAPTER 168 ENTITLED “STREETS AND SIDEWALKS”
(**sponsored by Councilman Occhipinti**)
- 2.* AN ORDINANCE AMENDING V “SIDEWALK CAFES” OF CHAPTER 168 “STREETS AND SIDEWALKS” OF THE CODE OF THE CITY OF HOBOKEN
(**sponsored by Councilwoman Giattino**)
- 3.* AN ORDINANCE TO CHAPTER 190 ENTITLED “VEHICLES AND TRAFFIC” AND CHAPTER 141A ENTITLED “PARKING PERMITS” TO AMEND PARKING AND BUS STOP REGULATIONS RELATING TO JACKSON STREET AT NEWARK AND OBSERVER
(**sponsored by Councilman Occhipinti**)
- 4.* AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ESTABLISHING A SCHEDULE OF CLASSIFICATIONS AND ALLOCATIONS OF TITLE FOR ALL POSITIONS IN THE CITY OF HOBOKEN
5. BOND ORDINANCE AUTHORIZING THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT FOR THE DEPARTMENT OF ENVIRONMENTAL SERVICES FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY;
APPROPRIATING THE SUM OF \$470,900 THEREFOR;
AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IIN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$447,355;
MAKING CERTAIN DETERMINATIONS AND COVENANTS;

AND AUTHORIZING CERTAIN RELATED ACTIONS IN
CONNECTIONS WITH THE FOREGOING

6.* AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53(b) TO FUND THE COSTS ASSOCIATED WITH EXECUTION OF A COMPLETE PROGRAM OF REVALUATION OF REAL PROPERTY IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY

7.* AN ORDINANCE TO AMEND CHAPTER 46 ENTITLED "LEASE AGREEMENTS" TO RENAME THE CHAPTER AND TO INCLUDE A SMOKING PROHIBITION NEAR THE ENTRANCES TO CITY BUILDINGS

8.* AN ORDINANCE APPROVING THE TERMS AND CONDITIONS OF AN ACCEPTING A NON-EXCLUSIVE OPEN SPACE EASEMENT OVER A PORTION OF BLOCK 261.04, LOT 1 FROM MAXWELL PLACE CONDOMINIUM ASSOCIATION, INC. (1101-1125 HUDSON STREET)

9.* AN ORDINANCE REPEALING ORDINANCE NO. P-6 §196-68 THROUGH -81, ON AFFORDABLE HOUSING **(sponsored by Councilwoman Castellano and Councilman Russo) (HAS NOT BEEN REVIEWED BY CORPORATION COUNSEL AS TO FORM) ****

10.* AN ORDINANCE REQUIRING THE INCLUSION OF AFFORDABLE HOUSING UNITS IN RESIDENTIAL AND MIXED USE DEVELOPMENTS, EITHER NEW CONSTRUCTION OR SUBSTANTIAL REHABILITATION, THAT SEEK OR RECEIVE INCENTIVES AND COMPENSATORY BENEFITS INCLUDING USE VARIANCES AND INCREASES IN DENSITY AND FLOOR AREA RATIO, AND IN REDEVELOPMENT PLANS PROVIDING FOR RESIDENTIAL DEVELOPMENT, PROVIDING STANDARDS FOR DESIGN AND CONSTRUCTION OF AFFORDABLE HOUSING, AND ESTABLISHING REQUIREMENTS FOR AFFIRMATIVE MARKETING, SALE, RENTAL, AND AFFORDABILITY CONTROLS FOR AFFORDABLE HOUSING **(sponsored by Councilwoman Castellano and Councilman Russo) (HAS NOT**

**BEEN REVIEWED BY CORPORATION COUNSEL AS TO
FORM) ****

NEW BUSINESS

None

CLOSED SESSION

**RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS
MATTERS PURSUANT TO N.J.S.A. 10:4-12 AND ATTORNEY
CLIENT PRIVILEGE RELATING PENDING OR THREATENED
LITIGATION IN THE MATTER OF HOBOKEN COVE UMBRELLA
ASSOCIATION V. CITY OF HOBOKEN AND PSE&G**

**RESOLUTIONS (Cont'd – Action To Be Taken AFTER Closed
Session)**

- 34.* Resolution authorizing the execution of the general waiver and release in settlement of all claims in the matter of Hoboken Cove Umbrella Association's streetlight payments (submitted by Administration)