

Updated as of 10/16/12 10/17/12 ***

THE COUNCIL OF THE CITY OF HOBOKEN

REGULAR MEETING OF OCTOBER 17, 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 October 17, 2012 and throughout the meeting

RESOLUTIONS

- 1.* Resolution of the City of Hoboken authorizing the execution of a confidentiality agreement between the City of Hoboken, LCOR Hoboken Rail Station Redevelopment, LLC, and New Jersey Transit (**submitted by Community Development**) (**Special Counsel Maraziti will be available to answer questions**)

SECOND READING/PUBLIC HEARING AND FINAL VOTE

1. 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)

(TO BE PULLED)

RESOLUTIONS

- 2.* Resolution supporting adoption of Ordinance No. Z-208 which has been deemed inconsistent with certain elements of the Municipal Master Plan by the Planning Board (**submitted by Community Development**)

SECOND READING/PUBLIC HEARING AND FINAL VOTE

2. AN ORDINANCE REQUIRING THE SET ASIDE OF LOW AND MODERATE INCOME AFFORDABLE HOUSING UNITS IN RESIDENTIAL AND MIXED USE DEVELOPMENTS, INCLUDING REDEVELOPMENT PROJECTS, THAT SEEK OR

RECEIVE AN INCREASE IN DENSITY, A DENSITY BONUS OR
OTHER COMPENSATORY BENEFIT AND ESTABLISHING
REQUIREMENTS FOR AFFIRMATIVE MARKETING, SALE,
RENTAL, AND AFFORDABILITY CONTROLS FOR
AFFORDABLE HOUSING

(sponsored by Councilman Mello & Councilman Bhalla) (Z-208)
(Special Counsel Cucchiaro will be available to answer questions)

3. AN ORDINANCE AMENDING AND SUPPLEMENTING
THE CITY OF HOBOKEN DEVELOPMENT APPLICATION
CHECKLIST REGULATIONS IN ORDER TO REQUIRE THE
SUBMISSION OF A FISCAL STATEMENT TO BE SUBMITTED
AS PART OF THE CHECKLIST IN REGARD TO ANY
APPLICATION FOR DEVELOPMENT WHEREIN AFFORDABLE
HOUSING IS REQUIRED

(sponsored by Councilman Mello & Councilman Bhalla) (Z-209)
(Special Counsel Cucchiaro will be available to answer questions)

4. AN ORDINANCE OF THE CITY OF HOBOKEN,
COUNTY OF HUDSON, NEW JERSEY, APPROPRIATING THE
SUM OF \$1,950,000 IN FUNDING FROM THE CAPITAL FUND
FOR THE UNDERTAKING OF CERTAIN AFFORDABLE
HOUSING PROJECTS IN AND FOR THE CITY OF HOBOKEN
AS PART OF THE CITY OF HOBOKEN'S CONTINUING
AFFORDABLE HOUSING INITIATIVE

(sponsored by Councilwoman Giattino and Councilman Bhalla)
(Z-218)

5. AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON,
STATE OF NEW JERSEY, DISSOLVING THE HOBOKEN MUNICIPAL HOSPITAL
AUTHORITY PURSUANT TO N.J.S.A. 40A:5A-20

(sponsored by Councilman Mello, and Councilman Bhalla) (Z-210)

(CARRIED TO THE NOVEMBER 7TH, 2012 COUNCIL MEETING)

6. AN ORDINANCE ADOPTING A NEW HISTORIC
PRESERVATION FEE SCHEDULE AND A NEW HISTORIC
PRESERVATION APPLICATION AND CHECKLIST AS
REFERENCED IN CHAPTER 42 AS APPENDIXES "A" AND "B"
RESPECTIVELY

(sponsored by Councilman Mello and Councilman Bhalla)
(Z-212)

7. AN ORDINANCE ESTABLISHING A NEW CHAPTER 169 "TREES & TREE MAINENANCE" AND AMENDING RELATED SECTION OF THE MUNICIPAL CODE
(sponsored by Councilwoman Giattino and Councilman Bhalla)
(Z-213)

8. AN ORDINANCE TO MAKE THE CITY HOUSING INSPECTORS THE AUTHORIZED AGENTS FOR INSPECTION OF TWO (2) FAMILY DWELLINGS
(sponsored by Councilman Mello and Councilman Bhalla)
(Z-214)

9. AN ORDINANCE TO AMEND SECTION 59A-31 TITLED "STAFF" WITHIN CHAPTER 59A, ENTITLED "DEPARTMENT OF PUBLIC SAFETY"
(sponsored by Councilman Bhalla and Councilman Mello)
(Z-216)

10. AN ORDINANCE TO AMEND CHAPTER 46 ENTITLED "LEASE AGREEMENTS" TO INCLUDE A LEASE AGREEMENT BETWEEN THE CITY OF HOBOKEN AND PBA LOCAL 2 FOR THE USE AND MAINTENANCE OF A PORTION OF THE OPEN AREA ON THE SECOND FLOOR OF THE BUILDING KNOWN AS 1 POLICE PLAZA HOBOKEN
(sponsored by Councilwoman Giattino and Councilman Bhalla)
(Z-217)

PUBLIC COMMENTS

PETITIONS AND COMMUNICATIONS

Auditor's report for FY 2011 * **updated 10/16/12**

Memo from Mayor Zimmer to Governing Body ** **updated 10/17/12**

Proclamation from Mayor Zimmer recognizing Rita Gurevich on being named Top 25 Women Entrepreneurs and Business Owners by New Jersey Monthly Magazine

Miscellaneous Licenses

REPORTS FROM CITY OFFICERS

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of September 2012 **\$1,330,750.07 (Abatement Totals – \$64,138.91)**

A report from Municipal Court indicating receipts for the month of September 2012 as **\$364,325.84**

CLAIMS

Total for this agenda **\$1,053,446.88**

PAYROLL

For the two week period starting September 13, 2012 – September 26, 2012

Regular Payroll	O/T Pay	Other Pay
\$1,518,197.54	\$44,519.18	\$83,243.34
	Total	
	\$1,645,960.06	

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

- 3.* Resolution of the City of Hoboken, County of Hudson designating certain property in and around Block 231.01, Lot 1 in the City as an area in need of Rehabilitation (**submitted by Community Development**) (**Special Counsel Nee will be available to answer questions**)
- 4.* Resolution amended resolution authorizing the Mayor to execute funding agreement with Nuestros Ninos Day Care (**submitted by Administration**)
- 5.* Resolution requesting permission for the Dedication by Rider for the establishment of the “City Cultural Affairs” Trust Fund (**submitted by Administration**)
- 6.* Resolution authorizing the execution of a Temporary Non-Exclusive License Agreement (**Maxwell Place Condominium Association, Inc. known as Block A**) (**submitted by Administration**)

- 7.* Resolution expressing opposition to the use of 901 Sinatra Drive (Union Dry Dock) for an NJ Transit Ferry Terminal **(submitted by Administration)**
- 8.* Resolution inserting a Special item of Revenue into the CY 2012 Municipal Budget – Byrne Justice Assistance Grant (JAG)– CY 2012 **(in the sum of \$14,579.00) (submitted by Finance Department)**
- 9.* Resolution to approve a “License Agreement” between the City of Hoboken and the owner of Block 121 Lots 19, 20 and 21 (more commonly known as 1414-1418 Grand Street) for use and maintenance of a portion of the Public Right of Way Adjacent to said property **(submitted by Administration)**
- 10.* Resolution authorizing the Refund of Tax Overpayments (payable to the individuals listed on the resolution for the amount of **\$20,875.16 (submitted by Tax Collector)**
- 11.* Resolution to authorize a professional service contract with Gluck Walwrath as Special Counsel – Municipal Hospital Authority Dissolution to the City of Hoboken to commence October 7, 2012 and expire on October 16, 2013 for a not to exceed amount of Five Thousand (\$5,000.00) dollars **(submitted by Administration)**
- 12.* Resolution awards a contract to Fine Wall Corporation for the renovations to the Hoboken Police Department in accordance with Bid No. 12-05 in an amount not to exceed Three Hundred Fifteen Thousand Six Hundred Dollars (\$315,600.00) **(submitted by Administration)**
- 13.* Resolution of the City Council of the City of Hoboken, County of Hudson, New Jersey authorizing the issuance and sale up to \$1,300,000.00 of Special Emergency Notes of the City of Hoboken; making certain covenants to maintain the exemption of the interest on said notes from Federal Income Taxation; and authorizing such further actions and making such determinations as may be necessary or appropriate to effectuate the issuance and sales of the note **(submitted by Administration)**
- 14.* Resolution to approve the license applications of the below listed light and heavy Towing Supply Companies for a term to commence at 1200H on October 18, 2012 and terminate at 1200H on December 31, 2013 **(submitted by Transportation and Parking Department) (*revised and updated as of 10/16/12)**
- 15.* Resolution authorizing an amendment to the contract with Vogel, Chait, Collins & Schneider for the services of Tom Collins, Esq. as Special Counsel for litigation in the mats of Block 112 Development, LLC, Docket No. HUD-L-6010-10 and URSA Development Group, LLC v. City of Hoboken, Docket no. HUD-L-6449-11, to increase the not to exceed amount by Thirty Five Thousand (\$35,000.00) dollars for a total not to exceed amount of \$135,000.00 **(submitted by Administration)**

- 16.* Resolution to authorize an amended professional service contract with Lite DePalma Greenberg for the services of Victor Afanador, Esq. as Special Legal Counsel – Rent Control Litigation to the City of Hoboken for a term to commence January 1, 2012 and expire December 31, 2012 with an increase in the not to exceed amount by Sixty Thousand (\$60,000.00) dollars for a total not to exceed amount of \$235,000.00 **(submitted by Administration)**
- 17.* Resolution to authorize an amended professional service contract with Florio & Kenny for the services of the firm as Special Legal Counsel – Rent Control Board Attorney to the City of Hoboken to commence January 1, 2012 and expire December 31, 2012 with an increase in the not to exceed amount of Two Thousand \$2,000 dollars for a not to exceed amount of \$21,000.00 **(submitted by Administration)**
- 18.* Resolution to authorize and amendment to the professional service contract with Florio Kenny as Special Legal Counsel – Outstanding Litigation to the City of Hoboken to commence January 1, 2012 and expire December 31, 2012 for an increase in the not to exceed amount by Thirty Five Thousand (\$35,000.00) dollars for a total not to exceed amount of \$58,000.00 **(submitted by Administration)**
- 19.* Resolution authorizing an amendment to the professional service contract with Benjamin Choi, Esq. for services as Alternate Municipal Prosecutor for a one (1) year term to commence on January 1, 2012 and terminate on December 31, 2012 with an increase in the not to exceed amount by Three Thousand Five Hundred (\$3,500.00) dollars for a total not to exceed amount of \$8,500.00 **(submitted by Administration)**
- 20.* Resolution inserting a Special item of Revenue into the CY 2012 Municipal Budget – FY 2011 Port Security Grant Program from the Port Authority of New York and New Jersey– (in the sum of \$297,000.00) **(submitted by Finance Department)**
- 21.* A Resolution to Authorize a Professional Service Contract with McGuire Associates, LLC General Real Estate Appraiser for the City of Hoboken for the 2012 Calendar Year for a total not to exceed amount of One Hundred Thousand Dollars (\$100,000.00) **(submitted by Administration)**
- 22.* Resolution awards a contract to Reggio Construction Inc. for the 2012 Road Program in accordance with Bid No. 12-07 in an amount not to exceed Five Hundred Thirteen Thousand Five Hundred Twenty Three Dollars and Fifteen Cents (\$513,523.15) **(submitted by Administration) (** updated on 10/17/12)**
- 23.* Resolution authorizes an amendment to the appointment of Wallace Roberts and Todd, LLC as Professional Planner for the Redevelopment at Hoboken Terminal and Rail Yards for an increase in the not to exceed amount by Five Thousand Dollars (\$5,000.00) **(** added on 10/17/12)**

ORDINANCES

Introduction and First Reading

- 1.* AN ORDINANCE TO AMEND AND SUPPLEMENT
CHAPTER 190 OF THE
ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN
ENTITLED VEHICLES AND TRAFFIC TO AMEND BUS STOPS
AND LOADING ZONES, AND TO CLARIFY AUTHORIZED TOW
AWAY ZONES

- 2.* AN ORDINANCE AMENDING ARTICLE V “SIDEWALK
CAFES” OF CHAPTER 168 “STREETS AND SIDEWALKS” OF
THE CODE OF THE CITY OF HOBOKEN
(sponsored by Councilwoman Giattino and Councilman Mello)

NEW BUSINESS

CLOSED SESSION

RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUANT
TO N.J.S.A. 10:4-12 AND ATTORNEY CLIENT PRIVILEGE RELATING TO
NEGOTIATIONS AND SETTLEMENT OF PENDING LITIGATION IN THE MATTER OF
VERA V. CITY OF HOBOKEN

RESOLUTIONS

- 24.* Resolution granting Mellissa Longo, Esq. Authority to settle the matter of Vera v. City of Hoboken Litigation in an amount up to the amount suggested by Mellissa Longo as described in her October 15, 2012 memo to this council