

MEETING OF APRIL 15, 2015

**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, APRIL 15,
2015 AT 7:00 PM**

Council President opened the meeting at 7:01 P.M. 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 was 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 Castellano, Cunningham, Doyle, Giattino, Mason, Mello, Russo, Occhipinti and President Bhalla

ABSENT: ~~Mello and Russo~~ (see below) *****

**Council President comments that T & M will do a presentation on First Street
Representatives from T & M Associates.**

Councilman Mello arrives to the meeting at 7:15 PM

Council members asked questions to the presenters.

SECOND READING/PUBLIC HEARING AND FINAL VOTE

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) (Z-342)

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

President Bhalla asked for a motion to close the hearing.

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

---Absent: Russo

President Bhalla 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: 6 – NAYS: 2 - ABSENT: 1

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

---Nays: Castellano and Mason

---Absent: Russo

Director Wiest gives an overview of the ordinance to the Governing Body

The Auditor Steven Wielkottz

AN ORDINANCE TO AMEND HOBOKEN CODE SECTION 179A-4 ENTITLED "INDEMNITY BOND OR LIABILITY INSURANCE REQUIRED AMOUNT" (**Z-344**)

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

President Bhalla asked for a motion to close the hearing.

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

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

*******Councilman Russo arrives to the meeting at 7:46 PM*******

AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ESTABLISHING A SCHEDULE OF CLASSIFICATIONS AND ALLOCATIONS OF TITLE FOR THE HEREIN MENTIONED POSITIONS IN THE CITY OF HOBOKEN (**Z-345**)

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

President Bhalla asked for a motion to close the hearing.

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

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

PUBLIC COMMENTS

The speakers who spoke: Ray Smith, Roman Brice.

RESOLUTIONS

15-219

---By Councilman Mello

RESOLUTION AUTHORIZING THE CY 2015 MUNICIPAL BUDGET TO BE READ BY TITLE ONLY

BE IT RESOLVED, by the City Council of the City of Hoboken, in the County of Hudson, by majority vote of the full membership hereby determine that the **CY 2015 Municipal Budget** shall be read by its title only, and we further declare that the conditions set forth in **N.J.S.A. 40A:4-8(1A & 1B)** of said section have been met.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

PUBLIC HEARING ON THE CALENDAR YEAR 2015 MUNICIPAL BUDGET

Council President motions to close the public hearing and seconded by the Governing Body.

15-220

APPLICATION FOR MISCELLANEOUS LICENSES

Vendors----- 2 Items

Raffles----- 5 Items

---Councilman Cunningham moved that the licenses be granted.

---Adopted by the following vote: YEAS: 9 – NAYS: 0 - ABSTAIN: 1

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

---Nays: None.

---Abstain: Mason on the Elk’s Club

15-221

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of March 2015 **\$1,316,590.08 (Abatement Totals – \$15,142.32)**

Received and filed.

15-222

A report from Municipal Court indicating receipts for the month of March 2015 as **\$454,101.31**.

Received and filed.

15-223

---By Councilman Mello

CLAIMS

Total for this agenda **\$826,389.81**.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 8 – NAYS: 3 - ABSTAIN: 1

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

---Nays: Castellano 15-0119 and 15 –01085, Mason – 15-00872, 15-01085 and Russo

---Abstain: Mason 15-150628, 15-00312, 15-01002

15-224

---By Councilman Mello

PAYROLL

For the two week period starting March 12, 2015 – March 25, 2015

Regular Payroll	O/T Pay	Other Pay	
\$1,611,921.64	\$154,294.90		\$111,777.79
Total	\$1,877,994.33		

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

CONSENT AGENDA – 2, 3, 8, 9 & 11

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.

Pulled from the agenda for discussion: 5, 6, 7 & 10

Removed by Administration: 4

RESOLUTIONS (CONT'D)

15-225

---By Councilman Mello

**RESOLUTION OF THE CITY OF HOBOKEN AUTHORIZING THE ISSUANCE OF A
CERTIFICATE OF COMPLETION TO HOBOKEN CINEMA, LLC**

WHEREAS, the **MAYOR AND THE CITY COUNCIL OF THE CITY OF HOBOKEN**, acting as a Redevelopment Entity pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., (hereinafter “City”), and **FRANK RAIA** (“Raia”) entered into an Amended Developer’s Agreement on or about October 18, 2000 (“Redevelopment Agreement”), as affected by the Northwest Redevelopment Plan which was adopted on or about May 20, 1998, for an area known as the Northwest Redevelopment Area, and as same may have been amended from time to time; and

WHEREAS, on or about October 4, 2006, the Northwest Redevelopment Plan was amended by Ordinance No. DR-275 which Ordinance specifically established standards for a movie theater as a permitted use within the Northwest Redevelopment Area; and

WHEREAS, by a series of Resolutions of the City, certain of Raia’s rights and obligations established by the Redevelopment Agreement were subsequently assigned by Raia to **URSA DEVELOPMENT GROUP, LLC** (“Ursa”) as further set forth in the Settlement Agreement and Release between Ursa and the City dated May 8, 2013 (“Settlement Agreement”), which Settlement Agreement involved various parcels that were also the subject of the Redevelopment Agreement, including Block 114, Lots 1-33 on the Tax Map of the City of Hoboken (referred to collectively herein only as “Redevelopment Area”); and

WHEREAS, prior to the implementation of the Settlement Agreement, a portion of the Redevelopment Area, specifically, parts of Lots 14 – 19 within Block 114 (collectively, the “Block 114 Parcel”), had been acquired by Hoboken Cinema, LLC and subsequently leased to CCG Holdings, LLC (d/b/a Clearview Cinemas) pursuant to the terms of a Ground Lease Agreement dated August 1, 2007 (the “Lease Agreement”); and

WHEREAS, in 2007 when the City updated its tax maps, the Block 114 Parcel was subdivided and then merged into a single property known as Block 114, Lot 14.02 on the current Tax Map of the City of Hoboken (the “Property”); and

WHEREAS, having been subject to the Northwest Redevelopment Plan as well as the Redevelopment Agreement and ultimately, the Settlement Agreement, the Property was redeveloped as a cinema and it is now known and operated as the Hoboken Cinemas (the “Cinema”); and

WHEREAS, a Final Certificate of Zoning Compliance was issued for the Property on December 2, 2009; and

WHEREAS, a Final Certificate of Occupancy was issued for the Cinema on December 3, 2009; and

WHEREAS, the Lease Agreement has since been assigned by CCG Holdings, LLC to BTC Holdings, LLC (d/b/a Bow Tie Cinemas) pursuant to an Assignment and Assumption of Lease dated June 27, 2013 (the “Assignment”); and

WHEREAS, Bow Tie Cinemas is currently operating the Hoboken Cinemas upon the Property and, as Assignee of the Lease Agreement pursuant to the Assignment, shall pay rent at what has been represented to the City as below-market rates, in accordance with the rent provisions in the Lease Agreement, a copy of which is available at City Hall together with all other documents referenced herein; and

WHEREAS, the City Council of the City of Hoboken authorized the Mayor of the City of Hoboken to execute this Certificate of Completion on behalf of the City by Resolution April 15, 2015.

NOW, THEREFORE, in consideration of the aforesaid and the development of the Cinema upon the Property, the City hereby issues this Certificate of Completion, subject to the conditions and terms herein, with regard to the Property.

1. Certificate of Completion: This Certificate of Completion shall constitute conclusive evidence that the Cinema has been constructed and shall serve as a conclusive determination of satisfaction of those portions of the Redevelopment Agreement and the Settlement Agreement pertaining to the construction of any improvements upon the Property, subject to the conditions and terms herein.

Subject to the conditions and terms herein, this Certificate of Completion shall further mean, with respect to the Property, that:

- (a) any successor owner of the Property or any party leasing or financing the Property shall not incur any obligation with respect to any redevelopment or any additional improvements upon the Property, except as may be agreed upon in writing; and
 - (b) pursuant to N.J.S.A. 40A:12A-9, due to the construction of the Cinema, the conditions determined to exist at the time the Property was determined to be in need of redevelopment are deemed to no longer exist and the land and improvements comprising the Property are no longer subject to eminent domain as a result of those determinations; and
 - (c) there shall be no further reversion of title rights in the City of Hoboken; and
 - (d) upon issuance of this Certificate of Completion and pursuant to Paragraph 34 of the Settlement Agreement, any future conveyances of the Property shall not be subject to prior consent by the City.
2. No Waiver of Rights and Obligations Pursuant to the Settlement Agreement: Under no circumstances shall the issuance of this Certificate of Completion be deemed to constitute a release of Ursa or any successor to Ursa, corporate or otherwise, as may be applicable, from any remaining obligations set forth by the Settlement Agreement and/or a waiver of any of the City's rights pursuant to the Settlement Agreement, specifically with respect to but not limited to:
 - (a) the Settlement Payment to the City, as that term is defined in the Settlement Agreement; and/or
 - (b) the environmental remediation and conveyance of the Block 102 Property to the City for one dollar (\$1.00); and/or
 - (c) the completion of the construction of improvements upon the Block 104 Property as set forth in and required by the Redevelopment Agreement and the Settlement Agreement.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

15-226

---By Councilman Mello

RESOLUTION TO AUTHORIZE SUBMISSION OF A GRANT APPLICATION AND ACCEPTANCE OF THE GRANT AWARD, IF RECEIVED, TO THE NORTH JERSEY TRANSPORTATION PLANNING AUTHORITY FOR THE EMERGING CENTERS GRANT PROGRAM AND ACCEPTANCE OF GRANT IF AWARDED

WHEREAS, the North Jersey Transportation Planning Authority (NJTPA) Emerging Centers Grant Program is intended to provide technical assistance to a municipality or group of municipalities, on a competitive basis, for planning studies that advance sustainable transportation and land use planning as well as to develop collaborative and comprehensive planning approaches at the local level; and,

WHEREAS, the City of Hoboken is one of a select group of municipalities eligible to apply for technical assistance as a result of its participation in the Together North Jersey Local Planning Initiative in which a Green Infrastructure Strategic Plan was developed; and,

WHEREAS, between three and five municipalities in total will be selected by NJTPA for the Emerging Centers Program; and,

WHEREAS, the City, as part of the grant application, is requesting technical assistance from NJTPA for the creation of a Complete Streets Implementation Plan; and,

WHEREAS, updates and enhancements to the City's five year old Complete Streets Policy are essential to helping Hoboken implement best practices in safe, smart, efficient, green, and accommodating street design for all users; and,

WHEREAS, if awarded, NJTPA will be the project manager, and will assist the City with drafting a Request for Proposals (RFP) to hire planning and engineering consultants to provide technical assistance to the City; and,

WHEREAS, while **no monetary city match is required**, in-kind staff labor will be expected to support the technical assistance.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that the City of Hoboken formally approves the submission of the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the City Council additionally authorizes the acceptance of any grant award received from NJTPA as a result of the grant application, so long as the award does not require any monetary city match; and,

BE IT FURTHER RESOLVED, that the Mayor or her designee is hereby authorized to submit a grant application to the North Jersey Transportation Planning Authority (NJTPA) and execute any grant agreement thereafter, subject to the restrictions found herein, on behalf of the City of Hoboken.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

15-227

---By Councilman Mello

RESOLUTION AWARDING A CONTRACT TO PATCH MANAGEMENT, INC. FOR THE PROVISIONS OF SPRAY - INJECTION POTHOLE PATCHING SERVICES IN ACCORDANCE WITH THE CITY'S BID NO. 15-06 IN THE TOTAL AMOUNT NOT TO EXCEED \$40,000.00.

WHEREAS, seven (7) vendors received the complete bid package, and one (1) bid proposal was received for Bid Number 15-06 for the provisions of spray-injection pothole patching services, the one (1) proposal being:

<u>VENDOR</u>	<u>UNIT PRICE PER WEEK</u>	<u>EXTENDED TOTAL</u>
Patch Management, Inc. 451 Tyburn Road	\$10,000.00	\$40,000.00 FOR 4 WEEKS

Fairless Hills, PA 19030

WHEREAS, pursuant to the recommendation of the Purchasing Department (attached hereto) the City wishes to contract for the goods and services specified in Bid No. 15-06, and Patch Management, Inc. submitted a responsible, and responsive bid for the unit and extended price; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$40,000.00 is available in the following appropriations: 5-01-26-291-029 in the CY2015 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 appropriation for the CY2015; 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 as follows:

- A. This resolution awards a contract to Patch Management, Inc. per the unit price, with an initial guarantee of the purchase of four units (weeks) of Bid No. 15-06, as the initial contract amount/services, for a not to exceed amount of Forty Thousand Dollars and Zero Cents. Since the bid allowed the City to add up to eight additional weeks' worth of services, this contract shall be subject to the City obtaining the additional units (8 weeks), as options, at the sole discretion of the City; however, exercise of such options will require additional appropriations and authorization of this council.
- B. If the contract, as provided by the City of Hoboken, is not executed by the vendor within 21 days of execution of this award, the City may cancel this award and rebid the contract.
- C. The contract shall be in accordance with the terms of the specifications and the vendor's corresponding bid proposal documents. No exceptions were noted in the Purchasing Agent's recommendation; therefore, none will be accepted in performing obligations under the bid.
- D. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor or her agent is hereby authorized to enter into an Agreement with the vendor for said purchase and sale.
- E. This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: Russo

15-228

---By Councilman Russo

RESOLUTION AUTHORIZING ST. ANN'S CHURCH TO CONDUCT ITS 105TH ANNUAL FESTIVAL

WHEREAS, St. Ann's Church has requested permission to conduct its annual Feast in Honor of St. Ann from Wednesday, July 22nd through Sunday, July 26th, 2015; and

WHEREAS, St. Ann's Church has indicated on the attached agenda its requirements to successfully conduct the Feast as follows:

1. To have a procession with the Statue of St. Ann through the streets of Hoboken
2. To erect a bandstand at the corner of 7th and Jefferson Streets and one in their courtyard.
3. To have electrical illumination and decorations in the Church area
4. To erect concession stands for vendors of food, novelties, games & rides in the Church area
5. To have music and entertainment on the bandstands
6. To close streets to traffic as outlined in the attached diagram, on the following days and hours:

Wednesday, July 22nd through Friday, July 24th from 6:00 pm through 11:00 pm

Saturday, July 25th from 1:00 pm through 11:00 pm

Sunday, July 26th from 11:00 am through 11:00 pm

7. To have rides on Madison Street – between 7th and 8th Streets
8. To have the streets cleared of all vehicles, per enclosed diagram, from Tuesday, July 21st at 8:00 am through Monday, July 27th at 8:00 pm so that we may do the following:

Put trailers into place
Erect rides
Set-up vendor booths
Clean up after festival

9. To place the festival banners on city poles along Washington Street
10. To clear street in the alcove in front of the Citadel Condominiums at the corner of 7th & Jefferson Streets on Tuesday, July 21st at 6:00 am in order for the bandstand to be erected

RESOLVED, that the Council for the City of Hoboken agrees to allow St. Ann's Church permission to conduct its 104th annual Feast in honor of St. Ann in accordance with the Whereas clauses herein, subject to St. Ann's Church providing the City Administration with (1) a Certificate of Insurance in the amount of at least \$1,000,000.00 per occurrence, naming the City of Hoboken and its officers, agents and elected officials as additional insured and including a thirty (30) day notice of cancellation to the City of Hoboken c/o Corporation Counsel, and (2) a fully executed Indemnity and Hold Harmless Agreement in favor of the City, the substance of which shall be approved by the Corporation Counsel. These documents shall be **conditions precedent** to the City's approval of the within Agenda and any action taken by the City thereunder.

---Motion duly seconded by Councilwoman Castellano

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

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

---Nays: None

15-229

---By Councilman Mello

RESOLUTION TO APPROVE A LICENSE AGREEMENT BETWEEN THE CITY OF HOBOKEN AND JESSE HALLIBURTON, OWNER OF BLOCK 179 LOT 11 (a/k/a 323 Park Avenue), FOR USE AND MAINTENANCE OF A PORTION OF THE PUBLIC RIGHT OF WAY ADJACENT TO SAID PROPERTY

WHEREAS, the City of Hoboken requires property owners to maintain the public right-of-way adjacent to their property, including but not limited to sidewalks, stairs, stoops, fences, areaways, trees and other landscaping; and

WHEREAS, the City of Hoboken encourages property owners to landscape and otherwise improve said right-of-way to enhance the urban landscape; and

WHEREAS, the City of Hoboken and the City Council, by resolution, provides for the issuance of license agreements for the aforementioned purpose; and

WHEREAS, the applicant desires to receive and the City of Hoboken agrees to grant to Jesse Halliburton, owner of Block 179 Lot 11, more commonly known as 323 Park Avenue, Hoboken, such a license.

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

- 1) Approval of the attached License Agreement between the City of Hoboken and Jesse Halliburton, owner of Block 179 Lot 11, more commonly known as 323 Park Avenue, shall be subject and limited to the details and specifications included in the attached Application and Exhibits including, survey dated June 21, 2011 and Minervini Vandermark Architecture drawings dated April 2, 2015;
- 2) The Mayor or her agent is hereby authorized to enter into the attached agreement; and
- 3) This resolution shall become effective immediately up adoption.

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

15-230

---By Councilman Mello

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS (PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT OF \$9,705.42)

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 Treasury made payable to the following totaling **\$9,705.42**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Pamela & Frank Spina 536 Grand Street #203 Hoboken, NJ 07030	70/11/C0203	536 Grand St	2/15	\$343.40
Anne & Michael Delany 229 Willow Ave. #2L Hoboken, NJ 07030	165/15/C002L	229 Willow Ave	2/15	\$369.36
Vito & Albina Porta 536 Garden Street Hoboken, NJ 07030	180/21.01	536 Garden St	2/15	\$274.24
Absolute Title Age of NJ, LLC 184/38/C0001 1733 Sheepshead Bay Road, Suite 38 Brooklyn, NY 11235	906 Garden St		4/14	\$2,171.16
Herbert Taylor & Lia Mandaglio 820 Hudson St. #2-7 Hoboken, NJ 07030	219/19.01/C02-7	820 Hudson St	1&2/15	\$3,130.49
Shafi Mansuri 510 Jefferson St Hoboken, NJ 07030	68/27	510 Jefferson St	2&3/15	\$3,416.77

---Motion duly seconded by Councilman Cunningham
 ---Adopted by the following vote: YEAS: 9 – NAYS: 0

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

15-231

---By Councilman Mello

**RESOLUTION AUTHORIZING THE REFUND OF TAX APPEALS STATE TAX COURT
(PAYABLE TO THE INDIVIDUALS LISTED ON THE RESOLUTION FOR THE AMOUNT
OF \$8,642.26)**

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

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

**NOW THEREFORE BE IT RESOLVED, that a warrant be drawn on the City Treasury
made payable to the following totaling \$8,642.26**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
Schneck Law Group LLC	205/14	625 Bloomfield St	2014	\$1,428.00
301 South Livingston Avenue, Suite 105 Livingston, NJ 07039				
Schneck Law Group LLC	219/13	832 Hudson St	2014	\$2,286.23
301 South Livingston Avenue, Suite 105 Livingston, NJ 07039				
Schneck Law Group LLC	42/15/C0010	222-32 Clinton St	2014	\$644.03
301 South Livingston Avenue, Suite 105 Livingston, NJ 07039				
Schneck Law Group LLC	185/33	1022 Garden St	2014	\$2,142.00
301 South Livingston Avenue, Suite 105 Livingston, NJ 07039				
Schneck Law Group LLC	204/1	501 Bloomfield St	2014	\$2,142.00
301 South Livingston Avenue, Suite 105 Livingston, NJ 07039				

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

15-232

---By Councilman Mello

RESOLUTION AUTHORIZING ISSUANCE OF DUPLICATE TAX SALE CERTIFICATE (TO SPACE ENTERPRISES, LLC DATED APRIL 8, 2011)

WHEREAS, Sharon Curran, Collector of Revenue of this municipality has previously issued a tax sale certificate to Space Enterprises LLC, which certificate is dated April 8, 2011, for Block 91, Lot 1.02, Qual# CP018 Certificate # 11-00047.

WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto; and

NOW, THEREFORE, BE IT RESOLVED BY THE Mayor and City Council, County of Hudson, State of New Jersey, that the Tax Collector of the municipality be and is hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit and the payment fee of \$100.00 per certificate, to issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

BE IT FURTHER RESOLVED, that a copy of this resolution and the Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word "Duplicate" as required by law.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

15-233

---By Councilman Doyle

RESOLUTION TO ADOPT THE MINUTES OF THE MEETINGS OF THE CITY COUNCIL DATED: REGULAR MEETING OF APRIL 1, 2014

RESOLVED, that filed minutes for the Hoboken City Council **Regular meeting of April 1, 2015** have been reviewed and approved by the Governing Body.

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: Mason

ORDINANCES

Introduction and First Reading

15-234
Z-346

AN ORDINANCE TO AMEND ORDINANCE Z-20 REGARDING THE MAYOR AND DIRECTORS BENEFITS

WHEREAS, the City of Hoboken is governed by the Faulkner Act Mayor- Council form of government; and,

WHEREAS, pursuant to the Faulkner Act, N.J.S.A. 40:69A-180, the salary, wages or other compensation paid to the Mayor and members of the City Council must be fixed by the council; and,

WHEREAS, N.J.S.A. 40:69A-180 further provides that the compensation of all department heads shall be also fixed by the council upon reorganization; and,

WHEREAS, N.J.S.A. 40:69A-43a provides that the salary, wages or other compensation paid to all other municipal employees is established by the Mayor, except as specifically otherwise provided by law;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Hoboken, County of Hudson, State of New Jersey, as follows (additions noted in underline, deletions noted in strikethrough):

SECTION ONE

The following is deleted in its entirety: ~~The Mayor shall be entitled to equivalent benefits as are set forth in the current collective bargaining agreement between the City and the Hoboken Municipal Supervisors Association, but shall not receive longevity pay or overtime. All vacation days shall accrue pro rata on a monthly basis.~~

SECTION TWO

*The salary / benefits of the City Council shall remain unchanged.

SECTION THREE

The following is deleted in its entirety: ~~The Department Heads shall be entitled to equivalent benefits as are set forth in the current collective bargaining agreement between the City and the Hoboken Municipal Supervisors Association, but shall not receive longevity pay or overtime. All vacation days shall accrue pro rata on a monthly basis.~~

The following is added as a replacement, in its entirety: The Mayor, Department Heads (Directors), Municipal Manager, and Corporation Counsel shall be entitled to equivalent benefits as are set forth in the current collective bargaining agreement between the City and the Hoboken Municipal Supervisors Association with the following exceptions. The Mayor, Department Heads (Directors), Municipal Manager, and Corporation Counsel are not entitled to longevity pay, overtime, collective bargaining agreement increases, perfect attendance awards, and/or uniform allowances. Effective January 1, 2015, the Mayor, Department Heads (Directors), Municipal Manager, and Corporation Counsel shall receive twenty (20) vacation days per annum. In the initial year of service for the Mayor, any Department Head (Director), Municipal Manager, or Corporation Counsel the vacation time shall be accrued on a pro-rata basis. Vacation shall also be pro-rated during the last year of service.

The Mayor, any Department Head (Director), Municipal Manager, or Corporation Counsel may carry over one year's vacation leave credit remaining unused at the end of the last business day of the calendar year into the succeeding year only. If not taken by the end of the succeeding year, the vacation leave credit will be forfeited.

The maximum amount of vacation time that the Mayor, any Department Head (Director), Municipal Manager, or Corporation Counsel may accrue or cash out upon retirement or resignation is forty (40) days (which is two full years' worth).

SECTION FOUR: REPEAL OF INCONSISTENT PROVISIONS All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or are 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 remain 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 upon passage and publication as provided by law.

SECTION SEVEN: CODIFICATION

This Ordinance shall be a part of the Administrative 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 Administrative Code.

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Administrative 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 Administrative Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

President Bhalla 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 **May 6, 2015 at 7:00 PM.**

---Motion duly seconded by Councilman

---Adopted by the following vote: YEAS: 6 – NAYS: 3

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

---Nays: Castellano, Mason and Russo

15-235

Z-347

**AN ORDINANCE TO AMEND HOBOKEN CODE CHAPTER 58, ARTICLE VI ENTITLED
“DIVISION OF PARKS AND PUBLIC PROPERTY” TO CODIFY MAINTENANCE
REQUIREMENTS FOR CITY MONUMENTS AND MEMORIALS**

WHEREAS, Code Section 58-18 deals with the powers and duties of the Division of Parks and Public Property of the City of Hoboken; and,

WHEREAS, the City Council has determined that it is necessary to codify the obligations of the Division of Parks and Public Property as same relates to the maintenance and restoration of City monuments.

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 HOBOKEN CODE SECTION 58-18

§ 58-18

Established; functions, powers and duties.

There is hereby established a Division of Parks and Public Property in the Department of Environmental Services which shall operate and maintain the City's parks, athletic fields, green areas, City-owned vacant land, landscaping of City grounds and City-owned buildings with the exception of the Free Public Library.

The Division of Parks and Public Property shall hereinafter have the obligation to, at all times, maintain all City monuments and memorials in such a way that each City monument and memorial remains in pristine condition, is properly preserved and, as necessary, is properly restored in accordance with all applicable restoration and historic preservation guidelines. The determination of what action shall be taken to ensure proper and adequate maintenance of City monuments and memorials shall be an administrative function. City monuments and memorials include, but are not limited to, Birthplace of Baseball Monument, Civil War Memorial, Volunteer Fireman's Memorial, Marconi Monument, WW1 Embarkation Monument, WW1 Memorial, WW2 memorial, Vietnam Memorial, Annette Illing memorial and Living Grove Memorial Park. City monuments and memorials shall not be used for storage of any kind or unauthorized commercial purposes.

SECTION TWO: 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 THREE: 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 FOUR: EFFECTIVE DATE

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

SECTION FIVE: 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 Bhalla 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 **May 6, 2015 at 7:00 PM.**

---Motion duly seconded by Councilman

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

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

---Nays: None

NEW BUSINESS

Councilwoman Castellano comments and wishes Mr. Vincent Wassman a happy 90th B-day and proud of the outcome of the 1st reading for the 2nd ordinance and happy for the cooperation of the Administration and Corporation Counsel.

Councilwoman Mason comments and would like a crossing guard on 11th and Hudson and will be putting it in writing.

Councilman Doyle announced that, on Saturday at the Metro Stop, if you would like a tune-up, the Green Team is sponsoring a Earth Day clean-up effort by the train tracks, its 9:00 on Saturday and also point out that on Mother's Day, Sunday, May 10th, it will be the 5 mi. race which benefits the Jubilee Center.

Councilman Occhipinti comments that PSE & G needed to work on the lighting on Observer and Jackson St. not Newark St. where the old shop was. It's very dark and if we can get on top of that Councilman Occhipinti comments that there is a need at 3rd and Jackson for a traffic calming device.

BA Wiest comments that Boswell visited a number of sites and final recommendations and will take the message on behalf of Director Morgan.

Councilman Occhipinti also mentioned that on April 25th, Hoboken Volunteers will partner with the City of Hoboken at 3rd and Jackson and start at 10:30 AM and clean up at the Garden and place new gravel and a small storage shed.

Councilwoman Giattino comments on the ADA patch on 5th and Garden (NW Corner) and it would be fixed and include 5th and Bloomfield (NE Corner), if we can get a date on when they would fix it. The handicapped spot by the Library needs to change so that the ordinance hours match those of the library; and the lights at Pier C, the walkway are flashing and has to be looked into. The Little League Parade starts this Saturday morning at 9:00 AM in front of the Elk's Club, and Lincoln Tunnel 5K is Sunday

BA Wiest comments that there is remediation done and not by the City, will look into.

Councilman Cunningham comments on the update for community development North, we meet every Tuesday at 4PM via conference call and review ratios on residential and commercial and base vs. density and getting close to a final draft for the Western Edge and discuss it more next Tuesday and had a limited discussion on the post office, the process to move forward is to meet with the owners of the property and then have a community meeting and then have a first reading in May, and would like to thank Councilwoman Castellano about Mr. Vincent Wassman's birthday, the list of contributions he's made to the city has been extraordinary and very honored to be there, and a good friend Dolores Rider passed away and she was extraordinary person and can't say enough things and rest in peace and Nancy Cricco passed away battling cancer and sister of Joe Murphy, another extraordinary woman, Rest in Peace. Lastly Mr. Wiest any warrant studies made?

BA Wiest comments that the Boswell Team was in today to present conclusions on their analysis and Director Morgan was with them and hopefully we will receive a report in a few days, Boswell Engineering recently brought a traffic engineer Gary Ascolese and he's an outstanding traffic engineer.

Councilman Mello comments and would like to echo Councilman Cunningham about Dolores Rider, she will be missed.

Council President comments and expressed his condolences to Cliffside Mayor, Mr. Calabrese, who was originally from Hoboken, and the longest serving Mayor in the state of New Jersey and expresses our condolences to his family, and he would like to know the status of the North End.

BA Wiest commented that we had 5 responses which would be vetted by the evaluation committee, and then interviews done by the sub-committee, and he asks if Councilman Cunningham can stay on top of the issue.

Councilman Cunningham comments that he would like the list and submit it to the committee. Council President commented on the debris across from the property owned by Rockefeller and would like the status on the debris. BA Wiest comments that he would send an update tomorrow.

Council President commented that there was a community meeting and was wondering about the stop sign on 15th St. and Bloomfield St. and any parking openings at 916 Garden St.

Director Morgan commented that there will be stop signs placed and would need an ordinance to place those stop signs probably the beginning of June, at the garage, work orders have been made and moving a handicap spot adjacent and moved north (along with the sign) and repainting the street.

At 8:59 PM meeting adjourned of the Governing Body on a motion by Council duly seconded by the Council members

Council President Bhalla then adjourned the meeting at 8:59 PM

PRESIDENT OF THE COUNCIL

CITY CLERK