

THE COUNCIL OF THE CITY OF HOBOKEN

DRAFT MINUTES FOR SPECIAL MEETING OF DECEMBER 18, 2013

President Cunningham 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.

Roll call: Council persons Bhalla, Castellano, Giattino, ~~Mason~~, Mello, Occhipinti, Russo and Council President

ABSENT: Mason

Councilwoman Mason comments that this notice was not properly advertised

PUBLIC COMMENTS

No Speakers

The City Clerk reads the letter calling a special meeting

Thursday, December 19, 2013

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 Meeting of the Governing Body for Monday, December 23, 2013 to begin promptly at 7:00 P.M. in the City

Special Meeting of December 23, 2013

Council Chambers, 94 Washington Street, First Floor, Hoboken, New Jersey, for the following purposes:

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC COMMENT
4. RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUANT TO N.J.S.A. 10:4-12(b)(7) AND ATTORNEY CLIENT PRIVILEGE RELATING TO PENDING LITIGATION KNOWN AS ALICEA V. CITY OF HOBOKEN ET AL AND TO RECEIVE ADVICE FROM THE CITY'S LEGAL COUNSELS FOR THE MATTER (*approximately one hour*)
5. RESOLUTION TO AUTHORIZE A SETTLEMENT AGREEMENT IN THE MATTER OF ALICEA V. CITY OF HOBOKEN
6. CLOSE OF MEETING

Action **may** be taken at this meeting and **no other subjects shall be discussed**. Please ensure the City Council Members are noticed of this Special Meeting in accordance with applicable laws and rules. Also, please publicly notice this Special 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 the Councilman Russo to enter into Closed Session

To vote to enter into Closed Session:

PRESENT: Council persons Bhalla, Castellano, Giattino, Mello, ~~Mason~~, Occhipinti, Russo and Council President

ABSENT: Mason

At 7:02 P.M. The Governing Body entered into a closed session.

**Corporation Counsel
BA Wiest
Special Counsel Gerald Krovatin Esq.**

****At 7:03 P.M. Special Counsel Gerald Krovatin Esq. has entered the meeting to discuss the pending litigation**

**RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS
MATTERS PURSUANT TO N.J.S.A. 10:4-12(b)(7) AND ATTORNEY
CLIENT PRIVILEGE RELATING TO PENDING LITIGATION
KNOWN AS ALICEA V. CITY OF HOBOKEN ET AL AND TO
RECEIVE ADVICE FROM THE CITY'S LEGAL COUNSELS FOR
THE MATTER**

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(b)(7), and for matters falling within attorney client privilege; 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 regarding pending litigation of the type listed herein; and,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken that it enter into closed session for the herein 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 8:12 P.M. Special Counsel Krovatin, Esq. has left the table due to no other business during Closed Session ****

**At 8:12 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 8:13 PM to vote on the resolution.
The City Clerk's office never received the settlement agreement**

PUBLIC COMMENTS ON RESOLUTIONS

**Elizabeth Adams comments on resolution #1
Patricia Waiters comments on resolution #1**

- 1. RESOLUTION TO AUTHORIZE A SETTLEMENT AGREEMENT IN THE
MATTER OF ALICEA V. CITY OF HOBOKEN**

WHEREAS, the City of Hoboken is currently involved in civil litigation known as Alicea v. City of Hoboken et al; and,

WHEREAS, a settlement of the matter has been negotiated by the City's legal counsel, which is attached hereto; and,

WHEREAS, the City finds the terms of the attached settlement agreement to be in the City's best interest, under the circumstances.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that the Mayor or her designee is hereby authorized to enter into the attached settlement agreement to resolve the matter known as Alicea v. City of Hoboken et al, and to take any action necessary to effectuate and realize the purpose and intent of this resolution. .

FAILED by the following vote: YEAS: 2 – NAYS:5 ABSENT: 1 PRESENT: ABSTAIN:

YEAS: Castellano and Russo

NAYS: Council persons Bhalla, Giattino, Mello, Occhipinti and Cunningham

ABSENT: Mason

PRESENT:

ABSTAIN:

--By Council

**At 8:18 P.M. the Governing Body on a motion by the Councilman Russo
duly seconded by the Governing Body**

Council President Cunningham then adjourned the meeting at 8:18 PM

PRESIDENT OF THE COUNCIL

CITY CLERK