

THE COUNCIL OF THE CITY OF HOBOKEN
MINUTES FOR MEETING OF WEDNESDAY, OCTOBER 19, 2011

President Bhalla opened the meeting at 7:02 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 published in the Jersey Journal, 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.

The Council President then called for the Salute to the Flag.

The Clerk then called the roll:

PRESENT: Council persons Castellano, Cunningham, Giattino, Marsh, Mason, Mello, Occhipinti, Russo and President Bhalla.

Council President announces a Special Meeting for Tuesday, October 25, 2011 at 7:00 PM on 2nd reading on an ordinance and resolutions

Council President suspends the agenda and have the Proclamations presented first by Mayor Dawn Zimmer

11-179

Four (4) Proclamations for 9 – 10 year old Little League All Star team year olds, Red Wings Varsity baseball teams, recognizing Buddy Matthews and Bruce Radigan for their years in coaching for the Hoboken Baseball team(s)

Council President invites Police Chief Anthony Falco and Finance Director Nick Trasente

Chief of Police comments on the 1st ordinance (Z-138) going on for Second Reading and Final Vote

Director Nick Trasente gives a presentation on (Z-138)

Councilwoman Castellano has left the table at 7:27PM

Councilwoman Castellano has returned to the table at 7:30 PM

Second Reading/Public Hearing and Final Vote

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE CITY OF HOBOKEN, AND APPROPRIATING \$2,855,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$2,712,250 IN BONDS OR NOTES OF THE CITY OF HOBOKEN TO FINANCE THE SAME

(Z-138)

President Bhalla directed the City Clerk to announce that the Council would consider for final passage the aforesaid ordinance and all persons interested at this time would be given an opportunity to be heard concerning said ordinance of which the heading was read in full.

The speakers who spoke: Scott Seigel.

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 moved that the hearing be closed.

---Motion duly seconded by Councilman Mello

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

---Yeas: Councilpersons Castellano, Cunningham, Giattino, Marsh, Mason, Mello, Occhipinti, Russo and President Bhalla.

President Bhalla then instructed the City Clerk to call the Final Vote for the above Ordinance.

---**FAILED** by the following vote: YEAS - 5 – NAYS - 4

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

---Nays: Castellano, Occhipinti, Russo and Mason

REFUNDING BOND ORDINANCE PROVIDING FOR THE REFINANCING OF ALL OR A PORTION OF THE CITY'S OUTSTANDING PARKING UTILITY GENERAL OBLIGATION BONDS, SERIES 2002A, DATED DECEMBER 15, 2002; AUTHORIZING THE ISSUANCE OF UP TO \$19,100,000 OF GENERAL OBLIGATION REFUNDING BONDS (PARKING UTILITY) OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, TO FINANCE THE COSTS THEREOF; MAKING CERTAIN DETERMINATIONS AND COVENANTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING (**Z-133**)

President Bhalla directed the City Clerk to announce that the Council would consider for final passage the aforesaid ordinance and all persons interested at this time would be given an opportunity to be heard concerning said ordinance of which the heading was read in full.

The speakers who spoke: Robert Duval, Scott Seigel, Franz Paetzold, Sven Esche, Toni Tomarazzo, Allen Kratz, Jeffrey Winitsky.

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 moved that the hearing be closed.

---Motion duly seconded by Councilman Mello

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

---Yeas: Councilpersons Castellano, Cunningham, Giattino, Marsh, Mason, Mello, Occhipinti, Russo and President Bhalla.

President Bhalla then instructed the City Clerk to call the Final Vote for the above Ordinance.

---**FAILED by the following vote:** YEAS: 5 - NAYS: 4

---Yeas: Council persons Cunningham, Giattino, Marsh, Mello and President Bhalla.

---Nays: Castellano, Occhipinti, Russo and Mason.

AN ORDINANCE TO AMEND AND SUPPLEMENT SECTION 5 OF CHAPTER 190 OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED "VEHICLES AND TRAFFIC – OVERNIGHT PARKING OF COMMERCIAL VEHICLES PROHIBITED"
(Z-136)

President Bhalla directed the City Clerk to announce that the Council would consider for final passage the aforesaid ordinance and all persons interested at this time would be given an opportunity to be heard concerning said ordinance of which the heading was read in full.

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 moved that the hearing be closed.

---Motion duly seconded by Councilman Mello

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

---Yeas: Councilpersons Castellano, Cunningham, Giattino, Marsh, Mason, Mello, Occhipinti, Russo and President Bhalla.

President Bhalla then instructed the City Clerk to call the Final Vote for the above Ordinance.

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

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

PETITIONS AND COMMUNICATIONS

11-179A

October 17, 2011

Dear City Council Members,

I am writing to provide an update on two very important matters related to Hoboken University Medical Center and an agreement with Stevens developed to ensure the repairs for Sinatra Field and our walkway as efficient and cost-effective as possible.

HUMC Update

Late Friday my Administration received word that HUMC Holdco agreed to changes we sought in the parking agreement, an agreement necessary for the sale of the hospital. The changes would shift a significant portion of the HUMC employee parking out of the Midtown garage to City garages along Hudson Street. An ordinance with this new version of the agreement was approved on first reading at Saturday's Council meeting.

The use of the Midtown garage by a new private owner of HUMC will still require either refinancing the midtown garage to a taxable status or paying down the debt enough so that it fully covers the private use due to the taxable exempt status of the existing Garage Bond.

Thanks to the cooperation HUMC Holdco, a revised agreement has been reached whereby many HUMC employees will park in City garages on Hudson Street, where no bond issues exist. As a result of the modifications made to the Agreement, the City will have two choices. We can refinance the bond changing to taxable status, putting no stress on next year's budget and saving \$50,000 in debt service costs. In the

alternative, we can pay down the current bond debt by \$4.5 million requiring the otherwise unnecessary allocation of \$4.5 million from our budget, creating serious budgetary pressures.

This revised agreement was negotiated based on the concern that the Council would not approve the refinancing of the Midtown garage which is scheduled for a second reading on Wednesday. The changes made would reduce a required payment from \$10 million to \$4.5 million in the event the bond refinance is not approved. While this change eliminated the need for wide-scale layoffs, only the approval of the refinancing of the Midtown garage bond and the multipurpose bond for crucial Police headquarter upgrades and other essential initiatives for road cleaning and snow plowing will enable the City to completely avert the need for layoffs as a result of these transactions (without the equipment requested in the multipurpose bond, my Administration will be forced to outsource in order to maintain the level of services our community needs).

As bond counsel has indicated previously, refinancing the Midtown garage bond would actually save taxpayers \$50,000, and it would make sense to do this regardless of the hospital sale. Unfortunately, if the City Council fails to authorize the refinance of this bond, then layoffs will be unavoidable to absorb the costs and avoid a tax increase.

A special meeting will be called for Tuesday, October 25th, for the second reading of the parking agreement ordinance. As previously discussed, a parking agreement is essential to the completion of the same of HUMC, scheduled for Wednesday, October 26th.

Sinatra Park/Stevens Update

The Department of Environmental Protection recently approved the City's plan to reconstruct the collapsed field and walkways at Sinatra Park and Castle Point Park. As soon as that approval was received, the City submitted the approved construction drawings to the Army Corps of Engineers for their review. That approval is expected by the beginning of November, allowing the City to go out to bid.

As part of the design work regarding the construction of Sinatra Field, the City determined, in coordination with Stevens, that the current deteriorated condition of the City's low level relief platform and the associated seawall prevent for final connection of the Stevens walkway to Sinatra Park until repairs to the structure are completed. As a result, discussions occurred between the City and Stevens on how to accomplish the final connection of the Stevens walkway into the Sinatra Field and walkway in the most efficient and effective manner.

Rather than Stevens spending an estimated \$78,000 to complete its walkway (in addition to the materials they have already purchased), only for the City to have partially demolish it in order to complete the reconstruction of Sinatra Park and the City's walkway, we determined that a public-private partnership agreement would represent a win-win for both parties.

The intent of the agreement is for the remaining work of the Stevens walkway and the City's project at this particular connection to be conducted all at once. To do so, it is expected that the City will coordinate the construction utilizing the remaining materials for the Stevens walkway which have not been installed and are currently being stored at the Stevens site. It is also the understanding that the materials will remain stored at the Stevens facility until the materials were needed for the project. Again, the thinking for the agreement is that it will enable Stevens to avoid the cost of having to complete the walkway and avoid delay in closing the Stevens walkway contract, and to enable the City to avoid having to wastefully demolish a walkway just constructed in order to complete the reconstruction of Sinatra Field and the City's walkway, only to have to rebuild the walkway again. Stevens will realize a savings in the construction costs, and the City will be able to move forward efficiently with the completion of its project with little rework.

I thank Stevens Institute of Technology and the newly inaugurated Present Farvardin for working with my Administration to finalize the attached agreement. I hope you will approve this agreement on Wednesday so there won't be any further delays to begin construction.

Once this agreement with Stevens is approved, the City can finalize the bid specifications to ensure the accurate labor hours and materials are incorporated. We expect to have an approval of the construction drawings from the Army Corps of Engineers at the same time as the bid specifications are completed in order to go out to bid in early November. Attached is aggressive, yet realistic, timeline for the project, assuming that the bid process and winter weather go smoothly. As you can see, as soon as the bid is awarded, the demolition and piling work can begin. Therefore, there is no lag during the cold weather months.

Although the project completion is expected by the end of September, the field itself will be completed before that. The field can be constructed as soon as the deck and backfill is completed. The work to be done in September includes the finishing touches, such as the pavers for the walkway, railing installation, bench placement, etc.

Sincerely,

Mayor Zimmer

Received and Filed.

11-180

MEMORANDUM

TO: City Clerk James J. Farina
FROM: Mayor Dawn Zimmer
RE: Hoboken Historic Preservation Board

Mr. Farina,
I have appointed the following person to the Historic Preservation Board:

Dennis English

Please update your records accordingly.

Thank you.

Mayor Dawn Zimmer

Received and Filed.

APPLICATIONS FOR MISCELLANEOUS

11-181

Taxi, Limousine, and Livery Drivers -----3
Raffles-----3

---Councilman Mello moved that the licenses be granted.
---Motion duly seconded by Councilman Mello
---Adopted by the following vote: YEAS –8– NAYS – 0 –ABSTAIN - 1
---Yeas: Councilpersons Castellano, Cunningham, Giattino, Marsh, Mello, Occhipinti, Russo and President Bhalla.

---Nays: None.
---Abstain: Mason.

RESOLUTIONS

11-182

---By Councilman Mello

RESOLUTION OF THE CITY OF HOBOKEN, COUNTY OF HUDSON DESIGNATING CERTAIN PROPERTY IN THE CITY AS AN AREA IN NEED OF REHABILITATION

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”) authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation; and

WHEREAS, in accordance with the Redevelopment Law, the Municipal Council of the City of Hoboken (the “**City Council**”) believes that the following property should be designated as an area in need of rehabilitation pursuant to Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14*:

The property commonly known as Block 2, Lots 12 through and including 26, Block 2.1, Lots 1 through and including 10 on the tax map of the City of Hoboken, that portion of the public Right of Way of Observer Highway from and including the intersection with Jefferson Street to and including the intersection with Hudson Street, that portion of the public Right of Way of Willow Avenue from and including the intersection with Observer Highway to and including the intersection with Newark Street, and that portion of the public Right of Way of Newark Street from and including the intersection with Observer Highway to and including the intersection with Willow Avenue (collectively, the “**Property**”); and

WHEREAS, Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14(a)*, provides that prior to the adoption of a resolution designating the Property as an area in need of rehabilitation, the City Council must first submit a copy of the proposed resolution designating the Property as an area in need of rehabilitation to the City Planning Board for review; and

WHEREAS, on June 1, 2011, the City Council, acting by resolution, referred a copy of this resolution to the City Planning Board for review and comment pursuant to Section 14 of the Redevelopment Law, *N.J.S.A. 40A:12A-14(a)*; and

WHEREAS, the City Planning Board received a report from the Planning Board Engineer and the Planning Board Planner that within the Property the water and sewer lines are at least 50 years old or are in need of substantial maintenance; and that a program of rehabilitation is expected to prevent further deterioration and to promote the overall development of the City (the “**Report**”); and

WHEREAS, based on the Report, the Planning Board found that the Property satisfied the statutory criteria to be designated as an area in need of rehabilitation under Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14(a)*; and

WHEREAS, the Planning Board reviewed this resolution and recommends its adoption and the designation of the Property as an area in need of rehabilitation in accordance with Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14(a)*.

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The City Council hereby designates the Property as an area in need of rehabilitation pursuant to Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14(a)*.

Section 3. The City Council hereby directs that the City Clerk transmit a copy of this resolution to the Commissioner of the Department of Community of Affairs for review in accordance with the Redevelopment Law.

Section 4. A copy of this resolution shall be available for public inspection at the offices of the City.

Section 5. This resolution shall take effect immediately.

The speakers who spoke: William Northgrave, Helen Hirsch, Vic Zarish Scott Siegel, Ira Kaplan, Thomas Newman, Tim Daly, Chris Mehous, Helen Minogue, Allan Kratz, John Astazi,

Council President comments that he will send the deputy clerk a letter from Leah Healy.
Council President comments that Robert Matule's letter please put it on record.

Councilwoman Mason comments and would like Leah Healy's letter and would like to see it.
Council President comments and apologies for not providing the letter.

Councilman Russo has left the table at 10:39 PM
Councilman Russo has returned to the table at 10:43 PM

---Motion duly seconded by Councilwoman Marsh
---Adopted by the following vote: YEAS: 9 - NAYS: 0
---Yeas: Councilpersons Castellano, Cunningham, Giattino, Marsh, Mason, Mello, Occhipinti, Russo and President Bhalla
---Nays: None.

Reports of City Officers

11-183

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of September 2011 **\$16,144,207.14 (Abatement Totals - \$102,039.06)**

Received and Filed.

11-184

A report from Municipal Court indicating receipts for the month of September 2011 as **\$354,946.76.**

Received and Filed.

11-185

CLAIMS

---By Councilman Cunningham

Total for this agenda \$1,132,171.19 - CY-03571 - \$2,259.04 - CY-11-00740 \$6,896.67 = \$1,123,015.48

---Motion duly seconded by Councilman Mello

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

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

---Nays: Mason

Councilwoman Mason would like the Tax Collector to have a list and all the refunds and all the appeals in total and how much is left in collections that the City collected minus the appeals to see how much income

BA Liston responds and will provide that report

Councilwoman Mason asks for CY-03287 is for \$1,134.00

BA Liston comments that he would get the details for her

Councilwoman Mason asks if Boswell Engineering is still employed with the City

BA Liston comments yes

Councilwoman Mason asks about EM NET, LLC CY-11-00740 \$6,896.67

Councilman Occhipinti comments on EM NET, LLC CY-11-00740 \$6,896.67 and would like to pull it

BA Liston comments that he does not have a report on the sensors

Councilman Occhipinti comments would like a total listing for Boswell Engineering paid out for 2011

Councilman Occhipinti comments on Central Parking Utility

Council President comments and said to pull EM NET, LLC CY-03571 - \$2,259.04 and EM NET, LLC CY-11-00740 \$6,896.67 off of Claims

11-186

---By Councilman Cunningham

PAYROLLS

For the two week period starting September 15, 2011 – September 28, 2011

Regular Payroll	O/T Pay	Other Pay	
\$1,435,305.42	\$86,587.92	\$60,740.77	

Total \$1,582,634.11

Councilman Russo comments on Police Division Other Pay for \$5,871.94

BA Liston stated that he would get more information from the Chief of Police

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 9 - NAYS: 1

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

---Nays: Mason (O/T)

RESOLUTIONS (cont'd)

11-187

---By Councilman Giattino

**RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO ENTER INTO THE
“WATERFRONT WALKWAY RECONSTRUCTION PROJECT – PUBLIC-PRIVATE
PARTNERSHIP” AGREEMENT WITH STEVENS INSTITUTE OF TECHNOLOGY**

WHEREAS, the Administration, has negotiated an agreement with Stevens Institute of Technology (“Stevens”) which provides for Stevens to supply goods and materials and the City to supply services and contracting agents to reconstruct the Hudson River Walkway between Castle Point and Sinatra Park Field; and,

WHEREAS, the agreed upon terms are laid out in the Waterfront Walkway Reconstruction Project – Public-Private Partnership Agreement, **attached hereto**, and the City Council is now called upon to either accept or reject the terms of the negotiated agreement.

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

1. The City Council hereby accepts the Waterfront Walkway Reconstruction Project – Public-Private Partnership Agreement, **attached hereto**, as negotiated between the City and Stevens; and
2. The City Council hereby directs the Mayor and her Administration to notify Stevens of this acceptance immediately.
3. The Mayor, her Administration and Labor Counsel are hereby authorized and directed to proceed to execute and finalize this agreement expeditiously, and to take any steps necessary to effectuate the Agreement.

---Motion duly seconded by Councilman Occhipinti

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

---Yeas: Councilpersons Castellano, Cunningham, Giattino, Marsh, Mason Mello, Occhipinti, Russo and President Bhalla

---Nays: None.

11-188

---By Councilman Cunningham

RESOLUTION TO AUTHORIZE SUBMISSION OF THE 2012 MUNICIPAL ALLIANCE GRANT

WHEREAS, the City Council of the City of Hoboken, New Jersey, County of Hudson, State of New Jersey recognizes the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and,

WHEREAS, the City Council of the City of Hoboken further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the City of Hoboken Municipal Alliance Committee Against Alcohol and Drug Abuse has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Hudson;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hoboken, County of Hudson, State of New Jersey, hereby recognizes the following:

1. The City Council of the City of Hoboken does hereby authorize submission of an application by the Hoboken Municipal Alliance Committee Against Alcohol and Drug Abuse for a grant for the calendar year 2012 in the amount of \$40,261.00.

2. The City Council of the City of Hoboken acknowledges the terms and conditions for administering the Municipal Alliance grant, including a \$10,066.00 City cash match and an in-kind match of \$30,196.00, the administrative compliance and audit requirements.

---Motion duly seconded by Councilman Mello

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

---Yeas: Councilpersons Castellano, Cunningham, Giattino, Marsh, Mason Mello, Occhipinti, Russo and President Bhalla

---Nays: None.

11-189

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS

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 Treasurer made payable to the following totaling **\$ 1,897.06**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
LaPointe, Christina & Nicholas 222 Clinton St Apt #22 Hoboken, NJ 07030	42/15/C0022	222-32 Clinton St	3/11	\$ 1,897.06

---Motion duly seconded by Councilman Mello

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

---Yeas: Councilpersons Castellano, Cunningham, Giattino, Marsh, Mason Mello, Occhipinti, Russo and President Bhalla

---Nays: None.

11-190

---By Councilman Cunningham

**RESOLUTION AUTHORIZING THE REFUND OF TAX APPEALS
STATE TAX COURT**

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

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

NOW THEREFORE BE IT RESOLVED, that a warrant be drawn on the City Treasurer made payable to the following totaling **\$ 65,751.77**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
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Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039	18/10/C0003	73-75 Jefferson St	2010	\$2,102.04
Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039	18/10/C0004	73-75 Jefferson St	2010	\$2,102.04
Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039	18/30/C003C	78-88 Adams St	2010	\$1,708.20
Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039	18/30/C004A	78-88 Adams St	2010	\$2,059.33
Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039	25/1/C006H	700 First St	2010	\$2,268.11
Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039	25/1/C007G	700 First St	2010	\$1,025.14
Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039	27/27/C03-C	108-112 Monroe St	2010	\$1,608.56
Skoloff & Wolfe, PC 293 Eisenhower Parkway	70/1/C001B	501-515 Adams St	2010	\$1,470.95
Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039	70/1/C004E	501-515 Adams St	2010	\$1,784.12
Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039	89/12/C0302	501 Ninth Street	2010	\$1,584.83
Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039	177/1.1/C003A	101 Park Ave	2010	\$2,087.80
Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039	177/1.1/C003B	101 Park Ave	2010	\$2,562.30
Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039	177/1.1/C0PHN	101 Park Ave	2010	\$4,099.68
Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039	184/12/C004L	919 Park Ave	2010	\$ 569.40

Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039	188/20/C2-3C	151-161 Second St	2010	\$1,276.41
Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039	188/20/C3-4B	151-161 Second St	2010	\$2,695.16
Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039	254/10/C003B	1313-1317 Park Ave	2010	\$2,068.82
Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039	262.3/1/C10008	2 Constitution Ct	2010	\$2,296.58
Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039	262.3/1/CPH12	2 Constitution Ct	2010	\$2,609.75
Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039	268.1/1/C006B	1501 Garden/1500 Bloom	2010	\$1,940.71
Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039	268.1/3/C003T	1500 Hudson St	2010	\$ 365.37
Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039	268.1/3/C004J	1500 Hudson St	2010	\$ 2,614.50
Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039	268.1/3/C004V	1500 Hudson St	2010	\$1,437.74
Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039	268.1/3/C009A	1500 Hudson St	2010	\$ 403.33
Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039	268.1/3/C010E	1500 Hudson St	2010	\$3,278.80
Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039	268.1/3/C010V	1500 Hudson St	2010	\$1,390.29
Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039	268.1/3/C011Q	1500 Hudson St	2010	\$3,288.29
Brach Eichler, LLC 101 Eisenhower Parkway Roseland, NJ 07068	119/1/	1405-1429 Madison St	2010	\$2,377.25

Brach Eichler, LLC 101 Eisenhower Parkway Roseland, NJ 07068	119/14/	1414-1428 Jefferson St	2010	\$1,456.72
Brach Eichler, LLC 101 Eisenhower Parkway Roseland, NJ 07068	120/1/	1405-29 Jefferson St	2010	\$3,440.13
Brach Eichler, LLC 101 Eisenhower Parkway Roseland, NJ 07068	120/20/	1412-1416 Adams St	2010	\$ 52.20
Brach Eichler, LLC 101 Eisenhower Parkway Roseland, NJ 07068	120/23/	1410 Adams St	2010	\$ 9.49
Brach Eichler, LLC 101 Eisenhower Parkway Roseland, NJ 07068	120/24/	1408 Adams St	2010	\$ 9.49
Brach Eichler, LLC 101 Eisenhower Parkway Roseland, NJ 07068	120/25/	450-456 Fourteenth St	2010	\$ 2,590.77
Nathan P Wolf, Esq. 673 Morris Ave Springfield, NJ 07081	262.3/1/C0512	2 Constitution Court	2010	\$3,117.47

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

11-191

---By Councilman Cunningham

RESOLUTION TO AUTHORIZE THE TAX ASSESSOR TO CORRECT AN ASSESSMENT ON REAL ESTATE FOR 2011 TO EFFECTUATE A SETTLEMENT PREVIOUSLY APPROVED

WHEREAS, the Tax Assessor with legal counsel had negotiated a Settlement Agreement with the owner of Block 61, Lot 15 C0025, which is attached hereto; and

WHEREAS, the Settlement Agreement negotiated on or about June 16, 2010 required the Tax Assessor to reduce the tax assessment on the aforesaid property for the tax year 2011 to \$150,000.00; and

WHEREAS, due to the volume of tax appeals for 2010, the Tax Assessor's Office did not correct its records to reflect the negotiated settlement assessment for 2011; and

WHEREAS, the governing body has the authority to direct the Tax Assessor to correct mistakes entered and assessed against real property.

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

- A. The Tax Assessor shall correct the assessment for 2011 on Block 61, Lot 15 C002B and reflect same as \$150,000.00 consistent with the Settlement Agreement.
- B. The Collector of Revenue is herein directed to calculate any refunds due for 2011 based on the corrected assessment of \$150,000.00
- C. This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Mello

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

---Yeas: Councilpersons Castellano, Cunningham, Giattino, Marsh, Mason Mello, Occhipinti, Russo and President Bhalla

---Nays: None.

ORDINANCES

Introduction and First Reading

11-192 Z-140

ORDINANCE TO ACQUIRE THREE ROADS AS MUNICIPAL ROADS AND ACCEPT THE COUNTY OF HUDSON'S ACTIONS TO CEDE JURISDICTION AND CONTROL TO THE CITY OF HOBOKEN PURSUANT TO N.J.S.A. 27:16-28

WHEREAS, pursuant to N.J.S.A. 27:16-28, any road or portion thereof owned by any County may be discontinued as a County road and ceded to the jurisdiction and control of the municipality wherein the same is situated, by an ordinance passed by the affirmative vote of a majority of all members of the Board of Chosen Freeholders; and

WHEREAS, the County Engineer has reported that there are three (3) County roads within the City of Hoboken, each of which is approximately one (1) block in length, and the County has acted in accordance with N.J.S.A. 27:16-28; and

WHEREAS, the subject roads are entirely within the City of Hoboken and are identified as follows:

- 16th Street - from Park Avenue to Willow Avenue
- 15th Street - from Park Avenue to Willow Avenue
- Hudson Place - from Hudson Street to River Street

WHEREAS, the City Clerk shall transmit a certified copy of this Ordinance to the Clerk of the Board of Chosen Freeholders within ten (10) days of its final passage; and

WHEREAS, the City of Hoboken shall adopt an ordinance stating its acceptance of jurisdiction and control over the three roads, and at the expiration of a period of ten (10) days from the final adoption of the Hoboken ordinance, the three roads shall cease to be County roads and thenceforward, jurisdiction over the roads shall vest in and the responsibility for construction, reconstruction, repair and maintenance for the roads shall devolve upon the City of Hoboken; and

WHEREAS, at that time the Clerk of this Board shall forthwith file a certified copy of this County Ordinance in the Office of the County Clerk who shall record and index same in the road records of that office.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hoboken, in the County of Hudson, as follows:

Section One: Action

1. The above recitals are incorporated herein as though fully set forth at length.
2. As permitted under the provisions of N.J.S.A. 27:16-28, the County of Hudson by this its acts ceded jurisdiction and control of the following three County roads to the City of Hoboken:
 - 16th Street - from Park Avenue to Willow Avenue
 - 15th Street - from Park Avenue to Willow Avenue
 - Hudson Place - from Hudson Street to River Street
3. The City of Hoboken hereby accepts the above three sections of roadway, and will take all action necessary and proper, as required under law to effectuate the herein transfer of the roadways from the County of Hudson to the City of Hoboken.
4. This Ordinance shall take effect in the manner prescribed by law, and jurisdiction and control over the roads as well as the responsibility for construction, reconstruction, repair, and maintenance of the roads shall devolve upon the City of Hoboken upon passage of the herein ordinance and as recited in detail in N.J.S.A. 27:16-28.

Section Two: 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 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 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.

Council President Bhalla moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **November 2, 2011** at 7:00 PM.

---Motion duly seconded Councilman Cunningham.

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

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

---Nays: None.

11-193

Z-141

AN ORDINANCE TO AMEND ARTICLE IX OF CHAPTER 39 OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN

WHEREAS, Article IX of Chapter 39 of the Administrative Code of the City of Hoboken establishes of the Office of the Public Defender; and,

WHEREAS, N.J.S.A. 2B:24-17 allows the City of Hoboken to charge each applicant for a public defender an application fee; and,

WHEREAS, any fee determined by a municipality must be done by ordinance, and shall not exceed \$200.00; and,

WHEREAS, the Municipal Court Judge has the authority to alter the fee, as established by the municipality, if financial circumstances of any applicant make the full fee unfeasible.

NOW, THEREFORE, the City Council of the City of Hoboken does hereby Ordain as follows:

SECTION ONE: AMENDMENTS TO CHAPTER 39

The following amendments shall be made to Chapter 39, Article IX (additions noted in underline, ~~deletions noted in strikethrough~~):

Section 39-25: Application Fee

In the event any person appearing before the Municipal Court of the City of Hoboken applies for representation by a Municipal Public Defender, it shall be a requirement for consideration of the application that such person applying shall pay an application fee in the amount of Two Hundred Dollars (\$200.00) to the Municipal Court of the City of Hoboken. The Municipal Court Judge may waive any required application fee, in whole or in part, if the Court determines, in its sole discretion, that the application fee represents an unreasonable burden to the person applying for representation. The Municipal Court shall have the authority to prepare, establish and implement all application forms and procedures for the processing of the applications under this section.

The remainder of Chapter 39 continues unchanged.

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 effect 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.

Council President Bhalla moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **November 2, 2011** at 7:00 PM.

---Motion duly seconded by Councilwoman Marsh

---Adopted by the following vote: YEAS: 5 - NAYS: 4

---Yeas: Council persons Cunningham, Giattino, Marsh, Mello and President Bhalla.

---Nays: Castellano, Occhipinti, Russo and Mason.

NEW BUSINESS

Councilman Mello comments on the NHSA

Councilwoman Giattino comments that they toured the generator and was not able to see the pump and showed photos and there is a back-up pump.

Councilman Occhipinti comments 1 pipe will be online in Jan. '11

Councilwoman Mason comments that they are not fully sure that it will be running until what is causing the back-ups on the system.

Councilwoman Giattino comments that the floodgates do not open and close, it is a myth, they are gates.

Councilman Occhipinti comments on the sidewalk on 1st and Jackson

BA Liston comments the end of the week.

Councilman Occhipinti comments and thanks the NHSA on 2nd and 3rd Harrison St. for catch basins, thanks Director Garcia and Mr. Soares.

Councilman Occhipinti comments on 220 Jackson, 3rd and Jackson

BA Liston comments

Councilman Mello comments on following up with Mr. Poggi for the different dates and encourage the public to give the Governing Body some feedback

Councilman Cunningham comments on the Rev. and Finance Sub-committee – Jan. 14th would be a budget workshop from 9:00 AM – 3:00 PM, all delivered to Council by Jan. 1st

Councilman Cunningham comments on a 3rd party fees collected by the Courts and a Revenue and Finance meeting for Monday, Oct. 24th 6:00 PM

BA Liston comments that it would be a RFP Process

Councilwoman Castellano comments on the amended ordinance for publication
Councilwoman Castellano comments and asks Councilwoman Marsh on the Monarch
Councilwoman Marsh comments and no
Councilwoman Castellano comments that it is the 20th year for the Halloween Haunted House, if there are objections please let Councilwoman know and will honor it
Councilwoman Mason comments and follow-up on the Monarch and what is the statute of limitations for having a meeting
Councilwoman Marsh suggests that a land use attorney answer the question about the limit on the application.
Councilwoman Castellano comments 45 days
BA Liston comments
Councilman Russo comments and asks the videographer on blank spots during the Council meeting
Videographer comments and responds
Councilman Russo comments on the \$250K on the (2) two officers
Councilman Russo comments that the BOE has helped on finding another location for the Haunted House and do it again the night of the 30th and 31st from 7:00 PM – 9:00 PM at the Demarest School
Councilwoman Marsh comments

PUBLIC PORTION

All regular business concluded the following members of the public spoke at the Public Portion” of the meeting: Helen Hirsch, Roman Brice, Ron Simoncini.

At 11:44 P.M. Council President Bhalla on a motion duly seconded by the Councilman Cunningham.

Council President Bhalla then adjourned the meeting at 11:44 P.M.

PRESIDENT OF THE COUNCIL

CITY CLERK