

**THE COUNCIL OF THE CITY OF HOBOKEN**  
**MINUTES FOR MEETING OF WEDNESDAY, OCTOBER 5, 2011**

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President Bhalla opened the meeting at 7:03 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

Second Reading/Public Hearing and Final Vote

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)**

**Council President announces that the first ordinance will be discussed at the October 19, 2011 council meeting.**

AN ORDINANCE ESTABLISHING CHAPTER 20D OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED "POLITICAL CONTRIBUTION LIMITS"  
**(Z-134)**

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: Franz Paetzold.

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

Meeting of October 5, 2011

---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: 5 - NAYS: 3 –ABSTAIN – 1

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

---Nays Occhipinti, Russo and Mason.

---Abstain: Castellano.

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 128 (LICENSES) ARTICLE I (LICENSING PROCEDURES AND FEES) SECTION 6.1 (CHRISTMAS TREE LICENSES) OF THE CITY OF HOBOKEN MUNICIPAL CODE (Z-135)**

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 Cunningham

--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: 6 – NAYS: 3

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

---Nays: Castellano, Mason, Russo.

**11-159**

9/28/11

**MEMORANDUM**

TO: Hoboken City Council Members

FROM: Mayor Dawn Zimmer

RE: The sale of Hoboken University Medical Center

Dear Council Members,

I thought it was essential to correct the record regarding the sale of Hoboken University Medical Center to HUMC Holdco and the discussions with regard to various bids. I encourage you to carefully read my overview and the attached bids, so you can better understand why the sale to HUMC Holdco represents an excellent opportunity to save our hospital, protect the city's financial interests by releasing us from a \$52 million bond guaranty, and ensure the long term viability of the hospital.

Meeting of October 5, 2011

The attached provides an overview of the CHA/Jersey City Medical Center and P3bids. Since these bidders have waived their confidentiality, the attached public statement was issued to clarify the record. These two bids are posted on the City's web site, and I am providing them directly to you for your convenience.

As you may know, a parking agreement is also an essential component of completing the sale of Hoboken University Medical Center to HUMC Holdco.

The agreement was emailed to you on Tuesday, September 27<sup>th</sup> so that you have time to review the document.

The City has worked closely with HOLDCO to develop an agreement that effectively transfers the parking access terms that support employees of the Hospital as follows:

- Continue access to reserved weekday parking on the third floor of the Midtown garage for physicians and other priority staff.
- Continue access to a maximum of 400 spaces in the Midtown garage for other hospital staff (the current peak use of the hospital).
- Permit "off-site" parking for nonessential hospital staff in Garages "G" and/or "D" to accommodate a projected growth and improve supply needs of residents at Midtown garage.
- Permit limited spaces in the Midtown garage to transfer to a non-hospital use in future; these must be paid in full and in advance at the current market rate.

Director Sacs tried to meet with the Transportation subcommittee to discuss the agreement. In addition, please let us know if we can assist with answering your questions in advance of next week's meeting.

Best regards,  
Mayor Zimmer  
Received and Filed.

**11-160**

**Proclamation from Mayor Dawn Zimmer declaring the month of October 2011 as Community Planning Month in the City of Hoboken.**

WHEREAS, New Jersey municipalities, counties, and regional planning entities continually face changes in their communities and natural environment, and

WHEREAS, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

WHEREAS, a community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

WHEREAS, the full benefits of planning requires public officials and citizens who understand, support and demand excellence in planning and plan implementation; and

WHEREAS, the American Planning Association has designated the month of October as Nation Community Planning Month throughout the United States of America and its territories to highlight the contributions of sound planning and plan implementation; and

WHEREAS, the celebration of national Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of the planning and zoning boards and other citizen volunteers who have contributed their time and expertise to the improvement of the City of Hoboken, New Jersey; and

Meeting of October 5, 2011

WHEREAS, we recognize the many valuable contributions made by professional planners in the City of Hoboken, New Jersey and extend our heartfelt thanks for the continued commitment to public service by these professionals;

NOW, THEREFORE BE IT FURTHER RESOLVED THAT, the month of October 2011 is hereby designated as **Community Planning Month** in the City of Hoboken, New Jersey in conjunction with the celebration of National Community Planning Month.

Received and Filed.

**APPLICATIONS FOR MISCELLANEOUS**

**11-161**

Vendor-----1  
Raffles-----1

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

**11-162**

---By Councilman Cunningham

**CLAIMS**

Total for this agenda **\$2,739,555.83**

---Motion duly seconded by Councilman Mello  
---Adopted by the following vote: YEAS: 6 - NAYS: 3  
---Yeas: Council persons Cunningham, Giattino, Marsh, Mello, Occhipinti, and President Bhalla  
---Nays: Castellano, Mason and Russo

**11-163**

---By Councilman Cunningham

**PAYROLLS**

**For the two week period starting September 1, 2011 – September 14, 2011**

<b>Regular Payroll</b>	<b>O/T Pay</b>	<b>Other Pay</b>	
\$1,442,814.56	\$321,771.20		\$38,831.31

**Total \$1,803,417.07**

---Motion duly seconded by Councilman Mello  
---Adopted by the following vote: YEAS: 9 - NAYS: 1

Meeting of October 5, 2011

---Yeas: Council persons Castellano, Cunningham, Giattino, Marsh, Mason, Mello, Occhipinti, Russo and President Bhalla  
---Nays: Mason (O/T)

## RESOLUTIONS

### 11-164

---By President Bhalla

#### **RESOLUTION OPPOSING THE “MONARCH AT SHIPYARD DEVELOPMENT**

WHEREAS, the Applied Companies are proposing to develop two 11-story residential towers on a pier at the north end of the Shipyard site, a project called “Monarch at Shipyard”,

WHEREAS, residential development on the site is contrary to the recommendations of the 2004 Master Plan’s regarding parks, land use, open space, and the waterfront and the proposed development take place on areas designated in the 2010 Master Plan re-examination Open Space Plan as recommended for planned and possible new parks and recreation space; and

WHEREAS, the waterfront is the treasure of Hoboken, adding to the quality of life for residents, providing economic development benefits, and attracting visitors to our great City which support the local economy, and it must be protected to ensure balanced development and a safe environment for residents; and

WHEREAS, the Zimmer Administration has expressed its opposition to the proposed project via letters to the Department of Environmental Protection from Boswell Engineering, Community Development Director Forbes, and Mayor Zimmer.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken expresses its strong opposition to the proposed “Monarch at Shipyard” development project and supports the Administration in its continued efforts to oppose the project.

The speakers who spoke: Franz Paetzold, Steve Bauman, Ron Hines, Scott Siegel, Eric Goldberg, James Vance, Hani Ahmed, Michael Henderson, Cecilia Carroll.

---Motion duly seconded by Councilwoman Mason

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

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

---Nays: None.

---Recused: Marsh

Councilwoman Marsh recused herself - she is on the Planning Board and left the meeting for the discussion and the vote on the Monarch

Councilman Mello has left the meeting at **8:47 PM**

Council President announces a 2 minute recess at 8:40 PM

Councilwoman Marsh has returned to the meeting at 8:46 PM

Councilman Mello has returned to the table at 8:48 PM

Meeting of October 5, 2011

**11-165**

---Councilman Cunningham

**RESOLUTION TO APPROVE THE ATTACHED SETTLEMENT AGREEMENTS IN THE MATTER OF HOBOKEN UNLEASHED, V. WILLOW AVENUE ENTERPRISES, LLC AND THE CITY OF HOBOKEN (Docket No. Hud-C-124-10)**

WHEREAS, the City has negotiated settlement agreements with Hoboken Unleashed, LLC and Willow Avenue Enterprises, LLC, both of which are attached hereto; and ,

WHEREAS, legal counsel for the municipality has represented that the attached settlement agreements provide the City of Hoboken with the best terms possible under the circumstances.

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

- A. This resolution approved the attached Settlement Agreements between (1) the City of Hoboken and Willow Avenue Enterprises, LLC, and (2) the City of Hoboken and Hoboken Unleashed, LLC both attached hereto;
- B. The Mayor or her agent is hereby authorized to enter into the attached Agreements, or modified Agreements with substantially similar terms which do not have any substantive changes;
- C. This resolution shall take effect immediately upon passage.

The speakers who spoke: Hany Ahmed.

---Motion duly seconded by Councilman Mello

---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.

**11-166**

---By Councilwoman Giattino

**RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO EXECUTE A DEPARTMENT OF ENVIRONMENTAL PROTECTION – DIVISION OF WATER QUALITY “STATEMENT OF CONSENT” ON BEHALF OF ADVANCE AT HOBOKEN, LLC RELATING TO PROPERTY LOCATED AT 1316-1330 WILLOW AVENUE**

**WHEREAS**, the Department of Environmental Protection – Division of Water Quality requires the consent of a municipality prior to property owners performing certain testing, pursuant to the “Statement of Consent” *attached hereto*; and,

**WHEREAS**, the City has requested guidance from the City Engineer as to any potential burdens associated with providing such consent, and the City Engineer has advised the City by letter, *attached hereto*, that they have no objection to the City executing the herein discussed “Statement of Consent.”

**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 authorizes the execution of the “Statement of Consent” by the City on behalf of Advance at Hoboken for the property at 1316-1330 Willow Ave, *attached*

*hereto*; and,

2. The Mayor and her Administration are hereby authorized and directed to proceed to execute and finalize this agreement expeditiously, and to take any steps necessary to effectuate the within authorization.

The speakers who spoke: Helen Hirsch.

---Motion duly seconded by Councilwoman Castellano

---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.

**11-167**

---By Councilman Cunningham

**RESOLUTION AUTHORIZING USE OF THE COMPETITIVE CONTRACTING PROCESS FOR MANAGEMENT / CONSULTING SERVICES FOR THE CITY OF HOBOKEN FOR A ONE YEAR PERIOD**

**WHEREAS**, the City of Hoboken needs to secure management/consulting services for the City relating to multiple Departments within the Administration; and

**WHEREAS**, the cost of these services will exceed the City's bid threshold; and

**WHEREAS**, under the Local Public Contracts Law, N.J.S.A. 40A:11-4.1, competitive contracting may be used by local contracting units in lieu of the standard public bidding process for procurement of specialized goods and services where the price exceeds the bid threshold; and

**WHEREAS**, the City obtained the approval of the Division of Local Government Services, on August 16, 2011, to utilize competitive contracting for the aforementioned services; and,

**WHEREAS**, the City meets the criteria of Local Public Contracts Law N.J.S.A. 40a:11-4.1 which allows the use of a methodology to rank and evaluate proposals received to not only secure the best price but the best service to suit the City's needs.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Hoboken, that the Competitive Contract Process, as described and allowed in N.J.S.A. 40A:11-4.1 shall be initiated by the Purchasing Agent/Business Administrator for the purpose of receiving proposals for Departmental management and consulting services for the City, pursuant to the local public contracts law.

---Motion duly seconded by Councilman Mello

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

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

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

**11-168**

---By Councilman Cunningham

**RESOLUTION APPROVING A CHANGE ORDER FOR ADDITIONAL REPAIR WORK OF THE ELEVATOR IN CITY HALL OF THE CITY OF HOBOKEN**

**Whereas**, the City of Hoboken has appropriated funds totaling \$39,975.50 for the emergency repair of the elevator in City Hall of the City of Hoboken; and

**Whereas**, at the City Council meeting of June 15, 2011, a contract for emergency repair work of the elevator in City Hall of the City of Hoboken was awarded to GS Elevator Industries, Post Office Box 806, North Bergen, New Jersey 07047 in the amount of \$39,975.50; and

**Whereas**, according to the letter from GS Elevator, approval of a Change Order #1 in the amount of Five Thousand Eight Hundred Dollars (\$5,800.00) is necessary to cover additional work needed to be performed on the elevator in City Hall of the City of Hoboken including: additional 15 feet of extra piston and jack to be removed and disposed of; additional 15 feet of drilling and cleaning out of the piston hold which required an additional seven hours of overtime for the drilling rig and two personnel; and an additional 14 barrels of oil and spoils which were removed as a result of the additional drilling.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council approves the attached Change Order #1 in the amount of Five Thousand Eight Hundred Dollars (\$5,800.00).

---Motion duly seconded by Councilman Mello

---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.

**11-169**

---By Councilwoman Giattino

**RESOLUTION AWARDS A CONTRACT TO LOUIS BARBATO LANDSCAPING FOR CITY WIDE PLAYGROUND IMPROVEMENTS FOR THE CITY OF HOBOKEN IN ACCORDANCE WITH THE BASE BID OF THE SPECIFICATIONS IN BID NUMBER 11-16 IN THE AMOUNT OF TWO HUNDRED THIRTY-NINE (\$239,550.00)**

WHEREAS, proposals were received on September 14, 2011, for city-wide playground improvements for the City of Hoboken, as specified in Bid Number 11-16; and,

WHEREAS, three (3) proposals were received in good stead, the three (3) proposals being:

Resolution awards a contract to Louis Barbato Landscaping for City-wide Playground Improvements for the City of Hoboken in accordance with the base bid of the specifications in Bid number 11-16 in the amount of two hundred thirty nine thousand five hundred fifty dollars (\$239,550.00) (submitted by Parks Department)

<b>VENDOR</b>	<b>Base Bid Price</b>
<b>Louis Barbato Landscaping</b> 1600 Railroad Avenue Holbrook, New York 11741	<b>\$239,550.00</b>
<b>Whirl Construction</b> Post Office Box 110	<b>\$254,891.75</b>

Port Monmouth, New Jersey 07778  
**Tee-Con Contractors, Inc.**  
9 Dodd Street  
East Orange, New Jersey 07017

WHEREAS, **Louis Barbato Landscaping** is required to provide the required performance bond prior to the City executing the contract as contemplated herein; and,

WHEREAS, **Louis Barbato Landscaping** is required to provide the required performance bond prior to the City executing the contract as contemplated herein; and,

WHEREAS, the City of Hoboken has funds available for the within purpose.

NOW, THEREFORE, BE IT RESOLVED as follows:

- A. This resolution awards a contract in **Louis Barbato Landscaping** in the amount not to exceed **Two Hundred Thirty Nine Thousand Five Hundred Fifty Dollars (\$239,550.00)**, for the provision of city-wide playground improvements as outlined in Bid No. 11-16 under the base bid of the specifications set forth therein; and,
- B. 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 Louis Barbato Landscaping as described herein; and,
- C. This resolution shall take effect immediately upon passage.
- D.

The speakers who spoke: Helen Hirsch, Mo DeGennaro.

---Motion duly seconded by Councilman Mello

---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.

### **11-170**

---By Councilman Mello

### **RESOLUTION OF SUPPORT FOR A SUSTAINABLE LAND USE PLEDGE**

WHEREAS, land use is an essential component of overall sustainability for a municipality; and

WHEREAS, poor land-use decisions can lead to and increase societal ills such as decreased mobility, high housing costs, increased greenhouse gas emissions, loss of open space and the degradation of natural resources; and

WHEREAS, well planned land use can create transportation choices, provide for a range of housing options, create walkable communities, preserve open space, provide for adequate recreation, and allow for the continued protection and use of vital natural resources; and

WHEREAS, Given New Jersey's strong tradition of home rule and local authority over planning and zoning, achieving a statewide sustainable land use pattern will require municipalities to take the lead;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken, State of New Jersey, resolve to take the following steps with regard to our municipal land-use decisions with the intent of making Hoboken a truly sustainable community. It is our intent to include these principles in the next

master plan revision and reexamination report and to update our land-use zoning, natural resource protection, and other ordinances accordingly.

**Regional Cooperation** – We pledge to reach out to administrations of our neighboring municipalities concerning land-use decisions, and to take into consideration regional impacts when making land-use decisions.

**Transportation Choices** – We pledge to create transportation choices with a Complete Streets approach by considering all modes of transportation, including walking, biking, transit and automobiles, when planning transportation projects and reviewing development applications. We will reevaluate our parking with the goal of limiting the amount of required parking spaces, promotion shared parking and other innovative parking alternatives, and encouraging structured parking alternatives when appropriate.

**Natural Resource Protection** – We pledge to take action to protect the natural resources of the State for environmental, recreational and agricultural value, avoiding or mitigating negative impacts to these resources. Further, we pledge to complete a Natural

**Resources Inventory** when feasible to identify and assess the extent of our natural resources and to link natural resource management and protection to carrying capacity analysis, land-use and open space planning.

**Mix of Land Uses** – We pledge to use our zoning power to allow for a mix of residential, retail, commercial, recreational and other land use types in areas that make the most sense for our municipality and the region, particularly in downtown and town center areas.

**Housing Options** –We pledge, through the use of our zoning and revenue generating powers, to foster a diverse mix of housing types and locations, including single-and multi-family, for-sale and rental options, to meet the needs of all people at a range of income levels.

**Green Design** – We pledge to incorporate the principles of green design and renewable energy generation into municipal buildings to the extent feasible and when updating our site plan and subdivision requirements for residential and commercial buildings.

**Municipal Facilities Siting** – We pledge, to the extent feasible, to take into consideration factors such as walkability, bikability, greater access to public transit, proximity to other land-use types, and open space when locating new or relocated municipal facilities.

---Motion duly seconded by 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.

### **11-171**

---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 **\$ 4,707.42**

Meeting of October 5, 2011

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Pyune, Joo Hyun 110 Point View Pkwy Wayne, NJ 07470	36/23	222 Jackson St	3/11	\$ 843.19
Vricella, Luigi 1B Highview Avenue Totowa, NJ 07512	114/1/C0424	1300 Grand St	3/11	\$ 89.94
Corelogic 1 Corelogic Drive Westlake, Tx 76262	173/6/C1-03	1109-1121 Willow Ave	3/11	\$ 1,868.68
Bank of America P O Box 10211 Van Nuys, Ca 91499	196/1/C0003	901 Garden St	3/11	\$ 1,905.61

---Motion duly seconded by Councilman Mello

---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.

### 11-172

#### **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 **\$19,255.23**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039	17/34/C02-C	80-84 Jefferson St	2010	\$ 2,462.66
Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039	188/20/C001C	151-161 Second St	2010	\$ 612.11
Newman & Simpson, LLP 32 Mercer Street Hackensack, NJ 07801	212.1/1/	100 Hudson St	2010	\$ 7,117.50
Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039	262.3/1C0410	2 Constitution Ct	2010	\$ 3,264.56

Davenport & Spiotti                      262.3/1/C0910                      2 Constitution Ct                      2010                      \$ 1,447.23  
219 Changebridge Road  
Montville, NJ 07045

Davenport & Spiotti                      262.3/1/CPH06                      2 Constitution Ct                      2010                      \$ 4,351.17  
219 Changebridge Road  
Montville, NJ 07045

---Motion duly seconded by Councilman Mello  
---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.

### **11-173**

---By Councilman Cunningham

RESOLVED, that filed minutes for the Hoboken City Council regular meeting of May 4, 2011  
May18, 2011, June 1, 2011, June 15, 2011 and a Special meeting on June 29, 2011 have been reviewed and  
approved as to legal form and content.

---Motion duly seconded by Councilman Mello  
---Adopted by the following vote: YEAS: 7- NAYS: 1 –ABSTAIN – 1  
---Yeas: Council persons Castellano, Cunningham, Marsh, Mello, Occhipinti, Russo and President Bhalla  
---Nays: Mason  
---Abstain: Giattino

## **ORDINANCES**

### **Introduction and First Reading**

### **11-174**

### **Z-136**

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”

**WHEREAS**, pursuant to Chapter 190 of the City of Hoboken Administrative Code, parking  
regulations are enumerated, including parking restrictions on commercial vehicles; and

**WHEREAS**, the Council has the authority to amend the commercial vehicle parking regulations,  
pursuant to N.J.S.A. 39:4-197.

**NOW, THEREFORE, BE IT ORDAINED** by the Hoboken City Council, County of Hudson,  
State of New Jersey as follows:

Meeting of October 5, 2011

## **SECTION ONE: AMENDMENTS**

The following amendments are hereby made to Section 190-5 (additions noted in underline, deletions noted in ~~strikethrough~~):

### **§ 190-5. Overnight parking of commercial vehicles prohibited.**

A. For purposes of this §190-5:

1. **Large commercial vehicles** are defined as those weighing more than ~~4.5~~ 3.5 tons or those less than ~~4.5~~ 3.5 tons with a height of more than 9.5 feet including installed accessories, and/or a cargo area/work platform more than 14 feet in length.

2. **Medium commercial vehicles** are defined as those weighing less than 3.5 tons and less than 9.5 feet in height including installed accessories and/or a cargo area/work platform less than 14 feet in length.

3. **Light commercial vehicles** are defined as those weighing less than 2.5 tons and a cargo area/work platform that is less than the height of the vehicle cab and ~~no more~~ less than 9 feet in length.

B. In accordance with the definitions of this § 190-5A, no person, firm or corporation shall park any truck, bus, semitrailer, pole trailer, tractor or large commercial vehicle on any municipal street from the hours of 8:00 p.m. to 8:00 a.m. on any day of the week. Such prohibition shall extend and include any construction and/or excavation vehicles not occupying a bona fide job site.

C. Overnight parking of medium and light commercial vehicles owned by residents is limited to no more than one and two per household, respectively. Alternatively, one household may park on-street overnight a maximum of one medium and one light commercial vehicle.

D. The posting of “No parking overnight for trailers, buses, trucks and commercial vehicles” signs shall be deemed to be notice to the owner and/or operator thereof.

### **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 **October 19, 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.

**11-175**

**Z-137**

AN ORDINANCE AUTHORIZING SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53 FOR SEVERANCE LIABILITIES RESULTING FROM ACCRUED LEAVE IN CONNECTION WITH THE RETIREMENT OF EMPLOYEES

BE IT ORDAINED by the Governing Body of the City of Hoboken, in the County of Hudson, New Jersey that in accordance with N.J.S.A. 40A:4-53:

1. The sum of \$2,000,000.00 is hereby appropriated for severance liabilities resulting from accrued leave resulting from the retirement of employees, and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-53.
2. The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized pursuant to this act (N.J.S.A. 40A:4-55).
3. This ordinance shall take effect as provided by law.

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 **October 19, 2011** at 7:00 PM.

---Motion duly seconded by Councilman Mello

---**PASSED** by the following vote: YEAS: 6 - NAYS: 2 PRESENT: 1

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

---Nays: Mason and Russo

---**PRESENT**: Occhipinti

**Note: Councilwoman Castellano and Councilman Occhipinti were PRESENT at the table during the Roll Call, but did not cast a vote for YAY/NAY/ABSTAIN. During the Roll Call vote, Councilwoman Castellano voted YAY in the Roll Call, but it was during Councilwoman Giattino's turn where she casted her vote and eventually submitted a letter to Corporation Counsel to make sure that her vote was casted as a YAY the following day, Thursday, October 6, 2011 at 9:32 AM.**

**11-176**  
**Z-138**

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

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The several improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the City of Hoboken, in the County of Hudson, New Jersey (the "City") as general improvements. For the several improvements or purposes described in Section 3 hereof, there are hereby appropriated the respective sums of money therein stated as the appropriations made for each improvement or purpose, such sums amounting in the aggregate to \$2,855,000 including the aggregate sum of \$142,750 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$2,712,250 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds or notes are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

- (a) (1)Purpose: Acquisition of various vehicles, including, but not limited to, three trash trucks with six containers, four 4x4 vehicles and one special operations vehicle, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$335,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$318,250
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$ 16,750

- (2) Purpose: Acquisition of various equipment, including, but not limited to, a Payloader, a sweeper, an S650 Bobcat skid-steer loader, a utility vehicle with Mason dump and plow and Mohawk portable vehicle lifts, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$460,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$437,000
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 23,000

(3) Purpose: City wide phone and rewiring system projects, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$550,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$522,500
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 27,500

(4) Purpose: Various improvements and safety upgrades to City Police building, including, but not limited to, window replacements, floor refinishing, correction of insect problems, HVAC, sewer, bathroom and shower improvements, lighting upgrades, ceiling tile replacement, fencing and jersey barriers, sidewalk repairs and/or replacement, parking lot paving, electrical distribution upgrade, room reconfigurations and acquisition of furniture, electrical upgrades, door repairs, roof improvements, gas heater improvements painting and related expenses and tasks, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$1,260,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$1,197,000
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 63,000

(5)Purpose:Acquisition of cameras, computers, software and IT security equipment for various City departments and buildings, including, but not limited to the Police Department, City Hall and the City Clerk’s office, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$250,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$237,500
<u>Period or Average Period of Usefulness:</u>	7 years
<u>Amount of Down Payment:</u>	\$ 12,500

(b) The estimated maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.

The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to

time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget (or temporary capital budget as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget (or amended temporary capital budget as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the City may lawfully undertake as general improvements, and no part of the costs thereof have been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 9.90368 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,712,250 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$450,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the several improvements or purposes.

(e) The City reasonably expects to commence the acquisition and/or construction of the several improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the City further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the City is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. After passage upon first reading of this bond ordinance, the City Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions, insertions and

corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The City Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this bond ordinance.

Section 10. After final adoption of this bond ordinance by the City Council, the City Clerk is hereby directed to publish the full text of this bond ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section 11. The City Council of the City hereby covenants on behalf of the City to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 12. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 13. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law.

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 **October 19, 2011** at 7:00 PM.

---Motion duly seconded by Councilman Mello

---PASSED 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**

Councilwoman Castellano comments on Hold Co is not accepting Medicaid

asks Director Pellegrini on Flu Shots

Councilwoman Castellano comments on Council President

Councilwoman Mason asks Corporation Counsel on providing a proclamation for honoring the winners of

the Hoboken Public Library's Summer Reading Program and will email Corporation Counsel

Corporation Counsel comments and requests Councilwoman Mason to email the content for the proclamation

Councilwoman Mason comments on the illegal parking in Maxwell Pl. along 11<sup>th</sup> St.

Director Sacs comments and responds that the property is owned by the Developer and is not city property

Councilwoman Mason comments on the Public Safety issue and please have a response from the Police and Fire if there any issues for access for Public Safety

Director Sacs comments

Councilwoman Mason asks BA Liston for a written explanation regarding the Fire Safety issue

BA Liston comments

Councilwoman Mason comments on the FY and where is the City with the budget

Councilman Cunningham comments that the next sub-committee meeting at 4:30 PM on October 11, 2011, look at revenue production up to date, the total projected cap for this year and also the bond ordinance which was passed this evening and when to schedule the workshops

Meeting of October 5, 2011

Councilman Russo comments on the state statute for the budget law for Special Emergency and is it done by Resolution or done by Ordinance and would like the statute and if there are only 5 votes

Councilwoman Mason has left the table at 9:45 PM  
Councilwoman Castellano has returned to the table at 9:48 PM

BA Liston comments that it should be done by Ordinance  
Councilman Russo comments and requests Corporation Counsel to provide it in writing  
Councilwoman Mason comments on who informed BA Liston  
BA Liston comments that the Finance Director informed him  
Council President comments  
Councilwoman Marsh comments and recommends Councilman Russo to prepare an amendment for the Ordinance and bring it to the next Council meeting  
Councilman Occhipinti comments on the ordinance  
Councilman Occhipinti comments on 1<sup>st</sup> and Jackson – sidewalk issue and where is the City with the process  
BA Liston comments that a price will be provided  
Councilman Occhipinti comments cleaning catch bases in the 4<sup>th</sup> ward  
Councilman Occhipinti comments on solar panels and the wet weather pump should be done by Oct. 18<sup>th</sup> and final completion in Jan. 2012  
BA Liston comments that public service has been doing this the past few years  
Councilman Occhipinti comments on the SW Development Plan  
BA Liston comments that he will shoot an email on the status  
Councilwoman Marsh comments that a sub-committee meeting on Oct. 12 (believes that is correct and get back to Councilman Occhipinti)  
Councilman Occhipinti comments on the stop sign on 3<sup>rd</sup> and Jackson Street to Director Sacs on emails that were sent on traffic safety measures that can be done there and if options are available and the status update for re-turfing Mama Johnson Field  
Director Pellegrini comments that he spoke to Director Carmela Garcia will review it on October 13 and see if there is an agreement on the suggestions made  
Councilman Mello comments on thanking Chief Blohm on the fire hydrants by the Skyline Apt. and the fire hydrant was not working  
Councilman Cunningham comments a Rev and Finance sub-committee meeting next Tuesday at 4:30 to discuss budget related issues  
Councilman Cunningham comments on EMNet to BA Liston  
BA Liston comments on getting an update on EMNet  
Councilman Cunningham comments on the Special Emergency Appropriation ordinance  
Council President comments on his role as Council President during his term as Council President and run in as an orderly fashion  
Council President comments on an update on the Hospital sale and congrats all the commissioners and Chairman Tomarrazo, the stake holders and thank Mayor Zimmer for their efforts  
Councilman Occhipinti comments  
Councilman Russo comments  
Corporation Counsel comments and responds to Councilman Russo

Councilwoman Mason has left the table at 10:10 PM  
Councilwoman Mason has returned to the table at 10:11 PM

### **PUBLIC PORTION**

All regular business concluded the following members of the public spoke at the Public Portion” of the meeting: Ron Simoncini, Peter Romano, Helen Hirsch, Maurice DeGennaro, Lidya Radin.

Meeting of October 5, 2011

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PRESIDENT OF THE COUNCIL

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CITY CLERK