

**THE COUNCIL OF THE CITY OF HOBOKEN**  
**MINUTES FOR**  
**SPECIAL MEETING OF SUNDAY, OCTOBER 30, 2011**

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President Bhalla opened the meeting at 6:00 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 Cunningham, Giattino, Marsh, Mason, Mello, Occhipinti, Russo and President Bhalla.

City Clerk reads the letter from Council President for calling the Special Meeting.

**11-201**

OCTOBER 27, 2011

**VIA HAND DELIVERY**

James Farina, City Clerk  
94 Washington Street  
Hoboken, New Jersey 07030

**AMENDED AND REVISED**

Dear City Clerk Farina,

**PLEASE BE ADVISED** that I hereby call a Special Meeting of the Hoboken City Council for Sunday, October 30, 2011 to commence at **6:00 P.M.** in the City Council Chambers at 94 Washington Street, First Floor, Hoboken, New Jersey 07030 for the following purpose:

1. **DISCUSSION OF THE ATTACHED LETTER OF LOUIS A. MODUGNO, ATTORNEY FOR HUMC OPCO, LLC. AND HUMC HOLDCO, LLC ("PURCHASERS"), WITH REGARDS TO THE CANCELLATION OF THE CLOSING, SCHEDULED FOR 10/26/11, OF THE ASSET PURCHASE AGREEMENT BETWEEN THE PURCHASERS AND HOBOKEN MUNICIPAL HOPSITAL AUTHORITY RELATING TO HOBOKEN UNIVERSITY MEDICAL CENTER, DUE TO THE UNCERTAINTY OF THE PRESENT ENFORCABILTIY OF THE "PARKING ACCESS AGREEMENT" DUE TO THE CITY COUNCIL'S FAILURE TO APPROVE A RESOLUTION AUTHORIZING IMMEDIATE ENFORCEMENT.**
2. **RESOLUTION DECLARING AN EMERGENCY PURSUANT TO N.J.S.A. 40:69A-181(B) AND MAKING IMMEDIATELY EFFECTIVE ORDINANCE NO. Z-139 ENTITLED "AN ORDINANCE AUTHORIZING THE CITY OF HOBOKEN TO ENTER INTO THE 'PARKING ACCESS AGREEMENT BETWEEN THE CITY OF HOBOKEN AND HUMC OPCO, LLC' ."**

**OR**

3. (A) **RESOLUTION TO APPROVE AMENDMENTS TO THE "PARKING ACCESS AGREEMENT" BETWEEN THE CITY OF HOBOKEN PARKING UTILITY AND HOBOKEN MUNICIPAL HOSPITAL AUTHORITY;**  
**AND**
3. (B) **RESOLUTION AUTHORIZING THE ASSIGNMENT OF THE "PARKING ACCESS AGREEMENT", AS AMENDED, FROM THE HOBOKEN MUNICIPAL HOSPITAL AUTHORITY AND HUMC OPCO, LLC.**

Additional matters relating to the above may be discussed, introduced, considered and acted upon at this meeting. No other matters unrelated to the above may be discussed, introduced, considered or acted upon at this meeting. Action on the foregoing items may be taken at the meeting. Please notice this meeting in accordance with the Open Public Meetings Act.

Very Truly Yours,

Dawn Zimmer  
Mayor

Received and Filed.

**Discussion of the attached letter of Louis A. Modugno, Attorney for HUMC OPCO, LLC AND HUMC HOLDCO, LLC ("PURCHASERS"), WITH REGARDS TO THE CANCELLATION OF THE CLOSING, SCHEDULED FOR 10/26/11, OF THE ASSET PURCHASE AGREEMENT BETWEEN THE PURCHASERS AND HOBOKEN MUNICIPAL HOSPITAL AUTHORITY RELATING TO HOBOKEN UNIVERSITY MEDICAL CENTER, DUE TO THE UNCERTAINTY OF THE PRESENT ENFORCABILITY OF THE "PARKING ACCESS AGREEMENT" DUE TO THE CITY COUNCIL'S FAILURE TO APPROVE A RESOLUTION AUTHORIZING IMMEDIATE ENFORCEMENT**

The speakers who spoke: Steve Rofsky, Ellen Shreyrer Helen Hirsch, Assemblywoman Joan Quigley, Freeholder Anthony Romano, Joe Crimmins, Hoboken Fire Chief Blohm, Dr. Abbie Jacobs, Dr. Thomas Azalini, George Hirsch, Scott Siegel, John Lorenzo, Frantz Paetzold, Barbara Gross, Dorothy Damoro, Susan Costameris, Allen Kratz, Andrew Cartright, Michael Lenz, John Leffert, Margarie Boyden, Julie Steinberg, Dr. Anthony Variano, Mary Davis, Michael Schwardalo, Helen Hirsch, Romana Gapasin, Toni Tamarazzo

Council President Bhalla requests a recess at 8:01 PM  
The Meeting resumed at 8:09 PM

**11-202**

---By President Bhalla

**RESOLUTION DECLARING AN EMERGENCY PURSUANT TO N.J.S.A. 40:69A-181(B) AND MAKING IMMEDIATELY EFFECTIVE ORDINANCE NO. Z-139 ENTITLED "AN ORDINANCE AUTHORIZING THE CITY OF HOBOKEN TO ENTER INTO THE 'PARKING ACCESS AGREEMENT BETWEEN THE CITY OF HOBOKEN AND HUMC OPCO, LLC' ."**

WHEREAS, THE City Council (“City Council”) of the City of Hoboken (“City”) introduced, on October 15, 2011, Ordinance No. Z-139, entitled “An Ordinance Authorizing the City of Hoboken to Enter into the “Parking Access Agreement between the City of Hoboken and HUMC OPCO, LLC”; and

WHEREAS, said Ordinance was advertised for second reading, public hearing and final adoption on October 25, 2011; and

WHEREAS, said Ordinance proceeded to second reading, a public hearing on the Ordinance as amended and final adoption as an Ordinance on October 25, 2011; and

WHEREAS, without acknowledging any validity of demands or orders that the City take the action as authorized in said Ordinance by a date certain, the City desires to make said Ordinance effective immediately to forestall any claims or litigation that may ensue if the effective date of the Ordinance is delayed for the requisite 20 days after its adoption [in accordance with N.J.S.A. 40:69A-181(b)] and, therefore, the Council desires to declare an emergency pursuant to said statute cited above and make said Ordinance effective immediately in order to enhance the public good and public welfare.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, County of Hudson, State of New Jersey (*not less than two-thirds of all members thereof affirmatively concurring*) as follows:

1. In order to expedite the effective date of the Ordinance entitled “An Ordinance Authorizing the City of Hoboken to enter into the “Parking Access Agreement Between the City of Hoboken and HUMC OPCO, LLC”, for the reasons set forth in the Preamble of this Resolution, the City Council hereby declares an emergency in accordance with N.J.S.A. 40:69A-181(b) and further determines and declares that passage by the City Council as otherwise required under N.J.S.A. 40:69A-181(b).
2. The City Clerk and all other municipal officers are hereby authorized and directed to take all steps necessary to effectuate the purposes of this Resolution.
3. This Resolution shall take effect immediately.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Castellano.

### **PUBLIC PORTION**

All regular business concluded the following members of the public spoke at the Public Portion” of the meeting: Helen Hirsch, Andrew Frey, Margaret O’Brien, Patricia Waiters, Roman Brice.

At 8:32 PM. the Governing Body on a motion by Council President Bhalla.

Motion duly seconded by the Governing Body.

President Bhalla then adjourned the meeting at 8:32 P.M.

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PRESIDENT OF THE COUNCIL

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CITY CLERK