

MEETING OF APRIL 6, 2011

MINUTES OF A MEETING OF THE COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY, HELD IN THE COUNCIL CHAMBERS, CITY HALL, HOBOKEN, NEW JERSEY, WEDNESDAY, APRIL 6, 2011 AT 7:00 PM

President Mason opened the meeting at 7:01 p.m. and stated, "I would like to advise all those present that notice of this meeting has been provided to the public in accordance with the provisions of the Open Public Meeting Act, and that notice was furnished to The Jersey Journal and 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 Bhalla, Castellano, Cunningham, Giacchi, Marsh, Mello, Occhipinti, Russo and President Mason.

RESOLUTIONS

11-928

---By Councilman Russo

RESOLUTION AUTHORIZING THE CY 2011 MUNICIPAL BUDGET TO BE READ BY TITLE ONLY

RESOLVED, that the City Council of the City of Hoboken, by majority of the full membership hereby determine the **CY 2011 Municipal Budget** shall be read by its title and we further declare that the condition set forth in N.J.S.A. 40A:4-8(1A&1B) of said section has been met.

---duly seconded by Councilman Giacchi

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

---Yeas: Council persons Bhalla, Castellano, Cunningham, Giacchi, Marsh, Mello, Occhipinti, Russo and Mason.

---Nays: None.

The speakers who spoke: Scott Siegel, Ronnie Brice.

BUDGET HEARING

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

---Yeas: Council persons Bhalla, Castellano, Cunningham, Giacchi, Marsh, Mello, Occhipinti, Russo and Mason.

---Nays: None.

The speakers who spoke: Michael Lenz, Scott Siegel, Patricia Waiters, Donald Pellicano.

City Clerk James Farina reads letter from Councilman Michael Russo resigning from Vice-President.

RESOLUTIONS (cont'd)

11-929

---By Councilman Occhipinti

RESOLUTION DECLARING ACTIONS OF MICHAEL RUSSO TO BE CONDUCT UNBECOMING OF A HOBOKEN CITY COUNCIL MEMBER ACCEPTING HIS RESIGNATION AS VICE-PRESIDENT OF HOBOKEN CITY COUNCIL AND CALLING FOR AN INDEPENDENT REVIEW.

WHEREAS, in July Of 2009 the City of Hoboken was shocked to learn of a corruption investigation by the United States Attorney's Office that reached into highest levels of City government; and,

WHEREAS, it was revealed that the U.S. Attorney's investigation primarily relied upon a confidential informant named Solomon Dwek; and

WHEREAS, it has since been further revealed that Solomon Dwek met with other Hoboken political figures presently as well as current high-level appointees and their representatives in the Administration of Mayor Dawn Zimmer; and

WHEREAS, videotape of one of these meetings was publicly released earlier this week, which shows Third Ward Councilman Michael Russo meeting with Solomon Dwek and others at a Jersey City restaurant at which campaign contributions and development applications were interchangeably discussed; and,

WHEREAS, even though Michael Russo has not been charged with any wrongdoing by the U.S. Attorney's Office, and apparently did not even meet with Solomon Dwek again or accept any money from him, it is clear that Councilman Russo's actions and statements at this meeting were not reflective of the high standard the public should expect of a member of the Hoboken City Council; and,

WHEREAS, because of Michael Russo's actions and statements, the public may now question the standards for the development process within the City and whether campaign contributors will receive favorable treatment; and,

WHEREAS, the forgoing is contrary to the open, transparent and inclusive government this City Council strives to attain; and ,

WHEREAS, the Council agrees that Councilman Russo's decision to voluntarily step down from this position is appropriate at this time, and accepts his decision to do so.

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

- 1) The Council hereby finds and declares that the actions of Councilman Michael Russo, as previously set forth in this resolution, are unacceptable, and constitute conduct unbecoming of a member of the City Council; and
- 2) The Council calls upon the United States Attorney's Office to publicly release any and all additional information available relating to its corruption investigation in Hoboken City government; and,
- 3) The Council calls upon the United States Attorney's Office to publicly release any and all additional information available relating to its corruption investigation in Hoboken City government; and,

---duly seconded by Councilwoman Castellano

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

---Yeas: Council persons Castellano, Giacchi, Occhipinti, Russo and President Mason.

---Nays: Bhalla, Cunningham, Marsh, Mello.

11-930

---By Councilwoman Marsh

RESOLUTION CENSURING COUNCILMAN MICHAEL RUSSO AND CALLING ON HIM TO RESIGN AS CITY COUNCIL VICE PRESIDENT, CHAIR OF THE FINANCE AND REVENUE COMMITTEE AND COMMISSIONER OF THE HOBOKEN HOUSING AUTHORITY

WHEREAS, a recent book entitled "The Jersey Sting" including the following disclosure with respect to Councilman Michael Russo's previously unknown meeting with Solomon Dwek:

"You need something? Boom," continued Khalil. "Call me tomorrow: "I need five, en grand for my campaign." Boom."

As intended, Russo was impressed. "Always nice to have friends like that."

Then they got down to business. "Whatever I do, I'll do through Maher...I don't want to do anything in my name. I don't want to have any conflicts," Dwek said.

"You're a smart man," Russo observed.

"I'll give him five thousand next week and you'll work it out...and after the election, I'll do the same. It'll be more."

Russo agreed and then the foursome broke up. After that, however, Russo would not take calls from Dwek's middlemen...

WHEREAS, in response to this disclosure and assertions by the public that Councilman Russo's conduct was improper, Councilman Russo defended his conduct to the Hoboken Reporter insisting that he "made it very clear to Mr. Dwek (he) would not except cash contributions", that there was to be "no quid pro quo" and" told him what the legalities are"; and

WHEREAS, on April 4, 2011 the full tape of the meeting between Councilman Russo and Solomon Dwek was made public and the tape confirmed the accuracy of the account provided in the book and did not contain any of the exculpatory statements claimed by Councilman Russo; and

WHEREAS, it is clear from the FBI surveillance tape that Councilman Russo agreed to provide expedited treatment for development projects in the same conversation in which he agreed to accept a \$5,000 payment to be laundered through a third party, including the following exchanges, as reported by Hoboken Patch:

“Dwek asked if his zoning variances would be heard within 30 or 60 days, rather than the procedural six months to a year. At first Russo answered that he couldn’t answer that right away. After Dwek specified that he means after the elections and after Russo’s “people are in place”, the councilman responded that “once we get those people in place we’ll most certainly expedite all those in place, we’ll most certainly expedite all those applications.”

The “people in place,” Russo explained moments earlier on the tape, were the three- council-at-large candidates who’d run on Councilwoman Beth Mason’s mayoral ticket. In return for his supporting her campaign, Russo explained to Dwek and the other two men at the table, he would be allowed to handpick the candidates on her slate.”

“I’m an investor, developer... I don’t want to be left on the bottom of the pile,” Dwek said to Russo. “That’s why I do what I gotta do with the right people.”

“Absolutely,” Russo answered again.”

WHEREAS, far from supporting Councilman Russo’s claim that his actions were proper, the tapes raise other serious questions beyond possibly bribery, and solicitation and acceptance of illegal campaign contributions, including a specific example of trading housing and a position on the HHA Board of political gain; and

WHEREAS, the initial printed excerpts, Councilman Russo’s demonstrably false response, and the contents of the subsequently released tape taken as a whole, demonstrate Councilman Russo’s unfitness to represent the City of Hoboken as Council Vice-President, Revenue and Finance Committee chair, on any committee, or as Commissioner of the Hoboken Housing Authority.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken calls upon Councilman Russo to resign as Vice-President and if he does not, calls an immediate vote of no confidence to remove him; and,

BE IT FURTHER RESOLVED that the Council calls on Council President Mason to immediately remove Councilman Russo as Chair of the Revenue and Finance committee and from all committee; and,

BE IT FURTHER RESOLVED that the Council of the City of Hoboken calls upon Councilman Russo to resign his position as Hoboken Housing Authority commissioner and if he does not, directs Corporation Counsel to determine if sufficient evidence exists to support his removal for cause as Hoboken Housing Authority commissioner. In the event that sufficient cause exists, corporation counsel shall take all further steps to present to the council at its next meeting, the set of procedures required to accomplish this removal as quickly as possible; and

BE IT FURTHER RESOLVED that in light of Councilman Russo's actions taken as a whole, the Council hereby censures Councilman Russo for his actions for the discredit he has brought on the City of Hoboken.

The speakers who spoke: Patricia Waiters, Scott Siegel, Thomas Greaney, Forde Prigot, Michael Lenz, Andrew Cartwright, Linda Walker, Lane Bajardi, Don Pellicano, Perry Belfiore, Roman Brice, Rami Pinchevsky, Hany Ahmed, David Leibler.

---duly seconded by Councilman Bhalla
---**FAILED** by the following vote: YEAS: 4 - NAYS: 4
---Yeas: Council persons Bhalla, Cunningham, Marsh, Mello
---Nays: Castellano, Giacchi, Occhipinti, President Mason.
---Present: Russo.

11-931

---By Councilwoman Marsh

RESOLUTION APPOINTING VICE-PRESIDENT OF THE CITY COUNCIL

Appointing David Mello as Vice-President of the City Council, term effective April 6, 2011 through June 30, 2011.

---duly seconded by Councilman Cunningham
---**FAILED** by the following vote: YEAS: 4 - NAYS: 5
---Yeas: Council persons Bhalla, Cunningham, Marsh, Mello
---Nays: Castellano, Giacchi, Occhipinti, Russo, President Mason.

11-932

---By Councilwoman Castellano

RESOLUTION APPOINTING VICE-PRESIDENT OF THE CITY COUNCIL

Appointing Tim Occhipinti as the Vice-President of the City Council, term effective April 6, 2011 through June 30, 2011.

---duly seconded by Councilman Giacchi
---Adopted by the following vote: YEAS: 5 - NAYS: 4
---Yeas: Council persons Castellano, Giacchi, Occhipinti, Russo and President Mason.
---Nays: Bhalla, Cunningham, Marsh, Mello.

PUBLIC HEARING and FINAL VOTE ON ORDINANCES

Second Reading / Public Hearing and Final Vote

AN ORDINANCE RECODIFYING CHAPTER 29 WITH THE TITLE "ETHICS" (Z-92)

President Mason 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 Mason asked for a motion to close the hearing.

President Mason moved that the hearing be closed.
Motion duly seconded by Councilman Russo.

---Adopted by the following vote: YEAS: 9 - NAYS: 0
---Yeas: Council persons Bhalla, Castellano, Cunningham, Giacchi, Marsh, Mello, Occhipinti, Russo and President Mason.
---Nays: None.

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

---Adopted with by the following vote: YEAS: 9 - NAYS: 0
---Yeas: Council persons Bhalla, Castellano, Cunningham, Giacchi, Marsh, Mello, Occhipinti, Russo, and President Mason.
---Nays: None.

AN ORDINANCE AMENDING (Z-88) ENTITLED "AN ORDINANCE AMENDING CERTAIN PROVISIONS CHAPTER 155 OF THE CITY CODE, ENTITLED, "RENT CONTROL" (Z-97) TABLED TO THE APRIL 20, 2011 COUNCIL MEETING

AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ESTABLISHING A SCHEDULE OF CLASSIFICATIONS AND ALLOCATIONS OF TITLE FOR ALL POSITIONS IN THE CITY OF HOBOKEN (Z-98)

President Mason 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 Mason asked for a motion to close the hearing.

President Mason moved that the hearing be closed.
Motion duly seconded by Councilman Russo.

---Adopted by the following vote: YEAS: 9 - NAYS: 0
---Yeas: Council persons Bhalla, Castellano, Cunningham, Giacchi, Marsh, Mello, Occhipinti, Russo and President Mason.
---Nays: None.

President Mason 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 Bhalla, Castellano, Cunningham, Giacchi, Marsh, Mello, Occhipinti, Russo, and President Mason.
--Nays: None.

PETITIONS AND COMMUNICATIONS

11-933

COMMUNICATION FROM MAYOR ZIMMER REGARDING BUDGET HEARING, MAINTAINING CASH SURPLUS, REQUEST TO GENERATE REVENUE WITH MULTIMETERS, POLICE DEPARTMENT RETIREMENTS, ETC.

April 6, 2011

Dear Council Members,

I am writing to you concerning several urgent matters and to provide a general update prior to the Council meeting tonight.

Budget hearing/Surplus Issue:

I cannot reiterate enough how crucial it is for the City to maintain at least a 5 percent cash surplus. Since the budget has been introduced both Council President Mason and Council Vice President Russo continue to assert that the surplus should be "given back."

I urge all Council members to maintain a 5 percent cash surplus level for the following reasons:

1. We cannot return to the fiscally irresponsible practices of the past.

Cutting spending is the only way to cut taxes, and by doing that we have cut taxes by 10% in the introduced budget from FY 2010. "Returning the surplus" beyond 5% and beyond the amount that can be replenished next year is a one shot election year fiscal gimmick – exactly the kind of fiscal shenanigan that led to our State takeover. I urge you not to fall back into the old ways. Cutting taxes with smoke and mirrors this year, knowing full well it will result in higher taxes next year is plan and simply irresponsible, and the taxpayers deserve better than to be exploited that way again.

2. Maintaining a 5 percent cash surplus is not a luxury, it provides a necessary financial cushion.

Failure to provide a financial cushion means there will be no funds available this year for the possible settlement of union contracts with the Fire Department and other municipal unions. In addition, the city faces the settlement of several pending lawsuits. In order to cover these costs, it is imperative that the City maintain a responsible surplus level.

If the Council leaves the City with no financial cushion, then the City will be faced with either having to raise taxes and/or layoffs because there will be no funds for the very real costs that the City faces within the next several months. Reducing the cash surplus below a replenishing level means that we must replace it each year. This means turning

the surplus into a one-shot revenue that can only be covered by raising taxes, or doing excessive cuts with layoffs.

It is unfair to take the taxpayers of Hoboken on a tax roller coaster ride. The only way that together we can ensure the stabilized lowering of taxes is to maintain a responsible minimum cash surplus of 5 percent. It is also unfair to leave the employees of Hoboken extremely concerned about layoffs because of the lack of willingness to maintain a responsible surplus.

3. Maintaining a responsible 5 percent cash surplus reduces borrowing costs in the future.

The Council has approved bonding for the acquisition of land for park space and upgrades of our City's parks, as well as bonding to cover the costs of our waterfront.

Failure to maintain a 5 percent surplus will only increase the City's costs for these and other urgent infrastructure initiatives. Maintaining a responsible surplus level significantly impacts our ability to improve our City's bond rating. With a bond rating near junk status, we've got a lot of work to do, and taking away the cash surplus only sets us back even further from the goal of improving our bond rating.

Rating agencies look closely at consistency: Does the City maintain a consistent cash surplus level? As we arrange to meet with the rating agencies, please help me to be able to respond positively to this question so that we can reduce our City's borrowing costs in the future.

Finally, I urge you, please do not turn back Hoboken's clock. Past Administrations with no financial surplus cushion took actions that continue to severely impact our City today. For example, the sale of our City's water main system for just \$13 million in 1993 and 1994. A past Administration gave away our City's water main rights in an agreement that goes from 1994 until 2024. A short term decision made without financial flexibility has meant more than \$100 million in lost revenue to the City of Hoboken. While United Water generates \$8 million of revenue annually, our City struggles with serious water main breaks on a regular basis.

Let's learn from the mistakes of the past and maintain a responsible surplus level to ensure that the City has the financial flexibility it needs to address various near term possible costs.

Urgent Request To Generate Revenue with multi-meters:

My Administration first introduced the bond for multi-meters on March 2nd. As we have stated numerous times, our analysis demonstrates that additional multi-meters could generate an estimated \$1 million in revenue annually (Director Sacs' memo on this matter is attached again for your review.)

This important revenue generating legislation has sat idle for over a month and has not even been discussed in committee or introduced by this Council. The taxpayers of Hoboken deserve your attention on this important matter so that we can generate revenue and continue to improve the parking process in our City. Please at least introduce this measure tonight to move the process forward.

Police Department Retirements

I am meeting with Chief Falco this week to review the redeployment plan and address the fact that we have had a significant number of retirements. We are working together to ensure that we have proper levels of police on the streets to protect our community.

Protecting our Police Department and improving our City's efficiency:

On March 2nd we introduced a bond that seeks to ensure that our Police have adequate heating and air conditioning and a new security system, among other important upgrades. This bond includes upgrades to the City's phone and computer systems as well.

Please introduce this bond to provide an essential work environment for our Police and our employees with the necessary technology to conduct their jobs much more efficiently.

Request to approve auditor:

As Councilman Russo requested, we checked with the State and have their approval of the process that was followed to choose an auditor. It is important that the City have an auditor of record, and I respectfully request your support for Ferraioli, Wielkotz, Cerullo & Cuva, P.A. This experienced firm brings the expertise and knowledge base from its previous work with our City to continue ensuring fiscal responsibility and a stabilization of taxes (Please see the attached email from the State.)

Moving Hoboken to the 21st century/improving residents' online access to City services

Since March 2nd we have been trying to introduce an agreement with Enfotech that will significantly enhance residents' ability to access parking utility services through the Internet. We want to provide resident with an online system so that they can order parking permits and other transportation services online. It is disappointing that this important initiative has not even been discussed in committee for over a month. Please vote on this measure, or at least discuss in committee for over a month. Please vote on this measure, or at least discuss it in the transportation committee (Again, I ask that out of respect to Directors' time constraints, that various legislation be sent to one committee only).

Addressing Health violations:

The City was cited for several health violations. We have a team working to abate the issues. As the attached report demonstrates, plans must be made to address the severe termite problem in the basement of City Hall. At an upcoming meeting, we will be proposing various potential solutions to this urgent issue.

Fire Department/Matrix reprot:

The Matrix report has been received and provided to Chief Blohm. He is in the process of reviewing it and providing his verbal and written response. The report, along with his response, will be published on the City website for the Council and residents to review early next week.

Waterfront reports:

The City has received both the public and private waterfront reports. The public report will be published on the City's website as soon as possible this week. It contains numerous maps and is therefore difficult to email, but they will also be posted to the City website. If you would like Boswell to produce a copy with maps for you, please let us

know. The report on privately held waterfront with public access will be released after the City has been able to meet with property owners.

The City is in the process of conducting final interviews to finalize a proposal for our city's waterfront engineer going forward, and this will be on the agenda for the next meeting.

NJ Transit:

While there were ongoing efforts to meet with NJ Transit's Attorney General, we have been advised that they will be sending a letter with a response to our proposed intergovernmental agreement. Unless and until an intergovernmental agreement is reached, we must move extremely carefully, always keeping in mind that NJ Transit has never agreed to discard their unacceptable out of scale proposal and continues to assert that they have the legal authority to build whatever they want as a matter of right, notwithstanding the City's objections.

In response to the attached letter, we are making arrangements for a process under which the planner hired by NJ Transit can provide our planner with the design work and public feedback that they developed and received through several NJ Transit meetings last fall.

On the transportation services front, we are strongly advocating for improved bus services for Hoboken residents, particularly on the western side of the City. The attached analysis was conducted by the Parking Utility and sent to NJ Transit. They are currently working on our request.

Preserving and Protecting the Arts in Hoboken:

Over the last year my Administration has worked very hard to protect the arts community on several fronts. At the meeting on April 20th we are looking forward to proposing several important initiatives to ensure that Hoboken's cherished art community is not only consideration at the April 20th meeting, includes a proposal to make Neumann Leather an area in need of rehabilitation. In addition, an interim cost agreement for the analysis of a proposal for a Hoboken Arts Center on the western side of the City will be proposed as well. This will be posted on the City's website early next week. Finally, we have been working hard to protect the arts in the Monroe Center, and bankruptcy proceedings are close to being resolved. At the next meeting we would like to go into closed session to brief the Council on how we are working to preserve the arts in the Monroe Center.

Single Stream Recycling

Single stream recycling will be soon beginning pending the anticipated approval of Waste Management's bid. Even if recycling participation rates were to remain the same, the City would realize \$1,30,000 in additional revenue, but based on results in other municipalities, we anticipate a 30% increase in recycling, potentially resulting in an additional \$260,000 in revenue. This is an important component of our City's efforts to be more environmentally conscious, and we will be doing a comprehensive education campaign to inform residents about this new initiative.

Resurfacing and Pot Holes

I recognize there is a major problem with potholes especially after the severe storms we faced this winter. Much work remains to be done, but to date, our pothole filling team has used 6 tons of asphalt to fill potholes, and an additional 6 tons arrived this week. In addition, below is the list of roads which will be resurfaced in Spring 2010. We are also finalizing the list of roads to be paved in the fall.

- Second Street (Jackson St. to Harrison St.)
- Adams Street (14th St. to 15th St.)
- Monroe Street (8th St. to 11th St.)
- Madison Street (8th to 11th St.)
- 5th St. (Hudson to River Street)
- Clinton St. (14th St. to 15th St.)

PSE&G Lights

I have advocated on many different levels for PSE&G to replace broken light bulbs and missing plate covers which pose an electrical hazard. Attached is my letter to PSE&G. I am pleased to report that they made a commitment to replace all bulbs and plates – City wide by today. We will be double-checking and will keep you advised of the situation.

Thank you and best regards.

May or Zimmer

Received and Filed.

11-933A

APPLICATIONS FOR MISCELLANEOUS LICENSES

Drivers -----	22
Taxi Owners -----	34

---Councilman Russo moved that the licenses be granted.
 ---Motion duly seconded by Councilman Giacchi
 ---Adopted by the following vote: YEAS: 9 - NAYS: 0
 ---Yeas: Council persons Bhalla, Castellano, Cunningham, Giacchi, Marsh, Mello, Occhipinti, Russo and President Mason.
 ---Nays: None.

REPORTS OF CITY OFFICERS

11-934

A report of the Municipal Court indicating receipts for the month of December March 2011 as **\$501,569.48**.
 ---Received and filed.

11-935

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of March 2011 **\$1,801,737.54** (Abatement Totals -\$71,193.77)

Committee Reports

Economic Development and Open Space sub-committee meeting update on Wed. March 9, 2011

Quality of Life sub-committee meeting report for the meeting on Thursday, March 10, 2011

Parking and Transportation sub-committee meeting report for Monday, March 21, 2011

Hospital sub-committee meeting update for Monday, March 21, 2011

Revenue and Finance sub-committee meeting at 6:00 PM for April 6, 2011

Rent Control sub-committee meeting update for March 30, 2011

Planning Board Master Plan Review by Councilman Mello

11-936

CLAIMS

By Councilman Russo

Total for this agenda **\$1,831,764.44-\$41,335.76=AMENDED \$1,790,418.68**

---duly seconded by Councilman Giacchi

---Adopted by the following vote: YEAS: 7 - NAYS: 2

---Yeas: Council persons Bhalla, Castellano, Cunningham, Giacchi, Marsh, Mello, Occhipinti.

---Nays: Russo and President Mason.

11-937

---By Councilman Russo

PAYROLL

For the two week period starting March 16, 2011- March 23, 2011

Regular Payroll	O/T Pay	Pay	
\$1,410,544.21	\$204,087.25		\$1,664,073.69

---duly seconded by Councilman Giacchi

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

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

---Nays: Mason no on Planning Board line item 1-01-21-180 \$5,228.11

RESOLUTIONS (cont'd)

Presented and Read

11-938

---By Councilman Cunningham

RESOLUTION HONORING MULLER INSURANCE IN HOBOKEN ON THE OCCASION OF ITS 105TH ANNIVERSARY AND NAMING OF THE CORNER OF TENTH AND WASHINGTON STREETS “JOHN MULLER WAY” IN HONOR OF ITS FOUNDER JOHN MULLER

WHEREAS, the Council of the City of Hoboken is proud to recognize businesses that have flourished and prospered within its boundaries; and,

WHEREAS, for the past 105 years, Muller Insurance of Hoboken has served and protected the people of Hoboken with homeowners insurance, business insurance, automobile insurance, fire insurance and many other services; during that time period, three generations of the Muller family have served the people of Hoboken as leaders in the insurance industry and through their active community involvement; and

WHEREAS, in 1906, John Muller first opened the doors to his insurance agency at 930 Washington Street in Hoboken which bore his hand-painted name on the storefront’s windows; he had immigrated to the United States from Germany just three years earlier; during World War I, he served our country in the United States Army as a Corporal in the Military Police and was stationed for 17 months at Cap Dix; he was an active and involved member of the community who served as Justice of the Peace for Hudson county and President of the Hoboken School Board, and as a member of the following organizations; first Ward Democratic Club; Fraternal Order of Eagles; the Independent Order of Odd Fellows; the Hoboken Elks Lodge; the Hoboken Masons Euclid Lodge; and the Lions Club; and

WHEREAS, R. John Muller assumed leadership of Muller Insurance in 1952, securing a real estate license and insurance4 broker’s license and bringing the agency to even greater success; he served his clients with compassion and fairness and treated all people equally and fairly; R. John Muller also served with distinction as a New Jersey State Detective for 46 years, including 21 years as Chief; and

WHEREAS, R. John Muller’s children, Roger J. Muller, Jr. and Erika Muller, have followed in their father’s and grandfather’s footsteps and now oversee the day-to-day operations of Muller Insurance, adopting new technologies and working with a staff o hand-picked insurance professionals who provide the very best in customer service; Roger J. Muller, Jr. is also active and involved in the Hoboken community, serving as a member of the Hoboken Chamber of Commerce, Elks Club, Euclid Lodge Masons and the Hoboken Lions Club; he also earned certification as a member of the Hoboken community Emergency Response Team (CERT) which responds to emergencies in the City.

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

1. The Council of the City of Hoboken does hereby recognize the naming of the corner of Tenth and Washington Streets “John Muller Way” in Hoboken in honor John Muller, the founder of Muller Insurance, and does hereby congratulate the Muller family on the occasion of the 105th anniversary of Muller Insurance; and
2. The Council extends its sincere appreciation and recognition to the Muller family for their tireless dedication and outstanding contributions to the communities of Hoboken and Hudson County for over a century, and also extends its best wishes for the continued success of Muller Insurance.

---duly seconded by Councilman Mello

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

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

---Nays: None.

11-939

---By Councilman Russo

RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS FOR THE CALENDAR YEAR (CY) 2011 BUDGET

WHEREAS, the City of Hoboken is expected to enter into contracts, commitments or payments prior to the adoption of the CY 2011 budget and no adequate provision has been made in the CY 2011 temporary budget for the aforesaid purposes; and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose, and

WHEREAS, the total emergency appropriation resolutions adopted in CY 2011 pursuant to the provisions of N.J.S.A. 40A:4-20 including this resolution total \$47,635,203.54 for Current Expenses and \$4,996,108.24 for the Parking Utility.

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 the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

- 1) Emergency temporary appropriations be and the same are hereby made in the amount of \$4,457,010.00 for Current Expenses and
- 2) \$553,397.00 for the Parking Utility as follows: (see attached)

---duly seconded by Councilman Giacchi

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

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

---Nays: None.

11-940

---By Councilman Occhipinti

RESOLUTION AUTHORIZING EXECUTION OF THE CITY OF HOBOKEN SETTLEMENT AGREEMENT WITH THE TARRAGON CORPORATION PARTIES REGARDING THE SALE OF 800 MADISON STREET.

WHEREAS, the City Administration and various parties collectively referred to as the "Tarragon Parties" have negotiated an agreement by which the City and the Tarragon Parties have agreed to resolve their legal issues concerning the Tarragon Parties' request for a certificate of completion for real property at 800 Madison Street; and

WHEREAS, the negotiated agreement is attached hereto, and has been approved by all other parties; and,

WHEREAS, the City of Hoboken has been advised that the presented settlement of this dispute is in the best interest of the City because it resolves legal issues which are of uncertain outcome if litigated; and,

WHEREAS, the City Council wishes to approve the attached settlement agreement and authorize its execution in resolution of the matter Block 88 Development, LLC, et al. v. the City of Hoboken, et al. known as Docket No. HUD-C-1557-11 (NJ Sup. Ct. Chanc. Div.).

NOW, THEREFORE, BE IT RESOLVED, it is hereby resolved by the City Council as follows:

1. The Mayor is hereby authorized to execute a settlement agreement between the City of Hoboken and the Tarragon Parties, in the form attached hereto or in a form substantially similar thereto for purposes of resolve the matter Block 88 Development, LLC, et al. v. the City of Hoboken, et al. known as Docket No. HUD-C-1557-11 (NJ Sup. Ct. Chanc. Div.).

2. Staff and consultants to the City are hereby authorized and directed to take all other administrative actions to implement this Resolution as are necessary and appropriate to accomplish its goals and intent.

3. This Resolution shall be effective immediately.

The speakers who spoke: Jim Doyle, Joel Glucksman, Joseph Marazita

---duly seconded by Councilwoman Castellano

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

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

---Nays: None.

At 10:25 P.M. The Governing Body entered into a closed session.

CLOSED SESSION

Resolution authorizing Closed Session relating to attorney-client privilege and the release of confidential memoranda concerning allegations of conflicts of interest.

Roll call for Closed Session: Council persons Bhalla, Castellano, Cunningham, Giacchi, Marsh, Mello, Occhipinti, Russo and Mason

Director Forbes, Joel Glucksman, Joe Maraziti

A motion by Councilman Russo to go out of closed session seconded by Councilman Occhipinti

At 10:45 P.M. the Governing Body comes out of closed session.

11-941

---By Councilwoman Castellano

RESOLUTION REQUESTING TRAFFIC CALMING DEVICES BE REINSTALLED ON CERTAIN COUNTY ROADS WITHIN THE CITY OF HOBOKEN

WHEREAS, the Council of the City of Hoboken is concerned about the safety of both drivers and pedestrians; and,

WHEREAS, one measure that has been used successfully to reduce speeding and increase public safety within the City is the installation of traffic calming devices such as “speed bumps;” and,

WHEREAS, Hudson Street is within the City of Hoboken and is maintained by the County of Hudson; and,

WHEREAS, 14th Street is within the City of Hoboken and is maintained by the County of Hudson; and,

WHEREAS, the County of Hudson oversees the maintenance of recently repaved Hudson Street and 14th Street, and in doing so, removed certain traffic calming devices, which have not yet been replaced; and,

WHEREAS, the Council believes that it is necessary and warranted that the County install these traffic calming devices as soon as is practicable.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HOBOKEN that the County of Hudson is respectfully requested to install appropriate traffic calming devices on 14th Street at the following location within the City of Hoboken at its earliest possible opportunity:

1. 14th Street and Garden Street

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HOBOKEN that the County of Hudson is respectfully requested to install appropriate traffic calming devices on Hudson Street at the following locations within the City of Hoboken at its earliest possible opportunity.

1. 3rd Street and Hudson Street
2. 5th Street and Hudson Street at Stevens Park
3. 10th Street and Hudson Street at Elysian Park
4. 12th Street and Hudson Street at Kings Supermarket

BE IT FURTHER RESOLVED that the City Clerk transmits a certified copy of this Resolution to Hudson County Executive Thomas DeGise and Hudson County Freeholder Anthony Romano.

The speakers who spoke: Jim Vance, Scott Siegel, Helen Hirsch,

---duly seconded by Councilman Russo

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

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

---Nays: None.

11-942

---By Councilman Bhalla

RESOLUTION TO APPROVE THE ATTACHED AGREEMENT WITH MUNICIPAL EMPLOYEE #34846

WHEREAS, the City has negotiated a settlement agreement with municipal employee #34846 relating to his employment, which is attached hereto; and,

WHEREAS, legal counsel for the municipality has represented that the attached settlement agreement provides 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 approves the attached settlement agreement between the City of Hoboken and municipal employee #34846;
- B. The Mayor or her agent is hereby authorized to enter into the attached agreement, or a modified agreement with substantially similar terms which does not have any substantive changes;
- C. This resolution shall take effect immediately upon passage.

---duly seconded by Councilwoman Marsh

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

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

---Nays: None.

11-943

---By Councilman Bhalla

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH FERRAIOLI, WIELKOTZ, CERNILO & CUVA, P.A. FOR GENERAL MUNICIPAL AUDITING SERVICES FROM JANUARY 1, 2011 TO DECEMBER 31, 2011 IN AN AMOUNT NOT TO EXCEED EIGHTY THOUSAND (\$80,000.00) DOLLARS

WHEREAS, the City put out an RFP for auditing services, pursuant to Article I of Chapter 20A of the Hoboken City Code, which Ferraioli, Wielkocz, Cernilo & Cuva, P.A. responded to by proposal dated January 20, 2011; and,

WHEREAS, Ferraioli, Wielkocz, Cernilo & Cuva, P.A. is hereby required to abide by the “pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, #DR-154 (codified as §20A-11 et seq. of the Code of the City of Hoboken); and,

WHEREAS, said service is a professional service as defined by N.J.S.A. 40A:11-1 et seq. and as such, is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and,

WHEREAS, funds will be available for this purpose after adoption of the CY 2011 budget.

NOW THEREFORE, BE IT RESOLVED that a professional services contract be authorized in an amount not to exceed Eighty Thousand (\$80,000.00) Dollars with the firm of **Ferraioli, Wielkocz, Cernilo & Cuva, P.A.** for general auditing services for a one year term commencing January 1, 2011 and expiring December 31, 2011; and,

BE IT FURTHER RESOLVED that this firm shall bill the City in accordance with its proposal,

dated January 20, 2010, attached hereto; and,

BE IT FURTHER RESOLVED the City Clerk shall publish this resolution as required by law and keep a copy of the resulting contract on file in accordance with N.J.S.A. 40A:11-1 et seq.; and,

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

The speakers who spoke: Helen Hirsch, Scott Siegel.

---duly seconded by Councilwoman Marsh

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

---Yeas: Council persons Bhalla, Cunningham, Marsh, Mello.

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

11-944

---By Councilman Giacchi

THIS RESOLUTION AWARDS A CONTRACT TO STANS SPORT CENTER INC. THROUGH ITS STATE OF NEW JERSEY CONTRACT NUMBER A66832 FOR SPORTING GOODS AND SPORTING SUPPLIES FOR THE HOBOKEN RECREATION DEPARTMENT IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00)

WHEREAS, N.J.S.A. 40A:11-5 allows municipalities to award public contracts without public bidding when the vendor is an approved state contractor, and Stan's Sport Center Inc. has been approved as a State Contractor pursuant to Contract Number A66832; and,

WHEREAS, the City of Hoboken's Recreation Department is in need of sporting goods and sporting supplies, for which goods Stan's Sport Center Inc. has agreed to contractual rates with the State; and,

WHEREAS, the funds are available for this contract, in an amount not to exceed one hundred fifty thousand (\$150,000.00) dollars, upon approval of the 2011 introduced budget.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the below listed vendor is authorized to provide sporting goods and sports equipment for a one year period, to commence January 1, 2011 and terminate December 31, 2011, at individual costs of goods which do not exceed those listed in its contract with the State of New Jersey, and for a total not to exceed amount of one hundred fifty thousand (\$150,000.00) dollars, as follows:

- 4) The above recitals are incorporated herein as thought fully set forth at length.
- 5) The Council hereby authorizes the Mayor, or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
- 6) The Mayor, or her designee is hereby authorized to execute an agreement for the above references goods and/or services based upon the following information:

Stan's Sport Center Inc.
(State of New Jersey Contract A66832)

The speakers who spoke: Scott Siegel.

---duly seconded by Councilman Bhalla

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

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

---Nays: None.

11-945

---By Councilman Occhipinti

RESOLUTION OF THE CITY OF HOBOKEN AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT BETWEEN THE HOBOKEN HOUSING AUTHORITY AND THE CITY OF HOBOKEN FOR USE OF MAMA JOHNSON FIELD

WHEREAS, the City Administration and the Hoboken Housing Authority have negotiated an agreement by which the Hoboken Parks and Recreation Department may utilize the Hoboken Housing Authority's Mama Johnson Field for recreational purposes from March 1, 2011 through June 30, 2011; and

WHEREAS, the negotiated agreement is attached hereto, and has been approved and executed by the Hoboken Housing Authority; and,

WHEREAS, the City of Hoboken has the necessity for additional field space, and the Hoboken Housing Authority has agreed to provide said space for the benefit of the recreational programs of the City and all those individuals positively affected thereby; and,

WHEREAS, the City Administration now wishes to thank the Hoboken Housing Authority for its assistance, and further seeks to have the City Council authorize execution of the agreement by the Mayor on behalf of the City.

NOW, THEREFORE, it is hereby resolved by the City Council as follows:

1. The Mayor is hereby authorized to execute a shared service agreement between the City of Hoboken and the Hoboken Housing Authority, in the form attached hereto as Schedule A or in a form substantially similar thereto, for use of Mama Johnson Field for recreational purposes.
2. Staff and consultants to the City are hereby authorized and directed to take all other administrative actions to implement this Resolution as are necessary and appropriate to accomplish its goals and intent.
3. This Resolution shall be effective immediately.

---duly seconded by Councilman Russo

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

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

---Nays: None.

11-946

--- By Councilman Mello

RESOLUTION FOR REVISION TO PROJECTS SUBMITTED FOR 2011 HUDSON COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION

WHEREAS, with the City Council's approval at the February 16, 2011 meeting, an application was submitted to the Hudson County Division of Community Development which included eight projects for funding consideration; and

WHEREAS, on February 28, 2011, the City was notified that the Hoboken Police Headquarters HVAC Replacement Project is not eligible for consideration under HUD guidelines -- "improvements to general governmental buildings are ineligible for funding"; and

WHEREAS, the Hudson County Division of Community Development has given the City of Hoboken an opportunity to submit a replacement project; **now therefore --**

BE IT RESOLVED, by the Mayor and the Council of the City of Hoboken that a replacement project be submitted for funding consideration to be entitled **Mama Johnson's Field Improvements; and be it --**

FURTHER RESOLVED, that the Mayor or her designee is hereby authorized and directed to transmit the City's proposal for funding to the County of Hudson and the City Clerk of the City is hereby authorized and directed to attest the same and affix the City Seal; **and be it --**

FURTHER RESOLVED, that Mayor or her designee is hereby authorized to:

- (a) make application for such a grant
- (b) provide additional application information and furnish such documents as may be required
- (c) act as the authorized correspondent of the City of Hoboken; **and be it further --**

RESOLVED, that:

- 1. should funding be awarded, the Mayor or her designee is hereby authorized to execute an agreement thereto with the County of Hudson
- 2. the City Clerk is authorized to affix the City seal to documents related to this application
- 3. this resolution shall take effect immediately.

---duly seconded by Councilman Cunningham

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

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

---Nays: None.

11-947

---By Councilman Cunningham

THIS RESOLUTION AWARDS A CONTRACT TO WASTE MANAGEMENT RECYCLING OF NEW JERSEY, LLC FOR THE PROVISIONS OF SINGLE STREAM RECYCLING PROCESSOR FOR THE CITY IN ACCORDANCE WITH THE SPECIFICATIONS IN BID NO. 11-04

WHEREAS, proposals were received on March 15, 2011 for the provisions of Single Stream Recycling Processor for the City of Hoboken, as specified in the bid specifications for Bid No. 11-04; and,

WHEREAS, two (2) proposals were received as follows:

VENDOR	GROSS WEIGHTED BID
Waste Management Recycling of New Jersey, LLC 150 St. Charles Street Newark, New Jersey 07105	\$88.45
Galaxy Recycling Inc. 3 New York Avenue Jersey City, New Jersey 07307	N/A – Proposal Was Noncompliant With regard to written words Numerical GWB = \$173.89

WHEREAS, the lowest bid was received from Waste Management Recycling of New Jersey, LLC. The proposal sheet submitted by Galaxy Recycling, Inc. was noncompliant in that the written words were not provided in \$/TON format; however, the numerical proposal by Galaxy Recycling, Inc. constituted a GWB of \$173.89. Therefore, Waste Management Recycling of New Jersey, LLC was the lowest bid even if Galaxy Recycling, Inc’s numerical proposal is taken into account; and,

WHEREAS, as a result, the City’s Office of Corporation Counsel recommends that a contract be awarded to Waste Management Recycling of New Jersey, LLC for provisions of Single Stream Recycling Processing, in accordance with the specifications of Bid No. 11-04 and,

WHEREAS, the provisions of Single Stream Recycling Processing are at no additional cost to the City, in that the costs for the processing service are deducted from the amount the processor pays the City receives for the tonnage of recyclable materials collected on behalf of the City; thus, no certification of funds is necessary for award of this contract.

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

- A. This resolution awards a contract to Waste Management Recycling of New Jersey, LLC for the provision of Single Stream Recycling Processing in accordance with the specifications set forth in the bid specifications for Bid No. 11-04.
- B. The Mayor or her designee is hereby authorized to take the necessary steps to enter into a contract, pursuant to the bid specifications, and any other steps necessary to effectuate this resolution.
- C. This resolution shall take effect immediately upon passage.

The speakers who spoke: Helen Hirsch, Gary Giordano, Jim Scarzamino, Donato Battista, Bogart Koangrilo.

---duly seconded by Councilman Mello

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

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

---Nays: None.

11-948

---By Councilwoman Castellano

THIS RESOLUTION AUTHORIZES REJECTION OF BID NO. 11-02 PURSUANT TO N.J.S.A. 40A:11-13.2 TO SUBSTANTIALLY REVISE THE SPECIFICATIONS TO CURE AN INTERNAL DISCREPANCY WHICH FORCLOSES THE CITY'S ABILITY TO EVALUATE THE BID PROPOSALS IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW

WHEREAS, proposals were received on February 24, 2011 for the provisions of Towing and Storage (1 to 3 years) for the City of Hoboken, as specified in the bid specifications for Bid No. 11-02; and,

WHEREAS, submissions were received from the following vendors:

VENDOR

**Johns Main Auto Body
1445 Union Turnpike
North Bergen, NJ 07047**

**Logan Automotive Inc.
45 Lewis Avenue
Jersey City, NJ 07306**

WHEREAS, subsequent to the February 24, 2011 submission date, the Office of Corporation Counsel became aware of internal inconsistencies in the bid specifications which render the City unable to properly determine the lowest bidder in accordance with the requirements of the Local Public Contracts Law; and,

WHEREAS, as a result, the City's Office of Corporation Counsel recommends that Bid No. 11-02 be rejected in its entirety so that revised specifications may be published as soon as practicable; and,

WHEREAS, the two bidders must be notified of the rejection of Bid No. 11-02, pursuant to N.J.S.A. 40A:11-13.2, and the City's intention to revise the inconsistencies and republish the bid specifications as soon as possible.

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

- D. This resolution rejections all submissions for Bid No. 11-02, pursuant to N.J.S.A. 40A:11-13.2, so that the City may revise the specifications to effectuate a proper evaluation process for the provisions of towing and storage; and,
- E. The Mayor or her designee is hereby authorized to take the necessary steps to revise the bid for provisions of towing and storage, in accordance herewith, as soon as practicable; and,
- F. The Administration shall return any bid bonds received from the present vendors, and notice them of this decision in accordance with the Local Public Contracts Law; and,
- G. This resolution shall take effect immediately upon passage.

The speakers who spoke: Harvey Fruchter, Lane Bajardi.

---duly seconded by Councilman Russo

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

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

---Nays: None.

11-949

---By Councilman Castellano

THIS RESOLUTION AWARDS A CONTRACT TO MIDWEST CONSTRUCTION INC. FOR THE PROVISIONS OF THE BASE BID AND ALTERNATE "A" FOR IMPROVEMENTS TO HUDSON PLACE, PHASE II FOR THE CITY IN ACCORDANCE WITH THE SPECIFICATIONS IN THE AMOUNT OF NINETY THREE THOUSAND SIX HUNDRED NINETY DOLLARS (\$93,690.00) AND FOR A TERM NOT TO EXCEED THREE (3) YEARS

WHEREAS, proposals were received on February 15, 2011 for the provisions of Improvements to Hudson Place, Phase II for the City of Hoboken, as specified in the bid specifications; and,

WHEREAS, nine (9) proposals were received, the three (3) lowest being:

VENDOR	PROPOSAL		
	Base Bid	Alternate A	Total
P.A. Contractors Inc. 105 Davis Avenue Kearney, New Jersey 07032	\$65,992.00	\$26,800.00	\$92,792.00
Midwest Construction Inc. 23 Dead River Road Warren, New Jersey 07059	\$70,890.00	\$22,800.00	\$93,690.00
Reggio Construction Inc. 1575 West Street Fort Lee, New Jersey 07024	\$75,152.81	\$27,600.00	\$102,752.81

WHEREAS, the lowest bid was received from P.A. Contractors, Inc. however the submission was missing a surety, which is a fatal defect based on N.J.S.A. 40A:11-23.2(b). The second lowest bid was received from Midwest Construction Inc. in the amount of Ninety Three Thousand Six Hundred Ninety Dollars (\$93,690.00) and for a term not to exceed three (3) years for the Base Bid and the Alternate "A"; and,

WHEREAS, as a result, the City's General Engineer recommends that a contract be awarded to Midwest Construction Inc. for provisions of Base Bid and Alternate "A" Improvements to Hudson Place, Phase II, in an amount not to exceed Ninety Three Thousand Six Hundred Ninety Dollars (\$93,690.00) pursuant to the bid specifications.

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

- A. This resolution awards a contract to Midwest Construction Inc. in an amount not to exceed Ninety Three Thousand Six Hundred Ninety Dollars (\$93,690.00) for the provision of Base Bid and Alternate "A" Improvements to Hudson Place, Phase II in accordance with the

- specifications set forth in the bid specifications.
- B. The Mayor or her designee is hereby authorized to take the necessary steps to enter into a contract, pursuant to the bid specifications, and any other steps necessary to effectuate this resolution.
 - C. This resolution shall take effect immediately upon passage.

---duly seconded by Councilman Russo

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

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

---Nays: None.

11-950

---By Councilman Russo

RESOLUTION AUTHORIZING SUBMISSION OF CONTRACT TO THE HUDSON COUNTY DEPARTMENT OF HEALTH & HUMAN SERVICES FOR 2011 FUNDING

WHEREAS, the City of Hoboken has, each year, been the recipient of funds for the operation of Hoboken's Comprehensive Program for the Elderly; and

WHEREAS, the Hudson County Department of Health & Human Services has once again awarded such funds to the City of Hoboken (2011 Title III funding in the amount of \$127,000); **now therefore, be it –**

RESOLVED, that the City of Hoboken will enter into a contract with the Hudson County Department of Human Services for such funds; and **be it --**

FURTHER RESOLVED, that the Mayor, or her designee, is hereby authorized on behalf of the City of Hoboken to:

1. Furnish such documents as may be required;
3. Act as authorized correspondent of the City of Hoboken;
4. Execute necessary contracts.

The speakers who spoke: Helen Hirsch.

---duly seconded by Councilman Giacchi

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

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

---Nays: None.

11-951

---By Councilman Mello

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH ENFOTECH FOR PERMITTING SOFTWARE SERVICES FROM MARCH 17, 2011

TO MARCH 16, 2012 IN AN AMOUNT NOT TO EXCEED ONE HUNDRED NINE THOUSAND SEVEN HUNDRED NINETY DOLLARS (\$109,790.00)

WHEREAS, the City put out an RFP for permitting software services, pursuant to Article I of Chapter 20A of the Hoboken City Code, which EnfoTech responded to by proposal dated February 2, 2011; and,

WHEREAS, the State approved RFP/RFQ evaluation process was utilized to determine the successful proposal for permitting software services, and EnfoTech submitted the successful proposal pursuant to that process; and,

WHEREAS, EnfoTech is hereby required to abide by the “pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, #DR-154 (codified as §20A-11 et seq. of the Code of the City of Hoboken); and,

WHEREAS, said service is a professional service as defined by N.J.S.A. 40A:11-1 et seq. and as such, is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and,

WHEREAS, funds will be available for this purpose after adoption of the CY 2011 budget.

NOW THEREFORE, BE IT RESOLVED that a professional services contract be authorized in an amount not to exceed One Hundred Nine Thousand Seven Hundred Ninety Dollars (\$109,790.00) with EnfoTech for permitting software services for a one year term commencing March 17, 2011 and expiring March 16, 2012; and,

BE IT FURTHER RESOLVED that this company shall bill the City in accordance with its proposal, dated February 2, 2011; and,

BE IT FURTHER RESOLVED the City Clerk shall publish this resolution as required by law and keep a copy of the resulting contract on file in accordance with N.J.S.A. 40A:11-1 et seq.; and,

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

---duly seconded by Councilman Cunningham

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

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

---Nays: None.

11-952

---By President Mason

RESOLUTION CALLING FOR THE ADMINISTRATION TO RELEASE THE “MATRIX” AUDIT OF THE HOBOKEN FIRE DEPARTMENT

WHEREAS, in June 2010 the Council of the City of Hoboken adopted a resolution to award a professional services contract to Matrix Consulting Group to conduct a performance audit of the Hoboken Fire Department; and,

WHEREAS, the contract with the Matrix Consulting Group authorized payment of up to \$70,000 for this project; and,

WHEREAS, at the time the contract was awarded, the Council was advised by Business Administrator Arch Liston that the audit would be completed within 90 to 120 days; and,

WHEREAS, as part of the audit members of the Council were supposed to have been interviewed by the Matrix Consulting Group, which never occurred; and,

WHEREAS, to date it appears that approaching a year later the audit has either not been completed or the results have been intentionally withheld from the Council, either of which is unacceptable and contrary to what the Council was told by the Administration at the time the contract was awarded; and,

WHEREAS, the Administration's failure to ensure this project was completed as assigned means that needed reforms of the Hoboken Fire Department have been delayed, potentially resulting in a risk to the public's health, safety and welfare; and,

WHEREAS, the Council, pursuant to the Faulkner Act, has the right to request that this taxpayer-funded performance audit, and all supporting documentation, be immediately available for its review and analysis.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HOBOKEN that the Matrix Consulting Group audit of the Hoboken Fire Department be immediately released to the entirety of the City Council, or, if is not yet completed, that the Administration set forth reasons why it has failed to ensure the audit was completed on time and the anticipated date of its delivery; and,

BE IT FURTHER RESOLVED that the Administration immediately provide to the Council all supporting documentation relating to the Matrix audit, as well as all bills or invoices received or paid by the City to the Matrix Consulting Group, and the anticipated cost to complete this project; and,

BE IT FURTHER RESOLVED that Business Administrator Liston advise the Matrix Consulting Group to make available their project manager for a future public meeting on the results of such, and,

BE IT FURTHER RESOLVED that the City Clerk transmit a certified copy of this Resolution to Business Administrator Arch Liston for immediate action.

The speakers who spoke: Scott Siegel, Lane Bajardi.

---duly seconded by Councilman Giacchi

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

---Yeas: Council persons Castellano, Cunningham, Giacchi, Marsh, Mello, Occhipinti, Russo and President Mason.

---Nays: Bhalla.

11-953

---By Councilman Russo

RESOLUTION AUTHORIZING THE CLOSURE OF A BANK ACCOUNT AT THE RECOMMENDATION OF THE DEPARTMENT OF REVENUE AND FINANCE

WHEREAS, The Department of Revenue and Finance of the City of Hoboken has recommended the closure of the following Bank Account which have been dormant:

City of Hoboken Old Payroll Agency #3982549657

NOW, THEREFORE, BE IT RESOLVED, that the Department of Revenue & Finance be and is hereby authorized to close the aforementioned bank account and to execute any and all documents necessary for the closure of said accounts; and be it further

RESOLVED, that the TD Bank, which administer the accounts noted above shall be furnished with a certified copy of this resolution.

---duly seconded by Councilman Giacchi

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

---Yeas: Council persons Castellano, Cunningham, Giacchi, Marsh, Mello, Occhipinti, Russo and President Mason.

---Nays: Bhalla.

11-954

---By Councilman Russo

RESOLUTION AUTHORIZING THE CITY COUNCIL OF THE CITY OF HOBOKEN TO CANCEL OUTSTANDING, DATED CHECKS FROM THE CITY OF HOBOKEN OLD PAYROLL AGENCY ACCOUNT # 3982549657 IN THE AMOUNT OF \$501.60

WHEREAS, the Division of Revenue of the City of Hoboken has yielded the computation that as of November 2008 thru February 2009, account number account #3982549657 contains numerous outstanding, dated checks; and

WHEREAS, these outstanding dated checks date from February 2009 & prior through November 2008, and have amassed a grand total of \$501.60; and

WHEREAS, the Division of Revenue and Finance of the City of Hoboken has recommended that The City Council take the necessary and proper action to cancel these outstanding dated checks from the City of Hoboken Old Payroll Agency Account and

WHEREAS, cancellation of these outstanding dated checks will best serve and protect the interests of the residents of this City. **NOW, THEREFORE, BE IT**

RESOLVED, that the Department of Administration, Division of Revenue and Finance, is hereby authorized to cancel said outstanding checks from the Old Payroll Agency Account # 3982549657. In the amount of \$501.60.

---duly seconded by Councilman Giacchi

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

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

---Nays: None.

11-955

---By Councilman Russo

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 **\$24,068.87**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Corelogic Att: Recoveries Dept P O Box 961230 Fort Worth, Tx 76161-0230	168/21/	636 Park Ave	1/11	\$ 2,736.68
Chase Home Finance Att: Refund Dept 1 Corelogic Drive Westlake, Tx 76262	255/1/c0304	1425 Garden St	4/10	\$ 8,009.04
Chase Home Finance Att: Refund Dept 1 Corelogic Drive Westlake, Tx 76262	255/1/c0503	1425 Garden St	4/10	\$ 7,269.34
Chase Property Tax Refund Dept P O Box 961227 Ft. Worth, Tx 76161	255/1/c0504	1425 Garden St	4/10	\$ 6,053.81

---duly seconded by Councilman Giacchi

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

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

---Nays: None.

11-956

---By Councilman Russo

RESOLUTION TO ADOPT THE MINUTES FROM CLOSED EXECUTIVE SESSIONS OF THE CITY COUNCIL OF THE CITY OF HOBOKEN DATED: AUGUST 10, 2010; SEPTEMBER 15, 2010; AND, SEPTEMBER 29, 2010

WHEREAS, the Council of the City of Hoboken went into closed executive sessions for the reasons set forth in the Open Public Meetings Act, pursuant to N.J.S.A. 10:4-12 on the following dates: August 10, 2010; September 15, 2010; and, September 29, 2010; and

WHEREAS, minutes from each of these closed executive sessions were created, and those minutes are now complete and ready for adoption; and

WHEREAS, the Council must vote to adopt said minutes as true and accurate minutes of the discussions held during each closed session.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Hoboken hereby adopts the minutes of the following closed executive sessions as true and accurate minutes of the discussion held: August 10, 2010; September 15, 2010; and, September 29, 2010; and

BE IT FURTHER RESOLVED that when the need for confidentiality no longer exists, the minutes for each of the above mentioned meetings shall be made available to the public according to OPRA and the freedom of information act.

---duly seconded by Councilman Giacchi

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

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

---Nays: None.

11-957

---By Councilman Russo

RESOLUTION APPROVING MINUTES HOBOKEN CITY COUNCIL REGULAR MEETINGS

RESOLVED, that filed minutes for the Hoboken City Council regular meetings of February 2, 2011, February 16, 2011 have been reviewed and approved as to legal form and content.

---duly seconded by Councilman Giacchi

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

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

---Nays: None.

11-958

---By Councilman Russo

RESOLUTION PROVIDING FOR INCREASE IN RESERVE FOR UNCOLLECTED TAXES PERCENTAGE

WHEREAS, the City of Hoboken collected only 94.29% of the 2010 taxes due to an increase in State and County tax appeals as a result of unfavorable economic conditions in the local economy and real estate markets for 2010, and

WHEREAS, the lower percentage collected in 2010 has an effect on the "Reserve for Uncollected Taxes" in 2011, and

WHEREAS, the Governing Body is desirous of reducing the 2010 total tax levy by the amount of the tax appeals in calculating the 2010 tax collection percentage resulting in a collection percentage of 98.66% for 2010,

WHEREAS, the Governing Body desire to anticipate 97.80% collection for 2011, to help reduce the "Reserve for Uncollected Taxes", with prior written consent of the Director of Local Government Services be requested to anticipate 97.80% collection of taxes in 2011 in figuring the "Reserve for Uncollected Taxes".

BE IT FURTHER RESOLVED that two certified copies of this resolution be forwarded to the Office of the Director of Local Government Services.

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

11-959

---By Councilman Russo

RESOLUTION AUTHORIZING THE REFUND OF CONSTRUCTION FEE OVERPAYMENTS FROM THE GENERAL FUND IN THE AMOUNT OF \$5,792.00.

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

WHEREAS, Tom Shannon, Acting Construction Code Official recommends that refunds be made.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that a warrant be drawn on the City Treasurer, from the General Fund, in the amount of **\$5,792.00**, made payable to the following:

<u>NAME</u>	<u>PERMIT</u>	<u>BLK/LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
John and Jane Mylan	20101785	253/10.1	1217 Park Avenue	\$5,792.00

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

11-959A

---By Councilman Occhipinti

RESOLUTION TO AUTHORIZE EXECUTION OF A DEED NOTICE FOR BLOCK 1/LOT 1 AT 256 OBSERVER HIGHWAY IN HOBOKEN NEW JERSEY

WHEREAS, an executed deed notice to be recorded for the above referenced property in order to obtain a no further action letter for the property; and,

WHEREAS, the deed notice been drafted in accordance with legal and environmental standards (attached hereto); and ,

WHEREAS, the City Council is now being called on to authorize execution of the deed notice by the Mayor in order to effectuate recording of the deed notice;

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

1. The Mayor is hereby authorized to execute a deed notice in the form attached hereto or in a form substantially similar thereto, for Block 1Lot 1.
2. Staff and consultants to the City are hereby authorized and directed to take all other administrative actions to implement this Resolution as are necessary and appropriate to accomplish its goals and intent.
3. This Resolution shall be effective immediately.

---duly seconded by Councilman Giacchi

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

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

---Nays: None.

ORDINANCES

Introduction and First Reading

11-960

Z-99

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR VARIOUS PARKING UTILITY IMPROVEMENT AND OTHER RELATED EXPENSES IN AN FOR THE CITY OF HOBOKEN AND APPROPRIATING \$1,600,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,600,000 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 improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the City of Hoboken, in the County of Hudson, New Jersey (the "City") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$1,600,000. No down payment is required as the purposes authorized herein are deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the City, as more fully explained in Section 6(e) of this ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$1,600,000 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. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is the installation of multimeters at various parking locations in the City, and including all work and materials necessary therefor or incidental thereto.

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

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

(b) The period of usefulness of the improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 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 \$1,600,000, but that the net debt of the City determined as

provided in the Local Bond Law is not increased by this bond ordinance and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$200,000 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) This bond ordinance authorizes obligations of the City solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

(f) 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 Mason 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 **APRIL 20, 2011 at 7:00 PM.**

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

---Yeas: Council persons Bhalla, Castellano, Cunningham, Giacchi, Marsh, Mello, Occhipinti, and President Mason.

---Nays: Russo.

11-961

Z-100

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 \$2,371,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$2,252,450 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 \$2,371,000 including the aggregate sum of \$118,550 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 \$2,252,450 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 four containers, eight 4x4 vehicles and one special operations vehicle, and including all work and materials necessary therefor or incidental thereto.

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

(2) Purpose: Acquisition of various equipment, including, but not limited to, a Pay loader, a sweeper, a Gator TH 6x4 utility vehicle and a S650 Bobcat skid-steer loader Caterpillar Model 930 H Wheel Loader, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$386,000
Estimated Maximum Amount of Bonds or Notes:	\$366,700
Period or Average Period of Usefulness:	15 years
Amount of Down Payment:	\$ 19,300

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

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

(4) Purpose: Various improvements and safety upgrades to City buildings, including various Firehouses, City Hall, Police Headquarters, Firehouse Observer Highway, Sinatra Café and Central Garage, 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 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.

Appropriation and Estimated Cost:	\$850,000
Estimated Maximum Amount of Bonds or Notes:	\$807,500
Period or Average Period of Usefulness:	10 years
Amount of Down Payment:	\$ 42,500

(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.

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

(c) 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 9.79123 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 \$2,252,450 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$300,000 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 Mason 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 **APRIL 20, 2011 at 7:00 PM.**

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

---Yeas: Council persons Bhalla, Castellano, Cunningham, Giacchi, Marsh, Mello, Occhipinti, and President Mason.

---Nays: Russo.

11-962
Z-101

AN ORDINANCE TO AMEND CHAPTER 86 ENTITLED "CONSTRUCTION CODES, UNIFORM" TO MAKE A CORRECTIVE AMENDMENT TO ORDINANCE NO. Z-34

Whereas, at the request of the State Fiscal Monitor, on August 24, 2010 the City Council passed Ordinance No. Z-34 to amend Section 86-3 dealing the schedule of fees under Chapter 86;

Whereas, it has come to the attention of the City Council that the amended fees exceed the State of New Jersey maximum allowable fees, pursuant to N.J.A.C. 5:23-4.20(c)(2)(i).

Now, therefore, be it ORDAINED by the City Council of the City of Hoboken, that Chapter 83 at Section 3 of the General Code of the City of Hoboken is hereby amended, to correct the deficiencies of Ordinance No. Z-34, as follows:

SECTION ONE: amendments

Section 86-3 "Schedule of Fees; Surcharge" is hereby amended as follows (additions are noted in underline, and deletions are noted in strikethrough):

Building Sub-Code Fees	Amount of Fee
New Construction	\$.20/cu. Ft. \$75 min
New Construction - Use Groups 3 and 6	\$0.034/cu. ft. \$75.00 minimum
New Construction - Use Groups A-1, A-2, A-3, A-4, A-5, F-1, F-2, S-1, and S-2	\$0.019/cu. ft. \$75.00 minimum
New Construction - Farms and Farm Buildings under N.J.A.C. 5:23-3.2(d)	\$0.0010/cu. ft. \$25.00 minimum / \$1443.00 maximum

The remainder of Chapter 86, including the remainder of Section 3, shall remain unchanged.

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 Mason 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 **APRIL 20, 2011 at 7:00 PM.**

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

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

---Nays: None.

11-963

Z-102

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 192 OF THE GENERAL CODE OF THE CITY OF HOBOKEN ENTITLED "PARKING FOR HANDICAPPED" TO ADD APPROVAL FOR DESIGNATED HANDICAPPED PARKING AT 514 JACKSON STREET, 1020 HUDSON STREET, AND 1032 HUDSON STREET

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

SECTION 1: City Code Section 192-4 (A) is hereby amended to add the following restricted handicapped parking spaces (additions noted in underline, deletions noted in strikethrough):

Lillian Colon 514 Jackson Street: (for daughter Yazleen) west side of Jackson Street, beginning at a point of 125 feet north of the northerly curblin
of Fifth Street and extending 22 feet northerly therefrom.

Rocco Sierchio 1032 Hudson Street: north side of Eleventh Street, beginning at a point of 70 feet east of the easterly curblin
of Hudson Street and extending 22 feet easterly therefrom.

Joseph Stellato 1020 Hudson Street: west side of Hudson Street, beginning at a point of 185feet south of the southerly curblin
of Eleventh Street and extending 22 feet southerly therefrom

SECTION 2: This ordinance shall be part of the General Code of the City of Hoboken as though codified and fully set forth therein.

Section 3: The City Clerk shall have this ordinance codified and incorporated in the official copies of the Hoboken code. All ordinance and parts of ordinances inconsistent herewith are hereby repealed.

Section 4: This ordinance shall take effect as provided by law.

Council President Mason 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 **APRIL 20, 2011 at 7:00 PM.**

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

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

---Nays: None.

11-964

Z-103

AN ORDINANCE REPEALING AND REPLACING CHAPTER 28 OF THE CODE OF THE CITY OF HOBOKEN, TITLED “PUBLIC RECORDS,” AND ESTABLISHING A NEW CHAPTER 28, IN ORDER TO COMPLY WITH THE NEW OPEN PUBLIC RECORDS ACT STATUTORY REQUIREMENTS AS SET FORTH IN N.J.S.A. 47:1A-5.b

WHEREAS, recent legislation (the “Legislation”) was passed that amends the Open Public Records Act’s (“OPRA”) fee provision, to set flat rates for paper copies provided to requestors under OPRA; and

WHEREAS, according to the Legislation, the fee assessed for the duplication of a government record in the form of printed matter shall be \$0.05 per letter size page or smaller, and \$0.07 per legal size page or larger; however, if a public agency can demonstrate that its actual costs for duplication of a government record exceed the foregoing rates, the public agency shall be permitted to charge the actual cost of duplicating the record; and

WHEREAS, Governor Christie signed the Legislation into law, and accordingly, the new OPRA fees will took effect on November 9, 2010; and

WHEREAS, the City Council has determined that it is appropriate to amend the Code of the City of Hoboken in order to establish OPRA copying fees in accordance with the Legislation.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Hoboken, County of Hudson and State of New Jersey that Chapter 28 of the Code, titled “Public Records” is hereby repealed and replaced as follows:

1. §28 –Public Records.

28-1 Public Records. The public records of the City of Hoboken shall be accessible for examination and copying in accordance with N.J.S.A. 47:1A-1 et. seq. upon the terms and conditions as hereinafter provided. Such inspection shall be made only at reasonable times during business hours and without interference with the conduct of the affairs of the office or other place where such records are kept or maintained. The City of Hoboken is entitled to charge and collect fees for the reproduction of any public records, pursuant to N.J.S.A. 47:1A-5. The fee for the reproduction of public records pursuant to N.J.S.A. 47:1A-5 shall be \$0.05 per letter size page or smaller, and \$0.07 per legal size page or larger. The City shall be permitted to charge the actual cost of duplicating the record if it can demonstrate that the actual cost exceeds the foregoing rates.

A. The Clerk of the City of Hoboken and any other department so authorized under statute or ordinance shall, upon providing photocopies of documents requested, also charge requestor for the following:

8.5 x 11	<u>\$0.05 per page</u>
8.5 x 14	<u>\$0.07 per page</u>

Based on actual media cost or:

Electronic media: CDs

Free when provided by requestor

Diskettes

Free when provided by requestor

Flash Drives

Free when provided by requestor

(1) The actual cost for any document sent by mail, including cost of envelope and postage.

(2) Photographs will be photocopied at the rate established herein. If requests are made for duplicate photographs, the actual cost of making the photograph shall be charged.

(3) Any item that cannot be photocopied by the City, or not otherwise provided for by ordinance, shall be subject to a charge based on actual costs incurred in making the copy.

(4) Duplication of videotapes/dvds will be charged for the actual cost of the videotape/dvd.

B. Any citizen who is seeking a copy of documents not currently stored on City property will be charged for the retrieval and delivery of such documents as well as the cost of sending the documents back to the original location.

C. Should a citizen request information or documents in a medium not routinely maintained by the City or requiring substantial amount of manipulation or programming of information technology, then the custodian of records can charge the actual cost of duplication and a service charge that shall be reasonable and shall be based on the cost for any extensive use of information technology, or for the labor cost of personnel providing the service, that is actually incurred by the City attributable to the City for programming, clerical and supervisory assistance required, or both, per N.J.S.A. 47:1A-5.

D. The custodian of records shall also charge a requestor for information or documents and the cost of postage should the request include mailing of the documents to the requestor.

28-2 Fees Set by Resolution. Any fee for the copying or reproducing of items not set forth herein and any changes to the fee schedule set forth herein may be established, supplemented or amended by resolution of the governing body of the City of Hoboken.

28-3 Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

28-4 Repealer. Any ordinances, or parts or ordinances, inconsistent with the foregoing are hereby repealed.

This Ordinance shall take effect upon its adoption, passage and publication according to law.

Council President Mason 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 **APRIL 20, 2011 at 7:00 PM.**

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

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

---Nays: None.

11-965
Z-104

AN ORDINANCE OF THE COUNCIL OF THE CITY OF HOBOKEN FOR CERTAIN ENCROACHMENTS WITHIN THE PUBLIC RIGHT OF WAY AT THE SITE OF REAL PROPERTY LOCATED AT 314 PARK AVENUE, HOBOKEN, NEW JERSEY, MORE PARTICULARLY KNOWN AS BLOCK 166 LOT 32 ON THE TAX MAP OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, STATE OF NEW JERSEY

WHEREAS, property owners and applicants, Mrs. Julieta Ugaz and Mr. Caniel Theander, have petitioned the City of Hoboken for the granting of a certain easement over county and municipal lands at 314 Park Avenue, Hoboken, New Jersey, (“the premises”) which premises is more particularly described as Block 166, Lot 32 on the Tax Map of the City of Hoboken, New Jersey, in order to reconfigure the front entrance and areaway of their single-family home; replacing the steps with a ramp, adding decorative elements, and creating a new planting area along the building façade as outlined in the attached drawing and described below; and

WHEREAS, approval has already been granted by the Hudson County Planning Division for encroachment on the County right-of-way; and

WHEREAS, proposed reconstruction shall not alter the fence line at the front of the property and therefore does not alter the pedestrian right-of-way. The easements are described as follows:

METES AND BOUNDS

(Proposed reconstruction of front exterior entrance and areaway)

ALL that certain lot, parcel or tract of land, situated and lying in the City of Hoboken, County of Hudson, State of New Jersey, and being more particularly described as follows:

BEGINNING at a point in the northwesterly line of Park Avenue, distant 124.00 feet northeasterly from the intersection formed by said northwesterly line of Park Avenue with the northeasterly line of Third Street and running thence;

North 77 degrees 00 minutes 00 seconds West 95.00 feet, thence;

North 13 degrees 00 minutes 00 seconds East 20.00 feet, thence;

South 77 degrees 00 minutes 00 seconds East 95.00 feet to a point in the northwesterly line of Park Avenue, thence;

Along the northwesterly line of Park Avenue, South 13 degrees 00 minutes 00 seconds West 20.00 feet to the point and place of BEGINNING.

The above known as a portion of the public right-of-way on Park Avenue adjacent to Block 166 Lot 32, as shown on the Official Tax Assessment Map for Hoboken, Hudson County, New Jersey.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF HOBOKEN THAT THE CITY OF HOBOKEN HEREBY GRANTS 314 PARK AVENUE, THE AFORMENTIONED EASEMENT SUBJECT TO THE FOLLOWING CONDITIONS AND REQUIREMENTS:

The following recitals are incorporated herein as though fully set forth at length.

The City of Hoboken expressly reserves the right to require the removal of any projections or encumbrances, under or upon any street, sidewalk or public easement, for any reason including but not limited to destruction of premises by fire.

The applicant shall immediately remove any or all projections or encumbrances that are improperly maintained and thus present a public hazard.

The applicant shall indemnify the City of Hoboken, for any and all damages or money loss occasioned by the City of Hoboken or its officers or agents by any neglect, wrong-doing, omissions or commissions by the applicant arising from the making of improvements referred to herein and the construction, use and maintenance of the property described herein, and shall hold harmless the Mayor and Council of the City of Hoboken, its officers, agents and employees, against all claims, charges, judgments, costs, penalties, remediation or counsel fees arising from such damages or loss, including but not limited to death and injury, to any person or damage to property of any person, firm or corporation occasioned wholly or in part from the construction, use and maintenance of the property described herein, and the applicant shall maintain liability insurance with respect thereto, in and amount of one million (\$1,000,000.00) dollars with a policy to be issued by an insurance company approved by the Office of the Corporation Counsel, naming the City of Hoboken, the Mayor and the City Council as additional insured's.

These easements shall run with the land and inure to the benefits of the applicant's successors and assigns in title and interest to the property served by these easements. The covenants and conditions set forth herein shall similarly be the obligation of the applicant's successors and assigns in title and interest to the property served by the within easements.

The permission granted herein is conditioned upon and shall be effective only upon the applicant obtaining any and all other necessary permits and consent that may be required by local or state law, including but not limited to approval by the Hudson County Planning Board and/or the Board of Chosen Freeholders.

This ordinance shall take effect as provided by law.

Council President Mason 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 **APRIL 20, 2011 at 7:00 PM.**

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

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

---Nays: None.

11-966
Z-105

AN ORDINANCE OF THE COUNCIL OF THE CITY OF HOBOKEN FOR CERTAIN ENCROACHMENTS WITHIN THE PUBLIC RIGHT OF WAY AT THE SITE OF REAL PROPERTY LOCATED AT 556 FIRST STREET, HOBOKEN, NEW JERSEY, MORE PARTICULARLY KNOWN AS BLOCK 28 LOT 34.1 ON THE TAX MAP OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, STATE OF NEW JERSEY

WHEREAS, Alan Feld, Architect, on behalf of The Jewish Center Chabad of Hoboken, has petitioned the City of Hoboken for the granting of a certain easement over municipal lands at 556 First Street, Hoboken, New Jersey, ("the premises") which premises is more particularly described as Block 28, Lot 34.1 on the Tax Map of the City of Hoboken, New Jersey, in order to reconfigure the front entrance and areaway of their single-family home; replacing the steps with a ramp, adding decorative elements, and creating a new planting area along the building façade as outlined in the attached drawing and described below; and

WHEREAS, other options for the placement of mechanical equipment have been exhausted by the applicant; and

WHEREAS, a portion of the space needed for the installation is provided by the building set-back and an existing planting buffer, but an additional 1'6" is required; and

WHEREAS, proposed reconstruction of the planting buffer and relocation of the fence is not inconsistent with the projection of the fence-line of other properties on the same and neighboring blocks, and therefore does not significantly alter the pedestrian right-of-way. The easements are described as follows:

METES AND BOUNDS

(Proposed reconstruction of front exterior entrance and areaway)

ALL that certain lot, parcel or tract of land, situated and lying in the City of Hoboken, County of Hudson, State of New Jersey, and being more particularly described as follows:

BEGINNING at a point in the northwesterly line of Monroe Street, distant 75.00 feet northeasterly from the intersection formed by said northwesterly line of Monroe Street with the northeasterly line of First Street and running thence;

1. East 76 degrees 56 minutes 00 seconds East 75.00 feet, thence;
2. South 13 degrees 04 minutes 00 seconds South 3.50 feet, thence;
3. West 76 degrees 56 minutes 00 seconds West 75.00 feet, thence;
4. North 13 degrees 04 minutes 00 seconds North 3.50 feet, to the point and place of BEGINNING.

The above known as a portion of the public right-of-way on First Street adjacent to Block 28 Lot 34.1, as shown on the Official Tax Assessment Map for Hoboken, Hudson County, New Jersey.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF HOBOKEN THAT THE CITY OF HOBOKEN HEREBY GRANTS 556 FIRST STREET, THE AFORMENTIONED EASEMENT SUBJECT TO THE FOLLOWING CONDITIONS AND REQUIREMENTS:

1. The following recitals are incorporated herein as though fully set forth at length.
2. The City of Hoboken expressly reserves the right to require the removal of any projections or encumbrances, under or upon any street, sidewalk or public easement, for any reason including but not limited to destruction of premises by fire.
3. The applicant shall immediately remove any or all projections or encumbrances that are improperly maintained and thus present a public hazard.
4. The applicant shall indemnify the City of Hoboken, for any and all damages or money loss occasioned by the City of Hoboken or its officers or agents by any neglect, wrong-doing, omissions or commissions by the applicant arising from the making of improvements referred to herein and the construction, use and maintenance of the property described herein, and shall hold harmless the Mayor and Council of the City of Hoboken, its officers, agents and employees, against all claims, charges, judgments, costs, penalties, remediation or counsel fees arising from such damages or loss, including but not limited to death and injury, to any person or damage to property of any person, firm or corporation occasioned wholly or in part from the construction, use and maintenance of the property described herein, and the applicant shall maintain liability insurance with respect thereto, in and amount of one million (\$1,000,000.00) dollars with a policy to be issued by an insurance company approved by the Office of the Corporation Counsel, naming the City of Hoboken, the Mayor and the City Council as additional insured's.
5. These easements shall run with the land and inure to the benefits of the applicant's successors and assigns in title and interest to the property served by these easements. The covenants and

conditions set forth herein shall similarly be the obligation of the applicant's successors and assigns in title and interest to the property served by the within easements.

6. The permission granted herein is conditioned upon and shall be effective only upon the applicant obtaining any and all other necessary permits and consent that may be required by local or state law, including but not limited to approval by the Hudson County Planning Board and/or the Board of Chosen Freeholders.
7. This ordinance shall take effect as provided by law.

Council President Mason 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 **APRIL 20, 2011 at 7:00 PM.**

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

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

---Nays: None.

11-967
Z-106

**AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE
ESTABLISHING A SCHEDULE OF CLASSIFICATIONS AND ALLOCATIONS OF
TITLE FOR ALL POSITIONS IN THE CITY OF HOBOKEN, TO INCORPORATE
SALARY REQUIREMENTS FOR MUNICIPAL PROFESSIONAL PLANNER**

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DO ORDAIN AS FOLLOWS;

1. The Alphabetical List of Titles, City of Hoboken, set forth in City Code to which this Ordinance is an amendment and supplement shall be, and the same is hereby, amended and supplemented so that the titles, salaries and ranges contained herein shall be amended as follows on the attached list, which is incorporated by reference. The remainder of the Alphabetical List of Titles, City of Hoboken, set forth in the City Code shall remain unchanged as a result of this Ordinance.
2. If the Alphabetical List of Titles, City of Hoboken, herein set forth contains any position or positions which are not enumerated in the Plan for the Standardization of Municipal Class Titles, which is a part of the Code to which this Ordinance is an amendment, then in that event, the duties of the said position or positions shall be those which pertain to the particular position and positions set forth in any other ordinance adopted and now in force and effect in any statute of the State of New Jersey.
3. The provisions of this Ordinance shall in no way affect the tenure or Civil Service status of any employees presently employed by the City of Hoboken in any of the various positions set forth in the Alphabetical List of Titles, City of Hoboken.
4. The Alphabetical List of Titles referred to herein as well as the salary ranges for all positions in the City shall be on file in the Office of the City Clerk.
5. All ordinances or parts of ordinances inconsistent herewith are herewith repealed.
6. This ordinance shall take effect as provided by law.

Council President Mason 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 **APRIL 20, 2011 at 7:00 PM.**

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

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

---Nays: None.

PUBLIC PORTION

All regular business concluded the following members of the public spoke at the Public Portion” of the meeting: Richard Tremitedi, Mary Ondrejka, Dan Tumpson, Cheryl Fallick, Lenny Mason, Michael Lenz, Andrew Coltright, Scott Siegel, Rebecca Lurs, Lynda Walker, Forde Prigot, Lane Bajardi, Roman Brice, Heny Ahmed, Ron Simoneni, Charles Gormalt, Dennis Shah.

Councilman Occhipinti has left the table at 1:25 AM

Returned to the table at 1:36 A.M.

At 1:36 A.M. the Governing Body on a motion by the Governing Body; duly seconded by the Council

President Mason then adjourned the meeting at 1:36 AM.

PRESIDENT OF THE COUNCIL

CITY CLERK