

MEETING OF MARCH 2, 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, MARCH 2, 2011 AT 7:00 PM

11-885

CLOSED SESSION

SPECIAL WORKSHOP OF THE COMMITTEE PERTAINING TO COLLECTIVE BARGAINING

President Mason opened the meeting at 7:00 p.m. and stated, "I would like to advise all those present that notice of this meeting has been provided to the public in accordance with the provisions of the Open Public Meeting Act, and that notice 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.

RENT CONTROL PUBLIC HEARING AND FINAL VOTE

ORDINANCE TO AMENDING CERTAIN PROVISIONS CHAPTER 155 OF THE CITY CODE, ENTITLED "RENT CONTROL" (**Z-88**)

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.

The speakers who spoke: Rebecca Lewis, Charles Gormally, Daniel Tumpson, Cheryl Fallick, Mary Ondrejka, Aaron Lewit, Jim Goss, Scott Siegel, James Pfeiffer, Ron Simoncini, Cathy Cardillo, Mark L. Villamar, Joe Murray, Sean Smith, Eileen Lynch, Eric Volpe, Hany Ahmed.

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.

---Motion duly seconded by Councilmen Bhalla & 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.

Councilman Occhipinti has left the table at 9:09 PM

Councilman Occhipinti has returned to the table at 9:11 PM

Councilwoman Marsh has left the table at 9:11 PM

Councilwoman Marsh has returned to the table at 9:15 PM

PUBLIC HEARING and FINAL VOTE ON ORDINANCES

Second Reading / Public Hearing and Final Vote

AN ORDINANCE TO AMEND CHAPTER 151 OF THE GENERAL CODE OF THE CITY OF HOBOKEN, ENTITLED "RECYCLING" (**Z-91**)

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.

The speakers who spoke: Tom Chartier, JD Capuano.

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.

AN ORDINANCE TO AMEND AND SUPPLEMENT ARTICLE IV “STOP STREETS” OF CHAPTER 190 OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED “VEHICLES AND TRAFFIC” (Z-85)

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.

AN ORDINANCE TO AMEND AND SUPPLEMENT ARTICLE XXIII ENTITLED “PARKING FOR SNOWPLOWING, SNOW REMOVAL” WITHIN CHAPTER 190 OF THE GENERAL CODE OF THE CITY OF HOBOKEN ENTITLED “VEHICLES AND TRAFFIC” (Z-87)

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.

AN ORDINANCE AMENDING CHAPTER 20A OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED “PROFESSIONAL SERVICE CONTRACTS”; CHAPTER 20C OF THE

ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED "REDEVELOPMENT PAY-TO-PLAY REFORM"; AND, CHAPTER 20B OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED "CONTRIBUTION DISCLOSURE STATEMENTS" (Z-89)

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.

The speakers who spoke: Michael Lenz.

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.

AN ORDINANCE TO AMEND ARTICLE II OF CHAPTER 190 OF THE GENERAL CODE OF THE CITY OF HOBOKEN ENTITLED "PARKING, STANDING AND STOPPING" TO INCLUDE NO PARKING ZONES ON FOURTH STREET BETWEEN RIVER AND HUDSON AND ON SIXTEENTH STREET BETWEEN ADAMS AND JEFFERSON (Z-90)

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.

Councilwoman Mason has left the table at 10:10 PM
Councilwoman Mason has returned to the table at 10:13 PM
Councilman Bhalla has left the table at 10:10 PM
Councilman Bhalla has returned to the table at 10:12 PM

Councilman Russo comments that Director Trasante will give the budget.

The governing body took a recess for five minutes at 10:15 PM

The governing body came back to the meeting at 10:21 PM

RESOLUTIONS

11-886

---By Councilman Russo

RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS FOR THE 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 \$43,178,193.54 for Current Expenses and \$4,442,711.24 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 \$20,376,820.00
- 2) for Current Expenses and \$1,189,875.00 for the Parking Utility as follows:
SEE ATTACHED

The speakers who spoke: Scott Siegel.

---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.

11-887

---By Councilman Russo

RESOLUTION AUTHORIZING A TEMPORARY CAPITAL BUDGET AND TEMPORARY CAPITAL PARKING UTILITY BUDGET

WHEREAS, the City of Hoboken desires to constitute the 2011 Temporary Capital Budget and the 2011 Temporary Capital Parking Utility Budget of said municipality by inserting therein the following project. SEE ATTACHED

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

Section 1. The 2011 Temporary Capital Budget and the 2011 Temporary Capital Parking Utility Budget of the City of Hoboken is hereby constituted by the adoption of the schedule to read as follows:

Temporary Capital Budget and
Temporary Capital Parking Utility Budget
of the
City of Hoboken
County of Hoboken, New Jersey
Projects Scheduled for 2011
Method of Financing

SEE ATTACHED SHEETS

Section 2. The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services Department of Community Affairs, State of New Jersey, within three days after the adoption of this project for 2011 Temporary Capital Budget, to be included in the 2011 Permanent Capital Budget and the 2011 Permanent Capital Parking Utility Budget as adopted.

---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.

11-888

---By Councilman Bhalla

**RESOLUTION ACCEPTING THE TERM OF THE HOBOKEN POLICE
BENEVOLENT ASSOCIATION COLLECTIVE BARGAINING AGREEMENT**

WHEREAS, the City Council of the City of Hoboken, in cooperation with the Mayor and her Administration, have spent considerable time negotiating a revised collective bargaining agreement with the Hoboken Police Benevolent Association ("HPBA"); and,

WHEREAS, on February 23, 2011 the HPBA ratified a revised collective bargaining agreement, attached hereto, and the City Council is now called upon to either accept or reject the terms of the agreement which the HPBA ratified.

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

The City Council hereby accepts the collective bargaining agreement, attached hereto, as ratified by the HPBA on February 23, 2011; and,

The City Council hereby directs the Mayor and her Administration to notify HPBA of this acceptance immediately.

The Mayor, her Administration and Labor Counsel are hereby authorized and directed to proceed to execute and finalize this agreement expeditiously.

The speakers who spoke: Vince Lombardi, Scott Siegel.

---Motion duly seconded by Councilman Occhipinti

---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.

11-889

---By Councilman Bhalla

RESOLUTION ACCEPTING THE TERMS OF THE HOBOKEN POLICE SUPERIOR OFFICERS ASSOCIATION COLLECTIVE BARGAINING AGREEMENT

WHEREAS, the City Council of the City of Hoboken, in cooperation with the Mayor and her Administration, have spent considerable time negotiating a revised collective bargaining agreement with the Hoboken Police Superior Officers Association ("HPSOA"); and,

WHEREAS, on February 23, 2011 the HPSOA ratified a revised collective bargaining agreement, attached hereto, and the City Council is now called upon to either accept or reject the terms of the agreement which the HPBA ratified.

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

The City Council hereby accepts the collective bargaining agreement, attached hereto, as ratified by the HPSOA on February 23, 2011; and,

The City Council hereby directs the Mayor and her Administration to notify HPBA of this acceptance immediately.

The Mayor, her Administration and Labor Counsel are hereby authorized and directed to proceed to execute and finalize this agreement expeditiously.

The speaker who spoke: Edmond Drishti.

---Motion duly seconded by Councilman Occhipinti

---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.

11-890

---By Councilman Russo

RESOLUTION AUTHORIZING THE CY 2011 MUNICIPAL BUDGET

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

The speakers who spoke: Scott Siegel.

---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.

Introduction and First Reading

11-891

Z-94

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR THE ACQUISITION VARIOUS PARCELS OF LAND AND OTHER RELATED EXPENSES IN AND FOR THE CITY OF HOBOKEN AND APPROPRIATING \$20,000,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$19,000,000 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 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 improvements or purposes described in Section 3 hereof, there is hereby appropriated the sum of \$20,000,000 including the sum of \$1,000,000 as the down payment for the improvements or purposes required by the Local Bond Law. The down payment has been made available from the City's Open Space Trust Fund.

Section 2. In order to finance the cost of the improvements or purposes not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$19,000,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, 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 improvements hereby authorized and the purposes for which the bonds are to be issued is the acquisition of land located in the City, including, but not limited to land designated as Block 103, Lots 7-26, Blocks 107/108, Lots 1, Block 113, Lot 1, Block 9, Lots 1-4, Block 10, Lots 1, 8 and 27, Block 11, Lots 1-5, 8 and 9, Block 12, Lots 1-8, 10 and 18, Block 12, Lot 9, Block 14, Lot 1, Block 72,

Lot 1, Block 73, Lots 1-34, Block 85, Lots 14, 15.1 and 15.2 and Block 74, Lots 3-19, and including all rights or interests therein and all work and services 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 benefited 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 40 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 \$19,000,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$500,000 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 commence the acquisition and/or construction of the 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.

Councilman 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 **MARCH 16, 2011 at 7:00 PM.**

---Motion to **TABLE** by Councilman Russo the above ordinance.

---duly seconded by Councilman Giacchi.

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

---Yeas: Council persons Castellano, Giacchi, Occhipinti, Russo.

---Nays: Bhalla, Cunningham, Marsh, Mello and President Mason.

---Motion to call another vote to adopt the above ordinance by Councilman Cunningham.

---Motion duly seconded by Councilman Bhalla.

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

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

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

11-892

Z-95

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO VARIOUS PARKS LOCATED IN THE CITY OF HOBOKEN AND APPROPRIATING \$1,600,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,520,000 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 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 improvements or purposes described in Section 3 hereof, there is hereby appropriated the sum of money therein stated as the appropriation made for the improvements or purposes, such sum amounting to \$1,600,000 including the sum of \$80,000 as the down payment for the improvements or purposes required by the Local Bond Law. The down payment has been made available by virtue of provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvements or purposes provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,520,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, 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 improvements hereby authorized and the purposes for which the bonds are to be issued includes, but is not limited to (i) skate park maintenance at Castle Point; (ii) remediation of the playground equipments and restroom improvements at Church Square Park; (iii) replacements of lighting and exhaust fans at Elysian Park; (iv) improvements to the sprinkler heads, electrical and grass seeding at Harborside Park; (v) safety and water park improvements at Jackson St. Park; (vi) various improvements at Madison Street Park; (vii) installation of artificial turf at Mama Johnson Park; (viii) acquisition of tables and chairs at Pier A Park; (ix) gate improvements at Pier C Park; (x) jetty improvements, fence installation and ramp improvements at Sinatra Park; (xi) replacement of the wood playground equipment and concession stand improvements at Little League Field; (xii) planting and upgrading at Sybil's Cave Park; and (xiii) remediation and playground equipment at Jefferson Park, all located in the City, and including all work, materials and services necessary therefor or incidental thereto.

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

(c) The estimated cost of the improvement or purpose 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 current expenses. 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 15 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 \$1,520,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$500,000 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 improvements or purposes.

(e) The City reasonably expects to commence the acquisition and/or construction of the 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 or other moneys received for the purpose 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.

Councilman Bhalli 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 **MARCH 16, 2011 at 7:00 PM.**

---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.

PETITIONS AND COMMUNICATIONS

11-893

A COMMUNICATION FROM MAY DAWN ZIMMER REGARDING INTRODUCTION TO 2011 BUDGET, POLICE COLLECTIVE BARGAINING AGREEMENT, FIRE AUDIT.

February 25, 2011

Dear City Council Members:

I am writing to provide you with an update on several important matters.

Introduced 2011 Budget:

As you can see, the budget we are introducing contains a 10 percent municipal tax levy cut compared to the Fiscal Year 2010 budget. The budget uses 49.6 million of the \$14.7 million cash surplus that is reflected in the Annual Financial Statement. This leaves a remaining cash surplus of 5 percent of the budget. This is the low end of the 5 to 10 percent cash surplus range considered to be responsible by bond rating agencies.

Funds from the surplus are being dedicated to pay for the settlement of the police union contracts, including retroactive pay, and to responsibly plan for expected tax appeals, as well as for tax relief and other items.

The state requires us to compare the 2011 budget to the transition year 2010 budget, but per your request, we have also prepared working documents which compare the current budget to the fiscal year 2010 budget.

Finance Director Nick Trasente will be available to answer questions when he presents the budget at the Council meeting on Wednesday, March 2nd.

We understand that you have scheduled budget workshops for March 9th and March 23rd. Please indicate which of our directors you would like to be available at each workshop.

Police Collective Bargaining Agreement;

I am pleased to report that my Administration has reached an agreement with the Police unions. This agreement properly compensates our Police and does not overburden our taxpayers. This contract saves the City more than \$700,000 in retroactive pay compared to the MOU negotiated by the fiscal monitor. It will also result in future salaries which are approximately \$200,000 per year. This is in addition to the very substantial savings already achieved through the restructuring of the Police dept. Just as importantly, it provides both our Police officers and our citizens the security of knowing that Police will have a fair contract until 2013.

Fire Audit Update:

We anticipate the release of the audit for Hoboken's Fire Department within the next six weeks and will follow the same process as with the Police Department audit. It will be released when the final report is complete. At that time, it will be shared with Fire Chief Blohm and the City Council, and Chief will be asked to provide a written and verbal response and recommendation within a week. His response will also be posted to the City website. We will consider staffing levels and decisions about the FEMA grant based on results of the audit as well as recommendations from Chief Blohm, Business Administrator Arch Liston, and Public Safety Director Alicea.

Agenda Items:

Council President Mason suggested that there is not enough time to consider all the items on this week's agenda. I believe all of the items on the agenda are important to consider, but if it is helpful to the Council, I would like to suggest the items which I consider to be my Administration's top priorities.

Items relating to the budget are a priority, including the ordinance to exceed the municipal budget appropriations limit and resolutions to authorize Temporary Appropriations for CY 2011, to accept or reject the terms of collective bargaining agreements with Police unions, for the introduction of the CY 2011 budget, and to authorize the transfer of funds for the TY 2010 appropriations. These are also four bond ordinances which relate to the budget and quality of life issues.

In addition, the resolutions authorizing the redevelopment counsel are critical to ensuring that we have balanced development in Hoboken, and we need to approve the resolution for special council for environmental litigation and bankruptcy litigation. I also consider the second reading of the ordinance on

recycling to be important, as it will result in important cost savings and quality of life benefits. Finally, I believe we should move forward with accepting the deed for Hoboken Cove.

Although these are my Administration's top priorities, I believe all of the items that have been placed on the agenda should be properly considered by the Council.

Sincerely,

Mayor Dawn Zimmer

Received and Filed.

REPORTS OF CITY OFFICERS

11-894

Communication from Arch Liston, Business Administrator regarding the review of City of Hoboken Procurements

Received and Filed.

11-895

APPLICATIONS FOR MISCELLANEOUS LICENSES

Vendors-----	17
Taxi, Livery and Limousine Drives-----	29
Taxicab Owners-----	13

- Councilman Russo moved that the licenses be granted.
- Motion 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.

11-896

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of February 2011.

Received and Filed.

11-897

CLAIMS

---By Councilman Russo

Total for this agenda \$2,665,567.03 - \$12,547.51 = \$2,653,019.52

Councilwoman Marsh comments on reimbursement for the Jubilee Center, Conference accommodation for **Tropicano 11-02067**

Director Pellegrini comments

Councilman Occhipinti comments and questions Director Maier about PSE & G meeting

Director Maier responds

Councilman Occhipinti comments about Postage can it be bulk mail permit

Councilman Cunningham comments on PSE & G street lamps

Councilwoman Castellano comments

Councilman Giacchi comments on Church Sq. Park and Stevens Park for lamps

Councilman Occhipinti asks B.A. to withhold the Claim

B.A. Liston comments that you can bulk mail certain things and certain things you can't

Councilwoman Marsh asks B.A. Liston about the Jubilee Center

---Motion duly seconded by Councilman Giacchi

---Adopted (as amended) by the following vote: YEAS: 9 - NAYS: 0

---Yeas: Council persons Bhalla, Castellano, Cunningham, Giacchi, Marsh, Mello, Occhipinti, Russo and Mason (exception for Tropicano Resort)

---Nays: None.

11-898

PAYROLLS

---By Councilman Russo

For the two week period starting February 03, 2011 – February 23, 2011

Regular Payroll	O/T Pay	Pay	
\$1,419,567.85	\$51,651.17		\$1,523,932.30

---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 Mason

---Nays: None

RESOLUTIONS (cont'd)

11-899

---By Councilman Cunningham

RESOLUTION AUTHORIZES THE TRANSFER OF FUNDS WITHIN ACCOUNTS IN THE RESERVE TY YEAR 2010 CURRENT FUND APPROPRIATIONS.

BE IT RESOLVED, that the following TY 2010 Budget Current Fund appropriation reserve transfers are hereby authorized for the City of Hoboken:

<u>CURRENT FUND</u>	<u>FROM</u>	<u>TO</u>
Operations - Within "Caps"		
Business Administrator S/W	\$	15.00
Police Dept S/W	\$	21,850.00
Workers Comp Ins O/E	\$	125,000.00
Sanitation O/E	\$	30,000.00

Police O/E		\$ 15,000.00
Street Lights O/E		\$ 7,000.00
Telephone O/E		\$ 35,000.00
Recreation O/E		\$ 2,000.00
Senior Citizens O/E		\$ 2,300.00
Special Counsel O/E		\$ 125,000.00
Senior Citizens S/W	\$ 2,300.00	
Health Insurance O/E	\$ 239,000.00	
Fire Dept S/W	\$ 21,865.00	
Information Technology O/E	\$ 10,000.00	
Community Dev O/E	\$ 20,000.00	
Uniform Construction Code O/E	\$ 30,000.00	
Postage O/E	\$ 15,000.00	
Central Office Supplies O/E	\$ 15,000.00	
Municipal Court O/E	\$ 20,000.00	
TOTALS	\$ 373,165.00	\$373,165.00

---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.

11-900

---By Councilwoman Marsh

RESOLUTION AUTHORIZING A CONTRACT WITH SCARINCI & HOLLENBECK, LLC FOR THE SERVICES OF JOHN SCAGNELLI, ESQ AS SPECIAL COUNSEL FOR ENVIRONMENTAL LITIGATION AND JOEL GLUCKSMAN, ESQ. AS SPECIAL COUNSEL FOR BANKRUPTCY LITIGATION AND RAMONE RIVERA, ESQ. AS SPECIAL COUNSEL FOR EMPLOYMENT LITIGATION, TO COMMENCE FEBRUARY 2, 2011 AND TERMINATE DECEMBER 31, 2011 FOR AN AMOUNT NOT TO EXCEED SEVENTY FIVE THOUSAND (\$75,000) DOLLARS.

WHEREAS, the City of Hoboken currently has outstanding bankruptcy litigation relating to In re Tarragon Development Corporation (Docket Number 09-10555(DHS)), In re Monroe Center, LLC (Docket Number 08-27203(DHS)), In re Monroe Center II Urban Renewal Company, LLC (Docket Number 08-32556(DHS)), In re Monroe Center Management (Docket Number 08-27104(DHS)), and 1200 Grand Condominium Association v. 1200 Grand Street Urban Renewal, LLC d/b/a/ Tarragon (Docket Numbers HUD-L-4213-08 and 09-1465(DHS)) for which Joel Glucksman, Esq. of Scarinci & Hollenbeck, LLC has been representing the City of Hoboken from the commencement; and,

WHEREAS, the City of Hoboken currently has outstanding environmental issues relating to the Hoboken Cove Matter for which John Scagnelli, Esq. of Scarinci & Hollenbeck, LLC has been representing the City of Hoboken’s legal interests from the commencement; and,

WHEREAS, the City of Hoboken currently has outstanding employment litigation relating to “Hoboken Municipal Supervisors Association and City of Hoboken AR-2010-754” for which Ramon Rivera, Esq. of Scarinci & Hollenbeck, LLC has been representing the City of Hoboken’s legal interests from the commencement; and,

WHEREAS, the above referenced bankruptcy litigation will require the skilled expertise of an experienced bankruptcy attorney to represent the City of Hoboken's interests, which skilled expertise and experience Joel Glucksman has demonstrated throughout his representation; and,

WHEREAS, the above referenced environmental legal issues will require the skilled expertise of an experienced environmental attorney to represent the City of Hoboken's interests, which skilled expertise and experience John Scagnelli has demonstrated throughout his representation; and,

WHEREAS, the above referenced employment litigation will require the skilled expertise of an experienced employment attorney to represent the City of Hoboken's interests, which skilled expertise and experience Ramon Rivera has demonstrated throughout his representation; and,

WHEREAS, Joel Glucksman, Esq. has intricate knowledge of the legal issues relating to the above referenced litigations due to his continued representation of the City's interests regarding said litigation; and

WHEREAS, John Scagnelli, Esq. has intricate knowledge of the legal aspects the above referenced environmental issues due to his continued representation of the City's interests regarding said issues; and

WHEREAS, Ramon Rivera, Esq. has intricate knowledge of the legal aspects the above referenced environmental issues due to his continued representation of the City's interests regarding said issues; and

WHEREAS, this special expertise and knowledge, as well as the emergent need for continuous expert legal representation, provide a basis for waiving the competitive negotiation provisions of Hoboken Ordinance #DR-154 (codified as §20A-1 et seq. of the Code of the City of Hoboken), as permitted by the Ordinance; and,

WHEREAS, Scarinci & Hollenbeck, LLC 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 the affirmative action contract compliance requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27-1 et seq.; 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 (*a majority of the whole Council concurring*) that a professional services contract be authorized, for a fixed period from February 2, 2011 until February 1, 2012, in an amount not to exceed Seventy-Five Thousand (\$75,000.00) Dollars with the firm of Scarinci & Hollenbeck, LLC, for the services of:

1. Joel Glucksman, Esq. to serve as Special Counsel for bankruptcy litigation for the City of Hoboken for: In re Tarragon Development Corporation (Docket Number 09-10555(DHS)), In re Monroe Center, LLC (Docket Number 08-27203(DHS)), In re Monroe Center II Urban Renewal Company, LLC (Docket Number 08-32556(DHS)), In re Monroe Center Management (Docket Number 08-27104(DHS)), and 1200 Grand Condominium Association v. 1200 Grand Street Urban Renewal, LLC d/b/a/ Tarragon (Docket Numbers HUD-L-4213-08 and 09-1465(DHS)).
2. John Scagnelli, Esq. to serve as Special Counsel for environmental issues for the City of Hoboken relating to the Hoboken Cove Matter; and,
3. Ramon Rivera, Esq. to serve as Special Counsel for employment litigation for "Hoboken Municipal Supervisors Association and City of Hoboken AR-2010-

754”.

BE IT FURTHER RESOLVED that this firm shall be paid a maximum hourly rate of \$150.00 per hour for attorneys based on actual time and expenses; and,

BE IT FURTHER RESOLVED that in the matter “Hoboken Municipal Supervisors Association and City of Hoboken AR-2010-754” there shall be a not to exceed amount of Five Thousand (\$5000.00) dollars and the total not to exceed amount for all services billed by Scarinci & Hollenbeck, LLC, including the employment matter listed above, shall be Seventy Five Thousand (\$75,000.00) dollars; and,

BE IT FURTHER RESOLVED that this contract shall commence immediately and expire on January 4, 2012, which term shall be renewable upon necessity subject to availability of funds and approval of the term extension by the City Council, pursuant to N.J.S.A. 40A:11-1 et seq.; and

BE IT FURTHER RESOLVED that the City Council specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), is waived for the following reasons: (1) failure to maintain continuous legal counsel will jeopardize the City’s legal position; and, (2) the firm of Scarinci & Hollenbeck, LLC offers the City special expertise and substantive knowledge relating to the legal issues underlying the above referenced litigation and environmental issues; and

BE IT FURTHER RESOLVED that this approval by the City Council is contingent upon Scarinci & Hollenbeck, LLC complying with are requirements of Hoboken Code Section 20A-14 and all requirements of the Affirmative Action laws and regulations of the State of New Jersey, and failure to comply with all requirements within fifteen (15) days of the adoption of this Resolution shall render this resolution null and void; 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 and terminate on December 31, 2011.

The speakers who spoke: Scott Siegel.

---Motion 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.

11-901

---By Councilman Cunningham

RESOLUTION AUTHORIZING APPOINTMENT OF MARAZITI FALCON & HEALEY LLP AS SPECIAL LEGAL COUNSEL – REDEVELOPMENT FOR THE PERIOD TO COMMENCE ON JANUARY 1, 2011 AND EXPIRE ON DECEMBER 31, 2011

WHEREAS, the City released an RFP for Special Legal Counsel – Redevelopment, with a submission date of February 1, 2011, which Maraziti Falcon & Healey, LLP responded to; and,

WHEREAS, the Professional Service Review Committee evaluated all submissions for the RFP for Special Legal Counsel – Redevelopment, and Maraziti Falcon & Healey, LLP’s evaluation score ranked the firm as one of the top two firms; and,

WHEREAS, Maraziti Falcon & Healey LLP will be 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:11-2(b) and as such, is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and,

WHEREAS, funds are available for this purpose upon adoption of the CY 2011 budget.

NOW THEREFORE, BE IT RESOLVED that the professional services contract be authorized with Maraziti Falcon & Healey LLP for services as Special Legal Counsel – Redevelopment to the City of Hoboken from January 1, 2011 through December 31, 2011 in an amount not to exceed Seventy One Thousand (\$71,000) Dollars; and

BE IT FURTHER RESOLVED that Maraziti Falcon & Healey LLP shall be paid an hourly rate of \$190.00 per hour for all attorneys working on the matter, except to the extent that such fees are paid solely by private parties through a re-imbursement agreements, in which case the blended rate of \$225.00 per hour for attorneys shall apply; 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 January 1, 2011 and terminate on December 31, 2011; and

BE IT FURTHER RESOLVED, by the Council of the City of Hoboken in the County of Hudson that an extension agreement for Special Counsel for the City of Hoboken shall be prepared and executed with the following vendor:

**Maraziti Falcon & Healey LLP
150 John F. Kennedy Parkway
Short Hills, New Jersey 07078**

---Motion duly seconded by Councilman Mello

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

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

---Nays: Castellano, Russo.

11-902

---By Councilwoman Marsh

RESOLUTION AUTHORIZING APPOINTMENT OF MCMANIMON & SCOTLAND, LLC AS SPECIAL LEGAL COUNSEL – REDEVELOPMENT FOR THE PERIOD TO COMMENCE ON JANUARY 1, 2011 AND EXPIRE ON DECEMBER 31, 2011

WHEREAS, the City released an RFP for Special Legal Counsel – Redevelopment, with a submission date of February 1, 2011, which McManimon & Scotland, LLC responded to; and,

WHEREAS, the Professional Service Review Committee evaluated all submissions for the RFP for Special Legal Counsel – Redevelopment, and McManimon & Scotland, LLC’s evaluation score ranked the firm as one of the top two firms; and,

WHEREAS, McManimon & Scotland, LLC will be 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:11-2(b) and as such, is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and,

WHEREAS, funds are available for this purpose upon adoption of the CY 2011 budget.

NOW THEREFORE, BE IT RESOLVED that the professional services contract be authorized with McManimon & Scotland, LLC for services as Special Legal Counsel – Redevelopment to the City of Hoboken from January 1, 2011 through December 31, 2011 in an amount not to exceed Seventy One Thousand (\$71,000) Dollars; and

BE IT FURTHER RESOLVED that McManimon & Scotland, LLC shall be paid an hourly rate of \$190.00 per hour for all attorneys working on the matter, except to the extent that such fees are paid solely by private parties through a re-imbursement agreements, in which case the blended rate of \$225.00 per hour for attorneys shall apply; 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 January 1, 2011 and terminate on December 31, 2011; and

BE IT FURTHER RESOLVED, by the Council of the City of Hoboken in the County of Hudson that an extension agreement for Special Counsel for the City of Hoboken shall be prepared and executed with the following vendor:

**McManimon & Scotland, LLC
1037 Raymond Boulevard
Fourth Floor
Newark, New Jersey 07102-5259**

- Motion duly seconded by Councilman Bhalla
- Adopted by the following vote: YEAS -5 - NAYS: 3 – Present - 1
- Yeas: Council persons Bhalla, Giacchi, Marsh, Mello, Occhipinti.
- Nays: Castellano, Russo, President Mason.
- Present: Cunningham.

11-903

---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 **\$ 9,362.36**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Bayonne Community Bank 591 Avenue C Bayonne, NJ 07002	16/39	60 Madison st	3/10	\$ 4,166.53
Natali, Renee 1201 Willow Ave #3F HOBOKEN, NJ 07030	174/1/C003F	1201 Willow Ave	1/09	\$ 1,713.04
207 Second St LLC 600 Palisade Ave Suite 202 Union City, NJ 07087	177/18/	207 Second St	4/10	\$ 3,482.79

---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.

BUDGETARY ITEM

Introduction and First Reading (cont'd)

11-904

Z-93

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR THE FY 2011 BUDGET PURSUANT TO N.J.S.A. 40A:4-45,14

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriations and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the City Council of the City of Hoboken in the County of Hudson finds it advisable and necessary to increase its FY 2011 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the City Council of the City of Hoboken hereby determines that a 1.5% increase in the budget for said year, amounting to \$1,221,635.19 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the City Council of the City of Hoboken hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two (2) succeeding years.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Hoboken, in the County of Hudson, *a majority of the full authorized membership of this governing body affirmatively concurring*, that, in accordance with this Ordinance and N.J.S.A. 40A:4-45.14, the final appropriations of the City of Hoboken in the FY 2011 shall be increased by 3.5%, amounting to \$2,850,482.11 and that the FY 2011 municipal budget for the City of Hoboken be approved and adopted in accordance with this Ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two (2) succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within two (2) days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within two (2) days after such adoption.

The speakers who spoke Michael Lenz.

Councilman Giacchi 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 **MARCH 16, 2011 at 7:00 PM**.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: Castellano, Russo.

Ordinances Introduction and First Reading (cont'd)

~~AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR VARIOUS PARKING UTILITY IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND 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 (sponsored by Councilman Mello and Councilman Cunningham)~~

MOTION TO TABLE by the following vote: YEAS: 5 - NAYS: 4

YEAS: Council persons Castellano, Giacchi, Occhipinti, Russo and President Mason

NAYS: Bhalla, Cunningham, Marsh and Mello.

Councilman Russo comments

Councilman Russo motion to table and seconded by Councilwoman Castellano

~~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 (sponsored by Councilman Bhalla and Councilwoman Marsh)~~

MOTION TO TABLE by the following vote: YEAS: 5 - NAYS: 4

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

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

Councilman Russo motion to table and seconded by Councilwoman Castellano

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR THE ACQUISITION VARIOUS PARCELS OF LAND AND OTHER RELATED EXPENSES IN AND FOR THE CITY OF HOBOKEN AND APPROPRIATING \$20,000,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$19,000,000 IN BONDS OR NOTES OF THE CITY OF HOBOKEN TO FINANCE THE SAME (sponsored by Councilman Cunningham and Councilman Bhalla)

---**MOTION TO TABLE** by the following vote: YEAS: 4 - NAYS: 5

---Yeas: Council persons Castellano, Giacchi, Occhipinti, Russo.

---Nays: Bhalla, Cunningham, Marsh, Mello and President Mason.

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

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

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

Councilman Russo motion to table and seconded by Councilman Giacchi.

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO VARIOUS PARKS LOCATED IN THE CITY OF HOBOKEN AND APPROPRIATING \$1,600,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,520,000 IN BONDS OR NOTES OF THE CITY OF HOBOKEN TO FINANCE THE SAME (sponsored by Councilwoman Marsh and 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.

~~AN ORDINANCE TO ESTABLISH SPECIFIC PARKING SPACES AND RELATED RULES FOR "HOBOKEN CORNER CARS" (sponsored by Councilman Mello and Councilman Bhalla, pending for sub-committee review)~~

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

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

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

~~AN ORDINANCE AMENDING CHAPTER 168 OF THE CODE OF THE CITY OF HOBOKEN DELETING ARTICLES II AND V IN THEIR ENTIRETY AND REPLACING THEM WITH A NEW ARTICLE II ENTITLED "SIDEWALK CAFES" (sponsored by Councilwoman Marsh and Councilman Mello)~~

FAILED by the following vote: YEAS: 2 - NAYS: 7
---Yeas: Council persons Bhalla and Marsh
---Nays: Cunningham, Castellano, Giacchi, Occhipinti, Mello, Russo, President Mason.

11-905
Z-96

AN ORDINANCE ACCEPTING A DEED FROM HOBOKEN COVE, LLC FOR A PORTION OF BLOCK 269.4 LOT 1 (HEREINAFTER REFERRED TO AS "HOBOKEN COVE PARK PARCEL") AS SHOWN ON A MAP FILED IN THE OFFICE OF THE HUDSON COUNTY REGISTRAR AS MAP NO. 3972 ON AUGUST 11, 2005

WHEREAS, the City of Hoboken is a municipal entity organized under the laws of the State of New Jersey; and

WHEREAS, Hoboken Cove, LLC is a New Jersey Limited Liability Company that is the sponsor of a condominium project commonly known as Hoboken Cove, located at 1500 Hudson Street within the City of Hoboken; and

WHEREAS, the City is the owner of certain land designated as a portion of Block 267, Lot 1 on the City of Hoboken Tax Maps (the "City's Property") (see attached Exhibit B); and

WHEREAS, Hoboken Cove, LLC is the successor in interest to BDLJ Associates, LLC, which received site plan approval of a planned unit development (the "PUD") for Hoboken Cove ("Development Project") by resolutions adopted by the Planning Board of the City of Hoboken (the "Planning Board") on July 17, 1997, February 1, 2000 and March 7, 2000 (the "Prior Approval"); and

WHEREAS, on March 2, 2004, Planning Board approval of an application (the "Amended Site Plan Application") to amend the Prior Approval in order to expand the PUD to, among other things, allow the construction of an additional (i) 410 residential units (for a total of 1,278 residential units); (ii) 1,103 square feet of retail floor area (for a total of 70,048 square feet of retail floor area); and (iii) 349 parking spaces (for a total of 1,447 parking spaces), all as more particularly shown on the plans entitled "Amended Preliminary Site Plans and Amended Major Subdivision Plan for Hoboken Cove, City of Hoboken, Hudson County, New Jersey", prepared by Paulus Sokolowski and Sartor, LLC, dated February 7, 1997, last revised October 23, 2003, and consisting of Sheets C-1 through C-18, SP1 through SP13, A1 through A3, and LA1 through LA9 (the "Submitted Plans"); and

WHEREAS, the Amended Site Plan Application provides for a public park (the "Park") to be situated on the City's Property and a portion of the Developer's Property (the "Developer's Park Parcel") (see attached Exhibit G Schedule A); and

WHEREAS, the proposed improvements of the Park are depicted on the Submitted Plans; and

WHEREAS, in conjunction with the aforementioned Planning Board approvals and Resolutions, BDLJ Associates, LLC entered into a Developer's Agreement ("Agreement") with the City of Hoboken, dated

July 2004 to which Hoboken Cove, LLC is the successor in title and interest, setting forth in general the rights, duties and obligations of the parties in connection with the Development Project, which Agreement set forth conditions under which certain property known as the Developer's Park Parcel is to be partially developed and fully conveyed to the City of Hoboken; and

WHEREAS, per the Agreement a portion of the Developer's Park Parcel (the "15th Street Park") (see attached Exhibit E-1) to be developed by the Developer was developed and deeded to the City of Hoboken on June 25, 2008 and filed on July 1, 2008 with the office of the Hudson County Register; and

WHEREAS, the balance of the Developer's Park Parcel to be deeded to the City of Hoboken is to be conveyed to the City of Hoboken (the "Dedicated Parcel") to be developed by the City of Hoboken as a public park; and

WHEREAS, Hoboken Cove, LLC has represented that it is prepared to transfer the Dedicated Parcel it to the City of Hoboken pursuant to its obligations under the Agreement; and

WHEREAS, the City of Hoboken desires to express its willingness and ability to accept the Dedicated Parcel, consistent with the terms of the Resolutions and the Developer's Agreement; and

WHEREAS, this action is authorized pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq.

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

1. The City of Hoboken hereby accepts fee title to the Dedicated Parcel, defined in the metes and bounds description as part of the Deed of Dedication from Hoboken Cove, LLC (**Attached hereto as Exhibit One**).
2. The Mayor and City Clerk are hereby authorized to accept the appropriate Deed of Dedication conveying the Dedicated Parcel and arrange for the recording of the Deed in the Office of the Hudson County Registrar.
3. The Mayor and City Clerk and all other appropriate employees and professionals of the City of Hoboken are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Ordinance.
4. All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intention that all ordinances or part of ordinances now existing or in effect, unless the same are in conflict or inconsistent with any provision of this ordinance, shall remain in effect.
5. If any section, subsection, sentence, clause, or phrase thereof is for any reason 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 remain in effect, it being the legislative intent that this Ordinance shall stand, notwithstanding the invalidity of any part thereof.
6. This Ordinance shall take effect upon passage and publication as provided by law, except to the extent that an emergency is declared and the Ordinance is made effective immediately, pursuant to N.J.S.A. 40:69A-181(b).

7. This Ordinance, along with the Deed of conveyance approved hereby shall be recorded in the Office of the Hudson County Registrar upon the satisfaction of the conditions set forth herein, and shall be maintained in the Office of the Hoboken City Clerk.

Councilwoman Marsh 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 **MARCH 16, 2011 at 7:00 PM.**

---Motion 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.

PUBLIC PORTION

All regular business concluded the following members of the public spoke at the Public Portion” of the meeting: Peter Alvarez, Patricia Waiters, Tom Kennedy Jr., Patricia Waiters, Rami Pinchevsky, Dominick Russo, Rebecca Lewis, Richard Tremitedi, Scott siegel, Ron Simoncini, Michael Lenz, Mark L. Villamar, Helen Hirsch, Jim Doyle.

NEW BUSINESS

Councilwoman Castellano comment on the Hospital Sub-committee will update the Parking and Transportation meeting

Councilman Occhipinti comments and reads his letter off his IPAD

Councilwoman Castellano comments

Councilman Mello comments

Councilman Cunningham comments

Council President comments

Councilman Russo comments and thanks Director Maier for the snow removal off the city streets in the 3rd ward, issues - cold patches and pot holes that need to be filled, will send an email to the Director, but would like repainting the STOP sign on 4th and Clinton Street and coordinate with Director Sacs and repaint the cross walks as well

Councilman Mello asks Director Sacs for STOP Sign study for Harrison and 1st Street, marking on fire hydrants

Director Sacs comments that it was done earlier this week and move to next steps which would take a week, b/c of the St. Patricks Day event nothing will be done in two weeks

Councilman Cunningham comments wants the street lamps on 1100 block on Bloomfield and asks Director Maier for potholes and what is the program to fill out the city, Willow from 11th - 14th Street needs help asks B.A. Liston an ordinance for healthcare for the Revenue and Finance committee, a healthcare contribution

Director Maier comments that it is best to use the hot patch

Council President comments and would like to thank Director Maier on 8th and Washington St., sidewalk on 12th where Maxwell Pl. exists and is extremely dangerous b/c of double parking at Starbucks

Director Forbes comments that the site Maxwell Pl. has started on Block C, and currently working with the Construction office to provide it to the pedestrian safety and working on it internally and will keep you posted on the results of that

Maxwell Park – Block A is still in mediation and will give an update
Council President wanted to know about the waterfront in 2nd ward – roadway and walkway to the Ferry
Corporation Counsel comments that they would need to speak to the County and the completion
Council President comments on recycling issue – Tues/Thurs., how is it addressed it to the public?
Director Maier comments that the schedule still stands, working with Mayor’s office for the communication and would like to include the Governing Body
Councilwoman Marsh asks when it would be in effect?
Director Maier comments hopefully April
Councilman Giacchi comments
Council President would like Councilwoman Marsh to talk about the Caucus with the Administration, Director Liston update on the TVs, Rent Control Draft for the amendment and the hospital update, St. Patricks Day Parade starts on 14th and Washington at 1PM
Councilman Russo comments that the Revenue and Finance sub-committee and Hospital sub-committee next week.

At 1:40-A.M. the Governing Body on a motion by the Governing Body; duly seconded by the Council.

President Mason then adjourned the meeting at 1:40 A.M.

PRESIDENT OF THE COUNCIL

CITY CLERK