

MEETING OF JUNE 1, 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, JUNE 1, 2011 AT 7:00 PM

Vice President Occhipinti 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."

Vice President Occhipinti 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.

ABSENT: President Mason. (Arrived at 7:04 PM.)

**PUBLIC HEARING and FINAL VOTE ON ORDINANCES**

Second Reading/Public Hearing and Final Vote

**NONE for this MEETING**

**11-1023**

**APPLICATION FOR MISCELLANEOUS LICENSES**

Vendors-----2

- Councilman Giacchi moved that the licenses be granted.
- Motion duly seconded by Councilman Russo
- Adopted by the following vote: YEAS: 8 - NAYS: 0
- Yeas: Council persons Bhalla, Castellano, Cunningham, Giacchi, Marsh, Mello, Occhipinti, Russo and President Mason.
- Nays: None.

**11-1024**

---By Councilman Giacchi

**CLAIMS**

Total for this agenda **\$1,400,172.51.**

---Motion duly seconded by Councilman Russo

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

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

---Nays: Mason.

**11-1025**

---By Councilman Giacchi

**PAYROLLS**

For the two week period starting April 14, 2011 – April 27, 2011

<b>Regular Payroll</b>	<b>O/T Pay</b>	<b>Pay</b>	<b>Total</b>
<b>\$1,413,046.62</b>	<b>\$123,581.05</b>	<b>\$341,484.85</b>	<b>\$1,878,112.52</b>

---Motion duly seconded by Councilman Russo

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

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

---Nays: None.

**11-1026**

---By Councilman Giacchi

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year SFY 2010 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the City Council of the City of Hoboken, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON JUNE 1, 2011.

---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.

**11-1027**

---By Councilman Bhalla

**RESOLUTION OF THE CITY OF HOBOKEN, COUNTY OF HUDSON REQUESTING PLANNING BOARD REVIEW OF A RESOLUTION DESIGNATING CERTAIN PROPERTY IN THE CITY AS AN AREA IN NEED OF REHABILITATION AND RESCINDING PRIOR RESOLUTION RELATING TO SAME**

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

WHEREAS, in accordance with the Redevelopment Law, on April 20, 2011 the Municipal Council of the City of Hoboken (the “**City Council**”) adopted a resolution entitled “RESOLUTION OF THE CITY OF HOBOKEN, COUNTY OF HUDSON REQUESTING PLANNING BOARD REVIEW OF A RESOLUTION DESIGNATING CERTAIN PROPERTY IN THE CITY AS AN AREA IN NEED OF REHABILITATION” directing the Planning Board to review a resolution designating the property commonly known as Block 2, Lots 12-26 and Block 2.1, Lots 1, 4, 9 and 10 on the tax map of the City of

Hoboken, in the County of Hudson (the “**Original Property**”) as an area in need of rehabilitation pursuant to Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14* (the “**Original Resolution**”); and

**WHEREAS**, the Original Resolution erroneously omitted some parcels from the description of the Original Property; and

**WHEREAS**, the City has determined that for purposes of regional planning and community development the Original Property should be expanded and revised to consist of the following properties:

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

**WHEREAS**, the City Council believes that within the Property the water and sewer lines are at least 50 years old and are in need of substantial maintenance; and that a program of rehabilitation is expected to prevent further deterioration and to promote the overall development of the City in accordance with the requirements of Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14(a)*; and

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

**WHEREAS**, based on the foregoing, the City Council hereby rescinds the Original Resolution and intends to designate the Property by the adoption of the resolution substantially in the form attached hereto as Exhibit A; and

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

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

**Section 2.** The Original Resolution is hereby rescinded and of no further force and effect.

**Section 3.** The City Council hereby directs that the City Clerk transmit a copy of this resolution, inclusive of Exhibit A, to the City Planning Board for review and providing its recommendation to the City Council within forty-five (45) days of receipt of this resolution, pursuant to Section 14 of the Redevelopment Law, *N.J.S.A. 40A:12A-14(a)*.

**Section 4.** The City Council hereby directs the Planning Board to conduct a public hearing regarding the proposed resolution, providing a notice of the public hearing by publication in a newspaper of general circulation in the municipality at least ten (10) days prior to the date set for the hearing. A copy of the notice shall be mailed at least ten (10) days prior to the date set for the hearing to the last owner, if any, of each parcel of property within 200 feet of the Property according to the assessment records of the municipality.

**Section 5.** A copy of this resolution shall be available for public inspection at the offices of the City.

**Section 6.** This resolution shall take effect immediately.

---Motion 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.

**11-1028**

---By Councilman Occhipinti

**THIS RESOLUTION RESCINDS THE AWARD OF A CONTRACT TO M. SILVETRE CONTRACTING, INC. AND AWARDS THE CONTRACT TO YANNUZZI & SONS, INC. FOR MULTI-STORY RESIDENTIAL BUILDING DEMOLITION FOR THE CITY OF HOBOKEN IN ACCORDANCE WITH THE BASE BID IN THE SPECIFICATIONS IN BID NUMBER 11-06 (\$84,600.00).**

**WHEREAS**, proposals were received on 21 April 2011 for multi-story residential building demolition for the City of Hoboken, as specified in Bid Number 11-06; and,

**WHEREAS**, four (4) proposals were received in good stead, the three (3) lowest responsive proposals of these being:

<b>VENDOR</b>	<b>Base Bid</b>	<b>Alternate A</b>	<b>Alternate B</b>	<b>Alternate C</b>
<b>M. Silvetre Contracting, Inc.</b> 699 N. 8 <sup>th</sup> Street Newark, NJ 07107	\$64,236.20	\$67,826.09	\$4,500.00	\$4,000.00
		<b>TOTAL OF ALL OPTIONS:</b>		<b>\$140,562.29</b>
<b>Cap Services, Inc.</b> 81 Heckel Street Belleville, NJ 07109	\$95,930.00	\$77,420.00	\$3,000.00	\$3,000.00
		<b>TOTAL OF ALL OPTIONS:</b>		<b>\$179,350.00</b>
<b>Yannuzzi &amp; Sons, Inc.</b> 152 Route 206 South, Ste. 14 Hillsborough, NJ 68844	\$84,600.00	\$89,600.00	\$6,000.00	\$6,000.00
		<b>TOTAL OF ALL OPTIONS:</b>		<b>\$186,200.00</b>

**WHEREAS**, on 18 May 2011, the City Council awarded a contract, by way of Resolution #5, to M. Silvetre Contracting, Inc. based on a review of all proposals and recommendation by Boswell Engineering; however, the City has since been made aware that M. Silvetre Contracting, Inc. was not a properly registered Public Works Contractor on the date the bids were accepted for submission by the City, in violation of N.J.S.A. 34:11-56.51; and,

**WHEREAS**, M. Silvetre Contracting, Inc.'s failure to be a registered Public Works Contractor at the time of bid submission is a fatal defect which cannot be cured; and,

**WHEREAS**, the City of Hoboken is obligated to comply with the Public Works Contractor Registration Act, N.J.S.A. 34:11-56.48, which requires the City to award all construction contracts to registered contractors. Thus, the City is required to revoke the May 18, 2011 award of Bid No. 11-06 to M. Silvetre Contracting, Inc.; and

**WHEREAS**, Yannuzzi & Sons, Inc. has provided the City with all necessary documents to perform the services to the City and is, therefore, a responsible and responsive bidder. Yannuzzi & Sons, Inc. is the second lowest bidder for performance of the base bid for Bid No. 11-06; and,

**WHEREAS**, the City of Hoboken seeks to award a contract to Yannuzzi & Sons, Inc. for performance of the base bid for Bid No. 11-06; and,

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

**NOW THEREFORE BE IT RESOLVED as follows:**

- A. This resolution revokes the award of a contract to M. Silvetre Contracting, Inc. which was authorized by the City Council's Resolution #5 of 18 May 2011, for the reasons stated herein; and,
- B. This resolution awards a contract to Yannuzzi & Sons, Inc. in an amount not to exceed \$84,600.00, for the provision of the demolition services outlined in Bid No. 11-06 under the base bid of the specifications set forth therein; and,
- C. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor or her agent is hereby authorized to enter into an Agreement with M. Silvetre Contracting, Inc. as described herein; and,
- D. This resolution shall take effect immediately upon passage.

The speaker who spoke: Patricia Waiters, Bill Potter, Vic Zurish, Helen Hirsch.

Councilman Cunningham left the meeting at 9:45 p.m.

Vote to go into Closed Session

---Motion duly seconded by Councilman Giacchi

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

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

---Nays: None.

---Absent: Cunningham.

**Council went into Closed Session at 10:18 PM to discuss and vote on the resolution #6 below.**

Roll call for Closed Session: Council persons Bhalla, Castellano, Giacchi, Marsh, Mello,

Occhipinti, Russo and Mason

BA Liston and Corporation Counsel

**11-1029**

---By Councilwoman Mason

**RESOLUTION DIRECTING THE PRODUCTION OF CERTAIN CITY INFORMATION AND COMMUNICATION RELATED TO EXPENDITURES OF TAXPAYERS' FUNDS FOR HOBOKEN'S PUBLIC RELATIONS AND COMMUNICATION**

WHEREAS, the City of Hoboken is governed by the Optional Municipal Charter Law, a.k.a. "Faulkner Act," N.J.S.A. 40:69A-1 through N.J.S.A. 40:69A-210; and,

WHEREAS, under the Faulkner Act, the Council of the City of Hoboken has the power

to conduct a legislative inquiry or investigation pursuant to N.J.S.A. 40:69A-36; and,

WHEREAS, the Council further has the power to investigate the conduct of any department, office or agency of the municipal government, pursuant to N.J.S.A. 40:69A-37; and,

WHEREAS, the Council further has the power to require the Mayor or her designee to appear before the Council sitting as a committee of the whole, and to bring before the council those records and reports, and officials and employees of the City as the council may determine necessary to conduct such an investigation, pursuant to N.J.S.A. 40:69A-38; and,

WHEREAS, last year Administration laid off the City's classified (Civil Service) Public Information Officer, who had worked for the City for many years; and,

WHEREAS, two unclassified political appointees of the Mayor, Daniel Bryan and Juan Melli, have now been assigned the primary task of performing public relations duties on her behalf, at a combined cost of well over \$150,000 annually in salary and benefit costs to the taxpayer; and,

WHEREAS, since these individuals were placed in charge of the public relations efforts of the Administration, the Council finds that the City's public communications, including the City's website, have become highly politicized and therefore constitute an inappropriate and wasteful use of taxpayer funds; and,

WHEREAS, the Council believes that a full investigation into an apparent abuse of tax dollars is warranted, and has determined that a review of relevant e-mails sent and received by the Mayor's public relations staff in 2010 and 2011 is a necessary first step in this investigation; and,

WHEREAS, the Administration, through the Corporation Counsel, now claims that there are some 35,000 e-mails at issue and that it would cost close to nearly \$200,000 for a legal review of them; and,

WHEREAS, although this claim appears to be dramatically exaggerated, if not downright false, since if true it means Mr. Melli and Mr. Bryan sent or received nearly 2000 e-mails per month, and based upon the Assistant Corporation Counsel's salary of \$60,000 it would take more than three years to review just sixteen months worth of e-mails from only two employees, the Council believes there is a way to accomplish this review at limited or no cost to the taxpayers; and,

WHEREAS, the Council finds and declares that Mr. Melli and Mr. Bryan's e-mails are not subject to any legal privilege with respect to the Council's right to review them in accordance with its indisputable statutory authority to investigate the operations of City government.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HOBOKEN (a majority vote of the whole number of its members concurring) as follows:

1) The Administration is directed to obtain copies of any and all e-mails transmitted to or from any City-owned e-mail address assigned to either Daniel Bryan or Juan Melli from January 1, 2010 through the present directed to the following entities and/or email addresses:

**Kurt Gardiner –Hoboken Journal <http://thehobokenjournal.blogspot.com/>**

**Roman Brice – Mile Square View** <http://www.hobokenhorse.com/>

**Nancy Pincus – Graphix Avenger** <http://grafixavenger.blogspot.com/>

**Ray Smith – Hoboken Reporter subsidiary of the Hudson Reporter**

**Caren Matzner – Hoboken Reporter subsidiary of the Hudson Reporter**

**Al Sullivan – Hoboken Reporter subsidiary of the Hudson Reporter**

**Claire Moses – Hoboken Patch** <http://hoboken.patch.com/>

**Perry Klaussen – Hoboken411** <http://www.Hoboken411.com/>

**Vishal Persaud – The Jersey Journal/Hoboken Now**

**Rob Horowitz – Rob Horowitz Associates**

**Sam Briggs**

**Blueline Campaigns**

, and deliver them to any member of the City Council so requesting on or before its next regularly scheduled meeting on June 1, 2011. These e-mails shall be provided in electronic format unless otherwise requested. No responsive e-mails whatsoever shall be withheld from the City Council pursuant to OPRA or any other purported privilege.

2) The Council, and each of its members, shall treat these e-mails as confidential and shall discuss them only either in closed executive session or in a committee meeting closed to the public. If any specific e-mails are deemed worthy of public release or discussion by determination of the majority of the Council, the Council shall consult with the Corporation Counsel's office before doing so as to resolve any possible legal concerns.

3) The Administration is directed to take immediate action to ensure that no responsive emails from are deleted or destroyed in violation of the Destruction of Public Records Act.

4) The City Clerk shall immediately deliver a certified copy of this Resolution to Business Administrator Arch Liston and Corporation Counsel Mark Tabakin in order to expedite delivery of the required information to the City Council in a timely manner.

**Council Members came out of Closed Session.**

The speakers who spoke: Donald Pellicano, Margaret O'Brien, Scott Siegel, Franz Paetzol.

~~— Adopted by the following vote: YEAS: 8 – NAYS: 0 – ABSENT 1~~

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

~~— Nays: None.~~

~~— Absent: Cunningham.~~

~~---Motion duly seconded by Councilman Occhipinti~~

~~ADOPTED by the following vote: YEAS: 5 – NAYS: 3 – ABSENT: 1~~

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

~~NAYS: Bhalla, Marsh and Mello~~

ABSENT: Cunningham

--By Council

11-1030

---By Councilwoman Mason

**RESOLUTION AMENDING “NOT TO EXCEED” AMOUNTS RELATING TO SERVICES OF MARK A. TABAKIN, ESQ. AND WEINER LESNIAK LLP SO AS TO REDUCE THE CITY’S LEGAL COSTS AND SAVE TAX DOLLARS**

**WHEREAS**, on October 6, 2010, the Council of the City of Hoboken appointed Mark A. Tabakin, Esq. as Hoboken Corporation Counsel via Resolution #10-638 for the period of October 6, 2010 through October 5, 2011, in an amount not to exceed \$103,500 for these services; and,

**WHEREAS**, also on October 6, 2010, the Council of the City of Hoboken appointed Mark A. Tabakin, Esq. and his law firm, Weiner Lesniak LLP, as Special Litigation Counsel via Resolution #10-639 for the period of October 6, 2010 through October 5, 2011, at a rate of \$150.00 per hour and in an amount not to exceed \$200,000 for these services; and,

**WHEREAS**, also on October 6, 2010, the Council of the City of Hoboken appointed Mark A. Tabakin, Esq. and his law firm, Weiner Lesniak LLP, as Special Litigation Counsel, via Resolution #10-640, at a rate of \$150.00 per hour, without competitive negotiations and in an amount not to exceed \$10,000 for these services; and,

**WHEREAS**, the Council of the City of Hoboken has become concerned with the level of representation provided by Mark A. Tabakin, Esq. and Weiner Lesniak LLP to the City of Hoboken; and,

**WHEREAS**, the Council of the City of Hoboken is further concerned about the substantial outside legal expenses incurred by the City, especially considering that its Corporation Counsel, who serves only part-time, is directly responsible for oversight of all such outside legal expenses while he and his law firm are incurring and billing the City for same via a separate contract with the City, and thus at a minimum there is a strong potential for a conflict of interest, if not abuse; and,

**WHEREAS**, the Council therefore finds it necessary and prudent to amend and reduce the “not to exceed” amounts authorized by Resolutions #10-638 and #10-639 so as to protect the taxpayers of the City of Hoboken.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the City of Hoboken hereby amends Resolution #10-638 to provide that the “not to exceed” amount shall not exceed \$70,000 for the services contemplated by that Resolution and directs that an amended contract be executed reflecting the intent and purpose of this Resolution; and,

**BE IT FURTHER RESOLVED** that the Council of the City of Hoboken hereby amends Resolution #10-639 to provide that the “not to exceed” amount shall not exceed \$125,000 for the services contemplated by that Resolution, and directs that an amended contract be executed reflecting the intent and purpose of this Resolution; and,

**BE IT FURTHER RESOLVED** that the Council of the City of Hoboken will not approve any claims submitted by Mark A. Tabakin, Esq. or Weiner Lesniak LLP in excess of the foregoing amounts, and the Mayor is therefore advised to take all necessary and prudent actions to protect the City’s interests in furtherance of this Resolution; and,



**Summary of Current Fund Section of Approved Budget  
(Sheet 3)**

1. Appropriations within "CAPS"	\$ 84,292,828	\$ 84,292,828
2. Appropriations excluded from "CAPS"		
a. Municipal Purposes (Items H-2, Sheet 28)	\$ 14,842,225	\$ 14,842,225
Total General Appropriations excluded from "CAPS" (Item O, Sheet 29)	\$98,429,496	\$ 98,429,498
4. Total General Appropriations (Item 9, Sheet 29)	\$101,929,496	\$101,929,496
5. Less: Anticipated Revenues (Other than Current Property Tax) (Item 5, Sheet 11)	\$ 47,851,254	\$ 48,811,710
6(a). Local Tax for Municipal Purposes (Item 6(a), Sheet 11)	\$ 54,078,242	\$ 48,945,128
7. Total General Revenue (Sheet 11)	\$101,929,496	\$101,929,496

**BUDGET MESSAGE**

**Cap Calculation 2010 Budget**

Total General Appropriations	\$ 99,835,721	\$ 99,835,721
Cap Base Adjustment	\$ 0	\$ 0
Subtotal:	\$ 99,835,721	\$ 99,835,721
Less Exceptions:		
Total Public & Private Programs	\$ 18,393,375	\$ 18,393,375
Total Exceptions	\$ 18,393,375	\$ 18,393,375
Amount of which "CAP" is applied:	\$ 81,442,346	\$ 81,442,346
2.0% "CAP"	\$ 1,628,847	\$ 1,628,847
New Construction Add-on		
Certification of c68, PL 1976 (Sheet 3b)	\$ 0	\$ 0
2011 Allowable Appropriations(Sheet 3b)	\$ 84,292,828	\$84,292,828
Fiscal Year In-CAP Appropriations (Sheet 3b)	\$ 72,828,750	\$ 72,828,760
Amount of In-Cap Appropriations Under CAP Limit (Sheet 3b)	\$ 11,464,078	\$11,464,078

**ANTICIPATED REVENUES:**

1. Surplus Anticipated 400,000	\$ 9,585,000	\$14,718,114
3. Miscellaneous Revenues - Section A: Local Revenues		
Licenses and Fees		
Other (Sheet 4)	\$ 22,397,727	\$22,397,727
TOTAL SECTION A: Local Revenues (Sheet 4a)	\$ 22,397,727	\$ 22,397,727
3. Miscellaneous Revenues – Section B: State Aid		
Without offsetting Appropriations - Consolidated Municipal Property Tax Relief Aid – (Sheet 5)	\$ 11,113,035	\$ 11,113,035
3. Miscellaneous Revenues - Section D: Special Revenues		
Hoboken Board of Education – Public	\$ 0	\$ 0
TOTAL SECTION D: Miscellaneous Rev.	\$ 540,000	\$ 540,000
3. Miscellaneous Revenues - Section F: Special Items		
TOTAL SECTION F: Special Items(Sheet 9a)	\$ 118,827	\$ 118,827
3. Miscellaneous Revenues - Section G: Special Items		
Total Section G: Special Items of General Revenues Anticipated with Prior Written		

Consent of Director of Local Government Services – Other Special Items (Sheet 10a)	\$ 3,019,855	\$ 3,019,855
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**GENERAL REVENUES**

Summary of Revenues (Sheet 11)

**3. Miscellaneous Revenues:**

Total Section A: Local Revenues	\$ 22,397,727	\$ 22,397,727
Total Section B: State Aid w/o Approp.	\$ 11,113,035	\$ 11,113,035
Total Section C: Ded Uniform Construct	\$ 683,500	\$ 683,500
Total Section D: Inter-local Municipal	\$ 540,000	\$ 540,000
Total Section F: Public & Private Revenues	\$ 118,827	\$ 118,827
Total Section G: Other Special Items	\$ 3,019,855	\$ 3,019,855
Total Miscellaneous Revenues	\$ 37,872,944	\$ 37,872,944

<b>5. Subtotal General Revenues:</b>	\$ 47,851,254	\$ 47,851,254
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**6. Amount to be Raised by Taxes for Support of Municipal Budget**

a. Addition to Local School Tax	\$ 0	\$ 0
Total Amount to be Raised by Taxes	\$ 54,078,242	\$ 48,945,128

<b>7. TOTAL GENERAL REVENUES:</b>	\$ 101,929,496	\$ 101,929,496
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**8. GENERAL APPROPRIATIONS:**

**(B) Contingent Mayor and City Council**

Mayor's Office

Salary & Wages	\$ 233,550	\$ 233,550
Other Expenses	\$ 10,160	\$ 10,160

City Council

Salary & Wages	\$ 219,581	\$ 219,581
Other Expenses	\$ 5,000	\$ 5,000

Office of the City Clerk

Salary & Wages	\$ 415,497	\$ 415,497
Other Expenses - General	\$ 10,200	\$ 10,200
Other Expenses – Legal Ads	\$ 30,000	\$ 30,000
Other Expenses – Codification	\$ 30,000	\$ 30,000
Salary & Wages – Elections	\$ 50,000	\$ 50,000
Other Expenses – Elections	\$ 300,000	\$ 300,000

**DEPARTMENT OF ADMINISTRATION**

Business Administrator's Office

Salary & Wages	\$ 262,500	\$ 262,500
Other Expenses	\$ 20,000	\$ 20,000

Purchasing

Salary & Wages	\$ 191,411	\$ 191,411
Other Expenses	\$ 2,000	\$ 2,000

Personnel & Health Benefits

Salary & Wages	\$ 236,340	\$ 236,340
Other Expenses	\$ 2,400	\$ 2,400

Zoning Administration

Salary & Wages	\$ 120,522	\$ 120,522
Other Expenses	\$ 3,800	\$ 3,800

Uniform Construction

Salary & Wages	\$ 755,383	\$ 755,383
Other Expenses	\$ 179,000	\$ 179,000

Corporation Counsel

Salary & Wages	\$	310,575	\$	310,575
Other Expenses – General	\$	61,100	\$	61,100
Other Expenses-Special Counsel	\$	760,000	\$	760,000
Other Expenses – Expert Witness	\$	35,000	\$	35,000
<b>Revenue and Finance Director</b>				
Salaries & Wages	\$	632,840	\$	632,840
Other Expenses	\$	150,000	\$	150,000
<b>Audit</b>				
Other Expenses	\$	92,975	\$	92,975
<b>Tax Collector</b>				
Salary & Wages	\$	230,665	\$	230,665
Other Expenses	\$	60,697	\$	60,697
<b>Information Technology</b>				
Salary & Wages	\$	133,138	\$	133,138
Other Expenses	\$	24,446	\$	24,446
<b>Municipal Court</b>				
Salary & Wages	\$	943,014	\$	943,014
Other Expenses	\$	150,155	\$	150,155
<b>Public Defender</b>				
Salary & Wages	\$	67,610	\$	67,610
Other Expenses	\$	3,500	\$	3,500
<b>Total Department of Administration (Sheet 14)</b>		\$ 5,429,069		\$ 5,429,069
<b>Office of the Tax Assessor</b>				
Salary & Wages	\$	351,693	\$	351,693
Other Expense	\$	22,110	\$	22,110
<b>Total Office of the Tax Assessor</b>	\$	373,803	\$	373,803

#### DEPARTMENT OF HUMAN SERVICES

<b>Director’s Office</b>				
Salary & Wages	\$	172,972	\$	172,972
Other Expenses	\$	2,000	\$	2,000
<b>Rent Leveling</b>				
Salary & Wages	\$	189,434	\$	189,424
Other Expenses	\$	4,476	\$	4,476
<b>Housing Inspections</b>				
Salary & Wages	\$	48,736	\$	48,736
Other Expenses	\$	1,000	\$	1,000
<b>Board of Health</b>				
Salary & Wages	\$	517,983	\$	517,983
Other Expenses	\$	176,335	\$	176,335
<b>Senior Citizens</b>				
Salary & Wages	\$	423,099	\$	423,099
Other Expenses	\$	188,900	\$	188,900
<b>Cultural Affairs</b>				
Salary & Wages	\$	73,440	\$	73,440
<b>Total Department of Human Services (Sheet 15d)</b>		\$ 2,110,702		\$ 2,110,702

#### DEPARTMENT OF ENVIRONMENTAL SERVICES

<b>Director's Office</b>		
Salary & Wages	\$ 321,912	\$ 321,912
Other Expenses	\$ 3,000	\$ 3,000
<b>Parks</b>		
Salary & Wages	\$ 536,778	\$ 536,778
Other Expenses	\$ 98,800	\$ 98,800
<b>Public Property</b>		
Salary & Wages	\$ 768,345	\$ 768,345
Other Expenses	\$ 264,500	\$ 264,500
<b>Street &amp; Roads</b>		
Salary & Wages	\$ 789,546	\$ 789,546
Other Expenses	\$ 269,500	\$ 269,500
<b>Central Garage</b>		
Salary & Wages	\$ 81,931	\$ 81,931
Other Expenses	\$ 239,000	\$ 239,000
<b>Sanitation</b>		
Salary & Wages	\$ 640,842	\$ 640,842
Other Expenses	\$ 4,225,432	\$ 4,225,432
<b>Total Environmental Services</b>	<b>\$ 8,239,588</b>	<b>\$ 8,239,588</b>
(Sheet 15e)		

**DEPARTMENT OF COMMUNITY DEVELOPMENT**

<b>Director's Office</b>		
Salaries & Wages	\$ 183,500	\$ 183,500
Other Expenses	\$ 4,000	\$ 4,000
<b>Grants Management</b>		
Salary & Wages	\$ 0	\$ 0
Other Expenses	\$ 24,500	\$ 24,500
<b>Planning Board</b>		
Salaries & Wages	\$ 151,440	\$ 151,440
Other Expenses	\$ 59,575	\$ 59,575
<b>Zoning Board of Adjustment</b>		
Other Expenses	\$ 154,125	\$ 154,125
<b>Redevelopment Planning</b>		
Other Expenses	\$ 317,000	\$ 317,000
<b>Historic Preservation Commission</b>		
Other Expenses	\$ 450	\$ 450
<b>Total Community Development (Sheet 15g)</b>	<b>\$ 894,590</b>	<b>\$ 894,590</b>

**DEPARTMENT OF PUBLIC SAFETY**

<b>Police Department</b>		
Salary & Wages	\$ 16,519,155	\$ 16,519,155
Other Expenses	\$ 300,750	\$ 300,750
<b>Acquisition of Vehicles</b>	<b>\$ 60,000</b>	<b>\$ 60,000</b>
<b>Fire Department</b>		
Salary & Wages	\$ 10,652,822	\$ 10,652,822
Other Expenses	\$ 170,075	\$ 170,075
<b>Office of Emergency Management</b>		
Salary & Wages	\$ 115,876	\$ 115,876
Other Expenses	\$ 10,000	\$ 10,000
<b>Total Public Safety</b>	<b>\$ 27,828,678</b>	<b>\$ 27,828,678</b>
<b>Insurance (N.J.S.A. 40A:4-45.3)</b>		
General Liability	\$ 1,950,000	\$ 1,950,000

Workers Compensation	\$ 900,000	\$ 900,000
Employee Group Health	\$ 16,745,980	\$
		16,745,980
<b>Total Insurance (N.J.S.A. 40A:4-45.3)</b>	<b>\$ 19,595,980</b>	<b>\$ 19,595,980</b>
<b>UNCLASSIFIED</b>		
Alcoholic Beverage Control Board		
Salaries & Wages	\$ 4,154	\$ 4,154
Other Expenses	\$ 1,500	\$ 1,500
Volunteer Ambulance (N.J.S.A 40-5-2)	\$ 40,000	\$ 40,000
North Hudson Regional Council	\$ 56,700	\$ 56,700
Settlement of Claims against City	\$ 10,000	\$ 10,000
Towing/Storage Abandoned Vehicles	\$ 7,600	\$ 7,600
NJ Right to Know/Safety Officer	\$ 0	\$ 0
Engineering	\$ 75,000	\$ 75,000
Labor Arbitrations	\$ 150,000	\$ 150,000
Municipal Dues & Membership	\$ 3,500	\$ 3,500
Celebration of Public Events	\$ 15,000	\$ 15,000
Postage	\$ 130,000	\$ 130,000
Copier/Printers	\$ 55,000	\$ 55,000
Stationary & Office Supplies	\$ 69,000	\$ 69,000
Electricity	\$ 580,000	\$ 580,000
Street Lighting	\$ 725,000	\$ 725,000
Gasoline	\$ 300,000	\$ 300,000
Fuel Oil (Heating)	\$ 35,000	\$ 35,000
Water & Sewerage	\$ 195,000	\$ 195,000
Communications	\$ 300,000	\$ 300,000
Telecommunications	\$ 0	\$ 0
Salary Adjustments	\$ 3,000,000	\$ 3,000,000
Anticipated Terminal Leave	\$ 1,300,000	\$ 1,300,000
<b>Total Unclassified</b>	<b>\$ 7,052,354</b>	<b>\$ 7,052,354</b>
<b>Total Operations (Items 8(a) Within "CAPS")</b>	<b>\$72,828,750</b>	<b>\$72,828,750</b>
(Sheet 17)		
(B) Contingent	\$ 0	\$ 0
<b>Total Operations Including Contingent</b>	<b>\$72,828,750</b>	<b>\$72,828,750</b>
Detail: Salaries & Wages	\$37,645,609	\$37,645,609
Other Expenses (Incl. Contingent)	\$35,183,141	\$35,183,141
<b>8. GENERAL APPROPRIATIONS</b>		
<b>(E) Deferred Charges &amp; Statutory Expenditures</b>		
Within "CAPS" (Sheet 18)		
Over expenditure of Appropriations	\$ 0	\$ 0
Overexpenditure of Appropriation Reserve (2010	\$ 0	\$ 0
\$Deficit in Operations	\$ 0	\$ 0
Over expenditure of Improvement Appro	\$ 0	\$ 0
Over expenditure of Grants	\$ 23,709	\$23,709
Over expenditure of Grant Res.-COPS T	\$ 0	\$ 0
<b>Subtotal – Deferred Charges (Sheet 18)</b>	<b>\$ 23,709</b>	<b>\$23,709</b>
<b>2. Statutory Expenditures: (Sheet 19)</b>		
Social Security System (O.A.S.I.)	\$1,856,140	\$1,856,140
Consolidated Police & Fire	\$ 34,000	\$ 34,000
Unemployment Compensation	\$ 250,000	\$ 250,000
Police & Fire retirement	\$7,200,973	\$ 7,200,973
Public Employee Retirement	\$1,393,699	\$ 1,393,699

<b>Subtotal Statutory Expenditures</b>	<b>\$10,734,812</b>	<b>\$10,734,812</b>
<b>Total Deferred Charges &amp; Statutory Expenditures - Municipal within CAPS</b>	<b>\$10,758,521</b>	<b>\$10,758,521</b>
<b>(H-1) Total General Appropriations Within CAPS</b>	<b>\$ 83,587,271</b>	<b>\$83,587,271</b>
<b>(A) Operations - Excluded from "CAPS"</b>		
<b>Maintenance of Public Library (PL 1985, c.82)</b>		
<b>Other Expenses</b>	<b>\$ 3,414,730</b>	<b>\$ 3,414,730</b>
<b>Insurance</b>		
<b>Employee Group Health</b>	<b>\$ 308,267</b>	<b>\$ 308,267</b>
<b>Reserve for Tax Appeals</b>	<b>\$ 1,500,000</b>	<b>\$ 1,500,000</b>
<b>Total Other Operations Excluded from "CAP" (Sheet 20)</b>	<b>\$ 5,222,997</b>	<b>\$ 5,222,997</b>
<b>(A) Operations - Excluded from "CAPS" (Sheet 22)</b>		
<b>Hoboken Board of Education</b>		
<b>Police Salary &amp; Wages</b>	<b>\$ 0</b>	<b>\$ 0</b>
<b>Total Inter-local Service Agreements</b>	<b>\$ 540,000</b>	<b>\$540,000</b>
<b>Additional Approp Offset By revenue</b>		
<b>Matching Funds for Grants</b>	<b>\$ 40,000</b>	<b>\$ 40,000</b>
<b>FEMA Fire Equipment Grant</b>	<b>\$ 118,827</b>	<b>\$118,827</b>
<b>City Match</b>	<b>\$ 13,203</b>	<b>\$ 13,203</b>
<b>Total Public &amp; Private Programs offset by Revenues (Sheet 25)</b>		<b>\$</b>
<b>172,030</b>	<b>\$ 172,030</b>	
<b>Total Operations - Excluded "CAPS"</b>	<b>\$ 5,935,027</b>	<b>\$5,935,027</b>
<b>Detail: (Sheet 25 &amp; 26)</b>		
<b>Salaries &amp; Wages</b>	<b>\$ 540,000</b>	<b>\$ 540,000</b>
<b>Other Expenses</b>	<b>\$ 5,395,027</b>	<b>\$5,395,027</b>
<b>(C) Capital Improvements</b>	<b>\$ 250,000</b>	<b>\$ 250,000</b>
<b>(D) Municipal Debt Service Excluded from "CAPS"</b>		
<b>Interest on Notes (Sheet 27)</b>	<b>\$ 0</b>	<b>\$ 0</b>
<b>Underground Storage Tank Loan</b>	<b>\$ 0</b>	<b>\$ 0</b>
<b>Total Deferred Debt Service (Ex "CAPS" (Sheet 27))</b>	<b>\$ 8,302,805</b>	<b>\$8,302,805</b>
<b>(E) (1) Deferred Charges – 5 yr Master Plan</b>	<b>\$ 0</b>	<b>\$ 0</b>
<b>(F) Judgments</b>	<b>\$ 400,000</b>	<b>\$ 400,000</b>
<b>(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS" (Sheet 28)</b>	<b>\$ 14,842,225</b>	<b>\$14,842,225</b>
<b>(O) Total General Appropriations - Excluded from "CAPS" (Sheet 29)</b>	<b>\$ 14,842,225</b>	<b>\$14,842,225</b>
<b>(L) Subtotal General Appropriations (Items (H-1) and (O))</b>	<b>\$ 98,429,496</b>	<b>\$98,429,496</b>

<b>9. TOTAL GENERAL APPROPRIATIONS</b> (Sheet 29)	<b>\$101,929,496</b>	<b>\$101,929,496</b>
<b>(H-1) Total General Appropriations for Municipal Purposes within (CAPS)</b> (Sheet 30)	<b>\$ 72,828,750</b>	<b>\$ 72,828,750</b>
<b>(A) Other Operations (Sheet 30)</b>	<b>\$ 5,222,997</b>	<b>\$ 5,222,997</b>
<b>Total Operations - Excluded from "CAPS" (Sheet 30)</b>	<b>\$ 5,935,027</b>	<b>\$ 5,935,027</b>
<b>TOTAL GENERAL APPROPRIATIONS</b> (Sheet 30)	<b>\$100,929,496</b>	<b>\$100,929,496</b>
<b>PARKING UTILITY (Sheet 34)</b>		
<b>10. Dedicated Revenues From Parking Utility</b>		
Operating Surplus	\$ 0	\$ 114,500
Total Surplus Anticipated	\$ 0	\$ 114,500
Parking Fees – Continuing Operations	\$ 7,744,000	\$ 7,450,000
Parking Fees – Midtown Garage	\$ 1,985,000	\$ 1,925,000
Parking Fees – 916 Garden	\$ 700,000	\$ 680,000
Permits	\$ 495,000	\$ 470,000
Coupons	\$ 350,000	\$ 145,000
Miscellaneous	\$ 5,000	\$ 3,000
Interest on Investments	\$ 60,000	\$ 59,000
<b>11. Appropriations Parking Utility (Sheet 35)</b>		
Operating:		
Salaries & Wages	\$1,370,970	\$ 1,446,790
Other Expenses	\$2,773,641	\$ 2,372,864
Expenditure without Approp.	\$ 100,709	\$ 345,611
Interest on Notes	\$ 125,100	\$ 211,200
Payment of Note Principal	\$ 0	\$ 105,000
Surplus (General Budget)	\$ 4,087,044	\$ 3,483,399
<b>TOTAL PARKING UTILITY APPROP.</b>	<b>\$11,339,000</b>	<b>\$10,846,500</b>

**BE IT FURTHER RESOLVED**, that three (3) certified copies of this resolution be filed with the Office of the Director of Local Government Services for certification of the local municipal budget so amended.

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the governing body on the 1st day of June 2011.

---Motion duly seconded by Councilwoman Mason

---Adopted by the following vote: YEAS: 6 - NAYS: 3 - ABSENT -

---Yeas: Council persons, Castellano, Cunningham (voted on consent agenda) Giacchi, , Occhipinti, Russo and President Mason.

---Nays: Bhalla, Marsh, Mello.

---Absent:

**11-1032**

---By Councilman Giacchi

**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 \$ 22,249.72

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Chase Refund Dept c/o Corelogic 1 Core Logic Drive Westlake, Tx 76262	17/6/C000B	61 Madison St	4/10	\$4,648.17
Corelogic Att: Recoveries Dept P O Box 961230 Ft. Worth, Tx 76161-0230	26/1/C05-B	662-666 First St	4/10	\$ 4,484.03
David, Marissa 650 Second St Apt 3C Hoboken, NJ 07030	26/30/C002C	108-112 Jackson St	4/10	\$ 377.12
Corelogic Att: Recoveries Dept P O Box 961230 Ft. Worth, Tx 76161-0230	68/6/C040	511-515 Madison St	4/10	\$ 4,460.30
Corelogic Att: Recoveries Dept P O Box 961230 Ft. Worth, Tx 76161-0230	68/6/C0P-8	511/515 Madison St	4/10	\$ 303.68
Venus,John 626 Jefferson St #B2 Hoboken, NJ 07030	76/11.1/C12-B	526 Jefferson St	4/10	\$ 156.84
Total Mortgage Solutions 1555 Walnut Hill Lane Suite 200A Irving, Tx 75038	86/1/C0712	800 Jackson St	2/11	\$ 2,935.23 Abatement
Valley National Bank 1720 Route 23 North Wayne, NJ 07470	149/1/C0E2E	400-414 Ninth St	2/11	\$ 2,247.94
Columbia Bank Att: Rose Mary Belen 19-01 Route 208 North Fair Lawn, NJ 07410	255/1/C0405	1425 Garden Street	4/10	\$ 2,536.41

---Motion duly seconded by Councilman Russo

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

---Yeas: Council persons Bhalla, Castellano, Cunningham (voted on consent agenda) Giacchi, Marsh, Mello, Occhipinti, Russo and President Mason.

---Nays: None.  
---ABSENT: None

**11-1033**  
---Councilman Giacchi

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

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

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

**NOW THEREFORE BE IT RESOLVED**, that a warrant be drawn on the City Treasurer made payable to the following totaling **\$ 121,581.60**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
McCarter & English Four Gateway Center 100 Mulberry Street Newark, NJ 07102	115/1	1300-1324 Clinton St	2009	\$ 64,641.60
McCarter & English Four Gateway Center 100 Mulberry Street Newark, NJ 07102	115/1	1300-1324 Clinton St	2010	\$ 56,940.00

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

**11-1034**  
---By Councilman Giacchi

**RESOLUTION AUTHORIZING THE REFUND OF HUDSON COUNTY  
TAX COURT JUDGEMENTS 2010 TAX APPEALS**

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

**WHEREAS**, Sharon Curran, Collector of Revenue recommends that the refunds be made;  
now, therefore, be it-

**RESOLVED**, that a warrant be drawn on the City Treasurer made payable to the appearing  
on the attached list totaling **\$3,240.84**

**REFUNDS ON THE FOLLOWING TAX APPEALS ARE TO BE MADE PAYABLE TO:**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>AMOUNT</u>
C asey, Austin	40/31/C0005	452-454 Second St	\$ 3,240.84

---Motion duly seconded by Councilman Russo

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

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

---Nays: None.

---ABSENT: None

**11-1035**

---By Councilman Giacchi

**REFUND ERRONEOUS PAYMENT CITY OWNED PROPERTY**

RESOLVED, by the Council of the City of Hoboken;

WHEREAS, on May 6, 2011 the City of Hoboken acquired Lot 1, Block 269.4, known as 1501 Park Avenue and,

Whereas, this property is city owned and tax exempt as of May 6, 2011.

RESOLVED, that the 2<sup>nd</sup> Quarter 2011 prorated amount of \$2,220.48 be cancelled from the Extended Tax Duplicate.

RESOLVED, the previous owner paid 2<sup>nd</sup> quarter 2011 taxes in full and is due a prorated refund in the amount of \$2,220.48 to Toll Brothers

250 Gibraltar Road  
Horsham, PA 19044

---Motion duly seconded by Councilman Russo

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

---Yeas: Council persons Bhalla, Castellano, Cunningham (voted on consent agenda) Giacchi, Marsh, Mello, Occhipinti, Russo and President Mason.

---Nays: None.

---ABSENT: None

**11-1036**

---By Councilman Russo

**RESOLUTION TO APPROVE THE MINUTES FOR CITY COUNCIL MEETING.**

RESOLVED, that filed minutes for the Hoboken City Council regular meetings of March 2, 2011 and Special Meeting of March 23, 2011 have been reviewed and approved as to legal form and content.

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

---Yeas: Council persons Bhalla, Castellano, Cunningham (voted on Consent Agenda) Giacchi, Marsh, Mello, Occhipinti, Russo and President Mason.

---Nays: Mason.

---ABSENT: None

## ORDINANCES

### Introduction and First Reading

11-1037

Z-111

#### **AN ORDINANCE REDUCING THE SALARY OF THE MAYOR OF HOBOKEN**

WHEREAS, pursuant to the Faulkner Act, specifically, N.J.S.A. 40:69A-180(c), the compensation of the Mayor is to be established by Ordinance; and,

WHEREAS, the Council has previously adopted a salary ordinance setting forth the compensation for the Mayor, which is presently \$116,950.00; and,

WHEREAS, the Council has the authority to amend the compensation for the Mayor at any time it sees fit; and,

WHEREAS, the Council recognizes that there has been a significant tax burden placed on the citizens of Hoboken in recent years and believes that the compensation of the Mayor should reflect the governing body's commitment to fiscal austerity, especially since the Mayor's currently salary is one of the highest in Hudson County, if not the highest.

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

#### Section One:

The salary of the Mayor of the City of Hoboken, which is presently \$116,950.00 per year, shall be reduced to \$100,000 per year immediately upon the effective date of this Ordinance. All other benefits to which the Mayor is entitled 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 effect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

#### Section Four: Effective Date

This Ordinance shall take effect 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 **June 15, 2011** at 7:00 PM.

---Motion duly seconded by Councilman Occhipinti

---Adopted by the following vote: YEAS: 5 - NAYS: 3 – ABSENT -1

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

---Nays: Bhalla, Marsh Mello.

---Absent: Cunningham.

## **11-1038**

### **Z-112**

#### **AN ORDINANCE REDUCING THE SALARIES OF DEPARTMENT HEADS**

WHEREAS, pursuant to the Faulkner Act, specifically, N.J.S.A. 40:69A-180(c), the compensation of all Department Heads is to be established by Ordinance; and,

WHEREAS, the City's Department Heads are the Business Administrator, Director of Public Safety, Director of Human Services, Director of Environmental Services, Director of Community Development, and Director of Transportation and Parking; and,

WHEREAS, the Council has previously adopted a salary ordinance setting forth the compensation for Department Heads; and,

WHEREAS, the Council has the authority to amend the compensation for Department Heads at any time it sees fit; and,

WHEREAS, the Council recognizes that there has been a significant tax burden on the citizens of Hoboken in recent years and believes that the compensation of Department Heads should reflect the governing body's commitment to fiscal austerity, while still retaining fair and competitive salaries to attract high-level employees.

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

#### Section One:

The base annual salary of all Department Heads, which is currently as follows:

Director of Transportation and Parking: \$103,500.00

Director of Environmental Services: \$103,500.00

Director of Human Services: \$103,500.00

Director of Community Development: \$103,500.00

Director of Public Safety: \$27,500.00

Business Administrator: \$150,000.00

shall be reduced by the amount set forth herein immediately upon the effective date of this Ordinance. The new annual salaries shall be as follows:

- Director of Transportation and Parking: \$70,000.00 - \$90,000.00
- Director of Environmental Services: \$70,000.00 - \$90,000.00
- Director of Human Services \$70,000.00 - \$90,000.00
- Director of Community Development \$70,000.00 - \$90,000.00
- Business Administrator: \$80,000.00 - \$100,000.00

All other existing benefits shall be 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 effect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section Four: Effective Date**

This Ordinance shall take effect 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 **June 15, 2011** at 7:00 PM.

---Motion duly seconded by Councilman Occhipinti

---Adopted by the following vote: YEAS: 5 - NAYS: 3 – ABSENT -1

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

---Nays: Bhalla, Marsh Mello.

---Absent: Cunningham.

**FAILED FIRST READING NO NUMBER GIVEN**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTERS 20A, 20B, AND 20C OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN TO ADD A “DEFINITIONS” SECTION TO EACH**

**WHEREAS**, the City Council has adopted Chapter 20A which creates regulations relating to Pay to Play for Professional Service Contracts;

**WHEREAS**, the City Council has adopted Chapter 20B which creates municipal regulations relating to contributions by vendors of the City of Hoboken;

**WHEREAS**, the City Council has adopted Chapter 20C which creates regulations relating to Pay to Play for Redevelopment Agreements entered into with the City of Hoboken; and,

**WHEREAS**, the City Council seeks to amend Chapters 20A, 20B, and 20C to provide for definitions to the terms used within the aforementioned Chapters, to clarify the obligations of enforcement and compliance with each section.

**NOW, THEREFORE, BE IT ORDAINED** by the Hoboken City Council, County of Hudson, in the State of New Jersey as follows (deletions noted by ~~strikethrough~~, additions noted by underline):

**SECTION ONE: CHAPTER 20A ADDITIONS**

**§ 20A-11.1 Preamble.**

Large political contributions from those seeking or performing contracts with a municipality raise reasonable concerns on the part of taxpayers and residents as to their trust in government and its business practices.

Pursuant to N.J.S.A. 40:48-2, a municipality is authorized to adopt such ordinances, regulations, rules and bylaws as necessary and proper for good government, as well as the public health, safety and welfare.

Pursuant to P.L. 2005, c.271 (codified at N.J.S.A. 40A:11-51) a municipality is authorized to adopt by ordinance, measures limiting the awarding of public contracts to business entities that have made political contributions, and limiting the contributions that the recipient of such a contract can make during the term of a contract.

In the interest of good government, the people and the government of the City of Hoboken desire to establish a policy that will avoid the perception of improper influence in public contracting and local elections.

It shall be the policy of the City of Hoboken to create such a regulation which states that a business entity which makes political contributions to municipal candidates and municipal and county political parties in excess of certain thresholds shall be limited in its ability to receive public contracts from the City of Hoboken.

**§ 20A-11.2 Definitions.**

Whenever a term used in this section is not herein defined, the definition found in the “New Jersey Campaign Contributions and Expenditures Report Act,” N.J.S.A. 19:44A-1 et seq., or the definitions found in the regulations promulgated thereunder, known as “Regulations of the New Jersey Election Law Enforcement Commission,” N.J.A.C. 19:25-1.1 et seq. shall govern, for purposes of this Chapter 20A.

**SECTION TWO: CHAPTER 20B ADDITIONS**

**§ 20B-3. Definitions.**

Whenever a term used in this section is not herein defined, the definition found in the “New Jersey Campaign Contributions and Expenditures Report Act,” N.J.S.A. 19:44A-1 et seq., or the definitions found in the regulations promulgated thereunder, known as “Regulations of the New Jersey Election Law Enforcement Commission,” N.J.A.C. 19:25-1.1 et seq. shall govern, for purposes of this Chapter 20B.

APPLICATION CHECKLIST — The list of submission requirements adopted by ordinance and provided by municipal agencies to a developer pursuant to N.J.S.A. 40:55D-10.3.

CONTRIBUTION — Every loan, gift, subscription, advance or transfer of money or other thing of value, including any item of real property or personal property, tangible or intangible (but not including services provided without compensation by individuals volunteering a part or all of their time on behalf of a candidate, committee or organization), made to or on behalf of any candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee and any pledge, promise or other commitment or assumption of liability to make such transfer. For purposes of reports required under the provisions of the chapter, any such commitment or assumption shall be deemed to have been a contribution upon the date when such commitment is made or liability assumed.

CONTRIBUTION DISCLOSURE STATEMENT — A list specifying the amount, date, and the recipient of any and all contributions made to or on behalf of any candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee of, or pertaining to, the City of Hoboken, made prior to filling the application with or seeking approval from the City, and required to be reported pursuant to N.J.S.A. 19:44A-1, et seq. The disclosure shall include all such contributions made during the time period measuring from one (1) year prior to the last municipal election through the time of filing the application with or seeking approval from the City. There shall be a continuing disclosure responsibility to require continuing disclosure of any such contributions made following the filing of the "Contribution Disclosure Statement" and during the pendency of the application and/or approval process.

DEVELOPER — A developer as defined by N.J.S.A. 40:55D-4, i.e. the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land. The term "developer" includes any applicant or entity that wishes to undertake redevelopment activity within the City of Hoboken pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

MUNICIPAL AGENCIES — The Municipal Planning Board, the Municipal Zoning Board of Adjustment, and the Municipal governing body acting as the Redevelopment Agency pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

PROFESSIONAL — Any person or entity whose principals are required to be licensed by New Jersey Law and who supplies legal representation, expert testimony or written reports in support of an application. Professionals shall include both any individuals supplying the representation, testimonies or reports and the firms or entities in which said individuals practice.

### **SECTION THREE: CHAPTER 20C ADDITIONS**

#### **§ 20C-1.1 Preamble.**

It has become more frequent for developers, sometimes at the request of candidates for local elected office or political party officials, to make substantial political contributions to the election campaigns for local government offices, and to the political parties which support them.

The local government officials are, once elected, responsible for deciding the terms of a redevelopment agreement.

Political contributions from developers entering into agreements for redevelopment projects approved by the elected officials who receive such contributions raise reasonable concerns on the part of taxpayers and residents as to their trust in the process of local redevelopment, including but not limited to redevelopment decisions on tax abatements, zoning densities, publicly funded infrastructure improvements, and acquisition of property rights pursuant to eminent domain.

The Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. provides a mechanism to empower and assist local governments in efforts to promote programs for redevelopment.

N.J.S.A. 40A:12A-8 allows municipalities or a designated redevelopment entity to enter into agreements with redevelopers for planning, replanning, construction or undertaking of any project or redevelopment work without public bidding and at such prices and upon such terms as it deems reasonable within areas designated for redevelopment.

N.J.S.A. 40A:12A-11 provides that redevelopment entities are instrumentalities of the municipality.

Both the exceptions to the Open Public Meetings Act, more specifically N.J.S.A. 10:4-12b and N.J.S.A. 40A:12A-8, provide that negotiations for such agreements can be conducted in executive session, provided the full terms of any such agreements are discussed and approved in open session.

The City of Hoboken has previously or may declare certain areas of Hoboken to be Areas in Need of Redevelopment under the Local Redevelopment and Housing Law, and has or may adopt a Redevelopment Plan.

Given the potential of negotiating with private parties or redevelopers and the entering into agreements with such redevelopers without a formal public bidding process, as permitted by the Local Redevelopment and Housing Law, it is necessary to establish certain limitations on political contributions which may undermine public confidence in any redevelopment effort.

The restriction against local political contributions contained herein does not impair in any way the remaining opportunities for such redevelopers to speak, write and publish their sentiments about local elections and candidates or to volunteer or associate with campaigns of their own choosing.

The Policy of the City of Hoboken will be to create such a regulation which states that any entity or individual seeking to enter into a redevelopment agreement or amendment thereto, or is otherwise seeking to obtain rights to develop pursuant to a redevelopment agreement who makes political contributions to Hoboken City elected officials and local and county political committees, will be ineligible to receive such agreements, or rights from the City of Hoboken.

**§ 20C-1.2 Definitions.**

Whenever a term used in this section is not herein defined, the definition found in the “New Jersey Campaign Contributions and Expenditures Report Act,” N.J.S.A. 19:44A-1 et seq., or the definitions found in the regulations promulgated thereunder, known as “Regulations of the New Jersey Election Law Enforcement Commission,” N.J.A.C. 19:25-1.1 et seq. shall govern, for purposes of this Chapter 20C.

**SECTION FOUR: 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 FIVE: 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 SIX: EFFECTIVE DATE**

This Ordinance shall take effect upon passage and publication as provided by law.

**SECTION SEVEN: 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.

Proper signs shall be erected in accordance with the current "Manual on Traffic Control Devices." The City Clerk shall immediately forward a certified copy of this Ordinance to the New Jersey Department of Transportation.

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 **June 15, 2011** at 7:00 PM.

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

**11-1039**

---By Administration

**CITY COUNCIL REORGANIZATION MEETING SCHEDULED FOR JULY 1, 2011**

The July 1, 2011 date will be for the Hoboken City Council Reorganization Meeting.

All information pertaining to the Council agenda may be obtained from the City Clerk, during regular business hours, prior to each Council meeting and also, on the City's website - <http://www.hobokennj.org> by order of the City Council resolution adopted June 1, 2011.

---Adopted by the following vote: YEAS: 8 - NAYS: 0 - ABSENT – 1  
---Yeas: Council persons Bhalla, Castellano, Giacchi, Marsh, Mello, Occhipinti, Russo and President Mason.  
---Nays: None.  
---ABSENT: Cunningham

**PUBLIC PORTION**

All regular business concluded the following members of the public spoke at the Public Portion" of the meeting: Roman Brice, Dominick Russo, Patricia Waiters, Margaret O'Brien, Scott Siegel, Rosaleen Deacurz, Alice Crozier.

At 11:52 PM the Governing Body on a motion by the Governing Body; duly seconded by the Council  
President Mason then adjourned the meeting at 11:52 PM.

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PRESIDENT OF THE COUNCIL

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CITY CLERK