

THE COUNCIL OF THE CITY OF HOBOKEN

MINUTES FOR MEETING OF DECEMBER 7, 2011

President Bhalla opened the meeting at 7:03 P.M. and stated, "I would like to advise all those present that notice of this meeting has been provided to the public in accordance with the provisions of the Open Public Meeting Act, and that notice published in the Jersey Journal, City website, copies were provided in the Hoboken Reporter, The Record, The Newark Star-Ledger and also placed on the bulletin board in the lobby of City Hall.

The Council President then called for the Salute to the Flag.

The Clerk then called the roll:

PRESENT: Council persons Castellano, Cunningham, Giattino, Marsh, Mason, Mello, Occhipinti, Russo and President Bhalla

Council President announces that two items will be pulled, Ordinance #3 for Second Reading needs to be further reviewed

AN ORDINANCE TO DELETE CERTAIN SECTIONS OF THE HOBOKEN CITY CODE DUE TO UNCONSTITUTIONALITY, PREEMPTION, REPEAL BY CASE LAW, AND/OR REPEAL BY INCONSISTENCY) (Z-144)
(sponsored by Councilman Cunningham and Councilman Mello

The second item is Ordinance #2 for first reading will be pulled also.

AN ORDINANCE ACCEPTING A DEED RESTRICTION IN FAVOR OF THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY FOR A PORTION OF BLOCK 267 LOT 1 (PULLED BY SPONSOR)

Corporation Counsel comments that the ordinance needs more description

The Governing Body will be entering into Closed/Executive Session and the public must leave the room.

City Clerk reads the Closed Session resolution to go into Closed Session

Corporation Counsel comments that action will be taken after Closed Session, hopefully take 15-20 minutes

CLOSED SESSION

RESOLUTION AUTHORIZING CLOSED SESSION, PURSUANT TO N.J.S.A. 10:4-12(7) AND ATTORNEY CLIENT PRIVILEGE TO DISCUSS PENDING LITIGATION, SPECIFICALLY MATTERS REGARDING RENT CONTROL, AND WILLOWVIEW V. CITY OF HOBOKEN

WHEREAS, the Council of the City of Hoboken is authorized to go into closed executive session for the reasons set forth in the Open Public Meetings Act, including the discussion of matters relating to pending litigation pursuant to N.J.S.A. 10:4-12(7) and to protect matters that fall within attorney-client privilege; and,

WHEREAS, the City Council has been called upon to make decisions regarding the City's position in pending litigation specifically matters regarding rent control, and Willowview v. City of Hoboken, and wishes to obtain legal advice and counseling thereto pursuant to N.J.S.A. 10:4-12(7); and,

WHEREAS, the Council, therefore, has determined that it is necessary to go into closed executive session for the foregoing purpose.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken that it enter into closed session for said purpose; and,

BE IT FURTHER RESOLVED, formal action may be taken in an open public session subsequent to the closed session; and,

BE IT FURTHER RESOLVED that when the need for confidentiality no longer exists the decisions made therein will be made available to the public.

Council President motions to go into Closed Session

---Motion duly seconded by Councilwoman Marsh

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

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

---Nays: None.

At 7:10 P.M. The Governing Body entered into a closed session.

At 8:15 PM City Council came out of Closed Session motioned by Councilman Russo and seconded by the Governing Body

Council President comments and will vote on the resolution which was discussed in Closed Session. Corporation Counsel comments and gives an overview

11-241A

---By President Bhalla

RESOLUTION AUTHORIZING CLOSED SESSION PURSUANT TO N.J.S.A. 10:4-12(7) AND ATTORNEY-CLIENT PRIVILEGE TO DISCUSS PENDING LITIGATION, SPECIFICALLY MATTERS REGARDING RENT CONTROL, AND WILLOW VIEW V. CITY OF HOBOKEN
WHEREAS, the Council of the City of Hoboken is authorized to go into Closed Execution Session for the reasons set forth in the Open Public Meetings Act, including the discussion of matters relating to pending litigation pursuant to N.J.S.A. 10:4-12(7) and to protect matters that fall within attorney-client privilege; and ,

WHEREAS, the City Council has been called upon to make decisions regarding the City's position in pending litigation specifically matters regarding rent control, and Willow view v. City of Hoboken, and wishes to obtain legal advice and counseling thereto pursuant to N.J.S.A. 10:4-12(7); and

WHEREAS, the Council therefore, has determined that it is necessary to go into closed executive session for the foregoing purpose.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken that it enter into closed session for said purpose; and,

BE IT FURTHER RESOLVED, formal action may be taken in an open public session subsequent to the closed session;

BE IT FURTHER RESOLVED that when the need for confidentiality no longer exists the decisions made therein will be made available to the public.

---Motion duly seconded by Councilwoman Marsh

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

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

---Nays: None.

11-241B

---By President Bhalla

RESOLUTION OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT AND STIPULATION OF DISMISSAL WITH PREJUDICE AND ANY RELATED DOCUMENTS IN THE MATTER OF WILLOW VIEW URBAN RENEWAL ASSOCIATES I, L.P., ET AL., V. THE CITY OF HOBOKEN, DOCKET NO. HUD-5067-10 AND APPROVING THE EXTENSION OF PILOT AGREEMENTS

WHEREAS, an action was filed in the Superior Court of New Jersey, Law Division, County of Hudson, captioned *Willow View Urban Renewal Associates I, L.P., et al., v. The City of Hoboken*, Docket No. HUD-5067-10, based upon claims of overpayment of Payment In Lieu of Taxes to the City of Hoboken (“City”) and the method of calculating the same (hereinafter, the “**Litigation**”); and

WHEREAS, Plaintiffs Willow View Urban Renewal Associates I, L.P., Washington Estates Urban Renewal Associates, L.P., Bloomfield Manor Urban Renewal Associates, L.P., Midway Urban Renewal Associates, L.P., Hudson Estates Urban Renewal Associates, L.P., Northvale I Urban Renewal Associates, L.P., and Northvale II Urban Renewal Associates, L.P. (collectively “**Plaintiffs**”), have operated and continue to operate as housing associations sponsoring low income housing at various properties throughout the City in accordance with the Limited Dividend Housing Corporation Law, *N.J.S.A. 55:16-1 et seq.*, (the “**LTTE**”); (repealed) and as urban renewal entities under the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1 et seq.* and in accordance therewith, executed agreements with the City (the “**PILOT Agreements**”); and

WHEREAS, *N.J.S.A. 55:16-18* provides, among other things, that “any exemption from taxation made pursuant to the provisions of this section shall not extend for a period of more than 50 years...”; and

WHEREAS, pursuant to the PILOT Agreements, Plaintiffs are to annually submit to the City an auditor's report (“**Auditor's Report**”), setting forth the actual income and operating expenses for each of the

properties operated by individual Plaintiffs, and the annual service charge due to the City (“**PILOT Payment**”), showing the calculation based on the annual gross shelter rents; and

WHEREAS, the Parties disagreed over the method of calculation of the PILOT Payments, specifically whether federal subsidy should be included in the annual gross shelter rents, thereby resulting in the Litigation; and

WHEREAS, on or about August 2, 1972, Plaintiff Willow View Urban Renewal Association I entered into an In Lieu of Tax Payment Agreement with the City pursuant to *N.J.S.A. 55:16-18* which provides that the Property designated as Block 174, Lot 2 on the tax maps of the City will be exempt from real estate taxation provided an annual service charge for municipal services is instead paid to the City; and

WHEREAS, Plaintiff Willow View Urban Renewal Associates I, L.P., and the City desire to enter into a settlement agreement for the purpose of resolving their differences and settling the Litigation on the terms and conditions described in the settlement agreement substantially in the form attached hereto as **Exhibit A** (the “**Willow View Settlement Agreement**”), conditioned in part on the extension of the relevant PILOT Agreement to August 2, 2022 (the “Willow View PILOT Extension”), recognizing that the claims asserted by the parties in the Litigation are of a complex nature and uncertain outcome; and

WHEREAS, on or about August 2, 1972, Plaintiff Washington Estates Urban Renewal Associates, L.P. entered into an In Lieu of Tax Payment Agreement with the City pursuant to *N.J.S.A. 55:16-18*, which provides that the Property designated as Block 244, Lot 4.1 on the tax maps of the City will be exempt from real estate taxation provided an annual service charge for municipal services is instead paid to the City; and

WHEREAS, Plaintiff Washington Estates Urban Renewal Associates, L.P., and the City desire to enter into a settlement agreement for the purpose of resolving their differences and settling the Litigation on the terms and conditions described in the settlement agreement substantially in the form attached hereto as **Exhibit B** (the “**Washington Estates Settlement Agreement**”), conditioned in part on the extension of the relevant PILOT Agreement to August 2, 2022, recognizing that the claims asserted by the parties in the Litigation are of a complex nature and uncertain outcome; and

WHEREAS, on or about August 2, 1972, Plaintiff Bloomfield Manor Urban Renewal Associates, L.P. entered into an In Lieu of Tax Payment Agreement with the City pursuant to *N.J.S.A. 55:16-18*, which provides that the Property designated as Block 248, Lot 1 on the tax maps of the City will be exempt from real estate taxation provided an annual service charge for municipal services is instead paid to the City; and

WHEREAS, Plaintiff Bloomfield Manor Urban Renewal Associates, L.P., and the City desire to enter into a settlement agreement for the purpose of resolving their differences and settling the Litigation on the terms and conditions described in the settlement agreement substantially in the form attached hereto as **Exhibit C** (the “**Bloomfield Manor Settlement Agreement**”), conditioned in part on the extension of the relevant PILOT Agreement to August 2, 2022, recognizing that the claims asserted by the parties in the Litigation are of a complex nature and uncertain outcome; and

WHEREAS, on or about February 18, 1974, Plaintiff Midway Urban Renewal Associates, L.P. entered into an In Lieu of Tax Payment Agreement with the City pursuant to *N.J.S.A. 55:16-18*, which provides that the Property designated as Block 69, Lot 1 on the tax maps of the City will be exempt from real estate taxation provided an annual service charge for municipal services is instead paid to the City; and

WHEREAS, Plaintiff Midway Urban Renewal Associates, L.P., and the City desire to enter into a settlement agreement for the purpose of resolving their differences and settling the Litigation on the terms and conditions described in the settlement agreement substantially in the form attached hereto as **Exhibit D** (the “**Midway Settlement Agreement**”), conditioned in part on the extension of the relevant PILOT Agreement to August 2, 2022, recognizing that the claims asserted by the parties in the Litigation are of a complex nature and uncertain outcome; and

WHEREAS, on or about August 2, 1972, Plaintiff Hudson Estates Urban Renewal Associates, L.P. entered into an In Lieu of Tax Payment Agreement with the City pursuant to *N.J.S.A. 55:16-18*, which provides that the Property designated as Block 244, Lot 1.1 on the tax maps of the City will be exempt from real estate taxation provided an annual service charge for municipal services is instead paid to the City; and

WHEREAS, Plaintiff Hudson Estates Urban Renewal Associates, L.P., and the City desire to enter into a settlement agreement for the purpose of resolving their differences and settling the Litigation on the terms and conditions described in the settlement agreement substantially in the form attached hereto as **Exhibit E** (the “**Hudson Estates Settlement Agreement**”), conditioned in part on the extension of the relevant PILOT Agreement to February 18, 2024, recognizing that the claims asserted by the parties in the Litigation are of a complex nature and uncertain outcome; and

WHEREAS, on or about February 18, 1974, Plaintiff Northvale I Urban Renewal Associates, L.P. entered into an In Lieu of Tax Payment Agreement with the City pursuant to *N.J.S.A. 55:16-18*, which provides that the Property designated as Block 173, Lot 1 on the tax maps of the City will be exempt from real estate taxation provided an annual service charge for municipal services is instead paid to the City; and

WHEREAS, Plaintiff Northvale I Urban Renewal Associates, L.P., and the City desire to enter into a settlement agreement for the purpose of resolving their differences and settling the Litigation on the terms and conditions described in the settlement agreement substantially in the form attached hereto as **Exhibit F** (the “**Northvale I Settlement Agreement**”), conditioned in part on the extension of the relevant PILOT Agreement to February 18, 2024, recognizing that the claims asserted by the parties in the Litigation are of a complex nature and uncertain outcome; and

WHEREAS, on or about February 18, 1974, Plaintiff Northvale II Urban Renewal Associates, L.P. entered into an In Lieu of Tax Payment Agreement with the City pursuant to *N.J.S.A. 55:16-18*, which provides that the Property designated as Block 247, Lot 25 on the tax maps of the City will be exempt from real estate taxation provided an annual service charge for municipal services is instead paid to the City; and

WHEREAS, Plaintiff Northvale II Urban Renewal Associates, L.P., and the City desire to enter into a settlement agreement for the purpose of resolving their differences and settling the Litigation on the terms and conditions described in the settlement agreement substantially in the form attached hereto as **Exhibit G** (the “**Northvale II Settlement Agreement**”), conditioned in part on the extension of the relevant PILOT Agreement to February 18, 2024, recognizing that the claims asserted by the parties in the Litigation are of a complex nature and uncertain outcome; and

WHEREAS, the Willow View Settlement Agreement, Washington Estates Settlement Agreement, Bloomfield Manor Settlement Agreement, Midway Settlement Agreement, Hudson Estates Settlement Agreement, Northvale I Settlement Agreement, and the Northvale II Settlement Agreement shall collectively be referred to as the “**Settlement Agreements**”.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HOBOKEN AS FOLLOWS:

1. The Recitals and Exhibits are incorporated by reference as if set forth at length herein.
2. The City Council hereby approves the terms of the settlement of the above Litigation as set forth in the attached Settlement Agreements, including the Willow View PILOT Extension, the Washington Estates PILOT Extension, the Bloomfield Manor PILOT Extension, the Midway PILOT Extension, the Hudson PILOT Extension, the Northvale I PILOT Extension and the Northvale II PILOT Extension.
3. The Mayor and Corporation Counsel be and are hereby authorized to execute any and all documents necessary to effectuate the settlement, provided that Plaintiffs in the Litigation have executed such documents.

4. Corporation Counsel and/or Special Litigation Counsel are hereby authorized to execute on behalf of the City of Hoboken a Stipulation of Dismissal with Prejudice, provided that the attorneys for Plaintiffs in the Litigation execute said Stipulation of Dismissal with Prejudice.
5. Corporation Counsel and/or Special Litigation Counsel are hereby authorized to execute any other required documents which may be necessary in order to effectuate the terms of the settlement.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Abstain: President Bhalla

The Governing Body returns to the table at 8:20 PM

Second Reading/Public Hearing and Final Vote

AN ORDINANCE AMENDING THE NORTHWEST REDEVELOPMENT PLAN AND APPENDIX A OF CHAPTER 196 OF THE CODE OF THE CITY OF HOBOKEN) (Z-146)

President Bhalla directed the City Clerk to announce that the Council would consider for final passage the aforesaid ordinance and all persons interested at this time would be given an opportunity to be heard concerning said ordinance of which the heading was read in full.

The speakers who spoke: Scott Siegel.

No other person present desiring to be heard and no written protests or objections received, President Bhalla asked for a motion to close the hearing.

President Bhalla moved that the hearing be closed.

---Motion duly seconded by Councilman Mello

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

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

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None

11-241

PETITIONS AND COMMUNICATIONS

WHEREAS, the **Friends of the Hoboken Public Library** originated in 1986 and is proudly celebrating its **25th Anniversary** of support and service to the Hoboken Public Library; and

WHEREAS, the **Friends of the Hoboken Public Library** is an organization which provides financial support for the library services, collections and programs, as well as focuses public attention on the Library's value to the community; and

WHEREAS, the **Friends of the Hoboken Public Library** support the Library's mission through its sponsorship of many popular programs, such as Saturday Family Events, ESL classes, and, most recently, the very popular Digital Photography Workshops for Teens and free museum passes for library card holders; and

WHEREAS, the **Friends of the Hoboken Public Library** support the Hoboken Public Library History Collection, through the purchase of archival materials and a partnership with the Hoboken Historical Museum on an "Oral Histories Project"; and

WHEREAS, the **Friends of the Hoboken Public Library** have run successful fundraising events, such as their popular "Novel of Nights" and Novella Nights" and regular book sales; and

WHEREAS, the **Friends of the Hoboken Public Library** help to promote and advocate for the Library through articles in local newspapers and their quarterly publication of "Footnotes", a **Friends of the Library** newsletter;

NOW, THEREFORE, BE IT PROCLAIMED that I, **Dawn Zimmer**, Mayor of the City of Hoboken, on behalf of all its citizens, do hereby congratulate the **Friends of the Hoboken Public Library** on their **25th Anniversary** and commend and gratefully acknowledge the countless contributions this organization has made to the growth and success of the Hoboken Public Library and to the entire community of Hoboken.

Received and Filed.

11-242

December 2, 2011

Dear Council Members,

I hope you all had a great Thanksgiving. My Administration has been working to compile all of the information requested with regard to the line item transfers. Each of you should have already received thousands of pages of documents from the Clerk's office.

The line item transfer resolution will be on the agenda again next Wednesday. Without the passage of this measure, the City will not be able to pay the firefighters and other employees after the November 30th pay period. In addition, we are currently not able to hire the outside legal expertise needed to protect the City's interests. For example, Block 112 litigation requires land use expertise.

We have spoken with the DCA about this matter. They understand that if the line item transfers are not passed by the City Council with six votes, then the City of Hoboken will not be able to pay its employees without legal action. If the Council votes down the line item transfers for a third time, then the City will have no choice but to seek guidance from the courts. Without the support of six council members, the City will be forced to ask a judge for permission to pay our firefighters and other employees and professionals.

For the sake of our employees, including our firefighters who work very hard to protect our community, I hope that you will review all of the information provided and let us know as soon as possible if you have questions. Regarding the overtime in the Fire Department please be advised that Director Tooke is in the process of completing a review of this matter. The review indicates that the peak overtime occurred in May, June, July, and August, with minimal overtime in other months.

If you have questions, please email or call Arch Liston any time so that the answers can be provided to everyone prior to the meeting, or we can be prepared to answer your questions at the meeting. We encourage you to ask your questions in advance of the meeting so that we can assemble and provide all the information you need to make an informed decision. We want to work with you to move the legislative

Meeting of December 7, 2011

process forward in the best interests of Hoboken residents. If you wait to ask your questions at the meeting, then we may not be able to provide an answer immediately and may have to follow up with additional documentation.

Please also be advised that given the necessity of absorbing unanticipated costs in this budget year, including Hurricane Irene costs totaling an estimated \$360,000 and bankruptcy legal costs related to saving the hospital, as well as unexpected excessive litigation related to rent control, additional transfers will be necessary at the end of December and most likely in early 2012 (in order to properly close out the budget for 2011).

Many of you stated that you would vote for the line item transfers if you had more information. I hope that the information you received helps to answer your questions and will enable you to support the line item transfers necessary for the operation of our City.

Thank you and best regards.

Mayor Dawn Zimmer

Received and Filed.

11-243

Official Statement of the Clerk of Hudson County for the Hoboken Public Question held on November 8, 2011.

Received and Filed.

11-244

APPLICATIONS FOR MISCELLANEOUS LICENSES

<u>RAFFLES</u>	<u>2 ITEMS</u>
UNITED SYNAGOGUE OF HOBOKEN	RA1350
115 PARK AVE.	CASINO NIGHT
HOBOKEN, NJ 07030	\$100.00
UNITED SYNAGOGUE OF HOBOKEN	RA1351
115 PARK AVE	50/50
HOBOKEN, NJ 07030	\$20.00

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

---Motion duly seconded by Councilman Mello.

---Adopted by the following vote: YEAS: 9 - NAYS: 0 - ABSTAIN: 1

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

---Nays: None.

---Abstain: Mason.

11-245

Meeting of December 7, 2011

City Clerk's office receives Financial Statements with Supplementary Information from the City Auditor
Received and Filed.

11-246

CLAIMS

---By Councilman Cunningham

Total for this agenda \$4,286,664.85 -\$ \$20,067.49= \$4,266,597.36

Councilman Cunningham comments on pulling CY-02533, CY-02562, CY-03089, CY-03937, CY-04212, CY-04213, CY-04279, CY-04280, CY-04279, CY-04281 – CY-04163 = \$20,067.49

BA Liston comments that they will have to pull them
Councilman Russo comments on EZ Pass violations CY-04163 -\$116.00
Councilman Occhipinti comments and questions CY-03576 - \$3,500
BA Liston comments that the Director is away on a conference

---Motion duly seconded by Councilman Mello
---Adopted by the following vote: YEAS: 7 - NAYS: 2
---Yeas: Council persons Castellano, Cunningham, Giattino, Marsh, Mello, Occhipinti and President Bhalla
---Nays: Mason and Russo.

11-246

---By Councilman Cunningham

PAYROLLS

For the two week period starting October 13, 2011 – October 26, 2011

Regular Payroll	O/T Pay	Other Pay	
\$1,435,528.43	\$43,278.04		\$73,563.46

Total \$1,552,369.93

For the two week period starting October 27, 2011 – November 9, 2011

Regular Payroll	O/T Pay	Other Pay	
\$1,433,364.49	\$69,125.75		\$42,852.52

Total \$1,545,342.76

For the two week period starting November 10, 2011 – November 23, 2011

Regular Payroll	O/T Pay	Other Pay	
\$1,428,199.17	\$54,860.25		\$78,517.29

Total \$1,561,576.71

To Vote on all three (3) payrolls at once:

Meeting of December 7, 2011

---Motion duly seconded by Councilman Mello
 ---Adopted by the following vote: YEAS: 9 - NAYS: 1
 ---Yeas: Council persons Castellano, Cunningham, Giattino, Marsh, Mason Mello, Occhipinti, Russo and President Bhalla
 ---Nays: Mason (O/T)

RESOLUTIONS

11-248

---By Councilman Cunningham

THIS RESOLUTION AUTHORIZES THE TRANSFER OF FUNDS WITHIN ACCOUNTS IN THE CY 2011 CURRENT FUND APPROPRIATIONS.

BE IT RESOLVED, that the following CY 2011 budget Current Fund appropriation transfers are hereby authorized for the City of Hoboken:

CURRENT FUND	FROM	TO	NOTE
Operations - Within "Caps"			
Personnel & Health S&W		\$4,500.00	a
Mayors Office S/W		\$10,500.00	b
City Council S&W		\$1,200.00	c
Revenue & Finance S&W		\$22,000.00	d
Tax Collection S&W		\$6,000.00	e
Assessor's Office S&W		\$1,000.00	f
Corporation Counsel S&W		\$3,500.00	g
Special Counsel		\$700,000.00	
Zoning Administration S&W		\$2,000.00	h
Housing Inspection S&W		\$7,000.00	i
Uniform Construction OE		\$25,000.00	j
Emergency Management S&W		\$24,000.00	K
Fire Dept S&W		\$850,000.00	l
Environmental Services OE		\$70,000.00	m
Legal Advertising OE		\$20,000.00	n
Human Services S&W		\$1,500.00	o
Rent Leveling S&W		\$3,000.00	p
Salary Settlements		\$260,000.00	q
Public Defender S&W		\$600.00	r
Business Administrator S&W	\$12,000.00		S
Community Development S&W	\$40,000.00		t
City Council OE	\$1,200.00		u
Uniform Construction S&W	\$75,000.00		v

Police Division S&W	\$1,235,000.00	w
Environmental Services S&W	\$50,000.00	x
Recreation OE	\$20,000.00	y
Electricity	\$55,000.00	z
Street Lighting	\$4,000.00	z
Water & Sewer	\$100,000.00	aa
Gasoline	\$25,000.00	bb
Salary Adjustments	\$304,000.00	cc
Municipal Court OE	\$30,000.00	dd
Public Defender OE	\$600.00	ee
Group Health Insurance OE	\$60,000.00	ff
	\$2,011,800.00	\$2,011,800.00

The speakers who spoke: Scott Siegel, Perry Belfiore

---Motion duly seconded by Councilman Mello

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

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

---Nays: Mason

Councilwoman Castellano has left the table at 9:28 PM

Councilwoman Castellano has returned to the table at 9:29 PM

Councilman Occhipinti has left the table at 9:56 PM

Councilman Occhipinti has returned to the table at 10:02 PM

Councilman Russo has left the table at 9:57 PM

Councilman Russo has returned to the table at 10:04 PM

11-249

---By Councilman Cunningham

RESOLUTION FOR EMERGENCY APPROPRIATIONS FOR HURRICANE IREN

WHEREAS, an emergency has arisen with respect to the preparation and cleanup of Hurricane Irene, and no adequate provision was made in the CY2011 budget for the aforesaid purpose, and NJS 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$358,605.23 and three (3) percent of the total operating appropriations in the budget for CY2011 is \$3,184,581.00 and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for CY2011,

NOW, THEREFORE, BE IT RESOLVED, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with NJS 40A:4-48:

- 1. An emergency appropriation is here by made for:

Preparation and Cleanup of Hurricane Irene

- 2. That said emergency appropriation shall be provided for in full in the ty2010 budget, and is requested to be excluded from CAPS, pursuant to NJS 40A:4-53.3c(1)
- 3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

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

11-250

---By Councilman Cunningham

INSERTING A SPECIAL ITEM OF REVENUE INTO THE CY 2011 MUNICIPAL BUDGET - Body Armor CY 2011

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHERAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the City of Hoboken has received notice of an award of \$11,832.60 from the Division of Criminal Justice and wishes to amend it's CY 2011 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year CY 2011 in the sum of.....\$11,832.60

Which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated
with Prior Written Consent of the Director of the
Division of Local Government Services:

Hudson County Revenues Off-set with
Appropriations:

Body Armor \$11,832.60

NOW, THEREFORE, BE IT RESOLVED that the like sum of.....\$11,832.60

be and the same is hereby appropriated under the caption of:

General Appropriations:

- (a) Operations Excluded from CAPS
State and Federal Programs Off-Set by

Revenues:

Hudson County Revenues Off-set with
Body Armor \$11,832.60

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

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

11-251

---By Councilman Cunningham

WHEREAS, the City of Hoboken, New Jersey, desires to amend the 2011 Capital Budget of said municipality by inserting thereon the items therein as shown in such budget for the following reason:

Various Capital Equipment, HVAC System, Phone System, Police Department Upgrades, Fire Headquarter Upgrades, Firehouse, 13th St. upgrades and Computer Technology Upgrades.

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

Section 1 of the 2011 Capital Budget of the City of Hoboken is hereby amended by adding thereto a Schedule to read as follows:

AMENDMENT NO. 1
CAPITAL BUDGET OF THE
CITY OF HOBOKEN, NEW JERSEY
Planned Funding Services for Current Year - 2011

Capital Improvement Project	Capital To Be Funded Est. Cost	Fund	Surplus
<u>General Bonds In Future Years</u>			
Various Capital Equipment	\$467,250	\$23,363	\$443,887
HVAC System	\$593,250	\$29,663	\$593,250
Phone System	\$577,500	\$28,875	\$748,125
Police Department Upgrades	\$787,500	\$39,375	\$748,125
Fire Headquarters Upgrades	\$153,300	\$7,665	\$145,635
Fire Station Upgrades, 13 th St.	\$192,150	\$9,607	\$182,543
Computer & Technology Upgrades	\$262,500	\$13,125	\$249,375

BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

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

11-252

---By Councilwoman Marsh

**RESOLUTION AWARDING A CONTRACT TO CRIMSON FIRE, INC. TO PROVIDE
A FIRE PUMPER TO THE CITY OF HOBOKEN IN ACCORDANCE WITH THE
CITY'S BID NO. 11-15**

WHEREAS, proposals were received for a fire pumper, as specified in Bid Number 1-15; and

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

<u>VENDOR</u>	<u>PROPOSAL AMOUNT</u>
Crimson Fire 145 Talmadge Road, Suite 8 P.O. Box 266 Edison, NJ 08818-0266	\$449,689.00
Ferrera Fire Apparatus, Inc. 27855 James Chapel Road Holden, Louisiana, 70744	\$454,000.00
Absolute Fire Protection Co., Inc. 2800 Hamilton Boulevard South Plainfield, NJ 07080	\$488,789.00

WHEREAS, Crimson Fire Inc. submitted the lowest, responsible, bid of \$449,689.00; and;

WHEREAS, consulting firm responsible for the specifications of the work recommends that a contract be awarded to Crimson Fire Inc.

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

- A. This resolution awards a contract to Crimson Fire Inc. in a amount not to exceed \$449,689.00, for the fire pumper in accordance with the specifications (Bid No. 11-15) set forth.
- B. Pursuant to the provisions of N.J.S.A. 40A:11-11-(5), the Mayor or her agent is hereby authorized to enter into an Agreement with Crimson Fire Inc.
- C. This resolution shall take effect immediately upon passage.

The speakers who spoke: Andrew Frey.

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

11-253

---By Councilman Cunningham

RESOLUTION TO AUTHORIZE THE TAX ASSESSOR TO CORRECT AN ASSESSMENT ON REAL ESTATE FOR 2011 TO EFFECTUATE A SETTLEMENT PREVIOUSLY APPROVED

WHEREAS, the Tax Assessor with legal counsel had negotiated a Settlement Agreement with the owner of Block 66, Lot 24 C004B, which is attached hereto; and

WHEREAS, the Settlement Agreement negotiated on or about January 21, 2011, required the Tax Assessor to reduce the tax assessment on the aforesaid property for the tax year 2011 to \$143,000.00; and

WHEREAS, due to the volume of tax appeals for 2010, the Tax Assessor’s Office did not correct its records to reflect the negotiated settlement assessment for 2011; and

WHEREAS, the governing body has the authority to direct the Tax Assessor to correct mistakes entered and assessed against real property.

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

- A. The Tax Assessor shall correct the assessment for 2011 on Block 66, Lot 24 C004B and reflect same as \$143,000.00 consistent with the Settlement Agreement.
- B. The Collector of Revenue is herein directed to calculate any refunds due for 2011 based on the corrected assessment of \$143,000.00.
- C. This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

11-253

---By Councilman Cunningham

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 **\$ 66,089.80**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
Brach Eichler LLC 101 Eisenhower Parkway	32/8	115-131 Grand St	2011	\$ 4,514.72

Roseland, NJ

Nowell Amoroso Klein Bierman, P.A. 155 Polifly Road Hackensack, NJ 07601	32/25	106-110 Clinton St	2010	\$11,862.50
Nowell Amoroso Klein Bierman, P.A. 155 Polifly Road Hackensack, NJ 07601	32/25	106-110 Clinton St	2011	\$11,552.50
Waters, McPherson, McNeill 300 Lighting Way Secaucus, NJ 07096	165/12/	223-25 Willow Ave	2009	\$ 5,611.25
Waters, McPherson, McNeill 300 Lighting Way Secaucus, NJ 07096	165/12/	223-25 Willow Ave	2010	\$10,672.50
Waters, McPherson, McNeill 300 Lighting Way Secaucus, NJ 07096	165/12/	223-25 Willow Ave	2011	\$15,018.25
Skoloff & Wolfe, PC 293 Eisenhower Parkway Livingston, NJ 07039	262.3/1/CPH12	2 Constitution Court	2009	\$ 2,468.95
Nathan P Wolf 673 Morris Ave Springfield, NJ 07081	268.1/1/C003B	1501 Garden/1500 Bloom	2010	\$1,380.80
Nathan P Wolf 673 Morris Ave Springfield, NJ 07081	268.1/1/C010E	1501 Garden/1500 Bloom	2010	\$ 3,008.33

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

11-254

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS

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

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

NOW THEREFORE BE IT RESOLVED, that a warrant be drawn on the City Treasurer made payable to the following totaling **\$ 6,631.59**

Meeting of December 7, 2011

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Dragonfly Const. 313 Grand St #1 Hoboken, NJ 07030	52/8/	313 Grand St	1 & 2/11	\$ 5,195.78
Pati, Mario & M Parmentola 191 Grand St Apt 22 New York, NY 10013	114/11/C0305	1321-27 Adams St	4/11	\$ 214.88
Simplicity Title Agency, LLC 645 Martinsville Road Basking Ridge, NJ 07920	117/11/C005B	1300 Park Ave	4/11	\$ 1,220.93

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

ORDINANCES

Introduction and First Reading

11-256 Z-149

BOND ORDINANCE AUTHORIZING THE ACQUISITION OF CAPITAL EQUIPMENT AND THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$3,033,450 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$2,881,777; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

President Bhalla moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **DECEMBER 21, 2011** at 7:00 PM.

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

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

---Nays: Mason and Occhipinti.

NEW BUSINESS

Councilman Occhipinti comments on Muni meters parking in the City

BA Liston comments

Councilwoman Giattino comments

Councilman Occhipinti comments on approving 100K on software online

Meeting of December 7, 2011

BA Liston comments that there was a discussion and will finalize in the coming weeks
Councilman Occhipinti comments on the bonds regarding bonds
BA Liston comments on Performance bond
Councilman Occhipinti comments on the graffiti in the 4th ward and thanks the Administration
Councilman Occhipinti comments that the Hoboken Volunteers is still accepting donations and raised \$2,000 at the Elks and thanks Frank Raia donated \$1,000 to the Shelter and thanks everyone for their efforts
Councilman Mello comments on a new email system
BA Liston comments that we met with contractors and get our exchange servers set up in 30-60 days, looked at management system internal, we have the servers and rebuilding the hard drives
Councilman Mello comments the concern of future breaches in the system
BA Liston comments that there will be back-up and will do our best to protect the infrastructure
Councilman Mello comments and recommends whether one is put in house and then another be put in the cloud just for security reasons
BA Liston comments that if we put it in the cloud it would cost a lot more
Councilman Cunningham comments on the Rev. and Finance sub-committee and pleased that the first reading Capital Bond Ord. was passed tonight for 1st reading and there needs a lot of improvements in Fire Headquarters and Police Headquarters and encourage the council members to dig deep and speak to both Chiefs to understand the needs here, am concerned that layoffs may occur by putting cash up front for capital expenses that have useful life of 10-20 years and hopes the Council passes it. There was a budget update process from the Courts, it is moving ahead and presentations will be happen shortly
Councilman Russo comments
Councilman Cunningham comments on working on an ordinance which will bring corner parking back on a limited availability and thank Chief Blohm and Chief Falco for their involvement and hope to have an ordinance for 1st reading also will be a holding a community meeting at Dec. 12 at 7 PM at Fox Hill gardens for the neighbors impacted by the Willow Ave. construction site and have the developers there to discuss the remediation process
Councilwoman Castellano comments on public issues , the Marineview Plaza management, there will be a food drive and clothing drive in #1 & #2 and will be there till Dec. 18th and this is to benefit Hoboken ShelterBuilding

Councilman Mello has left the table at 10:28 PM

Councilwoman Mason comments on the update for the Monarch Shipyard
Councilwoman Mason also the Mason civic association will be holding an event on Dec. 10th hosting its next art opening and starts at 7 PM and hopes folks support the Gallery
Councilman Russo comments on the streets are being patched or possibly repaving the streets and also the Jackson Street property acquiring for parking spaces
BA Liston comments and will provide an update after speaking with the Mayor
Councilman Russo comments on the Directors presence at City Council meetings
BA Liston comments that the Directors would advise the Council President
Council President comments that Director Forbes was excused for this evening
BA Liston comments that he will discuss with the Council President and will make an effort

Councilman Mello has returned to the table at 10:31 PM

Council President comments
Corporation Counsel comments that Directors are expected to the city council meeting unless they are excused
BA Liston comments that the Directors work a lot of hours and have to come in early the following
Councilman Russo has commented on the senior discount for the midtown garage for the next meeting and will try to get a committee meeting
Councilman Russo comments on the Council President to treat everyone equally and fairly and would appreciate him speaking last and pledge to everyone to do the same, get to a quorum
Council President comments and agrees with Councilman Russo and there are no intentions to do this, point well taken

Meeting of December 7, 2011

Councilwoman Marsh comments on the Monarch Project: Encourages public attendance and comments on limits of the planning board role.

Councilwoman Mason comments that on Dec. 21st before the County Planning Board, location unsure

Council President comments that the location should be notified to the public

Councilman Mello comments and has requested to leave early

Councilman Mello has left the council meeting at 10:40 PM

Councilwoman Giattino comments that if the Governing Body stops the name calling or talking over someone

Councilwoman Giattino comments that the Food Truck Ordinance it was removed because the ordinance had substantive changes and thanks the sub-committee meeting and Director Sacs

The changes were 100ft to 75 ft., discussed to remove the 1250 fee but they would have to pay business fee based on the size of the truck, GPS is still on there, none of this is finalized and still in discussion

Councilman Occhipinti comments that the NJ DEP did approve the Gas Pipeline for the border of Hoboken, they will be receiving federal approvals next, the public was able to push the issue and have the company change their plan on placing the pipeline, this Council passed 9-0 vote on not supporting this

Council President comments that today is the 70th anniversary of the tragic day of the attack on Pearl Harbor, 1,400 Americans perished and had the honor to join the veterans to lay the wreath

PUBLIC PORTION

All regular business concluded the following members of the public spoke at the "Public Portion" of the meeting: Andrew Frey, Matthew Markey, Helen Hirsh, David Denning, Vic Zarish, Joseph Branco.

At 11:20 P.M. Councilman Russo on a motion duly seconded by Councilwoman Marsh

Council President Bhalla then adjourned the meeting at 11:20 P.M.

PRESIDENT OF THE COUNCIL

CITY CLERK