

**MEETING OF MARCH 16, 2011**  
**MINUTES OF A MEETING OF THE COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY,**  
**HELD IN THE COUNCIL CHAMBERS, CITY HALL, HOBOKEN, NEW JERSEY, WEDNESDAY,**  
**MARCH 16, 2011 AT 7:00 PM**

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President Mason opened the meeting at 7:10 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 Bhalla, Castellano, Giacchi, Marsh, Mello, Occhipinti, Russo, and President Mason.

ABSENT: Cunningham

Council President announces that there is a new order for the agenda for tonight.

Council President motions for revised agenda seconded by Councilman Russo and Councilwoman Castellano

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.

**PRESENTATION TO CITY**

Mr. Mo' DeGennaro

**RESOLUTIONS**

**11-906**

Resolution for Sunshine Week from the Council  
Resolution from City Council honoring Mayor Dawn Zimmer  
Resolution from City Council honoring Assemblywoman Caridad Rodriguez  
Resolution from City Council honoring Sandra Bolden-Cunningham

The speakers who spoke: Forde Prigot, Lane Bajardi.

Councilman Bhalla comments on amending title on the resolution and include the Governing Body along with the Administration and the last WHEREAS Clause to include the Governing Body  
Council President and Councilwoman Castellano accept the amendments

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

Meeting of March 16, 2011

Yeas: Council persons Bhalla (as amended for #1), Castellano, Giacchi, Marsh, Mello, Occhipinti, Russo and Mason  
Nays: None  
Absent: Cunningham

**11-907**

**PRESENTATIONS**

Proclamation for Sunshine Week from the Council  
Proclamation from City Council honoring Mayor Dawn Zimmer  
Proclamation from City Council honoring Assemblywoman Caridad Rodriguez  
Proclamation from City Council honoring Sandra Bolden-Cunningham

---File and received

**PETITIONS AND COMMUNICATIONS**

**11-908**

**COMMUNICATION FROM MAYOR DAWN ZIMMER REGARDING NJ TRANSIT PLANNER, ETHICS ORDINANCE, CAP BANK, MULTI-SPACE PARKING METERS, BOND FOR CAPITAL IMPROVEMENTS, OPEN SPACE ACQUISITION & PARKS CAPITAL IMPROVEMENT.**

Dear City Council Members:

I am writing to provide some additional explanation behind some of the items for consideration at this week's Council meeting and reiterate my previous communications to you.

**NJ Transit**

I urge you to support funding a contract for \$150,000 for the proposed NJ Transit planner so that the entire 52-acre project can be planned. Working with the community to create a plan that meets the needs of our community will ensure the balanced development that is crucial for our city.

As I have previously explained, my Administration has been conducting negotiations with NJ Transit to ensure that NJ Transit respects the authority of the City Council as the redevelopment agency with respect to the entire 52-acre project. Unless an intergovernmental agreement is reached with NJ Transit, I would not support piece meal development of the phase I, 1.8 acre area around the train station, since we will have no assurance that NJ Transit's out of scale proposal will not be imposed on us in the future.

The negotiations have no, so far, been successful, and it is at best unclear at this point whether they will culminate in a satisfactory result. My administration will be meeting again with NJ Transit next week to continue seeking an agreement that ensures the City Council's authority as the redevelopment agency.

While I understand that the Council subcommittee would like to move ahead with planning phase I, I do not think this is the best course without a satisfactory intergovernmental agreement. I strongly urge the Council to follow a process that leads to a plan for the entire project. Together, we can ensure that Observer Highway from Jefferson Street to Washington Street is not lined with 40-50 story buildings. NJ Transit has never retreated from their original plan and the sooner the City has an alternative plan in place the better.

**Ethnic Ordinance**

As I look forward to the codification of a new ethnic ordinance, I am pleased to announce that all employees of the City of Hoboken will undergo mandatory ethics training, performed by the FBI, in the upcoming weeks. The FBI is offering this training to the City at no cost.

In a recent audit, it was discovered that former Mayor, Anthony Russo was still receiving insurance/health benefits on the healthcare plan for the City of Hoboken. Former Mayor Russo did not qualify for these benefits because he did not retire on a disability pension, nor, under any circumstances, obtain twenty five years or more of creditable service with the Public Employees Retirement System as required by NJSA 40A:10-23. Accordingly, the City removed former Mayor Russo from the City's health insurance effective March 1, 2011.

### **Cap Bank**

I am pleased to report that our proposed budget not only meets the 2% cap put in place by the state, but in fact falls well below the limit as a result of a proposed 5% cut in the tax levy. Although we fall 7% below the limit, it is important to pass this ordinance so that we can "bank" this reduction for future years – the Bank is intended to preserve flexibility in the event of a large unexpected extraordinary cost. If such an event should occur and the Cap Bank is not created, the City could be forced with no other option but to lay off employees and cut essential services in order to meet future year 2% cap limits. My Administration intends to continue to responsibly lower taxes for the long term, but by passing this ordinance, our City will have the added flexibility it needs to deal with unexpected financial crises.

### **Multi-Space Parking Meters**

As the attached memo from Director Sacs explains, our pilot implementation of new multi-space meters has resulted in a more than 40% increase in revenue compared to standard meters. This new technology dramatically improves auditing and accountability while providing the option of paying by credit card. A bond ordinance is on the agenda to fund expanding this initiative to our entire City, which we anticipate will generate approximately \$1,000,000 in additional revenue using our existing resources.

### **Bond for Capital Improvements**

Our City is in need of significant capital upgrades. The attached document provides a breakdown of the various projects. For example, it is a disgrace that our Police Department has been without an adequate heating and cooling system for so long. However, we recently learned that we cannot use grants to pay for a new HVAC system, so we intend to bond to complete this important upgrade for our Police Department.

### **Open Space Acquisition**

With our population growing, our open space deficiency has only grown worse. I believe that with the current real estate market and our City's improved fiscal situation, now is the time to acquire land for more open space. In particular, it is important that we provide open space in all neighborhoods, and it is my intention to focus on acquiring more park space along our underserved western edge of the City – from north to south. Until negotiations have advanced sufficiently, I will not know the exact locations of the land that will be most appropriate to acquire, however as the attached memo from Corporation Counsel Mark Tabakin makes clear, this is not a blank check – I must return to the Council for approval before making any purchase, and will keep the City Council advised when negotiations have advanced to a meaningful phase. In addition, I have attached the current and proposed parks list from the final draft of the Master Plan Reexamination. This is simply a tool to put the City in a stronger position to negotiate and demonstrate to property owners that our offers should be taken seriously. This is analogous to the common practice of obtaining pre-approval for a loan prior to shopping for a house, something that many sellers require before they are even willing to begin negotiations. Finally, the \$20 million bond I am proposing would not cost taxpayers an additional dollar – it will be paid for entirely by the Open Space Trust Fund.

### **Parks Capital Improvement**

Our City's parks have not been adequately maintained over the years, and we have significant concerns that need to be addressed. We have conducted a review of our parks and are proposing a \$1.6 million bond ordinance to make needed improvements and repairs. This includes, among other items, testing, remediation, and play equipment for Church Square Park, installing a drainage system and artificial turf at Mama Johnson Field, repairing the jetty for the boat launch at Sinatra Park, new play equipment in Jefferson Park, replacing old light poles and adding new ones to increase security at Elysian Park, purchasing new play equipment for Stevens Park and improvements to the dog runs in our City as well.

Sincerely,

Dawn Zimmer

cc/ Arch Liston, Business Administrator  
Mark A. Tabakin, Corporation Counsel  
Directors

Received and Filed.

**11-909**

**APPLICATION FOR MISCELLANEOUS LICENSES**

Taxi, Limo and Livery Drivers -----	24
Taxi, Limo and Livery Owners-----	27
Vendors-----	1
Mechanical Amusement Devices-----	1

- Councilman Russo moved that the licenses be granted.
- Motion duly seconded by Councilwoman Castellano.
- 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.

**SECOND READING/PUBLIC HEARING AND FINAL VOTE**

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR THEY FY 2011 BUDGET PURUSANT TO N.J.S.A. 40A: 4-45.14 (Z-93)

The speaker who spoke: Scott Siegel.

No other person present desiring to be heard and no written protests or objections received

President Mason asked for a motion to close the hearing.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 6 - NAYS: 2 –ABSENT - 1  
---Yeas: Council persons Bhalla, Giacchi, Marsh, Mello, Occhipinti, and President Mason.  
---Nays: Castellano, Russo.  
---Absent: Cunningham,

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

---Adopted by the following vote: YEAS: 6- NAYS: 2 –ABSENT - 1  
---Yeas: Council persons Bhalla, Cunningham, Giacchi, Marsh, Mello, Occhipinti, and President Mason.  
---Nays: Castellano, Russo.

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR THE ACQUISITION VARIOUS PARCELS OF LAND AND OTHER RELATED EXPENSES IN AND FOR THE CITY OF HOBOKEN AND APPROPRIATING \$20,000,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$19,000,000 IN BONDS OR NOTES OF THE CITY OF HOBOKEN TO FINANCE THE SAME **(Z-94)**

The speakers who spoke: Jim Doyle, Perry Belfiore, Leah Healy, Don Pellicano, Scott Siegel, Sabrina Stoffel, Peta Moran, Jen Sergeant, Dale Fior, Forde Prigot, Elizabeth Adams, James Vance, Lane Bajardi, Sylvia Schwartz.

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

---Motion duly seconded by Councilman Bhalla  
---Adopted by the following vote: YEAS: 8 - NAYS: 0 - ABSENT - 1  
---Yeas: Council persons Bhalla, Giacchi, Marsh, Mello, Occhipinti, and President Mason.  
---Nays: Castellano, Russo.  
---Absent: Cunningham.

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

---Adopted by the following vote: YEAS: 8- NAYS: 9 –ABSENT - 1  
---Yeas: Council persons Bhalla, Cunningham, Giacchi, Marsh, Mello, Occhipinti, and President Mason.  
---Nays: None.  
---Absent: Cunningham.

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO VARIOUS PARKS LOCATED IN THE CITY OF HOBOKEN AND APPROPRIATING \$1,600,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,520,000 IN BONDS OR NOTES OF THE CITY OF HOBOKEN TO FINANCE THE SAME **(Z-95)** (

The speakers who spoke: Helen Hirsch, Sabrina Stoffel, Jen Sergeant, Perry Belfiore, Mary Ondrejka, Lane Bajardi, Don Pellicano.

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

---Motion duly seconded by Councilman Bhalla  
---Adopted by the following vote: YEAS: 8 - NAYS: 0 - ABSENT - 1  
---Yeas: Council persons Bhalla, Giacchi, Marsh, Mello, Occhipinti, and President Mason.  
---Nays: Castellano, Russo.  
---Absent: Cunningham.

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

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

#### AN ORDINANCE TO ACCEPT THE DEED FOR TOLL BROTHERS FOR HOBOKEN COVE (Z-96)

The speakers who spoke: Scott Siegel.

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

---Motion duly seconded by Councilman Bhalla  
---Adopted by the following vote: YEAS: 8 - NAYS: 0 - ABSENT - 1  
---Yeas: Council persons Bhalla, Giacchi, Marsh, Mello, Occhipinti, and President Mason.  
---Nays: Castellano, Russo.  
---Absent: Cunningham.

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

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

#### AN ORDINANCE RECODIFYING CHAPTER 29 WITH THE TITLE “ETHICS” (Z-92)

---Motion to **TABLE** 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

### Reports of City Officers

#### 11-910

A report of the Municipal Court indicating receipts for the month of Feb. 2011 as **\$330,136.72**

File and Received

**Committee Reports**

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

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

Revenue and Finance sub-committee rescheduled for another date TBA

Public Safety sub-committee scheduled TBA

Parking and Transportation sub-committee scheduled TBA

Special Ad-hoc sub-committee scheduled TBA

Hospital sub-committee scheduled TBA

**11-911**

**Claims**

**AMENDED** Total for this agenda **\$1,839,224.62** **\*\*revised\*\***

**\$1,839,224.62 - \$65,518.09 = \$1,773,706.53 (amended)**

---Adopted as **AMENDED** by the following vote: Yeas: 7 - NAYS: 1 -ABSENT: 1

---Yeas: Council persons Bhalla, Castellano (yes, but no on 11-01996) Giacchi, Marsh, Mello, Occhipinti, Russo and Mason (yes, but no on 11-01996)

---Nays: Russo

---Absent: Cunningham

**PAYROLLS**

**11-912**

**For the two week period starting February 17, 2011 – March 2, 2011**

**Regular Payroll**

\$1,410,257.86

**O/T Pay**

\$45,306.54

**Pay**

\$1,759,061.44

---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.

Meeting of March 16, 2011

**RESOLUTIONS (cont'd)**

**11-913**

---By Councilwoman Marsh

**A RESOLUTION DECLARING AN EMERGENCY PURSUANT TO N.J.S.A. 40:69A-181(B) AND MAKING IMMEDIATELY EFFECTIVE ORDINANCE NO. Z-96 ENTITLED “AN ORDINANCE ACCEPTING A DEED FROM HOBOKEN COVE, LLC FOR A PORTION OF BLOCK 269.4 LOT 1 (HEREINAFTER REFERRED TO AS "HOBOKEN COVE PARK PARCEL") AS SHOWN ON A MAP FILED IN THE OFFICE OF THE HUDSON COUNTY REGISTRAR AS MAP NO. 3972 ON AUGUST 11, 2005”**

**WHEREAS**, the City Council of the City of Hoboken introduced on February 16, 2011 Ordinance No. Z-96, entitled “AN ORDINANCE ACCEPTING A DEED FROM HOBOKEN COVE, LLC FOR A PORTION OF BLOCK 269.4 LOT 1 (HEREINAFTER REFERRED TO AS "HOBOKEN COVE PARK PARCEL") AS SHOWN ON A MAP FILED IN THE OFFICE OF THE HUDSON COUNTY REGISTRAR AS MAP NO. 3972 ON AUGUST 11, 2005”; and,

**WHEREAS**, said Ordinance is presented for second and final reading at the regular meeting of the City Council on March 16, 2011; and,

**WHEREAS**, without acknowledging the validity of any demands made that the City take action as authorized in said Ordinance by a date certain, the City desires to make said Ordinance effective immediately to forestall any claims or litigation that may ensue if the effective date of the Ordinance is delayed for the requisite 20 days after its adoption, in accordance with N.J.S.A. 40:69A-181(b); and,

**WHEREAS**, the City Council, therefore, desires to declare an emergency pursuant to said statute cited above and make Ordinance No. Z-96 effective immediately in order to enhance the public good and general welfare.

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

1. In order to expedite the effective date of Ordinance No. Z-96, entitled “AN ORDINANCE ACCEPTING A DEED FROM HOBOKEN COVE, LLC FOR A PORTION OF BLOCK 269.4 LOT 1 (HEREINAFTER REFERRED TO AS "HOBOKEN COVE PARK PARCEL") AS SHOWN ON A MAP FILED IN THE OFFICE OF THE HUDSON COUNTY REGISTRAR AS MAP NO. 3972 ON AUGUST 11, 2005” for the reasons set forth in the Preamble to this Resolution, the City Council hereby declares an emergency in accordance with N.J.S.A. 40:69A-181(b) and further determines and declares that said Ordinance be and the same is hereby effective immediately and not 20 days after its final passage by the City Council as otherwise provided by law under N.J.S.A. 40:69A-181(b); and,
2. The City Clerk and all other municipal officers are hereby authorized and directed to take all steps necessary to effectuate the purposes of this Resolution; and,
3. This resolution shall take effect immediately.

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

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

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

---Absent: Cunningham.

Meeting of March 16, 2011

**11-914**

---By Councilman Occhipinti

**THIS RESOLUTION AWARDS A CONTRACT TO 4WARD PLANNING, LLC FOR CONSULTANT SERVICES FOR A MARKETING ANALYSIS OF THE WESTERN EDGE REDEVELOPMENT AREA**

**WHEREAS**, proposals were received on Friday, January 7, 2011 in response to the City's RFP for consultant services for a marketing analysis of the western edge redevelopment area; and,

**WHEREAS**, six (6) proposals were received, these being:

<b><u>VENDOR</u></b>	<b><u>PROPOSED NET AMOUNT</u></b>
BBP, LLC 111 Annapolis Street Annapolis, MD 21401	\$64,586.00
Delta Development Group 2000 Technology Parkway Mechanicsburg, PA 17050	\$57,500.00
Real Estate Solutions Group 66 Witherspoon Street Princeton, NJ 08540	\$105,000.00
Urban Partners 829 Spruce Street Philadelphia, PA 19107	\$59,799.00
RKG Associates, Inc. 300 Montgomery Street Alexandria, VA 22314	\$69,300.00
4Ward Planning, LLC 100 Park Avenue New York, NY 10017	\$25,700.00

**WHEREAS**, the lowest proposal amount was received from 4Ward Planning, LLC which submission was a responsible and responsive to all the RFP requirements; and,

**WHEREAS**, as a result, the Purchasing Agent recommends that a contract be awarded to 4Ward Planning, LLC for consulting services for a marketing analysis of the western edge redevelopment area, in accordance with 4Ward Planning, LLC's proposal and the scope of work detailed in the City's RFP.

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

- A. This resolution approves a contract with 4Ward Planning, LLC for consulting services for a marketing analysis of the western edge redevelopment area, pursuant to the RFP and 4Ward Planning, LLC's proposal, for an amount not to exceed Twenty Five Thousand Seven Hundred Dollars (\$25,700.00) and a period not to exceed one (1) year from the date of execution of the contract; and,

B. The Mayor or her designee is hereby authorized to take the necessary steps to enter into a contract and any other steps necessary to effectuate this resolution.

C This resolution shall take effect immediately upon passage. The Clerk shall publish and post this resolution according to law and local ordinance.

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

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

---Nays: None.

---Absent: Cunningham.

**11-915**

---By Councilman Occhipinti

**RESOLUTION AUTHORIZING APPOINTMENT OF WALLACE ROBERTS AND TODD, LLC AS PROFESSIONAL PLANNER FOR THE REDEVELOPMENT AT HOBOKEN TERMINAL AND RAIL YARDS IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY THOUSAND (\$150,000.00) DOLLARS**

*WHEREAS, the City put out an RFP for professional redevelopment planning services, pursuant to Article I of Chapter 20A of the Hoboken City Code, which Wallace Roberts and Todd, LLC responded to the RFP by proposal dated September 27, 2010; and,*

*WHEREAS, Wallace Roberts and Todd, LLC is hereby required to abide by the "pay-to-play" requirements of the Hoboken Public Contracting Reform Ordinance, #DR-154 (codified as §20A-11 et seq. of the Code of the City of Hoboken) prior to the City entering into any binding contract for said services; and,*

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

**WHEREAS,** the City Council appointed Wallace Roberts and Todd, LLC at the February 16, 2011 meeting, with the contract execution being subject to appropriations becoming available; and,

**WHEREAS,** funds have been temporarily appropriated by the City Council for said services, and budgeted for by the Administration; and,

**NOW THEREFORE, BE IT RESOLVED** that the City Council hereby appoints Wallace Roberts and Todd, LLC as the professional redevelopment planner for the redevelopment plans for both Phase I and the Full Site as presented in the proposal from Wallace Robert and Todd, LLC for the Hoboken Terminal and Rail Yards in an amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00) as follows:

1. A contract is authorized for Phase I Scope of Work to be completed first, with a redevelopment plan draft completed and ready for introduction by the City Council within five (5) months of execution of contract for Phase I; and
2. The total amount of Phase I not to exceed Seventy-Seven Thousand Dollars (\$77,000.00); and
3. The contract for Phase I shall have a liquidated damages provision; and
4. The total amount of both the Phase I contract and the Full Site contract combined is

authorized not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00); and

5. As the work authorized for the Full Site contract will be funded to the extent of the available remainder of the balance of the authorized One Hundred Fifty Thousand Dollars (\$150,000.00), the consultant will be authorized to complete such tasks per the Full Site proposal submitted for which funding is available; and
6. Any work in excess of the authorized One Hundred Fifty Thousand Dollars (\$150,000.00) per the proposals submitted will require approval of additional funding by the City Council prior to those phases of work being authorized, and subject to available appropriations; and

**BE IT FURTHER RESOLVED**, that the City Council hereby authorizes the Mayor to execute a contract for the above term and not to exceed amount, according to the terms and conditions of the Request for Qualifications and Wallace Roberts and Todd, LLC's proposal; and,

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

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

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

**11-916**

---By Councilwoman Castellano

**RESOLUTION TO APPROVE REFUNDS OF PAYMENTS FOR HANDICAP PARKING ZONE**

**WHEREAS**, The Subcommittee for Handicap Parking denied approval of the applications submitted by Gloria Martinez and Ernest Fortunato; and

**WHEREAS**, Ms. Martinez and Mr. Fortunato had both provided the application fee in the amount of \$125.00, which the City Code requires refunding of in the event of denial of an application.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Hoboken, that warrants be drawn on the City Treasure to the order of the following sum opposite the name as reimbursement for handicap parking fees:

<b>NAME</b>	<b>ADDRESS</b>	<b>AMOUNT</b>
Gloria Martinez	1312 Bloomfield Street	\$125.00
Ernest Fortunato	800 Jackson Street Apt 314	\$125.00

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

**11-917**

---Councilwoman Marsh

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

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

<u>CURRENT FUND</u>	<u>FROM</u>	<u>TO</u>
Operations - Within "Caps"		
Engineering O/E		\$50,000.00
Streets and Roads O/E		\$25,000.00
Planning Board O/E		\$ 5,000.00
Sanitation S/W	\$60,000.00	
Central Garage S/W	\$15,000.00	
Zoning Board O/E	\$ 5,000.00	
<b>TOTALS</b>	<b>\$ 80,000 00</b>	<b>\$80,000.00</b>

---Adopted by the following vote: YEAS: 6 - NAYS: 2 - ABSENT: 1  
 ---Yeas: Council persons Castellano, Bhalla, Giacchi, Marsh, Mello, Occhipinti.  
 ---Nays: Russo, President Mason.  
 ---Absent: Cunningham.

**11-919**

---By Councilman Russo

**RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS**

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

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

**NOW THEREFORE BE IT RESOLVED**, that a warrant be drawn on the City Treasurer made payable to the following totaling **\$ 22,397.42**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Core Logic Att: Recoveries Dept P.O. Box 961230 Fort Worth, Tx 76161-0230	7/7/C0401	609-615 Observer Hwy	4/10	\$ 7,619.04
Chase Home Finance 3415 Vision Drive OH47326 Columbus, Ohio 43219	30/13.2/C02-A	457 Second St	3/10	\$ 919.96
Bank of America Home Loans Att; BAC Tax Services CA6-913-LB-01	30/23/C0003	112 Adams St	4/10	\$ 2,314.74

P O Box 10211  
Van Nuys, Ca 91410-0221

Indymac Mortgage Serv. 34/28/ 114 Park Avenue 1/11 \$ 2,111.53  
c/o One West Bank, FSB  
6900 Beatrice Drive  
Kalamazoo, Mi 49009

Jordain, Timothy A 86/1/C0810 800-830 Jackson St 3/10 \$ 2,906.21  
800 Jackson St Unit 810  
Hoboken, NJ 07030

Shah, Tej S & Sahana K261.03/1/C0330 1125 Maxwell La. 4/10 \$ 6,525.93  
1125 Maxwell Lane Apt 330  
Hoboken, NJ 07030

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

**11-919**

---By Councilman Russo

**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 \$ 1,357.07

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
Lubkemann, David & Jamee 518 Monroe St #4B HOBOKEN, NJ 07030	66/24/C004B	518-520 Monroe St	2010	\$ 1,357.07

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

**11-920**

---By Councilman Russo

**CANCELLATION OF SUB-DIVISION (RESCINDED MASTER DEED)**

RESOLVED, by the Council of the City of Hoboken;

WHEREAS, per the Assessor's memo Block 216, Lot 11.1, 519 Washington Street was subdivided into four separate units and is now being converted back to a 4 unit building as of December 20, 2010 (rescinded mater deed). The taxes on this building will be billed a full year 2011 billing on the third and fourth quarters of 2011. The first and second quarter billing for the individual units are to be cancelled.

RESOLVED, that the following amounts for the first and second quarters of 2011 be cancelled from the Extended Tax Duplicate.

<u>Block</u>	<u>Lot</u>	<u>Qualification #</u>	<u>1<sup>st</sup> &amp; 2<sup>nd</sup> Quarters to be Cancelled</u>
216	11.1	C00C1	\$4,476.91
216	11.1	C00C2	\$2,894.45
216	11.1	C0003	\$2,894.45
216	11.1	C0004	\$2,894.45

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

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

---Nays: None.

---Absent: Cunningham.

### **11-921**

#### **CANCELLATION OF LEAD LOTS 2011 - 1<sup>ST</sup> & 2<sup>ND</sup> QUARTERS**

RESOLVED, by the Council of the City of Hoboken;

WHEREAS, the attached list of Block and Lots have been deleted and no longer exist. The 2011 First and Second quarter billing for the Lead Lots are to be cancelled.

Whereas, the list of properties have been subdivided into units and will be billed on the 2011 Third and Fourth quarters.

RESOLVED, that the list of 2011 First and Second quarter billing be cancelled from the Tax Duplicate.

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

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

---Nays: None.

---Absent: Cunningham.

## **ORDINANCES**

### **Introduction and First Reading**

### **11-922**

#### **Z-97**

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

**WHEREAS**, the City Council Committee on Rent Control & Affordable Housing has conducted public hearings over the course of the past twenty-four (24) months in an effort to identify substantive and procedural deficiencies in the legislative and regulatory controls of residential rents through the City's Rent Regulations Office and Rent Leveling and Stabilization Board; and

**WHEREAS**, this amendatory ordinance is intended to address some of those concerns, recognizing that the work of the Committee is ongoing and intended to address other issues;

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

**Section 1.** Code Section 155-4., entitled "Controls; increase restrictions" is hereby amended and supplemented to read as follows:

**§155-4. Controls; increase restrictions.**

All rents for rental of housing space and services in dwellings to which this act is applicable are hereby controlled at the base rent level received by the landlord as of October 1, 1985, and no rental increases shall be hereinafter demanded, paid or accepted, except as provided in this chapter. Any rent increases imposed after October 1, 1985, to the extent that such increases are in excess of the rent increases allowed under this ordinance, are hereby declared to be null and void, and subject to the limitations and repose period set forth herein, such excess rents shall be refunded or credited to the tenant by the landlord forthwith. All rents may be rounded up or down to the nearest dollar after making the computations. Landlords shall report all increases of rents imposed after October 1, 1985, to the Rent Leveling and Stabilization Board. Any landlord seeking an increase shall notify the tenant in writing at least thirty (30) days prior to the effective date of the increase and explain in detail the reason for the increase. Determinations under this section shall be made by the Rent Registration Officer.

A. Disclosure Statement.

Every landlord subject to the provisions of this Chapter shall be required to provide to each tenant a Disclosure Statement, on Board approved forms, available through the Rent Regulation Office or by download from the City's web site. The Disclosure Statement shall include a detailed description of the tenant's rights under this Chapter, including but not limited to the right to request a legal rent calculation to determine the legal base rent; notice that a failure to request a legal rent calculation within two (2) years of service of the Disclosure Statement will result in a bar of a refund and/or credit of an excess or overpayment of rents; notice that a copy of the Landlord's Registration Statement will be on file with the Rent Regulation Office and available to a tenant upon request; and an acknowledgment by the Landlord advising the tenant of the Truth-In-Renting Act N.J.S.A. 46'8-43 et seq., and the Statement /Booklet prepared therein, which can be obtained from the New Jersey Department of Community Affairs Division of Codes and Standards Landlord tenant information service P.O. Box 805, Trenton, 08625; the Disclosure Statement is to be signed and dated by the tenant and filed by the landlord with the Rent Regulation Officer. In the absence of a Disclosure Statement that is signed and dated by the tenant, a Landlord may also establish proof of service of the Disclosure Statement by filing both a copy of the Disclosure Statement and a receipt indicating that the Disclosure Statement was delivered and received by the tenant via Certified Mail.

The Rent Regulation Officer shall be authorized to prepare and revise the Disclosure Statement as needed in an effort to comply with the intention and purpose of this section.

B. Two (2) Year Statute of Limitations

A refund and/or credit of excess rents shall be barred if the tenant's request for a legal rent calculation is not made within two (2) years from service of the Disclosure Statement upon the tenant. The statute of limitations commences only upon proper service of the Disclosure Statement in compliance with §

Nothing in this provision shall bar a tenant from requesting a legal rent calculation, nor prohibit the Rent Regulation Officer or Board from rendering a determination as to whether the rent of the dwelling is in excess of those permitted under this Chapter.

C. Two (2) Year Period of Repose

In no instance shall a tenant be allowed to collect rental overcharges for a period in excess of two (2) years as determined by the Rent Leveling Officer or the Board. Nothing in this provision shall bar a tenant from requesting a legal rent calculation, no prohibit the Rent Regulation Officer or Board from rendering a determination as to whether the rent of the dwelling is in excess of those permitted under this Chapter.

D. Alternative Proofs of Rents and Vacancies

For the purpose of calculating the earliest date of a verifiable rent and determining the legal rent of the dwelling, including but not limited to the consideration of a vacancy of a dwelling, including but not limited to the consideration of a vacancy of a dwelling, and in the absence of a filed and timely submitted Registration Statement and/or the absence of a filed and timely submitted vacancy decontrol certificate, a landlord shall be permitted to submit credible alternative proofs for consideration by the Rent Registration Officer or the Rent Leveling Stabilization Board to determine the earliest date of a verifiable rent, the legal rent of the dwelling and/or whether vacancies occurred. These alternative proofs may consist of, but are not limited to, leases showing vacancies, and/or statements under oath from reliable sources. In presenting alternative proofs for a vacancy, a certified statement from the Landlord should be submitted indicating that the tenant vacated the apartment voluntarily without harassment, duress, or unreasonable pressure from the landlord or his agents. The Rent Regulation Officer and/or the Rent Leveling and Stabilization Board shall have reasonable discretion to determine the reliability of any such alternative proofs.

**Section 2.** Code Section 155-19., entitled “Rights and Authority of Board” is hereby amended and supplemented to read as follows:

§155-19. Rights and Authority of the Board.

The Rent Leveling and Stabilization Board shall have the right to exercise, in addition to other powers herein granted, all powers necessary and appropriate to carry out and execute the purpose of this entire Chapter, including the right to the exercise of equitable authority in instances where fairness requires equitable intervention. These powers of equity, however, do not permit the Rent Leveling and Stabilization Board to act in contravention to the plain terms and provisions of this Chapter nor in an arbitrary, capricious, or unreasonable manner. Notwithstanding this general power of equity the Rent Leveling and Stabilization Board shall also have the following powers:

**Section 3. Inconsistency**

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 pat of ordinances now existing or in effect unless the same being in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

**Section 4. 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 5. Effective Date

This Ordinance shall take effect after final adoption and approval thereof as provided by law.

President Mason moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **APRIL 6, 2011 at 7:00 PM.**

---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

**11-923**

**Z-98**

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

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

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

Councilman 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 **APRIL 6, 2011 at 7:00 PM.**

---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: Dominick Russo, Ron Simoncini, Lane Bajardi, Eric Volpe, Harvey Furschter.

Councilman Russo motions to go into Closed Session seconded by Councilman Occhipinti

Adopted by the following vote: YEAS: 8 - NAYS: 0 ABSENT: 1  
YEAS: Council persons Bhalla, Castellano, Giacchi, Mello, Occhipinti, Russo and Mason  
NAYS: Marsh  
ABSENT: Cunningham

Council President comments and would like to know all the items discussed in Closed Session

At 11:22 P.M. The Governing Body entered into a closed session.

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

Director Forbes, Joel Glucksman, Joe Maraziti, and Business Administrator Arch Liston

### **11-924**

#### **RESOLUTION AUTHORIZING CLOSED SESSION, PURSUANT TO N.J.S.A. 10:4-12(7) AND ATTORNEY CLIENT PRIVILEGE TO DISCUSS PENDING LITIGATION RELATING TO TARRAGON**

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, pursuant to N.J.S.A. 10:4-12(7) and to protect matters that fall within attorney-client privilege; and,

WHEREAS, one of these reasons is to receive legal advice and counseling relating to issues concerning pending litigation; and

WHEREAS, the City Council has been called upon to make decisions regarding the City’s position in pending litigation, and wishes to obtain legal advice and counseling 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.

Motion to come out of closed session duly by the Council seconded by Council President Mason.

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

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

---Nays None.

--Absent: Cunningham

At 12:24 A.M. the Governing Body on a motion by the Governing Body; duly seconded by the Council

President Mason then adjourned the meeting at 12:25 AM.

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PRESIDENT OF THE COUNCIL

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CITY CLERK