

THE COUNCIL OF THE CITY OF HOBOKEN

MINUTES FOR MEETING OF WEDNESDAY, AUGUST 24, 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 Cunningham, Giattino, Mello, Occhipinti, Russo and President Bhalla.

ABSENT: Castellano, Marsh , Mason.

Council President announces that a major hurricane (category 2) that may come in our area and the Mayor has taken serious preparation for the residents and be aware of the safety precautions.

Council President reads off the memo from Mayor Zimmer

Council President asks Corporation Counsel to explain a settlement for Closed Session tonight

Corporation Counsel presents an overview for resolution #37 a settlement has been agreed

Council President that he will suspend the agenda since we have legal counsel here on a few items (first 4 resolutions) since we have professionals here

Councilman Mello comments if the Governing Body can consider going to Z-125

Council President comments on having to move to Bicycle Lanes ordinance and then to Resolutions #1-4

Council President motions and seconded by the Governing Body to Jump to Z-125 and then to Resolution #1-4

Second Reading/Public Hearing and Final Vote

AN ORDINANCE TO AMEND AND SUPPLEMENT ARTICLE XXXIII OF CHAPTER 190 OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED "VEHICLES AND TRAFFIC" – BICYCLE LANES (Z-125)

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

The speakers who spoke: Ryan Wagner, James Vance, Josh Meyers, Janna Chernetz (TSTC)

No other person present desired to be heard and no written protests or objections received, President Bhalla moved that the hearing be closed.

---duly seconded Councilman Cunningham.

---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3

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

---Nays: None.

---Absent: Castellano, Marsh, Mason

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

---duly seconded Councilman Cunningham.

---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3

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

---Nays: None.

---Absent: Castellano Marsh, Mason

Council President comments on jumping to Resolution #1

AN ORDINANCE TO ESTABLISH PARKING FEES AT MUNIICPAL GARAGES (Z-113)

Council President comments that this will be carried to the next city council meeting September 7, 2011

AN ORDINANCE ESTABLISHING CHAPTER 20D OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED "POLITICAL CONTRIBUTION LIMITS" (A) (Z-114)

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

The speakers who spoke: Patricia Waiters, Vic Zarrish.

No other person present desiring to be heard and no written protests or objections received, President Bhalla moved that the hearing be closed.

---duly seconded Councilman Cunningham.

---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3

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

---Nays: None.

---Absent: Castellano, Marsh, Mason

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

---duly seconded Councilman Cunningham.

---**FAILED** by the following vote: YEAS: 4 - NAYS: 2 - ABSENT: 3

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

---Nays: Occhipinti, Russo.

---Absent: Castellano, Marsh, Mason

AN ORDINANCE ESTABLISHING CHAPTER 20D OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED "POLITICAL CONTRIBUTION LIMITS" (B) (Z-115)

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

No other person present desiring to be heard and no written protests or objections received, President Bhalla moved that the hearing be closed.

---duly seconded Councilman Cunningham
---Adopted by the following vote: YEAS: 5 - NAYS: 0 - ABSENT: 4
---Yeas: Council persons Cunningham, Giattino, Mello, Occhipinti, and President Bhalla
---Nays: None.
---Absent: Castellano, Marsh, Mason, Russo

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

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

Councilman Russo has left the table at 8:34 PM
Councilman Russo has returned to the table at 8:36 PM

AN ORDINANCE TO AMEND SECTION 39-8.1 ENTITLED "FEES" WITHIN CHAPTER 39 ENTITLED "DEPARTMENT OF HUMAN SERVICES" (Z-124)

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

The speaker who spoke: Scott Siegel.

No other person present desiring to be heard and no written protests or objections received, President Bhalla moved that the hearing be closed.

---duly seconded Councilwoman Giattino
---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3
---Yeas: Council persons Cunningham, Giattino, Mello, Occhipinti, Russo, and President Bhalla
---Nays: None.
---Absent: Castellano, Marsh, Mason

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

---duly seconded by Councilwoman Giattino
---Adopted by the following vote: YEAS: 5 - NAYS: 1 - ABSENT: 3
---Yeas: Council persons Cunningham, Giattino, Mello, Russo, and President Bhalla
---Nays: Occhipinti
---Absent: Castellano, Marsh, Mason.

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 192 OF THE CODE OF THE CITY OF HOBOKEN ENTITLED (PARKING FOR HANDICAPPED)
RE: 1231 PARK AVE., 406 ADAMS ST., 213 ADAMS ST., 112 WASHINGTON ST., 624 PARK AVE., 1000 HUDSON ST. **(Z-126)**

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

The speaker who spoke: Patricia Waiters.

No other person present desiring to be heard and no written protests or objections received, President Bhalla moved that the hearing be closed.

---Motion duly seconded Councilman Cunningham.

---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3

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

---Nays: None.

---Absent: Castellano Marsh, Mason

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

--- Motion duly seconded Councilman Cunningham.

---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3

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

---Nays: None.

---Absent: Castellano, Marsh, Mason.

Councilman Occhipinti has left the table at 9:08 PM

11-65

August 24, 2011

Dear Council Members:

My Administration is continuing to address issues that have resulted from the budgetary gimmicks employed by prior Administrations. In this instance, the Roberts Administration closed a \$2.4 million budget gap by front loading a 99-year PILOT into a single lump sum one shot payment from NJ Transit in 2006. The amount of the payment appears low compared to the value of the future income stream, likely a sign that the Administration approached NJ Transit in an act of fiscal desperation.

To make matters worse, the Tax Collector at the time, who is no longer employed by the City, imposed a tax lien for taxes that were not owned by NJ Transit. The reason for these liens were not owed by NJ Transit was both because the property was not taxable as it was subject to a PILOT instead and because the PILOT has already been prepaid in full through an agreement with the City. The City then sold those liens to 3rd parties. It is therefore necessary for the City to cancel those liens in order to resolve this matter.

I strongly advise the Council to support the attached resolution, and I thank you for working with my Administration to address these issues as they arise.

Best regards,

Mayor Zimmer

Received and Filed.

11-66

Communication from City Clerk James J. Farina certifying referendum petitions for **Z-122 “Ordinance to change Municipal Elections in Hoboken to November pursuant to N.J.S.A. 40:45-7.1”**

Received and Filed.

11-67

Communication from Mayor Dawn Zimmer appointing Sandra Reinardy to the Hoboken Library Board.

Received and Filed.

11-68

APPLICATIONS FOR MISCELLANEOUS LICENSES

Taxi, Limousine and Livery Drivers -----	11
Vendors-----	2
Pool table owners-----	1
Music Machine-----	1

---Councilman Cunningham moved that the licenses be granted.
 ---Motion duly seconded by Councilman Mello
 ---Adopted by the following vote: YEAS: 5 - NAYS: 0 – ABSENT - 4
 ---Yeas: Council persons Cunningham, Giattino, Mello, Russo and President Bhalla.
 ---Nays: None
 ---Absent: Castellano, Marsh, Mason, Occhipinti.

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

Reports of City Officers

11-69

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of July 2011 **\$1,814,790.78 (Abatement Totals - \$17,685.68)**

11-70

Affidavit of Tax Bill Mailing from the Tax Collector Sharon Curran for the third and fourth quarters of 2011.

11-71

A report from Municipal Court indicating receipts for the month of July 2011 as **\$345,025.14**

11-72

---By Councilman Cunningham

CLAIMS

Total for this agenda **\$4,809,722.27 - \$11,659.35 - \$32,468.05 = \$4,765,594.87**

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 6 - NAYS: 0 -ABSENT: 3

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

---Nays: None

---Absent: Castellano, Marsh, Mason

11-73

---By Councilman Cunningham

PAYROLLS

For the two week period starting July 7, 2011 – July 20, 2011

Regular Payroll	O/T Pay	Other Pay
\$1,423,907.38	\$142,238.51	\$105,774.53

Total \$1,671,920.42

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 6 - NAYS: 0 -ABSENT: 3

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

---Nays: None

---Absent: Castellano Marsh, Mason

RESOLUTIONS

11-74

---Councilman Mello

RESOLUTION OF THE CITY OF HOBOKEN, COUNTY OF HUDSON AUTHORIZING THE APPLICATION FOR THE REALLOCATION OF AFFORDABLE HOUSING

FUNDS TO ASSIST IN AFFORDABLE HOUSING PROJECTS THROUGHOUT THE CITY.

WHEREAS, the Fair Housing Act of 1985, *N.J.S.A. 52:27D-301 et seq.*, as amended and supplemented from time to time (the “**FHA**”) and the regulations promulgated by the Council on Affordable Housing (“**COAH**”) found at *N.J.A.C. 5:94-1.1 et seq.* and *N.J.A.C. 5:95-1.1 et seq.*, each as amended and supplemented from time to time (collectively, the “**COAH Regulations**”) establish the affordable housing requirements imposed upon municipalities throughout the State of New Jersey; and

WHEREAS, in accordance with the requirements of the FHA and the COAH Regulations, the City of Hoboken (the “**City**”) undertook the development of affordable housing units under four Regional Contribution Agreements (“**RCAs**”) with the Township of Green, the Borough of Demarest, the Borough of Wanaque and the Borough of North Haledon; and

WHEREAS, the City completed the development of all of the required RCA affordable housing units in compliance with the FHA and the COAH Regulations; and

WHEREAS, as a result of the funding the City received for the RCAs, the City currently holds a balance of \$24,539.20 in an affordable housing fund that primarily represents accrued interest within the accounts; and

WHEREAS, since the COAH Requirements limit the use of the residual funds only to affordable housing projects, the City has determined that it is in the best interests of the community to direct the use of the remaining affordable housing funds to eligible projects in need of funding throughout the City; and

WHEREAS, the City seeks to authorize the application to COAH for reallocation of the remaining affordable housing funds to eligible affordable housing projects throughout the City in accordance with COAH Regulations.

NOW, THEREFORE, BE IT RESOLVED by the Municipal 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 City hereby approves the application to COAH to reallocate the City’s affordable housing funds to eligible affordable housing projects within the City, all in accordance with the COAH Requirements.

Section 3. The Mayor, in consultation with the professional staff of the City and any consultants of the City, may undertake any and all actions in furtherance of this Resolution in order to undertake the preparation of an application to COAH for the reallocation of the aforementioned funds, such actions shall include but are not limited to, the preparation, negotiation and execution of any and all documents required under applicable law.

Section 4. A copy of this resolution shall be available for public inspection at the offices of the City.

Section 5. This resolution shall take effect immediately.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3

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

---Nays: None

---Absent: Castellano, Marsh, Mason

11-75

---By Councilman Mello

RESOLUTION OF THE CITY OF HOBOKEN, COUNTY OF HUDSON ALLOCATING A PORTION OF AFFORDABLE HOUSING FUNDS TO ASSIST IN THE RENOVATION OF A HOBOKEN-NORTH HUDSON YMCA-SPONSORED AFFORDABLE HOUSING PROJECT.

WHEREAS, the New Jersey Housing Mortgage Finance Agency Law of 1983, as amended, *N.J.S.A. 55:14K-1 et seq.*, the rules promulgated thereunder at *N.J.A.C. 5:80-1 et seq.*, and all other applicable guidelines (collectively, the “**HMFA Requirements**”) govern the financing, development, construction and management of certain publicly-financed multi-family housing projects; and

WHEREAS, the Hoboken-North Hudson YMCA (the “**Sponsor**”) proposes to renovate and expand a 96-unit single room occupancy special needs housing project for low-income single males (collectively, the “**Project**”) into two (2) condominiums which separate the residential space from the community space; said Project shall include a fifth floor addition and renovation of the third and fourth floors to include 96 single room occupancy units in addition to renovation of the building entrance to comply with accessibility laws, installation of an elevator, two stairwells, a community room for the residents, installation of a fire suppression system, upgrade of utilities and heating, installation of air conditioning, renovation of existing bathrooms and the addition of handicap accessible bathrooms, all in accordance with the HMFA Requirements and all applicable state and municipal building codes; and

WHEREAS, for purposes of securing the financing for the Project, the Sponsor established MBS Housing Urban Renewal, LLC (“**MBS Housing**”) to own and manage the Project in accordance with all applicable laws; and

WHEREAS, despite the best efforts of the Sponsor and MBS Housing, the financing for the Project could not be consummated as originally planned in 2007 or thereafter, as a result of the economic downturn affecting the credit market; and

WHEREAS, the Sponsor and MBS Housing currently seek to close on the financing for the construction of the Project; however due to the many delays in the closing, the Project has incurred cost overruns that threaten the ability of the Sponsor and MBS Housing to close on the Project financing; and

WHEREAS, the City of Hoboken (the “**City**”) has approximately \$72,663.19 available in affordable housing funds available for the sole purpose of funding affordable housing projects subject to the restrictions and requirements of the Council on Affordable Housing (“**COAH**”); and

WHEREAS, the City has been informed by the Sponsor and MBS Housing that the Project faces an immediate budget shortfall of \$48,123.99; and

WHEREAS, the City has determined that the Sponsor has served an important role within the community for many years and the Project represents an important housing alternative to residents that are at risk and in need of affordable housing options; and

WHEREAS, the City has further determined that allocating a portion of its affordable housing funds to assist in the much-needed renovation of 96 affordable housing units and securing a long-term investment in affordable housing options within the City are in the best interests of the residents and the community as a whole; and

WHEREAS, the Parties agree that the Project will remain subject to the HMFA Requirements, the New Jersey Department of Community Affairs (the “**DCA**”) Neighborhood Preservation Balanced

Housing Program in accordance with *N.J.A.C. 5:43-1.1 et seq.*, the regulations and requirements of COAH and such other rules and regulations under applicable law; and

WHEREAS, based on the foregoing, the City hereby determines to allocate \$48,123.99 of the City's affordable housing funds to assist the financing of the Project, subject to the approval of COAH under applicable laws.

NOW, THEREFORE, BE IT RESOLVED by the Municipal 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 City hereby approves the allocation of \$48,123.99 of the City's affordable housing funds to the Project subject to the approval of COAH and subject to the execution of an agreement between the City and MBS Housing ensuring the return of such funds in the event the financial closing for the Project is delayed or terminated for any reason.

Section 3. The Mayor, in consultation with the professional staff of the City and any consultants of the City, may undertake any and all actions in furtherance of this Resolution in order to secure COAH's approval of the allocation of the aforementioned funds to the Project and complete the transfer of such funds to the Project, such actions shall include but are not limited to, the preparation, negotiation and execution of any and all documents required to apply for, secure and complete the allocation and transfer of the funds under applicable law and as required by this Resolution.

Section 4. A copy of this resolution shall be available for public inspection at the offices of the City.

Section 5. This resolution shall take effect immediately.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3

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

---Nays: None

---Absent: Castellano, Marsh, Mason

11-76

---By Councilman Cunningham

RESOLUTION OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY CANCELLING ANNUAL SERVICE CHARGE ASSESSMENTS ON BLOCK 139, LOT 4 AND BLOCK 229, LOT 1 OWNED BY NEW JERSEY TRANSIT.

WHEREAS, New Jersey Transit Corporation ("**NJ Transit**"), a State agency established pursuant to *N.J.S.A. 27:25-1 et seq.*, acquired certain properties in the City of Hoboken commonly known as Block 139, Lot 4 and Block 229, Lot 1 on the Tax Map of the City of Hoboken, state of New Jersey (collectively, the "**NJT Property**"); and

WHEREAS, by virtue of NJ Transit's ownership the NJT Property is exempt from taxation in accordance with *N.J.S.A. 27:25-16*; and

WHEREAS, NJ Transit paid the City an annual service charge for the NJT Property and on June 6, 2006, NJ Transit prepaid all annual services charges due and owing on the NJT Property until the year 2105 in the amount of \$2,471,000; and

WHEREAS, notwithstanding the foregoing, the City continued to assess annual service charges against the NJT Property after tax year 2006; and

WHEREAS, the City has determined that the imposition of the additional annual service charges against the NJT Property resulting in the Tax Lien Sales was inappropriate since the annual service charge was prepaid until 2105; and

WHEREAS, when NJ Transit failed to pay the erroneously imposed service charges relating to the NJT Property, the City's Tax Collector was required by law to sell the following tax liens against the property: (i) Royal Tax Lien Services, LLC, 115 West Avenue, Suite 300, Jenkintown, PA 19046 in the total amount of \$19,657.30; and (ii) JMAM Partners, P.O. Box 3053, Hoboken, NJ 07030 in the total amount of \$4,630.79 (collectively "**Tax Lien Sales**"); and

WHEREAS, as a result of the foregoing, the City has determined that the additional annual service charges were improperly assessed against the NJT Property and the annual service charge assessments against the NJT Property shall be cancelled for the tax years 2006 through and including the 2nd quarter of 2011; and the annual service charges relating to the NJT Property shall be designated as having prepaid until the year 2105; and

WHEREAS, Sharon Curran, Collector of Revenue, recommends that the cancellations be made to rectify the previous collector's errors

NOW THEREFORE, BE IT RESOLVED, that a warrant be drawn on the City Treasurer made payable to the following parties in the following amounts in order to satisfy the Tax Lien Sales:

NAME	ADDRESS	AMOUNT
Royal Tax Lien Services, LLC	115 West Avenue, Suite 300 Jenkintown, PA 19046	\$19,657.30
JMAM Partners	P.O. Box 3053 Hoboken, NJ 07030	\$4,630.79

BE IT FURTHER RESOLVED, that Block 139, Lot 4 and Block 229, Lot 1 be removed from the Taxable Register and be placed on the Tax-Exempt Register and no further annual service charges relating to real estate taxes shall be assessed against the NJT Property until the year 2105.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon final adoption and publication thereof according to law.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3

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

---Nays: None

---Absent: Castellano, Marsh, Mason

11-77

---By Councilman Mello

RESOLUTION OF THE CITY OF HOBOKEN AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH P&D HOBOKEN, LLC

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the "Act"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, the City desires that a portion of the land located in the Northwest Redevelopment Area, located at the Southeast corner of Jefferson and 10th Street known as Block 95, Lots 17 & 18 on the Tax Map of the City of Hoboken (hereinafter "Project Site"), be redeveloped in accordance with the Northwest Redevelopment Plan (the "Redevelopment Plan"); and

WHEREAS, by Resolution adopted on August 11, 2010, the City Council authorized the execution of a Conditional Designation Agreement with P&D Hoboken, LLC to negotiate the terms of a Redevelopment Agreement, which required that the redeveloper pay the reasonable costs incurred by the City associated with the review of the redeveloper's proposal, drafting and negotiation of a Redevelopment Agreement and all other costs and expenses related to this matter prior to the execution of a Redevelopment Agreement; and

WHEREAS, after extensive negotiations between the parties and an independent analysis of the *pro forma* for the project, agreement has been reached to provide for the construction of a LEED certified six story residential condominium building to include fifteen (15) residences, consisting of a mixture of one, two and three bedroom units, together with twelve (12) parking spaces and a number of bike racks, with a requirement that P & D Hoboken make an Affordable Housing Payment of \$50,000 to the City to be used to facilitate affordable housing opportunities in the City;

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

1. The Mayor is hereby authorized to execute the REDEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF HOBOKEN AND P&D HOBOKEN, LLC, substantially in the form attached hereto as Schedule A.

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

3. This Resolution shall be effective immediately.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3

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

---Nays: None

---Absent: Castellano, Marsh, Mason

11-78

---Councilman Mello

RESOLUTION TO APPROVE REFUNDS OF PAYMENTS FOR HANDICAP PARKING ZONE

WHEREAS, The Subcommittee for Handicap Parking denied approval of the applications submitted by Midgalia Velez; and

WHEREAS, Ms. Velez 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 Treasury to the order of the following sum opposite the name as reimbursement for handicap parking fees:

NAME	ADDRESS	AMOUNT
Migdalia Velez	320 Marshall Drive, Apt. 5F	\$125.00

---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3
---Yeas: Council persons Cunningham, Giattino, Mello, Occhipinti, Russo, and President Bhalla
---Nays: None
---Absent: Castellano, Marsh, Mason

11-79

---By Councilman Cuningham

RESOLUTION TO APPROVE A “LICENSE AGREEMENT” BETWEEN THE CITY OF HOBOKEN (ON BEHALF OF THE GENERAL PUBLIC) AS LICENSOR AND THE OWNER OF BLOCK 238 LOT 2 FOR USE OF A PORTION OF THE PUBLIC RIGHT OF WAY ADJACENT TO BLOCL 238 LOT 2

WHEREAS, THE City of Hoboken (on behalf of the General Public) owns and maintains the public right of way consisting of certain real property located in the City of Hoboken, Hudson County, New Jersey, as more particularly identified as Hudson Street in Exhibit “A” attached hereto and by reference made a part hereof; and

WHEREAS, the City of Hoboken requires property owners to maintain said public right of way adjacent to their property; and

WHEREAS, the City of Hoboken encourages property owners to landscape and otherwise improve said right of way to enhance the streetscape and general attractiveness of the public right of way; and

WHEREAS, the City of Hoboken, by ordinance, provides for the issuance of Licenses for the aforementioned purpose, renewable at five (50 year intervals, under the terms set forth in Chapter 168 of the municipal code; and

WHEREAS, the City of Hoboken (on behalf of the General Public) desires to grant to Anna Mae Cashin, owner of Block 238 Lot 2, more commonly known as 905 Hudson Street, such a License.

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

- 1) Approval of the attached “License Agreement” between the City of Hoboken (on behalf of the General Public) and Anna Cashin, owner of Block 238 Lot 2, shall be subject and limited to Exhibit “A” (attached thereto);
- 2) The Mayor or her agent is hereby authorized to enter into the attached agreement; and
- 3) This resolution shall become effective immediately up adoption.

---Motion duly seconded by Councilman Mello
---Adopted by the following vote: YEAS: 5 - NAYS: 0 -ABSENT: 3 -ABSTAIN: 1
---Yeas: Council persons Cunningham, Giattino, Mello, Russo, and President Bhalla
---Nays: None.
---Abstain: Occhipinti
---Absent: Castellano, Marsh and Mason

11-80

---By Councilman Cunningham

RESOLUTION TO APPROVE A “LICENSE AGREEMENT” BETWEEN THE CITY OF HOBOKEN (ON BEHALF OF THE GENERAL PUBLIC) AS LICENSOR AND THE OWNER OF BLOCK 68 LOT 25 FOR USE OF A PORTION OF THE PUBLIC RIGHT OF WAY ADJACENT TO BLOCK 68 LOT 25

WHEREAS, THE City of Hoboken (on behalf of the General Public) owns and maintains the public right of way consisting of certain real property located in the City of Hoboken, Hudson County, New Jersey, as more particularly identified as Hudson Street in Exhibit “A” attached hereto and by reference made a part hereof; and

WHEREAS, the City of Hoboken requires property owners to maintain said public right of way adjacent to their property; and

WHEREAS, the City of Hoboken encourages property owners to landscape and otherwise improve said right of way to enhance the streetscape and general attractiveness of the public right of way; and

WHEREAS, the City of Hoboken, by ordinance, provides for the issuance of Licenses for the aforementioned purpose, renewable at five (50 year intervals, under the terms set forth in Chapter 168 of the municipal code; and

WHEREAS, the City of Hoboken (on behalf of the General Public) desires to grant to Kenneth O’Neill, owner of Block 68 Lot 25, more commonly known as 514 Jefferson Street, a License for said purpose.

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

- 1) Approval of the attached “License Agreement” between the City of Hoboken (on behalf of the General Public) and Kenneth O’Neill, owner of Block 68 Lot 25, shall be subject and limited to Exhibit “A” (attached thereto);
- 2) The Mayor or her agent is hereby authorized to enter into the attached agreement; and
- 3) This resolution shall become effective immediately up adoption.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 5 - NAYS: 0 -ABSENT: 3 ABSTAIN: 1

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

--Nays: None

---Abstain: Occhipinti

---Absent: Castellano, Marsh and Mason

11-81

---By Councilman Mello

THIS RESOLUTION AWARDS A CONTRACT TO TILCON NEW YORK, INC. FOR IMPROVEMENTS TO VARIOUS STREETS FOR THE CITY OF HOBOKEN IN ACCORDANCE WITH THE BASE BID AND ALTERNATE BID A OF THE SPECIFICATIONS IN BID NUMBER 11-10 IN THE AMOUNT OF THREE HUNDRED NINETY FOUR THOUSAND ONE HUNDRED FIFTY DOLLARS AND FIFTY CENTS (\$394,150.50).

WHEREAS, proposals were received on 21 July 2011 for improvements to various streets for the City of Hoboken, as specified in Bid Number 11-10; and,

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

VENDOR	Base Bid	Alternate A	Alternate B	Alternate C
Tilcon New York, Inc. 625 Mt. Hope Road Wharton, New Jersey 07885	\$344,832.30	\$49,318.20	\$187,097.80	\$150,957.30
			TOTAL OF ALL OPTIONS:	
	\$732,205.60			
English Paving Company 650 Route 46 West Clifton, New Jersey 07013	\$364,899.26	\$46,929.52	\$181,888.70	\$144,251.63
			TOTAL OF ALL OPTIONS: \$737,969.11	
A.J.M. Contractors, Inc. 300 Kuller Road Clifton, New Jersey 07011	\$389,647.50	\$53,188.00	\$194,874.00	\$150,575.00
			TOTAL OF ALL OPTIONS: \$788,284.50	

WHEREAS, **Tilcon New York, Inc.** submitted the lowest, responsible, bid for the base bid plus alternate A, and Boswell Engineering has recommended awarding a contract to **Tilcon New York, Inc.**; and,

WHEREAS, **Tilcon New York, Inc.** is required to provide the required performance bond prior to the City executing the contract as contemplated herein; and,

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

NOW THEREFORE BE IT RESOLVED as follows:

- A. This resolution awards a contract to **Tilcon New York, Inc.** in an amount not to exceed **Three Hundred Ninety Four Thousand One Hundred Fifty Dollars and Fifty Cents (\$394,150.50)**, for the provision of the improvements to various streets as outlined in Bid No. 11-10 under the base bid and alternate A of the specifications set forth therein; and,
- 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 Tilcon New York, Inc. as described herein; and,
- C. This resolution shall take effect immediately upon passage.

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

11-82

---By Councilman Cunningham

RESOLUTION ACCEPTING THE TERMS OF THE LOCAL 108 RWDSU, UFCW COLLECTIVE BARGAINING AGREEMENT

WHEREAS, the City Council of the City of Hoboken, in cooperation with the Mayor and her Administration, have spent considerable time negotiating a revised collective bargaining agreement with the Local 108 RWDSU, UFCW (“Local 108”); and,

WHEREAS, on July 20, 2011 the parties negotiated a revised collective bargaining agreement, *attached hereto*, and the City Council is now called upon to either accept or reject the terms of the negotiated agreement.

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

1. The City Council hereby accepts the collective bargaining agreement, *attached hereto*, as negotiated between the City and the Local 108; and,
2. The City Council hereby directs the Mayor and her Administration to notify Local 108 of this acceptance immediately.
3. The Mayor, her Administration and Labor Counsel are hereby authorized and directed to proceed to execute and finalize this agreement expeditiously.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3

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

---Nays: None

---Absent: Castellano, Marsh, Mason

11-83

---By President Bhalla

RESOLUTION ACCEPTING THE TERMS OF THE CITY’S SHARED SERVICE AGREEMENTS WITH HOBOKEN CHARTER SCHOOL AND ELYSIAN CHARTER SCHOOL RELATING TO USE OF THE GYM AT THE MULTI-SERVICE CENTER FOR SCHOOL FUNCTIONS

WHEREAS The City possesses certain space for recreational activities at its Multi-Service Center (“Center”); and

WHEREAS The School requires space for its recreational activities, which has traditionally been provided by the City at the Center; and

WHEREAS The Parties wish to memorialize the longstanding provisions for recreational space for the School at the City’s Center through this Shared Service Agreement, pursuant to N.J.S.A. 40A:65-1 et seq.; and

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

4. The City Council hereby accepts the Shared Service Agreements, *attached hereto*, as negotiated between the City and the Hoboken Charter School and the Elysian Charter School;

- and,
5. The City Council hereby directs the Mayor and her Administration to notify the two Charter Schools of this acceptance immediately; and,
 6. The Mayor, her Administration are hereby authorized and directed to proceed to execute and finalize this agreement expeditiously.

---Motion duly seconded by Councilwoman Giattino
---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3
---Yeas: Council persons Cunningham, Giattino, Mello, Occhipinti, Russo, and President Bhalla
---Nays: None
---Absent: Castellano, Marsh, Mason

11-84

---By Councilwoman Giattino

AUTHORIZING THE CITY OF HOBOKEN TO PARTICIPATE IN THE STATE LOCAL COOPERATIVE HOUSING INSPECTION PROGRAM FOR THE JULY 1, 2011 TO JUNE 30, 2012 TERM, ACCEPTING THE \$70,000.00 GRANT FROM THE PROGRAM AND AUTHORIZING THE MAYOR TO ACT AS THE AUTHORIZED AGENT FOR THE DURATION OF THE PROGRAM

WHEREAS, the City of Hoboken has been approved by the State of New Jersey Department of Community Affairs for participation in the program known as “State Local Cooperative Housing Inspection Program” which would provide the City of Hoboken with \$70,000.00 to effectuate proper housing inspections of multiple family dwellings, hotels and motels within the City limits; and,

WHEREAS, the City Council of the City of Hoboken finds it advantageous for the City to accept participation into this program to help effectuate proper inspections of the numerous multiple family dwellings within the City.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the City is authorized to participate in the State of New Jersey State Local Cooperative Housing Inspection Program for the term commencing July 1, 2011 and terminating June 30, 2012;

BE IT FURTHER RESOLVED, the City of Hoboken accepts the \$70,000.00 allocated grant for participation in the program; and,

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

1. Execute and furnish any documentation necessary to effectuate the City’s participation in this program and funding for participation in this program;
2. Act as authorized agent and correspondent for the City of Hoboken; and,
3. Execute necessary contracts, as needed, to have the funding awarded.

---Motion duly seconded by President Bhalla
---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3
---Yeas: Council persons Cunningham, Giattino, Mello, Occhipinti, Russo, and President Bhalla
---Nays: None
---Absent: Castellano, Marsh, Mason

11-85

---By Councilwoman Giattino

RESOLUTION APPROVING A CHANGE ORDER FOR HVAC REHABILITATION AT THE MULTI SERVICE CENTER

Whereas, the City of Hoboken has received grant awards totaling \$386,000 (\$161,000 EECBG federal stimulus and \$225,000 Community Development Grant funds) for replacement of the HVAC system at the Multi-Service Center; and

Whereas, at the City Council meeting of November 15, 2010, a construction contract for the HVAC replacement was awarded to WHL Enterprises (t/a Bill Leary A/C & Heating, 6 Green Street, Metuchen, NJ 08840) in the amount of \$322,900; and

Whereas, approval of a change order #1 in the amount of \$6,171.00 was necessary to cover steel needed as additional reinforcement for wind loads, as required by the City's Building Department; and,

Whereas, a second change order, change order #2, in the amount of \$45,755.73, is required utility upgrades required on the site, including water, electrical and gas.

NOW, THEREFORE, BE IT RESOLVED, that the City Council approves the attached Change Order #2 in the amount of \$45,755.73.

---duly seconded by President Bhalla

---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3

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

---Nays: None

---Absent: Castellano, Marsh, Mason

11-86

---By Councilwoman Giattino

RESOLUTION ESTABLISHING THE HOBOKEN GREEN TEAM

WHEREAS New Jersey is the first State in the nation to have a comprehensive sustainability program for communities that links certification with strong state and private financial incentives, and a fully resourced program of technical support and training.

WHEREAS the Sustainable Jersey Program is a certification program for New Jersey municipalities committing to save tax revenue, conserve energy, preserve both the environment and public health and build a community that is economically, environmentally and socially sustainable;

WHEREAS the City Council of the City of Hoboken wishes to benefit our residents now and into the future by encouraging community sustainability initiatives that are affordable to implement, environmentally responsible and just and fair to all sectors of society and;

WHEREAS the City of Hoboken has already began the process of submitting existing initiatives for Credit with the Sustainable Jersey Program, attaining a total of 180 points, qualifying the City for Bronze Certification;

WHEREAS the Council is participating in the Sustainable Jersey Program and is committed to upholding the aforementioned values of this program; and,

WHEREAS to focus attention on Green issues and become certified with the Sustainable Jersey Program, a Hoboken Green Team must be established.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Hoboken that we do hereby establish a Hoboken Green Team populated by the Mayor and organized by the City and Community co-chairs; and,

BE IT FURTHER RESOLVED by the City Council of the City of Hoboken that the Hoboken Green Team will collaborate on achieving the required tasks necessary to enable the City of Hoboken to be more sustainable and also to become a Silver Certificate Sustainable Community in the Sustainable Jersey Program

---Motion duly seconded by President Bhalla
---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3
---Yeas: Council persons Cunningham, Giattino, Mello, Occhipinti, Russo, and President Bhalla
---Nays: None
---Absent: Castellano, Marsh, Mason

11-87

---By Councilman Mello

Inserting a Special Item of Revenue into the CY 2011 Municipal Budget

COMMUNITY DEVELOPMENT BLOCK GRANT – CY 2011

WHEREAS, N.J.S.A. 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

WHEREAS, 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 \$457,000.00 from Hudson County, Division of Housing & Community Development to amend its CY 2011 Budget to include this amount as revenue and Miscellaneous Program Income \$105,000.00.

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..... \$457,000.00

This is now available as revenue from:

Miscellaneous Revenues:

- Special Items of General Revenue Anticipated
- With Prior Written Consent of the Director of the
- Division of Local Government Services:
 - State and Federal Revenues Off-set with
 - Appropriations:
 - Community Development Block Grant 2011 O/E

NOW, THEREFORE, BE IT RESOLVED that the like sum of: \$457,000.00

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:
 - Community Development Block Grant 2011 O/E
 - Other Expenses

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 Cunningham
---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3
---Yeas: Council persons Cunningham, Giattino, Mello, Occhipinti, Russo, and President Bhalla
---Nays: None
---Absent: Castellano, Marsh, Mason

11-88

---By Councilwoman Giattino

Inserting a Special Item of Revenue into the CY 2011 Municipal Budget

HOBOKEN POLICE ATHLETIC LEAGUE – CY 2011

WHEREAS, N.J.S.A. 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

WHEREAS, 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 \$30,000.00 from Police Athletic League N.J., Office of Juvenile Justice Programs to amend its CY 2011 Budget to include this amount as 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.....\$30,000.00
This is now available as revenue from:

Miscellaneous Revenues:

- Special Items of General Revenue Anticipated
- With Prior Written Consent of the Director of the Division of Local Government Services:
 - State and Federal Revenues Off-set with Appropriations:
 - Hoboken Police Athletic League O/E

NOW, THEREFORE, BE IT RESOLVED that the like sum of: \$30,000.00
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:
 - Hoboken Police Athletic League O/E
 - Other Expenses

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 President Bhalla
---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3

---Yeas: Council persons Cunningham, Giattino, Mello, Occhipinti, Russo, and President Bhalla
---Nays: None
---Absent: Castellano, Marsh, Mason

11-89

---By Councilman Mello

Inserting a Special Item of Revenue into the CY 2011 Municipal Budget

PEDESTRIAN SAFETY EDUCATION GRANT – CY 2011

WHEREAS, N.J.S.A. 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

WHEREAS, 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 \$16,000.00 from State of New Jersey, Division of Highway Traffic Safety to amend its CY 2011 Budget to include this amount as 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..... \$16,000.00

This is now available as revenue from:

Miscellaneous Revenues:

- Special Items of General Revenue Anticipated
- With Prior Written Consent of the Director of the
- Division of Local Government Services:
 - State and Federal Revenues Off-set with
 - Appropriations:
 - Pedestrian Safety Highway Grant 2011 O/E

NOW, THEREFORE, BE IT RESOLVED that the like sum of: \$16,000.00

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:
 - Pedestrian Safety Highway Grant 2011 O/E
 - Other Expenses

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 Cunningham
---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3
---Yeas: Council persons Cunningham, Giattino, Mello, Occhipinti, Russo, and President Bhalla
---Nays: None

---Absent: Castellano, Marsh, Mason

11-90

---By Councilwoman Giattino

Inserting a Special Item of Revenue into the CY 2011 Municipal Budget

RECYCLING TONNAGE GRANT 2009 – CY 2011

WHEREAS, N.J.S.A. 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

WHEREAS, 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 \$23,921.67 from State of N.J., Department of Environmental Protection to amend its CY 2011 Budget to include this amount as 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.....\$23,921.67
This is now available as revenue from:

- Miscellaneous Revenues:
 - Special Items of General Revenue Anticipated
 - With Prior Written Consent of the Director of the
 - Division of Local Government Services:
 - State and Federal Revenues Off-set with
 - Appropriations:
 - Recycling Tonnage Grant 2009 O/E

NOW, THEREFORE, BE IT RESOLVED that the like sum of: \$23,921.67
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:
 - Recycling Tonnage Grant 2009 O/E
 - Other Expenses

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 President Bhalla
---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3
---Yeas: Council persons Cunningham, Giattino, Mello, Occhipinti, Russo, and President Bhalla
---Nays: None
---Absent: Castellano, Marsh, Mason

11-91

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH THE JUBILEE CENTER

WHEREAS, the Board of Directors of The Jubilee Center, located at 601 Jackson Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, a request for Hudson County Community Development Block Grant funds for the provision of After School and Summer Programs within the City of Hoboken; and

WHEREAS, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$25,000 out of available Community Development funds to operate said program within the City of Hoboken, now therefore, be it –

Resolved, that the Council of the Mayor and Council of the City of Hoboken hereby approves the attach Sub-recipient Agreement and accepts the obligations under the aforesaid Agreement, and BE IT

FURTHER RESOLVED, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and The Jubilee Center, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3

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

---Nays: None

---Absent: Castellano, Marsh, Mason

11-92

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH UNITED CEREBRAL PALSY

WHEREAS, the Board of Directors of United Cerebral Palsy, located at 1005 Washington Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, a request for Hudson County Community Development Block Grant funds for the provision of Services within the City of Hoboken; and

WHEREAS, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$2,000 out of available Community Development funds to operate said program within the City of Hoboken, now therefore, be it-

RESOLVED, THAT THE Council of the Mayor and Council of City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, and be it –

FURTHER RESOLVED, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and United Cerebral Palsy, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3

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

---Nays: None

---Absent: Castellano, Marsh, Mason

11-93

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH HOPES HEAD START

Whereas, the Board of Directors of HOPES Head Start, located at 301 Garden Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, a request for Hudson County Community Development Block Grant funds for the provision of Child Care Services within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$25,000 out of available Community Development funds and \$25,531 out of available Miscellaneous Program Income to operate said program within the City of Hoboken; **now therefore, be it -**

Resolved, that the Council of the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, **and be it --**

Further Resolved, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and HOPES Head Start, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3

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

---Nays: None

---Absent: Castellano, Marsh, Mason

11-94

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH NUESTROS NINOS DAY CARE

Whereas, the Board of Directors of Nuestros Ninos Day Care, located at 301 Garden Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, a request for Hudson County Community Development Block Grant funds for the provision of Child Care Services within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$25,000 out of available Community Development funds and \$11,143 out of available Miscellaneous Program Income Funds to operate said program within the City of Hoboken; **now therefore, be it –**

Resolved, that the Council of the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, **and be it –**

Further Resolved, that the Mayor of the City of Hoboken, or his/her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and Nuestros Ninos Day Care, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilman Mello
---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3
---Yeas: Council persons Cunningham, Giattino, Mello, Occhipinti, Russo, and President Bhalla
---Nays: None
---Absent: Castellano, Marsh, Mason

11-95

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH MILE SQUARE DAY CARE

Whereas, the Board of Directors of Mile Square Day Care, located at 301 Garden Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, a request for Hudson County Community Development Block Grant funds for the provision of Child Care Services within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$25,000 out of available Community Development funds and \$57,818 out of available Miscellaneous Program Income funds to operate said program within the City of Hoboken; now therefore, be it –

Resolved, that the Council of the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, and be it –

Further Resolved, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and Mile Square Day Care, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilman Mello
---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3
---Yeas: Council persons Cunningham, Giattino, Mello, Occhipinti, Russo, and President Bhalla
---Nays: None
---Absent: Castellano, Marsh, Mason

11-96

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH DAY CARE 100

Whereas, the Board of Directors of Day Care 100, located at 124 Grand Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, a request for Hudson County Community Development Block Grant funds for the provision of Child Care Services within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$25,000 out of available Community Development funds and \$5,508 out of available Miscellaneous Program Income to operate said program within the City of Hoboken; now therefore, be it –

Resolved, that the Council of the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, and be it –

Further Resolved, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and Day Care 100, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilman Mello
---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3
---Yeas: Council persons Cunningham, Giattino, Mello, Occhipinti, Russo, and President Bhalla
---Nays: None
---Absent: Castellano, Marsh, Mason

11-97

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH HOBOKEN FAMILY PLANNING

Whereas, the Board of Directors of Hoboken Family Planning, located at 124 Grand Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, a request for Hudson County Community Development Block Grant funds for the provision of Family Planning Services within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$20,000 out of available Community Development funds and \$3,000 out of available Miscellaneous Program Income funds to operate said program within the City of Hoboken; now therefore, be it –

Resolved, that the Council of the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, and be it –

Further Resolved, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and Hoboken Family Planning, and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilman Mello
---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3
---Yeas: Council persons Cunningham, Giattino, Mello, Occhipinti, Russo, and President Bhalla
---Nays: None
---Absent: Castellano, Marsh, Mason

11-98

---By Councilman Mello

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE FUNDING AGREEMENT WITH BOYS & GIRLS CLUB OF HUDSON COUNTY (HOBOKEN UNIT)

Whereas, the Board of Directors of the Boys & Girls Club of Hudson County (Hoboken Unit), located at 119 Jefferson Street, Hoboken, NJ 07030, has submitted to the City of Hoboken, a request for Hudson County Community Development Block Grant funds for the provision of Recreation Services within the City of Hoboken; and

Whereas, under the terms of said Agreement, a copy of which is attached hereto and made a part hereof, the City of Hoboken shall provide funds in the amount of \$10,000 out of available Community Development funds and \$2,000 out of available Miscellaneous Program Income to operate said program within the City of Hoboken; now therefore, be it –

Resolved, that the Council of the Mayor and Council of the City of Hoboken hereby approves the attached Subrecipient Agreement and accepts the obligations under the aforesaid Agreement, and be it –

Further Resolved, that the Mayor of the City of Hoboken, or her designee, is hereby authorized and directed to execute said Agreement between the City of Hoboken and the Boys & Girls Club of Hudson County (Hoboken Unit), and the City Clerk is hereby authorized to attest same and to affix the City Seal.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3

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

---Nays: None

---Absent: Castellano, Marsh, Mason

11-99

---By Councilman Cunningham

RESOLUTION AMENDING “NOT TO EXCEED” AMOUNTS RELATING TO SERVICES OF MARK A. TABAKIN, ESQ. AND WEINER LESNIAK, LLP SO AS TO REINSTATE THE AMOUNTS CONTRACTUALLY AGREED TO BY AND BETWEEN THE PARTIES

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 20, 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, by resolution dated June 1, 2011 the Council pass a resolution attempting to reduce the not to exceed amounts for the above referenced contracts; and,

WHEREAS, the Council of the City of Hoboken wishes to reinstate the original not to exceed amounts of the contracts, based on the original Resolutions #10-638 and #10-639; and,

WHEREAS, the Council therefore finds it necessary and prudent to amend the “not to exceed” amounts authorized by the June 1, 2011 and reinstate the not to exceed amounts in Resolutions #10-638 and #10-639 so as to maintain good faith and fair dealing to the City’s actions under the contract.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Hoboken hereby amends the Weiner Lesniak, LLP contract to reflect the not to exceed amounts originally authorized under Resolution #10-639, at a rate of \$150.00 per hour and in an amount not to exceed \$200,000 for these services; and,

BE IT FURTHER RESOLVED that the Council of the City of Hoboken hereby amends the Mark A. Tabakin, Esq. contract to reflect the not to exceed amounts originally authorized under Resolution #10-638 in an amount not to exceed \$103,500 for these services; and,

BE IT FURTHER RESOLVED that the City Clerk is authorized to take any action required by N.J.S.A. 40A:11-1 et seq., or any other law or regulation, relating to this resolution; and,

BE IT FURTHER RESOLVED that the City Clerk provide a certified copy of this resolution to Mayor Dawn Zimmer, CFO George DeStefano and Corporation Counsel Mark Tabakin; and,

BE IT FURTHER RESOLVED that this resolution shall become effective retroactive to June 1, 2011.

The speaker who spoke: Scott Seigel.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 4 - NAYS: 2 - ABSENT: 3

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

---Nays: Occhipinti, Russo

---Absent: Castellano, Marsh, Mason

11-100

---By Councilman Mello

RESOLUTION OPPOSING FUTURE FARE INCREASES APPROVED BY THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY AND SUPPORTING THE CALL FOR A SUBSTANTIAL AUDIT OF THE PORT AUTHORITY'S OPERATING BUDGET AND CAPITAL IMPROVEMENT PLAN

WHEREAS, The Port Authority of New York and New Jersey recently proposed that the basic PATH fare will increase from \$1.75 per trip to \$2.75 per trip in 2011, and that the fare for 10-, 20- and 40-trip SmartLink cards will increase from \$1.30 per trip to \$2.10 in 2011; and

WHEREAS, this fare proposal would have represented a 57% increase to said single trip fare prices and a 61% increase to said SmartLink card prices; and

WHEREAS, a revised proposal released on Thursday, August 18, 2011 still calls for a \$1.00 increase to PATH fares, albeit in 25 cent increments over the next four years; and

WHEREAS, our United States economy has recently suffered through its worst economic downturn since the Great Depression; and

WHEREAS, the U.S. Bureau of Labor Statistics reported on August 3, 2011 that unemployment levels in the state of New Jersey increased by 3.1 percent from June 2010 to June 2011; and

WHEREAS, the U.S. Bureau of Labor Statistics further reported that unemployment levels in New York City decreased by 7.1% and decreased by 5.1% in New York State over the same time period; and

WHEREAS, the citizens of Hoboken and of New Jersey should never accept the subterfuge of paying higher PATH fares so that the Port Authority may better fund projects that will benefit the totality of the New York metropolitan area, as evidenced by the recent announcements of support for the initial toll and fare proposal by the Dutchess County Regional Chamber of Commerce and the Orange County Chamber of Commerce (both of New York State); and

WHEREAS, at a series of public hearings held by the Port Authority on the matter of these fare increases and of Hudson River crossing toll increases, numerous Hudson County residents spoke out against any proposed PATH fare increases and requested that they not occur; and

WHEREAS, none of these public hearings were held in Hoboken, a city of 50,000 residents that relies heavily upon and has continually supported the PATH system as a means of transportation to and from Manhattan and our New York metropolitan core; and

WHEREAS, Hoboken relies heavily upon public transportation, having the highest percentage of transit rider ship of any city in the country, and will be disproportionately burdened by this unprecedented fare increase being placed upon arguably its most popular form of public transportation; and

WHEREAS, the revised alternative proposal, which was deemed “a responsible alternative” by the governors of New Jersey and New York reduced the long-term car toll increase from an initially proposed \$6.00 increase over four years to \$4.50 over five years, while the proposed PATH fare increase remains a \$1.00 increase, albeit now over four years; and

WHEREAS, any PATH fare increases of 57%, whether immediate or over four years, are an affront to all stewards of the environment, both inside and outside of government, who have long encouraged reasonably priced public transportation to discourage the use of private cars, so as to conserve energy, reduce auto pollution, ameliorate congestion on New Jersey’s highly congested roadways, and support the relatively more efficient means of transporting people to our urban core that mass transit provides; and

WHEREAS, Governor Christie appoints members to the Port Authority of New York and New Jersey board and selects its top administrative staff members and thus has the influence to shield the citizens of New Jersey, including the working class commuters of Hoboken (many of whom do not or cannot not afford to own a car), its businesses, and our environment from the negative impact that toll and fare increases have the power to trigger; and

WHEREAS, Governor Christie and Governor Cuomo made a condition for not blocking the proposed hikes the approval and immediate commencement by the commissioners of the Port Authority of a comprehensive audit of the authority; and

WHEREAS, both governors stated and required that, “This audit will be twofold – it will focus on both a financial audit of the authority’s 10-year capital plan to further reduce its size and cost and a top to bottom management review of the authority’s finances and operations to find ways to lower costs and increase efficiencies.”

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

1. The City of Hoboken vehemently opposes these still substantial PATH fare increases by the Port Authority of New York and New Jersey
2. The City of Hoboken respectfully requests and urges Governor Christie to exert all influence and powers he has over the Port Authority’s actions, including his veto powers, to further limit, and not simply prorate, these fare increases that will have such a significant negative impact on the economies of Hoboken and of New Jersey during already precarious economic times in our region

3. The City of Hoboken strongly supports Governor Christie's call for the Port Authority to approve and immediately commence a comprehensive audit of the authority
4. A copy of this resolution shall be forwarded to the Chairman of the Port Authority of New York and New Jersey and to Governor Christie upon adoption.

---Motion duly seconded by Councilman Cunningham
 ---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3
 ---Yeas: Council persons Cunningham, Giattino, Mello, Occhipinti, Russo, and President Bhalla
 ---Nays: None
 ---Absent: Castellano, Marsh, Mason

11-101

---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 **\$285,838.95**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Chase Home Finance P.O. Box 24695 Columbus, Oh 43224-9935	13/17/C00B3	82-88 Jackson St	2/11	\$ 1,186.24
Sage Title Agency, Inc. 39 East Main Street 2 nd Floor Little Falls, NJ 07424	27/4/C02-A	109-119 Jackson St	2/11	\$ 1,977.48
Archstone State and Local Tax 9200 E Panorama Circle Ste 400 Englewood, Co 80112	175/1/	77 Park Ave	6/09	\$ 279,235.69 Excel I
Mongiello and Mongiello Attorneys at Law 70 Hudson Street Hoboken, NJ 07030	253/34	1202 Garden St	2/10	\$ 3,439.54

---Motion duly seconded by Councilman Mello
 ---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3
 ---Yeas: Council persons Cunningham, Giattino, Mello, Occhipinti, Russo, and President Bhalla
 ---Nays: None
 ---Absent: Castellano, Marsh, Mason

11-102

---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 **\$ 24,549.70**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
Brach Eichler LLC Counsellors at Law 101 Eisenhower Parkway Roseland, NJ 07068	16/1/	564 Observer Hwy	2009	\$ 2,244.50
Brach Eichler LLC Counsellors at Law 101 Eisenhower Parkway Roseland, NJ 07068	16/1/	564 Observer Hwy	2010	\$ 4,745.00
Brach Eichler LLC Counsellors at Law 101 Eisenhower Parkway Roseland, NJ 07068	16/2	562 Observer Hwy	2009	\$ 2,244.50
Brach Eichler LLC Counsellors at Law 101 Eisenhower Parkway Roseland, NJ 07068	16/2	562 Observer Hwy	2010	\$ 4,745.00
Brach Eichler LLC Counsellors at Law 101 Eisenhower Parkway Roseland, NJ 07068	48/30/	308 Madison St	2009	\$ 2,266.95
Brach Eichler LLC Counsellors at Law 101 Eisenhower Parkway Roseland, NJ 07068	48/30/	308 Madison St	2010	\$ 4,745.00
Brach Eichler LLC Counsellors at Law 101 Eisenhower Parkway Roseland, NJ 07068	117/5/	255-259 Fourteenth St	2010	\$ 3,558.75

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3

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

---Nays: None

---Absent: Castellano, Marsh, Mason

11-103

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE REFUND OF TAX APPEALS STATE COURT TAX

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 **\$21,680.25**.

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
Zipp & Tannenbaum LLC Attorneys at Law 166 Gatzmer Ave Jamesburg, NJ 08831	2/1	423-27 Newark St.	2010	\$1,898.00
Brach Eichler, LLC 101 Eisenhower Pkwy Roseland, NJ 07068	33/18/1	130-132 Willow Ave.	2009	\$2,244.50
Brach Eichler, LLC 101 Eisenhower Pkwy Roseland, NJ 07068	33/18/1	130-132 Willow Ave.	2010	\$4,745.00
Brach Eichler, LLC 101 Eisenhower Pkwy Roseland, NJ 07068	170/1/C0001	801 Willow Ave.	2010	\$3,558.75
Brach Eichler, LLC 101 Eisenhower Pkwy Roseland, NJ 07068	200/22	132-34 Washington St.	2009	\$4,489.00
Brach Eichler, LLC 101 Eisenhower Pkwy Roseland, NJ 07068	200/22	132-34 Washington St.	2010	\$4,745.00

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3

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

---Nays: None

---Absent: Castellano, Marsh, Mason

11-104

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE REFUND OF OVER BILLED 3RD & 4TH QUARTERS OF 2011 FROM THE TAX DUPLICATE

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 **\$7,391.60**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
109-111 Monroe, LLC 107 Willow Ave Hoboken, NJ 07030	28/5	109 Monroe St.	3&4/11	\$ 143.15
109-111 Monroe, LLC 107 Willow Ave Hoboken, NJ 07030	28/6	111 Monroe St.	3&4/11	\$1,278.93
Oritani Savings Bank 370 Pascack Rd Washington Tsp, NJ 07676	28/34.1	556 First St.	3&4/11	\$3,836.19
Mile Square Design & Build Inc. 600 Palisade Ave #202 Union City, NJ 07087	74/24	620 Monroe St.	3&4/11	\$ 135.71
M Saccarola & G Guilio 210 Washington St. Hoboken, NJ 07030	187/5/C003B	95 Garden St.	3&4/11	\$ 903.37
Haven Savings Bank 621 Washington St. Hoboken, NJ 07030	188/9.2	115 Garden St.	3&4/11	\$ 949.58
Bayonne Community Bank 104-110 Avenue C Bayonne, NJ 07002	188/10.1	117 Garden St.	3&4/11	\$ 144.67

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3

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

---Nays: None

---Absent: Castellano, Marsh, Mason

ORDINANCES

Introduction and First Reading

11-105

Z-127

AN ORDINANCE TO CODIFY THE CHARTER OF THE CITY OF HOBOKEN AS ADOPTED NOVEMBER 8, 1952.

WHEREAS, on November 8, 1952, the City of Hoboken adopted a municipal governance plan by vote of the qualified voters of the municipality and certification of the County of Hudson on November 8, 1952; and

WHEREAS, at the time of adoption, in 1952, the City Government failed to codify the charter, as adopted; and,

WHEREAS, the City of Hoboken hereby seeks to properly codify the municipal charter, as adopted in 1952.

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

SECTION ONE: Codification

Article I: City Charter

Section 1: Municipal Incorporation and Powers

The City of Hoboken is hereafter governed by the Faulkner Act, N.J.S.A. 40:69A-1 et seq., Mayor-Council Plan, until and unless the City of Hoboken should adopt another form of government as provided by law, in accordance with the adoption of that plan by the qualified voters of the municipality and certification of the County of Hudson on November 8, 1952.

All powers and obligations conferred to municipalities under the Faulkner Act, Mayor-Council Plan form of government shall apply to the City of Hoboken by virtue of the Charter and all applicable statutes.

The City of Hoboken shall remain a municipal body corporate and politic with perpetual succession, and with such corporate name and seal as it heretofore or hereafter adopts.

Section 2: Interpretation of Chapter

Definitions.

For the purposes of all ordinances, in the interpretation and application of all ordinances contained herein, and in the interpretation of all other ordinances heretofore or hereafter adopted, except as the context may otherwise require:

“Charter” or “city charter” means the Mayor-Council plan form of Municipal Government as described in Chapter 210 of New Jersey Laws of 1950 (N.J.S.A. 40: 69A-1 et seq.), as amended and supplemented, and any and all statutory provisions of the state of New Jersey as may be lawfully applicable to the City.

“City” means the City of Hoboken, in the County of Hudson, State of New Jersey.

“Clerk” or “city clerk” means the registered municipal clerk duly appointed pursuant to the charter or ordinance, and shall also include the appointed deputy clerk when such individual is performing the functions of the clerk in accordance with all applicable Laws.

“Council” means the local legislative body of the City, as authorized by Chapter 210 of New Jersey Laws of 1950 (NJSA 40:69A-1) et seq.), constituted and elected pursuant to the charter.

“Fiscal year” means that calendar year beginning on the 1st day of January and ending on the 31st day of December.

“Governing body” means the city council as constituted under the charter.

“Ordinance” means any act of local legislation heretofore or hereafter adopted, pursuant to law, so long as it remains in force and effect.

“Person” means any corporation, firm, partnership, association, organization or other entity, as well as an individual.

“Month” means a calendar month unless otherwise specifically provided.

“State” means the State of New Jersey.

“Street” means and includes a highway, road, avenue, court, public lane or alley; and, it shall also be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the Council.

“Year” means a calendar year unless otherwise specifically provided.

Construction of Terminology.

For the purposes of all ordinances, in the interpretation and application of all ordinances contained herein, and in the interpretation of all other ordinances heretofore or hereafter adopted, except as the context may otherwise require:

1. The present tense includes the past and future tenses; and the future, the present.
2. The masculine gender includes the feminine and neuter.
3. The singular number includes the plural; and the plural, the singular.

4. "Shall" is mandatory, and "may" is permissive.
5. The time within which an act is to be done shall be computed by excluding the first and including the last day, and if the last day be a Sunday or a legal holiday, that day shall be excluded.
6. "Writing" and "written" include printing, typewritten and any other mode of communication using paper or similar material which is in general use, as well as legible handwriting.

Section 3 – City Code Section Titles

The titles of the several sections of the code of the city of Hoboken, New Jersey, printed in boldface type, are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be as any part of such sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the titles, are amended or reenacted.

Section 4 – City Code Invalidation

If any chapter, article, section or part of these ordinances shall be declared to be unconstitutional, invalid or inoperative in whole or in part, by a court of competent jurisdiction, such chapter, article, section or part shall, to the extent that it is not unconstitutional, invalid or inoperative, remain in full force and effect, and no such determination shall be deemed to invalidate the remaining chapters, articles, sections or parts of this codification of ordinances.

Article II: City Council

Section 1 Incorporation and Powers

Powers and duties general. The City Council shall consist of nine (9) voting members with six (6) ward council persons and three (3) at-large Council persons. The terms of the ward council persons and at-large council persons shall be staggered as follows:

The terms of current ward council members shall expire on January 1, 2016. Thereafter, each ward council member shall serve for a term of four (4) years.

The terms of the current at-large council members shall expire on January 1, 2014. Thereafter, each at-large council member shall serve for a term of four (4) years.

Any council member elected to fill a vacancy shall fill only the unexpired term, pursuant to N.J.S.A. 40:69A-34. It is the intent of this section to confer on the Council all general legislative powers, and such investigative powers as are germane to the exercise of its legislative powers, but to retain for the Mayor full control over the administration of City services, in accordance with N.J.S.A. 40:69A-37.1, specifically, and in accordance with N.J.S.A. 40:69A-1 et seq., generally.

B. Legislative powers. The legislative power shall be exercised by the City Council, subject to procedures set forth in the Optional Municipal Charter Law, N.J.S.A. 40:69A-1 et seq., and shall be exercised by ordinance as allowed by law, except for the exercise of those powers that under this plan of government or general law do not require action by the Mayor as a condition of approval for the exercise thereof and may, therefore, be exercised by resolution, including but not limited to:

The override of a veto of the Mayor;

The exercise of advice and consent to actions of the Mayor;

The conduct of a legislative inquiry or investigation;

The expression of disapproval of the removal by the Mayor of officers or employees;

The removal of any municipal officer for cause;

The adoption of rules for the Council;

The establishment of times and places for Council meetings;

The establishment of the Council as a committee of the whole or the delegation of two of its members to standing committees or to a special committee, for a specific purpose as an ad hoc committee;

The declaration of emergencies respecting the passage of ordinances;

The election, appointment, setting of salaries and removal of officers and employees of the council, subject to any pertinent contractual obligations, and within the general limits of the municipal budget;

Designation of official newspapers;

Approval of contracts presented by the Mayor;

Actions specified as resolutions in the Local Budget Law (N.J.S.A. 40A:4-1 et seq.) and the Local Fiscal Affairs Law (N.J.S.A. 40A:5-1 et seq.);

The expression of Council policies or opinions which require no formal action by the Mayor;

Appointment of members of any board, authority or commission only when clearly required by either specific terms of the general law or local ordinance; otherwise, all Municipal appointments shall vests with the Mayor, with advice and consent of Council; and,

Establishment by ordinance of departments, as allowed by law.

C. Other powers. In addition to such other powers and duties as may be conferred upon it by the Charter or Code or otherwise by general law, the Council:

May require any City officer in its discretion to prepare and submit sworn statements regarding his official duties in the performance thereof, and otherwise to investigate the conduct of any department, office or agency of the City government in accordance with N.J.S.A. 40:69A-37;

May remove, by at least two-thirds vote of the whole number of the Council, any municipal officer, other than the Mayor or a member of Council, for cause, upon notice and an opportunity to be heard in accordance with N.J.S.A. 40:69A-37;

Shall act in all matters as a body, unless otherwise specifically provided by the Charter;

Shall deal with administrative services and employees solely through the Mayor or the Mayor's designee, except as otherwise provided by law or the Charter, and shall not give orders to any subordinates of the Mayor, either publicly or privately;

May appoint committees or commissions of its own members or of citizens to conduct investigations into the conduct of any officer or department, or any matter relating to the welfare of the City and delegating to such committees or commission such powers of inquiry as the City Council may deem necessary;

May make a written request to the Mayor and require a report on any aspect of the government of the City. An individual Council member may make such a written request without an action of the body as a whole, pursuant to N.J.S.A. 40:69A-37.1;

May, by a majority vote of the whole number if its members, require the Mayor or Mayor's designee to appear before 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 ensure clarification of any matter formally under investigation, pursuant to N.J.S.A. 40:69A-37.1; and,

May, by a majority vote of the whole number of its members, designate any number of its members, not to exceed four (4) as an ad hoc committee to consult with the Mayor or the Mayor's designee to study any matter and to report to the Council thereon, pursuant to N.J.S.A. 40:69A-37.1.

D. Financial control.

(1) The Council shall exercise financial control as set forth and in accordance with the Local Budget Law, N.J.S.A. 40A:4-1 et seq. and the Local Fiscal Affairs Law, N.J.S.A. 40A:5-1 et seq. [Note: Said exercise to include the employment by Council of a registered municipal accountant to prepare the City's annual audit of its books, accounts and financial transactions, in accordance with N.J.S.A. 40A:5-4, and the adoption of a cash management plan with deposits of the City's funds pursuant to that Plan, in accordance with N.J.S.A. 40A:5-14. The Council shall, annually act on the budget as required by law, after it has been submitted by the Mayor.

(2) The Council shall approve or disprove all bills, claims or vouchers which shall be recorded in the minutes of the Council meetings by attaching to said minutes a list of all bills, claims or vouchers approved at each meeting, as well as the vote of each Council member on the motion to approve. Bills, claims or vouchers may be approved in a group or groups. Council members may vote on bills, claims or vouchers in which they have a direct financial interest, such as the fixing of wages, salaries or compensation, to extent allowed by law, pursuant to N.J.S.A. 40A:9-165.

E. Organization of Council.

(1) President of Council. At its annual reorganization meeting, the Council will elect a President of the City Council from among its members. In the absence of the President, the Council may elect a Vice-President. The President of the Council shall:

(a) Preside at all meetings of the Council;

(b) Appoint members of standing committees;

(c) Appoint members to such special committees of the Council as may be authorized by motion or resolution;

(d) State the questions and announce the result on all matters on which the Council may vote;

(e) Rule on all questions or orders subject to approval by the Council;

(f) Sign all ordinances and resolutions adopted in the President's presence and in the President's absence the Vice-President shall sign ordinances and resolutions adopted in the Vice President's presence;

(g) Have other such functions, powers and duties as the Council may prescribe.

(2) Clerk of the Council. The Council shall appoint a City Clerk and Deputy City Clerk for the term prescribed by law. The City Clerk shall serve as Clerk of the Council and have such other functions, powers and duties as are provided by law and applicable statutes. In the absence of the Clerk and the Deputy City Clerk, the President shall appoint an attorney from the Office of Corporation Counsel to act as Clerk pro tempore.

(3) Committees. Council shall have the following standing committees: Finance, Public Safety and Personnel. The Council may also act as committee of the whole, and rules of the Council shall govern the meetings of the committee of the whole as well as any other committee of the Council. By motion or resolution, special committees may be established for any appropriate and reasonable specified purpose including an ad hoc committee to consult with the Mayor or the Mayor's designee or department heads to study any matter and report to the Council thereon.

F. Meetings of Council. Regular meetings, special meetings or emergency meetings shall be open to the public and shall be held at such times as are provided by the Charter and the Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.). The Mayor may attend meetings of Council and may take part in discussions of Council, but shall have no vote, unless otherwise provided by law. (N.J.S.A. 40:69A-41) Within seven days of its annual reorganization, Council shall establish, post and maintain a schedule of meetings to be held during the year (N.J.S.A. 10:4-18).

(1) Annual reorganization meetings. The Council shall meet annually to reorganize on the first Wednesday following July 1, except in the years in which municipal officers are elected at a regular municipal election when it shall meet to reorganize on July 1.

(2) Regular meetings. Subsequent to its annual meeting, Council shall meet regularly thereafter at a time fixed by resolution. When the time for any regular meeting of the Council falls on a legal holiday such meeting shall be held at the same hour on the preceding or next succeeding day which is not a legal holiday. The City Corporate Counsel, City Clerk, Business Administrator and any such other municipal officers and employees as may be required shall attend regular meetings of Council.

(3) Special meetings. The Mayor may at any time call the President of the Council upon request of a majority of the Council members shall, call a special meeting of Council. The request and call for a special meeting shall specify the agenda for the meeting to the extent known and whether formal action may or may not be taken. The call for a special meeting shall be filed with the Clerk and served upon each Council member as hereinafter provided at least 48 hours prior to the time for which the meeting is called. Upon the filing of any call for a special meeting, the Clerk shall post the announcement in the public place reserved for such announcements and shall mail, telephone or hand deliver the notice to at least two newspapers, which newspapers shall have the greatest likelihood of informing the public within the City, one of which shall be the official newspaper, and the Clerk shall give notice by telephone or telefacsimile to each Council member, at such place as the member shall have previously designated for that purpose and shall also serve or cause to be served a written copy of the call upon each Council member by a delivery of a copy to the member personally or by the leaving of a copy in the member's usual place of abode. The Police Department shall cooperate with the Clerk in effectuating such service of notice.

(4) Emergency meetings. Notwithstanding its failure to provide adequate public notice, the Council may hold an emergency meeting upon the affirmative vote of 3/4 of the members present if:

(a) Such meeting is required in order to deal with matters of such emergency and importance that a delay for the purpose of providing adequate notice would be likely to result in substantial harm to the public interest; and

(b) The meeting is limited to discussion of, and acting with respect to, such matters of urgency and importance; and

(c) Notice of such meeting is provided as soon as possible following the calling of such meeting by posting written notice of the same in the public place reserved for such announcements and also notifying the two newspapers most likely to affect notice within the City, including the official newspaper, by telephoning or by delivering a written notice to said newspapers; and

(d) Either the City Council could not reasonably have foreseen the need for such a meeting at a time when adequate notice could have been provided; or although City Council could reasonably have foreseen the need for such a meeting at a time when adequate notice could have been provided, it nevertheless failed to do so.

(5) Meetings and conferences. The Council may meet in informal conference for such purpose as may be deemed appropriate, including preparing for meetings, studying matters before it and consulting with professional advisers. Such informal conferences shall be designated "work sessions" and shall be open to

the public. The work session will not include public participation or a public portion, unless Council permits. The Council reserves the right to take formal action at work sessions. Work sessions shall be scheduled by resolution.

(6) Place of meetings. All regular or special meetings shall be held in the Council Chambers in City Hall, except when, in the opinion of a majority of the Council, it is desirable to meet at some other location of public nature. Work sessions shall be held in the caucus room in City Hall.

(7) Open Public Meetings Act.

(a) All meetings and notices shall be governed and subject to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.

(b) Where it is anticipated that a meeting on a given subject will not be concluded in the time allotted and might be resumed, the advance notice should explicitly recognize the possibility of such a postponement.

(8) Closed or executive session.

(a) Council may close a portion of its meetings to the public for purposes as set forth in the Open Public Meetings Act (N.J.S.A. 10:4-12) upon adoption of a resolution at a meeting to which the public is admitted; said resolution stating the general nature of the subject to be discussed, and stating as precisely as possible, the time when and circumstances under which the discussion conducted in closed session can be disclosed to the public. (N.J.S.A. 10:4-13)

(b) Minutes of closed sessions shall be approved in open sessions of Council within one month of the closed session; however, the release of the minutes to the public shall only occur after review by Corporation Counsel and when there is no further need for confidentiality.

(9) Agenda.

(a) The agenda for each meeting shall be prepared by the Clerk, under the direction of the President of Council.

(b) Except for emergency matters, the agenda for each regular meeting of the Council shall include only such matters of Council business as have been presented or delivered to the Clerk by the Mayor, a department head with the approval of the Mayor, Council members, Business Administrator or City Corporate Counsel not later than 12:00 noon on the Friday preceding the meeting.

(c) As soon as the agenda has been prepared, the Clerk shall deliver a copy to each Council member, the Mayor, Business Administrator, City Corporate Counsel, department heads and newspapers.

(d) Emergency matters, including the request for a closed session, may be added to the agenda at any time, with the approval of the President of Council.

G. Nominations and appointments.

(1) Nominations submitted by the Mayor shall be considered by the Council at its next regular meeting. Any member of the Council may move a nomination. Confirmation or rejection of said nomination shall not be postponed or delayed beyond one regular meeting. Within two days after confirmation or rejection of said nomination, the Clerk shall serve written notice to the office of the Mayor.

(2) With respect to appointments to be made by the Council, any member of the Council may nominate as many candidates as there are offices to be filled. Where there is a single office to be filled, the nominee on receiving a majority shall be deemed appointed such as on a board, commission or authority; the same procedure shall be followed with respect to each office separately until the total number of appointments to be made has been completed. In the discretion of the President of the Council a group of nominations may be considered at once when there is no apparent division in the Council as to the nominees included in the group.

H. Filing of reports and resolutions. All reports to Council and all resolutions, ordinances, petitions, correspondence and other papers considered by or presented to Council shall be filed with the Clerk.

I. Vacancies. Should a vacancy occur in the position of a member of City Council, it shall be filled in accordance with state laws, including, but not limited to, Municipal Vacancy Law, N.J.S.A. 40A:16-1 et seq..

J. Hearings. In any matter in which a hearing is permitted or allowed before the City Council of the City of Hoboken, with the exception of disciplinary hearings regarding employment, such hearing may be delegated to a hearing officer to be selected on motion by the City Council of the City of Hoboken. Designated hearing officers may include, but are not limited to the Business Administrator or a department head. In the alternative, Council may designate a retired judge or an attorney licensed to practice law within the State of New Jersey. The hearing officer shall present a report and recommendation to City Council, which may adopt and confirm said report and recommendation as its determination and findings, or, in the alternative, Council may reject any such report and recommendation and conduct a hearing de novo.

Council shall consider the report and recommendation, together with any written submissions by the City and any other interested party, in making its determination to adopt or reject a report and recommendation from a hearing officer.

Article III: Mayor

Section 1: Incorporation and Powers

General. The executive and administrative functions of the City of Hoboken's government shall be conducted by an elected mayor. The mayor shall be elected by the voters of the municipality, and shall serve for a term of four (4) years, with the term of the currently elected mayor shall expire in the year 2013. Vacancies and absences. Any vacancy in the office of the mayor shall be filled in accordance with the Municipal Vacancy Law, N.J.S.A. 40A:16-1 et seq.. During any temporary absence of the mayor, the mayor shall designate an acting mayor pursuant to N.J.S.A. 40:69A-42. In the event of absence of the elected mayor for a period greater than sixty (60) days, or whenever the mayor does not designate an acting mayor during a short term absence, the City Council shall appoint an acting mayor. Acting mayors shall have all the rights and obligations given to the mayor pursuant to this Charter during the term of their designation or appointment.

Powers and duties. Any administrative or executive functions assigned by general law to the governing body shall be exercised by the mayor. The mayor shall:

Enforce the charter and ordinances of the municipality and all general laws applicable thereto;

Report annually to the council and to the public on the state of the municipality, and the work of the previous year; he shall also recommend to the council whatever action or programs he deems necessary for the improvement of the municipality and the welfare of its residents. He may from time to time recommend any action or programs he deems necessary or desirable for the municipality to undertake;

Supervise, direct and control all departments of the municipal government and shall require each department to make an annual and such other reports on its work as he may deem desirable;

Require such reports and examine such accounts, records and operations of any board, commission or other agency of municipal government, as he deems necessary;

Prepare and submit to the council for its consideration and adoption an annual operating budget and a capital budget, establish the schedules and procedures to be followed by all municipal departments, offices and agencies in connection therewith, and supervise and administer all phases of the budgetary process;

Supervise the care and custody of all municipal property, institutions and agencies, and make recommendations concerning the nature and location of municipal improvements and execute improvements determined by the governing body;

Sign all contracts, bonds or other instruments requiring the consent of the municipality;

Review, analyze and forecast trends of municipal services and finances and programs of all boards, commissions, agencies and other municipal bodies, and report and recommend thereon to the council;

Supervise the development, installation and maintenance of centralized budgeting, personnel and purchasing procedures as may be authorized by ordinance;

Negotiate contracts for the municipality, subject to council approval;

Assure that all terms and conditions imposed in favor of the municipality or its inhabitants in any statute, franchise or other contract are faithfully kept and performed;

Serve as an ex officio, nonvoting member of all appointive bodies in municipal government of which he is not an official voting member.

Veto powers. Ordinances adopted by the council shall be submitted to the mayor, and he shall within ten days after receiving any ordinance, either approve the ordinance by affixing his signature thereto or return it to the council by delivering it to the municipal clerk together with a statement setting forth his objections thereto or to any item or part thereof. No ordinance or any item or part thereof shall take effect without the mayor's approval, unless the mayor fails to return an ordinance to the council within ten days after it has been presented to him, or unless council upon reconsideration thereof on or after the third day following its return by the mayor shall by a vote of two-thirds of the members resolve to override the mayor's veto.

Attendance at Council Meetings. The mayor may attend meetings of council and may take part in discussions of council but shall have no vote except in the case of a tie on the question of filling a vacancy in the council, in which case he may cast the deciding vote.

Preparation of Budget. The municipal budget shall be prepared by the mayor with the assistance of the business administrator. During the month of November, the mayor shall require all department heads to

submit requests for appropriations for the ensuing budget year, and to appear before the mayor or the business administrator at public hearings, which shall be held during that month, on the various requests. Setting of Salaries. The mayor shall, subject to any pertinent civil service requirements and any pertinent contractual obligations, and within the general limits of the municipal budget, fix the amount of salary, wages or other compensation to be paid to employees of the administrative departments of the municipal government, except that the salary, wages or other compensation paid the director of each department shall be fixed by the council pursuant to N.J.S.A. 40:69A-180, and except that salaries of officers which are required by law to be fixed by ordinance shall be fixed by ordinance.

Section Two: Repeal of Inconsistent Provisions

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section Three: Severability

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section Four: Effective Date

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

Section Five: Codification requirements

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 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 **September 7, 2011** at 7:00 PM.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 4 - NAYS: 2 – ABSENT - 3

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

---Nays: Occhipinti, Russo.

---Absent: Castellano, Mason, Marsh.

11-106
Z-128

**AN ORDINANCE TO AMEND ORDINANCE Z-41 WHICH ESTABLISHED
REGISTRATION FEES FOR RECREATION PROGRAMS UNDER CHAPTER 39 OF
THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN**

WHEREAS, on June 16, 2010 an Ordinance (Z-41) establishing registration fees for recreation programs passed final reading of the City Council; and,

WHEREAS, the past year has demonstrated that the Ordinance does not adequately represent the actual costs associated with the City’s recreation programs; and,

WHEREAS, the City does not want to provide further financial burdens to the families of students, adolescents and children utilizing the recreational programs; however, the adults who choose to use the programs should be required to provide the City with fees commensurate with the actual costs of providing the adult programs.

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

SECTION ONE: AMENDMENTS TO CHAPTER 39

The language added to Chapter 39 by Ordinance Z-41 , entitled “Registration Fees” is hereby amended as follows (additions noted in underline, deletions noted in strikethrough):

<u>Applicant Type</u>	<u>Applicant Status</u>	Registration Fee
<u>Child/Student/Adolescent</u>		
	Resident	\$25.00 per program
	Non-Resident	\$35.00 per program
<u>Adult</u>		
	<u>Resident</u>	<u>\$60.00 to \$100.00 per program based on actual costs</u>
	<u>Non-Resident</u>	<u>\$60.00 to \$100.00 per program based on actual costs plus \$10.00 per program for non-resident administrative fees</u>

The Director of the Division of Health and Human Services shall determine, in his or her sole discretion, the Adult Recreation Fees per program per year, within the limits set herein. The fee determination shall be based on actual costs per person per program. The Director’s determined fee for each adult program shall be set in writing and delivered to the City Council prior to the Director and the Recreation Department accepting annual registrations for said program, and shall be amended on not less than an annual basis.

The remainder of Chapter 39 remains unchanged.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

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 either on January 1, 2011 or upon passage and publication as provided by law, whichever occurs second.

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 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 **September 7, 2011** at 7:00 PM.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: Russo.

---Absent: Castellano, Mason, Marsh.

NEW BUSINESS

Councilman Occhipinti comments on Jackson Street

Councilman Occhipinti comments on wet weather pump for October 18, 2011

Councilman Occhipinti comments on traffic calming matters

Councilman Occhipinti asks Director Pellegrini about the remediation

Director Pellegrini comments that it should be done by Labor Day weekend, for bid 11-16 and the bid date is Sept. 14 and possibly finish at the end of November or early Dec.

Councilman Occhipinti comments on Mama Johnson Field

Director Pellegrini comments on funding for the field and waiting on finalizing it but not sure about the timeline hopefully by the Spring of 2012 but not sure for the timeframe

Councilman Occhipinti asks about Pier C regarding the canopy

Director Pellegrini comments that Boswell did contact the contractor on getting it done, it should have been completed

Council President has left the table at 10:12 PM

Council President has returned to the table at 10:15 PM

Councilman Occhipinti comments on an individual who represents on the City of Hoboken Zoning Board of Adjustment and will be reading a letter and requests Corporation Counsel to have a resolution for the next meeting to have the individual removed

Corporation Counsel to remove this board member Ms. Pincus

Councilman Russo comments on his Ordinance to repeal Ordinance Z-122

Council President comments and asks Corporation Counsel
Corporation Counsel comments that Z-122 is suspended currently and does not see the urgency to have this done and can have it put forth in the next council meeting

Corporation Counsel comments that he recommends not doing this now
Council President comments on supporting this repeal but is concerned by Mr. Tabakin's comments and definitely address this issue and get proper advice from Corporation Counsel and requests to postpone this
Councilman Russo comments on having

Council President motions and seconded by Councilman Cunningham to postpone the ordinance sponsored by Councilman Russo to repeal Z-122 to the next Council meeting September 7, 2011. The following ordinance a vote was taken to table.

AN ORDINANCE TO REPEAL ORDINANCE Z-122 "ORDINANCE TO CHANGE MUNICIPAL ELECTIONS IN HOBOKEN TO NOVEMBER PURSUANT TO N.J.S.A. 40:45-7.1" (sponsored by Councilman Russo and Councilman Occhipinti)

---**Voted to Table** by the following vote: YEAS: 4 - NAYS: 2 -ABSENT: 3
---Yeas: Council persons Cunningham, Giattino, Mello and President Bhalla
---Nays: Occhipinti, Russo.
---Absent: Castellano Marsh, Mason

PUBLIC PORTION

All regular business concluded the following members of the public spoke at the Public Portion" of the meeting: Jared Weiss, Helen Hirsch, Alice Croizer, Patricia Waiters, Vic Zarrish, Roman Brice, Nick Callicchio.

CLOSED SESSION (No resolution to go into Closed Session)

Council President Bhalla motions to go into Closed Session seconded by Councilman Russo

The Governing body votes to go into Closed Session

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

Corporation Counsel comments that action may be taken at the end of the Closed Session and did not have time to come up with a resolution

To vote to enter into Closed Session:

---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3
---Yeas: Council persons Cunningham, Giattino, Mello, Occhipinti, Russo and President Bhalla
---Nays: None.
---Absent: Castellano, Mason and Marsh

At 11:22 P.M. The Governing Body came out of closed session.

11-107

---By President Bhalla

RESOLUTION AUTHORIZING THE CITY OF HOBOKEN TO ENTER INTO THE ATTACHED SETTLEMENT AGREEMENT BETWEEN THE CITY OF HOBOKEN, SHG HOBOKEN URBAN RENEWAL ASSOCIATES, LLC

WHEREAS, the Administration and Special Litigation Counsel have negotiate an agreement with SHG Hoboken Urban Renewal Associates LLC (“SHG”) in the form and substance attached hereto; and,

WHEREAS, the City Council, after careful consideration and with the advice of Counsel, hereby wishes to approve the terms of the agreement and authorize the Mayor to enter into other agreement to protect the best interests of the City of Hoboken and its residents and taxpayers.

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

1. The City Council hereby accepts the settlement; and ,
2. The City Council hereby directs the Mayor and Special Litigation Counsel to notify all pertinent parties, including but not limited to the Court, of this acceptance immediately.
3. The Mayor, her Administration and Special Litigation Counsel are hereby authorized and directed to proceed to execute and finalize this agreement expeditiously, and to take any steps necessary to effectuate the Agreement.

---duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 3

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

---Nays: None

---Absent: Castellano, Marsh, Mason

At 11:39 P.M. the Governing Body on a motion by the Governing Body; duly seconded by the Council

President Bhalla then adjourned the meeting at 11:39 P.M.

PRESIDENT OF THE COUNCIL

CITY CLERK