

THE COUNCIL OF THE CITY OF HOBOKEN

MINUTES FOR MEETING OF MAY 2, 2012

EXECUTIVE SESSION (starting at 6:00 PM)

RESOLUTIONS

12-480

RESOLUTION AUTHORIZING CLOSED SESSION, PURSUANT TO N.J.S.A.10:4-12(8) TO DISCUSS MATTERS RELATING TO SETTLEMENT NEGOTIATIONS WITH A FORMER EMPLOYEE (EMPLOYEE #101230) AND TO DISCUSS MATTERS OF ATTORNEY CLIENT PRIVILEGE RELATING TO OPEN SPACE ACQUISITION AND REDEVELOPMENT

President Bhalla re-opened the meeting at 7:42 P.M.

Roll call for Executive Session: Council persons Castellano, Cunningham, Giattino, Marsh, Mason, Mello, Occhipinti, and President Bhalla.

ABSENT: Russo

Second Reading/Public Hearing and Final Vote

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 192 OF THE CODE OF THE CITY OF HOBOKEN ENTITLED (PARKING FOR HANDICAPPED) APPROVAL; (1312 BLOOMFIELD STREET) (sponsored by Councilman Mello and Councilman Cunningham) (Z-176)

The speaker who spoke: Patricia Waiters.

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

President Bhalla moved that the hearing be closed.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Russo

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

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

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

---Nays: None.

---Absent: Russo

AN ORDINANCE DELETING THE CURRENT CHAPTER §196-31 IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER §196-31 ENTITLED“SIGNS & SIGNAGE” (sponsored by Councilman Mello and Councilwoman Giattino) (Z-177)

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

President Bhalla moved that the hearing be closed.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Russo

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

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

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

---Nays: Castellano, Mason and Occhipinti

---Absent: Russo

Director Forbes comments on a clerical change under §196-31.4

#7. Free-standing directional signs for real estate open houses are permitted provided they comply with the following regulations

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 136 (NUISANCES) SECTION 136.2 (PROHIBITED ACTS) OF THE CITY OF HOBOKEN MUNICIPAL CODE (Z-178) (WILL BE CARRIED TO MAY 16, 2012 meeting)

AN ORDINANCE AMENDING ORDINANCE Z-94 “AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR THE ACQUISITION VARIOUS PARCELS OF LAND AND OTHER RELATED EXPENSES IN AND FOR THE CITY OF HOBOKEN AND APPROPRIATING \$20,000,000 THEREFOR AND PROVIDING FOR THE ISSUANCE OF \$19,000,000 IN BONDS OR NOTES OF THE CITY OF HOBOKEN TO FINANCE THE SAME OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY (Z-179)

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

President Bhalla moved that the hearing be closed.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Russo

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

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

Councilwoman Mason has left the table at 8:41 PM
Councilwoman Mason has returned to the table at 8:41 PM

AN ORDINANCE TO AMEND CHAPTER 68 ENTITLED “ALCOHOLIC BEVERAGES” TO CHANGE AND UPDATE THE HOURS OF OPERATION OF LICENSED ESTABLISHMENTS UNDER SECTION 68-4 (Z-180)

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

President Bhalla moved that the hearing be closed.

---Motion duly seconded by Councilman Cunningham
---Adopted by the following vote: YEAS: 8 – NAYS: 0 – ABSENT - 1
---Yeas: Councilpersons Castellano, Cunningham, Giattino, Marsh, Mason, Mello, Occhipinti and President Bhalla.
---Nays: None.
---Absent: Russo

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

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

AN ORDINANCE TO AMEND CHAPTER 110 ENTITLED “GARBAGE RUBBISH AND LITTER” TO CLARIFY OBLIGATIONS UNDER SECTION 110-45 AND TO AMEND THE PENALTY AND VIOLATIONS SECTION OF THE CHAPTER (Z-181) (WILL BE CARRIED TO MAY 16, 2012 meeting)

12-481

Communication from Mayor Dawn Zimmer regarding management changes, Corporation Counsel’s office and an update on NJ Transit Redevelopment process.

12-482

APPLICATIONS FOR MISCELLANEOUS LICENSES

Taxi, Livery, and Limousine Drivers	12
Transfer	1

---Councilman Mello moved that the licenses be granted.
---Adopted by the following vote: YEAS: 8 - NAYS: 0 -ABSENT: 1
---Yeas: Council persons Castellano, Cunningham, Giattino, Marsh, Mason, Mello, Occhipinti and President Bhalla.
---Nays: None.
---Absent: Russo

12-483

---By Councilman Cunningham

CLAIMS

Total for this agenda **\$790,995.02.**

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

12-484

---By Councilman Cunningham

PAYROLL

For the two week period starting March 15 – March 28, 2012
Regular Payroll O/T PayOther Pay

\$1,486,827.48 \$78,876.72 \$55,018.92 Total \$1,620,723.12

---Adopted by the following vote: YEAS: 8 - NAYS: 1 - ABSENT: 1
---Yeas: Council persons Castellano, Cunningham, Giattino, Marsh, Mason, Mello, Occhipinti and President Bhalla
---NAYS: Mason (O/T)
---Absent: Russo

Councilwoman Mason comments on Rutgers course for Ms. Desai.

Councilwoman Mason comments on CY-10-02755 Birdsall Services Group for \$1,299.13

Councilwoman Castellano has left the table at 9:07 PM

Councilwoman Mason comments on CY-10-02569 Clarke Caton Hintz for \$15,422.25

Councilwoman Castellano has returned to the table at 9:10 PM

Councilman Occhipinti comments on CY-12-01361 for \$25,096.00

Director Pellegrini comments and explains on CY-12-01361 for \$25,096.00

RESOLUTIONS

12-485

---By President Bhalla

THIS RESOLUTION APPOINTS DAVID MELLO TO THE HOBOKEN HOUSING AUTHORITY FOR A (5) FIVE YEAR TERM TO EXPIRE ON MAY 3, 2017

WHEREAS, pursuant to the Code of the City of Hoboken 38-1, the City of Hoboken has established a Housing Authority; and

WHEREAS, the code of the City of Hoboken 38-2 provides for seven (7) members to serve on the Housing Authority; and

WHEREAS, New Jersey Law gives authority to the City Council to appoint (5) five members serving on the Housing Authority; and

WHEREAS, the expiration date for the term of office for the position held by Commissioner Michael Russo is May 3, 2012, which will create a vacancy;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken hereby appoints David Mello, **700 1st Street, #14V, Hoboken, New Jersey**, to serve as a member of the Hoboken Housing Authority for a term of five (5) years to expire on May 3, 2017.

The speakers who spoke: Joseph Branco, Patricia Waiters Perry Belfiore, Franz Paetzold Brian Murray.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 6 - NAYS: 2 -ABSENT: 1

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

---Nays: Castellano, Occhipinti

---Absent: Russo

---Motion to **AMEND** the resolution to nominate Joseph Branco as Commissioner to the Hoboken Housing Authority by Councilwoman Castellano and seconded by Councilwoman Mason

---Motion duly seconded by Councilman Cunningham

---**AS AMENDED FAILED** by the following vote: YEAS: 3 - NAYS: 5 ABSENT: 1

---Yeas: Council persons Castellano, Mason and Occhipinti

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

---Absent: Russo

12-486

---By Councilman Cunningham

RESOLUTION CONSENTING TO THE MAYORAL APPOINTMENT OF QUENTIN WIEST AS BUSINESS ADMINISTRATOR AND DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION FOR THE CITY OF HOBOKEN FOR THE REMAINDER OF THE MAYOR'S CURRENT TERM

WHEREAS, Section 4-5 of the Code of the City of Hoboken establishes the position of Business Administrator within the Department of Administration; and,

WHEREAS, the position of Business Administrator is currently vacant, and the Mayor has appointed Quentin Wiest to fill said vacancy; and,

WHEREAS, appointment to the position of Business Administrator is for the term of the appointing Mayor and until the appointment of his successor or elimination of the position; and,

WHEREAS, the Council hereby seeks to consent to the Mayor's appointment of Quentin Wiest to the position of Business Administrator.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken hereby consents to and authorizes the appointment of Quentin Wiest as Business Administrator, effective immediately, pursuant to and in accordance with the requirements of N.J.S.A. 40:69A-44 and Hoboken Administrative Code § 4-5, including but not limited to, the term and salary requirements therein; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Mayor expeditiously.

---Motion duly seconded by Councilman Mello

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

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

---Nays: Castellano, Mason and Occhipinti

---Absent: Russo

12-487

---By President Bhalla

RESOLUTION SUPPORTING THE ANNUAL "MEMORIAL DAY PARADE"

WHEREAS, the Hoboken Memorial Day Parade is the oldest in the State of New Jersey; and

WHEREAS, this year marks the 114th continuance year of marching to honor those men and woman who made the ultimate sacrifice for their Country; and

WHEREAS, the Hoboken Joint Memorial Committee who organize the Memorial Day Parade have indicated on the attached correspondence its requirements to successfully conduct the parade as follows:

1. The Parade Committee proposes the date May 23, 2012 at 6:30 p.m.
2. The Parade Committee proposes no parking on both sides of Washington Street from Observer Highway to First Street.
3. The Parade Committee would also propose no parking on both sides of Washington Street from Tenth Street to Eleventh Street.
4. The parade route will proceed north on Washington Street to Eleventh Street.
5. A reviewing stand will be located at 1005 Washington Street ("Elks Club")

RESOLVED, that the Council for the City of Hoboken agrees to allow the Hoboken Joint Memorial Committee permission to conduct its annual "Memorial Day Parade along Washington Street.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Russo.

12-488

---By Councilman Cunningham

RESOLUTION AUTHORIZING THE SUBMISSION OF 2013 COOPERATIVE MARKETING GRANT APPLICATIONS FOR THE SPRING & FALL ARTS & MUSIC FESTIVALS & SUMMER CALENDAR

WHEREAS, the City of Hoboken has, in past years, been the recipient of Cooperative Marketing Funds to assist in marketing expenses for the City's Spring and Fall Arts & Music Festivals and Summer Calendar; and

WHEREAS, the City of Hoboken wishes to submit an application for 2013 Cooperative Marketing funding;

NOW, THEREFORE, the governing body resolves that Mayor is hereby authorized to:

- (a) make application for such grant
- (b) provide additional application information and furnish such documents as may be required
- (c) act as the authorized correspondent of the above named applicant, **and be it further –**

RESOLVED BY THE Council of the City of Hoboken:

- 1. That, should funding be awarded, the Mayor is hereby authorized to execute a funding agreement;
- 2. That this resolution shall take effect immediately.

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

---Absent: Russo.

12-489

---By Councilman Cunningham

RESOLUTIONS FOR ACTIONS TAKEN AND RESOLUTIONS ADOPTED BY CONSENT OF THE COUNCIL OF THE CITY OF HOBOKEN CITY COUNCIL

The undersigned, being all of the members of the City Council of the **CITY OF HOBOKEN** ("The City"), hereby reaffirms and adopts the following resolution by unanimous consent and direct that this Consent Resolution be entered in the minute books of the City.

WHEREAS, the City adopted the § 125 Cafeteria Plan (hereinafter, the "Plan") under § 105, 125 and 129 of the Internal revenue Code in order to enable its employees to choose between qualified benefits under the Plan on a tax-excludable basis and/or taxable cash compensation as well as receive reimbursement for certain unreimbursed medical expenses and/or certain dependent care expenses; and

WHEREAS, the City desires to reaffirm, amend and restate the Plan to reflect recent changes made under the Plan,

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves the adoption, amendment and restatement of the Pan (consisting of the Plan Document and the Adoption Agreement attached hereto) effective as of February 1, 2012;

BE IT FURTHER RESOLVED, that the appropriate officers of the City are authorized and directed to take any and all action as may be necessary to effectuate this Resolution.

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

---Absent: Russo.

12-490

---By President Bhalla

RESOLUTION TO AUTHORIZE AN AMENDED PROFESSIONAL SERVICE CONTRACT WITH LITE DEPALMA GREENBERG FOR THE SERVICES OF VICTOR AFANADOR, ESQ. AS SPECIAL LEGAL COUNSEL-RENT CONTROL LITIGATION TO THE CITY OF HOBOKEN FOR A TERM TO COMMENCE JANUARY 1, 2012 AND EXPIRE DECEMBER 31, 2012 WITH AN INCREASED IN THE NOT TO EXCEED AMOUNT BY \$125,000 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$175,000.00

WHEREAS, service to the City as Special Counsel - Rent Control Litigation is a professional service as defined by N.J.S.A. 40A:11-1 et seq. and as such, is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and,

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel-Rent Control Litigation in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Lite DePalma Greenberg responded to; and,

WHEREAS, the evaluation committee scored Lite DePalma Greenberg's proposal the highest for said services, the Administration has presented Lite DePalma Greenberg as the City's Special Legal Counsel-Rent Control Litigation for CY 2012, and, as a result, the City Council heretofore seeks to authorize the award of a professional service contract; and,

WHEREAS, the City wishes to extend the firm's current appointment through the end of CY2012; and,

WHEREAS, *Lite DePalma Greenberg is hereby required to continue to abide by the "pay-to-play" requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 et seq. of the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates; and,*

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$125,000.00 is available in the following appropriations 02-01-20-156-020 in the CY2012 budget; and I further

certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2012 budget.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that an amended contract with Lite DePalma Greenberg to represent the City as Special Legal Counsel-Rent Control Litigation be awarded, for a term to commence January 1, 2012 and expire December 31, 2012, with an increase in the not to exceed amount by One Hundred Twenty Five Thousand Dollars (\$125,000.00) for a total not to exceed amount of One Hundred Seventy Five Thousand (\$175,000.00) Dollars; and

BE IT FURTHER RESOLVED, the contract shall include the following term: Lite DePalma Greenberg shall be paid maximum hourly rates of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20/hour for support staff, these are the only hourly charges allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

BE IT FURTHER RESOLVED, the contract shall expressly state that said firm shall be obligated to provide prompt notice to the City when its invoicing reaches 80% of the not to exceed amount if the firm believes additional funds will be necessary, and the City shall have no liability for payment of funds in excess of the not to exceed amount; and

BE IT FURTHER RESOLVED, that Lite DePalma Greenberg LLC was appointed earlier in 2012 to provide investigative services to the City with regards to an Affirmative Action issue, and the herein contract and not to exceed amount shall include the within described investigative services; and,

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of Lite DePalma Greenberg; and

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

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer and Corporation Counsel for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

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

---Motion duly seconded by Councilwoman Marsh

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

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

---Nays: None.

---Absent: Russo.

12-491

---By Councilman Mello

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH CLIFFORD GIBBONS, ESQ. AS SPECIAL LEGAL COUNSEL-NEUMANN LEATHER LITIGATION, CAPTION R. NEUMANN LEATHER CO. V. CITY OF HOBOKEN, DOCKET NUMBER HUD-L-6146-11, TO THE CITY OF HOBOKEN AND THE

**HOBOKEN PLANNING BOARD TO COMMENCE JANUARY 1, 2012 AND EXPIRE
DECEMBER 31, 2012 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$10,000.00**

WHEREAS, service to the City and the Planning Board as Special Counsel – Neumann Leather Litigation is a professional service as defined by N.J.S.A. 40A:11-1 et seq. and as such, is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and,

WHEREAS, the City of Hoboken Planning Board published its annual Request for Proposals for the Professional Services of Special Legal Counsel in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Clifford Gibbons, Esq. responded to; and,

WHEREAS, *Clifford Gibbons, Esq. is hereby required to continue to abide by the “pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 et seq. of the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates; and,*

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$10,000.00 is available in the following appropriations 02-01-20-156-020 in the CY2012 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2012 budget.

Signed: _____, **George DeStefano, CFO**

NOW THEREFORE, BE IT RESOLVED, that a contract with Clifford Gibbons, Esq. to represent the City and Planning Board as Special Legal Counsel-Neumann Leather Litigation be awarded, for a term to commence January 1, 2012 and expire December 31, 2012, for a total not to exceed amount of Ten Thousand (\$10,000.00) Dollars; and

BE IT FURTHER RESOLVED, the contract shall include the following term: Clifford Gibbons, Esq. shall be paid maximum hourly rates of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20/hour for support staff for services rendered, these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

BE IT FURTHER RESOLVED, the contract shall expressly state that said firm shall be obligated to provide prompt notice to the City when its invoicing reaches 80% of the not to exceed amount if the firm believes additional funds will be necessary, and the City shall have no liability for payment of funds in excess of the not to exceed amount; and

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of Clifford Gibbons, Esq.; and

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

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer and Corporation Counsel for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

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

The speakers who spoke: Vic Zarish

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 7 - NAYS: 1 - ABSENT: 1
---Yeas: Council persons Castellano, Cunningham, Giattino, Marsh, Mason, Mello and President Bhalla
---Nays: Occhipinti
---Absent: Russo

Councilman Occhipinti has left the table at 10:31 PM
Councilman Occhipinti has returned to the table at 10:35 PM

12-492

---By Councilman Cunningham

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH FLORIO PERUCCI STEINHARDT & FADER, LLC AS SPECIAL LEGAL COUNSEL-GENERAL LITIGATION TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2012 AND EXPIRE DECEMBER 31, 2012 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$20,000.00

WHEREAS, service to the City as Special Counsel – General Litigation is a professional service as defined by N.J.S.A. 40A:11-1 et seq. and as such, is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and,

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel-General Litigation in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Florio Perucci Steinhardt & Fader LLC responded to; and,

WHEREAS, the evaluation committee scored Florio Perucci Steinhardt & Fader LLC's proposal among the highest for said services, the Administration has presented Florio Perucci Steinhardt & Fader LLC as the City's Special Legal Counsel-General Litigation for CY 2012, and, as a result, the City Council heretofore seeks to authorize the award of a professional service contract; and,

WHEREAS, *Florio Perucci Steinhardt & Fader LLC is hereby required to continue to abide by the "pay-to-play" requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 et seq. of the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates; and,*

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$20,000.00 is available in the following appropriations 02-01-20-156-020 in the CY2012 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2012 budget.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with Florio Perucci Steinhardt & Fader LLC to represent the City as Special Legal Counsel-General Litigation be awarded, for a term to commence January 1, 2012 and expire December 31, 2012, for a total not to exceed amount of Twenty Thousand (\$20,000.00) Dollars; and

BE IT FURTHER RESOLVED, the contract shall include the following term: Florio Perucci Steinhardt & Fader LLC shall be paid maximum hourly rates of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20/hour for support staff for services rendered, these are the only

charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

BE IT FURTHER RESOLVED, that Florio Perucci Steinhardt & Fader LLC was appointed earlier in 2012 to provide investigative services to the City with regards to an Affirmative Action issue, and the herein contract and not to exceed amount shall include the within described investigative services; and,

BE IT FURTHER RESOLVED, litigation and legal matters will be assigned to the firm as they become available and the City Administration determines the firm's services are appropriate for any particular matter; this contract shall not be for a sum certain but rather, a retainer, the matters on which to be retained shall be determined as the need arises at the sole discretion of the City; and, this contract is not a guarantee of availability of services or assignment; and,

BE IT FURTHER RESOLVED, the contract shall expressly state that said firm shall be obligated to provide prompt notice to the City when its invoicing reaches 80% of the not to exceed amount if the firm believes additional funds will be necessary, and the City shall have no liability for payment of funds in excess of the not to exceed amount; and

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of Florio Perucci Steinhardt & Fader LLC; and

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

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer and Corporation Counsel for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

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

---Motion duly seconded by Councilman Mello

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

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

---Nays: Castellano, Mason and Occhipinti

---Absent: Russo

12-493

---By Councilwoman Giattino

RESOLUTION TO AUTHORIZE AN AMENDED PROFESSIONAL SERVICE CONTRACT WITH FLORIO & KENNY FOR THE SERVICES OF EDWARD FLORIO, ESQ. AS SPECIAL LEGAL COUNSEL-RENT CONTROL BOARD ATTORNEY TO THE CITY OF HOBOKEN TO COMMENCE JANUARY, 2012 AND EXPIRE DECEMBER 31, 2012 WITH AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$10,000.00 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$15,000.00

WHEREAS, service to the City as Special Counsel - Rent Control Board Attorney is a professional service as defined by N.J.S.A. 40A:11-1 et seq. and as such, is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and,

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel-Rent Control Board Attorney in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Florio & Kenny responded to; and,

WHEREAS, the evaluation committee scored Florio & Kenny's proposal the highest for said services, the Administration has presented Florio & Kenny as the City's Special Legal Counsel-Rent Control Board Attorney for CY 2012, and, as a result, the City Council heretofore seeks to authorize the award of a professional service contract; and,

WHEREAS, the City wishes to extend the current contact through the end of the CY2012; and,

WHEREAS, *Florio & Kenny is hereby required to continue to abide by the "pay-to-play" requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 et seq. of the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates; and,*

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$10,000.00 is available in the following appropriations 02-01-20-156-020 in the CY2012 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2012 budget.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that an amended contract with Florio & Kenny, for the services of Edward Florio, Esq., to represent the City as Special Legal Counsel-Rent Control Board Attorney be awarded, for a term to commence January 1, 2012 and expire December 31, 2012, with an increase in the not to exceed amount by Ten Thousand Dollars (\$10,000.00) for a total not to exceed amount of Fifteen Thousand (\$15,000.00) Dollars; and

BE IT FURTHER RESOLVED, the contract shall include the following term: Florio & Kenny shall be paid \$300.00 per meeting for each Rent Control Board Meeting attended, and maximum hourly rates of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20/hour for support staff for services rendered outside of Board Meetings, these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

BE IT FURTHER RESOLVED, the contract shall expressly state that said firm shall be obligated to provide prompt notice to the City when its invoicing reaches 80% of the not to exceed amount if the firm believes additional funds will be necessary, and the City shall have no liability for payment of funds in excess of the not to exceed amount; and

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of Florio & Kenny; and

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

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer and Corporation Counsel for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

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

---Motion duly seconded by Councilman Mello
---Adopted by the following vote: YEAS: 6 - NAYS: 2 -ABSENT: 1
---Yeas: Council persons Cunningham, Giattino, Marsh, Mason, Mello and President Bhalla
---Nays: Castellano, Occhipinti
---Absent: Russo

12-494

By Councilman Cunningham

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH FLORIO KENNY AS SPECIAL LEGAL COUNSEL-OUTSTANDING LITIGATION TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2012 AND EXPIRE DECEMBER 31, 2012 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$30,000.00

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

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Florio Kenny responded to; and,

WHEREAS, Florio Kenny is currently representing the City of Hoboken in outstanding litigation which carries over from last year as follows:

1. City of Hoboken v. Crepe Grill, Docket No. HUD-L-582-11

WHEREAS, Florio Kenny is hereby required to continue to abide by the “pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 et seq. of the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$30,000.00 is available in the following appropriations 02-01-20-156-020 in the CY2012 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2012 budget.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with Florio Kenny to represent the City as Special Legal Counsel-Outstanding Litigation be awarded, for a term to commence January 1, 2012 and expire December 31, 2012, for a total not to exceed amount of Thirty Thousand (\$30,000.00) Dollars; and

BE IT FURTHER RESOLVED, that the contract shall cover only those matters expressly stated above, and any invoice on the matters listed above shall be provided to the City separate and apart from any other contract which Florio Kenny has with the City during the contact duration described herein; and,

BE IT FURTHER RESOLVED, the contract shall include the following term: Florio Kenny shall be paid maximum hourly rates of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20/hour for support staff for services rendered, these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

BE IT FURTHER RESOLVED, the contract shall expressly state that said firm shall be obligated to provide prompt notice to the City when its invoicing reaches 80% of the not to exceed amount if the firm believes additional funds will be necessary, and the City shall have no liability for payment of funds in excess of the not to exceed amount; and

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of Florio Kenny; and

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

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer and Corporation Counsel for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

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

--Motion duly seconded by Councilman Mello

--Adopted by the following vote: YEAS: 6 - NAYS: 2 -ABSENT: 1

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

--Nays: Castellano, Occhipinti

--Absent: Russo

12-495

---By Councilman Cunningham

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH GREICO OATES & DEFILIPPO, LLC AS SPECIAL LEGAL COUNSEL-GENERAL LITIGATION TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2012 AND EXPIRE DECEMBER 31, 2012 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$20,000.00

WHEREAS, service to the City as Special Counsel – General Litigation is a professional service as defined by N.J.S.A. 40A:11-1 et seq. and as such, is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and,

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel-General Litigation in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Grieco Oates & DeFilippo, LLC responded to; and,

WHEREAS, the evaluation committee scored Grieco Oates & DeFilippo, LLC's proposal among the highest for said services, the Administration has presented Grieco Oates & DeFilippo, LLC as the City's Special Legal Counsel-General Litigation for CY 2012, and, as a result, the City Council heretofore seeks to authorize the award of a professional service contract; and,

WHEREAS, Grieco Oates & DeFilippo, LLC is hereby required to continue to abide by the “pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 et seq. of the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$20,000.00 is available in the following appropriations 02-01-20-156-020 in the CY2012 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2012 budget.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with Grieco Oates & DeFilippo, LLC to represent the City as Special Legal Counsel-General Litigation be awarded, for a term to commence January 1, 2012 and expire December 31, 2012, for a total not to exceed amount of Twenty Thousand (\$20,000.00) Dollars; and

BE IT FURTHER RESOLVED, the contract shall include the following term: Grieco Oates & DeFilippo, LLC shall be paid maximum hourly rates of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20/hour for support staff for services rendered, these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

BE IT FURTHER RESOLVED, litigation and legal matters will be assigned to the firm as they become available and the City Administration determines the firm’s services are appropriate for any particular matter; this contract shall not be for a sum certain but rather, a retainer, the matters on which to be retained shall be determined as the need arises at the sole discretion of the City; and, this contract is not a guarantee of availability of services or assignment; and,

BE IT FURTHER RESOLVED, the contract shall expressly state that said firm shall be obligated to provide prompt notice to the City when its invoicing reaches 80% of the not to exceed amount if the firm believes additional funds will be necessary, and the City shall have no liability for payment of funds in excess of the not to exceed amount; and

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of Grieco Oates & DeFilippo, LLC ; and

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

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer and Corporation Counsel for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

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

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 6 - NAYS: 2 -ABSENT: 1

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

---Nays: Castellano, Occhipinti

---Absent: Russo

12-496

---By Councilman Cunningham

RESOLUTION TO AMEND THE CONTRACT WITH OKIN, HOLLANDER & DELUCA, LLP FOR SERVICES AS SPECIAL LEGAL COUNSEL – BANKRUPTCY TO THE CITY OF HOBOKEN RELATING TO THE BANKRUPTCY FILINGS INVOLVING HOBOKEN UNIVERSITY MEDICAL CENTER TO INCREASE THE NOT TO EXCEED AMOUNT BY \$20,000.00 AND TO AMEND THE HOURLY RATES

WHEREAS, the City previously appointed and contracted for the services of Paul S. Hollander, Esq. of Okin, Hollander & DeLuca, LLP to serve as Special Legal Counsel relating to any bankruptcy proceedings commencing in relation to Hoboken University Medical Center; and,

WHEREAS, the August 4, 2011 proposal of Paul S. Hollander, which originally constituted the Agreement between Okin, Hollander & DeLuca, LLP and the supplemental amended City contract dated March 21, 2012 shall be further amended by a City contract which amends and increases the not to exceed amount by an additional Twenty Thousand (\$20,000.00) Dollars; and,

WHEREAS, beginning April 1, 2012, Okin Hollander & DeLuca, LLP shall charge a maximum hourly rate of \$450 for all attorney work; and,

WHEREAS, *Okin, Hollander & DeLuca, LLP is hereby required to continue to abide by the “pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 et seq. of the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates; and,*

WHEREAS, there is an emergency need for said service, which is therefore exempt from the fair and open process and the public bidding requirements pursuant to N.J.S.A. 40A:11-6; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$20,000.00 is available in the following appropriations Special Counsel in the CY2012 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2012 budget.

Signed: _____, **George DeStefano, CFO**

NOW THEREFORE, BE IT RESOLVED that the contract with Okin, Hollander & DeLuca, LLP for the services of Paul Hollander, Esq. to represent the City as Special Legal Counsel in the pending bankruptcy litigation relating to the Hoboken University Medical Center, originally for a not to exceed amount of \$17,500.00, and previously amended to increase the not to exceed amount by \$135,000.00 and an additional \$50,000.00 shall be heretofore amended to increase the not to exceed amount by an additional Twenty Thousand (\$20,000.00) Dollars; the previously added amendment to the terms of contract shall be reiterated in the amended contract as follows: said firm shall, on a going forward basis, be obligated to provide prompt notice to the City when its invoicing reaches 80% of the not to exceed amount if the firm believes additional funds will be necessary, and the City shall have no liability for payment of funds in excess of the not to exceed amount; and

BE IT FURTHER RESOLVED that beginning April 1, 2012 and for all future billing thereafter, Okin Hollander & DeLuca, LLP shall be paid a maximum hourly rate of \$450.00/hour for all attorneys; and,

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of Okin, Hollander & DeLuca, LLP; and

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

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

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

---Motion duly seconded by Councilman Mello

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

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

---Nays: Castellano, Mason, Occhipinti

---Absent: Russo

12-497

---By Councilman Cunningham

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH VINCENT LAPAGLIA, ESQ. AS SPECIAL LEGAL COUNSEL-TAX APPEALS TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2012 AND EXPIRE DECEMBER 31, 2012 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$75,000.00

WHEREAS, service to the City as Special Counsel – Vincent Lapaglia, Esq. is a professional service as defined by N.J.S.A. 40A:11-1 et seq. and as such, is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and,

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel-Tax Appeals in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Vincent Lapaglia, Esq. responded to; and,

WHEREAS, the evaluation committee scored all proposal for said services, the Administration has presented Vincent Lapaglia, Esq. as the City's Special Legal Counsel-Tax Appeal for CY 2012, and, as a result, the City Council heretofore seeks to authorize the award of a professional service contract; and,

WHEREAS, *Vincent Lapaglia, Esq. is hereby required to continue to abide by the "pay-to-play" requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 et seq. of the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates; and,*

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$75,000.00 is available in the following appropriations 2-01-20-150-030 in the CY2012 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2012 budget.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with Vincent Lapaglia, Esq. to represent the City as Special Legal Counsel-Tax Appeal be awarded, for a term to commence January 1, 2012 and expire December 31, 2012, for a total not to exceed amount of Seventy Five Thousand (\$75,000.00) Dollars; and

BE IT FURTHER RESOLVED, the contract shall include the following term: For both Hudson County Board of Tax Appeals and New Jersey Tax Court Appeals, Vincent Lapaglia, Esq. shall be paid maximum hourly rates of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20/hour for support staff for services rendered, these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

BE IT FURTHER RESOLVED, the contract shall expressly state that said firm shall be obligated to provide prompt notice to the City when its invoicing reaches 80% of the not to exceed amount if the firm believes additional funds will be necessary, and the City shall have no liability for payment of funds in excess of the not to exceed amount, and the contract should also expressly state that Vincent Lapaglia, Esq. must provide monthly reports on all appeals represented during that month; and

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of Vincent Lapaglia, Esq.; and

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

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer and Corporation Counsel for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

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

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

---Absent: Russo.

12-498

---By Councilman Cunningham

RESOLUTION TO AUTHORIZE AN AMENDED PROFESSIONAL SERVICE CONTRACT WITH MARAZITI FALCON & HEALY FOR THE SERVICES OF JOSEPH MARAZITI AS SPECIAL LEGAL COUNSEL-LITIGATION TO THE CITY OF HOBOKEN IN THE MATTER OF THE PROPOSED MONARCH DEVELOPMENT IN THE NORTHEAST PORTION OF THE CITY TO COMMENCE JANUARY 1, 2012 AND EXPIRE DECEMBER 31, 2012 WITH AN INCREASE IN THE NOT TO EXCEED AMOUNT OF FORTY THOUSAND DOLLARS (\$40,000.00) FOR A TOTAL NOT TO EXCEED AMOUNT OF NINETY THOUSAND DOLLARS (\$90,000.00)

WHEREAS, the City previously appointed and contracted for the services of Joseph Maraziti of Maraziti Falcon & Healy to serve as Special Legal Counsel-Redevelopment and Special Counsel – Monarch Litigation for the City of Hoboken; and,

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

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel-Redevelopment in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Maraziti Falcon & Healy responded to; and,

WHEREAS, the City wishes to extend the contract for Special Counsel – Monarch Litigation through the end of the CY2012; and,

WHEREAS, *Maraziti Falcon & Healy is hereby required to continue to abide by the “pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 et seq. of the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates; and,*

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$40,000.00 is available in the following appropriations 02-01-20-156-020 in the CY2012 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2012 budget.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that an amended contract with **Maraziti Falcon & Healy** to represent the City as Special Legal Counsel-Monarch Litigation relating to the matter of the proposed Monarch development be awarded, for a one year term to commence January 1, 2012 and expire December 31, 2012, for an increase in not to exceed amount of Forty Thousand Dollars (\$40,000.00) for a total not to exceed amount of Ninety Thousand (\$90,000.00) Dollars; and

BE IT FURTHER RESOLVED, the contract shall include the following term: Maraziti Falcon & Healy shall be paid maximum hourly rates of \$190.00/hour for attorneys, \$50.00/hour for paralegals, and \$20/hour for support staff, these are the only hourly charges allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

BE IT FURTHER RESOLVED, the contract shall expressly state that said firm shall be obligated to provide prompt notice to the City when its invoicing reaches 80% of the not to exceed amount if the firm believes additional funds will be necessary, and the City shall have no liability for payment of funds in excess of the not to exceed amount; and

BE IT FURTHER RESOLVED, Maraziti Falcon & Healy shall be required to expressly specify that portion of each of its invoices which relate to Monarch development, and separate those portions of the invoices from the firm’s representation with regards to its contract for Special Counsel – Redevelopment, and failure to comply with this term in any particular invoice shall render all billable hours under said invoice limited to the allowable rates for the within contract; and,

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of **Maraziti Falcon &**

Healy; and

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

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer and Corporation Counsel for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

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

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

---Absent: Russo.

12-499

---By Councilwoman Giattino

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH MARAZITI FALCON & HEALY AS SPECIAL LEGAL COUNSEL-NJ TRANSIT REDEVELOPMENT NEGOTIATIONS AND LITIGATION TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2012 AND EXPIRE DECEMBER 31, 2012 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$50,000.00

WHEREAS, service to the City as Special Counsel – NJ Transit Redevelopment Negotiations and Litigation is a professional service as defined by N.J.S.A. 40A:11-1 et seq. and as such, is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and,

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel-Redevelopment in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Maraziti Falcon & Healy responded to; and,

WHEREAS, the evaluation committee scored Maraziti Falcon & Healy's proposal among the highest for said services, the Administration has presented Maraziti Falcon & Healy as the City's Special Legal Counsel-NJ Transit Redevelopment Negotiations and Litigation for CY 2012, and, as a result, the City Council heretofore seeks to authorize the award of a professional service contract; and,

WHEREAS, *Maraziti Falcon & Healy is hereby required to continue to abide by the "pay-to-play" requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 et seq. of the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates; and,*

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$50,000.00 is available in the following appropriations 02-01-20-156-020 in the CY2012 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2012 budget.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with Maraziti Falcon & Healy to represent the City as Special Legal Counsel-NJ Transit Redevelopment Negotiations and Litigation be awarded, for a term to commence January 1, 2012 and expire December 31, 2012, for a total not to exceed amount of Fifty Thousand (\$50,000.00) Dollars; and

BE IT FURTHER RESOLVED, the contract shall include the following term: Maraziti Falcon & Healy shall be paid maximum hourly rates of \$190.00/hour for attorneys, \$50.00/hour for paralegals, and \$20/hour for support staff for services rendered, these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

BE IT FURTHER RESOLVED, the contract shall expressly state that said firm shall be obligated to provide prompt notice to the City when its invoicing reaches 80% of the not to exceed amount if the firm believes additional funds will be necessary, and the City shall have no liability for payment of funds in excess of the not to exceed amount; and

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of Maraziti Falcon & Healy; and

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

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer and Corporation Counsel for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

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

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

---Absent: Russo.

12-500

---By Councilman Cunningham

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH MCMANIMON & SCOTLAND AS SPECIAL LEGAL COUNSEL-OUTSTANDING LITIGATION TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2012 AND EXPIRE DECEMBER 31, 2012 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$30,000.00

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

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which McManimon & Scotland responded to; and,

WHEREAS, McManimon & Scotland is currently representing the City of Hoboken in outstanding litigation which carries over from last year as follows:

2. 100 Paterson Realty LLC v. City of Hoboken, Docket No. HUD-L-2981-10

***WHEREAS**, McManimon & Scotland is hereby required to continue to abide by the “pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 et seq. of the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates; and,*

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$30,000.00 is available in the following appropriations 02-01-20-156-020 in the CY2012 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2012 budget.

Signed: _____, **George DeStefano, CFO**

NOW THEREFORE, BE IT RESOLVED, that a contract with McManimon & Scotland to represent the City as Special Legal Counsel-Outstanding Litigation be awarded, for a term to commence January 1, 2012 and expire December 31, 2012, for a total not to exceed amount of Thirty Thousand (\$30,000.00) Dollars; and

BE IT FURTHER RESOLVED, that the contract shall cover only those matters expressly stated above, and any invoice on the matters listed above shall be provided to the City separate and apart from any other contract which McManimon & Scotland has with the City during the contact duration described herein; and,

BE IT FURTHER RESOLVED, the contract shall include the following term: McManimon & Scotland shall be paid maximum hourly rates of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20/hour for support staff for services rendered, these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

BE IT FURTHER RESOLVED, the contract shall expressly state that said firm shall be obligated to provide prompt notice to the City when its invoicing reaches 80% of the not to exceed amount if the firm believes additional funds will be necessary, and the City shall have no liability for payment of funds in excess of the not to exceed amount; and

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of McManimon & Scotland; and

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

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer and Corporation Counsel for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

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

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

---Absent: Russo.

12-501

---By Councilman Cunningham

RESOLUTION TO AUTHORIZE AN AMENDED PROFESSIONAL SERVICE CONTRACT WITH PARKER MCCAY FOR THE SERVICES OF PHILLIP NORCROSS, ESQ. AS SPECIAL LEGAL COUNSEL-BOND COUNSEL TO THE CITY OF HOBOKEN FOR A TERM TO COMMENCE JANUARY 1, 2012 AND EXPIRE DECEMBER 31, 2012 WITH AN INCREASE IN THE NOT TO EXCEED AMOUNT BY \$20,000.00 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$35,000.00

WHEREAS, the City previously appointed and contracted for the services of Phillip Norcross, Esq. of Parker McCay to serve as Special Legal Counsel-Bond Counsel for the City of Hoboken; and,

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

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel-Bond Counsel in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Parker McCay responded to; and,

WHEREAS, the evaluation committee scored Parker McCay's proposal the highest for said services, the Administration has presented Parker McCay as the City's Special Legal Counsel-Bond Counsel for CY 2012, and, as a result, the City Council heretofore seeks to authorize the award of a professional service contract; and,

WHEREAS, *the City seeks to extend the contract for the entire CY2012; and,*

WHEREAS, *Parker McCay is hereby required to continue to abide by the "pay-to-play" requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 et seq. of the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates; and,*

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$20,000.00 is available in the following appropriations 02-01-20-156-020 in the CY2012 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2012 budget.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that an amended contract with Parker McCay to represent the City as Special Legal Counsel-Bond Counsel be awarded, for a term to commence January 1, 2012 and expire December 31, 2012, with an additional not to exceed amount of Twenty

Thousand Dollars (\$20,000.00) for a total a not to exceed amount of Thirty Five Thousand (\$35,000.00) Dollars; and

BE IT FURTHER RESOLVED, the contract shall include the following term: Parker McCay shall be paid maximum hourly rates of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20/hour for support staff, these are the only hourly charges allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

BE IT FURTHER RESOLVED, the contract shall expressly state that said firm shall be obligated to provide prompt notice to the City when its invoicing reaches 80% of the not to exceed amount if the firm believes additional funds will be necessary, and the City shall have no liability for payment of funds in excess of the not to exceed amount; and

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of Parker McCay; and

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

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer and Corporation Counsel for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

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

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

---Absent: Russo.

12-502

---By Councilman Cunningham

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH WEINER LESNIAK AS SPECIAL LEGAL COUNSEL-OUTSTANDING AND GENERAL LITIGATION TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2012 AND EXPIRE DECEMBER 31, 2012 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$185,000.00

WHEREAS, service to the City as Special Counsel – Outstanding and General Litigation is a professional service as defined by N.J.S.A. 40A:11-1 et seq. and as such, is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and,

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel-General Litigation in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Weiner Lesniak responded to; and,

WHEREAS, Weiner Lesniak is currently representing the City of Hoboken in outstanding litigation which carries over from last year as follows:

3. 118 Clinton Street Associates LLC v. City of Hoboken, Docket No. HUD-L-4371-11
4. City of Hoboken v. Tartaglia, Docket No. HUD-L-6038-10
5. Campbell v. City of Hoboken, Docket No. CVS-13994-2010N
6. BZW Ltd.
7. Propark
8. United Textiles
9. Andruela / Belfiore
10. Arezzo
11. Police Dispatch Grievance
12. Brigden; and,

WHEREAS, Weiner Lesniak is hereby required to continue to abide by the "pay-to-play" requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 et seq. of the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$185,000.00 is available in the following appropriations 02-01-20-156-020 in the CY2012 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2012 budget.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with Weiner Lesniak to represent the City as Special Legal Counsel-Outstanding and General Litigation be awarded, for a term to commence January 1, 2012 and expire December 31, 2012, for a total not to exceed amount of One Hundred Eighty Five Thousand (\$185,000.00) Dollars; and

BE IT FURTHER RESOLVED, that the contract shall cover those ten matters expressly stated above, as well as any future matters assigned to the firm, and any invoice on the matters listed above shall be provided to the City separate and apart from any other future matters which Weiner Lesniak represents the City in; and,

BE IT FURTHER RESOLVED, the contract shall include the following term: Weiner Lesniak shall be paid maximum hourly rates of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20/hour for support staff for services rendered, these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

BE IT FURTHER RESOLVED, new litigation and legal matters will be assigned to the firm as they become available and the City Administration determines the firm's services are appropriate for any particular matter; this contract shall not be for a sum certain but rather, a retainer, the matters on which to be retained shall be determined as the need arises at the sole discretion of the City; and, this contract is not a guarantee of availability of services or assignment; and,

BE IT FURTHER RESOLVED, the contract shall expressly state that said firm shall be obligated to provide prompt notice to the City when its invoicing reaches 80% of the not to exceed amount if the firm believes additional funds will be necessary, and the City shall have no liability for payment of funds in excess of the not to exceed amount; and

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds

that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of Weiner Lesniak; and

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

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer and Corporation Counsel for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

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

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 5 - NAYS: 2 -ABSENT: 1 - ABSTAIN: 1

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

---Nays: Mason, Occhipinti

---Absent: Russo

---Abstain: Cunningham

12-503

---By Councilman Cunningham

RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICE CONTRACT WITH EDWARD BUZAK, ESQ. AS SPECIAL LEGAL COUNSEL-OUTSTANDING LITIGATION TO THE CITY OF HOBOKEN TO COMMENCE JANUARY 1, 2012 AND EXPIRE DECEMBER 31, 2012 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$115,000.00

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

WHEREAS, the City of Hoboken published its annual Request for Proposals for the Professional Services of Special Legal Counsel in accordance with the Fair and Open Process and Hoboken Ordinance #DR-154, which Edward Buzak, Esq. did not respond to; and,

WHEREAS, Edward Buzak, Esq. , however, has special expertise and intricate knowledge of the below listed legal matters because he is currently representing the City of Hoboken in outstanding legal matters which carry over from last year as follows:

13. Maxwell Place Park / Deed issues
14. Maxwell Place Condo Association Negotiations
15. Hoboken Cove Condo Association Negotiations
16. Kane Properties v. City of Hoboken appeals

WHEREAS, *Edward Buzak, Esq. , is thereby exempt from the fair and open process for those pieces of litigation it is currently representing the City in, due to its special knowledge and expertise, and it is hereby required to continue to abide by the “pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 et seq. of the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates; and,*

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$115,000.00 is available in the following appropriations 02-01-20-156-020 in the CY2012 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2012 budget.

Signed: _____, George DeStefano, CFO

NOW THEREFORE, BE IT RESOLVED, that a contract with Edward Buzak, Esq. to represent the City as Special Legal Counsel-Outstanding Litigation be awarded, for a term to commence January 1, 2012 and expire December 31, 2012, for a total not to exceed amount of One Hundred Fifteen Thousand (\$115,000.00) Dollars; and

BE IT FURTHER RESOLVED, that the contract shall cover only those matters expressly stated above, and any invoice on the matters listed above shall be provided to the City separate and apart from any other contract which Edward Buzak, Esq. has with the City during the contact duration described herein; and,

BE IT FURTHER RESOLVED, the contract shall include the following term: Edward Buzak, Esq. shall be paid maximum hourly rates of \$150.00/hour for attorneys, \$50.00/hour for paralegals, and \$20/hour for support staff for services rendered, these are the only charges for services allowable under this agreement, and charges for filing fees and costs shall be allowable, but must be clearly identified and described in full in the appropriate monthly invoice; and

BE IT FURTHER RESOLVED, the contract shall expressly state that said firm shall be obligated to provide prompt notice to the City when its invoicing reaches 80% of the not to exceed amount if the firm believes additional funds will be necessary, and the City shall have no liability for payment of funds in excess of the not to exceed amount; and

BE IT FURTHER RESOLVED that the City Council of the City of Hoboken specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), and any and all state Pay to Play laws, is a continuing obligation of Edward Buzak, Esq. ; and

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

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Mayor Dawn Zimmer and Corporation Counsel for action in accordance therewith and to take any other actions necessary to complete and realize the intent and purpose of this resolution; and,

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

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

---Absent: Russo.

12-504

---By Councilwoman Marsh

RESOLUTION AWARDING A CONTRACT TO AMCO ENTERPRISES, INC. FOR THE FOR THE REHABILITATION OF THE HOBOKEN POLICE DEPARTMENT HVAC SYSTEM IN ACCORDANCE WITH THE CITY'S BID NO. 12-04 IN THE TOTAL AMOUNT OF \$489,000.00

WHEREAS, proposals were received for services to rehabilitate the Hoboken Police Department HVAC system, as specified in Bid Number 12-04; and,

WHEREAS, five (5) bid proposals was received:

<u>VENDOR</u>	<u>TOTAL AMOUNT PROPOSED</u>
Reiner Group, Inc. Fair Lawn, New Jersey	\$448,777.00 (unresponsive)
AMCO Enterprises, Inc. Kenilworth, New Jersey	\$489,000.00
KAPPA Construction, Inc. Ocean, New Jersey	\$548,000.00
Framan Mechanical, Inc. Fords, New Jersey	\$574,000.00
Thassian Mechanical Contracting, Inc. Belford, New Jersey	\$627,000.00

WHEREAS, pursuant to the recommendation of the Purchasing Department (attached hereto) the City wishes to contract for the services specified in Bid No. 12-04, and AMCO Enterprises, Inc. submitted the lowest, responsible, responsive bid in the amount of \$489,000.00; and,

WHEREAS, although Reiner Group, Inc. submitted the bid with the lowest proposed amount, the bid had a fatal incurable defect in that the mandatory guarantee pursuant to N.J.S.A. 40A:11-23.2 was defective, therefore rendering the bid unresponsive; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$489,000.00 is available in the following appropriations C-04-60-711-310 and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose.

Signed: _____, George DeStefano, CFO

Dated: _____

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

- A. This resolution awards a contract to AMCO Enterprises, Inc. for Bid No. 12-04, in the total amount of Four Hundred Eighty Nine Dollars (\$489,000.00), for the City's rehabilitation of the HVAC system at the Hoboken Police Department, to be provided by AMCO Enterprises, Inc. in accordance with the specifications as set forth in Bid No. 12-04.
- B. If the contract for sale, as provided by the City of Hoboken, is not executed by AMCO Enterprises, Inc. within 21 days of award, then this award shall lapse and the City of

Hoboken shall have the right to rebid the project.

- C. The contract shall be in accordance with the terms of the specifications and AMCO Enterprises, Inc.'s corresponding bid proposal documents. No exceptions were noted in the Purchasing Agent's recommendation; therefore, none will be accepted in performing obligations under the bid.
- D. 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 Foley for said purchase and sale.
- E. This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

---Absent: Russo.

12-505

---By Councilman Cunningham

Inserting a Special Item of Revenue into the CY 2012 Municipal Budget

**FIREFIGHTERS ASSISTANCE GRANT
CY 2012 AMENDED**

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

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 \$18,216.00 from the Federal Emergency Management Agency and wishes to amend it's CY 2012 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year CY 2012 in the sum of.....\$18,216.00

Which is now available as a revenue from:

Miscellaneous Revenues:

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

FEMA Revenues Off-set with

Appropriations:

Firefighter's Assistance Grant	\$16,394.00
City Match Increase	1,822.00

NOW, THEREFORE, BE IT RESOLVED that the like sum of..... \$18,216.00
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:
FEMA Revenues Off-set with
Firefighter's Assistance Grant \$16,394.00
City Match Increase 1,822.00

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

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

12-506

---By Councilman Cunningham

Inserting a Special Item of Revenue into the CY 2012 Municipal Budget

DRIVE SOBER or GET PULLED OVER GRANT CY 2012

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

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
\$5,000.00 from the State of New Jersey Highway Traffic Safety and wishes to amend it's CY
2012 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken, in the
County of Hudson, State of New Jersey, hereby requests the Director
of the Division of Local Government Services to approve the insertion of an item of
revenue in the budget of the year CY 2012 in the sum of.....\$5,000.00
Which is now available as a revenue from:

Miscellaneous Revenues:
Special Items of General Revenue Anticipated
with Prior Written Consent of the Director of the
Division of Local Government Services:
Highway Traffic Safety Revenues Off-set with
Appropriations:
Drive Sober or Get Pulled Over \$5,000.00

NOW, THEREFORE, BE IT RESOLVED that the like sum of \$5,000.00 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:
 - FEMA Revenues Off-set with Drive Sober or Get Pulled Over \$5,000.00

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

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

12-507
---By Councilman Cunningham

Inserting a Special Item of Revenue into the CY 2012 Municipal Budget

STATE LOCAL COOPERATIVE HOUSING INSPECTION PROGRAM CY 2012

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

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 \$70,000.00 from the State of New Jersey Department of Community Affairs and wishes to amend it's CY 2012 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year CY 2012 in the sum of.....\$70,000.00 Which is now available as a revenue from:

- Miscellaneous Revenues:
 - Special Items of General Revenue Anticipated with Prior Written Consent of the Director of the Division of Local Government Services:
 - State and Federal Revenues Off-set with Appropriations:
 - Department of Community Affairs

Housing Inspection Program

NOW, THEREFORE, BE IT RESOLVED that the like sum of.....\$70,000.00 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:

- Department of Community Affairs
- Housing Inspection Program
- 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 Mello

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

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

---Nays: None.

---Absent: Russo

12-508

---By Councilman Cunningham

Inserting a Special Item of Revenue into the CY 2012 Municipal Budget

COMPREHENSIVE PROGRAM FOR THE ELDERLY
Home Support & Adult Day Care CY 2012

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

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 \$127,796.00 from the County of Hudson and Department of Health & Human Services and wishes it CY 2012 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year CY 2012 in the sum of.....\$127,796.00 Which is now available as a revenue from:

Miscellaneous Revenues:

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

Hudson County Revenues Off-set with
Appropriations:

Home Support & Adult Day Care \$127,796.00

NOW, THEREFORE, BE IT RESOLVED that the like sum of.....\$127,796.00
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:

Hudson County Revenues Off-set with
Home Support & Adult Day Care \$127,796.00

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

--Motion duly seconded by Councilman Mello

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

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

---Nays: None.

---Absent: Russo

12-509

---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 **\$11,951.07**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Mody, Harsh 735 Midwood Road Ridgewood, NJ 07450	43/33/C003L	204 Willow Ave	4/10	\$ 919.96
314 Monroe St Hoboken, LLC/c/o Covello 158 Childs Road Basking Ridge, NJ 07920	47/26	314 Monroe St	1/12	\$ 4,158.79
B A C Tax Svcs Corp MS: CA6-913-LB-01 P O Box 10211 Van Nuys, Ca. 91499-6089	52/8	313 Grand St	3/11	\$ 2,597.89
Giammarinaro, Matthew P	262.03/1/CPH08	2 Constitution Ct	2/12	\$ 4,274.43

**& Carolyn N
2 Constitution Ct PH8
Hoboken, NJ 07030**

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

12-510

---By Councilman Cunningham

**RESOLUTION TO APPROVE THE ATTACHED SETTLEMENT AGREEMENTS IN
THE MATTER OF DREXEL V. THE CITY OF HOBOKEN**

WHEREAS, the City has negotiated a settlement agreement with Plaintiff Drexel in the above referenced matter, which is *attached hereto*; and,

WHEREAS, legal counsel for the municipality has represented that the attached settlement agreements provide the City of Hoboken with the best terms possible under the circumstances.

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

- F. This resolution approves the attached Settlement Agreement between Plaintiff Drexel and the City of Hoboken, as *attached hereto*;
- G. The Mayor or her agent is hereby authorized to enter into the attached Agreement, or a modified Agreement with substantially similar terms which does not have any substantive changes;
- H. This resolution shall take effect immediately upon passage.

--Motion duly seconded by Councilman Mello
---Adopted by the following vote: YEAS: 7- NAYS: 0 - ABSENT: 1 – PRESENT - 1
---Yeas: Council persons Castellano, Cunningham, Giattino, Marsh, Mason, Mello, President Bhalla
---Nays: None.
---Absent: Russo
---Present: Occhipinti.

ORDINANCES

Introduction and First Reading

12-511

Z-182

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 190 OF THE CODE OF THE CITY OF HOBOKEN ENTITLED (PARKING FOR HANDICAPPED) Approval; (General Handicapped Parking for the Multi Service Center)

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DOES HERE BY ORDAIN AS FOLLOWS:

General Handicapped Parking

Section 190-30 (B) is hereby amended to add the following restricted handicapped parking spaces:

Grand Street: west side of Grand Street, beginning at a point of 55 feet north of the northerly curblineline of Second Street and extending 22 feet northerly therefrom.

Section 2: This ordinance shall be part of the Administrative Code of the City of Hoboken as though codified and fully set forth therein.

Section 3: The City Clerk shall have this ordinance codified and incorporated in the official copies of the Hoboken code. All ordinance and parts of ordinances inconsistent herewith are hereby repealed.

Section 4: this ordinance shall take effect as provided by Law

Council President Cunningham 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 **MAY 16, 2012** at 7:00 PM.

---Motion duly seconded by Cunningham

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

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

---Nays: None

---Absent: Russo

12-512

Z-183

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

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

1. The Alphabetical List of Titles, City of Hoboken, set forth in City Code to which this Ordinance is an amendment and supplement shall be, and the same is hereby, amended and supplemented so that the titles, salaries and ranges contained herein shall be amended as follows on the attached list, which is incorporated by reference. The remainder of the Alphabetical List of Titles, City of Hoboken, set forth in the City Code shall remain unchanged as a result of this Ordinance.
2. If the Alphabetical List of Titles, City of Hoboken, herein set forth contains any position or positions which are not enumerated in the Plan for the Standardization of Municipal Class Titles, which is a part of the Code to which this Ordinance is an amendment, then in that event, the duties of the said position or positions shall be those which pertain to the particular

position and positions set forth in any other ordinance adopted and now in force and effect in any statute of the State of New Jersey.

3. The provisions of this Ordinance shall in no way affect the tenure or Civil Service status of any employees presently employed by the City of Hoboken in any of the various positions set forth in the Alphabetical List of Titles, City of Hoboken.
4. The Alphabetical List of Titles referred to herein as well as the salary ranges for all positions in the City shall be on file in the Office of the City Clerk.
5. All ordinances or parts of ordinances inconsistent herewith are herewith repealed.
6. This ordinance shall take effect as provided by law.

Council President Cunningham 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 **MAY 16, 2012** at 7:00 PM.

---Motion duly seconded by Councilman Mello

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

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

---Nays: Castellano, Mason and Occhipinti

---Absent: Russo

NEW BUSINESS

Councilwoman Marsh comments that the last Planning Board for application for Sidewalk Café was carried to the next meeting

Councilwoman Mason comments on thanking Hoboken University. Medical Center on Tues. night, understanding the service that the hospital would be providing, this Sat. night, there is an opening at Gallery 1200 – baseball on Sat. evening May 5, 2012, show last week at the Hudson School and encourage those to come out

Councilwoman Castellano comments on an update on the Affordable Housing Trust fund if it was set up
Councilman Cunningham comments that a Rev. & Finance sub committee next Wed. May 9, 2012 at 6:00 PM

Quintin Weist comments

Councilman Mello comments on the last Transp. And Parking meeting last Wed. (4/25/12) the wait list for the municipal garage was eliminated, thank the Mayor for planting a tree on Earth Day down on the water front

Councilman Occhipinti comments when the start date with Mr. Wiest

Quintin Wiest comments May 14, 2012

Councilman Occhipinti comments on the road paving schedule in the 4th ward

Councilwoman Giattino comments that Sinatra field has started

Councilman Mello comments on a bond regarding a trial block for each of the six wards

Councilman Bhalla comments on taking an initiative for voter registration drives, an informal committee of people has not been set up, but the objective is to get residents to vote for the Presidential election and every other future election for this Sunday, May 6, 2012 at the Hoboken Music and Arts festival.

PUBLIC PORTION

All regular business concluded the following members of the public spoke at the “Public

Portion” of the meeting: Helen Hirsch, Vic Zarish.

At 11:31 PM Councilwoman Marsh on a motion duly seconded by the Councilman Mello.

Council President Bhalla then adjourned the meeting at 11:31 PM

PRESIDENT OF THE COUNCIL

CITY CLERK