

THE COUNCIL OF THE CITY OF HOBOKEN

MINUTES FOR MEETING OF MAY 16, 2012

CLOSED SESSION (starting at 6:15 PM)

RESOLUTIONS

12-513

RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS OF ATTORNEY CLIENT PRIVILEGE RELATING TO NEGOTIATIONS AND ACQUISITIONS OF PROPERTY FOR PUBLIC PARKS

WHEREAS, the Council of the City of Hoboken is authorized to go into closed executive session for the reasons set forth in the Open Public Meetings Act, including without limitation N.J.S.A. 10:4-12(5) and 12 (7) and attorney client privilege; and

WHEREAS, one of these reasons is to receive advice from legal counsel relating to negotiations and acquisitions process for property for public parks; and

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

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

President Bhalla re-opened the meeting at 7:27 P.M.

Roll call: Council persons Cunningham, Giattino, Marsh, Mason, Mello, Occhipinti, Russo and President Bhalla

ABSENT: Castellano

Council President comments that he will be suspending the order of the agenda for this evening's meeting.

Two items is being considered after the Closed Session meeting, the first item is the 1st ordinance on the agenda under Introduction and First Readings, which relate to Block 12 in the SW, the 2nd item is Resolution #2 on the Consent Agenda which relates to the designation of the SW area or proposed "IT" Zoning District

Mayor Zimmer speaks to the Governing Body about the Southwest Park & Land Acquisition

ORDINANCES

Introduction and First Reading

12-514
Z-184

AN ORDINANCE OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY KNOWN AS BLOCK 12, LOTS 1 THROUGH 7 AND BLOCK 12, LOTS 12 THROUGH 18 ON THE OFFICIAL TAX MAP OF THE CITY OF HOBOKEN AND THE INSTITUTION OF EMINENT DOMAIN PROCEEDINGS, IF NECESSARY

WHEREAS, N.J.S.A. 40A:12-5 and N.J.S.A. 20:3-1 et seq. authorize public entities to acquire real property or an interest in real property; and

WHEREAS, the City Council of the City Hoboken (“Council” or “City”) has deemed it necessary to acquire certain real property in the City known as Block 12, Lots 1 through 7 and Block 12, Lots 12 through 18 (the “Property”) on the Official Tax Map of the City; and

WHEREAS, an appraisal of the Property was completed by the City’s Appraiser in 2011 (the “2011 Appraisal”), setting forth the fair market value of the Property as of November 21, 2011; and

WHEREAS, by Resolution adopted on March 7, 2012, the Council approved the 2011 Appraisal of the fair market value of the Property as of November 21, 2011 and authorized the issuance of an Offer Letter to the record owners of the Property for the full fair market value of the Property as of November 21, 2011, as set forth in the 2011 Appraisal; and

WHEREAS, an Offer Letter dated March 8, 2012 was sent by certified mail, return receipt requested and by regular mail to the record owners of the Property in accordance with the Council authorization and approval; and

WHEREAS, although there have been discussions between the Property owners, their legal representatives and the City, no appraisal or other data has been produced by the Property owners to date regarding the value of the Property; and

WHEREAS, the Council has determined that the public interest will be served by the acquisition of the Property for open space and park purposes; and

WHEREAS, the Council desires to formally authorize the acquisition of the Property and the institution of eminent domain proceedings, if necessary, in order to acquire the same.

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

SECTION 1. The Mayor, City Council and such other officials, consultants, agents, employees and professionals of the City as may be necessary and appropriate, shall be and are hereby authorized to pursue all lawful means of acquiring the Property specifically designated and known as Block 12, Lots 1 through 7 and Block 12, Lots 12 through 18 (the “Property”) as shown on the Official Tax Map of the City of Hoboken through negotiation and/or condemnation, if necessary, pursuant to N.J.S.A. 40A:12-5 and N.J.S.A. 20:3-1 et seq. including the filing of a Declaration of Taking, the filing of a Condemnation Complaint and all other proceedings related thereto.

SECTION 2. The City hereby confirms and reaffirms its previous approval of the Appraisal of the fair market value of the Property as of November 21, 2011 (the "2011 Appraisal") as previously approved by Resolution adopted on March 7, 2012.

SECTION 3. In conjunction with said acquisition, the City hereby reserves and shall reserve any and all rights it had or may have to recover in any subsequent or pending action or by any administrative means, all costs of remediation and/or clean-up of contamination and/or removal of solid waste and/or sanitary land fill closures that have been incurred or may be incurred in the future by reason of conditions which were in existence as of or prior to the date of vesting of title and possession of this Property in the name of the City.

SECTION 4. In conjunction with said acquisition, the City reserves and shall reserve the right to seek in its sole discretion, any and all available legal, administrative and equitable remedies to compel the record owners and/or responsible parties to remediate and/or clean up the Property in accordance with applicable state and federal statutory and regulatory provisions or to remove solid waste or carry out closure of a sanitary landfill if located on the Property. The City is not and shall not be liable for the clean-up and removal costs of any discharge which occurred or began prior to the City's ownership.

SECTION 5. The Mayor, City Council and such other officials, consultants, agents, employees and professionals of the City as may be necessary and appropriate are hereby authorized and directed to take any and all actions necessary to effectuate the purposes of this Ordinance.

SECTION 6. All ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 7. If any section, paragraph, article, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply to the section, paragraph, article, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 8. This Ordinance shall take effect after approval and publication as required by law.

President Bhalla moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **June 2, 2012** at 7:00 PM.

---Adopted by the following vote: YEAS: 7 - NAYS: 1 - ABSENT: 1

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

---Nays: Russo

---Absent: Castellano

RESOLUTIONS (cont'd)

12-515

---By Councilman Mello

RESOLUTION OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, RESCINDING PRIOR RESOLUTIONS AUTHORIZING PRELIMINARY INVESTIGATIONS INTO THE PROPOSED AREA IN NEED OF REDEVELOPMENT (SOUTHWEST AREA/PROPOSED "IT" ZONING DISTRICT) AND DIRECTING THE PLANNING BOARD TO REVIEW A RESOLUTION DESIGNATING CERTAIN PROPERTY IN THE CITY AS AN AREA IN NEED OF REHABILITATION

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

WHEREAS, pursuant to resolutions adopted on October 21, 2009 and October 20, 2010 (collectively, the “**Prior Resolutions**”), the municipal council of the City of Hoboken (the “**City Council**”) authorized and directed that the Planning Board of the City of Hoboken (the “**Planning Board**”) perform a preliminary investigation and make a recommendation as to whether the City Council should designate all or a portion of the property commonly known as (all lots in each block inclusive) Blocks 3, 3.1, 3.2, 139.1, 4, 5, 6, 8.1, 9, 10, 11, 12, 14 and 23 on the tax map of the City (the “**Study Area**”) as an area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, the Planning Board retained Clarke Caton Hintz to conduct a preliminary investigation in order to determine whether the properties within the Study Area meet the statutory requirements for designation as an “area in need of redevelopment” pursuant to the Redevelopment Law (a “**Redevelopment Designation**”); and

WHEREAS, the scope of the study was expanded to also include a determination of whether the properties within the Study Area meet the statutory requirements for an “area in need of rehabilitation” pursuant to the Redevelopment Law (a “**Rehabilitation Designation**”); and

WHEREAS, on January 5, 2012, Clarke, Caton Hintz completed its “Preliminary Investigation for a Determination of Area in Need of Redevelopment and Area in Need of Rehabilitation Designations for the Southwest Area of the City of Hoboken” (the “**Redevelopment Study**”) and transmitted same and subsequent corrections thereto to the Planning Board; and

WHEREAS, pursuant to the provisions of Section 6 of the Redevelopment Law, *N.J.S.A. 40:12A-6*, the Planning Board publicly noticed scheduled public hearings on the Redevelopment Study commencing on February 2, 2012 and is currently in the process of accepting public comments and questions with respect to the Redevelopment Study as part of the public hearing; and

WHEREAS, the City Council has determined that it does not want to continue with an investigation that may result in a Redevelopment Designation, as it does not intend to utilize the powers that are associated with redevelopment (e.g. condemnation or long term tax exemptions, [also known as payments in lieu of taxes or “PILOTS”](#)), provided that the City Council can retain the powers and authority afforded it to under the constitution and other laws, including condemnation for a public purpose; and

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

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

WHEREAS, the City Council seeks to rescind the Prior Resolutions and intends to designate the Study Area as an area in need of rehabilitation by the adoption of the resolution substantially in the form attached hereto as [Exhibit A](#); and direct the Planning Board to review the attached resolution pursuant to the requirements of Section 14 of the Redevelopment Law.

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

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

Section 2. The Prior Resolutions are hereby rescinded and of no further force and effect and the Planning Board is directly to act accordingly.

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

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

Section 5. This resolution shall take effect immediately.

The speakers who spoke: J. Caulfield, James McCann, Margaret O'Brien Robert Lipschitz, Perry Belfiore, Vic Zarish, Dennis Sheeh, Scott Siegel.

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

Second Reading/Public Hearing and Final Vote

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 136 (NUISANCES) SECTION 136.2 (PROHIBITED ACTS) OF THE CITY OF HOBOKEN MUNICIPAL CODE (**Z-178**)

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: 6 – NAYS: 0 – ABSENT - 3
---Yeas: Councilpersons Cunningham, Giattino, Marsh, Mello, Occhipinti and President Bhalla.
---Nays: None.
---Absent: Castellano, Mason, Russo

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

---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 Russo
---Nays: Occhipinti and Bhalla
---Absent: Castellano

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)

The speakers who spoke: Margaret O'Brien.

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 Cunningham, Giattino, Marsh, Mason, Mello, Occhipinti, Russo and President Bhalla.

---Nays: None.

---Absent: Castellano

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

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 7 - NAYS: 1 -ABSENT: 1

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

---Nays: Mason

---Absent: Castellano

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) (sponsored by Councilman Mello and Councilman Cunningham) (Z-182)

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

President Bhalla moved that the hearing be closed.

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

---Absent: Castellano

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

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Castellano

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 (Z-183)

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

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

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

12-516

Communication from Mayor Dawn Zimmer regarding Acquisition of Block 12 Lots 1-7 and Lots 12-18 for Southwest Park, Southwest Redevelopment Process & Pier A & 9/11 Memorial

Received and Filed.

12-517

2011 Annual Report to the Hoboken City Council/Board of Health.

Received and Filed.

12-518

APPLICATION FOR MISCELLANOUS LICENSES

Taxi, Livery, & Limousine Drivers.....21
 Vendors.....2

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

12-519

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of April 2012 **\$9,273,921.19 (Abatement Totals – \$446,507.91)**

Received and Filed.

12-520

A report from Municipal Court indicating receipts for the month of April 2012 as **\$356,626.76**

Received and Filed.

12-521

CLAIMS

---By Councilman Cunningham

Total for this agenda \$2,550,470.44 - AMENDED \$2,542,276.69.

Council President comments PO# 11-00383 Adams Rehmann & Heagan Association for \$8,193.75 should be off

Councilwoman Mason comments

Interim Corporation Counsel comments

Councilwoman Mason comments on the change of the Claims list -regarding PO# 12-01599 Ron Venturi, Esq. 2011 over commitments

---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: Mason, Occhipinti and Russo

---Absent: Castellano

12-522

---By Councilman Cunningham

PAYROLL

For the two week period starting April 12 – April 25, 2012

| Regular Payroll | O/T Pay | Other Pay | |
|------------------------|----------------|------------------|-------------|
| \$1,497,244.00 | \$71,804.43 | | \$47,457.73 |

Total \$1,616,506.16

Meeting of May 16, 2012

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

12-523

---By Council Members

RESOLUTION TO APPROVE AND AUTHORIZE A MONETARY GIFT OF \$50,000.00 FROM THE CITY OF HOBOKEN TO THE HOBOKEN SHELTER

WHEREAS since the Hoboken Shelter was founded in 1982, it has served 1.6 million meals and sheltered 400,000 men and women during the last 30 years; and,

WHEREAS due to recent economic challenges, the Hoboken Shelter has seen a decrease in federal funding at the same time demand for its services increase; and,

WHEREAS in 2011, the Hoboken Shelter served patrons a record 120,000 meals, a 20% increase from 2010; and,

WHEREAS in addition to sheltering 50 people every night, the Hoboken Shelter has been effective at helping the homeless find a place to live, helping 123 people find homes in 2010 and helping 166 people find homes in 2011; and,

WHEREAS the City of Hoboken reached a settlement with Tarragon, and pursuant to that settlement the City received a payment of \$2 million in lieu of the developer's obligation under the redevelopment agreement including affordable housing, and the funds may be used for any purpose approved by the settlement agreement, and the City Council expressed its desire that the funds be used towards affordable housing; and,

WHEREAS the Hoboken Shelter provides an essential bridge through which the homeless are transitioned into permanent, often affordable housing; and

WHEREAS the City of Hoboken appreciates the successful efforts of the Hoboken Shelter, particularly as it relates to sheltering and moving people towards permanent housing, and wishes to see it continue to provide important services during these difficult economic times; 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 _____ 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 Hoboken City Council expresses its appreciation to the Hoboken Shelter on 30 years of service to the City, supports its ongoing efforts to combat hunger and homelessness, and supports donating \$50,000 from the settlement with Tarragon to the Hoboken Shelter. **(amended) to exclusive use of the permanent supportive Housing program.**

The speakers who spoke: Rory Chadwick, Jaclyn Cherubiui, Scott Siegel.

VOTE TO AMEND

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

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

---Nays: None.

---Absent: Castellano

---**VOTE AS AMENDED** by the following vote: YEAS: 8 - NAYS: 0 -ABSENT: 1

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

--Nays: None.

---Absent: Castellano

12-524

---By Councilman Mello

RESOLUTION TO AUTHORIZE SUBMISSION OF THE ATTACHED GRANT APPLICATION FOR THE FY2012 NJ DCA ROID GRANT AND ACCEPTANCE OF ANY SUBSEQUENT ROID GRANT AWARD

WHEREAS, the City of Hoboken desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$12,240.00 to carry out a project to provide children with special needs living in Hoboken with adapted recreation programs; and

WHEREAS, there is no matching funds from the City required for acceptance of this grant.

BE IT THEREFORE RESOLVED, that the City of Hoboken does hereby authorize the application for such a grant; and, recognizes and accepts that the Department may offer lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the City of Hoboken and the New Jersey Department of Community Affairs.

- A. The Mayor or her agent is hereby authorized to submit the grant application and enter into the grant agreement;
- B. This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Castellano

12-525

---By Councilman Giattino

RESOLUTION TO APPROVE THE ATTACHED CONTRACT FOR ANIMAL CONTROL SERVICES TO THE CITY OF HOBOKEN BY LIBERTY HUMANE

WHEREAS, the City has negotiated an extension to the animal control service contract with Liberty Human, which is *attached hereto*; and,

WHEREAS, certification of funds is available as follows:

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$43,336.00 is available in the following appropriations _____ 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, by the City Council of the City of Hoboken as follows:

- A. This resolution approves the attached animal control service contract between Liberty Human and the City of Hoboken, for a not to exceed amount of \$43,336.00 and a term to expire on December 31, 2012, as *attached hereto*;
- B. 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;
- C. This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None

---Absent: Castellano

Councilwoman Mason has left the table at 10:32 PM.

12-526

---By Councilwoman Marsh

RESOLUTION TO APPROVE THE ATTACHED AGREEMENT WITH THE COUNTY OF HUDSON REGARDING THE 2012 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

WHEREAS, the City and the County of Hudson have negotiated an Agreement relating to the financial utilization of the 2012 JAG Award funds for the City in the amount of \$14,579.00, which is *attached hereto*; and,

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

- C. This resolution approves the attached Agreement between the County of Hudson and the City relating to the City's utilization of the 2012 JAG funding, in the amount of \$14,579.00, as *attached hereto*;

- D. Any utilization of funding by the City shall be further restricted by the Application and Award documents, *attached hereto as a supplement to the Agreement*;
- E. 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;
- F. This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilwoman Giattino
 ---Adopted by the following vote: YEAS: 7 - NAYS: 0 - ABSENT: 2
 ---Yeas: Council persons Cunningham, Giattino, Marsh, Mason, Mello, Occhipinti, Russo and President Bhalla
 ---Nays: None
 ---Absent: Castellano, Mason

12-527

---By Councilman Cunningham

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

CLEAN COMMUNITY GRANT CY 2012

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

WHEREAS, said Director may also approve the insertion of an item of Appropriation for an equal amount, and

WHEREAS, the City of Hoboken has received notice of an award of \$69,909.42 from State of New Jersey Department of Environmental Protection wishes to amend its CY 2012 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director Of the Division of Local Government Services to approve the insertion of an item of Revenue in the budget of the year CY 2012 in the sum of.....\$69,909.42
 This is now available as revenue from:

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

NOW, THEREFORE, BE IT RESOLVED that the like sum of: \$69,909.42
 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:
Clean Community Grant
Other Expenses \$69,909.42

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

12-528

---By Councilman Cunningham

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

HOBOKEN POLICE ATHLETIC LEAGUE – CY 2012

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

WHEREAS, said Director may also approve the insertion of an item of Appropriation for an equal amount, and

WHEREAS, the City of Hoboken has received notice of an award of \$15,000.00 from National Association of Police Athletic/League Activity Office of Juvenile Justice Programs to amend its CY 2012 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director Of the Division of Local Government Services to approve the insertion of an item of Revenue in the budget of the year CY 2012 in the sum of.....\$15,000.00
This is now available as revenue from:

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

NOW, THEREFORE, BE IT RESOLVED that the like sum of: \$15,000.00
Be and the same is hereby appropriated under the caption of:
General Appropriations:
(a) Operations Excluded from CAPS

State and Federal Programs Off-Set by
Revenues:
Hoboken Police Athletic League O/E
Other Expenses

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

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

Councilwoman Mason has returned to the table at 10:41 PM

12-529

---By Councilman Cunningham

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

HUDSON COUNTY OPEN SPACE TRUST FUND CY 2012

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

WHEREAS, said Director may also approve the insertion of an item of Appropriation for an equal amount, and

WHEREAS, the City of Hoboken has received notice of an award of \$3,000,000.00 from Hudson County Open Space Trust Fund wishes to amend its CY 2012 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director Of the Division of Local Government Services to approve the insertion of an item of Revenue in the budget of the year CY 2012 in the sum of.....\$3,000,000.00
This is now available as revenue from:

Miscellaneous Revenues:
Special Items of General Revenue Anticipated
With Prior Written Consent of the Director of the
Division of Local Government Services:
State and Federal Revenues Off-set with
Appropriations:
Hudson County Open Space

NOW, THEREFORE, BE IT RESOLVED that the like sum of: \$3,000,000.00

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:

Hudson County Open Space

Other Expenses \$3,000,000.00

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 Cunningham, Giattino, Marsh, Mason, Mello, Occhipinti, Russo and President Bhalla

---Nays: None

---Absent: Castellano

12-530

--By Councilman Cunningham

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

DEPARTMENT OF TRANSPORATION – VARIOUS STREET 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 \$396,000.00 from the State of New Jersey Department of Transportation 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.....\$396,000.00

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 Transportation
Various Roads

NOW, THEREFORE, BE IT RESOLVED that the like sum of.....\$396,000.00

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
 - Department of Transportation
 - Various Roads

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

12-531
---By Councilman Cunningham

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

SUBGRANT AGREEMENT PORT AUTHORITY OF NY & NJ
FIRE BOAT 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 \$364,464.00 from the Port Authority of NY & NJ 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.....\$364,464.00
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: | |
| Fire Boat | \$364,464.00 |

NOW, THEREFORE, BE IT RESOLVED that the like sum of..... \$364,464.00
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
Fire Boat \$364,464.00

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

12-532

--By Councilman Cunningham

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

SUMMER FOOD SERVICE PROGRAM CY 2012

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

WHEREAS, said Director may also approve the insertion of an item of
Appropriation for an equal amount, and

WHEREAS, the City of Hoboken has received notice of an award of
\$32,652.40 from Department of Agriculture State of New Jersey wishes to amend its CY 2012 Budget to
include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken, in the County of
Hudson, State of New Jersey, hereby requests the Director
Of the Division of Local Government Services to approve the insertion of an item of
Revenue in the budget of the year CY 2012 in the sum of.....\$32,652.40
This is now available as revenue from:

Miscellaneous Revenues:
Special Items of General Revenue Anticipated
With Prior Written Consent of the Director of the
Division of Local Government Services:
State and Federal Revenues Off-set with
Appropriations:
Summer Food Program

NOW, THEREFORE, BE IT RESOLVED that the like sum of: \$32,652.40
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:
Summer Food Program
Other Expenses \$32,652.40

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

12-533

--By President Bhalla

RESOLUTION FOR MUNICIPAL ENLISTMENT IN THE MILITARY INITIATIVE

Whereas, on Tuesday, January 24, the Commander-in-Chief of our Armed Forces reminded all Americans that, "Above all, our freedom endures because of the men and women in uniform who defend it," and that "... this generation of heroes has made the United States safer and more respected around the world."; and

Whereas, the President, further, promised, "As they come home, we must serve them as well as they've served us. That includes giving them the care and the benefits they have earned ... And it means enlisting our veterans in the work of rebuilding our nation."; and

Whereas, National Guard and Reserve forces today total over 1 million service members and represent 48 percent of our total military force; while every day around the globe, thousands of men and women in uniform, including dedicated members of the National Guard and Reserves, risk their lives and make great sacrifices to defend our national interests, serving extended tours away from their homes, families and jobs; and

Whereas, at the same time, we are now seeing unprecedented levels of unemployment and underemployment among members of the Guard and Reserve, as up to 22 percent of Guard and Reserve members face unemployment; and

Whereas, in this time of economic uncertainty, the Employer Support Guard and Reserve (ESGR) is focusing on connecting employers with the talented pool of service members and their spouses, with the intent of facilitating meaningful employment opportunities; and

Whereas, to further this goal, the New Jersey ESGR has launched an Employment Initiative Program (EIP), which is a collaborative effort with federal agencies including the Department of Labor (Veterans Affairs), the Department of Veterans, the Small Business Administration and the Office of Personnel Management; and

Whereas, the goal is to enhance the employment process and serve as an effective resource for service members and employers. ESGR is also partnering with Employer Partnership of the Armed Forces (EPAF) through EIP with a high-tech and high-touch approach; and

Whereas, for almost a year, now, the United States Chamber of Commerce has also endeavored to find employment for our returning veterans and the spouses of those who continue to serve, at home and abroad, with its Hiring Our Heroes program; and

Whereas, the Hiring Our Heroes program is a nationwide effort to help veterans and military spouses find meaningful employment, in partnership with the Department of Labor Veterans Employment and Training Service (DOL VETS), to improve public-private sector coordination in local communities, where veterans and their families are returning every day; and

Whereas, despite those efforts, the unemployment rate for veterans of our Armed Forces in our Nation and in our State continues to exceed the over-all rate; and

Whereas, in order to take the lead on advancing the EIP to the next level, the New Jersey ESGR has enlisted strong and positive support from corporate leaders, the New Jersey State Chamber of Commerce, US Dept. of Labor/VETS and the New Jersey League of Municipalities; and

Whereas, it is incumbent on all of us to prove that New Jersey cares for the men and women in uniform who risk their lives and make great sacrifices to defend our national interests; and

Whereas, this employment initiative can be New Jersey's way of saying thank you to the men and women who made great sacrifices to protect our nation's freedom; and

Whereas, local officials throughout the State of New Jersey, working together through the League of Municipalities, and with the New Jersey ESGR, their local and State Chambers of Commerce, and local business leaders can help to advance basic fairness to our vets and their families by pursuing one simple goal: to allow America's over one million unemployed veterans and military spouses to follow their dreams, instead of spending their lives **just trying to catch up**;

Now therefore, be it resolved, that the Mayor and City Council of the City of Hoboken recognizes that we will never be able to repay the debt we owe to all members of our armed forces; and

Be It Further Resolved, that in gratitude, the City of Hoboken pledges its enthusiastic and unqualified support for the Employment Initiative Program of the New Jersey Employer Support Guard and Reserves; and

Be It Further Resolved, that certified copies of this Resolution be forwarded to the New Jersey State League of Municipalities and to our neighboring municipalities.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None

---Absent: Castellano

12-534

---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 **\$ 7,957.36**

| <u>NAME</u> | <u>BL/LT/UNIT</u> | <u>PROPERTY</u> | <u>QTR/YEAR</u> | <u>AMOUNT</u> |
|--|-------------------|---------------------|-----------------|---------------|
| Grappel, Jason 629 Jefferson St #4 Hoboken, NJ 07030 | 77/15/C0004 | 629-33 Jefferson St | 2/12 | \$ 2,772.60 |

| | | | | |
|--|--------|----------------|------|-------------|
| Union City I Inc P O Box 730608 Flushing, NY 11373 | 165/16 | 231 Willow Ave | 2/12 | \$ 5,184.76 |
|--|--------|----------------|------|-------------|

---Motion duly seconded by Councilman Mello

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

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

---Nays: None

---Absent: Castellano

12-534A

---By Councilwoman Giattino

RESOLUTION APPROVING HOBOKEN CITY COUNCIL MINUTES

RESOLVED, that filed minutes for the Hoboken City Council regular meetings of January 4, 2012, January 18, 2012, February 8, 2012, February 15, 2012 and a Special meeting on February 22, 2012 have been reviewed and approved as to legal form and content.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 7 - NAYS: 1 - ABSENT: 1

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

---Nays: Mason

---Absent: Castellano

ORDINANCES

Introduction and First Reading
(cont'd)

12-535
Z-185

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 190 OF THE ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN ENTITLED "VEHICLES AND TRAFFIC"

THE COUNCIL OF THE CITY OF HOBOKEN DOES HEREBY ORDAIN AS FOLLOWS:

Meeting of May 16, 2012

Section One: Amendments

ARTICLE IV

STOP STREETS

190-9 Stop Streets Designated

Article IV STOP STREETS is amended to include the following Stop Streets.

Intersection

10th Street & Park Avenue

Stop Sign Locations

Northbound and westbound approach

All ordinances and parts of ordinances inconsistent herewith are hereby repealed. This ordinance shall be part of the Hoboken Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Hoboken code.

A copy of this ordinance shall be sent to the New Jersey Department of Transportation. This ordinance shall take effect as provided by law.

Section Two: Repeal of Inconsistent Provisions

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

Section Three: Severability

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

Section Four: Effective Date

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

Section Five: Codification

This Ordinance shall be a part of the code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Code.

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

President Bhalla moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **June 2, 2012** at 7:00 PM.

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

12-536
Z-186

BOND ORDINANCE AUTHORIZING THE ACQUISITION OF SHUTTLE BUSES AND A BUCKET TRUCK FOR THE CITY PARKING UTILITY DEPARTMENT; APPROPRIATING THE SUM OF \$497,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$497,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the City Council of the City of Hoboken, County of Hudson, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the City of Hoboken, County of Hudson, New Jersey ("City").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is \$497,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$497,000.

Section 3. The sum of \$497,000, to be raised by the issuance of bonds or bond anticipation notes is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$497,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$497,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and

other items as provided in Section 20 of the Local Bond Law, *N.J.S.A.* 40A:2-20, shall not exceed the sum of \$99,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

| <u>Purpose/Improvement</u> | <u>Estimated Total Cost</u> | <u>Down Payment</u> | <u>Amount of Obligations</u> | <u>Period of Usefulness</u> |
|--|-----------------------------|---------------------|------------------------------|-----------------------------|
| A. Acquisition of Five (5) Shuttle Busses for the City Parking Utility Department, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto | \$400,000 | 0 | 400,000 | 5 years |
| B. Acquisition of a Bucket Truck for the City Parking Utility Department, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto | 97,000 | 0 | 97,000 | 5 years |
| Totals: | <u>\$497,000</u> | <u>\$0</u> | <u>\$497,000</u> | |

Section 8. The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 5 years.

Section 9. Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

Section 10. The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A.* 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, *N.J.S.A.* 40A:2-43, is increased by this Bond Ordinance by \$497,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the City shall levy *ad valorem* taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 12. The applicable Capital Budget of the City is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 13. The City hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original

expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

Section 14. The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Ogden, Utah Service Center of the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 16. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 17. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

President Bhalla moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **June 2, 2012** at 7:00 PM.

--Motion duly seconded by Councilman

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

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

---Nays: Occhipinti and Russo

---Absent: Castellano

12-537

Z -187

BOND ORDINANCE AUTHORIZING THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS TO AND THE ACQUISITION OF VARIOUS PIECES OF CAPITAL EQUIPMENT FOR VARIOUS CITY GARAGES; APPROPRIATING THE SUM OF \$5,175,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IN THE

AGGREGATE PRINCIPAL AMOUNT OF UP TO \$5,175,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the City Council of the City of Hoboken, County of Hudson, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the City of Hoboken, County of Hudson, New Jersey ("City").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is \$5,175,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$5,175,000.

Section 3. The sum of \$5,175,000, to be raised by the issuance of bonds or bond anticipation notes is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed \$1,830,550 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$5,175,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, *N.J.S.A. 40A:2-20*, shall not exceed the sum of \$1,000,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

| <u>Purpose/Improvement</u> | <u>Estimated Total Cost</u> | <u>Down Payment</u> | <u>Amount of Obligations</u> | <u>Period of Usefulness</u> |
|---|-----------------------------|---------------------|------------------------------|-----------------------------|
| A. Completion of Various Renovations and Improvements to and the Undertaking of the Redesign of Various City Garages, all as more particularly described in the | \$3,370,000 | \$0 | \$3,370,000 | 15 years |

| <u>Purpose/Improvement</u> | <u>Estimated Total Cost</u> | <u>Down Payment</u> | <u>Amount of Obligations</u> | <u>Period of Usefulness</u> |
|---|-----------------------------|---------------------|------------------------------|-----------------------------|
| documentation on file in the Office of the Director of the City Parking Utility and available for inspection during normal City hours, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto | | | | |
| B. Reconstruction of and Improvements to Various Pedestrian Walkways for Various City Garages, all as more particularly described in the documentation on file in the Office of the Director of the City Parking Utility and available for inspection during normal City hours, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto | 75,000 | 0 | 75,000 | 10 years |
| C. Acquisition and Installation of Rooftop Safety, Security and Navigation/Wayfinding Equipment and Improvements for Various City Garages, all as more particularly described in the documentation on file in the Office of the Director of the City Parking Utility and available for inspection during normal City hours, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto | 620,000 | 0 | 620,000 | 5 years |
| D. Improvements and Renovations to Garage Offices, all as more particularly described in the documentation on file in the Office of the Director of the City Parking Utility and available for inspection during normal City hours, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto | 145,000 | 0 | 145,000 | 10 years |
| E. Improvements to and Replacement of Various City Garage Elevators, all as more particularly described in the documentation on file in the Office of the Director of the City Parking Utility and available for inspection during normal City hours, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto | 965,000 | 0 | 965,000 | 15 years |
| Totals: | <u>\$5,175,000</u> | <u>\$0</u> | <u>\$5,175,000</u> | |

Section 8. The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 13.59 years.

Section 9. Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

Section 10. The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A.* 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, *N.J.S.A.* 40A:2-43, is increased by this Bond Ordinance by \$5,175,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the City shall levy *ad valorem* taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 12. The applicable Capital Budget of the City is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 13. The City hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

Section 14. The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Ogden, Utah Service Center of the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 16. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 17. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

President Bhalla moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **June 2, 2012** at 7:00 PM.

--Motion duly seconded by Councilman

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

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

--Nays: Mason, Occhipinti and Russo

--Absent: Castellano

NEW BUSINESS

Councilman Russo comments on acquisition of Jackson Street property

Councilwoman Marsh has left the table at 11:06 PM

Stephen Marks comments on negotiations for certain properties and remaining blocks in the SW and maybe July/August, preparing an RFP to hire an engineering firm to do site investigations, environmental reports

Councilman Bhallas has left the table at 11:08 PM

Councilman Russo comments

Councilwoman Mason comments on \$3M access money

Stephen Marks comments

Councilman Mello comments

Stephen Marks comments

Councilwoman Mason comments

Council President has returned to the table at 11:11 PM

Councilwoman Marsh has returned to the table at 11:13 PM

Councilman Cunningham comments on post budget items and looking to bond soon and would like to consider to RFP for financial advisors and getting in front of the rating agencies

Councilwoman Mason comments on thanking the recent opening for the Mason Civic League and it was a great turnout for the Baseball community center, asks Councilwoman Giattino who went with you to the Superbowl.

Councilwoman Giattino comments that she was home watching the Superbowl

Councilman Mello comments on meeting regarding Park Space, appraisals to acquire the property with the price near the appraised property

Councilman Occhipinti comments

Councilwoman Marsh comments

BA Wiest comments a 20 year scenario on 2%

Councilman Cunningham comments that there was never a guarantee for dollar for dollar

Councilman Occhipinti comments and thank the County Freeholder for the traffic light at Monroe and Observer, Newark and thank the County, some traffic issues, ask the County what their plan was, 4 traffic lights in the 4th ward should have traffic lights, lists the streets

BA Wiest comments that he is not familiar with the issues

Councilman Occhipinti comments that he will forward an email to him

Councilman Occhipinti comments and requests Western Edge Marketing analysis plan

Meeting of May 16, 2012

Councilman Occhipinti comments and asks the BA Wiest regarding the hand scanning system
Councilman Russo comments
Councilwoman Giattino comments that there will be a community meeting at Church Sq. Park 5-8 PM at the Public Library, a flash dance by Derek on Friday at 3:30 PM, was looking at the reexamination in 2010, 2 properties labeled 26 & 27, asks Director Marks that one is on Newark and Garden and a deck on Observer and Garden, if we could find out and if it would be assessable to the public.
Council President comments
Stephen Marks comments
Councilwoman Marsh comments
Council President comments that if you cannot attend the meeting this Friday at Church Sq. Park, email Director Pellegrini
Council President comments on the flow of the meeting, amending the bylaws/rules and procedures for the City Council and would like to do, introduce the amendment to the Council and ask the colleagues and public if there are any suggestions/critiques/ current by laws be better for the public, been working with People of Open Government and also hear from the public as well and try to get it on the agenda
City Clerk asks the Governing Body if the City Council from July 2012 – June 2013
Council President comments
City Clerk comments
Council President comments and asks Interim Corporation Counsel from now till June 6, 2012
Councilman Occhipinti comments that the Memorial Day Parade at Wed., May 3, 2012 starting at 6 PM marching up to the Elks' Club
Councilwoman Mason comments on Donald Pellicano, a former Parking employee for the City of Hoboken who passed away a week ago and acknowledge that he served the city well

Councilman Occhipinti has left the table at 11:36 PM
Councilman Occhipinti has returned to the table at 11:40 PM

PUBLIC PORTION

All regular business concluded the following members of the public spoke at the “Public Portion” of the meeting: Margaret O’Brien, Helen Hirsch, Vic Zarish, Ron Simoncini, John Leffert.

Councilman Mello has left the table at 11:53 PM

Councilman Mello has returned to the table at 12:02 AM

At 12:06 AM the Governing Body on a motion duly seconded by the Councilwoman Marsh

Council President Bhalla then adjourned the meeting at 12:06 AM

PRESIDENT OF THE COUNCIL

CITY CLERK