

***THE COUNCIL OF THE CITY OF HOBOKEN***

**MINUTES FOR MEETING OF JANUARY 4, 2012**

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

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

The Clerk then called the roll:

PRESENT: Council persons Cunningham, Giattino, Marsh, Mason, Mello, Occhipinti, Russo.

ABSENT: Castellano, President Bhalla.

Council Vice President Cunningham announces that Z-147 is being pulled, Z-144 and Z-152 will be carried to the next meeting.

Second Reading/Public Hearing and Final Vote

**AN ORDINANCE ACCEPTING A DEED RESTRICTION IN FAVOR OF THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY FOR A PORTION OF BLOCK 267 LOT 1(Z-150)**

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

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

Councilman Cunningham moved that the hearing be closed.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 7 – NAYS: 0 –ABSENT: 2

---Yeas: Councilpersons Cunningham, Giattino, Marsh, Mason, Mello, Occhipinti, Russo

---Nays: None.

---Absent: Bhalla, Castellano.

Councilman Cunningham then instructed the City Clerk to call the Final Vote for the above Ordinance.

---Motion duly seconded by Councilwoman Marsh

---Adopted by the following vote: YEAS: 7 - NAYS: 0 - ABSENT: 2

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

--Nays: None.

---Absent: Bhalla, Castellano

AN ORDINANCE TO AMEND CHAPTER 198 ENTITLED "STREETS AND SIDEWALK" TO CLARIFY OBLIGATIONS DURING TIMES OF SNOW REMOVAL **(Z-151)**

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

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

Councilman Cunningham moved that the hearing be closed.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 7 – NAYS: 0 –ABSENT: 2

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

---Nays: None.

---Absent: Bhalla, Castellano.

Councilman Cunningham 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: 7 - NAYS: 0 - ABSENT: 2

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

---Nays: None.

---Absent: Bhalla, Castellano.

AN ORDINANCE TO CREATE CHAPTER 147 ENTITLED "MOBILE RETAIL FOOD VENDORS" **(Z-152) (Carried over to January 18, 2012 meeting)**

AN ORDINANCE TO ESTABLISH PARKING FEES AT MUNICIPAL GARAGES **(Z-153)**

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

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

Councilman Cunningham moved that the hearing be closed.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 7 – NAYS: 0 –ABSENT: 2

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

---Nays: None.

---Absent: Bhalla, Castellano.

Councilman Cunningham then instructed the City Clerk to call the Final Vote for the above Ordinance.

---Motion duly seconded by Councilman Russo

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

---Yeas: Council persons Giattino, Mason, Marsh, Occhipinti and Russo

---Nays: Cunningham, Mello

---Absent: Bhalla, Castellano.

**12-301**

A communication from Mayor Dawn Zimmer making various appointments to the Planning Board and an appointment to the Shade Tree Commission

Received and filed

**12-302**

Notice of Revised Schedule for Environmental Review of the New Jersey – New York Expansion Project  
FERC – Spectra Pipeline Official Notice \*

Received and Filed.

**12-303**

---By Councilman Cunningham

**PAYROLL**

For the two week period starting December 08, 2011 – December 21, 2011

Regular Payroll	O/T Pay	Other Pay	
\$1,427,504.10	\$54,021.58	\$75,229.30	

Total \$1,556,754.98

---Motion duly seconded by Councilman Mello  
 ---Adopted by the following vote: YEAS: 7 - NAYS: 1 - ABSENT: 2  
 ---Yeas: Council persons Cunningham, Giattino, Marsh, Mason, Mello, Occhipinti and Russo  
 ---Nays: Mason (O/T)  
 ---Absent: Bhalla, Castellano.

**12-304**

---By Councilman Cunningham

**CLAIMS**

Total for this agenda \$1,021,259.72

---Motion duly seconded by Councilman Mello  
 ---Adopted by the following vote: YEAS: 5 - NAYS: 2 - ABSENT: 2  
 ---Yeas: Council persons Cunningham, Giattino, Marsh, Mello, Occhipinti  
 ---Nays: Mason, Russo  
 ---Absent: Bhalla, Castellano.

**12-305**

---By Councilman Cunningham

**GOVERNING BODY CERTIFICATION OF THE TY 2010 AUDIT**

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year TY 2010 has been filed by a Registered Municipal Accountant with the Hoboken City Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Hoboken City Council of the City of Hoboken hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 7 - NAYS: 0 - ABSENT: 2

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

---Nays: None

---Absent: Bhalla, Castellano

**12-306**

---By Councilman Cunningham

**THIS RESOLUTION AUTHORIZES TEMPORARY APPROPRIATIONS FOR THE CALENDAR YEAR 2012**

**WHEREAS**, N.J.S.A. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the calendar year 2012 budget, temporary appropriation should be made for the purpose and amounts required in the manner and time therein provided; and

**WHEREAS**, Twenty Six and two five percent (26.25%) of the total appropriations of the current fund in the fiscal year 2011 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvements fund, public assistance and public utilities in said calendar year 2012 budget is the sum of \$31,313,442.09 and for the Parking Utility is the sum of \$2,091,607.09; and

**WHEREAS**, the temporary appropriations in the calendar year 2012 budget for interest and debt redemption charges are requested to be \$6,303,904.12 for the current fund and \$5,049,770.00 for the Parking Utility; and

**WHEREAS**, the temporary appropriations in the calendar year 2012 budget for Capital Improvement Fund charges are requested to be \$65,625.00 for the current funds; and

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the City of Hoboken that the following appropriation, which now totals \$37,742,971.21 for the current fund including debt service and \$7,141,377.09 for the Parking Utility including debt service be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his/her records:

**City of Hoboken  
Temporary Appropriations  
CY 2012**

			<b>Temp Budget</b>
			<b>CY 2012</b>
<b>Operations Within CAPS</b>			
Mayor Office	1-01-20-110-011	S/W	61,306.88
	1-01-20-110-021	O/E	2,667.00
City Council	1-01-20-111-011	S/W	57,640.01
	1-01-20-111-021	O/E	1,312.50
Office of Clerk	1-01-20-120-011	S/W	109,067.96
	1-01-20-120-021	O/E	2,677.50
Legal Advertising	1-01-20-121-020	O/E	13,125.00
Cod of Ordinances	1-01-20-123-020	O/E	7,875.00
Elections	1-01-20-122-011	S/W	13,125.00
	1-01-20-122-021	O/E	65,625.00
Bus Administrators	1-01-20-112-011	S/W	68,906.25
	1-01-20-112-021	O/E	5,250.00
Purchasing	1-01-20-114-011	S/W	50,245.39
	1-01-20-114-021	O/E	525.00
Licensing Bureau	1-01-20-115-011	S/W	0.00
	1-01-20-115-021	O/E	0.00
Personnel & Health Benefits	1-01-20-105-011	S/W	62,039.25
	1-01-20-105-021	O/E	630.00
Zoning Administration	1-01-21-186-011	S/W	31,637.03
	1-01-21-186-021	O/E	997.50
Uniform Construciton Code	1-01-22-195-011	S/W	178,600.54
	1-01-22-195-021	O/E	66,675.00
Corporation Counsel	1-01-20-155-011	S/W	81,525.94
	1-01-20-155-021	O/E	16,038.75

Special Counsel	1-01-20-156-020	O/E	199,500.00
Expert Witness & Appraisal	1-01-20-158-020	O/E	9,187.50
Revenue & Finance Director	1-01-20-130-011	S/W	166,120.50
	1-01-20-130-021	O/E	39,375.00
Annual Audit	1-01-20-135-020	O/E	24,405.94
Tax Collections	1-01-20-145-011	S/W	60,549.56
	1-01-20-145-021	O/E	15,932.96
Information Technology	1-01-20-147-011	S/W	15,260.70
	1-01-20-147-021	O/E	26,104.58
Municipal Court	1-01-43-490-011	S/W	247,541.18
	1-01-43-490-021	O/E	39,415.69
Public Defender	1-01-43-495-011	S/W	17,747.63
	1-01-43-495-021	O/E	918.75
Office of Tax Assessor	1-01-20-150-011	S/W	92,319.41
	1-01-20-150-021	O/E	32,053.88
Human Services Director	1-01-27-330-011	S/W	45,405.15
	1-01-27-330-021	O/E	525.00
Rent Leveling	1-01-27-347-011	S/W	49,726.43
	1-01-27-347-021	O/E	1,174.95
Housing Inspection	1-01-21-187-011	S/W	12,793.20
	1-01-21-187-021	O/E	262.50
Health	1-01-27-332-011	S/W	135,970.54
	1-01-27-332-021	O/E	46,287.94
Senior Citizens	1-01-27-336-011	S/W	78,573.34
	1-01-27-336-021	O/E	3,412.50
Recreation & Cultural Affairs	1-01-28-370-011	S/W	111,063.49
	1-01-28-370-021	O/E	49,586.25
Cultural Affaris	1-01-27-176-011	S/W	19,278.00
	1-01-27-176-021	O/E	0.00
Director Environmental Svc	1-01-26-290-011	S/W	84,501.90
	1-01-26-290-021	O/E	787.50
Parks	1-01-28-375-011	S/W	140,904.23
	1-01-28-375-021	O/E	25,935.00
Public Property	1-01-28-377-011	S/W	201,690.56
	1-01-28-377-021	O/E	69,431.25
Streets & Roads	1-01-26-291-011	S/W	207,255.83
	1-01-26-291-021	O/E	110,118.75
Emergency Road Repair	1-01-40-701-040	O/E	0.00
Central Garage	1-01-26-301-011	S/W	21,506.89
	1-01-26-301-021	O/E	75,862.50
Sanitation	1-01-26-305-011	S/W	168,221.03
	1-01-26-305-021	O/E	1,069,800.90
Director Community Develop	1-01-20-160-011	S/W	48,168.75
	1-01-20-160-021	O/E	1,050.00
Grants Management	1-01-20-116-021	O/E	10,368.75
Planning Board	1-01-21-180-011	S/W	39,753.00
	1-01-21-180-021	O/E	15,638.44
Zoning Board of Adjustments	1-01-21-185-021	O/E	40,457.81
Redevelopment	1-01-21-181-036	O/E	83,212.50
Historic Preservation Comm	1-01-20-175-021	O/E	118.13

Police	1-01-25-241-011	S/W	4,292,965.69
	1-01-25-241-021	O/E	96,009.38
Acquisition of Vehicles	1-01-25-242-020	O/E	15,750.00
Fire	1-01-25-266-011	S/W	2,807,653.28
	1-01-25-266-021	O/E	44,644.69
Uniform Fire Safety	1-01-25-265-010	S/W	0.00
Office of Emergency Mgmt	1-01-25-252-011	S/W	30,417.45
	1-01-25-252-021	O/E	2,625.00
<b>Insurance</b>			0.00
General Liability	1-01-30-400-010	O/E	511,875.00
Workers Compensation	1-01-30-400-020	O/E	236,250.00
Employee Group Health	1-01-30-400-030	O/E	4,207,843.50
<b>Unclassified</b>			0.00
ABC Board	1-01-20-113-011	S/W	1,090.43
	1-01-20-113-021	O/E	393.75
Volunteer Ambulance	1-01-25-260-020	O/E	10,500.00
N H Reg Council of Mayor	1-01-23-222-020	O/E	14,883.75
Settlements of Claims	1-01-23-219-020	O/E	2,625.00
Towing/Storage of Aband Veh	1-01-23-223-020	O/E	1,968.75
Engineering	1-01-31-461-000	O/E	32,812.50
Labor Arbitrations	1-01-20-157-020	O/E	39,375.00
Municipal Dues & Membership	1-01-23-212-020	O/E	918.75
Celebration of Public Events	1-01-23-216-020	O/E	3,937.50
Postage	1-01-23-211-020	O/E	34,125.00
Copiers/Printers O/E	1-01-23-213-031	O/E	14,437.50
Central Office Supplies O/E	1-01-23-218-031	O/E	18,112.50
Electricity	1-01-31-430-000	O/E	152,250.00
Street Lighting	1-01-31-435-000	O/E	190,312.50
Gasoline	1-01-31-460-000	O/E	105,000.00
Fuel	1-01-31-447-000	O/E	13,125.00
Water & Sewer	1-01-31-445-000	O/E	51,187.50
Comminications	1-01-31-440-000	O/E	78,750.00
TeleCommunications Equipment	1-01-31-450-000	O/E	0.00
Salary Adjustment	1-01-36-478-000	O/E	787,500.00
Master Plan	1-01-31-463-000	O/E	0.00
Salary Settlements	1-01-36-479-000	O/E	472,500.00
<b>Sub Total Within CAPS</b>			<b>19,124,608.13</b>
<b>Statutory Expenditures</b>			
Pension Adjustment	1-01-36-470-000		
Reserve for Tax Appeals	1-01-36-473-000		367,500.00
Social Security System	1-01-36-472-000		487,236.75
Consol Police/Fire Pension	1-01-36-474-000		34,000.00
Prior Year Pension Adjustment	1-01-36-475-020		
Public Employees Retirement (PERS)	1-01-36-471-000		1,481,288.00
Unemployment Compensation	1-01-23-225-020		65,625.00
Police/Firemen's Retirement	1-01-36-475-020		6,468,188.00
Prior Year Bills	1-01-30-410-000		0.00
<b>Subtotal Statutory Expenditures</b>			<b>8,903,837.75</b>

<b>Outside Caps</b>		
Maintenance of Free Public Library	1-01-29-390-021	896,366.63
Public Employee Retirement	1-01-36-471-000	0.00
Police & Fireman's Retirement		0.00
Hoboken Housing Authority	1-01-44-101-011	141,750.00
Tax Maps	1-01-23-227-020	O/E 0.00
Employee Group Health	1-01-44-100-010	268,896.34
Matching Funds for Grant	1-01-46-892-001	18,590.25
		0.00
<b>Subtotal Outside caps</b>		<b>1,325,603.21</b>

**Total Appropriations Included in 26.25% limit** 29,354,049.09

<b>Capital Improvements Outside "CAPS"</b>		
Capital Improvement Fund	1-01-44-900-001	52,500.00
Computer Technology upgrades	1-01-44-900-002	13,125.00
Emergency Repair City Piers	1-01-44-900-003	0.00
<b>Total Capital Improvements From CAP</b>		<b>65,625.00</b>

<b>Municipal Debt Service</b>		
Payment Bond Principal	1-01-45-900-001	3,355,000.00
Interest on Bonds	1-01-45-930-000	1,682,681.00
Interest on Notes	1-01-45-935-000	626,766.00
Interest on Tax Anticipation Notes	1-01-45-936-000	
BAN Notes Principle	1-01-45-925-000	444,020.00
Green Trust Loan Repayment	1-01-45-940-001	195,437.12
Underground Storage Tank Loan	1-01-45-940-020	

**Total Municipal Debt** 6,303,904.12  
Judgement 1-01-37-480-000 400,000.00

**Total** 36,123,578.21

<b>Grants</b>		
<b>Deferred Charges</b>		
Overexpenditure 4 of 7	1-01-46-870-002	1,619,393.00
Emergency Authorization	1-01-46-870-001	
Overexpenditure of Grants	1-01-46-870-009	
Grant Overexpenditure	1-01-46-870-010	
Overexpenditure of Trust 5K	1-01-46-870-006	
Reserve of Uncollected Taxes	1-01-50-899-000	
<b>Total Deferred Charges</b>		<b>1,619,393.00</b>

**Total Temporary Municipal Budget** 37,742,971.21  
off 3cents rounding

**Grant Appropriation - Commuter Safety**

**Total Current & Grant Fund** **37,742,971.21**

**Parking Utility**

Salary Wages	1-31-55-501-101	769,909.09
Other Expenses	1-31-55-502-101	873,993.75
Group Health	1-31-55-530-102	263,954.25
Capital Outlay	1-31-55-540-100	53,812.50

**Statutory Expenditures**

Public Employee Retirement System	1-31-55-541-100	65,625.00
Social Security System	1-31-55-541-200	47,250.00
Unemployment Compensation Insurance	1-31-55-541-300	17,062.50
Settlements of Claims	1-31-55-541-400	250,000.00

**Total Appropriations Included in 26.25% limit** **2,091,607.09**

**Debt Service**

Payment of Bond Principal	1-31-55-545-001	4,285,000.00
Interest on Bonds	1-31-55-545-002	457,070.00
Payment of Note Interest (916)	1-31-55-545-004	97,200.00
Payment of Note Principal (916)	1-31-55-545-003	200,000.00
Trustee Fee	1-31-55-502-108	10,500.00
Surplus (General Budget)	1-31-55-600-000	0.00

**Total Parking Debt** **5,049,770.00**

**Total Temporary Parking utility Budget** **7,141,377.09**

Police Department  
Police  
Police Uniform  
Crossing Guards  
Housing Authority  
Corr for Salary Settlements  
Total Police

**Recreational**

Recreational Seasonal  
Recreation Uniform  
Recreation  
Total Recreation

Difference  
Prior Year Settlement  
Salary Adjustment  
Municipal Court O/T

Summer Lunch  
OEP  
Grant  
Police Grant  
Fire Education  
Cultural Affairs Trust  
Recreation Trust

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

Councilman Russo has left the table at 8:56 PM  
Councilwoman Russo has returned to the table at 8:58 PM

Councilman Marsh requests that Meals on Wheels and the Volunteer Ambulance needs to be amended by the total would not change

Councilwoman Mason has left the table at 9:10 PM  
Councilwoman Mason has returned to the table at 9:14 PM

#### **12-307**

---By Councilman Cunningham

#### **RESOLUTION ADOPTING CASH MANAGEMENT PLAN FOR THE CITY OF HOBOKEN**

**WHEREAS**, N.J.S.A. 40A:5-14 of the Local Fiscal Affairs Law requires that every local unit shall adopt a "Cash Management Plan," and,

**WHEREAS**, the City must deposit its funds pursuant to the plan;

**NOW, THEREFORE, BE IT RESOLVED** that the City of Hoboken, County of Hudson and State of New Jersey, hereby adopts the following "Cash Management Plan" to be utilized by the City of Hoboken for the CY 2012; and,

**BE IT FURTHER RESOLVED** that certified copies of this resolution shall be filed with the Director of the Division of Local Government Services, City Auditor, and the Chief Financial Officer of the City of Hoboken (Hudson County).

CASH MANAGEMENT PLAN OF THE CITY OF HOBOKEN, COUNTY OF HUDSON AND STATE OF NEW JERSEY

#### **I. STATEMENT OF PURPOSE**

This Cash Management Plan (the "Plan") is prepared pursuant to the provisions of N.J.S.A. 40A:5-14 in order to set forth the basis of deposits ("Deposits") and investment ("Permitted Investments") of certain public funds of the City of Hoboken, pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments hereinafter referred to.

The intent of the plan is to provide that the decisions made with regard to the Deposits and the Permitted Investments will be done to insure the safety, the liquidity, (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to ensure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

## **II. DEFINITIONS**

“Arbitrage” refers to the rules and regulations governing the issuance of bonds or notes and the reinvestment of the proceeds at higher yield. These regulations are promulgated by the Internal Revenue Service, Regulation 1.103.

“Certificate of Eligibility” is the certification issued by the New Jersey Department of Banking and Insurance, Division of Banking that a Public Depository is eligible to act as a depository for public funds and qualifies as a participant in the New Jersey Governmental Unit Deposit Protection Act, GUDPA.

“GUDPA” requires a bank that accepts public funds to be a public depository. A “Public Depository” is defined as a state bank, a national bank, a savings bank or association that is located in the State of New Jersey, the deposits of which are insured by the Federal Deposit Insurance Corporation, and which received or holds public funds on deposit. A local unit may make deposits in, or purchase certificates of deposit from, banks that are located in New Jersey and which meet the requirements of the GUDPA.

“The New Jersey Cash Management Fund.” The New Jersey Division of Investment is authorized pursuant to N.J.S.A. 52-18A-90.4 to establish, maintain and operate, with the approval of the State Investment Council and the State Treasurer, a common trust fund known as the State of New Jersey-New Jersey Cash Management Fund (the “Fund”). The Fund is authorized to accept deposits from all Local Units of government. The Fund is a “common trust” fund pursuant to the statute that created such funds within the jurisdiction of the Division of Investment. According to the enabling legislation, monies of Local Units deposited in the Fund must be invested in obligations and bonds that meet the investment requirements of the statute. These obligations include, among other things, evidences of indebtedness of U.S. corporations. These obligations are less secure than those permitted to Local Units under the Act. Thus, the Fund is riskier than direct investments in federal securities or GUDPA-protected deposits by Local Units.

## **III. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY THE PLAN**

A) The Plan is intended to cover the deposit and/or investment of the following funds and accounts of the City:

- Current Fund
- Grant Fund
- Trust Assessment Fund
- General Trust Fund
- Animal Control Fund
- Unemployment Insurance Trust Fund
- Serial Bonds Refunding Trust Fund
- General Capital Fund
- Parking Utility Operating Fund
- Parking Utility Capital Fund
- Public Assistance Fund
- Bond & Interest Fund
- Affordable Housing Trust Fund
- Open Space Trust Fund
- Acquisition and Preservation of Historical Structures Account
- Green Acres Trust Account
- Employee Payroll Deduction Account

Municipal Court General Account  
Municipal Court Bail Account  
Tax Collector's Revenue Account  
Tax Collector's PILOT Account  
Tax Collector's Lien Redemption Account  
Payroll Account  
Workers Compensation Account  
Claims Account  
Developers Escrow Account  
Recreation Trust Fund

B) The Plan is not intended to cover the deposit and/or investment of the following Funds and Accounts of the City:

1. Petty Cash Funds

2. Cash drawn from a Federal Agency under a letter of credit which cash has to be paid out within 5 working days to a vendor?

3. Deposit, retainage, or amounts posted by way of bond, held by the City for such things as faithful performance, if the City would be required by law to pay back any interest earned to the provider of the deposit, except where the City is required by law or court decision to invest the fund.

4. Amounts derived from the sale of bonds or notes, only to the extent that a specific written opinion of counsel states that the earning of (full) interest would result in the bonds or notes being classified as an arbitrage (not Federally Tax Exempt) issue pursuant to federal regulations. To the extent that some interest is allowable, it shall be deposited at the most favorable rate obtainable.

#### **IV. DESIGNATION OF OFFICIALS OF THE CITY OF HOBOKEN AUTHORIZED TO MAKE DEPOSITS AND INVESTMENTS**

The Chief Financial Officer and the Business Administrator (the "Designated Officials") are hereby authorized and directed to deposit and/or invest the Funds referred to in the Plan.

#### **V. STANDARDS OF CARE**

1. The Designated Officials involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions.

2. The Designated Officials shall disclose any material interests in the financial institutions with which business is conducted and they shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City.

3. The Chief Financial Officer, under the direction of the Business Administrator, is responsible for establishing and maintaining internal control. The controls should ensure that the assets of the City are protected from loss, theft, or misuse.

#### **VI. PROCEDURES FOR THE RECEIPT OF MONIES**

##### **A. Department Procedures**

1. A receipt shall be issued in duplicate for all transactions involving the receipt of money. A copy of the receipt shall be given to the paying party and the receiving department shall maintain the duplicate. All payments and receipts must be recorded.

2. All monies collected or received from any source by or on behalf of the Township shall be deposited within forty eight (48) hours of receipt to the designated bank pursuant to N.J.S.A. 40A:5-15.

3. All monies received shall be placed in a secured place until forwarded for deposit.

4. No department, division or agency shall engage in the practice of cashing checks with public funds. Cashing of employee paychecks is prohibited.

**B. Chief Financial Officer (Designated Official)**

1. The Chief Financial Officer shall:

- a. Deposit all monies collected or received from any source by or on behalf of the City within forty eight (48) hours of receipt to the designated bank pursuant to N.J.S.A. 40A: 5-15.
- b. Ensure that all monies deposited are in interest bearing accounts.
- c. Make recommendations of legal public depositories to the City Council who shall by resolution designate said depositories at the first meeting of the calendar year.
- d. Ensure that each of the various accounts for which there is a separate bank statement is reconciled with that bank statement by the end of the following month.
- e. Verify that designated official depositories submit to the Chief Financial Officer a copy of the State of New Jersey, Department of Banking and Insurance, Governmental Unit Deposit Protection Act notification of Certificate of Eligibility, which must be filed semi-annually in the Department of Banking as of January 1 and December 31 of each year.

**VII. DESIGNATION OF DEPOSITORIES**

The City Council approved a resolution on January 19, 2011, which designated the following banks and financial institutions as official depositories for the Deposit of all public funds referred to in the Plan, including any certificates of Deposits which are not otherwise invested in "Permitted Investments" as provided for in this Plan:

BANK OF AMERICA  
CAPITAL ONE  
TD BANK  
INVESTORS SAVINGS  
HSBC  
JP MORGAN CHASE  
PROVIDENT  
WELLS FARGO  
BCB COMMUNITY  
CITIBANK  
FIRST AMERICANO  
HAVENS SAVINGS  
PNC  
SOVEREIGN  
VALLEY NATIONAL

## VIII. AUTHORIZED INVESTMENTS

Except as otherwise specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:

1. Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America.
2. Government Money Market Mutual Funds.
3. Any Obligations that a Federal Agency or a Federal Instrumentality has issued in accordance with an Act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor.
4. Bonds or other obligations of the Local Unit or bonds or other obligations of school districts of which the Local Unit is a part or within which the school district is located.
5. Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of the Treasury for investment by Local Units.
6. Local Government Investment pools.
7. Deposits with the State of New Jersey Cash Management Fund established pursuant to Section 1 of P.L. 1977, c. 281 (C.52:18A-90.4).
8. Agreements for the repurchase of fully collateralized securities if:
  - a. The underlying securities are permitted investments pursuant to paragraphs "1" and "3" of this subsection a;
  - b. The custody of collateral is transferred to a third party;
  - c. The maturity of the agreement is not more than 30 days;
  - d. The underlying securities are purchased through a public depository as defined in section 1 of P.L. 1970, c.236 (c.17:9-41); and
  - e. A master repurchase agreement providing for the custody and security of collateral is executed.

For purposes of the above language, the terms "Government Money Market Mutual Fund" and "Local Government Investment Pool" shall have the following definitions:

### **"Government Money Market Mutual Fund"**

An Investment company or Investment Trust:

- a. Which is registered with the Securities and Exchange Commission under the "Investment Company Act of 1940," 15 U.S.C. Sec. 80a-1 et seq., and operated in accordance with 17 C.F.R. sec. 270. 2a-7 and
- b. The portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec. 270. 2a-7 and
- c. Repurchase agreements that are collateralized by such U.S. Government Securities; and

d. Which has:

- (i) Attained the highest ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or
- (ii) Retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission pursuant to the “Investment Advisors Act of 1940,” with experience investing in U.S. Government Securities for at least the most recent past 60 months and with assets under management in excess of \$500 million.

**“Local Government Investment Pool”**

An investment pool:

- a. Which is managed in accordance with 17 C.F.R. sec. 270.2a-7;
- b. Which is rated in the highest category by a nationally recognized statistical rating organization?
- c. Which is limited to U.S. Government securities that meet the definition of “eligible security” pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that collateralized by such U.S. Government securities;
- d. Which is in compliance with rules adopted pursuant to the “Administrative Procedure Act,” P.L. 1968, c.410 (c.52:14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements, and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investments;
- e. Which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value; and
- f. Which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a National or State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967, c.9 (C.49:3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in borrowing on such U.S. Government securities.

**IX. SAFEKEEPING CUSTODY PAYMENT**

To the extent that any Deposit or Permitted Investment involves a document or security which is not physically held by the City of Hoboken, then such instrument or security shall be covered by all custodial agreements with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of funds or the Permitted Investments or Deposits. Purchase of any Permitted Investments that involve securities shall be executed by a “delivery versus payment” method to insure that such Permitted Investments are either received by the City of Hoboken or by a third party custodian prior to or upon the release of the City of Hoboken’s funds.

**X. CITY AUDITOR**

The City investment practices (including compliance with N.J.S.A. 40A:5-14) and the agreement for banking services and compensation thereof shall be reviewed by the City Auditor as part of the annual audit, as required by N.J.S.A. 40A:5-4. Where a conflict exists between this Cash Management Plan and State Statute, the applicable State Statute shall apply.

**XI. SURETY BONDS**

- a. The Chief Financial Officer shall be covered by a surety bond. During the annual audit, the City Auditor shall examine said bond to determine that proper coverage has been obtained.
- b. Staff members of the Chief Financial Officer’s office, who are employees of the City, shall be covered by a public employee’s faithful performances bond in the minimum amount of \$10,000.

**XII. TERM OF PLAN**

This Plan shall be in effect from January 1, 2012 to December 31, 2012. Attached to this Plan is a resolution of the City Council of the City of Hoboken approving this Plan for such period of time, which may be amended from time to time? To the extent that the Council adopts any amendment, the Designated Official is directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved Plan, which amendment shall be acknowledged in writing in the same manner as the original Plan was so acknowledged.

The speakers who spoke: Helen Hirsch.

---Motion duly seconded by Councilman Mello

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

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

---Nays: None

---Absent: Bhalla, Castellano, Mason

**12-308**

---By Councilman Cunningham

**RESOLUTION AUTHORIZING VARIOUS CITY DEPARTMENTS TO MAINTAIN PETTY CASH AND CHANGE FUNDS**

**WHEREAS,** N.J.S.A. 40A:5-21 authorizes the establishment of petty cash and change funds in any county or municipality; and

**WHEREAS,** various petty cash and change funds were previously established by resolution of the City Council and approval of the Director of the Division of Local Government Services; and

**WHEREAS,** various departments wish to continue the use of petty cash and change funds under the supervision of the Chief Finance Officer.

**NOW, THEREFORE, BE IT RESOLVED,** by the Council of the City of Hoboken, County of Hudson, Sate of New Jersey that the following petty cash and change funds be and are hereby authorized for use during the CY 2012:

<u>Department</u>	<u>Amount Use</u>	<u>Custodian</u>
Central Garage	\$500.00 Miscellaneous	Director Environmental

Services

Fire Department	\$300.00 Miscellaneous	Fire Chief
Tax Collector	\$300.00 Change Fund	Tax Collector
Business Administrator	\$500.00 Miscellaneous	Business Administrator

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

**12-309**

---By Councilman Cunningham

**RESOLUTION DESIGNATING DEPOSITORIES FOR THE CITY OF HOBOKEN FUNDS**

**WHEREAS**, the following were by resolution heretofore adopted by the governing body of the City of Hoboken designated as legal depositories of said City of Hoboken for CY 2012:

Bank of America	BCB Community Bank
Capital One	Citi Bank
Haven Savings Bank	J P Morgan Chase Bank
PNC Bank	Provident Savings Bank
Sovereign Bank	TD Bank
Valley National Bank	Wachovia

Now, therefore, be it

**RESOLVED**, that said legally designated depositories be and they are hereby requested, authorized and directed to honor checks, drafts, or other orders for the payment of money drawn in the corporate name of the City of Hoboken, including those payable to the individual order of any person or persons whose names appear thereon as signer or signers thereof, when bearing or purporting to bear the facsimile signature or signatures of any of the following:

Dawn Zimmer, Mayor  
 George DeStefano, CMFO

and, be it further -

**RESOLVED**, that said legal depositories as above stated shall be entitled to honor and charge to the specified accounts of the City of Hoboken such checks, drafts, or other regardless of by whom or by what means the actual or purported facsimile signature or signatures thereon may have been affixed thereto if such signature or signatures resemble the facsimile specimens duly certified to or filed with the depositories; and, be it further -

**RESOLVED**, that all previous authorizations for the signing and honoring of checks, drafts, and other orders for the payment of money drawn on said City of Hoboken and signed by  
 Dawn Zimmer, Mayor

George DeStefano, CMFO

are hereby ratified and confirmed and are hereby continued in full force and effect as amplified hereby; and, be it further –

**RESOLVED**, that all previous authorization for the signing and honoring of checks, drafts and other orders for the payment of money drawn on said City of Hoboken are hereby continued in full force and effect as amplified hereby; and, be it further –

**RESOLVED**, that the banks mentioned in the first paragraph hereof be furnished with a certified copy of this resolution.

The speakers who spoke: Helen Hirsch.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 7 - NAYS: 0 - ABSENT: 2

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

---Nays: None.

---Absent: Bhalla, Castellano

**12-310**

---By Councilman Cunningham

**RESOLUTION AUTHORIZING THE REFUND OF TAX APPEALS  
STATE TAX BOARD**

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

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

**NOW THEREFORE BE IT RESOLVED**, that a warrant be drawn on the City Treasurer made payable to the following totaling **\$ 4,635.87**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
<b>Brach Eichler 101 Eisenhower Parkway Roseland, NJ 07068</b>	<b>32/8/</b>	<b>115-131 Grand St</b>	<b>2010</b>	<b>\$ 4,635.87</b>

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 7 - NAYS: 0 - ABSENT: 2

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

---Nays: None.

---Absent: Bhalla, Castellano

**12-311**

---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 **\$ 1,490.76**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
Fuschetto, Rita 101 Willow Ave Apt 5E Hoboken, NJ 07030	34/1/C005E	101 Willow Ave	3/11	\$1,490.76

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 7 - NAYS: 0 - ABSENT: 2

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

---Nays: None.

---Absent: Bhalla, Castellano

### **12-312**

---By Councilman Cunningham

#### **RESOLUTION AUTHORIZING A CANCELLATION OF AN ADDED ASSESSMENT TO BLOCK 230 LOT 6.1**

Resolved, by the Council of the City of Hoboken, that whereas on 12/15/11 the Hudson County Board of Taxation, Appeal #05-1101830LA, granted a reduction of \$50,000 (from \$50,000 to -\$0.00-) against a 2011 added assessment on property owned by Hoboken Holdings LP etux, known as block 230 Lot 6.1, address: 2-10 Hudson Place and whereas this added assessment has been paid and a refund of \$5,044.61 to be paid to Hoboken Holdings LP. c/o Nat RL – 3 Manhattanville Road – Purchase, NY 10577.

Resolved that the following amount be cancelled from the 2012 1<sup>st</sup> and 2<sup>nd</sup> quarter tax bills:

**2011 – Added Assessment amount to be cancelled \$3,927.85**

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 7 - NAYS: 0 - ABSENT: 2

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

---Nays: None.

---Absent: Bhalla, Castellano

### **12-313**

---By Councilman Cunningham

#### **RESOLUTION AUTHORIZING A CANCELLATION OF AN ADDED ASSESSMENT TO BLOCK 220 LOT 20**

Resolved, by the Council of the city of Hoboken, that whereas on 12/15/11 the Hudson County Board of Taxation, appeal #05-1101828LA, granted a reduction of \$15,000 (from \$15,000 to -0-) against a 2011 added assessment on property owned by 939 Washington St etux, known as block 220 Lot 20, address: 939 Washington St and whereas this added assessment has been paid and a refund of \$231.05 to be paid to Haven Savings Bank – 621 Washington St. – Hoboken, NJ 07030.

Resolved that the following amount be cancelled from the 2012 1<sup>st</sup> and 2<sup>nd</sup> quarter tax bills:

**2011 – Added Assessment amount to be cancelled \$346.58**

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

**12-314**

---By Councilwoman Mason

**A RESOLUTION DIRECTING THE HOBOKEN CORPORATION COUNSEL TO ADVISE THE COUNCIL OF THE CITY OF HOBOKEN ON A LEGISLATIVE RESPONSE TO EXCESSIVE WATERFRONT DEVELOPMENT, SUCH AS THE "MONARCH AT SHIPYARD" PROJECT**

WHEREAS, the Corporation Counsel of the City of Hoboken is required as part of his duties to advise the City Council of the City of Hoboken on any matter relating to the City government when requested to do so; and,

WHEREAS, the Applied Companies are proposing to develop two 11-story residential towers on a pier at the north end of the Shipyard site, a project called "Monarch at Shipyard;" and,

WHEREAS, on October 5, 2011, the Hoboken City Council unanimously adopted a resolution opposing the "Monarch at Shipyard" development on the grounds that the proposed development is contrary to the City's Master Plan and would negatively impact the City's waterfront; and,

WHEREAS, Mayor Dawn Zimmer, Assemblyman Ruben Ramos and other community leaders have publicly spoken out about their concerns should the "Monarch at Shipyard" development proceed as planned; and,

WHEREAS, notwithstanding all of the foregoing, the New Jersey Department of Environmental Protection recently approved permits for the "Monarch at Shipyard" development, and this project continues to move forward rapidly; and,

WHEREAS, the City Council believes that it is appropriate and warranted to promptly determine whether any legislative response may be available in order to deal with the concerns posed by the "Monarch at Shipyard" development and other similar developments that may threaten the City's Hudson River waterfront in the future.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HOBOKEN as follows:

1. The City Council directs the Corporation Counsel to immediately begin working on any possible legislative changes to the Code of the City of Hoboken that will protect the City from excessive waterfront development, including, but not limited to, the "Monarch at Shipyard Development," and to ameliorate the risks posed by such projects to the health, safety and welfare of the citizens of Hoboken should they be allowed to proceed;

2. The City Council directs the Corporation Counsel to deliver his report and any proposed legislation to the City Council no later than February 1, 2012.

3. The City Clerk shall deliver a certified copy of this Resolution to Corporation Counsel Mark Tabakin.

---Motion duly seconded by David Mello  
Adopted by the following vote: YEAS: 6 - NAYS: 0 - ABSENT: 2 - RECUSED - 1  
---Yeas: Council persons Cunningham, Giattino, Mason, Mello, Occhipinti and Russo  
---Nays: None  
---Absent: Bhalla, Castellano

---Recused: Marsh

\*\*Councilwoman Marsh recuses herself, she is currently on the Planning Board.

\*\*Councilwoman Marsh returned to the table after the vote.

**12-315**

--- By Councilman Cunningham

**RESOLUTION AUTHORIZING A CONTRACT WITH VOGEL, CHAIT, COLLINS & SCHNEIDER FOR THE SERVICES OF TOM COLLINS, ESQ. , ESQ AS SPECIAL COUNSEL FOR LITIGATION IN THE MATTERS OF BLOCK 112 DEVELOPMENT, LLC, DOCKET NO. HUD-L-6010-10 AND URSA DEVELOPMENT GROUP, LLC V. CITY OF HOBOKEN, DOCKET NO. HUD-L-6449-11, IN AN AMOUNT NOT TO EXCEED \$100,000.00**

**WHEREAS**, the City of Hoboken currently has outstanding litigation relating to the Matter of Block 112 Development, LLC, Docket No. HUD-L-6010-10; and,

**WHEREAS**, the City of Hoboken was recently served with new litigation in the matter of URSA Development Group, LLC v. City of Hoboken, Docket No. HUD-L-6449-11; and,

**WHEREAS**, the above referenced litigations will require the skilled expertise of an experienced redevelopment attorney to represent the City of Hoboken’s interests, which skilled expertise and experience Tom Collins, Esq. has demonstrated throughout his legal career; and,

***WHEREAS**, this special expertise and knowledge, as well as the emergent need for continuous expert legal representation, provide a basis for continuance of the waiver of the competitive negotiation provisions of Hoboken Ordinance #DR-154 (codified as §20A-1 et seq. of the Code of the City of Hoboken), as permitted by the Ordinance with regard to Tom Collins, Esq.; and,*

***WHEREAS**, Vogel, Chait, Collins & Schneider is hereby required to abide by the “pay-to-play” requirements of the Hoboken Public Contracting Reform Ordinance, #DR-154 (codified as §20A-11 et seq. of the Code of the City of Hoboken) and the affirmative action contract compliance requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27-1 et seq.; 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**, said services require the City to award the contract sum in an amount not to exceed One Hundred Thousand (\$100,000) Dollars; and,

**WHEREAS**, funds are available for this purpose upon adoption of the to-be-introduced CY 2012 budget.

**NOW THEREFORE, BE IT RESOLVED** (*a majority of the whole Council concurring*) that the professional service contract between the City of Hoboken and Vogel, Chait, Collins & Schneider be awarded as follows:

1. The services of Tom Collins, Esq. shall be retained for a term to commence immediately upon adoption of this Resolution and to terminate on December 31, 2012;
2. Tom Collins, Esq. shall be retained Special Legal Counsel – Litigation to represent the City in the matter of Matter of Block 112 Development, LLC, Docket No. HUD-L-6010-10 and the Matter of URSA Development Group,

LLC v. City of Hoboken, Docket No. HUD-L-6449-11;

3. The not to exceed amount of the contract shall be for an amount not to exceed One Hundred Thousand (\$100,000.00) Dollars, with a maximum hourly rate of \$150.00/hour for attorneys, \$50/hour for paralegals, and \$20/hour for support staff;
4. The contract shall state that the attorney must provide the City with written notice when 80% of the not to exceed amount has been invoiced, and prior to incurring costs above the not to exceed amount, the attorney shall await Council approval of an increase in the not to exceed amount, or in the alternative, and as necessary to protect the City's legal interests until the Council has the opportunity to consider the not to exceed amount, shall proceed with the prior written approval of the City's Corporation Counsel.

**BE IT FURTHER RESOLVED** that the City Council specifically finds that compliance with Hoboken Ordinance #DR-154 (codified as §20A-4 of the Code of the City of Hoboken), is waived for the following reasons: (1) failure to obtain immediate legal counsel will jeopardize the City's legal position; and, (2) the firm of Vogel, Chait, Collins & Schneider offers the City special expertise and substantive knowledge relating to the legal issues underlying the above referenced litigation and redevelopment issues; and

**BE IT FURTHER RESOLVED** that this approval by the City Council is contingent upon Vogel, Chait, Collins & Schneider complying with all requirements of Hoboken Code Section 20A-14 and all requirements of the Affirmative Action laws and regulations of the State of New Jersey, and failure to comply with all requirements within fifteen (15) days of the adoption of this Resolution shall render this resolution null and void; 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 and terminate on December 31, 2012.

---Motion duly seconded by Councilman Mello

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

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

---Nays: Mason.

---Absent: Bhalla, Castellano

**12-316**

---By Councilwoman Giattino

**RESOLUTION OF THE HOBOKEN CITY COUNCIL AUTHORIZING A FINANCIAL GUARANTEE TO PRESERVE THE "MEALS ON WHEELS" PROGRAM OF THE NORTH HUDSON REGIONAL COUNCIL OF MAYORS**

**WHEREAS**, Hoboken participates in the “Meals on Wheels” and other community service programs administered through the North Hudson Regional Council of Mayors (NHRCM); and

**WHEREAS**, funding for these programs has not kept pace with the costs thereof, as a result of which the member municipalities must make up the deficit in some manner if these programs are to continue; and

**WHEREAS**, Hoboken wishes to try and keep these program alive.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and the City Council that, subject to the adoption of like resolutions by all other municipalities in the NHRCM, the City of Hoboken shall agree to contribute it’s proportionate share of the cost of the “Meals on Wheels” program; and

**BE IT FURTHER RESOLVED** that the amount be provided, by the City of Hoboken for the fiscal year 2012 shall be in the amount of **\$45,500.00 (411,375.00 per quarter) for Meals on Wheels and \$11,192.26 (\$2,798.25 per quarter) for Nutrition Supplement;** and

**BE IT FURTHER RESOLVED** that the Mayor and City Clerk are hereby authorized to execute, attest, seal and deliver such documents as are necessary and appropriate to carry out the purposes and intent of this Resolution, in form satisfactory to the Corporation Counsel.

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 7 - NAYS: 0- ABSENT: 2

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

---Nays: None.

---Absent: Bhalla, Castellano

## ORDINANCES

### Introduction and First Reading

12-317

Z-154

#### **AN ORDINANCE TO AMEND CHAPTER 190 ENTITLED “VEHICLES AND TRAFFIC” TO ADD ARTICLE XXXIV ENTITLED “EXTENDED “PARKING ZONES”**

**WHEREAS**, the City Council wishes to expand upon the regulations and obligations relating to parking near crosswalks and stop signs along public rights of way in the City of Hoboken, in accordance with NJSA 39:4-138.6.

**NOW, THEREFORE**, the City Council of the City of Hoboken does hereby Ordain as follows (additions noted in underline, deletions noted in strikethrough):

#### **SECTION ONE: AMENDMENTS/ADDITIONS TO HOBOKEN CODE CHAPTER 190**

**The following article is hereby added to chapter 190 in its entirety as follows:**

Article XXXIV "Extended Parking Zones"

190-53: Definitions

Inbound Leg: The roadway segment connected to an intersection, or portion thereof, that permits a vehicle to be driven towards an intersection in accordance with the legally established direction of traffic.

Outbound Leg: The roadway segment connected to an intersection, or portion thereof, that permits a vehicle to be driven away from an intersection in accordance with the legally established direction of traffic.

Travel Lane: The section of a roadway's width that is intended to conduct the flow of moving vehicular traffic.

Parking Lane: The section of a roadway's width, typically no fewer than 7.5 feet, located between a Travel Lane and a curb that is reserved for on-street parking, where designated, and does not interfere with the safe and efficient flow of moving vehicular traffic in a Travel Lane.

Crosswalk: That part of a roadway at an intersection, either marked or unmarked existing at each approach of every roadway intersection, included within the connections of the lateral lines of the sidewalks on opposite sides of the roadway measured from the curbs or, in the absence of curbs, from the edges of the shoulder, or, if none, from the edges of the roadway; also, any portion of a roadway at an intersection or elsewhere, including mid-block crossings, distinctly indicated for pedestrian crossing by lines or other marking on the surface.

#### 190-54: Regulations for Extended Parking Zones

- A. Pursuant to NJSA 39:4-138.6, "Extended Parking Zones" are hereby established as the area in a parking lane no closer than 25 feet from the crosswalk along Inbound Legs of intersections, and no closer than 15 feet from the crosswalk along Outbound Legs of intersections, measured from the edge of the crosswalk area furthest from the center of the intersection.
- B. Vehicle may park in Extended Parking Zones subject to the following:
  1. Vehicles in Extended Parking Zones shall at all times comply with all other parking regulations, including but not limited to regulations on parking permits, street cleaning, and parking along emergency snow routes;
  2. Parking within Extended Parking Zones shall not be allowed Mondays through Fridays between the hours of 7:0am and 7:00pm whenever public primary or secondary schools are in session.
- C. Due to the extreme difficulty and delay of maneuvering emergency equipment at intersections, any vehicle parked within the Extended Parking Zone closer than 15 feet of the crosswalk at any time and for any duration shall be subject to immediate summons and tow by city enforcement staff.
- D. The City of Hoboken shall not be required to install or maintain any markings, signs, or other indications for Extended Parking Zones; it shall be incumbent upon the driver to ensure that no vehicle is parked within 25 feet of a crosswalk on Inbound Legs and within 15 feet of a crosswalk on Outbound Legs of intersections at any time.

**The remainder of Chapter 190 remains unchanged.**

#### **SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS**

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

#### **SECTION THREE: SEVERABILITY**

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

#### **SECTION FOUR: EFFECTIVE DATE**

This Ordinance shall take effect immediately 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.

Councilman 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 **JANUARY 18, 2012 at 7:00 PM.**

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 7 - NAYS: 0 -ABSENT: 2

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

---Nays: None.

---Absent: Bhalla, Castellano

#### **NEW BUSINESS**

Councilwoman Mason comments on the memo regarding Pay to Play Compliance

Councilwoman Marsh comments

Councilman Russo comments and thanks colleagues that passed Senior Discount for the Municipal Garage and hopefully have an amendment

Councilman Russo comments on the finance of the city and re look into the Law Department due to too many employees that work for the city on a part-time basis

Councilwoman Marsh comments that regarding the Monarch Project, the hearing will be in February and there is a letter that a 3<sup>rd</sup> party requested an open judiciary hearing for the DEP Granted to that project

Corporation Counsel comments

Councilwoman Mason comments if there were transcripts of the hearing

and requested a copy of the file from Corporation Counsel

Councilwoman Giattino comments and thanks Director Pellegrini for the improvements of Church Sq. Park

Councilman Occhipinti comments about the fire at Jackson Street, is the building going to be demolished, the sidewalk and parking are un-useable and unsafe to the public and is there any more information

Director Tooke comments that it is still disarray and has received numerous summons due to violations

Councilman Occhipinti comments when will the area be cleaned up

Director Tooke comments that Corporation Counsel would have more information

Corporation Counsel comments that the first floor does not need to be demolished and the owner and Construction Department would discuss with the property owner and left on vacation on December 23, 2011

Councilman Occhipinti comments

Councilman Mello comments who said the 1<sup>st</sup> floor was safe

Director Tooke comments that there were no eminent danger to the public but it was not structurally sound and it had to be raised

Councilman Mello comments

Councilman Occhipinti comments would like a request for more information  
Director Tooke comments  
Corporation Counsel comments that he did receive an email this morning by 11 AM and was advising BA Liston about the 1<sup>st</sup> floor  
Councilman Russo comments  
Councilman Mello comments  
Councilman Occhipinti comments  
Corporation Counsel comments  
Director Tooke comments  
Councilman Occhipinti comments on a benefit Friday Roy Chadwick and Joe Branco hosted an event at Room 84 and raised \$5,000 for the fire victims  
Councilman Occhipinti comments and asks Councilwoman Marsh about a date for Re-development in the Southwest  
Councilwoman Marsh will speak to Director Forbes  
Councilman Occhipinti comments about the viaduct uptown, and look if there were alternate routes to open up and move traffic flow, the muni- meters print a day temporary parking pass instead of going to City Hall  
Director Sacs comments that it is possible but the Muni-meters are set up to collect fees for specific policy (on street parking), it is possible to place a button for day passes, but the policy is that the visitor provides proof to the City that they are visiting as a guest to a resident in town and the resident getting the day pass for the visitor  
Councilman Occhipinti comments what about visitors who just want to shop for more than 4 hours  
Director Sacs comments City has 3 Municipal garages for visitors who would like to shop for more than 4 hours  
Council Vice President Cunningham comments  
Councilman Russo comments about surrender your permit  
Director Sacs comments that there are 98 surrenders and it has doubled, however the Corner Cars program  
Councilman Occhipinti comments shared service agreement about Mama Johnson Field and a fully signed copy  
Corporation Counsel comments that he will follow-up with Executive Director Garcia  
Councilman Mello comments and wishes everyone a happy new year  
Finance meeting next Wed. at 6:00 PM to discuss the ordinance that was brought up this meeting and for upcoming budget meetings and gearing up for senior parking permits and suggest Councilmembers that have senior buildings in their ward to notify them ke an appeal for a job well done for the City of Hoboken response team (CERT) Roger Muller and Luke Casiano and it is a volunteer organization and secured a rescue truck from Florida and need to get the truck to get it back up in Hoboken and raise money to get it outfitted and please email [cunninghamforhoboken@gmail.com](mailto:cunninghamforhoboken@gmail.com) and this is also in collaboration with Hoboken Volunteer Ambulance Corp. and thanked Tom Molta

### **PUBLIC PORTION**

All regular business concluded the following members of the public spoke at the Public Portion” of the meeting: Helen Hirsch, Andrew Frey.

**12-318**

### **CLOSED SESSION**

**RESOLUTION AUTHORIZING CLOSED SESSION, PURSUANT TO N.J.S.A. 10:4-12(8) TO DISCUSS MATTERS RELATING TO SETTLEMENT NEGOTIATIONS WITH A PRESENT EMPLOYEE (EMPLOYEE #052403)**

**WHEREAS**, the Council of the City of Hoboken is authorized to go into closed executive session for the reasons set forth in the Open Public Meetings Act, pursuant to N.J.S.A. 10:4-12(8); and

**WHEREAS**, one of these reasons is to receive advice from legal counsel relating to contract negotiations and settlement negotiations, and to discuss the municipality's relationship with current employees; and

**WHEREAS**, the City is currently in settlement negotiations with a current employee (#052403) which negotiations require the City Council to obtain legal counsel relating to its rights and duties.

**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.

---Motion duly seconded by Councilwoman Marsh

---Adopted by the following vote: YEAS: 7 - NAYS: 0- ABSENT: 2

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

---Nays: None.

---Absent: Bhalla and Castellano

Council Vice President motions to go into Closed Session seconded by Council Corporation Counsel comments that action may be taken at the end of the meeting Council Vice President comments a short recess  
At 10:36 P.M. The Governing Body entered into a closed session.

Roll call for Closed Session: Council persons Cunningham, Giattino, Marsh, Mason, Mello, Occhipinti and Russo  
Absent: Castellano, Bhalla

**12-319**

---By Councilman Russo

**RESOLUTION TO APPROVE THE ATTACHED SETTLEMENT AGREEMENTS IN THE MATTER OF LOBUE V. THE CITY OF HOBOKEN (DOCKET NO. HUD-L-4322-09)**

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

**WHEREAS**, legal counsel for the municipality has represented that the attached settlement agreements provided 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:

A. This resolution approves the attached Settlement Agreement between Plaintiff LoBue and the City of Hoboken, as *attached hereto*;

B. The Mayor or her agent is hereby authorized to enter into the attached Agreement, or as 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 Councilwoman Marsh

---Adopted by the following vote: YEAS: 7 - NAYS: 0 -ABSENT: 2

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

---Nays: None.

---Absent: Bhalla and Castellano

At 10:38 PM the City Council came out of Closed Session motioned by Councilman Russo and seconded by the Governing Body

The Governing Body returns to the table at 10:38 PM

At 10:40 P.M. Councilman Russo on a motion duly seconded by the Councilman Cunningham

Councilman Cunningham then adjourned the meeting at 10:40 P.M.

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**PRESIDENT OF THE COUNCIL**

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**CITY CLERK**