

Meeting of June 20, 2012

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

**MINUTES FOR MEETING OF JUNE 20, 2012**

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President Bhalla opened the meeting at 7:03 PM. 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.

Roll call: Council persons Castellano, Cunningham, Giattino, Marsh, Mason, Mello \* (see below), Occhipinti, Russo and President Bhalla

ABSENT: ~~Mello~~ \*(see below)

Council President comments about the loss Steven Rofsky who was on the Hoboken Hospital Authority and commends him for his heart and soul that he gave to the Hospital Authority

Council President that he will be suspending the order of the agenda for this evening's meeting and move (3) three proclamations

Council President announces that Mayor Zimmer will present the proclamations to Richard Tremitedi and (2) two students from Elysian Charter School Matthew DeLorenzo and Josiah Vega

Councilman Mello has arrived to the table at 7:11 PM

**PUBLIC HEARING AND FINAL VOTE ON ORDINANCES**

**Second Reading/Public Hearing and Final Vote**

AN ORDINANCE AUTHORIZING THE ACQUISITION BY PURCHASE, OR EMINENT DOMAIN IF NECESSARY, OF THE REAL PROPERTY KNOWN AS BLOCK 74, LOTS 3-20; BLOCK 103, LOTS 7-26; BLOCKS 107 AND 108, ALL LOTS INCLUSIVE; AND BLOCK 113, LOTS 1-6 AND 27-32 ON THE OFFICIAL TAX MAP OF THE CITY OF HOBOKEN FOR PUBLIC OPEN SPACE AND PARK PURPOSES  
**(Z-190)**

The speakers who spoke: Glenn Pantel, Leah Healey, James Vance, Dennis Shaw.

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: 9 – NAYS: 0

Meeting of June 20, 2012

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

--Nays: None.

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: 4

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

---Nays: Castellano Mason, Occhipinti, Russo

President Bhalla stated that Z-187 will be carried over until the July 11, 2012 Council Meeting.

## RESOLUTIONS

### 12-572

---By Councilman Mello

### **RESOLUTION OF THE CITY OF HOBOKEN, COUNTY OF HUDSON DESIGNATING CERTAIN PROPERTY IN THE CITY AS AN AREA 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 rehabilitation; and

**WHEREAS**, in accordance with the Redevelopment Law, the Municipal Council of the City of Hoboken (the "**City Council**") believes that the following property should be designated as an area in need of rehabilitation pursuant to Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14*:

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 and all adjacent public rights of way, as shown on the attached map entitled Attachment A (collectively, the "**Property**"); 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 Property as an area in need of rehabilitation, the City Council must first submit a copy of the proposed resolution designating the Property as an area in need of rehabilitation to the planning board of the City of Hoboken (the "**Planning Board**") for review; and

**WHEREAS**, on May 16, 2012, the City Council, acting by resolution, referred a copy of this resolution to the City Planning Board for review and comment pursuant to Section 14 of the Redevelopment Law, *N.J.S.A. 40A:12A-14(a)*; and

**WHEREAS**, the Planning Board received a report from the Planning Board professionals and consultants that within the Property the water and sewer lines are at least 50 years old or 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 (the "**Report**"); and

**WHEREAS**, based on the Report, the Planning Board found that the Property satisfied the statutory criteria to be designated as an area in need of rehabilitation under Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14(a)*; and

**WHEREAS**, the Planning Board reviewed this resolution and recommended its adoption and the designation of the Property as an area in need of rehabilitation in accordance with Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14(a)*.

**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 City Council hereby designates the Property as an area in need of rehabilitation pursuant to Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14(a)*.

**Section 3.** The City Council hereby directs that the City Clerk transmit a copy of this resolution to the Commissioner of the Department of Community of Affairs for review in accordance with the Redevelopment Law.

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

**Section 5.** This resolution shall take effect immediately.

The speakers who spoke: Robert Lipshcitz, Jim McCann. Vic Zrish, Dennis Shaw, Leah Healy.

---Motion duly seconded by Councilman Cunningham

---Adopted by the following vote: YEAS: 5 - NAYS: 4

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

---Nays: Castellano, Mason, Occhipinti, Russo.

**12-587**

**THIS RESOLUTION APPOINTS GREG LINCOLN TO THE HOBOKEN HOUSING AUTHORITY FOR THE REMAINDER OF A CURRENTLY VACANT (5) FIVE YEAR TERM TO EXPIRE ON MAY 3, 2015**

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

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

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

**WHEREAS**, there is currently a vacant City Council appointed position on the Hoboken Housing Authority Board, which term expires on May 3, 2015;

Meeting of June 20, 2012

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Hoboken hereby appoints **Greg Lincoln, of 700-1<sup>st</sup> Street, Hoboken, New Jersey**, to serve as a member of the Hoboken Housing Authority for the remainder of the five (5) year term, which expires on May 3, 2015.

The speakers who spoke: Marianne Camporeale, Lydia Mendez, Greg Lincoln, Arlette Braxton, Patricia Waiter, Franz Paetzold, Joseph Branco, Perry Belfiore,

Councilman Russo has left the table at 9:11 PM  
Councilman Russo has returned to the table at 9:14 PM

Councilman Russo motions to **TABLE** resolution.

---Motion duly seconded by Councilwoman Mason  
---**FAILED** by the following vote: YEAS: 4 - NAYS: 5  
---Yeas: Council persons Castellano Mason, Occhipinti & Russo  
---Nays: Cunningham, Giattino, Marsh, Mello, and President Bhalla

Councilman Russo motions to nominate **Joseph Branco** to the Hoboken Housing Authority.

---Motion duly seconded by Councilwoman Marsh  
---**FAILED** by the following vote: YEAS: 4 - NAYS: 5  
---Yeas: Council persons Castellano Mason, Occhipinti, Russo  
---Nays: Cunningham, Giattino, Marsh, Mello and President Bhalla

Councilman Occhipinti has left the meeting at 9:54 PM  
Councilman Occhipinti has returned to the table at 10:01 PM

Councilwoman Marsh motions to nominates **Greg Lincoln** to the Hoboken Housing Authority.

---Motion duly seconded by Councilwoman Giattino  
---Adopted by the following vote: YEAS: 5 - NAYS: 3 - ABSENT: 1  
---Yeas: Council persons Castellano Mason, Occhipinti & Russo  
---Nays: Castellano Mason, & Russo  
---Absent: Occhipinti

**At 9:56 PM the Council takes a 5 minute recess.**  
**At 10:05 PM the Council resumed the meeting.**

### **SECOND READINGS (cont'd)**

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

Meeting of June 20, 2012

**AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING (sponsored by Councilman Mello and Councilman Cunningham) (Z-186) (CARRIED FROM THE JUNE 6, 2012 CITY COUNCIL MEETING)**

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

President Bhalla moved that the hearing be closed.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mello.

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

---Motion duly seconded by Councilman Mello

---**FAILED** by the following vote: YEAS: 5 - NAYS: 4

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

---Nays: Castellano, Mason, Occhipinti, Russo

**RESOLUTION S (cont'd)**

**12-573**

---By Councilwoman Giattino

**RESOLUTION AUTHORIZING AMENDMENT OF THE CONTRACT WITH REMINGTON AND VERNICK ENGINEERS FOR ENGINEERING AND DESIGN SERVICES RELATING TO 1600 PARK AND HOBOKEN COVE**

**WHEREAS**, on December 15, 2010, the City of Hoboken awarded Remington and Vernick Engineers (“RVE”) a contract for General Engineering Services for 1600 Park and Hoboken Cove; and,

**WHEREAS**, subsequent to the contract award and, as a result of additional information and approvals by the Department of Environmental Protection, it was determined that 1600 Park and Hoboken Cove could be redesigned to significantly reduce the elevation of 1600 Park; and,

**WHEREAS**, on September 7, 2011, the City of Hoboken amended the contract with RVE to include enhanced landscape architecture conceptual designs for the parks and to address the site remediation work necessary to reduce the elevation of 1600 Park; and,

**WHEREAS**, the September 7, 2011 amendment also resolved that the services of Paul J. Kenny, Licensed Site Remediation Professional (“LSRP”) of RVE shall be utilized for the site remediation work associated with the 1600 Park project; and,

Meeting of June 20, 2012

**WHEREAS**, in performing the research on the remediation work necessary, Paul J. Kenny, LSRP, as set forth in the RVE letter dated May 31, 2012, (copy attached) determined that additional environmental investigation is required to properly characterize the site; and,

**WHEREAS**, the RVE letter proposes to perform the necessary environmental investigation for an amount not to exceed Seventy-One Thousand Nine Hundred Dollars (\$71,900.00); and,

**WHEREAS**, said services require the City to **increase** the contract sum in the amount not to exceed Seventy-One Thousand Nine Hundred Dollars (\$71,900.00); and,

**WHEREAS**, Remington and Vernick Engineers 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**, funds are available for this purpose.

**I, George, DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$71,900.00 is available in the following appropriations C-04-60-706-310; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose.**

**Signed:, George DeStefano, CFO**

**NOW THEREFORE, BE IT RESOLVED** (a majority of the whole Council concurring) that the professional service contract between the City of Hoboken and Remington and Vernick Engineers be ***amended*** as described in Remington and Vernick’s May 31, 2012 proposal letter to the City, ***attached hereto***; and,

**BE IT FURTHER RESOLVED** that said amendment shall be for an increase in the not to exceed amount in the sum of Seventy-One Thousand Nine Hundred Dollars (\$71,900.00); and,

**BE IT FURTHER RESOLVED** that the remainder of the original and previously amended contract terms shall continue unchanged; and,

**BE IT FURTHER RESOLVED** that 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.

The speakers who spoke: Paul Kenney.

Meeting of June 20, 2012

---Motion duly seconded by Councilman Mello  
---Adopted by the following vote: YEAS: 9 - NAYS: 0  
---Yeas: Council persons Castellano, Cunningham, Giattino, Marsh, Mason, Mello Occhipinti Russo and President Bhalla  
---Nays: None.

**SECOND READINGS (cont'd)**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 64A ENTITLED  
"DEPARTMENT OF TRANSPORTATION AND PARKING" OF CHAPTER 56 ENTITLED  
"HOBOKEN PARKING UTILITY" OF THE CODE OF THE CITY OF HOBOKEN  
(sponsored by Councilman Mello and Councilman Cunningham) (Z-188)**

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

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: 5 - NAYS: 4  
---Yeas: Council persons Cunningham, Giattino, Marsh, Mello, and President Bhalla  
---Nays: Castellano, Mason, Occhipinti, Russo.

**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-189)**

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

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

Meeting of June 20, 2012

---Motion duly seconded by Councilman Mello  
---Adopted by the following vote: YEAS: 6 NAYS: 3  
---Yeas: Council persons Cunningham, Giattino, Marsh, Mello, Russo and President Bhalla  
---Nays: Castellano, Mason, Occhipinti

### **PETITIONS AND COMMUNICATIONS**

#### **12-564A**

WHEREAS, for thirty-five years, former Hoboken Fire Chief Richard Tremitedi passionately and ably served his City and is being saluted today as the “2012 Hoboken Outstanding Senior Resident”, and

WHEREAS, in 1960, Richard Tremitedi joined the Hoboken Fire Department, where he first served as a hose man and driver and was quickly assigned to the Elite Truck Company No. 3. In 1964, Richard place first in the promotional civil service examination for the rank of Fire Captain and was promoted a year later, and

WHEREAS, in 1976, Richard was promoted to Deputy Fire Chief after earning the highest ranking in the promotional examination; serving as shift commander, training officer, chief fire inspector, operations officer and as Fire Official. As Chief of the Bureau of Fire Prevention and Investigation, he authored Hoboken’s smoke detector ordinance; and

WHEREAS, in 1990, Richard Tremitedi was promoted to Chief of the Fire Department, once again scoring first on the examination. During his five years as Chief he implemented a plan to improve Hoboken’s fire protection training, and in 1995, secured the highest protection rating in the State of New Jersey; and

WHEREAS, Richard is the President of Fire Smart, which prepares firefighters for their civil service examinations. He also serves as a trustee for Local 500 of the New Jersey State Firemen’s Benevolent Association. Since 1990, he has been an active voice in the New Jersey Career Fire Chiefs Association and currently serves a professional examination assessor; and

WHEREAS, Richard served in the U.S. Army Reserve, attaining the rank of corporal and was honorably discharged in 1965. He served ten years as the Esquire of the Hoboken Elks Lodge No. 74 and has been honored by the Hoboken American Legion, Post 107, the Hoboken Elks and the Hudson County Day Parade Committee as their respective Firefighters of the Year;

NOW, THEREFORE, BE IT PROCLAIMED that I, Dawn Zimmer, Mayor of the City of Hoboken, do hereby commend Richard Tremitedi on a long and productive career of dedicated service to his community and congratulate him on his nomination as “2012 Hoboken Outstanding Senior Resident.”

Received and Filed.

**12-xxx**

Meeting of June 20, 2012

WHEREAS, the City of Hoboken is proud to acknowledge and honor the hard work and accomplishments of our school children; and

WHEREAS, for the third time since 2008, students Matthew DeLorenzo and Josiah Vega entered their short film, titled "The Great Debate", in this national competition, which included 1,200 films, and won a second prize.

WHEREAS, C-SPAN's annual video documentary competition, designed for students in grades 6-12, requires students to think about issues that affect our communities and nation. The topic this year was "The Constitution and You" and the filmmakers were instructed to select any provision of the U.S. Constitution and create a video illustrating why it's important to them; and

WHEREAS, Matthew and Josiah chose to examine the Eighth Amendment as it relates to cruel and unusual punishment and their video examines the death penalty, posing three questions they consider and answer in their video: Is the death penalty moral, racist and does it make us safer?; and

WHEREAS, using numerous Elysian resources, Matthew and Josiah researched and compiled their answers, even going outside to interview staff members and Vanessa Plotkin, the director of Innocence Project;

NOW, THEREFORE, BE IT PROCLAIMED, that I Dawn Zimmer, Mayor of the City of Hoboken, do hereby heartily, commend Matthew DeLorenzo and Josiah Vega on the creation of their film "The Great Debate", congratulate them both as recipients of the C-SPAN 2012 StudentCam Second Place Award and wish them continued success in all their future endeavors.

Received and Filed.

**12-566**

Communication from Mayor Dawn Zimmer regarding Henkel/Pino Sites, SW Park & Area in need of rehabilitation, NJ Transit Redevelopment, Union Dry Dock, Waterfront, 1600 Park, EmNet/Flooding and Steve Rofsky

Received and Filed.

**12-567**

**APPLICATIONS FOR MISCELLANEOUS LICENSES**

RAFFLES:(\$20.00/DAY)	3 ITEMS
VENDORS (\$100.00)	3 ITEMS
TAXI, LIVERY, AND LIMOUSINE	12 ITEMS

---Councilman Mello moved that the licenses be granted.

---Adopted by the following vote: YEAS: 9 - NAYS: 0

Meeting of June 20, 2012

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

**REPORTS FROM CITY OFFICERS**

**12-568**

A report from the Municipal Tax Collector Sharon Curran for taxes collected for the month of May 2012 **\$26,988,134.44 (Abatement Totals – \$786,584.46)**

Received and Filed.

**12-569**

A report from Municipal Court indicating receipts for the month of May 2012 as **\$368,363.81**

Received and Filed.

**12-570**

---By Councilman Cunningham

**CLAIMS**

Total for this agenda **\$4,321,956.58**

---Motion duly seconded by Councilman Mello  
---Adopted by the following vote: YEAS: 5 - NAYS: 4  
---Yeas: Council persons Cunningham, Giattino, Marsh, Mello, and President Bhalla  
---Nays: Castellano Mason, Occhipinti & Russo

**12-571**

---By Councilman Cunningham

**For the two week period starting May 10, 2012 – May 30, 2012**

<b>Regular Payroll</b>	<b>O/T Pay</b>	<b>Other Pay</b>
\$1,497,627.39	\$73,670.69	\$83,144.15

**Total** \$1,654,442.23

---Motion duly seconded by Councilman Mello  
---Adopted by the following vote: YEAS: 9 - NAYS: 1

Meeting of June 20, 2012

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

---Nays: Mason (O/T)

### **RESOLUTIONS (cont'd)**

#### **12-574**

---By Councilman Russo

#### **RESOLUTION HONORING FATHER MICHAEL GUGLIELMELLI OF HOBOKEN UPON HIS RETIREMENT FROM SERVICE TO HOBOKEN'S ST. FRANCIS CHURCH BY NAMING THE CORNER OF 3<sup>RD</sup> STREET AND JEFFERSON AS "FATHER MICHAEL GUGLIELMELLI WAY"**

**WHEREAS**, the Council of the City of Hoboken is proud to recognize individuals that have flourished and prospered within its boundaries, and particularly those individuals who have also found influential ways to give back to the community and its members; and,

**WHEREAS**, for the past 24 years, Father Michael Guglielmelli has served and protected the people of Hoboken as a pastor at Hoboken's St. Francis Church, and his dedication, compassion and service have impacted all members of the Hoboken community throughout his years of service; and

**WHEREAS**, the following are among his many contributions to the City and its residents over his years of service: Father Michael organized the first street festival in celebration of the Feast of St. Francis, he considered it his duty to feed the needy throughout his life of service, including through the everyday year round sandwich program at St. Francis and the St. Francis food pantry, he has assisted the homeless shelter and made it a tradition for St. Francis to provide the shelter's dinner once a month, organized an annual coat drive through St. Francis, he initiated and maintained addiction recovery services for members of the community, and he continuously finds ways to provide solace and compassion for the HIV/AIDS community.

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

1. The Council of the City of Hoboken does hereby recognize the naming of the corner of 3<sup>rd</sup> Street and Jefferson Street in Hoboken as "Father Michael Guglielmelli Way" in honor of Father Michael's years of service to St. Francis and the Hoboken community; and
2. The Council extends its sincere appreciation and recognition to Father Michael for his tireless dedication and outstanding contributions to the community of Hoboken, and also extends its best wishes for Father Michael upon his retirement.

---Motion duly seconded by Councilman Occhipinti

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

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

---Nays: Giattino.

**12-575**

---By Councilman Cunningham

**RESOLUTION TO EXTEND THE CONTRACT WITH THE LAW OFFICES OF PAUL CONDON FOR SERVICES AS SPECIAL LEGAL COUNSEL TO THE CITY OF HOBOKEN RELATING TO THE APPEAL OF ANDRIANI V. CITY OF HOBOKEN, APPELLATE DOCKET NO.: A-004484-10, FOR A ONE YEAR TERM WITH A NOT TO EXCEED AMOUNT OF \$7,000.00**

**WHEREAS**, the City previously appointed and contracted for the services of Paul Condon to serve as Special Legal Counsel relating to Andriani v. City of Hoboken; and,

**WHEREAS**, the above referenced litigation will require the skilled expertise of an experienced attorney to represent the City of Hoboken's interests; and,

**WHEREAS**, Paul Condon has been handling the case from inception, and has gained significant knowledge and legal strategy which will provide specialized knowledge to effectively represent all of the City's interests relating to the above referenced litigation; and,

**WHEREAS**, this special expertise and knowledge, as well as the emergent need for continued expert legal representation, provide a basis for waiving 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; 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**, Paul Condon is hereby required to continue to abide by the "pay-to-play" requirements of the Hoboken Public Contracting Reform Ordinance, codified as §20A-11 et seq. of the Administrative Code of the City of Hoboken as well as the Affirmative Action laws and policies under which the City operates; and,

**WHEREAS**, there is an emergent need for Paul Condon's continued service on the appeal of the matter, which is therefore exempt from the fair and open process and the public bidding requirements pursuant to N.J.S.A. 40A:11-6; and,

**WHEREAS**, certification of funds is available as follows:

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$7,000.00 is available in the following appropriations 02-01-20-156-020 in the CY2012 budget; and I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose for the CY2012 budget.**

**Signed: \_\_\_\_\_, George DeStefano, CFO**

**NOW THEREFORE, BE IT RESOLVED**, (*a majority of the whole Council concurring*) that the contract with Paul Condon to represent the City as Special Legal Counsel in the appeal of the matter of Andriani v. City of Hoboken, Appellate Docket No.: A-004484-10, be heretofore awarded for a one year term, to commence upon execution of the

Meeting of June 20, 2012

contract, in a not to exceed amount of Seven Thousand Dollars (\$7,000.00) Dollars; an additional term of contract shall be added as follows: said firm shall, on a going forward basis, be obligated to provide prompt notice to the City when its invoicing reaches 80% of the not to exceed amount if the firm believes additional funds will be necessary, and the City shall have no liability for payment of funds in excess of the not to exceed amount; and

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

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

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

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

---Motion duly seconded by Councilman Mello

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

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

Nays: Mason, Occhipinti

**12-576**

---By Councilman Cunningham

**A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR A MUNICIPAL "OPEN SPACE RECREATION AND FARMLAND AND HISTORIC PRESERVATION TRUST FUND" REQUIRED BY N.J.S.A. 40:12-15.2**

**WHEREAS**, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and'

**WHEREAS, N.J.S.A. 40:12-15.2** provides for receipt of Municipal Open Space Tax revenues by the municipality to provide for the operating costs to administer this act; and,

**WHEREAS, N.J.S.A. 40A:4-39** provides the dedicated revenues anticipated from the Municipal Open Space Tax pursuant to N.J.S.A. 40:12-15.2 are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the City of Hoboken, County of Hudson, New Jersey as follows:

Meeting of June 20, 2012

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Open Space Recreation and Farmland and Historic Preservation Trust Fund (N.J.S.A. 40:12-15.2)
2. The Clerk of the City of Hoboken, County of Hudson is hereby directed to forward two (2) certified copies of this Resolution to the Director of the Division of Local Government Services.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 9- NAYS: 0

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

---Nays: None.

**12-577**

---By Councilwoman Giattino

**RESOLUTION TO APPROVE THE ATTACHED CONTRACT FOR USE OF THE UNION CITY MUNICIPAL POOL BY THE CITY OF HOBOKEN FOR THE 2012 SUMMER SEASON**

**WHEREAS**, the City has negotiated an agreement with the City of Union City for use of their municipal pool during the 2012 summer season, which is ***attached hereto***; and,

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

- A. This resolution approves the attached agreement between the City of Union City and the City of Hoboken, 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 Mello

---Adopted by the following vote: YEAS: 9- NAYS: 0

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

---Nays: None.

**12-578**

---By Councilman Giattino

Meeting of June 20, 2012

**RESOLUTION APPROVING AN SHARED SERVICE AGREEMENT WITH THE TOWN OF SEACAUCUS FOR THE USE OF ITS POOL BY THE RESIDENTS OF THE CITY OF HOBOKEN**

WHEREAS, N.J.S.A. 40A:65-1 et seq. authorizes any local governmental unit to enter into a contract with any other governmental unit for the providing of any service that any party to such agreement is empowered to render within its own jurisdiction; and,

WHEREAS, the Town of Secaucus has agreed to provide use of a swimming pool facility to the residents of the City of Hoboken upon payment by the residents for use of such facility; and,

WHEREAS, it is the desire of the Council of the City of Hoboken to authorize the execution of a Shared Service Agreement whereby the Town of Secaucus will provide use of its swimming pool facility to the residents of the City of Hoboken.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hoboken, County of Hudson, State of New Jersey, that the Mayor and City Clerk be and are hereby authorized to execute a Shared Service Agreement whereby Secaucus will provide use of a swimming pool facility to the residents of Hoboken; and,

BE IT FURTHER RESOLVED that the Mayor is hereby authorized 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.  
This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 9- NAYS: 0

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

---Nays: None.

**12-579**

---By Councilman Mello

**RESOLUTION TO APPROVE THE ATTACHED CONTRACT FOR ELECTRICAL GENERATION SERVICES TO THE CITY OF HOBOKEN BY SOUTH JERSEY ENERGY COMPANY**

**WHEREAS**, the City has negotiated an electric generation service agreement through the Essex Hudson Regional Cooperative Purchasing System, which is ***attached hereto***; and,

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

- D. This resolution approves the attached electric generation service contract between South Jersey Energy Company and the City of Hoboken, as ***attached hereto***;

Meeting of June 20, 2012

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 Councilman Cunningham

---Adopted by the following vote: YEAS: 9- NAYS: 0

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

---Nays: None.

**12-580**

---By Councilwoman Giattino

**APPOINTING ROBERT PHILLIPS AS BOARD MEMBER TO THE  
HOBOKEN ALCOHOL BEVERAGE CONTROL BOARD FOR A THREE  
YEAR TERM TO EXPIRE ON JUNE 30, 2015**

**WHEREAS**, N.J.S.A. 33:1-1 et seq., and Chapter 9 of the Code of the City of Hoboken establishes the City's Alcohol Beverage Control Board; and

**WHEREAS**, N.J.S.A. 33:1-5 and Section 9-2 of the Code of the City of Hoboken provide for appointment of Hoboken Alcohol Beverage Control Board Members by the Mayor, subject to Governing Body advice and consent; and

**WHEREAS**, the current term of Commissioner Robert Phillips expires on June 30, 2012, and the Mayor wishes to reappoint Robert Phillips for a new three (3) year term which will begin July 1, 2012 and expires on June 30, 2015; and

**WHEREAS**, the Governing Body agrees with the Mayor's reappointment of Robert Phillips as Alcohol Beverage Board Commissioner.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Hoboken hereby consents to and authorizes the reappointment of Robert Phillips as a Hoboken Alcohol Beverage Control Board Member, for the term beginning July 1, 2012 and expiring June 30, 2015, pursuant to §9-2 of the Code of the City of Hoboken and N.J.S.A. 33:1-5; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Hoboken Alcohol Beverage Control Board Secretary expeditiously.

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

---Absent: Cunningham

Meeting of June 20, 2012

Councilman Cunningham has left the table at 11:46 PM  
Councilman Cunningham has returned to the table at 11:48 PM

**12-581**

---By Councilman Cunningham

**THIS RESOLUTION REJECTS ALL RFP PROPOSALS FOR THE PROVISIONS OF COAH PLANNER FOR THE CITY, AND AUTHORIZES THE RFP TO BE REPUBLISHED**

**WHEREAS**, proposals were received on Wednesday, May 30, 2012 for the services of COAH Planner pursuant to the City's Fair and Open RFP; and,

**WHEREAS**, since the original submission date, the City has become aware of specific statewide deadlines for Planners which inhibited the City from obtaining a wide range of responses to its RFP; and,

**WHEREAS**, as a result, the Director of Community Affairs, therefore, recommends that the City Council of the City of Hoboken reject all current submissions to allow the City to republish the RFP in an attempt to obtain more proposals.

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Hoboken hereby rejects all proposals submitted for the provision of COAH Planner under the May 30<sup>th</sup> RFP; and,

**BE IT FURTHER RESOLVED** that the City Council requests the Administration republish the RFP in accordance with the Fair and Open Process.

The speakers who spoke: Michael Evers.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 9- NAYS: 0

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

---Nays: None.

**12-582**

---By Councilman Cunningham

**RESOLUTION AUTHORIZING USE OF THE COMPETITIVE CONTRACTING PROCESS FOR TAX REVALUATION SERVICES FOR THE CITY OF HOBOKEN FOR A ONE YEAR PERIOD**

**WHEREAS**, the City of Hoboken needs to secure a revaluation firm for the City to assist in the City's mandated revaluation process; and

**WHEREAS**, the cost of these services will exceed the City's bid threshold; and

Meeting of June 20, 2012

**WHEREAS**, under the Local Public Contracts Law, N.J.S.A. 40A:11-4.1, competitive contracting may be used by local contracting units in lieu of the standard public bidding process, for procurement of specialized goods and services where the price exceeds the bid threshold, and the services would otherwise be exempt, to satisfy the Fair and Open Process requirements; and

**WHEREAS**, the City's requested services meet the criteria of Local Public Contracts Law N.J.S.A. 40A:11-4.1(i) and N.J.S.A. 40A:11-5 which allows the use of a methodology to rank and evaluate proposals received to not only secure the best price but the best service to suit the City's needs.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Hoboken, that the Competitive Contract Process, as described and allowed in N.J.S.A. 40A:11-4.1 shall be initiated by the Purchasing Agent/Business Administrator for the purpose of receiving proposals for tax revaluation services for the City, pursuant to the local public contracts law.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 9- NAYS: 0

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

---Nays: None.

**12-583**

---By Councilman Cunningham

**RESOLUTION AUTHORIZING USE OF THE COMPETITIVE CONTRACTING PROCESS FOR FINANCIAL ADVISORY SERVICES FOR THE CITY OF HOBOKEN FOR A ONE YEAR PERIOD**

**WHEREAS**, the City of Hoboken needs to secure a financial advisory firm for the City; and

**WHEREAS**, the cost of these services will likely exceed the City's bid threshold; and

**WHEREAS**, under the Local Public Contracts Law, N.J.S.A. 40A:11-4.1, competitive contracting may be used by local contracting units in lieu of the standard public bidding process, for procurement of specialized goods and services where the price exceeds the bid threshold, and the services would otherwise be exempt, to satisfy the Fair and Open Process requirements; and

**WHEREAS**, the City's requested services meet the criteria of Local Public Contracts Law N.J.S.A. 40A:11-4.1(i) and N.J.S.A. 40A:11-5 which allows the use of a methodology to rank and evaluate proposals received to not only secure the best price but the best service to suit the City's needs.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Hoboken, that the Competitive Contract Process, as described and allowed in N.J.S.A. 40A:11-4.1 shall be initiated by the Purchasing Agent/Business Administrator for the purpose of receiving proposals for financial advisory services for the City, pursuant to the local public contracts law.

---Motion duly seconded by Councilman Mello

Meeting of June 20, 2012

---Adopted by the following vote: YEAS: 5 - NAYS: 4

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

---NAYS: Castellano, Mason, Occhipinti, Russo.

**12-584**

---By President Bhalla

**RESOLUTION ADOPTING NEW RULES OF PROCEDURE FOR  
THE CITY COUNCIL OF THE CITY OF HOBOKEN**

**WHEREAS**, the City Council of the City of Hoboken is granted the exclusive authority to adopt rules of procedure for its own internal governance, pursuant to the Faulkner Act, N.J.S.A. 40:69A-36(f); and,

**WHEREAS**, the City Council wishes to adopt the following rules of procedure for its internal governance,

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOBOKEN**, that the following rules of procedure are hereby adopted for the government of this City Council and the prior rules of procedure repealed.

**RULE I**

Regular Meetings: The Council shall hold regular meetings in accordance with an annual schedule to be adopted at the Council's re-organizational meeting. Generally, meetings shall be held on the first and third Wednesdays of each month at 7:00 P.M., subject to summer schedules, holidays, and conflicting City events. Council meetings shall ordinarily be held in the Council Chambers at Hoboken City Hall, except that the Council President or a majority of Council members may, in writing, call a meeting to be held in any other suitable public place within the City of Hoboken that is accessible to the public and in accordance with state statutes. The provisions of the Open Public Meetings Act shall govern the procedures and conduct of all regular meetings. Robert's Rules of Order shall be followed at regular meetings to the extent that they do not conflict with these Rules of Procedure. The Council may also establish that it will hold regular caucus or workshop sessions, provided, however, that any such sessions comply with the Open Public Meetings Act.

**RULE II**

Special and Emergency Meetings: The Mayor may call a special or emergency meeting of the Council by notice to the Council President and the Clerk. In the notice the Mayor shall designate the purpose of the special or emergency meeting, and no other business may be considered. A special or emergency meeting may be held in any suitable place within the City of Hoboken that is accessible to the public. A special or emergency meeting may also be called by the written request of a majority of Council members to the Council President, the Clerk and the Mayor. The written request shall designate the purpose of the special or emergency meeting, and no other business shall be considered. Whenever an emergency meeting is called, the Clerk shall immediately notify, by the most expedient means possible, all Council members, the Mayor, the Corporation Counsel, the Business Administrator, and all Directors of the date, time, location, and agenda of the meeting to the extent known. Only those matters permitted by law may be considered at an emergency meeting. The provisions of the Open Public Meetings Act shall govern the procedures and conduct of special and emergency meetings. Robert's Rules of Order shall be followed at special and emergency meetings to the extent that they do not conflict with these rules of procedure.

### **RULE III**

Agenda: All reports, communications, resolutions, ordinances, contract documents, or other matters to be submitted to the Council, whether by Council members or the Administration shall be delivered to the City Clerk by 4:00 P.M. on the Thursday preceding each regular Wednesday Council meeting (the "Submission Deadline.") The City Clerk shall immediately date and time-stamp each original submission. Thereafter, the City Clerk shall prepare a typewritten meeting agenda, according to the order of business set forth in these Rules of Procedure. The City Clerk shall provide the agenda to each member of the Council, the Mayor, the Corporation Counsel, the Business Administrator, and all Directors as far in advance of the meeting as time for preparation will permit. Normally, delivery of the agenda shall be effectuated by forwarding via electronic mail no later than 4:00 P.M. on the Friday prior to a Wednesday meeting. Any Council Member who wishes to obtain a hard copy of the agenda shall advise the Clerk in writing, and, in such circumstances, delivery of the agenda shall be effectuated by forwarding the documents via regular mail no later than 4:00 P.M. on the Friday prior to a Wednesday meeting. When necessary in exceptional circumstances, the Clerk may effectuate delivery of the agenda via hand delivery. Regular meetings held on a day other than Wednesday shall also follow the time frames set forth in this rule to the extent possible.

#### **Urgent Matters:**

After the Submission Deadline, no matters shall be presented to the Council except those of an urgent nature. A matter shall be considered urgent in nature if the Council's failure to consider the matter at the next regularly scheduled meeting of the Council would have an adverse consequence upon the City, or any agency or employee thereof.

If urgent matters are submitted after the Submission Deadline by the Administration, facts must be presented in writing establishing the nature of the urgency, in compliance with the foregoing definitional criteria, and the matter must be approved as urgent in writing by the Mayor before presentation to the Council. If urgent matters are submitted by Council members after the Submission Deadline, facts must be presented in writing by the Council member establishing the nature of the urgency, in compliance with the foregoing definitional criteria, and the matter must be approved as urgent either by the President or by a vote of the majority of the council present at the meeting.

#### **Public Access to Documents:**

Copies of the agenda and all supporting documents shall be promptly placed on the City's website, [www.hobokennj.org](http://www.hobokennj.org), in compliance with the Chapter 25 of the Code of the City of Hoboken, "Electronic Accessibility of Public Information," and shall be made available to the public through the Clerk's office as soon as practicable. Agendas for special and emergency meetings shall be prepared and distributed in compliance with this Rule to the extent practicable under the circumstances.

The provisions of the Open Public Meetings Act shall govern the conduct, agenda, and procedures for all meetings. As described above, the Council may consider and act upon urgent matters at a regular meeting even if the matter was not listed on the

agenda. All ordinances and resolutions, however, must be introduced in written or typewritten form, and copies provided to each member of the City Council, the City Clerk as soon as practicable, and reviewed by the Corporation Counsel. The Mayor, Council President or a majority of the Council present at the meeting must have determined that the matter is of an urgent nature in accordance with this Rule before the City Council may take any action on any such ordinance or resolution. The City Clerk shall assist in providing sufficient written copies during any meeting as necessary to comply with this Rule.

### **RULE IV**

**The Presiding Officer - Election and Duties:** The presiding officer of the Council shall be the President, who shall be elected at the re-organizational meeting and shall hold office for a period of one (1) year. At the re-organizational meeting the Vice President of the Council shall also be elected and shall hold office for a period of one (1) year. In the President's absence, the Vice President of the Council shall preside over the Council. In the absence of both the President and Vice President, a presiding officer shall be elected by a majority of the Council members present.

The President shall assume the chair of the presiding officer immediately after his or her election, and shall thereafter determine the seating arrangements for the remainder of the Council. The presiding officer shall preserve strict order and decorum at all meetings of the Council. The presiding officer shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. The President may vote on all questions, and his or her name will be called last.

#### **RULE V**

**Minutes:** Minutes of all meetings of the City Council, including closed sessions, shall be taken by the City Clerk in the format and manner required by law. These minutes shall promptly be presented to the Council in resolution form and approved by a majority vote of the City Council. Written communications from the Mayor or any member of the Council, upon request, shall be placed in the minutes without the necessity for a vote, however, no other written communications shall be placed in the minutes unless approved by motion.

#### **RULE VI**

**Call to Order:** The President shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Council to order. In the absence of the President, the Vice President shall call the Council to order. Upon the arrival of the President, the Vice President shall immediately relinquish the chair upon the conclusion of the business immediately before the Council.

#### **RULE VII**

**Roll Call:** Before proceeding with the business of the Council, the City Clerk or the Deputy City Clerk shall call the roll of the members, and the names of those present shall be entered on the minutes.

#### **RULE VIII**

**Quorum:** A majority of the whole number of members of the Council shall constitute a quorum, but no ordinance shall be adopted by the Council without the affirmative vote of the majority of the full membership of the Council, unless a supermajority is required for adoption of a particular ordinance, in which case the vote shall be that required by law.

#### **RULE IX**

**Order of Business:** All meetings of the Council shall be open to the public promptly at the hour set for each meeting, the members of the Council shall take their regular stations in the Council Chambers, and the business of the Council shall be taken up for consideration and disposed in the following order:

1. Reading of Open Public Meetings Act notice
2. Flag salute
3. Roll call
4. Ordinances – 2nd Reading
5. Public Portion

6. Reports, petitions and communications from the Mayor
7. Miscellaneous Licenses
8. Claims
9. Payroll
10. Resolutions
11. Ordinances – 1st Reading
12. New business
13. Adjournment

In accordance with the Open Public Meetings Act, the Council by resolution may go into closed executive session at any time during the meeting for the purposes provided by law. The presiding officer, at his or her discretion, shall retain the authority to deviate from the regular order of business as necessary for the efficient conduct of the meeting, subject to override by majority vote of the Council.

### **RULE X**

Rules of Debate:

(a) Rights of Presiding Officer. The presiding officer may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed upon all members and shall not be deprived of any of the rights and privileges of a Council member due to his or her status as presiding officer.

(b) Getting the Floor. Every member desiring to speak shall address the chair, and upon recognition by the presiding officer shall confine statements to the question under debate, avoiding all personal references and indecorous

(c) Interruption. Upon being recognized by the chair, a member shall not be interrupted when speaking except to call a point of order or as otherwise provided herein. A point of order may only be called to bring to the attention of the presiding officer a violation of these Rules. If a member, while speaking, is interrupted by a point of order, the member shall cease speaking until the presiding officer determines the point of order. A point of order shall be decided by the presiding officer upon consultation with the Corporation Counsel where necessary. A point of order is not subject to debate, and may not be reconsidered.

(d) Privilege of Opening or Closing Debate. The Council member moving the adoption of an ordinance or resolution shall have the privilege of opening the debate at his/her discretion, and the Council President shall have the privilege of closing the debate at his/her discretion.

(e) Discussion During Vote. Upon any roll call there shall be no discussion or explanation given by any member voting, and the member shall vote aye, nay, present or abstain, unless the member shall first receive special permission from the Council to explain the member's vote or to refrain from casting the member's vote. No motions or amendments may be offered after the Council President has called a vote.

(f) Limiting Debate Period. The presiding officer shall retain the power to limit the length of debate on any agenda item, including claims and payroll, provided, however, that Council members shall be allowed a minimum of five (5) minutes each to speak on any particular question under debate.

### **RULE XI**

Method of Voting: The vote upon every motion, resolution or ordinance shall be taken by roll call and the results of the vote shall be entered upon the minutes. In addition to voting yea or nay, a Council member may abstain or vote "present," which has the effect of an abstention. A Council member may not give statements, raise questions, or provide any other commentary other than casting a vote in accordance with this rule. Where a Council member

violates this rule, disrupts the flow of a roll call, or otherwise fails to cast a vote in accordance with this rule within a reasonable period of time after being called to vote, the Council President shall have the discretion to direct the Clerk continue the roll call to the next Council member.

The roll call shall be taken in alphabetical order of the members present except that the presiding officer shall vote last. Two or more resolutions may be placed on a consent agenda, and approved by a single roll call vote of the Council, provided that no member of the Council nor any member of the public wishes to be heard on any resolution listed on the consent agenda.

#### **RULE XII**

**Manner in Which the Public May Address the Council – Speaker’s List:** Any member of the public desiring to address the Council shall sign either the list of speakers who wish to speak on a particular agenda item, and/or shall sign the list of speakers wishing to address the Council during the Public Portion period. The two lists referred to in this rule shall be prepared by the City Clerk and placed in a convenient place in the City Council Chambers for the convenience of those individuals desiring to speak. Copies of the agenda will be placed nearby. When called upon from the speakers list or to testify as part of a public hearing and be sworn in unless otherwise informed, a member of the public shall approach the rail and microphone, speak clearly, identify themselves by name; first and last spelling if requested. They shall then state whether they are a Hoboken resident, Hoboken business owner, or other interested party wanting to be heard.

#### **RULE XIII**

**Manner in Which the Public May Address the Council - Time Limits:**

- (a) A speaker may speak for no more than five (5) minutes on any single resolution.
- (b) A speaker may speak for no more than five (5) minutes on any single ordinance for 2nd reading.
- (c) A speaker may address the City Council on any subject relevant to the affairs and interests of the City of Hoboken during the Public Portion on the agenda.

Any speaker addressing the Council during this period will be limited to five (5) minutes unless the presiding officer, in his or her discretion, decides that more time should be allotted to the speaker;

(d) In the interest to attending to other business of the City in a timely manner, the presiding officer shall have the right to adjourn the Public Portion after one (1) hour, subject to an override by a majority of Council Members. In the event the Public Portion is adjourned under these circumstances, it shall resume on the agenda after the completion of votes of ordinances on 1st reading, and before New Business;

(e) The City Clerk or Deputy City Clerk will monitor each speaker’s time and inform the presiding officer when the speaker has used up the allotted time, at which time the speaker addressing the Council will immediately yield the floor. Whenever possible, the speaker shall be given a warning one minute prior to the expiration of his or her time.

(f) If the speaker addressing the Council questions the Council concerning City matters, such questions will not be addressed until after the duration of the speaker’s time, unless the Council President at his/her discretion, or upon the request of a Council member, requests an opportunity to address the question posed by the speaker. Only in such event, the time taken in answering the speaker’s question will not count against the speaker’s time. Upon the conclusion of the speaker’s time, a Council member may comment on the subject under discussion upon being recognized by the presiding officer.

(f) The rules governing the time allotted to the persons addressing the City Council may be relaxed at the discretion of the presiding officer or by a majority vote of the Council members present.

#### **RULE XIV**

**Manner in Which the Mayor May Participate in Meetings:** If the Mayor wishes to participate in any meeting of the City Council, he/she shall, if practicable, notify the President of said intention advance of the meeting. After the Roll Call, if the Mayor so requests, he/she shall be granted ten (10) minutes to address the Council with respect to any matter relevant to the affairs and business of the City. In addition, prior to the Council debate on each agenda item, the President shall ask the Mayor if he/she wishes to speak with respect to that agenda item. If he/she chooses to do so, the Mayor shall be entitled to address the Council on that agenda item for five (5) minutes.

#### **RULE XV**

**Decorum:**

- (a) **By Council Members.** While the Council is in session, the members must preserve order and decorum and a member shall neither by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its presiding officer except as otherwise herein provided.
- (b) **Members of the Public.** Any person making impertinent or slanderous remarks or who shall become disruptive while addressing the Council or while present in the Council Chambers shall be forthwith, by the presiding officer, barred from further audience before the Council, unless permission to continue be granted by a majority vote of the Council.

#### **RULE XVI**

**Enforcement of Decorum:** The Chief of Police, or such member or members of the Police Department as the Chief may designate, shall be the Sergeant-at-Arms of the Council meeting. The Sergeant-at-Arms shall carry out all appropriate orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at any Council meeting.

#### **RULE XVII**

**Persons Authorized to be within the Council rail:** No persons, except Council members, the City Clerk and/or Deputy City Clerk, and authorized City officers, shall be permitted within the rail in front of the Council Chamber without the express permission of the Presiding Officer.

#### **RULE XVIII**

**Committee of the Whole and Subcommittees:** The Committee of the Whole shall consist of the full nine members of the Council. All standing subcommittees shall consist of at least three Council members. The Council President shall appoint all subcommittee members unless otherwise ordered by the Council. The following standing subcommittees are hereby established:

1. Revenue and Finance
2. Community Development
3. Parking and Transportation
4. Health and Human Services
5. Environmental Services
6. Public Safety.

The Council retains the right to establish additional, special subcommittees as required for the efficient operation of the Council. The Council President shall appoint all subcommittee members and the chair of each subcommittee, and shall serve as an ex-officio member of each subcommittee. The Council President shall have the right in his or her sole discretion to remove a member from any subcommittee, including special subcommittees, except that a

majority of the whole membership of the Council may override the President's decision to remove a member from any regular or special subcommittee.

The Committee of the Whole is chaired by the Council President, who has sole authority to call a meeting of the Committee, which shall be noticed for purposes of the Open Public Meetings Act as a special meeting. However, no formal action shall be taken at any meeting of the Committee of the Whole.

Matters may be referred to subcommittees either by the presiding officer or by a vote of the majority of the Council present at the meeting.

Nothing hereinabove stated shall be construed so as to invest the membership of said subcommittees with any of the executive or administrative powers of the several City Departments, which are now vested in the Mayor and the Directors of the several City Departments, pursuant to the provisions of Chapter 210, Laws of 1950, and the amendments and supplements thereto.

#### **RULE XIX**

Reports of Subcommittees: It shall be the duty of each subcommittee chair, or another subcommittee member selected by the subcommittee chair, at each City Council meeting, to provide a report of the subcommittee's activities, if any, since the last meeting at which such a report was given. The report, which may be oral or in writing, shall include a statement of how many meetings were held, who attended, a brief description of the matters that were discussed, and such recommendations to the Council relating to the matters considered by the subcommittee that have been decided upon by the members of the subcommittee. If the recommendations are not supported by all members of the subcommittee, the dissenting member shall be provided an opportunity to present his or her views after the subcommittee chair has completed presenting the report.

#### **RULE XX**

Claims against the City: No account or other demand against the City shall be allowed until it has been considered and reported to the Council. In the event Council Members wish to receive additional information, have questions or require clarification regarding any claim, they shall, to the extent practicable, make a written request for same to the Business Administrator or his/her designee in writing, detailing the additional information, question or clarification requested with as much specificity as possible, no later than the close of business the day prior to the Meeting at which the claim is scheduled to be considered.

#### **RULE XXI**

Ordinances, Resolutions, Motions and Contract Documents:

(a) Preparation of Ordinances. All ordinances shall be prepared by the Corporation Counsel's office, and thereafter approved as to form and legality by the Hoboken Corporation Counsel. The Corporation Counsel's office shall, in a timely manner, provide all necessary legal guidance and assistance to any member of the Council seeking to introduce an ordinance.

(b) Sponsorship of Ordinances and Time for Submission to City Council. Each ordinance must be sponsored by at least one member of the City Council,

whose name shall be affixed thereon, and seconded by at least one other member of the City Council, prior to formal introduction and first reading.

c) Resolutions. All resolutions must be sponsored by a member of the City Council, whose name shall be affixed thereon, and seconded by at least one other member of the City Council, prior to introduction.

d) Other Matters and Subjects. Other matters and subjects must be read at the regular Council Meeting prior to the introduction of Resolutions and Ordinances.

**RULE XXII**

Reports and Resolutions to be filed with City Clerk: All reports and resolutions shall filed with the City Clerk and entered on the minutes.

**RULE XXIII**

Adjournment: A motion to adjourn shall always be in order and decided without debate.

**RULE XXIV**

Certification of Passage of Ordinance over Mayor's veto:

Whenever an ordinance has been vetoed by the Mayor and is passed by the Council over such veto in the manner provided by law, the City Clerk shall append to such ordinances a certification in substantially the following form:

"I hereby certify that the above ordinance was passed by the Council of the city of Hoboken on the \_\_\_\_\_ day of \_\_\_\_\_ was vetoed by the Mayor of the City, and was passed over the said veto on the \_\_\_\_\_ day of \_\_\_\_\_.

DATED:

City Clerk

**RULE XXV**

Attendance by and Interaction with City Officials:

The City Clerk or the Deputy City Clerk, the Corporation Council or his/her designee and the Business Administrator or his/her designee shall be required to attend all meetings of the City Council unless excused by the Council President. Subject to the limitations set forth by law and below, the President may ask the Mayor or his/her designee to consider a request that other Directors and/or City employees attend Council meetings to the extent the President believes such attendance would be helpful to assist the Council in its legislative responsibilities with respect to the matters on the meeting agenda. As expressly provided in N.J.S.A 40:69A-37.1, the Council shall deal with employees of the department of administration and other administrative departments solely through the mayor or his/her designee. All contact with the employees, and all actions and communications concerning the administration of the government and the provision of municipal services shall be through the Mayor or his/her designee, except as otherwise provided by law. The Council may, in accordance with applicable law, conduct inquiries into any act or problem of the administration of the municipality. Any Council member may, at any time, require a report on any aspect of the government of the municipality by making a written request to the mayor. The council may, by a majority vote of the whole number of its members, require the Mayor or his/her designee to appear before the council sitting as a committee of the whole, and to bring before the Council those records and reports, and officials and employees of the municipality as the Council may determine necessary to ensure clarification of the matter under study. The Council may further, by a majority of the whole number of its members, designate any number of its members as an ad hoc committee to consult with the Mayor or his/her designee to study any matter and to report to the Council thereon. As it is the expressed intent of the Mayor-Council plan of government to confer on the Council general legislative powers, the Council may exercise such investigative powers as are germane to the exercise of its legislative powers, but shall retain for the Mayor full control over the municipal administration and over the administration of municipal services.

**RULE XXVI**

Meeting of June 20, 2012

Amendment of Rules of Procedure: No amendment to these Rules of Procedure shall be adopted unless it receives a vote of the majority of the full membership of the City Council. Any such amendment shall not take effect until the second regular meeting following adoption of the amendment.

Approved as to form:

---Motion duly seconded by Councilwoman Giattino

---Adopted by the following vote: YEAS: 5 - NAYS: 4

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

---Nays: Castellano Mason, Occhipinti, Russo

**12-585**

---By Councilwoman Giattino

**RESOLUTION TO AUTHORIZE SERVICE CONTRACT WITH NEW JERSEY SYMPHONY ORCHESTRA FOR A TOTAL NOT TO EXCEED AMOUNT OF FORTY FIVE THOUSAND (\$45,000.00) DOLLARS**

**WHEREAS**, the City requests the artistic services of the New Jersey Symphony Orchestra, which is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5(k), under the terms and conditions of the attached NJSO Agreement; and,

**WHEREAS**, certification of funds is available as follows:

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$45,000.00 is available in the following appropriations T-03-40-000-004 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 attached Agreement with New Jersey Symphony Orchestra is authorized by the City Council; and,

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

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

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

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 9 - NAYS: 0

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

Meeting of June 20, 2012

---Nays: None.

**12-586**

---By Councilwoman Giattino

**THIS RESOLUTION REJECTS ALL BID PROPOSALS FOR THE PROVISIONS OF SUMMER FOOD SERVICE FOR THE CITY OF HOBOKEN IN THE SPECIFICATIONS IN BID NUMBER 12-06.**

**WHEREAS**, proposals were received for the provisions of summer food service for the City of Hoboken, as specified in Bid Number 12-06; and,

**WHEREAS**, one (1) proposal was received from the following bidder:

NU-WAY CONCESSIONAIRES  
339 BERGEN AVENUE  
KEARNY, NJ 07032

**WHEREAS**, the proposal far exceeded the City's cost estimate and the appropriated and available funds for the project; and,

**WHEREAS**, the bid was not properly advertised in accordance with the Local Public Contracts Law; and,

**WHEREAS**, as a result, the Office of Corporation Counsel recommends that the City Council of the City of Hoboken reject all bid submissions for the provision under Bid No. 12-06, pursuant to N.J.S.A. 40A:11-13.2(a) and (b).

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Hoboken hereby rejects all bid proposals submitted for the provision under Bid No. 12-06, pursuant to N.J.S.A. 40A:11-13.2(a) and (b); and,

**BE IT FURTHER RESOLVED** that the City Council authorizes the Administration to take any and all steps necessary to properly contract for summer food service in accordance with the law and the requirements of the underlying grant; and,

**BE IT FURTHER RESOLVED**, that, to ensure the program may begin on its scheduled date of July 5, 2012, the City Council hereby delegates the Mayor and Business Administrator with the authority to award a contract with the lowest responsive proposal for services so long as the final contract amount does not exceed Twenty One Thousand Two Hundred Eighty Nine Dollars and Nineteen Cents (\$21,289.19).

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 9 - NAYS: 0

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

---Nays: None.

**PLEASE NOTE: Resolution # 12-587 was voted on in the beginning of meeting. Council President Bhalla suspended the agenda. The resolutions were numbered before minutes were transcribed. The reason being the resolutions out of sequence.**

**12-588**

---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 **\$ 4,090.50**

<b><u>NAME</u></b>	<b><u>BL/LT/UNIT</u></b>	<b><u>PROPERTY</u></b>	<b><u>QTR/YEAR</u></b>	<b><u>AMOUNT</u></b>
<b>PHH Mortgage Mortgage Service Center 95 Methodist Hill Dr. Ste 400 Rochester, NY 14623</b>	<b>109/1.01/C0413</b>	<b>1200 Grand St</b>	<b>1<sup>st</sup> half 2012</b>	<b>\$4,090.50 Abatement</b>

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 9 - NAYS: 0

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

---Nays: None.

**12-xxx**

---By Councilman Cunningham

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

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

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

**NOW THEREFORE BE IT RESOLVED**, that a warrant be drawn on the City Treasurer made payable to the following totaling **\$248,613.75**

<b><u>NAME</u></b>	<b><u>BL/LOT/UNIT</u></b>	<b><u>PROPERTY</u></b>	<b><u>YEAR</u></b>	<b><u>AMOUNT</u></b>
<b>McKirdy &amp; Riskin, P.A. 136 South Street P.O. Box 2379 Morristown, NJ 07962-2379</b>	<b>15/12</b>	<b>609-615 First St</b>	<b>2011</b>	<b>\$4,621.00</b>
<b>Venino &amp; Venino</b>	<b>212.01/3</b>	<b>104 Hudson St</b>	<b>2010</b>	<b>\$5,931.25</b>

Meeting of June 20, 2012

**8000 Kennedy Boulevard  
North Bergen, NJ 07047**

<b>Venino &amp; Venino 8000 Kennedy Boulevard North Bergen, NJ 07047</b>	<b>212.01/3</b>	<b>104 Hudson St</b>	<b>2011</b>	<b>\$8,086.75</b>
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<b>Marcus, Brody, Ford &amp; 5 Becker Farm Road Roseland, NJ 07068</b>	<b>230/6.01</b>	<b>2-10 Hudson Pl</b>	<b>2009</b>	<b>\$59,479.25</b>
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<b>Marcus, Brody, Ford &amp; 5 Becker Farm Road Roseland, NJ 07068</b>	<b>230/6.01</b>	<b>2-10 Hudson Pl</b>	<b>2010</b>	<b>\$69,988.75</b>
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<b>Marcus, Brody, Ford &amp; 5 Becker Farm Road Roseland, NJ 07068</b>	<b>230/6.01</b>	<b>2-10 Hudson Pl</b>	<b>2011</b>	<b>\$100,506.75</b>
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---Motion duly seconded by Councilman Mello  
---Adopted by the following vote: YEAS: 9 - NAYS: 0  
---Yeas: Council persons Castellano, Cunningham, Giattino, Marsh, Mason, Mello, Occhipinti  
Russo and President Bhalla  
---Nays: None.

**12-590**

---By Councilwoman Marsh

**RESOLVED**, that filed minutes for the Hoboken City Council regular meetings of May 2, 2012 and May 16, 2012 have been reviewed and approved as to legal form and content.

---Motion duly seconded by Councilwoman Giattino  
---Adopted by the following vote: YEAS: 9 - NAYS: 0  
---Yeas: Council persons Castellano, Cunningham, Giattino, Marsh, Mason, Mello, Occhipinti  
Russo and President Bhalla  
---Nays: None.

**ORDINANCES**

**Introduction and First Reading**

**12-591**

**Z-191**

**AN ORDINANCE TO AMEND CHAPTER 68 ENTITLED "ALCOHOLIC BEVERAGES" TO CHANGE AND UPDATE THE HOURS OF OPERATION OF LICENSED ESTABLISHMENTS UNDER SECTION 68-4**

**WHEREAS**, the hours of operation of establishments serving and/or selling liquor within the City of Hoboken, found at Hoboken General Code Section 68-4, was recently revised; and,

**WHEREAS**, the Council finds that the revisions relating to hours of operations on Thursday nights/Friday mornings created unintended inconsistencies; and,

**WHEREAS**, the City Council wishes to more closely align the City's Thursday night / Friday morning hours of operation for licensed establishments with the rules enforced by the City prior to the most recent revision; and,

**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 TO HOBOKEN CODE SECTION 68-4**

A. No licensee shall serve, deliver or allow, permit or refer the sale, service or delivery of any alcoholic beverages or allow or permit the consumption of any alcoholic beverage on the licensed premises on:

(1) New Year's Day, when it is a Sunday, between the hours of 5:00 a.m. and 11:00 a.m., and on New Year's Day, when it is when it is any day other than a Sunday, between the hours of 5:00 a.m. and 6:00 a.m..

(2) Any day for which Hoboken City Hall is designated, in writing, as closed due to a Holiday, between the hours of 3:00 a.m. and 6:00 a.m.,

(3) Any other Sunday, between the hours of 3:00 a.m. and 11:00 a.m.,

(4) Any other Saturday, between the hours of 3:00 a.m. and 6:00 a.m.,

~~(5) Any other Friday, between the hours of 3:00 a.m. and 6:00 a.m.; and,~~

~~(6)~~ (5) Any other Monday, Tuesday, Wednesday, ~~or Thursday~~ or Friday between the hours of 2:00 a.m. and 6:00 a.m.

B. No licensee of an establishment that chooses to serve alcoholic beverages shall permit patrons to enter the premises after 2:00 a.m. in the morning on ~~Friday~~, Saturday and/or Sunday. The provisions of this subsection shall not apply to those licensees that choose not to serve alcoholic beverages after 2:00 a.m. in the morning on ~~Friday~~, Saturday and/or Sunday. Those licensees that choose to make this election must notify the City Clerk by August 1 of each year of their election. This election shall be effective for a one year period.

C. A licensee of an establishment that chooses to serve alcoholic beverages shall impose a closing time of 3:00 a.m. in the morning on ~~Friday~~, Saturday and/or Sunday and 2:00 a.m. in the morning on all other days. The provisions of this subsection shall not apply to those licensees that choose not to serve alcoholic beverages after 2:00 a.m. in the morning on Friday, Saturday and/or Sunday. Those licensees that choose to make this election must notify the City Clerk by August 1 of each year of their election. This election shall be effective for a one year period.

## **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 affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain 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.

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 **July 11, 2012** at 7:00 PM.

---Motion duly seconded by Councilman Cunningham

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

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

---Nays: None.

---Absent: Mello

## **NEW BUSINESS**

Councilman Cunningham comments on tax maps with the state and the impact on the seniors due to the reval, there's a program called Senior Freeze Program which freezes the assessed value for seniors

Councilman Mello has left the meeting at 1:24 AM

Meeting of June 20, 2012

Councilman Occhipinti asks BA Wiest if there is a search for a replacement for Corporation Counsel

Councilman Occhipinti introduces an ordinance for first reading for the next City Council meeting.

**AN ORDINANCE ESTABLISHING A CODE OF CONDUCT FOR APPOINTEES TO HOBOKEN MUNICIPAL BODIES** (sponsored by Councilman Occhipinti and seconded by Councilwoman Mason)

Councilman Occhipinti comments and would like the 1<sup>st</sup> reading for this evening be placed on the next City Council meeting.

Council President comments and asks Councilman Occhipinti if this would go into sub-committee

Councilwoman Giattino comments next Thursday at 6:30 PM

Councilwoman Giattino comments on (2) properties, Newark and Garden and Observer and Garden which would be available to the public and Assistant BA Marks is looking into it now

Councilwoman Mason comments on the Waterfront Failure and to recover Tax Payer money

BA Wiest comments that he has been advised that there is no accountability

Councilwoman Mason comments on the Mayor cutting on Willow and 12 and there will be a Plan B for the Park, when is the opportunity for Plan B, when will the meeting take place

BA Wiest comments

Councilwoman Mason comments on the Claims, invoices from Oct. 2011, June 2011, & Dec. 2011 for furniture, cabinets in the Tax Collectors office

BA Wiest comments there are still PO's from 2011 still in the system, the biggest problem with municipalities is the vendors to FAIL to sign the PO and return it.

Councilwoman Mason comments for the summary sheets, could you please put the years on there

Councilwoman Castellano comments that Sinatra Park, a lot of activity, but past 2 weeks, no activity and follow up with Director Pellegrini

Councilwoman Castellano comments that she will speak to Director Forbes to protect Affordable Housing

#### PUBLIC PORTION

All regular business concluded the following members of the public spoke at the "Public Portion" of the meeting: Ron Simoncini, Patricia Waiters, Joseph Branco, John Leffert.

Council President reads the Closed Session resolution:

#### **RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUANT TO N.J.S.A. 10:4-12 AND ATTORNEY CLIENT PRIVILEGE RELATING TO SETTLEMENT OF PENDING LITIGATION IN THE MATTER OF BURKE V. CITY OF HOBOKEN, HUD-DC-1575-12**

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(7) and attorney client privilege; and

Meeting of June 20, 2012

WHEREAS, one of these reasons is to receive advice from legal counsel relating to negotiations and potential settlement of pending litigation, such as in the matter of Burke v. City of Hoboken, HUD-DC-1575-12; 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.

**CLOSED SESSION**

Councilwoman Mason motions to go into Closed Session seconded by Councilwoman Castellano

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

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

---Nays: None.

---Absent: Mello

At 2:04 AM. The Governing Body entered into a closed session.

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

Interim Corporation Counsel Mellissa Longo  
Assistant Corporation Counsel Alysia Smickley  
Business Administrator Wiest

**12-592**

**RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUANT TO N.J.S.A. 10:4-12 AND ATTORNEY CLIENT PRIVILEGE RELATING TO SETTLEMENT OF PENDING LITIGATION IN THE MATTER OF BURKE V. CITY OF HOBOKEN, HUD-DC-1575-12**

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(7) and attorney client privilege; and

WHEREAS, one of these reasons is to receive advice from legal counsel relating to negotiations and potential settlement of pending litigation, such as in the matter of Burke v. City of Hoboken, HUD-DC-1575-12; 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.

Meeting of June 20, 2012

**RESOLUTION AUTHORIZING THE EXECUTION OF THE ATTACHED  
SETTLEMENT AGREEMENT IN THE MATTER OF BURKE V. CITY OF HOBOKEN,  
HUD-DC-1575-12**

WHEREAS, the City of Hoboken is currently Defendant in a small claims matter with Plaintiff Burke; and,

WHEREAS, counsel to the City has advised that the terms and conditions of the attached agreement offers a fair and reasonable settlement of the matter that represents the best interest of the City in resolution of the litigation; and,

WHEREAS, the Administration seeks authorization to formally execute the negotiated settlement.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Hoboken, that the Mayor or her authorized agent are hereby authorized to enter into the attached agreement, or a similar agreement representing the same substantive terms and conditions.

This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman

---Adopted by the following vote: YEAS: 9 - NAYS: 0

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

---Nays: None.

Motion to come out of closed session duly by Councilman Russo and seconded by the Governing Body.

At 2:28 AM the Governing Body on a motion By Councilman Russo duly seconded by the Governing Body

Council President Bhalla then adjourned the meeting at 2:29 AM

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PRESIDENT OF THE COUNCIL

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CITY CLERK