

SPECIAL MEETING OF JUNE 5, 2013

MINUTES OF A SPECIAL MEETING OF THE COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY, HELD IN THE COUNCIL CHAMBERS, CITY HALL, HOBOKEN, NEW JERSEY, WEDNESDAY, JUNE 5, 2013 AT 6:00 PM

President Cunningham opened the meeting at 5: 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

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

The Clerk then called the roll:

PRESENT: Council persons Bhalla, Castellano, Giattino, Mason, Mello, Occhipinti (see below)*, Russo (see below)* and President Cunningham

ABSENT: ~~Occhipinti and Russo~~

Council President comments and reads the Closed Session resolution below:

13-266

May 31, 2013

Via Hand Delivery

City Clerk James Farina
94 Washington Street
Hoboken, New Jersey 07030

Dear City Clerk Farina:

Please be advised that as the Mayor of the City of Hoboken, I hereby call a Special Meeting for the purpose of conducting a Closed Session of the Governing Body for Wednesday, June 5, 2013 from **5:30 P.M. – 7:00 P.M.** in the City Council Chambers, 94 Washington Street, First Floor, Hoboken, New Jersey, for the following purposes:

RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUANT TO N.J.S.A. 10:4-12(B)(3) & (8) AND ATTORNEY CLIENT PRIVILEGE RELATING TO THE PENDING WORKERS COMPENSATION MATTER KNOWN AS WC000118521 (QUINONES)

RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUANT TO N.J.S.A. 10:4-12 AND ATTORNEY CLIENT PRIVILEGE RELATING TO PENDING LITIGATION IN THE WORKERS COMPENSATION MATTER KNOWN AS (WC00209779)

RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUANT TO N.J.S.A. 10:4-12 AND ATTORNEY CLIENT PRIVILEGE RELATING TO PENDING LITIGATION IN THE MATTER OF CAMPBELL V. CITY OF HOBOKEN (WC890750184)

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

RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUANT TO N.J.S.A. 10:4-12 AND ATTORNEY CLIENT PRIVILEGE RELATING TO PENDING LITIGATION IN THE MATTER OF TURNER V. CITY OF HOBOKEN (WC082257)

RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUANT TO N.J.S.A. 10:4-12(B) (5) AND ATTORNEY CLIENT PRIVILEGE RELATING TO PENDING LITIGATION REGARDING BLOCK 12 IN THE CITY OF HOBOKEN AND TO RECEIVE ADVICE FROM THE CITY LEGAL COUSEL FOR THE MATTER, ED BUZAK, ESQ.

RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUANT TO N.J.S.A. 10:4-12(B) (7) AND ATTORNEY CLIENT PRIVILEGE RELATING TO PENDING LITIGATION KNOWN AS CITY OF HOBOKEN VS. WATERFRONT CORPORATE CENTER (SJP PROPERTIES) AND TO RECEIVE ADVICE FROM THE CITY LEGAL COUSEL FOR THE MATTER, JOE MARAZITI, ESQ.

Action **may not** be taken at this meeting and no other subjects will be discussed. After the Closed Session the Special Meeting will end and the regularly scheduled City Council meeting will follow at 7:00 PM. Please ensure the City Council Members are noticed of this Special Meeting for the purpose of conducting a Closed Session. Also, please publicly notice this Special Meeting, for the purpose of conducting a Closed Session as required by the Open Public Meetings Act N.J.S.A. 10:4-6.

Very truly yours,

//s//

Dawn Zimmer
Mayor

Received and Filed

CLOSED SESSION

Councilwoman Giattino motions and seconded by the Councilman Bhalla to enter into Closed Session

To vote to enter into Closed Session:

PRESENT: Council persons Bhalla, Castellano, Giattino, Mello, Mason (see below) , Occhipinti (see below)*, Russo (see below)* and President Cunningham

ABSENT: Occhipinti (see below) and Russo (see below)

Special Counsel Louis Masucci, Esq. from Weiner Lesniak discusses about resolution #1A
Corporation Counsel Longo

At 5:35 P.M. The Governing Body entered into a closed session.

13-266A

RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUANT TO N.J.S.A. 10:4-12(b)(3) & (8) AND ATTORNEY CLIENT PRIVILEGE RELATING TO THE PENDING WORKERS COMPENSATION MATTER KNOWN AS WC000118521 (Quinones)

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(b)(3) & (8), and for matters falling within attorney client privilege (for legal guidance on matters relating to the negotiation of worker's compensation litigation); and

WHEREAS, the City seeks to obtain a status update and legal guidance on issues relating to negotiations of settlement in the worker's compensation matter known as WC000118521 (Quinones); and

WHEREAS, one of the reasons to go into closed session is to receive advice from legal counsel, which is subject to attorney client privilege and which is offered regarding pending negotiations of the type listed herein; and,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken that it enter into closed session for the herein 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.

At 5:35 P.M. Special Counsel Louis Masucci, Esq. of Weiner Lesniak gives an overview to the Governing Body in regards to resolution #1A, 2A & 3A

13-266B

RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUANT TO N.J.S.A. 10:4-12 AND ATTORNEY CLIENT PRIVILEGE RELATING TO PENDING LITIGATION IN THE WORKERS COMPENSATION MATTER KNOWN AS WC00209779

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, for legal guidance on pending litigation, and attorney client privilege; and

WHEREAS, one of these reasons is to receive advice from legal counsel relating to pending litigation in legal matters (specifically the workers compensation matter known as

WC00209779); and

WHEREAS, one of the reasons to go into closed session is to receive advice from legal counsel, which is subject to attorney client privilege and which is offered in pending litigation, with regards to the workers compensation matter known as WC00209779; 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.

13-266-C

RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUANT TO N.J.S.A. 10:4-12 AND ATTORNEY CLIENT PRIVILEGE RELATING TO PENDING LITIGATION IN THE MATTER OF CAMPBELL V. CITY OF HOBOKEN (WC890750184)

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, for legal guidance on pending litigation, and attorney client privilege; and

WHEREAS, one of these reasons is to receive advice from legal counsel relating to pending litigation in legal matters (specifically the Matter of Campbell v. City of Hoboken [WC890750184]); and

WHEREAS, one of the reasons to go into closed session is to receive advice from legal counsel, which is subject to attorney client privilege and which is offered in pending litigation, with regards to the Matter of Campbell v. City of Hoboken; 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.

At 6:05 P.M. Mr. Victor Lucatoro came in and spoke he is ok with this option.

**** At 6:07 P.M. Special Counsel Louis Masucci Esq. and Mr. Lucatoro has left the table due to no other business during Closed Session ****

At 6:08 PM Special Counsel Ian Zolty Esq. gives an overview to the Governing Body in regards to resolution #5A

13-266D

RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS

**PURSUANT TO N.J.S.A. 10:4-12 AND ATTORNEY CLIENT PRIVILEGE
RELATING TO PENDING LITIGATION IN THE MATTER OF TURNER V. CITY
OF HOBOKEN (WC082257)**

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, for legal guidance on pending litigation, and attorney client privilege; and

WHEREAS, one of these reasons is to receive advice from legal counsel relating to pending litigation in legal matters (specifically the Matter of Turner v. City of Hoboken [WC082257]); and

WHEREAS, one of the reasons to go into closed session is to receive advice from legal counsel, which is subject to attorney client privilege and which is offered in pending litigation, with regards to the Matter of Turner v. City of Hoboken; 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.

**** At 6:14 P.M. Special Counsel Ian Zolty Esq. has left the table due to no other business during Closed Session ****

At 6:14 P.M. Special Counsel Susan O'Connor Esq. gives an overview to the Governing Body in regards to resolution #4A

13-266E

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

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, for legal guidance on pending litigation, and attorney client privilege; and

WHEREAS, one of these reasons is to receive advice from legal counsel relating to pending litigation in legal matters (specifically the Matter of James v. City of Hoboken); and

WHEREAS, one of the reasons to go into closed session is to receive advice from legal counsel, which is subject to attorney client privilege and which is offered in pending litigation, with regards to the Matter of James v. City of Hoboken; 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.

At 6:22 P.M. Councilwoman Giattino has left the table

At 6:23 P.M. Councilwoman Giattino has returned to the table

*****At 6:24 P.M. Councilman Occhipinti has entered the Closed Session*****

** At 6:28 P.M. Special Counsel Susan O'Connor, Esq. has left the table due to no other business during Closed Session **

At 6:45 P.M. Special Counsel Ed Buzak Esq. gives an overview to the Governing Body in regards to resolution #6A

13-266F

RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUANT TO N.J.S.A. 10:4-12(B)(5), (B)(7) AND ATTORNEY CLIENT PRIVILEGE RELATING TO PENDING LITIGATION AND ACQUISITION OF PROPERTY COMMONLY REFERRED TO AS BLOCK 12 AND TO RECEIVE ADVICE FROM THE CITY'S LEGAL COUNSEL FOR THE MATTER, ED BUZAK, ESQ.

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(b)(5) and (b)(7), and for matters falling within attorney client privilege (for legal guidance on matters relating to pending litigation and acquisition of property); and

WHEREAS, the City seeks to obtain a status update and legal guidance on pending litigation and ongoing legal issues relating to the acquisition of Block 12; and

WHEREAS, one of the reasons to go into closed session is to receive advice from legal counsel, which is subject to attorney client privilege and which is offered regarding pending legal matters of the type listed herein; and,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken that it enter into closed session for the herein 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.

** At 7:07 P.M. Special Counsel Ed Buzak Esq. has left the table due to no other business during Closed Session **

At 6:30 P.M. Special Counsel Joe Maraziti gives an overview to the Governing Body in regards to resolution #7A

13-266G

RESOLUTION AUTHORIZING CLOSED SESSION TO DISCUSS MATTERS PURSUANT TO N.J.S.A. 10:4-12(b)(7) AND ATTORNEY CLIENT PRIVILEGE RELATING TO PENDING LITIGATION KNOWN AS CITY OF HOBOKEN V. WATERFRONT CORPORATE CENTER (SJP PROPERTIES) AND TO RECEIVE ADVICE FROM THE CITY'S LEGAL COUNSEL FOR THE MATTER, JOE MARAZITI, ESQ.

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(b)(7), and for matters falling within attorney client privilege (for legal guidance on matters relating to pending litigation); and

WHEREAS, the City seeks to obtain a status update and legal guidance on pending litigation and ongoing legal issues relating to SJP Properties' construction at Block B, including but not limited to the matter of City of Hoboken v. Waterfront Corporate Center; and

WHEREAS, one of the reasons to go into closed session is to receive advice from legal counsel, which is subject to attorney client privilege and which is offered regarding pending litigation of the type listed herein; and,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken that it enter into closed session for the herein 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.

At 6:37 P.M. Councilman Bhalla has left the table.

At 6:45 P.M. Councilman Russo has entered the meeting.

At 6:48 P.M. Councilman Bhalla has returned to the meeting at 6:48 P.M.

** At 6:45 P.M. Special Counsel Joe Maraziti Esq. has left the table due to no other business during Closed Session **

Motion by Councilman Bhalla to come out of closed session duly by Council and seconded by the Councilwoman Giattino

At 7:07 P.M. The Governing Body has come out of closed session.

PRESIDENT OF THE COUNCIL

CITY CLERK