

**MEETING OF MAY 1, 2013**

**MINUTES OF A MEETING OF THE COUNCIL OF THE CITY OF HOBOKEN, NEW JERSEY,  
HELD IN THE COUNCIL CHAMBERS, CITY HALL, HOBOKEN, NEW JERSEY, WEDNESDAY,  
MAY 1, 2013 AT 7:00 PM**

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President Cunningham opened the meeting at 7:15 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

Then the roll was called by the City Clerk:

Present: Council persons Bhalla, Castellano, Giattino, Mason, Mello, Occhipinti, Russo and President Cunningham.

**SECOND READING/PUBLIC HEARING AND FINAL VOTE**

**ORDINANCES**

**Second and Final Reading**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF HOBOKEN GRANTING A NON-EXCLUSIVE TEMPORARY REVOCABLE EASEMENT FOR CERTAIN ENCROACHMENTS WITHIN THE PUBLIC RIGHT-OF-WAY ALONG OBSERVER HIGHWAY, BETWEEN PATERSON AVENUE AND JACKSON STREET, MORE PARTICULARLY KNOWN AS BLOCK 14, LOT 1 ON THE TAX MAPS OF THE CITY OF HOBOKEN, AND COMMONLY REFERED TO AS 61 JACKSON STREET **(Z-230)**

William N. Dimin, Esq. who represents the client comments and gives an overview

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

President Cunningham moved that the hearing be closed.

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

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

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 6 – NAYS: 2

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

---Nays: Giattino, Mello.

BOND ORDINANCE AUTHORIZING THE REHABILITATION AND RECONSTRUCTION OF PIER "A" IN THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$2,500,000 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 AMOUNT OF UP TO \$2,375,000; MAKING CERTAIN DETERMINATIONS AND CONVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTIONS WITH THE FOREGOING **(Z-235) (Carried to the next city council meeting)**

AN ORDINANCE TO AMEND PORTIONS OF CHAPTER 93 ENTITLED "DOGS AND OTHER ANIMALS," SPECIFICALLY SECTION 93-1, SECTION 93-15 AND SECTION 93-17 **(Z-238)**

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

President Cunningham moved that the hearing be closed.

---Motion duly seconded by Councilwoman Castellano

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

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

---Nays: None.

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

---Motion duly seconded by Councilwoman Mason

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

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

---Nays: None.

### **PUBLIC PORTION**

All regular business concluded the following members of the public spoke at the "Public Portion" of the meeting: Carmelo Garcia, Patricia Waiters, Brian Bradley, Cheryl Fallick, Mary Ondrejka, Dan Tumpson

Councilman Occhipinti has left the meeting at 8:49 PM

Councilman Occhipinti has returned to the meeting at 8:59 PM

Councilwoman Mason has left the meeting at 8:59 PM

Councilwoman Mason has returned to the meeting at 9:05 PM

**APPLICATION FOR MISCELLANEOUS LICENSES**

Vendors-----2 items

---President Cunningham moved that the licenses be granted.  
---Adopted by the following vote: YEAS: 7 – NAYS: 0 - ABSENT: 1  
---Yeas: Council persons Bhalla, Castellano, Giattino, Mello, Occhipinti, Russo and President Cunningham  
---Nays: None.  
---Absent: Mason

**13-219**

---By Councilwoman Giattino

**CLAIMS**

Total for this agenda:**\$9,547,291.80 - \$92.00 (13-01615) - \$100.00 (13-01619) - \$125.00 (13-01396) = \$9,546,974.80**

---Motion duly seconded by President Cunningham  
---Adopted by the following vote: YEAS: 6 – NAYS: 3 -ABSTAIN: 1  
---Yeas: Council persons Bhalla, Castellano, Giattino, Mason, Mello, and President Cunningham  
---Nays: Mason 12-03868, 3-01286, 13-01641, 13-01300, 13-01297m 13-01296, 13-01259, see attached document, Occhipinti and Russo  
---Abstain: Mason 13-00129, 13-00140

BA Wiest comments 13-01615 for the amount of \$92.00 page 6 would like to pull this claim:

Council President comments and would like to also pull 13-01619 for the amount of \$100.00.

Councilman Occhipinti comments and would like to pull 13-01396 for \$125.00.

Councilman Occhipinti commented and would like to pull 13-01605 in the amount of \$20,525.50.

Councilman Russo has left the meeting at 9:05 PM  
Councilman Russo has returned to the meeting at 9:11 PM

Councilwoman Castellano has left the meeting at 9:13 PM  
Councilwoman Castellano has returned to the meeting at 9:18 PM

Councilman Mello has left the meeting at 9:23 PM  
Councilman Mello has returned to the meeting at 9:25 PM

**13-220**

---By Councilwoman Giattino

**PAYROLL**

**For the two week period starting April 11, 2013 –April 24, 2013**

Regular Payroll	O/T Pay	Other Pay
\$1,517,705.07	\$124,503.22	\$67,073.08

Total - \$1,709,281.37

Councilman Occhipinti comments on O/T pay.

---Motion duly seconded by President Cunningham

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

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

---Nays: None.

**PUBLIC PORTION ON RESOLUTIONS**

The speaker who spoke Patricia Waiters.

**13-221**

---By Councilman Mello

**RESOLUTION AUTHORIZING EXECUTION OF THE CITY OF HOBOKEN SETTLEMENT AGREEMENT WITH THE URSA PARTIES**

**WHEREAS**, the City Administration and various parties collectively referred to as the “Ursa Parties” have negotiated an agreement by which the City and the Ursa Parties have agreed to resolve their legal issues concerning the Ursa Parties’ request for certificates of completion for real property at 1100-1106 Jefferson Street and 1101-1111 Madison Street; and

**WHEREAS**, the negotiated agreement is attached hereto, and has been approved by all other parties; and,

**WHEREAS**, the City of Hoboken has been advised that the presented settlement of this dispute is in the best interest of the City because it resolves legal issues which are of uncertain outcome if litigated; and,

**WHEREAS**, the City Council wishes to approve the attached settlement agreement and authorize its execution in resolution of the matter Ursa Development Group, LLC et al. v. City of Hoboken, et al., known as Docket No. HUD-L-6449-11 (N.J. Sup. Ct. Law Div.).

**NOW, THEREFORE**, it is hereby resolved by the City Council as follows:

1. The Mayor is hereby authorized to execute a settlement agreement between the City of Hoboken and the Ursa Parties, in the form attached hereto or in a form substantially similar thereto, for purposes of resolving the matter Ursa Development Group, LLC et al. v. City of Hoboken, et al., known as Docket No. HUD-L-6449-11 (N.J. Sup. Ct. Law Div.).

2. Staff and consultants to the City are hereby authorized and directed to take all other administrative actions to implement this Resolution as are necessary and appropriate to accomplish its goals and intent.
3. This Resolution shall be effective immediately.

The speaker who spoke: Special Counsel Tom Collins, Jr. gives an overview of the resolution.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: Occhipinti

**13-222**

---By Councilwoman Giattino

**RESOLUTION APPOINTING DAVID CORRIGAN, ESQ. AS EXPERT WITNESS FOR THE CITY OF HOBOKEN IN THE MATTERS OF ANDRIANI V. CITY OF HOBOKEN, AND AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH DAVID CORRIGAN, ESQ. FOR SAID SERVICES FOR A ONE (1) YEAR TERM TO COMMENCE ON MAY 1, 2013 AND TERMINATE ON APRIL 30, 2014 WITH A NOT TO EXCEED AMOUNT OF \$7,500.00**

**WHEREAS**, the City of Hoboken requires the services of an expert witness in the Andriani v. City of Hoboken matters; and,

**WHEREAS**, David Corrigan, Esq.'s request for payment for services was submitted and reviewed without being compliant with Hoboken Ordinance #DR-154 (codified as §20A-1 et seq. of the Code of the City of Hoboken), which requires competitive negotiation for Professional Service contracts; and,

**WHEREAS**, David Corrigan, Esq. shall be required to comply with all local, state and federal laws regarding pay-to-play and public contracting, as well as any local, state or federal laws regarding contributions and reporting; and,

**WHEREAS**, the appointment is approved as a professional service contract, the appointee shall be considered a per-diem non-employee, the appointee shall be entitled to \$300.00 per hour in lieu of any and all other fees and benefits; accordingly, the appointee is not an employee of the City of Hoboken and therefore is not entitled to any vacation, sick or personal days, longevity, pension credits, or the like;

**WHEREAS**, the City Council hereby authorizes to the award of a contract to David Corrigan, Esq. for services as an expert witness in the Andriani v. City of Hoboken matters with an appropriation in the amount not to exceed Seven Thousand Five Hundred Dollars (\$7,500.00);

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

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$7500.00 is available in the following appropriation \_\_\_\_\_ in the temporary CY2013 appropriation; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said**

appropriation for the CY2013; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

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

**NOW THEREFORE, BE IT RESOLVED** (*a majority of the full council concurring*) that the City Council of the City of Hoboken, County of Hudson, hereby awards a contract to David Corrigan, Esq. for services as expert witness in the Andriani v. City of Hoboken matters for a one year term to commence May 1, 2013 and expire April 30, 2014, in an amount not to exceed Seven Thousand Five Hundred Dollars (\$7,500.00); and,

**BE IT FURTHER RESOLVED** David Corrigan, Esq. shall be considered a per-diem non-employee, shall be entitled to \$275.00 per court session in lieu of any and all other fees and benefits; and, accordingly, is not an employee of the City of Hoboken and therefore is not entitled to any vacation, sick or personal days, longevity, pension credits, or the like; and,

**BE IT FURTHER RESOLVED** that this appointment and accompanying contract be for a one (1) year term to commence on May 1, 2013 and expire on April 30, 2014; and,

**BE IT FURTHER RESOLVED** David Corrigan, Esq. shall be required to comply with all local, state and federal laws regarding pay-to-play and public contracting, as well as any local, state or federal laws regarding contributions and reporting; 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 Bhalla

---Adopted by the following vote: YEAS: 7 – NAYS: 0 –ABSTAIN: 1

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

---Nays: None.

---Abstain: Russo

**13-223**

---By Councilwoman Castellano

**RESOLUTION AUTHORIZING THE LOCATION OF THE DOWNTOWN HOBOKEN FARMERS' MARKET ON TUESDAYS DURING THE MONTHS OF JUNE, JULY, AUGUST, SEPTEMBER, OCTOBER AND NOVEMBER.**

WHEREAS, the Quality of Life Coalition and the City of Hoboken are sponsoring a farmers'

market along the east side of Washington Street between Newark Street and Observer Highway; and

WHEREAS, the Hoboken Farmers' Market will take place every Tuesday, beginning June 25, 2013 and ending Tuesday, November 18, 2013; and

WHEREAS, the Hoboken Quality of Life Coalition and City of Hoboken request that the Council of the City of Hoboken suspend parking meter rules on that section of the East side of Washington Street just south of Newark Street so that the farmers can park their trucks to unload and sell their goods.

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

1. The above recitals are incorporated herein as though fully set forth at length.
2. The Council hereby authorizes the Mayor or her designee to execute any and all documents and take any and all actions necessary to complete and receive the intent and purpose of this resolution.
3. The parking meters along the East side of Washington Street just South of Newark Street are hereby suspended on every Tuesday from 12:00 P.M. to 9:00 P.M. beginning Tuesday, June 25, 2013 and ending Tuesday, November 18, 2013.
4. The sidewalk along the East side of Washington Street between Newark Street and Observer Highway shall be cleared of loiterers every Tuesday from 12:00 P.M. to 9:00 P.M. beginning at 12:00 P.M. on Tuesday, June 25, 2013 and ending at 9:00 P.M. on Tuesday, November 18, 2013.
5. The Hoboken Police Department and Hoboken Parking Utility shall take action to effectuate and enforce these regulations.
6. A certified copy of this resolution shall be provided to Mayor Dawn Zimmer, Business Administrator Quentin Wiest, Director Jon Tooke, and Director John Morgan.

This Resolution shall take effect immediately.

---Motion duly seconded by President Cunningham

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

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

---Nays: None.

**13-224**

---By President Cunningham

**RESOLUTION AUTHORIZING THE LOCATION OF THE 2013 UPTOWN FARMERS' MARKET ON THURSDAYS DURING THE MONTHS OF MAY, JUNE, JULY, AUGUST, SEPTEMBER AND OCTOBER**

**WHEREAS**, the Quality of Life Coalition of Hoboken and the City of Hoboken is sponsoring a farmers' market along the east side of Hudson Street between 13<sup>th</sup> and 14<sup>th</sup> Streets; and

**WHEREAS**, a sponsor, manager, vendors and their liability coverage will be determined and submitted prior to the Market's opening day, the Uptown Farmers' Market will take place every Thursday, beginning May 9, 2013 and every Thursday thereafter ending no earlier than Thursday October 31, 2013; and

**WHEREAS**, the City of Hoboken request that the Council of the City of Hoboken suspend parking rules on that section of the east side of Hudson Street between 13<sup>th</sup> and 14<sup>th</sup> Streets so that the farmers can park their trucks to unload and sell their goods.

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

1. The above recitals are incorporated herein as though fully set forth at length.
2. The Council hereby authorizes the Mayor or his designee to execute any and all documents and take any and all actions necessary to complete and receive the intent and purpose of this resolution.
3. The Police Division shall enforce this regulation.
4. A certified copy of this resolution is provided to Mayor Dawn Zimmer, Director Leslie Shenkler, Police Chief Anthony Falco, Fire Chief Richard Bloom, Superintendent Joseph Bucino, Central Garage Supervisor William DeAngelo, and Ian Sacs, P.E., Director, Parking Utility.

This Resolution shall take effect immediately.

---Motion duly seconded by Councilwoman Giattino

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

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

---Nays: None.

### **13-225**

---By Councilman Russo

### **RESOLUTION AUTHORIZING ST. ANN'S CHURCH TO CONDUCT ITS 103<sup>RD</sup> ANNUAL FESTIVAL**

**WHEREAS**, St. Ann's Church has requested permission to conduct its annual Feast in Honor of St. Ann from Thursday, July 24<sup>th</sup> through Thursday, July 28<sup>th</sup>, 2013; and

**WHEREAS**, St. Ann's Church has indicated on the attached agenda and its requirements to successfully conduct the Feast as follows:

1. To have a procession with the Statue of St. Ann through the streets of Hoboken
2. To erect a bandstand at the corner of 7<sup>th</sup> and Jefferson Streets and one in their courtyard.
3. To have electrical illumination and decorations in the Church area
4. To erect concession stands for vendors of food, novelties, games & rides in the Church area
5. To have music and entertainment on the bandstands
6. To close streets to traffic as outlined in the attached diagram, on the following days and hours:

***Wednesday, July 24<sup>th</sup> through Thursday, July 25<sup>th</sup> from 6:00 pm through 11:00 pm***

*Friday, July 26<sup>th</sup> from 11:00 am through 11:00 pm*  
*Saturday, July 27<sup>th</sup> and Sunday, July 28<sup>th</sup> from 1:00 pm through 11:00 pm*

7. To have rides on Madison Street – between 7<sup>th</sup> and 8<sup>th</sup> Streets
8. To have the streets cleared of all vehicles, per enclosed diagram, from Tuesday, July 23<sup>rd</sup> at 8:00 am through Monday, July 29<sup>th</sup> at 8:00 pm so that we may do the following:
  - Put trailers into place
  - Erect rides
  - Set-up vendor booths
  - Clean up after festival
9. To place the festival banners on city poles along Washington Street
10. To clear street in the alcove in front of the Citadel Condominiums at the corner of 7<sup>th</sup> & Jefferson Streets on Tuesday, July 23<sup>rd</sup> at 6:00 am in order for the bandstand to be erected

**RESOLVED**, that the Council for the City of Hoboken agrees to allow St. Ann's Church permission to conduct its 103<sup>rd</sup> annual Feast in honor of St. Ann in accordance with the Whereas clauses herein, subject to St. Ann's Church providing the City Administration with (1) a Certificate of Insurance in the amount of at least \$1,000,000.00 per occurrence, naming the City of Hoboken and its officers agents and elected officials as additional insured and including a thirty (30) day notice of cancellation to the City of Hoboken c/o Corporation Counsel, and (2) a fully executed Indemnity and Hold Harmless Agreement in favor of the City, the substance of which shall be approved by the Corporation Counsel. These documents shall be **conditions precedent** to the City's approval of the within Agenda and any action taken by the City thereunder.

---Motion duly seconded by Councilwoman Castellano

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

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

---Nays: None.

**13-226**

---By Councilwoman Giattino

**RESOLUTION SUPPORTING THE ANNUAL "MEMORIAL DAY PARADE"**

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

**WHEREAS**, this year marks the 115<sup>th</sup> continuance year of marching to honor those men and woman who made the ultimate sacrifice for their Country; and

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

1. The Parade Committee proposes the date May 22<sup>nd</sup>, 2013 at 6:30 p.m.
2. The Parade Committee proposes no parking on both sides of Washington Street from Observer Highway to First Street from 2:00 p.m. to 8:00 p.m..
3. The Parade Committee would also propose no parking on both sides of Washington Street from Tenth Street to Eleventh Street from 12:00 p.m. to 9:00 p.m..
4. The parade route will proceed north on Washington Street to Eleventh Street.
5. A reviewing stand will be located at 1005 Washington Street (“Elks Club”)

**RESOLVED**, that the Council for the City of Hoboken agrees to allow the Hoboken Joint Memorial Committee permission to conduct its annual “Memorial Day Parade along Washington Street, and requests the Administration, Department of Transportation, and Department of Public Safety take any and all steps necessary to effectuate this parade.

**BE ADVISED**, the entire parade route needs to be shut down from Hudson on Washington and Bloomfield on to Washington during the parade for the safety of the parade watchers

---Motion duly seconded by President Cunningham

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

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

---Nays: None.

**13-227**

---By Councilman Bhalla

**RESOLUTION APPOINTING TEN INDIVIDUALS AS CLASS II SPECIAL LAW ENFORCEMENT OFFICERS FOR THE CITY OF HOBOKEN**

**WHEREAS**, N.J.S.A. 40A:14-146.10 permits municipalities to appoint certain classes of special law enforcement officers; and

**WHEREAS**, Chapter 59 of the Code of the City of Hoboken establishes the position of Class II Special Law Enforcement Officer; and

**WHEREAS**, the City of Hoboken wishes to appoint the following individuals as Class II Special Law Enforcement Officers: (i) Cynthia Rivera; (ii) Marc Lombardi; (iii) Christian Roman; (iv) Omar Navarro; (v) Justin DiGuglielmo; (vi) Kyle Seper; (vii) Edward White; (viii) Anthony Rutkowski; (ix) Kevin Rivera; and, (x) Shaun Ploth; and

**WHEREAS**, a resolution from the City Council of the City of Hoboken is necessary to sponsor these Class II special law enforcement officers so they may attend a police academy to obtain the training, education and certification needed for this position; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Hoboken that the following individuals are hereby appointed Class II Special Law Enforcement Officers for the City of Hoboken: (i) Cynthia Rivera; (ii) Marc Lombardi; (iii) Christian Roman; (iv) Omar

Navarro; (v) Justin DiGuglielmo; (vi) Kyle Seper; (vii) Edward White; (viii) Anthony Rutkowski; (ix) Kevin Rivera; and, (x) Shaun Ploth; and

**BE IT FURTHER RESOLVED** that these appointees are hereby sponsored by the City of Hoboken to attend the Essex County Police Academy in Cedar Grove, New Jersey:

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

**13-228**  
---By Councilwoman Giattino

**RESOLUTION AWARDING A CONTRACT TO FINE WALL CORPORATION FOR THE PROVISIONS OF REHABILITATION OF THE HOBOKEN FIRE HOUSE HEADQUARTERS (NON-SANDY RELATED REHAB) IN ACCORDANCE WITH THE CITY'S BID NO. 12-14 IN THE TOTAL AMOUNT OF \$64,500.00**

**WHEREAS**, proposals were received for Bid Number 12-14 for the provisions of Non-Sandy related Rehabilitation of the Hoboken Fire House Headquarters; and,

**WHEREAS**, Two (2) bid proposal was received in good stead which were considered responsible and responsive:

<u>VENDOR</u>	<u>TOTAL AMOUNT PROPOSED</u>
Fine Wall Corp. Iselin, New Jersey 08830	\$64,500.00
Adamo Brothers Construction Ridgefield Park, New Jersey 07657	\$71,100.00

**WHEREAS**, pursuant to the recommendation of the City Engineer (attached hereto) the City wishes to contract for the goods specified in Bid No. 12-14, and Fine Wall Corp. submitted a responsible, and responsive bid in the amount of \$64,500.00; and,

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

I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$64,500.00 is available in the following appropriation C-04-60-711-340 in the Capital Budget of CY2013; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said appropriation for the CY2013; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.

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

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

- A. This resolution awards a contract to Fine Wall Corp. for Bid No. 12-14, in the total amount of Sixty Four Thousand Five Hundred Dollars (\$64,500.00). This award is subject to Fine Wall Corp. providing the City of Hoboken with a properly executed substantively acceptable Bidder's Safety Acknowledgement form as a condition precedent to the City executing and entering into the actual contractual agreement.
- B. If the contract, as provided by the City of Hoboken, is not executed by the vendor within 21 days of award, whether due to the vendor's failure to provide the Bidder's Acknowledgement form or otherwise, then this award shall lapse and the City of Hoboken shall have the right to rebid the project.
- C. The contract shall be in accordance with the terms of the specifications and the vendor's corresponding bid proposal documents. No exceptions were noted in the City Engineer's recommendation; therefore, none will be accepted in performing obligations under the bid.
- D. The performance bond and maintenance bond, as described in the bid specifications, shall be material terms of this agreement.
- E. This agreement is subject to liquidated damages, as described in the bid specifications.
- F. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor or her agent is hereby authorized to enter into an Agreement with the contractor, subject to the conditions of this award.
- G. This resolution shall take effect immediately upon passage.

---Motion duly seconded by President Cunningham

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

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

---Nays: None.

**13-229**

---By Councilman Bhalla

**RESOLUTION AWARDING A CONTRACT TO TURN OUT FIRE & SAFETY, INC. TO PURCHASE FOURTEEN SETS OF PERSONNEL PROTECTIVE EQUIPMENT FOR THE HOBOKEN FIRE DEPARTMENT IN ACCORDANCE WITH STATE CONTRACT T0046/A78923 IN THE TOTAL AMOUNT OF \$38,500.00**

**WHEREAS**, N.J.S.A. 40A:11-5 permits municipalities to award public contracts without public bidding when the vendor is an approved state contractor, and Turn Out Fire & Safety, Inc. has been approved as a State Contractor pursuant to Contract Number T0046/A78923; and,

**WHEREAS**, the Hoboken Fire Department requires 14 sets of personnel protective equipment, which includes turn out coats, pants and suspenders, for its new recruits; and

**WHEREAS**, pursuant to the recommendation of the Purchasing Department, which is attached hereto, the City wishes to contract for the goods specified pursuant to State Contract T0046/A78923; and

**WHEREAS**, Turn Out Fire & Safety, Inc. has provided the City with a quotation dated April 8, 2013 for \$2,750.00 per set of personnel protective equipment, for a total quotation of \$38,500.00, a copy of which is attached hereto;

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

**I, George DeStefano, Chief Financial Officer of the City of Hoboken, hereby certify that \$38,500.00 is available in the following appropriation 3-01-44-901-003 in the CY2013 temporary appropriations; and I further certify that this commitment together with all previously made commitments and payments does not exceed the funds available in said temporary appropriation for the CY2013; and I further certify that the funds available in the said appropriation are intended for the purpose herein committed.**

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

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Hoboken that the below-listed vendor is authorized to provide the goods described in its April 8, 2013 Quotation to the Hoboken Fire Department, which is attached hereto, at cost not to exceed those listed in the Quotation, and for a total not to exceed amount of Thirty Eight Thousand Five Hundred Dollars (\$38,500.00), as follows:

1. The above recitals are incorporated herein as thought fully set forth at length.
2. The Council hereby authorizes the Mayor or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this Resolution.
3. The Mayor or her designee is hereby authorized to execute an agreement, voucher and/or purchase order for the abovementioned goods and/or services based upon the following information:

Turn Out Fire and Safety, Inc.  
3468 Kennedy Boulevard  
Jersey City, New Jersey 07307

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

**13-230**

---By Councilwoman Giattino

**RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS FOR THE CY2013 BUDGET**

**WHEREAS**, an emergent condition has arisen in that the City of Hoboken is expected to enter into contracts, commitments or payments prior to the adoption of the CY2013 budget and no adequate provision has been made in the CY2013 temporary appropriation for the aforesaid purposes; and

**WHEREAS**, N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose; and

**WHEREAS**, the total emergency temporary appropriation resolutions adopted in CY2013 pursuant to the provisions of N.J.S.A. 40A:4-20 including this resolution total \$740,000.00 for Current Expenses and \$-0- for the Parking Utility.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken, County of Hudson, State of New Jersey (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made as follows:

Anticipated Terminal Leave Appropriation      \$700,000.00

2. Said emergency temporary appropriations will be provided for in the CY2013 budget
3. That one copy of this resolution be filed with the Director, Division of Local Government Services.

---Motion duly seconded by President Cunningham

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

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

---Nays: Russo

**13-231**

---By Councilwoman Giattino

**RESOLUTION AUTHORIZING THE REFUND OF TAX OVERPAYMENTS (\$15,701.89)**

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 \$15,701.89

<u>NAME</u>	<u>OBL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
PNC Mortgage ATT: Tax Dept. P O Box 1804	38/3	213 Monroe St	1/13	\$ 890.63

Dayton, OH 45401-1804

Daskal, David                      162/1/C-P12                      1001 Clinton St                      1/13                      \$ 143.67  
39-18 Pellington Dr.  
Fair Lawn, NJ 07410-4926

Chase/Corelogic Inc              171/38                              256 Ninth St                      3/12, 4/12                      \$14,667.59  
1 Corelogic Drive  
Westlake, TX 76262

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

**13-232**

--- By Councilman Russo

**RESOLUTION APPROVING COUNCIL MINUTES**

RESOLVED, that filed minutes for the Hoboken City Council special meeting of Jan. 2, 2013 and January 16, Feb. 6, 2013 and regular meetings of Jan. 2, 2013, January 16, 2013 Feb. 6, 2013 and Feb. 20, 2013 have been reviewed and approved as to legal form and content.

---Motion duly seconded by Councilwoman Castellano  
---Adopted by the following vote: YEAS: 7 – NAYS: 1  
---Yeas: Council persons Bhalla, Castellano, Giattino, Mello, Occhipinti, Russo and President  
Cunningham.  
---Nays: Mason

**ORDINANCES**

**Introduction and First Reading**

**13-233**

**Z-239**

AN ORDINANCE TO AMEND CHAPTER 46 ENTITLED “LEASE AGREEMENTS” TO INCLUDE A LEASE AGREEMENT BETWEEN THE CITY OF HOBOKEN AND NJ TECH, INC. FOR THE USE AND MAINTENANCE OF THE SINATRA PARK CAFÉ

**WHEREAS**, the City of Hoboken owns and maintains a public park located within Hoboken that is known as Sinatra Park, and contained within that park is a building and patio areas related thereto that are commonly known as “Sinatra Park Café” (hereinafter referred to as the “Property”); and

**WHEREAS**, NJ Tech, Inc., a New Jersey nonprofit corporation having a principal business address of 601 Madison Street, Suite B, Hoboken, New Jersey, desires to use the Property for

the purposes of establishing a community technology center known as SparkLab, which is expected to serve approximately 200 individuals and the community at large; and

**WHEREAS**, the City also desires to contribute \$5,000.00 to N.J. Tech, Inc. specifically to use for SparkLab; and

**WHEREAS**, the City desires to grant N.J. Tech, Inc. a lease for the aforementioned purpose; and

**WHEREAS**, the Property is Green Acres-funded parkland that is governed by the New Jersey Department of Environmental Protection (the "NJDEP") and bound by regulations promulgated by the NJDEP; and

**WHEREAS**, the City and N.J. Tech, Inc. understand that the NJDEP must give final approval of the terms of any lease agreement between the City and N.J. Tech, Inc., that this ordinance is being presented to the City Council on first reading subject to any amendments or comments from the NJDEP, and that this ordinance will not be presented to the City Council on second reading until such approval, amendment or comments have been received from the NJDEP;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Hoboken that Chapter 39 of the Administrative Code of the City of Hoboken shall be amended as follows (additions noted in underline; ~~deletions noted in strikethrough~~):

**SECTION ONE: AMENDMENTS**

**§ 46-3 Execution of Lease Agreement with NJ Tech, Inc. for the use and maintenance of Sinatra Park Café.**

**The Mayor is hereby authorized to enter into and execute a lease agreement with NJ Tech, Inc. for the purpose of entering into the proposed lease as authorized herein for the Sinatra Park Café.**

**SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS**

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

**SECTION THREE: SEVERABILITY**

The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not effect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall 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 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 Cunningham moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **May 15, 2013** at 7:00 PM.

--Motion duly seconded by Councilman

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

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

--Nays: Occhipinti

AN ORDINANCE TO AMEND CHAPTER 190 § 29.3 ENTITLED  
“PARKING IN A METERED PARKING SPACE” TO CLARIFY THE  
PROPER PLACEMENT OF METERED PARKING RECEIPTS

**WHEREAS**, the proper placement of metered parking receipts has become an issue which results in the HPU and HPD’s inability to properly determine whether vehicles parked in metered spaces have properly paid the meter fee associated with said parking.

**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 THE SUBSTANCE OF HOBOKEN CODE § 190-29.3:**

**§ 190-29.3 Parking in a ~~paid~~ metered parking space.**

A.

A person must park a vehicle completely within the delineated parking space.

B.

A person may not park a vehicle in a ~~paid~~ metered parking space that is legally occupied by another vehicle.

C.

*Metered Parking: Display of Pay Ticket.* The pay ticket for each vehicle that is parked in a metered parking zone shall be placed for display in the curbside window of the vehicle, on the dash board, with the printed side face up, and the date and time of expiration clearly visible. The pay ticket shall be displayed as described, in an unobstructed manner that is clearly viewable by a law enforcement officer or a parking enforcement officer. Failure to satisfy this requirement shall be grounds for receipt of a parking violation for failure to pay the meter fees.

**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 remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION FOUR: EFFECTIVE DATE**

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

#### **SECTION FIVE: CODIFICATION**

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

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

President Cunningham moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **May 15, 2013** at 7:00 PM.

---Motion duly seconded by Councilman Bhalla

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

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

---Nays: Occhipinti

**13-235**  
**Z-241**

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

**THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DO ORDAIN AS FOLLOWS:**

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

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

<u>Title</u>	<u>Minimum</u>	<u>Maximum</u>
Telecommunications Operator-Part Time/Per Diem	\$16.00/hour	\$18.00/hour

President Cunningham moved that the ordinance pass its first reading as read and be laid of the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **May 15, 2013** at 7:00 PM.

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

### NEW BUSINESS

Councilwoman Castellano comments on no trucks delivered on Court Street, but going through Court Street, there's a lot of damage  
 Councilwoman Giattino comments and agrees and only residents should be dropped or deliveries  
 Councilwoman Castellano would like a sub-committee meeting and thinks it should only be the exception of Emergency vehicles and restaurants  
 Councilwoman Mason comments and would like to know the information for 1600 Park, all the documents, so we can look at all the materials from the last council meeting  
 Councilwoman Mason comments and would like bicycle enforcement riding down on sidewalks and not using any of the vehicles stop sign  
 Councilwoman Mason comments on vacancies on the boards and would like to hear them on the boards, and would like the vacancies be put up for vote on these boards  
 Councilwoman Mason comments on the Hoboken Reporter on the issues of helicopters and who do we talk to, to address this issue  
 BA Wiest comments and will investigate and come up with a good answer  
 Councilwoman Mason comments that the Mason Civic league, where there were Hurricane relief money raising over \$30K – jubilee center, liberty humane and the boys and the girls club  
 The Brennan court house in Jersey City is currently now showing the art work by court room artists  
 Councilwoman Mason comments on the 2<sup>nd</sup> annual baseball show by Paul Lempa and invite everyone to come by

Councilman Russo comments on phone calls for a possibility of a stop sign on 12<sup>th</sup> and Clinton and hopefully committee chair to add on the agenda and also the issue of parking permits due to people not registered to them, summons or nuisances in different parts of the city, residents want to know how they can sign for the complaints and willing to go to court and prosecute the complaints

Councilman Russo comments on the Affordable Housing in Hoboken, eliminating units, a settlement agreement which is eliminating over a 100 units according to our professional, this administration eliminate only 2 affordable housing for home ownership and now vision 20/20 plan by the Hoboken Housing Authority but it's vital that we have that debate and if possible allow the Director of the Housing Authority to give the presentation

Council President comments and will allow it but it will be programmed and managed  
Council President comments on the stop sign on 12<sup>th</sup> and Clinton, the traffic light on 12<sup>th</sup> and Willow and it backs up Clinton St. and we can discuss this in sub-committee, scheduled Monday night 5/6/13 a community meeting at Carpe Diem for the NW Projects – Advanced Realty, 14<sup>th</sup> and Willow, please come by 7:00 PM, 1600 Park investigation

BA Wiest comments

Council President comments that maybe we should include the bike safety laws in the summer newsletter and it comes down to enforcement, if Corp. Counsel can follow-up on the rent control for the Nov. '12 election

Councilwoman Giattino comments that the HOHA classic is hoha.net is May 12<sup>th</sup>, 100% goes to Jubilee Center

Councilman President comments a workshop should be put forth and if all Councilman Members submit their amendments

Councilman Mello comments a productive Transp. And Parking sub-committee and we may have a proposed ordinance change and it will satisfy both parties

Councilman Occhipinti comments on board appointments and would like a resolution to appoint Barbara Reyes to the Hoboken Housing Authority at the next scheduled council meeting and also the residents complained about the roller rink has some cracks and what steps to fix it, would like to see an Action Plan the ever growing graffiti in the city and lead it up to the professionals and we need to be aggressive more and more, residents can use the 311 system to take pics but we need a strategy or video surveillance, Councilwoman Mason and I, the situation regarding Pier 13 uptown the details of it?

BA Wiest comments that there is public pier but most of it is private, they made an application to the Planning Board and the meeting will be on May 7, 2013 and provide a copy of the application

Councilman Bhalla comments the Hoboken Arts & Music Festival is May 5, 2013, there will be a voter registration drive table between 11-6 PM

On Monday, our cooking oven went on fire and were able to put it out and the fire fighters were able to get there in a timely manner would like to thank them and encourage residents to look at their oven stove, there was a mechanical failure in the oven, and have a fire extinguisher close.

Hoboken Housing Authority (hereinafter HHA) Executive Director Carmelo Garcia requests an opportunity to make presentation and offer a corresponding resolution:

The vision of 20/20 presented by the Housing Authority of the City of Hoboken

Executive Director Carmelo Garcia presents

Dr. Powell gives an presentation overview

City Clerk comments that the Council Chair does not want to consider the resolution this evening.

Councilwoman Castellano moves to override the Chair's decision and the motion is seconded by Councilwoman Mason

Move to override Council President's decision to consider the HHA resolution entitled "Resolution supporting application for funding from the New Jersey Housing & Mortgage Finance Agency for an Affordable Housing projected located at 333 Harrison Street," which was presented by Mr. Garcia tonight to the City Council:

Motion to consider the HHA Resolution fails by the following vote:

YEAS: 4            NAYS: 4

YEAS: Council persons Castellano, Mason, Occhipinti and Russo

NAYS: Bhalla, Giattino, Mello, and President Cunningham

ABSENT: n/a

PRESENT: n/a

ABSTAIN: n/a

Council meeting continues:

At 12:09 AM the Governing Body on a motion by Councilwoman Giattino duly seconded by Councilman Mello vote to adjourn the meeting.

Councilwoman Giattino moves to adjourn and the motion is seconded by Councilman Mello

Move to adjourn:

Motion to adjourn fails by the following vote:

YEAS: 4            NAYS: 4

YEAS: Council persons Bhalla, Giattino, Mello, and President Cunningham

NAYS: Councilpersons Castellano, Mason, Occhipinti and Russo

ABSENT: n/a

PRESENT: n/a

ABSTAIN: n/a

The motion fails on a 4-4 vote. Councilman Russo states that he will not vote to adjourn the meeting and that the Council can stay there all night unless the Council votes affirmatively to reconsideration consideration of the HHA Resolution. The meeting continues.

Debate continues regarding the HHA situation. Councilwoman Castellano moves to reconsider the motion to override the Council President's refusal to consider the HHA Resolution; this motion is made by a non-prevailing party to the original motion and, as such, is not considered by the Chair or the City Clerk.

At 12:11 Councilman Giattino left the dais, and then at [time] Councilman Bhalla left the dais.

Councilman Russo moves to reconsider the motion to override the Council President's refusal to consider the HHA Resolution, which Councilwoman Castellano attempts to second; this motion is made by a non-prevailing party to the original motion and, as such, the motion is not considered by the City Clerk and the Council President refuses to call the vote.

Councilman Occhipinti directs the City Clerk to call the vote. Councilman Russo directs the City Clerk to call the vote. Clerk refuses to call the vote unless directed to do so by the

Corporation Counsel or Council President. Councilman Russo directs Corporation Counsel to legally advise the Council President and City Clerk that they are obligated to call the vote.

At this time, 12:12, Council President Cunningham and Councilman Mello left the dais. Upon Councilman Mello exiting the dais, the City Clerk advised the remaining Council members that there was no quorum

The City Clerk comments that he can't call the vote unless advised to call the vote by Corporation Counsel. Councilwoman Mason states on the record that when this matter goes to Court. Corporation Counsel advises that the Council no longer has a quorum, and they cannot legally conduct formal business and should not call the vote.

Debate continues with remaining Council members regarding the HHA situation and reconsideration of the failed motion to override the Council President's refusal to consider the HHA Resolution. Councilman Russo states to Corporation Counsel that it doesn't matter if there is a quorum, they can still conduct business and he would love to challenge her on that. The City Clerk continues to assert that he will not call the vote.

Councilpersons Russo, Occhipinti, Castellano and Mason all state on the record, without the vote or roll being called by the Clerk that they would vote Aye for the motion to reconsider. Councilman Occhipinti states that the City Clerk should record the vote so when the vote needs to be challenged it can be challenged, and he points at the City Clerk and directs him to record the vote.

Councilman Russo attempts to move to consider the HHA Resolution, which Councilman Occhipinti attempts to second; this motion is made at a time when the remaining Council members have been advised that there is not a quorum present and, as such, the motion is not considered or recorded by the City Clerk. The City Clerk does not call the vote or call roll. On their own initiative, Council members Occhipinti, Castellano, Mason and Russo attempt to put an Aye vote on the record for the invalid motion to consider the HHA resolution. Councilman Russo states that the motion duly passes and that it will be represented as such. The City Clerk makes no statement with regard to the attempted motion and refuses to record any such vote. Councilwoman Castellano requests the City Clerk note that the other Council members left the dais.

Councilman Russo moves to adjourn the meeting; Councilman Occhipinti and Councilwoman Castellano second. The motion to adjourn passes by a 4-0 vote, with Councilpersons Mason, Castellano, Occhipinti and Russo all voting Aye, and no other Councilmembers present. The meeting adjourned at 12:16 AM

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PRESIDENT OF THE COUNCIL

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CITY CLERK