

MEETING OF JANUARY 6, 2010

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, JANUARY 6, 2010 AT 7:00 PM

President Cunningham opened the meeting at 7:03 p.m. and stated, "I would like to advise all those present that notice of this meeting has been provided to the public in accordance with the provisions of the Open Public Meeting Act, and that notice was furnished to The Jersey Journal and 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, Giacchi, Lenz, Marsh, Mason, Mello, Russo and President Cunningham.

ABSENT: None.

President Cunningham announced the Proclamations will be read in the before the start of the agenda.

10-210

PROCLAMATION HONORING THOMAS MOONEY IN RECOGNITION OF HIS DEDICATED SERVICE TO THE CITY OF HOBOKEN.

WHEREAS, Thomas Mooney is a lifelong resident of Hoboken for all of his 91 years; and

WHEREAS, Thomas Mooney was appointed to the Planning Board of the City of Hoboken in 1965 by then Mayor John J. Grogan; and

WHEREAS, Thomas Mooney recently retired after dedicating 45 years of volunteer service to the people of Hoboken by serving not only as a member of the Planning Board but also for 20 years as the Director of Planning Officials for the State of New Jersey providing guidance and wisdom to the process of planning not only in his beloved Hoboken but also throughout the State; and

WHEREAS, Thomas Mooney served his country in World War II and fought to preserve the freedoms we enjoy in our community and throughout our nation in the “Battle of Bulge” as a “Seven Stripe” 1st Sergeant; and

WHEREAS, Thomas Mooney returned from World War II to his home at 1039 Garden Street where he still resides today and worked for New York Life Insurance as the Director of Real Estate Investments for the Eastern Seaboard for over 40 years; and

WHEREAS, Thomas Mooney is the beloved and trusted friend of many Hoboken residents, especially his neighbor and fellow Planning Board member Joyce Tyrell;

NOW, THEREFORE, BE IT RESOLVED THAT I DAWN ZIMMER, Mayor of the City of Hoboken, do hereby issue this proclamation on behalf of the City of Hoboken and its citizens to **THOMAS MOONEY** in recognition of his dedicated service to the City of Hoboken, his beloved hometown that he served honorably both as a member of the military and as a volunteer.

Received and Filed.

10-211

PROCLAMATION HONORING JAMES PERRY IN RECOGNITION OF HIS DEDICATED SERVICE TO THE CITY OF HOBOKEN.

WHEREAS, JAMES PERRY is a lifelong resident of Hoboken for all of his 61 years; and

WHEREAS, JAMES PERRY was appointed to the Zoning Board of the City of Hoboken in 2002 by then Mayor David Roberts to fill the seat that his mother, the venerable Mary Perry, had served in for over 20 years; and

WHEREAS, James Perry recently retired after dedicating 8 years of volunteer service to the people of Hoboken by serving not only as a member of the Zoning Board but also but also many years as the Vice President of the Hoboken Historical Museum; and

WHEREAS, James Perry served his country in the United States Navy and is the proud husband of Rose Perry, father of Jennifer O’Callaghan, father-in-law of Patrick O’Callaghan and grandfather of Molly and Sean O’Callaghan; and

WHEREAS, James Perry grew up on the corner of 9th & Bloomfield Street, which is named in honor of his parents, Mary and William Perry, and is a proud graduate of St. Peter’s College; and

WHEREAS, James Perry continues to believe that Hoboken is an extraordinarily wonderful community and stands ready to serve as a volunteer in the future;

NOW, THEREFORE, BE IT RESOLVED THAT I, DAWN ZIMMER, Mayor of the City of Hoboken, do hereby issue this proclamation on behalf of the City of Hoboken and its citizens to **James Perry** in recognition of his dedicated service to the City of Hoboken, his beloved hometown that he served honorably both as a member of the military and as a volunteer.

Received and Filed.

10-212

PROCLAMATION MARKING THE 25TH ANNIVERSARY OF THE OPENING OF COLUMBIAN TOWERS.

WHEREAS, communities throughout our nation have deemed it necessary to provide our senior citizens who collectively worked to improve the quality of life for future generations of Americans; and

WHEREAS, securing safe, accessible and affordable housing is of crucial importance to our seniors to live out their golden years with dignity and comfort; and

WHEREAS, on September 23rd, 1959, the federal government recognized this need with the passage of the **Housing Act of 1959** to provide affordable housing opportunities to senior citizens; and

WHEREAS, Hoboken's diverse population owes a debt of gratitude to its seniors who have laid the foundation for our communities through their love and devotion to family and relentless work ethic over the years; and

WHEREAS, this past year marked the **25th Anniversary** of the opening of the **Columbian Towers** senior citizens residence, which has become a vital asset to Hoboken's seniors along with several others;

NOW, THEREFORE BE IT PROCLAIMED, that I, **DAWN ZIMMER**, Mayor of the City of Hoboken, do hereby recognize and commend last year's 50th Anniversary of the passage of the **Housing Act of 1959**, as well as the recent **25th Anniversary** of the opening of **Columbian Towers** senior citizen building.

Received and Filed.

10-213

---By Councilman Lenz

RESOLUTION AUTHORIZING THE FY 2010 MUNICIPAL BUDGET.

RESOLUTION AUTHORIZING THE FY2010 MUNICIPAL BUDGET

RESOLVED, that the Council of the City of Hoboken, by majority vote of the full membership hereby determine that the FY2010 Municipal Budget shall be read by its title and we further declare that the conditions set forth in R.S. 40A:4-8(1A & 1B) of said section has been met.

The speakers who spoke: Scott Siegel, Richard Tremediti, Forde Prigot.

---Motion duly seconded by Councilman Russo.

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

---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mason, Mello, Russo, and President Giacchi.

---Nays: None.

PUBLIC HEARING and FINAL VOTE ON ORDINANCES

Second Reading / Public Hearing and Final Vote

AN ORDINANCE OF THE COUNCIL OF THE CITY OF HOBOKEN REPEALING CHAPTER 151 "PARKING PERMITS," AND REPLACING IT WITH CHAPTER 141 "PARKING PERMITS". (Z-25)

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

The following spoke: Mo DeGennaro.

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

President Cunningham moved that the hearing be closed.

Motion duly seconded by Councilman Mello.

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

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

---Nays: None.

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

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

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

---Nays: None.

PETITIONS AND COMMUNICATIONS

10-214

COMMUNICATION FROM MAYOR ZIMMER APPOINTING POSITIONS TO VARIOUS BOARDS.

A communication from Mayor Dawn Zimmer appointing David Downs of 1204 Washington Street to fill the vacancy of Dennis Devino on the Historic Preservation Board for a term to expire December 31, 2010. Appointing to the Planning Board Ann Graham of 1021 Grand Street to permanent position, Class III. Appointing Mayor designee Keith Furman of 1200 Grand Street, and to 2nd Alternate Demetri Sarantitis of 604 Bloomfield Street, Planning

Board. Appoint to the Library Board Forde Prigot 206 Newark Street filling a vacancy for Jane Zeff.

Amendments to the above communication from Mayor Zimmer:

Planning Board: Class II: Brandy Forbes, Community Development Director

Class IV Permanent Position: Keith Furman, 1200 Adams Street
Replacing Tom Mooney due to resignation, filling the unexpired term of January 1, 2009 to December 31, 2012 –(four year term)

Mayoral Designee: Demetri Sarantitis, 604 Bloomfield Street, vacated by Keith Furman’s appointment to Tom Mooney’s Class IV position.

Received and Filed.

10-215

APPLICATIONS FOR MISCELLANEOUS LICENSES

Parking Facilities -----	8
Raffles-----	1

- Councilman Lenz moved that the licenses be granted.
- Motion duly seconded by Councilman Russo.
- Adopted by the following vote: YEAS: 9 - NAYS: 0
- Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mason, Mello, Russo and President Cunningham.
- Nays: None.

REPORTS OF CITY OFFICERS

10-216

A report of the Municipal Tax Collector Sharon Curran indicating receipts for the month ending December 2009 - \$2,521,270.32. (Abatement Totals - \$186,566.19)

---Received and filed.

RESOLUTIONS

Presented and Read

10-217

---By Councilman Bhalla

RESOLUTION AUTHORIZES THE ADMINISTRATION TO DONATE CERTAIN MOUNTED POLICE RESIDUAL EQUIPEMENT TO THE POLICE DEPARTMENT OF THE CITY OF ABSURY PARK.

WHEREAS, the City of Hoboken has disbanded its' Police Mounted Patrol, and

WHEREAS, the surplus equipment residual to this disbanded unit has been deemed to Have no value to the City, and

WHEREAS, materials and/or equipment deemed to have no value to the public entity may be discarded or donated, and

WHEREAS, the attached letter from the City of Asbury Park asks the City of Hoboken's help in furthering their existing mounted horse patrol program,

NOW, THEREFORE, BE IT RESOLVED as follows:

- A. The above recitals are incorporated herein as thoughtfully set forth as length.
- B. The Administration shall make available to the City of Asbury Park two (2) saddles (including martingales) and two bridles with reins.
- C. This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Russo.

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

---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mason, Mello, Russo
President Cunningham.

---Nays: None.

10-218

---By Councilman Lenz

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 appearing on the attached list totaling **\$55,416.30**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
WELLS FARGO HOME MORTGAGE MAC X2302-04D, TAX DEPT 1 HOME CAMPUS DES MOINES, IA 50328	179/40/C0007	308-310 GARDEN ST	4/09	\$ 2,558.73
FLUSHING SAVINGS BANK ONE CORPORATE DRIVE SUITE 360 LAKE ZURICH, IL 60047	261.03/1/C1017	1125 MAXWELL LANE	4/09	\$ 2,635.04
FIRST AMERICAN REAL ESTATE TAX SERVICE P.O. BOX 961230 FT WORTH, TX 76161-0230	91/1.2/C004D	8205 ADAMS ST	1/09	\$ 2,758.46
ROSEWALL, MERRY B & YU, PAMELA 84 JEFFERSON ST APT 3A HOBOKEN, NJ 07030	17/34/C03-A	80-84 JEFFERSON ST	4/09	\$ 3,050.96
CHATURVEDI, CHARU & PATIL, TUSHAR 1125 MAXWELL LANE APT 567 HOBOKEN, NJ 07030	261.03/1/C0567	1125 MAXWELL LANE	3 & 4/09	\$ 11,462.36
CHASE HOME FINANCE 1 FIRST AMERICAN WAY WESTLAKE, TX 76262	261.03/1/C0805	1125 MAXWELL LANE	4/09	\$ 8,081.95
DENG, YU-YING & CHEN, YU-MING 1501 GARDEN ST APT 5D HOBOKEN, NJ 07030	268.1/1/C005D	1501 GARDEN/ 1500 BLOOMFIELD	4/09	\$13,918.98
BRAMNICK, JON M 1827 EAST SECOND SCOTCH PLAINS, NJ 07076	159/4/C006C	711 CLINTON ST	4/09	\$ 65.70
WELLS FARGO HOME MORTGAGE MAC X2302-04D, TAX DEPT 1 HOME CAMPUS DES MOINES, IA 50328	66/1/C0P04 & 66/1/C0306	636 FIFTH ST	4/09	\$ 4,100.54
DOVENMUEHLE MORTGAGE 1 CORPORATE DR SUITE 360 LAKE ZURICH, IL 60047-8945	48/21/C0001	326 MADISON ST	4/09	\$ 801.29
MOHARITA, LASZLO 744 PARK AVE APT 5R HOBOKEN, NJ 07030	169/18/C005R	744 PARK AVE	4/09	\$ 2,902.41
JACOBSEN, RICHARD A & 77 PARK AVE APT 715 HOBOKEN, NJ 07030	172/12/	1021 WILLOW AVE	2/09	\$ 3,079.88

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

10-219

---By Councilman Lenz

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 appearing on the attached list totaling **\$ 1,045.94**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
DONG, HANSU & LISA OKESSON 45 PLATINUM CIRCLE LADERA RANCH, CA 12694	20/28/C003F	82 CLINTON ST	2009	\$1,045.94

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

10-220

---By Councilman Lenz

RESOLUTION AUTHORIZING THE REFUND OF HUDSON COUNTY TAX COURT JUDGEMENTS 2009 TAX APPEALS

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 appearing on the attached list totaling **\$2,828.07**

*** REFUNDS ON THE FOLLOWING TAX APPEALS ARE TO BE MADE PAYABLE TO:**

MC KIRDY AND RISKIN
136 SOUTH STREET
MORRISTOWN, NJ 07962-2379

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>AMOUNT</u>
ENGLEHART, HOWARD & JESSICA	20/28/C004C	82 CLINTON ST	\$2,738.29
ENGLEHART, HOWARD & JESSICA	20/28/C0016	82 CLINTON ST	\$ 89.78

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

10-221

---By Councilman Lenz

**RESOLUTION AUTHORIZING THE REFUND OF HUDSON COUNTY
TAX COURT JUDGEMENTS 2009 TAX APPEALS**

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
appearing on the attached list totaling **\$ 120.39**

*** REFUNDS ON THE FOLLOWING TAX APPEALS ARE TO BE MADE PAYABLE TO:**

**MICHAEL A. VESPASIANO
331 MAIN
CHATHAM, NJ 07928**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>AMOUNT</u>
NICHOLAS, CHRISTOPHER & DANA	25/1/C16PE	700 FIRST ST	\$ 120.39

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

10-222

---By Councilman Lenz

**RESOLUTION AUTHORIZING THE REFUND OF HUDSON COUNTY
TAX COURT JUDGEMENTS 2009 TAX APPEALS**

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
appearing on the attached list totaling **\$6,750.79**

- **REFUNDS ON THE FOLLOWING TAX APPEALS ARE TO BE MADE PAYABLE TO:**
- **WATERS, MC PHERSON, MC NEILL**
MEADOWLANDS OFFICE
300 LIGHTING WAY
P.O. BOX 1560
SECAUCUS, NJ 07096

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>AMOUNT</u>
BLOCK 268 LLC C/O TOLL BROTHERS	268.1/2/C004E	1500 WASHINGTON ST	\$1,818.05
BLOCK 268 LLC C/O TOLL BROTHERS	268.1/2/C011X	1500 WASHINGTON ST	\$ 300.35
BLOCK 268 LLC C/O TOLL BROTHERS	268.1/2/C012A	1500 WASHINGTON ST	\$ 419.55
BLOCK 268 LLC C/O TOLL BROTHERS	268.1/2/C012L	1500 WASHINGTON ST	\$2,038.01
BLOCK 268 LLC C/O TOLL BROTHERS	268.1/3/C004Q	1500 HUDSON ST	\$ 514.27
BLOCK 268 LLC C/O TOLL BROTHERS	268.1/3/C007Q	1500 HUDSON ST	\$ 514.27
BLOCK 268 LLC C/O TOLL BROTHERS	268.1/3/C009F	1500 HUDSON ST	\$ 195.40
BLOCK 268 LLC C/O TOLL BROTHERS	268.1/3/C012R	1500 HUDSON ST	\$ 210.59
BLOCK 268 LLC C/O TOLL BROTHERS	268./1/3/C012V	1500 HUDSON ST	\$ 740.30

---Motion duly seconded by Councilman Russo

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

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

---Nays: None

10-223

---By Councilwoman Mason

RESOLUTION CALLING FOR ACTION PLAN TO ELIMINATE ILLEGAL APARTMENTS AND UNREGISTERED DWELLING UNITS FOR THE SAFETY AND WELFARE OF CITY RESIDENTS

WHEREAS, illegal apartments and unregistered dwelling units drain financial resources, lead to overcrowding in schools, neighborhood parking problems, and unsafe living conditions, they also frequently pose health and safety hazards to tenants and the community at large; and

WHEREAS, recent incidents of fires in North Bergen and Bayonne have brought to light, this very real urban problem that threatens our quality of life; and

WHEREAS, the City of Hoboken needs a proactive strategy for addressing illegal apartments and unregistered dwelling units before such a devastating event occur in Hoboken;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, County of Hudson, State of New Jersey, that a joint effort be undertaken by the Administration, Housing, Building Code and Fire-Prevention departments to create a comprehensive plan by which illegal apartments and unregistered dwellings may be identified and eliminated; and

BE IT FURTHER RESOLVED, by the City Council that Public Safety and Quality of Life Sub-Committees work together to introduce legislative support that will hold landlords accountable and provide city departments the necessary tools for enforcement.

The speakers who spoke: Scott Siegel, Cheryl Fallick, Mary Ondrejka, Dan Tumpson, Rebecca Lewis, Eric Volpe.

The above resolution was tabled and sent to committee.

---Motion to **TABLE** Councilman Lenz

---Motion duly seconded by Councilman Mason

---**TABLED** by the following vote: YEAS: 9 - NAYS: 0

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

---Nays: None

10-224

---By Councilman Lenz

THIS RESOLUTION AUTHORIZES THE ADMINISTRATION TO ADVERTISE FOR AN AUCTION OF ABANDONED/SURPLUS VEHICLES ON 21 DECEMBER 2010.

WHEREAS, the Purchasing Agent, Department of Administration requests authorization of the Council to dispose of abandoned/surplus vehicles, that are in the possession of the Hoboken Police Department, Department of Environmental Services, and/or the Hoboken Parking Utility for over

thirty days, the said authorized pursuant to provision of N.J.S.A. 39:10A-1 and

NOW THEREFORE BE IT RESOLVED, the Purchasing Agent, Department of Administration requests or his duly authorized representative is hereby authorized to expose for sale at Public Auction, Thursday, 21 January 2010, at 2 P.M., on the GovDeals.Com website, the vehicles/equipment set forth on the attached list pursuant to law.

---Motion duly seconded by Councilman Russo

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

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

---Nays: None

ORDINANCES

Introduction and First Reading

10-225

Z-26

AN ORDINANCE AMENDING CHAPTER 44-11 ENTITLED ESTABLISHMENT COMPOSITION”, AND CHAPTER 196-54 ENTITLED “ESTABLISHMENT MEMBERSHIP AND ORGANIZATION”, BOTH RELATING TO THE ZONING BOARD OF ADJUSTMENT

WHEREAS, N.J.S.A. 40:55D-69 allows as many as four alternate members to serve on municipal zoning board of adjustment: and

WHEREAS, the Hoboken Board of Adjustment is presently composed of two (2) alternate members, Alternate No.1, whose term expires on December 31, 2011 and Alternate No. 2, whose term expires on December 31, 2010; and

WHEREAS, the work of the Hoboken Zoning Board of Adjustment has been of such volume to justify a full compliment of four alternate members;

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

SECTION ONE:

Chapter 44-11, Section D of the Code of the City of Hoboken, entitled “ Alternate members” is hereby amended, in part, as follows:

D. Alternate members. **[Amended 11-22-1993 by Ord. No. R-20]**

- (1) Not more than ~~two (2)~~ four (4)¹ alternate members, who shall meet the qualifications of Class IV members, may be appointed by the ~~Mayor~~ City Council. Such alternate members shall be designated at the time of appointment as "Alternate No. 1," ~~and~~ "Alternate No. 2," “Alternate No. 3” and “Alternate No. 4.” The terms of the alternate

¹ Additions to original ordinance are noted by underline, and deletions by ~~strikethrough~~);

members shall be for two (2) years, except that such terms shall be such that the term of not more than one (1) alternate member shall expire in any one (1) year; provided, however, that in no instance shall the term of the alternate member first appointed exceed two (2) years. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.

~~(2) Alternate No. 1 shall have a term expiring December 31, 2011. Alternate No. 2 shall have terms expiring on December 31, 2010. Alternate No. 3 shall have a term expiring December 31, 2011 and Alternate No. 4 shall have a term expiring on December 31, 2010. Thereafter, the terms of the alternate members shall be for two (2) years, and the terms of not more than two (2) alternate members shall expire in any one year.~~

~~(3) A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.~~

~~(2)(4)~~ Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of any regular member of the Board. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, ~~Alternate No. 1 shall vote.~~ alternate members shall vote in the order of their numerical designations.

The remainder of Chapter 44-11 shall remain unchanged.

SECTION TWO:

Chapter 196-54, Section B of the Code of the City of Hoboken, entitled "Membership" is hereby amended, in part, as follows:

B. Membership.

(1) The Zoning Board of Adjustment shall consist of seven (7) members appointed by the Mayor and City Council, subject to the conditions set forth in Chapter 44.11 of the Hoboken City Code and N.J.S.A. 40:55D-69 et seq. concerning length of members' terms, ineligibility of those holding elective or appointive municipal office, exclusion from voting of members having any personal interest, directly or indirectly, in the issue under consideration and other items concerning members' appointment, tenure and conduct.

(2) The Zoning Board of Adjustment shall include four (4) alternate members appointed by the City Council, subject to the conditions set forth in Chapter 44-11 and N.J.S.A. 40:55D-69 et seq. concerning length of members' terms, ineligibility of those holding elective or appointive municipal office, exclusion from voting by members having any personal interest, directly or indirectly, in the issue under consideration, and other items concerning members' appointment, tenure and conduct.

1SECTION THREE: 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 FOUR: SEVERABILITY

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

SECTION FIVE: EFFECTIVE DATE

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

SECTION SIX: 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 on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on JANUARY 21, 2009 at 7:00 PM.

The speakers who spoke: Helen Hirsch

---Motion duly seconded by Councilman Mason.

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

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

---Nays: None.

NEW BUSINESS

Council President asked Corporation Counsel Kates how to address setting the dates for Notice of Appeals.

Council persons Mason, Bhalla Giacchi, Lenz all directed questions to Corporation Counsel Kates regarding appeals.

James Farina, City Clerk stated council persons need to vote on dates for hearing of appeals.

Taking Vote on Stevens Institute of Technology (appeal).

Council President Cunningham motioned to vote on hearing date.
duly seconded by Councilwoman Castellano

--Vote on above hearing date – YEAS – 8 -NAY – 0 – ABSTAIN – 1

---Yeas: Bhalla, Castellano, Giacchi, Lenz, Marsh, Mello, Russo and President Cunningham

---Nays: None

---Abstain: Mason.

-Vote on two (2) other hearing dates. –Tumpson -226 Park Ave. and Kane Properties – 511- 521
Newark Avenue.

--Vote on above hearing date - YEAS – 9 – NAYS – 0

---Yeas: Bhalla, Castellano, Giacchi, Lenz, Marsh, Mason, Mello, Russo and President Cunningham.

Councilman Giacchi discussed St. Patrick's Day Parade – Zero tolerance policy will be enforced that day.

Councilman Russo will host a Public Safety meeting at Willie McBride's on January 13th at 7 PM

President Cunningham addressed Councilman Giacchi about "Project Play" regarding the revamping playground equipment at Church Square Park.

Councilman Giacchi stated that they have made a recommendation putting in pavers as part of the playground. Councilman Giacchi asked if any council members have any comments about size, color, and lettering. Councilman Giacchi will reach out to Project Play for samples.

Councilwoman Castellano stated that it should be common practice that the Council be called when a fire occurs.

Councilwoman Mason stated that the Council passed a joint resolution on October 15, 2008 proposing more weekend service by NJ Transit. Also, questioned the deed to Maxwell Place's. Director Forbes stated there are titled issues and owner agreements that pushed it back. Discussed status of Master Plan, Animal Control RFP.

Council Members discussed budget workshop dates and availability of Council members, directors will be invited and at hours will be 9:30 a.m. – 5:00 p.m. Public can attend but not speak on budget issues.

All regular business concluded the following members of the public spoke at the "Public Portion" of the meeting: Helen Hirsch, Mary Ondrekja, Cheryl Fallick, Richard Tremediti, Dan Tumpson, Moe DeGennaro, Forde Prigot, Jim Vance, Arline Lederman, Eric Volpe, Charlie Mancini, Jim Doyle, Rami Pencheski.

Councilman Giacchi left the meeting at 10:14 p.m.

Councilman Giacchi returned at 10:23 p.m.

At 10:40 p.m. the council recessed.

At 10:48 pm the council resumed the meeting.

At this time, 10:49 p.m., on a motion by Councilman Russo duly seconded by Councilwoman Marsh and voted on unanimously, the City Council entered into closed (executive) session.

10-226/A

RESOLUTION AUTHORIZING EXECUTIVE SESSION – LITIGATION

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

WHEREAS, one of these reasons is to discuss prospective litigation in which the public entity is likely to be party; and,

WHEREAS, the Council of the City of has determined that it is necessary to go into closed executive session for the purpose of discussing potential litigation; namely, the matter of 100 Paterson Realty LLC v. City of Hoboken and City Council of the City of Hoboken, formerly docketed as HUD-L-5661-08 and currently the subject of a standstill agreement between the parties, but reasonably likely to be re-filed within the near future.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken that it enter into closed session to discuss the issues as herein set forth; 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 this time, 11:32 p.m., on a motion by Councilman Lenz; duly seconded by Councilman Russo and voted on unanimously, the City Council came out of closed (executive) session.

President Cunningham then adjourned the meeting at 11:33 p.m.

PRESIDENT OF THE COUNCIL

CITY CLERK