

**MEETING OF JANUARY 20, 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 20, 2010 AT 7:00 PM**

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President Cunningham opened the meeting at 7:05 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, Mello, Russo and President Cunningham

ABSENT: Mason.

**PUBLIC HEARING and FINAL VOTE ON ORDINANCES**

Second Reading / Public Hearing and Final Vote

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 (Z-26)

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, Helen Hirsch.

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

Councilman Cunningham moved that the hearing be closed.

Motion duly seconded by Councilwoman Marsh.

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

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

--Nays: None.

--Absent: Mason

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

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

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

--Nays: None.

--Absent: Mason

### PETITIONS AND COMMUNICATIONS

#### 10-226

#### **COMMUNICATION TO THE HONORABLE HOBOKEN CITY COUNCIL PETER CUNNINGHAM AND MEMBERS OF THE HOBOKEN CITY COUNCIL**

Dear Council President and Members of the City Council:

The City of Hoboken will hold its 3<sup>rd</sup> H1N1 (Swine Flu) Immunization Clinic on Wednesday, February 3<sup>rd</sup>, from 2:00 p.m. until 9:00 p.m. at the Hoboken University Medical Center in Assumption Hall (3<sup>RD</sup> Street entrance).

The vaccine is available to all members of the general public. The clinic will also provide the second dose for children nine years of age and below who are required a second immunization pursuant to the CDC guidelines of 21-28 days after the initial vaccination.

In addition, vaccines for six to 35 month old children which are preservative free will be available at the clinic. It is also important to remind members of the public not to come to the clinic if they are sick.

For more information about the Wednesday, February 3<sup>rd</sup> H1N (Swine Flu) Immunization Clinic go to the City's website at [www.hobokennj.org](http://www.hobokennj.org).

Sincerely,

Mayor Dawn Zimmer

Received and Filed.

**10-227**

**COMMUNICATION TO THE HONORABLE CITY COUNCIL PRESIDENT PETER CUNNINGHAM AND MEMBERS OF THE CITY COUNCIL**

Dear Council President and Members of the City Council:

I would like to inform you that I am inviting the members of the Hoboken Hospitality Association as well as other members of the business community that benefit from the St. Patrick's Day festivities to meet with me, representatives of the Hoboken Police and Fire departments and members of the City Council Quality of Life Sub-Committee to discuss arrangements for the 2010 Hoboken St. Patrick's Day Parade and related matters. Please also be advised that we are in the process of determining all the costs incurred by the City for the parade and the day's activities.

It is important to note that our primary goal is for all involved to work as partners to ensure that the event is a success for our entire community. The meeting will beheld in the City Hall basement conference room on Tuesday, January 26<sup>th</sup> from 4:00 pm to 5:30 pm

Sincerely,

Mayor Dawn Zimmer

Received and Filed.

**10-228**

**APPLICATIONS FOR MISCELLANEOUS LICENSES**

Lumber Yard .....	1
Vendors .....	1

- Councilman Lenz moved that the licenses be granted.
- Motion duly seconded by Councilman Russo.
- Adopted by the following vote: YEAS: 8 - NAYS: 0
- Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mello, Russo and President Cunningham.
- Nays: None.
- Absent: Mason

**REPORTS OF CITY OFFICERS**

**10-229**

A report of the Municipal Court indicating receipts for the month of December 2009 as \$383,500.24.

---Received and filed.

**RESOLUTIONS**

**Presented and Read**

**10-230**

---By President Cunningham

**CONFIRMING APPOINTMENT OF STEVEN ROFSKY TO THE HOBOKEN MUNICIPAL HOSPITAL AUTHORITY TO FILL A VACANCY IN A TERM TO EXPIRE ON JUNE 30, 2011.**

**WHEREAS**, pursuant to the Code of the City of Hoboken, §36A-1, the City of Hoboken has established the Hoboken Municipal Hospital Authority; and,

**WHEREAS**, §36A-3 of the Code of the City of Hoboken provides for eleven (11) members to serve on the Authority; and,

**WHEREAS**, §36A-3 further provides that six (6) Class III public members shall be appointed to the Authority with the advice and consent of the City Council; and,

**WHEREAS**, Class III member James Caulfield resigned from his position on January 15, 2010, creating a vacancy; and

**WHEREAS**, the expiration date for the term of office for the Class III position held by James Caulfield is June 30, 2011;

**WHEREAS**, Mayor Dawn Zimmer has nominated Steve Rofsky to fill the remainder of the term to which James Caulfield has been appointed.

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Hoboken hereby confirms **Steve Rofsky of 1125 Maxwell Lane, #326, Hoboken, NJ**, to serve as a member of the Hoboken Municipal Hospital Authority to fill the vacancy caused by the resignation of Class III member James Caulfield; and,

**BE IT FURTHER RESOLVED**, that this appointment will expire on June 30, 2011.

---Motion duly seconded by Councilwoman Marsh

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

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

---Nays: None.

---Absent: Mason.

**10-231**

---By Councilman Lenz

**RESOLUTION FOR DEPARTMENT OF REVENUE & FINANCE TO COVER DEFICIT IN THE PAYROLL AGENCY ACCOUNT.**

**WHEREAS**, there exists a deficit in the Payroll Agency account that has been carried since SFY 2007 subject to clarification; and

**WHEREAS**, that deficit has now been determined to be One Hundred Fifty Five Thousand Dollars (\$155,000.00) dollars; and

**WHEREAS**, the deficit in the Payroll Agency account prior to SFY 2007 was and is One Hundred Fifty Five Thousand (\$155,000.00) dollars; and

**WHEREAS**, the Director of Finance has determined that funds are available for this purpose;

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the City of Hoboken authorizes the expenditure and reallocation of One Hundred Fifty Five Thousand Dollars (\$155,000.00) to cover the deficit in the Payroll Agency account.

---Motion to table above resolution by President Cunningham.

---Motion duly seconded by Councilman Giacchi.

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

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

---Nays: None.

---Absent: Mason.

**10-232**

---By Councilman Mello

**THIS RESOLUTION AWARDS A CONTRACT TO MARINI BROTHERS CONSTRUCTION CO., INC. FOR THE PARKING LOT IMPROVEMENTS AT THE CITY-OWNED LOT AT 11<sup>TH</sup> STREET AND WILLOW AVENUE IN ACCORDANCE WITH THE SPECIFICATIONS IN BID NUMBER 10-19.**

**WHEREAS**, proposals were received on 22 December 2009 for the Parking Lot improvements at the 11<sup>th</sup> and Willow surface lot, and

**WHEREAS**, six (6) proposals were received in good stead, these being:

<u>VENDOR</u>	<u>\$ AMOUNT</u>
D & L Paving Nutley, NJ 07110	\$ 72,489.50
Reivax Contracting Harrison, NJ 07029	\$ 43,317.75
A.J.M. Contracting Clifton, NJ 07011	\$ 40,395.00

Andy Matt, Inc. Mine Hill, NJ 07803	\$ 48,199.00
J. A. Alexander Bloomfield, NJ 07003	\$ 39,825.00
Marini Brothers Hackensack, NJ 07601	\$ 33,571.00

NOW THEREFORE BE IT RESOLVED as follows:

- A. This resolution awards a contract to the Marini Brothers Construction Co., Inc., 9 Lafayette Street, Hackensack, NJ 07601, in the amount of \$33,571.00, for the Parking Lot Improvements according to the specifications set forth, subject to immediate certification by CFO that funds are available.
- B. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor or his agent is hereby authorized to enter into an Agreement with the Marini Brothers Construction Co., Inc.
- C. This resolution shall take effect immediately upon passage.

The speakers who spoke: Mo DeGennaro, Helen Hirsch.

---Motion duly seconded by Councilman Giacchi  
 ---Adopted as **AMENDED** by the following vote: YEAS: 8 - NAYS: 0 - ABSENT - 1  
 ---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mello, Russo, and President Cunningham.  
 ---Nays: None.  
 ---Absent: Mason.

**10-233**  
 ---By Councilman Mello

**THIS RESOLUTION REJECTS THE BIDS RECEIVED FOR THE SUPPLY OF STREET PARKING STATIONS AS SPECIFIED IN BID NUMBER 10-18.**

**WHEREAS, the City of Hoboken sought competitive proposals for the supply of street parking stations, and**  
**WHEREAS, the below listed bids were submitted in compliance with the original bid specifications as advertised, and**  
**WHEREAS, bid inconsistency has made a reasonable award extremely difficult, and**  
**WHEREAS, the below listed vendors must be notified:**

Vendor	Proposal
Amano 8 Capital Drive Wallingford, CT 06492	\$ 10,694.70/per unit

**Metric Parking  
2540 Route 130  
Cranbury, NJ 08512**

**\$ 9,383.60/per unit**

**JJ MacKay Canada  
1342 Abercrombie  
New Clascow, Canada**

**\$ 9,359.00/per unit**

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

- 1. The above recitals are incorporated herein as thoughtfully set forth at length.**
- 2. The City Council hereby rejects the proposals of the above vendors.**
- 3. The Administration is hereby authorized to re-advertise for these goods/services.**

---Motion duly seconded by Councilman Giacchi

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

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

---Nays: None.

---Absent: Mason.

**10-234**

---By Councilman Lenz

**THIS AMENDS THE APPROVED 6 JANUARY 2010 RESOLUTION AUTHORIZING THE ADMINISTRATION TO ADVERTISE FOR AN AUCTION OF AND ABANDONED/SURPLUS VEHICLES FROM 21 JANUARY 2010 TO 12 FEBRUARY 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 or his duly authorized representative is hereby authorized to expose for sale at Public Auction, Friday, 12 February 2010, at 11 A.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: 8 - NAYS: 0 –ABSENT - 1

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

---Nays: None.

---Absent: Mason.

**RESOLUTIONS #'S 6-10 AWARDING CONTRACTS FOR VARIOUS SERVICES WERE TABLED BY THE FOLLOWING VOTE 8 – 0 – 1 COUNCILWOMAN MASON WAS ABSENT. THE BIDS NUMBERS WERE 10-2, 10-3, 10-09, 10-12, 10-16.**

**10-235**

Councilman Lenz

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

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

**WHEREAS**, Sharon Curran, Collector of Revenue recommends that the refunds be made; now, therefore, be it-

**RESOLVED**, that a warrant be drawn on the City Treasurer made payable to the appearing on the attached list totaling **\$ 32,714.87**

<u>NAME</u>	<u>BL/LOT/UNIT</u>	<u>PROPERTY</u>	<u>YEAR</u>	<u>AMOUNT</u>
PLYMOUTH PARK TAX P. O. BOX 5822 NEW YORK, NY 10082-5822	223/5.01/	36-42 NEWARK ST	2008 OMIT/ADDED	\$ 16,044.01
PLYMOUTH PARK TAX SERVICES LLC P. O. BOX 5822 NEW YORK, NY 10082-5822	223/5.01/	36-42 NEWARK ST	2008 OMIT/ADDED	\$ 2,575.80
PLYMOUTH PARK TAX SERVICES LLC P. O. BOX 5822 NEW YORK, NY 10082-5822	223/5.01/	36-42 NEWARK ST	2009 ADDED	\$ 224.45
RADT, STEVEN & M GALLIONE 221 WILLOW AVE APT 1L HOBOKEN, NJ 07030	165/10/C002R	219 WILLOW AVE	2008 OMIT/ADDED	\$ 2,447.01
EASTVIEW OFFICE LLC C/O APPLIED 50 WASHINGTON ST HOBOKEN, NJ 07030	198/23.01/	52-56 WASHINGTON ST	2009 ADDED	\$ 3,447.56
PALLADINO, GEORGE T CHESIREE CARIDI 1500 GARDEN ST #4B HOBOKEN, NJ 07030	268.1/1/C004B	1501 GARDEN/1500 BLOOMFIELD	2008 OMIT/ADDED	\$ 691.17
HODGES, HARDY M P.O. BOX 508 NEW PALTZ, NY 12561	175/16/C005R	72 GARDEN ST	2009 ADDED	\$ 269.34

SHARMA, SHARAD K & COURTNEY L 1500 WASHINGTON ST #5X HOBOKEN, NJ 07030	268.1/2/C005X	1500 WASHINGTON ST	2008 OMIT/ADDED	\$ 321.98
LOONAN, STEVEN C 706 WILLOW AVE #1R HOBOKEN, NJ 07030	159/21/C001R	706 WILLOW AVE	2008 OMIT/ADDED	\$ 214.65
ARILLO, MEREDITH A 1500 GARDEN ST #10I HOBOKEN, NJ 07030	268.1/1/C010I	1501 GARDEN/1500 BLOOMFIELD	2008 OMIT/ADDED	\$ 2,006.98
LEE, MILLY & MAY HUNG LEE 517-521 JACKSON ST #8 HOBOKEN, NJ 07030	66/9/C0008	517-521 JACKSON ST	2009 ADDED	\$ 247.81
BLOCK 268 LLC C/O TOLL BROTHERS INC 33-41 NEWARK ST #3D HOBOKEN, NJ 07030	268.1/3/C001G	1500 HUDSON ST	2009 ADDED	\$ 505.01
HOBOKEN LAND I, LLC 33-41 NEWARK ST #3D HOBOKEN, NJ 07030	268.1/2/C010D	1500 HUDSON ST	2009 ADDED	\$ 448.90
ZELLMER, RICHARD & JENNIFER 225 MONROE ST HOBOKEN, NJ 07030	38/9/	225 MONROE ST	2008 OMIT/ADDED	\$ 3,270.20

---Motion duly seconded by Councilman Russo.

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

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

---Nays: None.

---Absent: Mason.

**10-236**

---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 **\$25,975.66**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
LEONARD, MATTHEW J 307 FIRST ST #2 HOBOKEN, NJ 07030	21/8/C0002	307 FIRST ST	4/09	\$ 4,016.91
CHASE HOME FINANCE LLC 3415 VISION DRIVE MAIL CODE OH4-7326 COLUMBUS, OH 43219	22/1/C0300	89-91 WILLOW AVE	4/09	\$ 8,772.60
BLAIN, IAN T & GILLIAN 707 BLOOMFIELD ST #3 HOBOKEN, NJ 07030	206/7/C0003	707 BLOOMFIELD ST	4//09	\$ 1,730.29
WELLS FARGO HOME MORTGAGE MAC X2302-04D, TAX DEPT 1 HOME CAMPUS DES MOINES, IA 50328	261.03/1/C0707	1125 MAXWELL LANE	4/09	\$6,046.68
VALLEY NATIONAL BANK ATT: MADELINE FIGUEROA-OQUENDO 1720 ROUTE 23 NORTH WAYNE, NJ 07470	268/1/C009B	1501 GARDEN/1500	4/09	\$ 5,409.18

---Motion duly seconded by Councilman Russo  
---Adopted by the following vote: YEAS: 8 - NAYS: 0 –ABSENT - 1  
---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mello, Russo, and President Cunningham.  
---Nays: None.  
---Absent: Mason.

**10-237**

---By Councilman Lenz

**A RESOLUTION AUTHORIZING ESTIMATED TAX BILLS**

**WHEREAS**, the SFY 2010 budget has not yet been adopted; and

**WHEREAS**, the City of Hoboken is attempting to find alternative revenue sources and decreases in expenses to lessen the burden of taxes on the City’s taxpayers and residents;

**WHEREAS**, the City of Hoboken is in need of revenues to maintain normal cash flow operations;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken, County of Hudson, State of New Jersey that the Tax Collector of the City of Hoboken be and is hereby authorized to issue estimated tax bills for the first quarter of 2010.

**FURTHER**, in accordance with Public Laws of 1994, chapter 72, hereby certifies the Tax Collector to mail an estimated First Quarter 2010 tax bill.

---Motion duly seconded by Councilwoman Marsh  
---Adopted by the following vote: YEAS: 8 - NAYS: 0 –ABSENT - 1  
---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mello, Russo, and President Cunningham.  
---Nays: None.  
---Absent: Mason.

**10-238**

---By Councilman Bhalla

**RESOLUTION CALLING FOR A REVIEW OF STATE LEGISLATION TO DETERMINE WHETHER TO CHANGE THE DATES OF NON-PARTISON MUNICIPAL ELECTIONS FROM MAY TO NOVEMBER**

**WHEREAS**, Assembly Bill No. 351 of the 213<sup>th</sup> Legislature has been approved by the Legislature and was signed into law by Acting Governor Stephen M. Sweeney; and

**WHEREAS**, the Bill which authorizes municipalities to move nonpartisan municipal elections to the National Election Day, which is the first Tuesday after the first Monday in November; and

**WHEREAS**, changing the timing of nonpartisan municipal elections in Hoboken from May to November will decrease the number of annual elections, result in substantial cost saving to the City, and is likely to reduce voter fatigue while increasing voter participation;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken, County of Hudson, State of New Jersey, that this Resolution be directed to the Administration and Transparency Committee to review the new Law and ascertain whether to change the present May and June Hoboken municipal election dates to the National Election Day in November.

The speaker who spoke: Mo DeGennaro.

---Motion duly seconded by Councilman Giacchi  
---Adopted by the following vote: YEAS: 8 - NAYS: 0 –ABSENT - 1  
---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mello, Russo, and President Cunningham.  
---Nays: None.  
---Absent: Mason.

**10-239**

---By Councilman Russo

**RESOLUTION APPROVING COUNCIL MINUTES FOR REGULAR COUNCIL MEETING**

**RESOLVED**, that filed minutes for the Hoboken City Council regular meetings of October 21,2009 and November 4, 2009 have been reviewed and approved as to legal form and content.

---Motion duly seconded by Councilwoman Castellano.

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

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

---Nays: None.

---Absent: Mason.

At this time Councilwoman Mason arrived 7:52 p.m.

**ORDINANCES**

**Introduction and First Reading**

**10-240**

**Z-27**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 192 OF THE CODE OF THE CITY OF HOBOKEN ENTITLED PARKING FOR HANDICAPPED.**

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DOES HEREBY ORDAIN AS FOLLOWS:

(713 Bloomfield, 909 Hudson, 530 Adams)

**Handicap Spaces**

A Section 192-4 is amended to delete the following:

- Pantenlo Sasso 503 Bloomfield Street
- Jennifer Zielke 700 Park Avenue
- Patricia Mitten 1032 Hudson Street

B Section 192-4 is amended to add the following:

- |                  |   |
|------------------|---|
| Vincent Wassman  | 713 Bloomfield Street east side of Bloomfield Street beginning at a point 150 feet north of Seventh Street and extending 22 feet north therefrom. |
| Patricia Palumbo | 909 Hudson Street east side of Hudson Street beginning at a point of 308  |

feet south of Tenth Street and extending 22 feet south therefrom.

Steve Cappiello

530 Adams Street west side of Adams Street beginning at a point of 355 feet north of Fifth Street and extending 22 feet north therefrom.

C All ordinances and parts of ordinances inconsistent herewith are hereby repealed. This ordinance shall be a part of the Hoboken Code as Though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Hoboken Code. This ordinance shall take effect as provided by law.

**SECTION A OF THIS ORDINANCE (TO DELETE) PASSED  
SECTION B OF THIS ORDINANCE (TO CREATE) DID NOT PASS**

---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 FEBRUARY 3, 2010 at 7:00 PM.

---Motion duly seconded by Councilman Giacchi

---Adopted by the following vote: YEAS: 8 - NAYS: 0 –ABSTAIN – 1 **Only Section A -**

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

---Nays: None.

---Abstain: Mason

**10-241**  
**Z-28**

**AN ORDINANCE AMENDING CHAPTER 145-26 ENTITLED “VIOLATIONS AND PENALTIES.”**

**WHEREAS**, N.J.S.A. 40:49-5 prescribes penalties for violating municipal ordinances and allows a greater maximum monetary fine then currently provided for in Hoboken Code Chapter 145-26, as well as a penalty of community service which is not presently within the sentencing authority of the Hoboken municipal judge;

**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: AMENDMENT**

Section 145-26, including both subsections A and B, is hereby deleted and the following is substituted in its place:

§145-26. Violations and penalties.

Any person violating any of the offenses set forth in this Chapter 145 shall, upon conviction, be subject to one or more of the following penalties: imprisonment in the county jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding 90 days; or by a fine not exceeding \$2,000; or by a period of community service not exceeding 90 days.

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

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

## **SECTION THREE: SEVERABILITY**

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

## **SECTION FOUR: EFFECTIVE DATE**

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

The speaker who spoke: Mo DeGennaro.

---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 FEBRUARY 3, 2010 at 7:00 PM.

---Motion duly seconded by Councilman Giacchi

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

---Yeas: Council persons Bhalla ( on 1<sup>st</sup> reading), Castellano, Giacchi, Lenz, Marsh, Mason, Mello, Russo, and President Cunningham.

---Nays: None.

All regular business concluded the following members of the public spoke at the "Public Portion" of the meeting: Charles Mancini, Mary Ondrejka, Dan Tumpson, Cheryl Fallicik, Mo DeGennaro, Jason Tecza, Scott Delea, Ron Simoncini, Jim Doyle.

President Cunningham called for recess at 9:05 pm

Recess ended at 9:11 p.m.

At this time, 9:16 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 at 10:51 pm

**10-242**

**CLOSED SESSION**

**RESOLUTION AUTHORIZING EXECUTIVE SESSION ATTORNEY-CLIENT/CONTRACT NEGOTIATIONS**

**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 receive advice from legal counsel and another reason is to discuss ongoing contract negotiations involving the City; and

**WHEREAS**, the Council has determined that it is necessary to go into closed executive session for the purpose of receiving a briefing from Labor Negotiations Counsel on the current status of negotiations with the City's collective bargaining units;

**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.

**NEW BUSINESS**

Councilman Bhalla talks about Haiti Disaster – anyone having medical, food donations, clothing, the Hoboken Housing Authority will be collecting supplies from 10AM – 10PM until next Thursday. Some local businesses have donated already. Donations to UNICEF along with Doctors without Borders organization will be appreciated.

President Cunningham then adjourned the meeting at 10:51 p.m.

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PRESIDENT OF THE COUNCIL

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CITY CLERK