

MEETING OF FEBRUARY 17, 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, FEBRUARY 17, 2010 AT 7:00 PM

President Cunningham opened the meeting at 7:12 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, Mason, Marsh, Mello, Russo and President Cunningham

10-265

PROCLAMATION HONORING THE BOY SCOUTS OF AMERICA FOR CREATING A STRONG FOUNDATION OF LEADERSHIP, SERVICE AND COMMUNITY FOR MILLIONS OF AMERICAN YOUTH.

WHEREAS, The Boy Scouts of America was established on February 8, 1910 and for 100 years has created a strong foundation of leadership, service and community for millions of American youth; and

WHEREAS, The Boy Scouts of America provides a program that builds character, trains Scouts in the responsibilities of participating citizenship and develops personal fitness; and

WHEREAS, with every rank advancement come new challenges, new adventures and new friends for Scouts and those Scouters who accompany them along the way; and

WHEREAS, The Boy Scouts of America has nurtured and honored over two million **Eagle Scouts**; and

WHEREAS, Scouting celebrates its legacy and reaffirms its commitment to inspire and prepare future generations;

NOW, THEREFORE, BE IT PROCLAIMED, that I, **DAWN ZIMMER**, Mayor of the City of Hoboken, to hereby honor **The Boys Scouts of America, Hoboken Boy Scout Troop 146 and Hoboken Cub Scout Pack 146, sponsored by St. Francis RC Church, and**

Hoboken Cub Scout Pack 18, sponsored by the United Synagogue of Hoboken, their leaders and sponsoring organizations, present and past, for making a difference in our community by their dedication of Scouting's core values – leadership, character, community service, achievement and stewardship of the environment.

Received and Filed.

10-266

PROCLAMATION LEROY J. LOEWING FOUNDER OF THE AMBULANCE CORP'S HOBOKEN HIGH SCHOOL EMERGENCY RESPONSE TEAM

WHEREAS, Leroy J. Loehwing was born in the City of Hoboken at st. Mary Hospital on January 15th, 1985 and was the loving son of Cynthia Segarra and Richard Loehwing; and

WHEREAS, Leroy J. Loehwing graduated from Hoboken High School in 2003 with honors and where he constantly demonstrated his desire to help others; and

WHEREAS, Leroy J. Loehwing join the Hoboken Ambulance Corp in 2001 and was subsequently involved in the saving of countless lives during the dark hours of 9/11; and

WHEREAS, Leroy J. Loehwing was a founder of the Ambulance Corp's Hoboken High School Emergency Response Team where he served as Lieutenant of Training; and

WHEREAS, Leroy J. Loehwing was devoted to community service and spent his life helping those in need;

NOW, THEREFORE, BE IT PROCLAIMED, that I **DAWN ZIMMER** Mayor of the City of Hoboken, do posthumously commend and honor the memory of Leroy J. Loehwing who loved his community and fellow man with great passion and whose spirit will be truly missed.

Received and Filed.

Council President Cunningham called to suspend the agenda for resolution #1.

RESOLUTIONS

10-267

---By Councilman Russo

RESOLUTION NAMING FIRST AND ADAMS STREET "AMATO'S WAY" IN MEMORY OF THE LATE CITY COUNCILMAN ANDREW JAMES AMATO IN HONOR OF HIS DECADES OF PUBLIC SERVICE TO THE CITY OF HOBOKEN AND HIS DEDICATION TO ITS RESIDENTS.

WHEREAS, The City of Hoboken honors residents who have devoted their lives to the betterment of our community and have worked selfishly to aid and assist their neighbors in a quest to maintain and improve their quality of life; and

WHEREAS, Andrew James Amato was a highly-esteemed resident of The Mile Square City having devoted his life to others, serving the community as Fourth Ward Councilman and Director of Public Works; and

WHEREAS, Andrew Amato has generously given his time and energy by founding the Andrew Amato Civic Association, serving as Standard Bearer of the Hoboken Regular Democratic Association and sponsoring a Little League team; and

WHEREAS, Andrew Amato has graciously volunteered for many years to serve the needs of senior citizens by sponsoring holiday parties, trips to Atlantic City and providing Bingo equipment and other goods; and

WHEREAS, Upon retirement, Andrew Amato continued his life-long tradition of helping others, especially his fellow senior citizens and this past year was duly saluted by the City of Hoboken as the Hoboken Senior Citizen of the Year and was a Nominee for Hudson County "Senior Citizen of the Year;" and

WHEREAS, Andrew, was the loving husband of, Florence, and raised three children, Mary, Janet and Andrew, Jr.; and was grandfather to Andrew, Gerard, Andrew, III; Jason; Andrea; Devin and Dylan;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken does hereby declare that First and Adams street to be named "Amato's Way" to honor the memory of an outstanding citizen, Andrew James Amato.

---Motion duly seconded by Councilwoman Castellano.

---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.

PUBLIC HEARING and FINAL VOTE ON ORDINANCES

Second Reading / Public Hearing and Final Vote

AN ORDINANCE TO AMEND CHAPTER 190 OF THE CODE OF THE CITY OF OBOKEN, ENTITLED, "VEHICLES AND TRAFFIC" TO TURN SECOND STREET INTO ATWO-WAY STREET WITH BIKE PATHS BETWEEN RIVER STREET AND SINATRA DRIVE Z-29

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.

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: 9 - NAYS: 0

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

---Nays: None.

Councilman 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.

10-268

APPLICATIONS FOR MISCELLANEOUS LICENSES

Parking Facilities -----	16
Mechanical Amusement Devices-----	--2
Vendor-----	10

---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

10-269

A report of the Municipal Court indicating receipts for the month of January 2010 as \$369,098.84.

---Received and filed.

RESOLUTIONS (cont'd)

Presented and Read

10-270

---By President Cunningham

APPOINTING PHILLIP COHENTO THE HOBOKEN ZONING BOARD OF ADJUSTMENT TO FILL A VACANCY IN A TERM TO EXPIRE ON DECEMBER 31, 2012.

WHEREAS, pursuant to the Code of the City of Hoboken, §44-11, the City of Hoboken has established a Zoning Board of Adjustment; and,

WHEREAS, pursuant to a recent amendment to §44-11, members of the Zoning Board of Adjustment are now appointed by the City Council, rather than the Mayor; and,

WHEREAS, there is a current vacancy in the Zoning Board of Adjustment; and,

WHEREAS, the City Council has followed the process contemplated by the "Citizens Service Act," in applications for the position were publicly sought and reviewed, and _____ has timely submitted his/her application to the Clerk of the City of Hoboken;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken hereby appoints Phillip Cohen, residing at _____, to serve as a member of the Hoboken Zoning Board of Adjustment to fill the vacancy, for a term to expire on December 31, 2012.

---Motion duly seconded by President Cunningham

---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.

10-271

---By President Cunningham

RESOLUTION TO APPROVE SPECIAL COUNCIL MEETINGS FOR CERTAIN ZONING APPEALS

WHEREAS, the City Council of the City of Hoboken had previously scheduled on February 10, 2010, a hearing on the appeal of Fund for a Better Waterfront on the application of Stevens Institute of Technology, received and filed September 22, 2009; and

WHEREAS, that hearing was postponed due to snow emergency; and

WHEREAS, the City Council is in receipt of the appeal of Daniel Tumpson on the application of 226 Park Realty, LLC, received and filed December 15, 2009, which requires assignment of a special meeting date.

NOW, THEREFORE BE IT RESOLVED, that the City Council shall conduct hearings on the aforesaid appeals pursuant to N.J.S.A. 40:55D-17 and Section 44-34 of the Code of the City of Hoboken on Special Meeting dates as follows, which dates shall be reserved for the subject appeal and with no other business to be conducted:

1. Appeal of Fund for a Better Waterfront – Thursday, February 25, 2010, at 7:00 p.m. in the Council Chambers of Hoboken City Hall.
2. Appeal of Daniel Tumpson – Thursday, March 25, 2010 at 7:00 p.m. in the Council Chambers of Hoboken City Hall.

BE IF FURTHER RESOLVED, that the City Council of the City of Hoboken advertise these meetings as being open to the public; provided however, that the proceedings shall be on the record established at the respective hearings of the Zoning Board of Adjustment and shall be limited to oral argument by the attorneys for the parties; after which argument a decision on the appeal may be voted by the City Council.

The speakers who spoke: Toni Tomarazzo, Stephen Spector, Kyle Enger, Dan Tumpson.

---Motion duly seconded by Councilwoman Marsh.

---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.

10-272

---By Councilman Lenz

RESOLUTION AUTHORIZING A CONTRACT WITH THE BUZAK LAW GROUP, LLC FOR THE SERVICES OF EDWARD J. BUZAK, ESQ. AS TRANSITION COUNSEL FOR THE CITY OF HOBOKEN

WHEREAS, Edward J. Buzak of The Buzak Law Group LLC was retained as “Transition Counsel” by resolution of the City Council on September 2, 2009;

WHEREAS, in that role he has assisted in general legal services to the administration developing a familiarity with certain matters remain unresolved; and

WHEREAS, the new Corporation Counsel, Michael B. Kates, is precluded by conflicts of interest with respect to some of these ongoing matters, more particularly the appeal before the City Council of the Skyline Condominium Assoc. relative to the application of Kane Properties, LLC before the Zoning Board of Adjustment; and contractual negotiations with P.T. Maxwell, LLC, Block 261.05, Lot 1, Block 261.06, Lot 1 and Block 261.07, Lot 2; because of his private practice litigation against Toll Brothers Inc.; and

WHEREAS, this special expertise and knowledge provides a basis for waiving the competitive negotiation provisions of Hoboken Ordinance #DR-154 (codified as §20A-1 et. seq. of the Code of the City of Hoboken) as permitted by the Ordinance; and,

WHEREAS, The Buzak Law Group LLC will be required to abide by the “pay to play” requirements of the Hoboken Public Contracting Reform Ordinance, #DR-154 (codified as §20A-11 et. seq. of the Code of the City of Hoboken); and,

WHEREAS, said service is a professional service as defined by N.J.S.A. 40A:11-2(b) and as such, is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and

NOW THEREFORE, BE IT RESOLVED (a majority of the whole Council concurring) that a professional services contract be authorized in the amount not to exceed Twenty-Five Thousand (\$25,000.00) Dollars for the services of Edward J. Buzak, Esq. of The Buzak Law Group, LLC as Special Counsel for the City of Hoboken in the aforesaid matters and other matters as the need for his participation arises, in the discretion of the Corporation Counsel; and,

BE IT FURTHER RESOLVED that this firm shall be paid an hourly rate of \$150.00 per hour based on actual time and expenses; 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.

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.

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

---Motion duly seconded by President Cunningham

---Adopted by the following vote: YEAS: 7 - NAYS: 0

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

---Nays: Castellano, Russo.

10-273

---By Councilman Lenz

RESOLUTION ADOPTING AND IMPLEMENTING A DEFERRED COMPENSATION PLAN

WHEREAS, in order to attract and retain qualified employees there exists a need to adopt and implement a DEFERRED COMPENSATION PLAN for the employees of the City of Hoboken (hereinafter referred to as “Employer”), which will provide employees the opportunity to enhance their financial security at retirement through savings of compensation on a deferred basis as provided by Section 457 of the Internal Revenue Code of 1986, as amended (“Code”); and

WHEREAS, in 2010 the Employer adopted a DEFERRED COMPENSATION PLAN provided by AXA-Equitable and assigned the plan identifier (66-PD- Equitable-053107) City of Hoboken by the Division of Local Government Services; and

WHEREAS, the offering of additional investments from another contractor will provide additional retirement investment options to participating employees; and

WHEREAS, there is no direct financial cost to the Employer to adopt and implement an additional employee deferred compensation plan and

WHEREAS, the Employer solicited written proposals from two or more contractors for a Deferred Compensation Plan that meet the requirements of the Municipal, County and Authority Deferred Compensation Programs Rule N.J.A.C. 5:37; including AXA Equitable and AIG Valic.

WHEREAS, the following contractors submitted written proposals: AXA Equitable Life Insurance Company (hereinafter referred to as "AXA Equitable) and AIG Valic; and

WHEREAS, the City of Hoboken reviewed the proposals and met with representatives of the responding contractors of deferred compensation services; and

WHEREAS, it was deemed that AXA Equitable has the ability to: (1) maintain complete records of accounts; (2) manage accounts with absolute fidelity; (3) provide advice concerning various categories of investments; and (4) provide continuing consultation to participants.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken that the, Fiscal Monitor, Judith Tripodi is hereby authorized to execute the Service Agreement (bearing the identifier: 66-SA-Equitable-053107 assigned by the New Jersey Division of Local Government) with AXA Equitable for the provision of administrative and investment services.

BE IT FURTHER RESOLVED that the City's Fiscal Monitor, Judith Tripodi is hereby designated as Local Plan Administrator for the administration of the DEFERRED COMPENSATION PLAN.

BE IT FURTHER RESOLVED that there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of AXA Equitable in the selection of AXA Equitable as contractor for the administration of the Service Agreement pursuant to N.J.A.C. Section 5:37-5.7.

BE IT FURTHER RESOLVED that the City of Hoboken is adopting a deferred compensation plan substantially similar to one on which a favorable Private Letter Ruling has been previously obtained from the federal Internal Revenue Service except for provision added by reason of The Small Business Job Protection Act 1996 (United State Public Law no.104-188), the Tax Payer Relief Act 2001 (United States public law no.105-34) and the Economic Growth and Tax Relief Reconciliation Act 2001 (United states public law no.107-16) , and all such provisions are stated in the plan in terms substantially similar to the text of those provisions in the Internal Revenue code section 457.The use of the Ruling is for guidance only and acknowledges that for Internal Revenue Service purposes, the Ruling of another employer is not to be considered precedent.

BE IT FURTHER RESOLVED that a certified copy of this resolution and all necessary required documents shall be submitted to the Director of the Division of Local Government Services within the State Department of Community Affairs for approval.

---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.

10-274

---By Councilman Lenz

RESOLUTION DEMANDING RELEASE OF AUDIT OF HOBOKEN POLICE DEPARTMENT BY NEW JERSEY DIVISION OF LOCAL GOVERNMENT SERVICES

WHEREAS, the New Jersey Division of Local Government Services (DLGS) has virtually completed, if not completed, an Operational Audit of the Hoboken Police Department that was initiated during the Fall of 2008; and

WHEREAS, the contents of said Audit are time-sensitive, both in becoming less relevant as time passes and in delaying the savings potential of implementation of the Audit findings; and

WHEREAS, such information is needed by the City of Hoboken for budgeting, operational decision-making, and to inform labor negotiations and potential contract settlements;

WHEREAS, the resources expended to compile said Audit were supplied by Hoboken and New Jersey taxpayers;

WHEREAS, the content of said Audit is appropriately public information; and

WHEREAS, the release of said Audit has been repeatedly promised;

NOW THEREFORE BE IT RESOLVED by the Council of the City of Hoboken that we support Mayor Dawn Zimmer in her public call for the release of this valuable taxpayer-funded Audit;

BE IT FURTHER RESOLVED that the City Council calls upon DLGS Director Susan Jacobucci to release said Audit without further delay and hereby instructs the City Clerk to immediately transmit this Resolution to the DLGS Director by facsimile and hard copy.

BE IT FURTHER RESOLVED that in the event the Audit is not released by Thursday February 18, the City Council calls upon New Jersey Governor Christopher Christie to compel DLGS Director Susan Jacobucci to release said Audit without further delay and instructs the City Clerk to immediately transmit this Resolution to his office by facsimile and hard copy.

The speakers who spoke: Scott Siegel, Toni Tomarazzo.

---Motion duly seconded by Councilwoman Marsh

---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.

10-275

---By Councilman Mello

RESOLUTION APPOINTING SPECIAL LEGAL COUNSEL FOR THE CITY OF HOBOKEN IN SPECIAL MATTERS INVOLVING POLICE DEPARTMENT.

(Paul Condon, Esq)

WHEREAS, the City of Hoboken requires the services of Special Legal Counsel for professional services under the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq; and

WHEREAS, the City of Hoboken has reviewed the qualifications of Paul Condon of Hoboken, New Jersey and has determined that the attorney can provide these services for the City of Hoboken in an efficient manner, having been previously engaged in a similar matter; and

WHEREAS, this type of work constitutes a professional service for an amount not to exceed Twenty Nine Thousand (\$29,000.00) dollars and as such, is exempt from the bidding requirements pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, funds for this agreement are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED, that the City of Hoboken does hereby authorize a contract between the City of Hoboken and Paul Condon, Esq. for matters involving the Hoboken Police Department.

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

1. A contract for Special Counsel to prosecute in disciplinary proceedings involving Lt. Angelo of Andriani shall be prepared and executed as follows:

Paul Condon, Esq.
33-41 Newark Street
Suite 4A
Hoboken, New Jersey 07030

The attorney shall be paid in an amount not to exceed \$29,000.00.

2. This agreement shall be effective February 28, 2010 and terminate February 28, 2011.
3. The Mayor and City Clerk are hereby authorized to execute this Agreement.
4. A copy of this resolution shall be published and the City Clerk shall keep a copy of this contract in accordance to N.J.S.A. 40A:11-1 *et seq.*

---Motion duly seconded by Councilwoman Marsh.

---Adopted as **amended** by the following vote: YEAS: 9 - NAYS: 0

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

---Nays: None.

10-276

---By Councilman Lenz

RESOLUTION APPOINTING SPECIAL LEGAL COUNSEL FOR THE CITY OF HOBOKEN IN SPECIAL MATTERS INVOLVING POLICE DEPARTMENT

(Thomas F. Portelli, Esq).

WHEREAS, the City of Hoboken requires the services of Special Legal Counsel for professional services under the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq; and

WHEREAS, the City of Hoboken has reviewed the qualifications of Thomas Portelli of Paterson, New Jersey and has determined that the attorney is qualified to serve as hearing officer in current disciplinary proceedings against Lt. Angelo Andriani, and can provide these services for the City of Hoboken in an efficient manner; and

WHEREAS, this type of work constitutes a professional service for an amount not to exceed Twenty Nine Thousand (\$29,000.00) dollars and as such, is exempt from the bidding requirements pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, funds for this agreement are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED, that the City of Hoboken does hereby authorize a contract between the City of Hoboken and Thomas Portelli, Esq. for matters involving the Hoboken Police Department.

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

2. A contract for Special Counsel for Special Legal Services for the City of Hoboken as hearing officer in the current disciplinary proceedings against Lt. Angelo Andriani shall be prepared and executed as follows:

Thomas F. Portelli, Esq.
470 Chamberlain Avenue
Paterson, New Jersey 07502

The attorney shall be paid in an amount not to exceed \$29,000.00.

5. This agreement shall be effective February 28, 2010 and terminate February 28, 2011.
6. The Mayor and City Clerk are hereby authorized to execute this Agreement.
7. A copy of this resolution shall be published and the City Clerk shall keep a copy of this contract in accordance to N.J.S.A. 40A:11-1 *et seq.*

---Motion duly seconded by President Cunningham.

---Adopted as **amended** by the following vote: YEAS: 9 - NAYS: 0

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

---Nays: None.

10-277

---By Councilman Mello

RESOLUTION AWARDING A CONTRACT FOR A TEN (10) YEAR LEASE OF TWENTY (20) PARKING SPACES IN MUNICIPAL GARAGE "B".

WHEREAS, a lease agreement was received for a ten (10) year lease of twenty (20) parking spaces to the United States Government in municipal garage "B" of the City of Hoboken; and,

WHEREAS, the lease is at a rate of \$350 per space per month for the term of the lease, to begin on May 1, 2010.

NOW, THEREFORE, BE IT RESOLVED, by City Council of the City of Hoboken , County of Hudson, State of New Jersey that:

1. The length 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 his designee is hereby authorized to execute an agreement, contingent on all mandated requirements being met, for the above referenced lease to the United States Government.

---Motion duly seconded by Councilman Giacchi

---**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.

10-278

---By Councilman Lenz

RESOLUTION OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-11(c) AND N.J.S.A. 40A:2-7

WHEREAS, the governing body of the City of Hoboken, in the County of Hudson, New Jersey (the "City") has introduced a bond ordinance (the "Bond Ordinance") to provide for the repair of the Castle Point Park and Sinatra Park sections of the Hudson River Waterfront Walkway located in the City, including all work, materials and services necessary therefore or incidental thereto; and

WHEREAS, the City desires to make application to the Local Finance Board for its review and approval of a waiver of down payment pursuant to N.J.S.A. 40A:2-11(c) and in accordance with 40A:2-7(d); and

WHEREAS, the governing body of the City believes that:

- (a) it is in the public interest to accomplish such purpose;

- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the City;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the City and will not create an undue financial burden to be placed upon the City.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, as follows:

Section 1. The application to the Local Finance Board for the purposes described in the recitals hereof is hereby approved, and Gluck Walrath LLP, the City's Bond Counsel, along with other representatives of the City, are hereby authorized to prepare such application and to represent the City in matters pertaining thereto.

Section 2. The City Clerk is hereby directed to prepare and file a copy of this resolution and the proposed Bond Ordinance with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute, including causing its consent to be endorsed upon a certified copy of the Bond Ordinance as finally adopted by the City.

The speaker who spoke: Richard Tremitedi.

---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.

10-279

---By Councilman Lenz

RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS FOR THE SFY 2010 BUDGET

WHEREAS, the City of Hoboken is expected to enter into contracts, commitments or payments prior to the adoption of the SFY 2010 budget and no adequate provision has been made in the SFY 2010 temporary budget 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 appropriation resolutions adopted in SFY 2010 pursuant to the provisions of N.J.S.A. 40A:4-20 including this resolution total \$71,754,846.64 for Current Expenses and \$6,186,826.39 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 in the amount of \$7,500.00
- 2) for Current Expenses and \$00.00 for the Parking Utility as follows:

**City of
Hoboken
Temporary Appropriations
SFY 2010**

**Meeting
2/17/10**

Operations Within CAPS

Mayor Office	0-01-20-110-011	S/W
	0-01-20-110-021	O/E
City Council	0-01-20-111-011	S/W
	0-01-20-111-021	O/E
Office of Clerk	0-01-20-120-011	S/W
	0-01-20-120-021	O/E
Legal Advertising	0-01-20-121-020	O/E
Cod of Ordinances	0-01-20-123-020	O/E
Elections	0-01-20-122-011	S/W
	0-01-20-122-021	O/E
Bus Administrators	0-01-20-112-011	S/W
	0-01-20-112-021	O/E
Purchasing	0-01-20-114-011	S/W
	0-01-20-114-021	O/E
Licensing Bureau	0-01-20-115-011	S/W
	0-01-20-115-021	O/E
Personnel & Health Benefits	0-01-20-105-011	S/W
	0-01-20-105-021	O/E
Constituent Services	0-01-27-333-011	S/W
	0-01-27-333-021	O/E
Zoning Administration	0-01-21-186-011	S/W
	0-01-21-186-021	O/E
Uniform Construciton Code	0-01-22-195-011	S/W
	0-01-22-195-021	O/E
Corporation Counsel	0-01-20-155-011	S/W
	0-01-20-155-021	O/E
Special Counsel	0-01-20-156-021	O/E
Expert Witness & Appraisal	0-01-20-158-021	O/E
Revenue & Finance Director	0-01-20-130-011	S/W
	0-01-20-130-021	O/E
Annual Audit	0-01-20-135-020	O/E
Accounts & Control	0-01-20-131-011	S/W

	0-01-20-131-021	O/E	
Payroll	0-01-20-132-011	S/W	
	0-01-20-132-021	O/E	
Tax Collections	0-01-20-145-011	S/W	
	0-01-20-145-021	O/E	
Information Technology	0-01-20-147-011	S/W	
	0-01-20-147-021	O/E	
Municipal Court	0-01-43-490-011	S/W	
	0-01-43-490-021	O/E	
Public Defender	0-01-43-495-011	S/W	
	0-01-43-495-021	O/E	
Office of Tax Assessor	0-01-20-150-011	S/W	
	0-01-20-150-021	O/E	
Human Services Director	0-01-27-330-011	S/W	
	0-01-27-330-021	O/E	
Rent Leveling	0-01-27-347-011	S/W	
	0-01-27-347-021	O/E	
Housing Inspection	0-01-21-187-011	S/W	
	0-01-21-187-021	O/E	
Transportation	0-01-27-348-011	S/W	
	0-01-27-348-021	O/E	
Health	0-01-27-332-011	S/W	
	0-01-27-332-021	O/E	
Senior Citizens	0-01-27-336-011	S/W	
	0-01-27-336-021	O/E	
Recreation & Cultural Affairs	0-01-28-370-011	S/W	
	0-01-28-370-021	O/E	
Cultural Affaris	0-01-27-176-011	S/W	
	0-01-27-176-021	O/E	
Director Environmental Svc	0-01-26-290-011	S/W	
	0-01-26-290-021	O/E	
Parks	0-01-28-375-011	S/W	
	0-01-28-375-021	O/E	
Public Property	0-01-28-377-011	S/W	
	0-01-28-377-021	O/E	
Streets & Roads	0-01-26-291-011	S/W	
	0-01-26-291-021	O/E	
Emergency Road Repair	0-01-40-701-040	O/E	
Central Garage	0-01-26-301-011	S/W	
	0-01-26-301-021	O/E	
Sanitation	0-01-26-305-011	S/W	
	0-01-26-305-021	O/E	
Director Community Develop	0-01-20-160-011	S/W	
	0-01-20-160-021	O/E	
Grants Management	0-01-20-116-011	S/W	
	0-01-20-116-021	O/E	
Waterfront Development	0-01-31-462-000	O/E	
Planning Board	0-01-21-180-011	S/W	
	0-01-21-180-021	O/E	
Zoning Board of Adjustments	0-01-21-185-021	O/E	
Redevelopment	0-01-21-181-000	O/E	7,500.00
Historic Preservation Comm	0-01-20-175-021	O/E	
Police	0-01-25-241-011	S/W	
	0-01-25-241-021	O/E	

Acquisition of Vehicles	0-01-25-242-000	O/E	
Fire	0-01-25-266-011	S/W	
	0-01-25-266-021	O/E	
Uniform Fire Safety	0-01-25-265-011	S/W	
Office of Emergency Mgmt	0-01-25-252-011	S/W	
	0-01-25-252-021	O/E	
Insurance			
General Liability	0-01-30-400-010	O/E	
Workers Compensation	0-01-30-400-020	O/E	
Employee Group Health	0-01-30-400-029	O/E	
Unclassified			
ABC Board	0-01-20-113-011	S/W	
	0-01-20-113-021	O/E	
Volunteer Ambulance	0-01-25-260-020	O/E	
N H Reg Council of Mayor	0-01-23-222-020	O/E	
Settlements of Claims	0-01-23-219-020	O/E	
Towing/Storage of Aband Veh	0-01-23-223-020	O/E	
Engineering	0-01-31-461-000	O/E	
Labor Arbitrations	0-01-20-157-020	O/E	
Municipal Dues & Membership	0-01-23-212-020	O/E	
Celebration of Public Events	0-01-23-216-020	O/E	
Postage	0-01-23-211-020	O/E	
Office Machines	0-01-23-213-020	O/E	
Copiers/Printers O/E			
Stationary & Office Supply	0-01-23-218-020	O/E	
Central Office Supplies O/E			
Electricity	0-01-31-430-000	O/E	
Street Lighting	0-01-31-435-000	O/E	
Gasoline	0-01-31-460-000	O/E	
Fuel	0-01-31-447-000	O/E	
Water & Sewer	0-01-31-445-000	O/E	
Communications	0-01-31-440-000	O/E	
TeleCommunications Equipment	0-01-31-450-000	O/E	
Salary Adjustment	0-01-36-478-000	O/E	
Master Plan	0-01-31-463-000	O/E	
Salary Settlements	0-01-36-479-000	O/E	
Sub Total Within CAPS			7,500.00
Statutory Expenditures			
Pension Adjustment	0-01-36-470-000		4,252,621.00
Social Security System	0-01-36-472-000		
Consol Police/Fire Pension	0-01-36-474-000		
Unemployment Compensation	0-01-23-225-020		
Police/Firemen's Retirement	0-01-36-475-000		
Subtotal Statutory Expenditures			4,252,621.00
Outside Caps			
Maintenance of Free Public Library	0-01-29-390-021		
Public Employee Retirement	0-01-36-471-000		
Hoboken Housing Authority			
Police SW	0-01-44-101-011		
Matching Funds for Grant	0-01-46-892-001		

Subtotal Outside caps 0.00

Total Appropriations Included in 26.25% limit 4,260,121.00

Capital Improvements Outside "CAPS"

Capital Improvement Fund 0-01-44-900-001

Computer Technology upgrades 0-01-44-900-002

Emergency Repair City Piers 0-01-44-900-003

Total Capital Improvements From CAP 0.00

Municipal Debt Service

Payment Bond Principal 0-01-45-900-001

Interest on Bonds 0-01-45-930-000

Interest on Notes 0-01-45-935-000

Interest on Tax Anticipation Notes 0-01-45-936-000

BAN Notes Principle 0-01-45-925-000

Green Trust Loan Repayment 0-01-45-940-001

Underground Storage Tank Loan 0-01-45-940-020

Interest of Garage Sale 0-01-45-937-001

Principal on HClA Police Car 0-01-45-937-020

Total Municipal Debt 0.00

Judgement 0-01-37-480-000

Total 4,260,121.00

Grants

Deferred Charges

Overexpenditure 2 of 7

Total Temporary Muni Budget 4,260,121.00

Parking Utility

Salary Wages 0-31-55-501-100

Other Expenses 0-31-55-502-200

Group Health 0-31-55-506-000

Capital Improvement

Capital Outlay

Statutory Expenditures

Public Employee Retirement System 0-31-55-541-100

Social Security System 0-31-55-541-020

Unemployment Compensation Insurance 0-31-55-541-300

Total Appropriations Included in 26.25% limit 0.00

Debt Service

Payment of Bond Principal 0-31-55-503-000

Interest on Bonds	0-31-55-504-000
Payment of Note Interest (916)	0-31-55-503-010
Payment of Note Principal (916)	0-31-55-505-000
Trustee Fee	0-31-55-503-050

Total Parking Debt	0.00
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Total Temporary Parking utility Budget	0.00
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Police Department
 Police
 Crossing Guards
 Housing Authority
Total Police

Recreational
 Recreational Seasonal
 Recreation
Total Recreation

Difference
 Prior Year Settlement
 Salary Adjustment
 Municipal Court O/T
 Summer Lunch
 OEP
 Police Grant
 Fire Education

The speakers who spoke: Mo DeGennaro, Richard Tremitedi, Donna Antanucci, Shawki Rhalil, Irene Smith.

--Motion duly seconded by President Cunningham.
 --Adopted as **amended** by the following vote: YEAS: 6 - NAYS: 3
 --Yeas: Council persons Bhalla, Giacchi, Lenz, Marsh, Mello, and President Cunningham.
 --Nays: Castellano, Mason, Russo.

10-280

--By Councilman Russo

RESOLUTION APPROVING PARTICIPATION IN THE PARIS GRANTS PROGRAM AND TO LEVERAGE FUNDING WITH THE COUNTY OF HUDSON FOR PART-TIME STAFF SUPPORT FOR INVENTORY CONTINUATION, RETENTION SCHEDULE APPLICATION AND RECORDS PURGING

WHEREAS, the County of Hudson, with funding from the PARIS Grant Program, has completed a Needs Assessment which has been approved by the New Jersey Division of Archives Management (NJDARM); and

WHEREAS, the City of Hoboken has been contacted by NJDARM and is aware of the opportunity to apply directly for 2010/2011 Grant Funds or to leverage with Hudson County and be included in the Hudson County 2010/2011 application; and;

WHEREAS, the City of Hoboken wishes to take advantage of the County of Hudson's manpower and expertise in the area of Public Archives and Records Infrastructure Support (PARIS) matters;

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoboken acknowledges the County of Hudson as lead agency and applicant on behalf of the City of Hoboken; and hereby approves the attached notification to the County of Hudson of its desire to leverage grant funding with the County of Hudson; and

FURTHER RESOLVED, that the Mayor of the City of Hoboken, or his designee, is hereby authorized to immediately inform the County of Hudson of this intent and to provide additional information and furnish such documents as may be required by the County of Hudson and to act as the authorized correspondent of the City of Hoboken

---Motion duly seconded by Councilwoman Castellano.

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

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

---Nays: None.

---Absent: Giacchi

Councilman Giacchi left meeting 10:13 p.m. at the time of the vote.

Councilman Giacchi returned at 10:20 p.m.

10-281

---By Councilwoman Marsh

RESOLUTION OPPOSING LEGISLATION AMENDING THE TIME OF DECISION RULE

WHEREAS, S-82 and A-437 are intended to modify the “time of decision” rule, which currently allows municipalities to change the zoning regulations during the pendency of an application for development; and

WHEREAS, the bills would deem as complete the ordinances in effect at the time of an application and shall govern the review of that application, and any decision made following upon that review;

WHEREAS, “the time of decision rule” is a judicially recognized principal that decisions are to be made on the basis of laws, ordinances and regulations in effect at the time the decision is rendered not upon application; and

WHEREAS, courts have applied the “time of decision rule” to correct errors in zoning ordinances, thus giving local legislators the opportunity to correct legislative policy that had been found to be imperfectly expressed; and

WHEREAS, the “time of decision rule” has permitted a municipality to give additional legislative consideration to serious and substantial land use planning concerns that, for whatever reason, had not been previously addressed in the ordinance; and

WHEREAS, application and zoning changes require public discussion and hearings, and S-82/A-437 would permit developers to “beat the clock” by filing applications and freezing the ability of local officials to act;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of {City of Hoboken, County of Hudson, in the State of New Jersey hereby urges our State Legislators to oppose A-4 and S-82, and any legislation which would eliminate the “time of decision” rule at the local level; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to State Senator, and member of the Senate and State Assembly representatives, the New Jersey State League of Municipalities and the Office of the Governor.

The speakers who spoke: Keith Furman, Jim Doyle.

---Motion duly seconded by Councilman Mello.

---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.

10-282

---By Councilman Mello

RESOLUTION AUTHORIZING TEMPORARY RELOCATION OF THE HUDSON PLACE TAXI STAND

WHEREAS, the City Code of the City of Hoboken, at Section 179A-24, has established a taxi stand on the southern side of Observer Highway, continuing east on the southern side of Hudson Place and River Street (“the current Taxi Stand”), which is currently in use; and,

WHEREAS, its North Hudson Sewage Authority requires that the current Taxi Stand be moved during its construction project, which is anticipated to last for two years; and,

WHEREAS, the southern side of Hudson Place east of River Street is available and would be appropriate for use as a temporary Taxi Stand:

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

1. The current Taxi Stand shall be temporarily relocated to the southern side of Hudson Place east of River Street; and
2. This temporary Taxi Stand shall remain in place until completion of the North Hudson Sewerage Authority construction project, as evidence to by certification of same by the North Hudson Sewerage Authority.

The speakers who spoke: Mary Ondrejka, Cheryl Fallick, Michael Flett, Mo DeGennaro,

Council members discussed and asked questions for Director Sacs, Director of the Dept. of Transportation and Parking.

---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

Councilwoman Mason left meeting 11:02 p.m. at the time of the vote.

Councilwoman Mason returned to at 11:04 p.m.

10-283

---By Councilman Lenz

RESOLUTION AUTHORIZING A 50% EXEMPTION OF PROPERTY TAXES TO VICTOR MOLINA A DISABLED VETERAN.

Resolved, by the Council of the city of Hoboken, that whereas Victor Molina applied for 100% Disabled Veterans Property Tax Deduction against 2010 taxes, effective January 1, 2010 and whereas his taxes for 2010 have been revised for the 1st quarter; and whereas the Property is a two family home and Victor Molina occupies 50% and therefore entitled to a 50% exemption of his taxes; therefore, be it

Resolved: that a warrant be drawn to the order of the following:

<u>Block</u>	<u>Lot</u>	<u>Owner</u>	<u>Amount of Revised Bill</u>
184	43	Victor Molina	<u>\$1,363.01 credit</u> Victor Molina 208 Ninth Street Hoboken, NJ 07030

Pro-rated as follows:

2010 First QuarterProperty Taxes: \$2,726.01
Credit: \$1,363.01
Revised amount due: \$1,363.00

AND, ALSO BE IT

RESOLVED: THAT THE ABOVE AMOUNT BE CANCELLED FROM THE 2010 TAX DUPLICATE

The second, third and fourth quarters of 2010 taxes will also have to be Pro-Rated and will have to be cancelled from the 2010 Tax Duplicate.

---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.

10-284

---By Councilman Lenz

RESOLUTION AUTHORIZING THE TAX COLLECTOR TO HOLD AN ACCELERATED TAX SALE OF DELINQUENT TAXES AND TO CHARGE FEES INCURRED IN THE TAX SALE NOTICE

WHEREAS, pursuant to the provision of R.S. 54:5-9 et seq., the Tax Collector is allowed to conduct an accelerated Tax Sale for the purpose of enforcing the collection of delinquent taxes in the City of Hoboken against which such delinquent taxes are in arrears prior to the close of the fiscal year, in the manner and form prescribed in said Statute, on or before the 30th day of June 2010; and

WHEREAS, N.J.S.A. 54:5-26 provides for direct mailing of the Tax Sale Notice in lieu of up to two legal advertisements, not exceeding a cost of \$25.00 for each mailing; and

WHEREAS, the Tax Collector recommends two direct mailing so that the cost of the Tax Sale process is borne by the delinquent owners.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Hoboken, that pursuant to the provision of R.S. 54:5-9 et seq., the Tax Collector be authorized and directed to conduct a Tax Sale in the manner and form prescribed in said Statute on or before the 30th day of June 2010 for the purpose of enforcing the collection of delinquent taxes in the City against which such delinquent taxes are in arrears as of May 11, 2010 and

BE IT FURTHER RESOLVED that the Tax Collector is authorized to send two direct mailings and collect a charge of \$25.00 each in compliance with N.J.S.A. 54:5-26 and

BE IT FURTHER RESOLVED that the Tax Collector be and hereby is authorized to include in said sale any and all unpaid sewer charges certified to the Tax Collector from North Hudson Sewer Authority: and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the City of Hoboken Tax Collector.

---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, Mason, Mello, and President Cunningham.

---Nays: None.

---Absent: Russo.

Councilman Russo left the meeting 11:06 p.m. at the time of the vote.

Councilman Russo returned at 11:08 p.m.

10-285

---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 **\$ 87,082.72**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
WELLS FARGO BANK, NA WELLS FARGO HOME MAC X2302-04D, TAX DEPT 1 HOME CAMPUS DES MOINES, IA 50328	114/1/-C0520	1300 GRAND ST	4/09	\$ 107.59
WELLS FARGO BANK, NA WELLS FARGO HOME MORT. MAC X2302-04D, TAX DEPT 1 HOME CAMPUS DES MOINES, IA 50328	34/9.1/C004R	115 WILLOW AVE	4/09	\$ 935.51
BHATIA, MEHRU & SAMEER 1500 GARDEN ST #4A HOBOKEN, NJ 07030	268.1/1/C004A	1501 GARDEN/ 1500 BLOOMFIELD	4/09	\$10,148.65
BODANSKY, DANIEL 400 NINTH ST APT W3C HOBOKEN, NJ 07030	149/1/C0W3C	400-414 NINTH ST	2/09	\$ 1,788.56
FAILLA, JOSEPH 100 CENTRAL AVE #408 SARASOTA, FL 34236	261.04/1/CP034	1025 MAXWELL LANE	4/09	\$ 132.84
SYMON, STEVEN 1500 GARDEN ST #5G HOBOKEN, NJ 07030	268.1/1/C005G	1501 GARDEN/ 1500 BLOOMFIELD	4/09	\$13,926.84
WILDER, PAUL L & CATHERINE JANE 812 GRAND ST #510 HOBOKEN, NJ 07030	91/1.2/CP067 91/1.2/C0510	812 GRAND ST	1&4/09	\$ 858.95
KARRAS, NICHOLAS 122 LINCOLN AVE FAIR HAVEN, NJ 07704	67/17/-C0P-2 67/17/C004B	530-532 MADISON ST	3/09 3/09	\$2,507.53
KENNEDY, BRIAN & DANYA 78-80 JACKSON ST #2E HOBOKEN, NJ 07030	13/1/C002E	78-80 JACKSON ST	4/09	\$3,076.45
ST JOHN, MATTHEW & ANA MARIA SANCHEZ	25/1/C008T	700 FIRST ST	3/09	\$ 160.98

700 FIRST ST #8T
HOBOKEN, NJ 07030

DUCLAUX, DENISE 32/28/C003A 100 CLINTON ST 4/09 \$ 196.33
14 SHOAL ROAD
JACKSON, NJ 08527

SMITH, MICHAEL & 39/22/C002S 226 JEFFERSON ST 4/09 \$ 933.46
HELEN
2 CONSTITUTION CT #101
HOBOKEN, NJ 07030

OTTAVINO, FRANCESCO & 86/1/C0303 800-830 JACKSON ST 4/09 \$ 172.82
LISA DURANTE
1500 GARDEN ST APT 9I
HOBOKEN, NJ 07030

PARK WILLOW LLC 125/9/ 1428-30 PARK AVE 4/09 \$ 6,103.78
C/O TIM WATTS 1/10
500 INT'L DRIVE N
SUITE 345
MOUNT OLIVE, NJ 07828

CASSIRAM, RAKESH & 114/1/C0203 1300 GRAND ST 4/09 \$ 101.01
SHALEY SCHGAL
1300 GRAND ST #203
HOBOKEN, NJ 07030

924 WASHINGTON ST LLC 208/28/ 924 WASHINGTON ST 3/09 \$ 6,038.25
P O BOX 110263
STAMFORD, CT 06911

BAC TAX SERVICES CORP 33/9/C000G 119 CLINTON ST 4/09 \$ 823.40
P O BOX 10211
MS: CA0-911-01-03
VAN NUYS, CA 91410

GILDER, WARREN 262.3/1/C0404 2 CONSTITUTION CT 4/09 \$ 3,610.86
2 CONSTITUTION CT #404
HOBOKEN, NJ 07030

CORCORAN, 268.1/3/C008P 1500 HUDSON ST 3/09 \$ 1,668.76
CHRISTOPHER W & MARY
1500 HUDSON ST #8P
HOBOKEN, NJ 07030

BAC TAX SERVICES 109/1.1/-C0512 1200 GRAND ST 4/09 \$ 106.39
CORPORATION
CA6-913-LB-01
P O BOX 10211
VAN NUYS, CA 91499-6089

COLASUONNO, ANGELA MIA 247/31/C003S 1216 WASH ST 4/07 \$ 70.35 EXCEL I

1216 WASHINGTON ST APT 3S HOBOKEN, NJ 07030					
CALABRESE, JOSEPH	268.1/1/C003G	1501 GARDEN/1500	4/09		\$ 10,128.60
1500 GARDEN ST #3G HOBOKEN, NJ 07030					
PASCALE, DAWN	25/1/C003D	700 FIRST ST	3/09		\$ 2,118.88
700 FIRST ST #3D HOBOKEN, NJ 07030					
WELLS FARGO HOME	247/33/C005S	1212 WASH. ST	4/09		\$ 1,535.24
MORTGAGE MAC X2302-04D, TAX DEPT 1 HOME CAMPUS DES MOINES, IA 50328					
BAC TAX SERVICES CORP	261.03/1/C0646	1125 MAXWELL LA	4/09		\$ 489.30
P O BOX 10211 MS:CA0-911-01-03 VAN NUYS, CA 91410-0211					
LIEBERMAN, HARVEY	152/5/C0P28	702-708 CLINTON ST	2/09		\$ 148.95
702-708 CLINTON ST #2D HOBOKEN, NJ 07030					
GILLIAM, SABINE IRMA	268.1/2/C011V	1500 WASH ST	1/09		\$ 1,627.39
1500 WASHINGTON ST #11V HOBOKEN, NJ 07030					
P N C MORTGAGE	15/29/C0008	66 MONROE ST	4/09		\$ 1,921.26
P O BOX 1804 DAYTON, OH 45401-1804					
GIBSON, LESLEY	86/1/C0906	800-830 JACKSON	3/09		\$ 179.56
800 JACKSON ST #906 HOBOKEN, NJ 07030					
CHASE HOME FINANCE LLC	243/13/C0004	1123 WASHINGTON	4/09		\$ 1,955.29
P O BOX 961227 FORT WORTH, TX 76161					
REIKEN, HOWARD & DONNA	197/19.3/	163 ELEVENTH ST	4/09		\$ 3,480.23
163 ELEVENTH ST HOBOKEN, NJ 07030					
WELLS FARGO HOME	261.03/1/CP296	1125 MAXWELL LA	4/09		\$ 6,533.38
MORTGAGE 261.03/1/C0316 CORRESPONDENCE RESOLUTION ESCROW MAC X2501-01H 1 HOME CAMPUS DES MOINES, IA 50328					
ORLANDO, PATRICIA	182/24/C0002	739 PARK AVE	1/10		\$ 695.78
739 PARK AVE APT 2					

HOBOKEN, NJ 07030

HANNON, MARK **17/10/C69-B** **69 MADISON ST** **4/09** **\$ 2,799.55**
69 MADISON ST #69B
HOBOKEN, NJ 07030

---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.

10-286

---By President Cunningham

**RESOLUTION TO REQUEST FOR QUALIFICATIONS A FORENSIC ACCOUNTANT
OR ACCOUNTING FIRM**

WHEREAS, Hoboken's local financial operations have been under the management and control of a State fiscal agent because of the City's failure to adopt a 2008 municipal budget, coupled with overspending in SFY 2008; and

WHEREAS, preparatory to the City government resuming control of local financial operations it is deemed necessary to retain forensic accounting services to conduct departmental reviews on an as needed basis.

NOW THEREFORE, BE IT RESOLVED, that an RFQ be prepared to solicit forensic accounting services.

---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.

10-287

---Councilman Giacchi

**RESOLUTION SUSPENDING CERTAIN REQUIREMENTS OF §68-15 TO
PERMIT ADDITIONAL HIRES OF SECURITY PERSONNEL ON MARCH 6, 2010
CONCURRENT WITH ST. PATRICK'S DAY CELEBRATION**

WHEREAS, §68-15 of the Alcoholic Beverages Chapter of the Hoboken City Code prescribes the certain safeguards in the hiring of covered employees of establishments that serve intoxicating liquors and beverages; and

WHEREAS, the City Council of the City of Hoboken recognizes the need for temporary security personnel as that term is defined in §68-15(A)(4), for the day of the Hoboken St. Patrick's Day Parade, March 6 and 7 2010;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Hoboken, County of Hudson, State of New Jersey that, in lieu of the requirements of §68-15, the following shall apply for the temporary hiring of security personnel and only for the day of the Hoboken St. Patrick's Day Celebration, commencing March 6, 2010, at 9:00 A.M. and concluding at 0300 hours the following day, March 7, 2010.

Any licensee desiring to hire additional, temporary security personnel for said date and time may do so without following the procedures of §68-15; but, in lieu thereof, shall proceed as follows:

1. The temporary hire shall provide full and complete answers in writing to all questions, on a form identified as an Alcohol Beverage Control Temporary Employee Application, furnished by the Department of Public Safety. Those answers shall be under oath, by affidavit or certification affirmatively acknowledging that the applicant has not been convicted of a First, Second, Third or Fourth Degree crime. The affidavit/certification shall be attested to under penalties of perjury and all future criminal prosecution that is available.
2. The temporary hire shall provide two separate and distinct forms of identification which shall be submitted concurrent with the execution of the Alcoholic Beverage Control Temporary Employee Application for review by the appropriate official.
3. If an Alcohol Beverage Control Temporary Employee Application is granted, the Department of Public Safety shall issue a Temporary Identification Card showing compliance with the provisions of this section. The Temporary Employee Identification Card will be valid only on March 6, 2010 commencing 9:00 A.M. and expiring March 7, 2010 at 0300 hours.
4. The temporary hire, while in the exercise of his/her duties, shall at all times conspicuously wear the presentation side of the identification card bearing the individual's name and identification number.
5. No licensee shall engage any covered employee connected with the business of the licensee, unless the temporary employee has conformed to the rules and regulations set forth in this section.
6. All Alcohol Beverage Control Temporary Employee Identification Cards will be issued for any temporary employee who has been convicted of a First, Second, Third or Fourth Degree Crime.
7. No Alcohol Beverage Control Temporary Employee Identification Cards shall be null and void at 0300 hours following the day of the Hoboken St. Patrick's Day Parade.
8. Any individual utilizing an Alcohol Beverage Control Temporary Employee Identification Card in violation of this section is subject to future

BE IT FURTHER RESOLVED, that the provisions of this Resolution 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

Resolution, but shall remaining in effect; it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

BE IT FURTHER RESOLVED, this Resolution and the amendments to §68-15 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 Resolution 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 Resolution 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.

The speaker who spoke: Mary Ondrejka.

Council members discussed the issues regarding the above resolution.

---Motion duly seconded by Councilwoman Marsh

---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.

10-288

---By President Cunningham

RESOLUTION CALLING FOR RFP'S TO PERFORM AN PERATIONS/EFFICIENCY AUDIT OF THE HOBOKEN FIRE DEPARTMENT

WHEREAS, Hoboken's local financial operations have been under the management and control of a State fiscal agent because of the City's failure to adopt a 2008 municipal budget, coupled with overspending in SFY 2008; and

WHEREAS, preparatory to the City government resuming control of local financial operations it is deemed necessary to perform an operations/efficiency audit of the Hoboken Fire Department.

NOW THEREFORE, BE IT RESOLVED, that an RFP be prepared to solicit an operations/efficiency audit of the Hoboken Fire Department.

The speaker who spoke: Scott Siegel,

---Motion duly seconded by Councilman Lenz.

---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

10-289

Z-30

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR THE REPAIR OF THE CASTLE POINT PARK AND SINATRA PARK SECTIONS OF THE HUDSON RIVER WATERFRONT WALKWAY LOCATED IN THE CITY OF HOBOKEN AND APPROPRIATING \$12,000,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$12,000,000 IN BONDS OR NOTES OF THE CITY OF HOBOKEN TO FINANCE THE SAME.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the City of Hoboken, in the County of Hudson, New Jersey (the "City") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$12,000,000. No down payment is required in connection with the authorization of bonds and notes pursuant to N.J.S.A. 40A:2-11(c) as this bond ordinance authorizes obligations in accordance with N.J.S.A. 40A:2-7(d).

Section 2. In order to finance the cost of the improvement or purpose provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$12,000,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds are to be issued is the repair of the Castle Point Park and Sinatra Park sections of the Hudson River Waterfront Walkway located in the City that have collapsed into the Hudson River due to infestation of wood eating insects and deterioration of the wood base, including all work, materials and services necessary therefore or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefore.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate

and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget (or temporary capital budget as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget (or amended temporary capital budget as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the City may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$12,000,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$4,000,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

(e) This bond ordinance authorizes obligations of the Township solely for a purpose described in N.J.S.A. 40A:2-7(d). This purpose is in the public interest and is for the health, welfare, convenience or betterment of the inhabitants of the Township. The amounts to be expended for this purpose pursuant to this bond ordinance are not unreasonable or exorbitant, and the issuance of the obligations authorized by this bond ordinance will not materially impair the credit of the Township or substantially reduce its ability to pay punctually the principal of and the interest on its debts and to supply other essential public improvements and services. The Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey has heretofore made a determination to this effect and has caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading.

(f) The City reasonably expects to commence the acquisition and/or construction of the improvement or purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the City further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant or other moneys received for the purpose described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the City is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. After passage upon first reading of this bond ordinance, the City Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The City Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this bond ordinance.

Section 10. After final adoption of this bond ordinance by the City Council, the City Clerk is hereby directed to publish the full text of this bond ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section 11. The City Council of the City hereby covenants on behalf of the City to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law.

---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 **MARCH 10, 2010 at 7:00 PM (SPECIAL MEETING)**

---Motion duly seconded by Councilman Giacchi

---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

Councilman Mello announced Timothy Occhipinti organized a fundraiser for Haiti at the Shannon Bar and also Women for Change also a fundraiser for Haiti.

Councilman Castellano – asked about update regarding Marine View Garage Doors. Thanked Fire Dept. and everyone involved in the 1st & Park Avenue fire

Director Sacs responded that the cost will be \$18,000 for both doors and installation by next week.

President Cunningham – update on Hospital – Hospital Budget meeting will be held Thursday, February 18, 2010 at Assumption Hall 7 PM.

Councilwoman Mason – Sub-Committee thanks Environmental Services for great snow removal and Fire Department for cleaning out fire hydrants.

Councilman Russo congratulates Director Pope for doing a fine job and wish his the best.

Council members discuss and suggests budget cuts.

President Cunningham then adjourned the meeting at 12:20 a.m.

PRESIDENT OF THE COUNCIL
