

MEETING OF MAY 5, 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, MAY 5, 2010 AT 7:00 PM

President Cunningham opened the meeting at 7:02 p.m. and stated, "I would like to advise all those present that notice of this meeting has been provided to the public in accordance with the provisions of the Open Public Meeting Act, and that notice was furnished to The Jersey Journal and The Hoboken Reporter, The Record, The Newark Star - Ledger and also placed on the bulletin board in the lobby of City Hall."

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

The Clerk then called the roll:

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

PUBLIC HEARING and FINAL VOTE ON ORDINANCES

Second Reading / Public Hearing and Final Vote

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY PROVIDING FOR THE CONSTRUCTION OF A PREFABRICATED STEEL BUILDING FOR USE BY THE CITY AS THE ENVIRONMENTAL SERVICES GARAGE AND RELATED EXPENSES AND APPROPRIATING \$1,980,000 THEREFORE, AND PROVIDING FOR THE ISSUANCE OF \$1,885,700 IN BONDS OR NOTES OF THE CITY OF HOBOKEN TO FINANCE THE SAME. (Z-32)

The hearing on the above ordinance is scheduled for the May 5, 2010 meeting

AN ORDINANCE OF THE CITY OF HOBOKEN, IN THE COUNTY OF HUDSON, NEW JERSEY PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE CITY OF HOBOKEN, AND APPROPRIATING \$425,000 THEREFORE, AND PROVIDING FOR THE ISSUANCE OF \$403,750 IN BONDS OR NOTES OF THE CITY OF HOBOKEN TO FINANCE THE SAME. (Z-33)

The hearing on the above ordinance is scheduled for the May 5, 2010 meeting

AN ORDINANCE OF THE COUNCIL OF THE CITY OF HOBOKEN GRANTING
AN EASEMENT FOR CERTAIN ENCROACHMENTS WITHIN THE PUBLIC RIGHT OF
WAY AT THE SITE OF REAL PROPERTY LOCATED AT 47 NEWARK STREET,
HOBOKEN, NEW JERSEY, MORE PARTICULARLY KNOWN AS BLOCK 26, LOT' S 1, 2 &
3, ON THE TAX MAP OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, STATE OF
NEW JERSEY

President 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, President Cunningham asked for a motion to close the hearing.

President 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.

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

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

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

---Nays: None.

AN ORDINANCE AMENDING CHAPTER 21 OF THE CITY CODE TO INCREASE THE
NUMBER OF MUNICIPAL COURT JUDGES FROM ONE TO TWO

President 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, President Cunningham asked for a motion to close the hearing.

President 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.

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

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

---Yeas: Council persons Bhalla, Castellano, Giacchi, Lenz, Marsh, Mason, Mello, Russo and President Cunningham
---Nays: None.

AN ORDINANCE AMENDING THE DIVISION HEAD TITLE AND BID REQUIREMENTS OF CHAPTER 60 – PURCHASING

President 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, President Cunningham asked for a motion to close the hearing.

President 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.

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

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

10-399

APPLICATIONS FOR MISCELLANEOUS LICENSES

Raffles-----	1
Carnival-----	1
Taxi, Livery/Limousine Drivers-----	22
Vendor -----	1

---Councilman Lenz moved that the licenses be granted.
---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.

10-400

REPORTS OF CITY OFFICERS

A report of the Municipal Court indicating receipts for the month of April 2010 as \$500,076.87.

---Received and filed.

RESOLUTIONS

Presented and Read

10-401

---By Councilman Lenz

WHEREAS, on or about October 6, 2009 the City of Hoboken was placed under the supervision of a State fiscal monitor by the New Jersey Local Finance Board as a result of the inability of the then Mayor and City Council to work together to adopt the fiscal year 2007 budget;

WHEREAS, the City of Hoboken has made significant progress under State fiscal supervision in correcting the practices which lead to State fiscal monitoring; and,

WHEREAS, Mayor Dawn Zimmer, by letter dated April 28, 2010 to Marc Pfeiffer, Chair of the Local Finance Board (copy attached), has requested the City of Hoboken be released from State fiscal monitoring based on the City's ability to adopt timely and responsible budgets for fiscal years 2009 and 2010, and the demonstrated willingness of the current Administration and City Council to work cooperatively; and

WHEREAS, the State Fiscal Monitor, Judith L. Tripodi, by letter dated April 28, 2010 to Marc Pfeiffer, Chair of the Local Finance Board (copy attached), has recommended that the City of Hoboken be released from State fiscal monitoring; and,

WHEREAS, the City Council of the City of Hoboken agrees with Mayor Zimmer and Fiscal Monitor Tripodi that the conditions that necessitated State fiscal supervision no longer exist;

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

1. The City Council of the City of Hoboken hereby ratifies and confirms the Mayor's and State Fiscal Monitor's requests that the City of Hoboken be released from State fiscal monitoring;
2. The City Council of the City of Hoboken agrees to work cooperatively with the City Administration to continue the progress towards full fiscal recovery;
3. The City Council of the City of Hoboken respectfully requests that the Local Finance Board consider this resolution, the recommendations of the Mayor

and the State Fiscal Monitor, and any other relevant information in determining the City of Hoboken should be released from State fiscal monitoring effective immediately.

---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.

10-402

---By Councilman Lenz

RESOLUTION AMENDING RESOLUTION NO. 10-273 TO CORRECT BIDDER REFERENCE

WHEREAS, by resolution No. 10-273 adopted February 17, 2010, there was a reference to “AIG Valic” as one of two contractors submitting written proposals; and

WHEREAS, the bidding contractor Hartford and not AIG Valic was a second bidder;

NOW, THEREFORE, BE IT RESOLVED that Resolution No. 10-273 is hereby amended to reflect the second bidder as being Hartford.

BE IT FURTHER RESOLVED that the City’s Personnel Director, Michael Korman, is hereby designated as Local Plan Administrator for the Administration of the DEFERRED COMPENSATION PLAN.

---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.

10-403

---By Councilman Lenz

THIS RESOLUTION AUTHORIZES THE TRANSFER OF FUNDS WITHIN ACCOUNTS IN THE FISCAL YEAR 2010 CURRENT FUND APPROPRIATIONS.

BE IT RESOLVED, that the following SFY 2010 budget Current Fund appropriation transfers are hereby authorized for the City of Hoboken:

CURRENT FUND	FROM	TO
Operations - Within "Caps"		
Business Administrator’s S&W		\$4,100.00
City Clerk S/W		\$1,400.00
Legal Ads O/E		\$10,000.00

Purchasing O/E		\$500.00
Finance Director O/E		\$5,000.00
Housing Inspection S/W		\$21,000.00
Construction Code Office S/W		\$35,000.00
Zoning Board of Adjust O/E		\$75,000.00
Public Defender S/W		\$800.00
Envir Svc Dir O/E		\$500.00
Street & Roads S&W		\$114,000.00
Street & Roads O&E		\$5,000.00
Sanitation O/E		\$100,000.00
Central Garage S/W		\$26,000.00
Parks & Recreation O/E		\$10,000.00
Planning Board S/W		\$5,500.00
Senior Services		47,000.00
Planning Board S/W		\$7,000.00
Off. Of Emerg Management S/W		\$9,000.00
PERS in Caps		\$156,000.00
Early Retirement Pension Adjustmt		\$6,186.00
ABC S/W		\$200.00
Salary Settlements		\$300,000.00
Insurance O/E		\$50,000.00
Engineering		\$14,000.00
Water & Sewer O/E		\$12,000.00
Consolidated Police & Fire		\$24.00
Bond Interest		\$1.00
Underground Storage Tank		\$1.00
Purchasing S/W	\$10,000.00	
Zoning Admin. S/W	\$5,000.00	
Revenue & Finance Dir. S/W	\$60,000.00	
Tax Collector S/W	\$50,000.00	
Community Development S/W	\$20,000.00	
Fire S/W	\$300,000.00	
Sanitation S/W	\$60,000.00	
Public Properties	\$15,000.00	
Human Services Dir. S/W	\$30,000.00	
ABC Board O/E	\$300.00	
Elections O/E	\$30,000.00	
Codification O/E	\$10,000.00	
Construction Code O/E	\$75,000.00	
Acquisition of Police Vehicles O/E	175,000.00	
Copiers & Printers	\$30,000.00	
	\$20,000.00	
Health S/W	\$22,912.00	
Recreation S&W	\$20,000.00	
Electricity O/E	\$30,000.00	
Fuel Oil O/E	\$5,000.00	
Gasoline O/E	\$32,500.00	
Municipal Court O/E	\$15,000.00	
Cultural Affairs O/E	\$1,000.00	
	\$1,016,712.00	\$1,016,712.00

--Motion duly seconded by President Cunningham.
--Adopted **AS AMENDED** by the following vote: YEAS: 6 - NAYS: 2- ABSTAIN - 1
--Yeas: Council persons Bhalla, Giacchi, Marsh, Lenz, Mello, and President Cunningham.
--Nays: Mason, Russo.
--Abstain: Castellano.

10-404

---By Councilman Lenz

Inserting a Special Item of Revenue into the SFY 2010 Municipal Budget

BODY ARMOR REPLACEMENT FUND PROGRAM

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the City of Hoboken has received notice of an award of \$4,309.19 from the State of New Jersey Division of Criminal Justice and wishes to amend it' s SFY 2010 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year SFY 2010 in the sum of.....\$4,309.19
Which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated
with Prior Written Consent of the Director of the
Division of Local Government Services:

State and Federal Revenues Off-set with
Appropriations:

New Jersey Division of Criminal Justice
2009 Body Armor Replacement

NOW, THEREFORE, BE IT RESOLVED that the like sum of.....\$4,309.19
be and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from CAPS

State and Federal Programs Off-Set by
Revenues:

New Jersey Division of Criminal Justice
2009 Body Armor Replacement
Other Expenses

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

---Motion duly seconded by President Cunningham

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

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

---Nays: None.

10-405

---By Councilwoman Mason

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

WHEREAS, the Environmental Committee of Hoboken and the City of Hoboken is sponsoring a farmers' market along the east side of Hudson Street between 12th and 13th Streets; and

WHEREAS, a sponsor, manager, vendors and their liability coverage will be determined and submitted prior to the Market's opening day, the Uptown Farmers' Market will take place every Thursday, beginning June 3, 2010 and every Thursday thereafter ending no earlier than Thursday October 28, 2010; and

WHEREAS, the City of Hoboken request that the Council of the City of Hoboken suspend parking rules on that section of the east side of Hudson Street between 12th and 13th Streets so that the farmers can park their trucks to unload and sell their goods.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Hoboken that: The above recitals are incorporated herein as though fully set forth at length.

1. The Council hereby authorizes the Mayor or his designee to execute any and all documents and take any and all actions necessary to complete and receive the intent and purpose of this resolution.
2. The Police Division shall enforce this regulation.
3. A certified copy of this resolution is provided to Mayor Dawn Zimmer, Director Jennifer Maier, Police Chief Anthony Falco, Fire Chief Richard Bloom, Superintendent Joseph Bucino, Central Garage Supervisor William De Angelo, and Ian Sacs, P.E., Director, Parking Utility.

This Resolution is effective immediately.

---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.

10-406

---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 **\$18,819.33**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
VENEZIA, LOUIS 70 ADAMS ST #4J HOBOKEN, NJ 07030	18/4/C0P15	70 ADAMS ST	1/10	\$ 114.25
BRIAN H KAPPOCK 232 MADISON ST HOBOKEN, NJ 07030	37/18/CF2RS	232 MONROE ST	1/10	\$ 1,300.00
PICCOLO, JARED RYAN 415 EAST 80 TH STREET NEW YORK, NY 10021	51/17/C0005	333 ADAMS ST	4/09	\$ 4,200.00 EXCEL I
GREEN, EDWARD & HYE JIN JANG 1330 CLINTON ST #401 HOBOKEN, NJ 07030	115/9.01/C0401	1317-27 GRAND 1326 CLINTON St	/3/09	\$ 2,168.29
GREEN, EDWARD & HYE JIN JANG 1330 CLINTON ST #401 HOBOKEN, NJ 07030	115/9.01/C0P-6	1317-27 GRAND/ 1326 CLINTON St	3/09	\$ 158.10
HERNANDEZ, STEVEN M 1313 WILLOW AVE #2B HOBOKEN, NJ 07030	117/2/C002B	1313-1315 WILLOW	4/09	\$ 1,372.33
GIORGIO, NICHOLAS A 2 WATER ST #11F NEW YORK, NY 10004	186/8/C004C	159-161 NEWARK ST	1/10	\$ 2,147.91
BENDER, JAMES R 90 WEST NEWELL AVE RUTHERFORD, NJ 07070	207/19.1/C0005	834 WASHINGTON ST	1/10	\$ 605.52
MOONEY, ANN C & TIMOTHY S MURPHY	249/14.1/	1123 GARDEN ST	1/10	\$3,757.29

**1123 GARDEN ST
HOBOKEN, NJ 07030**

**RUSSELL, DIANE & 268.1/2/C005R 1500 WASHINGTON 1/10\$ 2,995.64
ANDREW
1500 WASHINGTON ST #5R
HOBOKEN, NJ 07030**

---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.

10-407

---By Councilman Giacchi

**RESOLUTION AUTHORIZING A PERMIT FOR THE ANNUAL HOHA CLASSIC
5-MILE RACE AND 1-MILE FUN RUN**

WHEREAS, Hoboken Harriers Running Club and All Saints Community Development Corporation, working in conjunction as the HOHA Classic Race Committee, have requested a permit from the City of Hoboken to conduct the “ Eleventh Annual HOHA Classic 5-Mile Race and 1-Mile Fun Run”, (collectively the “ Event”)on May 16, 2010 in Hoboken, New Jersey; and

WHEREAS, the City of Hoboken is supportive of this endeavor provided that neither the Event does not unduly interfere with the health, safety and welfare of the citizens of Hoboken and the City will not incur any substantial expenses; and

NOW, THEREFORE, BE IT RESOLVED, that the Event to be held on May 16, 2010, between the hours of 8:15 a.m. and 1:00 p.m., is hereby approved by the Council of the City of Hoboken upon the condition that Hoboken Harriers Running Club and All Saints Community Development Corporation, working in conjunction as the HOHA Classic Race Committee (collectively referred to hereinafter as the “ permittee”) be issued a permit by the Business Administrator, in a form approved by the Office of the Corporation Counsel, with the following conditions:

1. Permittee shall deposit One Thousand Dollars (\$1,000.00) with the City of Hoboken as an estimated permit fee to cover the extraordinary expenses to the City for services in connection with the Event, for, by way of example and not limitation, employee overtime and trash removal. In the event such costs are less than One Thousand Dollars (\$1,000.00), the balance shall be returned to the Permittee. In the event such costs exceed One Thousand Dollars, Permittee shall pay such excess to the City upon presentation of an invoice from the City. This permit fee must be deposited with the City at least one week before the proposed race.
2. No alcoholic beverages shall be served by the Permittee, sponsors or vendors associated with the Event during the event.

3. Permittee shall provide uniformed Hoboken Police Officers for the safety and security of runners, spectators and other members of the public, in a sufficient number to be determined by the Chief of Police, and at its sole expense from 8:15 am to 1:00 pm on Sunday, May 16, 2010. These personnel may be in addition to Hoboken Police Officers assigned by the City to the Event.
4. Permittee must provide no less than four (4) Port-o-Sans for use by patrons during the Event. They shall be located in designations to be determined by the Business Administrator. The Port-o-Sans shall not be installed on the property before 9:00 am on Friday, May 11, 2010 and must be removed before 6:00 pm on Monday, May 14, 2010. Adequate toilet paper shall be provided for the Port-o-Sans.
5. Permittee shall provide for proper use and maintenance of trash receptacles which will be provided by the City of Hoboken, and must ensure that plastic bags in those receptacles are continuously emptied and disposed of in areas designated by the City of Hoboken as needed during the Event.
6. The Permittee shall provide civilian road guards to assist in erecting barricades and detouring vehicular and pedestrian traffic during the race as required by the Chief of Police.
7. No beverages in glass bottles shall be permitted to be sold by any vendors. The Permittee shall arrange security to prohibit glass bottles and alcoholic beverages from being carried by runners, spectators and/or members of the public during the event.
8. Before leaving the premises after the Event, the Permittee shall restore the property to the condition it was in prior to usage. Such restoration shall be subject to the satisfaction of the Director of the Department of Environmental Services.
9. The Permittee must contact Arch Liston, Business Administrator, at least twenty-four (24) hours prior to the commencement of any activities on the property to which access is granted by this permit. In his absence, Jennifer Maier, Director of Environmental Services, shall be contacted. In case of an emergency, when the Environmental Services may be inaccessible, the Permittee must contact the Hoboken Police Desk Officer at (201) 420-2161 who, in turn, will contact one of them.
10. There will be no modifications to any City property or property adjacent thereto, used by the Permittee.
11. The Permittee has the full responsibility to provide and have available such medical staff and medical assistance as necessary at its sole cost and expense.
12. The City's Police Chief shall have complete control over the activities of the Permittee associated with the use hereby permitted including the actions of personnel of the Permittee in matters related to safety.
13. The Permittee shall furnish evidence, which shall be attached to the Permit as an Exhibit, that with respect to all incidents to the operations, activities and use of the property permitted by and performed under the Permit, it carries Comprehensive General Liability Insurance naming the City of Hoboken as additional insured providing for not less than \$1,000,000.00 combined single limit per occurrence and

\$2,000,000.00 aggregate for bodily injury or death and property damage. It is to be understood and agreed that the procurement of

Insurance in those amounts does not in any way or manner whatsoever limit Permittee's liability to the City of Hoboken under the Permit and in the event insurance does not cover a particular loss, the Permittee shall be liable to the City of Hoboken, for the full amount of any and all loss and damage as provided therein.

14. The Permittee shall indemnify, keep and save harmless the City of Hoboken, its agents, employees, servants and officials, each and every one of them, against all claims, just or unjust, made against the City of Hoboken, its agents, employees, servants or officials on account of injuries, death, losses of any kind whatsoever, damages, suits, liabilities, judgments, claims for infringements of patent trademark or copyright, costs and expenses which may in any wise accrue against the City of Hoboken, its agents, employees, servants and officials, and the Permittee shall appear, defend and pay, at its own expense, all costs, including counsel fees, against the City of Hoboken, its agents, employees, servants and officials, in any action, the Permittee shall, at its own expense, satisfy and discharge the same.
15. In granting the Permit, the City of Hoboken will assume no obligation whatsoever in connection with the use by the Permittee and are not obliged to make any repairs to the property or furnish personnel, equipment or materials in connection therewith.
16. The City of Hoboken shall not be liable to the Permittee for loss, damage, or liability of any kind or nature whatsoever sustained by the Permittee, its successors or assigns, by reason of any failure to fulfill its obligations herein in the event of a strike or walkout on the part of their employees or on the part of any other person or persons or by reason of any embargo or requirement of any federal or state or other governmental authority or by reason of any other event of any kind beyond the control of the City of Hoboken which in any way affects the ability of the City of Hoboken to perform the obligations herein.
17. The Permit may be terminated by the City of Hoboken without notice if any of the above conditions of the Permit are not met. The terms and conditions of the Permit are considered as understood and agreed upon prior to the Permittee undertaking the use set forth herein, and any unauthorized activities not specifically allowed herein may be considered cause for termination.

---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.

ORDINANCES

Introduction and First Reading

10-408

Z-38

ORDINANCE AUTHORIZING THE REVERSION TO A CALENDAR FISCAL YEAR PURSUANT TO N.J.S.A. 40a:4-3.2 (b).

WHEREAS, the City of Hoboken currently operates on a State Fiscal Year and the Mayor and City Council find it in the best interest of the residents of the City to revert to a calendar fiscal year; and,

WHEREAS, N.J.S.A. 40A:4-3.2(b) permits a municipality to make such a revision provided all fiscal year adjustment bonds issued in connection with the state fiscal year conversion have been retired, and the municipality is poised to make such a revision; and

WHEREAS, the municipality meets all the necessary requirements to make such a revision,

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Hoboken, in the County of Hudson, that the municipality revert to a calendar year commencing January 1, 2011, utilizing a transition year from July 1, 2010 to December 31, 2010.

BE IT FURTHER ORDAINED, that the City Business Administrator, Chief Financial Officer, City Auditor and other appropriate officials are hereby authorized and directed to make the required application to the Local Finance Board and prepare and execute any documents necessary in connection with such application and approval

--- 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 **May 19, 2010** at 7:00 PM.

---Motion duly seconded by President Cunningham

---Adopted by the following vote: YEAS: 6 - NAYS: 3

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

---Nays: Castellano, Mason, Russo.

10-409

Z-39

AN ORDINANCE AMENDING THE "CITIZENS SERVICE ACT" TO PROVIDE FOR DISCLOSURE OF CERTAIN POLITICAL CONTRIBUTIONS MADE BE BY THOSE SEEKING APPOINTMENT TO MUNICIPAL BOARD AND AGENCIES.

WHEREAS, in 2008 the Governing Body of the City of Hoboken adopted DR-374, the "Citizens Service Act," now codified at Sections 6-48 through 6-56 of the Code of the City of Hoboken; and,

WHEREAS, the purpose of the Citizens Service Act was to add transparency to the process of making appointments to the many municipal boards and agencies serving the City, and to help eliminate the widely-held perception that board appointments are often based upon politics rather than the qualifications of the appointee; and,

WHEREAS, many of the City's boards and agencies, including the Planning Board and Zoning Board of Adjustment, make decisions that affect the quality of life of all Hoboken residents, and ensuring the integrity of appointments to such boards is critical to restoring confidence in the government of this City; and,

WHEREAS, in furtherance of the spirit of the Citizens Service Act, it is appropriate for the Council and public to know when potential appointees to municipal boards and agencies have contributed significant sums to political candidates and organizations within the City of Hoboken before any decision is made on an appointment, and to combat the negative perception that board seats can be "bought" by making political contributions to particular officials;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HOBOKEN AS FOLLOWS:

- I. Section 6-52 of the Code of the City of Hoboken is hereby amended to provide that the Application for Citizen Service required by any person interested in serving in an appointed municipal position provide for disclosure of whether the applicant has made any "contribution" (as such term is currently defined by the regulations of the New Jersey Election Law Enforcement Commission, and specifically including loans, pledges and in-kind contributions) to:
- (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Hoboken or a holder of public office within Hoboken;
 - (ii) any Hoboken or Hudson County political committee or political party committee;
 - (iii) any political committee or continuing political committee that regularly engages in the support of Hoboken municipal or Hudson County elections and/or Hoboken municipal or Hudson County candidates, candidate committees, joint candidate committees, political committees, political parties, or political party committees.

An applicant seeking an appointed municipal position shall disclose all such contributions in excess of \$200 to any of the individuals or organizations listed above made within four (4) years preceding the date the application is filed. Failure to disclose this information shall disqualify the applicant from being appointed or re-appointed to an appointed municipal position.

2. The Clerk of the City of Hoboken shall immediately update the "Citizens Service Act" application form to provide for effective public disclosure of the foregoing information for all applications filed after the effective date of this Ordinance.
3. Repealer. All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.
4. 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.

5. Effective Date. This Ordinance shall take effect upon passage and publication as provided by law.
6. This ordinance shall be a part of the Code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/ or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

---Council 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 **May 19, 2010** at 7:00 PM.

---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

All regular business concluded and the following members of the public spoke at the meeting:

--

Councilman Giaachi: Quality of Life Sub-Committee meeting update on Recreation playground equipment – Project Play – Church Sq. Park – swings along south side, toddler park adjacent to swings and the older children’ s park that need to be addressed and does not include open space, b-ball court, gazebo, or infant playground area. Next meeting will be about concepts and ideas that would improve and hear from the public from different age groups, senior citizens, and other concerned citizens.

Playground replacement adjacent to the Boys & Girls Club and defer it to Director Maier for the agenda. No date set for the next meeting yet.

Council President: requests briefs for future Sub-Committee meetings from the Governing Body.

Councilman Bhalla: Public Safety Committee, received communications from restaurants and bars to look at the Alcohol Beverage Control (ABC) ordinances (applications) of establishments are inequitable. Want to hold a meeting and listen to the concerns from the parties involved, Lt. Roofe and invite the Hoboken Hospitality Association w/ respect to the application of the ordinance and address the problems. ABC Prosecutor will be appointed soon.

Councilman Mello: Update for Parking and Transportation meeting about car-sharing, taxi, cross-town shuttle routes.

Councilwoman Marsh: Update for the Steven' s Garage – legality and feasibility and requested Corporation Counsel for a memo for an update

Councilman Lenz: Update on Revenue & Finance Committee for the FY changes and presentation from the Library Board for renovations of the Public Library and has substantial funding. May 12th if available for Committee meeting for Public Events Ordinance & talk about Budget Calendar & inquire from Mr. Arch Liston for revised tax maps.

Business Administrator: discusses that the tax map revisions process may take +(6) six mon. – (2) two years.

Councilman Bhalla: disturbed that the revised tax maps may take a year & half to two (2) years. The RFP needs to be looked into.

Councilman Russo: asked for Director Maier pertaining to sites in the 3rd Ward – 8th & 9th on Grand Street, south side of 7th St. b/w Jefferson and Adams need some attention. MetroStop Community meeting concerned with 8th & 9th and Monroe – broken glass to clean up.

Director Maier: will have it taken care of tomorrow.

Councilman Russo: Update on Administrative Sub-Committee meeting. Break the public portion to (2) two parts.

Can the BA furnish a list of new hires and professional contracts not approved by the City Council above \$29,000.00.

Councilwoman Mason: Update from Corporation Counsel for Rent Control Sub-Committee meeting.

Look into the Local Act Clause, Statute of Limitation, definitions

Requested an update from Director Forbes about Block A & E., possibly an agreement in June.

Councilwoman Castellano: addressed Corporation Counsel about recusing herself, parking on 2nd Hudson Street to 4th.

Council President: Council members not attending ZBA meetings –Stevens Appeal

Corporation Counsel: discussed about 1 of the zoning appeals why Councilwoman Mason had a conflict of interest.

--

Councilman Lenz left the meeting at 8:35 PM

Councilman Lenz returned the meeting at 8:38 PM

PUBLIC PORTION

All regular business concluded the following members of the public spoke at the “Public Portion” of the meeting: Scott Siegel, Margaret O’ Brien, Helen Hirsch, Perry Belfiore, Tim Occihpinti, Richard Tremitedi, Rebecca Lewis, Lane Bajardi, Ron Simonelli, Cheryl Fallick, Patricia Waiters.

At 9:06 P.M. Council has entered into a short recess.

At this time, 9:07 p.m., on a motion by Council President Cunningham; duly seconded by Councilwoman Marsh and voted on unanimously, the City Council entered into closed (executive) session. The closed (executive) session actually began at 9:16 p.m.

Councilman Russo – rescued himself

Councilman Lenz, Russo and Councilwoman Mason has left the meeting at 9:08 P.M

Councilwoman Mason has returned to the meeting at 9:11 P.M.

Councilman Lenz & Russo has returned to the meeting at 9:15 P.M.

Councilman Bhalla has returned to the meeting at 9:17 P.M.

At this time, 10:28 p.m., on a motion by Council President Cunningham; duly seconded by Councilwoman Marsh and voted on unanimously, the City Council came out of closed (executive) session.

RESOLUTIONS CONTINUED

Presented and Read

10-410

Closed Session

RESOLUTION AUTHORIZING EXECUTIVE SESSION FOR POTENTIAL PURCHASE, LEASE OR ACQUISITION OR REAL PROPERTIES WITH PUBLIC FUNDS

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, more particularly to discuss any matter involving the purchase, lease or acquisition of real property with public funds as per subsection (5) of the statute; and

WHEREAS, the Council has determined that it is necessary to go into closed executive session for the foregoing purpose and receiving a briefing from the Corporation Counsel and the Director of Environmental Services;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken that it enter into closed session to discuss the issues here and above 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.

10-411

Closed Session

RESOLUTION AUTHORIZING EXECUTIVE SESSION RELATING TO COLLECTIVE BARGAINING 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 the request of the Business Administrator to discuss negotiations and/or terms and conditions related to collective bargaining agreements involving the City, pursuant to N.J.S.A. 10:4-12(4); and,

WHEREAS, the Council has determined that it is necessary to go into closed executive session for said purpose;

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.

President Cunningham adjourned the meeting at 10:45 p.m.

PRESIDENT OF THE COUNCIL

CITY CLERK