

MEETING OF JUNE 22, 2010

**MINUTES OF ASPECIAL MEETING OF THE COUNCIL OF THE CITY OF
HOBOKEN, NEW JERSEY, HELD IN THE COUNCIL CHAMBERS, CITY HALL,
HOBOKEN, NEW JERSEY, TUESDAY, JUNE 22, 2010 AT 7:00 PM**

President Cunningham opened the meeting at 7:07 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, Lenz, Marsh, Mason, Mello, Russo and President Cunningham

ABSENT: Giacchi.

10-477

June 17, 2010

City Clerk James Farina
94 Washington Street
Hoboken, NJ 07030

Dear City Clerk Farina:

Please be advised that I hereby call a Special Meeting of the Hoboken City Council for **Tuesday, June 22, 2010 at 7:00 P.M.** in the City Council Chambers, 94 Washington Street, First Floor, Hoboken, New Jersey, for the following purposes:

- Administration report on responses to requests for proposals for relocating DPW garage and potential awarding of contracts. **(Submitted by Administration)**
- Resolution receiving Corrective Action Plan for the SFY 2009 Audit. **(Submitted by Administration)**
- Resolution awarding contract for preparation of updated Tax Maps **(Submitted by Administration)**

- Resolution awarding contract for Fire Audit **(Submitted by Administration)**
- Resolution Accepting the change order to Pier C Park and Using Fund to purchase shade structures necessary for the safety of the children using the playground equipment. **(Submitted by Environmental Services)**
- Resolution awarding a contract to EnNet LLC to provide proprietary provisions and professional services to initiate and maintain a real time flood monitoring system **(sponsored by Councilman Lenz)**
- Resolution authorizing Budget Transfers. **(Submitted by Finance Department)**
- Resolution awarding professional contract to as Labor Negotiations Counsel Scarinci, Hollenbeck (Matthew Giaccobe) (**Submitted by Administration**)
- Resolution awarding professional services contract as City Auditor for FY 2010-2011 to Ferraioli, Wielkotz, Cerullo & Cuva, P.A. Pompton Lakes, NJ (Steven Wielkotz) **(Submitted by Administration)**
- Interim use and License agreement for Maxwell Place Block E (Waterfront Park) **(Submitted by Administration)**
- Interim use and License agreement for Maxwell Place Block A (South Lawn) **(Submitted by Administration)**

Resolution awarding professional services contract to Western Solutions, Inc. (Neil Jiorle) for environmental remediation of DPW Garage site as per NJ DEP requirements. **(Submitted by Administration)**

- Resolution to purchase/lease alternative site for the DPW Garage. **(Submitted by Administration)**
- Resolution for Closed Session on the following matters:
 - Litigation – 100 Paterson Realty, LLC – Patrick J. McNamara, Esq, Scarinci Hollenbeck
 - Real property negotiations – DPW site

Action on the forgoing items may be taken at this meeting. On an emergency basis and consistent with the OPEN PUBLIC MEETINGS ACT, action may be taken on other matters. Please notice this meeting as required by the OPEN PUBLIC MEETINGS ACT.

Very truly yours,

DAWN ZIMMER
Mayor

cc: City Council Members
Arch Liston, Business Administrator
Michael Kates, Corporation Counsel
The Jersey Journal/Star Ledger/The Bergen Record

RESOLUTIONS

Presented and Read

10-478

---By Councilman Lenz

RESOLUTION RECEIVING CORRECTIVE ACTION PLAN FOR THE SFY 2009 AUDIT

WHEREAS, the City of Hoboken has received its Audit for SFY 2009 from the independent auditor Ferraioli, Wielkotz, Cerullo, & Cuva, and

WHEREAS, the State of New Jersey, Division of Local Government Services requires the Chief Financial Officer and other City Officials to prepare a Corrective Action Plan for all recommendations reflected in the Annual Audit, and

WHEREAS, the State of New Jersey, Division of Local Government Services requires such Corrective Action Plan to be accepted by the Council of the City of Hoboken and filed with the Director of Local Government Services; and

WHEREAS, the Corrective Action Plan is attached thereto, and incorporated by reference.

NOW, THEREFORE, BE IT RESOLVED that the above recitals are incorporated by reference as it's fully stated herein.

BE IT FURTHER 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 accept the Corrective Action Plan for the City of Hoboken SFY 2009.

BE IT FURTHER RESOLVED, that the City Clerk forward two certified copies of this resolution with the Corrective Action Plan to the Director of Local Government Services for approval.

---Motion duly seconded by Councilwoman Marsh

---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

10-479

---By Councilman Lenz

RESOLUTION AWARDING NEIL JIORLE, L.S.R.P. OF WESTON SOLUTIONS, INC. A CONTRACT FOR ENVIRONMENTAL REMEDIATION OF THE DPW GARAGE SITE

WHEREAS, the City of Hoboken requires the services of an expert environmental site remediation professional for matters involving the City of Hoboken' s DPW Garage site; and

WHEREAS, the City of Hoboken has reviewed the qualifications of Neil Jiorle, L.S.R.P. of Weston Solutions, Inc., 205 Campus Drive, Edison, New Jersey 08837, and has determined that this Licensed Site Remediation Professional can provide these services for the City of Hoboken in an efficient manner; and

WHEREAS, this type of work constitutes 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

WHEREAS, the City Council hereby determines that the provisions and services fully described in Weston Solution, Inc.' s June 18, 2010 proposal to the City are essential and must be completed as soon as possible; and

WHEREAS, Neil Jiorle and Weston Solutions, Inc. 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, funds are available for this purpose upon the Budget Transfer Resolution approved this date.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hoboken does hereby authorize a contract between the City of Hoboken and Weston Solutions, Inc. to provide the services of Neil Jiorle as a licensed site remediation professional, as set forth above and more completely detailed in the June 18, 2010 proposal sent to the City from Weston Solutions, Inc.;

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

1. A contract for DPW site remediation for the City of Hoboken shall be prepared and executed with the following vendor:

Weston Solutions, Inc.
205 Campus Drive
Edison, New Jersey 08837

Such individual shall be paid in an amount not to exceed One Hundred Thousand Dollars (\$100,000.00).

2. This agreement shall be effective immediately upon execution and shall terminate upon completion of the project.

3. The Mayor is hereby authorized to execute a contract with Weston Solutions, Inc. and all other necessary documents on behalf of the City of Hoboken and to take any other actions necessary to complete and realize the intent and purpose of this resolution.
4. The City Clerk shall publish notice of this resolution in one newspaper authorized by law to publish the City's legal advertisements as required by N.J.S.A. 40A:11-5(1)(a) and shall keep a copy of the resulting contract on file in accordance with N.J.S.A. 40A:11-1 et seq.
5. This resolution shall take effect immediately.

The speakers who spoke: Mo De Gennaro, Perry Belfiore, Stephanie Rhodes, Lane, Bajardi, James Anderson.

---Motion duly seconded by Councilwoman Marsh
 ---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

10-480

---By Administration

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH MATRIX CONSULTING GROUP FOR THE SERVICES OF CONDUCTING A FIRE DEPARTMENT AUDIT FOR THE CITY OF HOBOKEN

WHEREAS, the City Council was determined that it is necessary to perform the services of conducting a Fire Department audit; and

WHEREAS, Requests for Proposals were obtained from multiple firms, and the Administration has determined Matrix Consulting Group would provide the City and the Hoboken Fire Department with the most comprehensive audit; and

WHEREAS, Matrix Consulting Group has extensive experience performing fire department audits throughout the country and in the State of New Jersey; and

WHEREAS, Matrix Consulting Group 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,

WHEREAS, funds are available for this purpose upon adoption of the temporary budget;

NOW THEREFORE, BE IT RESOLVED that a professional services contract be

authorized, for the services of Matrix Consulting Group of 300 Brickstone Place, Suite 201, Andover MA 01810 to perform a Fire Department Audit for the City of Hoboken pursuant to Matrix Consulting Group' s proposal; and

BE IT FURTHER RESOLVED that this consulting firm shall be paid in an amount not to exceed Seventy Thousand dollars (\$70,000.00); and,

BE IT FURTHER RESOLVED that this contract be authorized for a term to begin immediately and to expire upon the completion of the audit pursuant to the proposal provided by Matrix Consulting Group.

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 Councilman Bhalla
- Adopted by the following vote: YEAS: 7 - NAYS: 1- ABSENT -1
- Yeas: Council persons Bhalla, Castellano, Lenz, Marsh, Mello, Russo and President Cunningham.
- Nays: Mason
- Absent: Giacchi

10-481
---By Councilman Lenz

RESOLUTION AUTHORIZING 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"		
Mayor' s Office S/W		\$1,500.00
Business Administrators		\$1,000.00
Parks S/W		\$1,000.00
Public Property S/W		\$3,000.00
Street & Roads S/W		\$10,,000.00
Street & Roads O/E		\$25,000.00
Central Garage S/W		\$1,000.00
Solid Waste S/W		\$9,000.00
Solid Waste O/E		\$150,000.00

Housing Inspection S/W		\$12,000.00
Business Administrators OE		\$70,000.00
Engineering OE		\$65,000.00
Off of Emergency Mgnt S/W		\$1,500.00
Water & Sewer		\$4,000.00
Tax Maps	\$135,000.00	
Licensing Bureau S/W	\$2,500.00	
Corporation Counsel S/W	\$8,000.00	
Cultural Affairs S/W	\$2,500.00	
Police Depart S&W	\$76,000.00	
Fire S/W	\$30,000.00	
Social Security	\$50,000.00	
Unemployment	\$50,000.00	
	\$364,000.00	\$364,000.00

---Motion duly seconded by Councilwoman Marsh
 ---Adopted **AS AMENDED** by the following vote: YEAS: 7 - NAYS: 1 – ABSENT - 1
 ---Yeas: Council persons Bhalla, Castellano, Lenz, Marsh, Mello, Russo and President Cunningham.
 ---Nays: Mason
 ---Absent: Giacchi

10-482

---By Administration
 ---Reviewed by Councilman Lenz

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH SCARINCI HOLLENBECK FOR THE SERVICES OF MATTHEW GIACCOCHE, ESQ. AS SPECIAL COUNSEL - LABOR NEGOTIATIONS FOR THE CITY OF HOBOKEN

WHEREAS, the City of Hoboken faces pressing legal issues relating to the negotiations of labor contracts with City employees; and

WHEREAS, Matthew Giaccobe, Esq. of the law firm Scarinci Hollenbeck has extensive experience working with the City of Hoboken on its labor negotiations and is a recognized expert in the area of New Jersey labor negotiations; and

WHEREAS, Matthew Giaccobe, Esq. and the law firm of Scarinci Hollenbeck 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,

WHEREAS, funds are available for this purpose upon adoption of the temporary budget;

NOW THEREFORE, BE IT RESOLVED that a professional services contract be

authorized, for the services of Matthew Giacobbe, Esq. of Scarinci Hollenbeck as Labor Negotiation Counsel for the City of Hoboken; and

BE IT FURTHER RESOLVED that this firm shall be paid an hourly rate of One Hundred Fifty dollars (\$150.00) per hour based on actual time and expenses, not to exceed Fifty Thousand (\$50,000) dollars: and

BE IT FURTHER RESOLVED that this contract be authorized for a term to begin immediately and to expire on December 31, 2010 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 Councilwoman Marsh

---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

10-483

---By Councilman Lenz

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH FERRAIOLI, WIELKOTZ, CERULLO & CUVA, P.A. FOR THE SERVICES OF STEVEN WIELKOTZ, P.A. TO SERVE AS CITY AUDITOR FOR THE CITY OF HOBOKEN

WHEREAS, it is necessary for the City of Hoboken to appoint a municipal to auditor; and

WHEREAS, Steven Wielkocz Cuva P.A. of Ferraioli, Wielkocz, Cerullo & Cuva, P.A. has extensive experience working with the City of Hoboken and is a recognized municipal auditor in New Jersey; and

WHEREAS, Steven Wielkocz, Cerullo, Cuva and Ferraioli, Wielkocz, Cerullo & Cuva, P.A. 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,

WHEREAS, funds are available for this purpose upon adoption of the temporary budget

NOW THEREFORE, BE IT RESOLVED that a professional services contract be authorized, for the services of Steven Wielkocz of Ferraioli C.P.A, Wielkocz, Cerullo & Cuva, P.A. 401 Wanaque Avenue, Pompton Lakes, New Jersey 07442 as City Auditor for the City of Hoboken; and

BE IT FURTHER RESOLVED that monthly invoices shall be submitted and approved by the Administration subject to availability of funds for the remainder of the temporary budget; and

BE IT FURTHER RESOLVED that this contract shall be considered an extension of the current contract and is authorized for a term to begin immediately and to expire on December 31, 2010; 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.

Speakers on the above resolution:

---Motion duly seconded by Councilwoman Marsh

---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

10-484

---By Councilman Lenz

RESOLUTION AWARDING A CONTRACT TO EMNET LLC TO PROVIDE PROPRIETARY PROVISIONS AND PROFESSIONAL SERVICES TO INITIATE AND MAINTAIN A REAL TIME FLOOD MONITORING SYSTEM

WHEREAS, the City of Hoboken' s current flooding situation continuously affects the general welfare, health and safety of the City' s residents and guests during rain events; and,

WHEREAS, EmNet LLC has presented the City with a proposal, dated December 9, 2009, to provide real time monitoring of the flood zones, maintenance of hardware and software relating to the real time services, and engineering services related to same; and,

WHEREAS, the City Council finds EmNet' s services and provisions necessary to assist the City in dealing with the current flooding situation within our municipality; and,

WHEREAS, it has been determined that the services to be provided by EmNet LLC are professional services and include proprietary software, and are therefore exempt from bidding under N.J.S.A. 40A:11-5(a)(i) and (dd); and,

WHEREAS, the City Council hereby determines that the provisions and services fully described in EmNet LLC' s December 9, 2009 proposal to the City are in the best interest of the health, safety and welfare of the residents and guests of the City; and

WHEREAS, funds are available for this purpose.

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

1. The above recitals are incorporated herein as thought fully set forth at length.
2. The Council hereby authorizes the Mayor or her designee to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this Resolution.
3. The Mayor or her designee is hereby authorized to execute an agreement, contingent on all mandated requirements being met, for the above referenced professional services and proprietary software for a period of one (1) year, with an option to extend, and for an amount not to exceed One Hundred Sixty Five Thousand Five Hundred Twenty Five dollars (\$**165,525.00**).

The speakers who spoke: Mo DeGennaro, Tim Occapinti.

---Motion duly seconded by Councilwoman Marsh

---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

10-485

---By Councilwoman Marsh

RESOLUTION AUTHORIZING EXECUTION OF THE REVOCABLE PUBLIC OPEN SPACE AND USE LICENSE AND AGREEMENT BETWEEN THE CITY OF HOBOKEN AND TOLL BROTHERS FOR BLOCK E, MORE PARTICULARLY DESCRIBED AS BLOCK 261, LOT 1

WHEREAS, the Final Major Subdivision of Toll Brother' s Maxwell Place, resulted in a Developer' s Agreement whereby Toll Brothers will convey Block E to the City of Hoboken, however, such event has not yet occurred; and

WHEREAS, Toll Brothers has allowed the public use of Block E despite the failure of the parties to effectuate the conveyance; and

WHEREAS, for the benefit of both parties, Toll Brothers and the City of Hoboken have negotiated a license and agreement relating to Block E to govern the use of the Lot until such time as the conveyance of the property from Toll Brothers to the City can be effectuated in accordance with the Developer' s Agreement; and,

WHEREAS, the final draft of the Revocable Open Space and Use License and Agreement for Block E (annexed hereto) provides for a revocable license to the City for use of the park upon consideration to Toll Brothers in the amount of One Dollar (\$1.00); and

WHEREAS, the Agreement additionally provides for the City to carry, with Toll Brothers and its assignees and subsidiaries as secondary insured, the general liability insurance, worker' s compensation insurance, excess liability insurance and motor vehicle insurance on the property during the term of the license; and

WHEREAS, the City further agrees to indemnify and hold harmless Toll Brothers during the term of the license; and

WHEREAS, Toll Brothers will continue to maintain the property so long as they retain title to the property.

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

1. The above recitals are incorporated herein as thought fully set forth at length.
2. The Council hereby authorizes and directs the Mayor, or her designee to execute the “ **REVOCABLE PUBLIC OPEN SPACE AND USE LICENSE AND AGREEMENT**” as annexed hereto.

The speakers who spoke: Jim Doyle.

--Motion duly seconded by Councilman Bhalla

--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

All regular business concluded the following members of the public spoke at the “Public Portion” of the meeting: Helen Hirsch, Mo DeGennaro, Cheryl Fallick, Mary Ondrejka, Scott Siegel, Leah Healy, Lane Bajardi.

At 11:34 P.M. The Governing Body has entered into a short recess.

At this time, 11:44 p.m., on a motion by President Cunningham duly seconded by Councilman Russo and voted on unanimously, the City Council entered into closed (executive) session.

10-486

RESOLUTION AUTHORIZING EXECUTIVE SESSION – LITIGATION AND REAL PROPERTY NEGOTIATIONS

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

WHEREAS, one of these reasons is to discuss pending or anticipated litigation in which the public entity is a party or is anticipated to be a party, and another reason is to receive advice from its attorney; and,

WHEREAS, another one of these reasons is to discuss real estate and real property negotiations which the City is a party to; and,

WHEREAS, the Council has determined that it is necessary to go into closed executive session for the purpose of discussing ongoing litigation in which the City is a party-in-interest: namely, the matter of 100 Paterson Realty, LLC, and to receive legal advice from the City's attorney; and

WHEREAS, the Council has determined that it is also necessary to go into closed session to discuss real estate issues and real property negotiations relating to the Department of Public Works site.

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.

Councilwoman Mason as has left the meeting due to a conflict of interest at 11:54 P.M.

At this time, 11:54 P.M., on a motion by President Cunningham duly seconded by Councilwoman Castellano and voted on unanimously, the City Council came out of closed (executive) session.

President Cunningham then adjourned the meeting at 12:00 A.M.

PRESIDENT OF THE COUNCIL

CITY CLERK