

**CORRECTIONS AS OF 8-25-10**

**MEETING OF MARCH 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, MARCH 17, 2010 AT 7:00 PM**

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President Cunningham opened the meeting at 7:06 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

At this time Councilwoman Castellano and Councilman Russo request to suspend the Agenda to present a proclamation to **Buddy Vallastro, 'Cake Boss'**.

**RESOLUTIONS**

**10-309**

---By Councilman Lenz

**SFY 2010 MUNICIPAL BUDGET HEARING AMENDMENT**

The speakers who spoke: Scott Seigel, Keith Furman, Vijay Chavdkuri, Lane Bajardi, Curtis Crystal, Scott DeLea.

---Motion duly seconded by Councilwoman Marsh

---Adopted by the following vote: YEAS: 7- NAYS: 2

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

---Nays: Castellano, Mason.

**10-310**

---By Councilman Lenz

**ADOPTION OF THE BUDGET AMENDMENT.**

---Motion duly seconded by Councilwoman Marsh

---Adopted by the following vote: YEAS: 7- NAYS: 2

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

---Nays: Castellano, Mason.

**10-311**

---By Councilman Lenz

**ADDITIONAL BUDGET AMENDMENT ADOPTION**

---Motion duly seconded by Councilwoman Marsh

---Adopted by the following vote: YEAS: 7- NAYS: 2

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

---Nays: Castellano, Mason.

**10-312**

---By Councilman Lenz

**ADOPTION OF SFY 2010 MUNICIPAL BUDGET**

---Motion duly seconded by Councilwoman Marsh

---Adopted by the following vote: YEAS: 7- NAYS: 2

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

---Nays: Castellano, Mason.

The speaker who spoke: Lane Bajardi.

Motion to close the Budget Hearing by Councilwoman Marsh

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

**PUBLIC HEARING AND FINAL VOTE ON ORDINANCES**

**Second Reading/Public and Final Vote**

AN ORDINANCE OF THE CITY COUNCIL AMENDING SUB-CHAPTERS 68-5, 86-3, 93-3, AND 128-5, ALL RELATING TO LICENSE FEES (Z-31)

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.

The speakers who spoke: Lane Bajardi.

President Cunningham moved the hearing be closed.

Motion duly seconded by Councilwoman Marsh.

---Motion to **TABLE SECTION 2 OF THE ABOVE ORDINANCE.**

---Motion to table by Councilwoman Marsh

---Seconded by Councilman Lenz

---**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.

---Motion to **TABLE SECTION 5 OF THE ABOVE ORDINANCE.**

---Motion to table by Councilman Lenz

---Seconded by Councilwoman Castellano

---**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.

President Cunningham then instructed the City Clerk to call the Final Vote for the above Ordinance (**Section 1- 3- 4**)

---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.

**10-313**

**APPLICATIONS FOR MISCELLANEOUS LICENSES**

Raffles-----	1
Vendor-----	1
Parking Facilities-----	2

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

---Motion duly seconded by Councilwoman Marsh.

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

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

---Nays: None.

Councilman Lenz left meeting at 9:23 P.M.

Councilman Lenz returned at 9:29 P.M.

**REPORTS OF CITY OFFICERS**

**10-314**

A report of the Municipal Court indicating receipts for the month ending February 2010 as \$314,267.78.

---Received and filed.

**10-315**

A report of the Municipal Tax Collector Sharon Curran for taxes collected; for the month ending February 2010- \$33,236,551.57. (Abatement Totals \$40,131.08)

Received and filed.

Councilman Russo left meeting at 9:28 P.M.

Councilman Russo returns at 9:31 P.M.

**The speakers who spoke on Resolutions 1 & 2** Frank Rios, Val Pels, Richard Pascarelli, Andrienne Chonia, Helen Hirsch, Richard Tremitedi, Scott Siegel, Jim Doyle, Gene Devezney, Phil Cohen, Perry Belfiore, Lane Barjardi, Richard Weinstein, Ed Dristi.

At 10:10 p.m. Council President Cunningham called for a five minutes recess.

At 10:27 p.m. recess ended.

At this time 10:42 p.m. on a motion by Council President Cunningham and duly seconded by Councilman Lenz and voted unanimously by the City Council entered into closed (executive) session.

**10-316**

**RESOLUTION AUTHORIZING CLOSED SESSION FOR DISCUSSION OF ANTICIPATED LITIGATION OR CONTRACT NEGOTIATIONS RELATED TO N.J. DIVISION OF PENSIONS ASSESSMENT OF 4.2M; RATIFICATION OF SUCCESSOR COLLECTIVE BARGAINING AGREEMENTS WITH PBA LOCAL 2 AND POLICE SUPERIOR OFFICERS; AND DISCUSSION OF THE EMPLOYMENT CONTRACT OF PAUL CONDON AS SPECIAL COUNSEL AND PREVIOUS AUTHORIZATION THEREOF.**

**WHEREAS**, the Council of the City of Hoboken is authorized to go into closed session for the reasons set forth in the Open Public Meetings Act, N.J.S.A. 10:4-12, more particularly to discuss anticipated litigation or contract negotiations related to N.J. Division of Pensions assessment of \$4.2M; ratification of successor collective bargaining agreements with PBA Local 2 and Police Superior Officers; and discussion of the employment contract of Paul Condon as Special Counsel and previous authorization thereof; all of which are a basis for closed session pursuant to N.J.S.A. 10:4-12b(7) and (8); and

**WHEREAS**, the Council has determined that it is necessary to go into closed session for the foregoing purposes and receiving briefings from the Corporation Counsel.

**NOW THEREFORE, BE IT RESOLVED** by the Council of the City of Hoboken that it enter into closed session to discuss the issues as hereinabove 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 left at 10:43 p.m.  
Returned to meeting at 10:46 p.m.

At 11:42 p.m. the City Council on a motion by President Cunningham; duly seconded by Councilwoman Marsh and voted unanimously by the City Council came out of closed session.

### **RESOLUTIONS (cont'd)**

#### **Presented and Read**

#### **10-317**

---By President Cunningham

#### **RESOLUTION REJECTING THE TERMS OF A SUCCESSOR COLLECTIVE BARGAINING AGREEMENT WITH HOBOKEN POLICE SUPERIOR OFFICERS ASSOCIATION**

WHEREAS, Hoboken's Fiscal Control Officer and the Hoboken Police Superior Officers Association ("Union") have been conducting negotiations for a successor Collective Bargaining Agreement to that which expired on December 31, 2007; and

WHEREAS, as a result of those negotiations, a proposed Memorandum of Understanding ("MOU") has been prepared but may not have been executed by both of the Parties; and

WHEREAS, the Union has ratified the tentative terms of that proposed MOU; and

WHEREAS, the New Jersey Department of Community Affairs requested that the City Council review the terms of the proposed MOU for ratification; and

NOW, THEREFORE, BE IT RESOLVED that, the City Council of the City of Hoboken rejects the terms contained in the proposed Memorandum of Understanding with the Union for inclusion in a successor Collective Bargaining Agreement and directs the City's Special Labor Counsel to incorporate said terms into the parties' Collective Bargaining Agreement and authorizes the Mayor to execute said Collective Bargaining Agreement when completed.

BE IT FURTHER RESOLVED that the Clerk forward a certified true copy of this resolution to the City Administrator and the Director of Finance.

---Motion duly seconded by Councilwoman Marsh

---**FAILED** by the following vote: YEAS: 7- NAYS: 0 – RECUSED - 2

---Yeas: Council persons

---Nays: Bhalla, Giacchi, Lenz, Mason, Marsh, Mello, and President Cunningham.

---Recused: **Castellano, Russo.**

#### **10-318**

---By President Cunningham

**RESOLUTION REJECTING THE TERMS OF A SUCCESSOR COLLECTIVE BARGAINING AGREEMENT WITH HOBOKEN PBA LOCAL 2**

WHEREAS, Hoboken's Fiscal Control Officer and the P.B.A. Local No. 2 ("Union") have been conducting negotiations for a successor Collective Bargaining Agreement to that which expired on December 31, 2007; and

WHEREAS, as a result of those negotiations, a proposed Memorandum of Understanding ("MOU") has been prepared but may not have been executed by both of the Parties; and

WHEREAS, the Union has ratified the tentative terms of that proposed MOU; and

WHEREAS, the New Jersey Department of Community Affairs requested that the City Council review the terms of the proposed MOU for ratification; and

NOW, THEREFORE, BE IT RESOLVED that, the City Council of the City of Hoboken rejects the terms contained in the proposed Memorandum of Understanding with the Union.

BE IT FURTHER RESOLVED that the Clerk forward a certified true copy of this resolution to the City Administrator and the Director of Finance

---Motion duly seconded by Councilwoman Marsh

---**FAILED** by the following vote: YEAS: 7- NAYS: 0 – RECUSED - 2

---Yeas: Council persons

---Nays: Bhalla, Giacchi, Lenz, Mason, Marsh, Mello, and President Cunningham.

---Recused: Castellano, Russo.

President Cunningham called for recess at 9:05 pm

Recess ended at 9:11 p.m.

**10-319**

---By Councilman Mello

**AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE HUDSON COUNTY OPEN SPACE TRUST FUND FOR ACQUISITION OF AVAILABLE PROPERTIES IN BLOCK 11 IN THE SOUTHWEST SECTION OF HOBOKEN**

WHEREAS, the Hudson County Department of Planning is soliciting applications for funding through the Hudson County Open Space Trust Fund for the support of acquisition projects within the County of Hudson; and

WHEREAS, The City of Hoboken desires to further the public interest by obtaining funding in the amount of \$1,000,000 in grant funds toward the acquisition of available properties in Block 11 for future park development at a cost projected cost of \$6,900,000 (balance to be paid for by a future NJ DEP Green Acres request and bonding by the City of Hoboken if necessary).

NOW, THEREFORE, the governing body resolves that Dawn Zimmer, Mayor or her designee is hereby authorized to:

- (a) make application for such a grant
- (b) provide additional application information and furnish such documents as may be required
- (c) act as the authorized correspondent of the above named applicant, **and be it further –**

**RESOLVED BY THE Council of the City of Hoboken:**

1. That, should funding be awarded, the Mayor is hereby authorized to execute an agreement thereto with the County of Hudson with respect to the acquisition of Block 11 in the Southwest Section of Hoboken;
2. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project, and;
3. That this resolution shall take effect immediately.

The speaker who spoke: Dan Tumpson.

---Motion duly seconded by Councilwoman Marsh

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

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

---Nays: None.

**10-320**

---By Councilwoman Marsh

**AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE HUDSON COUNTY OPEN SPACE TRUST FUND FOR DEVELOPMENT FUNDS FOR EMERGENCY RECONSTRUCTION TO DAMAGED PORTIONS OF HOBOKEN' S HUDSON RIVER WATERFRONT WALKWAY (5<sup>TH</sup> STREET AT SINATRA PARK AND 7<sup>TH</sup> STREET AT CASTLE POINT PARK)**

WHEREAS, the Hudson County Department of Planning is soliciting applications for funding through the Hudson County Open Space Trust Fund for the support of development projects within the County of Hudson; and

WHEREAS, The City of Hoboken desires to further the public interest by obtaining funding in the amount of \$1,000,000 in grant funds toward the development/emergency reconstruction of the damaged sections of Hoboken' s Hudson River Waterfront Walkway (5<sup>th</sup> Street at Sinatra Park, adjacent to Block 258, Lot 2 and 7<sup>th</sup> Street at Castle Point Park, adjacent to Block 257, Lot 2) at a projected cost of \$9,824,300 (balance to be paid for by a 2008 Hudson County Open Space Trust Fund award of \$100,000, future NJ DEP Green Acres requests and pending Federal appropriations requests or bonding by the City of Hoboken if necessary).

NOW, THEREFORE, the governing body resolves that Dawn Zimmer, Mayor or her designee is hereby authorized to:

- (a) make application for such a grant.
- (b) provide additional application information and furnish such documents as may be required.
- (c) act as the authorized correspondent of the above named applicant, and be it further.

RESOLVED BY THE Council of the City of Hoboken:

1. That, should funding be awarded, the Mayor is hereby authorized to execute an agreement thereto with the County of Hudson with respect to the development/emergency repair of damaged portions of Hoboken's Hudson River Waterfront Walkway (5<sup>th</sup> Street at Sinatra Park and 7<sup>th</sup> Street at Castle Point Park) project;
2. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project, and;
3. That this resolution shall take effect immediately.

---Motion duly seconded by Councilman Mello

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

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

---Nays: None.

**10-321**

---By Councilwoman Marsh

**ACCEPTING A GRANT IN THE AMOUNT OF \$323,252 FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND PUBLIC ENTITY PROGRAM THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY AND THE DEPARTMENT OF ENVIROMENTAL PROTECTION**

**WHEREAS**, the City of Hoboken has applied for and has been awarded a grant in the amount of \$323,252.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the Department of Environmental Protection and the New Jersey Economic Development Authority for remedial investigation, remedial action along with report preparation of 1600 Park Avenue property;

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the City of Hoboken that the above referenced grant is hereby accepted and the Mayor or her designee is hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for the City of Hoboken; **and be it –**

**FURTHER RESOLVED**, that the Mayor may:

1. provide additional information and furnish such documents as may be required, and
2. act as the authorized correspondent of the above named grantee; and
3. that the City Clerk is hereby authorized to attest and affix the City seal to this resolution

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

---Motion duly seconded by Councilman Mello.

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

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

---Nays: None.

Mason

**10-322**

---By Councilwoman Marsh

**ACCEPTING A GRANT IN THE AMOUNT OF \$877,193 FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND PUBLIC ENTITY PROGRAM THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**WHEREAS**, the City of Hoboken has applied for and has been awarded a grant in the amount of \$877,193.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the Department of Environmental Protection and the New Jersey Economic Development Authority for remedial investigation, remedial action along with report preparation of the Old Todd Shipyard property;

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the City of Hoboken that the above referenced grant is hereby accepted and the Mayor or her designee is hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for the City of Hoboken; **and be it –**

**FURTHER RESOLVED**, that the Mayor may:

1. provide additional information and furnish such documents as may be required, and
2. that the City Clerk is hereby authorized to attest and affix the City seal to this resolution

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

---Motion duly seconded by Councilman Mello.

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

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

---Nays: None.

**10-323**

---By Councilwoman Marsh

**RESOLUTION APPOINTING MCMANIMON & SCOTLAND, LLC SPECIAL LEGAL COUNSEL – REDEVELOPMENT**

WHEREAS, the City of Hoboken requires the services of Special Legal Counsel to handle redevelopment issues involving the City of Hoboken; and

WHEREAS, McManimon & Scotland, LLC is a widely recognized expert in the area of New Jersey redevelopment law; and,

WHEREAS, McManimon & Scotland, 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,

WHEREAS, funds are available for this purpose.

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 McManimon & Scotland, LLC as Special Legal Counsel in redevelopment matters for the City of Hoboken; and,

BE IT FURTHER RESOLVED that this firm shall be paid at the blended hourly rate of \$215 for attorneys and \$135 for paralegals. Services rendered to the client the cost of which is reimbursed by a developer through a developer-funded escrow account pursuant to an escrow agreement between the developer and the Client shall be billed at the blended hourly rate of #325 for attorneys and \$180 for legal assistants.

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 and terminate on June 30, 2010 at which time the term may be extended when the budget is adopted for a sum not to exceed the budgeted amount.

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

A contract for Special Counsel for the City of Hoboken shall be prepared and executed with the following vendor:

McManimon & Scotland, LLC  
1037 Raymond Boulevard  
Fourth Floor

Newark, New Jersey 07102-5259

Such firm to be paid with a total amount not to exceed \$25,000.00.

The speaker who spoke: Lane Bajardi, Curtis Crystal.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 5 - NAYS: 3 – RECUSED - 1

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

---Nays: Castellano, Mason, Russo.

---Recused: President Cunningham

**10-324**

---By Councilwoman Marsh

**RESOLUTION APPOINTING MARAZITA FALCON & HEALEY LLP SPECIAL  
LEGAL COUNSEL – REDEVELOPMENT**

WHEREAS, the City of Hoboken requires the services of Special Legal Counsel to handle redevelopment issues involving the City of Hoboken; and

WHEREAS, Maraziti Falcon & Healey LLP is a widely recognized expert in the area of New Jersey redevelopment law; and,

WHEREAS, Maraziti Falcon & Healey LLP 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.

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 Maraziti Falcon & Healey LLP as Special Legal Counsel in redevelopment matters for the City of Hoboken; and,

BE IT FURTHER RESOLVED that this firm shall be paid an hourly rate of \$195.00 per hour for all attorneys working on the matter, except to the extent that such fees are paid solely by private parties through a re-imbursement basis, in which case the blended rate of \$220.00 per hour, will apply; 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 and terminate on June 30, 2010 at which time the term may be extended when the budget is adopted for a sum not to exceed the budgeted amount.

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

A contract for Special Counsel for the City of Hoboken shall be prepared and executed with the following vendor:

Maraziti Falcon & Healey LLP  
150 John F. Kennedy Parkway  
Short Hills, New Jersey 07078

Such firm to be paid with a total amount not to exceed \$25,000.00.

The speaker who spoke: Dan Tumpson, Helen Hirsch, Curtis Crystal.

---Motion duly seconded by Councilman Mello.  
---Adopted by the following vote: YEAS: 7- NAYS: 2  
---Yeas: Council persons Bhalla, Giacchi, Lenz, Marsh, Mello, and President Cunningham.  
---Nays: Castellano, Russo.

**10-325**

---By Councilwoman Marsh

**RESOLUTION APPOINTING ANSELL ZARO GRIMM & AARON P.C. SPECIAL LEGAL COUNSEL – REDEVELOPMENT**

**WHEREAS**, the City of Hoboken requires the services of Special Legal Counsel to handle redevelopment issues involving the City of Hoboken and has been retained prior (see attached resolution from August 7, 2007); and

**WHEREAS**, ion that role he has assisted in redevelopment matters for the administration developing a familiarity with certain matters that remain unresolved; and

**WHEREAS**, Ansell Zaro Grimm & Aaron P.C. (responsible attorney: Gordon Litwin, Esq.) is a widely recognized expert in the area of New Jersey redevelopment law; and

**WHEREAS**, Ansell Zaro Grimm & Aaron P.C. will be required to abide by the “pay to play” requirements of the Hoboken Public Contracting Reform Ordinance #DR-154 (codified as 20A-22 et. seq. of the Code of the City of Hoboken); and,

**WHEREAS**, said service is a professional service is defined by N.J.S.A. 40A:11-26(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.

**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

Fifteen Thousand (\$15,000.00) dollars for the services of Gordon Litwin, Esq. of Ansell Zaro Grimm & Aaron P.C. as Special Legal Counsel in redevelopment matters for the City of Hoboken; and,

**BE IT FURTHER RESOLVED** that this firm shall be paid as follows:

The Firm's current fee schedule is as follows:

<u>Service</u>	<u>Fee</u>
Partners-----	\$275-\$475/hour
Associates-----	\$215-\$350/hour
Paralegals-----	\$ 95-\$110/hour

**BE IT FURTHER RESOLVED** the City Clerk shall publish this resolution as required by law and keep a copy of the result 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 and terminate on June 30, 2010 at which time the term may be extended when the budget is adopted for a sum not to exceed the budgeted amount.

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

A contract for Special Counsel for the City of Hoboken shall be prepared and executed with the following vendor:

**Ansell Zaro Grimm 7 Aaron P.C.  
60 Park Place  
Suite 1114  
Newark, NJ 07102**

Such firm to be paid with a total amount not to exceed \$15,000.00.

The speakers who spoke: Helen Hirsch, Jim Doyle, Dan Tumpson Curtis Crystal.

---Motion duly seconded by Councilman Mello.

---Adopted as **amended** by the following vote: YEAS: 8 - NAYS: 1

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

---Nays: Russo.

**10-326**

---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 **\$ 19,437.11**

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
MUKANI, RATNA & VINOD 70 ADAMS ST APT 2I HOBOKEN, NJ 07030	18/4/C0P36	70 ADAMS ST	3/09 & 1/10	\$ 272.35
THIRD & MADISON, LLC C/O ALBERT BUZZETTI & ASSOCIATES, LLC 467 SYLVAN AVENUE ENGLEWOOD CLIFFS, NJ 07632	49/1.1/	301 MADISON ST	1/10	\$ 2,475.68
TATULLI, ROSEMARY & JULIANN 509 JEFFERSON ST HOBOKEN, NJ 07030	69/4/	509 JEFFERSON ST	3/09	\$ 1,534.82
LYNCH, KATHRYN & DONALD ECKLUND 613 MADISON ST UNIT B HOBOKEN, NJ 07030	76/1/C04-B	613 MADISON ST	4/09	\$ 160.99
WELLS FARGO HOME MORTGAGE MAC X2302-04D, TAX DEPT 1 HOME CAMPUS DES MOINES, IA 50328	86/1/CPH08	800-830 JACKSON ST	3/09	\$ 188.54
TZUCKER, ROBERT & MARY BABEL 1000 JEFFERSON ST Apt 337 HOBOKEN, NJ 07030	104/1.01/C0303	1100 ADAMS ST	1/09 LAND & ABATEMENT	\$ 4,040.26
LT NATIONAL TITLE SERVICES 89 HUDSON STREET 4 <sup>TH</sup> FL. HOBOKEN, NJ 07030	171/15/C0003	931 WILLOW AVE	3/07	\$1,520.56 EXCEL I

<b>ALPERT, BRIAN &amp; KIMBERLY 72 GARDEN ST #1L HOBOKEN, NJ 07030</b>	<b>175/16/C001L</b>	<b>72 GARDEN ST</b>	<b>3/09</b>	<b>\$ 1,826.40</b>
<b>CHOU, CHU-LIN 216 KNICKERBOCKER RD CLOSTER, NJ 07624</b>	<b>214.1/28/C0003</b>	<b>314 HUDSON ST</b>	<b>3/09</b>	<b>\$ 221.76</b>
<b>1122 WASHINGTON LLC 47 STAGER AVE NUTLEY, NJ 07110</b>	<b>246/14/C0002</b>	<b>1122 WASHINGTON ST</b>	<b>4/09 &amp; 1/10</b>	<b>\$ 1,281.49</b>
<b>PRESTON, JULIA 1226 GARDEN ST HOBOKEN, NJ 07030</b>	<b>253/23/</b>	<b>1226 GARDEN ST</b>	<b>4/09</b>	<b>\$ 168.34</b>
<b>WELLSFARGO HOME MORTGAGE MAC X2301-03B/ARU 1 HOME CAMPUS DES MOINES, IA 50328-0001</b>	<b>261.03/1/C0450</b>	<b>1125 MAXWELL LA</b>	<b>4/09</b>	<b>\$5,745.92</b>

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

**Resolutions 10 & 11 were not addressed. Will be on the April 7, 2010 Agenda.**

Introduction and First Reading

All regular business concluded the following members of the public spoke at the "Public Portion" of the meeting: Deborah Hulbert, Rebecca Lewis, Cathy Cardillo, Patricia Waiters, Richard Tremitedi, Sean A. Smith, Martin Anderson, David Liebler, Keith Furman, Rami Pinchevsky, Scott Siegel, Cheryl Fallick, Mary Onrejkea, Dan Tumpson, Lane Bajardi, Curtis Crystal, Eric Volpe, John Branciforte, Ines Garcia-Keim.

Councilman Lenz left meeting at 1:47 A.M.  
 Councilman Lenz returned at 1:50 A.M.

NEW BUSINESS

President Cunningham then adjourned the meeting at 2:10 A.M.

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PRESIDENT OF THE COUNCIL

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