

**W/CORRECTIONS AS OF 8/25/10  
MEETING OF MARCH 3, 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 3, 2010 AT 7:00 PM**

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President Cunningham opened the meeting at 7:04 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, Marsh, Mason, Mello, Russo.

ABSENT: Cunningham, Lenz.

**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 REPAIR OF THE CASTLE POINT PARK AND SINATRA PARK SECTIONS OF THE HUDSON RIVER WATERFRONT WALKWAY LOCATED IN THE CITY OF HOBOKEN AND APPROPRIATING \$12,000,000 THEREFORE, AND PROVIDING FOR THE ISSUANCE OF \$12,000,000 IN BONDS OR NOTES OF THE CITY OF HOBOKEN TO FINANCE THE SAME. (Z-30)

**SPECIAL MEETING WILL BE HELD ON MARCH 10, 2010 FOR FINAL ADOPTION)**

**PETITIONS AND COMMUNICATIONS**

**10-290**

City Clerk James J. Farina reads the communications from Mayor Dawn Zimmer to the Hoboken City Council on updating the budget amendment and consideration of proposed terms for PBA & PSOA contracts and a communication regarding the update of communication regarding Police Audit.

**10-291**

A communication from Mayor Dawn Zimmer Regarding update on communications regarding

Police Audit.

A communication from Police Chief Anthony Falco regarding Police Department Recommendations.

A communication from Public Safety Director Angel Alicea regarding the Police Audit.

A communication from Council President Cunningham calling for a Special Meeting of the Hoboken City Council for Wednesday, March 10, 2010 at 7:00 p.m. in the City Council Chambers, to discuss the following:

An ordinance of the City of Hoboken in the County of Hudson, New Jersey, providing for the repair of the Castle Point Park and Sinatra Park Sections of the Hudson River Waterfront Walkway located in the City of Hoboken and appropriating \$12,000,000 therefore, and providing for the issuance of \$12,000,000 in bonds or notes of the City of Hoboken to finance the same.

**10-292**

**APPLICATIONS FOR MISCELLANEOUS LICENSES**

|                         |    |
|-------------------------|----|
| Taxi-----               | 12 |
| Raffles -----           | 1  |
| Parking Facilities----- | 9  |
| Vendor-----             | 1  |

- Councilman Russo moved that the licenses be granted.
- Motion duly seconded by Councilwoman Castellano.
- Adopted by the following vote: YEAS: 7 - NAYS: 0 –ABSENT -2
- Yeas: Council persons Bhalla, Castellano, Giacchi, Marsh, Mason, Mello, Russo.
- Nays: None.
- Absent: Cunningham, Lenz.

**RESOLUTIONS**

**Presented and Read**

**10-293**

---By Councilman Bhalla

**RESOLUTION REGARDING POLICE AUDIT**

**WHEREAS**, a preliminary review of the staffing levels and organizational structure for the City of Hoboken’s Police Department (the “Police Audit”) has been prepared by the New Jersey Division of Local Government Services (“DLGS”) and received by the City on February 19, 2010; and

**WHEREAS**, the City Council is appreciative of the effort expended by the DLGS on behalf of the City of Hoboken in preparing the Police Audit; and

**WHEREAS**, the City Council is appreciative of the efforts made by Mayor Dawn Zimmer and Lori Grifa, the new Commissioner of the New Jersey Department of Community Affairs, in facilitating the release of the Police Audit; and

**WHEREAS**, ensuring the public safety of Hoboken's citizens through the maintenance of an efficient, effective and affordable Police Department is of the highest priority; and

**WHEREAS**, the Police Audit makes numerous recommendations toward the goal of making our Police Department more efficient, effective and affordable including changes in deployment, civilianization of certain positions, significant reduction in staffing levels and increased working hours; and

**WHEREAS**, the Police Audit specifically recommends that the Mayor consider whether to raise with labor negotiators the cost effectiveness of an increase in working hours from 35 hours per week to 40 hours per week; and

**WHEREAS**, the Police Audit recognizes that there exist a variety of alternatives to implement the suggested reduction in staff, including attrition, lay-offs and elimination of positions; and

**WHEREAS**, the Police Chief of Hoboken and Director of Public Safety have submitted written memorandum in response to the contents of the Police Audit;

**WHEREAS**, the City Council recognizes the seriousness of the Police Audit and wishes to work with the Administration to evaluate the alternatives so that we can move forward with implementation of the recommendations in a responsible and expeditious manner;

**NOW THEREFORE**, the City Council having given careful consideration to the foregoing, **RESOLVES** as follows:

1. That the Administration work together with the DLGS and the Public Safety Subcommittee of City Council to expeditiously develop the best possible approach to implement if appropriate the recommendations contained in the Police Audit while ensuring the public safety of our citizens in the most efficient, effective and affordable manner possible; and
2. That the Hoboken City Council urges the Mayor and Hoboken's Fiscal Monitor to follow the Police Audit's recommendation and raise the issue of increasing working hours from 35 hours per week to 40 hour per week with labor negotiators.
3. The Mayor carefully considered the memoranda submitted by the Police Chief and Public Safety Director in response to the Police Audit.

The speakers who spoke: Mo DeGennaro, Richard Tremitedi, Helen Hirsch, Richard Pasquarelli, Margaret O'Brien, Scott Siegel, Perry Belfiore.

---Motion duly seconded by Councilman Mello

---Adopted as **AMENDED** by the following vote: YEAS: 7 - NAYS: 0 –ABSENT - 2  
---Yeas: Council persons Bhalla, Castellano, Giacchi, Marsh, Mason, Mello, Russo.  
---Nays: None.  
---Absent: Cunningham, Lenz.

**10-294**

---By Councilman Bhalla

**A RESOLUTION APPROVING THE APPLICATION PROCESS FOR THE FY2010 PORT SECURITY GRANT PROGRAM THROUGH THE U.S. DEPARTMENT OF HOMELAND SECURITY**

**WHEREAS**, the **City of Hoboken** is interested in participating in the US Department of Homeland Security's FY 2010 Port Security Grant Program., and

**WHEREAS**, the **City of Hoboken** agrees to utilize the grant funding award (if approved),for the procurement and implementation of video surveillance and monitoring equipment to be utilized along the city's waterfront, and

**WHEREAS**, the **City of Hoboken** is currently operating a city-wide video surveillance program, which will be enhanced and completely interoperable with these proposed additions ,and

**WHEREAS**, the **Hoboken City Council** has reviewed the accompanying guidance and application kit and has approved participation in the application process, and

**NOW, THEREFORE, BE IT RESOLVED**, by the **Hoboken City Council** that:

- 1) The Mayor or his designee is authorized to execute the above referenced grant application process, and all other documents to fulfill the intent of the application.
- 2) As a matter of public policy, the **City of Hoboken**, wishes to participate to the fullest extent possible with the application process of the U.S. Department of Homeland Security FY2010 Port Security Grant Program.

The speaker who spoke: Mary Onarejka, Dan Tumpson, Cheryl Fallick.

---Motion duly seconded by Councilman Mello  
---Adopted by the following vote: YEAS: 7 - NAYS: 0 – ABSENT: 2  
---Yeas: Council persons Bhalla, Castellano, Giacchi, Marsh, Mason, Mello, Russo.  
---Nays: None.  
---Absent: Cunningham, Lenz.

**10-295**

---By Councilwoman Marsh

**AUTHORIZING THE SUBMISSION OF A PROPOSAL FOR INCLUSION IN THE 2010-2011 URBAN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO HUD**

**WHEREAS**, Title 1 of the Housing and Community Development Act of 1974 provides for substantial Federal funds being made available to certain urban counties for use therein; and

**WHEREAS**, this act establishes certain criteria which must be met in order for a county and its participating communities to be the recipient of said funding; and

**WHEREAS**, the City of Hoboken and the County of Hudson entered into an agreement in cooperation with other municipalities in Hudson County for the carrying out of the Hudson County Community Development Urban County Program under the provisions of the Interlocal Services Act; and

**WHEREAS**, the City of Hoboken and the County of Hudson have further agreed to cooperate in the carrying out of Community Development Block Grant activities and to undertake or assist in the implementation of programs and projects that better the community.

**BE IT RESOLVED**, by the Mayor and the Council of the City of Hoboken that the 2010-2011 proposal for the City of Hoboken's continued participation in the Urban County CDBG Program is hereby approved for submission to the Hudson County Office of Community Development.

**BE IT FURTHER RESOLVED**, that the Mayor or her designee is hereby authorized and directed to transmit the City's proposal for funding to the County of Hudson and the City Clerk of the City is hereby authorized and directed to attest the same and affix the City Seal.

- BE IT FURTHER RESOLVED**, that Mayor or her designee is hereby authorized to:
- (a) make application for such a grant; and
  - (b) provide additional application information and furnish such documents as may be required; and
  - (c) act as the authorized correspondent of the City of Hoboken.

**BE IT FURTHER RESOLVED**, that:

- 1. Should funding be awarded, the Mayor or her designee is hereby authorized to execute an agreement thereto with the County of Hudson; and
- 2. The City Clerk is authorized to affix the City seal to documents related to this application; and
- 3. This resolution shall take effect immediately.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 7 - NAYS: 0 – ABSENT: 2

---Yeas: Council persons Bhalla, Castellano, Giacchi, Marsh, Mason, Mello, Russo.

---Nays: None.

---Absent: Cunningham, Lenz.

**10-296**

---By Councilwoman Marsh

**AUTHORIZING A DISCRETIONARY APPLICATION TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR FUNDING FOR PEDESTRIAN SAFETY IMPROVEMENTS TO THE PATH AREA**

**WHEREAS**, the City of Hoboken wishes to undertake a Safe Streets to Transit Project in the area of the PATH station; and

**WHEREAS**, a portion of the funding has been received through a New Jersey Department of Transportation Safe Streets to Transit funding award in the amount of \$80,000.00; and

**WHEREAS**, the Safe Streets to Transit funding award is not sufficient to cover the cost of the preferred proposed improvements; and

**WHEREAS**, the New Jersey Department of Transportation has suggested that the City of Hoboken submit a discretionary funding application for their consideration for the additional amount necessary to accomplish the proposed project, \$106,588.13 (engineer's estimate attached):

**NOW, THEREFORE, BE IT RESOLVED**, that such discretionary application be submitted to the New Jersey Department of Transportation.

**FURTHER RESOLVED**, that the Mayor or her designee is hereby authorized and directed to transmit the City's proposal for funding to the New Jersey Department of Transportation.

**FURTHER RESOLVED**, that Mayor or her designee is hereby authorized to:

- (a) Provide additional application information and furnish such documents as may be required; and
- (b) Act as the authorized correspondent of the City of Hoboken.

**FURTHER RESOLVED**, that:

- 1. Should funding be awarded and the Project be capable of construction without costs paid for by the City, the Mayor or her designee is hereby authorized to execute an agreement thereto with the New Jersey Department of Transportation; and
- 2. The City Clerk is authorized to affix the City seal to documents related to this application; and
- 3. This resolution shall take effect immediately.

---Motion duly seconded by Councilman Mello

---Adopted as **AMENDED** by the following vote: YEAS: 7 - NAYS: 0 - ABSENT - 2

---Yeas: Council persons Bhalla, Castellano, Giacchi, Marsh, Mason, Mello, Russo.

---Nays: None.

---Absent: Cunningham, Lenz.

**10-297**

Councilwoman Castellano

**RESOLUTION AUTHORIZING THE 6% PENALTY CHARGED ON DELINQUENT TAXES TO BE REPEALED**

**WHEREAS**, the rate of additional interest penalty on delinquent taxes and assessments on real property in excess of \$10,000.00 is 6% if delinquent at the close of the fiscal year, and

**WHEREAS**, in accordance with NJSA 54:4-67 and previously adopted resolution of the City Council, the Tax Collector must begin to accrue said penalty as of July 1, 2009, and

**WHEREAS**, in accordance with NJSA 54:4-67, the City Council, recognizing that taxpayers face a significant tax increase in the 2009 taxes, desires to repeal the 6% penalty for Fiscal Year 2009.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, that the Tax Collector be and is hereby authorized to repeal the 6% penalty for fiscal year 2009.

---Motion duly seconded by Councilman Russo.

---Adopted by the following vote: YEAS: 7 - NAYS: 0 –ABSENT - 2

---Yeas: Council persons Bhalla, Castellano, Giacchi, Marsh, Mason, Mello, Russo.

---Nays: None.

---Absent: Cunningham, Lenz.

**10-298**

---By Councilman Russo

**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 **\$17,842.86**

| <u>NAME</u>  | <u>BL/LT/UNIT</u> | <u>PROPERTY</u> | <u>QTR/YEAR</u> | <u>AMOUNT</u> |
|--|-------------------|-----------------|-----------------|---------------|
| WELLS FARGO BANK, NA<br>WELLS FARGO HOME<br>MORTGAGE<br>MAC X2301-03B/ARU<br>1 HOME CAMPUS<br>DES MOINES, IA 50328 | 21/8/C00C1        | 307 FIRST ST    | 4/09            | \$ 5,446.07   |

|  |                |                                    |        |                     |
|--|----------------|------------------------------------|--------|---------------------|
| ASTORIA FEDERAL SAVINGS<br>1216 CHARLES ST 2 <sup>ND</sup> FLOOR<br>ELGIN, IL 60120    | 25/1/          | 101-33 MARSHALL/<br>120-6 HARRISON | 4/08   | \$ 2,933.23 EXCEL I |
| SHUTT, ANITA<br>405 FOURTH ST #1<br>HOBOKEN, NJ 07030                                  | 51/20/C001A    | 405 FOURTH ST                      | 1/10   | \$ 1,253.33         |
| MITACEK, STEPHEN<br>800 JACKSON ST UNIT 613<br>HOBOKEN, NJ 07030                       | 86/1/C0613     | 800-830 JACKSON                    | 3/09   | \$ 136.92           |
| WILLIAMS, ALEXANDRA &<br>GILES ALDERSON<br>816 WILLOW AVE #2L<br>HOBOKEN, NJ 07030     | 160/13/C002L   | 816 WILLOW AVE                     | 4/09   | \$ 2,066.18         |
| HAWISZCZAK, JASON<br>123 WASHINGTON ST #2R<br>HOBOKEN, NJ 07030                        | 212/9/C002R    | 123 WASHINGTON ST                  | 4/09   | \$ 350.00           |
| WRIGHT, KARYN<br>1500 WASHINGTON ST #8S<br>HOBOKEN, NJ 07030                           | 268.1/2/C008S  | 1500 WASHINGTON ST                 | 1&2/09 | \$ 3,180.76         |
| FIRST AMERICAN REAL<br>ESTATE TAX SERVICE<br>P O BOX 961230<br>FT WORTH, TX 76161-0230 | 268.1/2/C012J  | 1500 WASHINGTON ST                 | 4/09   | \$1,731.33          |
| SOCCI, ANTHONY J &<br>KRISTIN<br>1125 MAXWELL LANE #571<br>HOBOKEN, NJ 07030           | 261.03/1/C0571 | 1125 MAXWELL LANE                  | 3&4/09 | \$ 745.04           |

---Motion duly seconded by Councilwoman Castellano

---Adopted by the following vote: YEAS: 7 - NAYS: 0 - ABSENT - 2

---Yeas: Council persons Bhalla, Castellano, Giacchi, Marsh, Mason, Mello, Russo, and

---Nays: None.

---Absent: Cunningham, Lenz.

**10-299**

---By Councilman Mello

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

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

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

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

1. The above recitals are incorporated herein as thought fully set forth at length.
2. The lease shall include a rental increase clause whereby the City of Hoboken may increase the monthly rent per space, upon 6 months notice to the United States Government, whenever the City shall increase monthly rental rates to residents parking in the same garage.
3. 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.
4. The Mayor, or his designee is hereby authorized to execute an agreement, contingent on all mandated requirements being met, for the above referenced lease to the United States Government.

---Motion duly seconded by Councilwoman Marsh

---Adopted by the following vote: YEAS: 7 - NAYS: 0 –ABSENT - 2

---Yeas: Council persons Bhalla, Castellano, Giacchi, Marsh, Mason, Mello, Russo.

---Nays: None.

---Absent: Cunningham, Lenz.

**10-300**

---By Councilwoman Marsh

**THIS RESOLUTION AWARDS A ONE-YEAR CONTRACT TO AUTOMATED BUILDING CONTROLS FOR H.V.A.C. SERVICES WITHIN THE CITY IN ACCORDANCE WITH THE SPECIFICATIONS IN BID NUMBER 10-03.**

WHEREAS, proposals were received on 18 December 2009 for H.V.A.C. Services, and

WHEREAS, three (3) proposals were received in good stead, these being:

| <u>VENDOR</u>                              | <u>Straight Time</u> | <u>Overtime</u>    |
|--|----------------------|--------------------|
| Pow-R-Save, Inc.<br>Bloomfield, NJ         | \$ 85.00/per hour    | \$ 127.00/per hour |
| Binsky Service<br>Piscataway, NJ           | \$ 88.90/per hour    | \$ 168.90/per hour |
| Automated Building Controls<br>Neptune, NJ | \$ 85.00/per hour    | \$ 100.00/per hour |

NOW THEREFORE BE IT RESOLVED as follows:

This resolution awards a contract to Automated Building Controls, in an amount not to exceed \$25,000.00, for H.V.A.C. Services according to the specifications set forth.

- A. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor or her agent is hereby authorized to enter into an Agreement with Automated Building Controls.
- B. This resolution shall take effect immediately upon passage.

---Motion duly seconded by Councilman Russo

---Adopted by the following vote: YEAS: 7 - NAYS: 0 –ABSENT - 2

---Yeas: Council persons Bhalla, Castellano, Giacchi, Marsh, Mason, Mello, Russo.

---Nays: None.

---Absent: Cunningham, Lenz.

**10-301**

---By Councilwoman Marsh

**THIS RESOLUTION AWARDS A TWO (2) YEAR CONTRACT TO DONOFRIO AND SON FOR LANDSCAPING AND PARK MAINTENANCE WITHIN THE CITY IN ACCORDANCE WITH THE SPECIFICATIONS IN BID NUMBER 10-09.**

WHEREAS, proposals were received on 18 December 2009 for Landscaping & Park Maintenance, and

WHEREAS, seven (7) proposals were received in good stead, these being:

| <u>VENDOR</u>                                      | <u>Year #1</u> | <u>Year #2</u> |
|--|----------------|----------------|
| Ascape Landscape<br>New City, NY                   | \$ 70,000.00   | \$ 70,000.00   |
| LTI, Inc.<br>Roseland, NJ                          | \$ 87,613.56   | \$ 87,613.56   |
| Hufnagel Landscape (Incumbent)<br>North Bergen, NJ | \$167,660.00   | \$172,930.00   |
| Andy-Matt, Inc.<br>Mine Hill, NJ                   | \$ 99,999.00   | \$ 99,999.00   |
| Donofrio & Son<br>Maplewood, NJ                    | \$ 49,021.00   | \$ 49,021.00   |
| Greenleaf Landscape<br>Eatontown, NJ               | \$ 74,787.00   | \$ 74,787.00   |
| Pat Scanlan Landscape<br>New City, NY              | \$100,810.00   | \$100,810.00   |

NOW THEREFORE BE IT RESOLVED as follows:

- A. This resolution awards a contract to Donofrio & Son, Maplewood, NJ, in an amount of \$49,021.00, For Landscaping & Park Maintenance according to the specifications set forth.
- B. Continuation of the terms of this contract beyond the fiscal year is contingent on availability of funds in the following year’s budget. In the event of unavailability of such funds, the City reserves the right to cancel this contract.
- C. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor or her agent is hereby authorized to enter into an Agreement with Donofrio & Son.
- D. This resolution shall take effect immediately upon passage.

---Motion to table above resolution by Councilman Russo.  
 ---duly seconded by Councilman Mello.  
 ---TABLED by the following vote: YEAS: 6 - NAYS: 0 – ABSTAIN – 1 -ABSENT - 2  
 ---Yeas: Council persons Bhalla, Castellano, Giacchi, Marsh, Mello, Russo.  
 ---Nays: None.  
 ---Abstain: Mason.  
 ---Absent: Cunningham, Lenz.

**10-302**

---By Councilwoman Marsh

**THIS RESOLUTION REJECTING SINGLE BID RECEIVE FOR TELEPHONE MAINTENANCE WITH THE SPECIFICATIONS IN BID NUMBER 10-12.**

**WHEREAS**, the City of Hoboken sought competitive proposals for telephone maintenance; and,

**WHEREAS**, below listed bid was the only one received; and,

**WHEREAS**, the Mayor has advised the City Council that the contracting unit wants to substantially revise the specifications for the goods and services contemplated by the contract; and,

**WHEREAS**, the below listed vendor must be notified:

| <b>Vendor</b>  | <b>Proposal</b>                                    |
|--|--|
| <b>Enterprise Consultants<br/>11 Kensington Avenue<br/>Emerson, NJ 07630</b> | <b>\$1,740.50/month<br/>Not to exceed \$30,000</b> |

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

- 1. The above recitals are incorporated herein as though fully set forth at length.

2.The City Council hereby rejects the proposal of the above vendor.

---Motion duly seconded by Councilman Mello

---Adopted by the following vote: YEAS: 7 - NAYS: 0 –ABSENT - 2

---Yeas: Council persons Bhalla, Castellano, Giacchi, Marsh, Mason, Mello, Russo.

---Nays: None.

---Absent: Cunningham, Lenz.

**10-303**

---By Councilman Mello

**RESOLUTION URGING THE STATE LEGISLATURE TO REFORM INTEREST ARBITRATION**

**WHEREAS**, the interest arbitration process was intended to fairly and adequately give all due consideration to the interest and welfare of the taxpaying public and support local government aims by arriving at award decisions that are equitable to all involved parties, including municipalities and Police and Fire Department personnel; and

**WHEREAS**, the New Jersey Employer-Employee Relations Act, adopted in 1968, was amended in 1977 to provide for interest arbitration as the statutorily imposed terminal step in the collective bargaining process for police and fire personnel as defined by the Act; and

**WHEREAS**, the Police and Fire Interest Arbitration Reform Act (L.1995, c. 425) was signed into law by Governor Christine Todd Whitman and became effective on January 10, 1996; and

**WHEREAS**, in 2005, the League of Municipalities' Arbitration Reform Committee suggested a number of Legislative reforms to the Interest Arbitration Process among the changes proposed by the Reform Committee were that: (1) the Arbitrator may not award salary increases in excess of the expenditure cap (N.J.S.A. 40A:4-45 et seq.); (2) the Arbitrator's Award may provide for salary increases limited to the budget cap imposed by the State of New Jersey and/or any lawful adjustment adopted by the public employer; and (3) the Arbitrator's award may provide for salary increases limited to the percentage established by the State or the lawful adjustment adopted by the public employer, as may be appropriate, on a department line basis; and

**WHEREAS**, in 2007 the Police and Fire Interest Arbitration statute was amended to add a new ninth factor of the 4% Tax Levy Cap which resulted in 4 of the 9 statutory factors in Interest Arbitration addresses the employer's fiscal situation; and

**WHEREAS**, municipalities are bound by strict fiscal controls embodied in the expenditure limit and tax levy caps and it is the norm rather than the exception for state approved arbitrators to award raises for police salaries at rates that exceed the annual caps; and

**WHEREAS**, binding arbitration awards in excess of the caps forces municipalities to cut other critically needed municipal services, in order to fund salary increases, compounded by pension increases, to police and fire personnel, and cost for police and fire services continue to spiral at an unacceptable rate; and

**WHEREAS**, the state approved interest binding arbitration process is inconsistent with the State cap laws and is unfair to municipalities attempting to control property taxes through fiscal responsibility; and

**WHEREAS**, interest arbitration should be reform to provide that the cost of living and the employer's ability to pay should be given greater weight and the total costs of the arbitrator's award, including steps and cost of living (COLA) increases, should not exceed the cost of living; and

**WHEREAS**, arbitrators should be required to evaluate and analyze the total cost of the salaries and benefits, including step increases, and must provide a detailed line item analysis and explanation of the costs in the award; and

**WHEREAS**, arbitrators must also evaluate and analyze the overall compensation received by the bargaining unit, including vacations, longevity, holidays, excused leave, medical and pension benefits; and

**WHEREAS**, arbitrators should be required to live in New Jersey and the process of selecting the arbitrators and the length of time the Arbitration process takes needs to be reviewed.

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of the City of Hoboken in the county of Hudson, State of New Jersey hereby urges the New Jersey State Legislature to pass legislation containing substantial reforms to the binding arbitration process; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to Brian P. Stack, Ruben Ramos Jr., Caridad Rodriguez, the New Jersey State League of Municipalities and the Office of the Governor.

---Motion duly seconded by Councilman Bhalla

---Adopted by the following vote: YEAS: 7 - NAYS: 0 - ABSENT - 2

---Yeas: Council persons Bhalla, Castellano, Giacchi, Mason, Marsh, Mason, Mello, Russo.

---Nays: None.

---Absent: Cunningham, Lenz.

## **ORDINANCES**

### **Introduction and First Reading**

**10-304**

**Z-31**

### **AN ORDINANCE OF THE CITY COUNCIL AMENDING SUB-CHAPTERS 68-5, 86-3, 93-3, AND 128-5, ALL RELATING TO LICENSE FEES**

**WHEREAS**, the State Fiscal Monitor and the Mayor have indicated there are a number of licenses fees set forth in the City Code which are either inconsistent with fees being charged or are insufficient to justify the administrative expenses of the City in monitoring the various businesses and professions to which these fees relate;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hoboken, that the following fees and licenses be amended as follows.

**SECTION ONE:**

1. **Chapter 68**, entitled “Alcoholic Beverages”, Section 68-5 entitled “License fees”, is hereby amended as follows:

| <b>LICENSE</b>   | <b>FROM</b> | <b>TO</b>  |
|--|-------------|------------|
| Plenary retail consumption license                         | \$2,000.00  | \$2,400.00 |
| Plenary retail distribution license                        | \$2,000.00  | \$2,400.00 |
| Club license; including renewal                            | \$150.00    | \$180.00   |
| Person to person transfer<br>Person to person and location | \$400.00    | \$480.00   |
|  |             |            |

2. **Chapter 86** entitled “Construction Code, Uniform”, Section 86-3, entitled “Schedule of fees; surcharge” is hereby amended as follows:

| <b>BUILDING SUB-CODE FEES</b>   | <b>FROM</b>  | <b>TO</b>   |
|---|--|---|
| New construction  | \$.10/cu. ft<br>\$75 min   | \$.20/cu. ft.<br>\$75 min   |
| Renovations, alterations<br>and repairs                                   | \$8/\$1000 of est.<br>Cost - \$25 min.<br>\$.10/ cu. ft. of bldg for<br>added portion \$40 min | \$16/\$1000 of est.<br>Cost - \$50 min.<br>\$.20/cu. ft. of bldg for<br>added portion \$50 min. |
| Demolition permit   | \$100 or \$.005 of cu.<br>content, whichever is<br>greater                                     | \$\$100 or \$.008 of cu.<br>content, whichever is<br>greater                                    |
| Signs   | \$25 to 20 sq. ft.<br>\$50 to 100 sq. ft.<br>\$75 over 100 sq. ft.                             | \$2.50/sq. ft. first 100<br>\$1.90 sq. ft. next 400<br>\$1.25 sq. ft. thereafter                |
| Certificate of Occupancy, continued<br>occupancy, change of use or new CO | \$50 or \$.005 of cu.<br>content, whichever is<br>greater                                      | \$75 or 15% of cu.<br>content, whichever is<br>greater  |

| <b>Fire Subcode Fees</b>                                 | <b>FROM</b>   | <b>TO</b>   |
|--|---|---|
| Sprinkler Systems  | 1-20 heads - \$50<br>21 – 100 heads - \$100<br>101-200 heads - \$200<br>201-1,000 heads - \$250 | 1-20 heads - \$82<br>21-100 heads \$151<br>101-200 heads \$289<br>201-1,000 heads \$748 |
| Installation of storage tanks-<br>Flammable, combustible | 1K gal. - \$35<br>1001-5000 gal. -\$50  | 1K gal - \$50<br>1001-5000 gal. - \$75  |
| Installation of storage tanks –<br>Flammable             | 5001-10000 gal - \$75<br>10000 or more gal- \$100   | 5001-10000 gal- \$100<br>10000 or more gal \$100  |
| Residential installation of burners                      | 1 \$ 2 family \$30<br>3 or more family - \$35<br>Additional burners - \$10                      | 1 & 2 family - \$50<br>3 or more family - \$50<br>Additional burners - \$20             |
| Commercial installation of burners                       | Stores and offices - \$35<br>Light ind'l - \$35   | Stores and offices - \$50<br>Light ind'l. - \$50  |

|                                      |   |   |
|--------------------------------------|---|---|
|                                      | Each space heater - \$15<br>Max. fee - \$50                         | Each space heater - \$25<br>Max. fee - \$100                          |
| Heavy ind'l. installation of burners | Central heating - \$75<br>Each space heater \$25<br>Max. fee - \$75 | Central heating - \$100<br>Each space heater - \$50<br>Max. fee \$100 |
| <b>NEW FEES</b>                      |   |   |
| Smoke detectors                      |   | \$29  |
| 1-12 smoke dectors                   |   | \$45  |
| Every additional dector              |   | \$15  |

| <b>Plumbing Subcode Fees</b>  | <b>FROM</b> | <b>TO</b> |
|---|-------------|-----------|
| Minimum fee   | \$20        | \$40      |
| Water closet, urinal, bath, shower                                      | \$8         | \$13      |
| Lavatory  | \$6         | \$13      |
| Kitchen sink  | \$10        | \$13      |
| 3 piece bathroom and repipe   | \$25        | \$40      |
| 2 piece powder room and repipe  | \$20        | \$25      |
| Drinking fountain, dishwasher, sashing machine, dryer, range, hose bibb | \$5         | \$13      |
| Water heater to 50 gal.   | \$15        | \$20      |
| Boiler, furnace to 200K BTU   | \$20        | \$40      |
| Boiler, furnace over 200K BTU   | \$25        | \$75      |
| Combo hot water and htg unit  | \$25        | \$40      |
| Sump pump   | 10          | 20        |
| Ejector pump  | \$20        | \$40      |
| Grease interceptor  | \$20        | \$65      |
| Sewer tap   | \$50        | \$65      |
| Water service street to 2"  | \$25        | \$65      |
| Water main (interior)   | \$10        | \$15      |
| Repipe water  | \$6         | \$20      |
| Water risers  | \$10        | \$15      |
| House drain   | \$20        | \$35      |
| Vertical stacks   | \$10        | \$15      |
| Gas line to 2"  | \$10        | \$15      |
| Gas line above 2"   | \$20        | \$25      |
| Whirlpool, fireplace  | \$20        | \$30      |
| Refrigeration units   |             | \$65      |
| Other Refrigerator water/icemaker                                       |             | \$65      |
| Commercial appliances   |             | \$20      |

| <b>ELECTRICAL FEES</b>                                     | <b>FROM</b> | <b>TO</b> |
|--|-------------|-----------|
| Minimum fee  | \$30        | \$45      |
| Receptacles 1-25   | \$30        | \$45      |
| Motor control center<br>Subpanels 1 <sup>st</sup> 100 amps | \$20        | \$45      |
| Other<br>Annual fee for swimming pool, spa or hot tub      | \$30        | \$65      |

| <b>ELEVATOR INSPECTION FEES</b> | <b>FROM</b> | <b>TO</b> |
|---------------------------------|-------------|-----------|
|---------------------------------|-------------|-----------|

|   |             |             |
|---|-------------|-------------|
| Witnessing acceptance test –<br>1- 10 floors                          | \$243       | \$306       |
| Over 10 floors  | \$405       | \$510       |
| Hydraulic elevators   | \$216       | \$272       |
| Roped hydraulic elevators   | \$243       | \$306       |
| Escalators and moving walks   | \$216       | \$272       |
| Stairway chairlifts and<br>manlifts                                   | \$54        | \$68        |
| Wheelchair lifts, inclined and<br>vertical                            | \$54        | \$68        |
| Elevators equipped with oil<br>buffers                                | \$43/buffer | \$54 buffer |
| Counterweight governor and<br>safeties                                | \$108       | \$136       |
| Auxiliary power generator   | \$81        | \$102       |
| <b>Annual Inspection and<br/>witnessing of tests</b>                  |             |             |
| Traction and winding drum<br>1-10 floors                              | \$216       | \$272       |
| Over 10 floors  | \$259       | \$326       |
| Hydraulic elevators   | \$162       | \$204       |
| Roper hydraulic elevators   | \$216       | \$272       |
| Escalators and moving walks   | \$346       | \$436       |
| Dumbwaiters   | \$86        | \$108       |
| Stairway chairlifts and<br>manlifts                                   | \$130       | \$164       |
| Wheelchair lifts, inclined and<br>vertical                            | \$130       | \$164       |
| Oil buffers   | \$43/buffer | \$54/buffer |
| Counterweight governor and<br>safeties                                | \$86        | \$108       |
| Auxiliary power generator   | \$54        | \$68        |
| <b>3 and 5 year<br/>test/inspection</b>                               |             |             |
| Traction and winding drum<br>1-10 floors – 5 year                     | \$367       | \$462       |
| Over 10 floors – 5 year<br>Hydraulic and roped<br>hydraulic elevators | \$410       | \$582       |
| 3 Year  | \$270       | \$340       |
| 5 Year  | \$162       | \$204       |
| Plan review   | \$260       | \$328       |

3. **Chapter 93** entitled “Dogs and Other Animals”, Section 93-3 entitled “License fees”, is hereby amended as follows:

| <b>LICENSE FEES</b>                         | <b>FROM</b> | <b>TO</b> |
|---|-------------|-----------|
| License fee - dog spayed or<br>neutered     | \$10        | \$15      |
| License fee - dog not spayed<br>or neutered | \$14        | \$18      |

|                            |     |      |
|----------------------------|-----|------|
| License fee – late renewal | \$5 | \$10 |
|                            |     |      |

4. **Chapter 97** entitled “Filming”, Section 97-4 entitled “Fees”, is hereby amended as follows:

| <b>FEES</b>       | <b>FROM</b> | <b>TO</b> |
|-------------------|-------------|-----------|
| Filmmaking permit | \$350       | \$700     |

5. **Chapter 128** entitled “Licenses”, Section 128-5 entitled “Business licenses; fees”, is hereby amended as follows:

| <b>BUSINESS LICENSES;<br/>FEES</b> | <b>FROM</b> | <b>TO</b> |
|------------------------------------|-------------|-----------|
| Mercantile License                 | \$50        | \$100     |
| Pool & Billiard Parlors, per table | \$125       | \$350     |
|                                    |             |           |
|                                    |             |           |

**SECTION TWO:**

All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

**SECTION THREE:**

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.

**SECTION FOUR:**

This Ordinance shall take effect as provided by law.

The speaker who spoke: Mo DeGennaro.

---Councilwoman Marsh moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held **on MARCH 17, 2010 at 7:00 PM.**

---Motion duly seconded by Councilman Giacchi

---Adopted by the following vote: YEAS: 7 – NAYS: 0 – ABSENT – 2

---Yeas: Council persons Bhalla, Castellano, Giacchi, Marsh, Mason, Mello, Russo.

---Nays: None.

---Absent: Cunningham, Lenz

RESOLUTIONS (CONT'D)

10-305

---By Councilwoman Mason

**RESOLUTION INVALIDATING APPOINTMENT OF PAUL CONDON, ESQ. AS SPECIAL LEGAL COUNSEL TO THE CITY OF HOBOKEN DUE TO CONFLICTS OF INTEREST AMONG MEMBERS OF THE CITY COUNCIL**

**MOTION TO TABLE ORIGINAL RESOLUTION FAILED**

**YEAS - 3 - NAYS - 3 - ABSTAIN - 1 - ABSENT - 2**

Yeas – Council persons: Giacchi, Marsh, Mello.

Nays – Castellano, Mason, Russo.

Abstain – Bhalla.

Absent: Cunningham, Lenz.

10-306

---By Councilwoman Mason

**RESOLUTION REGARDING PAUL CONDON CONTRACT**

**BE IT RESOLVED AS FOLLOWS:**

- 1) The Council's vote to approve a professional services contract with Paul Condon on February 17, 2010 shall be reconsidered on March 17, 2010 and, to the extent if it is feasible with respect to the matters presently in existence, Mr. Condon shall refrain incurring additional time.
- 2) The Corporation Counsel's office is directed to advise the Council as soon as possible as to whether there is a violation of the City's pay-to-play ordinance.

---Motion duly seconded by Councilwoman Castellano

---Adopted as **AMENDED** by the following vote: YEAS: 6 - NAYS: 0 – ABSTAIN - 1 - ABSENT - 2

---Yeas: Council persons Castellano, Giacchi, Marsh, Mason, Mello, Russo.

---Nays: None.

---Abstain: Bhalla

---Absent: Cunningham, Lenz.

Councilwoman Marsh called a five minute recess at 9:50 p.m.

Council returned 10:01 p.m.

NEW BUSINESS

Rescheduling dates of zoning appeals:

Doug Doyle represents 226 Park Avenue LLC

Hearing appeals – dates Thursday, March 25<sup>th</sup> – Wednesday, April 28 for extension date if needed.

The Council absentees will have the transcript for the April 28<sup>th</sup> date.

Councilwoman Marsh announced that there will be a Public Hearing on Sump Pumps.

Director Forbes announced that NHSA public are invited to attend on March 8 at 7:30 pm in the City Council chambers.

John Branciforte announced that a political party committee will meet on March 13, 2010 at St. Matthews on 8<sup>th</sup> & Hudson St. Petitions are due on April 12, 2010.

Councilwoman Mason left meeting at 11:17 p.m.  
Councilwoman Mason returned at 11:23 p.m.

**PUBLIC PORTION**

All regular business concluded the following members of the public spoke at the “Public Portion” of the meeting: Mo De Gennaro, Richard Tremitedi, Charlie Mancini, Helen Hirsch, Mark Villamer, G. Denardo, Steve Silverman, Ron Simoncini, Anne Marie Pelletier, Tim Occhipinti, Mary Ann Bagan, Patricia Waiters, Margaret O’Brien, Scott Volpe, Connie Volpe, Hany Ahmed.

Councilwoman Marsh then adjourned the meeting at 12:11 A.M.

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PRESIDENT OF THE COUNCIL

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CITY CLERK