

**W/CORRECTIONS AS OF 8/25/10
MEETING OF APRIL 21, 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, APRIL 21, 2010 AT 7:00 PM**

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, Lenz, Marsh, Mason, Mello, Russo and President Cunningham

PUBLIC HEARING and FINAL VOTE ON ORDINANCES

Second Reading / Public Hearing and Final Vote

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

The hearing on the above ordinance is scheduled for the May 5, 2010 meeting to allow sufficient time for legal advertising.

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

The hearing on the above ordinance is scheduled for the May 5, 2010 meeting to allow sufficient time for legal advertising.

NOTE: DUE TO LEGAL ADVERTISEMENT FOR BOND ORDINANCE REQUIREMENTS SECOND READING FOR THE TWO ABOVE ORDINANCES WILL BE CONSIDERED FOR SECOND AND FINAL READING ON MAY 5, 2010

AN ORDINANCE OF THE CITY COUNCIL AMENDING SUB-CHAPTERS ALL RELATING TO LICENSE FEES AND USER FEES. Z-34

Councilman Cunningham directed the City Clerk to announce that the Council would consider for final passage the aforesaid ordinance and all persons interested at this time would be given an opportunity to be heard concerning said ordinance of which the heading was read in full.

No other person present desiring to be heard and no written protests or objections received, Councilman Cunningham asked for a motion to close the hearing.

Councilman Cunningham moved that the hearing be closed.
Motion duly seconded by Councilwoman Marsh.

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

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

---Nays: None.

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

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

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

---Nays: **Castellano, Mason, Russo**

PETITIONS AND COMMUNICATIONS

10-379

A COMMUNICATION FROM MAYOR DAWN ZIMMER TO THE HOBOKEN CITY COUNCIL REGARDING HIRING OF NEW BUSINESS ADMINISTRATION & THE 4.2 MILLION SEVERANCE PAYMENT.

To: City Council Members

Fr: Mayor Zimmer

Re: Hiring of New Business Administrator & 4.2 Million Severance Payment

Dear Council Members,

Yesterday the State approved Hoboken's FY 2010 budget. At the meeting in Trenton I advocated strongly for Hoboken to be released from State Fiscal Monitoring. The new DLGS Director, March Pfeiffer, assured me that he would seriously consider my request for the May or June meeting.

Before Hoboken can finally stand on its own, we must first hire a new Business Administrator. I am extremely pleased to inform you that a search process including Council members and directors has resulted in a strong consensus around one candidate.

At my request, Council President Cunningham formed a Council search committee that included Quality of Life Chair Giacchi, Public Safety Chair Bhalla, and Finance Chair Lenz. (Councilwoman Marsh, as a representative of the Finance committee, also attended some interviews on behalf of the Finance Chair). I completed interviews with the Council committee. Three directors from my Administration conducted separate interviews and provided their assessment of the candidates.

The position was advertised in the New York Times, the Newark Star-Ledger and numerous State industry publications including the League of Municipalities.

The interview process with the Council members and directors resulted in a consensus around Arch Liston, the Business Administrator in Bridgeton, which is a distressed city under State Fiscal Monitoring. Mr. Liston's experience includes bringing change in a challenging environment, managing many redevelopment projects, negotiating labor union contracts, and working as a former Police Chief. He is known for requiring employees to work hard by demanding accountability. He is also known to be fair, supportive and able to develop the potential of employees.

After hearing out the views of Council members that participated in the interview process, directors, checking references, and receiving positive reviews from others government and private sectors leaders about Mr. Liston, I have decided to appoint him as our City's new Business Administrator.

Mr. Liston has asked that prior to giving notice at his current position, that approval of his appointment be voted on by the Council to ensure that there are no issues. I believe this is a reasonable request. Council President has agreed to include approval of Mr. Liston's appointment on the agenda for next week's meeting.

If you are interested in completing a face-to-face interview with Mr. Liston prior to next week's meeting, please call Dan Bryan in my office so we can coordinate with you to arrange this. Mr. Liston is also available to speak with each Council member on the phone prior to the meeting. (Please contact my office for his cell number.)

If approved by the Council, Mr. Liston is available to begin working on May 3rd. He has agreed to a salary of \$150,000, and will not be taking benefits. This salary is within the budget level approved by the Council.

I have conducted three separate interviews with Mr. Liston, and as one Council member said, "the more I talk with him, the more impressed I am." Mr. Liston will be an asset to moving our City forward. I hope that you can support his appointment at next week's City Council meeting so that we may not only accomplish our City's business, and expeditiously move out of State supervision.

\$4.2 Million Early Retirement Payment

In late March we received a bill for the \$4.2 million severance that was due on April 1st. Upon receiving the bill I immediately reached out to the Division of Pensions to ask for an extension. In addition, Finance Director Tresante confirmed that we have 30-day grace

period. If the \$4.2 million is not paid by April 30th, the City will be charged interest at an annual rate of 10 percent or approximately 435,000 per month.

Unfortunately my repeated requests for an extension to conduct additional due diligence has not been granted, nor has the Division of Pensions been forthcoming with providing the additional information needed to evaluate the assessment completed by Bucks Consulting.

I will continue trying to arrange for a second review of the analysis completed by Bucks Consulting until the final deadline on April 30th.

As you know, the City has received Legal guidance from Corporation Counsel that the deadline for appealing this matter exceeded the time limit last year under the prior Administration. I have been trying to get an informal review completed of the calculations, however, our position is weak since the deadline for the appeal was missed long before I took office.

I will continue seeking an extension in order to complete a review of the Bucks Consulting calculations. However, if that extension is not granted, and given the legal guidance that we have received indicating that we are extremely unlikely to prevail in any challenge, it will be necessary for the City to make the payment. It is my obligation to pay the invoices billed to the City in order to avoid increasing the cost of this unfortunate mistake.

Thank you and best regards.

Mayor Zimmer

Received and Filed.

10-380

A PROCLAMATION THANKING JAMES J. FARINA FOR SERVING AS A BOARD TRUSTEE FOR 36 YEARS FOR THE HOBOKEN BOARD OF EDUCATION.

WHEREAS, the great City of Hoboken is noted worldwide for its rich and colorful history interwoven by a history of producing individuals of high moral and ethical standards; and

WHEREAS, James J. Farina was born on April 18, 1947 to Margaret and Joseph Farina of Hoboken; and

WHEREAS, after attending local schools “**Jimmy**” enlisted in the United States Army where he developed a strong work ethic and a commitment to public service; and

WHEREAS, “**Jimmy**” is recognized for founding the Hoboken Young Democrats Club as a social and recreational organization for many of his neighbors and peers; and

WHEREAS, in April 1972 the Club made national history by sponsoring the first Little League team to allow girls to play, thus breaking the males-only barrier; and

WHEREAS, In 1974 “ Jimmy” was elected to the Hoboken Board of Education where he has served continuously as a Board Trustee for 36 years until his retirement on Tuesday, April 13th2010; and

WHEREAS, during his tenure on the Board he has served in the capacity of President, Vice-President and Chairman of Athletics; a period in which **Jimmy”** pioneered the efforts to rebuild the Hoboken High School Stadium making it the premier high school sports facility in the country; and

WHEREAS, “ Jimmy” is married to **Patricia Amoruso** for 34 years and is the proud father of **Joseph** and **Lauren**; and

WHEREAS, we honor his public service for his many contributions to our City by dedicating this proclamation in honor of him;

NOW, THEREFORE, BE IT RESOLVED THAT I, DAWN ZIMMER, Mayor of the City of Hoboken, do hereby issue this proclamation on behalf of the City of Hoboken and its governing body and do hereby thank him for upholding the high values and standards of our community and enriching the social and educational opportunities of our youth.

Received and Filed.

10-381

APPLICATIONS FOR MISCELLANEOUS LICENSES

Vendors) ----- 12

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

REPORTS OF CITY OFFICERS

10-382

A report of the Municipal Court indicating receipts for the month of March 2010 as \$443,885.07.

---Received and filed.

10-383

A report from Municipal Tax Collector Sharon Curran for taxes collected for the month ending March 2010 - \$3,624,763.98 (Abatement Totals - \$140,257.79)

RESOLUTIONS

Presented and Read

10-384

---By Councilman Lenz

**CONFIRMING THE APPOINTMENT OF THE BUSINESS ADMINISTRATOR AND
DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION**

WHEREAS, the Code for the City of Hoboken establishes the Department of Administration, pursuant to §58-1 *et seq.*, and Code §4-5 creates the office of Business Administrator as Director of the Department of Administration; and

WHEREAS, Mayor Dawn Zimmer appointed **Arch Liston** as Business Administrator and Director of the Department of Administration, effective May 1, 2010, at an annual salary to be established by amendment to the salary ordinance; which hiring is on the basis it excludes the health benefits coverage offered by the City; and

WHEREAS, N.J.S.A. 40:69A-180(c) requires the compensation of department heads to be fixed by the City Council and City Code §4-5 requires the Mayor's appointment to receive the advice and consent of the City Council;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the City Council concurs with the appointment of Arch Liston, as the Business Administrator and Director of the Department of Administration.

The speakers who spoke: Helen Hirsch, Patricia Waiters, Richard Tremitedi, Lane Bajardi,

---Motion duly by President Cunningham

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

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

Nays: Castellano

10-385

---By Councilwoman Marsh

CONFIRMING APPOINTMENT OF DIRECTOR OF ENVIRONMENTAL SERVICES

WHEREAS, the Code for the City of Hoboken establishes the Department of Environmental Services, pursuant to §58-1 *et seq.*; and

WHEREAS, Mayor Dawn Zimmer appointed Jennifer W. Maier as the Director of the Environmental Services, effective February 15, 2010, at an annual salary that is consistent with the established salary ordinance; and

WHEREAS, N.J.S.A. 40:69A-180(c) requires the compensation of department heads to be fixed by the City Council and City Code §58-5 requires the Mayor's appointment to receive the advice and consent of the City Council;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the City Council concurs with the appointment of Jennifer W. Maier, as the Director of Environmental Services.

The speakers who spoke: Lane Bajardi.

Motion duly seconded by President Cunningham.

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

Yeas: Council persons Bhalla, Castellano, Giaachi, Lenz, Marsh, Mason, Mello, Russo, and Cunningham

Nays: None

10-386

---By Councilwoman Lenz

INSERTING A SPECIAL ITEM OF REVENUE INTO THE SFY 2010 MUNICIPAL BUDGET

COUNTY OF HUDSON OFFICE OF CULTURAL AFFAIRS

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

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

WHEREAS, the City of Hoboken has received notice of an award of \$4,734.00 from the County of Hudson Office of Cultural & Heritage Affairs and wishes to amend it' s SFY 2010 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken, in the County of Hudson, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year SFY 2010 in the sum of.....\$4,734.00

Which is now available as a revenue from:

Miscellaneous Revenues:

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

State and Federal Revenues Off-set with
Appropriations:

Office of Cultural Affairs
Cultural Affairs

NOW, THEREFORE, BE IT RESOLVED that the like sum of.....\$4,734.00
be and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from CAPS

State and Federal Programs Off-Set by
Revenues:
Office of Cultural Affairs
Cultural Affairs

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

---Motion duly seconded by Councilman Russo
---Adopted by the following vote: YEAS: 9 - NAYS: 0
---Yeas: Council persons --- Bhalla, Castellano, Giaachi, Lenz, Marsh, Mason, Mello, Russo, and President Cunningham

10-387

---By Councilman Giacchi

THIS RESOLUTION REJECTS THE BIDS RECEIVED FOR THE LANDSCAPING AND PARK MAINTENANCE AS SPECIFIED IN BID NUMBER 10-09.

WHEREAS, the City of Hoboken sought competitive proposals for the service of landscaping and park maintenance, and

WHEREAS, the below listed bids were submitted in compliance with the original bid specifications as advertised, and

WHEREAS, the Administration has reconsidered the need for this service being outsourced and has decided to perform the work internally, and

WHEREAS, the below listed vendors must be notified:

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

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

1. The above recitals are incorporated herein as thoughtfully set forth at length.
2. The City Council hereby rejects the proposals of the above vendors.

The following speakers spoke: Helen Hirsch.

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

Councilman Lenz leaves the meeting at 8:44 PM.
 Councilman Lenz returns at 8:48 P.M.

10-388

---By Councilman Bhalla

THIS RESOLUTION REJECTS THE BIDS RECEIVED FOR THE POLICE DEPARTMENT FRONT DESK AND HOLDING CELL IMPROVEMENTS AS SPECIFIED IN BID NUMBER 10-21.

WHEREAS, the City of Hoboken sought competitive proposals for the Police Department Front Desk and Holding Cell Improvements, and

WHEREAS, the below listed bids were submitted in compliance with the original bid specifications as advertised, and

WHEREAS, bid results came in at higher costs than available funding and should, therefore, be rejected, and

WHEREAS, the below listed vendors must be notified:

<u>Vendor</u>	<u>Base Proposal</u>
Manhattan Contracting 32 Avenue of the Americas New York, NY 10013	\$ 114,825.00
Donnelly Construction 557 Route 23 South Wayne, NJ 07470	\$ 80,769.47
T & M Contracting 107 Willow Avenue Hoboken, NJ 07030	\$ 97,500.00
Procomm Systems, Inc. 823 Uniontown Road Phillipsburg, NJ 08865	\$ 78,500.00

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

3. The above recitals are incorporated herein as thoughtfully set forth at length.
4. The City Council hereby rejects the proposals of the above vendors.

5. The Administration is hereby authorized to re-advertise for these goods/services.

The speakers who spoke: Helen Hirsch.

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

10-389

---Councilman Lenz

RESOLUTION AUTHORIZING THE CITY TAX COLLECTOR TO ISSUE DUPLICATE CERTIFICATE OF TAX SALE

WHEREAS, pursuant to N.J.S.A. 54:5-52.1, the Tax Collector may, if duly authorized by resolution of the governing body, issue and execute a new certificate of tax sale in place of one which has been misplaced or lost;

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken that the Tax Collector be and is hereby authorized pursuant to N.J.S.A. 54:5-52.1 to issue a duplicate certificate of tax sale for Lot No. 33 in Block 78, commonly described as 602 Grand Street, predicated upon and including the following information:

1. A statement that is a duplicate of the original one which was misplaced or lost;
2. The date of the tax sale upon which it was issued; and
3. The name and title of the officer who issued same; and, be it further –

RESOLVED, that the Tax Collector shall collect a \$100.00 fee on behalf of the City as payment for the duplicate certificate.

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

10-390

---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 \$ 14,458.47

<u>NAME</u>	<u>BL/LT/UNIT</u>	<u>PROPERTY</u>	<u>QTR/YEAR</u>	<u>AMOUNT</u>
OCEAN FIRST BANK 975 HOOPER AVENUE TOMS RIVER, NJ 08754	2/5/CLL03	415 NEWARK ST	1/09, 2/09, 4/09 & 1/10	630.16
BOCHICCHIO, VINCENZO 551 OBSERVER HWY #10D HOBOKEN, NJ 07030	8/1/C010D	550-564 NEWARK ST	1/10	\$ 1,798.30
EDELMAN, JESS & LAUREN MARKOWITZ 501 ADAMS ST #5G HOBOKEN, NJ 07030	70/1/C005G	501-515 ADAMS ST	1/10	\$ 1,831.43
HOTHEM, HUGH H 531 NORTH MARKET ST WOOSTER, OH 44691	85/4/C0005	707 ADAMS ST	4/09	\$ 1,407.30
HOTHEM, HUGH H 531 NORTH MARKET ST WOOSTER, OH 44691	85/4/C0006	707 ADAMS ST	4/09	\$ 1,407.30
KOREN, RAZ & YAEL BARTAL 501 NINTH ST #411 HOBOKEN, NJ 07030	89/12/C0411	501 NINTH ST	1/10	\$ 277.90
EPSTEIN, DARON 1115 WILLOW AVE #3-06 HOBOKEN, NJ 07030	173/6/C3-06	1109-21 WILLOW AVE	1/10	\$ 193.33
FIRST AMERICAN TITLE INSURANCE CO. 2605 ENTERPRISE ROAD EAST SUITE 300 CLEARWATER, FL 33759	183/29	814 GARDEN ST	1/10	\$ 2,524.93
BURKE, MOLLY & JEREMY FRYER 953 BLOOMFIELD ST #3 HOBOKEN, NJ 07030	208/20/C0003	953 BLOOMFIELD ST	1/10	\$ 241.69
WELLS FARGO REAL ESTATE TAX SERVICES, LLC ATT: FINANCIAL SUPPORT UNIT – REGION 1 L HOME CAMPUS, MAC X2302-04D DES MOINES, IA 50328-0001	261.03/1/C0405	1125 MAXWELL LANE	1/10	\$1,894.27

WELLS FARGO REAL 261.03/1/CP222 1125 MAXWELL LANE 1/10 \$ 114.24
ESTATE TAX SERVICES, LLC
ATT: FINANCIAL SUPPORT UNIT – REGION 1
L HOME CAMPUS, MAC X2302-04D
DES MOINES, IA 50328-0001

BATCHA, LEE H 261.04/1/CP073 1025 MAXWELL LANE 1/10 \$ 138.24
1025 MAXWELL LANE #208
HOBOKEN, NJ 07030

BONASTIA, PETER 262.3/1/C0306 2 CONSTITUTION CT 1/10 \$ 1,999.38
1-FOURTEENTH ST APT 914
HOBOKEN, NJ 07030

---Motion duly seconded by Councilman Russo

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

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

---Nays: None.

10-391

---By Councilman Russo

**RESOLUTION APPROVING A 50% EXEMPTION OF TAXES FOR VICTOR MOLINA
– DISABLED VETERANS PROPERTY TAXES.**

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

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

<u>Block</u>	<u>Lot</u>	<u>Owner</u>	<u>Amount of Revised Bill</u>
184	43	Victor Molina	<u>\$1,465.49 credit</u> Victor Molina 208 Ninth Street Hoboken, NJ 07030

Pro-rated as follows:

2010 Second Quarter Property Taxes: \$2,930.98
Credit: \$1,465.49
Revised amount due: \$1,465.49

AND, ALSO BE IT

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

---Motion duly seconded by Councilwoman Castellano

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

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

--Nays: None.

10-392

---By Councilman Russo

RESOLUTION AUTHORIZING ST. ANN' S CHURCH TO CONDUCT ITS 100th ANNUAL FESTIVAL

WHEREAS, St. Ann' s Church has requested permission to conduct its annual Feast in Honor of St. Ann from Wednesday, July 21st through Monday, July 26th 2010; and

WHEREAS, St. Ann' s Church has indicated on the attached agenda and its requirements to successfully conduct the Feast as follows:

1. To have a procession with the Statue of St. Ann through the streets of Hoboken.
2. To erect a bandstand at the corner of 7th and Jefferson Streets and one in their courtyard.
3. To have electrical illumination and decorations in the Church area.
4. To erect concession stands for vendors of food, novelties, games and rides in the Church area.
5. To have music and entertainment on the bandstands.
6. To close streets to traffic as outlined in the attached diagram, on the following days and hours:

Wednesday, July 21st through Friday, July 23rd from 6:00 p.m. through 11:00 p.m.

Saturday, July 24th and Sunday, July 25th from 2:00 p.m. through 11:00 p.m.

Monday, July 26th from 12:00 p.m. through 12:00 a.m.

7. To have rides on Madison Street –between 7th and 8th Streets.
8. To have the streets cleared of all vehicles, per enclosed diagram, from Tuesday, July 20th at 8:00 a.m. through Tuesday, July 27th at 8:00 p.m. so that they may do the following:

Put trailers into place

Erect rides

Set up vendor booths

Clean up after Festival

9. To place festival banners on city poles along Washington Street.
10. To clear street in the alcove in front of the Citadel condominiums at the corner of 7th & Jefferson Streets on Tuesday, July 20th at 6:00 a.m. so that the bandstand may be erected.

RESOLVED, that the Council for the City of Hoboken agrees to allow St. Ann' s Church permission to conduct its annual Feast in honor of Saint Ann.

The speaker who spoke: Helen Hirsch.

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

10-393

---By Councilman Russo

RESOLUTION AUTHORIZING THE HOBOKEN ITALIAN FESTIVAL, INC. TO CONDUCT ITS 84th ANNUAL FEAST IN HONOR OF MADONNA DE MARTIRI

WHEREAS, The Hoboken Italian Festival, Inc., with offices at 332 Adams Street, Hoboken has requested permission to conduct their annual Feast in honor of their patron saint, Madonna Dei Martiri for four consecutive days starting on Thursday, September 9, 2010 through and inclusive to Sunday, September 12, 2010 on Sinatra Drive and Sinatra Park, and

WHEREAS, Hoboken Italian Festival, Inc. has indicated its agenda and requirement to successfully conduct the feast;

- (1) To solicit contributions from the general public, to be used solely to pay part of the expenses and religious contributions.
- (2) To have a procession with the statue of “Madonna Dei Martiri” – “Mother of Martyrs” through the streets of Hoboken.
- (3) To install electric lights on Sinatra Drive from the corner of Fourth Street and River Street up to the Union Dry Dock Property.
- (4) To erect a bandstand in Sinatra Park to hold nightly concerts between Thursday, September 9, 2010 through Sunday, September 12, 2010. The hours of live music will be limited to the following schedule: Thursday, September 9th from 5:00 pm to 10:00 pm, Friday, September 10th from 5:00 pm to 11:00 pm, Saturday, September 11th from 12:00 noon to 11:00 pm and Sunday, September 12th from 12:00 noon to 10:00 pm. Recorded music will be permitted at moderate levels and speakers positioned not to disturb area residents and will be discontinued at 11:00 pm. The bandstand will be directed in a northern direction in an effort to minimize the noise levels in the southern waterfront residential areas.
- (5) To erect concession stands and trucks on Sinatra Drive, for vendors of food, novelties, games and rides.
- (6) To hold a raffle to be drawn on Sunday, September 12th, 2010.
- (7) To have a procession through sections of Hoboken which is led by the feast committee, the guest of honor, the band, the statue of the saint and the members of the society and devotes on Saturday, September 11th, 2010 to begin at 10:00 am.
- (8) On Saturday, September 12th, 2010 at about 9:00 pm to shoot a special pyrotechnic fireworks show on the riverfront at Pier A Park, subject to the approval of the U.S. Coast Guard and local Fire Permits.
- (9) To have the streets cleared of all vehicles and traffic, and
- (10) To maintain two lanes of traffic with a minimum of 12 feet for each lane of travel when streets are to be open to traffic.

WHEREAS, That the Signal & Traffic Division prepare the necessary Traffic regulations.

WHEREAS, The City Council of the City of Hoboken endorses this program provided the Hoboken Italian Festival, Inc. secure all the necessary permits, licenses and insurance in a form to be approved by Corporation Counsel;

NOW THEREFORE, BE IT RESOLVED, The City Council hereby grants permission to the Hoboken Italian Festival, Inc. to conduct its feast and fireworks display on the above dates and wishes them success for a happy event subject to the applicant's compliance with all requirements regarding permits, licenses and insurance and further subject to the approval of the U.S. Coast Guard.

---Motion duly seconded by Councilwoman Castellano

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

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

---Nays: None.

10-394

---By Councilman Russo

**RESOLUTION APPROVING MINUTES OF THE HOBOKEN CITY COUNCIL
REGULAR MEETINGS OF DECEMBER 2 AND DECEMBER 16, 2009**

RESOLVED, that filed minutes for the Hoboken City Council regular meetings of December 2, and December 16, 2009 have been reviewed and approved as to legal form and content.

---Motion duly seconded by Councilwoman Castellano

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

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

---Nays: None.

ORDINANCES

Introduction and First Reading

10-395

Z-35

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

WHEREAS, the applicant, Kevin Renaghan, Project Architect, has petitioned the City of Hoboken for the granting of a certain easement over municipal lands at 47 Newark Street, Hoboken, New Jersey, ("the premises") which premises is more particularly described as Block 26, Lot's 1, 2 & 3, on the Tax Map of the City of Hoboken, New Jersey, in

order to install a bay window on the building located at 47 Newark Street as outlined in the attached drawing. The easements are described as follows:

METES AND BOUNDS

(Proposed Ramp Easement for TD Bank)

ALL that certain lot, parcel or tract of land, situate and lying in the City of Hoboken, County of Hudson, State of New Jersey, and being more particularly described as follows:

BEGINNING at a point located along the southerly line of Newark Street (675 foot wide right-of-way), said point being distant South 66 Degrees – 00 Minutes – 00 Seconds East, a distance of 49.98 Feet from the intersection of the same with the easterly line of Hudson Street (variable width right-of-way), thence crossing over, through and along the aforementioned right-of-way of Newark Street, the following ten (10) courses::

THENCE, North 24 Degrees – 00 Minutes – 00 Seconds East, a distance of 1.04 Feet to point;

THENCE, North 66 Degrees – 00 Minutes – 00 Seconds West, a distance of 10.23 Feet to a point:

THENCE, North 24 Degrees – 00 Minutes – 00 Seconds East, a distance of 4.42 Feet to a point;

THENCE, North 66 Degrees – 00 Minutes – 00 Seconds West, a distance of 8.94 Feet to a point;

THENCE, South 24 Degrees – 00 Minutes – 00 Seconds West, a distance of 1.43 Feet to a point;

THENCE, North 66 Degrees – 00 Minutes – 00 Seconds West, a distance of 6.84 Feet to a point;

THENCE, North 24 Degrees – 00 Minutes – 00 Seconds East, a distance of 5.98 Feet to a point;

THENCE, South 66 Degrees – 00 Minutes – 00 Seconds East, a distance of 33.00 Feet to a point;

THENCE, South 24 Degrees – 00 Minutes – 00 Seconds West, a distance of 10.1 Feet to a point located along the aforementioned Southerly line of Newark Street;

THENCE, along the aforementioned Southerly line of Newark Street, North 66 Degrees – 00 Minutes – 00 Seconds West, a distance of 6.99 Feet to the point and place of BEGINNING.

Known as Block 26, Lot' s 1, 2 & 3, as shown on the official tax assessment map for the City of Hoboken, Hudson County, New Jersey, and more commonly known as 47 Newark Street, Hoboken, New Jersey; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF HOBOKEN THAT THE CITY OF HOBOKEN HEREBY GRANTS 47 NEWARK STREET, THE AFREMENTIONED EASEMENT SUBJECT TO THE FOLLOWING CONDITIONS AND REQUIREMENTS:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The City of Hoboken expressly reserves the right to require the removal of any projections or encumbrances, under or upon any street, sidewalk or public easement, for any reason including but not limited to destruction of premises by fire.
3. The applicant shall immediately remove any or all projections or encumbrances that are improperly maintained and thus present a public hazard.
4. The applicant shall indemnify the City of Hoboken for any and all damage or money loss occasioned by the City of Hoboken or its officers or agents by any neglect, wrong-doing, omissions or commissions by the applicant arising from the making of improvements referred to herein and the construction, use and maintenance of the property described herein, and shall hold harmless the Mayor and Council of the City of Hoboken its officers, agents employees, against all claims, charges, judgments, costs, penalties, remediation or counsel fees arising from such damages or loss, including but not limited to death and injury, to any person or damage to property of any person, firm or corporation occasioned wholly or in part from the construction, use and maintenance of the property described herein, and the applicant shall maintain liability insurance with respect thereto, in an amount of \$1,000,000.00 with a policy to be issued by an insurance company approved by the Office of the Corporation Counsel, naming the City of Hoboken, the Mayor and the City Council Members as an additional insured' s.
5. These easements shall run with the land and insure to the benefits of the applicant' s successors and assigns in title and interest to the property served by these easements. The covenants and conditions set forth herein shall similarly be the obligation of the applicant' s successors and assigns in the title and interest to the property served by the within easements.
6. The permission granted herein is conditioned upon and shall be effective only upon the applicant obtaining any and all other necessary permits that may be required by local or state law.
7. This ordinance shall take effect as provided by law.

The following speakers spoke: Helen Hirsch, Richard Tremitedi.

---Council President Cunningham moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **MAY 5, 2010** at 7:00 PM.

---Motion duly seconded by Councilwoman Marsh

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

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

---Nays: None.

10-396
Z-36

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

WHEREAS, the Municipal Court of the City of Hoboken processes an extraordinary number of traffic and non-traffic offenses; and

WHEREAS, to increase the number of Municipal Court Judges to give to this volume an appropriate amount of time and attention, it is necessary to increase the number of Judges from one to two:

NOW, THEREFORE BE IT ORDAINED that Chapter 21 Section 2 “ Municipal Court Judge; is hereby amended by substituting the following:

§21-2. Municipal Court Judge.

There is hereby created the Office of Municipal Court Judge, which shall consist of two (2) Municipal Court Judges. Before the appointment of a second Judge, the City shall obtain the consent of the assignment Judge of Hudson County pursuant to N.J.S.A. 2B:-5.

One of the two Judges shall be designated the Chief Judge, who shall responsible for all supervisory and administrative functions of the Municipal Court. Each Municipal Court Judge shall be an attorney-at-law of the State of New Jersey and shall be appointed by the Mayor with the advice and consent of the City Council and for the term of three (3) years from the date of appointment and until a successor is appointed and qualified. The salary of each Municipal Court Judge shall be fixed by ordinance adopted..

This ordinance shall be effective according to law.

The following speakers spoke: Helen Hirsch, Richard Tremitedi.

---Council President Cunningham moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **MAY 5, 2010** at 7:00 PM.

---Motion duly seconded by Councilwoman Marsh

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

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

---Nays: None.

10-397
Z-37

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

WHEREAS, N.J.S.A. 40A:11-1 et seq. prescribes the procedure for municipal purchasing, which statute includes a definition for Purchasing Agent; and

WHEREAS, Chapter 60 of the Hoboken City Code does not define the term Purchasing Agent, but instead uses the older and legally outdated terminology of purchasing assistant; and

WHEREAS, the purchasing laws allow for Purchasing Agents to administer contracts for up to fifteen percent 15% of the statutory bid threshold without going out to bid, but Chapter 60 of the Hoboken City Code only permits contracts of one thousand dollars (\$1000.00) and less to be exempt from bidding.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hoboken, County of Hudson, State of New Jersey, as follows:

SECTION ONE: AMENDMENT TO TITLE

Chapter 60 is hereby amended as follows: the title “ Purchasing Assistant” is hereby changed to “ Purchasing Agent” throughout the entire Chapter.

SECTION TWO: AMENDMENT TO SECTION 60-10

§ 60-10. Procedure for purchases under statutory limit.

B. All requisitions shall be approved by a using agency head.

(1) All open-market purchases over fifteen percent (15%) of the current statutory bid threshold applicable to the City of Hoboken ~~one thousand dollars (\$1,000.)~~ shall, whenever possible, be based on at least three (3) competitive bids and shall be awarded to the lowest responsible bidder.

The remainder of §60-10 is unchanged.

SECTION THREE: REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION FOUR: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not effect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand not withstanding the invalidity of any part.

SECTION FIVE: EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication as provided by law.

SECTION SIX: CODIFICATION

This ordinance shall be a part of the Code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code.

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

---Council President Cunningham moved that the ordinance pass its first reading as read and be laid on the table for public inspection to be further considered for final passage at a meeting of the Council to be held on **MAY 5, 2010** at 7:00 PM.

---Motion duly seconded by Councilman

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

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

---Nays: None.

NEW BUSINESS

Councilman Giaachi “Thank everyone for supporting the festivals and Helen Hirsh, certain playgrounds are interested in helping out, requests next Wed/Thurs. for a Quality of Life Meeting with the new Director of Environmental Services and Business Administrator”

Council President “lets shoot for Thurs 4/29/10”

Councilman Russo “The Admin. & Transportation committee met and are working on it and the meeting on Monday night 4/26/10 and hopefully have a resolution on this”

Councilwoman Mason “wants a status on Maxwell Pl. Park”

Director Forbes “Block A an proposed easement, meeting was cancelled last Thurs. and rescheduling on rectifying the situation will be meeting tomorrow 4/22/10 and how to rectify it”

Councilwoman Mason “wants the hold up of the remediation?”

Director Forbes “The mediator has had a problem scheduling and is going through court cases.”

Councilwoman Mason “questioning the safety issues and discusses the Rent Control Committee, drafting a few ordinances during the meeting”

Corporation Counsel “the drafts will be done in the next two weeks”

Councilman Russo “update on the Municipal Garage and how on moving forward”

Council President “can consider for closed session”

Director Maier “the process is progressive and moving forward”

Council President “will put the Municipal Garage in closed session”

Councilman Bhalla “congratulating the School Board Election Candidates and recognizing James Farina to serve the school board, concerned with the polls opening from 2:00-9:00 why not 8/9:00 AM and would like to look into and maximize voter participation”

Councilman Russo “state mandate a few years ago and agrees it should look into”

Councilman Lenz “next Wed. 4/28/10 Rev. & Finance Committee, Library Board would be attending and putting together a list of things. 4.2 Million dollars needs to be investigated. April 19, we brought the 100 Million to pump project and will alleviate 80% of the SW and the project is moving forward and will have the problems resolved by 2011, and recommends the new BA to attend all the meetings.”

All regular business concluded the following members of the public spoke at the “Public Portion” of the meeting: Patricia Waiters, Helen Hirsch, Richard Tremitedi, Eric Volpe, Lane Bajardi, Rami Pinchevesky Mary Ondrejka, Rebecca Lewis, Sacha Chevez, Eileen McNamara, Cheryl Fallick, Margaret O’Brien, Karol Cohen, Debbie Ang

Councilwoman Mason has left the meeting at 9:56 P.M.

Councilwoman Mason has returned to the meeting at 10:02 P.M.

At 10:03 P.M. the Governing Body has entered into a short recess.

At 10:10 P.M. the Governing Body resumed back into the meeting.

Councilman Lenz, Bhalla, Russo and Giaachi has left the meeting at 10:04 P.M

Councilman Lenz has returned to the meeting at 10:06 P.M.

Councilman Giaachi & Bhalla has returned to the meeting at 10:08 P.M.

Councilman Russo has returned to the meeting at 10:10 P.M.

At this time, 10:03 p.m., on a motion by Council President Cunningham, duly seconded by Councilman Lenz and voted on unanimously, the City Council entered into closed (executive) session. The closed (executive) session actually began at 10:11 p.m.

At this time, 10:44 p.m., on a motion by Council President Cunningham duly and voted on unanimously, the City Council came out of closed (executive) session.

RESOLUTIONS CONTINUED

Presented and Read

10-398

RESOLUTION AUTHORIZING EXECUTIVE SESSION PURCHASE, LEASE OR ACQUISITION OF REAL PROPERTY WITH PUBLIC FUND

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 the purchase, lease of acquisition of real property with public funds as per N.J.S.A. 10:4-12b(5); and

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

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Hoboken that it enter into closed session to discuss the issues as herein set forth; and,

BE IT FURTHER RESOLVED that when the need for confidentiality no longer exists the decisions made therein will be made available to the public.

President Cunningham then adjourned the meeting at 10:46 p.m.

PRESIDENT OF THE COUNCIL

CITY CLERK