CITY OF HOBOKEN
Office of the City Clerk

DAWN ZIMMER
Mayor

JAMES FARINA, RMC
City Clerk

August 24, 2012

VIA CERTIFIED AND ELECTRONIC MAIL
City of Hoboken
Honorable Members of the City Council

Re: Initiative Petition

Dear Councilmembers,

On August 15, 2012 one referendum petition was filed by the Committee of Petitioners (Philip Cohen, David Dening, Sasha Conroy, Vijay Chaudhuri, and Eric Kurta) entitled "Runoff Petition" which seeks to include on the November 6, 2012 general election ballot the question "Shall the City of Hoboken abandon the holding of run-off elections as permitted by the 'Uniform Nonpartisan Elections Law' (N.J.S.A. 40:45-5 et seq.)?" Please accept this letter as the City Clerk's submission, in accordance with N.J.S.A. 40:69A-190, that the referendum petition herein described is deemed sufficient by the Office of the City Clerk. Such determination shall be certified at the City Council's next regular meeting, on September 5, 2012, in accordance with N.J.S.A. 40:69A-187.

On August 15, 2012 one initiative petition was filed contemporaneous with the above mentioned referendum petition by the same Committee of Petitioners entitled "Initiative Petition" which seeks to include on the November 6, 2012 general election ballot the question "Shall the 'Ordinance to Move Hoboken Nonpartisan Municipal Elections to November' providing for Hoboken's nonpartisan municipal elections to be held on the day of the general election, the first Tuesday after the first Monday of November in the years in which municipal officers are to be elected (with the change resulting, pursuant to N.J.S.A. 40:45-7.1, in a one-time 6 month extension of the terms of existing office holders), be approved?" Please accept this letter as the City Clerk's submission, in accordance with N.J.S.A. 40:69A-190, that the initiative petition herein described is deemed sufficient by the Office of the City Clerk. The initiative petition's ordinance shall be deemed to have had first reading as of the date of this submission letter. The City Clerk's determination shall be certified at the City Council's next regular meeting, on September 5, 2012, in

94 Washington Street, Hoboken, NJ 07030
(201) 420-2057 Fax (201)792-1858

accordance with N.J.S.A. 40:69A-187, at which time the City Council shall hold a public hearing on and consider the initiative petition ordinance for final reading.

Please be guided accordingly. I remain,

Very Truly Yours,

James Farina
City Clerk of the City of Hoboken

JF/amp

w/encl

cc w/encl: Jersey Journal (via email and facsimile)
Star Ledger (via email and facsimile)
Bergen Record (via email and facsimile)
Honorable Mayor Dawn Zimmer (via hand delivery)
Office of Corporation Counsel (via hand delivery)
Committee of Petitioners (via certified and regular mail)

94 Washington Street, Hoboken, NJ 07030
(201) 420-2057 Fax (201)792-1858

INITIATIVE PETITION

Ordinance to Move Hoboken Nonpartisan Municipal Elections to November

We the undersigned registered voters of Hoboken New Jersey, petition that the City of Hoboken adopt the following ordinance:

Be it enacted by the City of Hoboken:

SECTION ONE:

The City Council hereby changes the date of Hoboken's nonpartisan municipal elections to the date of the general election, the first Tuesday after the first Monday in November in the years in which municipal officers are to be elected pursuant to N.J.S.A 40:45-7.1.

The term of any person holding a municipal elective office on the date of adoption of this Ordinance shall be extended until the beginning of the term of the person first elected to that office on the day of the general election in November, pursuant to N.J.S.A 40:45-7.1.

The term of any municipal officer elected at a general election in November, pursuant to this Ordinance, shall begin on January 1, in accordance with N.J.S.A 40:45-17.

SECTION TWO

All ordinances and parts of ordinances inconsistent herewith are hereby repealed

SECTION THREE

This Ordinance shall be published and take effect as provided by law. The City Clerk shall notify the County Superintendent of Elections and the Director of the State of New Jersey Division of Elections, for action in conformity herewith. The City Clerk shall take any and all further action necessary and appropriate, in compliance with N.J.S.A. 40:45-7.1 and the Uniform Nonpartisan Election Law, N.J.S.A. 40:45-1 et seq., to effectuate this Ordinance.

Committee of Petitioners pursuant to N.J.S.A 40:69A -186

1. Philip H. Cohen 206 11th Street, Hoboken, NJ
2. David K. Dening 200 Hudson Street, Apt. 3F Hoboken, NJ
3. Sasha C. Conroy 122 Bloomfield Street, Hoboken, NJ
4. Vijay K. Chaudhuri 235 Hudson Street, Apt 502 Hoboken, NJ
5. Eric S. Kurta 214 Garden Street, Apt 4 Hoboken, NJ

(6)

CITY OF HOBOKEN, NEW JERSEY

ORDINANCE NO. Z-194

BOND ORDINANCE AUTHORIZING THE REHABILITATION AND RECONSTRUCTION OF PIER "A" AND THE CONSTRUCTION OF THE 9/11 MEMORIAL THEREON, IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF $2,554,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO $2,426,300; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the City Council of the City of Hoboken, County of Hudson, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the City of Hoboken, County of Hudson, New Jersey ("City").

Section 2. It is hereby found, determined and declared as follows:

(a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is $2,554,000;

(b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is $2,426,300; and

(c) a down payment in the amount of $127,700 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, *N.J.S.A.* 40A:2-11.

Section 3. The sum of $2,426,300, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of $127,700, which amount represents the required down payment, is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed $2,426,300 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed $2,426,300 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, *N.J.S.A.* 40A:2-20, shall not exceed the sum of $760,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

	Purpose/Improvement	Estimated Total Cost	Down Payment	Amount of Obligations	Period of Usefulness
A.	Rehabilitation and Reconstruction of Pier "A", as more particularly described in the documentation on file in the Office of the City Business Administrator and available for inspection during normal City hours, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	$2,304,000	$115,200	$2,188,800	15 years
B.	Construction of a 9/11 Memorial, as more particularly described in the documentation on file in the Office of the City Business Administrator and available for inspection during normal City hours, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	250,000	12,500	237,500	15 years

Section 8. The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 15.00 years.

Section 9. Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

Section 10. The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A.* 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of

Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, *N.J.S.A.* 40A:2-43, is increased by this Bond Ordinance by $2,426,300 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the City shall levy *ad valorem* taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 12. The applicable Capital Budget of the City is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 13. The City hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

Section 14. The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Ogden, Utah Service Center of the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements

authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 16. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 17. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Notice of Pending Bond Ordinance and Summary

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the City Council of the City of Hoboken, in the County of Hudson, State of New Jersey, on July 11, 2012. It will be further considered for final passage, after public hearing thereon, at a meeting of the City Council to be held at City Hall, 94 Washington Street, Hoboken, New Jersey on _____ __, 2012 at _____ o'clock __M. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the City Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE REHABILITATION AND RECONSTRUCTION OF PIER "A" AND THE CONSTRUCTION OF THE 9/11 MEMORIAL THEREON, IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF $2,554,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO $2,426,300; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

	Purpose/Improvement	Estimated Total Cost	Down Payment	Amount of Obligations	Period of Usefulness
A.	Rehabilitation and Reconstruction of Pier "A", as more particularly described in the documentation on file in the Office of the City Business Administrator and available for inspection during normal City hours, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	$2,304,000	$115,200	$2,188,800	15 years
B.	Construction of a 9/11 Memorial, as more particularly described in the documentation on file in the Office of the City Business Administrator and available for inspection during normal City hours, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	250,000	12,500	237,500	15 years

Appropriation: $2,554,000
Bonds/Notes Authorized: $2,426,300
Grants (if any) Appropriated: N/A
Section 20 Costs: $760,000
Useful Life: 15.00 years

JAMES J. FARINA, RMC, City Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

Bond Ordinance Statements and Summary

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the City Council of the City of Hoboken, in the County of Hudson, State of New Jersey on _____, 2012 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the City Clerk's office in the Municipal Building, 94 Washington Street, Hoboken, New Jersey, for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE REHABILITATION AND RECONSTRUCTION OF PIER "A" AND THE CONSTRUCTION OF THE 9/11 MEMORIAL THEREON, IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF $2,554,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO $2,426,300; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

	Purpose/Improvement	Estimated Total Cost	Down Payment	Amount of Obligations	Period of Usefulness
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Appropriation: $2,554,000
Bonds/Notes Authorized: $2,426,300
Grants (if any) Appropriated: N/A
Section 20 Costs: $760,000
Useful Life: 15.00 years

JAMES J. FARINA, RMC, City Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

CITY CLERK'S OFFICE
CITY HALL
HOBOKEN, NEW JERSEY 07030

(201) 420-2074

JAMES J. FARINA
CITY CLERK

July 12, 2012

Thomas Neff, Director
Dept. of Community Affairs
Division of Local Government Services
101 S. Broad Street
Trenton, NJ 08625

Dear Director Neff:

Enclosed please find the originals of the Supplemental Debt Statement along with the Ordinance, entitled,
"BOND ORDINANCE AUTHORIZING THE REDESIGN AND RECONSTRUCTION OF VARIOUS STREETS IN THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF $1,096.000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATIONS BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO $1,041,200; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING"

Thank you for your attention in this matter.

Sincerely,

James J. Farina
City Clerk

1

SUPPLEMENTAL DEBT STATEMENT

OF

City of Hoboken, County of Hudson

As of **11-Jul-12**

The net debt of the local unit after giving effect to obligations about to be authorized, is (page 2, line 4) $ 114,571,365.89

1 Equalized valuation basis (the average of the equalized valuation of real estate, including improvements, and the assessed valuation of class II railroad property of the local unit for the last 3 preceding years) as stated in the Annual Debt Statement or the revision thereof last filed

2	**2009**	Equalized Valuation Real Property with Improvements plus assessed valuation of Class II R.R. property	$ 11,034,292,710
	2010	Equalized Valuation Real Property with Improvements plus assessed valuation of Class II R.R. property	$ 10,243,080,661
	2011	Equalized Valuation Real Property with Improvements plus assessed valuation of Class II R.R. property	$ 9,703,632,086
3		Equalized Valuation Basis --- Average of (1), (2) and (3)	$ 10,327,001,819.00

4 Net debt (Line 1 above) expressed as a percentage of such equalized valuation basis (Line 3 above) is:

One and Eleven One Hundredths per cent 1.11%

STATE OF NEW JERSEY }
COUNTY OF HUDSON }

George DeStefano, being duly sworn, deposes and says:
Deponent is the chief financial officer of the
City of Hoboken, County of Hudson
here and in the statement hereinafter mentioned called "the local unit." The Supplemental Debt Statement annexed hereto and hereby made a part hereof is a true statement of the debt condition of the local unit as of the date therein stated and is computed by the Local Bond Law of New Jersey.

Subscribed and sworn to before me this
11-Jul-12

Notary Public Of New Jersey

Andrea Papa
Notary Public
New Jersey
My Commission Expires 3-5-15

Title: Chief Financial Officer
Address: 94 Washington St
Hoboken, NJ 07030

(NOTE -- In all cases two copies of Supplemental Debt Statement must be filed with:)

DIVISION OF LOCAL GOVERNMENT SERVICES
P.O.Box 258
TRENTON, NEW JERSEY 08625-0258

1 The net debt of the local unit , as stated in the Annual Debt Statement made as of or the revision thereof last filed , with respect to the following classes of bonds and notes, the amount by which each class has been increased by the authorization of additional debt, and the amount by which each class has been decreased by payment of outstanding debt or reduction of the authorization to incur debt, is as follows:

11-Jul-12
$ -

	Net Debt as per Annual Debt Statement	*Decrease (Since December 31, Last Past)*	*Increase (Since December 31, Last Past)*	*Net Debt*
Bonds and notes for school purposes	$ -	$ -	$ -	$ -
Bonds and notes for self-liquidating purposes	$ -	$ -	$ -	$ -
Other Bonds and notes	$ 111,293,153.89	$ 189,288.00		$ 111,103,865.89

2 Net debt at the time of this statement: $ 111,103,865.89

3 The amounts and purpose separately itemized of the obligations about to be authorized, and any deductions which may be made on account of each such item are:

see note "C" below

Purpose	*Amount*	*Deduction*	*Net*	
Redesign and reconstruction of Washington Street	$ 805,600.00		$ 805,600.00	
Phase I of redesign of Observer Highway	$ 133,000.00		$ 133,000.00	
Redesign and reconstruction of Sinatra Drive	$ 102,600.00		$ 102,600.00	
Rehabilitation and Reconstruction of Pier "A"	$ 2,426,300.00		$ 2,426,300.00	$ 3,467,500.00

4 The net debt of the local unit determined by the addition of the net amounts stated in items 2 and 3 above is: $ 114,571,365.89

NOTES

A. If authorization of bonds or notes is permitted by an exception to the debt limitation, specify the particular paragraph of N.J.S. 40A:2-7 or other section or law providing such exception.

B. This form is also to be used in the bonding of separate (not Type I) school districts as required by N.J.S. 18A:24-16, and filed before the school district election. In such case pages 4,5, and 6 should be completed to set forth computation supporting any deduction in line 3 above.

C. Only the account of bonds or notes about to be authorized should be entered. The amount of the "down payment" provided in the bond ordinance should not be included nor shown as a deduction.

COMPUTATION AS TO INDEBTEDNESS FOR IMPROVEMENT OR EXTENSION OF AN EXISTING MUNICIPAL PUBLIC UTILITY, N.J.S. 40A:2-7(h); N.J.S. 40A:2-47(a)

Municipal Public Utility

1	Annual Debt Statement excess in revenues of utility as of: 31-Dec-11	_____
2	Less: Interest and debt redemption charges computed as provided in N.J.S. 40A:2-47(a) for all obligations heretofore authorized but not issued to the extent not already charged to income in annual debt statement.	_____
3	Excess in revenues remaining prior to authorization of proposed obligations (line 1 minus line 2)	$ -
4	Interest and debt redemption charges calculated for the obligations about to be authorized (N.J.S. 40A:2-47(a))	

(a)	Interest for one year at 4.5%	_____	
(b)	First installment of serial bonds legally issuable	_____	
(c)	Total Charges (Items (a) and (b))		$ -

Note: If line 3 equals or exceeds line 4, obligations may be authorized under the provisions of N.J.S. 40A:2-7(h) as limited by N.J.A. 40A:2-47(a).

I, _____ Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey **DO HEREBY CERTIFY** that I have compared this copy of a Supplemental Debt Statement of the above local unit with the original Supplemental Debt Statement filed in the Office of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey on _____ , and that this a true copy of said Statement and the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand as Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, this

_____ day of _____ 20_____

Director _____

Sponsored by: _____

Seconded by: _____

City of Hoboken
Ordinance No.:_____

AN ORDINANCE AMENDING ARTICLE V "SIDEWALK CAFES" OF CHAPTER 168 "STREETS AND SIDEWALKS" OF THE CODE OF THE CITY OF HOBOKEN

WHEREAS, the language, rules and regulations of Articles II and V of Chapter 168 of the current Municipal Code of the City of Hoboken lack sufficient detail and have become outdated for the licensing and governance of operations of the city's sidewalk cafes; and

WHEREAS, it is in the best interest of the City to update the Municipal Code to reflect modern issues and conditions; and

WHEREAS, the City wishes to ensure the quality of life of its residents, and promote a positive environment for economic development that services both residents and businesses alike.

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: DELETION

The current ARTICLE II entitled "Sidewalk Cafes" and ARTICLE V entitled "Limited Sidewalk Cafes" of Chapter 168 of the Municipal Code of the City of Hoboken are hereby deleted in their entirety.

SECTION TWO: ADDITION

The following Section is hereby added to the Municipal Code of the City of Hoboken:

ARTICLE V
Sidewalk Cafes

§168-501. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ESTABLISHIMENT – Any business which has as its primary purpose the service of food and beverages

SIDEWALK – That portion of the public easement which lies between the building line and the curb.

SIDEWALK CAFÉ -- Partitioned sidewalk space beyond the building line used to accommodate tables, chairs, and the serving of food and drink to patrons of an establishment fronting on that space.

§168-502. Projection Into Streets.

A. No person may operate a sidewalk café without obtaining a license from the Zoning Officer of the City of Hoboken pursuant to the procedures set forth in §168-505.

B. No sidewalk café shall be permitted to project into a sidewalk more than half the width of said sidewalk or eight (8) feet, whichever is less, but in no case shall it extend so far as to leave less than six (6) feet for pedestrian traffic; except in areas where the sidewalk is twenty (20) feet or more wide from the building line to the curb, then a sidewalk café may be permitted to project into a sidewalk a maximum of ten (10) feet.

C. Where an operating establishment is located on a corner, both the front and side sidewalk areas fronting the establishment may be used for the sidewalk café.

D. Sidewalk cafes shall only be permitted in front of an operating establishment that is a permitted conforming use under the city's zoning ordinances. Locations seeking to expand a prior nonconforming or conditional use shall be required to obtain the appropriate variance from the City of Hoboken Planning Board or Zoning Board of Adjustment.

§168-503. General Requirements.

A. All establishments licensed to operate a sidewalk café shall display the license in an unobstructed location on the door or a window of the primary business which faces onto the sidewalk.

B. No permanent form of space delineation or construction for the sidewalk café will be permitted within the public right-of-way unless expressly approved by the governing body.

C. The sidewalk café area shall be partitioned on three sides, by a movable structure separating the sidewalk café from the public portion of the sidewalk, and which is no less than thirty (30) inches in height and no more than thirty-six (36) in height, providing one opening for entrance and exit which is no less than forty-two (42) inches in width and no more than sixty (60) inches in width, and whose boundaries allow patrons and pedestrians to clearly ascertain the entrance and exit to the sidewalk café area.

D. Sidewalk cafes with four (4) seats or less shall be exempt from the partition requirements provided the projection into the sidewalk is less than three (3) feet.

E. At no time shall the sidewalk café partition, tables, chairs, and other café furniture block any residential entrance.

F. The sidewalk café shall have an overhead covering, consisting of either an individual umbrella over each table or a retractable awning covering all tables and chairs. Covering must have a minimum clearance of eight (8) feet from the sidewalk to the bottom of the awning/umbrella.

G. The sidewalk café partition and overhead covering shall be appropriate in style to the façade of the building and shall not contain advertising.

H. The sidewalk café shall be at the same elevation as the sidewalk. Paint, carpet, platforms, or any other surface cover or treatment of any kind shall not be permitted in the area of the sidewalk café, unless expressly permitted by the governing body.

I. Outside speakers or other sound reproduction devices shall not be operated or used within a sidewalk café for any reason.

J. The sidewalk café partition, overhead covering, and all tables, chairs, and other café furniture shall be removed from the sidewalk at the close of business each day. Where planters have been approved as a part of the movable structure, those planters shall be placed against the storefront façade over night.

K. The entire sidewalk area in front of the premises, including eighteen (18) inches into the street, must be maintained by sweeping or washing daily or more frequently, as needed, by the licensee.

L. After a snow event all snow must be cleared from the sidewalk from the width of the entire establishment in order to operate the sidewalk cafe. No tables, chairs, or boundaries may be placed on the sidewalk until all snow is removed. The snow shall be placed on the sidewalk within the first 18 inches from the street.

M. Once snow has accumulated greater than an inch while a cafe is already open than all tables, chairs, boundaries must be removed from the sidewalk.

N. No preparation of food or beverages shall take place outdoors but shall be restricted to the inside of the licensed establishment.

O. Food service shall be available during all times in which the sidewalk café is open for business.

P. Establishments which hold a liquor license, and who wish to extend service area to the sidewalk café shall have completed a "Place to Place Transfer" with the Alcoholic Beverage Control Board. Licensees not covered for the sidewalk area shall not be permitted to serve alcoholic beverages in the sidewalk café.

Q. Sidewalk cafés that permit patrons to bring their own beer or wine shall adhere to all laws governing B.Y.O.B. as set forth in N.J.S.A. Title 33, N.J.A.C. 13:2 and City of Hoboken Municipal Code, Chapter 68.

R. Alcoholic beverages, when permitted under this article, shall not be served or consumed on any sidewalk or any other public area which is outside the partitioned area of the sidewalk café.

S. The number of patrons served in the sidewalk café shall be limited to the maximum number indicated on the sidewalk café license. No persons other than those being served and establishment personnel shall be within the sidewalk café area except for those persons passing through the sidewalk café to enter or exit the establishment proper.

T. Holes drilled into the sidewalk for the support of movable partitions shall be capped when not in use.

U. Establishments that do not have table service, shall provide waste receptacle(s) for all used containers, wrappers, bottles, cans and other waste materials. The waste receptacles shall be located within the sidewalk café partitioned area, and shall be removed from the sidewalk along with other café equipment each day.

§168-504. Terms of License, Dates and Hours of Operation.

A. The sidewalk café license shall be personal to the applicant; person or business entity, and may not be sold, leased or transferred and shall be deemed revoked by the sale or transfer of lease or title to the building or the business to which the sidewalk café is related.

B. All licenses issued pursuant to this article shall permit sidewalk café operations for a twelve (12) month period beginning January 1 and ending on December 31 of the following year.

   a. Any establishment holding a valid current side café license as of November 30, 2012, shall automatically have that sidewalk café license extended, without any additional fees, until December 31, 2012.

C. Hours of operation shall be between 8:00 a.m. and 11:00 p.m. seven (7) days a week; except that no alcoholic beverages, when permitted under this article, shall be served in a sidewalk café before 11:00 a.m. or when restricted by State of Local Alcoholic Beverage Control (ABC) laws.

§168-505. Application and Fees.

A. Applicants for a sidewalk café shall submit the following documents;

   1. A completed application form to be issued by the Zoning Officer and available through the Zoning Office and on the City's web site.

   2. A copy of the establishment's certificate of liability insurance.

   3. A valid current lease or letter of consent, which may include any express conditions relating to time and manner of use, from the property owner stating that the establishment and its operator, by name, are permitted to operate a sidewalk café in front of the property.

   4. A letter from the City of Hoboken Health Department confirming that the applicant establishment is in good standing.

   5. A letter from the City of Hoboken ABC Board confirming that the applicant establishment, where applicable, is licensed to sell alcoholic beverages and permitted to extend the service area of their license to the sidewalk café.

   6. First time applicants shall submit scale drawings of the proposed sidewalk café by a licensed architect or engineer and photos of the property.

      a. All buildings, trees and street furniture within ten (10) feet of the proposed café must be included in the plans.

      b. All tables, chairs and accessory equipment must also be shown.

7. Applicants for renewal of a previously licensed café shall submit a photo and sketch of the location and dimensions of the sidewalk café, the number and placement of tables and chairs, and all other accessory equipment and information deemed necessary by the Zoning Officer. Scaled architectural plans shall not be required for renewal, unless the sidewalk café is located on a street that has had obstructions added, removed or altered since its last licensing, or in front of a building that has been significantly altered since the last licensing.

B. Upon approval, a successful applicant for a sidewalk café shall pay an annual license fee, with no proration for a partial year, at two dollars ($2.00) per square foot.

§168-506. Insurance Required.

A. The applicant shall file with the Zoning Officer, a certificate of liability insurance in the minimum amount of one million ($1,000,000) dollars per occurrence and two million ($2,000,000) in aggregate, naming the City of Hoboken and its agents, servants, and employees as additional insured, which policy shall be kept in full force during the operation of the sidewalk café. The policy of insurance must be occurrence based coverage.

B. Laps in insurance coverage will result in the immediate suspension of the café license.

C. In addition to obtaining the insurance coverage, the applicant/owner of the sidewalk café shall execute a hold harmless agreement in which the applicant/owner of the sidewalk café agrees to save, defend, keep harmless and indemnify the City and all of its officials and employees from and against any and all claims, loss, damages, injury cost, liability or exposure arising out of the granting of this license or the operation of the sidewalk café.

§168-507. Enforcement.

A. The Zoning Officer and the Police Department of the City of Hoboken shall have the authority to enforce this article.

B. Any person who violates any provision of this ordinance shall be subject to a civil penalty of not less than $150 nor more than $500 per occurrence. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.

C. The City of Hoboken, through its duly authorized agent, may revoke the license of any sidewalk café licensee who, upon receipt of citation for violation of city or state law or any of the requirements set fourth herein, fails to cure the violation within twenty (20) days of said citation.

D. The City of Hoboken may require the immediate closure and removal of all sidewalk cafes or other projections or encumbrances upon any street, sidewalk or public easement which are improperly constructed or maintained, or which otherwise create a hazard to the public.

E. A licensee aggrieved by any decision to revoke a license, or to close or remove a sidewalk café, shall be afforded a hearing before the Planning Board or Zoning Board of Adjustment. Such request for hearing shall be in writing and delivered to the Planning Board, attn. Board Secretary, 94 Washington Street, Hoboken, New Jersey, 07030.

F. The rules and regulations set forth herein shall be applied to all sidewalk café licensees, effective upon adoption of this amended section. Prior conditions that are noncompliant must be abated or approved by variance issued by the Planning Board before a license shall be issued for the next following calendar year.

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.

Date of Introduction: _____

Approved as to Legal Form:

_____

Melissa Longo, Interim Corporation Counsel

RECORD OF COUNCIL VOTE ON 1ST READING				
Councilperson	**Yea**	**Nay**	**Abstain**	**No Vote**
Councilman Bhalla	✓			
Councilwoman Castellano	✓			
Councilwoman Giattino		✓		
Councilwoman Marsh		✓		
Councilwoman Mason	✓			
Councilman Mello		✓		
Councilman Occhipinti	✓			
Councilman Russo	✓			
President Cunningham		✓		

RECORD OF COUNCIL VOTE ON FINAL READING				
Councilperson	**Yea**	**Nay**	**Abstain**	**No Vote**
Councilman Bhalla				
Councilwoman Castellano				
Councilwoman Giattino				
Councilwoman Marsh				
Councilwoman Mason				
Councilman Mello				
Councilman Occhipinti				
Councilman Russo				
President Cunningham				

CERTIFICATION:

I do hereby certify that the foregoing is a true and correct copy of an ordinance duly adopted by the City Council of the City of Hoboken, in the County of Hudson on this _____ day of _____, 2012.

_____
James J. Farina
City Clerk

Approved by the Mayor on the _____ day of _____, 2012.

_____

Dawn Zimmer, Mayor

-or-

Vetoed by the Mayor for the following reasons:

_____

_____

_____

_____

Sponsored by: Giattino

Seconded by: Mello

City of Hoboken
Ordinance No.:_____

AN ORDINANCE AMENDING ARTICLE V "SIDEWALK CAFES" OF CHAPTER 168 "STREETS AND SIDEWALKS" OF THE CODE OF THE CITY OF HOBOKEN

WHEREAS, the language, rules and regulations of Articles II and V of Chapter 168 of the current Municipal Code of the City of Hoboken lack sufficient detail and have become outdated for the licensing and governance of operations of the city's sidewalk cafes; and

WHEREAS, it is in the best interest of the City to update the Municipal Code to reflect modern issues and conditions; and

WHEREAS, the City wishes to ensure the quality of life of its residents, and promote a positive environment for economic development that services both residents and businesses alike.

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: DELETION

The current ARTICLE II entitled "Sidewalk Cafes" and ARTICLE V entitled "Limited Sidewalk Cafes" of Chapter 168 of the Municipal Code of the City of Hoboken are hereby deleted in their entirety.

SECTION TWO: ADDITION

The following Section is hereby added to the Municipal Code of the City of Hoboken:

ARTICLE V
Sidewalk Cafes

§168-501. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BAR -- A place of business duly licensed by the Alcoholic Beverage Control Board for the sale and on-premises consumption of alcoholic beverages by the drink as the principal or primary use. Food may be prepared and consumed on site but is incidental to the purpose of the establishment.

RESTAURANT -- An establishment principally used for the purpose of providing meals to the public, having an adequate kitchen and dining room equipped for the preparing, cooking and serving of meals to its customers.

RESTAURANT, CLASS I -- A restaurant whose primary function and operation is the preparation and service, by employees, of food and drink to customers seated at a counter, bar, or table at which the meal is consumed. A Class I restaurant operates without substantial carry-out service and/or delivery service. A Class I restaurant may, on occasion, feature live music entertainment provided there is no interruption of food service to patrons.

RESTAURANT, CLASS II -- A restaurant whose primary function is the preparation and service, by employees, of food and drink to customers as part of an operation designed to include substantial carry-out service; delivery service; self-service, and which may also include on-premises consumption.

RETAIL FOOD ESTABLISHMENT -- A grocery store, convenience store, or market in which food or drink is sold for off-premises preparation and/or consumption.

SIDEWALK -- That portion of the public easement which lies between the building line and the curb.

SIDEWALK CAFÉ -- Sidewalk space beyond the building line used to accommodate tables, chairs, and the serving of food and drink to patrons of a restaurant fronting on that space.

§168-502. Projection Into Streets.

A. No person may operate a sidewalk café without obtaining a license from the Zoning Officer of the City of Hoboken pursuant to the procedures set forth in §168-505.

B. No sidewalk café shall be permitted to project into a sidewalk more than half the width of said sidewalk or eight (8) feet, whichever is less, but in no case shall it extend so far as to leave less than six (6) feet for pedestrian traffic; except in areas where the sidewalk is twenty (20) feet or more wide from the building line to the curb, then a sidewalk café may be permitted to project into a sidewalk a maximum of ten (10) feet.

C. Where an operating restaurant is located on a corner, both the front and side sidewalk areas fronting the restaurant may be used for the sidewalk café.

D. Sidewalk cafes shall only be permitted in front of an operating restaurant that is a permitted conforming use under the city's zoning ordinances. Locations seeking to expand a prior nonconforming or conditional use shall be required to obtain the appropriate variance from the City of Hoboken Planning Board or Zoning Board of Adjustment.

E. Sidewalk cafes shall only be permitted in front of restaurants; Class I or II, as defined herein.

§168-503. General Requirements.

A. All establishments licensed to operate a sidewalk café shall display the license in an unobstructed location.

B. No permanent form of space delineation or construction for the sidewalk café will be permitted within the public right-of-way unless expressly approved by the governing body.

C. The sidewalk café area shall be partitioned on three sides, by a movable structure separating the sidewalk café from the public portion of the sidewalk, and which is no less than thirty (30) inches in height and no more than thirty-six (36) inches in height, providing one opening for entrance and exit which is no less than forty-two (42) inches in width and no more than sixty (60) inches in width, and whose boundaries allow patrons and pedestrians to clearly ascertain the entrance and exit to the sidewalk café area.

D. Sidewalk cafes with four (4) seats or less shall be exempt from the partition requirements provided the projection into the sidewalk is less than three (3) feet.

E. At no time shall the sidewalk café partition, tables, chairs, and other café furniture block any residential entrance.

F. The sidewalk café shall have an overhead covering, consisting of either individual umbrellas or a retractable awning covering all tables and chairs. Covering must have a minimum clearance of seven (7) feet from the sidewalk to the bottom of the awning/umbrella.

G. The sidewalk café partition and overhead covering shall be appropriate in style to the façade of the building and shall not contain advertising.

H. The sidewalk café shall be at the same elevation as the sidewalk. Paint, carpet, platforms, or any other surface cover or treatment of any kind shall not be permitted in the area of the sidewalk café, unless expressly permitted by the governing body.

I. Outside speakers or other sound reproduction devices shall not be operated or used within a sidewalk café for any reason.

J. Smoking shall not be permitted within a sidewalk café.

K. The sidewalk café partition, overhead covering, and all tables, chairs, and other café furniture shall be removed from the sidewalk at the close of business each day. Where planters have been approved as a part of the movable structure, those planters shall be placed against the storefront façade over night.

L. The entire sidewalk area in front of the premises, including eighteen (18) inches into the street, must be maintained by sweeping or washing daily or more frequently, as needed, by the licensee.

M. No preparation of food or beverages shall take place outdoors but shall be restricted to the inside of the licensed establishment.

N. Food service shall be available during all times in which the sidewalk café is open for business.

O. Restaurants which hold a liquor license, and who wish to extend service area to the sidewalk café shall have completed a "Place to Place Transfer" with the Alcoholic Beverage Control Board. Licensees not covered for the sidewalk area shall not be permitted to serve alcoholic beverages in the sidewalk café.

P. Sidewalk cafés that permit patrons to bring their own beer or wine shall adhere to all laws governing B.Y.O.B. as set forth in N.J.S.A. Title 33, N.J.A.C. 13:2 and City of Hoboken Municipal Code, Chapter 68.

Q. Alcoholic beverages, when permitted under this article, shall not be served or consumed on any sidewalk or any other public area which is outside the partitioned area of the sidewalk café.

R. No persons other than those being served and restaurant personnel shall be within the sidewalk café area except for those persons passing through the sidewalk café to enter or exit the restaurant proper. No restaurant personnel shall serve café patrons from outside the partition.

S. Holes drilled into the sidewalk for the support of movable partitions shall be capped when not in use.

T. Class II restaurants that do not have table service, shall provide waste receptacle(s) for all used containers, wrappers, bottles, cans and other waste materials. The waste receptacles shall be located within the sidewalk café partitioned area, and shall be removed from the sidewalk along with other café equipment each day.

§168-504. Terms of License; Dates and Hours of Operation.

A. The sidewalk café license shall be personal to the applicant; person or business entity, and may not be sold, leased or transferred and shall be deemed revoked by the sale or transfer of lease or title to the building or the business to which the sidewalk café is related.

B. The term of each license shall commence on January 1st and expire on December 31st of each year. There shall be no proration of license fees, regardless of when the license is obtained.

C. All licenses issued pursuant to this article shall permit sidewalk café operations year round, any day of the year, except that no cafés shall be operated on the first Saturday in March, or when there is snow obstructing any part of the public right-of-way.

D. Hours of operation shall be between 8:00 a.m. and 11:00 p.m. seven (7) days a week; except that no alcoholic beverages, when permitted under this article, shall be served in a sidewalk café before 11:00 a.m. or when restricted by State of Local Alcoholic Beverage Control (ABC) laws.

§168-505. Application and Fees.

A. Applicants for a sidewalk café shall submit the following documents;

1. A completed application form to be issued by the Zoning Officer and available through the Zoning Office and on the City's web site.

2. A copy of the restaurant's certificate of liability insurance.

3. A letter of consent from the property owner stating that the restaurant and its operator, by name, are permitted to operate a sidewalk café in front of the property.

4. A letter from the City of Hoboken Health Department confirming that the applicant restaurant is in good standing.

5. A letter from the City of Hoboken ABC Board confirming that the applicant restaurant, where applicable, is licensed to sell alcoholic beverages and permitted to extend the service area of their license to the sidewalk café.

6. First time applicants shall submit scale drawings of the proposed sidewalk café by a licensed architect or engineer and photos of the property.

    a. All buildings, trees and street furniture within ten (10) feet of the proposed café must be included in the plans.

    b. All tables, chairs and accessory equipment must also be shown.

7. Applicants for renewal of a previously licensed café shall submit a photo and sketch of the location and dimensions of the sidewalk café, the number and placement of tables and chairs, and all other accessory equipment and information deemed necessary by the Zoning Officer. Scaled architectural plans shall not be required for renewal, unless the sidewalk café is located on a street that has had obstructions added, removed or altered since its last licensing, or in front of a building that has been significantly altered since the last licensing.

B. Upon approval, a successful applicant for a sidewalk café shall pay an annual license fee of two (2) dollars per square foot of café area, with no proration for a partial year.

§168-506. Insurance Required.

A. The applicant shall file with the Zoning Officer, a certificate of liability insurance in the minimum amount of one million ($1,000,000) dollars per occurrence and two million ($2,000,000) in aggregate, naming the City of Hoboken and its agents, servants, and employees as additional insured, which policy shall be kept in full force during the operation of the sidewalk café. The policy of insurance must be occurrence based coverage.

B. Each Certificate of Insurance required hereunder shall include a thirty (30) day cancellation clause which shall provide notice to the Office of the City Clerk of the City of Hoboken. Any laps in insurance coverage, for any reason, will result in the immediate suspension of the café license.

C. In addition to obtaining the insurance coverage, the applicant/owner of the sidewalk café shall execute a hold harmless agreement in which the applicant/owner of the sidewalk café agrees to save, defend, keep harmless and indemnify the City and all of its officials and employees from and against any and all claims, loss, damages, injury cost, liability or exposure arising out of the granting of this license or the operation of the sidewalk café.

§168-507. Enforcement.

A. The Zoning Officer and the Police Department of the City of Hoboken shall have the authority to enforce this article.

B. Any person who violates any provision of this ordinance shall be subject to a civil penalty of not less than $150 nor more than $500 per occurrence. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.

C. The City of Hoboken, through its duly authorized agent, may revoke the license, after notice and a hearing, of any sidewalk café licensee who, upon receipt of citation for violation of city or state law or any of the requirements set fourth herein, fails to cure the violation within ten (10) days of said citation.

D. The City of Hoboken may require the immediate closure and removal of all sidewalk cafes or other projections or encumbrances upon any street, sidewalk or public easement which are improperly constructed or maintained, or which otherwise create a hazard to the public.

E. A licensee aggrieved by any decision to revoke a license, or to close or remove a sidewalk café, shall be afforded a hearing before the governing body. Such request for hearing shall be in writing and delivered to the City Clerk, 94 Washington Street, Hoboken, New Jersey, 07030.

F. The rules and regulations set forth herein shall be applied to all sidewalk café licensees, effective upon adoption of this amended section. Prior conditions that are noncompliant must be abated or approved by variance issued by the Planning Board before a license shall be issued for the next following calendar year.

SECTION THREE: EXEMPTION

Restaurants located in any Residential Zone, who are licensed to operate a sidewalk café at the adoption of this Ordinance, and who have a fence that is non-conforming to this Ordinance, but is in conformance with Chapter 168 (Streets and Sidewalks), Article III (Fences, Gateways and Stairways) of the Municipal Code of the City of Hoboken, shall be permitted to retain said fence until such time as the fence is replaced or substantially altered.

SECTION FOUR: AMENDMENTS

The following section of Chapter 196, entitled "Zoning" of the Municipal Code of the City of Hoboken, is hereby amended to conform to the new language in Chapter 168; ~~deletions shall be noted by strikethrough~~ and additions shall be noted by underline:

Chapter 196: Article II. Definitions

§ 196-6. B

BAR

A place of business duly licensed by the Alcoholic Beverages Control Board for the sale and on-premises consumption of alcoholic beverages by the drink as the principal or primary use~~, whether or not food service is also provided~~. Food may be prepared and consumed on site but is incidental to the purpose of the establishment.

RESTAURANT

~~A building or portion thereof where food and beverages are sold for consumption on the premises as the principal or primary use.~~ An establishment principally used for the purpose of providing meals to the public, having an adequate kitchen and dining room equipped for the preparing, and serving of food for its customers.

RESTAURANT, CLASS I

A restaurant whose primary function and operation is the preparation and service, by employees, of food and drink to customers seated at a counter, bar or table at which the meal is consumed. A Class I restaurant operates without substantial carry-out service and/or delivery service. A Class I restaurant may, on occasion, feature live music entertainment provided there is no interruption of food service to patrons.

RESTAURANT, CLASS II

A restaurant whose primary function is the preparation and service, by employees, of food and drink to customers as part of an operation designed to include substantial carry-out service; delivery service; self-service, and which may also include on-premises consumption.

RETAIL FOOR ESTABLISHMENT

A grocery store, convenience store, or market in which food or drink is sold for off-premises preparation and/or consumption.

SIDEWALK CAFE

~~Use of the sidewalk beyond the building line for chairs, tables and other space dividers to permit the serving of food and drink for consumption by the patrons of the restaurant fronting on the expanse of sidewalk to be used for this purpose. Facilities shall be fully enclosed by a transparent or translucent temporary structure and shall, in all respects, conform to all applicable city and state regulations, as well as standards set forth elsewhere in this chapter.~~
See Chapter 168 Streets and Sidewalks, Article V Sidewalk Cafes.

For the purposes of this Chapter, a Sidewalk Café shall be considered an accessory use; customarily incidental to an approved restaurant use.

~~SIDEWALK CAFE, ENCLOSED~~

~~An enclosed eating and drinking facility in conformity with conditions set forth in Article VII of this chapter.~~

~~SIDEWALK CAFE, LIMITED~~

~~The utilization of sidewalk space beyond the building line to accommodate the serving of food and drink to patrons of a restaurant fronting on that space, which space is unenclosed and does not have walls, and subject to the conditions set forth in Article V of Chapter 168.~~

~~SIDEWALK CAFE, OPEN~~

~~An unenclosed eating and drinking facility in conformity with conditions set forth in Article VII of this chapter.~~

Chapter 196: Article V. Schedule I: Residential Districts

§196-14. D

~~(o) Sidewalk cafes.~~

§ 196-15. D

~~(12) Sidewalk cafes.~~

§ 196-16. D

~~(9) Sidewalk cafes.~~

Article VII. Schedule III: Review Districts

§ 196-19. D (1)

~~(d) Sidewalk cafes.~~

§196-38. Standards for particular use.

~~Q. Sidewalk café. The utilization of sidewalk space beyond the building line to accommodate the serving of food and drink to patrons of a restaurant fronting on that space shall be subject to the following conditions:~~

~~(1) Conformity with the Building Code and all applicable state and local Health Department standards.~~

~~(2) A renewable annual contract between the restaurant management and the Mayor and Council of the City of Hoboken setting forth the annual fee to the city, the hours and conditions of operation and such circumstances as will void renewal of the annual contract.~~

~~(3) No more than half the sidewalk or six (6) feet, whichever is less, shall be utilized for sidewalk cafes. In no case shall less than four (4) feet of sidewalk be available for pedestrian traffic.~~

~~(4) Site plan review and approval by the Planning Board.~~

SECTION FIVE: 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 SIX: 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 SEVEN: EFFECTIVE DATE

This Ordinance shall take effect January 1, 2013. The 2012 season shall terminate as scheduled on November 30th.

SECTION EIGHT: 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.

Date of Introduction: August 15, 2012.

Approved:

Quentin Wiest, Business Administrator

Approved as to Legal Form:

Melissa Longo, Interim Corporation Counsel

RECORD OF COUNCIL VOTE ON 1ST READING				
Councilperson	**Yea**	**Nay**	**Abstain**	**No Vote**
Councilman Bhalla				
Councilwoman Castellano				
Councilwoman Giattino				
Councilwoman Marsh				
Councilwoman Mason				
Councilman Mello				
Councilman Occhipinti				
Councilman Russo				
President Cunningham				

RECORD OF COUNCIL VOTE ON 2ND READING				
Councilperson	**Yea**	**Nay**	**Abstain**	**No Vote**
Councilman Bhalla				
Councilwoman Castellano				
Councilwoman Giattino				

Councilwoman Marsh				
Councilwoman Mason				
Councilman Mello				
Councilman Occhipinti				
Councilman Russo				
President Cunningham				

CERTIFICATION:

I do hereby certify that the foregoing is a true and correct copy of an ordinance duly adopted by the City Council of the City of Hoboken, in the County of Hudson on this _____ day of _____, 2011.

_____
James J. Farina
City Clerk

Approved by the Mayor on the _____ day of _____, 2011.

_____
Dawn Zimmer, Mayor

-or-

Vetoed by the Mayor for the following reasons:

_____

_____

_____

_____

BOSWELL MCCLAVE ENGINEERING
ENGINEERS ■ SURVEYORS ■ PLANNERS ■ SCIENTISTS
EST. 1924
330 Phillips Avenue • P.O. Box 3152 • South Hackensack, N.J. 07606-1722 • (201) 641-0770 • Fax (201) 641-1831

Sent Via E-Mail and Regular Mail

August 28, 2012

Director Ian Sacs, P.E.
Transportation and Parking
City of Hoboken
94 Washington Street
Hoboken, New Jersey 07030

Re: Evaluation of Stop Sign at Jackson Street and Observer Highway
Hoboken, New Jersey
Our File No. HO-469

Dear Director Sacs:

At the City's direction, we were asked to look into the feasibility of installing all-way stop control at the Jackson Street and Observer Highway intersection. Jackson Street is one-way northbound while Observer Highway is two-way westbound and eastbound. Under existing conditions at this intersection, Observer Highway is controlled by a stop sign in both directions, while traffic on Jackson Street has the right-of-way.

As part of our evaluation, we followed the guidance provided in the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD). The MUTCD remarks that a stop sign is not to be utilized for speed control (Section 2B.04.05). We also noted the proximity of two other traffic signals (signalized intersection at Jackson Street and Paterson Avenue is approximately 190 feet away and a signalized intersection at Observer Highway and Paterson Avenue is approximately 210 feet away). Given the proximity particularly of the signalized intersection at Jackson Street and Paterson Avenue, our concern was that if a stop sign was installed on Jackson Street, cars would not observe it and focus on the Paterson Avenue signal instead. Vehicular traffic on Observer Highway, however, would be relying on the proposed all-way stop condition, and after stopping would proceed, potentially leading to collisions with Jackson Street traffic.

We also contacted the Hoboken Police Department (HPD) to obtain their feedback on this intersection. After speaking with both Captain Pasculi and Lieutenant Wally Wehrhahn, they relayed their concerns of a stop sign on Jackson being ignored by cars looking ahead to the traffic signal. They suggested looking into the use of rumble strips or speed bumps to slow down northbound traffic on Jackson Street but warned of noise concerns from the increasingly residential surrounding area. At this time, the City had also considered striping changes to Jackson Street between Newark Avenue and Observer Highway to better define travel ways which we discussed with HPD.

It was agreed that these striping changes could serve as a first step in improving this intersection. Once installed traffic would be monitored by HPD through the coordination efforts of the City's Public Safety Director.

If you require any additional information please feel free to contact our office.

Sincerely,

BOSWELL McCLAVE ENGINEERING

Rebecca Mejia, P.E.
City Engineer Representative

REM/ajf
120828REML1.doc

BOSWELL
EST. 1924
ENGINEERING

(3)

Sponsored by: Occhipinti
Seconded by:

CITY OF HOBOKEN
ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 190 ENTITLED "VEHICLES AND TRAFFIC" AND CHAPTER 141A ENTITLED "PARKING PERMITS" TO AMEND PARKING AND BUS STOP REGULATIONS RELATING TO JACKSON STREET AT NEWARK AND OBSERVER

WHEREAS, Chapter 141A of the General Code of the City of Hoboken establishes the rules and regulations associated with parking permits within City borders, and Chapter 190 deals with parking issues relating to time limit parking and bus stops; and,

WHEREAS, the municipality has found that specific sections of Chapter 141A and Chapter 190 currently requires amendments in order to best effectuate parking in the City within the Jackson Street area between Newark and Observer; and,

WHEREAS, the City Council wishes to remove previously adopted amendments which the Council now finds inefficient, ineffective, or less advantageous than the Council had anticipated at the time of adoption.

NOW, THEREFORE, the City Council of the City of Hoboken does hereby Ordain as follows (additions noted in underline, ~~deletions noted in strikethrough~~):

SECTION ONE: AMENDMENTS TO HOBOKEN CODE SECTION 190-29.8

§ 190-29.8. Time limit parking locations and fees.
In accordance with the provisions of this Article XVII, no person shall park or stand a vehicle for longer than the time limit posted upon any of the herein described streets or parts of streets:

Street Location	Side	Hours/Time Limits	Rate
~~Jackson Street from Newark Street to Observer Highway~~	~~West~~	~~9:00 a.m. to 9:00 p.m./ 2.0 hours~~	~~$0.25/15 min.~~

SECTION TWO: AMENDMENTS TO HOBOKEN CODE SECTION 190-47(E)

§ 190-47. Streets Designated.

E.

The following roadways are hereby designated as bicycle lanes and/or routes.

Street	Begin	End	Class
Jackson Street	~~Newark~~ First	Seventh	II

SECTION THREE: AMENDMENTS TO HOBOKEN CODE CHAPTER 141A

§ 141A-2. Resident permits.

H. The resident permit parking only areas, unless otherwise indicated by signage in said areas, include, but are not necessarily limited to:

Name of Street	Side	Limits	Locations
~~Jackson Street~~	~~West~~	~~24 hours~~	~~Beginning at the northerly curbline of Observer Highway and extending to the southerly curbline of Paterson Avenue~~

SECTION FOUR: AMENDMENTS TO HOBOKEN CODE SECTION 190-13

Article VII. Bus Stops

§ 190-13. Bus stops designated.

The locations described are hereby designated as bus stops. No vehicle other than an omnibus picking up or discharging passengers shall be permitted to occupy said location between the hours indicated:

~~N. Jackson Street, northbound on the easterly side at:~~

Street/Location	Hours/Days
~~Observer Highway (near side), beginning at the southerly curbline of Observer Highway and extending 100 feet southerly therefrom~~	~~6:00 a.m. to 11:00 p.m. Monday to Friday~~

SECTION FIVE: AMENDMENTS TO HOBOKEN CODE SECTION 190-6

Section 190-6 No Stopping or Standing.

B. Stopping or standing prohibited at any time. In accordance with the provisions of this subsection, no person shall stop or stand a vehicle at any time upon any of the following described streets or parts of streets:

Name of Street	Side	Locations
Jackson Street	Both	Beginning at the northerly curbline of Observer Highway and extending to the southerly curbline of Newark Street

SECTION SIX: 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 SEVEN: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or

unconstitutional by a court of competent jurisdiction, such decision shall not effect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION EIGHT: EFFECTIVE DATE

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

SECTION NINE: 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.

Date of Introduction: August 15, 2012

Introduction:

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla	/			
Theresa Castellano	/			
Jen Giattino		/		
Carol Marsh		/		
Elizabeth Mason	/			
David Mello		/		
Tim Occhipinti	/			
Michael Russo	/			
President Peter Cunningham		/		

Final Reading:

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla				
Theresa Castellano				
Jen Giattino				

Carol Marsh				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Peter Cunningham				

Approved as to Legal Form:

_____
Mellissa Longo, Interim Corporation Counsel

Adopted by the Hoboken City Council
By a Vote of ____ Yeas to ____ Nays
On the ____ day of _____, 2011

_____
James Farina, City Clerk

☐ Vetoed by the Mayor for the following reasons: _____

_____

_____

_____

_____

-or-

☐ Approved by the Mayor
On the ___ day of _____, 2011

_____
Dawn Zimmer, Mayor

1st Reading 8-15-12 (4)

Sponsored by: _____

Seconded by: _____

CITY OF HOBOKEN
ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ESTABLISHING A SCHEDULE OF CLASSIFICATIONS AND ALLOCATIONS OF TITLE FOR ALL POSITIONS IN THE CITY OF HOBOKEN

THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN DO ORDAIN AS FOLLOWS;

1. The Alphabetical List of Titles, City of Hoboken, set forth in City Code to which this Ordinance is an amendment and supplement shall be, and the same is hereby, amended and supplemented so that the titles, salaries and ranges contained herein shall be amended as follows on the attached list, which is incorporated by reference. The remainder of the Alphabetical List of Titles, City of Hoboken, set forth in the City Code shall remain unchanged as a result of this Ordinance.

2. If the Alphabetical List of Titles, City of Hoboken, herein set forth contains any position or positions which are not enumerated in the Plan for the Standardization of Municipal Class Titles, which is a part of the Code to which this Ordinance is an amendment, then in that event, the duties of the said position or positions shall be those which pertain to the particular position and positions set forth in any other ordinance adopted and now in force and effect in any statute of the State of New Jersey.

3. The provisions of this Ordinance shall in no way affect the tenure or Civil Service status of any employees presently employed by the City of Hoboken in any of the various positions set forth in the Alphabetical List of Titles, City of Hoboken.

4. The Alphabetical List of Titles referred to herein as well as the salary ranges for all positions in the City shall be on file in the Office of the City Clerk.

5. All ordinances or parts of ordinances inconsistent herewith are herewith repealed.

6. This ordinance shall take effect as provided by law.

Date of Introduction: August 15, 2012

Approved as to Legal Form:

_____
Mellissa Longo, Interim Corporation Counsel

Adopted by the Hoboken City Council
By a Vote of ____ Yeas to ____ Nays
On the ____ day of _____, 2012

_____
James Farina, City Clerk

☐ Vetoed by the Mayor for the following reasons: _____

_____

_____

_____

_____

-or-

☐ Approved by the Mayor
On the ___ day of _____, 2012

_____
Dawn Zimmer, Mayor

Title	Minimum	Maximum
Corporation Counsel	$50,000.00	$109,317.90
Keyboarding Clerk 4	$25,000.00	$55,000.00
Omnibus Operator (F/T)	$20,000.00	$45,000.00
Omnibus Operator (P/T)	$10.00/hour	$17.50/hour
Police Training Rate	$25,000.00	$25,000.00
Signal System Technician 3	$42,000.00	$79,388.00
Supervising Laborer	$33,500.00	$71,498.00
Special Law Enforcement Officer (Police) Class 1	$25,000.00	$25,000.00
Building Inspector	$50,000.00	$77,165.00
Traffic Control Officer (P/T)	$12.00/hour	$17.50/hour

(5)

sponsored

seconded

CITY OF HOBOKEN, NEW JERSEY

ORDINANCE NO. _____

BOND ORDINANCE AUTHORIZING THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT FOR THE DEPARTMENT OF ENVIRONMENTAL SERVICES FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF $470,900 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO $447,355; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the City Council of the City of Hoboken, County of Hudson, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the City of Hoboken, County of Hudson, New Jersey ("City").

Section 2. It is hereby found, determined and declared as follows:

(a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is $470,900;

(b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is $447,355; and

(c) a down payment in the amount of $23,545 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, *N.J.S.A.* 40A:2-11.

Section 3. The sum of $447,355, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of $23,545, which amount represents the required down payment, is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the City in an amount not to exceed $447,355 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed $447,355 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, *N.J.S.A.* 40A:2-20, shall not exceed the sum of $197,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

	Purpose/Improvement	Estimated Total Cost	Down Payment	Amount of Obligations	Period of Usefulness
A.	Acquisition of Four (4) Cushman Haulster Vehicles for the Department of Environmental Services, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	$153,000	$7,650	$145,350	5 years
B.	Acquisition and Installation of Salt Shed for the Department of Environmental Services, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	90,000	4,500	85,500	15 years
C.	Acquisition of Leaf Vacuum Equipment for the Department of Environmental Services, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	26,500	1,325	25,175	10 years
D.	Acquisition of Bobcat Loader/Excavator, for the Department of Environmental Services, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	42,400	2,120	40,280	10 years
E.	Acquisition of Two (2) Large Dump Trucks with Plows for the Department of Environmental Services, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	159,000	7,950	151,050	10 years

Section 8. The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 9.33 years.

Section 9. Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

Section 10. The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A.* 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, *N.J.S.A.* 40A:2-43, is increased by this Bond Ordinance by $447,355 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the City shall levy *ad valorem* taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 12. The applicable Capital Budget of the City is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended applicable Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 13. The City hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

Section 14. The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Ogden, Utah Service Center of the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 16. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 17. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Notice of Pending Bond Ordinance and Summary

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the City Council of the City of Hoboken, in the County of Hudson, State of New Jersey, on August 15, 2012. It will be further considered for final passage, after public hearing thereon, at a meeting of the City Council to be held at City Hall, 94 Washington Street, Hoboken, New Jersey on _____ __, 2012 at _____ o'clock __M. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the City Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT FOR THE DEPARTMENT OF ENVIRONMENTAL SERVICES FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF $470,900 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO $447,355; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

	Purpose/Improvement	Estimated Total Cost	Down Payment	Amount of Obligations	Period of Usefulness
A.	Acquisition of Four (4) Cushman Haulster Vehicles for the Department of Environmental Services, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	$153,000	$7,650	$145,350	5 years
B.	Acquisition and Installation of Salt Shed for the Department of Environmental Services, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	90,000	4,500	85,500	15 years
C.	Acquisition of Leaf Vacuum Equipment for the Department of Environmental Services, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	26,500	1,325	25,175	10 years
D.	Acquisition of Bobcat Loader/Excavator, for the Department of Environmental Services, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	42,400	2,120	40,280	10 years
E.	Acquisition of Two (2) Large Dump Trucks with Plows for the Department of Environmental Services, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	159,000	7,950	151,050	10 years

Appropriation: $470,900
Bonds/Notes Authorized: $447,355
Grants (if any) Appropriated: N/A
Section 20 Costs: $197,000
Useful Life: 9.33 years

JAMES J. FARINA, RMC, City Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

Bond Ordinance Statements and Summary

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the City Council of the City of Hoboken, in the County of Hudson, State of New Jersey on _____, 2012 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the City Clerk's office in the Municipal Building, 94 Washington Street, Hoboken, New Jersey, for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE AUTHORIZING THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT FOR THE DEPARTMENT OF ENVIRONMENTAL SERVICES FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF $470,900 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO $447,355; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

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Appropriation: $470,900
Bonds/Notes Authorized: $447,355
Grants (if any) Appropriated: N/A
Section 20 Costs: $197,000
Useful Life: 9.33 years

JAMES J. FARINA, RMC, City Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

PARKER McCAY
ATTORNEYS AT LAW

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F: 856-596-9631
www.parkermccay.com

Jeffrey D. Winitsky, Esquire
856-985-4086
jwinitsky@parkermccay.com

August 8, 2012

Via Email

Mr. Quentin Wiest
Business Administrator
City of Hoboken
94 Washington Street
Hoboken, New Jersey 07030

RE: CITY OF HOBOKEN – BOND ORDINANCE FOR DEPARTMENT OF ENVIRONMENTAL SERVICES EQUIPMENT

Dear Mr. Wiest:

Pursuant to the specific request of the City of Hoboken ("City"), I have prepared and have attached a bond ordinance ("Bond Ordinance") authorizing the appropriation of funds and the issuance of bonds or bond anticipation funds to pay for the costs of the acquisition of various pieces of capital equipment for the Department of Environmental Services.

Please review the Bond Ordinance at your earliest convenience. To the extent that you have any questions or comments, please contact me. If the Bond Ordinance meets with your approval, please have the same placed on the agenda for the August 15, 2012 City Council meeting.

By copy of this letter, I am forwarding the attached Bond Ordinance to the individuals listed below for their general review and comment.

Thank you for your time and consideration in this matter.

Very truly yours,

/s/ Jeffrey D. Winitsky

JEFFREY D. WINITSKY

Attachment

cc: Hon. Dawn Zimmer (w/attachment) (via email)James J. Farina (w/attachment) (via email)
Nicholas Trasente (w/attachment) (via email)
Stephen Marks (w/attachment) (via email)
Melissa Longo, Esquire (w/attachment) (via email)
Alysia Proko, Esquire (w/attachment) (via email)
Christopher Baldwin (w/attachment) (via email)
Leo Pellegrini (w/attachment) (via email)
James J. Farina (w/attachment) (via email)

1

SUPPLEMENTAL DEBT STATEMENT

OF

City of Hoboken, County of Hudson

As of **15-Aug-12**

	The net debt of the local unit after giving effect to obligations about to be authorized, is (page 2, line 4)	$	111,513,988.89
1	Equalized valuation basis (the average of the equalized valuation of real estate, including improvements, and the assessed valuation of class II railroad property of the local unit for the last 3 preceding years) as stated in the Annual Debt Statement or the revision thereof last filed		
2	**2009** Equalized Valuation Real Property with Improvements plus assessed valuation of Class II R.R. property	$	11,034,292,710
	2010 Equalized Valuation Real Property with Improvements plus assessed valuation of Class II R.R. property	$	10,243,080,661
	2011 Equalized Valuation Real Property with Improvements plus assessed valuation of Class II R.R. property	$	9,703,632,086
3	Equalized Valuation Basis --- Average of (1), (2) and (3)	$	10,327,001,819.00

4 Net debt (Line 1 above) expressed as a percentage of such equalized valuation basis (Line 3 above) is:

One and Eight One Hundredths **per cent** 1.08%

STATE OF NEW JERSEY }
COUNTY OF HUDSON }

George DeStefano, being duly sworn, deposes and says:
Deponent is the chief financial officer of the
City of Hoboken, County of Hudson
here and in the statement hereinafter mentioned called "the local unit." The Supplemental Debt Statement annexed hereto and hereby made a part hereof is a true statement of the debt condition of the local unit as of the date therein stated and is computed by the Local Bond Law of New Jersey.

Subscribed and sworn to before me this
15-Aug-12

Notary Public Of New Jersey

Andrea Papa
Notary Public
New Jersey
My Commission Expires 3-5-15

Title: Chief Financial Officer
Address: 94 Washington St
Hoboken, NJ 07030

(NOTE -- In all cases two copies of Supplemental Debt Statement must be filed with:)

DIVISION OF LOCAL GOVERNMENT SERVICES
P.O.Box 258
TRENTON, NEW JERSEY 08625-0258

2

1 The net debt of the local unit , as stated in the Annual Debt Statement made as of 15-Aug-12
or the revision thereof last filed , with respect to the following classes of bonds and notes, the $ -
amount by which each class has been increased by the authorization of additional debt, and
the amount by which each class has been decreased by payment of outstanding debt or reduction
of the authorization to incur debt, is as follows:

	Net Debt as per Annual Debt Statement	*Decrease (Since December 31, Last Past)*	*Increase*	*Net Debt*
Bonds and notes for school purposes	$ -	$ -	$ -	$ -
Bonds and notes for self-liquidating purposes	$ -	$ -	$ -	$ -
Other Bonds and notes	$ 111,293,153.89	$ 3,694,020.00	$ 3,467,500.00	$ 111,066,633.89

2 Net debt at the time of this statement: $ 111,066,633.89

3 The amounts and purpose separately itemized of the obligations about to be
authorized, and any deductions which may be made on account of each such item are:
see note "C" below

Purpose	***Amount***	***Deduction***	***Net***	
Four Cushmans	$ 145,350.00		$ 145,350.00	
Salt Shed	$ 85,500.00		$ 85,500.00	
Leaf Vacuum Equipment	$ 25,175.00		$ 25,175.00	
Bobcat Loader/Excavator	$ 40,280.00		$ 40,280.00	
Two Dump Trucks with Plows	$ 151,050.00		$ 151,050.00	
			$ -	$ 447,355.00

4 The net debt of the local unit determined by the addition of the net amounts stated
in items 2 and 3 above is: $ 111,513,988.89

NOTES

A. If authorization of bonds or notes is permitted by an exception to the debt limitation, specify the particular paragraph of N.J.S. 40A:2-7 or other section or law providing such exception.

B. This form is also to be used in the bonding of separate (not Type I) school districts as required by N.J.S. 18A:24-16, and filed before the school district election. In such case pages 4,5, and 6 should be completed to set forth computation supporting any deduction in line 3 above.

C. Only the account of bonds or notes about to be authorized should be entered. The amount of the "down payment" provided in the bond ordinance should not be included nor shown as a deduction.

COMPUTATION AS TO INDEBTEDNESS FOR IMPROVEMENT OR EXTENSION OF AN EXISTING MUNICIPAL PUBLIC UTILITY, N.J.S. 40A:2-7(h); N.J.S. 40A:2-47(a)

Municipal Public Utility

1	Annual Debt Statement excess in revenues of utility as of: **31-Dec-11**	_____
2	Less: Interest and debt redemption charges computed as provided in N.J.S. 40A:2-47(a) for all obligations heretofore authorized but not issued to the extent not already charged to income in annual debt statement.	_____
3	Excess in revenues remaining prior to authorization of proposed obligations (line 1 minus line 2)	$ _____ -
4	Interest and debt redemption charges calculated for the obligations about to be authorized (N.J.S. 40A:2-47(a))	

(a)	Interest for one year at 4.5%	_____	
(b)	First installment of serial bonds legally issuable	_____	
(c)	Total Charges (Items (a) and (b))		$ _____ -

Note: If line 3 equals or exceeds line 4, obligations may be authorized under the provisions of N.J.S. 40A:2-7(h) as limited by N.J.A. 40A:2-47(a).

I, _____ Director of the Division of Local Government

Services in the Department of Community Affairs of the State of New Jersey **DO HEREBY CERTIFY** that I have compared this copy of a Supplemental Debt Statement of the above local unit with the original Supplemental Debt Statement filed in the Office of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey on _____ , and that this a true copy of said Statement and the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand as Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, this

_____ day of _____ 20_____

Director _____

15- mtg 8 15 12 6

CITY OF HOBOKEN, NEW JERSEY

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53(b) TO FUND THE COSTS ASSOCIATED WITH EXECUTION OF A COMPLETE PROGRAM OF REVALUATION OF REAL PROPERTY IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY

BACKGROUND

WHEREAS, the City of Hoboken, County of Hudson, New Jersey ("City"), has determined that it is necessary to prepare and execute a complete program of revaluation of real property for use by the City Tax Assessor and the Hudson County Board of Taxation ("Revaluation Project"); and

WHEREAS, the amount to be appropriated by the City for the purposes described above is $1,300,000.00, which amount shall be deemed a special emergency appropriation as defined and provided for in the Local Budget Law, N.J.S.A. 40A:4-1 et seq.; and

WHEREAS, it is the desire of the City Council to adopt an ordinance to create said special emergency appropriation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY, PURSUANT TO LOCAL BUDGET LAW, AS FOLLOWS:

Section 1. There is hereby appropriated pursuant to N.J.S.A. 40A:4-53(b), the sum of $1,300,000.00 for the Revaluation Project, as further described in the preambles of this ordinance.

Section 2. The appropriation of said $1,300,00.00 for the Revaluation Project as further described in the preambles of this ordinance shall be deemed a special emergency appropriation as defined, and provided for, in N.J.S.A. 40A:4-53(b).

Section 3. Said emergency appropriation shall be financed from surplus funds currently available or from borrowed funds, pursuant to N.J.S.A. 40A:4-55; provided, however at least one-fifth (1/5th) of said amount shall be included in each succeeding annual budget until the appropriation has been fully provided for.

Section 4. A certified copy of this ordinance as finally adopted shall be filed by the City Clerk with the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs.

Section 5. All ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 6. This ordinance shall take effect immediately upon final adoption in accordance with applicable law.

Date of Introduction: August 15, 2012

Date of Final Adoption: September 5, 2012

Statement to be Published After Introduction

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53(b) TO FUND THE COSTS ASSOCIATED WITH EXECUTION OF A COMPLETE PROGRAM OF REVALUATION OF REAL PROPERTY IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY

Public notice is hereby given that the foregoing ordinance was introduced and passed on first reading at the City Council meeting of the City of Hoboken, County of Hudson, New Jersey, held on August 15, 2012. Further notice is given that said Ordinance will be considered for final passage and adoption, after a public hearing thereon at a meeting of the City Council of the City Council to be held at 94 Washington Street, Hoboken, New Jersey 07030 on Sept. 15, 2012 at 7:00 p.m. The foregoing ordinance authorizes certain special emergency appropriations in and for the City of Hoboken pursuant to N.J.S.A. 40A:4-53(b). Prior to and up to and including the date of said meeting, copies of said ordinance will be made available at the City Clerk's Office for members of the general public to request the same.

_____
James J. Farina, RMC,
City Clerk

Statement to be Published After Final Adoption

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53(b) TO FUND THE COSTS ASSOCIATED WITH EXECUTION OF A COMPLETE PROGRAM OF REVALUATION OF REAL PROPERTY IN AND FOR THE CITY OF HOBOKEN, COUNTY OF HUDSON, NEW JERSEY

The ordinance published herewith has been finally adopted by the City Council of the City of Hoboken, County of Hudson, New Jersey, on _____ __, 2012.

_____
James J. Farina, RMC,
City Clerk

7

Sponsored by: _____
Seconded by: _____

CITY OF HOBOKEN
ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 46 ENTITLED "LEASE AGREEMENTS" TO RENAME THE CHAPTER AND TO INCLUDE A SMOKING PROHIBITION NEAR THE ENTRANCES TO CITY BUILDINGS

WHEREAS, the City seeks to enforce the New Jersey Smoke Free Air Act, N.J.S.A. 26:3D-55 et seq., but has not, to date, created any local code which is more restrictive; and,

WHEREAS, the Council finds that employees and visitors of City owned buildings should be entitled to smoke free air when entering and exiting City owned buildings; and,

WHEREAS, the Council finds that the result of the New Jersey Smoke Free Air Act, without more, is that smoking occurs more frequently at entrances and exits to buildings; and,

NOW, THEREFORE, the City Council of the City of Hoboken does hereby ordain as follows (additions noted in underline, ~~deletions noted in strikethrough~~):

SECTION ONE: AMENDMENTS TO THE TITLE OF HOBOKEN CODE CHAPTER 46:

CHAPTER 46 "LEASE AGREEMENTS"

shall herein after be changed to

CHAPTER 46 "PUBLIC PROPERTY"

SECTION TWO: AMENDMENTS TO THE SUBSTANCE OF HOBOKEN CODE CHAPTER 46:

ARTICLE II: City Buildings

46-10 Smoking Restrictions

A. The rules and regulations of the Smoke Free Air Act, N.J.S.A. 26:3D-55, shall be complied with at all times while on City property or within City buildings.
B. Smoking is prohibited within all buildings owned, rented or leased by the City of Hoboken.
C. Outdoor smoking is prohibited within 25 feet of any entrance to or air intake duct on any building owned, rented or leased by the City of Hoboken.
D. Outdoor smoking is prohibited within any outdoor courtyard or atrium on any property owned, rented or leased by the City of Hoboken.
E. Enforcement of this Article II of Chapter 46 shall be effectuated by the City's Health Officer(s), and the Hoboken Police Department.
F. Violations and penalties of this Article II of Chapter 46 shall be governed by and subject to Hoboken Code § 115-11 – Violations and Penalties, except where expressly and exclusively governed by the violations and penalties of the Smoke Free Air Act, N.J.S.A. 26:3D-55 et seq..

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 affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION FIVE: EFFECTIVE DATE

This Ordinance shall take effect immediately 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.

Date of Introduction: August 15, 2012

Introduction:

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla	✓			
Theresa Castellano		✓		
Jen Giattino	✓			
Carol Marsh	✓			
Elizabeth Mason		✓		
David Mello	✓			
Tim Occhipinti		✓		
Michael Russo	✓			
President Peter Cunningham	✓			

Final Reading:

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla				
Theresa Castellano				
Jen Giattino				
Carol Marsh				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Peter Cunningham				

Approved as to Legal Form:

_____

Mellissa Longo, Interim Corporation Counsel

Adopted by the Hoboken City Council
By a Vote of ____ Yeas to ____ Nays
On the ____ day of ____, 2011

_____

James Farina, City Clerk

☐ Vetoed by the Mayor for the following reasons: _____

_____

_____

_____

_____

-or-

☐ Approved by the Mayor
On the ___ day of ____, 2011

_____

Dawn Zimmer, Mayor

Keli (HC-2010A)
Maxwell Place Easement Ordinance
080112
080812

CITY OF HOBOKEN

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE TERMS AND CONDITIONS OF AND ACCEPTING A NON-EXCLUSIVE OPEN SPACE EASEMENT OVER A PORTION OF BLOCK 261.04, LOT 1 FROM MAXWELL PLACE CONDOMINIUM ASSOCIATION, INC. (1101-1125 HUDSON STREET)

WHEREAS, N.J.S.A. 40A:12-4 authorizes a municipality to acquire easements; and

WHEREAS, N.J.S.A. 40A:12-5 requires that the acquisition of easements by municipalities be accomplished by ordinance; and

WHEREAS, Maxwell Place Condominium Association, Inc. ("Owner") is the owner of certain real property formally known as Block 261.04, Lot 1 on the Official Tax Map of the City of Hoboken; and

WHEREAS, the Owner desires to convey to the City of Hoboken ("City") a non-exclusive easement over the portion of Block 261.04, Lot 1 that has been set aside in conjunction with the approval of the Project for open space purposes, commonly known as the "Block A Open Space", to establish rules and regulations governing the use of the Block A Open Space by the public; and

WHEREAS, a certain easement entitled "Open Space Easement" ("Easement"), a copy of which is on file with the City Clerk, has been presented to the City; and

WHEREAS, the City desires to approve the terms and conditions of and to accept the dedication of the Easement to the City.

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

SECTION 1. The terms and conditions of a non-exclusive open space easement over a portion of Block 261.04, Lot 1, as specifically described in an Open Space Easement by and between Maxwell Place Condominium Association, Inc. and the City of Hoboken ("Easement"), a copy of which is on file with the Clerk of the City of Hoboken ("City"), are hereby approved, ratified and confirmed by the City Council.

SECTION 2. The dedication of said Easement is hereby accepted.

SECTION 3. The Mayor and City Clerk are hereby authorized to execute said Easement after execution of the same by Maxwell Place Condominium Association, Inc. and together with all other appropriate officers and employees are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Ordinance. The City hereby authorizes and approves any non-substantive modifications to said Easement as may be recommended and approved by counsel for the City prior to execution.

SECTION 4. The City Tax Collector and Tax Assessor are hereby authorized and directed to take any action necessary to further the purpose of this Ordinance.

SECTION 5. All ordinances, resolutions and regulations or parts of ordinances, resolutions or regulations inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 6. If any section, paragraph, article, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply to the section, paragraph, article, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 7. This Ordinance shall take effect after approval and publication as required by law.

ATTEST: THE CITY OF HOBOKEN

By:

James J. Farina, City Clerk

Dawn Zimmer, Mayor

NOTICE OF INTRODUCTION AND STATEMENT OF PURPOSE AND SUMMARY PURSUANT TO N.J.S.A. 40:49-2 AND N.J.S.A. 40:49-2.1 CITY OF HOBOKEN, COUNTY OF HUDSON

NOTICE IS HEREBY GIVEN that an Ordinance entitled "An Ordinance Approving The Terms And Conditions Of And Accepting A Non-Exclusive Open Space Easement Over A Portion Of Block 261.04, Lot 1 From Maxwell Place Condominium Association, Inc. (1101-1125 Hudson Street)" was introduced, read by title and passed on first reading at a meeting held on August 15, 2012. A Statement of Purpose of the Ordinance is contained below. The Council of the City of Hoboken will further consider the Ordinance for second reading and final passage thereof at their regular meeting to be held on September 5, 2012 at 7:00 p.m. prevailing time, at City Hall, 94 Washington Street, Hoboken, New Jersey 07030, at which time and place a public hearing will be heard thereon by the City Council and all parties in interest and citizens shall have an opportunity to be heard concerning said Ordinance.

Statement of Purpose of Ordinance

The purpose of the above ordinance is to approve the terms and conditions of and to accept the conveyance of a non-exclusive open space easement over a portion of Block 261.04, Lot 1 from Maxwell Place Condominium Association, Inc. (1101-1125 Hudson Street) which establishes rules and regulations governing the use by the public of the open space located on that property, which is commonly known as the Block A Open Space.

A copy of the full Ordinance is available to any member of the general public, without cost, at Hoboken City Hall, 94 Washington Street, Hoboken, New Jersey, at the Office of the City Clerk, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m.

_____

James J. Farina, City Clerk